



# Town of Shelburne, Vermont

CHARTERED 1763

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## SHELBURNE PLANNING COMMISSION

Pursuant to 24 VSA § 4441, the Shelburne Planning Commission will hold a public hearing at 7:00 P.M. on Thursday, April 14, 2022 at Shelburne Town Offices to consider amendments to the Zoning Bylaw and Subdivision Regulations:

Purpose: Proposal implements goals expressed in the Shelburne Comprehensive Plan (2019) to support Land Use and Economic Development in Shelburne through placemaking: activation of the Town's outdoor spaces.

Geographic Area affected: Entire Town.

Articles/Sections of Zoning Ordinance affected:

1980.11 – new section: Conduct of Outdoor Business Activity, “Outdoor public/private space activation”

Place where text may be examined: The full text is available for review in the Shelburne Planning and Zoning Office during regular business hours, on the Town website, and via email <agravit@shelburnevt.org>.

To participate: This will be a hybrid meeting. To participate via Zoom:

Join PLANNING COMMISSION Zoom Meeting

<https://us02web.zoom.us/j/88116839405?pwd=SVRGdlVEN2U5ZkxxVzdsTE1WODRhZ09>

Meeting ID: 881 1683 9405

Passcode: rWB9yp

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 881 1683 9405

Passcode: 874042

REPORT OF THE PLANNING COMMISSION  
REGARDING PROPOSED ZONING AMENDMENTS  
WARNED FOR A PUBLIC HEARING ON April 14, 2022

Pursuant to 24 VSA 4441, the Planning Commission shall prepare a report to accompany proposed zoning amendments addressing how any proposal:

Conforms with or furthers the goals and policies in the Town Plan, including the availability of safe and affordable housing;

Is compatible with future land uses and densities of the Town Plan; and

Carries out, as applicable, specific proposals for planned community facilities.

The proposal presented in this package relates to implementing the goals as expressed in the Shelburne Comprehensive Plan (2019) to support Land Use in Shelburne and Economic Development through placemaking: activation of the Town's outdoor spaces.

Land Use in Shelburne p. 8

Goal: Pursue future land use based on the principles of "placemaking." Placemaking is the process of creating quality places where people want to live, work, play and learn. Thus, the explicit aim of the future land use section of this plan is to promote the creation of quality places that combine:

- a) Appropriate physical form (i.e., development occurs at a human scale and is pedestrian oriented),
- b) A mix of land uses and functions, and
- c) A mix of social opportunity.

Economic Development in Shelburne p. 52

Encourage town residents and businesses to utilize local service providers (professionals, trades, etc.) in order to support local businesses efforts.

The proposal presented in this package is the First Recommendation listed in the Town of Shelburne Economic Development Report (2021) p. 3

Recommendations:

1. Make the current Interim Bylaws for Outdoor Business permanent. Residents highly value local businesses, and they would like to see more small businesses, especially restaurants. Help your local businesses thrive by allowing them to advertise with flexible signage, hold outdoor sales events, lower restaurant parking /table ratios, and allow open dining areas. In essence, don't require your local businesses to "hide" their businesses; let people see what they have to offer.

This proposal makes permanent an interim bylaw that was supported and enjoyed by the town for the last two years.

To be reviewed by the Planning Commission as a part of its public hearing on April 14, 2022.

**Article 1980.11**  
**Conduct of Outdoor Business Activity**  
**“Outdoor public/private space activation”**

1. Purpose

The purpose of this bylaw is to protect the general public health and welfare, enhance community vitality, and provide for orderly physical and economic growth of the Town of Shelburne, by allowing commercial establishments to conduct business outdoors, and in more flexible manner.

2. Applicability

Subject to zoning permit, this bylaw applies to all restaurants, retail, and service establishments throughout the Town of Shelburne.

3. Specific Provisions

A. Restaurants may create areas for outdoor dining in front, side, or rear yard areas that do not conflict with adjoining land uses, public sidewalks, or other required parking spaces or traveled ways. Reasonable provision shall be made for separation between dining areas and areas reserved for motor vehicle travel. Dining areas shall not interfere with pedestrian travel or emergency vehicle access. No additional parking shall be required for outdoor seating beyond what is or has been required for regular, year-round indoor dining.

B. Outdoor seating is exempt from the setback requirements of the underlying zoning districts and may use the public sidewalks, but shall not interfere with pedestrian travel by maintaining a 5-foot wide continuous pathway; and shall not reduce the number of on-site required parking spaces for the restaurant by more than 50%. At no time shall outdoor seating or food trucks interfere with pedestrian or emergency access.

C. Outdoor Provision of Services:

Any service establishment may provide their service outdoors. Outdoor provision of services shall be permitted to use the public sidewalks but shall not interfere with pedestrian travel by maintaining a 5-foot wide continuous pathway and shall adhere to the setback requirements of the underlying zoning district; and shall not reduce the number of on-site parking spaces for the specific business by more than 50%. At no time shall the provision of services interfere with emergency access.

D. Outdoor Displays of Merchandise:

Any business holding a valid permit to operate a retail store or restaurant may erect a display of goods offered for sale, or a display which is designed to promote the sale of goods, including produce, products, goods, equipment, prepared food or commodities, outside a building without meeting the area restrictions provided in the Shelburne Zoning Regulations. Outdoor displays of merchandise shall not interfere with pedestrian travel by maintaining a 5-foot wide continuous pathway and shall not reduce the number of on-site parking spaces by more than 50%. At no time shall outdoor displays interfere with emergency access.

E. Temporary Tents for Outdoor Seating, Displays of Merchandise or Provision of Services: Temporary tents may be erected on site, as long as it does not interfere with required parking or pedestrian or emergency access. Tents shall not be located closer than five feet to the side and/or rear property lines.

In no case shall any combination of these provisions interfere with emergency services or reduce the number of parking spaces currently in existence by more than 50%.

All other provisions of the Shelburne Zoning Regulations shall remain in effect.

4. Enforcement of these Bylaws shall be as provided for in Title 24 of State Statute and the Shelburne Zoning Regulations.

5. In accordance with 24 V.S.A., Section 4464(c), administrative review of applications is hereby required. Department of Planning and Zoning staff may review and approve such permit applications.