

## Article 3 – Development Review Procedures and Standards

### SECTION 3.1 Permitting Process and Zoning Permits

See Figure 3.1 for a flow chart of the process to obtain a zoning permit.

A. **Applicability.** No land development as defined herein shall commence without a zoning permit issued by the ZA, unless specifically exempted under Section 3.1(F) of these regulations. Land development may require one or more board approvals before the Zoning Administrator may issue a zoning permit. Specific activities included in the definition of land development that require a zoning permit include, but are not limited to, the following:

- Erecting a new structure
- Moving a structure
- Adding footprint area or height to an existing structure
- Initiating a new land use
- Changing from one type of land use to a different type of land use
- Moving an existing land use to another property
- Grading, excavation, and placement of fill

B. **Application Requirements.** Applications for zoning permits shall be made on the Fairfield Zoning Permit Application Form provided by the Town and submitted by the landowner, or an authorized agent, directly to the Zoning Administrator. The applicant shall pay the required fee and provide all information requested on the form and any other information that the Zoning Administrator may reasonably require to determine compliance with these regulations and in accordance with the Act. The Selectboard shall establish, and amend as necessary, a schedule of fees for applications and types of land development.

C. **Zoning Permit Approval Requirements.** The Zoning Administrator review applications in accordance with the following five (5) standards.

1. **Does the proposal require review by the Planning Commission or Board of Adjustment?** Planning Commission approval is required for site plan review (Section 3.3), PUDs (Section 304) and subdivision approval (Article 7). Board of Adjustment approval is needed for conditional uses (Section 3.4), requests for variances (Section 3.5) and requests for waivers (Section 3.6). Nonconformities shall comply with Section 5.5 and may require Board of Adjustment approval. The Zoning Administrator can aid an applicant in determining which approvals may be needed. All required Planning Commission and/or Board of Adjustment approvals must be obtained before the Zoning Administrator may issue a zoning permit.
2. **Does the proposal meet the zoning district use and dimensional standards?** Before issuing a zoning permit, the Zoning Administrator shall confirm that the use proposed is a permitted use according to Table 4.1 or has received conditional use and/or site plan approval from the PC and/or ZBA. In addition, the Zoning Administrator shall confirm that the proposal conforms to the dimensional standards, including setbacks, as listed in Table 4.1.
3. **Does the proposal meet the standards in Article 4, Article 5, Article 6 and Article 9?** Before issuing a zoning permit, the Zoning Administrator shall confirm that the proposal conforms to the decision and conditions imposed in the PC and/or ZBA approval (if one exists) and meets the standards in

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Article 4, Article 5, Article 6 and Article 9, as applicable.

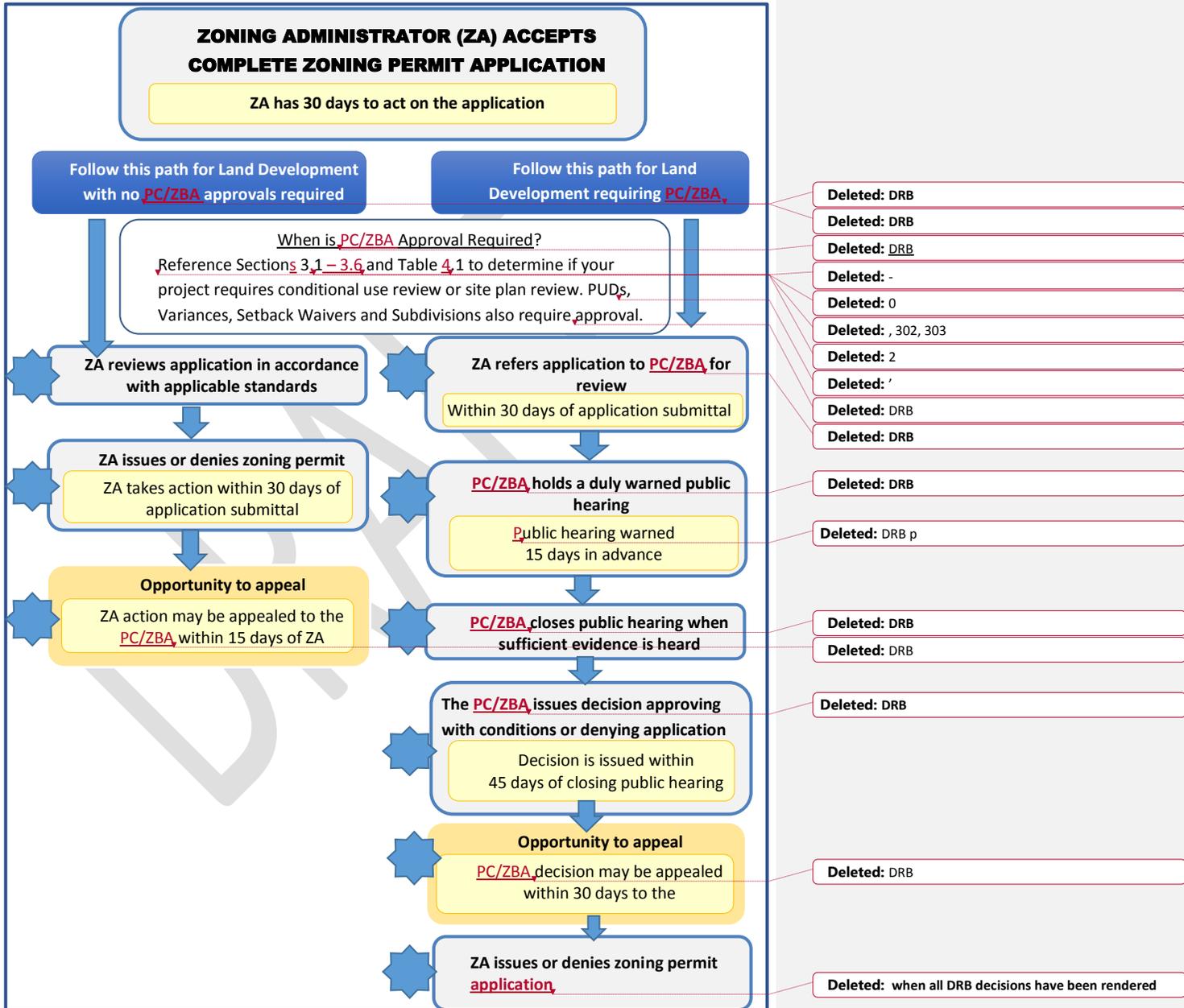
4. **Has the applicant obtained all other required local permits or approvals?** Before issuing a zoning permit, the Zoning Administrator shall confirm that the proposal has obtained all required local permits and approvals, including but not limited to approval for a curb cut on a town highway (access permit) and conformance with municipal road ordinances.
5. **Are there any State Permits and/or Approvals Required?** As a general rule, zoning permits shall not be conditioned on any required state permits or approvals. However, the Zoning Administrator shall require the following before the issuance of a zoning permit in relation to state permits, as applicable:
  - a. If a Wastewater and Potable Water Supply Permit is not required, the applicant shall provide written proof of such from the Vermont Department of Environmental Conservation. See Section 5.12, for requirements relating to the initiation of construction and certificates of occupancy concerning Wastewater and Potable Water Supply permits.

