

TOWN OF FAIR HAVEN ZONING

As Adopted by the Selectmen

June 2, 1998

FAIR HAVEN ZONING - TABLE OF CONTENTS

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ZONING REGULATIONS FOR THE TOWN OF FAIR HAVEN, VERMONT

ARTICLE I: ENACTMENT, INTENT AND DEFINITIONS OF ZONING ORDINANCE

Section 100 - Enactment

In accordance with the Vermont Planning and Development Act, hereinafter referred to as the "Act", 24 V.S.A., Chapter 117, Section 4401, et seq., there are hereby established Zoning Regulations for the Town of Fair Haven which are set forth in the text and maps that constitute these regulations. These regulations shall be known as the "Town of Fair Haven Zoning Regulations."

Section 110 - Intent

It is the intent of these Zoning Regulations to provide for orderly community growth, and to further the purposes established in the "Act", 24 V.S.A., Chapter 117, Section 4302, and to implement the duly adopted Town Plan.

Section 120 - Word Definitions

Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future and the singular includes the plural; the word "lot" includes "plot"; the word "shall" means mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization; "Construction" includes reconstruction, structural alteration, demolition, or erection of a structure. The word "Act" in these Regulations shall be considered as though followed by "as amended from time to time."

Section 130 - Interpretation

Doubt as to the precise meaning of any word used in these regulations shall be clarified by the Zoning Board of Adjustment.

Section 140 - Term Definitions

Accessory Use or Accessory structure: A use or structure customarily incidental and subordinate to the principle use or structure and located on the same lot. An apartment is not an accessory use. Examples of accessory structure include, but are not limited to the following: shed, garage, swimming pool, dish antenna.

Agriculture: The use of land for raising crops including forest products or animals, and structures necessary and incidental to the carrying on of such use.

Animal Services: A boarding kennel, farrier service, pet grooming service and other similar services for care of animals.

Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A zone designations

on the Flood Insurance Rate Map. It does not include zones B and C.

Auto Service Station: Building or land which is used primarily for the sale of motor fuel and oil, or for lubrication, washing or servicing vehicles.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: A story partly or wholly underground. A basement shall be counted as a story if the vertical distance between its floor and ceiling at any point is over six feet, six inches (6'6").

Board: The Fair Haven Zoning Board of Adjustment.

Building: Any structure having a roof (including an awning or other similar covering, whether or not permanent in nature) and intended for the shelter, housing or enclosure of persons, animals or materials.

Building Area: Total of areas taken on a horizontal plane at the main finished grade levels of all buildings exclusive of uncovered porches, terraces and steps, measured between the exterior faces of walls or, where there are no walls, between the exterior faces of the outermost roof supports.

Building Coverage: The percentage which the total area of all buildings on the lot bears to area of lot.

Building Height: The vertical distance from the average finished grade surrounding the building to a the highest point of the roof.

Building Line: A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the municipality or by private covenant.

Community Care Home: A state licensed or registered community care or group home serving not more than six (6) persons who are developmentally disabled or physically handicapped. (As defined in 24 V.S.A. Section 4409 (d).

Community Center: A public or private meeting hall, place of assembly, museum, art gallery, library, education facility, or uses of a similar nature, not operated primarily for profit.

Corner Lot: Property facing on two streets shall be considered to have two front yards. The remaining acreage shall be considered a side yard when determining set-back requirements.

Country Inn: An owner-operated inn for the accommodation of the traveling public providing lodging and meals in a family atmosphere.

Development (Outside the Flood Hazard Area):

- (1) any construction which serves to create or to alter the dimensional aspects of the exterior of any structure. (re-siding, and reshingling shall not be considered alterations.)
- (2) any construction which serves to create, add, expand, or change the use of any structure or land.
- (3) any relocation of a structure, or section of a structure from, to, or upon a lot.
- (4) an activity or use of land such as quarrying, excavating, road building, or subdivision which will expand or change its present use.

Development (Within the Flood Hazard Area): The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land or extension of use of land.

District: A specific portion of the Town as established by the provisions of these regulations and the zoning map.

Dump: An area where trash, garbage, used materials or refuse of whatever nature are collected, stored or deposited.

Dwelling: A building or part of a building which contains living and sleeping accommodations for permanent occupancy.

Dwelling, Duplex: A single building containing two dwelling units.

