

TOWN OF ST. JOHNSBURY

NOTICE OF PUBLIC HEARING

Notice is hereby given to the residents of the Town of St. Johnsbury that the St. Johnsbury Planning Commission will hold a public hearing in the Welcome Center, 51 Depot Square, St. Johnsbury, Vermont on Tuesday, July 17th at 6:00 PM. The hearing will be held for public review of and comment on amendments to the St. Johnsbury Zoning and Subdivision Code of Ordinance (Land Use By-laws) pursuant to Title 24 VSA, Ch. 117 §§ 4441-4444. Full context of the proposed modifications are available in the Town Clerk's office or online at STJVT.com

The purposes of the proposed Zoning By-law amendments are to:

- 1) Amend the definition of "dwelling unit" in Article VII of the Zoning and Subdivision Code of Ordinance (Bylaws) to be consistent with the definition of "dwelling unit" as adopted in Chapter 6 of the Code of Civil Ordinance. The Code of Civil Ordinance reads as follows:
 - a) *DWELLING UNIT: A building or part of a building that is used as a home or residence with one or more rooms including kitchen, designed as a unit for occupancy by one family for the purpose of cooking, living and sleeping or having one or more rooms used as sleeping units with shared access to common areas including a kitchen designed to accommodate unrelated individuals for the purpose of cooking, living, and sleeping.*
- 2) Amend Article VII Definitions to add "Short Term Rental" as follows:
 - a) *SHORT TERM RENTAL: Sleeping Accommodation(s) rented to the transient, traveling, or vacationing public on premises operated by a private person, entity, institution, or organization if those rentals total fifteen (15) or more days in any one calendar year and if a room or other type of lodging is rented to the same person for less than 30 consecutive days. The following is a non-inclusive list of types of lodging structures that may be rented or owned by a host which fall under the provisions of these bylaws:*
 - *Any dwelling unit, room(s) in a dwelling unit or sleeping accommodation in a dwelling unit*
 - *Cabin, cottage, condominium, ski lodge*
 - *Barn, bunkhouse, tree house, shed, camper, tent*
 - *Property offered for overnight accommodation*
 - *Bed and Breakfast, Inn*
- 3) Amend zoning district specifications to accommodate "short term rentals". Short term rentals in residential neighborhoods are designated conditional uses to ensure residents in a neighborhood have an opportunity to participate in the review of the performance standards and ensure case by case compatibility with their neighborhood. Zoning Districts are amended as follows:

- a) Amend Sections 306 (Rural Lands One), and Section 307 (Rural Lands Two) to remove “bed and breakfast” and to add “short term rental” as a conditional use.
 - b) Amend Section 308 (Residential Town), Section 309 (Residential A), and Section 310 (Residential B) to remove “bed and breakfast” and to add “short term rental” as a conditional use.
 - c) Amend Section 311 (Mixed Use) to remove “Bed and Breakfast” and add “Short Term Rental” as a conditional use.
 - d) Amend Section 312 (Commercial) to remove “Bed and Breakfast” and to add “Short Term Rental” as a permitted use.
- 4) Amend Part 2 Performance Standards to accommodate “Short Term Rentals” as follows:
- a) Amend performance standards for parking as noted below:
Section 410.3 Minimum off-Street Parking requirements. Parking for all uses and structures shall be provided in accordance with the following:

<u>Use:</u>	<u>Parking Spaces Required</u>
Add – Short Term Rental	One for each sleeping accommodation, such as a guest room
Remove – “Bed and Breakfast”	
- 5) Amend Part 4 Special uses to include outdoor seating requirements as specified by the Town Fire and Safety Department by adding:
- Section 444 Outdoor Restaurant Seating Requirements for use in Public Spaces**
- (1) Must allow at least four (4) feet of sidewalk for passing pedestrians;
 - (2) Must not impede the exiting path of occupants within the premises;
 - (3) May not block or hide any fire protection connection, device, or appliance on the building;
 - (4) Must not hinder access to any other building entrance;
 - (5) May not increase the maximum number of patrons allowed within the establishment (permit only for the addition of outside seats);
 - (6) Must be contiguous to licensed premises or in close proximity to the licensed premises;
 - (7) Must have any outdoor heaters inspected and approved by the Fire Safety Officer;
 - (8) Must have sufficient lighting for time of operation; and
 - (9) May not use extension cords.
- 6) Amend Section 413 Outdoor Lighting to follow dark sky standards (IDA) by prohibiting the public use of outdoor light sources that do not meet the current *Fixture Seal of Approval (FSA)* program of “dark sky friendly” light fixtures. Amend as follows:
- 413.7 Prohibitions. Searchlights, **Non-FSA outdoor light fixtures**, or flashing or animated signs are prohibited, other than for a period of seven (7) days from the date of the opening of a new establishment.



