



**Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR
REMOTELY via ZOOM**

When: Dec 5, 2025 02:00 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

Join from PC, Mac, iPad, or Android:

<https://zoom.us/j/92372433721?pwd=Rx628cgOHmZYWhbAGS2jpSo9aaoSP.1>

Passcode:074010

Phone one-tap:

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+13017158592,,92372433721#,,,,*074010# US (Washington DC)

Join via audio:

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+1 301 715 8592 US (Washington DC)

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+1 309 205 3325 US

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+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

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+1 719 359 4580 US

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+1 253 215 8782 US (Tacoma)

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Webinar ID: 923 7243 3721

Passcode: 074010

International numbers available: <https://zoom.us/u/adTBr6cUxW>

1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from 11/7
Meeting	December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Adopt Draft Minutes
Department	Council and Board
Type	

Recommended Action

3. Public Forum

Subject	3.1. Verbal Comments
Meeting	December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Public Forum
Department	Council and Board
Type	

4. Parking Ordinance Changes; BCO

Subject	4.1. Parking Ordinance Changes; BCO
Meeting	December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Parking Ordinance Changes; BCO
Department	Council and Board
Type	
Recommended Action	

5. Sidewalk Interference Ordinance; BCO Chapter 27, Art. I

Subject	5.1. Sidewalk Interference Ordinance; BCO Chapter 27, Art. I
Meeting	December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. Sidewalk Interference Ordinance; BCO Chapter 27, Art. I
Department	Council and Board
Type	
Recommended Action	

6. Zoning Amendment ZA-26-01 Technical Amendments and Minor Revisions; CDO

Subject	6.1. Zoning Amendment ZA-26-01 Technical Amendments and Minor Revisions; CDO
Meeting	December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	6. Zoning Amendment ZA-26-01 Technical Amendments and Minor Revisions; CDO
Department	City Attorney
Type	

Recommended Action

7. Unlawful Entry into a Motor Vehicle Ordinance; BCO 21-45(b)

Subject **7.1. Unlawful Entry into a Motor Vehicle Ordinance; BCO 21-45(b)**

Meeting December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 7. Unlawful Entry into a Motor Vehicle Ordinance; BCO 21-45(b)

Department Council and Board

Type

Recommended Action

8. Any Other Committee Business

Subject **8.1. Any Other Committee Business**

Meeting December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 8. Any Other Committee Business

Department Council and Board

Type

Recommended Action

9. Adjournment

Subject **9.1. Motion to adjourn**

Meeting December 5, 2025 - Ordinance Committee Meeting - Friday, December 5, 2025, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category 9. Adjournment

Department Council and Board

Type

Recommended Action

Ordinance Committee
Friday, November 7, 2025
Bushor Conference Room Conference Room
or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Bergman (Chair), Councilor Carpenter, Councilor Barlow, Councilor Kane

Staff Present: Kim Sturtevant (Assistant City Attorney), Erik Ramakrishnan (Assistant City Attorney), Laura Wheelock (DPW Technical Services Director), Jackie Esperti (DPW Parking Services Director), Sarah Montgomery (Assistant City Clerk)

Public Present: Jonathan Chapple-Sokol, Bill Church (BSD School Board), Sharon Bushor, Eli Reynolds, Clare Wool (BSD School Board Chair), Carter Neubieser (City Councilor)

Meeting called to order at 2:02 PM.

1. Adopt the Agenda

1.1 Adopt the Agenda

Motion to Adopt Agenda.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes

2.1 Adopt Draft Minutes from October 16th.

Motion to adopt the draft minutes from October 16th.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Jonathan Chapple-Sokol: I am here to discuss the proposed financial disclosure ordinance. I do not think the recitals in the form match what is being asked for in the original resolution. I read the letter from the School Board and I agree with their opinion. They are a nonpartisan body that are distant from actually running the City. My biggest concern with the proposed ordinance today is with the ambiguity over the concept of personal income. It only counts employment and investments. I personally received a corporate fellowship as a graduate student and according to the federal government, that is not personal income. If I were in a decision-making position at that time and something about that corporation came up, I would need to disclose that. Another example, I give my adult children large gifts at times for certain things and so that income should

be counted and people should know where that money ultimately came from. Free trips and things like what some state legislators went on should also count as income and be written down.

Sharon Bushor: I totally support what Jonathan said previously. I don't know if financial disclosure is necessary, but it should capture any conflicts of interests. On the parking ordinance changes, I agree with numbers 3, 4, and 5 which are about school zones. I think anytime we are closing parking spots that should be with the Public Works Commission so it has a public process. I still do not like lines 52-53 as the Department could still fail to inform the Commission. I was not sure what the changes to the towing payment are, but I still think it is very important for residents to have their cars.

4. Parking Ordinance Changes Discussion

Attorney Ramakrishnan went through the changes made to the proposed parking ordinance. The proposed ordinance changes are available in the agenda packet on CivicClerk.

Councilor Bergman asked City Engineer Laura Wheelock to keep track of any issues with the warnings of street parking closures over weekends so the Committee has information on if warnings of closures should be done on Thursdays for closures over weekends.

Jackie Esperti (DPW Parking Services Director) said that the current scoff laws mean that people can pay a small amount to get back under the \$275 allowed in tickets and get their car back. She continued that one third of all towed scoff violations have been towed at least twice, with some having been towed three to five times in just the last few months. Parking Services does offer payment plans.

Councilor Carpenter asked how many people are in this situation. Jackie Esperti said there are about 20 people that have been repeatedly towed under scoff since May 1st of this year.

Councilor Barlow asked if it was possible for the first instance of a scoff tow that it would be a warning, but subsequent scoff tows would happen. Councilor Bergman said those ideas could be in a payment plan and probably shouldn't be in the ordinance itself.

All councilors agreed that establishing a policy for payment plans is a necessary part of the changes going alongside the ordinance change. Councilor Bergman asked that a payment plan policy should be established by the time the ordinance changes go into effect.

Motion to refer the draft parking ordinance with its changes back to the full City Council for a second reading and recommend the ordinance for adoption.

Motion by Councilor Barlow, Seconded by Councilor Carpenter.

Final Resolution: Motion Passes

Yes: Unanimous

5. Financial Disclosure for Local Elected Officials

Clare Wool (BSD School Board Chair) said she stands by the letter sent by the whole school board. She said that the board is a non-political body with no party affiliations on the ballot. She continued that the issues raised in the original resolution regarding campaign finance and conflicts of interest are not applicable to the school board like they are for councilors.

Attorney Ramakrishnan said that he has concerns with using this disclosure form for the school board. Particularly because the City is given authority to create ethics guidelines at the municipal level but the State legislature specifically did not include school boards in their statute about municipal ethics. Burlington's school system is unique and is technically a department of the City, but for all other purposes we treat the school system as an independent agency.

Councilor Carpenter asked for some more research into the City's authority to require such a form for the school district. She continued that she had assumed that the school district was operating with the same Code of Ethics as the City.

Carter Neubieser (City Councilor and drafter of the draft ordinance) said that the whereas clauses were describing the state of politics in the country as a whole, and that he hoped to have a form where councilors would disclose potential conflicts for financial reasons before any matter involving that conflict ever comes up.

Councilor Barlow asked Carter Neubieser if there are any other reasons for the form beyond disclosing potential conflicts of interest. Carter Neubieser said that transparency for candidates is a core aspect of a democracy.

Councilor Bergman asked Carter Neubieser if he intended for the school board to be covered by this disclosure form. He responded that yes, he purposefully included school board members in the original resolution as those board members make consequential decisions involving many millions of dollars. He said that knowing where board members are receiving money from is a relevant question when they are dealing with so much money. He further continued that is it better to have upfront transparency rather than dealing with scandals later on.

