

## Article 5 – General Regulations

### SECTION 5.1 Applicability

- A. The regulations in Article 5 shall apply to all land development, as defined in Article 10 – Definitions, in all zoning districts. If there is conflict between the regulations in this section and a regulation in another part of this document, the more restrictive regulation shall apply.

### SECTION 5.2 Land Uses

- A. **Purpose.** The intent of this section is to explain the various terms used to explain “land use” in these regulations.

- B. **Preexisting Uses.** Any land use that lawfully existed as of the effective date of these regulations shall be considered a preexisting use. Preexisting uses shall be authorized to continue solely on the basis of the provisions of these regulations.

- C. **Types of Land Uses.** The “type” of land use refers to what activity is occurring on the land. The different types of land uses in Fairfield are listed in Table 4.1 and are defined in Article 10. Each type of land use may be considered permitted, conditional, exempt, or prohibited within a zoning district.

- D. **Categories of Land Uses.** The type of land use on a lot shall be categorized in one of the following “categories:”

1. **Principal Use.** A land use directly involved with the primary purpose of ownership on a particular lot. There shall be only once principal use per lot except in the Village District.

2. **Accessory Use.** A land use or structure which is incidental and subordinate to the principal use located on the same lot.

3. **Temporary Use.** See Section 6.3 – Temporary Structures.

### SECTION 5.3 Structures

- A. **Purpose.** The intent of this section is to explain the various terms used to explain “structures” in these regulations

- B. **Preexisting Structures.** Any preexisting structure lawfully existing as of the effective date of these regulations shall be considered a preexisting structure. Preexisting structures shall be authorized to continue solely on the basis of the provisions of these regulations.

- C. **Categories of Structures.**

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##### A) GENERAL PLANNING STANDARDS ¶

1) Land to be developed shall be physically suitable for the purpose, with particular regard to the adequacy for on-site sewage disposal. Additional factors of the site to be considered include flood hazard, drainage, slopes, soils and other natural conditions affecting its safe and healthful use. ¶

2) The proposed development shall demonstrate due regard for energy conservation in design, and for the protection of existing trees, scenic points, brooks and water bodies, and other unique, natural and cultural features of the area. ¶

3) The development scheme shall be compatible with adjacent uses, and shall provide sufficient open space for the recreation, visual and aural privacy and other domestic needs of the area inhabitants. ¶

4) The proposed development shall not cause unreasonable congestion or unsafe conditions on the affected public or private roads, shall not place an unreasonable burden on the ability of the Town to provide educational or other public facilities and services. Consideration shall include ¶

5) The capacity of facilities and services directly affected, and the public cost of improvements relative to the anticipated tax return from the proposed development. ¶

6) The proposed development shall be in conformance with the Fairfield Town Plan, Zoning and other By-laws then in effect and with the criteria contained in Title 10 V.S.A., Section 6086. ¶

7) The proposed development shall be designed to reduce or mitigate any negative effects to the agricultural landscape...

#### **Commented [TN34]:** Or as allowed as a mixed use?

**Deleted:** Temporary permits may be issued by the Administrative Officer for non-conforming uses and non-conforming structures incidental to construction projects, provided that the property owner shall remove the temporary structure or use upon the expiration of the construction project permit.

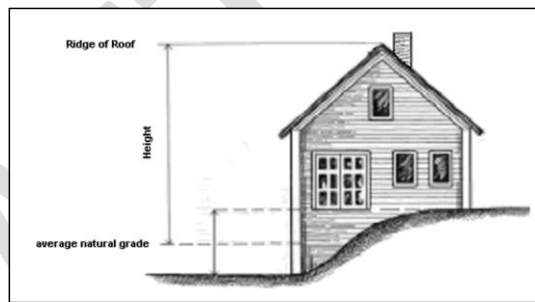
- 1. Principal Structures.** A structure in which is conducted the principal use(s) of the lot. There shall not be more than one principal structure on a lot except in the Village District.
- 2. Accessory Structures.** Accessory structures are structures that are incidental and subordinate to principal structures. Accessory structures shall be located on the same lot as principal structures.
- 3. Temporary Structures.** A zoning permit may be issued by the Zoning Administrator for temporary non-conforming structures and uses incidental to construction projects. Property owners shall remove the temporary structure and use after the completion of the associated construction project.

Commented [TN35]: Or is this too restrictive?

#### D. Structure Standards.

- 1. Dimensional Standards.** All structures must meet the district dimensional requirements (Table 4.1) and all other applicable provisions of these regulations.

**a. Height.** Building height is measured vertically from the highest point on top of the structure, to the average (of the highest and lowest) finished grade at the foundation or base (Figure 4.1). No structure shall exceed thirty-five (35) feet.



**Figure 5.1** – Measuring Height – Building height is measured vertically from the highest point on top of the structure, to the average (of the highest and lowest) finished grade at the foundation or base.

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- 2. Foundation.** No principal structure shall be constructed without a permanent foundation and permanent siding. Pole-barn construction shall be regarded as having a permanent foundation.

#### SECTION 5.4 Abandonment and Restoration

**A. Abandonment.** A land use or structure shall be considered abandoned if it falls into one of the following categories:

- 1. Uses.** The cession of a land use on a parcel for a period of five (5) years or more. This standard shall not apply to single household dwelling or two household dwelling uses.
- 2. Structures.** Any structure shall be deemed abandoned when it has not been used for at least two (2) years. Abandoned structures must be either maintained or demolished. There is no time limit on how long a structure may remain abandoned provided it is maintained.

**B. Restoration.** An abandoned land use or structure may be restored according to the following standards;

**Deleted:** Within two years after the abandonment of any structure which has been substantially damaged or destroyed by fire or other causes, or if active work on an uncompleted construction project has not occurred in such period, the owner shall either remove all ruins and structural materials and restore the site to a smooth grade, or resume construction or repair of the structure

1. **Uses.** A use which has been abandoned (whether with the intent to resume or not) for a continuous period of two (2) years shall not be resumed without receiving all applicable local approvals. This may include conditional use, site plan and zoning permit approvals. See Section 5.6 for additional standards for restoring non-conforming uses.
2. **Structures.** An abandoned structure that has been maintained may be restored without municipal approval. The owner of an abandoned structure that has damaged, destroyed, or has not been maintained shall within two (2) years conduct perform one of the following two options:
  - a. Remove all ruins and structural materials and restore the site to a smooth grade; or
  - b. Reconstruct, repair and/or maintain the structure. Reconstruction or repair may require local approval depending on the extent of the proposed reconstruction or repair.

**SECTION 5.5 Access and Driveways**

**A. Access to Pre-existing Lots Without Frontage.** Land development may be permitted on pre-existing lots that do not have frontage either on a public road or public waters only with the approval of the Planning Commission through subdivision review if land is being subdivided (Article 7) or through site plan review if land is not being subdivided (Section 3.2). Access to such a lot shall be provided by a permanent easement or right-of-way at least twenty (20) feet wide or a Class IV road. In addition to other review criteria, the Planning Commission may consider the intended use of the property, safety, traffic, and road and site conditions in granting, conditioning or denying the approval.

