

Vegetation Ordinance Draft Amendments Informational Meeting

Monday, September 21, 2026, 6:00 PM

311 North Avenue, Conference Room or Remote via Zoom

Zoom: <https://zoom.us/j/95590052709?pwd=MlhQcTVTNmUydW5qelBLeFUwZk9LZz09>

Webinar ID: 955 9005 2709

Password: 346560

Telephone: 1 929 205 6099

1. Introductions

1.1. Introduction of the city team

2. Presentation of the draft vegetation ordinance amendment

2.1. Overview of the draft amendments to the vegetation ordinance

3. Questions & Answers

3.1. Opportunity for meeting attendees to ask questions about the proposed amendments

4. Informational and Non-Discrimination Statements

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. The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements, auxiliary aid, service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Burlington, should contact the office of the Title II Burlington ADA Coordinator at 802-865-7000 as soon as possible but no later than 48 hours before the scheduled event.



Burlington's Vegetation Ordinance

An amendment to Chapter 29 of
Burlington's Code of Ordinances

Parks and Recreation Commission
September 8, 2026
Page 2 of 23



The Vegetation Ordinance
establishes local rules for
management of vegetation,
including our urban forest.

The goal is to establish and
maintain diversity in age and
species in trees that make up
our urban forest, as well as
broad diversity in native
species of vegetation in our
open spaces.

The Vegetation Ordinance applies citywide to:

- Natural areas
- Parks
- Greenbelts
- Institutional
- Private
- Public





The existing Vegetation Ordinance dates to 1962 and was most recently amended in 1995.

It is limited to:

1. Basic standards limiting pruning or removing trees and other vegetation on city (public) property.
2. Prohibits attaching signs or hitching horses to trees on city property and contains a penalty provision.

A lot has changed since 1995!

- ▶ The original Open Space Protection Plan adopted in 2000
- ▶ Creation of the Conservation Legacy Fund
- ▶ Nature Based Climate Solutions Addendum
- ▶ Climate change is here
- ▶ Need for adaptation and resiliency
- ▶ Net zero energy
- ▶ Understanding our green spaces as critical elements of our community infrastructure
- ▶ New Open Space Plan adopted in 2026





The Open Space Plan adopted earlier this year identifies update of the Vegetation Ordinance as a priority.

Our green spaces contribute to climate resiliency, biodiversity, water quality, and quality of life in our community.

Tree Canopy Facts & Figures (SAL)

- ▶ Burlington currently has 40% tree canopy cover
- ▶ This is a decrease from 41.6% tree canopy cover in 2014
- ▶ 228 acres of gain in tree canopy cover
- ▶ 337 acres of loss in tree canopy cover
- ▶ Tree canopy distribution is uneven throughout Burlington
- ▶ So are tree canopy losses and gains



