

## MILTON, VERMONT INTERIM ZONING BYLAWS

### I. PURPOSE:

Milton's Town Core Area is the most densely developed area of the Town. The purposes of the Zoning Districts within the Town Core vary somewhat, but the Town's overall goal for the Town Core is a mix of residential, commercial and some limited industrial uses in a pedestrian-friendly downtown atmosphere. Development in the Town Core also should create jobs, both for Milton residents and for residents in the communities surrounding Milton, and expand Milton's tax base. Moreover, the Town Core should have pedestrian-friendly streetscapes and public green spaces.

Recently, however, residential development has outpaced commercial development in the Town Core, thereby upsetting the ratio of uses that the Town desires and for which the Town has planned. Moreover, public warehousing is a permitted use in several Zoning Districts, but the impact of this use may frustrate the Town's goals in both the Town Core and throughout the Town. There also are ongoing concerns regarding the capacity of existing community facilities and services to support both the Town's growing population and the development that is needed to create economic opportunities in Milton.

In order to protect the public health, safety, and general welfare and to provide for orderly physical and economic growth in Milton, the Town enacts these Interim Zoning Bylaws. In light of the above, the purpose of these Interim Zoning Bylaws is to halt, temporarily, residential development in certain areas of the Town Core and public warehousing throughout the Town. This pause on these types of development provides the Town the time and opportunity to review the results of recently completed studies, determine whether additional studies are needed, and to prepare and adopt amendments to the Milton Zoning Regulations that actually implement the Town's goals and objectives. While the Interim Zoning Bylaws are in effect, the Town intends to:

- A. Identify areas to locate and promote commercial development.
- B. Study, assess, and plan for school space and infrastructure needs.
- C. Plan for a heterogeneous mix of residential development to attract retail businesses that the community has identified it needs.
- D. Address traffic safety and transportation issues in the Route 7 corridor.

- E. Evaluate and implement the recommendations of the Route 7 Improvement Committee and the US Route 7 Corridor study.
- F. Incorporate a study of the adjacent sewer service area to remove restrictions on development in unserved areas.
- G. Adjust dimensional requirements that are not allowing for the most efficient use of land.
- H. Evaluate the appropriate location for Public Warehousing/Storage units, which have been identified as occupying valuable land and precluding development.

II. DESCRIPTION OF DISTRICTS AFFECTED and LIMITATIONS ON LAND DEVELOPMENT:

- A. These Interim Zoning Bylaws shall apply to all the Zoning Districts established and listed in Article II of the Milton Zoning Regulations.
- B. Within the Checkerberry (M4) District, the following shall not be allowed:
  - i. New Single Family Dwellings
  - ii. New Duplexes
  - iii. New Multifamily Dwellings
  - iv. New Planned Unit Developments – Residential
  - v. New Planned Unit Developments – Mixed Use
- C. Within the Milton Crossroads Marketplace Center (M1) District, the Milton Crossroads Marketplace West (M2) District, the Old Towne Residential/Commercial (M5) District, and the Main Street (M6) District, New Multifamily Dwellings shall be not allowed.
- D. Within all Zoning Districts, New Public Warehousing shall not be allowed.

III. DEFINITIONS

- A. Words specifically defined in the Milton Zoning Regulations shall have the same meaning in these Interim Zoning Bylaws unless another meaning is clearly indicated.
- B. New Single Family Dwellings shall mean any single family dwelling for which a complete application for a zoning permit had not been

submitted to the Milton Department of Planning and Economic Development before February 26, 2015, unless the application proposes, on the same lot, both to remove the existing single family dwelling and to construct a single family dwelling so that the net increase in single family dwellings is zero.