**B. Driveways.** Driveways may serve up to 2 lots. Driveways shall meet the following standards:

1. **Access Permits.** All driveways accessing onto town highways are subject to the approval of the Fairfield Selectboard, and for state highways, the approval of the Vermont Agency of Transportation. As a condition to access permit approval, compliance with all local ordinances and regulations pertaining to roads and land development is required. Applicants are encouraged to obtain an access permit prior to obtaining a zoning permit.
2. **Construction Standards.** Driveways shall be constructed according to the Vermont Agency of Transportation’s B-71 Standards for Commercial and Residential Driveways, Town Road and Bridge Standards, in addition to the following standards:
  - a. **Driveway Radius.** All driveways serving residential uses shall have a 20 foot radius. All driveways serving commercial uses shall have a 30 foot radius.
  - b. **Minimum Driveway Width.** All driveways shall meet the following minimum width requirements:

Table 5.1 – Driveway Width	
Driveway Length	Minimum Driveway Width
Less than 300 feet	12 feet
300 feet and greater	16 feet

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 1) Following the abandonment of any structure or use, as outlined in and subject to the bylaw regulations herein, the owner shall apply for all necessary zoning permits according to these bylaw regulations prior to resuming any prior use or development activities on the property. Abandonment shall be defined as:¶  
 ¶  
 a) a residential structure destroyed by fire or natural causes that has not been rebuilt within the allowed two (2) year period or one year extension;¶  
 b) the cessation of use of a residential structure for such purposes for the period of five (5) years or more;¶  
 c) the cessation of use of a mobile home (not within a mobile home park) or the utilities and/or concrete foundation or pad which serves a mobile home for a period of five (5) years or more; and¶  
 d) the cessation of a land use on a parcel, including but not limited to land filling and excavation; and commercial, retail and industrial businesses for a period of five (5) years or more....

**Commented [TN36]:** Where should we put this????  
 A. . Access to New Lots. All new land development and/or new structures permitted shall be built with strict regard to the safe and efficient flow of traffic in the area, and provide adequate access for emergency vehicles.  
 a) Frontage on a maintained public road (Class III or better), or

**Commented [TN37]:** This is a little different than the current definition. Some municipalities allow three lots/units. OK as is?

- c. Pulloffs. Driveways greater than 400 feet in length shall have 20 feet by 20 feet pulloff areas every 300 feet or less. Pulloffs shall be a minimum width of 12 feet and a minimum length of 50 feet. Pulloff areas shall be kept clear of snow and other obstructions.
  - d. Turn Around. There shall be a turn around 20 feet by 20 feet located at the house end of every driveway to ensure that emergency vehicles can turn around. This regulation shall not apply to driveways in the Village District.
  - e. Culvert Diameter. All driveway culverts shall be a minimum of 15 inches in diameter.
  - f. Maximum Grade. Ten (10) percent on average in any 50-foot section. Except, under conditional use review, the Development Review Board may approve driveways with average grades between ten (10) percent and fifteen (15) percent where it is deemed that emergency access is not restricted.
3. Location and Shared Driveways. All rights-of-ways or easements to be used for driveways shall be set back 20 feet from side boundary lines or be shared between adjacent parcels for use as a shared driveway. Shared driveways may be constructed to the edge parcels and the shared use rights of such driveways shall be specifically outlined in the Warrantee Deed for each interested parcel. Driveways may be required per the standards in Section 5.5(C)(5).
4. Access Management.
- a. No driveway shall be located within fifty (50) feet of a road intersection. The Planning Commission or Board of Adjustment may reduce this standard via a waiver for driveways located in the Village Zoning District provided there is no undue adverse impact on public safety.
  - b. Where a site occupies a corner of two (2) intersecting roads, the driveway access shall be located on the less traveled road.
  - c. The Planning Commission or Board of Adjustment 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.

SECTION 5.6 Nonconforming Use, Structures, and Lots

- A. Applicability. The following provisions shall apply to all structures, uses, and lots in lawful existence prior to the effective date of these regulations, or subsequent amendments, which do not conform to the requirements of these regulations. In accordance with the Act, these regulations shall not prevent the normal continuation and maintenance of lots, structures and uses of land that lawfully existed prior to the adoption of these regulation.
- B. Nonconforming Uses. Subject to conditional use review by the Board of Adjustment, the following may be allowed:
- 1. Any nonconforming use may be altered or expanded, not exceeding 50% of its size as it existed upon the effective date of these regulations. However, a nonconforming use shall not be restored or reestablished after being abandoned or discontinued for a period of two (2) years, or after being changed to a conforming use.
  - 2. Any alteration or expansion of a nonconforming use for the sole purpose of compliance with State or Federal law.

**Commented [TN38]:** What about shall lots in the Swamp and Pond District?

**Deleted: 1)** Land development and/or new buildings may be permitted shall be built with strict regard to the safe and efficient flow of traffic in the area, and provide adequate access for emergency vehicles. Road frontage requirements for lots shall be used as the basis for establishing density of development for the overall parcel.¶

- a) Frontage on a maintained public road (Class III or better), or¶
- b) With the approval of the Planning Commission, access by means of a permanent easement or right-of-way at least 20 ft. wide to such a public road. The Planning Commission may require a right-of-way or easement greater than twenty feet in width if, in its judgment, it is necessary to protect the health, safety and general welfare of the Town of Fairfield. Access by public waterways to a residential use is expressly excluded.¶
- c) :

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 <#>d) All commercial and industrial uses shall have unobstructed visibility of such road 300 feet in either direction from any driveway access.¶  
 <#>e) All driveways entering onto public roads must meet the Selectmen’s specifications for grade, culverts, (...)

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**Deleted:** <#>b) Any nonconforming structures may be altered or expanded, providing such action does not (...)

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**Deleted:** <#>environmental, safety, health or energy codes, laws or regulations.

**C. Nonconforming Structures**

1. Any preexisting structure or part thereof which is not in compliance with regulations concerning setbacks, height, lot size or other dimensions, or which does not meet the parking area requirements, shall be deemed a non-conforming structure.
2. Any non-conforming structure may be altered or expanded, providing such action will not increase the aspect or degree of non-compliance. In the event a nonconforming structure is at least 75% damaged or destroyed by fire, collapse or "Act of God," it may be rebuilt only in compliance with these regulations.
3. Any alteration or expansion of a nonconforming structure for the sole purpose of compliance with State or Federal Law.

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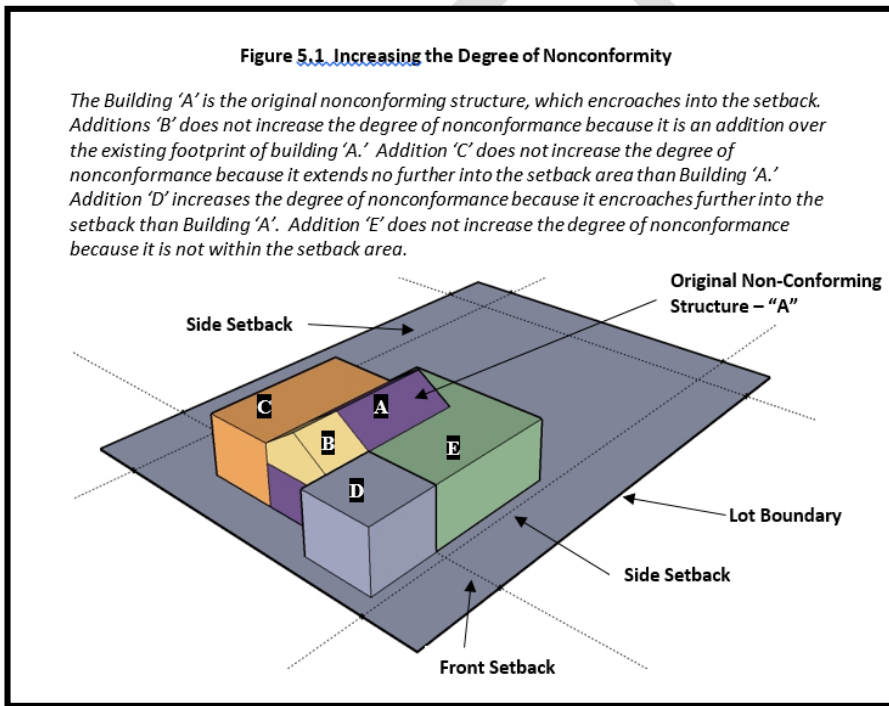
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<#>2) . Upon approval of a conditional use permit by the Board of Adjustment, a...

