

Page 7 §2.2 Purposes of Zoning Districts
Delete struck text in red and replace with text in black

~~**G. Industrial Area**—to provide a location for light industrial and commercial uses, to the exclusion of primary retail, near to US Route 5 and the railroad. Residential development in this area is to be discouraged.~~

G. Rural Resource Area – to provide protection for intact forest blocks and wildlife corridors while allowing controlled development at an appropriate density.

Page 9 §3.1.1 Village Area
Retained text in red, additional language in black

These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

- | | |
|---|-----------------------------------|
| 1. Primary retail 3500 square feet or less, second floor occupancy required | 5. Apartment houses |
| 2. Professional offices and services | 6. Home based business or service |
| 3. Personal services | 7. Arts and Cultural facilities |
| 4. Restaurant 70 seat maximum | |

C. Conditional Uses

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

- | | |
|------------------------|--|
| 1. Vehicle fuel sales | 3. Single family dwellings semi-detached |
| 2. Apartment Buildings | |

Page 14 §3.1.6 Residential Area
Delete struck text in red and replace with text in black

~~**A. Description**—Per the zoning map, broad classification of all lands lying outside of all other zoning districts.~~

A. Description – Per the zoning map, classification of land adjacent to services and deemed suitable for denser arrangements of residential buildings.

§3.1.7 Industrial Area

A. Description — Per the zoning map and to include portions of parcels ~~08-03-45, 08-03-46, 08-03-50.11, 08-03-50.12, 08-03-53, 08-03-54, 08-03-55, 08-03-56, 08-03-57, 08-03-57.1, 08-03-58, 08-03-59, 08-03-60 and 08-03-61~~ that do not fall into the Flood Hazard Area:

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

- ~~1. Home Occupation~~
- ~~2. Residential accessory structures and uses~~

~~These uses shall be permitted upon site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:~~

- ~~1. Light Industrial~~
- ~~2. Sawmills~~
- ~~3. Home-based business or service~~
- ~~4. Cottage Industry~~
- ~~5. Mobile Home Parks~~
- ~~6. Commercial camp sites and campgrounds~~
- ~~7. One and two family dwellings and additions~~
- ~~8. Commercial nursery, landscape yards~~

C. Conditional Uses

~~The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:~~

- ~~1. Medium industrial~~
- ~~2. Uses greater than 35 feet in height~~

D. Land Area and Structural Requirements

~~Class A Lots: *None in this zone.*~~

~~Class B Lots:~~

- ~~1. Lot Area Minimum: 40,000 square feet per principal use~~
- ~~2. Lot Frontage Minimum: 150 feet~~
- ~~3. Building Setback Minimum: 50 feet from center of highway right of way~~
- ~~4. Side and Rear Setback Minimum: 15 feet~~
- ~~5. Maximum permitted height all structures 35 feet above street grade, additional height per conditional use findings by the Development Review Board.~~

§3.1.7 Rural Resource Area

A. Description – Per the zoning map. The purpose of this district is to protect large sections of forest from fragmentation and development that could impair water quality downstream (including from flooding and erosion) and to support wildlife corridors. Intact forests have unique habitats needed for many species and form the source for absorbing and filtering rain and snow into the source for clean ground and surface waters at lower elevations

B. Permitted Uses

The following uses shall be permitted upon issuance of a Zoning Permit by the Zoning Administrator:

1. Single Family Dwellings
2. Residential accessory structures and uses
3. Home Occupations
4. Primitive Camp

C. Conditional Uses (everything not permitted through an administrative permit)

The following uses may be permitted upon issuance of a conditional use permit and site plan approval by the Development Review Board and issuance of a Zoning Permit by the Zoning Administrator:

1. Outdoor Recreation

D. Land Area and Structural Requirements

Class A Lots: *None in this zone.*

Class B Lots:

1. Lot Area Minimum: 15 acres per principal use
2. Lot Frontage Minimum: 400 feet
3. Building Setback Minimum: 50 feet from center of highway right-of-way
4. Side and Rear Setback Minimum: 40 feet
5. Maximum permitted height all structures 25 feet above grade, additional height per conditional use findings by the Development Review Board.

Page 22 §4.4.1

Delete struck text in red 1000 sq ft and replace with 500 sq ft

~~§4.4.1 Any lot developed with a multi-family dwelling shall maintain an area of at least 1000 square feet of common open outdoor area per dwelling unit in addition to any parking to any parking, required buffers, screening, or service areas.~~

§4.4.1 Any lot developed with a multi-family dwelling shall maintain an area of at least 500 square feet of common open outdoor area per dwelling unit.

Page 28 **§4.14 Accessory Dwellings**

Updates required per S.237 delete struck text in red and replace with text in black

~~An accessory dwelling unit that is located within or appurtenant to **as** an owner-occupied single-family dwelling in any land use area shall be a permitted use so long as the unit is in compliance with the following:~~

- ~~(a) the property has sufficient wastewater capacity;~~
- ~~(b) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling;~~
- ~~(c) applicable setback, coverage and parking requirement as stipulated in the Regulations are met.~~

An accessory dwelling unit that is located within or appurtenant to *(drop phrase, insert)* on the same parcel as an owner-occupied single-family dwelling in any land use area or one- and two-family dwellings in the village use area shall be a permitted use so long as the unit is in compliance with the following:

- (a) the property has sufficient wastewater capacity;
- (b) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater;
- (c) applicable setback, coverage and parking requirement as stipulated in the Regulations are met.
- (d) Owner of the parcel shall occupy either the original dwelling or the accessory dwelling unit.

