

To: Shaftsbury Selectboard

From: Chris Williams, Shaftsbury Planning Commission chair

Date: November 1, 2016

Subject: revision of Zoning Bylaws

As you know the Planning Commission has been awarded a Municipal Planning Grant with the Bennington County Regional Commission serving as consultant to revise our bylaws. Our purpose in undertaking this has been to eliminate contradictions in regulations, to make the language less legalistic and easier for the average citizen to understand and to bring our land use regulations into alignment with State statutes. Zoning was originally enacted in Shaftsbury in 1980. The Bylaws have been revised piecemeal and amended since then but no comprehensive review has been conducted to determine if regulations adopted thirty-six years ago still serve the Town well in a much changed environment. This we are also attempting to do.

Public attendance and input at our meetings has been just about zero. Since the bylaw revision is likely to be a significant issue at Town Meeting 2017, we present this memo to get your input in the process and to raise the public visibility of the issue. Proposed significant changes to the bylaw are as follows:

- Recreation Zone overlay along Route 7A has been deleted to streamline regulations. Allowed uses have been incorporated into Roadside Commercial District.
- Shoreline District has been deleted because State statutes govern and because all land in this district is either State owned or privately conserved.
- Village Commercial District has been renamed Village Center District. Along with Village Residential, this envisions the Village as a high density, mixed use district that is the site of much of the Town infrastructure. Setbacks for commercial uses have been reduced for front yard from 30 feet to five feet, for side yard from fifteen feet to ten feet and rear yard from thirty feet to ten feet. This is because so few of our commercial buildings comply. Conditional Use has been changed in many instances to Permitted Use with Site Plan Review in the Village Commercial District. This will reduce the uncertainty faced by property buyers who want to open a business but currently cannot know if their business is permitted until they buy the property and apply to the DRB.
- The proposal for the Village Center District involves combining the two small commercial districts into a single district. Commercial uses will be subject to site plan review by the DRB. Retail stores, funeral establishments and restaurants are conditional uses subject to approval by the DRB.
- Regulations of telecommunications structures (cell towers, etc.) have been deleted. State regulations govern.
- Conditional uses in Roadside Commercial District have been expanded to include restaurants.
- Permitted uses in Forest and Recreation District have been expanded to include “commercial or non-commercial facilities supporting non-motorized low-impact dispersed recreational activities suitable to the forest environment”.
- To better describe nonconforming situations, a section on Nonconforming Structures has been added to compliment the present Nonconforming Uses.

- Because owner drawn site plans have been so inaccurate and incomplete in the past, the bylaw now requires they be prepared by a “licensed design professional” when major changes are proposed. Minor changes are exempt from this requirement.
- Metal plating, solid waste and hazardous waste management facilities have been deleted as conditional uses in the Commercial/Industrial District. It was felt that these high impact uses are not suitable to the high visibility area along Route 7A and Airport Road.
- Mixed uses such as a store with a residence have never been dealt with by the bylaw. Under the proposed revision such uses would not require addition lot area in the Village Center but would in Rural districts.
- The Paran Acres subdivision is proposed to be rezoned from present Rural Residential (RR-40) to Village Residential because the majority of the properties do not meet lot size requirements. This will expand the present VR district on the edge of North Bennington village.
- On the advice of the town attorney, the sign ordinance is changed to clarify that internally illuminated and self-illuminated signs are prohibited.