

SWANTON PLANNING COMMISSION

P.O. Box 711
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emailed req for Elec 2/12/13

February 5, 2013

Noelle Mackay, Commissioner
Department of Economic, Housing and Community Development
1 National Life Drive, 6th Floor
Montpelier, VT. 05620

Dear Commissioner MacKay;

Enclosed please find a copy of the following:

1. Swanton Planning Commission Notice of Public Hearing on February 27, 2013.
2. Swanton Bylaw Amendment Report. (2 pages)
3. Proposed Changes to the Swanton Bylaws and Subdivision Regulations (4 pages).

We are providing copies to you as required by 24 VSA 4441. You may submit comments on these proposals in writing or appear and be heard at the Planning Commission's public hearing or in any other bylaw adoption proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ronald F. Kilburn".

Ronald F. Kilburn
Swanton Zoning Administrator

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SWANTON PLANNING COMMISSION

One Academy St., P.O. Box 711

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PUBLIC HEARING SWANTON PLANNING COMMISSION

The Swanton Planning Commission will hold a public hearing on Wednesday, February 27, 2013 at the Swanton Town Offices, 1 Academy Street, at 7:00 P.M. to receive public comment and to consider for approval, proposed changes to the Swanton Zoning Bylaws and Subdivision Regulations pursuant to Chapter 117 of Title 24, Section 4441 and 4442, Vermont Statutes Annotated.:

The regulations affect the entire Town and Village of Swanton. The purposes of the zoning and subdivision regulations are to provide for orderly community growth, to further the purposes established in Section 4302 of the Act, and to implement the "Swanton Town and Village Municipal Plan" adopted by the Joint Legislative Body on August 31, 2010.

The Swanton Planning Commission has proposed the update and revision of a limited number of provisions of the "Land Use & Development Regulations for the Town & Village of Swanton, Zoning Bylaw Subdivision Regulations" which were first adopted on July 18, 2001 and last amended on March 4, 2008. The amended provisions address some of the matters omitted from the original and others which address concerns raised by members of the Swanton community during public meetings conducted by the Planning Commission throughout this past year.

Following this scheduled hearing, any proposed changes that are approved by the Planning Commission will be forwarded to the Joint Legislative Body for their consideration and adoption at a duly noticed public hearing in the near future.

Posted this 5th day of February, 2013



Ronald F. Kilburn
Zoning Administrative Officer

Attest: 

Cathy L. Fournier
Town Clerk

Copy: Three Public Places

SWANTON BYLAW AMENDMENT REPORT

EXPLANATION: The Swanton Planning Commission has prepared updates to the Zoning Bylaws and Subdivision Regulations to correct errors and omissions and to address matters of concern developed by the Planning Commission and members of the Swanton community during public meetings conducted by the Planning Commission this past year. *This report has been prepared in conformance with 24 V.S.A. Section 4441.*

The Swanton Planning Commission is proposing the following minor changes to the Swanton Zoning Bylaws and Subdivision Regulations [Now titled "*Land Use & Development Regulations for the Town & Village of Swanton, Zoning Bylaw Subdivision Regulations*" which were first adopted on July 18, 2001 and last amended on March 4, 2008.]

1. *Adaptive Reuse of a Historic Barn* (Section 4.3, pg.56-57)
2. *Recreation/Indoor* (Article 2, Pg. 9-17)
3. *Storage Containers* (Section 10.2. Add Definition, P.135)
4. *Contractor's Yard* (Section 4.8, Pg. 61, Article 10 Definitions, P.125)
5. *Accessory Structure* (Table 2.16, Pg. 28 & Pg. 121 Definitions)
6. *Value-Added Agricultural Enterprise* (Add to Article 10, Definitions)
Pg. 121
7. *Added Conditional Uses in Southern Growth District* (Article 2, Table 2.5
Pg. 23)
8. *Automobile Sales & Service Station* (Article 2, Table 2.5, Pg. 23, 24; also
Article 10, Definitions, Pg. 122, 123)
9. *Add Conditional Uses to IND Industrial District* (Article 2, Pg. 18)
10. *Remove Pier, Dock, Boat Launch/Ramp [Permanent]* (Conditional Uses,
Pg. 10, 11)
11. *References to Development Review Board in place of ZBA throughout
bylaws.*
12. *Storage Facility Added to Shoreland Recreation District as Conditional
Use* (Article 2, Table 2.2, Pg. 10 and Article 10, Definitions, Pg. 135)