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Figure 3.1. Timeline for Zoning Permits and Approvals



D. Issuance of Zoning Permit. A zoning permit shall be issued by the Zoning Administrator only in accordance with the Act (Section 4449) and these regulations. If, in the opinion of the Zoning Administrator, a proposal for a permitted use as set forth in these regulations is not in conformance with the provisions of these regulations, the Zoning Administrator shall deny the zoning permit. The Zoning Administrator must refer all applications requiring Board approval, including conditional use review, site plan review, variance, waivers, planned unit developments, access by right-of-way, and/or subdivision review, to the appropriate board.

1. Within thirty (30) days of receiving a completed permit application, including all materials and fees, the Zoning Administrator shall either issue or deny a permit in writing, or refer the application to the PC and/or ZBA for their review and action. Each permit or denial issued shall include a statement of the time in which appeals may be made under Section 2.8. Failure to act on the permit request within thirty (30) days shall constitute deemed approval of the permit on the thirty-first (31st) day.
2. The applicant must post a permit notice on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property for a fifteen (15) day appeal period during which time appeals may be accepted. Applicants are advised that if the posting provision is not satisfied, an interested person could question the validity of the permit. The notice shall contain a statement of the appeal period and information as to where a full description of the project and approval can be found.
3. Within three (3) days of issuing a permit, the Zoning Administrator shall post a copy in the Town Clerk's Office until the expiration of the appeal period and shall provide a copy of the permit to the listers. Within thirty (30) days of issuing a permit the Zoning Administrator shall deliver a copy of the permit to the Town Clerk for recording in the municipal land records.
4. All permits are issued for a specific site and are not transferable to any alternative site or parcel. All permits shall run with the land and are valid and binding upon any heir, assign or successor who acquires an undivided, whole interest in the property.

E. Zoning Permit Effective Date, Extensions, and Board Approvals.

1. Effective Date. No zoning permit shall take effect until the time for appeal under Section 2.8 has passed or, in the event that a notice of appeal is properly filed, until final adjudication of the appeal. All development approved under these regulations shall be completed or established within two (2) years from the date of issuance of the permit, unless the permit specifies otherwise. The Zoning Administrator shall make a determination as to whether the development has been completed or established. Failure to complete or establish the proposed development shall render the applicant in violation of these regulations. At a minimum, established development must include the complete construction of an access, a foundation, and a water supply and wastewater system.
2. Permit Extensions. The Zoning Administrator may administratively issue one (1) permit extension of not more than two (2) years from the date of application, if the application for an extension is made in writing prior to permit expiration, and it is determined by the Zoning Administrator that

**Deleted: Zoning Permit Public Notice, Issuance, Effective Date and Expiration.** Public notice and issuance requirements shall be met before a zoning permit may be issued according to Section 2.4.

the extension is justified due to delays in the issuance of other necessary permits, project financing, or other unforeseen circumstances.

3. Board Approvals. Approvals granted by the PC and ZBA shall expire upon the expiration of the zoning permit issued subsequent to the Board approval. The Board may grant a longer period of time for a zoning permit and associated Board approvals to remain in effect, as specified in the Board’s written approval, to accommodate phased development or projects that reasonably may require more than two (2) years to complete.

F. **Exemptions.** A zoning permit shall not be required for the following types of land development:

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1. State Exemptions. These Regulations shall not regulate the following types of land development exempted in state statute:

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a. Required Agricultural Practices as those practices are defined by the Secretary of Agriculture, Food and Markets. Violations of the Required Agricultural Practice Rules may be reported by the municipality to the Commission of Agriculture, Food and Markets for enforcement.

b. Farm structures associated with required agricultural or farming practices. However, the Town of Fairfield shall be notified of the intent to build a farm structure associated with a required agricultural or farming practice according to 4413(d)(3) of the Act and the provisions below:

i. Prior to the construction of farm structures, the farmer must notify the Zoning Administrator in writing of the proposed construction activity. The notification must contain a sketch of the proposed structure including the setbacks from adjoining property lines and road rights-of-way.

ii. Local setbacks established by the municipality shall be maintained unless, upon written petition by the farmer, the Commissioner of Agriculture, Food and Markets has approved other reasonable setbacks for the specific farm structure being constructed or maintained. Such approval shall be attached to the notification filed with the Zoning Administrator.

iii. All farm structures within the Flood Hazard Area Overlay (see Article 9) shall be constructed and maintained in accordance with the requirements of the rules established by the Vermont Agency of Natural Resources.

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c. Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation.

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d. Forestry operations as those practices are defined by the Secretary of Agriculture, Food and Markets.

e. Public utility power generating plants and transmission facilities that are regulated by the Vermont Public Utility Commission [under 30 V.S.A. §248], including net-metered wind generation facilities and solar panels.

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Town of Fairfield, Vermont – Land Use and Development Regulations

f. Hunting, fishing or trapping on public or private land as specified by the state [under 24 V.S.A. §2295]. This excludes facilities that may support such activities, such as firing ranges, rod and gun clubs, and fish and game clubs, which are subject to these regulations.

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2. **Local Exemptions.** These regulations shall not regulate the following types of land development:

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a. Modifications of building interiors if no change of use is proposed; repairs and minor alterations (including but not limited to chimneys, re-roofing or re-siding) to existing structures not resulting in any change to the exterior dimensions or height of the structure.

b. Any residential fence or wall less than six (6) feet in height which does not extend into or obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic.

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c. Any minor accessory structure, such as a dog house, child's play house, tree house, shed or similar structure, which meets the following requirements:

i. A floor area of one hundred (100) square feet or less;

ii. A height of 10 feet or less; and

iii. Not attached to a permanent foundation, such as poured concrete.

iv. Located at least 5 feet from a property line and 35 feet from the edge of a public or private road right of way.

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Signs; however, signs shall comply with any local sign ordinance.

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d. Garage sales, yard sales, auctions or other similar types of time-limited sales.

e. The stabilization of damaged structures to prevent imminent hazards to public health and safety, and to adjoining properties; or for the repair, restoration or reconstruction of damaged structures to the extent of their prior condition and use per Section 5.4.

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f. Gardening and other non-commercial agricultural activities, excavations in cemeteries, and the removal or extraction of topsoil, rock, sand, gravel or other similar material in connection with the construction of a permitted structure or other permitted use.

g. Resurfacing of an existing impervious surface (ex. resurfacing a driveway).

Deleted: 1. The Planning Commission acting through its chairperson or a duly authorized delegate may conduct pre-hearing conferences upon due notice and request by an applicant. The purpose of any pre-hearing conference shall be to clarify issues in controversy; identify documents, plans, detailed information that should be submitted as evidence at a hearing; and to circumvent untimely and unnecessary delays that would interfere with an expeditious public hearing process. The results of such conference shall be made in writing, signed by the Chair, and made available to all interested parties to the hearing ¶  
Existing Farm - Prior to construction of a farm structure, a person shall notify the Zoning Administrator of that intent. And provide a letter of approval from the commissioner of agriculture, food and markets, as required by Section 4413 of the Act, if a variance to the town's zoning bylaws is requested.

h. Excavation, filling and grading involving less than 100 cubic yards of material and/or new patio and driveway areas less than 100 square feet in size, which meets the following requirements:

i. The location of the proposed excavation, filling and/or grading is not located within a 100-year floodplain, river corridor, or in an area with rare, threatened, or endangered species as identified by the Vermont Agency of Natural Resources.

ii. The proposed excavation, filling, and grading action is not located within the setbacks for the applicable zoning district.