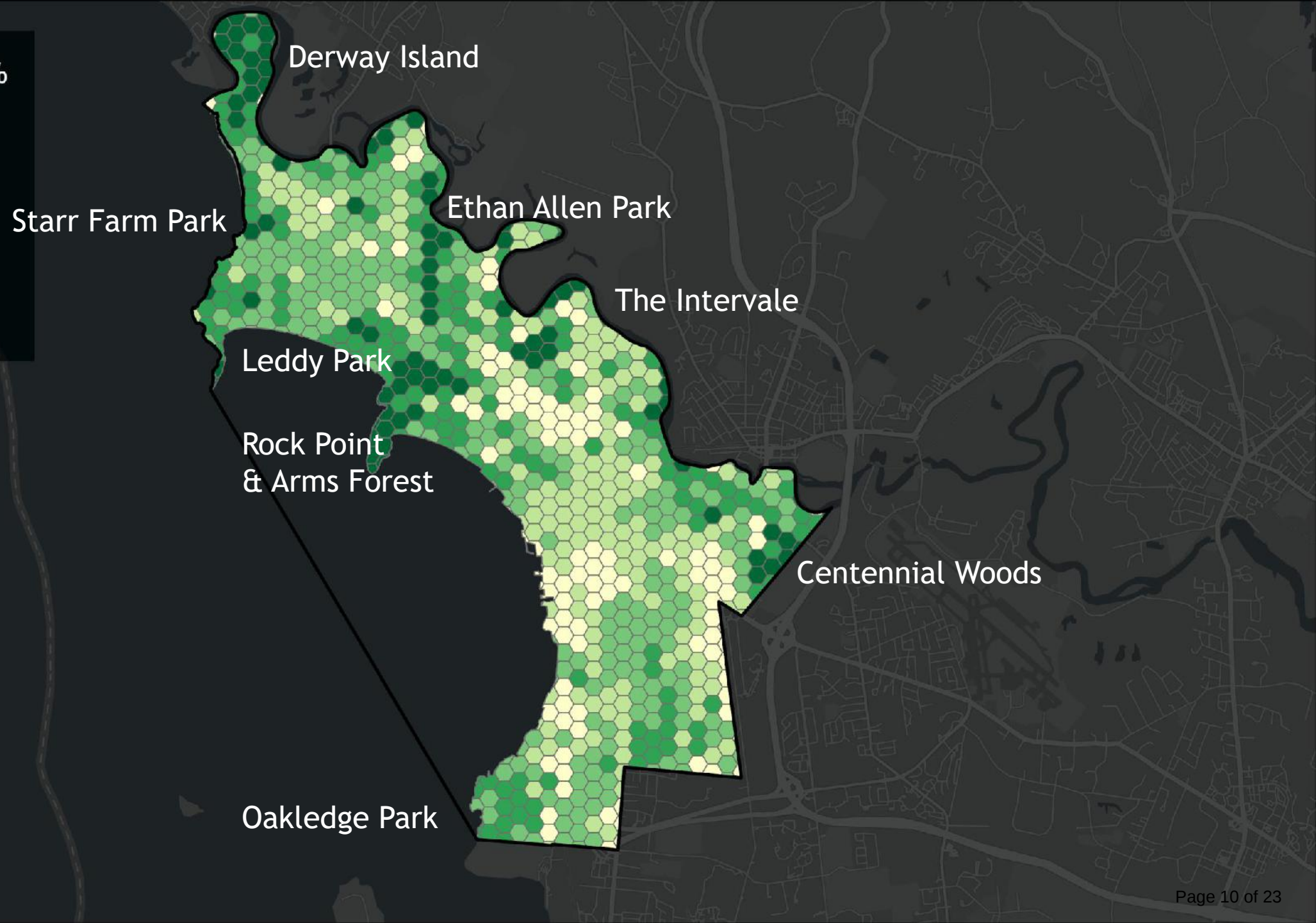
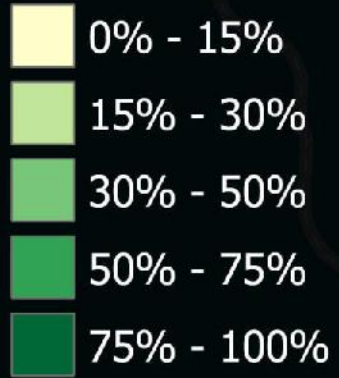
Trees in our green belts and parks

3,104 trees planted

2,684 trees removed

1,933 trees planted from Branch Out Burlington nursery

Existing Tree Canopy %



Strengthen and retain the green fabric of our community while accommodating housing growth.



Absolute % Change

-218% - -60%

-60% - -20%

-20% - -10%

-10% - -3%

-3% - 0%

0% - 3%

3% - 19%

Appletree
Solar Fields

Cambrian
Rise

Champlain
Parkway

Objectives of the amended Vegetation Ordinance

- ▶ Provide supportive regulatory framework for vegetation management
- ▶ Preserve and strengthen our urban forest and related canopy cover
- ▶ Articulate mitigation measures for tree clearing that will occur
- ▶ Specify review standards, based on existing permit processes, for vegetation management, including tree clearing
- ▶ Outline landowner responsibilities along public streets
- ▶ Provide for enforcement measures
- ▶ Articulate authority for tree warden, deputy tree warden, and Conservation Board
- ▶ Acknowledge and incorporate statute as to shade trees





