



Burlington City Council Ordinance Committee

1/4/2017

City Council Ordinance Committee

Wednesday, January 4, 2017

Conference Room 12, City Hall

MINUTES

Present: Chair Chip Mason (CM), Sharon Bushor (SB), Max Tracy (MT)

Absent: None

Other City Staff: Gene Bergman (GB) (Staff Attorney), Scott Gustin (SG) (PZ)

Public: None

CM called the meeting to order at 5:34 pm.

1.01 Agenda: SB moved to amend by postponing 4.01 ZA 16-11 and putting it on the next agenda and add a discussion of the trespass ordinance on Other Business and moved to approve the agenda with this amendment. MT seconded. The agenda was adopted as amended unanimously.

2.01 Public Forum: none

3.01 Approval of OC Minutes of 12/15/16: SB moved the minutes. MT 2d and they were approved unanimously.

4.01 CDO Zoning Amendment 16-11, Enforcement Period of Limitations:

Action: Per agenda amendment, this item was deferred to next meeting.

4.02 CDO Zoning Amendment 17-02, Family Daycare Exceptions & Preschools:

CM asked SG to explain the amendment. SG said it aligns the zoning ordinances with the state regulations which exempt Family Day Care Homes from zoning review and distinguish them from home occupations. SG cited 24 VSA § 4412 (5). He suggested amending ZA 17-02's definition to tie it to the state statute. SG noted amendment also makes the special use criteria apply to large daycares.

SB said the statute is a little different than what is being proposed in language for family day care home and the proposal seems to go beyond the statute. She supports tying the ordinance to the statute. CM suggested the amendment for the definition in Art. 13 Day Care Center (a) Family Day Care Home should be: "Shall have the same meaning as that set forth in 24 VSA sec. 4412(5)". SB and MT agreed. SB wondered if the definitions of small day care center and large day care center should reference the statute. After discussion, she decided against that.

SB suggested sec. 3.12(c)(10) be stricken out after "Family Day Care Home." CM & MT agreed. SB questioned the strike out of "registered" in new 5.4.1(d) and the definitions of small day care center and large day care center and was convinced it was ok to strike out because there is no such thing as a registered day care center.

The committee unanimously agreed to make throughout all of ZA 17-02 all the references to family day care home, small day care centers and large day care centers consistent with the name stated in the definition: Family Day Care Home, Small Day Care Center, and Large Day Care Center. It also unanimously agreed to add to the definition of "Preschool" the distinction between a small preschool (7-20 children) and a large preschool (>20) and to move the words "Large" and



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"Small" in the Use Table before the word "Preschool."

Action: SB moved to amend the proposal as agreed to above and refer the amended amendment to the Planning Commission for statutory comments and City Council for public hearing, second reading and vote on adoption, with a recommendation to adopt. MT seconded. The motion passed unanimously.

5.01 Other Business: Next Meeting & Items to Review

CM said he'd be happy to ask CA Blackwood for the trespass ordinance changes to come back to the committee from her office. SB and MT said they'd like to discuss it too. The committee set January 25, 2017 at 5:00 p.m., hopefully in CH, to discuss ZA 16-11 and ZA 16-12.

6.01 Adjournment: On MT's motion and SB second, the meeting was unanimously adjourned at 6:30 pm.