G. **Certificate of Occupancy.** All new principal structures, additions to principal structures, and accessory dwelling units that have been issued a zoning permit shall receive a Certificate of Occupancy from the Zoning Administrator that documents all work has been completed in accordance with the zoning permit. See Section 2.9.

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SECTION 3.2 Site Plan Review

**A. Applicability and Intent.** The intent of Site Plan review is to ensure that projects be of high quality, attractive and functional site design, and that overall building and site design be consistent with the purpose and character of the district within which it is located. Standards and condition emphasize those considerations related to internal layout of the site, its physical design and appearance as viewed from off-site, and the functional integration of the site with surrounding properties and uses.

In any district, no zoning permit shall be issued by the Zoning Administrator for uses requiring site plan approval as listed in Table 3.1 until that approval is granted by the Planning Commission.

**B. Application Requirements.** A complete application for site plan review shall include all the information requested on the Fairfield Site Plan Review Application Form, including the application fee, a Letter of Intent for a State Highway Access Permit from VTTrans, if applicable, and one full size site plan prepared in a clear and legible manner, drawn/printed to scale, in addition to nine (9) 11x17 reductions and PDF format.

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Site plans shall include the information in Table 3.1 below, as applicable.

Item	Requirement	Details
1	<u>Owner and Preparer Information</u>	<ul style="list-style-type: none"> <li>• <u>Name and address of the owner of record and adjoining land ownership, including those across public and private roads;</u></li> <li>• <u>Name and address of person or firm preparing the site plan map.</u></li> </ul>
2	<u>Location, Scale and Date</u>	<ul style="list-style-type: none"> <li>• <u>Site location map,</u></li> <li>• <u>scale of map, including a graphic scale,</u></li> <li>• <u>north arrow, and</u></li> <li>• <u>date of preparation or revision.</u></li> </ul>
3	<u>Features of the Existing Site</u>	<ul style="list-style-type: none"> <li>• <u>Contours (2 feet), vegetation, and natural features;</u></li> <li>• <u>Structures, access points, easements, and utilities;</u></li> <li>• <u>Property and zoning boundaries;</u></li> <li>• <u>Distance from existing structures to property line.</u></li> </ul>
4	<u>Features on Adjacent Sites</u>	<ul style="list-style-type: none"> <li>• <u>Structures, access points, culverts, wells, and other features that have potential to impact or be impacted by the proposal including those directly across a public or private road.</u></li> </ul>
5	<u>Proposed Site Improvements</u>	<ul style="list-style-type: none"> <li>• <u>Structures, including principal structure elevations;</u></li> <li>• <u>Parking areas, access points, loading docks and service areas, and outside storage areas;</u></li> <li>• <u>Sidewalks and other walkways;</u></li> <li>• <u>Utilities, stormwater management and lighting;</u></li> <li>• <u>Landscaping and screening;</u></li> <li>• <u>Areas of excavation, filling, and grading;</u></li> <li>• <u>Distance from proposed structures to property line.</u></li> </ul>
6	<u>Landscaping Details</u>	<ul style="list-style-type: none"> <li>• <u>Detailed specifications of the planting and landscaping materials to be used.</u></li> </ul>

**Table 3.1: Site Plan Requirements:**

7	<u>Construction Sequence and Timing Schedule</u>	<ul style="list-style-type: none"> <li>• <u>Construction sequence and timing schedule for completion of buildings, parking spaces, landscaped areas and other site improvements, including any phasing schedule.</u></li> </ul>
8	<u>Traffic Generation</u>	<ul style="list-style-type: none"> <li>• <u>Estimate of daily and peak hour traffic generated.</u></li> </ul>
9	<u>State Highway Access Permit</u>	<ul style="list-style-type: none"> <li>• <u>Whenever a proposed site plan involves access to a State highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 V.S.A. § 1111, and setting out any conditions that the Agency proposes to attach to the section 1111 permit.</u></li> </ul>
10	<u>Other Information</u>	<ul style="list-style-type: none"> <li>• <u>Any other information or data that the Planning Commission may reasonably require.</u></li> </ul>

The applicant may apply in writing to the Planning Commission to waive application submission requirements that do not apply to a specific project. The Planning Commission may grant such a waiver only if in its judgment of the special circumstances of a particular site plan, the subject materials or information are not applicable to the project and not required to determine compliance with these regulations.

**C. Public Notice and Issuance Requirements.** The Planning Commission shall hold a public hearing before issuing a decision on whether the proposed land development shall receive site plan approval. Public notice, public hearing, and decision requirements in Sections 2.3, 2.4, and 2.5 apply.

**D. Site Plan Review Standards.** When reviewing and deciding on a site plan, the Planning Commission may consider and impose appropriate safeguards, modifications, and conditions relative to Article 5 - General Regulations and Article 8 - Planning and Design Standards. The Planning Commission shall pay specific attention to the following standards:

1. Adequacy of parking and loading facilities (Section 5.10)
2. Traffic access and circulation (Section 5.4).
3. Pedestrian and bicycle access requirements (Section 8.3)
4. Adequacy of landscaping and screening (Section 8.6)
5. Outdoor lighting (Section 5.9)
6. Size, location and design of signs (Section 5.13)
7. Adequate stormwater management and erosion control measures (Section 8.5)
8. Performance Standards (Section 5.11)

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**E. District and Specific Use Standards.** In addition to the site plan standards above, a proposal must meet the district dimensional standards identified in Article 4 – Zoning District and District Regulations, Article 5 – General Regulations and, as applicable, the specific use standards under Article 6 of these regulations.

