



**Friday, March 6, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR  
REMOTELY via ZOOM**

**When: Mar 6, 2026 02:00 PM Eastern Time (US and Canada)**  
**Topic: Ordinance Committee Meeting Agenda**

**Join from PC, Mac, iPad, or Android:**

<https://zoom.us/j/97805104302?pwd=sAjHMxNT1WYSi6pFI0DBVkeXbDxaN.1>

**Passcode:354721**

**Phone one-tap:**

**+13017158592,,97805104302#,,,,\*354721# US (Washington DC)**

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**Join via audio:**

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**+1 929 205 6099 US (New York)**

**+1 669 444 9171 US**

**+1 669 900 6833 US (San Jose)**

**+1 689 278 1000 US**

**+1 719 359 4580 US**

**+1 253 205 0468 US**

**+1 253 215 8782 US (Tacoma)**

**+1 346 248 7799 US (Houston)**

**+1 360 209 5623 US**

**+1 386 347 5053 US**

**+1 507 473 4847 US**

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**Webinar ID: 978 0510 4302**

**Passcode: 354721**

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

## **1. Agenda**

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### **1.1. Motion to amend/adopt agenda**

## **2. Adopt Draft Minutes**

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**Subject**

**2.1. Adopt Draft Minutes from 2/19**

Meeting

March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 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

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<b>Subject</b>	<b>3.1. Verbal Comments</b>
Meeting	March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Public Forum
Department	Council and Board
Type	

### 4. CDO - Transportation Demand Management (TDM) as it relates to Inclusionary Zoning (IZ)

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<b>Subject</b>	<b>4.1. CDO - ZA-26-03 Transportation Demand Management (TDM) as it relates to Inclusionary Zoning (IZ)</b>
Meeting	March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. CDO - Transportation Demand Management (TDM) as it relates to Inclusionary Zoning (IZ)
Department	Council and Board
Type	
Recommended Action	

### 5. CDO - ZA-26-02 PlanBTV Downtown Code Fences

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<b>Subject</b>	<b>5.1. CDO - ZA-26-02 PlanBTV Downtown Code Fences</b>
Meeting	March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. CDO - ZA-26-02 PlanBTV Downtown Code Fences
Department	Council and Board
Type	
Recommended Action	

### 6. Fuel Purchase Ordinance

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<b>Subject</b>	<b>6.1. Fuel Purchase Ordinance</b>
Meeting	March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	6. Fuel Purchase Ordinance
Department	Council and Board
Type	

Recommended Action

## **7. Private Parking Lot Terms and Rates Ordinance**

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**Subject**                      **7.1. Private Parking Lot Terms and Rates Ordinance**

Meeting                      March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 2:00 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category                      7. Private Parking Lot Terms and Rates Ordinance

Department                      Council and Board

Type

Recommended Action

## **8. Any Other Committee Business**

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**Subject**                      **8.1. Any Other Committee Business**

Meeting                      March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 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**

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**Subject**                      **9.1. Motion to adjourn**

Meeting                      March 6, 2026 - Ordinance Committee Meeting Agenda - Friday, March 6, 2026, 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**  
**Thursday, February 19, 2026**  
**Bushor Conference Room Conference Room**  
**or Remote via Zoom. Burlington, Vermont**  
**DRAFT MINUTES**

**Members Present:** Councilor Bergman (Chair), Councilor Carpenter, Councilor Barlow, Councilor Kane (Arrived 5:05 PM)

**Staff Present:** Kim Sturtevant (Assistant City Attorney), Bill Ward (Director of DPI)

**Public Present:** Sharon Bushor, Alicia Estey, Wendy Koenig, Amanda Clayton, James Dobson, Nic Anderson, Alve Yanowitz, Ben Robke

Meeting called to order at 4:30 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 January 15, 2026**

*Motion to adopt the draft minutes as revised.*

*Motion by Councilor Barlow, Seconded by Councilor Carpenter.*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

**2.2 Adopt Draft Minutes from February 6, 2026**

*Motion to adopt the draft minutes as drafted.*

*Motion by Councilor Barlow, Seconded by Councilor Carpenter.*

*Final Resolution: Motion Passes*

*Yes: Unanimous*

**3. Public Forum**

Sharon Bushor: It would be useful to know the volume of issues and the timeline for how long different issues take to resolve. I did see that Champlain inspects all of their housing units each year but I didn't see what proportion UVM inspects per year. I wonder if the State would have any role in the inspection of institutional housing.

## **4. University Exemption for Periodic Minimum Housing Inspection Ordinance Discussion**

### **4.1 Update from Champlain College Administration**

*Nic Anderson (Champlain College) spoke about Champlain College's maintenance protocol. More information from Champlain College is available in the agenda packet on CivicClerk.*

Councilors Bergman and Barlow both wanted more information about the volume of requests and the data on how long requests go before being resolved.

*Councilor Kane arrived at 5:05 PM.*

### **4.2 Update from UVM Administration**

*Wendy Koenig, Alicia Estey, and Amanda Clayton (UVM) spoke about UVM's maintenance and inspection protocols. More information from UVM is available in the agenda packet on CivicClerk.*

### **4.3 Update from UVM Student Tenants' Union**

*Members of the UVM Student Tenants' Union shared their updates and responded to the updates from the UVM administration.*

Alve Yanowitz (UVM Student Tenants' Union): I believe that the City should inspect dormitories like any other housing units to ensure compliance as the university's current practices are not sufficient.

Councilor Bergman said that improving the maintenance reporting system is in both parties' interests and should be prioritized so there is reliable data.

### **4.4 Update from the City of Burlington**

Bill Ward (Director of DPI) said he intends to have draft language for review at the next meeting on this issue. He said that he has ideas about how to facilitate university compliance and to shift the timeframe of inspection compliance toward the summer for ease for both the City and institution.

## **5. Any Other Committee Business**

The next meeting is scheduled for March 6<sup>th</sup> at 2:00 PM. The next meeting on the institutional exemption ordinance is scheduled for March 19<sup>th</sup>.

## **6. Adjournment**

*Motion to adjourn by Councilor Bergman, without objection.*

The meeting was adjourned at 6:43 PM.

DRAFT



To: Burlington Ordinance Committee

From: Cindy Reid, Cathedral Square  
Michael Monte, Champlain Housing Trust  
Jess Neubelt, Evernorth

CC: Kim Sturtevant, Assistant City Attorney

Re: **Request for minor revision to the Transportation Demand Management Ordinance**

Date: January 29, 2026

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Champlain Housing Trust, Evernorth, and Cathedral Square are requesting a minor revision to the Transportation Demand Management ordinance (last amended in 2023) clarifying that affordable housing buildings need only comply with outreach and education as well as reporting to the City as requested, whether or not they are permitted as part of a PUD. To illustrate an example of this issue, we have recently been asked by the DRB to provide full TDM services to our residents for our properties at Cambrian Rise.

We believe a modification and clarification would be in keeping with the intent of the Ordinance amendment discussions we had with several of you in 2022-2023. This resulted in an exemption for buildings with a significant level of affordability (at least 75% of units that would meet the IZ ordinance definition of "affordable").

As we stated in 2022-2023, the full TDM Ordinance, if applied to affordable housing projects, would be cost prohibitive. At a time when we are experiencing significant increases in insurance, taxes and maintenance costs, and we are providing as many services (SASH®, housing retention, mental health) as we can to address the basic needs of our vulnerable populations, and to prevent evictions, we cannot afford more requirements layered onto our operations.

At Cambrian Rise, the larger CDO's definition of a project does not allow for the affordable housing partial exemption to apply to units that are within a PUD, even if they otherwise meet the criteria for the modified implementation requirements. **We are requesting a minor modification to the definition of affordable housing included within Table 8.1.16-1, to explicitly allow the "Affordable Projects" definition to include buildings within a PUD, including if they are serving as that PUD's IZ units.**

This modification would also ensure that the requirements are not being retroactively applied to buildings - such as CHT's Laurentide and Cathedral Square's Juniper Housing - that were constructed prior to the TDM ordinance's implementation.

This exemption is critical for us in both standalone buildings and buildings in PUDs. Our buildings feature lower levels of car ownership than their market-rate counterparts, and our staff spend enormous portions of their days navigating many layers of regulatory compliance. Waiving the costliest portions of TDM allows us to preserve our federally and locally restricted operating budgets for our key mission -- supporting our communities' highest needs residents — without adding cars to Burlington's taxed road system. In all cases, we would still maintain TDM plans that encompass the Outreach & Education portions of the ordinance.

Thanks for your time and consideration.

*Attachment: Transportation Demand Management Memo to City Council 1.9.2023*



To: Mayor Weinberger and Burlington City Council

From: Cindy Reid, Cathedral Square  
Michael Monte, Champlain Housing Trust  
Jonathan Farrell, COTS  
Jess Neubelt, Evernorth

Re: Expansion of Transportation Demand Management Ordinance

Date: January 9, 2023

As representatives of the City's Designated Housing Agencies, we are writing to support the proposed amendment to the Transportation Demand Management (TDM) ordinance.

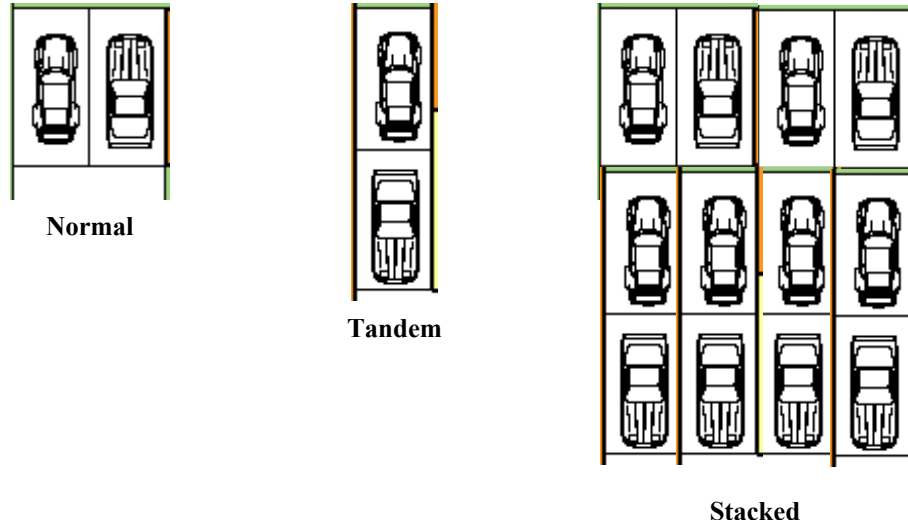
Specifically, we support that the amendment requires affordable housing projects (defined as projects with at least 75% affordable units as defined by IZ criteria or housing rented to residents who receive public subsidy), to comply with only Section 8.1.16 c. 1. (education and outreach for residents) and section 8.1.16 c 4 (reporting to the City upon request). We also support that previously permitted projects with existing TDM plans (e.g., COTS) will be able to seek an administrative amendment to their permit, aligning with the new TDM criteria. Finally, we believe that the shift from mandating TDM strategies to providing a menu of options will save renters and landlords money that could be better spent in more targeted, impactful ways.