Dwelling, Single-Family: A detached building (including a mobile home) containing no more than one dwelling unit.

Dwelling, Multi-Family: A building, a group of buildings or portions thereof containing more than two dwelling units.

Dwelling Unit: A portion of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit.

Fence: Anything constructed or erected to act as a barrier to travel either on foot or by vehicle.

Floodproofed or Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Guest House: The letting of rooms or furnishing of board in a dwelling by the occupant thereof to a total of not more than six (6) persons in addition to the family of such occupant.

Historic District: The Fair Haven Green Historic District is an area designated on the State and National Register of Historic Places.

Home Occupation: The commercial use of not more than 25% of a residence or residential accessory building by the resident for an occupation which does not change the character of the residential district.

Hotel, Lodge, or Inn: A building or portion thereof kept, used, maintained, advertised or held out to the public to provide overnight accommodations to said public for compensation, by the renting of rooms or a bed within a room. The rental of an entire dwelling unit does not constitute a lodging operation.

Junk Yard: Any place of storage or deposit which is for collecting, keeping, processing, buying or selling used materials or inoperable machinery, including cars, but not including an auto service station where wrecked or disabled vehicles are temporarily stored for inspection, repair, or subsequent removal to a junk yard.

Lot: A parcel of land held in ownership, separate from surrounding properties.

Lot Area: Total contiguous area within the property lines of a lot calculated by horizontal projection, but excluding any part thereof lying within the boundaries of any body of water, or within any public or non-public vehicular right-of-way, existing or proposed.

Lot Depth: The mean distance between the lot frontage and the rear lot line measured at right angles to the lot frontage.

Lot Frontage: The length of any side of a lot which abuts a public or private right-of-way.

Manufactured Home: For Flood Hazard Area management purposes, manufactured home shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "Manufactured Home" does not include park trailers, travel trailers, and other similar vehicles.

Mobile Home: A prefabricated dwelling unit which:

1. is designed for long term and continuous residential occupancy;
2. is designed to be moved on wheels, as a whole or in sections;
3. on arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connection with utilities, and placing on support or a permanent foundation, or installation of a unit in a previously prepared structure;
4. contains the same type of water supply and waste disposal as immovable housing.

Mobile Home Park: Any parcel of land under single, common, or corporate ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes. Nothing herein shall be construed to apply to premises used solely for the storage or display of mobile homes.

Mobile Home Lot: Any parcel of land provided for the placement of a single mobile home and the exclusive use of its occupants.

Motel: Building containing individual units with separate outside entrances and which are rented primarily to the traveling public.

Motor Home: Vehicle equipped with sleeping accommodations and possible kitchen and other facilities designed for highway travel.

Night Club: A place of business whose primary function is serving alcoholic beverages and providing entertainment.

Non-Complying Structure: A structure which does not conform to the requirements of this ordinance, but which was legally existing at the effective date hereof.

Non-Conforming Use: A use of land, building or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building, or premises are situated, but which was legally existing at the effective date hereof.

Office: Building or portion of a building used to offer a service of a professional or business nature.

On-Premises sign: Any sign which directs attention to a business, profession, commodity, service or entertainment carried on, sold, or offered on the same premises.

Open Space: The space on a lot not occupied by a structure or building.

Outdoor Recreation: Outdoor sports such as skiing, hiking, tennis, golf, horseback riding, fishing, hunting, swimming, and similar activities which may require structures necessary to and incidental to the actual carrying on of such activities.

Park: A tract of land set aside for public use and enjoyment.

Parking Space: A designated space outside the right-of-way or driveway, used for the parking of one motor vehicle, with practical access to the street or right-of-way, and surfaced sufficiently for year-round use.

Planned Unit Development, (PUD) - Residential: An area of land controlled by a landowner or landowners to be developed as a unified project and single entity for a number of dwelling units.

Planned Unit Development, (PUD) - Commercial: An area of land controlled by a landowner or landowners to be developed as a unified project and single entity for a number of commercial and industrial uses.

Playground: An outdoor area set aside for recreation and play, usually equipped with seesaws, swings and the like.

Premises: A lot, as defined in this section.

Principal Building: A building in which the main, primary or principal use of the property on which such building is located is conducted. Attached garages, sheds, covered porches, or carports open at the sides but roofed, are part of the principal building.

Private Club: A building or portion of a building or use open to club members and their guests, and not to the general public, and not operated for profit.