Page 26 §4.7 Minimum Off-Street Parking Requirements

Delete struck text in red, replace with text in black.

§4.7 Minimum Off-Street Parking Requirements

~~D. Multi-family structures shall have at least one parking space for every bedroom in the structure.~~

D. Multi-family structures shall have at least two parking spaces per unit.

Page 30 §4.17 Private Helipads

Completely new text due to state determination of local jurisdiction on helipads not currently regulated under state or federal regulations.

§4.17 Private Helipads

Private helipads which are designed to facilitate the landing of general aviation helicopters operated by private pilots and not regulated by the FAA as commercial or public facilities are strictly prohibited.

Page 43 §6.1 Minor Subdivision

Delete reference to sketch plan as it is not applicable to minor subdivisions

§6.1 Subdivision Approval Procedures

Minor Subdivision Application Procedures: (three or fewer lots, characterized by lot counts below the trigger for Act 250 permitting, that lack complicated site conditions and involve relatively simple access and easement arrangements, lot line adjustments, and annexations).

~~Sketch Plan Phase (discussion): Initial meeting with Development Review Board (DRB) and classification of project.~~

Within 180 days after initial sketch plan discussion: final plan/plat submission for public hearing.

Within 30 days after final plan submittal: DRB Public Hearing (including written evidence of approval by all governmental agencies where approval is required by statute or administrative procedure).

Within 45 days after adjournment of the Public Hearing: Notice of Decision issued by DRB.

Within 180 days after DRB approval: Plat recording mylar is delivered to the ZA.

On completion: Submission of as-built drawings, if applicable.

Page 45 §6.2.1 General Requirements (standards for filed plats)

Language added to item A, original text struck in red.

All submitted plats shall conform to the following standards and requirements:

~~A. The submittal shall be made in three copies.~~

A. The submittal shall be made in three copies and a digital copy of the survey plat shall be submitted in portable document format (PDF) that meets the digital survey standards established by The Board of Land Surveyors for digital copies of survey plats.

Definition Additions, Deletions and Changes

Add

Arts and Cultural Facilities – A space indoors or outdoors either in conjunction with public or business use or as a standalone principle use for the purpose as a gathering place for the display of art, performances, or for community or social events.

Delete struck language in red and substitute language in black, change reference from marijuana to the state statutory language of cannabis, make the use conditional after a town wide vote consistent with state law.

~~**Marijuana Establishment**—a cultivator, product manufacturer, testing laboratory, retailer, dispensary or marijuana lounge involved with the commercial production, manufacture, distribution or commercial sale of marijuana; marijuana establishment is not a permitted or conditional use in the Town of Fairlee.~~

~~**Marijuana Lounge**—an entity registered to sell marijuana or marijuana-infused products to consumers for on-site or off-site consumption; marijuana lounge is not a permitted or conditional use in the Town of Fairlee.~~

~~**Marijuana Product Manufacturer**—an entity registered to manufacture, prepare, and package marijuana-infused products and hashish, and to sell marijuana, including hashish, and marijuana-infused products to a retailer, marijuana lounge, or another product manufacturer; marijuana product manufacture is not a permitted or conditional use in the Town of Fairlee.~~

Cannabis Establishment - a cultivator, product manufacturer, testing laboratory, retailer, dispensary or cannabis lounge involved with the commercial production, manufacture, distribution or commercial sale of cannabis and related psychoactive products; upon town wide vote to permit sales per state statute, cannabis establishment is a conditional use in the Town of Fairlee.

Cannabis Lounge - an entity registered to sell cannabis or THC-infused products to consumers for on-site or off-site consumption; upon town wide vote to permit sales per state statute, cannabis lounge is a conditional use in the Town of Fairlee.

Cannabis Product Manufacturer - an entity registered to manufacture, prepare, and package cannabis-infused products and hashish, and to sell cannabis, including hashish, and THC-infused products to a retailer, cannabis lounge, or another product manufacturer; upon town wide vote to permit sales per state statute, cannabis product manufacture is a conditional use in the Town of Fairlee.

Delete struck language in red and replace with language rewritten for clarity.

~~**Community Sewage Disposal System**—Any sewage disposal system, other than a municipal~~

~~sewage disposal system, owned by the same person, that disposes of sewage created by two or more domestic, commercial, industrial, or institutional sources.~~

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system that disposes of sewage created by two or more domestic, commercial, industrial, or institutional sources.

New definition written to broaden the application of the term.

~~**Contamination**—An impairment of water quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water~~

Contamination - An impairment of water, soil, or air quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of such resources.