We appreciate your hearing our concerns about the prior TDM iteration's potential impacts on affordable housing viability as well as your time spent working with us on this amendment. Our affordable housing communities meet many public goals, and it's critical that we maintain their viability in the process, while housing some of our most vulnerable community members. As developers and operators of affordable communities, we know that these changes will make a real difference in our ability to adequately finance and manage our buildings.

Thank you!

any pair of tandem parking spaces shall not serve more than one dwelling unit . Tandem parking shall also be allowed for dedicated employee-only parking where signed as such.

- (c) Stacked parking shall be allowed for single-family detached dwelling units and Accessory Dwelling Units with no requirement for an attendant to be present.



**Sec. 8.1.15 (Reserved)**

**Sec. 8.1.16 Transportation Demand Management**

- (a) **Purpose:** This section requires the implementation of a Transportation Demand Management (TDM) Program for certain projects for the purpose of advancing the goals of the City’s land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing car ownership;
- Reducing vehicle miles traveled (VMT), single occupant vehicle usage and congestion; and,
- Increasing transit use and non-motorized travel;

- (b) **Applicability:**

- (1) A Transportation Demand Management Program shall be required for all projects in any Parking District involving any one or more of the following:

<b>Project Type</b>	<b>Applicable Projects</b>	<b>Affordable Projects</b>	<b>Small Projects</b>
	<ul style="list-style-type: none"> <li>• Creation of 10 or more dwelling units</li> <li>• A non-residential or Mixed Use development with a building footprint of eight thousand (8,000) sq.ft. or more; or the creation of fifteen thousand (15,000) sq.ft. or more of gross floor area</li> </ul>	Projects involving one or more “Applicable Projects” and that also contain at least 75% of dwelling units meeting or exceeding the affordability criteria of Article 9, Inclusionary & Replacement Housing, or housing rented to tenants receiving federal or state rental assistance	Creation of five (5) to nine (9) dwelling units
<b>Applicable TDM Sections</b>	All provisions of Sec. 8.1.16 (c)	Sec. 8.1.16 (c) 1. and Sec. 8.1.16 (c) 4. only	Sec. 8.1.16 (c) 3. b. only

For projects that were issued permits with TDM requirements prior to January 31, 2023, an administrative permit amendment may be requested to align the permit with the TDM requirements set forth herein.

**(c) Transportation Demand Management (TDM) Program:** A TDM Program shall include each of the following elements at a minimum:

**(1) Outreach and Education:**

- a. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:
  1. Prepare and always make available to all residents and employees informational and educational materials regarding available TDM strategies and opportunities for increased use and participation;
  2. Preparation and dissemination of an annual travel survey of all residents and employees; and,
  3. Record-keeping and reporting to City upon request of all TDM activities offered and rates of participation (including parking utilization if applicable).

**(2) TDM Strategies:** In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, each TDM Program must incorporate TDM strategies to minimize the amount of parking demand associated with the project. At a minimum, a TDM Program shall select no less than two (2) of the following TDM strategies, which shall be selected and filed with the Administrative Officer on an annual basis:

- a. Maintain an ongoing and active membership in a Transportation Management Association (TMA);
- b. Provide GMT Transit passes to all residents and employees at a minimum discount of 50%;
- c. Provide a free car share membership to all residents and employees;
- d. Provide a free bike share membership to all residents and employees;
- e. If not already provided through a TMA membership, provide residents and employees with a shuttle service, guaranteed ride home program, or ride to a nearby transit center.

(3) **Parking Management:** Where on-site or off-site parking is also made available:

- a. Conduct parking utilization studies at least annually for a period of 7 years from receipt of a Certificate of Occupancy;
- b. With the exception of permanently affordable housing units, the cost of parking shall be un-bundled from all residential and non-residential leases and deeds and made available at a market rate;
- c. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,
- d. Priority parking spaces: when on-site parking is provided, the following must be located in closest proximity to a primary building entrance and/or public street frontage:
  1. ADA Accessible spaces;
  2. Bicycles, scooters, and motorcycles spaces;
  3. Car-share: where 1 space must be offered for projects with 20 or more residential units, subject to an agreement with a car-share provider; and,
  4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

(4) **TDM Agreement:** Each TDM Plan shall include a signed commitment to and acknowledgement of each of the following on a form provided by the Administrative Officer:

- a. Commitment to ongoing implementation of the TDM requirements as set forth above;

- b. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for, restrict or remove such on-street parking at any time;
- c. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,
- d. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

**Review and Enforcement:** The Administrative Officer shall be responsible for determining compliance with the TDM Program requirements as set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without a TDM Program in effect.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

## **PART 2: BICYCLE PARKING**

### **Sec. 8.2.1 Intent**

It is the intent of this subpart to:

- (a) Ensure the provision of parking spaces that are designed for bicycles and to ensure that bicycle parking needs of new land uses and development are met, while ensuring bicycle parking spaces are designed and located in a consistent manner. Provide bicycle access to employment, commercial destinations, and other transportation alternatives;
- (b) Provide safe, convenient, and adequate bicycle parking facilities that:
  - 1. Meet the demands of the use of the property;
  - 2. Reduce hazards to pedestrians;
  - 3. Enhance the visual quality of the city;
  - 4. Reduce the adverse impacts associated with the bicycle parking, which includes bicycles parked on parking meters, signs, trees, etc; and,

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: Office of City Planning,

Public Hearing Dates: \_\_\_\_\_

First reading: \_\_\_\_\_

Referred to: \_\_\_\_\_

Rules suspended and placed in all

In the Year Two Thousand Twenty-Six

An Ordinance in Relation to

stages of passage:

CDO—TDM Exemptions for Affordable Housing  
ZA-26-03

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 Article 8, Parking; Part 1, General Requirements; Sec. 8.1.9-1, Maximum Off-Street  
3 Parking Requirements; and Table 8.1.16-1, Transportation Demand Management Program Required; to clarify the  
4 definition of affordable housing projects to include buildings within a Planned Unit Development, and to clarify  
5 that Affordable Projects are only required to meet a subset of Transportation Demand Management requirements even  
6 in the case of a Waiver of Maximum Parking Limitations applying TDM requirements to a project. As such, the  
7 ordinance is amended to read as follows:

8 \*\*\*

9 ARTICLE 8: PARKING

10 \*\*\*

11 PART 1: GENERAL REQUIREMENTS

12 \*\*\*

13 Sec. 8.1.9 Maximum On-Site Parking Spaces

14 The total number of off-street parking spaces provided in any parking district shall not be more than as  
15 allowed in Table 8.1.9-1 below:

- 16 (a) Where a use is not listed, the maximum parking requirements shall be determined by the  
17 administrative officer based upon a determination that the use is substantially equivalent in use,  
18 nature, and impact to a listed use.
- 19 (b) When the calculation yields a fractional number of maximum spaces, the number of spaces shall be  
20 rounded to the nearest whole.

21  
22 Table 8.1.9-1 Maximum Off-Street Parking Requirements—As written.

- 23 (a) Exemptions: The following shall not be included in the maximum number of allowable spaces  
24 required by this section:

25  
26 1. – 6. As written.

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28 7. Waiver of Maximum Parking Limitations. Parking in excess of the maximum parking limitation  
29 of this section, may be waived by the DRB pursuant to the following requirements:

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**A. The applicant requesting the waiver shall also provide:**

- (i) a peak demand parking study for two similar uses in the area; and,
- (ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16, provided that Affordable Projects shall only be required to comply with Sections 8.1.16(c) 1 and 8.1.16(c) 4, as stated in Table 8.1.16-1.

**B. As written.**

\*\*\*

**Section 8.1.16 Transportation Demand Management**

**(a) Purpose:** *As written.*

**(b) Applicability:**

- (1) A Transportation Demand Management Program shall be required for all projects in any Parking District involving any one or more of the following:

<b>Project Type</b>	<b>Applicable Projects</b>	<b>Affordable Projects</b>	<b>Small Projects</b>
	<ul style="list-style-type: none"> <li>• Creation of 10 or more dwelling units</li> <li>• A non-residential or Mixed Use development with a building footprint of eight thousand (8,000) sq.ft. or more; or the creation of fifteen thousand (15,000) sq.ft. or more of gross floor area</li> </ul>	Projects involving one or more “Applicable Projects” and that also contain at least 75% of dwelling units meeting or exceeding the affordability criteria of Article 9, Inclusionary & Replacement Housing, or housing rented to tenants receiving federal or state rental assistance <u>including buildings within a Planned Unit Development that meet or exceed the above criteria</u>	Creation of five (5) to nine (9) dwelling units
<b>Applicable TDM Sections</b>	All provisions of Sec. 8.1.16 (c)	Sec. 8.1.16 (c) 1. and Sec. 8.1.16 (c) 4. only	Sec. 8.1.16 (c) 3. b. only

For projects that were issued permits with TDM requirements prior to January 31, 2023, an administrative permit amendment may be requested to align the permit with the TDM requirements set forth herein.

- (c) Transportation Demand Management (TDM) Program:** A TDM Program shall include each of the following elements at a minimum:

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**(1) Outreach and Education:**

- a. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:
  - 1. Prepare and always make available to all residents and employees informational and educational materials regarding available TDM strategies and opportunities for increased use and participation;
  - 2. Preparation and dissemination of an annual travel survey of all residents and employees; and,
  - 3. Record-keeping and reporting to City upon request of all TDM activities offered and rates of participation (including parking utilization if applicable).

