



Burlington City Council Ordinance Committee 6/16/2016

City Council Ordinance Committee

Thursday, June 16, 2016

Conference Room 12, City Hall—5:30 p.m.

Attendance

Committee: Councilors Max Tracy (MT), Sharon Bushor (SB), & Chip Mason (CM) (chair).

Other City personnel: David E. White (DW) (PZ Dir),

Committee Staff: Sr. Asst. City Attorney Gene Bergman (GB)

Public: None

CM convened the meeting at 5:35 pm

1. **Agenda:** CM asked to change the order of the agenda as follows: 4.02, 4.03, 4.05, 4.06, 4.07, 4.01, 4.08, and 4.04. SB moved to accept that change & approve the agenda as amended, MT 2d, and the agenda as amended passed unanimously.
1. **Minutes of 2/23/16:** SB moved the adoption of the minutes as amended (page 2 add SB as second to motion). MT seconded the motion and the 2/23/16 minutes as amended were adopted unanimously.
1. **Public Forum: none**
1. **Ordinance Discussion**
1. **Comprehensive Development Ordinance (CDO) Amendment ZA #16-01, Thresholds for Major Impact Review (taken up as the 6th item)**

DW offered a small modification. He noted that this is in part related to reducing the impact on staff work where there is



Burlington City Council Ordinance Committee 6/16/2016

no real benefit to doing the work. The changes from the PC proposal sent to the CC are (1) include a threshold in downtown mixed use zoning district and (2) include the neighborhood meeting requirement for developments of 5 units of housing and/or developments of 15,000 gross square feet of non-residential development. He noted that this committee had concerns that these had not been in the original proposal.

CM asked what the impact would be and DW explained that it would affect 6-12 projects per year that would not have to go to the DRB. This reduces the impact on staff because there would be no need to go thru a mini-250 review where there is no benefit. DW said that traffic is the one area that comes up but he said that DPW deals with traffic impacts through curb cuts. CM said that neighborhood input is his big concern. DW said that's addressed through the neighborhood meeting process.

MT said he appreciates the work put in but there is so much deregulation on the table with form based code and permit reform coming down the pike. He hasn't heard the public clamoring for this and actually he is hearing the opposite. While he appreciates the changes, he still doesn't think he can support it. DW said it is not about de-regulation and that with the other provisions in the ordinance the requirement is redundant.

SB said she needs time to digest the proposed new language. She'd like the redefinition of the major impact review instead of this approach. The curb cut review by DPW is not adequate. She agrees that duplication adds no value but she wants a different approach. She's wondering how it impacts the institutional core campus. She wants to relook at the proposal with regard to the low density residential district. She thinks much of the institutional zone is really residential and that needs to be reworked. She'd like to understand the table and a structure of 5000 sf threshold and wondered where she'd get the information to know what type of structure is at issue.

SB is most concerned with what will trigger the more extensive review. SB said that the removal of the 1000 foot threshold and use of "adjacent" instead is not good. She wants the public to have more access to make projects better.

DW said the standards are useful benchmarks but they have little geographic distinction throughout the city. Some areas have much greater infrastructure capacity than other areas of the city. The PC looked at it similarly. It is not a matter of public input but what the information is that is provided by Public Works. It is not about whether or not the zoning is right but if this type of review is needed for these sized projects.

CM noted that there is a relationship with the form based code. DW agreed but said the focus is on the impact on the criteria and he believes that these types of projects in certain areas of the city do not need this type of review. SB said she thinks there is value in the criteria. DW said SB's concern would be better addressed with Conditional Use since this is just about impacts on infrastructure. SB said she would still have issues with the institutional district. DW said there are statutory limits to what the City can control in the core institutional district. SB said that she's still not ready to act, having just seen the new proposal.



Burlington City Council Ordinance Committee 6/16/2016

CM said, on the deregulation argument, that this is not deregulation but about eliminating unneeded work. DW said the extra hoops that staff has to go through are crushing his staff. CM wondered what the impact on the developer's expenses are when major impact review is required. SB also wants to know that the criteria is being addressed elsewhere in the process. The most important thing is that the key issues that impact neighborhoods will be addressed, especially when brought up by the public.

DW said that design criteria would cover traffic. SB said that she'd like to know on a comprehensive basis.

Action: CM moved to continue the discussion to the next appropriate OC meeting. SB seconded. The motion passed unanimously.

1. Comprehensive Development Ordinance (CDO) Amendment ZA #16-04, Zoning Administrative Officer

Committee was unanimously supportive.

Action: SB moved to approve as introduced and refer to the CC for public hearing, 2nd reading and adoption. MT seconded. The motion passed unanimously.

1. Comprehensive Development Ordinance (CDO) Amendment ZA # 16-05, University of Vermont Medical Center Campus (UVMCC)

DW said this amendment is a wording change to reflect a boundary change that was made between the UVM and Medical Center related to when the new medical center building was built. It also involves an area around the water tower that had been previously transferred. This amendment is a clean up. The impact of being in the overlay district is to deal with special buffers on density. SB noted that only one member of W1 had issues with this change. SB says that it is internal to the 2 institutions and there were no other concerns. The change also fixes a mislabeling of the Sign Regulation Table.

