

Request for Zoning District Change Application

Applicant Information

Name: _____ Date: _____

Existing Zone _____ and Land Use:

Proposed Zone _____ and Land Use:

What is a Zoning District Change?

State Land Use Statute allows for a variety of zoning districts within individual Municipal Town Plan land use designations. A zone change is a proposal to change a parcel or parcel(s) of land from one zoning district to another zoning district and/or to change the permitted and conditional uses that have been defined and approved for a specific Zoning District as allowed by the Municipal Town Plan.

What is needed for Approval?

All zoning district change decisions are discretionary and may be permitted after evaluation according to criteria in the zoning district ordinance. The applicant is responsible for providing evidence to support the zoning district change request consistent with the criteria defined in this application and the Municipal Town Plan. The Planning Commission, on behalf of the Town, should make written findings to support its decision.

What are the chances for approval?

Staff and commissioners cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed and heard in an open meeting of the Planning Commission. This includes review of citizen and other comments. The decision is based on criteria appropriate to this application as listed in the Planning & Zoning Review Standards section of this document.

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Application Process

Zoning District change approvals are subject to the Administrative Acton process and public notice. Public comments received from the Planning Commission, property owners, agencies and other interested parties may affect the decision of the Planning Commission. Special conditions may be attached to any approvals. All Zoning District Change applications are reviewed at a public hearing of the Planning Commission and then before the Select Board who is the final decision maker. The final decision may be appealed through the petition process within 45 days of the Select Board decision. Applications which require amendments to the Municipal Town Plan will be processed by the Planning Commission.

Required Supporting Information to be attached to this Application:

- A. Plot Plan showing the location, abutters, and all parcels affected by the proposed change
- B. Current Town Plan Criteria for the proposed Zoning District Change
- C. Applicable Ordinance for the proposed Zoning District Change

How long will it take to get a final decision on an application?

It takes approximately 60 – 150 days for applications that have been scheduled before the Planning Commission to complete the review and public hearing process including Select Board hearings and the Petition Period.

Complete Applications require the following:

1. Land use Application – Information on an applicant and land involved in the application
2. Supplemental application – information requested on this form. Please be as complete and thorough as possible. Use additional sheets as necessary.
3. Application Fee is \$30.00 (Fee is nonrefundable)
4. Plot Plan/Certified Survey Map. Drawn to scale on 11x17 paper showing the property affected by your proposal.
5. Alternative Zoning Designation: An alternative zoning district designation or use may be approved by the Planning Commission if it is determined that the applicants preferred designation does not comply with the approval criteria but an alternate designation does. An alternate designation may be substituted only if the public notice required includes all requested designations in its description of the applicant's proposal. Any alternative zoning designations must also be specifically identified on the Land Use Application form.

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Justification Criteria: Answer the following questions:

1. How is approval of the requested zone change consistent with and advances the applicable goals and policies of Land Use and other Sections of the Municipal Town Plan?

2. What public services (water, sanitary sewer, Storm water management, etc) are provided to the subject property, and are they adequate to support the level of development allowed if the zone change is approved, or are such services planned to be provided by the applicant concurrently with development? The evaluation of system adequacy shall include the impact of the proposed zone change and growth for a twenty year period beginning with the year that a complete land use application is submitted.

3. Explain why the transportation system is adequate to support the development possible if the zone change is approved. For the purposes of this standard, the following criteria are applicable:

- a. The evaluation of transportation system adequacy shall include the impact of the proposed zone change and growth in background traffic for a twenty year period beginning with the year that a complete land use application is submitted.
- b. It shall be assumed that all improvements identified in the Town and State Transportation Improvement Plans are constructed.
- c. It shall be assumed that the subject property will be developed with the permitted primary uses allowed in the proposed zoning district with the highest motor vehicle trip generation rate.
- d. A determination regarding whether submittal of a transportation impact study is required shall be made based upon State and Town roadway standard which also establish the minimum standards to which a transportation impact study shall adhere.
- e. Does the proposal impact any State transportation facilities.

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4. Is the safety of the transportation system adequate to serve the level of development anticipated by the zone change?