Councilor Barlow said that the school board is 12 members, just like the Council, and they actually have a larger annual budget than the rest of the City. He said that if the City went with candidate disclosure forms, the board probably should too, barring any murky legal issues that are not yet resolved.

Councilor Bergman said that he would be comfortable with having this disclosure for candidates for Council and Mayor to begin with.

Councilor Barlow said that the resolution had many clauses that are best resolved through campaign finance law rather than personal financial disclosure. He said that he doesn't see a problem for personal financial disclosure to fix either on the Council or for the school board. He said people generally disclose their conflicts when they arise and recuse themselves regularly.

Councilor Barlow said he believes that disclosing sources of employment income will likely lead to people weaponizing that information depending on that employer. He said that he believes

employer should only be listed if they are in a decision-making position within the company and the company does business with the City. He added that having this disclosure might create a chilling effect on being able to recruit people to run for local office.

Councilor Bergman said that \$5000 might be too low and could make the threshold higher. He added that he is open to the idea of only listing employment where a candidate has decision-making power, but also added that it is important for voters to know where candidates work or how they get their money.

6. Any Other Committee Business

The next meeting is scheduled for 3:30-5:30 on November 20th.

7. Adjournment

The meeting was adjourned at 4:16 PM.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: (Dept./Commission) _____
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Five

First reading: _____

Referred to: _____

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

TICKETING AUTHORITY FOR PARKING VIOLATIONS IN CITY PARKS

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 22, Parks, of the Code of Ordinances of the City of Burlington be and hereby is amended by
2 amending Sec. 23, thereof to read as follows:

3

4 A violation of the following sections of this chapter shall be deemed a civil offense:

5 *As written.*

6 In addition, except as otherwise specified in subsection (g) of section 55 of chapter 20 of this code, a violation
7 of any provision of the rules and regulations of the parks, recreation and waterfront department contained in
8 Appendix D of this Code of Ordinances shall be deemed a civil offense. A violation of these sections or the
9 rules and regulations shall be punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars
10 (\$500.00). The waiver penalty for such offenses for purposes of the municipal complaint (civil ticket) shall be
11 fifty dollars (\$50.00). Each day's continued violation shall be a separate offense. The director of the parks,
12 recreation and waterfront department, waterfront managers, city arborist, urban park rangers, seasonal
13 operations supervisors and all law enforcement officers are authorized to issue a municipal complaint for a
14 violation of this chapter. For the limited purpose of interim stewardship and pending completion of a long-
15 term planning process the land known as Urban Reserve, bordered on the north by Kieslich Park, on the east
16 by the railroad, on the west by Lake Champlain, and the south by the Community Sailing Center, shall be
17 considered a city park subject to this chapter and the rules and regulations set forth in Appendix D.

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20 * Material stricken out deleted.

21 ** Material underlined added.

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er/Ordinances 2025/Ticketing authority for parking violations in parks
December 5, 2025

City Attorney
MEMORANDUM

TO: City of Burlington, City Council

FROM: Erik Ramakrishnan, Assistant City Attorney

CC: Laura Wheelock, Jackie Esperti

DATE: December 1, 2025

SUBJECT: Second Reading: Parking Ordinance Amendments (B.C.O. Ch. 20 & 27)

REQUEST

The City Attorney’s Office and Department of Public Works respectfully requests that the City Council waive and approve the second reading of the proposed ordinance amending Chapters 20 and 27 of the Burlington Code of Ordinance.

EXECUTIVE SUMMARY

On September 17, 2025, the Public Works Commission voted to sponsor amendments to Burlington Code of Ordinances Chapters 20 and 27, regarding parking. The proposed amendments fit into three categories:

- (1) Language granting the Public Works Commission power to delegate authority to the Director of Public Works to made certain changes to the City’s traffic regulations temporarily without the Commission’s approval. Generally, this authority could be exercised only in the interest of complying with state and federal disability access laws or in the interest of public safety;
- (2) Amendments to outdated language to reflect the current practices and needs of the City; and
- (3) Amendments relating to towing authority intended both to clarify the circumstances in which vehicles can be towed and to require vehicle owners towed for excessive outstanding parking tickets to pay down all outstanding tickets to reclaim a vehicle.

On September 29, 2025, the City Council voted to waive and approve the first reading of the ordinance and to refer it to the Ordinance Committee. The Ordinance Committee then considered and marked up the ordinance at its meetings on October 3, 2025, October 16, 2025, and November 7, 2025. At the November 7, 2025 meeting, the committee voted unanimously to recommend the ordinance to the City Council.

Amendments to the ordinance made by the Ordinance Committee include the following:

- (1) A change at B.C.O. § 20-1 aligning the definition of “parking enforcement officer” to a specific statutory reference;
- (2) Non-substantive, clarifying edits to B.C.O. §§ 20-53 and 20-95;
- (3) Clarifications to the delegation of authority described above, more clearly limiting staff’s authority consistent with the intent of the proposed ordinance;
- (4) Language, at the request of staff, at B.C.O. § 20-53(g) clarifying that violations of the City’s parks rules (B.C.O., Appx. D) relating to parking can be prosecuted as parking violations, if Appendix D is amended to be consistent; and
- (5) An amendment at B.C.O. § 20-63, requiring that signage for temporary parking limitations be posted at least twenty-four (24) hours in advance, rather than the currently required six (6) hours.

The ordinance as presented to the City Council includes the following two additional changes:

- (1) At the request of the Ordinance Committee, staff has proposed language at Lines 181 to 182 to provide an option for low-income vehicle owners to enter a payment plan in lieu of reducing their outstanding parking fines to \$0 as a condition to having a vehicle released from scoff; and
- (2) Deletion of the following language formerly proposed for inclusion in B.C.O. § 63: “Where individual parking space meters are provided, such signage shall be provided in the form of parking meter hoods.”

Regarding the second change, above, B.C.O., Ch. 20, as currently enacted states that temporary parking limitations in metered zones need to be noticed by installing parking meter hoods. However, not all metered zones have parking meters, as the City has moved to the use of kiosks and online payment applications. Therefore, the proposed ordinance provides other means to notice temporary parking limitations. However, as presented to the committee, the ordinance would have kept the use of meter hoods in locations where meters still exist.

The problem with the continued use of meter hoods is that the Ordinance Committee requested to provide longer notice of at least twenty-four (24) hours before temporary restrictions take effect. When a parking hood is placed on a meter, the meter immediately becomes unusable. That would mean that where metered hoods are used, paid parking spaces would be taken out of commission a full day prior than necessary, depriving parkers otherwise available spaces, and denying the City parking revenues.

Therefore, staff recommends that language requiring meter hoods be removed from the ordinance. Staff also recommends that the Ordinance Committee retain jurisdiction over this matter even if the ordinance is adopted at tonight’s meeting, so that the Committee can provide any further input it sees appropriate. In the meantime, prior to the ordinance

taking effect, staff intends to draft a policy indicating best practices for noticing temporary parking restrictions, for possible review by the Ordinance Committee and/or the DPW Commission.

ATTACHMENTS

- A. September 29, 2025 Staff Report for First Reading
- B. Proposed Ordinance

MOTIONS

- (1) To waive and approve the second reading of the proposed ordinance amending Chapters 20 and 27 of the Burlington Code of Ordinances.
- (2) To refer provisions of the ordinance regarding noticing of temporary parking restrictions back to the Ordinance Committee for review and to report back concerning any further recommended actions.

Thank you for your continued support.



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

MEMORANDUM

TO: Ordinance Committee Members

FROM: Lori Olberg, Council and Licensing Coordinator

DATE: November 19, 2025

SUBJECT: 11/17/25 City Council Ordinances (2)

A handwritten signature in blue ink, appearing to be "Lori Olberg", is written over the "FROM:" line of the memorandum.

Enclosed please find copies of the ordinances that were referred to your Committee for consideration. Please keep these as part of your records.