Property Line: The line dividing adjacent parcels of land or a parcel of land from a public highway right-of-way.

Public Assembly Use: The use of a building or portion thereof for a meeting or a gathering such as in an auditorium, theater, public hall, meeting hall, church or temple.

Rear Lot Line: A lot line opposite and most distant from any lot frontage.

Residential Health Care Facility: A State licensed facility providing residential care to those who are chronically ill, disabled or aged/elderly.

Retail Store: A building or structure used for the sale of goods or services to the general public.

School: A building or portion thereof used for educational purposes. This would include any school certified by the Vermont Department of Education, including parochial, private and public schools, accredited colleges and universities, and seminaries and retreat houses.

Setback: The distance from the lot frontage or a property line to a building or structure, excepting fences, signs and stone walls, measured to its nearest wall, porch, or deck, but not to steps or normal roof overhang.

Front Setback: Distance between a building or structure and lot frontage.

Rear Setback: Distance between a building or structure and a rear lot line.

Side Setback: Distance between a building or structure and a property line other than lot frontage or a rear lot line.

Sign: Any structure, display, device or representation which is designed or used to advertise or

call attention to any thing, person, business, activity or place and is visible from any highway or other right-of-way. It does not include the flag, pennant or insignia of any nation, state or town.

Street: A public way or way opened to public use or other right-of-way giving public access to ANY lot. "Street" shall be deemed to include the entire width of the right-of-way.

Street Line: A right-of-way line of a street as dedicated by deed or record. Where the width of a street is not established the street line shall be considered to be 25 feet on each side of the center line of the traveled portion of the way.

Structure: Anything which is constructed or erected on a lot for purposes other than on-site recreational use or aesthetics and which is not easily moved from, to, or upon a lot.

Examples of "Structure" include principal buildings, detached accessory buildings, covered porches, decks, signs, dish antennas, tennis courts, inground swimming pools and pools bounded by decks, and other similar construction. "Structure" is not intended to include items such as children's playground equipment, treehouses, trellises, sundials, unattached aboveground pools, mailboxes, flag poles, bird houses and feeders, basketball hoops whether mounted on buildings or freestanding, buildings used solely for the shelter of household pets (not raised for commercial purposes), and other such construction.

Subdivision: A lot which has been divided into two or more lots.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

Temporary: Unless otherwise defined, shall mean up to six (6) months.

Tourist Cabin: A residential structure with or without kitchen facilities, and primarily intended for the accommodation of traveling public.

Trailer: Any vehicle manufactured for use as sleeping, camping, or living quarters mounted on wheels or a camper body usually mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or used as an office.

Travel Trailer: A mobile vehicle designed for short-term occupancy, overnight lodging, or camping purposes, capable of being towed or self-propelled.

Yard, Front: A space between the principal building and the front lot line, extending the full width of the lot, or in the case of a corner lot, extending along all streets.

Yard, Rear: A space between the principal building and a rear lot line, extending the full width of the lot, except in the case of a corner lot, there is no rear yard.

Yard, Side: A space between the principal building and a side lot line, extending from the front yard to the rear yard, or in the case of a corner lot, extending along all property lines except street lines. Any yard not a front yard or a rear yard shall be deemed a side yard.

Yard, Required Front, Rear, or Side: The open space of the front, rear or side yard required by the applicable provisions of this ordinance.

Yard, Depth or Width of: The depth of front and rear yards and the width of side yards shall be measured perpendicularly to the respective lot lines.

ARTICLE II - ESTABLISHMENT OF ZONING DISTRICTS AND MAP

Section 200 - Zoning Districts

Fair Haven is hereby divided into the following Zoning Districts as shown on the Town Zoning Map:

- Lake Shore
- Watershed
- Flood Hazard Area
- Residential
- Commercial
- Industrial
- Rural
- Recreational Areas

These districts are specifically described in Section 215 of these regulations. They are also

generally described in the Land Use Map which accompanies this Ordinance. However, in case any conflict between a district line described in Section 215, and as shown on the map, Section 215 shall be controlling.

Section 210 - Land Use Map

These districts are generally located and bounded on the Zoning Map of the Town. This map, together with all explanatory material thereon, is hereby adopted by reference as part of this Ordinance. The official Zoning Map is on file in the Fair Haven Town Clerk's Office.