**(2) TDM Strategies:** In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, each TDM Program must incorporate TDM strategies to minimize the amount of parking demand associated with the project. At a minimum, a TDM Program shall select no less than two (2) of the following TDM strategies, which shall be selected and filed with the Administrative Officer on an annual basis: Article 8: Parking Article Last Updated: January 25, 2023 Comprehensive Development Ordinance p. 8-18 City of Burlington, VT

- a. Maintain an ongoing and active membership in a Transportation Management Association (TMA);
- b. Provide GMT Transit passes to all residents and employees at a minimum discount of 50%;
- c. Provide a free car share membership to all residents and employees;
- d. Provide a free bike share membership to all residents and employees;
- e. If not already provided through a TMA membership, provide residents and employees with a shuttle service, guaranteed ride home program, or ride to a nearby transit center.

**(3) Parking Management:** Where on-site or off-site parking is also made available:

- a. Conduct parking utilization studies at least annually for a period of 7 years from receipt of a Certificate of Occupancy;
- b. With the exception of permanently affordable housing units, the cost of parking shall be unbundled from all residential and nonresidential leases and deeds and made available at a market rate;
- c. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,
- d. Priority parking spaces: when on-site parking is provided, the following must be located in closest proximity to a primary building entrance and/or public street frontage:
  - 1. ADA Accessible spaces;
  - 2. Bicycles, scooters, and motorcycles spaces;

- 94 3. Car-share: where 1 space must be offered for projects with 20 or more residential
- 95 units, subject to an agreement with a car-share provider; and,
- 96 4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-
- 97 residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever
- 98 is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

99 (4) **TDM Agreement:** Each TDM Plan shall include a signed commitment to and  
 100 acknowledgement of each of the following on a form provided by the Administrative Officer:

- 101 a. Commitment to ongoing implementation of the TDM requirements as set forth above;
- 102 Article 8: Parking Article Last Updated: January 25, 2023 Comprehensive Development
- 103 Ordinance p. 8-19 City of Burlington, VT
- 104 b. Acknowledgement that the project has no claim to the ongoing availability of nearby on-
- 105 street public parking, and that, as is the case with other on-street public parking, the City
- 106 retains the right to charge for, restrict or remove such on-street parking at any time;
- 107 c. Acknowledgement that failure to maintain transportation demand management as required
- 108 above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this
- 109 ordinance, no zoning permit or certificate of occupancy may be granted until any such
- 110 violation has been remedied; and,
- 111 d. Commitment to notify any subsequent owners and tenants in writing of their obligations
- 112 under this section as part of any purchase and sale and/or lease agreements.

113 **Review and Enforcement:** The Administrative Officer shall be responsible for determining  
 114 compliance with the TDM Program requirements as set forth above, and ongoing implementation  
 115 shall be included as a condition of any discretionary or administrative permit required for  
 116 development subject to the conditions of this Section.

117 Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and  
 118 pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be  
 119 granted without a TDM Program in effect.

120 Guidelines regarding compliance with these TDM requirements shall be developed and provided  
 121 to applicants by the Administrative Officer.

124 \* Material stricken out deleted.

125 \*\* Material underlined added.



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

**TO:** Burlington City Council Ordinance Committee  
**FROM:** Stella Jordan, Senior Planner  
Charles Dillard, AICP, Director of City Planning  
**DATE:** March 4, 2026  
**RE:** Proposed ZA-26-03 TDM Exemptions for Affordable Housing

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This memo is intended to provide an overview about the proposed changes included in ZA-26-03.

### **1. Overview**

This Amendment proposes clarifying the definition of affordable housing projects and their obligations in relation to Transportation Demand Management (TDM) requirements. Specifically, this Amendment proposes including affordable buildings within a Planned Unit Development (PUD) in the definition of Affordable Projects when determining TDM requirement applicability, and further clarifying that Affordable Projects are only required to meet a subset of TDM requirements as provided in Article 8, Section 8.1.16 of the Comprehensive Development Ordinance, even in the case of a Waiver of Maximum Parking Limitations applying TDM requirements to a project or a PUD.

### **2. Background & Past Efforts**

This Amendment addresses concerns raised by the developers of buildings that contain affordable housing within the Cambrian Rise PUD that compliance with full TDM requirements would represent an undue administrative and cost burden for the affordable buildings in particular. The TDM requirements in question were activated by a 2022 project-wide Maximum Parking Waiver and dwelling unit count increase amendment for the entire Cambrian Rise PUD.

Under the current CDO regulations regarding Waivers of Maximum Parking Limitations (Sec. 8.1.8 (a) 7. A.), the Cambrian Rise project must submit a project-wide TDM Plan consistent with TDM regulations (Sec. 8.1.16) wherein all buildings in the PUD are subject to the full suite of applicable TDM Program requirements. The developers of the affordable buildings for Cambrian Rise sought an amendment to the project's current TDM plan (which was submitted with the 2022 project amendment) to exempt these buildings from elements of the existing TDM plan and separate them from the rest of the Cambrian Rise project with respect to the implementation of Outreach and Education strategies and TDM strategies. The Development Review Board reviewed this request on December 16, 2025, finding that the affordable buildings in question were part of the overall Cambrian Rise project (providing much of its required inclusionary housing) and benefit from the project-wide maximum parking waiver; that the CDO's definition of Affordable Projects in Section 8.1.16 does not apply to affordable buildings within a PUD that are fulfilling a project's inclusionary housing requirements; and that a project-wide TDM plan must be inclusive of the entire development.

The Cambrian Rise project's existing TDM plan comprises four elements, as required by Section 8.1.16: Outreach and Education (which is being undertaken by the Cambrian Rise property manager in partnership with CATMA), TDM Strategies (in partnership with CATMA), Parking Management, and a TDM Agreement (fulfilled by the TDM plan). The exemption sought for affordable buildings, which this Amendment in effect provides by clarifying that the definition of Affordable Projects includes affordable buildings within a PUD and that these buildings may also be exempted from project-wide TDM requirements imposed by a maximum parking waiver, limits TDM requirements to Outreach and Education and a TDM Agreement only.

The City Council Ordinance Committee discussed the possibility of an amendment to address this topic and heard from affordable housing developers about the project and TDM requirements in question on February 6, 2026.

Staff from the Office of City Planning also provided context at this meeting about the existing CDO requirements, and shared information about two relevant forthcoming amendments: a larger TDM amendment that is currently being drafted to comprehensively update Burlington’s TDM requirements, which will also include updated requirements and strategies related to affordable housing projects; and a larger Inclusionary Zoning amendment that will update and modernize the City’s inclusionary housing development requirements. Committee members elected to advance ZA-26-03 as a standalone amendment prior to these larger updates, specifically to address the concerns outlined above.

**4. Proposed Amendment: ZA-26-03**

**a) Amendment Type**

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

The proposed change in ZA-26-03 aims to clarify definitions of affordable housing projects in relation to TDM requirements.

**c) Proposed Amendment**

**1. Amendments to Article 8: Parking**

- Amends Sec. 8.1.8 (a) 7. A. (ii) to clarify that Affordable Projects as defined in Table. 8.1.16-1 are only required to comply with two applicable sections of TDM requirements when a Waiver of Maximum Parking Limitations is applied to a project.
- Amends Sec. 8.1.16 (b) Table 8.1.16-1 to clarify that the definition of Affordable Projects includes buildings within a Planned Unit Development that meet or exceed provided criteria.

**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 affordable housing development by balancing economic challenges and mobility needs. This change reflects the intent of the “Inclusive” theme, which prioritizes providing and promoting affordable housing choices and accessible transportation and mobility options for all residents.

**Impact on Safe & Affordable Housing**

This amendment reduces administrative and cost burdens that TDM requirements may impose on affordable housing development. By providing for the exemption of some TDM requirements for affordable buildings within a PUD that are providing required inclusionary housing for a project, this amendment may encourage more PUDs to separate their required inclusionary dwelling units into standalone affordable buildings rather than incorporating them into buildings that also contain market-rate units, resulting in increasing segregation of affordable housing from market-rate 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					
<b>Draft Amendment prepared by Staff</b> 3/4/26	Presentation to & discussion by Commission:	Approve for Public Hearing	Public Hearing	Approved & forwarded to Council	
City Council Process					
First Read & Referral to Ordinance Committee	<b>Ordinance Committee discussion</b> 2/6/26, 3/6/26	Ordinance Committee recommend	Second Read	Public Hearing	Council Approval & Adoption

\*Discussed by the Planning Commission Ordinance Committee

**ZA-26-03**

**TDM Exemptions for  
Affordable Housing**

CITY COUNCIL ORDINANCE COMMITTEE

2026.03.06

# TDM and Affordable Housing

<b>Project Type</b>	<b>Applicable Projects</b>	<b>Affordable Projects</b>	<b>Small Projects</b>
	<ul style="list-style-type: none"> <li>• Creation of 10 or more dwelling units</li> <li>• A non-residential or Mixed Use development with a building footprint of eight thousand (8,000) sq.ft. or more; or the creation of fifteen thousand (15,000) sq.ft. or more of gross floor area</li> </ul>	<p>Projects involving one or more “Applicable Projects” and that also contain at least 75% of dwelling units meeting or exceeding the affordability criteria of Article 9, Inclusionary &amp; Replacement Housing, or housing rented to tenants receiving federal or state rental assistance</p>	<p>Creation of five (5) to nine (9) dwelling units</p>
<b>Applicable TDM Sections</b>	All provisions of Sec. 8.1.16 (c)	Sec. 8.1.16 (c) 1. and Sec. 8.1.16 (c) 4. only	Sec. 8.1.16 (c) 3. b. only

# TDM and Affordable Housing

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- The Affordable Projects standards would apply to the CHT and Cathedral Square buildings at Cambrian Rise **if not for the Waiver of Maximum Parking Limitations** that was approved for the **entirety of the Planned Unit Development in April 2022.**

# TDM and Affordable Housing

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## Topics to address in an amendment:

- Amend Sec. 8.1.9(c) 7 Waiver of Maximum Parking Limitations to state explicitly that Affordable Projects shall only comply with the education and outreach requirement (Sec. 8.1.16(c) 1) and TDM agreement (Sec. 8.1.16(c) 4)
- Clarify via explicit language that “Affordable Projects” within a Planned Unit Development shall only comply with the education and outreach requirement (Sec. 8.1.16(c) 1) and TDM agreement (Sec. 8.1.16(c) 4)

# ZA-26-03

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## Amends Sec. 8.1.9-1, Maximum Off-Street Parking Requirements:

A. The applicant requesting the waiver shall also provide:

(i) a peak demand parking study for two similar uses in the area; and,

(ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16, provided that Affordable Projects shall only be required to comply with Sections 8.1.16(c) 1 and 8.1.16(c) 4, as stated in Table 8.1.16-1.