SECTION 3.4 Conditional Use Review

- A. Applicability and Intent.** The intent of conditional use review is to ensure compliance with standards addressing the impact of proposed land uses on adjacent properties, the neighborhood or district in which the project is located, and the community at large (24 VSA §4414 (3)). Standards and conditions emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated.
- B. Application Requirements.** A complete application for conditional use review shall include all the information requested on the Fairfield Conditional Use Application Form, including a written description of how the proposal meets the review standards in Section 3.4(D), a Letter of Intent for a State Highway Access Permit from VTTrans, if applicable, and the application fee.
- C. Public Notice and Issuance Requirements.** The Board of Adjustment shall hold a public hearing before issuing a decision on whether the proposed land development shall receive conditional use approval. Public notice, public hearing, and decision requirements in Sections 2.3, 2.4, and 2.5 apply.
- D. Conditional Use Review Standards.** The Board of Adjustment may grant conditional use approval if the Board determines that the proposed use will conform to all specific standards and provisions contained in these regulations. In addition, the proposed conditional use shall not result in an undue adverse effect on any of the following:
- 1. The Capacity of Existing or Planned Community Facilities.** The Board of Adjustment shall consider the demand for community services and facilities resulting from the proposed development and determine whether that demand will exceed the existing or planned capacity of existing facilities or services. In making such a determination, the Board of Adjustment will consider Fairfield’s capital program or budget in effect at the time of application.
  - 2. The Character of the Neighborhood Area or District Affected.** The Board of Adjustment shall consider the location, scale, type, density, and intensity of the proposed development in relation to the character of the area likely to be affected by the proposed development, as defined by the purpose(s) of the zoning district(s) within which the project is located and specifically stated polices and standards of the Fairfield Town Plan.
  - 3. Traffic on Roads and Highways in the Vicinity.** The Board of Adjustment shall consider the projected impact of traffic and patterns of access resulting from the proposed development on the capacity, safety, efficiency and use of affected roads, bridges, and intersections. A traffic impact study may be required.
  - 4. Conformance with Applicable General Regulations, Development Standards and Specific Use Standards in Articles 5, 6, and 8.**
  - 5. The Utilization of Renewable Energy Resources.** The Board of Adjustment shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including the existing and future availability of and access to such resources on adjoining properties.

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**Deleted:** b) traffic on roads and highways in the vicinity;¶

**Deleted:** c) the utilization of renewable energy resources;¶

6. **Other Town Bylaws in Effect.** No development shall be approved in violation of existing bylaws and ordinances in effect.

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E. **District Standards.** In addition to the site plan standards above, a proposal must meet the district dimensional standards identified in Article 4 – Zoning District and District Regulations.

**Figure 4.2 - Determining Undue Adverse Effect**

The following test shall be used by the Planning Commission and Zoning Board of Adjustment when the bylaw requires the Planning Commission and/or the Zoning Board of Adjustment to determine whether or not an undue adverse effect is being created.

1. First, the Planning Commission and/or the Zoning Board of Adjustment shall determine if a project is creating an adverse effect upon the resource, issue and/or facility in question. The Planning Commission and/or the Zoning Board of Adjustment shall determine such by responding to the following question:

a) Does the project have an unfavorable impact upon the resource, issue and/or facility in question?

2. If it has been determined by the Planning Commission and/or the Zoning Board of Adjustment that an adverse effect is being created by a project, the Planning Commission and/or the Zoning Board of Adjustment shall then determine if the adverse effect is undue. To determine whether or not an adverse effect is undue, the Planning Commission and/or the Zoning Board of Adjustment shall respond to the following two questions:

a) Does the project conflict with a clear, written standard in these regulations or the Municipal Plan applicable to the resource, issue or facility in question?

b) Can the unfavorable impact be avoided through site or design modifications, or mitigation, or other conditions of approval?

The Planning Commission and/or the Zoning Board of Adjustment shall conclude that adverse effect is “undue” if the answer to 2(a) is YES OR the answer to 2(b) is NO.

**SECTION 3.5 Variance Review**

A. **Applicability.** Requests for variances from the provisions of these regulations may be submitted for structures (but not for uses) and shall be regulated as prescribed in 24 VSA § 4469. A variance to allow a use that is prohibited according to Table 4.1 or to modify any of the general or specific standards applying to land uses shall not be considered.

B. **Application Requirements.** A complete application for a variance shall include all the information requested on the Fairfield Variance Application Form, including the application fee. The application shall also include a written description of how the proposal meets the requirements of Section 3.5(D) below.

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**C. Public Notice and Issuance Requirements.** The Board of Adjustment shall hold a public hearing before making a determination as to whether the proposed use meets all five variance criteria listed below. Public notice, public hearing, and decision requirements in Article 2 shall apply.

**D. Review Standards.** In accordance with 24 V.S.A. §4469, the Board of Adjustment may grant a variance only if all of the following conditions are found to exist and are specified in its written decision:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this bylaw in the neighborhood or district in which the property is located; AND
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this bylaw and that the authorization of a variance is therefore necessary to enable the reasonable use of the property; AND
3. That such unnecessary hardship has not been created by the appellant; AND
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; AND
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of this bylaw.

**E. Conditions.** In making a decision in favor of the applicant for a variance, the Board of Adjustment may attach conditions which are necessary to implement the Act and/or the Town Plan. In no case shall the Board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

**F. Renewable Energy Resource Structures.** On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that the relief requested meets all requirements listed in the Act [§4469(b)] and are specified in its decision.

### SECTION 3.6 Waivers

**A. Applicability.**

**B. Application Requirements.**

**C. Public Notice and Issuance Requirements.**

**D. Review Standards.**

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No structure shall exceed 35 feet in height above the average ground level unless approved by the Board of Adjustment. The Board may permit structures in excess of 35 feet provided the structure does not constitute a hazard and provided that the portion above 35 feet shall remain unoccupied except for a normal maintenance.

**SECTION 3.7 Planned Unit Developments (PUD)**

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**A. Intent and Purpose.**

**B. Applicability.**

1. A PUD project shall contain at least three contiguous acres.
2. A PUD shall not be located in the Village Zoning District.

**C. Application Requirements.**

1. Proposals shall be submitted to the Planning Commission and shall include a site plan showing the location and general designs of all structures, open spaces, landscaping, driveways, streets, parking areas, easements and all other physical features, together with a statement setting forth the nature of all proposed modifications of this bylaw.
2. Upon application of the planned unit development, the application may request modifications from the dimensional standards required by these regulations

**D. Public Notice and Issuance Requirements.** The Planning Commission shall hold a public hearing before issuing a decision on whether the proposed land development shall receive site plan approval. Public notice, public hearing, and decision requirements in Sections 2.3, 2.4, and 2.5 apply.

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**E. Review Standards.** Planned unit developments shall be subject to the following provisions:

1. **Town Plan.** The project shall be consistent with the Town Plan, and the predominant uses of the site shall not differ substantially from the uses allowed in the district in which the project is located.
2. **Density.** Density may vary within the development. In any PUD, overall density of the principal uses and dwelling units shall not exceed 20% more than the prescribed district density. The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development.
3. **Subdivision Standards.** PUD shall conform to the subdivision standards in Article 7.
4. **Planning and Design Standards.** The project shall be subject to the review considerations and standards under Article 8 of these by-laws.

5. **Open Space.** Where the clustering of uses in a project will result in open or undeveloped space on the tract, the Planning Commission shall condition approval of the project upon the establishment of an open space easement, conservation restriction, or similar instrument for such portion of the tract to ensure conformance with subsection (c) above. Such instrument shall be legally enforceable by the Town and shall run with the land at least until a future amendment of the zoning district density may provide for additional development of the tract. Further, the Planning Commission may impose conditions as to the ownership, uses and maintenance of such open space as it deems appropriate for the nature of the project and the land to meet the purposes of these by-laws, the Town Plan and the Act.

F. **Modifications and Waivers.** In accordance with Section 4404 (3) and (12) of the Act, the Planning Commission is permitted to modify this bylaw a planned unit development (PUD) simultaneously with the final approval of a subdivision plot. The purpose of this provision is to enable clustering and other innovations, in design and more efficient uses of land, to facilitate the adequate and economic provision of streets and utilities, and to preserve the natural and scenic qualities of the town. ~~The~~ Planning Commission shall keep a record of all modifications of this bylaw granted and each modification shall be directly included in the final PUD decision. All other provisions of this bylaw not specifically modified shall remain in force and be applicable to the project.