Next steps for adoption:

Parks Commission - September 8

Conservation Board - September 14

City Council - September 28

City Council Ordinance Committee -
TBD

Chapter 29 VEGETATION

Introduction

~~29-1 Planting certain trees prohibited.~~ Statement of Purpose

~~29-2 Park commissioners to approve location and manner of planting.~~ Applicability, Authority, & Severability

~~29-3 Cutting, pruning or removing trees prohibited; exception.~~ Definitions

~~29-4 Removing plants, vines, etc., prohibited.~~ Jurisdiction

~~29-6 Attaching board, notice, wire, stay or support to tree prohibited.~~ Authority of the City Arborist and City Land Steward

~~29-7 Penalty.~~ General Prohibitions

~~29-8 Protection of Vegetation on Public Property~~

~~29-9 Obstruction of Streets~~

~~29-10 Penalties and Enforcement~~

~~29-11 Tree Removal~~

Introduction.

The Burlington Vegetation Ordinance establishes policies, regulations, and standards necessary to ensure that the City maintains robust tree and vegetation cover in a healthy manner that also mitigates risk to life and property. The goal is to establish and maintain diversity in age and species in trees that make up our tree canopy, as well as broad diversity in the presence of native species of vegetation in our open spaces, including but not limited to natural areas, parks, greenbelts, and trees and vegetation on private property.

29-1 Planting certain trees prohibited. Statement of Purpose.

~~No person shall plant or cause to be planted or assist in planting in any of the city parks or streets any variety of poplar, cottonwood or willow tree.~~

(Rev. Ords. 1962, § 3916)

29-1.1. The City of Burlington hereby finds that the preservation of existing vegetation and promotion of new plantings in all public and private ways and places is a public purpose that protects the public health, general welfare, climate resilience and aesthetics of City of Burlington for all its citizens. The provisions of Vegetation Ordinance shall be as a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

29-2 Park commissioners to approve location and manner of planting. Applicability, Authority, & Severability.

~~No tree in a street, public park or other city property shall be planted except with the approval, and in accordance with the rules, of the board of park commissioners, who shall have the power to prescribe how such trees shall be planted, at what distance apart and of what variety. A tree shall be provided with supports and guards whenever, in the opinion of the board of park commissioners or its agents, such supports or guards may be desirable.~~

(Rev. Ords. 1962, § 3851)

29-2.1. Applicability

The terms and provisions of the Burlington Vegetation Ordinance shall apply to all trees and vegetation within the City of Burlington, except as otherwise provided herein.

29-2.2. Authority

This ordinance is adopted pursuant to the authority contained in V.S.A Title 13, Chapter 77, *Trees and Plants*, and Title 24, Chapters 59, *Adoption and Enforcement of Ordinances and Rules*, 61, *Regulatory Provisions; Police Power of Municipalities*, Subchapter 11: *Miscellaneous Regulatory Powers* and 67, *Parks and Shade Trees*.

29-2.3. Severability

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

~~State law reference—Authority to appropriate sum of money to plant trees, 24 V.S.A., § 2507.~~

29-3 Cutting, pruning or removing trees prohibited; exception. Definitions.

~~No person shall cut, prune or remove a tree or shrub in a street, public park or other city property, except with the approval and consent of the board of park commissioners or of the duly appointed tree warden or city forester.~~

(Rev. Ords. 1962, § 3852)

~~Charter reference—Power of city council to remove or trim trees when necessary, § 48(XXXI).~~

~~Cross reference—Authority to remove trees, shrubs or plants from cemetery, § 9-75.~~

~~State law reference—Cutting shade trees, 24 V.S.A. § 2508 et seq.~~

29-3.1. Area of Disturbance- An area proposed to be disturbed in any manner, temporary or permanent, as a result of construction activities, plus a buffer zone of 20 feet.

29-3.2. Caliper - See “tree caliper” as defined in the Comprehensive Development Ordinance.