# ZA-26-03

## Amends Table 8.1.16-1 Transportation Demand Management Program Required:

Project Type	Applicable Projects	Affordable Projects	Small Projects
	<ul style="list-style-type: none"> <li>• Creation of 10 or more dwelling units</li> <li>• A non-residential or Mixed Use development with a building footprint of eight thousand (8,000) sq.ft. Or more; or the creation of fifteen thousand (15,000) sq.ft. Or more of gross floor area</li> </ul>	Projects involving one or more "Applicable Projects" and that also contain at least 75% of dwelling units meeting or exceeding the affordability criteria of Article 9, Inclusionary & Replacement Housing, or housing rented to tenants receiving federal or state rental assistance <u>including buildings within a Planned Unit Development that meet or exceed the above criteria</u>	Creation of five (5) to nine (9) dwelling units
<b>Applicable TDM Sections</b>	All provisions of Sec. 8.1.16 (c)	Sec. 8.1.16 (c) 1. and Sec. 8.1.16 (c) 4. only	Sec. 8.1.16 (c) 3. b. only



## 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:** January 29, 2026

**SUBJECT:** 01/26/26 Ordinance: CDO—planBTV Downtown Code Fences ZA-26-02

Enclosed please find a copy of the ordinance (and memo) that was referred to your Committee for consideration. Please keep these as part of your records.

Thank you.



CITY OF BURLINGTON

ORDINANCE 5.9

Sponsor: Office of City Planning,  
Planning Commission

Public Hearing Dates: \_\_\_\_\_

First reading: 01/26/20

Referred to: Ordinance Committee

Rules suspended and placed in all  
stages of passage: \_\_\_\_\_

Second reading: \_\_\_\_\_

Action: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by Mayor: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

In the Year Two Thousand Twenty-Six

An Ordinance in Relation to

CDO—planBTV Downtown Code Fences  
ZA-26-02

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 Article 14, Sec. 14.6.8, Site and Landscape Standards, to increase the height of see-  
3 through fences permitted in the First Lot Layer if enclosing an alleyway or a loading dock within an alleyway, as well  
4 as allow for chain-link or welded wire fence to be used if enclosing alleyways or a loading dock within an alleyway;  
5 thereof to read as follows:

6 \*\*\*

7 **Article 14 PlanBTV Downtown Code**

8 \*\*\*

9 **Section 6: Applicable in All Form Districts**

10 \*\*\*

11 **Section 14.6.8 – Site and Landscape Standards**

12 a) **Purpose and Applicability:** *As Written.*

13 b) **Site Standards**

14 i – iv. *As Written.*

15 v. **Fences and Free-standing Walls:**

16 A. Fences and Free-standing Walls placed within the First Lot Layer shall not exceed 4-feet in height,  
17 except for see-through fences which shall not exceed 6 feet in height and shall only be used to  
18 enclose an alleyway or loading dock located within an alleyway. Fences and Free-standing Walls  
19 placed within the Second or Third Lot Layer shall not exceed 8-feet in height unless a different  
20 height limit is specified under the applicable Form District or Frontage Type.

21 B. Materials used for Fences and Free-standing Walls shall be limited to Brick and tile masonry;  
22 Native or sintered stone; Wood – panels, clapboard or shingles; Cementitious siding, metal, and  
23 woven or braided cable wire. Chain-link and welded-wire fencing shall not be used along any  
24 Frontage Line with the exception of alleyways or loading docks located within an alleyway, the  
25 temporary ~~20~~-enclosure of a construction site, or where required by the Building Official to protect  
26 public safety. Barbed or razor wire shall not be used in any application. Alternate materials may be  
27 approved by the Administrative Officer after seeking input from the Design Advisory Board.

28 Alternate materials must be considered equivalent or better than the materials listed above, and must  
29 demonstrate successful, high quality local installations. Regionally-available materials are  
30 preferred.

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

33  
34 c) - d) *As written.*

35  
36  
37 \* Material stricken out deleted.

38 \*\* Material underlined added.

39  
40 Planning/KS/ Ordinances 2026/ZA-26-02 planBTV Downtown Code Fences  
41 CDO Sections 14.6.8(b)(v) A and B

42  
43 CC 1/22/26



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

**TO:** Burlington City Council  
**FROM:** Sarah Morgan, AICP, Principal Planner  
Charles Dillard, AICP, Director of City Planning  
**DATE:** January 26, 2026  
**RE:** Proposed ZA-26-02 planBTV Downtown Code Fence Height

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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 report ongoing challenges related to substance use, hygiene, and safety, particularly in alleys, entryways, and service areas. 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.

During this amendment process, the Planning Commission has expanded the scope of their recommendation to address allowable materials for fences in the first lot layer.

### **2. Planning Commission and Committee Discussions**

This section summarizes the discussions that have taken place following staff presentations to the Planning Commission and Planning Commission Ordinance Committee.

#### ***Summary of 1/13 Planning Commission Discussion***

The Planning Commission completed its discussion of ZA-26-02: Downtown Fences during its January 13<sup>th</sup> public hearing. The Commissioners voted to recommend the amendment's approval, as warned. However, several commissioners expressed opposition to the amendment's allowing chain-link fencing materials along any Frontage Line, as stated in 14.6.8(b)v.B. Those commissioners would like the Council and its Ordinance Committee to continue exploring this topic and whether chain-link is an appropriate material in Burlington's Downtown.

#### ***Summary of 1/7 Planning Commission Ordinance Committee Discussion***

The Planning Commission Ordinance Committee (PCOC) met on January 7<sup>th</sup>, as directed by the Planning Commission, to review the amendment as warned and make recommendations regarding fencing around recessed entries.

During this meeting, the Ordinance Committee expressed opposition to enclosures or gates in front of recessed entries, citing concerns related to building design and the pedestrian experience. The PCOC recommends removing all language related to recessed entries from the amendment and emphasized that it does not wish to pursue a future amendment addressing fencing for entryways downtown. However, the Committee expressed interest in exploring alternative approaches, such as public art and placemaking efforts, to better activate these spaces.

One point of clarification discussed during the meeting was that the height of rolling gates would be measured by the height of the fence itself, not by ground clearance.

***Summary of 12/9 Planning Commission Discussion***

The Planning Commission met on December 9 to review the revised amendment as referred by the Planning Commission Ordinance Committee. As requested by the PCOC, the Commission continued its discussion regarding the extent to which Article 14 should increase allowable fence height and expand permitted fence materials within the First Lot Layer.

As it relates to fence height and materials, the Planning Commission modified the proposed amendment to:

- Increase the allowable fence height from four feet to six feet only when the fence is used to enclose an alleyway or a loading dock located within an alleyway (*Sec. 14.6.8 (b) v. A*).
- Allow chain-link and welded wire fences along the frontage line when located within alleyways or used to enclose loading docks within alleyways (*Sec. 14.6.8 (b) v. B*).

Commissioners also discussed how this amendment relates to gates in front of vestibules\* in the form code districts. While some commissioners were apprehensive about allowing six-foot chain-link or welded wire fences or gates in front of recessed business entryways, others acknowledged that such allowances may help address ongoing public health and safety challenges in these areas.

The Planning Commission warned the amendment for a public hearing at its January 13 meeting, with the understanding that the PCOC will meet prior to the hearing and provide recommended language addressing how the amendment should account for fencing associated with vestibules\* in the downtown form-based code district.

***Summary of 11/24 Planning Commission Ordinance Committee Discussion***

The PCOC met on November 24<sup>th</sup> 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.

***Summary of 10/14 Planning Commission Discussion***

Staff presented ZA-26-02: Downtown Fences to the Planning Commission during its meeting on October 14<sup>th</sup>. 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

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\* Upon review of the language warned for a public hearing by the Planning Commission, staff determined that references to "vestibules" were intended to mean "recessed entries" and will advise the PCOC to correct this terminology in future recommended language.

permitted along the frontage line of a property. Ultimately, Commissioners referred to the Planning Commission Ordinance Committee (PCOC) for further discussion.

**3. Proposed Amendment: ZA-26-02**

**a) Amendment Type**

Text Amendment	Map Amendment	Text & Map Amendment
----------------	---------------	----------------------

**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).

<b>Theme:</b>	<b>Dynamic</b>	<b>Distinctive</b>	<b>Inclusive</b>	<b>Connected</b>
<b>Land Use:</b>	<b>Conserve</b>	<b>Sustain</b>	<b>Grow</b>	