- C. New Duplexes shall mean any duplex for which a complete application for a zoning permit had not been submitted to the Milton Department of Planning and Economic Development before February 26, 2015.
- D. New Multifamily Dwellings shall mean any multifamily dwelling for which a complete application for site plan approval had not been submitted to the Milton Department of Planning and Economic Development before February 26, 2015.
- E. New Planned Unit Developments – Residential:
  - i. For any Planned Unit Development – Residential classified as a “minor subdivision,” a new Planned Unit Development – Residential shall mean any planned unit development – residential for which a complete Final Subdivision Plat application had not been submitted to the Milton Department of Planning and Economic Development before February 26, 2015.
  - ii. For any Planned Unit Development – Residential classified as “major subdivision,” a new Planned Unit Development – Residential shall mean any planned unit development – residential for which a complete Preliminary Plat application had not been submitted to the Milton Department of Planning and Economic Development before February 26, 2015.
- F. New Planned Unit Developments – Mixed Use:
  - i. For any Planned Unit Development – Mixed Use classified as a “minor subdivision,” a new Planned Unit Development – Mixed Use shall mean any planned unit development – mixed use for which a complete Final Subdivision Plat application had not been submitted to the Milton Department of Planning and Economic Development before February 26, 2015.
  - ii. For any Planned Unit Development – Mixed Use classified as “major subdivision,” a new Planned Unit Development – Mixed Use shall mean any planned unit development – mixed use for which a complete Preliminary Plat application had not been submitted to the Milton Department of Planning and Economic Development before February 26, 2015.

G. New Public Warehousing shall mean any public warehousing for which a complete application for site plan approval had not been submitted to the Milton Department of Planning and Economic Development before February 26, 2015.

#### IV. REVIEW OF APPLICATIONS

- A. The Selectboard may, upon application, authorize the issuance of permits for any type of land development as a conditional use not otherwise permitted by these Interim Zoning Bylaws, after public hearing preceded by notice in accordance with 24 V.S.A. section 4464. The authorization by the Selectboard shall be granted only upon a finding by the Selectboard that the proposed use is consistent with the health, safety, and welfare of the Town of Milton and the following standards. The proposed development shall not result in an undue adverse effect on any of the following:
- i. The capacity of existing or planned community facilities, services, or lands.
  - ii. The existing patterns and uses of development in the area.
  - iii. Traffic on roads and highways in the vicinity.
  - iv. Environmental limitations of the site or area and significant natural resource areas and sites.
  - v. Utilization of renewable energy resources.
  - vi. Municipal plans and other municipal bylaws, ordinance, or regulations in effect.
- B. At any time during the Selectboard's public hearing on an application, the Selectboard may request written comment from the Planning Commission regarding the application and one or more of the above-described standards. Upon such a request, the Planning Commission shall review the application materials at one of its regular meetings and prepare and provide to the Selectboard written comments, which may include recommendations, responding to the Selectboard's request. The Planning Commission's comments and recommendations are advisory only and the Selectboard is not required to adopt them in its written decision. During the continued public hearing, the Selectboard shall provide the opportunity for comment or responses to the Planning Commission's comments and recommendations.

V. EFFECT ON EXISTING REGULATIONS:

These Interim Zoning Bylaws shall not repeal or alter any existing ordinances, regulations or bylaws of the Town of Milton. These Interim Zoning Bylaws establish restrictions that are in addition to those contained in any other Town ordinance, bylaw or regulation.

VI. SEVERABILITY:

The validity of any section or provision of these Interim Zoning Bylaws shall not be held to invalidate any other section or provision.

VII. ENACTMENT:

These Interim Zoning Bylaws are enacted pursuant to the provisions of 24 V.S.A. section 4415 and the Town of Milton Charter, are to be administered in the manner provided for in 24 V.S.A. section 4415, as amended from time to time, and shall be effective upon passage.

Adopted this 6<sup>th</sup> day of April 2015.

Extended and reenacted this 6<sup>th</sup> day of February, 2017 pursuant to 24VSA4415(f).

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Darren Adams, Chair

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Kenneth Nolan, Vice Chair

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John Palasik, Clerk

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John Bartlett

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John Cushing

Filed with the Town of Milton Clerk's Office this 8 day of February, 2017.

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Sheryl Prince, Town Clerk