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**D. Pre-existing Small Lots**

1. In accordance with V.S.A. 4412, any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of these regulations, may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to minimum lot size requirements of

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the district in which the lot is located, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet. If a lot not conforming to the minimum lot size requirements in the district in which it is located is or subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot(s) shall not be deemed merged and shall be considered separate lots.

#### SECTION 5.7 Outdoor Lighting

- A. **Applicability.** The following standards shall apply to land development in the Town of Fairfield to ensure that undesirable effects of outdoor lighting are minimized.
- B. **Intent.** The residents of the Town of Fairfield strongly value the ability to clearly view and enjoy the night sky. It is also recognized that, while some outdoor lighting may be necessary for security and safe operation, inappropriate or poorly designed lighting can create unsafe conditions and a nuisance for adjoining property owners, cause sky glow which obstructs night views of the sky, and results in the unnecessary use of electricity.
- C. **General Standards.** The following general standards apply to all outdoor lighting in the Town of Fairfield, with the exception of temporary holiday lighting:
1. All outdoor lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood in which the lighting is located.
  2. Permanent outdoor lighting fixtures shall not direct light beyond the boundaries being illuminated or onto adjacent properties, or public waters, shall minimize glare, and shall not result in excessive lighting levels which are uncharacteristic of neighborhood. Outdoor lighting fixtures shall be designed to direct light downward and located so as not to cast light directly on adjacent roadways or properties. Such fixtures may include recessed, shielded or cutoff fixtures, and/or have low luminance lamps (e.g., 150 watts or 2,000 lumens).
  3. The use of timers, dimmers, and/or sensors wherever practicable is encouraged on outdoor lighting fixtures to reduce energy consumption and eliminate unneeded lighting.

#### SECTION 5.8 Parking

- A. **Applicability.** The following parking standards shall apply to all land development in the Town of Fairfield.
- B. **Standards.** Off-street parking spaces shall be provided in any district whenever any new use is established or when an existing use is enlarged or changed. Parking requirements for uses not listed below will be determined by the Planning Commission or Board of Adjustment during conditional use and/or site plan review.
1. **Minimum Parking Standards.** Each use shall provide off-street parking to meet the below minimum parking standards.

**Table 5.1 – Minimum Parking Standards**

<u>Residential Uses</u>	<u>Minimum Standards</u>
<u>Single Household Dwellings and Two Household Dwellings</u>	<u>2 per dwelling unit</u>
<u>Multi-Household Dwellings and Elderly Housing Dwellings</u>	<u>1 per dwelling unit plus 2 visitor parking spaces for every 10 units</u>
<u>Commercial, Industrial, and Other Uses</u>	<u>Minimum Standards</u>
<u>Business Services</u>	<u>1 per 450 square feet of floor area</u>
<u>Child Care Facility</u>	<u>1 per four children plus 1 per employee</u>
<u>Club</u>	<u>1 per 300 square feet of floor area</u>
<u>Industrial</u>	<u>1 per 900 square feet of floor area</u>
<u>Lodging Establishments</u>	<u>1 per guest room plus 1 per employee on largest shift</u>
<u>Public Facilities</u>	<u>1 per 250 square feet of floor area</u>
<u>Restaurants</u>	<u>1 per 300 square feet of floor area</u>
<u>Retail</u>	<u>1 per 300 square feet of floor area</u>
<u>All other uses and unspecified uses</u>	<u>As required by the Board of Adjustment or Planning Commission</u>

**2. Dimensional Standards.** The applicant shall design off-street parking and loading areas as follows:

- a. **Parking Spaces.** The applicant must design off-street parking spaces to be at least 9 feet wide by 18 feet deep and accessible from a driveway or access aisle except for stacked spaces within a residential driveway for a single household dwelling or two household dwelling use.
- b. **Access Aisles.** The applicant must design access aisles within a parking lot or structure to be not less than 20 feet wide for two-way traffic. As an alternative, the applicant may use one-way aisles serving angled parking spaces which may be not less than 16 feet wide.
- c. **Loading Areas.** An application for a use that will regularly receive deliveries or generate shipments by truck shall demonstrate that there will be adequate off-street space for loading and unloading without interfering with parking, vehicular or pedestrian circulation. The Planning Commission and/or Board of Adjustment may require an applicant install a loading area for such land uses.
- d. **Snow Removal.** The applicant must store snow cleared from off-street parking and loading areas without obstructing vehicular or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the subject property as follows:
  - i. The applicant may store snow within a parking area provided that at least 80% of the required parking spaces on the site remain available for use.
  - ii. The applicant must not clear or store snow in a manner that damages required landscaping.



**C. Village District Parking Standards.** All parking in the Village District shall be subject to the parking standards in Section 4.5.

**SECTION 5.9 Performance Standards**

**A. All land development in the Town of Fairfield shall meet the following performance standards. No land development shall:**

1. Emit odors, noise, dust, dirt, noxious smoke or gases or other disturbances which are offensive and uncharacteristic of the area or which cause damage to any home business, vegetation or other property, or which endangers the health, safety or welfare of the neighborhood. Normal agricultural odors and noises shall not be deemed uncharacteristic in Fairfield.
2. Present an unreasonable risk as to fire, explosion, or threat to safety that endangers the public or results in an increased burden upon municipal facilities.
3. Cause sewage or other harmful wastes to be discharged into any watercourse or into any disposal facility beyond its proper capacity.

**SECTION 5.10 Primary Conservation Resources**

**A. Applicability.** This section shall apply to all land development in areas where primary conservation resources are located:

**B. Steep Slopes over 25 Percent Grade.** Steeply sloping lands (over 25 percent grade) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.

1. No site disturbance or land development shall be allowed on slopes exceeding 25 percent.
2. Slopes exceeding 25 percent that are created by an extraction or quarrying use approved per Section 6.7 shall be exempt from this section.

**C. Wetlands.** The intent of this regulation is to minimize the net loss of wetlands in the Town of Fairfield. Wetlands classified by the State of Vermont as Class 1 and Class 2 wetlands are valuable resources. Wetlands' functions (e.g. water and air purification, flood attenuation, speciation, and nutrient cycling) are critical to the support of human, animal and plant populations.

1. **Applicability.** The Vermont Significant Wetlands Inventory (VSWI) maps published by the Vermont Agency of Natural Resources should be used by the Applicant as a tool to determine whether or not a wetland may exist on a property. However, such maps should not be relied upon to provide precise information regarding the location or configuration of significant wetlands. Where uncertainty exists as to the existence or location of a significant wetland, the Zoning Administrator, Planning Commission and/or Board of Adjustment shall require that the applicant submit written documentation of such based on consultation with a State Wetlands

**Deleted:** 1) Adequate provision shall be made so that normal vehicular traffic to any use may be parked off the public roads and highways. Spaces shall be provided as follows whenever any new use is established or when the present use is expanded.¶

¶  
**SPECIFIC USE PARKING REQUIREMENTS**¶  
Residential and apartments 2 per dwelling unit ¶  
Rooming & boarding, and lodging establishments 1 per (rental) lodging unit¶  
Professional and business offices 1 per 200 sq. ft of floor space¶  
Retail and repair establishments 1 per 250 ft of floor area¶  
Restaurants including 1 per employee plus 1 per 4 seats (not including drive-in)¶  
Industry 1 per employee on the largest shift¶  
Unspecified uses As required by the board of adjustment¶  
¶

2) The Board of Adjustment may require additional or shared parking and loading space, if it is found that the above specified standards are not sufficient.