**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.

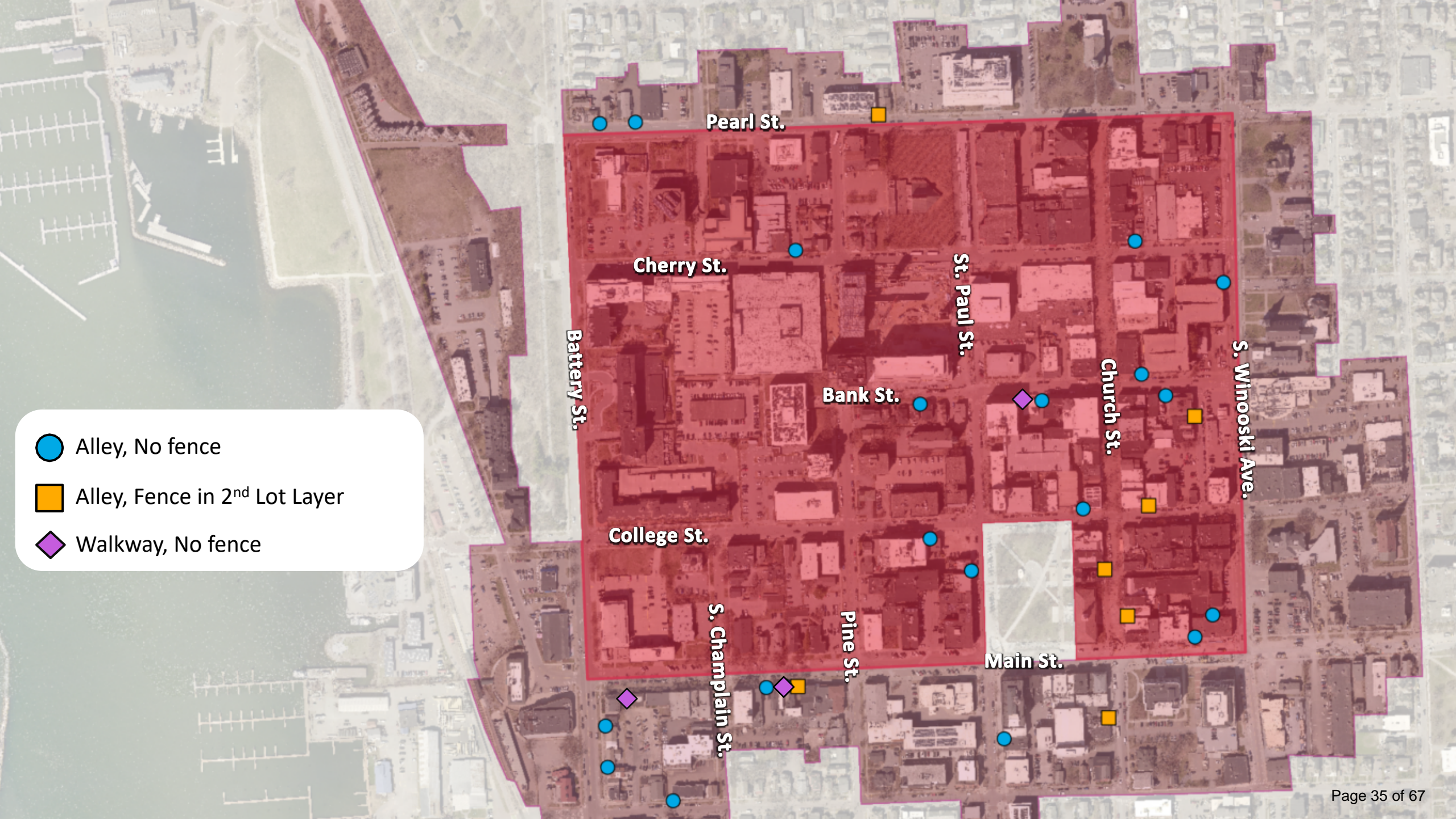
**h) Process Overview**

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

<b>Planning Commission Process</b>					
<b>Draft Amendment prepared by Staff</b> 9/18/25	<b>Presentation to &amp; discussion by Commission:</b> 10/14/25, 11/24/25*, 12/9/25, 1/7/26*	<b>Approve for Public Hearing</b> 12/9/25	Public Hearing 1/13/26	Approved & forwarded to Council	
<b>City Council Process</b>					
First Read & Referral to Ordinance Committee	Ordinance Committee discussion	Ordinance Committee recommend	Second Read	Public Hearing	Council Approval & Adoption

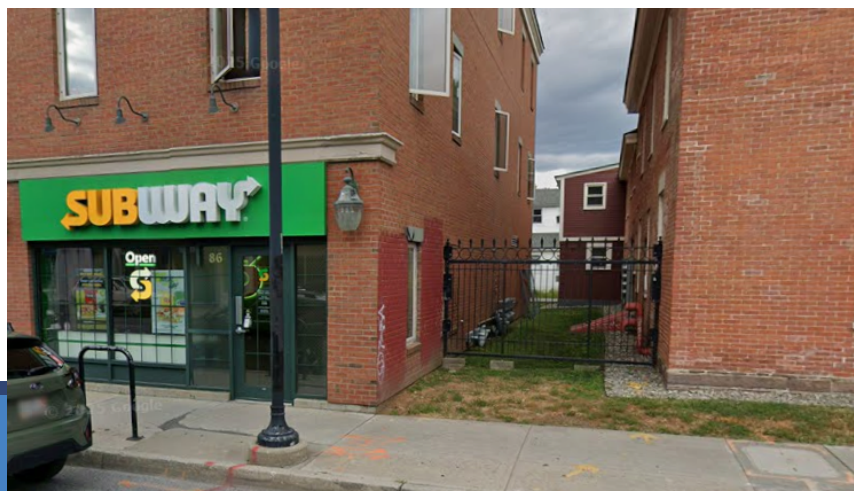
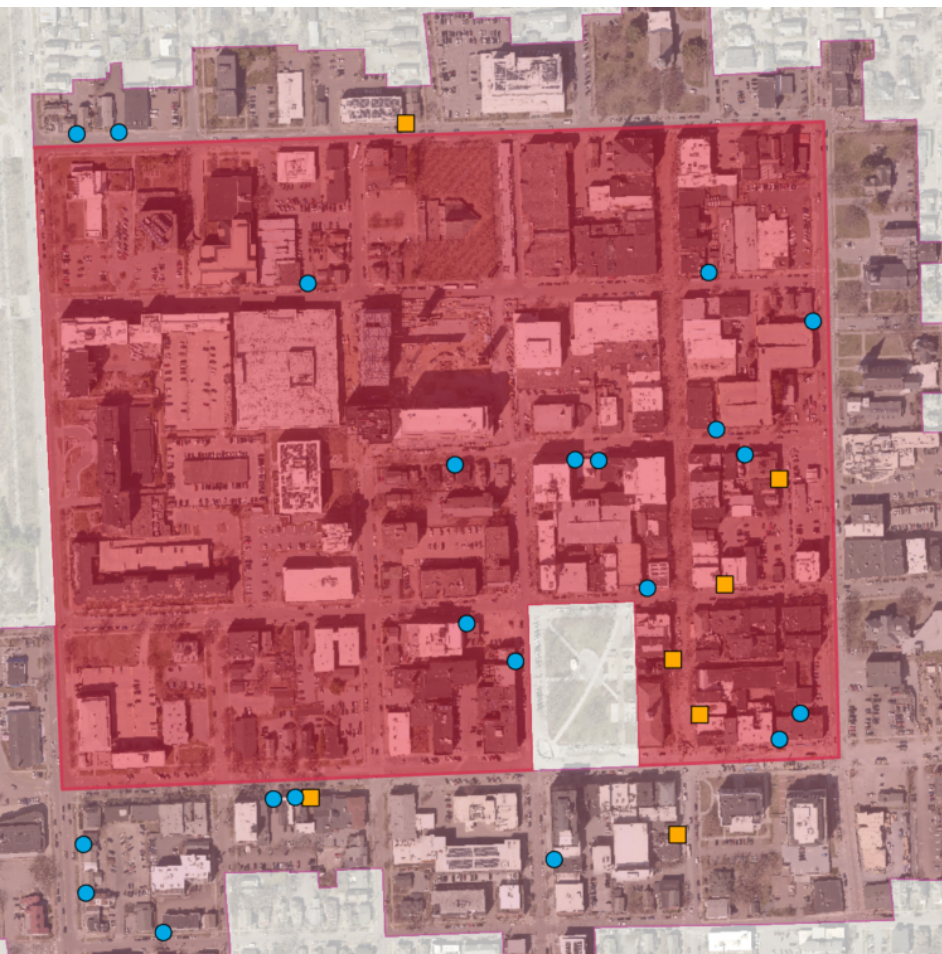
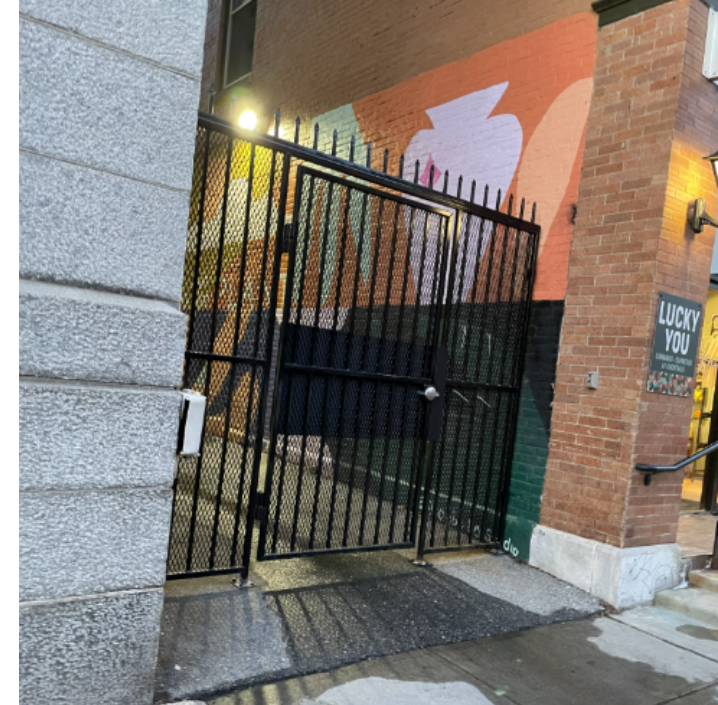
\*Discussed by the Planning Commission Ordinance Committee