29-3.3. City Arborist - The City of Burlington employee of that same title having the primary responsibilities of administration and enforcement of the Burlington Vegetation Ordinance applicable to the city owned spaces that they manage. Primarily these spaces are city ROW and city parks. The City Arborist shall serve as the tree warden per VSA 24, Chapter 67.

29-3.4. City Land Steward- The City of Burlington employee of that same title having the responsibilities of administration and enforcement of the Burlington Vegetation Ordinance applicable to the city owned spaces that they manage. Primarily these spaces are natural areas, large and small, in city parks, Urban Wilds, and in the City ROW. The City Land Steward shall serve as a deputy tree warden per VSA 24, Chapter 67.

29-3.5. City right-of-way (ROW)- The real property or other legal instrument, such as an access easement, associated with transportation infrastructure, including but not limited to streets and public paths. For the purposes of this ordinance, this term is synonymous with “public way” as defined in VSA 24, Chapter 67.

29-3.6. Climate Resilience - The ability of communities, ecosystems, and businesses to anticipate, absorb, accommodate, or recover from the hazardous effects of climate change, such as extreme weather, flooding, and droughts.

29-3.7. Conservation Board – The board of the same name as included in the Comprehensive Development Ordinance.

29-3.8. Critical Root Zone - An area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of 1 foot per inch Diameter at Breast Height (DBH).

29-3.9. DBH (diameter at breast height) – Standard measurement of tree’s diameter taken at breast height, (4 ½ feet above the ground).

29-3.10. Deputy Tree Warden – The person(s) appointed by the City Council per VSA 24, Chapter 67 who has the same authority over shade trees as the Tree Warden but who is directed by the Tree Warden. See also City Land Steward.

29-3.11. Developer – Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made, development, or who has applied for a zoning permit within the jurisdiction of the city.

29-3.12. Drip Line – The circumference on the ground directly below the outermost branches of a tree.

29-3.13. Germplasm – The living genetic resources – such as seeds, tissues, or reproductive cells – that contain the hereditary information of a species.

29-3.14. Herbaceous vegetation – Plants that grow from their roots in the spring (perennial) or from a seed (annual). Their growth is soft and fleshy and the above-ground growth dies back each fall.

29-3.15. Heritage Tree – See Specimen Tree as defined in the Comprehensive Development Ordinance.

29-3.16. Natural Area – Lands that are managed for environmental conservation; wildlife habitat; rare, threatened, and endangered species; education and ecological interpretation; and passive recreation.

29-3.17. Natural seed bank - the dormant, viable seeds naturally stored in the soil or in plant canopies, waiting for the right environmental conditions to germinate.

29-3.18. Pocket Forest - A small and biodiverse cluster of trees and shrubs planted in a tiny urban or suburban space, often no larger than a tennis court.

29-3.19. Pollinator Garden - A specialized landscape designed to support native bees, other pollinating insects, and hummingbirds throughout their life cycles by providing nectar and pollen

resources, native host plants, and managed to provide year-round habitat.

29-3.20. Public Property – All property owned, leased, or occupied by the City or any of its administrative agencies or departments. For the purposes of this ordinance, this term is synonymous with “public place” as defined in VSA 24, Chapter 67.

29-3.21. Public Trees – Trees (shrubs and all other woody vegetation) on any public property, including park, playground or other property owned or controlled by the City of Burlington or within any city right-of-way. See also Shade Tree.

29-3.22. Rain Garden – Per US EPA, A rain garden is a depressed area in the landscape that collects rainwater from a roof, driveway or street and allows it to soak into the ground.

29-3.23. Shade Tree - Per VSA 24, Chapter 67, a shade tree is a shade or ornamental tree that is, in whole or in part, within the limits of a city ROW or public property, provided the tree was planted by the city, or is designated as a shade tree due to its cultural, historical, or aesthetic significance to the character of Burlington.