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d) No building shall be erected or occupied without permanent foundations and permanent siding. Pole-barn construction shall be regarded as having permanent foundations.¶



Ecologist or a private consultant with expertise in identifying wetlands before issuing a zoning permit or development review approval.

**2. Review Standards.**

a. No land development shall be permitted in a Class 1 or Class 2 wetland, except as exempted in (c) below.

b. No land development shall be permitted within the 50 foot buffer surrounding a Class 1 or Class 2 wetland, except as exempted in (c) below.

c. Driveways, public roads and private roads are exempt from this subsection if a State Wetlands Individual or General Permit has been issued to the applicant by the Vermont Agency of Natural Resources.

**D. Special Flood Hazard Area and River Corridor.** The Special Flood Hazard Area, or 100-year floodplain, and the River Corridor, as defined by the Vermont Agency of Natural Resources, are considered primary conservation resources. Land development within the Special Flood Hazard Area and River Corridor is regulated via Article 9.

SECTION 5.11 Signs

**A. Applicability.** The following section shall apply to all signs in the Town of Fairfield on property subject to these regulations.

**B. Exempt Signs.** The following signs are exempt from the standards in this section:

1. Public highway signs;

2. Non-advertising signs placed for directional or safety purposes (e.g.: “Rest rooms,” “Telephone,” “Office,” “Exit,” “Falling Ice,” “Fire extinguisher,” “No Trespassing,” etc.);

3. Temporary auction, lawn sale, or real estate for sale signs, not to exceed two in number and not to exceed 15 square feet in combined area. All such temporary signs shall be promptly removed when they have fulfilled their function.

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<#>a)

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**C. Prohibited Signs.** The following signs are prohibited in the Town of Fairfield:

1. Signs, which impair highway safety;

2. Signs which are animated, gaudy, flashing, or intermittently illuminated, and signs painted or placed on rock outcrops or similar natural features;

3. Roof signs, and wall signs, which extend above the roofline;

4. Signs, which project over public rights-of-way or property lines.

**D. Sign Standards.** A zoning permit shall be required prior to the erection, construction or replacement of any outdoor sign in the Town of Fairfield. All signs shall meet the following standards:

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1. **Dimensional Standards.** All signs shall meet the following dimensional standards in Table 5.2:

Use	Maximum Number of Signs/Premises	Maximum Sign Area (cumulative of all signs)	Maximum Height of Free-Standing Signs
Home Occupation	1	4 square feet	6 feet
All other land uses	2	72 square feet	25 feet

- a. When computing the maximum sign area for any use:

- i. Existing signs shall be included.
- ii. Signs consisting of free-standing letters, numerals, or other components shall include any intervening space between them.
- iii. Back-to-back signs may be counted as one sign. Only the larger face area of a double-faced or v-type sign shall be used.

2. **Lighting Standards.** Illuminated signs shall be lighted so as not to produce undue glare, hazard or distraction to traffic or adjacent uses of land. Illumination shall be properly focused upon (or from within) the sign itself.
3. **Setbacks.** Signs shall not be required to meet front setback requirements in Article 4. All free-standing signs may be placed at the edge of the highway right-of-way. However, such signs shall not be located within 20 ft. of adjacent private property.

**SECTION 5.12 Storage of Junk and Junk Motor Vehicles**

- A. In any district, the accumulation of junk (currently unused or non-functioning items) and/or 4 or more junk motor vehicles which are non-operating and non-inspected (vehicles or farm machinery being used in farm operations are exempt), shall be stored in an enclosed structure or in an area concealed from public roads.

**SECTION 5.13 Wastewater and Potable Water Supply**

- A. All structures and uses that generate wastewater or require access to potable water may be required to obtain a Wastewater and Potable Water Supply Permit from the Vermont Department of Environmental Conservation (DEC) in accordance with 10 V.S.A. Chapter 64 and the Wastewater System and Potable Water Supply Rules (dated September 29, 2007 or as revised from time to time by the DEC). Applicants proposing land development that generates wastewater or requires access to potable water must contact the Agency of Natural Resources District Permit Specialist to determine if such a permit is required.
- B. If, according to the DEC, a Wastewater System and Potable Water Supply Permit is not required, the property owner/applicant shall provide written proof of such from the DEC of such to the Zoning Administrator.
- C. Where a Wastewater and Potable Water Supply Permit is required:

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On premises signs may be permitted as provided below:¶  
 ¶  
 Premises Max # of Signs/ Premises Max Sign Area Any Sign,¶  
 All Signs Max Height of¶  
 Free-Stand Signs¶  
 Home Occupation 1 4 square feet, 4 square feet 6 feet¶  
 Business/Industry 2 36 square feet, 72 square feet 25 feet¶  
 Church, School or other public use 3 24 square feet, 24 square feet . 15 feet¶  
 See Part IV for definition of "Sign Area"¶

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5) Notwithstanding the Section 3.4(C) Setback requirements for structures,...

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1. Initiation of construction under a zoning permit issued in accordance with these regulations shall be prohibited unless and until a Wastewater and Potable Water Supply Permit is issued by DEC.
2. It shall be unlawful to use or occupy or permit the use or occupancy of any premises requiring a Wastewater and Potable Water Supply Permit until a Certificate of Occupancy has been issued by the Zoning Administrator.

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**Deleted:** 1) Wastewater disposal systems shall be constructed in accordance with the design standards in the current version of the Environmental Protection Regulations, which are hereby adopted by reference and declared to be part of this by-law, and the Fairfield sewer ordinance.¶

¶

2) Applications for wastewater disposal permits shall contain the following information, supplied by the applicant:¶

- a) Description and design of the proposed system;¶
- b) Results of soil testing (percolation and depth to bedrock or seasonal high groundwater), conducted by a qualified individual, licensed by the State and approved by the Town Board of Health to perform such tests, and,¶
- c) Any additional information, which may be required by the Administrative Officer to determine compliance with this Section.¶

¶

3) The town may request a bond or other suitable surety be posted pending satisfactory compliance with all regulations.¶

¶

4) Where State permits are required they shall be obtained prior to issuance of a local permit.¶

¶

5) The Administrative Officer shall not issue a zoning permit where a wastewater disposal permit is required until he or she has approved the system design in accordance with subsection (1) (above). In addition the system, when installed but prior to being covered with earth, shall be inspected to ensure construction in accordance with the approved design. The zoning administrator and health officer and a certified engineer or site technician shall inspect the system within twenty-four (24) hours of notification by the applicant during the normal workweek. Upon approval of the installation, a certificate of occupancy shall be issued.¶

¶

6) A water sample shall be required prior to issuance of permit to establish quality of water prior to occupancy.¶

¶

7) It shall be unlawful to use or occupy any premises for which a wastewater disposal permit is required until a certificate of occupancy is issued by the Administrative Officer stating that the construction of the structure and disposal system conform to this by-law.

## Article 6 – Specific Use and Structure Regulations

### SECTION 6.1 Applicability

A. The following standards shall apply to the specific uses in all zoning districts in which such uses are allowed (see Table 4.1). Specific uses may be subject to site plan review or conditional use review. If there is conflict between a standard in this section and a standard in another part of these regulations, the more restrictive standard shall apply.