PURPOSE:

The purpose of the Swanton Land Use and Development Regulations is to implement the "*Swanton Town and Village Municipal Plan*" as most recently amended; to further the purposes of the Act; to promote the public health, safety, comfort, convenience, economy and general welfare of the community, all as set forth in "**Section 1.2 Purpose**" in the Bylaws at Pages 1-2 therein.

The land use and development regulations classify and guide the uses of land, buildings, and structures in the Town and Village of Swanton in accordance with the Municipal Plan and the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117, herein referred to as the "Act". The regulations are designed to implement the purposes and policies set forth in the Municipal Plan and the Act

CONFORMANCE AND IMPLEMENTATION: The Swanton Zoning Bylaws conform with and further the goals and policies contained in the Swanton Municipal Plan, including the effects on the availability of safe and affordable housing.

LAND USE COMPATIBILITY:

The land use districts in the Municipal Plan are compatible with the land uses in the Zoning Regulations and are compatible with proposed future land uses and densities of development as set forth in the Municipal Plan.

PROPOSALS FOR PLANNED COMMUNITY FACILITIES:

The proposed Bylaw Amendments do not affect any specific proposals for planned community facilities.

PROPOSED CHANGES TO THE SWANTON ZONING BYLAWS & SUBDIVISION REGULATIONS

1. Adaptive Reuse of a Historic Barn
2. Recreation/Indoor
3. Storage Containers
4. Contractor's Yard
5. Accessory Structure
6. Value-Added Agricultural Enterprise
7. Added Conditional Use in Southern Growth District
8. Automobile Sales & Service Station
9. Added Conditional Use to Industrial District
10. Pier, Dock, Boat Launch/Ramp [Permanent]
11. References to Development Review Board
12. Storage facility

#1: ADAPTIVE REUSE OF A HISTORIC BARN (Section 4.3, Pg. 56-57)

Proposed Change:

Changed to "Adaptive Reuse of a Historic Barn/Building"

Reasons for the proposed change:

- (1) Unintentional omission from bylaws
- (2) Citizen request
- (3) Desire to preserve historic buildings
- (4) Economic development/employment potential

#2: RECREATION/INDOOR (Article 2, Pg. 9-17)

Proposed changes (to affect all districts in which recreation/indoor is listed as a permitted or conditional use): **RC, SR, S2, R1, R5, CB, NCL**

"Indoor recreational facilities allowed within this district are limited to recreation halls and similar indoor recreation facilities which are accessory to campgrounds and public parks."

(Underlined phrase removed)

"Such facilities shall be located at a minimum of 200 feet from all lot lines and shall be effectively screened therefrom."

(Underlined phrase removed)

Reasons for the proposed change:

- (1) Citizen request
- (2) Planning Commission review

#3: STORAGE CONTAINERS (Section 10.2, Add Definition, P.135)

Proposed changes:

“Generally meant to be so-called ocean shipping containers, Pods, truck freight units, and seasonal garages.”

Storage containers may be used for storage in all zones with conditional use permit, with the exception of the R5 district, the Central Business district, the Shoreland/River district, and the western side of Route 36 (Maquam Shore Road) and Lakewood Drive in the Shoreland Recreation district, in which such storage is not allowed.

Reasons for proposed change:

- (1) indiscriminate use
- (2) purported to be temporary, but use is actually permanent
- (3) loss of revenue to the Town of Swanton

#4: CONTRACTOR’S YARD (Section 4.8, pg. 61, Article 10 Definitions, P.125)

Proposed change:

Allowed under Conditional Use in **RC** Recreation Conservation District.. Also allowed under Conditional Use in **SR** Shoreland Recreation, but not west of Maquam Shore Road (Rte 36), Church Road, or Lakewood Drive, or south of Champlain Street.