Section 215 - Zoning District Descriptions

Lake Shore - Lake Shore is the area around the shoreline of Glen Lake that lies within the Town of Fair Haven. This area is zoned to prevent the erecting of any building within 75 feet of the shoreline.

Watershed - Watershed is the area around Inman Pond, Sheldon Dam and the Howard Dam. The boundaries of the watershed are determined by the topography of the area that forms the drainage basin to these water sources.

Flood Hazard Area - The Flood Hazard Area is all lands within Zones "A" designated as flood hazard areas by the Federal Insurance Administration on its Flood Insurance Study for the Town of Fair Haven, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated October 16, 1984. These maps are adopted by reference and declared to be a part of this Regulation.

The Administrative Officer shall determine the boundaries of the designated flood hazard area by scaling distances on the Flood Boundary and Floodway Maps. Where interpretation is needed as to the exact location of a boundary, the Board of Adjustment shall upon appeal make the necessary interpretation. A person contesting the location of the boundary shall be given a reasonable opportunity to present his/her case to the Board of Adjustment and to submit his/her own technical evidence.

Residential - Within the boundaries of the residential area single- and multi-family dwellings are permitted. Incidental home occupations of the principal resident as defined in the zoning ordinance be allowed. No buildings for commercial or industrial purposes may be erected within the residential area.

The residential areas are defined as follows:

Starting at a point on south line of the Grade School property on North Main Street, thence east to Cottage Street, thence north to a line parallel with Cottage Street to a point 500 feet south of Route 4A; thence easterly along 4A at a Set Back of 500 feet to a line parallel with the east line of lot number 7 at the bottom of Capitol Hill, thence north on this line to Route 4; thence west

along the south side of Route 4 to Airport Road; thence south on Airport Road to Fourth Street; thence west along Fourth Street and a line parallel with Fourth Street to Route 4; thence southerly along Route 4 across West Street to the Castleton River; thence easterly along the Castleton River to a point on a line parallel with Marble Street; thence easterly along this line to Adams Street; thence north on Adams to South Park Place; thence north on West Park Place to North Park Place; thence east on North Park Place to the Point of beginning. Within this area are two large well developed recreational areas - the playground, so-called, and the area around the Union High School.

Starting at a point on River Street at the east side of the overpass 500 feet in depth on both sides of the street easterly to the town line.

Starting at a point on South Main Street at Lee Avenue, thence on a line parallel with Lee Avenue easterly to a depth of 500 feet; thence south along South Main Street at a depth of 500 feet to a point on a line parallel with Academy Street; thence west along this line to the west side of South Main Street; thence south along South Main Street to Cemetery Street; thence west along Cemetery Street and a line parallel to Cemetery Street to a line parallel with the east boundary of the Fairgrounds; thence north on this line to a point 250 feet south of Prospect Street; thence east along Prospect Street at a Set Back of 250 feet to a line parallel with the east line of Lot 35; thence north on this line to Prospect Street; thence east along Prospect Street to Pleasant Street; thence south on Pleasant Street to the railroad tracks; thence northeasterly on the south side of the railroad tracks to South Main Street; thence south on South Main Street to the point of beginning. Within this zone is a recreational area at the "South School".

Starting at a point on Prospect Street and Pleasant Street along a line parallel with Pleasant Street 500 feet north; thence westerly with a 250 foot depth parallel to Prospect Street to the east boundary of Lot 35; thence south along the east line to Prospect Street; thence easterly along Prospect Street to the point of beginning.

Commercial - Retail stores, restaurants, professional and business offices, and other establishments as described in the Zoning Ordinance and subject to the regulations indicated therein may be constructed in the areas defined as commercial on the Land Use Map. Buildings suited to the manufacture of small and light-weight products or to the development of research facilities may be erected in commercial areas providing that such other buildings comply with the specifications outlined in the Zoning Ordinance EXCEPT that area designated as the Fair Haven Green Historic District. Residential dwelling units are a permitted use in the Commercial Downtown Area.

The Town of Fair Haven has five (5) commercial areas as follows:

- (a) The Downtown Area;
- (b) The 22A Area North;
- (c) The 22A Area South;
- (d) The 4A Area West;
- (e) The 4A Area East.

