



Burlington City Council Ordinance Committee Meeting

****Remote*** - Wednesday, November 30th at 6:00 PM**

11/30/2022

ORDINANCE COMMITTEE

Wednesday, November 30, 2022

Via Zoom (Remote)

DRAFT MINUTES

Members Present: Councilor Traverse (Chair), Councilor Hightower, Council President Paul (Ex-Officio)

Staff Present: Kim Sturtevant (Acting City Attorney), Megan Tuttle (Director of Planning), Scott Gustin (Division Manager, Zoning, Permitting & Inspections)

Others in Attendance: Barbara Headrick, Sharon Bushor, Councilor Gene Bergman,

Meeting called to order at 6:04 PM.

1.0 Agenda

1.01 Motion to adopt/amend agenda

Motion to Adopt Agenda as is.

Motion by Councilor Hightower, Seconded by Councilor Paul

Final Resolution: Motion Passes

Yes: Unanimous

2.0 Public Forum

Barbara H: On line 579 – insert “reducing SOB trips” as that would complement reducing vehicle miles traveled and avoids redundancy. On line 604 – suggests language to be changed so metrics should be set, and performance should be measured, the current language is not about achieving progress, there should be metrics like reducing SOB trips, reducing number of cars parked on the street, reducing number of resident who use cars, etc. On line 613 – it is important to measure on-site parking vs off-site parking because it will be difficult to measure TDM efficacy, measuring the two metrics will be a good tell-tale if TDM is working. On line 641 – the word ‘restrict’ should be included. On line 645 – it doesn’t indicate if what happens if a building is occupied and if the building developer doesn’t follow TDM guidelines, there’s no consequence. On line 670 – insert “advanced degree students”. On line 679 – insert “an analysis of by population segment”

Sharon B: Mentioned the ADA component at the last meeting, so in the interim reached out Scott Gustin, Bill Ward, and Kim Anelli. Doesn’t have proposed language, but if a developer develops in a site downtown that has access to other parking off-site (like parking garage), then the developer may not be required to provide as much ADA parking on-site. If the only ADA parking is off-site, that can be very problematic for a physically disabled individual. Especially when ADA accessible people visit Burlington, that eliminates spaces needed for visitors. It would be harmful to exclude people with disabilities from new developments, this ordinance change is a great way to ensure they have proper consideration.



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Councilor Bergman: Echoed Barbara's note on the importance of metrics because this TDM provision is an on-going process. Emphasized that this ordinance will not be perfect, it will need changing in the future most likely. Emphasized Sharon's points while also adopting a flexible, practical ordinance change. Hopes the committee considers his own proposal as many different groups have provided valuable, meaningful feedback.

3.0 Adopt Minutes from 11/22/2022

Motion to Adopt Minutes from 11/22/2022.

Motion by Councilor Paul, Seconded by Councilor Hightower

Final Resolution: Motion Passes

Yes: Unanimous.

4.0 Committee Discussion

4.01 Discussion of Minimum and Maximum Parking

Councilor Hightower: On the ADA comments from public hearing, agrees largely with the sentiment. Folks dealing with disabilities are much less likely to have a private vehicle and are more likely to use public transportation. Emphasized the importance of not just stripping parking, but bolstering some of the support services used under ADA to ensure the typically underserved group has greater access to things that help them.

Councilor Traverse: Agreed that the ADA component is incredibly important going forward when discussing this ordinance change. More flexibility is needed, for example if a particular development draws interest in living from the ADA community, then the development should be able to tailor their TDM strategy around that notion.

Scott G: Confirmed that there has not been a single development approved yet without parking, all instances parking is a part of the plans.

Megan T: Followed up with context from other places where minimum parking requirements are eliminated – there is no mandate around where and how accessible parking should be made available, although going above and beyond the bare minimum for parking is emphasized.

Councilor Paul: Agreed that physically handicapped individuals would not use CarShare, or any other public transportation, because their personal vehicle is likely equipped to meet their specific needs. Recognizing that ADA available parking does not seem to be mandated in other localities, she's heard from multiple constituents that they'd like to see accessible parking expanded and thinks it should certainly be considered.