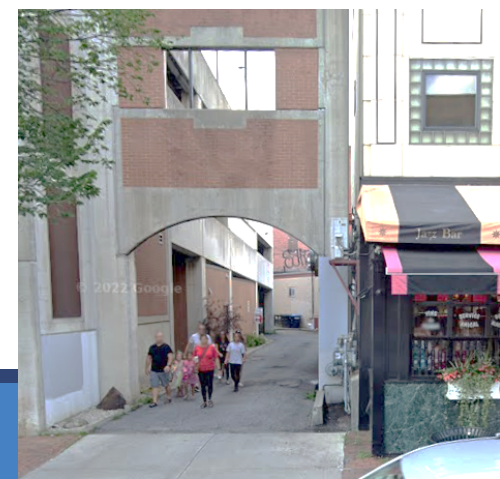
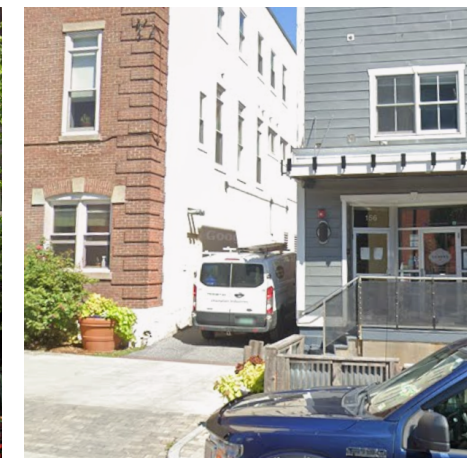
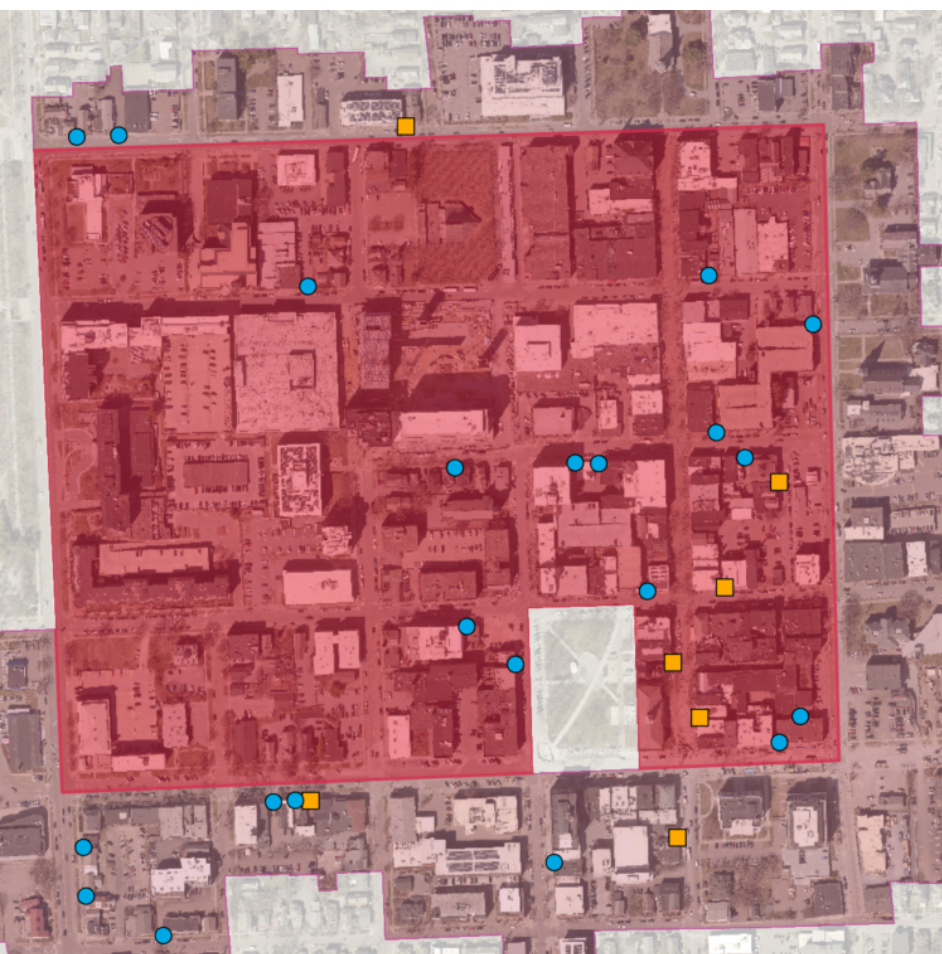




- Alley, No fence
- Alley, Fence in 2<sup>nd</sup> Lot Layer
- ◆ Walkway, No fence

Examples of current fences in the Downtown Form Districts located in the 2<sup>nd</sup> Lot Layer





**ZA-26-02**

**planBTV Downtown  
Form Code Fences**

CITY COUNCIL ORDINANCE COMMITTEE

2026.03.06

# planBTV Downtown Code Fences

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## Purpose of proposed changes:

- Downtown business owners, their employees, and service providers are facing ongoing challenges related to substance use, hygiene, and safety, particularly in alleys & 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.

# Process Overview

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**9/18** – Initial discussion with Planning Commission as part of ZA-26-01: Technical Amendments & Minor Revisions.

**10/14** – Discussed by the Planning Commission as it's own zoning amendment (ZA-26-02). Referred by the Planning Commission to the PC's Ordinance Committee.

**11/24** – PC Ord. Committee reviewed and proposed new language to refer back to the full Planning Commission

**12/9** – PC warned amendment for a Public Hearing with minor revision and the understanding there will be a prior discussion by the PCOC related to recessed entries.

