

**Town of Fairfield, Vermont Planning Commission Report in accordance with VSA Title 24, Chapter 117,
Subchapter 9, §4441(c).**

**Amendments to Fairfield, Vermont Subdivision & Zoning Bylaw
Adopted by the Selectboard on May 14, 2012**

PURPOSE:

The purpose of the bylaw is to implement the Fairfield, Vermont Municipal Plan and to carry out the overall goals and vision of that plan. This bylaw also furthers the purposes of the Vermont Planning and Development Act, Title 24 V.S.A Chapter 117 (the Act) to promote the health, safety and general welfare of the inhabitants of Fairfield, Vermont.

EXPLANATION:

The following is a summary of proposed amendments to the Fairfield, Vermont Subdivision & Zoning Bylaws (retitled: Town of Fairfield, Vermont – Land Use and Development Regulations) adopted by the Selectboard on May 14, 2012.

The proposed amendments conform with or further the goals contained in the Fairfield, Vermont Municipal Plan (adopted May 26, 2015). The regulations have been substantially reorganized to provide for easier use by staff, board members, and the public. Language throughout the regulations has been revised to provide additional clarity and to provide mandatory, enforceable language. The zoning map has been revised to combine similar zoning districts, properly size zoning district boundaries to meet the purpose of the district and to have district boundaries follow property lines. Permitted Uses, Conditional Uses, and uses subject to Site Plan Review have been updated in each zoning district. Planned Unit Development regulations have been removed. An optional Conservation Subdivision approval process has been created to better accomplish the intent of the Municipal Plan. Several changes in the document have been made to ensure compliance with state statute.

Given the substantial reorganization of the regulations, please see Appendix A for a “key” cross-referencing where regulations from the existing bylaw have been moved into the proposed development regulations.

The proposed amendments are compatible with the proposed future uses and densities outlined in the Fairfield, Vermont Municipal Plan. Most major areas of change are listed below:

Article 1 – Authority and Purpose

- (1) Clarified **statutory authorization** (Section 1.1).
- (2) Clarified **applicability** of the regulations (Section 1.3).
- (3) Clarified **computation of time** based on statute (Section 1.6).
- (4) Added a **table summarizing all types of municipal permits and approvals** (Table 1.1).

Article 2 – Administration and Enforcement

- (1) Added an **administration** section outlining Zoning Administrator, Planning Commission, and Board of Adjustment roles (Section 2.1).
- (2) Clarified the composition and the duties of the **Board of Adjustment** (Section 2.1).
- (3) Added a section referencing the **fee schedule** (Section 2.2).
- (4) Added a section clarifying the process for the Planning Commission and/or Board of Adjustment hiring a consultant to complete **independent technical review** (Section 2.3).
- (5) Revised sections related to **public notice of meetings and hearings, the requirements of holding a meeting or hearing, and the requirements of a written decision** on development applications (Sections 2.4, 2.5, and 2.6).
- (6) Clarified **recording requirements** related to development review (Section 2.7).
- (7) Edited the order of **combined review** of applications (Section 2.8).
- (8) Clarified the **appeals** process (Section 2.9).
- (9) Clarified the criteria the need to be met in order to receive a **Certificate of Occupancy** (Section 2.10).
- (10) Added new language concerning **zoning enforcement** and issuance of municipal tickets for zoning violations (Section 2.11).

Article 3 – Development Review Procedures and Standards

- (1) Revised the duties required of the **Zoning Administrator** after a permit has been issued to meet the requirements of state statute (Section 3.1).
- (2) Added a new diagram to explain the **development review process** (Figure 3.1).
- (3) Added a **state and local exemptions** section to clarify what types of land development in Fairfield do not require a permit from the Zoning Administrator (Section 3.1).
- (4) Added **site plan review** as a new type of development review focused on how an individual site is designed (Section 3.2).
- (5) Added language to meet the state requirements that a **letter of intent** from the Agency of Transportation be submitted with all applications for site plan approval when the subject property is accessed from a state highway (Table 3.1).
- (6) Substantially revised the **conditional use review** to clarify applicability, application requirements, and standards (Section 3.3).

- (7) Added a “test” that the Planning Commission and Board of Adjustment can use to assess if land development is creating an “**undue adverse effect**” during a development review hearing (Figure 3.2).
- (8) Revised **variance** review to comply with the requirements of statute (Section 3.4).
- (9) Removed the **permit allocation system** (Section 3.5).

