

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

**Amendments to Zoning Bylaw and the Subdivision Regulations
Adopted by the Voters on October 25, 2002**

The following is a summary of proposed amendments to the Town of Fletcher Zoning Bylaws and Subdivision Regulations adopted by the voters on October 25, 2002.

The proposed amendments conform with or further the goals contained in the 2013-2018 Fletcher Town Plan. The Zoning Bylaw and the Subdivision Regulations have been merged into one document titled “Development Regulations for the Town of Fletcher, VT.” The regulations have been organized 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. Zoning district boundaries have undergone minor amendments in the Village District and in the vicinity of Gilson Mountain Wildlife Management Area to reflect the availability of more accurate parcel and elevation data. Permitted and Conditional Uses within Zoning Districts have been updated. Definitions and standards for primary and secondary resources have been added to the document to better accomplish the intent of the Town Plan and existing zoning bylaw and subdivision regulations. Several changes in the document have been made to ensure compliance with state statute.

The proposed amendments are compatible with the proposed future uses and densities of the 2013-2018 Fletcher Town Plan. Most major areas of change are listed below:

Article I – Authority and Purpose

- (1) Integrated language from the Zoning Bylaw and Subdivision Regulations in **Purpose**. (Section 1.2)
- (2) Clarified **Effective Date** (Section 1.4).

Article II – Zoning District Provisions

- (1) Clarified the authority of the Flood Hazard Overlay District (FHO) in **Establishment of Zoning District and Map** (Section 2.1).
- (2) Adjusted the boundaries of the Village District to follow property lines in several locations and adjusted the boundaries of the Conservation District to follow the contour lines referenced in the bylaw. See the **Official Zoning Map**.
- (3) **District Objectives, Uses and Standards** were reorganized within the section (Section 2.4). Individual subsections were created for each category (“objectives,” “uses,” etc.) instead of having each category on a page for each specific zoning district.

- (4) The **Use Table** was created to better organize permitted, conditional, and restricted uses for each zoning district (Table 2.1). Other changes to this table include:
 - a. **Public Facilities** were made a conditional use in all zoning district to ensure compliance with state statute.
 - b. The addition of a **Shoreline Stabilization Measures** use that a conditional use in the Shoreland Recreation District.
 - c. Footnotes were added to provide clarity for the following issues:
 - i. Parking requirements for residential uses.
 - ii. Child care homes and group homes.
 - iii. Lot size requirements for certain uses.
 - iv. Jurisdiction of the Flood Hazard Overlay District regarding uses typically used near surface waters.
- (5) The **Density and Dimensional Requirements Table** was created to better organize information for each zoning district (Table 2.2).
- (6) Moved language pertaining to the **number of structures or uses on a lot** to Section 2.4(C).
- (7) The **Village District Standards** were reorganized and reworded to include stronger, mandatory language. A waiver allowing for side façade entrance was also included (Section 2.4(D)). The **Shoreland-Recreation District Standards** were also reorganized and reworded to include stronger language in regards to water quality. District standards for all other zoning districts were incorporated into new sections (Section 5.11, Section 7.3, and Article 8).

Article III – Development Review

- (1) Article V – Development Review from the previous Zoning Bylaw was moved to Article III.
- (2) Section 3.1 – Permits and Applications was added to Article III to ensure that all types of **development review applications** were located in one article. This section clarifies the applicability of zoning permits to the land development process and provides users of the document with the requirements that need to be met before obtaining a zoning permit (Section 3.1(A), Section 3.1(D) and Figure 3.1).
- (3) Clarified **expiration of zoning permits** (Section 3.1(E)).
- (4) **Exemptions** were moved from their previous location in Article VI of the existing zoning bylaw to Section 3.1(F). Exemptions were divided by local and state exemptions. Exemptions for projects subject to the Section 248 process, minor excavation, and stabilization of structures were added.
- (5) **Conditional Use Review and Standards** were combined in Section 3.2. The following changes were made to conditional use:
 - a. The number of **site development plans** that shall be provided was increased to 6 reduced size plan sets from 3 full plan sets. Language was also clarified regarding what needs to be included on a site plan development plan set. The plan must address primary and secondary conservation resources and stormwater management Section 3.2(C)(2)). A traffic impact analysis or biological impact report may now be required by the Development Review Board, if needed.