**12/17** – Presentation to Church Street Marketplace Commission




**1/7** – PCOC recommended that standards related to recessed entries be removed from the amendment.

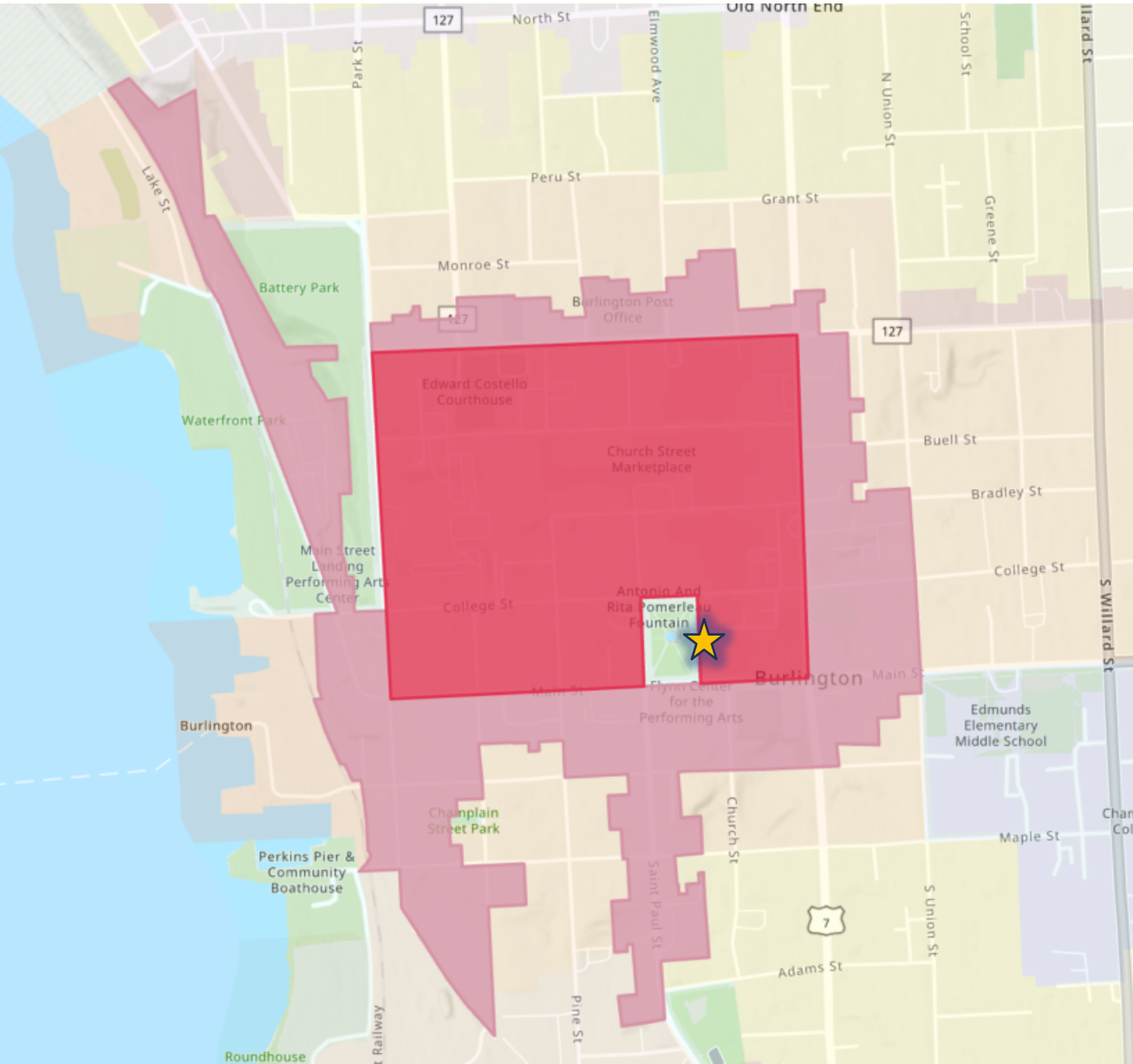
**1/7** – Presentation to Ward 3 NPA

**1/13** – Planning Commission recommended amendment to City Council after Public Hearing

**2/6** – City Council Ordinance Committee Meeting #1

# Where does the planBTV Downtown Code (Article 14) Apply?

-  FD5 Downtown Core
-  FD6 Downtown Center
-  City Hall



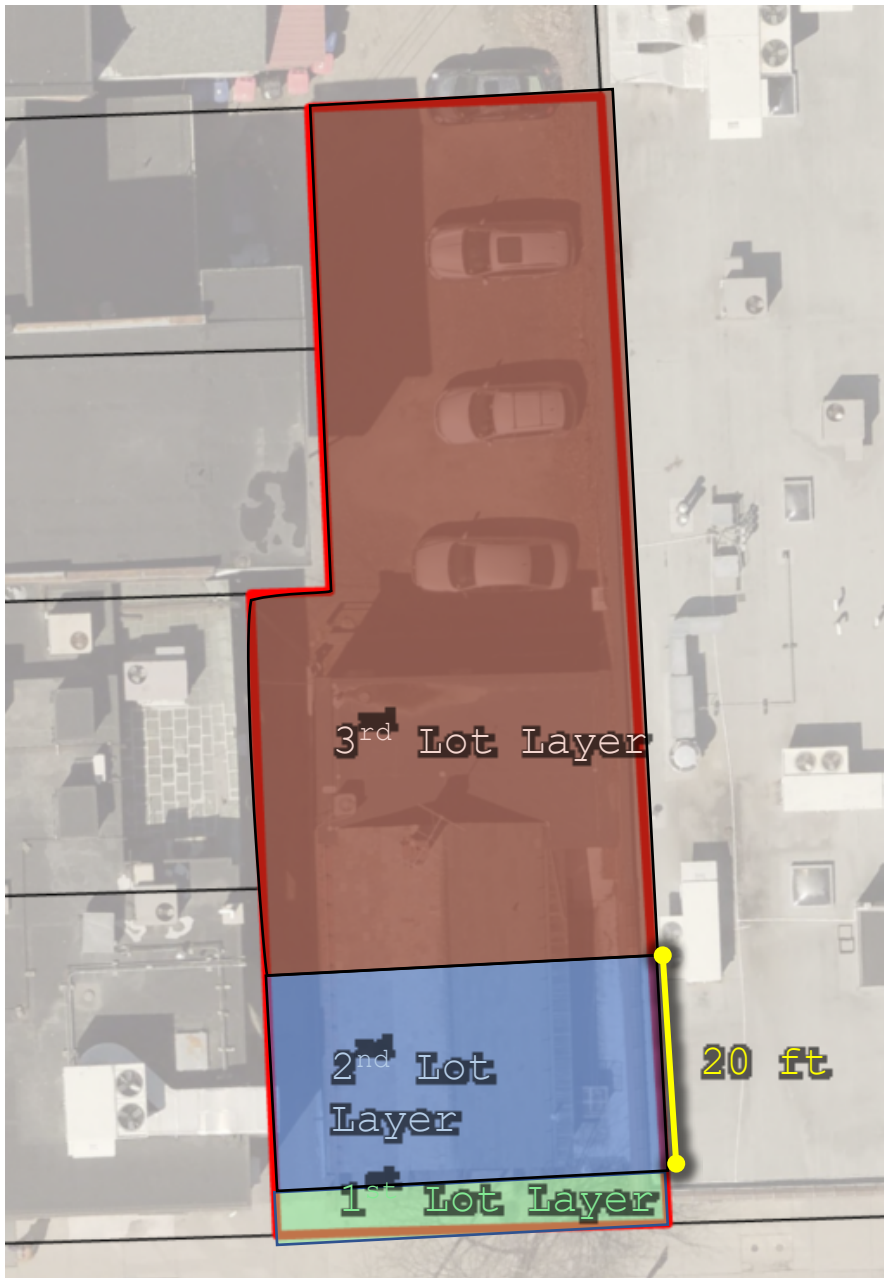


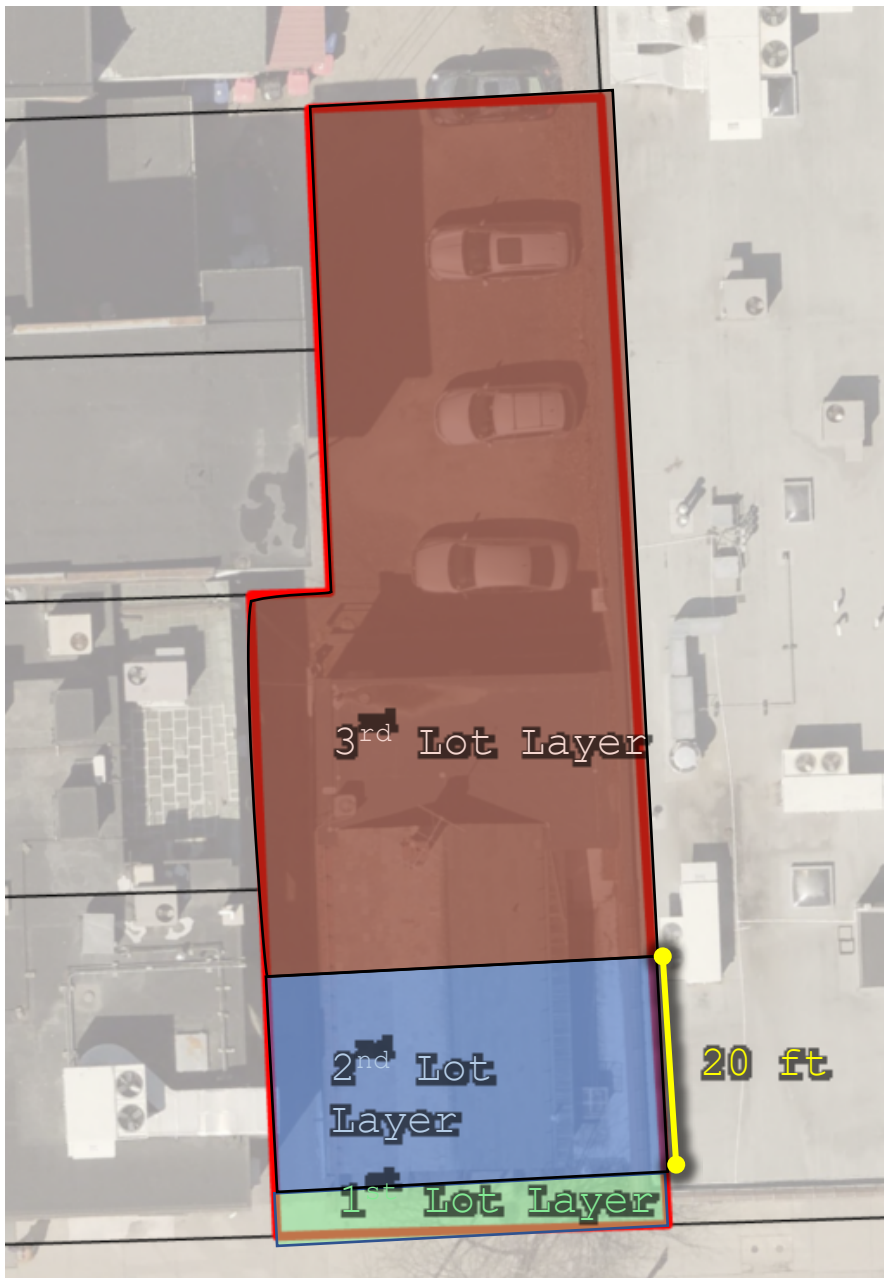
Property Line

Façade of Principal Building

1<sup>st</sup> Lot Layer

Property/Frontage Line





- **First Lot Layer:** that portion of a Lot between the Frontage Line and the Façade of a Principal Building.
- **Second Lot Layer:** that portion of a Lot extending 20 feet back from and parallel to the Façade of a Principal Building.
- **Third Lot Layer:** that portion of a Lot bounded by (a) the Second Lot Layer and (b) the Rear Lot Line.

# planBTV Downtown Code Fences

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## Initial Scope of Amendment:

- Height: This amendment was initially intended to address the height of fences in the first lot layer of the Downtown Form Code District, increasing the allowable height to 6ft.
  - *Other considerations apply, including height limitations for fences near intersections and more allowances via Alternative Compliance*
- Fences in the first lot layer are not allowed to be chain-link or welded wire along any frontage line.
  - *With the exception of the temporary 20 enclosure of a construction site, or where required by the Building Official to protect public safety.*

# ZA-26-02 Additional Considerations

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- Materials used for Fences:
  - The PC and PCOC acknowledge that there is a significant financial difference between a chain-link fence and one made of the permitted materials, like those made of aluminum.
  - The Planning Commission, as well as the PCOC are supportive of allowing for chain-link and welded wire fences in the first lot layer to enclose alleyways and loading docks.

# planBTV Downtown Code Fences

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## **Additional Considerations – Alternative Compliance - *Sec. 14.7.3 (a)***

- **DRB Alternative Compliance:** Relief from any non-numerical standard, and any numerical standard by no more than 20% of such requirement or an additional 10% beyond any Administrative Relief permitted in Table 14.7.3-A, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing.

# planBTV Downtown Code Fences

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**DRB Alternative Compliance:** Decisions by the DRB regarding any Alternative Compliance granted shall be made in writing and upon affirmative findings that:

- A. The relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;
- B. The relief if granted is the minimum necessary to achieve the desired result;
- C. The property will otherwise be developed consistent the purpose of this ordinance, the intent of the Form District, the intent and purpose of the section that the relief is being sought, and all other applicable standards;
- D. The relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,
- E. The relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

# ZA-26-02: 3 Scenarios Discussed

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Scenario 1: Fences 6 feet in height (*not* made of chain-link or welded wire) **are** allowed in the first lot layer **anywhere\*** in the Downtown Form Code district.



# planBTV Downtown Code Fences

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Scenario 2: Fences 6 feet in height (not made of chain-link or welded wire) **are** allowed in the first lot layer **anywhere\*** in the Downtown Form Code district. Chain Link or welded-wire may be used if they are enclosing alleyways or loading docks.



# Example: 93 S. Winooski Ave.



- Recently denied a permit for the proposed installation of 6-foot tall see-through fencing.
- Concerned with trespassing on property. In narrative, applicant notes that:
  - *“A fence presents a somewhat visual barrier, even a see-through panel fence as is desired. People loitering in the area are also a real barrier to people trying to peacefully walk by on the sidewalk. It is desired that the fence to be installed match the neighboring fence to the south of the property. The effect of the neighboring six-foot fence appears to be that loitering there has largely stopped.”*

*\*Note: For this proposed fence to be permitted, the proposed 4 foot tall fence would need to conform to the 3' height limit for roadway intersections.*

# planBTV Downtown Code Fences

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Scenario 3: Fences 6 feet in height **are allowed only** if they are used to enclose an alleyway or loading dock within an alleyway. Chain-link or welded wire **may be used** along the frontage line if they are located in alleyways or loading docks within alleyways.



**Allowed only in alleyways & loading docks in alleyways**

# planBTV Downtown Code Fences

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## 3 Scenarios discussed by Planning Commission

1. Fences 6 feet in height (*not* made of chain-link or welded wire) are allowed in the first lot layer anywhere\* in the Downtown Form Code district.
2. Fences 6 feet in height (not made of chain-link or welded wire) are allowed in the first lot layer anywhere\* in the Downtown Form Code district. Chain Link or welded-wire may be used if they are enclosing alleyways or loading docks.
3. Fences 6 feet in height are allowed only if they are used to enclose an alleyway or a loading dock within an alleyway. Chain-link or welded wire may be used along the frontage line if they are located in alleyways or loading docks within alleyways.

## Amends Sec. 14.6.8 (a) v. A - B Fences and Free Standing Walls:

### **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 and shall only be used to enclose an alleyway or loading dock located within an alleyway.** 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, **alleyways or loading docks located within an alleyway,** the temporary enclosure of a construction site, 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.

**Fence / gate comparison**

<b>Retailer</b>	<b>Style</b>	<b>Type</b>	<b>Dimensions</b>	<b>Price</b>
Lowes	Metal picket driveway gate	2 piece	18' X 6'	\$2,778 - \$2,805
	Chain link driveway gate	2 piece	20' X 6'	\$748
	Wooden stockade driveway gate	NA	NA	NA
Home Depot	Metal picket driveway gate	2 piece 1 piece	18' X 6'	\$2,699 \$2,786
	Chain link driveway gate	2 piece	20' X 6'	\$548
	Wooden stockade driveway gate	NA	NA	NA
Middlebury Fence	Metal picket driveway gate	2 or 1 piece	18' X 6'	\$8 - \$10K
	Chain link driveway gate	2 or 1 piece	18' X 6'	\$3,500
	Wooden stockade driveway gate	2 piece 1 piece	18' X 6'	\$4,500 - \$5K \$6,000

Add ~ \$1,500 - \$2,000 for installation.

Add ~ \$600 for automatic opener.

