

Agenda Summary

October 13, 2020

Agenda Item No. 3-C-1

Interim Zoning for Winter

On May 26, 2020, the Selectboard adopted Interim Zoning to allow outdoor seating, displays of merchandise and outdoor provision of services without needing a zoning permit during the period of COVID-19 social distancing through November 15, 2020. Previously, the Board had approved Interim Zoning to allow sandwich boards for all businesses that depend on walk-in customers.

The Stowe Planning Commission is recommending that the Interim Zoning be extended through the winter months for businesses that may want to create an outdoor heated space. Attached is revised draft Interim Zoning with the following changes:

- No allowance for sandwich boards.
- No allowance for food trucks.
- No allowance for outdoor seating in the town highway ROW.
- Snow that is shed from a tent or temporary structure shall not interfere with pedestrian or emergency access or the ability of the Town or State to plow roads and sidewalks.
- The property owner is responsible for obtaining any state permits.

The Interim Zoning does allow tents to be erected in the winter which can create safety hazards associated with snow loading and heating. The Division of Fire Safety only regulates tents over 1,200 s.f. in size. Zoning is not the place to regulate safety and we do not have the resources locally to evaluate and regulate this locally. Any property owner erecting tents should take these safety considerations in mind and understand they are assuming the associated liability.

Town Plan Impact: Local Planning Process Task #3: *Update town ordinances and programs as appropriate, including but not limited to, zoning and subdivision regulations, public facility ordinances and policies, and the special events ordinance.*

Fiscal Impact: N/A

Recommendation: Move to adopt the proposed Interim Zoning effective November 16, 2020 and lasting until April 30, 2021.

Interim Bylaw Amendments
Town of Stowe
October 13, 2020 Draft

INTERIM BYLAW AMENDMENTS

A. Enactment and Authority

The Town of Stowe has adopted these Interim Bylaws in accordance with and as authorized by the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, §4415, Interim Bylaws.

1. Purpose

The purpose of these Interim Bylaws is to protect the general public health and welfare and provide for orderly physical and economic growth of the Town of Stowe during the current COVID-19 pandemic. These bylaws are intended to support local businesses during the period covered by these bylaws.

2. Applicability

These Interim Bylaws shall apply to all restaurants, retail and service establishments and all other businesses that depend on walk-in customers throughout the Town of Stowe.

3. Specific Provisions

- A. Restaurants currently approved for outdoor seating may increase the amount of outdoor seating and expand the area devoted to seating beyond the area previously approved on their property or another commercial property, including mixed use properties, without needing a permit in order to support social distancing during the current period of COVID-19 restrictions. In addition, restaurants currently not permitted for outdoor seating, may provide it to their customers on their property or on another commercial property, including mixed-use properties, without a permit during the effective period of these Interim Bylaws. Outdoor seating shall not reduce the number of on-site parking spaces by more than 50% and shall not interfere with pedestrian or emergency access or snow removal.

- B. 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 Section 4.7 of the Stowe Zoning Regulations. Outdoor displays of merchandise shall not reduce the number of on-site parking spaces by more than 50% and shall not interfere with pedestrian or emergency access or snow removal.

- C. Outdoor Provision of Services: Any service establishment may provide their service outdoors on their property in order to support social distancing. Outdoor provision of services shall adhere to the setback requirements of the underlying zoning district and shall not reduce the number of on-site parking spaces by more than 50%. The provision of services shall not reduce the number of on-site parking spaces by more than 50% and shall not interfere with pedestrian or emergency access or snow removal.

- D. Temporary Tents and Structures for Outdoor Seating, Displays of Merchandise or Provision of Services: Temporary tents or structures may be erected without needing a zoning permit provided they comply with the following provisions:
 - a) Any tent or temporary structure shall not reduce the number of on-site parking spaces by more than 50% and shall not interfere with pedestrian or emergency access or snow removal.
 - b) Tents or temporary structures greater than 120 square feet shall adhere to the setback and building height requirements of the underlying zoning district.
 - c) Snow that is shed from a tent or temporary structure shall not interfere with pedestrian or emergency access or the ability of the Town or the State to plow roads and sidewalks.
 - d) It is the responsibility of the property owner to obtain any necessary state permits.

- E. In no case shall any combination of these provisions reduce the number of on-site parking spaces by more than 50% and shall not interfere with pedestrian or emergency access or snow removal.

- F. All other provisions of the Stowe Zoning Regulations shall remain in effect during the period of these Interim Bylaws.

4. Effective Period

These Interim Bylaws shall remain in place from the date of adoption by the Selectboard until April 30, 2021.

5. Enforcement

Enforcement of these Interim Bylaws shall be as provided for in 24 V.S.A. Chapter 117, §4451, and Section 2.13 of the Stowe Zoning Regulations.