(a) The Downtown Area: is all property contained within a line starting at the Grade School south boundary running easterly to Cottage Street, thence along the east side of Cottage Street to the south side of River Street; thence west along the south side of River Street across Main Street to the north side of Marble Street to the east side of Adams Street; thence north along Adams Street to South Park Place; thence east on the south side of South Park Place to Main Street; thence along Main Street to the point of beginning. Residential dwelling units are a permitted use in the Commercial Downtown Area.

(b) Route 22A Area North: Starting at a point on the north side of Fourth Street and the west side of Airport Road on a line parallel with Fourth Street extending westerly to the east side of Route 4; northerly along Route 4 to the east side of Route 22A; northwesterly along the east side of Route 22A to the east side of Sheldon Road; north along Sheldon Road for 1000 feet, then northeasterly to the northwest corner of the airport property; around the airport property to the west side of Airport Road; south along the west side of Airport Road to the point of beginning. It is recognized that a small area in the southeast corner of the airport property is used as a barbecue picnic recreation area.

(c) Route 22A Area South: Starting at a point on the north side of Swamp Road and Route 22A, west along Swamp Road for 500 feet, thence north along 22A paralleling 22A at a depth of 500 feet to the south side of Cemetery Street; thence east along the south side of Cemetery Street across to the east side of 22A to a line parallel to the south side of Academy Street; thence east on the south side of this line to a depth of 500 feet; thence south along 22A at a depth of 500 feet to the north side of Bolger Road; thence west along the north side of Bolger Road across 22A to the west side of 22A; thence south on the west side of 22A to the point of beginning.

(d) Route 4A Area West: Starting at a point on the north side of 4A at the junction of Route 4 and Route 4A, thence northerly along the east side of Route 4 to the south side of the Castleton River; thence easterly along the south side of the Castleton River to a point on a line parallel with Pleasant Street; thence south to a point 250 feet north of Prospect Street; thence westerly on a line parallel with Prospect Street to a point on the east line of Lot 35 on Prospect Street; south along this line to a point 250 feet south of Prospect Street; thence westerly on a line parallel with Prospect Street to the east line of lot #21; thence south along the east line of lot #21 to the north rim of Cedar Swamp to the east side of Swamp Road; thence north along Swamp Road to the north side of Route 4A; thence westerly along Route 4A to the point of beginning. Flood Plain rules will apply in this area.

(e) Route 4A Area East: Starting at a point at the bottom of Capitol Hill at the east line of lot #7, thence north along a line parallel with the east town line to the south side of Route 4; thence easterly along Route 4 to the town line; thence south along the town line across Route 4A to the railroad tracks; thence southwest along the railroad tracks, then paralleling Route 4A to the north-south line at the bottom of Capitol Hill; thence north along this line to the point of beginning. Flood Plain rules will apply in this area.

Industrial - In this area any business considered heavy industry such as slate or stone works, machine shops, textile manufacture, laundry and dry cleaning plants or similar operations listed under industrial in the zoning ordinance is permitted.

The industrial area is defined as follows:

Starting at a point on the east side of Cottage Street on a line with North Park Place, thence east to the railroad tracks; thence southwesterly to River Street; thence south on a line parallel with South Main Street to a point 500 feet south of River Street; thence east on a line 500 feet south of River Street to the town line; thence south on the town line to a line parallel to Lee Avenue off South Main Street; thence west along this line to South Main Street; north along the east side of South Main Street to the south side of the railroad tracks; thence west along the south side of the railroad tracks to the east side of Pleasant Street; thence north along Pleasant Street and a line parallel with Pleasant Street to the Castleton River; thence easterly along the Castleton River to a line parallel to Marble Street; thence south along the south side of this line and of Marble Street and River Street to the east side of Cottage Street to the point of beginning. Flood Plain rules will apply in this area.

Rural - All lands in the Town of Fair Haven not specifically set aside for other purposes in this Land Use Plan are considered rural. This area includes all farm and forest lands within the town borders. Residences may be erected in rural areas providing such buildings conform to the specifications outlined in the zoning ordinance. Agricultural practices such as dairy, beef, poultry, or similar operations, the raising of food and forage crops, logging and related enterprises are permitted in rural areas. Farm buildings or other structures necessary for such operations are permitted.

Recreation Areas - There are five areas within the town borders which are set aside as recreational areas. They are as follows:

- (a) A small area of airport property used as a barbecue picnic recreation area;
- (b) The area east of the Grade School known as the "playground";
- (c) The area at the Union High School;
- (d) The area at the "South School";
- (e) The area of the Fair Haven Green known as the Park.

