

To: Shaftsbury Selectboard

From: Chris Williams, Shaftsbury Planning Commission chair

Date: July 28, 2016 (Revised by Tim Scoggins 10/27/16)

Subject: revision of Zoning Bylaws

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 Zoning was originally enacted in Shaftsbury in 1980.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.

The Planning Commission presents this memo to get your input in the process and to raise the public visibility of the issue.

Significant changes to the bylaw are as follows:

- Conditional Use has been changed in many instances to Permitted Use with Site Plan Review. 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.
- 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.
- 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” with exceptions for small scale changes.

- 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.
- Combine Village Commercial districts VC-1 (7A south of Buck Hill) and VC-2 (7A north of Buck Hill). Most Conditional Uses are now Permitted with Site Plan Review except for restaurants, retail and mortuaries which remain Conditional.
- Paran Acres has been rezoned from Rural Residential 40 (1 acre) (RR-40) to Village Residential (VR). Most of the lots in Paran Acres are less than one acre and therefore nonconforming with current zoning bylaws.