Reason for change:

- (1) Citizen request
- (2) Need to expand contractor’s yards to different areas
- (3) Need to allow contractor’s yards in rural areas
- (4) Widespread use already existing

#5: ACCESSORY STRUCTURE (Table 2.16, Pg.28 & Pg. 121 Definitions)

Proposed changes:

If an accessory structure does not exceed 100 square feet or 10 feet in height, and meets all setback requirements, only a letter of intent and a plat are required. If the structure does not meet the setbacks for the district, it shall require Conditional Use Review by the Development Review Board.

Reason for change:

- (1) Planning Commission review
- (2) Citizen request

#6: VALUE-ADDED AGRICULTURAL ENTERPRISE (Add to Article 10, Definitions Pg.121)

Proposed change (using language suggested by the Regional Planning Commission):

Value-Added Agricultural Enterprises (VAAEs) allow producers or growers to earn a greater portion of consumer expenditures by processing, packing, and/or marketing/sales of crops, livestock, or other farm resources, and on property that was formerly an agricultural use.

Value-Added Agricultural Enterprise may be allowed in designated zoning districts in accordance with Section 5.4 Conditional Use Review and 5.3 Site Plan Review. Indoor recreation halls and outdoor recreation halls/areas located on a VAAE are to be located a minimum of 200 feet from all lot lines. The use of these facilities must be available as an accessory to the VAAE. A VAAE is allowed in the following districts—R1, SGD, NCL, RC, SR, S2, NASO, and R3—and prohibited in all other districts.

Reason for change:

- (1) Citizen request
- (2) Planning Commission review, to allow further adaptive use to keep the land viable

#7: ADDED CONDITIONAL USE IN SOUTHERN GROWTH DISTRICT (Article 2, Table 2.5, Pg. 23)

Proposed change:

Add nightclubs, restaurants, movie theaters, places of worship, and auto sales under Conditional Use.

Reason for change:

- (1) Omission
- (2) Recommendation of former Town Administrator

#8. AUTOMOBILE SALES & SERVICE STATION (Article 2, Table 2.5, Pg. 23,24, also Article 10, Definitions, Pg. 122,123)

Proposed changes:

Add under Conditional Use to Southern Growth District and Southern Growth Overlay.

Reason for change:

- (1) Omission
- (2) Recommendation of former Town Administrator

#9: ADDED CONDITIONAL USE TO IND INDUSTRIAL DISTRICT (Article 2, Pg. 18)

Proposed change:

Add hotels, lodging facilities, and slaughterhouse under Conditional Use.

Reason for change:

- (1) Omission
- (2) Recommendation of former Town Administrator

#10: PIER, DOCK, BOAT LAUNCH/RAMP [PERMANENT] (Conditional Uses, Pg. 10,11)

Proposed change:

- Remove from p. 10, Table 2.2 (SR district), CU #15.
- Remove from p. 11, Table 2.3 (S2 district), CU#13.

Reason for change:

- (1) Zoning Administrator recommendation
- (2) Planning Commission review

#11: REFERENCES TO DEVELOPMENT REVIEW BOARD (Throughout Bylaws)

Proposed change:

All references to the Zoning Board of Adjustment shall be changed to reference the Development Review Board (DRB).

Reason for change:

- (1) To reflect the adoption of a Development Review Board to replace the Zoning Board of Adjustment

#12: STORAGE FACILITY (Article 2, Table 2.2, Pg. 10 and Article 10, Definitions, Pg. 135)

Proposed change:

Storage facility shall be added to the Shoreland Recreation district under Conditional Use.

Reason for change:

- (1) Planning Commission review

**THE FULL TEXT OF THE BYLAWS, SUBDIVISION REGULATIONS
AND PROPOSED CHANGES THERETO MAY BE EXAMINED
AT THE OFFICE OF THE TOWN CLERK AND THE
OFFICE OF ZONING ADMINISTRATOR, AT #1 ACADEMY ST.
SWANTON, VT. 05488 DURING NORMAL BUSINESS HOURS**