Thank you.

CITY OF BURLINGTON

ORDINANCE 6.5

Sponsor: Dept. of Permitting and Inspections
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Five

First reading: 11/13/25
Referred to: Ordinance Committee

An Ordinance in Relation to

SIDEWALK INTERFERENCE
BCO Chapter 27, Art. I

Rules suspended and placed in all Stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 27, Streets and Sidewalks, of the Code of Ordinances of the City of Burlington be and is hereby
2 amended by amending Article I, In General, Sec. 27-21, Penalty; to read as follows:

3

4

5 **27-4 Unnecessary interference with use of sidewalk.**

6 No person shall unnecessarily occupy, obstruct or encumber, or cause to be unnecessarily occupied, obstructed or
7 encumbered, a sidewalk so as to interfere with the convenient use of the same by the public.

8

9 **27-21 Penalty.**

10 A violation of any provision of articles I, III, IV and V of this chapter shall be a civil offense punishable by a civil
11 penalty of from two hundred fifty dollars (\$250.00) to five hundred dollars (\$500.00). The waiver penalty for purposes
12 of the municipal complaint (civil ticket) shall be equal to the waiver penalty established pursuant to 4 V.S.A. § 1102(d)
13 for violations of Subchapter 12 of Chapter 13 of Title 23 for each offense. Each day the violation continues shall be a
14 separate offense. All law enforcement officers are authorized to issue a municipal complaint for a violation of this
15 chapter. The enforcement officer or inspectors responsible for the administration and enforcement of the minimum
16 housing standards in Chapter 18 are authorized to issue a municipal complaint for a violation of chapter 27-4.

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20 * Material stricken out deleted.

21 ** Material underlined added.

22

23 WW/ks/Ordinances 2025/Sidewalk Intereference/BCO Ch. 27, Art. I

24 Sec. 27-21.

25 11/13/2025



Permitting and Inspections Department

645 A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

To: Burlington City Council &
Mayor Emma Mulvaney-Stanak
From: William M. Ward
Date: November 13, 2025
Subject: Chapter 27 Ordinance amendment

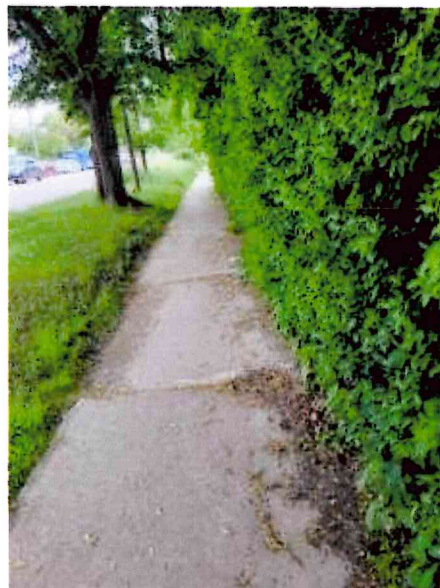
Overview

The Department of Permitting and Inspections occasionally receives complaints from residents about vegetation overgrowth at private properties that partially or fully obstructs the sidewalk. Warning notices are not enough to compel every property owner to comply with the city ordinance. The current ordinance grants authority to law enforcement officers to ticket for these violations. I am requesting the City Council amend Chapter 27 of Burlington City Ordinance to grant the Department of Permitting and Inspections authority to issue tickets to violators and increase the penalty.

Current Challenge

Chapter **27-4** prohibits "Unnecessary interference with use of sidewalk". **27-21** grants authority to **Law Enforcement officers** to issue \$50 municipal tickets for violations of Chapter 27.

In recent years, DP staff assisted the Parks Department and the Department of Public Works when they received a complaint about sidewalk vegetation encroachment. DPI staff would contact the property owner to alert them of the need to clear vegetation from their property that obstructs the sidewalk. The photo below shows an example of a typical obstructed sidewalk complaint.



Our efforts to gain voluntary compliance with the ordinance are sometimes ignored and my office has no other direct authority. The City Charter article 72 grants authority to the Parks Department to get approval from the Board of Finance and City Council to clear the sidewalk in these cases and lien the property owner for the costs. That is a cumbersome and time consuming process.

The ordinance amendment is proposed to increase the fine to \$250 and grant our Housing Inspection team at DPI authority to issue municipal tickets for violations of Chapter 27-4. If the amendment is approved, our process would continue to provide for initial notice to the property owner to voluntarily comply by a specific date, and violations after that notice would be subject to ticketing by DPI staff. Chief Burke of the Burlington Police Department has reviewed the proposal and had no objections to the ordinance amendment.

Proposed motion

City Council Motion:

- Waive first reading and refer the ordinance amendment to the City Council Ordinance Committee.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Dept. of Permitting and Inspections
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Five

First reading: _____

Referred to: _____

Rules suspended and placed in all

An Ordinance in Relation to

Stages of passage:

SIDEWALK INTERFERENCE

BCO Chapter 27, Art. I

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 27, Streets and Sidewalks, of the Code of Ordinances of the City of Burlington be and is hereby
2 amended by amending Article I, In General, Sec. 27-21, Penalty; to read as follows:

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4

5 **27-4 Unnecessary interference with use of sidewalk.**

6 No person shall unnecessarily occupy, obstruct or encumber, or cause to be unnecessarily occupied, obstructed or
7 encumbered, a sidewalk so as to interfere with the convenient use of the same by the public.

8

9 **27-21 Penalty.**

10 A violation of any provision of articles I, III, IV and V of this chapter shall be a civil offense punishable by a civil
11 penalty of from two hundred fifty dollars (\$250.00) to five hundred dollars (\$500.00). The waiver penalty for purposes
12 of the municipal complaint (civil ticket) shall be equal to the waiver penalty established pursuant to 4 V.S.A. § 1102(d)
13 for violations of Subchapter 12 of Chapter 13 of Title 23 for each offense. Each day the violation continues shall be a
14 separate offense. ~~All law enforcement officers are authorized to issue a municipal complaint for a violation of this~~
15 ~~chapter.~~

16

17

18

19 * Material stricken out deleted.

20 ** Material underlined added.

21

22 WW/ks/Ordinances 2025/Sidewalk Intereference/BCO Ch. 27, Art. I

23 Sec. 27-21.

24 12/5/2025



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7194
www.burlingtonvt.gov/plan

TO: Burlington City Council
FROM: Sarah Morgan, AICP, Principal Planner
Charles Dillard, AICP, Director of City Planning
DATE: November 19, 2025
RE: Proposed ZA-26-01 Technical Amendments and Minor Revisions

This memo is intended to provide an overview about the set of proposed changes included in ZA-26-01, which was warned for a Public Hearing by the Planning Commission during its meeting on September 23rd.

1. Overview & Background

The revisions proposed in ZA-26-01 include technical corrections to the ordinance as well as minor revisions to standards related to the South End Innovation District.

Following the Planning Commission meeting on September 23rd, proposed changes to the planBTV Downtown Code regarding fences were removed to be discussed as their own amendment (ZA-26-02) and are not included as part of ZA-26-01.

3. Technical Corrections

In collaboration with the Department of Permitting and Inspections, this amendment includes a number of technical amendments, which are included and outlined in Section 4c of this memo.

2. Minor revision related to the South End Innovation District

The proposed amendment to the SEID Ground Floor Entries standards addresses a primary challenge that has arisen in reviewing ongoing development plans in the overlay. These entry standards were based on a desire for highly-activated ground floors, particularly those occupied by retail uses. However, local and national trends continue to demonstrate reduced viability of retail and non-residential uses, particularly those in ground floor podiums that are costly to build. As such, the ground floor standards should be amended, both to facilitate greater amounts of private entries into ground floor residential uses on Primary Frontages, and to acknowledge the aforementioned concerns regarding retail viability. Furthermore, the amendment proposes to eliminate the requirement for ground floor entries on Secondary Frontages to extend flexibility to site development and to facilitate marketable residential ground floor uses on these less prominent streets.