**Resolution Relating to**

**CONSUMER CHOICE AND DISCLOSURE FOR FUEL PURCHASES MADE WITH DEBIT CARDS**

**RESOLUTION 6.3**

Sponsor(s): Councilors Litwin, Singh, Traverse

Introduced: 09/08/25

Referred to: \_\_\_\_\_

Action: adopted; amended version

Date: 09/08/25

Signed by Mayor: 09/09/25

**CITY OF BURLINGTON**

In the year Two Thousand Twenty-Five.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, consumer protection regulations in the State of Vermont emphasize transparency in  
2 commercial transactions to ensure that consumers have access to clear and accurate information regarding the  
3 terms of their purchases; and

4 WHEREAS, many fueling stations implement a policy of holding funds beyond the actual purchase  
5 price of fuel when customers use debit cards, which may temporarily limit access to funds for consumers and  
6 cause financial inconvenience; and

7 WHEREAS, consumers may remain unaware of these holds and their potential impact on available  
8 account balances, which may lead to unintended overdraft fees, declined transactions, or other financial  
9 hardships; and

10 WHEREAS, requiring fueling stations to post clear and permanent signage disclosing their debit card  
11 hold policies will enhance transparency, empower consumers to make informed decisions, and align with  
12 Burlington’s commitment to consumer protection and fair business practices;

13 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Burlington respectfully  
14 requests the Ordinance Committee and City Attorney review whether or not to update our relevant ordinances  
15 as follows:

- 16 1. All fueling stations operating within the City of Burlington that have debit card fund hold policies are  
17 hereby required to post clear, conspicuous, and permanent signage on each individual fuel pump  
18 disclosing the following information:
  - 19 a. The exact amount or possible maximum that may be held;
  - 20 b. The maximum duration for which such funds may be held;
  - 21 c. An option to go inside and prepay with PIN to avoid such holds if that is an option available to  
22 the consumer;
- 23 2. Fueling stations may include additional language on their signage referring customers to their  
24 individual banking institutions for further questions regarding specific bank policies;

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution has been sent to the following department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....  
.....  
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. .... Page .....

\* \* \* \* \*

Resolution Relating to CONSUMER CHOICE AND DISCLOSURE FOR FUEL PURCHASES  
MADE WITH DEBIT CARDS

- 25 3. The City of Burlington shall empower the Department of Permitting and Inspections to respond to  
26 consumer complaints if a fueling station does not comply with this policy and may establish and  
27 enforce a reasonable fine and any inspection or administrative fees;
- 28 4. The City of Burlington shall empower the Department of Permitting and Inspections to revoke the  
29 operator’s permit to operate and order the closure of a lot that fails to come into compliance repeatedly,  
30 which will not be lifted until they demonstrate full compliance to the satisfaction of the Department of  
31 Permitting and Inspections; and
- 32 5. Provide for a period of 90 days after the effective date of the ordinance for fueling stations to come  
33 into compliance and further allow for a one-time courtesy warning to come into compliance for an  
34 additional 60 days.

35

36

37

38

*EL/Resolutions 2025/Consumer Choice and Disclosure for Fuel Purchases Made with Debit Cards*  
9/4/25

\* \* \* \* \*

ORIGINAL

**DISTRIBUTION:**

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**RESOLUTION RELATING TO**

Consumer Choice And Disclosure For Fuel Purchases Made With Debit Cards

.....

.....

**Adopted by the City Council**

September 8, 2025

*[Signature]* Clerk

Approved Sept 9, 2025

*[Signature]* Mayor

Attest:

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\* \* \* \* \*

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: \_\_\_\_\_  
Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Twenty-Six

First reading: \_\_\_\_\_

Referred to: \_\_\_\_\_

Rules suspended and placed in all

An Ordinance in Relation to

Stages of passage:

CONSUMER PROTECTION  
BCO Chapter 21, Art. I

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 is hereby amended by amending Article I, In General, by adding Sec. 28-1, Consumer  
3 Protection; thereof to read as follows:

4  
5 **21-8 Reserved Consumer Protection**

6  
7 **(a) PURPOSE**

8 The purpose of this Section is to complement the enforcement of federal statutes, state statutes, and decisions  
9 governing unfair methods of competition, unfair or deceptive acts or practices, and anti-competitive practices  
10 in order to protect the public and to encourage fair and honest competition.

11 **(b) DEFINITIONS**

12 Please see 9 V.S.A. §2451a.

13 **(c) CUSTOMER NOTICE**

14 **1) HOLDS ON PAYMENT AT POINT OF SALE**

15 A gas station or convenience store that accepts credit or debit cards for the retail sale of gasoline shall  
16 not place, or allow a third party to place, a hold on any credit or debit card account in an amount  
17 larger than the actual purchase amount for the gasoline without providing notice in a clear manner  
18 and proximate to the point of payment prior to the consumers purchase. The notice shall include  
19 information about when and for how long such a hold is initiated, the dollar amount of such hold, and  
20 how a consumer may avoid a preauthorization hold (ie.if the consumer can go inside and prepay with  
21 a PIN to avoid a hold).

22 **2) PARKING RATES FOR PARKING GARAGES/LOTS**

23 All privately owned parking garages/lots shall clearly post at the entry, so that it is visible from the  
24 roadway and prior to consumers entering the garage/lot, the following:

25 (A) whether the lot/garage is open to the public;

26 (B) signage that shall include the words “privately-owned”;

- 27 (B) the rates for the lot/garage;
- 28 (D) if the lot/garage uses dynamic or changing pricing models, clearly and visible disclose that
- 29 and the maximum possible rate the consumer could pay;
- 30 (E) hours of operation;
- 31 (F) a contact to call if there is an issue; and
- 32 (G) whether there is a charge for handicap parking and if so, that the consumer may park on the
- 33 street or in city-owned lots for free.

34

35 **(d) EFFECTIVE DATE**

36 The effective date of this ordinance shall be July 1, 2026. Thereafter, there shall be a one-time courtesy

37 warning to come into compliance for an additional sixty (60) days.

- 38
- 39 \* Material stricken out deleted.
- 40 \*\* Material underlined added.

41

42 ks/Ordinances 2026/Consumer Protection/BCO Ch. 21, Art. I

43 Sec. 21-8.

44 3/4/2026

**Resolution Relating to**

**CONSUMER CHOICE AND DISCLOSURE OF PARKING  
TERMS & RATES IN PRIVATELY OWNED LOTS**

**RESOLUTION 6.4**

Sponsor(s): Councilors Litwin, Singh, Traverse

Introduced: 09/08/25

Referred to: \_\_\_\_\_

Action: adopted; amended version

Date: 09/08/25

Signed by Mayor: 09/09/25

**CITY OF BURLINGTON**

In the year Two Thousand Twenty-Five.....

Resolved by the City Council of the City of Burlington, as follows:

- 1 That WHEREAS, the Burlington City Council strives to uphold best practices in consumer choice and
- 2 disclosure in all aspects of commerce operating in the City of Burlington; and
- 3 WHEREAS, privately-operated parking lots have grown in recent years in the City of Burlington and
- 4 do not match City of Burlington parking rates; and
- 5 WHEREAS, the City of Burlington and City Council have received feedback from members of the
- 6 public and visitors of Burlington that differences between privately-operated parking lots and publicly-
- 7 operated parking lots are not clear to the [driving] consumer; and
- 8 WHEREAS, privately-owned parking lot operators may not be honoring Vermont’s free public
- 9 parking for those displaying handicapped parking permits; and
- 10 WHEREAS, hourly parking rates are not clearly and conspicuously posted on visible signage to the
- 11 driving public and consumers often do not see the rate until they have already parked and are standing at the
- 12 payment kiosk;
- 13 NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council respectfully requests the
- 14 Ordinance Committee and City Attorney’s Office to review new ordinance language that accomplishes the
- 15 following and to draft any appropriate language to address the issues raised in Committee deliberations:
- 16 1. Requires privately-owned parking lot operators to include the words “privately-owned” to appear
- 17 on signage visible from the roadway;
- 18 2. Requires privately-owned parking lot operators to clearly and visibly disclose parking rates at the
- 19 roadway in a manner that would inform the consumer prior to entering and parking;
- 20 3. Requires privately-owned parking lot operators using dynamic or changing pricing models to
- 21 clearly and visibly disclose that and the maximum possible rate the consumer could pay at the
- 22 roadway in a manner that would inform the consumer prior to entering and parking;
- 23 4. Requires privately-owned parking lot operators to post clear and conspicuous signage that if they
- 24 intend to charge customers displaying handicapped parking permits to park that they must inform
- 25 drivers that they may park for free on the street or in City-owned lots; and

\* \* \* \* \*

**DISTRIBUTION:**

I hereby certify that this resolution has been sent to the following department(s) on

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ORIGINAL

**RESOLUTION RELATING TO**

**Adopted by the City Council**

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. .... Page .....

\* \* \* \* \*

- 26           5. Provide for a period of 90 days after the effective date of the ordinance for privately-owned  
27           parking lot operators to come into compliance and further allow for a one-time courtesy warning to  
28           come into compliance for an additional 60 days.

29

30

31

32

*EL/Resolutions 2025/Consumer Choice and Disclosure of Parking Terms & Rates in Privately Owned Lots  
9/4/25*

\* \* \* \* \*

ORIGINAL

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**RESOLUTION RELATING TO**

Consumer Choice And Disclosure Of Parking Terms & Rates In Privately Owned Lots

.....

.....

**Adopted by the City Council**

September 8 ..... 25

*Brady Kelly* ..... Clerk

Approved..... Sept 9 ..... 20 25

*Andy...* ..... Mayor

**Attest:**

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\* \* \* \* \*

CITY OF BURLINGTON

ORDINANCE \_\_\_\_\_

Sponsor: \_\_\_\_\_  
Public Hearing Dates: \_\_\_\_\_

In the Year Two Thousand Twenty-Six

First reading: \_\_\_\_\_

Referred to: \_\_\_\_\_

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5 **21-8 Reserved Consumer Protection**

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7 **(a) PURPOSE**

8 The purpose of this Section is to complement the enforcement of federal statutes, state statutes, and decisions  
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10 in order to protect the public and to encourage fair and honest competition.

11 **(b) DEFINITIONS**

12 Please see 9 V.S.A. §2451a.

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- 28 (D) if the lot/garage uses dynamic or changing pricing models, clearly and visible disclose that
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- 31 (F) a contact to call if there is an issue; and
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- 33 street or in city-owned lots for free.

34

35 **(d) EFFECTIVE DATE**

36 The effective date of this ordinance shall be July 1, 2026. Thereafter, there shall be a one-time courtesy

37 warning to come into compliance for an additional sixty (60) days.

38

39 \* Material stricken out deleted.

40 \*\* Material underlined added.

41

42 ks/Ordinances 2026/Consumer Protection/BCO Ch. 21, Art. I

43 Sec. 21-8.

44 3/4/2026