



# **Burlington City Council Ordinance Committee Meeting \*\*\* In-Person and Remote\*\*\* - Contois Auditorium at 5:00 PM 1/19/2022**

**City Council Ordinance Committee – Wednesday, January 19, 2022**

**In-Person (Contois Auditorium) and Via Zoom**

## **FINAL MINUTES**

**Members Present:** Councilor Mason (Chair), Councilor Hanson, Councilor Hightower

**Staff Present:** Kim Sturtevant (Assistant City Attorney), Scott Gustin (Zoning Manager, DPI)

**Others in Attendance:** Sharon Bushor

Meeting called to order at 5:06 PM.

### **1. Agenda**

#### **1.01 Motion to adopt/amend agenda**

Motion to adopt agenda as written.

Motion by Councilor Hanson, Seconded by Councilor Mason.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason,

### **1. Public Forum**

#### **2.01 Public Forum**

Sharon Bushor spoke on two ordinances:



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1. Historic Preservation—discrepancies with table between line 74 and 75 compared with table between lines 135 to 136. Inconsistency between what max coverage could be. Correct language added on lines 75 and 76 with asterisk, language with max coverage. Want to make sure tables correct and make sure consistent.
1. Permitting Adjustments—have issues with section 3.1.2 zoning permit required, lines 23-26, concerned about this, assumption is that it does no harm but feel some uses generate more harm—traffic, pollution, etc. and feel neighbor would know those impacts. Questioning if this is wise. Would public have any recourse?

Closed public forum at 5:12 PM.

Councilor Hightower joined.

### **1. Minutes**

#### **3.01 Approval of Minutes of 12/22/21**

Motion to approve minutes by Councilor Hanson, seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

### **1. Committee Discussion/Possible Action**

1.

#### **4.01 CDO ZA#21-04 Adaptive Reuse**

S. Gustin explained amendment goes hand in hand with Historic Preservation amendment. Just correcting definition of adaptive reuse. Reuse of historic building to something other than what originally intended. Converting something into something different.

Councilor Mason asked if there was anything controversial. S. Gustin replied that there was not, just realized impact and led to second amendment. Councilor Hanson asked if there was a practical impact. S. Gustin replied that he did not think there was one, just making language consistent.



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Councilor Hanson moved to approve the amendment as written and to refer it to the full Council for second reading, public hearing with a recommendation for approval. Councilor Hightower seconded the motion.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

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### **4.02 CDO ZA#22-01 Historic Preservation Rehabilitation Bonus**

S. Gustin explained that the amendment was mostly shuffling around language, cleaning up tables, the bonus did not change. S. Bushor's concern for coverage not new, already in there. Councilor Mason indicated that he thought the concern was addressed by the \* footnote.

Councilor Hightower moved to approve the amendment as written and to refer it to the full Council for second reading, public hearing with a recommendation for approval. Councilor Hanson seconded the motion.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

1.

### **4.03 CDO ZA#22-02 Permitting Adjustments**

S. Gustin explained that changes came from years of implementing and comments from applicants. First one was regarding administrative review. Current CDO sends a single family through design review because of historic lot size and coverage. Amendment remove lot size requirement that triggers design review, can go through administrative. Councilor Mason noted that it seemed straight forward. Councilor Hanson asked if there was any dissent with Planning Commission on this. S. Gustin replied that everyone was supportive.

S. Gustin discussed flood zone piece. Anything in flood zone require DRB review. This removes trigger for DRB. If doing something big enough for DRB will go anyway, but remove trigger just because flood zone. Councilor Mason asked what the trigger was now. S. Gustin responded trigger is now level 1 versus level 2. Councilor Mason asked how big structure needed to be to triggered level. S. Gustin responded that, for residential \$25,000 or more, commercial 5,000 square feet or more. Councilor Hanson asked whether it would still go through staff review. S. Gustin responded that it would still go through staff review, plus still go to state for review.



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S. Gustin identified change to nonconforming section to eliminate permit requirements were change is a use change where no standard applies. For instance, retail to café in downtown, no standards as parking gone. In cases where one permitted non-residential, use changes to another, thinking do not need permit for it. Councilor Mason currently no applicable standard so input not change? S. Gustin responded that was correct. Councilor Mason not seeing utility to require payment of \$130 and appeal period for this.

S. Gustin explained that the changes proposed in lines 107-114 were already addressed in another amendment that was pending simultaneously and already passed. Councilor Mason moved to remove lines 107-114. Councilor Hanson seconded the motion. Unanimous.

Councilor Hightower moved to approve the amendment as amended and to refer it to the full Council for second reading, public hearing with a recommendation for approval. Councilor Hanson seconded the motion.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

### **1. Any Other Business**

Councilor Hanson asked if there was an update on the proposed Minimum Parking amendment. S. Gustin replied that the Planning Commission had discussed it at their January 11th meeting and expected to talk one more time at their January 25th meeting and then send their comments back to the Committee.

### **1. Adjournment**

Motion to Adjourn by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

The meeting was adjourned at 5:32 pm.



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