### SECTION 6.2 Accessory Dwelling Units

A. An accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling shall be a permitted use. An accessory dwelling unit shall be defined as efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following:

1. The property has sufficient wastewater capacity;
2. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling;
3. Applicable setback, coverage and parking requirements specified by the bylaws are met; and,
4. The owner occupies either the primary dwelling or accessory dwelling.

### SECTION 6.3 Agricultural Housing

A. **Applicability and Purpose.** Agricultural housing and agricultural ground housing, intended solely to house farm workers and their families or seasonal/migrant agricultural workers.

B. **Agricultural Housing.** Up to two additional single household dwellings, not including the farm residence, may be approved subject to conditional use review in all districts, subject to the following requirements:

1. Occupancy is restricted to farm workers and their families;
2. Adequate water supply, septic and off-street parking capacity must exist to accommodate residents;
3. The conditional use decision shall clearly state that the agricultural housing dwelling is necessary to the principal agricultural use of the property and shall be retained in common ownership for this purpose.
4. Agricultural housing shall only be occupied, and/or converted for sale or use as a single household dwelling separate from the agricultural use if it meets all current local and state

**Commented [TN40]:** Note that all existing specific use dimensional requirements have been removed.

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¶  
¶  
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¶  
¶

Intent and Applicability – This article will contain regulations that apply to all “land development” in the Town of Fairfield.¶

Existing Fairfield Regulations to be located here:¶

Section 3.3 Pre-Existing Development¶

Section 3.4 Miscellaneous Specific Provisions (in part)¶

**Moved down [6]:** <#>Industrial Uses . 4 acres 60 feet 50 feet 200 feet¶

**Deleted:** <#>1) Every structure shall be set back at least 25 feet from property lines, year-round streams and ponds, and at least 70 feet from the center of the common and public rights-of-way, unless reduced by P.R.D. or district requirements ¶

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regulations and bylaws applying to single household dwellings, including, density, dimensional and other requirements for the district in which it is located. New permits, subject to the permit allocation system, shall be required prior to sale and/or conversion for non-agricultural residential use.

**C. Agricultural Group Housing.** Agricultural group housing may be approved subject to conditional use review in all districts, subject to the following requirements:

1. Occupancy is restricted to farm workers and their families.
2. Adequate water supply, septic system and off-street parking capacity exist to accommodate residents of the agricultural dwelling.
3. The conditional use decision shall clearly state that the agricultural group housing is necessary to the principal agricultural use of the property and shall be retained in common ownership for this purpose.
4. Agricultural group housing shall only be occupied, and/or converted for sale or use as a multi-household dwellings, or another land use, separate from the agricultural use if it meets all applicable local regulations including, density, dimensional and other requirements for the district in which it is located. New permits, subject to the permit allocation system, shall be required prior to sale and/or conversion for non-agricultural residential use.

**SECTION 6.4 Contractor's Yards**

**A. Contractor's yards shall be developed in conformance with the following standards:**

1. Outdoor storage of materials, including building or construction materials, vehicles and heavy equipment, shall be limited to a designated area. Such area must be completely screened year-round from the road and from neighboring properties with a stockade fence not less than 6 feet high, installed so that all supports face inward toward the yard. Activities associated with the operation of the contractor's yard are not permitted outside of the designated area, with the exception of driveway and pedestrian access.
2. The area designated for the outdoor storage of materials shall be set back a minimum of 100 feet from road rights-of-way, surface waters, wetlands. All other setback and dimensional standards for the district in which the contractor's yard is located shall apply, as a condition of site plan approval, greater setbacks may be required, as appropriate based on specific site conditions to protect water quality and neighboring properties.
3. The maintenance and repair of vehicles and equipment shall be limited to inside of an enclosed building. The storage of equipment shall be screened in accordance with Subsection (1). Dead iron (e.g., inoperable, unused, unregistered equipment) shall not be stored on the premises.
4. The operation of the contractor's yard shall meet all performance standards set forth in Section 5.9.

**Deleted:** <#>2) The permit shall clearly state that this dwelling is necessary to the principal agricultural use of the property and shall be retained in common ownership for this purpose. An necessary agricultural dwelling may only be occupied, and/or converted for sale or use as a single family dwelling separate from the agricultural use if it meets all current local and state regulations and bylaws applying to single family dwellings, including, density, dimensional and other requirements for the district in which it is located. New permits, subject to the permit allocation system, shall be required prior to sale and/or conversion for non-agricultural residential use.¶

**Deleted:** 3) . Group housing for seasonal or migrant agricultural workers may be approved in all districts to conditional use review and the following requirements:¶  
a)

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b) . The housing shall be located to minimize adverse impacts to the farming operation, primary agricultural soils, scenic views and open space, and neighboring properties. Landscaping and screening may be required as appropriate....c)  
c) .

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d) . Agricultural Housing may be approved as a conditional use only in response to an emergency; the Zoning Board of Adjustment will make determinations as to what constitutes an emergency.¶

5. There shall be no storage of hazardous waste or materials on the premises; fuel storage shall be limited to that needed for heating, and the operation of equipment and vehicles associated with the business.

6. As a condition of approval, the hours of operation of Contractor’s Yards may be limited.

**SECTION 6.5 Campgrounds and Recreational Vehicles**

A. **Recreational Vehicles.** Any camping or recreational vehicle used for living quarters and sited so as not to be readily movable shall be deemed a structure and a dwelling unit, and shall be subject to all applicable regulations.

B. **Campgrounds.** All campgrounds shall be subject to the following regulations:

1. Campgrounds shall provide for lavatory, shower and toilet facilities and individual camping vehicle or tent space.

2. A setback of at least 25 feet wide shall be maintained as a landscaped area abutting all campground property lines. No camping vehicle, tent or service building shall be located in this setback area. The Board of Adjustment may reduce or eliminate this landscaped area provision if such a modification or waiver will make it possible to preserve a scenic view from the campground, providing that privacy for adjacent property owners can be maintained.

3. Roads within the campground shall meet the following minimum standards:

<b>Table 6.1 – Campground Road Standards</b>		
	<u>One-way Road</u>	<u>Two-way Roads</u>
<u>Road Width</u>	<u>18 feet</u>	<u>33 feet</u>
<u>Gravel Depth</u>	<u>12 inches</u>	<u>12 inches</u>
<u>Gravel Width</u>	<u>10 feet</u>	<u>10 feet</u>

4. Every campground operator shall maintain a register, available to any authorized person inspecting the facility or emergency officials. Said register, which shall contain the name and addresses of all campground occupants and dates of occupancy, shall be preserved for a period of at least one year.

**SECTION 6.6 Elderly Housing**

A. **Applicability.** The standards in this section shall apply to all elderly housing uses.

B. **Open Space.** There shall be at least 400 square feet of common open space per dwelling unit. Some common open space shall be designed with seating area or other passive recreation facilities to be shared by all residents.

C. **Bulk Storage.** Each dwelling unit shall have a secured, bulk storage area at least 60 square feet in area and not less than 6 feet in any dimension to be used exclusively by residents of that dwelling. The intent of this regulation is to ensure that residents do not store bulk goods on outdoor balconies, patios or other places that are visible from public or residential areas. Such storage may

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**Deleted:** <#>a) Conditional use approval is required¶ <#>b)

**Deleted:** <#>All campgrounds shall comply with state regulations....

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**Commented [TN41]:** Vague. Should this be removed?