Finally, City staff has encountered several site-specific challenges related to topographical and infrastructural conditions that make meeting the current standards challenging. For example, Lakeside Avenue, long proposed as a Secondary Frontage in the first phase of the SECORD project, is approximately eight feet below the developable portion of the parcel. As the ROW width, particularly as it crosses under the railroad, does not accommodate a sidewalk, the requirement to locate ground floor entries along this Frontage is not reasonable. Similar challenges have been seen at other locations in the SEID.

Ultimately, this proposed amendment will increase flexibility in the SEID and allow for much-needed housing within a larger South End that continues to see successful business activity in existing buildings.

4. Proposed Amendment: ZA-26-01

a) Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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b) Purpose Statement

The proposed changes in ZA-26-01 all aim to support greater flexibility within current zoning regulations to accommodate development needs and seeks to correct several errors in the CDO, enhancing clarity and consistency in administration for both staff and applicants.

c) Proposed Amendment

1. Amendments to Article 3: Applications, Permits, and Project Reviews

- Revises Sec. 3.1.2 (c) 11. to apply to “Buildings, as defined in Article 13” instead of “structures”.
- Amends Table 3.5.2-1 Zoning Districts (Major Impact) to reflect changes made under the Neighborhood Code, including the creation of the Residential Corridor district.
- Amends Sec. 3.5.3 (c) Major Impact Exemptions to reflect the elimination of minimum parking standards under ZA-22-07.

2. Amendments to Article 4: Zoning Maps and Districts

- Corrects footnote reference in Table 4.4.2-1
- Amends Sec. 4.4.2 (d) 3. B. to reflect the changes made under ZA-25-04, including referring to Senior Housing as Housing for Older Persons and Individuals with Disabilities.
- Modifies Table 4.4.5-1 Lot Size, Frontage, Setback, & Lot Coverage Standards in Residential Districts:
 - Corrects a footnote reference in the column related to Lot Coverage.
 - Deletes and reserves Footnote 8, which is now irrelevant given the standard related maximum required front yard setback.
- Corrects reference made in Sec. 4.4.5 (d) 2. B. Encroachment to the Waterfront Setback
- Corrects reference made in Sec. 4.4.5 (d) 4. D. Additional Unit on lot or within Owner-Occupied Single Detached Dwelling
- Amends Tables 4.4.5-6 Housing for Older Persons and Individuals with Disabilities Bonus and Table 4.4.5-7 Maximum Intensity, Lot Coverage and Building Heights with Bonuses to include the Residential Corridor District.
- Amends Table 4.5.6-2 Frontage & Activation Standards to reflect changes proposed in Sec.4.5.6(c)2.D.
- Amends Sec. 4.5.6 (c) 2. D. SEID Ground Floor Entries to facilitate greater amounts of private entries into ground floor residential uses on Primary Frontages, and to acknowledge the aforementioned concerns regarding retail viability.

3. Amendments to Article 5: Citywide General Regulations

- Amends Sec. 5.3.5 (a) to remove reference to Sec. 5.2.3 (b) 10, which was eliminated under ZA-25-04.

4. Amendments to Article 6: Development Review Standards

- Corrects reference made in Sec. 6.2.2. (m) Landscaping, Fences, and Retaining Walls

5. Amendments to Article 7: Signs

- Amends Sec. 7.1.1 Authority and Intent to clarify that signs of advertising features not expressly permitted in this ordinance are prohibited.
- Amends Sec. 7.1.4 Historic Marker Exemptions to incorporate Freestanding Yard signs.

6. Amendments to Article 9: Inclusionary and Replacement Housing

- Amends Sec. 9.1.5 Applicability to remove reference to Adaptive Reuse.
- Amends table under Sec. 9.1.12 Additional Density and Other Development Allowances to align with changes made via the Neighborhood Code.
- Amends Sec. 9.2.10 (b) to remove reference to conditional use and incorporate the loss of non-residential uses.

7. Amendments to Article 11: Planned Development

- Corrects typo in the reference to Table 11.1.5-2, which previously referenced a non-existent table.
- Amends Footnotes 1 in Table 11.1.5-2 Residential District Planned Unit Development Setback Standards to clarify that Residential Special Uses are exempt from the requirement of 50ft rear setbacks for buildings greater than 5,000ft² in the Residential Low and Residential Medium Intensity Districts.
- Amends Table 11.1.5-2 Residential District Planned Unit Development Setback Standards to indicate that the Residential – Special Uses listed in Table 4.4.5-2 are is also exempt from Footnotes 1 and 2.

8. Amendments to Article 13: Definitions

- Moves the definition for “Building” in Article 14 to Article 13 to consolidate definitions.
- Deletes definitions for “Elderly Housing”, “Housing, Senior”, and “Senior Housing” to reflect changes made in ZA-25-04, where Housing for Older Persons uses the definition established under the Fair Housing Act.
- Simplifies the definition of “Planned Unit Development” and references Article 11 for specific provisions.

d) Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	Dynamic	Distinctive	Inclusive	Connected
Land Use:	Conserve	Sustain	Grow	

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent with the Land Use and Density related policies of planBTV. As frequently discussed with the Planning Commission, the rise in housing costs and slow pace of construction are some of the biggest challenges related to housing in Burlington. The “Dynamic” theme prioritizes innovative solutions that are environmentally, economically, and socially sound, echoing this amendment’s need to support greater flexibility within current zoning regulations to accommodate development needs.

Additionally, many of these amendments are primarily and are intended to clarify for the public and staff the standards and processes regulating development and growth across the city.

Impact on Safe & Affordable Housing

This amendment has no direct impact on safe and affordable housing, except in that it corrects errors and provides greater flexibility and clarity for applicants.

Planned Community Facilities

This amendment has no direct impact on planned community facilities, except in that it corrects errors and provides greater clarity.

h) Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process					
Draft Amendment prepared by Staff 9/18/25	Presentation to & discussion by Commission: 9/23/25	Approve for Public Hearing 9/23/25	Public Hearing 11/13/25	Approved & forwarded to Council 11/13/25	
City Council Process					
First Read, Referral to Ordinance Committee, and Warn Public Hearing 12/1/2025	Ordinance Committee discussion	Ordinance Committee recommend	Second Read	Public Hearing	Council Approval & Adoption

Motion: Waive the reading, refer ZA-26-01 to the Ordinance Committee and warn for a public hearing before the City Council on January 12, 2026.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

CDO—Technical Amendments and Minor Revisions
ZA-26-01

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Appendix A, Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and
2 hereby is amended by: amending Sec. 3.1.2 (c) Exemptions, Table 3.5.2-1 Zoning Districts, and Removes Sec. 3.5.3
3 (c); Corrects a footnote referenced in Table 4.4.2-1 Dimensional Standards and Density; Amends Sec. 4.4.2 (d) 3. B.
4 Senior Housing; Deletes and reserves footnote 8 in Table 4.4.5-1; Corrects reference to Table 4.4.5-1 made under Sec.
5 4.4.5. (d) 2. B.; Corrects reference made to Article 3 under Sec. 4.4.5. (d) 4. D.; Amends Table 4.4.5-6 Housing for
6 Older Persons and Individuals with Disabilities Bonus and Table 4.4.5-7 Maximum Intensity, Lot Coverage and
7 Building Heights with Bonuses; Amends Table 4.5.6-2 Frontage and Activation Standards and Sec. 4.5.5 (c) 2. C.
8 Ground Floor Entries; Amends Sec. 3.5.3. A. 1. Changes and Modifications; Amends Sec. 5.3.5 (a) to remove
9 reference to Sec. 5.2.3 (b) 10; Corrects reference made to Sec. 5.2.6 (d) under Sec. 6.2.2 (m); Amends Sec. 7.1.1
10 Authority and Intent and Sec. 7.1.3 (h) Historic Marker; Removes reference to Adaptive Reuse under Sec. 9.1.5 (b);
11 Aligns table in Sec. 9.1.12 Additional Density and Other Development Allowances to reflect base allowances amended
12 under ZA-25-02; Amends Sec. 9.2.10 (c); Corrects a reference to Table 11.1.5-2 in Article 11; Amends reference to
13 and the Footnotes 1 and 2 in Table 11.1.5-2 Residential District Planned Unit Development Setback Standards;
14 modifies Article 13 by deleting definitions for "Elderly Housing", "Housing, Senior", and "Senior Housing", moves the
15 definition for "Building" from Article 13, and amends the definition for Planned Unit Development, thereof to read as
16 follows:

17 ***

18 Article 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS

19 PART 1: GENERAL PROVISIONS AND ZONING PERMITS

20 ***

21 3.1.2 Zoning Permit Required

22 Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development
23 may be commenced within the city without a zoning permit issued by the administrative officer including but not
24 limited to the following types of exterior and interior work:

25 (a - b) As Written

26 (c) Exemptions

27 The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning
28 permit:

29 1. – 10. As Written

30 11. All ~~structures~~ Buildings, as defined in Article 13, of 24 square feet or less and no taller than 15 feet, as long as
31 they are located in compliance with applicable setbacks. This exemption is limited to 1 such structure, or
32 multiple structures in aggregate up to 24 square feet, per property. This exemption does not apply to properties
33 located within the Special Flood Hazard Area.

34 12. – 21. As Written

35 (d) As written

36 ***

37 **Article 3: APPLICATIONS, PERMITS, AND PROJECT REVIEWS**

38 ***

39 **PART 5: CONDITIONAL USE AND MAJOR IMPACT REVIEW**

40 ***

41 **Sec. 3.5.2 Applicability**

42 (a) Conditional Use Review – As Written

43 (b) Major Impact Review

44 Major Impact Review shall be required for the approval of all development involving any one or more of the
45 following:
46

Table 3.5.2-1 Zoning Districts					
	Downtown Mixed Use and Form Districts	Neighborhood Mixed Use, Institutional, Enterprise, Residential Corridor	Residential- Medium Density Intensity, Residential – High Density Intensity	Residential- Low Density Intensity	RCO-A, RCO-C, RCO-RG, UR
Dwelling Units	Creation of fifty (50) or more dwelling units	Creation of twenty-five (25) or more dwelling units	Creation of ten (10) or more dwelling units	Creation of five (5) or more dwelling units	NA
Land Subdivision	NA	NA	Creation of ten (10) or more lots;	Creation of five (5) or more lots	NA
Non-residential or Mixed Use Development	A development footprint ¹ of fifty thousand (50,000) sf or more, or the creation of one hundred thousand (100,000) sf or more of gross floor area.	A development footprint ¹ of twenty thousand (20,000) sf or more, or the creation of forty thousand (40,000) sf or more of gross floor area.	A development footprint ¹ of eight thousand (8,000) sf or more, or the creation of fifteen thousand (15,000) sf or more of gross floor area.	A development footprint ¹ of five thousand (5,000) sf or more, or the creation of ten thousand (10,000) sf or more of gross floor area.	Creation of five thousand (5,000) sf or more of gross floor area ²

¹ Development Footprint: total area of impervious coverage – buildings and parking.

² Farm structures are exempt per 10 VSA 6001.

47 In addition, Major Impact Review shall also be required for multiple projects undertaken by the same applicant or
 48 responsible party within any consecutive twelve (12) month period on the same or adjacent property that in the
 49 aggregate equal or exceed the above criteria.

50 **Sec. 3.5.3 Exemptions**

51 Major Impact Review shall not be required for applications involving one or more of the following:

- 52 (a) Temporary structures that do not otherwise involve a conditional use;
- 53 (b) Rehabilitation that does not expand the floor area of an existing building or the structural capacity of existing
 54 development;
- 55 (c) Projects that do not result in a change of use ~~or increased parking demand;~~
- 56 (d) Subsurface site improvements including but not limited to underground utility lines and subsurface drainage
 57 ways; and,
- 58 (e) Projects where the scope and authority of municipal regulation is limited by statute pursuant to 24 VSA 4413.

59 ***

60 **Article 4: ZONING MAPS AND DISTRICTS**

61 ***

62 **PART 4: BASE ZONING DISTRICT REGULATIONS**

63 ***

64 **Sec. 4.4.2 Neighborhood Mixed Use Districts**

65 (a) Purpose – As Written

66 (b) Dimensional Standards and Density:

67 The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from
 68 property boundary lines, and the limits on lot coverage shall be governed by the following standards:
 69

Table 4.4.2 -1 Dimensional Standards and Density						
Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Minimum Building Setbacks (feet)			Building Height (feet)
			Front ³	Side	Rear	
NAC	2.0 FAR	80% ⁴	0	0 ²	0 ²	Min: 22', 2 stories Max: 35
NMU	2.0 FAR	80%	0 ⁵	0 ²	0 ²	Min: 22', 2 stories Max: 35
NAC-Riverside	2.0 FAR	80%	0	0 ²	0 ²	Min: 22', 2 stories Max: 35
NAC-CR	2.0 FAR	60%	Min. 0 ⁷ Max. 20 ⁷	10 ⁶	20 ⁶	Min: 22', 2 stories Max: 65'
1 – 2. As Written 3. Structures shall be setback a minimum of 12-feet from the curb on a public street. 4. Exceptions to maximum lot coverage are provided in (d)2. 5. Notwithstanding footnote-4.3, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet. 6 – 7. As Written						

70 (c) Permitted and Conditional Uses – As Written

71 (d) District Specific Regulations

72 1. – 2. As Written

73 3. Development Bonuses/Additional Allowances

74 A. Inclusionary Housing – As Written

75 B. ~~Senior Housing~~ **Housing for Older Persons and Individuals with Disabilities**

76 A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the
 77 discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent
 78 (25%) of the total number of onsite units are reserved for projects including exclusively housing for Older
 79 Persons (as defined by the federal Fair Housing Act), housing for Individuals with Disabilities (as defined by
 80 the federal Americans with Disabilities Act), or a mixture exclusively thereof ~~low moderate income senior~~
 81 ~~households as defined by state or federal guidelines~~, including no less than ten percent (10%) reserved for
 82 low income households. The total gross floor area dedicated to ~~the senior housing~~ housing for older persons
 83 and individuals with disabilities shall be equivalent to the gross floor area resulting from the additional
 84 allowance. Increased lot coverage allowance for ~~senior housingsuch projects~~ in these districts shall be the
 85 same as for inclusionary housing (see Sec. 9.1.12)

86
 87 C. Maximum Bonus: --As written

88 ***

89 Sec. 4.4.5 Residential Districts

90 (a) Purpose – As Written

91 (b) Dimensional Standards

92 The intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property
 93 boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts					
District	Min. Lot Frontage ^{2,3,4,5} (linear feet)	Setbacks ^{1,6,7,8,9}			Lot Coverage ^{1,9} 10
		Front	Side	Rear	
Residential Low (RL)	30'	Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max required: 25 ft	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides Max required: 20 ft	20 ft.	45%
Residential Medium (RM)				15 ft.	55%
Residential High (RH)	N/A	Min required: 5 ft Max permitted: 20 ft		15 ft.	80%
Residential Corridor (RC)	N/A	Min required: 5 ft Max permitted: 20 ft	20 ft		80%

1 – 7: As Written
 8. ~~Reserved For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.~~
 9. As Written - An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

94 **Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts**
95 *As written*

96 **(c) Permitted and Conditional Uses – As written**

97 **(d) District Specific Regulations**

98 The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts.
99 They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district
100 standards as provided above.