Article 4 – Zoning Districts and District Regulations

- (1) Reorganized the sections explaining the **establishment and interpretation of zoning districts** (Section 4.1 and 4.2).
- (2) Revised the **purpose statements for all zoning district** to reflect the purpose statements in the Fairfield, Vermont Town Plan (Section 4.3).
- (3) Clarified what types of “**uses**” and “**structures**” exist within the regulations and how they are regulated (Section 4.4).
- (4) Created a standard where applicants can apply to develop land uses that are not defined (**undefined uses**) per conditional use approval by the DRB. All undefined uses are now prohibited (Section 4.4).
- (5) Substantially revised the content and format of the **dimensional standards and use standards** for all zoning districts (Table 4.1).
- (6) Added standards for the **Village District** based on a village character assessment to ensure that future development in this area fits within the existing context of the Village District (Section 4.5).
- (7) Clarified other **zoning district-specific standards** for all zoning districts and added a maximum road and driveway length standard in the Upland District to restrict future forest fragmentation (Section 4.6, 4.7, and 4.8).

Article 5 – General Requirements

- (1) Added an **applicability** section to explain how the standards of this Article shall apply (Sections 5.1).
- (2) Added two sections to explain the differences between **uses and structures** (Section 5.2 and 5.3).
- (3) Clarified the **abandonment** of uses and structures (Section 5.4).
- (4) Revised **access standards** to comply with statute. Added **driveway standards** to align with those standards already being used by the Fairfield Fire Department (Section 5.5).

- (5) Clarified how **non-conforming uses and structures** are regulated and added a figure to better explain the regulation (Section 5.6 and Figure 5.1)
- (6) Added a standard regulating **outdoor lighting** (Section 5.7).
- (7) Revised **parking standards** (Section 5.8)
- (8) Streamlined existing **performance standards** (Section 5.9).
- (9) Reorganized the **signs** section (Section 5.10).
- (10) Revised the **wastewater and potable water supply** standards to reflect municipal jurisdiction (Section 5.12).

Article 6 – Specific Use and Structure Standards

- (1) Added an **applicability** section (Section 6.1).
- (2) Revised the **accessory dwelling** unit standards to allow for larger accessory dwellings (Section 6.2).
- (3) Simplified standards for **agricultural dwellings** (Section 6.3).
- (4) Added standards for **elderly housing and multi-household dwellings** to ensure occupant access to open space, storage, laundry, and sidewalks (Section 6.5).
- (5) Clarified standards that apply to **excavation and landfilling**. Also revised section on **extraction and quarrying** to clarify application requirements, standards, and surety (Section 6.6).
- (6) Added standards regulating **gas stations** (Section 6.7).
- (7) Revised standards for **home occupations** and added standards for **home industry** to allow for larger home-based businesses (Section 6.8).
- (8) Added standards for **industrial and mixed uses** (Section 6.9 and 6.10).
- (9) Clarified that roads in **Mobile Home Parks** shall be constructed to private roads standards (Section 6.11).
- (10) Added a section to clarify regulation of **public facilities** and comply with statutory requirements (Section 6.12).
- (11) Added specific regulations for **Salvage Yards** (Section 6.13).
- (12) Clarified standards that shall be met to allow for conversion of **seasonal dwellings** to year-round dwellings (Section 6.14).
- (13) Added new regulations for **Telecommunications Facilities** as required by statute (Section 6.15).

Article 7 – Subdivision Review

- (1) Clarified the applicability of **subdivision regulation** (Section 7.1).
- (2) Added a figure to better explain the **subdivision process** (Figure 7.1).
- (3) Reorganized the **subdivision application requirements** (Section 7.2 and Table 7.1).
- (4) Added a provision that could provide relief to owners of larger lots when they are subdividing property. The provision requires a **property boundary survey** for all new subdivided lots, yet property boundary surveys are required for the entire parent parcel (original lot from which new lots are subdivided) only when the parent parcel is 10 acres or less in size, and/or greater than 50% of the acreage of the parent parcel is subdivided into lots (Table 7.1).
- (5) Clarified **subdivision review procedures** (Section 7.4).
- (6) **Plat recording requirements** were clarified (Section 7.5).
- (7) **Clarified legal requirements, expiration, and amendment process for subdivisions (Section 7.6, 7.7 and 7.8).**
- (8) Consolidated **subdivision standards** into one section, added an applicability section and a standard for density (Section 7.9).
- (9) Added a new **conservation subdivision** section to replace Planned Unit Developments (PUDs). The intent of the regulation is to allow for the subdivision of large parcels while also ensuring the conservation of land in rural areas for agriculture, forestry, and recreational uses (Section 7.10).