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 One-way roads . Two-way roads¶  
 Right-of-way widths 18 ft . 33 ft¶  
 Gravel depth 12 inches . 12 inches¶  
 Gravel width 10 ft . 20ft¶  
 ¶  
 e)

**Commented [TN42]:** Should these standards also apply to multi-family housing?

be located within or separate from the residential unit. If such storage is located within private garages, it must be in addition to the area necessary to accommodate minimum parking requirements under these regulations.

- D. **Laundry.** Each elderly housing development shall provide a functional in-unit washer and one functional dryer in each dwelling unit or provide a common laundry room accessible to and shared by all residents with no fewer than 2 functional washer and dryers for each 10 units.
- E. **Pedestrian Access.** Pedestrian access from the public sidewalk or street to ground-level residential entrance(s) on the façade shall be provided.

#### SECTION 6.7 Excavation and Earth Resource Extraction

- A. **Excavation and Land Filling:** Any major excavation and land filling operation which would cause a substantial change in the rate or direction of drainage shall be allowed only subject to conditional use review under Section 3.3. Existing and proposed grades and the materials to be used shall be considered and appropriate conditions and safeguards may be imposed to minimize any undue adverse effects (see Figure 3.2) on-site or to other properties, with respect to the following:
1. Drainage, runoff, and the potential for erosion and/or siltation;
  2. Ground and surface waters;
  3. Roads, culverts, bridges and other infrastructure.
- B. **Extraction and Quarrying:** The removal or extraction of topsoil, rock, sand, gravel or other similar material for commercial purposes, except where incidental to or in connection with the construction of a structure or other allowed use, may be permitted in designated districts subject to conditional use review under Section 3.2. Approval is also subject findings that the proposed operation shall not cause any hazard to public health and safety, or undue adverse effects (see Figure 3.2) upon neighboring properties, public facilities and services, and surface and ground water supplies.
1. **Application Requirements.** The application shall include erosion control and site reclamation plans showing existing grades, drainage and depth to water table; the extent and magnitude of the proposed operation including proposed project phasing; and finished grades at the conclusion of the operation.
  2. **Standards.** In granting approval, the Development Review Board may consider and impose conditions with respect to the following factors:
    - a. Depth of excavation or quarrying;
    - b. Slopes created by removal (Section 5.10 shall not apply to grades created by extraction and quarrying);
    - c. Effects on surface drainage on and off-site;
    - d. Storage of equipment and stockpiling of materials on-site;
    - e. Hours of operation for blasting, trucking, and processing operations;
    - f. Effects on neighboring properties due to noise, dust, or vibration;



- g. Effects on traffic and road conditions, including potential physical damage to public highways;
- h. Creation of nuisances or safety hazards;
- i. Temporary and permanent erosion control;
- j. Effect on ground and surface water quality, and drinking water supplies;
- k. Public safety and general welfare; and
- l. Site reclamation.

**C. Surety Requirement:** In accordance with the Act (24 V.S.A. 4464(b)(2)) a performance bond, escrow account, or other surety acceptable to the Select Board shall be required to ensure reclamation of the land upon completion of excavation projects, to include any re-grading, re-seeding, re-forestation or other reclamation activities that may be required. Upon any failure of the permit holder, their successors, or assigns to complete site reclamation as required, the town may take legal action as appropriate to ensure site reclamation and cost recovery.

**SECTION 6.8 Gas Stations**

**A. Gasoline stations may be allowed in designated zoning districts subject to the following additional provisions:**

1. A new gasoline station shall not be located within three hundred (300) feet of any lot occupied by a school.
2. The following dimensional requirements shall apply:

<b>Table 6.2: Gas Station Dimensional Requirements</b>	
<u>Minimum Lot Size</u>	<u>2 acres</u>
<u>Minimum Lot Frontage</u>	<u>200 feet</u>
<u>Minimum Lot Depth</u>	<u>200 feet</u>

3. All parking and pump areas shall be located to the side or in the rear of the principal structures on the lot. Garages, accessory structures, pumps, lubricating and other service equipment shall be set back at least fifty (50) feet from road rights-of-way, and front, side and rear lot lines. All fuel and oil shall be stored at least thirty-five (35) feet from all property lines.
4. All automobile parts and dismantled vehicles are to be stored within an enclosed building or otherwise screened from view.
5. There shall be no more than two (2) access driveways. No access or curb cut shall exceed forty (40) feet in width. All accesses shall be in compliance with Section 5.5.
6. Canopies, if deemed necessary, shall be limited to the minimum area required for adequate pump and apron coverage, and the minimum height required to meet applicable state and federal safety requirements.
7. Outdoor lighting shall meet applicable lighting standards under Section 5.7. Lighting levels on station aprons, under canopies and in associated parking areas shall be the minimum required

**Deleted:** 1) Any major land filling or excavation, which would cause a substantial change in the rate or direction of drainage, shall be permitted only upon approval of the Board of Adjustment, after a public hearing. The Board shall consider the existing and proposed grades and the materials to be used; appropriate conditions and safeguards may be imposed to minimize the adverse effects on other properties, such as erosion and siltation.¶

**Deleted:** ¶  
 2) Commercial or industrial extraction of earth resources shall be permitted only upon conditional use approval by the Board of Adjustment. Before approval may be granted, the applicant shall:¶  
 a) Submit an acceptable plan showing existing and proposed finish grades of the site to demonstrate that the site will be left in a usable condition;¶  
 b) Agree to cover the finished grades, except exposed ledge rock, with at least 3 inches of top soil and seed with a suitable crop cover upon completion of the operation; and¶  
 c) Post bond with Town Treasurer sufficient to guarantee such restoration of the site, if required by the Board of Adjustment (see also Section 4407 (8) of the Act).

for intended activities. The lighting of such areas shall not be used for advertising or to attract attention to the business. Lights shall not be mounted on the top or sides of canopies; and the sides of canopies (fascias) shall not be illuminated. Light fixtures mounted on canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded so that direct illumination is focused exclusively on the underside of the canopy.

8. Service station siting, design and layout should be compatible with the character of the neighborhood. A landscaped area shall be maintained at least five (5) feet in depth along all road frontage, excluding designated access areas. Additional curbing, landscaping and screening, and pedestrian walkways may be required as appropriate.

#### SECTION 6.9 Home Occupations

A. **Applicability.** No provision of these regulations shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character of the area.

B. **Home Occupation.** Home occupations, as distinguished from home industry, are allowed as an accessory use for all residential uses, subject to the following provisions:

1. The home occupation shall be clearly incidental and secondary to the residential use of the property, and shall be conducted wholly within the principal and accessory structures, and shall occupy less than 25% of the entire floor area of such structures.
2. The home occupation shall be carried on by residents of the dwelling unit. No more than one (1) additional employee who is not a resident of the dwelling unit is permitted on site at one time.
3. All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit and/or accessory structures. Outside storage, including the storage of motor vehicles, shall not be permitted.
4. No traffic shall be generated which would be uncharacteristic of the neighborhood.
5. New parking required for the home occupation shall be provided off-street and shall not be located in front yards.
6. No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home occupation.
7. Exterior displays or signs other than those normally permitted in the district shall be prohibited.