101 **1. Additional Residential Development Permitted – As written**

102 **2. Exceptions to Dimensional Standards**

103 **A. Encroachment into Side Setback for Residential Driveways – As written**

104 **B. Encroachment into the Waterfront Setback**

105 The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River
106 established under ~~Sec. 4.5.4: Article 4, Table 4.4.5-1, footnotes 7 and 8.~~

107 (i) and (ii) *As written*

108 **C. - D. As written**

109 **3. Exception for Neighborhood Commercial Uses – As written**

110 **4. Miscellaneous Standards**

111 **A. – C. As written**

112 **D. Additional Unit on lot or within Owner-Occupied Single Detached Dwelling**

113 Where an existing Principal Structure in any Residential Zoning District contains only an owner-occupied
114 Single Detached Dwelling, and an applicant proposes to add a single additional dwelling unit within the
115 Principal Structure or within a detached Secondary Structure on the same lot as the owner-occupied home,
116 the application shall be subject to administrative review and approval according to Sec.3.2.7 (a) 13, and
117 exempt from paying impact fees, according to Sec. 3.3.13., except where otherwise required.
118

119 **5. Residential Development Bonuses**

120 The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be
121 approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the
122 DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an
123 exception to the limits otherwise applicable.

124 **A. Housing for Older Persons and Individuals with Disabilities Bonus**

125 Residential development in excess of the limits set forth in Tables 4.4.5-1 and 4.4.5-2 may be permitted by
126 the DRB for projects including exclusively housing for Older Persons (as defined by the federal Fair
127 Housing Act), housing for Individuals with Disabilities (as defined by the federal Americans with
128 Disabilities Act), or a mixture exclusively thereof provided the following conditions are met:

129 (i) – (iii) *As Written*

Table 4.4.5-6: Housing for Older Persons and Individuals with Disabilities Bonus

District	Maximum Lot Coverage	Maximum Development Intensity	Maximum Height
RL	55%	1.5 FAR	4 stories, 50 ft
RM	65%	1.75 FAR	
RH, <u>RC</u>	90%	2.0 FAR	5 stories, 62 ft.

130

B. Residential Conversion Bonus – As written

131

C. Limitations on Residential Development Bonuses:

132

For projects where the conditions of more than one applicable bonus listed above and under Sec. 5.4.8 (e) are met, and where any applicable development allowances per Article 9 are utilized, the applicant may use the most permissive exemption to the underlying lot coverage or residential intensities applicable.

133

134

135

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum development intensity, lot coverage, and building height permitted in any district as defined below:

136

137

Table 4.4.5-7: Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum FAR*	Maximum Height	Maximum Lot Coverage*
RL	1.5 FAR	50-feet	55%
RM	1.75 FAR	50-feet	65%
<u>RH, RC</u>	2.0 FAR	62-feet	90%

*- or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

138

(c) Effective Date – As Written

139

140

Article 4: ZONING MAPS AND DISTRICTS

141

142

PART 5: OVERLAY ZONING DISTRICT REGULATIONS

143

144

Sec. 4.5.6 South End Innovation District Overlay

145

146

147

(a) – (b) – As written

148

(c) District Specific Regulations

149

Table 4.5.6-1 SEID Dimensional Standards & Density As written

150

1. Dimensional Standards & Density – As Written

151

152

153

Table 4.5.6-2: Frontage and Activation Standards

Frontage Type	Min lot frontage occupied by buildings ^{1,2}	Percent of ground floor building frontage containing non-residential uses ¹	Ground floor level entries required
Primary	80% min	80% min	Every 60' min
Secondary	70% min	20% min or 500 sq. ft. whichever is greater	<u>N/A</u>

1. Measured linearly.
 2. A courtyard on a building façade adjacent to a street or Public Path, with minimum dimensions 12 feet minimum and 35 feet maximum, shall be counted in the calculation of frontage to satisfy this requirement.

154

2. Frontage and Ground Floor Activation Standards

155

A – B. – *As Written*

156

C. Ground ~~Floor~~ Level Entries: At least one ground ~~level floor public~~ entry into a building or interior courtyard or open space, not including service doors, is required each 60' linear feet along a Primary frontage of each building façade fronting on a Street, Public Path or open space on the same lot.

157

158

159

160

3. – 4. As written

161

162

Article 5: CITYWIDE GENERAL REGULATIONS

163

164

PART 3: NON-CONFORMITIES

165

166

Sec. 5.3.5 Nonconforming Structures

167

(a) Changes and Modifications

168

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

169

170

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

171

172

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

173

174

Within the residential districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear

175

- 176 yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback
- 177 than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:
- 178 i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and
- 179 intensity of development);
- 180 ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected
- 181 by maintaining the existing setbacks; and,
- 182 iii) Be compatible with the character and scale of surrounding structures.

183 Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

184 ~~Within all districts, and subject to the Development Review Board approval, structures for the purpose of~~

185 ~~creating an ADU may be constructed on lots with legally non-conforming lot coverage per Sec.5.2.3 (b) 10.~~

186 2. – 3. *As written*

187 (b) *As written* ***

189 **Article 6: DEVELOPMENT REVIEW STANDARDS**

192 ***

193 **PART 2: SITE PLAN DESIGN STANDARDS**

194 ***

195 **Sec. 6.2.2 Review Standards**

196 (a) – (l) *As written*

197 **(m) Landscaping, Fences, and Retaining Walls**

198 Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the

199 uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter

200 windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and

201 creating privacy for and from adjacent property.

202

203 Existing trees shall be retained and incorporated into a landscape plan to the extent possible, and existing trees to

204 be retained shall be protected during construction in accordance with specifications provided by the city arborist.

205 Contiguous green space, both within the site and with adjacent properties, should be provided on a site whenever

206 possible and be designed to provide wildlife travel corridors and habitat preservation, as well as enabling

207 recreational access. If open space is intended to be publicly accessible, it shall be designed to maximize

208 accessibility for all individuals including the disabled, encourage social interaction, and facilitate ease of

209 maintenance. Along the street edge, landscaping shall be used to provide a visual buffer into parking areas from

210 the public street and reinforce the streetscape.

211

212 The selection of plant materials and planting sites should create a sustainable landscape, and consideration shall be

213 given to factors such as hardiness, salt tolerance, disease resistance, invasiveness, root and canopy spread,

214 underground and overhead utilities, soil conditions, and microclimates. The use of native plant materials is

215 encouraged, and the use of plants considered invasive by VT Agency of Agriculture shall be prohibited. For more

216 information on sustainable landscapes, applicants are encouraged to consult Planting Sustainable Landscapes: A

217 Guide for Plan Reviewers prepared for the Vermont Department of Forests Parks and Recreation by the Vermont

218 Chapter of the American Society of Landscape Architects.

219

New or replacement street trees shall be provided consistent with the city’s Street Tree Master Plan. All proposed street trees shall be selected and planted in accordance with specifications provided by the city arborist.

222

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle shall adhere to the standards of Sec. 5.2.6 (ed). Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

228

Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

233

(n) – (o) As written

235

236

Article 7: SIGNS

237

PART 1: GENERAL PROVISIONS

238

Sec. 7.1.1 Authority and Intent

239

These regulations are enacted under the provisions of 24 V.S.A. Section 4411 with the intent to ensure that all Signs and advertising features:

241

(a) – I. As written

Any sign or advertising feature not expressly permitted by this ordinance shall be prohibited.

243

244

Sec. 7.1.3 Exemptions

245

Repainting, refacing, repair, or change of lettering, logo, or colors using the same materials within an existing permitted Sign frame shall be exempt from the requirements of this Article and allowed without the requirement to obtain a new zoning permit.

