

Zoning Amendment Process

The process is different if it is a change in zoning districts versus any other zoning change (like a use change, or changes to any standards).

- A zoning district change would require a Town Plan amendment first. For example, during the 2024 Town Plan adoption process, the Future Land Use Map and language in the Plan were amended to show the proposed ETC NEXT Plan zoning district change recommendations.
- Any other zoning changes would be handled through the Planning Commission Zoning Amendment process described below. This includes use changes and any standard changes.

Town Process

- 1) Zoning Change is brought before the Planning Commission. This is done in the following ways:
 - Planning Commission or Zoning Board sees issue in the regulation through the development review process.
 - State Statute changes conflict with existing Zoning.
 - Town Plan suggests the change.
 - Member of the public requests a change
- 2) The PC considers the zoning change proposed during their meetings, which are held in public.
 - Workshop format where the PC discusses and invites public comment.
- 3) What is the PC looking at when considering the proposed change?
 - What will be the impact that the zoning change would have townwide – the broader impact of the change.
 - Does this regulation really need to be changed? Is there a problem currently?
- 4) The PC often has a list of zoning changes that it is considering at one time. They will package the changes together on one draft Zoning amendment proposal.
- 5) State Statute has a required Zoning Amendment adoption process. (24 VSA, §§ 4441, 4442, 4444, and 4447).
 - Mail or email the proposed amendments and written report of the changes to PC chairs of adjoining municipalities and the Regional Planning Commission (CCRPC) – 15 days prior to public hearing.

- Post the proposed amendment and written report to the Department of Housing and Community Development web site. – 15 prior to public hearing.
- The written Report shall provide:
 - *(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose*
 - *And shall include findings regarding how the proposal:*
 - *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*
 - *Is compatible with the proposed future land uses and densities of the municipal plan:*
 - *Carries out, as applicable, any specific proposals for any planned community facilities.”*
- The PC Public Hearing
 - Hold at least 1 public hearing, following 15 days’ public notice.
 - Publication in a newspaper (we normally use 7 Days)
 - Posted in at least 3 places in the town (outside the Clerk’s office, Community Development Office, Essex Free Library, and the Post Office) and on the Town website.
 - The Notice shall include date, time, place and purpose of the hearing, with either the full text of the material, **or** a summary, including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the municipality where the full text and/or maps may be examined.
 - No changes shall be made following the posting of the public hearing and the hearing.
 - Public hearing allows the public to offer comment to the PC on the proposed amendments.
 - PC will either approve the draft as warned or make changes at their hearing to send to the Selectboard. A second hearing may be considered.
- The PC submits the proposed amendments to the Selectboard for their public hearing(s) and adoption and to the Town Clerk for public viewing. The Selectboard draft is also posted on the Town website.
 - If the PC proposes changes as a result of their hearing, they will submit the draft with changes, along with an amended report.
- The Selectboard Public Hearing
 - Hold at least 1 public hearing, following 15 day’s public notice, but not more than 120 days after amendment is submitted.

- Publication in a newspaper (we normally use 7 Days).
- Posted in at least 3 places in the town: Outside the Clerk's office, Community Development Office, Essex Free Library, the Post Office, and the Town website.
- The Notice shall include date, time, place and purpose of the hearing, with either the full text of the material, or a summary, including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the municipality where the full text and/or maps may be examined.
- No changes shall be made following the posting of the public hearing and the hearing.
- Public hearing allows the public to officer comment to the Selectboard on the proposed amendments. The Selectboard shall consider the public comment.
- The Selectboard will either approve the draft as warned or make changes at their hearings. The Selectboard generally holds 2 public hearings.
- The Selectboard may make changes to the draft.
- The legislative body may change the proposed amendment. If substantial changes are made in the concept, meaning, or extent of the proposed amendment, it shall warn a new public hearing(s). If any part of the proposal is changed, the change shall be filed at least 10 days prior to the public hearing with the clerk and the PC. The PC shall amend its report to reflect the changes made and submit Selectboard prior to or at the public hearing.
- Selectboard vote to adopt the amendments after the close of the public hearing.
 - Amendments become effective 21 days after the adoption, unless petitioned for popular vote.
- Petition for popular vote:
 - 5 percent of voters of the municipality file petition within 20 days of the Selectboard vote.
 - If such a petition is filed, the Zoning shall be warned for voting by Townwide Australian ballot, at the next or special town meeting.