

Burlington Planning Commission

Tuesday, December 9, 2025, 6:30 PM

Remote & Virtual Meeting via Zoom

In person option available:

Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church St.

To Join the Meeting on a Computer

Link: <https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09>

Passcode: 658929

To Join the Meeting on a Phone

Number: +1 646 931 3860 US Meeting ID: 979 4188 3790

1. Agenda

2. Public Forum

3. Chair's Report

4. Director's Report

5. Open Space Plan Review

Subject	5.1. Staff to present changes made to the Open Space Plan following the Commission's Public Hearing on November 13th. Commissioners have the opportunity to approve the language in advance of the City Council Public Hearing on December 15th. Click Here to view the modified Open Space Plan.
Meeting	December 9, 2025 - Planning Commission Agenda - Tuesday, December 9, 2025, 6:30 PM, Burlington Planning Commission
Category	5. Open Space Plan Review
Department	Planning
Type	
Recommended Action	

6. ZA-26-02: Downtown Fences

Subject	6.1. Staff to present the amendment as modified by the Planning Commission Ordinance Committee. Commission to discuss with the opportunity to refer the zoning amendment to City Council.
Meeting	December 9, 2025 - Planning Commission Agenda - Tuesday, December 9, 2025, 6:30 PM, Burlington Planning Commission

Category	6. ZA-26-02: Downtown Fences
Department	Planning
Type	
Recommended Action	

7. ZA-26-03: Boat Storage in the Urban Reserve

Subject	7.1. Staff to present ZA-26-03 to the Planning Commission for discussion.
Meeting	December 9, 2025 - Planning Commission Agenda - Tuesday, December 9, 2025, 6:30 PM, Burlington Planning Commission
Category	7. ZA-26-03: Boat Storage in the Urban Reserve
Department	Planning
Type	
Recommended Action	

8. Commissioner Items

9. Adopt Minutes & Accept Communications

Subject	9.1. Commissioners to adopt minutes and accept any communications.
Meeting	December 9, 2025 - Planning Commission Agenda - Tuesday, December 9, 2025, 6:30 PM, Burlington Planning Commission
Category	9. Adopt Minutes & Accept Communications
Department	Planning
Type	

10. Adjournment

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Office of City Planning,
Planning Commission

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ZA-26-02 planBTV Downtown Code Fences

First reading: _____

Referred to: _____

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:

That Appendix A-Burlington Comprehensive Development Ordinance of the Code of Ordinances of the City of Burlington be and hereby amends Article 14, Sec. 14.6.8 to increase the height of see-through fences permitted in the First Lot Layer.

Article 14 PlanBTV Downtown Code

Section 6: Applicable in All Form Districts

Section 14.6.8 – Site and Landscape Standards

a) Purpose and Applicability – *As Written*

b) Site Standards

i – iv. *As Written*

v. Fences and Free-standing Walls:

A. Fences and Free-standing Walls placed within the First Lot Layer shall not exceed 4-feet in height, except for see-through fences which shall not exceed 6 feet in height. Fences and Free-standing Walls placed within the Second or Third Lot Layer shall not exceed 8-feet in height unless a different height limit is specified under the applicable Form District or Frontage Type.

B. Materials used for Fences and Free-standing Walls shall be limited to Brick and tile masonry; Native or sintered stone; Wood – panels, clapboard or shingles; Cementitious siding, metal, and woven or braided cable wire. Chain-link and welded-wire fencing shall not be used along any Frontage Line with the exception of the temporary enclosure of a construction site, alleyways or loading docks, or where required by the Building Official to protect public safety. Barbed or razor wire shall not be used in any application. Alternate materials may be approved by the Administrative Officer after seeking input from the Design Advisory Board. Alternate materials must be considered equivalent or better than the materials listed above, and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.

C. All fences and free-standing walls shall be installed so that a finished side faces outward towards the adjacent property or public Frontage.

* Material stricken out deleted.

** Material underlined added.

TO: Burlington Planning Commission
FROM: Sarah Morgan, AICP, Principal Planner
Charles Dillard, AICP, Director of City Planning
DATE: November 25, 2025
RE: Proposed ZA-26-02 planBTV Downtown Code Fence Height

This memo is intended to provide an overview about the proposed changes included in ZA-26-02.

1. Overview & Background

Downtown business owners, their employees, and service providers are facing ongoing challenges related to substance use, hygiene, and safety, particularly in alleys, entryways, and service areas. Due to the rigidity of the planBTV Downtown Code, the Development Review Board has requested a zoning amendment that provides more allowance for taller fences in Burlington's downtown districts.