- b. **Conditional use standards** were changed to match language from statute, specifically 24 V.S.A. §4414(3) (Section 3.2(E)(2)).
 - c. Clarified how to determine “**undue adverse effect**” in Figure 3.2.
 - d. Clarified what other standards apply to **conditional use applications** and the time period for which a **landscaping** bond may be held for a landscaping required as a part of a conditional use approval (Section 3.2(E)). Deleted repetitive language replicating standards in other sections of the bylaw.
- (6) **Planned Unit Development (PUD) Review and Standards** were combined and revised in Section 3.3. The following changes were made:
- a. **Planned Residential Developments (PRDs)** were removed from the bylaw.
 - b. The **purpose** subsection was revised to incorporate protection of primary and secondary conservation resources.
 - c. The **applicability** subsection was revised to ensure that all PUDs are reviewed as major subdivisions and to allow the DRB to require PUDs for subdivisions of 5 or more lots.
 - d. **Coordination with Conditional Use Review** subsection was removed.
 - e. Clarified the conditions under which the DRB may grant a **modification** of the PUD standards to an applicant.
 - f. Added a **PUD standard** to ensure that mixed uses within a PUD are compatible.
 - g. Clarified **open space requirements** for PUDs including the amount of open space required per PUD and required legal documentation.

Article IV – Subdivision Review

- (1) Integrated the existing **Subdivision Regulations** into the proposed Fletcher Development Regulations.
- (2) Clarified the **applicability of subdivision regulations**. Created **different types of subdivisions**: boundary line adjustment, minor subdivision (three lots or less), and major subdivision (four lots or more) to provide for more streamlined review of small subdivisions. (Section 4.1).
- (3) Clarified the different types of **plan and survey plot specifications** that may be required as a part of a subdivision approval process (Figure 4.1).
- (4) Organized and clarified the **applications requirements for subdivisions** into a table (Section 4.2 and Table 4.1).
- (5) 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 4.1).
- (6) Added a diagram to clearly display **subdivision review procedures** (Figure 4.2).
- (7) Revised the limits of **administrative review of subdivisions** to ensure compliance with State statute. Administrative review will continue for boundary line adjustments and minor subdivision, yet a hearing will be held by the DRB before approval is formally granted to the applicant to ensure compliance with

24 V.S.A §4463(a). Major subdivisions will still require sketch, preliminary, and final approval from the DRB (Section 4.3(B) to (F)).

- (8) **Plat recording requirements** were clarified. **Building envelopes** shall be on recorded plats, if applicable (Section 4.3(G)).
- (9) Clarified how **density** is calculated within a subdivision (Section 4.4(B)(1)).
- (10) Created mandatory standards for the **layout of lots** within a subdivision (Section 4.4(B)(4)).
- (11) Incorporated standards for **outdoor lighting** previously used in the conditional standards (Section 4.4(B)(7)).
- (12) Created standards for **natural subdivisions** that are compliant with Vermont case law (Section 4.5).

Article V – General Regulations and Review Standards

- (1) Moved Article III of the existing Fletcher Zoning Bylaw to Article V of the proposed Fletcher Development Regulations.
- (2) Ensured compliance with statute (24 V.S.A. §4412) by changing the requirements relating to **land development on lots without frontage**, yet accessible by permanent rights-of-way or easements (Section 5.1(A)).
- (3) Clarified that applications for **access by right-of-way** shall be reviewed as subdivisions if such applications are not concurrent with another DRB application (Section 5.1(2)).
- (4) Moved standards regarding **driveway grade** from Section 3.1 to Section 7.4.
- (5) Clarified that **changing from one conditional use to another conditional use** requires approval from the DRB (Section 5.2).
- (6) Removed requirements relating to **change of use and wastewater systems** (Section 5.2).
- (7) Clarified that **damaged structures** require a zoning permit if they are being enlarged or changed (Section 5.3).
- (8) Removed Section 3.7 from the existing Fletcher Zoning Bylaw and integrated the text regarding **number of structures on a lot and setbacks** into Section 2.4 in the proposed Fletcher Development Regulations.
- (9) Clarified the regulation of **non-conforming structures** through the addition of Figure 5.1.
- (10) Clarified the applicability of **outdoor lighting standards** (Section 5.9).
- (11) Deleted **performance standards relating to wastewater disposal** due to changes to wastewater jurisdiction (Section 5.10).

- (12) Added **Section 5.11 – Primary Conservation Resources** to the regulations. This section was created by aggregating existing regulation from the existing zoning bylaw (district standards, etc) and existing subdivision regulations. This includes the creation of required vegetated buffers from rivers and streams.
- (13) Restructured existing regulations regarding **signs** (Section 5.12).
- (14) Allowed Zoning Administrator to permit **temporary structures** and use in conjunction with construction projects instead of the DRB (Section 5.13).
- (15) Deleted previous language relating to **water and wastewater disposal** and replaced with language that reflects the state’s jurisdiction over water and wastewater rules (Section 5.14).