SECTION 3.8 Permit Allocation for Residential Dwelling Units

A. **Establishment.** In accordance with the Act [Section 4410 and 4411], and based on findings incorporated herein under subsection (B), it is the intent of the Town of Fairfield to control the density of population and intensity of land use through the allocation of zoning permits issued for year-round residential dwelling units in the Town. Specifically, a permit allocation system is hereby established, in accordance with the Fairfield Town Plan and Fairfield Capital Program as currently in effect to:

1. Provide for controlled and orderly growth of the town, at a rate slow enough to maintain Fairfield’s dominant agricultural and rural character, while also accommodating the Town’s fair share of regional population and housing growth; and
2. To ensure that the rate of growth does not exceed the ability of the community and the area to provide adequate facilities and services, as set forth in the most recent Fairfield Capital Program.

B. **Basis of Program.** In accordance with the 2010 Growth Management Report, prepared pursuant to the Act [Section 4382 (c)] and incorporated herein by reference, it is found that:

1. Fairfield remains a predominantly rural, agricultural community defined in terms of farm population, farm numbers and regionally defined criteria mass area; and despite decreasing farm numbers, agriculture remains the mainstay of Fairfield’s local economy.
2. Fairfield’s developable land base, including its agricultural resource base, is sufficient to support extensive residential growth and development in the absence of appropriate controls on the density of population and intensity of land use.

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**Deleted:** or a planned residential development (P.R.D.)

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To qualify, a P.U.D. or P.R.D. project shall: a) Contain at least three contiguous acres; b) Conform to the definitions herein and to the requirements of Section 4404 of the Act. ¶

¶

Planned unit developments and planned residential developments are subject to the following provisions: ¶

¶

Proposals shall be submitted to the Planning Commission and shall include a site plan showing the location and general designs of all structures, open spaces, landscaping, driveways, streets, parking areas, easements and all other physical features, together with a statement setting forth the nature of all proposed modifications of this bylaw. ¶

The project shall be consistent with the Town Plan, and the predominant uses of the site shall not differ substantially from the uses allowed in the district in which the project is located. ¶

Density may vary within the development, however, in any P.R.D., the number of dwelling units shall not exceed the number which could be permitted, in the Planning Commission’s judgment, if the land were subdivided into lots in conformance with the applicable district requirements of this bylaw. In any P.U.D., overall density of the principal uses and dwelling units shall not exceed 20% more than the prescribed district density. The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development. ¶

The project shall be subject to the review considerations and standards under Article III of these by-laws. ¶

Where the clustering of uses in a project will result in open or undeveloped space on the tract, the Planning Commission shall condition approval of the project upon the establishment of an open space easement, conservation restriction, or similar instrument for such portion of the tract to ensure conformance with

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**Commented [TN17]:** See email. There are potential issues given the town doesn’t have a CIP. Also, see relevant language in the Town Plan.

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As provided in the Act, Section 4407 (12), the Planning Commission may prescribe from time to time, supplementary rules and regulations for any planned un

**Commented [TN18]:** Need a CIP

3. The MISER population projection is the only projection currently available for all Vermont municipalities. Prepared in 2003, it suggests that Fairfield’s population will reach 2,039 people by 2020 – a rate of growth that is similar to what the town has experienced since 1990.
4. The Town’s growth rate is projected to be slightly less than that of the county as a whole.

Commented [TN19]: Update to use ACCD projections

Fairfield shall continue to limit its rate of growth to an average annual rate that matches that of Franklin County as a whole. Evidence indicates that the county’s average annual growth rate, which was 1.4 percent, during the 1990s, has slowed. The best estimates available suggest that the county’s average annual growth rate will be 1.2 percent over the next decade (2010 to 2019) and will continue to decline to a rate of 1.1 percent from 2020 to 2029.

- C. **Permit Allocation Schedule.** In order to accommodate a maximum annual rate of housing growth rate 1.1% through the year 2025, the following unadjusted allocation schedule for zoning permits for new dwelling units is established, as of the effective date of these provisions. For the purposes of this subsection a year shall be defined as the calendar year:

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Year	Growth Rate	Estimated Total Units	Zoning Permit Allocation for New Dwelling Units
2020	1.1%	798?	8 or 9?
2021	1.1%		8 or 9?
2022	1.1%		8 or 9?
2023	1.1%		8 or 9?
2024	1.1%		8 or 9?
2025	1.1%		8 or 9?

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 PERMIT ALLOCATION SCHEDULE, 2010 – 2015  
 Year Growth  
 Rate  
 Estimated Total  
 Year-round Units  
 Permits for  
 New Units  
 2010 1.2% 718 8  
 2011 1.2% 726 8  
 2012 1.2% 734 8  
 2013 1.2% 742 8  
 2014 1.2% 750 8  
 % 758 8

- D. **Updates and Expiration of Permit Allocation System.** Upon receipt of the 2020 U.S. Census of Population and Housing, and/or in association with the update of the Fairfield Town Plan or Capital Program, the Planning Commission shall review the demographics of the Town of Fairfield in relation to the region, land subdivision and fiscal trends; and present, as appropriate, findings and proposed changes to and/or extensions of this allocation schedule to be adopted as an amendment to this bylaw. In the event that the allocation schedule is not extended through a bylaw amendment prior to December 31, 2025, the provisions of Section 3.8(C) shall expire in their entirety.

Commented [TN20]: Discuss current allocation with the PC.

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- E. **Exemptions from Permit Allocation System.** All zoning permits issued for new residential development shall be counted against available allocations, except for the following categories of dwelling units, which are specifically exempted from the provisions of Section 3.8(C):

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1. Accessory apartments as defined under Article 10;

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2. Agricultural housing as defined under Article 10;

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3. Elderly housing as defined under Article 10;

4. Seasonal dwellings as defined under Article 10;

Town of Fairfield, Vermont – Land Use and Development Regulations

5. Affordable housing as defined under Article 10, proving the total number of zoning permits issued for affordable housing units in any year does not exceed the equivalent of 25% of the annual permit allocation set forth under Section ~~3.8(C)~~;

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6. Residential structures replacing burned or otherwise destroyed homes, which were occupied at the time of damage.

F. **Conversion of Seasonal Units.** The conversion of dwelling units specifically exempted under Section ~~3.8(E)~~ to conventional, year-round dwelling units shall require a new zoning permit, and is therefore subject to the allocation system provisions under Section 3. ~~7(C)~~;

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G. **Permit Timing.** Zoning permits will be allocated on a first-come first-served basis subject to the following provisions:

1. All allocations will be made based on a written, completed and dated zoning permit application as submitted to the Administrative Officer under Section 3.1(D)(2), unless otherwise specifically authorized under ~~Section 3.1(G)(6)~~;

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2. Permit applications which exceed the annual allocation limit will be placed on a waiting list chronologically by date of receipt of a completed application, and will be given consideration in that order for permit allocations that become available during the current or subsequent calendar year;

3. A limit of one permit per person per calendar year will be observed. The definition of person for this purpose is as defined under Act 250 [10 V.S.A., Chapter 151, Section 6001 (14)(A)]. This definition includes an individual's parents, minor children and spouse;

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4. ~~Zoning permit extensions~~ approved pursuant to Section ~~3.1(E)(2)~~, shall extend the permit allocation for the same year;

Commented [TN21]: What does "unused" mean? Construction hasn't started?