247

248

The following types of Signs are permitted in all parts of the city, and shall also be exempt from the requirements of this Article and the necessity to obtain a permit:

249

250

(a) – (g) As written

251

(h) *Historic Marker*: A non-illuminated sign, either a Wall Sign sixteen square feet or less in size or a Freestanding Yard sign of 14 square feet or less and 12 feet tall or less, commemorating the historic significance of a building or site.

252

(i) – (j) As written

253
254
255
256

Article 9: INCLUSIONARY AND REPLACEMENT HOUSING

PART 1: INCLUSIONARY ZONING

257

Sec. 9.1.5 Applicability

258
259
260

This ordinance provision shall apply to any development of five or more residential units in a single structure. Multiple developments or projects by the same applicant or responsible party within any consecutive twelve (12) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.

261

Except as otherwise provided in this ordinance, these regulations shall apply in the instances specified below.

262
263
264

(a) The creation of five (5) or more residential units through new construction and/or substantial rehabilitation of existing structures, including the development of housing units utilizing development provisions other than those specified in Sec 9.1.5 (b).

265
266

(b) Where units are created using the ~~Adaptive Reuse or~~ Residential Conversion criteria pursuant to the provisions of Art 4, Sec 4.4.5, this article shall be applicable when at least ten (10) or more dwelling units are created.

267

(c) – (d) *As written*

268

269

Sec. 9.1.12 Additional Density and Other Development Allowances

270
271

All covered projects shall be entitled to increases in the development allowances of the underlying zoning district in accordance with the provisions of this section.

272
273
274
275

(a) Any covered project shall be entitled by right to an increase in the maximum lot coverage density/intensity, and, where applicable, height allowed for the lot(s) on which the project is located when all required Inclusionary Units are constructed on the same lot, or lots subject to Article 11 Planned Development. Calculations for these entitlements shall be based on the following tables:

Zoning District	Maximum Units/Acre	Maximum FAR	FAR/Height	Maximum Lot Coverage
RH, RC	46	2.0 FAR	5 Stories, 62 ft. 12' height set back 10' along street facade ¹	9290%
RM	25	1.75 FAR	n/a 4 Stories, 50 ft.	4865%
RM-W	25		12' height set back 10' along street facade¹	72%
RL, RL-W	8.75	1.5 FAR	4 Stories, 50 ft. n/a	4455%
FD6, FD5	n/a	0.5 FAR	0.5 FAR	100%
NMU, NAC, NAC-R	n/a	0.5 FAR	0.5 FAR+12' height set back 10' along street facade	92%
NAC-CR	n/a	0.5 FAR	0.5 FAR+12' height set back 10' along street facade	72%
E-LM-SEID	n/a	0.25 FAR	0.25 FAR	n/a

¹ In the ~~RH and RM-W Neighborhood Mixed Use residential~~ zones an additional 12 feet of building height shall be allowed by right only for an additional 5% of inclusionary housing units provided in excess of the minimum requirements of Sec. 9.1.8.

276 (b) – (d) As written

277

278 **Article 9: INCLUSIONARY AND REPLACEMENT HOUSING**

279

280 **PART 2: HOUSING PRESERVATION AND REPLACEMENT/DEMOLITION AND CONVERSION**

281

282 **Sec. 9.2.10 Exemptions**

283 This article shall not be applicable to:

284

(a) – (b) As written

285

(c) The demolition, loss, or conversion to a nonresidential use of a single attached or detached housing unit or duplex that is occupied by the owner as his or her primary residence for the twelve-(12) month period preceding the date of application for ~~conditional use~~-approval. Nor shall this section be applicable in its replacement requirement to that portion of a multi-unit building of three (3) units or more that is occupied by the owner as his or her primary residence for the thirty-six-(36) month period preceding the date of application for ~~conditional use~~-approval. Any exemption allowed under this provision shall be void if the owner sells any of the applicable units within twenty-four (24) months of the date of ~~conditional use~~-approval; and,

292

(d) As written

293

294

295 **Article 11: PLANNED DEVELOPMENT**

296 **Part 1: PLANNED UNIT DEVELOPMENT**

297 ***

298 **Sec. 11.1.5 Residential District Planned Unit Developments.**

299 **(a) Dimensional Standards**

300 Unless otherwise stated, Planned Unit Development standards are required to follow the underlying district
301 dimensional standards.

- 302 1. A Planned Unit Development with Project Size of less than 0.5 acres and consisting of a Pocket Neighborhood or
303 Rowhouse project, shall be allowed, subject to underlying standards in Sec. 4.4.5(d)1.
- 304 2. A Planned Unit Development with Project Size of 0.5 acres or more shall be allowed, subject to the standards
305 established below in Table 11.1.5 -1 and Table 11.1.5-2.

307 **Table 11.1.5-1 Residential District Planned Unit Development Intensity Standards – As written**

308
309 The Development Review Board may exempt Planned Unit Developments existing as of January 1, 2024 from any standard in
310 Table 11.1.35-2.

311
312 **Table 11.1.5-2 Residential District Planned Unit Development Setback Standards**

District	Setback				Front Internal ROW ³	Rowhouse Party Wall Boundary (Lot or Building)
	Project Periphery					
	Rear ¹	Front ²	Side			
RL	20 ft.	Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max Required: 20'	Min: 10% of lot width or avg. of side setback of two adjacent lots on both sides, whichever is less Max Required: 20' Min Required: 0 ft.	0' Min 20' Max	0 ft.	
RM	15 ft.					
RH						
RC		Min Required: 5' Max Required: 20'				

- 313 1. Buildings with a footprint greater than 5,000 sq. ft. must be set back at least 50 feet from any adjacent Lot not within the PUD
314 and located in an RL or RM district. However, this footnote shall not apply to the Residential - Special Uses specified in
315 footnote 6 of Table 4.4.5-2.
- 316 2. Buildings fully contained in the RL and RM districts with a footprint greater than 5,000 sq. ft. must have a front project
317 periphery setback of at least 50 feet. This footnote does not apply to any building that partially occupies any portion of a lot
318 zoned RC, nor does it apply to Residential – Special Uses specified in footnote 6 of Table 4.4.5-2.
- 319 3. Front setbacks shall be measured from the edge of the Right-of-Way that is fully internal to the project, to which the building
320 draws its frontage. Buildings must be at least 10' from the curb or edge of a public Right-of-Way if no curb exists, except
321 where the ROW is a Public Path, in which case the building must be at least 5' from the edge of the Public Path.

322 ***

323 **Article 13: DEFINITIONS**

324 ***

325 **Sec. 13.1.2 Definitions.**

326 For the purpose of this ordinance certain terms and words are herein defined as follows:

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Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

Building: Not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property.

~~**Elderly Housing:** See Housing, Senior.~~

~~**Housing, Senior:** Housing that is designed for, and is occupied primarily by, those persons fifty five (55) years of age or older.~~

~~**Planned Unit Development:** A development plan for one or more lots, tracts, or parcels to be developed as a single, integrated entity. See Article 11 for specific provisions. One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards, pursuant to the authority and limitations set forth in the comprehensive master plan and 24 V.S.A. §4417 as amended.~~

~~**Senior Housing:** See Housing, Senior~~

Article 14 PlanBTV Downtown Code
Section 14.8: Glossary

This Section provides definitions for certain terms found in this Article 14. Additional definitions are to be found in Article 13 of the BCDO.

The following terms, as used in this Article 14, shall have the following meanings:

~~**Building:** not synonymous with Structure; man-made construction completely enclosed by a roof, window, doors and solid exterior walls, and designed, built, or occupied as a shelter of enclosure for persons, animals, or property. See definition for "Building" in Article 13.~~

* Material stricken out deleted.