Currently, Article 14 of the Comprehensive Development Ordinance does not allow for Fences and Free-standing Walls to exceed 4 feet in height when placed in the First Lot Layer. The proposed amendment to Article 14 would create an administrative approval pathway for fences up to 6 feet in height, provided they are transparent.

Staff presented ZA-26-02: Downtown Fences to the Planning Commission during its meeting on October 14th. The Commissioners discussed the complexities surrounding this amendment, including the desire to make sure that Burlington's downtown remain welcoming while also providing more flexibility in the height and materials of fences. As originally presented to the Planning Commission, this amendment made no changes to requirements related to the material of fences, and while it would allow for taller fences, chain-link fences were still not permitted along the frontage line of a property. Ultimately, Commissioners referred to the Planning Commission Ordinance Committee (PCOC) for further discussion.

2. Summary of 11/24 Planning Commission Ordinance Committee Discussion

The PCOC met on November 24th to discuss this amendment and were in agreement that it should take a balanced approach. Committee members share the goal of supporting downtown businesses and also want to prevent this amendment from negatively impacting the City's broader goal of maintaining a welcoming downtown.

During Public Forum, members of the downtown business community spoke in support of the amendment and also requested that the amendment be expanded to allow chain-link fences in certain cases. Committee members acknowledged the benefits of allowing chain-link fencing but expressed concerns about impacting the downtown experience if allowed within or along the First Lot Layer. Ultimately, the Committee agreed that chain-link fences should be permitted only when used to enclose alleyways or loading docks, and that those fences may be up to 6 feet in height.

Committee members did not reach consensus on whether 6-foot fences should be allowed elsewhere in the First Lot Layer, or whether the 4-foot limit should remain in place except in the case of enclosing alleyways or loading docks.

The Committee voted to refer the revised amendment back to the Planning Commission, with the condition that the staff memo reflect that there was and should be additional discussion among the Commission on whether the height increase from 4 to 6 feet should apply more broadly within the First Lot Layer or remain limited to alleyways and loading docks.

4. Proposed Amendment: ZA-26-02

a) Amendment Type

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

The proposed change in ZA-26-02 aims to address challenges related to fence height in Downtown districts.

c) Proposed Amendment

1. Amendments to Article 14: PlanBTV Downtown Code Fences

- Amends Sec. 14.6.8 (b) v. A. Fences and Free-Standing Walls to create an administrative approval pathway allowing for fences to be up to 6 feet in height, as long as they are transparent.
- Amends Sec. 14.6.8 (b) v. B. to allow for chain-link and welded-wire fencing to be used in alleyways or loading docks.

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 aligns with the land use and density policies outlined in planBTV. Its purpose is to support both existing and future businesses in downtown as the city adapts to challenges related to public health and safety. This change reflects the intent of the "Dynamic" theme, which prioritizes purposeful and economically viable solutions that enable the city to meet current needs and address future challenges.

Impact on Safe & Affordable Housing

This amendment has no direct impact on safe and affordable housing.

Planned Community Facilities

This amendment has no direct impact on planned community facilities.

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: 10/14/25, 11/24/25*	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council	
City Council Process					
First Read & Referral to Ordinance Committee	Ordinance Committee discussion	Ordinance Committee recommend	Second Read	Public Hearing	Council Approval & Adoption

*Discussed by the Planning Commission Ordinance Committee

Burlington Planning Commission

149 Church Street
Burlington, VT 05401

www.burlingtonvt.gov/cityplanning

Andy Montroll, Chair
Alex Friend, Vice Chair
Erhard Mahnke
Ryan Nick
Michael Gaughan
Erin Malone
Julia Randall

Burlington Planning Commission

Tuesday October 14, 2025, 6:30 P.M.

Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room

Draft Minutes

Commissioners Present:

☒ Andy Montroll
☒ Erhard Mahnke
☐ Ryan Nick
☒ Alexander Friend
☒ Michael Gaughan
☒ Erin Malone
☒ Julia Randall

City Staff Present:

☒ Charles Dillard, Director
☒ Sarah Morgan, Principal Planner
☒ Scott Gustin, Principal Planner

Public Attendance: Sharon Bushor, Cathy Carlisle, Ali Brown, Liisa Reimann, Rudy Spannaus, Kimberly Yousey-Hindes, Shannon Osborne, Owen Milne, Jeff Nick

1. Agenda

Call to Order: 6:30pm

Changes to Agenda: N/A

2. Public Forum

<u>Name(s)</u>	<u>Comment</u>
Supporters of Community Sailing Center	Owen Milne provided an update related to the Community Sailing Center's proposed expansion. Cathy Carlisle, Ali Brown, Liisa Reimann, Rudy Spannaus, Kimberly Yousey-Hindes, and Shannon Osborne spoke in support of the sailing center, specifically the dragon boat club that relies on the CSC for storage and lake access. Club members and supporters, including residents and non-residents, spoke about the economic and community benefits of the club's activities, highlighting their role in bringing people to downtown Burlington and promoting water sports for people of all ages and abilities. The group expressed support for the expansion, which would allow the club to continue operating, and emphasized the importance of maintaining access to the lake for all residents and visitors.
Jeff Nick	Spoke about the potential sale and reuse of the former Gardener Supply property, located in the Intervale. J. Nick explained the challenges of selling the property due to its remote location and limited services. He suggested the consideration of a mini-storage facility as a potential use for the building, which is not allowed in the agricultural enterprise zone but could be allowed in the adjacent enterprise flight manufacturing zone. Raised ideas for other possible uses for the property, including housing for state employees and a social services hub modeled after a successful facility in Reno, Nevada.
Sharon Bushor	Sharon discussed two main topics: a \$30,000 grant request for Plan BTV 2050 and the need for a clear definition of "see-through" or transparent fences in the zoning ordinance. She inquired about the specifics of the grant application and how the funds would be used, suggesting that the Planning Commission should be informed. Sharon also emphasized the importance of a user-friendly zoning ordinance, referencing past planning directors who focused on detailed and accessible regulations.

3. Chair's Report

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

A. Montroll did not give a Chair's Report.

4. Director's Report

- **Update on Act 181:** The City Council has expressed support for applying for Tier 1B status for eligible areas in Burlington, with plans to apply for Tier 1A in July when the Chittenden County Regional Planning Commission completes their regional plan. There are concerns about staff capacity to manage existing Act 250 conditions if Burlington applies for Tier 1A status, but the potential benefits to housing production are significant. The City is also following developments with the CHIP guidelines for housing infrastructure projects, which are expected to be finalized by July 2024, allowing applications to be submitted starting January 1st.

5. VT ACCD Municipal Planning Grant

Staff seeks approval from Planning Commission to apply for VT ACCD Municipal Planning Grant.

Summary of discussion:

planBTV 2050 Update: Staff has reviewed six high-quality submittals for the planBTV 2050 RFQ, with interviews scheduled in the coming weeks and a contract expected by November. Public engagement for the plan update has begun with visioning workshops scheduled across different neighborhoods, with the first round of workshops taking place in early November.

Commission Action: Commission voted to approve the MPG application. Motion made by A. Friend, seconded by E. Malone.

6. Proposed CDO Amendment ZA-26-02 Downtown Fences

Planning Commission continued discussion about Downtown Fences, and how to best address concerns about height restrictions and public health and safety.

Summary of discussion:

- The amendment proposes to allow fences up to 6 feet in height within the first lot layer, provided they are transparent. The amendment would create an administrative approval pathway, with an additional 20% height allowance through alternative compliance. The commission discussed the possibility of defining transparency for see-through fences, with a suggestion to set a minimum 50% air surface area requirement, though there are benefits to keeping it without a definition. They also considered but ultimately decided against including language about public safety standards for higher fences, opting for a simpler, cleaner change that would allow for heights up to approximately 7.5 feet through administrative approval and alternative compliance.
- Staff clarified that chain link fences can be placed in the second lot layer, but not in the first layer except for public safety reasons.
- Discussed the temporary nature of construction site fences, which must be removed once the building permit expires or a public safety issue is resolved. J. Randall raised concerns about the potential for large fences in downtown areas, questioning the intended purpose of such restrictions and their impact on building access and visibility.
- The discussion raised questions about whether 6-foot fences are the best solution and whether there might be alternative approaches to address these problems

Commission Action: The Planning Commission referred this amendment to the Planning Commission Ordinance Committee for further discussion.

7. Commissioner Items

8. Commission Accepted Minutes and Communications

Motion to accept by A. Friend, Seconded by E. Malone

9. Adjournment

Commission Action: Motion to adjourn the meeting at 8:10pm made by M. Gaughan, seconded by E. Mahnke. Vote was unanimous.