

Town of Bakersfield, 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 March 3, 2009

PURPOSE:

The purpose of the bylaw is to implement the Bakersfield Town 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 Bakersfield, Vermont.

EXPLANATION:

The following is a summary of proposed amendments to the Town of Bakersfield Zoning Bylaws and Subdivision Regulations adopted by the voters on March 3, 2009.

The proposed amendments conform with or further the goals contained in the 2015-2020 Bakersfield Town Plan. 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. Minimum zoning district standards for the village zoning district have been decreased. Permitted Uses, Conditional Uses, and uses subject to Site Plan Review have been updated in each zoning district. Definitions and standards for primary conservation resources have been added to the document to better accomplish the intent of the Town Plan. 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 2015-2020 Bakersfield Town Plan. Most major areas of change are listed below:

Article 1 – Authority and Purpose

- (1) Clarified state and local **exemptions** from the bylaw. (Section 1.7)

Article 2 – Administration and Enforcement

- (1) Added provisions that address municipal requirements for **residential and commercial building energy standards** per state statute (Section 2.4).
- (2) Revised and simplified the process for receiving a **Certificate of Compliance** (Section 2.6). Added provisions now required by state statute and code of federal regulations.
- (3) Added new language concerning **zoning enforcement** and issuance of municipal ticket (Section 2.8).

Article 3 – Zoning Districts and District Regulations

- (1) Clarified that the interpretation of zoning district boundaries is under the jurisdiction of the Zoning Administrator and that the Zoning Administrator’s decision is appealable to the Zoning Board of Adjustment (Section 3.2).
- (2) Simplified the list of uses and structures that are prohibited and allowed in the **Aquifer Overlay District** (Section 3.3)

- (3) Reduced the minimum lot size, frontage and setbacks for the **Village Center** zoning district (Table 3.1)
- (4) Added Contractor’s Yard, Cottage Industry, Gas Station, Public Facilities, and Salvage Yards as defined uses in Table 3.1.
- (5) Revised Table 3.1 to include more uses that require site plan review. Generally revised the use table to better reflect uses appropriate for each zoning district.

Article 4 – Permit Review Procedures and Standards

- (1) Clarified when applicants can apply for **waivers** from application requirements for site plan, conditional use and variance applications (Section 4.2)
- (2) 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 (Section 4.3).
- (3) Clarified the intent of **conditional use** and **site plan review**.

Article 5 – General Regulations

- (1) Added **applicability, uses and structures** sections to explain how the standards of this Article shall apply and to provide guidance regarding terminology uses in the bylaw (Sections 5.1, 5.2, and 5.3).
- (2) Revised standards for **accessory apartments** to allow them to be larger.
- (3) Revised the **access and driveway standards** to meet the requirements of 24 V.S.A.4412 and ensure that driveways are constructed to allow access by emergency vehicles (Section 5.4).
- (4) Revised the standards for **nonconformities** and provided a figure to offer additional guidance to municipal officials and applicants regarding how nonconformities can and cannot be changed (Section 5.8).
- (5) Added standards for **outdoor lighting** (Section 5.9).
- (6) Revised the **parking standards** to include standards for parking lot locations on a lot in the Village Center and High Density Residential Districts (Section 5.10)
- (7) Revised the **performance standards** for clarity (Section 5.11).
- (8) Added a section on **primary conservation resources** to ensure that these natural resources are protected from development (Section 5.12).
- (9) Revised the **sign standards** for sign in the Village Center zoning district (Section 5.13).

Article 6 – Specific Use Standards

- (1) Clarified standards for **camp conversions** (Section 6.3).
- (2) Added standards for **contractor’s yards** (Section 6.4).

- (3) Added standards for **gas stations** (Section 6.6).
- (4) Revised **home occupations** standards to provide greater flexibility for home owners while ensuring that larger home occupations (cottage industries) shall be subject to conditional use review (Section 6.7).
- (5) Clarified **earth resource extraction** standards (Section 6.8).
- (6) Added standards for **salvage yards** and **telecommunications facilities** (Section 6.11 and Section 6.12).

Article 7 – Subdivision Review

- (1) Organized and clarified the **application requirements for subdivisions** into a table (Section 7.2 and Table 7.1).
- (2) Clarified when **modifications and waivers** from the application requirements, or other requirements of the bylaw, may be approved by the Planning Commission as a part of the subdivision process (Section 7.2).
- (3) 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).
- (4) Clarified **subdivision review procedures** (Figure 7.3).
- (5) **Plat recording requirements** were clarified. **Building envelopes** shall be on recorded plats, if applicable (Section 7.4).
- (6) Moved **subdivision standards** from Article 8 to Article 7 and added standards regarding traffic impacts and phasing (Section 7.4).
- (7) Added a provision to require Planning Commission consultation with the Selectboard and/or School District for subdivisions greater than 10 lots in size to ensure that there will be no undue adverse impact on **municipal facilities**.
- (8) Moved standards pertaining to **fixed area allocation** to Article 7 and clarified how the standards shall be applied (Section 7.5).

Article 8 – Planning and Design Standards

- (1) Revised standards for **stormwater management** (Section 8.5).

Article 9 – Planned Unit Development

- (1) Clarified how **density bonuses** may be applied to PUDs (Section 9.4).

Article 10 – Flood Hazard and River Corridor Regulations

- (1) Clarified what types of **structures and uses** are allowed in the special flood hazard area and river corridor (Section 10.4).

- (2) Revised **standards for development in the special flood hazard area** to meet federal minimums and added **standards for development in the river corridor** (Section 10.5).
- (3) Clarified **administrative procedures** for development in the special flood hazard area and river corridor (Section 10.7 and Section 10.8).
- (4) Separated **definitions** that only pertain to development in the special flood hazard area and river corridor from other definitions used in the bylaw (Section 10.10).

Article 11 – Definitions

- (1) Revised the following **definitions** (Section 10.2):

- a. **Certificate of Compliance**
- b. **Minimum Lot Size**
- c. **Motor Vehicle Service and Repair**
- d. **Plat**

- (2) Added the following **definitions**:

- a. **Accessory Dwelling**
- b. **Accessory Structure**
- c. **Accessory Use**
- d. **Building Envelope**
- e. **Contractor’s Yard**
- f. **Fence**
- g. **Gas Station**
- h. **Hazardous Materials**
- i. **Junk**
- j. **Junk Motor Vehicles**
- k. **Overlay District**
- l. **Primary Conservation District**
- m. **Principal Use**
- n. **Salvage Yard**
- o. **Senior Housing**

Article 12 – Index

- (1) An index of commonly used words was added.

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

CONFORMANCE AND IMPLEMENTATION:

The proposed Bakersfield Zoning and Subdivision Bylaw conform with and further the goals and policies contained in the Bakersfield Town 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 Bakersfield Town Plan. The proposed changes do not inhibit nor carry out any specific proposals for any planned community facilities.

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