** Material underlined added.

370 Planning/KS/ Ordinances 2026/ZA-26-01 Technical Corrections and Minor Revisions
371 CDO Sections 3.1.2 (c), Table 3.5.2-1, 3.5.3 (c), Table 4.4.2-1, 4.4.2 (d) 3. B, Table 4.4.5-1, 4.4.5. (d) 2. B, 4.4.5. (d) 4. D, 4.4.5-6, 4.4.5-7, Table
372 4.5.6-2, 4.5.5 (c) 2. C, 3.5.3. A. 1, 5.3.5 (a), 6.2.2 (m), 7.1.1, 7.1.3 (h), 9.1.5 (b), 9.1.12, 9.2.10 (c), Article 11, Table 11.1.5-2, Article 13
373 CC 1st read 11/24/25

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

UNLAWFUL ENTRY INTO A MOTOR VEHICLE

ORDINANCE 6.6
Sponsor: Traverse
Public Hearing Dates:
First reading: 11/17/25
Referred to: Ordinance Committee
Rules suspended and placed in all stages of passage:
Second reading:
Action:
Date:
Signed by Mayor:
Published:
Effective:

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That WHEREAS, in recent years, there has been a significant increase in the number of reported incidents
2 of individuals entering residents' vehicles without their permission, oftentimes during late night or early
3 morning hours; and

4 WHEREAS, in response to the increased frequency of these incidents, the Vermont General
5 Assembly took statewide action in 2024 to update 13 V.S.A. § 3705 on "Unlawful Trespass" to provide that:

6 A person who enters the motor vehicle of another and knows that the person
7 does not have legal authority or the consent of the person in lawful possession
8 of the motor vehicle to do so shall be imprisoned not more than three months
9 or fined not more than \$500.00, or both. For a second or subsequent offense, a
10 person who violates this subsection shall be imprisoned not more than one year
11 or fined not more than \$500.00, or both. Notice against trespass shall not be
12 required under this subsection.

13 AND, WHEREAS, the provisions in the Burlington Code of Ordinances on Unlawful Trespass,
14 Section 21-45, have not been similarly updated to include acts of unlawfully entering a motor vehicle; and

15 WHEREAS, on August 25, 2025, the City Council enacted a proposed ordinance from the Mayor's
16 Office to establish the "City Circle," a restorative justice program through the Community Justice Center to
17 address criminal and civil ordinance violations, including, but not limited to violations of Section 21-45 on
18 Unlawful Trespass; and

19 WHEREAS, while incidents of unlawfully entering a motor vehicle often happen overnight, many
20 residents have installed home camera systems, which may assist law enforcement officers in readily
21 identifying offenders; and

22 WHEREAS, while the economic damage associated with unlawfully entering a motor vehicle is often
23 limited, the unauthorized entry constitutes a significant violation of personal security and privacy that is
24 particularly well-suited for restorative justice practices aimed at repairing harm and facilitating dialogue;

25 NOW, THEREFORE, BE IT RESOLVED that the Burlington Code of Ordinances Section 21-45 on
26 Unlawful Trespass be amended as follows:

27 21-45 Unlawful trespass.

28
29 (a) It shall be unlawful for a person who, without legal authority or the consent of the person in
30 lawful possession, enters or remains on any land or in any place as to which notice against trespass is
31 given
32 by:

33
34 (ia) Actual communication by the person in lawful possession or their agent or by a law
35 enforcement officer, community service officer, community support liaison, urban park
36 ranger, parks patrol, the city's contracted private security, or any other city official authorized
37 to enforce the city's ordinances, acting on behalf of such person or their agent pursuant to
38 protocols and/or directives established by the police department; or

39
40 (iib) Signs or placards so designed and situated as to give reasonable notice.

41
42 (b) It shall also be unlawful for a person to enter the motor vehicle of another and know that the
43 person does not have the legal authority or the consent of the person in lawful possession of the
44 motor vehicle. Notice of trespass shall not be required under this subsection.

45
46 (c) A violation of this section shall be a civil matter and enforced in accordance with the provisions
47 of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than five hundred
48 dollars (\$500.00) may be imposed for a violation of this section. The civil penalty may, at the
49 discretion of the prosecuting official, be eliminated or reduced upon the successful completion of a
50 restorative or reparative justice program through the community justice program. In lieu of further
51 process and prosecution, persons ticketed for violations of this section may pay a waiver penalty
52 under the schedule set out below:

53 Waiver Penalty:

54 First offense: The waiver penalty shall be two hundred fifty dollars (\$250.00).

55
56 Second offense, within a six-month period: The waiver penalty shall be three hundred dollars
57 (\$300.00).

58
59 Third offense or more, within a twelve-month period: The waiver penalty shall be four
60 hundred dollars (\$400.00).

61
62 Each time that the violation occurs will constitute a separate violation of this section. Any law
63 enforcement officer, community service officer, community support liaison, urban park rangers,
64 parks patrol, or any other city official authorized to enforce the city's ordinances, can enforce this
65 section.
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67

68 AND BE IT FURTHER RESOLVED that by amending the Burlington Code of Ordinances as set
69 forth herein, it is the City Council’s intention that unlawfully entering a motor vehicle be among those
70 offenses the City Circle initiative may address pursuant to the provisions of Burlington Code of Ordinances
71 Section 1-10 on “Prosecution and city circle.”

72

73 *BT/Ordinances 2025/Unlawful Entry Into a Motor Vehicle*

74 11/13/25

CITY OF BURLINGTON

ORDINANCE _____
Sponsor: *Councilors Traverse*
Public Hearing Dates: _____

First reading: _____
Referred to: _____
Rules suspended and placed in all

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

stages of passage:

UNLAWFUL ENTRY INTO A MOTOR VEHICLE

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 21, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of
2 Burlington be and hereby is amended by amending Article 1, In General; Section 21-45, Unlawful trespass;
3 as follows:

4

5 **21-45 Unlawful trespass.**

6 (a) It shall be unlawful for a person who, without legal authority or the consent of the person in lawful
7 possession, enters or remains on any land or in any place as to which notice against trespass is given by:

8 (ai) Actual communication by the person in lawful possession or their agent or by a law enforcement
9 officer, community service officer, community support liaison, urban park ranger, parks patrol, the
10 city’s contracted private security, or any other city official authorized to enforce the city’s ordinances,
11 acting on behalf of such person or their agent pursuant to protocols and/or directives established by the
12 police department; or

13 (bii) Signs or placards so designed and situated as to give reasonable notice.

14 (b) It shall also be unlawful for a person to enter the motor vehicle of another and know that the person does
15 not have the legal authority or the consent of the person in lawful possession of the motor vehicle. Notice of
16 trespass shall not be required under this subsection.

17

18 (c) A violation of this section shall be a civil matter and enforced in accordance with the provisions
19 of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than five hundred dollars
20 (\$500.00) may be imposed for a violation of this section. The civil penalty may, at the discretion of the
21 prosecuting official, be eliminated or reduced upon the successful completion of a restorative or reparative
22 justice program through the community justice program. In lieu of further process and prosecution, persons
23 ticketed for violations of this section may pay a waiver penalty under the schedule set out below:

24 Waiver Penalty:

25 First offense: The waiver penalty shall be two hundred fifty dollars (\$250.00).

26 Second offense, within a six-month period: The waiver penalty shall be three hundred dollars (\$300.00).

27 Third offense or more, within a twelve-month period: The waiver penalty shall be four hundred dollars
28 (\$400.00).

29 Each time that the violation occurs will constitute a separate violation of this section. Any law enforcement
30 officer, community service officer, community support liaison, urban park rangers, parks patrol, or any other
31 city official authorized to enforce the city's ordinances, can enforce this section.

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33 * Material stricken out deleted.

34 ** Material underlined added.

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36 Ordinances 2025/Unlawful Entry into a Motor Vehicle/BCO Ch. 21, Article 1

37 Sec. 21-45

38 12/5/2025

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