New definition and movement to a section for all dwelling classifications

~~**Seasonal Dwelling**—Housing designed for occasional or seasonal use, often of substandard construction, insulation and/or wastewater disposal systems as compared to buildings designed for year round use. Conversion of a seasonal dwelling into a year round home requires a conditional use permit issued by the DRB. Home Occupations are specifically not permitted in Seasonal Dwellings.~~

Dwelling, Seasonal – Housing designed for occasional or seasonal use that does not meet the conditional use requirement per section 5.3 of the UDB. Conversion of a seasonal dwelling into a year-round home requires a conditional use permit issued by the DRB per criteria established under section 5.3. Home Occupations are specifically not permitted in Seasonal Dwellings.

New definition deletes the list and relies on the reference to section 4.5.

~~**Home Occupation**—Any occupation customarily carried on by a resident occupying a minor portion of a dwelling or accessory structure which is clearly secondary to the principal use and does not materially change the character thereof, including but not limited to the operation of a beauty parlor, insurance office or professional office as defined and regulated in the Fairlee Zoning Regulations §4.5.~~

Home Occupation - Any occupation customarily carried on by a resident occupying a minor portion of a dwelling or accessory structure that is clearly secondary to the principle use and does not materially change the character thereof as defined and regulated in the Fairlee Zoning Regulations §4.5.

New definition removes heavy industrial as a permitted or conditional use.

~~**Heavy Industrial:** Mechanical or chemical transformation of materials or substances into new products that entails the handling of molten metals, the production of liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, production of solid waste requiring special handling and/or long term on-site storage, Where such industrial activity entails the use of chemicals or substances that are hazardous in the quantities or concentrations that would be present at the manufacturing location, open storage of these materials is prohibited, and plans for the control of these materials must be approved by the Development Review Board., manufacturing activities shall not produce dust, vibration, heat, odors, electrical or magnetic disturbances, or noise levels in excess of 50dbi detectable beyond the property line.~~

Heavy Industrial: Mechanical or chemical transformation of materials or substances into new products that entails the handling of molten metals, the production of liquid or gaseous waste products that cannot be rendered non-hazardous by onsite treatment and control processes, production of solid waste requiring special handling and/or long term on site storage, heavy industrial uses are not a permitted or conditional use in the Town of Fairlee.

New definition makes liquor store a conditional use.

~~**Liquor Store**—a state franchised retail shop that sells prepackaged alcoholic beverages to consumers, typically in bottles, intended to be consumed off the store's premises; liquor store is not a permitted or conditional use in the Town of Fairlee.~~

Liquor Store – a state franchised retail shop that sells prepackaged alcoholic beverages to consumers, typically in bottles, intended to be consumed off the store's premises; liquor store is a conditional use in the Town of Fairlee.

Definition rewritten for clarity

~~**Lot Frontage Minimum**—That portion of a lot that is adjacent and parallel to a public road or street.~~

Lot Frontage – The lot line of a parcel that is adjacent and parallel to a public road or street.

Setback language grouped together for ease of use and rewritten for clarity

~~**Setback**—Space on a lot not occupied with a building. Porches, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into the required setback.~~

Setback – Distance between a structure and a lot line.

Setback, Front - The distance measured from the centerline of a permanent right-of-way or public road to the front portion of a building closest to said centerline. Such a distance shall include porches, whether enclosed or unenclosed but does not include steps.

~~**Rear Setback** – Setback between the principal building or accessory use building and a rear lot line, and extending through from the front yard to the rear yard.~~

Setback, Rear - Setback between the principle building or accessory use building and a rear lot line.

~~**Waterfront Setback** – The distance measured from the mean water level to the nearest building excluding normal waterfront facilities.~~

Setback, Waterfront - The distance measured from the mean water level to the nearest permanent building.

Edited definition specifies which AMP

~~**Site Plan Review** – The process by which an AMP reviews the Site Plan for a proposed development to ensure that the development will conform to applicable regulations. See VSA §4416.~~

Site Plan Review – The process by which the DRB reviews the Site Plan for a proposed development to ensure that the development will conform to applicable regulations. See VSA §4416.

New definition to update per developments in the field of treatment.

~~**Methadone Clinic** – A medical facility whose primary function is the distribution of methadone or other treatments to patients for the outpatient treatment of opioid addiction. Methadone clinic is not a permitted or condition use in the Town of Fairlee.~~

Substance Abuse Clinic – A medical facility whose primary function is the distribution of controlled substances for the outpatient treatment of addiction. A substance abuse clinic is not a principle permitted or conditional use but is allowed as an accessory use in the Town of Fairlee.

Replacement provides more inclusivity

~~**Commercial Summer Camps** – Commercial use entailing the housing, feeding, entertainment and education of both children and adults in an outdoor setting for seasonal lengths of time.~~

Summer Camps – Use entailing the housing, feeding, entertainment and education of children or adults in an outdoor setting for seasonal lengths of time.

New definition to add specificity to single family semi-detached

Townhouse – Single family semi-detached, dwellings arranged in rows such that they share no more than two party walls.

Definition added as a citation for sectional provisions

Use – Activity taking place on a parcel or in a structure; the predominate activity is a “principle use”, subordinate activities are “accessory uses”.