

**Neighborhood Code Joint Committee**  
**Thursday, November 2, 2023, 6:30 P.M.**  
**Hybrid Meeting via Zoom and in the Bushor Conference Room**  
**Draft Minutes**

|                      |                                                        |
|----------------------|--------------------------------------------------------|
| Members Present      | B. Baker, E. Malone, J. Randall, M. Gaughan, A. Friend |
| City Council Present | S, Carpenter, Z. Hightower,                            |
| Staff Present        | M. Tuttle, S. Morgan, C. Dillard,                      |
| Public Attendance    |                                                        |

**I. Agenda**

|               |                                                                                                                 |
|---------------|-----------------------------------------------------------------------------------------------------------------|
| Call to Order | Time: 6:30pm                                                                                                    |
| Agenda        | Add Item before Adjournment - update about an application to expand Burlington's neighborhood development area. |

**II. Public Forum**

| Name(s)        | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gordon Dragoon | <ul style="list-style-type: none"> <li>• Increase density - improve RL zoning</li> <li>• Go further with RH zoning – taller, denser and widespread</li> <li>• Up-zone the Country Club</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                       |
| Colin Larsen   | <ul style="list-style-type: none"> <li>• Areas around UVM &amp; the Medical center continue to be RL <ul style="list-style-type: none"> <li>○ Main focus on walkability &amp; car free living in those areas</li> </ul> </li> <li>• Flag lots - if you don't subdivide a lot, so it's a single lot with two multifamily developments on it and a flag lot orientation, would it be feasible to allow someone to not have to build a driveway to the rear building if they didn't want to? Or is that like a fire safety issue?</li> </ul>                                               |
| Sharon Bushor  | <ul style="list-style-type: none"> <li>• housing should be for people that live in Burlington and that we shouldn't be providing housing for students that come to UVM</li> <li>• UVM has an obligation to provide more housing on campus and they've created some of the housing crisis that we're in</li> <li>• To see differences/different types of visuals for the proposed differences between RL and RM</li> <li>• Keeping the green spaces in Burlington</li> <li>• Communicating to the residents the proposed changes – getting feedback on those proposed changes</li> </ul> |
| Evan Gould     | <ul style="list-style-type: none"> <li>• UVM is the densest job center</li> <li>• Suburban sprawly development</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**III. Committee Discussion: Neighborhood Code Core Recommendations**

|                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 Follow up on Core Dimensional Standards                                                                                                                                                            |
| Lot Coverage                                                                                                                                                                                           |
| B. Baker:                                                                                                                                                                                              |
| <ul style="list-style-type: none"> <li>• Important to talk about structure. Sets up setbacks and exceptions to setbacks that allow you to function like ramp or the steps to face 4 entries</li> </ul> |

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- Design standards have lots of requirements in them

S. Carpenter:

- Who sets the design standards?
  - Set in an article to be discussed. An entire section of the ordinance that talks about, I'll call it, more like characteristics of developments and their compatibility with the areas around them.

Setbacks:

A. Friend:

- How does that work with the idea where people are going to want to build secondary structures that may fall within the side or rear setback?
  - One of the things that is worth discussing for this committee is that there are pretty small lot sizes that would enable both a primary and a secondary building to fit on the lot to meet the setbacks, to meet the lot coverage limits. And we think that those things all will work together in those situations. There's going to be a size at which you just can't meet setbacks and have two free standing buildings on a lot and we were not trying to control for that situation.

S. Carpenter:

- How will going forward the potential conversion or subdivision of an ADU. You have an ADU now, you built it, now you have two buildings on a lot and we have some new zoning. Will there be a way to accommodate really sort of carving that off into a new lot?
  - Set the flag lot, the flag lot building standards identical to the ADU building standards.
  - If you did a PUD then you only have to respect the setbacks around the outside, not between them.
- Is 20 ft straight across too rigid in the sense if you wanted to create a differentiation, if you have a really long building.
  - For these corridors, we're also talking about buildings that would be limited to a maximum of like basically like you know 50 to 70 feet wide.

M. Gaughan:

- Driveway encroachment – have the zoning code reflect what's on the ground now
- 5 ft setback on the corridor zone
- Maximum setback

Z. Higtower:

- Agrees with Michael
- Removing the minimum lot size
- Keeping the percentage lot coverage the same

M. Tuttle:

- Really deep lots with buildings that are set really far back, if this is something the committee would like to consider, we think it could be reasonable to say something like you still average your front set back, but in no case are you required to set it back more than 25 feet. That would provide some flexibility for some of these lots where buildings are set back, you know

40 or more feet today where you could reasonably consider some sort of expansion in front of that existing building.