TOWN OF ST. JOHNSBURY

Planning Commission Reporting Form for Municipal Bylaw Amendments

2018 Q1 – Q2

This report is in accordance with 24 V.S.A. §4441(c) which states: *“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments...”*

The Town of St. Johnsbury is updating and/or, amending, various bylaws with the following purposes:

1) Amend the definition of “dwelling unit” in Article VII Definitions of the Zoning and Subdivision Code of Ordinance (Bylaws) to be consistent with the definition of “dwelling unit” as adopted in Chapter 6 of the Code of Civil Ordinance.

- a) *This change conforms with or furthers the goals (1.0, 2.0) and policies stated for the Housing, Neighborhoods and Recreation Policy (2.3.C) within the municipal plan, including the effect of the proposal on the availability of safe and affordable housing by ensuring that a single definition for a residential dwelling unit is used in both the Town’s Code of Civil Ordinances and the Zoning and Subdivision Code of Ordinance (bylaws). It also allows for consistent classification of dwelling units within the town as it determines current levels of available safe and affordable housing.*
- b) *This change does not affect proposed future land uses and densities of the municipal plan*
- c) *This change does not affect any planned community facilities.*

2) Amend Section VII Definitions to add “Short Term Rental” as follows:

- a) *This change conforms with or furthers the goals (1.0 and 2.0) and policies (1.3) stated for the Housing, Neighborhoods and Recreation Policy within the municipal plan, including the effect of the proposal on the availability of safe and affordable housing by ensuring that a clear definition that encompasses any property use as a short term rental exists in the Town’s Code of Civil Ordinances and Zoning and Subdivision Code of Ordinance (bylaws). Currently, there is no definition that encompasses different types of overnight lodging accommodations. Under Section 3.6 of the bylaws any use that is not explicitly permitted is prohibited. Having this use specifically permitted allows the Town not only to permit these uses in support of Goal 2.0 to*

increase travel and tourism market share but also to identify housing units where the use has been converted from dwelling units to overnight lodging in each neighborhood.

- b) This change does not affect *proposed future land uses and densities of the municipal plan*.
- c) This change does not affect any planned community facilities.

3) Amend zoning district specifications to accommodate “short term rentals”.

- a) *This change conforms with or furthers the goals (1.0 and 2.0) and policies stated for the Housing, Neighborhoods and Recreation Policy (1.3 and 2.3) within the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.* Having short term rentals specifically permitted as a conditional use in each residential neighborhood allows the residents who live in that neighborhood to evaluate the impact of a proposed change of use to or new use as a short *term* rental on their quality of life. At the same time, allowing for various types of short term rental in any residential district supports State economic development goals to attract out of state employers and workers by introducing prospective new residents to various towns and location in hopes of having them relocate.
- b) This change does not affect *proposed future land uses and densities of the municipal plan*
- c) This change does not affect any planned community facilities.

4) Amend Part 2 Performance Standards to accommodate “Short Term Rentals” as follows:

- a) *This change conforms with or furthers the goals (2.0) and policies stated for the Transportation Policy (2.6) within the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.* Ensuring that each proposed short term rental establishment has adequate reserved off-street parking for their guests supports the data that enables the town to project parking growth in each district. In addition, having adequate parking for all visitors who are overnight guests in town contributes to a welcoming atmosphere that contributes to the Town’s market share of the Vermont Travel and Tourism business.
- b) This change does not affect *proposed future land uses and densities of the municipal plan*
- c) This change does not affect any planned community facilities.

5) Amend Part 4 Special uses to include outdoor seating requirements as specified by the Town Fire and Safety Department by adding:

- a) *This change conforms with or furthers the goals (2.0) and policies stated for the economic growth through travel and tourism within the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.* Allowing for safe outdoor seating for food establishments throughout the town presents a friendly, welcoming atmosphere that that can attract travelers to stop and perhaps stay in town.
- b) This change does not affect *proposed future land uses and densities of the municipal plan*

c) This change does not affect any planned community facilities.

6) Amend Section 413 Outdoor Lighting to follow dark sky standards (IDA) by prohibiting the public use of outdoor light sources that do not meet the current standards of the *Fixture Seal of Approval (FSA)* program of “dark sky friendly” light fixtures.

- a) *This change conforms with or furthers the energy goals and policies (1.7 and 2.7) for dark skies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.* The FSA program has set standards residential, commercial, and municipal lighting fixtures that reduce the use of “blue” LED light. This means replacing outdoor light fixtures with those that minimize glare, reduce light trespass, and don’t pollute the night sky.
- b) This change does not affect *proposed future land uses and densities of the municipal plan*
- c) This change does not affect any planned community facilities.