

**Notice of Brattleboro Planning Commission Public Hearing  
Zoning Bylaw Amendment  
Monday, June 24, 2013, 7:15 PM  
Brattleboro Municipal Center**

Pursuant to 24 VSA Section 4441, notice is hereby given that the Brattleboro Planning Commission will hold a public hearing in the Selectboard Meeting Room at the Municipal Center, 230 Main Street in Brattleboro, Vermont at 7:15 PM on Monday, June 24, 2013 to hear public comments on proposed amendments to the Zoning Ordinance. The proposed amendments will primarily affect the Industrial zoning district and all districts in which restaurants are permitted (Urban Center, Commercial, Rural Commercial, West River Waterfront, North End District 5 and 6) but could affect the entire Town.

The purpose of the proposed amendments are:

1. to add special standards for food carts and mobile food units on private property;
2. add definitions for food carts and mobile food units; and
3. to allow restaurants in the Industrial zoning district

The following is an abbreviated table of contents: Article 1-Administration & Procedure; Article 2-District Use & Dimensional Regulations; Article 3-Overlay Districts; Article 4-General Regulations; Article 5-Specific & Special Regulations; Article 6-Definitions.

Copies of the proposed amendment is available for review at the Brattleboro Planning Services Department, Town Clerk's office, and the Town's website, [www.brattleboro.org](http://www.brattleboro.org). Interested citizens are encouraged to attend the hearing or submit comments in writing prior to the hearing to the Planning Commission or email at [sfillion@brattleboro.org](mailto:sfillion@brattleboro.org).



## **Brattleboro Planning Commission Report on Proposed Amendments to the Brattleboro Zoning Ordinance**

This report is in accordance with 24 V.S.A. §4441 (c) which states that when considering an amendment to a bylaw, the Planning Commission shall prepare and approve a written report on the proposal. The report shall provide:

*(A) brief explanation of the proposed bylaw, amendment, or repeal and include a statement of purpose as required for notice under section §4444 of this title:*

### Brief Explanation

There proposed amendments to the Zoning Ordinance are as follows:

1. to add special standards for food carts and mobile food units on private property;
2. add definitions for food carts and mobile food units; and
3. to allow restaurants in the Industrial zoning district

### Purpose of Proposed Amendments

The purpose of the amendments 1 and 2 is to allow food carts and mobile food units to operate on private property while minimizing potential conflicts. Chapter 11 of the Town Ordinances deals with vendor on public property only; there is a gap in the Zoning Ordinance where they are not currently controlled. Given that most of the food carts and mobile food units in Brattleboro are in a semi-permanent location, operating day-to-day in the same location, there are zoning and site plan issues to be considered such as location, access, and circulation. Amendments 1 (standards for Food Carts and Mobile Food Units) and 2 (definitions) are an attempt to deal with this issues.

Amendment 3 is a proposal to list restaurants as a permitted use in the Industrial zoning district. The purpose of this amendment is to permit this use in the Industrial zoning district. This will allow food carts or mobile foods unit to locate near businesses with large numbers of employees.

*and shall include findings regarding how the proposal:*

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

This amendment conforms with and/or furthers the following goals and policies contained in the Brattleboro Town Plan adopted February 19, 2013:

Policy 2.1: Strengthen and enhance Brattleboro's commercial land use districts to intensify commercial land use, encouraging more mixed uses, and achieve higher utilization of existing public infrastructure.

Policy 12.1: Simplify the land use regulations.

Action 12.1.2: Clarify development regulations to increase certainty and predictability for development.

The proposed amendment will not affect the availability of safe and affordable housing.

2. *Is compatible with the proposed future land uses and densities of the municipal plan:*

The proposed amendment is compatible with the proposed future lands uses and densities of the Brattleboro Town Plan. The proposal does not change the minimum lot size or density of development as it currently exists.

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

There are no specific proposals for planned community facilities that would be affected by the proposed amendment.

## **Proposed Amendments to the Brattleboro Zoning Ordinance**

### **1. Add a new section to Article IV (Specific and Special Regulations): Section 5192 Food Cart and Mobile Food Vending**

#### Section 5192 Food cart and Mobile Food Vending

In all districts where restaurants are permitted, food carts and mobile food units located on private property<sup>1</sup> shall obtain a Zoning Permit.