29-3.24. Sight Triangle - A sight triangle (or sight distance triangle) is an unobstructed, triangular-shaped area at an intersection, driveway, or road corner designed to ensure drivers have a clear view of traffic, pedestrians, and cyclists. See also Sec. 5.2.6 (d), Clear Sight Triangle, of the Comprehensive Development Ordinance and as may be amended.

29-3.25. Treebelt - The area between the sidewalk and the street on which trees are planted; or from the curb to the outer edge of the city right of way on a given street.

29-3.26. Tree Warden – The person appointed by the City Council per VSA 24, Chapter 67 who controls all shade trees within the City of Burlington. See also City Arborist.

29-3.27. Urban Wild - A category of city-owned parcels managed by Burlington Parks, Recreation & Waterfront and deemed as high-priority conservation lands. Burlington’s “Urban Wilds” are those properties that “provide habitat for rare and endangered plant and animal communities, wetlands and other riparian systems, flood plain, unique geological and hydrological features, important wildlife habitat and travel corridors, areas important for scientific research and education, scenic vistas, trails, passive recreation, sustainable forest communities, and cultural features.”

29-4 ~~Removing plants, vines, etc., prohibited~~ Jurisdiction.

~~No person shall take or carry away a plant, flower, vine, vase, pot or other vessel used for flowers or plants in a street, public park or other city property.~~

(Rev. Ords. 1962, § 3855)

29-4.1 The City Arborist, along with the City Land Steward, shall have control of all trees, including but not limited to shade trees and vegetation in any public property within the city limits relative to the spaces that they each manage and shall have the authority to plant, maintain, remove, and replace such vegetation.

29-5 Hitching horses or other animals to trees or shrubs prohibited**The Authority of the City Arborist, City Land Steward, and Conservation Board.**

~~No person shall hitch a horse or other animal to a tree, shrub or fence in a street, public park or other city property, nor leave a horse or other animal untied or tied within reach of such tree, shrub or fence, nor permit a horse or other animal to injure or deface such tree, shrub or fence.~~

(Rev. Ords. 1962, § 3853)

29-5.1. The Director of the Parks, Recreation and Waterfront Department may hire persons to be the City Arborist or the City Land Steward. It will be the City Arborist's and City Land Steward's responsibility to make recommendations in order to provide care, protection, preservation and removal of municipal vegetation specific to the public areas managed by each.

Per VSA 24, Chapter 67, the tree warden (City Arborist) controls all shade trees within city limits and enforces all laws related to shade trees and may manage infested or infected trees. The tree warden may also make cooperative and financial agreements with other entities and accept funds and resources to effectuate management of the city's urban forest. The deputy tree warden (City Land Steward) has the same authority as the tree warden but is directed by the tree warden.

29-5.2. The Conservation Board shall serve as an advisory board to the City Arborist, City Land Steward, and in their capacity reviewing zoning permit applications, to the Development Review Board as set forth in the Comprehensive Development Ordinance. For the purposes of this ordinance, duties of the Conservation Board include:

- Review of zoning permit applications involving tree removal per Section 29-10 of this ordinance.
- Assist with coordination of Arbor Day celebrations.
- Review annual goals and objectives prepared by the City Arborist and/or City Land Steward as to the urban forest.
- At the request of the City Arborist and/or City Land Steward, host community discussions as to maintenance of the urban forest.

29-5.3. No tree in a public property shall be planted except with the approval of the City Arborist or City Land Steward where applicable. Each will have the power to prescribe how such trees shall be planted, at what distance apart, and what variety. Planted trees will be provided with supports and guards whenever in the opinion of the City Arborist or Land Steward such supports or guards may be desirable.

29-5.4. Cutting, pruning, or removing trees and shrubs and herbaceous vegetation is prohibited. No person shall cut, prune, or remove a tree, shrub, or herbaceous vegetation in a public property except with approval and consent of the City Arborist or City Land Steward as applicable to the respective public areas managed by each.