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5. If a permit expires, or is surrendered or voided for any reason, this permit shall be allocated to the next person on the waiting list, if a waiting list exists;

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6. Any unallocated permits remaining at the end of a calendar year may be set aside for allocation under the provisions of ~~Section 3.8(C)~~ or be added to the following calendar year's annual allocation. After 2 years, any zoning permit ~~issued under the allocation system that is still unused shall be retired.~~ The ~~Zoning Administrator~~ must maintain a record of unallocated permits ~~and unused permits.~~

Commented [TN22]: A PC/ZBA approval is different than a zoning permit. I think this process needs to be better thought out to actually be used effectively. Has this process been used at all historically?

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H. **Phasing.** Notwithstanding the provisions of ~~this section~~, the Planning Commission may authorize, as a condition of approval in accordance with an approved phasing schedule for a Planned Unit Development under Section 3. ~~7~~ an allocation to the applicant of up to two (2) zoning permits from those remaining for the current calendar year, and/or up to two (2) zoning permits from the unallocated permits set aside under subsection (8).

I. **Record Keeping.** A written record of ~~all~~ permit allocations made by the ~~Zoning Administrator~~ shall be ~~maintained by the Zoning Administrator and submitted to the Planning Commission on a bi-annual basis.~~

## Article 4 – Zoning Districts and District Regulations

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### SECTION 4.1 Establishment and Interpretation of Zoning Districts

A. To implement the provisions of this bylaw, the Town of Fairfield is divided into the following zoning districts:

1. Village District
2. Agricultural District
3. Fairfield Swamp District
4. Pond District
5. Uplands District

The Town of Fairfield also includes two overlay zoning districts:

1. Chester A. Arthur Historic Overlay District
2. Flood Hazard Area Overlay District

These zoning districts are described in Section 4.3 below and as shown on the Official Zoning Map.

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### SECTION 4.2 Interpretation of Zoning District Boundaries

1. The Official Zoning Map, located in the Town Clerk's Office, shall be affixed with the signature of the Planning Commission Chair and shall be the final authority as to the zoning status of any lands or waters in the Town. The Official Zoning Map is declared to be part of these bylaws and may only be altered by adoption of an amendment in accordance with 24 V.S.A. §4441 and §4442.

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2. Where uncertainty exists on the boundaries of zoning districts shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of roads, streams, transportation and utility rights-of-way shall be construed to follow such centerlines. The abandonment of roads and/or rights-of-way shall not affect the location of boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
3. Boundaries indicated as parallel to, or as extensions of, features in A or B above shall be so construed.

3. The Zoning Administrator shall be responsible for determining the location of a district boundary line by the above rules or by the scale or dimensions on the Official Zoning Map. Any interpretation of zoning district boundaries by the Zoning Administrator may be appealed to the Board of Adjustment for a declaratory ruling. Where a district boundary divides a lot, which existed at the time of passage of these bylaws, the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot (not to exceed 50 feet beyond the district line) into the remaining portion of the lot.

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**SECTION 4.3 Zoning District Purpose**

- A. **Village District.** The purpose of the Village District is to support the role of the villages of Fairfield and East Fairfield in social and economic activities in the community and to provide for residential, commercial and other compatible development that serves the needs of the Town. Such development should occur with densities and uses which will maintain the traditional, social and physical character of the villages including their historic and scenic resources, and which will not exceed the capability of the lands, waters, services, and the facilities to absorb such densities.
- B. **Agricultural District.** The purpose of this district is to provide for and protect agricultural, forestry and compatible residential, commercial and recreational uses in accordance with the Town Plan. Development densities shall be kept within the physical capabilities of the land and the availability of planned community facilities and services. Development methods to preserve the rural character and protect the agricultural resources of these areas shall be utilized.
- C. **Fairfield Swamp District.** The purpose of this district is to protect Fairfield Swamp. Development in this district must be carefully controlled to protect water quality, scenic beauty, and related natural resources. Due to the presence of natural resources and the cost of providing public services to this district, only limited, low-density land development will be permitted.
- D. **Pond District.** The purpose of this district is to carefully control land development in proximity to Fairfield Pond to protect water quality and scenic beauty. Fairfield Pond is a resource used by people for fishing, swimming, and boating. Land adjacent to Fairfield Pond are used for agricultural and low-density residential land uses. No land development shall be allowed in this district which degrades the pond's quality. Limited commercial development shall be permitted in order to protect the natural environment.
- E. **Uplands District.** The southeast corner of Fairfield is characterized by a series of upland ridges and is presently the least settled part of town. The soils in this district tend to be most severely restrictive for all types of land development. The purpose of this district is to provide for the conservation of existing wildlife habitat and scenic resources while allowing for limited, low density residential and outdoor recreational uses.
- F. **Chester A. Arthur Historical Overlay District.** The Chester A. Arthur Historic Overlay District is an important part of the legacy of Fairfield. The Overlay District includes the entire length of Chester A. Arthur Road and a 1000 foot area on either side of the road. This district contains several historic structures. Efforts should be made to encourage appropriate building styles within the Overlay District. Landscaping and screening of future land development with trees and shrubs shall be required to maintain the pleasant appearance of this route which is traveled by many tourist visitors to our town.
- G. **Flood Hazard Area Overlay District.** The purpose of this district is to prevent flooding in flood hazard areas and River Corridors, to minimize future public and private losses due to floods, and to promote the public health, safety and general welfare. Designation of this district is also required for continued town eligibility in the National Flood Insurance Program.

**Moved up [3]:** Any interpretation of zoning district boundaries by the Administrative Officer may be appealed to the Board of Adjustment for a declaratory ruling. Where a district boundary divides a lot, which existed at the time of passage of these by-laws, the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot (not to exceed 50 feet beyond the district line) into the remaining portion of the lot.

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 A) INTERPRETATION OF ZONING DISTRICT BOUNDARIES¶

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SECTION 4.4 Zoning District Uses and Dimensional Standards

A. Types of Land Uses and Land Use Standards. Table 4.1 establishes the review standards for each type of land use in each district. Within each district land uses are designated as:

- permitted (P);
- permitted with site plan review (P/S);
- conditionally permitted (C);
- conditionally permitted with site plan review (C/S);
- exempt (E); or
- prohibited (X).

1. Permitted Uses. Permitted uses are marked in Table 4.1 by the letter ‘P’ or ‘P/S’. In districts where they are allowed, permitted uses require a zoning permit and may be approved by the Zoning Administrator subject to the zoning permit standards in Article III. Permitted uses may also require site plan review by the PC.

