

Shaftsbury Planning Commission
Report on Proposed Bylaws Changes
August 19, 2026

This report is issued pursuant to 24 V.S.A. § 4441 to explain changes to the Shaftsbury Zoning Bylaws proposed by the Planning Commission (PC). These changes will be discussed in public hearings by the PC and the Selectboard beginning with the PC on September 9, 2026 at 6 pm.

Four changes are proposed.

1) Change the maximum building height from 30' to 35'.

The current maximum of 30' was envisioned to allow for 3-story buildings but in practice it does not because it does not allow for a peaked roof on top of three 10' stories. This change make that possible. Note that the bylaws define building height by the average elevation of the eaves and the roof peak.

The Zoning Administrator has polled the Shaftsbury Fire Department and neighboring fire departments about this change. All agree that this change is not a problem for fire fighting. All departments are equipped to fight fires in a 35' tall building.

Building height is 30' in numerous tables and references throughout the current bylaws. These will all be changed to 35'.

2) Home Occupations

Changes to the home occupation (HO) sections of the bylaws are more administrative than substantive. We propose to delete the HO sections from each zoning district to be superseded by a single description of HO in a new Section 3.8. This simplification makes the same HO rules apply to all zoning districts.

Current bylaws allow 1500' square feet to be used for HO in all zoning districts except Village districts, where the limit has been 500'. This change means that 1500' square feet will be allowed for HO in all districts including Village districts.

Current bylaws govern short-term rentals (STR), like Airbnb, as HO. This change removes references to STRs from the HO section to be replaced by a new bylaw just governing STRs, see below.

3) Poultry Ordinance

Prompted by citizen complaints and concerns over a potential public nuisance, a new bylaw is proposed to regulate the keeping of poultry in Village Districts. Provisions of this bylaw include:

The keeping of poultry shall not cause a public nuisance nor detract from the residential character of the neighborhood.

Poultry shall be kept in humane conditions that are appropriately clean, disease-free, and that provide adequate food, water, and sanitation without overcrowding.

Poultry shall be confined to the property and not allowed to roam into streets or neighboring properties. Further, noise and odors shall be confined to the property so as not to constitute a public nuisance on neighboring properties.

Only female chickens (hens) shall be permitted.

No more than ~~eleven (11)~~twelve (12) individual hens shall be kept on a lot at any time.

~~In order to be consistent with the recently passed Act 166, this ordinance only applies to lots with less than one contiguous acre devoted to farming and raising livestock. This ordinance does not apply to lots larger than one acre that are defined in statute as farms.~~

4) Short-Term Rentals (STRs)

The current bylaws treat short-term rentals as home occupations. This is no longer adequate given the growth of the industry and the current limits in the bylaws of 1500' and 500' square feet. This new bylaw does not seek to limit citizens ability to earn income through STRs. The change proposes to make owner/landlords aware of current State regulations governing STRs, and to collect information on what STRs are operating in Shaftsbury. Provisions of the new STR bylaw include:

STRs must obtain an annual permit from the Zoning Administrator (ZA). The permit is due by March 1 and includes a fee ~~of \$150~~.

Owners must provide the ZA with a copy of the State's "Short Term Rental Safety, Health and Financial Obligations" checklist, to ensure that they are aware of their current obligations under state law.

An owner or manager must be nearby and on call to respond to issues at the STR.

The owner of the STR is responsible for renter compliance with the noise bylaw.

The STR must provide off-road parking for guests.

References to short-term rentals in 4.2.2 g under Rural Districts will be removed and superseded by this bylaw in Section 8.19. STRs are now allowed in all zoning districts except Forest and Recreation (FR).

The full text of the proposed bylaws changes are included as amendments to this report.

AMENDMENTS

Building Height

Maximum building height shall be changed from 30' to 35' in all tables and references in Shaftsbury Zoning Bylaws. This allows for three story buildings with peaked roof.

Note: building height is defined in the bylaws as the average height of eaves and roof peak.

3.8 Home Occupations

In accordance with 24 V.S.A. Section 4412(4), Home Occupations (HO) are permitted in all residential districts (Rural, Village, and Roadside Commercial). One HO per lot is permitted, provided the use is carried on by a resident of the premises, the use does not change the residential character of the property, nor does the use have an undue adverse effect on the character of the surrounding area or neighborhood.

A Home Occupation requires a permit and a small fee. Most permits can be approved by the Zoning Administrator. If the Zoning Administrator is not confident that the HO meets required criteria, the permit will be referred to the Developmental Review Board (DRB), requiring a hearing and an additional fee.