C. **Home Industry.** Home industries, as distinguished from home occupations are intended to allow for small, home-based business and industry while guarding the property rights of neighboring households and are subject to the following provisions:

**Commented [TN43]:** Fairfield does not want to require a permit correct?

1. A home industry shall be subject to conditional use review and shall comply with the requirements of Section 3.3.
2. The home industry shall be carried on within the principal dwelling unit or accessory structures, and shall occupy less than 50% of the combined area of all structures on the lot.
3. The home industry shall be carried on by residents of the principal dwelling unit. No more than three (3) on-premise employees who are not residents of the dwelling unit shall be permitted on site at one time.
4. The home industry shall not necessitate any change in the outside appearance of the dwelling unit other than signs as permitted in Section 5.11.
5. No traffic shall be generated in greater volumes than would be normally expected in the neighborhood.
6. On-site wholesale and/or retail sales shall be limited to products produced or assembled on the premises.
7. New parking required for the home industry shall be provided off-street, and shall not be located in front yards.
8. No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home industry.
9. There shall be no on-site storage of hazardous waste or materials unless stored in an approved enclosure; fuel storage shall be limited to that needed for heating, and the operation of equipment and vehicles associated with the business.
10. Exterior storage of materials is prohibited. This standard shall not apply to a home industry that involves auto repair. A home industry that involves auto repair shall be allowed to have up to three (3) customer-owned vehicles located outside of a structure at any one time.

**Commented [TN44]:** Should it be clarified that doesn't have to be CU or P in the district? Discuss with PC.

SECTION 6.10 Industrial Uses

A. Industrial uses may be permitted in designated zoning districts subject to the following provisions:

1. Overall building height shall not exceed thirty-five (35) feet. The height of individual attached structural components may exceed thirty-five (35) feet subject to a waiver approval per Section 3.5 if the structural components are integral to the function of the industrial use.
2. All industrial uses shall meet minimum setback requirements for the district in which it is located. Landscaping and fencing along property boundaries also may be required as appropriate for screening, safety and security.
3. Industrial uses are limited to those manufacturing, fabrication or processing activities which produce no noise, vibration, noxious omissions, air or water pollution, fire or explosion hazard

**Deleted:** <#>1) No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling or accessory structure for an occupation, which is customary in residential areas which does not change the character thereof.¶  
<#>¶  
<#>2) Home occupations are permitted as an accessory use in all districts where residential uses are permitted subject to the following provisions:¶  
<#>a) The home occupation shall be clearly incidental and secondary to the residential use of the property, and shall be conducted wholly within the principal or accessory structures.¶  
<#>b) The home occupation shall be carried on by members of the family residing in the dwelling unit. Two additional employees who are not members of the family are permitted.¶  
<#>c) No traffic shall be generated which would be uncharacteristic of the neighborhood.¶  
<#>d) Exterior displays or signs other than those normally permitted in the district, exterior storage of materials, and exterior indications of the home occupation or variation from the residential character of the principal or accessory structures shall be prohibited.

**Moved (insertion) [6]**

**Deleted:** Industrial Uses 4 acres 60 feet 50 feet 200 feet¶

which would endanger or disturb neighboring properties. Such uses must comply with all performance standards under Section 5.9. Additional conditions may be imposed by the as appropriate to protect public health, safety, welfare, municipal facilities, services, and other public investments.

4. All aspects of the industrial process shall be carried out within the principal building. Accessory structures are to be used only for the storage of equipment and materials, or accessory uses such as office space.

5. If industrial uses also include on-site retail sales or are otherwise open to the public (e.g., tours) the industrial use shall be reviewed as a mixed use. As such it shall be required in addition to meet all zoning provisions pertaining to such retail uses for the district in which it is located. Non-retail uses may be considered accessory uses or mixed use in accordance with these regulations.

#### SECTION 6.11 Mixed Use

A. In zoning districts, more than one principal use may be permitted within a single building or in multiple buildings on a single lot (mixed use) subject to conditional use review in accordance with Section 3.3 and the following provisions:

1. Each of the proposed uses is otherwise allowed as a permitted or conditional use in the district in which the mixed use is proposed.

2. The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, and minimum lot size (unless such standards are modified as part of a planned unit development).

3. The proposed mixed use meets all applicable general regulations and specific use standards contained in Articles 5 and 6.

4. If one of the uses included in the mixed use requires site plan review the entire property shall require site plan review.

#### SECTION 6.12 Mobile Homes and Mobile Home Parks

A. **Mobile Homes.** Pursuant to the Act, Section 4406 (4), a mobile home shall be considered a single-family dwelling and shall meet the same zoning requirements applicable to single-family dwellings, except when unoccupied and displayed in a mobile home sales establishment or allowed as a temporary structure under Section 5.3 of these regulations. If an applicant has applied for a Certificate of Compliance for the installation of a new mobile home or manufactured home, the applicant shall provide the Zoning Administrator with a copy of a completed HUD Form 309 (as required in 24 C.F.R. 3285 and 3286) before the Certificate of Compliance is issued.

B. **Mobile Home Park.** In addition, mobile homes may be permitted in a mobile home park subject to the following requirements of this section and other applicable sections of these regulations:

1. New mobile home parks, and any addition or alteration to an existing mobile home park shall require conditional use review and site plan review.

**Commented [TN45]:** Do you want to allow for mixed uses like this? Or is this whole section unneeded?

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2. A mobile home park shall ~~be located on a parcel between~~ 5 acres ~~and~~ 30 acres ~~in size~~. The maximum density of any mobile home park shall not exceed an overall average of one mobile home per acre.

3. A ~~setback of~~ at least 50 feet wide shall be maintained as a landscaped area abutting all mobile home park boundary lines. No mobile home ~~or other structure~~ may be placed in this buffer area. However, the Board of Adjustment may ~~modify or waive this standard to~~ make it possible to preserve a scenic view from the mobile home park, provided that privacy for adjacent property owners can be maintained.

4. The minimum mobile home lot size shall meet the district requirement unless all lots are provided with public or common sewage disposal, in which case the minimum mobile home lot size shall be ~~50%~~ less than the district minimum lot size.

5. Each mobile home lot whether individual or in a mobile home park shall have at least 50 feet of frontage on ~~a public or private road~~. ~~All roads within a mobile home park~~ shall be constructed to ~~meet private road standards (Section 8.3)~~.

6. Sewage disposal, water supply and garbage facilities shall comply with state regulations (~~Section 5.12~~). ~~All electric, telephone and other utility lines may be underground~~.

7. Each mobile home park shall provide at least 10% of its total size for ~~common open space to be used for recreation~~.

SECTION 6.13 Public Facilities

A. Pursuant to 24 V.S.A. 4413, public facilities shall be regulated only with respect to location, size, height, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that the applicable regulations do not have the effect of interfering with the intended functional use of:

1. State or community owned and operated institutions and facilities;
2. Public and private schools and other educational institutions certified by the Vermont Department of Education;
3. Churches, other places of worship, convents, and parish houses;
4. Public and private hospitals;
5. Regional solid waste management facilities certified by the state; and
6. Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A. 6606a].

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f) A suitable, non-porous pad at least 4 inches thick shall be provided for each mobile home lot. A minimum setback of 25 feet is required on each mobile home lot.

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**Commented [TN46]:** May or shall?

**Deleted:** see also section 3.4(B) above

**Deleted:** , unless the applicant can demonstrate that due to utility company standards or pricing procedures an unreasonable financial hardship will be created.

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**Deleted:** al purposes and be fully screened by trees and shrubs...