2. Conditional Uses. Conditional uses are marked in Table 4.1 by the letter ‘C’ or ‘C/S’. Conditional uses require approval by the ZBA according to the conditional use provisions in Section 3.2 as a prerequisite to the Zoning Administrator issuing a zoning permit. Conditional uses may also require site plan review by the PC.

3. Prohibited Uses. Where a use listed in Table 4.1 is not designated as permitted, conditional or exempt in a zoning district (when the cell is marked with a X) such use is prohibited and shall not be allowed in that zoning district.

4. Exempt Uses. Exempt uses are shown in Table 4.1. These uses are exempt and do not require a zoning permit. See the state and local exemptions listed in Section 3.1.

5. Uses Not Identified. Uses not specifically listed as permitted or conditional uses in Table 2.1 shall be considered prohibited unless such use is approved by the Board of Adjustment as a conditional use according to Section 3.4 and the standards and procedures below:

a. The Board of Adjustment must find that the use is of the same general character as one or more uses permitted or allowed as conditional uses in the zoning district in which the use is proposed. The burden of proof to show that the proposed use is of the same general character as allowed uses in the area shall be on the applicant.

b. The Board of Adjustment will determine the minimum lot size, setbacks, lot frontage and other requirements for the use based on the zoning district regulations and specific use standards for similar uses. In no case will the minimum lot size, setback or frontage be less than the minimum otherwise required in the district.

c. The Planning Commission shall be given 15 days notice of the conditional use public hearing and may submit written or oral recommendations to the Board of Adjustment relative to the acceptability of the proposed use.

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<#>CHESTER A. ARTHUR HISTORICAL DISTRICT & SCENIC ROAD ¶  
<#>ALLOWABLE USES & STANDARDS  
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**Table 2.1 – Dimensional Standards and Uses**

<b>Dimensional Standards by Zoning District</b>					
	<b>Village District</b>	<b>Agriculture District</b>	<b>Fairfield Swamp District</b>	<b>Fairfield Pond District</b>	<b>Uplands District</b>
<b>Minimum Lot Size</b>	1/4 acre	1 acre	10 acres	1 acre	1 acre
<b>Maximum Lot Size</b>	2 1/2 acres	N/A	N/A	N/A	N/A
<b>Minimum Frontage</b>	60 feet	200 feet	500 feet	200 feet	200 feet
<b>Minimum Front (Road) Setback</b>	35 feet	25 feet	25 feet	10 feet	25 feet
<b>Maximum Front (Road) Setback</b>	55 feet	N/A	N/A	N/A	N/A
<b>Minimum Side/Rear Setback</b>	5 feet	20 feet	20 feet	20 feet	None
<b>Maximum Structure Height</b>	35 feet	35 feet	35 feet	35 feet	35 feet
<b>Uses by Zoning District</b>					
	<b>Village District</b>	<b>Agriculture District</b>	<b>Fairfield Swamp District</b>	<b>Fairfield Pond District</b>	<b>Uplands District</b>
<b>Residential Uses</b>					
Single Household Dwelling	P	P	C	C	P
Two Household Dwelling	P	X	X	X	X
Multi-Household Dwelling	C/S	X	X	X	X
Seasonal Dwelling	X	P	X	C	P
Primitive Camp	X	P	X	C	P
Elderly Housing	C/S	X	X	X	X
Mobile Home Park	X	C/S	X	X	X
<b>Commercial and Industrial Uses</b>					
Auto Service Station	P/S	X	X	X	X
Business Services	P/S	X	X	X	X
Campgrounds	X	X	X	X	C/S
Child Care Home	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>
Child Care Facility	P/S	P/S	P/S	P/S	P/S
Club	P/S	X	X	X	X
Commercial Indoor Recreation Facility	P/S	X	X	X	X
Commercial Outdoor Recreation Facility	P/S	C/S	C/S	C/S	C/S
Earth Resource Extraction	X	C/S	X	X	C/S
Gas Station	P/S	X	X	X	X
Lodging Establishment	P/S	X	X	X	X
Motor Vehicle and Equipment Sales and Service	C/S	X	X	X	X
Restaurant	P/S	X	X	X	X
Retail Sales	P/S	X	X	X	X
Salvage Yard	X	C/S	X	X	X

**Commented [TN23]:** Need to clarify that this does not apply to parent parcel.

Town of Fairfield, Vermont – Land Use and Development Regulations

Industrial	<u>C/S</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<b>Other Uses</b>					
Telecommunication Facility	<u>C/S</u>	<u>X</u>	<u>X</u>	<u>C/S</u>	<u>C/S</u>
Public Facilities	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>	<u>P/S</u>
State Licensed or Registered Residential Care Home serving 8 or fewer persons with a handicap or disability	<u>p<sup>2</sup></u>	<u>p<sup>2</sup></u>	<u>p<sup>2</sup></u>	<u>p<sup>2</sup></u>	<u>p<sup>2</sup></u>
<b>Exempt Uses in All Districts</b>					
Agriculture	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>
Forestry	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>
<b>Footnotes</b>					
<sup>1</sup> Child care homes are considered permitted single household uses of property. As long as a valid zoning permit is in place for a single household dwelling, no additional permit or approval is required. Note: Any structural alterations or other land development associated with these uses that are not exempt and shall require a zoning permit.					
<sup>2</sup> A residential care home or group home to be operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home. As long as a valid permit is in place for a single household dwelling, no additional permit or approval is required. Note: Any structural alterations or other land development associated with these uses that are not exempt and shall require a zoning permit.					

SECTION 4.5 Village District Standards

- A. Applicability.** The followed standards shall apply to all land development in the Village District unless specifically noted.
- B. Land Uses.** In the Village District, more than one principal use may be allowed on any single parcel subject to site plan and conditional use review.
- C. Structures.** All structures in the Village District shall meet the following standards:
1. All new principal structures shall have a square or rectangular building footprint. The length of the structure shall be no longer than more than (3) times its width, or vice versa.
  2. More than one principal structure may allowed on any single parcel subject to compliance with site plan and conditional use review.
  3. The main entrance of principal structures shall be oriented to a public street by having the entryway located on the façade parallel to the public street with a clearly defined pedestrian connection. When specific circumstances make it impractical for a building to have a public entrance located on the façade parallel to the public street with a clearly defined pedestrian connection, the PC or ZBA may approve principal structures with a side public entrance

perpendicular to the public right-of-way as long as the entrance faces and is oriented towards a pedestrian walkway that directly connects to the public right-of-way and sidewalk.

4. All flat-roofed structures are prohibited.

5. All structures shall not have a building footprint larger than 3000 square feet in size. Structures that contain a public facility use (e.g. schools, municipally-owned structures, churches) shall be exempt from this regulation.

**D. Density.** There shall be no maximum density requirement for dwelling units in the Village District. Density shall be determined by the property owner’s ability to meet all other applicable development regulations.

**E. Site Design.** Land development in the Village District shall meet the following site design standards:

1. **Accessory Structures.** Detached accessory structures (e.g. sheds, garages) shall be located to the side or rear of principal structures (e.g. single household dwelling).

Commented [TN24]: Add a drawing.