Article VI – Specific Use Standards

- (1) Added an **applicability** section for the specific use standards (Section 6.1).
- (2) Clarified that the applicant shall show adequate water and wastewater capacity when applying for an **accessory dwelling** (Section 6.2).
- (3) Clarified the amount of acreage required per **single family and multifamily agricultural dwellings** (Section 6.3).
- (4) Clarified that **campers and recreational vehicles** shall be in compliance with state water and wastewater rules (Section 6.4).
- (5) Section 6.5 was amended to ensure that all structures within a **campground** are located outside the required buffer, that the campground shall not have undue adverse effect upon primary and secondary conservation resources, and that the campground shall be in compliance with state water and wastewater rules.
- (6) Placed dimensional requirements for **gasoline stations** in Table 6.2 and required that gasoline pumps be located on the side or rear of a structure.
- (7) Clarified that non-retail secondary uses can be considered as an accessory use or mixed use on a lot that has a **light industry** principal use (Section 6.8).
- (8) Clarified that a **mobile home park** is considered any lot with two or more mobile homes (Section 6.9). Placed dimensional requirements for mobile home parks in Table 6.3. Required that garbage facilities in a mobile home park be screened.
- (9) Clarified **earth extraction and quarrying** standards and deleted repetitive application requirements (Section 6.13).
- (10) Added a section concerning the permitting of **telecommunications facilities** in compliance with 24 V.S.A. §4412 (Section 6.14).

Article VII – Planning and Design Standards

- (1) Added an **applicability** section clarifying that standards in this section shall only apply to applications going before the DRB (Section 7.1).
- (2) Revised **parking** lot design requirements regarding size and landscaping (Section 7.2).
- (3) Added a **secondary conservation resources** section by combining different existing elements of the existing zoning bylaw and subdivision regulations (Section 7.4).
- (4) Added a **site protection and erosion control** section (Section 7.5).
- (5) Revised standards for **stormwater management** (Section 7.6)

Article VIII – Flood Hazard Review

- (1) Removed all existing language pertaining to the regulation of the **Flood Hazard Overlay District**. Replaced language using an existing state model language that ensures compliance with minimum National Flood Insurance Program standards (Article VIII).

Article IX – Administration and Enforcement

- (1) Updated the duties of the **Planning Commission** to reflect state statute (Section 9.3).
- (2) Revised section concerning **fees** (Section 9.4).
- (3) Updated information regarding the **issuance of zoning permits** by the Zoning Administrator (Section 9.5(A)).
- (4) Updated information regarding the **administrative responsibility of the Zoning Administrator** when issuing a zoning permit (Section 9.5(C)).
- (5) Revised language relating to the issuance of **certificates of occupancy** (Section 9.5(E)).
- (6) Clarified **notice requirements for public hearings** (Section 9.6).
- (7) Clarified the **appeals** process (Section 9.8).
- (8) Added an applicability section to clarify the **variance** process (Section 9.9(A)).
- (9) Added new language concerning **zoning enforcement** and issuance of municipal ticket (Section 9.10).
- (10) Clarified **recording requirements** for documents and plats (Section 9.11).

Article X – Definitions

- (1) Clarified the **use of definitions** within the document (Section 10.1).
- (2) Revised the following **definitions** (Section 10.2):

- a. **Accessory Dwelling**

- b. **Accessory Structure**
- c. **Building**
- d. **Day Care Facility**
- e. **Development Road**
- f. **Dwelling, Multi-Family**
- g. **Farm**
- h. **Final Plat**
- i. **Height**
- j. **Lot**
- k. **Open Space**
- l. **Resubdivision**
- m. **Salvage Yard**
- n. **Street**

(3) Added the following **definitions** (Section 10.2):

- a. **Landscaping**
- b. **Major Subdivision**
- c. **Minor Subdivision**
- d. **Plot Plans**
- e. **Primary Conservation Resources**
- f. **Secondary Conservation Resources**
- g. **Shoreline Stabilization Method**
- h. **Slope**
- i. **Top of Bank**
- j. **Top of Slope**
- k. **Undue Adverse Effect**

(4) Separated **definitions** specific to the Flood Hazard Overlay District from the rest of the definitions to ensure that users understand when specific definitions are applicable (Section 10.3).

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