Action: SB moved to approve as introduced and refer to CC for public hearing, 2nd reading and adoption. MT seconded. The motion passed unanimously.

1. Comprehensive Development Ordinance (CDO) Amendment ZA #16-06, Appendix A – Use Table, Animal Boarding/Kennel/Shelter in Downtown Zoning Districts (moved to the 8th item on the agenda)



Burlington City Council Ordinance Committee 6/16/2016

The committee did not get to this item.

1. **Comprehensive Development Ordinance (CDO) Amendment ZA #16-07, Low Impact Development Coverage Credit (moved to the third item on the agenda)**

DW said this intended to allow added coverage for pervious pavement. It was suggested by the Conservation Board. This provision is not cumulative with the others in the section but is intended to be an added incentive. The pavement has to meet a standard. SB asked why the pavers cannot be used for parking when the intent is that it could be used for a driveway. DW said it cannot be used in the driveway. SB pointed out a conflict in the language. CM asked if it is limited to getting a bonus. SB said it can be confusing and misleading to residents. The committee worked through this and decided no amendment was needed.

Action: SB moved to approve as introduced and refer to CC for public hearing, 2nd reading and adoption. MT seconded. The motion passed unanimously.

1. **Comprehensive Development Ordinance (CDO) Amendment ZA # 16-08– Shoreland Protection (moved to fourth on the agenda)**

DW said it is intended to meet our obligations to ANR regarding shoreland protection. In 2014 the law changed to allow the city to administer shoreland protection regulations. The city was already doing this and the State has said several items in our law need changing: adding a purpose; clarifying the boundary of the overlay to comport with the State map. CM pointed out a difference between the table and the text (95 versus 95.5 feet above mean sea level). DW agreed that the table and table should be amended to 95.5 feet above mean sea level. The committee agreed.

Action: MT moved to approve as amended (changing 95 to 95.5 feet) and refer to the CC for public hearing, 2nd reading and adoption. SB seconded. The motion passed unanimously.

1. **Comprehensive Development Ordinance (CDO) Amendment ZA #16-09, Duplexes on Existing Lots (moved to fifth on the agenda)**

DW said it was initiated by a member of the public who pointed out that the existing ordinance does not allow the creation of a duplex in a newly created lot even though duplexes are permitted. The PC agreed. SB said she didn't support the original change to allow single family homes to be converted to duplexes because it subverts the 4 unrelated limitation. She wondered how many parcels could be created. DW said you'd need a preexisting lot or need to create one and this would



Burlington City Council Ordinance Committee 6/16/2016

mean that an owner would need large lots with frontage to a public street. CM said it corrects an oversight unless the intent is to not allow duplexes, which would be contrary to the purpose. SB said she'd like to know what the impact would be (i.e. knowing where the large lots are and how many of them are there). CM noted that a future council could increase the size of the lot that was needed. DW said it would take a lot of work to provide. SB asked for, in the future, information detailing where the potential impact would be. SB said that while she is supportive now based on the current info, if more information comes to light she may change her mind. DW said he'd try to get her some information.

Action: CM moved to approve as introduced and refer to the CC for public hearing, 2nd reading and adoption. SB seconded. The motion passed unanimously.

1. **Comprehensive Development Ordinance (CDO) Amendment ZA # 16-10 Waivers from Parking/Parking Management Plans (moved to seventh on the agenda)**

DW said it was originally initiated by the YMCA but it has general applicability because it proposes to allow the DRB to grant larger parking waivers, beyond the 50% limit or the ordinance's existing exceptions. This would allow exemptions up to 90%, giving the DRB greater flexibility to decide what parking is actually needed. The Y is a poster child for the need for flexibility since the Y has historically shown it doesn't need much parking.

SB wonders how to do without opening up "pandora's box". She asked why 90% was chosen. She's leery of the parking proposals downtown. DW said staff recommended 100% and the PC backed it down to 90%. Staff's position is that if an applicant for a non-residential use can demonstrate that a waiver is appropriate then why not let the DRB decide how much is appropriate. SB said she's a nervous Nelly and likes 75% better. DW noted that the DRB would be evaluating each plan. CM said this allows for public review with discretion to the DRB. SB said she'd be able to go to 75% but wants to know what the Y needs. If she can get info on the impact of 75% on the Y that would be important. MT said he's supportive of SB's 75% approach but he is looking at this in a bigger sense so he wants to see more info too.

Action: SB moved to continue the conversation to the next appropriate meeting and discuss the info on the impact gathered by PZ. MT seconded. The motion passed unanimously.

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2. **Other business. Next Meeting and Items to Review.**

Next meeting: Wed. July 20 at 5:30 pm to discuss the remaining zoning matters (16-01, 16-06, 16-10) and the taxi items recently referred to the committee.

1. **Adjournment:** MT moved, SB seconded and the committee unanimously adjourned the meeting at 7:10 pm.



Burlington City Council Ordinance Committee

6/16/2016