Article 8 – Development Review Standards

- (1) Clarified **applicability** of Article 8 (Section 8.1).
- (2) Revised standards for **landscaping and screening** (Section 8.2).
- (3) Clarified standards applicable to **road and sidewalks** (Section 8.3).
- (4) Clarified what constitutes a **conservation resource** and how such resources are protected. Added specific standards for the protection of **farmland and agricultural soils** and **steep slopes** (Section 8.4).
- (5) Clarified the applicability and the standards for **stormwater management plans and erosion control plans** (Section 8.5).
- (6) Removed requirement to have all **utilities** buried underground (Section 8.6).

Article 9 – Flood Hazard and River Corridor Regulations

- (1) Clarified **statutory authorization, purpose, and applicability** of flood hazard and river corridor regulations (Section 9.1, 9.2 and 9.3).
- (2) Added **application requirements** for development in the Flood Hazard Area Overlay District (Section 9.4).
- (3) Clarified what types of **structures and uses** are allowed in the special flood hazard area and river corridor (Section 9.4).
- (4) Revised **standards for development in the special flood hazard area** to meet federal minimum standards and added **standards for development in the river corridor** (Section 9.6).
- (5) Clarified **regulation of nonconforming structures, variances, certificate of occupancy, and violations** in the Flood Hazard Area Overlay District for development in the special flood hazard area and river corridor (Sections 9.7, 9.8, 9.9, and 9.10).
- (6) Separated **definitions** that only pertain to development in the special flood hazard area and river corridor from other definitions used in the bylaw (Section 9.11).

Article 10 – Definitions

- (1) Revised the following **definitions** (Section 10.2):
 - a. **Affordable Housing**
 - b. **Dwelling, Seasonal**
 - c. **Dwelling Unit**
 - d. **Excavation**
 - e. **Land Development (Development)**
 - f. **Public Facility**
 - g. **Restaurant**
 - h. **Rooming House (Residential Lodging)**
 - i. **Setback**
- (2) Added the following **definitions** (Section 10.2):
 - a. **Accessory Structure**
 - b. **Accessory Use**
 - c. **The Act**
 - d. **Agricultural Housing**
 - e. **Agriculture**
 - f. **Bed and Breakfast**
 - g. **Campground**
 - h. **Child Care Facility**
 - i. **Child Care Home**
 - j. **Conservation Resources**
 - k. **Driveway**

- l. **Dwelling, Accessory**
 - m. **Dwelling, Multi-household**
 - n. **Dwelling, Single-household**
 - o. **Dwelling, Two Household**
 - p. **Earth Resource Extraction**
 - q. **Fall Zone**
 - r. **Frontage**
 - s. **Gas Station**
 - t. **Group Home**
 - u. **Height**
 - v. **Junk**
 - w. **Junk Yard**
 - x. **Kennel**
 - y. **Lot Area**
 - z. **Minimum Lot Size**
 - aa. **Open Space**
 - bb. **Parent Parcel**
 - cc. **Primitive Camp**
 - dd. **Principal Structure**
 - ee. **Residential Care Home**
 - ff. **Salvage Yard**
 - gg. **Subdivision**
 - hh. **Telecommunications Facility**
 - ii. **Town Plan**
 - jj. **Undue Adverse Effect**
- (3) The following definitions were deleted:
- a. **Building**
 - b. **Camp/Cabin**
 - c. **Communications Facility**
 - d. **Essential Public Facility**
 - e. **Lot Frontage**
 - f. **Meadow**
 - g. **Planned Residential Development**
 - h. **Planned Unit Development**
 - i. **Recreation – Indoor**
 - j. **Right-of-way, public**
 - k. **Right-of-way, private**
 - l. **Sign area**

Zoning Map

- (1) The Pond District and the Swamp District have been combined into the Pond & Swamp District.
- (2) The Fairfield Village District and the East Fairfield Village Districts have been combined into a unified Village District. The district boundaries in each village have been revised to better reflect areas that have access to public water, are within ¼ mile of the center of the village, and may reasonably be developed.