This Section for Planning Commission Use Only

Procedure

- | | | |
|--|------------------------------|-----------------------------|
| 1. Have all abutting property owners been properly notified? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Has a certified survey map of the rezone been provided? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Have Town development review procedures been followed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

- | | | |
|---|------------------------------|-----------------------------|
| 4. Is the proposed zone change consistent with the Municipal Town Plan? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|------------------------------|-----------------------------|
- If Yes site sections; If No, please list reasons:

Review Criteria and Findings:

- | | | | |
|--|------------------------------|-----------------------------|----|
| 5. The proposed zoning district is compatible with adjacent land uses in terms of potential impacts of all the allowed permitted and conditional uses for the proposed district. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NA |
| 6. The resulting site will meet the minimum lot size requirements of the proposed zoning district? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NA |
| 7. The specific standards of use for the proposed zoning district can be met on this site? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NA |
| 8. The proposed site is a logical location and there is a need for the proposed use(s) in this location of the town? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NA |
| 9. The proposed rezoning will not constitute an illegal "spot zone" | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NA |
| 10. The site will have access to a public road or highway? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NA |

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11. The proposed zoning change will not affect floodplains, wetlands, or shoreline-wetlands without following the required procedure to do so

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	NA
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Notes/Comments/Conditions

Other Considerations for Potential Uses:

12.	Lot Width	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
13.	Lot Area	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
14.	Road Frontage	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
15.	Public Road Access	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
16.	Storm water/Drainage	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
17.	Suitability of land for proposed Use	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
18.	Sewage Disposal (Sanitary Sewer)	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
19.	Water Supply Adequate	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
20.	Space for Buildings and Setbacks	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
21.	Parking and Loading Provisions	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
22.	Traffic Generation	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA
23.	Natural Resource Features Protected	<input type="checkbox"/>	Acceptable	<input type="checkbox"/>	Potential Problem	NA

Recommendations of the St Johnsbury Planning Commission

Public Hearing Date (s) _____

Decision/Ruling Date _____

No Objection / Objection / Tabled pending additional information

If Tabled, Date to reconvene _____

Additional Comments, reasons for decision, additional information requested

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Motion to move Zoning Change and recommendation forward to the Select board? ☐ Yes ☐ No

Chair, Planning Commission

Date

Planning & Zoning Review Standards to be considered

The PLANNING COMMISSION shall make findings of fact and conclusions of law that the proposed change will comply with all of the following standards, as it determines are applicable:

- A. Existing and Planned Community Facilities and Services
1. Water and Sewer. The proposed change shall have sufficient water and sewer capacity available for its needs and shall not result in an unreasonable burden on the municipality's present or planned water or sewer systems (if Town water or sewer are not involved, the property must have adequate capability for on -site water supply and wastewater disposal in accordance with applicable State regulations); The PLANNING COMMISSION may solicit input from the Director of Public Works Operations.
 2. School Impact. The proposed change shall not cause an unreasonable burden on the ability of the Town or School districts to provide educational services; Zoning and Subdivision Regulations Adopted. The PLANNING COMMISSION may solicit input from the School Boards and Superintendent of Schools.
 3. Municipal Impact. The proposed change shall not place an unreasonable burden upon the ability of the Town to provide municipal services, including but not limited to Fire, Police, Ambulance, Highway, and Public Works Maintenance and Recreation; The PLANNING COMMISSION may solicit input from the Town Manager, Director of Public Works Operations, Fire and Police Chiefs, MVAA, Recreation Director / Advisory Board.

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4. Other Public Investments and Services. The proposed change shall not endanger public or quasi-public investments or materially interfere with the function, efficiency, safety, or public's use and enjoyment of governmental, utility or non-profit community facilities, services or lands.

B. Character of the Neighborhood or Area Affected

1. The proposed change shall not have an undue adverse effect on the character of the neighborhood, area affected;

"Neighborhood" means in the same area; nearby including but not limited to the area within sight and/or sound. "Character of a neighborhood" refers to the distinctive traits, qualities or attributes; its appearance and essential nature, pattern of uses, and sense of community; the factors which give it identity.

A goal of the Town Plan is to allow for appropriate mixed uses to generally encourage balanced diversity, while protecting the essential character of both urban and rural neighborhoods. The existence of similar use in another neighborhood shall not be interpreted as justification for another similar use to be located where proposed. When considering the "character of the neighborhood or area", the PLANNING COMMISSION shall consider the following:

- a. existing neighborhood uses, types of buildings, noise and traffic.
 - b. Town Plan objectives including but not limited to planned future neighborhoods, and neighborhood character enhancement.
 - c. historic buildings and features; intensity, uniformity or mix of uses and buildings; mass, scale and spacing of buildings; scenic views, aesthetics, open space.
 - d. privacy, security, identity, sense of community and cohesion.
 - e. Rural lands and views
2. Aesthetics and Historic Sites. The proposed change shall not have an undue adverse effect on: aesthetics scenic or natural beauty of the area, human scale