**Deleted:** All open space is subject to the provisions of Planned Residential Developments (See Section 3.4(O)).

**Deleted:** <#>1) . Pursuant to Section 4413 of the Act, adequate provisions have been made within this Bylaw for the location of the following uses in appropriate zoning districts:¶

<#>a) Churches and other places of worship¶

<#>b) State and community owned and operated institutions and facilities.¶

<#>c) Public and private schools and other educational institutions certified by the Vermont Department of Education.¶

<#>d) . Public and private hospitals.¶

<#>¶

SECTION 6.14 Salvage Yards

- A. New or expanded commercial salvage yards may be permitted within designated zoning districts subject to review and approval by the Fairfield Select Board under separate State Statute (24 V.S.A., Chapter 61, and Subchapter 10 Section), conditional use review, site plan review, and the following regulations:
1. A minimum of three (3) contiguous acres shall be required for new salvage yards. No salvage yard shall exceed ten (10) acres in area or extent.
  2. Salvage yards shall be set back at least one hundred (100) feet from all property lines, road rights-of-way, surface waters, and wetlands.
  3. Salvage yards shall be screened year-round from public view; additional landscaping, fencing or other forms of screening may be required as appropriate.
  4. Salvage yards shall be secured as necessary to protect public health, safety, welfare, and neighboring properties.
  5. Exterior lighting shall be the minimum required for security and safe operation; general lighting standards under Section 5.6 shall apply.
  6. All performance standards under Section 5.9 shall apply.
  7. The on-site storage of materials shall not adversely affect surface, ground or drinking water supplies in the vicinity of the yard.
  8. Conditions and limitations may be imposed with regard to traffic generated, hours of operation, and the on-site storage of hazardous materials in order to protect neighboring properties, public infrastructure including roads, and the character of the area in which the yard is located.
  9. A site restoration plan shall be required upon application. All materials shall be removed from the site within twelve (12) months of the cessation or abandonment of operations; and the site shall be restored to a safe, usable condition. Site restoration, including the clean up and disposal of hazardous materials, shall be subject to all applicable state and federal regulations.

SECTION 6.15 Seasonal Conversions

- A. Seasonal dwelling units may be converted to single household year-round dwelling units subject to the issuance of a zoning permit if the Zoning Administrator determines that the conversion meets the following requirements:
1. The property shall comply with the wastewater and potable water supply requirements in Section 5.12.

2. The property shall comply with the driveway standards (Section 5.5) and be accessible by emergency and service vehicles (a letter from the fire chief documenting the adequacy of the access is required).
3. The off-street parking requirements in Section 5.8 for residential dwelling units shall be met. The parking requirement may be satisfied with a deeded parking easement on an adjacent parcel.

**Commented [TN47]:** Is this OK? Or should it just be compliant with private road standards?

#### SECTION 6.16 Telecommunications Facilities

**A. Applicability.** New or expanded telecommunication facilities that are not subject to 30 V.S.A. Section 248a, including but not limited to towers and accessory structures, are subject to site plan review and the provisions of this section. In conformance with 24 V.S.A. § 4412(9), the Planning Commission may permit new or expanded telecommunications facilities if the Planning Commission find that the facility will impose not more than a de minimis impact on all applicable standards in these regulations.

1. Notwithstanding the requirements of Subsection (A), wireless telecommunications equipment subject to this section to be mounted on existing towers, utility poles, silos, steeples or other existing structures may be permitted by the Zoning Administrator without site plan approval provided that:
  - a. No changes are made to the height or appearance of such structure except as required for mounting;
  - b. The height of the antenna as mounted does not exceed maximum district height requirements under Article 4 – Zoning Districts and District Regulations;
  - c. No panel antenna shall exceed 72 inches in height or 24 inches in width;
  - d. No dish antenna shall exceed 3 feet in diameter; and
  - e. Any accompanying equipment shall be screened from view.
2. A Certificate of Public Good from the Public Utility Commission under 30 V.S.A. Section 248a preempts these regulations and may be required for the construction or installation of telecommunications facilities that are to be interconnected with other telecommunications facilities proposed or already in existence. The Public Utility Commission determines jurisdiction.

**B. Exemptions.** The following are considered to be de minimis alterations and are specifically exempted from the provisions of this Section and no zoning permit shall be required:

1. Placement of an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.
2. Antenna structures less than twenty (20) feet in height with a primary function to transmit or receive communication signals for commercial, industrial, municipal, county, or state purposes.



3. Telecommunication facilities that are used exclusively for municipal radio dispatch service or emergency radio dispatch service and which do not exceed 100 feet in height.
4. A single ground or building mounted radio or television antenna or satellite dish not exceeding 36 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 40 feet in height above the lowest grade at ground level.
5. All citizens band radio antennae or antennae operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

**C. Supplemental Application Requirements.** In addition to the application requirements set forth in Article 4, applications for new towers shall also include the following:

1. A report from a qualified and licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones.
2. Information regarding the availability of existing towers and buildings located within the service area of the proposed site, including written documentation from other facility owners within the area that no suitable sites for the proposed facility are available at existing facilities.
3. A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
4. Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration.
5. Any additional information needed to determine compliance with the provisions of these regulations.

**D. Construction Standards.** Telecommunications facilities shall conform to the following construction standards:

1. The facility shall not be built on speculation. If the applicant is not a telecommunication service provider, the applicant shall provide a copy of a contract or letter of intent showing that a telecommunication service provider is legally obligated to locate a wireless telecommunication facility on lands owned or leased by the applicant.
2. All towers, including antennae, shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.
3. All telecommunication facilities shall comply with the setback provisions of the zoning districts in which facilities are located. Notwithstanding the above, in order to ensure public safety, the minimum distance of any wireless telecommunication facility to any property line, dwelling, or occupied structure shall be no less than the height of the tower, including antennas or other vertical appurtenances. This setback shall be referred to as a fall zone. In the event that an

existing structure such as a barn silo, church steeple, or utility pole is proposed as a mounting for a wireless telecommunication facility, a fall zone setback may not be required.

4. The facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by Federal Aviation Administration, federal or state law, or these regulations.

5. The Planning Commission may require the applicant to provide a bond, or other form of financial guarantee acceptable to the Planning Commission, to cover the cost of removal of the facility, should the facility be abandoned or cease to operate.

6. The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation. The owner of a wireless telecommunication facility shall, on a yearly basis, file a certificate to the Zoning Administrator showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the facility.

7. The facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation.

8. The proposed equipment is installed on an existing wireless telecommunication facility, unless it is demonstrated by the applicant that such co-location is not structurally or spatially possible.

9. The facility provides reasonable opportunity for the installation and operation of other telecommunications equipment (co-location).

10. Unless otherwise approved by the Planning Commission, an abandoned or unused wireless telecommunication facility shall be removed within 2 years of abandonment or cessation of use. The applicant may apply to the Planning Commission for an extension for removal. If the facility is not removed or an extension granted within 2 years of abandonment or cessation of use, the Planning Commission may cause the facility to be removed. The costs of removal shall be assessed against the facility owner.

11. Unused portions of a wireless telecommunication facility shall be removed within 1 year of the time that such portion is no longer used. Replacement of portions of a facility previously removed shall require a new permit.

**E. Additional Site Plan Criteria.** In addition to the site plan review standards in Section 3.2 and the construction standards in (F) above, the Planning Commission shall approve an application for a wireless telecommunications facility when it finds that the application does not impose more than a de minimus impact on the following criteria:

1. New towers shall be sited and designed to minimize their visibility. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible, through the use of existing vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques.

2. Access roads, and all accessory utility buildings and structures shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate based on-site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed underground.

**Deleted:** Intent and Applicability – This article will include regulations that only apply to specific types of land uses (ex. gas stations, public facilities, mobile home parks, home occupations). ¶  
Existing Fairfield Regulations to be located here: ¶  
Section 3.4 Miscellaneous Specific Provisions (in part)¶

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