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Councilor Traverse: Agreed but also recognized the intention of eliminating minimum parking and TDM is to maximize space for development. A dense, walkable city is a notion that is shared by multiple Councilors, it's just a matter of striking a balance between providing enough ADA accessible spaces and maximizing the land use for future development.

Councilor Bergman: Expanded on Ben's points – the goal is to build a 'missing middle' residential base. Again, reiterated the notion that this ordinance will not be perfect, but should do it's best to consider the many different facets this intersects with.

Sharon B: There are different levels of disabilities, some are high-functioning whereas others may have more of their life affected by their physical disability. It is important not to group up everyone into one category.

The Committee reviewed the ordinance to determine how best to proceed on TDM.

Councilor Traverse: Last time, the annual meeting language was removed; but, the educative material that is to be distributed should happen annually.

Councilor Bergman: Suggested allowing the material to be available on site, year-round.

Councilor Hightower: Would like to see the sample materials to determine whether the info sessions would be a full-fledged roadmap for TDM, or a general TDM awareness campaign.

Megan T: Said between Planning and P&I, should be able to generate some basic informational examples, but cautioned against writing whom specifically is tasked with creating the informational documents into ordinance. Should only put Planning into the ordinance if the intent is for there to be a sign consistently posted in buildings/developments pertaining to TDM.

Scott G: Echoed not writing the guidelines into the ordinance, it is too restraining and makes for more difficulties when creating educational material.

In Section B, where the number of dwelling units establishes the TDM requirements that must be followed, a table is needed to discern the difference between what's required. There can be no confusion in exemptions so a table is a good means to help resolve the issue.

In the Applicability section, include an administrative amendment option to allow for flexibility in TDM strategies to align with the permit applied after a certain date.

The group determined to change the parking utilization study going annually for 7 years in a row to determine the efficacy of TDM strategy and how they can be maneuvered to maximize its efficiency.



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Remove the language from Section C (Parking Management), #3. More flexible language included in case a developer does not use CarShare, but if they do, establishes where the parking space should be located.

On addressing Barbara's comment on line 480 – wants to make clear the distinction between single occupancy vehicles and carpool/CarShare/etc when tracking vehicle miles traveled (VMT). The committee agreed to effectuate that change by adding "single occupant vehicle usage".

Scott G: Under the maximum parking exemptions section, add another group of exemptions (#6 Driveways: Parking for residential uses...)

Councilor Traverse: How can the TDM strategies section be expanded?

Megan T: On the requirement of having developers provide bus pass/CarShare to their residents if they don't have parking, it gets close to exaction. Exaction is when a municipality takes something from a developer without clearly identifying what the intent of the thing being claimed is intended to be used for. More time would be needed to determine if this strategy would be appropriate for the City, as now it would seem too arbitrary. The study needs to be conducted to know.

The committee agreed to expand and be more flexible in terms of the TDM strategies the ordinance will allow developers to adhere to. This is likely something that will be revisited once the TDM study is conducted and completed so now it is important to just have options. Care/bike share passes should be free for the residents, paid for by the developer if they do not have parking. Each development needs to adhere to at least two of the TDM strategies so they will be leaving them at broader scale for the time being. The committee made several smaller changes to the language of the strategies section to ensure that there are enough options for developers once the ordinance is in effect.

Motion to warn the ordinance for public hearing on January 9th, as amended.

Motion by Councilor Hightower, Seconded by Councilor Paul

Final Resolution: Motion Passes

Yes: Unanimous

The committee will look to revisit some parts of the ordinance once the TDM study is ultimately completed, but for now would be beneficial to get this version of the ordinance in front of the full Council for vote – will go forward January 9th, 2023.



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Scheduling of future meetings:

Not scheduled.

5.0 Adjournment

Motion to Adjourn.

Motion by Councilor Paul, Seconded by Councilor Traverse

Final Resolution: Motion Passes

Yes: Unanimous

The meeting was adjourned at 8:52 PM.