- (3) Revised the district boundary between the Agricultural District and the Upland District along South Road.
- (4) Revised the district boundary between the Agricultural District and Pond & Swamp District in the vicinity of Fairfield Pond. The Pond & Swamp District will generally only include properties that have frontage along Fairfield Pond in this area. There are exceptions. Please refer to the zoning map.
- (5) Clarified that the Chester A. Arthur Historic Overlay District is in fact an overlay district.
- (6) Clarified that Revised the Flood Hazard Area Overlay District to incorporate River Corridor as mapped by the VT Agency of Natural Resources.

**PUNCTUATION, WORDING, AND FORMATS HAVE CHANGED TO INCREASE
CLARITY AND FUNCTION OF THESE REGULATIONS.**

CONFORMANCE AND IMPLEMENTATION:

The proposed Fairfield, Vermont Land Use and Development Regulations conform with and further the goals and policies contained in the Fairfield, Vermont Municipal Plan including all goals and policies pertaining to the availability of safe and affordable housing. This change has no detrimental effect upon, and is entirely compatible with, the proposed future land uses and densities of the Fairfield, Vermont Municipal Plan. The proposed changes do not inhibit nor carry out any specific proposals for any planned community facilities.

Appendix A - Fairfield Development Regulations - Proposed Table of Contents

Article 1 – Authority and Purpose

Intent and Applicability – This article will provide the legal basis for having Development Regulations

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Section 1.1 Enactment
- Section 1.2 Purpose
- Section 1.3 Amendments
- Section 1.4 Severability
- Section 1.5 Interpretation

Article 2 – Administration and Enforcement

Intent and Applicability – This article will organize how the Development Regulations will be administered. This includes verifying roles and responsibilities, administrative requirements, and enforcement.

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Section 1.6 Review of Applications During Adoption & Amendment of Bylaws
- Section 1.8 Additional Data & Independent Review
- Section 3.1 Zoning Administration and Enforcement

Article 3 – Development Review Procedures and Standards

Intent and Applicability – This article will explain the different types of development review in Fairfield (zoning permit, site plan, CU, subdivision), explain when the type of development review applies, and will provide the criteria that needs to be met in order for an application to be approved.

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Section 1.9 Permit Conditions
- Section 1.10 Development Review Procedures
- Section 3.4 Miscellaneous Specific Provisions (in part)

Article 4 – Zoning Districts and District Regulations

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 Subdivision & Zoning Bylaw regulations located here:

- Section 3.2 Establishment of Zoning Districts & Official Zoning Map

Article 5 – General Regulations

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

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Section 3.3 Pre-Existing Development
- Section 3.4 Miscellaneous Specific Provisions (in part)

Article 6 – Specific Use Regulations

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 Subdivision & Zoning Bylaw regulations located here:

- Section 3.4 Miscellaneous Specific Provisions (in part)

Article 7 – Subdivision Review and Regulations

Intent and Applicability – This article will include language specific to the subdivision process. It will also contain regulations that apply only to subdivisions.

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Section 1.7 Boundary Line Adjustments
- Section 2.1 General Provisions
- Section 2.2 Review Procedures
- Section 2.3 Development Standards (in part)

Article 8 – Planning and Design Regulations

Intent and Applicability – This article will contain regulations that apply to all applications that go before the PC or ZBA (site plan, conditional use, subdivision, waiver, variance, appeal). The regulations in this section DO NOT apply to “land development” that only requires a zoning permit.

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Section 1.8 Additional Data & Independent Review
- Section 2.3 Development Standards (in part)
- Section 3.4 Miscellaneous Specific Provisions (in part)

Article 9 – Flood Hazard and River Corridor Regulations

Intent and Applicability – This article will contain regulations that apply only in the 100-year flood plan (Special Flood Hazard Area) and the River Corridor.

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Section 3.2 Establishment of Zoning Districts & Official Zoning Map

Article 10 – Definitions

Intent and Applicability – This article will contain definitions of terms used throughout the entire Development Regulations.

Existing Fairfield Subdivision & Zoning Bylaw regulations located here:

- Article 4 - Definitions