Zoning permits for food carts and mobile food units are valid for one year and must be renewed by July 1 of each year. The permits are issued administratively when the following requirements are met:

1. The operator obtains a Business Permit License.
2. The food cart or mobile food unit and any associated temporary site furniture shall be entirely located on private property and shall not be located in any required setback, sight distance triangle, buffer, or public right-of-way.
3. The food cart or mobile food unit and any associated temporary site furniture may be located within parking areas, provided it:
  - a. Does not interfere with pedestrian or vehicular access or parking; and
  - b. Does not create a visibility obstruction to moving vehicles within a parking lot.
4. Any operator must receive and display a valid zoning permit from the Administrative Officer.
5. Trash receptacles shall be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located not more than 10 feet of the food cart or mobile food unit.
6. Signs - The operator shall have either:
  - a. Up to 2 signs permanently affixed to the food cart or mobile food unit with a maximum aggregate display surface of 5 square feet per sign are permitted; or
  - b. One free standing sign located within 5 feet of the food cart or mobile food unit. Freestanding signs shall not be permitted within the front setback of the property. The maximum sign face area shall be 5 square feet per side.

All requirements listed herein are in addition to health and safety codes administered by the State of Vermont

### **2. Add the following definitions to Section 6100 Definitions**

**FOOD CART:** A food/beverage service that is pushed by hand or hand pushcarts that are then situated a trailer.

**MOBILE FOOD UNIT:** a licensed, motorized vehicle (vans, trucks or trailers that are pulled by vehicles on public roads) that prepare and serve and food.

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<sup>1</sup> Food carts and mobile food units located on public property are required to comply with Chapter 11 of the Brattleboro Code of Ordinances.

**3. Amend Section 2352(b) to include Restaurants as a permitted use**

**2352. INDUSTRIAL (IN).**

a. Purpose. This district is established to provide for industrial growth and development. Large-scale office buildings are also permitted. Non-industrial uses are permitted only to the extent that they will not interfere with industrial uses in the district. Municipal utilities are available in some parts of these districts.

b. Uses.

**i. The following uses are permitted:**

**AGRICULTURAL**

Farm  
 Forestry

**RESIDENTIAL**

Family Child Care Home\*  
 Home Business\*  
 Residential Child Care Home\*

**PUBLIC**

**ASSEMBLY/FACILITY**

State Facility  
 Town Facility

**OFFICE**

Office Building  
 Radio or TV Station Office  
 Radio or TV Station Office Building

**COMMERCIAL**

Cottage Industry  
 Service Facility  
 Warehousing  
 Storage Facility  
Restaurant

**ROAD SERVICE**

Marina

**INDUSTRIAL**

Excavation/Quarry  
 Industry  
 Light Industry

Public Utility Facility

**SPECIAL USES**

Condominium/Cooperative  
 Factory Retail Store  
 Planned Unit Development  
 Institutional Planned Unit Development

**ii. The following uses are permitted upon issuance of a Conditional Use Permit:**

**AGRICULTURAL**

Animal Shelter  
 Livestock Auction  
 Sawmill  
 Veterinary Clinic

**RESIDENTIAL**

Residential Office\*

**COMMERCIAL**

Adult Oriented Businesses  
 Auction House  
 Bank  
 Civic Center  
 Drive In / Thru  
 Farmers' Market  
 Flea Market  
 Garage, Public  
 Garden & Farm Supply Store  
 Neighborhood Store  
 Nightclub  
 Personal Service  
 Recreation – Indoor Commercial

Recreation – Outdoor

Commercial

Repair Garage

Repair Service

Retail Store

School – Commercial

Studio

Vehicle and Machinery

Auction

**ROAD SERVICE**

Automotive Services

Boat Sales

**INDUSTRIAL**

Transportation Terminal

**OFFICE**

Office

**SPECIAL USES**

Junkyard

**PUBLIC**

**ASSEMBLY**

Child or Day Care Facility

Club

Community Center

School – Commercial or

Trade

\* Permitted in “grandfathered” dwellings only