2. **Access.** Access to all parcels in the Village District shall meet the following standards:

**a. Location.** No driveway shall be located within fifty (50) feet of a road intersection. The Board of Adjustment may reduce this standard through approving a waiver application for driveways located in the Village Zoning Districts provided there is no undue adverse impact on public safety. Where a site occupies a corner of two (2) intersecting roads, the driveway access shall be located on the less traveled road. All driveways access in the Village District are exempt from the setback standards.

**b. Shared Access.** The PC and ZBA may require shared driveways between adjoining properties in appropriate instances, including the presence of compatible adjacent uses or areas characterized by congestion and frequent and/or unsafe turning movements.

3. **Parking.** All parking in the Village District shall meet the following standards:

**a. Off Street Parking.** Off-street parking shall be located to the side and rear of principal structures. All off-street parking shall be properly lit and meet the standards in Section X.X. Single Household Dwelling and Two Household Dwelling uses are exempt from this standard.

Commented [TN25]: Add a drawing.

Commented [TN26]: Add reference. Lighting section in Article 8. Downcast lighting.

**b. On-Street Parking.** On-street parking may be used by the property owner to meet minimum parking standards established in these regulations (see Section X.X). All on-street parking on town highways in Fairfield shall meet Town of Fairfield Road and Bridge Standards and any other applicable municipal standards. All on-street parking on state highways is subject to Vermont Agency of Transportation approval.

Commented [TN27]: Add section reference.

**c. Shared Parking.** Shared parking allows a reduction in the total number of parking spaces required for certain land uses in cases where a mix of adjacent land uses have varying peak

periods of parking demand (see Section X.X). The PC may approve shared parking if the following standards are met:

Commented [TN28]: Add section reference.

i. **Location.** A use for which an application is made for shared parking shall be located within 400 feet of the subject parking lot.

ii. **Legal Agreement.** A written legal agreement between the owners of each establishment making use of the shared parking is required. This written agreement shall guarantee access to, use of, and management of designated shared parking spaces. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If any shared parking agreement is no longer in force, parking shall be provided as otherwise required by these Regulations. A draft of the written agreement shall be provided PC or ZBA upon application.

iii. **Similar Operating Hours.** The PC or ZBA may approve a shared parking arrangements between two or more uses that have similar operating hours. Such share parking arrangements shall not allow for more than a 20 percent reduction in the total required number of parking spaces per Section X.X.

iv. **Different Operating Hours.** The PC or ZBA may approve a shared parking arrangements between two or more uses that have different operating hours. Such share parking arrangements shall not allow for more than a 75 percent reduction in the total required number of parking spaces per Section X.X. The applicant shall demonstrate that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

Commented [TN29]: Add section reference.

4. **Pedestrian Accessibility.** Upon application for land development on any parcel in the Village District subject to PC or ZBA approval (e.g. site plan, conditional use, subdivision, etc.), the applicant shall be required to meet the following standards:

a. **Sidewalks.** Sidewalks shall be required by the PC and ZBA along all public and private roads within the Village Zoning District. Sidewalks shall be constructed to standards established by the Vermont Pedestrian and Bicycle Facility Planning and Design Manual. In order to facilitate pedestrian access from public and private roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width may also be required by the PC and ZBA for the purpose of pedestrian accessibility.

b. **Accessibility Within Subject Parcel.** The applicant shall be required to install a direct link via sidewalk between at least one public entrance to the principal structure and off-street parking located on the subject parcel. The applicant shall also be required to install sidewalk to connect to any sidewalk located along the subject parcel's frontage with a public road.

5. **Landscaping and Screening.** Upon application for land development on any parcel in the Village District with a land use subject to PC or ZBA approval (e.g. site plan, conditional use, subdivision, etc.), the applicant shall be required to meet the following standards:

a. **Site Landscaping and Screening.** Landscaping and/or screening shall be used to separate any type of land use from a single household dwelling use or a two-household dwelling use. This

landscaping may consist of a fence or evergreen landscaping (or combination) to a height of at least six (6) feet above grade level on all sides. Additional landscaping may also be required to ensure that the proposed land development fits the character of the Village District. Additional landscaping may take the form of trees, shrubs, well-kept grasses, and/or ground cover.

b. **Off-street parking.** Off-street parking areas for uses other than single and two-household dwellings shall be required to be landscaped or screened from adjacent land uses.

c. **Street Trees.** Applicants shall be required to install street trees along public and private streets. One street tree shall be planted for approximately every 40 linear feet of frontage. Street trees to be installed should ideally have a high tolerance for road salt, soil compaction and drought. For assistance in selecting street trees, please consult the Vermont Tree Selection Guide from the Vermont Urban & Community Forestry Program ([https://vtcommunityforestry.org/sites/default/files/pictures/vttree\\_guide.pdf](https://vtcommunityforestry.org/sites/default/files/pictures/vttree_guide.pdf)).

F. **Roads.** In the Village District, new public and private roads shall comply with the following standards to further a pedestrian friendly network of roads:

1. **Road Network.** New public and private roads shall generally be laid out in a grid pattern by being either parallel or perpendicular to Vermont Route 36. Intersections with other roads, driveways or other rights-of-way shall create right angles (approximate). The PC may waive this requirement to accommodate topographic or physical limitations beyond the property owner's control. The waiver shall be the minimum necessary to accommodate the limitation.

2. **Road Length.** New public or private road right of ways shall not be longer than 1,400 feet before connecting to another public or private road, connecting with a future public or private road according to a town approved master plan or official map, or as an alternative ,meeting an adjacent property boundary with the intent of connecting to a new road when such adjacent property is developed. New roads in the Village District designed to be permanent "dead ends" shall be discouraged.

#### SECTION 4.6 Pond District Standards

J. **Applicability.** The followed standards shall apply to all land development in the Pond District.

K. **Pond Setback.** All structures in the Pond District shall be setback 150 feet from the mean water level of Fairfield Pond. Mean water level shall be the elevation of the low point in the natural control section plus the mean depth of flowage over it as measured during the period June 1 to September 15 per the definition established by the Vermont Natural Resources Board Water Resources Panel.

#### SECTION 4.7 Overlay District Standards

A. **Chester A. Arthur Overlay District.** The followed standards shall apply to all land development in the Chester A. Arthur Overlay District.

**Commented [TN30]:** There is existing language in the Fairfield regs which require that structures retain their historic character, but that character isn't defined. Do you want to remove this language or work on a way to make it enforceable?

1. **Front Setback.** A front setback of 70 feet shall apply to all structures in this district.

2. **Landscaping.** All structures shall be screened to ensure they are not visible from Chester A. Arthur Road and shall meet the requirements of Section X.X regardless of land use.

B. **Flood Hazard Area Overlay District.** See Article 9 for standards specific to land development in the Flood Hazard Area Overlay District.

**Commented [TN31]:** Reference

**Deleted:** Intent and Applicability – This article will explain the intent of each zoning district. It will further explain which land uses and which structures are permitted, conditional, prohibited, or exempt in each zoning district. This article may also include any regulations that may be specific to a particular zoning district. ¶  
Existing Fairfield Regulations to be located here: ¶  
Section 3.2 Establishment of Zoning Districts & Official Zoning Map ¶

DRAFT