- Large lot overlay I believe requires a 75 foot front set back, is that right?

B. Traverse:

- Support the proposal laid it out that would allow for some buildings in those areas that have buildings that are further closer to the street.
- In practice where you are averaging front setbacks is, is that a hard number or is there any sort of, you know, give or take a couple feet, give or take 5 feet that gives some folks some wiggle room if they're sort of faced with a with a hard number?
  - The average  $\pm 5$  feet
  - The setback amendment was approved last week. Simply the averaging takes the two lots on either side and averages those and the amendment allows to remove one of those properties. If there is an outlier property that's really skewing the average in one way or the other, that can be removed and then you on top of that, you get the  $\pm 5$  feet.
  - You're not required to set back more than 25 feet is one way you could address these really deep lot situations.

M. Gaughan:

- Since we'd be allowing 2 structures on one un-subdivided lot, what's the requirement for the distance between those two buildings since it's not a lot, you wouldn't have the setback requirements that we're talking about?
  - Proposing 15 feet as a minimum set back between the buildings.

M. Tuttle:

- Outside of the corridors, if we're saying front setbacks in other places within the residential districts would be required to average their neighboring properties. That's their baseline set back.
- They can add or subtract 5 feet from that.
- But we're saying in terms of like say that average number was 50 feet. We're saying that we would not make you go all the way back to 50 feet. You could go back to 25 or any point beyond that as the front setback for your building.

M. Gaughan:

- In favor of 4 stories in the corridors
- Naming what phase 2 is going to look like. To be revisited at a later time

J. Randall:

- Agrees with Michael
- Make the 4<sup>th</sup> story a partial story
- Making sure people understand the scale of buildings discussed in these meetings
- Wanting to discuss what this could look like for Saint Paul St and Colchester Ave

M. Tuttle:

- Having a full 4<sup>th</sup> story or taller brings in the question about elevators and 2<sup>nd</sup> stairwells

- In small building as you go taller it starts eating on the internal space

B. Traverse:

- Agrees with Michael to have at least 4 floors or even higher

B. Baker:

- Spreading infrastructure costs like a sprinkler system over more units makes it more likely that the development that the building will pencil out
- It could be triggering a type of construction that requires steel at five stories high. A possibility to lower the cost is to build a steel podium, non-combustible and 4 stories above it of wood construction

E. Malone:

- Is this big enough to allow for creative development?

A. Friend:

- Talking about missing middle housing and expanding opportunities on the corridors

### 3.2 Residential District Boundaries

S. Carpenter:

- There are certain parcels I would like us to look at and hopefully sooner than later because they're actually reasonably more likely to get developed than some of the smaller ones.

B. Traverse:

- My understanding is that the areas that have been flagged as corridors are just those areas that are currently RL along these identified corridors. And what that means is that as we move around here, I think that there's some areas that are currently zoned as RM that have not ended up in a corridor even though we may agree that it's it is a corridor.
- The Champlain Parkway will make the south end of Pine Street a cul-de-sac, which is then out of alignment with other sort of major thoroughfares that have been identified here
- to follow up with GMT as to whether they know how the Parkway is going to change existing bus routes and whether or not it's going to come down to Home Ave or go down Flynn Ave (bus #5)

M. Tuttle:

- Team will provide an updated map that treats anything that's RL or RM as a corridor
- To discuss what level of commercial use to allow in those areas

### 3.3 Other

## IV. **Expanding Burlington's neighborhood development area**

C. Dillard:

- The state has a designation program, Neighborhood Development Areas that extends 1/2 mile beyond a designated downtown. We have our designated downtown and we have an existing neighborhood development area or NDA that today extends in the north to Cambrian rise 2.5 S

half mob beyond downtown, the NDA, the state accrues different benefits to NDA's. Qualified mixed income projects are exempt from Act 250 regulations most significantly. There's a number of other benefits that are outlined in the memo that I sent you earlier. In the years since the city is at an NDA designated, it has facilitated truly significant amounts of housing development. The application that we have submitted to the state is to expand our NDA to include the recently rezoned South End Innovation District.

- We go to the downtown development boards meeting on November 27th where we will get a decision. And at that point, yes, in a development in the South and innovation district that is a mixed income project will be exempt from activity regulations.

**V. Adjournment**

|                   |                   |            |                 |
|-------------------|-------------------|------------|-----------------|
| Adjournment       |                   | Time: 8:45 |                 |
| Motion: A. Friend | Second: E. Malone |            | Vote: unanimous |