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(defined in the Town Plan), historic or archeological sites; The PLANNING COMMISSION shall consider the Town Plan and specific standards

3. Natural Resources. The proposed change shall not have an undue adverse effect on: Agricultural and farms; Rivers and streams; Wetlands and wildlife habitat; Water and air quality; and Water supply wells and aquifers; The PLANNING COMMISSION shall consider the intrinsic capability and appropriateness of the land to support the uses described in the application. Where applicable, the PLANNING COMMISSION shall use Act 250 standards and State Agency of Natural Resources (ANR) information and regulatory framework. The PLANNING COMMISSION shall also consider input from any area Land Trust, and existing studies of resources including but not limited to the LESA study of agricultural lands, and the Town Aquifer Study.
4. Affordable Housing. The proposed change shall not have an undue adverse effect on the present or proposed housing needs in the Town in terms of amount, type, affordability and location; The PLANNING COMMISSION may solicit input from the Regional Planning Commission, NVDA
5. Downtown Impact. The proposed change in Zone and/or Permitted Land Use shall not have an undue adverse impact on the economic vitality of the downtown and/or designated village centers; The PLANNING COMMISSION shall consider the following:
 - a. Will the proposed change have any adverse impact?
 - i. Context.
 - Evaluate the location of the proposed change. Consider its relationship to the historic core of the downtown and village centers.
 - ii. Potential harms.
 - Will the proposed change be compatible and harmonious? Consider the nature of scale, style and potential impacts on the downtown and features (visibility and prominence).
 - Will it significantly affect downtown image and ambiance?

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- Will it discourage pedestrians, reduce parking or negatively affect cultural activities downtown?
- Will the proposed change draw people out of the downtown, either directly from institutions or businesses currently located in the downtown, or indirectly by causing secondary growth which will have this effect?
- Will it undermine or be adverse to downtown improvement efforts? Consider the economic effects of the proposed change on the historic core of the downtown or upon the downtown district as a whole. In any economic analysis, care must be taken to distinguish individual business competition concerns from a proposed change's impact on the economic vitality of the downtown. A proposed change's impact on market competition is a relevant factor under this standard only to the extent that it will have an impact on the economic vitality of the core of the downtown, or on the downtown as a whole.

iii. Consider cumulative effects.

b. Will the adverse impact be undue? Consider all of the following:

- i. Would it reduce the ability of the public to access, circulate and easily conduct business or enjoy cultural activities downtown, or diminish downtown improvement efforts, to an unacceptable degree?
- ii. Do the economic impacts unreasonably outweigh the economic benefits?
- iii. Are there other relevant impacts that significantly outweigh the benefits to the downtown's vitality?
- iv. Has the applicant taken reasonable mitigating steps that would reduce or minimize the undue impact? This would include customary proposed change planning and market analysis, considering different types of proposed changes, and reasonably sizing the proposed change to avoid or reduce the adverse impact on the downtown.

C. Traffic on Roads or Highways in the Vicinity. The proposed change shall have adequate traffic access, circulation and parking, and shall not cause unreasonable traffic congestion or unsafe conditions with respect to pedestrian or vehicular traffic or other transportation facilities. The PLANNING COMMISSION shall consider input from the:

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- Police Chief
- Town traffic plans and studies
- Traffic engineering studies that may be required of the applicant;
- Pedestrian and bicycle needs
- Alternatives that reduce driving and traffic; and
- Public transit input from RCT (Rural Community Transportation)

D. Performance Standards and other Town Ordinances

1. The proposed change shall not create conditions that limit compliance with all performance standards and other specific requirements of the Zoning Ordinance;
2. The proposed change shall comply with all other Town Ordinances and Regulations;

E. Use of Energy Resources. The proposed change shall not have an undue adverse effect upon the use of energy resources; The PLANNING COMMISSION shall consider:

- Whether the proposed change will unreasonably harm any neighbor's access to solar energy or other alternative energy use.
- Whether the proposed change will appropriately incorporate the principles of energy conservation and the best available technology that is practicable for efficient use and recovery of energy.
- Whether the proposed change will be able to be served by existing and permitted utility facilities, without excessive demands or adverse indirect impacts.
- The PLANNING COMMISSION shall use recognized standards and information from Efficiency Vermont, the VT Department of Public Service and Act 250 Criterion 9(F) standards.

F. Town Plan Conformance

- The proposed change shall comply with and actively further the Town Plan.
- The PLANNING COMMISSION shall consider the standards and action steps set forth in the Plan and the Land Use Section including the neighborhood plans.