A Home Occupation must meet the following criteria:

- 1) One HO per lot is permitted, provided the use is carried on by a resident of the premises, the use does not change the residential character of the property, nor does the use have an undue adverse effect on the character of the surrounding area or neighborhood.
- 2) The use is carried on within an existing primary or accessory building, except for outdoor storage as described below.
- 3) The use is conducted by one or more residents of the subject lot and not more than two employees who do not reside on the lot.
- 4) The HO is clearly secondary to the use of the property for dwelling purposes.
- 5) The total area devoted to the HO, area in the primary residence plus external storage, shall not exceed 1500 square feet.
- 6) No building or storage area used for the HO shall encroach upon required setbacks.
- 7) Exterior displays other than a permitted sign are not permitted.
- 8) No outdoor storage of equipment or materials are allowed, except:
 - a) Contractor's equipment (including vehicles) may be stored on the premises if adequately screened from public rights-of-way and adjoining properties.
 - b) Farm equipment that is used as part of an on-site agricultural use is allowed, and is not subject to HO requirements.
- 9) Retail sales are allowed only for articles created on-site unless otherwise approved by the DRB.
- 10) Parking shall conform to the requirements of Section 8.3.
- 11) Signs must comply with Section 3.4.3 of the Sign Ordinance:

"For home occupations -- one (1) sign not exceeding eight (8) square feet in area, if one sided, and four (4) square feet, if two sided, and a zoning permit has been obtained for the home occupation."

Reference to home occupations in each zoning district will be removed and superseded by this bylaw in section 3.8.

Ordinance Regarding the Keeping of Poultry in Village Districts

The Selectboard finds that the keeping of fowl, when allowed to run at large or otherwise improperly maintained, may constitute a public nuisance by causing damage to property, creating traffic hazards, biting or aggressive behavior, and depositing fecal matter that may transmit salmonella and other diseases. The Selectboard further finds that poorly kept poultry may create objectionable odor and unreasonable noise that interfere with the reasonable use and enjoyment of neighboring properties. This ordinance is therefore enacted to regulate the keeping of poultry in Village districts for the benefit of all involved.

Applicability

This ordinance shall apply in the Village Residential (VR) and Village Center (VC) districts only. This ordinance does not apply to lots larger than one acre that are defined in statute as farms.

General Requirements

The keeping of poultry shall not cause a public nuisance nor detract from the residential character of the neighborhood.

Poultry shall be kept in humane conditions that are appropriately clean, disease-free, and that provide adequate food, water, and sanitation without overcrowding.

Poultry shall be confined to the property and not allowed to roam into streets or neighboring properties. Further, noise and odors shall be confined to the property so as not to constitute a public nuisance on neighboring properties.

Specific Requirements

Only female chickens (hens) shall be permitted.

No more than twelve (12) individual hens shall be kept on a lot at any time.

Authority

This ordinance is adopted pursuant to the enumerated powers of the Selectboard to define and mitigate public nuisances, outlined in 24 V.S.A. § 2291(14).

Note

The ordinance will be placed in Section 3.7 Agricultural and Silvicultural Practices of the bylaws.

8.19 Short Term Rentals

- 1) Definitions: "Short-term rental" (STR) means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year. (18 V.S.A. § 4301)
- 2) State Requirements: STRs are governed by the following State statutes and regulations
 - a) [18 V.S.A. § 4466: Inspection](#)
 - b) [18 V.S.A. § 4467: Posting contact information](#)
 - c) [18 V.S.A. § 4468: Educational materials](#)
 - d) Residential Rental Housing Health and Safety Code
(<https://firesafety.vermont.gov/sites/firesafety/files/documents/RRHHS%20Code%202022%20.pdf>)
 - e) Health Considerations of Short-Term Rental Operators
(https://www.healthvermont.gov/sites/default/files/documents/pdf/ENV_FL_HealthConsiderationsofShortTermRentalOperators.pdf)
 - f) **Short Term Rental Safety, Health and Financial Obligations checklist** (a copy must be submitted with permit application)
(https://www.healthvermont.gov/sites/default/files/documents/pdf/ENV_FL_ShortTermRentalObligations.pdf)
- 3) Local Requirements
 - a) STR requires an annual permit and fee, submitted to the zoning administrator by March 1 each year.
 - 1) Owner must submit a copy of Short Term Rental Safety, Health and Financial Obligations checklist (see above) with permit application
 - 2) An STR permit is not transferable. A new owner requires a new permit.
 - b) STRs are permitted in all zoning districts except FR
 - c) The owner of the STR or the owner's designated manager must be geographically proximate and available and on call 24 hours a day, seven days a week to respond in the event of an incident whenever there is an active rental.
 - d) The owner of the STR is responsible for renter compliance with the noise bylaw in Shaftsbury Land Use Regulations 3.4.b (<https://shaftsburyvt.gov/all-docs/archived-docs/zoning/shaftsbury-land-use-regulations.pdf>)
 - e) All vehicles associated with the STR of a property, including guests of the short-term renter(s), shall have designated off-road parking and not use

shared private driveways, private roads, or public highways, unless public parking is readily available.

4) Compliance

- a) Failure to register for a STR permit is subject to a late fee.
- b) Failure to follow Local Requirements may result in:
 - 1) Submission of an adverse report on STR listings such as Airbnb and VRBO.
 - 2) A fine per incident.
 - 3) Cancellation of STR permit
 - 4) Referral to town attorney for possible court action

5) Authority

- a) This ordinance is adopted pursuant to the enumerated powers of the Selectboard to regulate the operation of STRs, outlined in 24 V.S.A. § 2291(29); and the power to enforce municipal ordinances outlined in 24 V.S.A. § 1974a.

References to short term rentals in 4.2.2 g under Rural Districts will be removed and superseded by this bylaw in Section 8.19.