29-6 Attaching board, notice, wire, stay or support to tree prohibited**General Prohibitions.**

~~No person shall attach a board, card, notice, advertisement, wire, stay or support to a tree in a street, public park or other city property without the written consent of the board of park commissioners.~~

~~(Rev. Ords. 1962, § 3854)~~

~~**Charter reference**—Power of city council to prohibit and punish willful injury to trees, § 48(XXXII).~~

~~No person shall hitch a horse, attach an animal, or any other object such as bikes, signs, wires swings, slack lines, hammocks etc. to a tree or shrub in a public property without written consent of the City Arborist or City Land Steward as applicable.~~

29-7 ~~Penalty~~Protection of Vegetation on Public Property.

~~A violation of any provision of any provision of this chapter shall be a civil offense punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00) for each offense. Each day the violation continues shall be a separate offense. The superintendent of parks, waterfront manager, city arborist and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter.~~

~~(Ord. of 1-9-95)~~

29-7.1. Protection. Without written permission from the City Arborist; no person or city agency shall: (1) undertake any development activity including, but not limited to, the excavation of any ditches, tunnels, or trenches or changing the grade (adding or removing soil), and the laying of pavement within the dripline of any public tree or shrub; (2) move or park vehicles associated with any construction or development activity which may affect any vegetation, including trees or shrubs on public property; (3) compact the soil within the drip line of trees.

29-7.2. Root Protection. No person or city agency shall deposit, place, store or maintain of the city any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots on any public tree or shrub within the dripline on unpaved surfaces except by written permission of the City Arborist or City Land Steward as applicable.

29-7.3. Guarding. Guarding during construction or excavation: (1) unless the City Arborist or City Land Steward for good cause, determines otherwise, all trees or shrubs on any public property directly impinging on any excavation or construction of any building, structure or street work shall be guarded to protect the critical root zone. The critical root zone is the area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of 1 foot per inch diameter at breast height.

29-7.4 Collection. Without written permission from the City Land Steward; no person shall collect seed or germplasm from any public property. Permission may be requested if seed or germplasm collection is intended solely for ecological restoration, scientific research, and regional seed increase. Collection of seed or germplasm from public property may not be utilized for the development of patentable cultivars, non-native applications, or profit-driven, trademarked varieties that fall outside of the mission of regional biodiversity support. Collectors

must provide to the City Land Steward a target species list and associated locations, and collection protocols that outline respect to population size, species life cycle, and natural seed production, ensuring that a natural seed bank remains healthy to feed local wildlife and allowing the populated to persist in the landscape.

29-8 Obstruction of Streets.

29-8.1. Private Property Pruning. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from and or interferes with visibility of any traffic control device, sign, or is impeding views within the site triangle of an intersection.

29-8.2. Obstruction. It shall be the duty of any person owning private property bordering on a city ROW to ensure that trees and shrubs on that property are pruned in a manner that will not obstruct or shade streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct views within the sight triangle of an intersection. If trees are interfering with utility wires, it is the obligation of the appropriate utility company to correct the situation.

29-8.3. Property Owner Responsibility. Should any person owning private property bordering on any city ROW fail to comply as hereinabove provided, the City Arborist or designee shall order the owner to take corrective action within fifteen (15) days after receipt (certified letter) of written notice. The order requires herein shall be served by mailing a copy of it to the last known address of the property owner.

29-8.4. Removal of Hazardous Conditions. Every owner of any tree overhanging any city right-of-way within the City shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which poses a threat to safety of the public or other trees.

29-8.5. Private Owner Compliance If any person owning real property bordering on any city ROW fails to comply as herein above provided, the City Arborist or designee shall order the owner to take corrective action within fifteen (15) days after the receipt of written notice. The order required herein shall be served by mailing a copy of it to the last known address of the property owner. In the event that required corrective action is not taken by the property owner, the City Arborist shall have the authority to undertake the required corrective action. In such case, a penalty fee of \$500 shall be assessed to the property owner per Sec. 29-9.1 of this ordinance.

29-9 Penalties and Enforcement

29-9.1. Penalty.

Shade Trees: Whoever shall willfully mar or deface a shade tree, or who willfully and critically injures or cuts down a shade tree, without the written permission of a tree warden or legislative body of the municipality shall be fined according to the provisions of VSA 24 § 2510.

