

**Ordinance Committee
Thursday, February 20, 2025
645 Pine St Front Conference Room
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 (Planning Director), William Ward (DPI Director)

Public Present: None

Meeting called to order at 1:05 PM.

**1. Adopt the Agenda
1.01 Adopt the Agenda**

Motion to Adopt Agenda as amended to add scheduling after 3.1, Public Forum.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

**2. Adopt Draft Minutes
2.01 Adopt Draft Minutes from January 28**

Motion to Adopt Minutes from January 28 as written.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

**3. Public Forum
3.01 Verbal Comments**

Public Forum closed at 1:07 PM.

3.02 Scheduling

The Committee set next meeting dates for March 5 at 7 PM, as a public forum for the Performing Arts Center ordinance amendment, March 11 from 11 AM to 1 PM to primarily focus on the dog ordinance, and a third meeting on March 18 from 10 AM to 12 PM. Councilor Shannon noted Alex Carruthers and Planning Director Charles Dillard should be invited to the Performing Arts Center public forum.

4. Vacant Buildings Ordinance

4.01 Vacant Buildings Ordinance

The Committee reviewed changes to the latest draft of the Vacant Buildings Ordinance:

- Councilor Shannon inquired about why the suggestion to exempt deployed active service members from the draft. DPI Director William Ward said it was left out because more research needed to be done about how often that truly occurs and if it is excluded from the draft, someone in that situation could still appeal their case to the Public Works Commission.
- Attorney Sturtevant explained how the definition of “vacant structure” was changed to exclude structures never intended for human habitation. Councilor Shannon noted clarification on terms like “unoccupied” and “dangerous” needed to be added. The Committee added that distinguishing primary from secondary or accessory structures would further clarify which structures fall under the definition of a vacant structure, especially as it applies to garages and residential versus commercial structures. Attorney Sturtevant agreed to revise the language and submit to the Committee for review.
- Under the Enforcement Authority section, Attorney Sturtevant added language supporting that the DPI Director would determine if a property meets the standards of vacant building, and that the administrative fee for dangerous building orders would be \$100. Councilor Bergman asked if this fee was sufficient for the issuance of subsequent orders on one property owner. Director Ward responded it covers the cost and preserves the current system that allows corrections to dangerous building orders to move through the zoning process relatively quickly, and that in a case of an ongoing issue, other enforcement actions would most likely be pursued. Attorney Sturtevant said she would take another look at it.
- Attorney Sturtevant reviewed the fee structure. Councilor Bergman asked Attorney Sturtevant for further clarifying language reflecting Director Ward’s interpretation that one year, as it relates to the application of fees, would start from the day the building was declared vacant by the City.
- Councilor Shannon noted a typo on page 10, line 319 where the fee is listed as \$200 instead of \$100.

5. Champlain College Bed Cap Ordinance

5.01 Champlain College Bed Cap Ordinance

Motion to advance the amendment to the City Council for second reading and adoption, with a recommendation of approval with the strike out on line 10 of the words “and the total number of residential beds.”

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight

Final Resolution: Motion Passes

Yes: Unanimous

Discussion:

Director Dillard explained how Champlain College's campus consists of an Academic Core and a Residential Core, which have different zoning standards. The proposed amendment would eliminate bed caps for both areas but retain Floor Area Ratios (FARs), allowing Champlain College to convert existing unused space in academic buildings on the Academic Core campus into student housing, while staying in compliance with the FARs set by the Comprehensive Development Ordinance (CDO). Director Dillard stated that the Planning Department has determined this amendment is consistent with planBTV. Champlain College's first project would be to convert Aiken Hall, starting in August.

Councilor McKnight asked for more information on the impacts to parking, community engagement up to this point, and how the college will handle noise complaints. Director Dillard stated Champlain College has not yet held a public hearing but will be required to. Planning Commission has had one public hearing on this amendment, during which no one spoke for or against it. Director Dillard said parking should not be affected because the proposed units are intended for first-year students who are not allowed to bring cars to campus. Director Dillard said he has not received a response yet from Champlain College regarding how they would handle noise complaints and would follow up with them. Councilor McKnight expressed concerns with what appears to be a lack of public engagement.

Councilor Shannon asked about Champlain College's progress toward housing all of their students. Director Dillard confirmed his understanding is Champlain College is very close to achieving that goal and has an interest in moving upperclassmen back to campus through this amendment, to potentially dispose of off-campus properties, which would free up housing supply in Burlington. Director Dillard also confirmed the units would be accessible. Councilor Shannon voiced being fully supportive of moving more students to the core campus.

Councilor Bergman requested Director Dillard to include Champlain College's enrollment information a reference to the document representing their enrollment projections for the full Council's awareness.

Councilor Bergman asked what will be required of Champlain College to move forward with their project if the amendment is approved. Director Dillard said they will be required to have a public hearing, held early in the review process.

6. Performing Arts Centers in E-LM District

6.01 Performing Arts Centers in E-LM District

The Committee requested that Director Dillard organize advertising for March 5th's public forum on Front Porch Forum. Councilor Shannon noted representatives from Higher Ground and Burton should be invited. Councilor Shannon also suggested adding whether or not a discussion to retract a current use will be included in this amendment.

Councilor Shannon questioned if the amendment and Higher Ground's plans were consistent with the intent for this zone, which was to reserve job space and prevent the build of structures larger than what existed previously. Councilor Shannon requested to know what square footage would limit occupancy to 1,500 people, and said she wants to make sure that enough of the enterprise zone is being preserved in this amendment. Director Dillard offered to follow up with Higher Ground for their input on capacity and square footage caps. Councilor Bergman emphasized the importance of amending the code in a way that considers future growth.

Councilor Bergman asked Director Dillard to give a presentation at the public forum, including the Fire Marshal, and address future potential impacts from the proposed amendment. Councilor Shannon suggested the Committee discuss next steps after the forum on March 5 if there is time.

7. Any Other Committee Business

7.01 Any Other Committee Business

There was no other committee business.

8. Adjournment

8.01 Motion to Adjourn

The meeting was adjourned at 2:20 PM.