Other Trees: Except provided for in Sec. 9.3, Enforcement, below, a violation of any provisions of this ordinance shall be a civil offence punishable by a civil penalty from one hundred dollars (\$100.00) to five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be seventy five dollars (\$75.00) for each offense. Each day the violation continues shall be a separate offense. The [Superintendent of Parks] Director of Parks

and Recreation, [Waterfront Manager], Superintendent of Park Planning and Development, City Arborist, City Land Steward, and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter

29-9.3. Parking on sidewalks and treebelts.

The penalty for parking on a sidewalk or treebelt in violation of this ordinance shall be as per Motor Vehicles & Traffic/Section 20-66 Penalty (B) (3) of the City Code of Ordinances.

29-9.3. Enforcement. The Tree Warden and Deputy Tree Warden have enforcement authority over all shade trees within the City of Burlington. Enforcement and appeals processes as to shade trees shall be as per VSA 24, Chapter 67. Enforcement as to trees on private property shall be per the Comprehensive Development Ordinance, as may be applicable. This ordinance does not preclude enforcement measures as per applicable state statute.

29-10 Tree Removal.

29-10.1. Shade Trees

(1) The removal of any shade tree shall be subject to the provisions of VSA 24, Chapter 67.

29-10.2. All other Trees

Including, but not limited to, all public trees that are not shade trees and trees on private or institutional property.

- (1) Application for tree removal requiring a zoning permit per Article 3 of the Comprehensive Development Ordinance (CDO) shall require review by the Conservation Board who will provide a recommendation to the Development Review Board. The application plan shall indicate the size, species, and location of all trees to be removed.
- (2) Conservation Board review will occur within the parameters set forth in the CDO including, but not limited to, consideration of the size, species, and location of all trees to be removed and proposed mitigation measures.
- (3) A planting plan illustrating the size, species and location of trees to be installed is required, unless other mitigation measures are proposed instead. The planting plan shall include a chart summarizing sizes of trees to be removed and trees to be planted.
- (4) Removal of heritage trees is strongly discouraged.
- (5) The Conservation Board shall consult with the City Arborist in its review of the proposed application for compliance with city's tree removal mitigation measures. The Conservation Board shall also consider the impact, if any, on all trees with a caliper of 6 inches or greater and shall make recommendations for the preservation of existing trees and for the species, size, and location of new plantings.

29-10.3. Application. Application plans shall illustrate the location of the protective tree fence around trees to remain, including details of such. Additionally, the following measures must be addressed by the applicant and inspected by the city arborist prior to the start of work:

- Protective tree fence must be installed.

- All trees to be removed and all trees to remain within the area of disturbance must be clearly marked at the base of each tree with visible non-removable marking indicating the status of each tree.
- It is recommended that permanent spray paint be used for trees to be removed (red) and trees to remain (green).

29-10-4. Mitigation Measures.

- (1) Except as provided for in (2) below, new trees shall be planted caliper-for-caliper for removed trees. For example, removal of a 20 inch caliper tree may be offset with planting five 4 inch caliper trees. Replacement trees may be planted onsite or offsite within the City of Burlington. Offsite planting shall be subject to Conservation Board recommendation in consultation with the City Arborist or Land Steward.
- (2) In the event that replanting per (1) above is impractical or impossible as determined by the Conservation Board, the applicant shall:
- A. Make payment to a designated city tree planting fund in an amount determined in accordance with the current Guide for Plant Appraisal as reviewed and approved by the City Arborist or City Land Steward; and/or.
 - B. Install and maintain onsite green stormwater infrastructure utilizing appropriate native plant species that mitigates the 10-year storm event (see City Code of Ordinance, Chapter 26).
 - C. Mitigation measures in items (1) and (2) A and (2) B above may be used in whole, or in part, for mitigation of tree removal. For example, mitigation for tree removal can include replanting new trees, payment into a planting fund, and/or installation of green stormwater infrastructure.