Section 220 - Interpretation of District Boundaries

1. Zoning District lines described as following or with reference to the center or centerline of a highway shall be construed as following or as being with reference to the centerline of the right-of-way of such highway as it exists on the effective date of these regulations.
2. Zoning District lines described as following or with reference to property lines, utility easements, or the lines of survey maps on file in the Town Clerk's office shall be construed as following or being with reference to such lines or utility easements, as they exist on the

effective date of these regulations.

3. Zoning District lines indicated as approximately following streams shall be construed as following the center line of such streams.

Section 230 - Application of Regulations

There shall be no land development except in conformance with these regulations herein specified for the District in which it is located.

Section 240 - Zoning Regulations and Districts

1. A person shall not use any land or structure within the town except in conformance with the use provisions of the following tables. Uses in the column designated "Permitted Uses" in any district shall be permitted in that district upon issuance of a Zoning Permit by the Administrative Officer. Uses designated "Conditional Uses" in any district shall be permitted if conditional use approval is granted by the Board and a Zoning Permit is issued. Uses not designated in either column are prohibited in that district.
2. A person shall not use any land or commence any land development in a district unless such use or land development conforms to the dimensional requirements applicable to the district where such land is located, as set forth in the following tables.
3. In case of a conflict between the requirements in the following tables and other applicable sections containing more stringent requirements, such other sections shall control.

DISTRICT	PERMITTED USES	CONDITIONAL USES (see conditions in Article III)
Lake shore	Single-family residence Boathouse (non-commercial) Accessory use	--
Watershed	Watershed protection	--
Flood Hazard Area	Single-family Park Outdoor recreation facility Farming, truck and nursery gardening Parking of motor vehicles (as an accessory to a use located in another district) Accessory use	--

Residential	Single-family residence	Licensed Day Care
	Multi-family residence	Serving 7 or More
	Accessory use	Educational use
	Guest House - up to six guests	State or community owned and operated
	Home occupation	institutions and facilities
	Park	Country Inn
	Licensed day-care center	Mobile home park
	Cemetery	Health care facilities
	Dwelling - Duplex	
Commercial	Retail store	Light Industry
	Restaurant	Auto service station
	Professional or business office	Dwelling - Duplex
	Educational use	Night club
	State or community-owned and operated institutions and facilities	Animal services
		Public Utilities
		Health care facilities
	Wholesale	
	Hotel, lodge, or inn	
	Motel	
	Financial institution or facility	
	Private club	
	Public Assembly use	
	Single-family residence	
	Home Occupation	
	Park	
	Agriculture	
	Accessory use	
	Health club	
	Planned Unit Development - Commercial	
	Residential Dwelling Units in Commercial Downtown Area ONLY	
	[See Page 10 and Page 11(a)]	
Industrial	Outdoor recreation facilities	Industrial and related uses
	Retail sales and/or service	[see Section 320 (i) for definition and conditions]
		Oil and gas exploration and development
		Public utilities
		Health care facilities
		Single-family residences

Rural	Camp	Industrial & related uses
	Agriculture and forestry	[see Section 320 (i)]
	Single-family residence	State or community
	Multi-family residence	owned and operated
	Home occupation	institution and facilities
	Cemetery	Oil & gas exploration
	Accessory Use	and development
	Dwelling - Duplex	Mobile home park
		Planned Unit Development -
		Residential
		Planned Unit Development -
		Commercial
		Slate quarrying & other
		mineral resource
		extraction & processing
		Animal services
		Removal of topsoil and
		gravel
		Health care facilities
		Commercial uses [Permitted &
		Conditional Uses as listed on
		Page 14]
Recreation Areas	Recreational use or park	
	Accessory use	

TABLE	1	2	3
District	Commercial	Industrial	Residential
Minimum Lot Area (in square feet)	20,000	20,000	40,000 20,000*
Minimum Lot Area per Family Unit (in square feet)	40,000 20,000* 10,000**	40,000 20,000* 10,000**	40,000 20,000* 10,000**
Minimum Lot Width	100 feet	150 feet	100 feet
Front Yard	40 feet	40 feet	30 feet
Side Yards	20 feet	20 feet	20 feet

Rear Yard		30 feet	30 feet	30 feet
Maximum Building Coverage		25%	15%	30%
Maximum Building Height		40 feet	50 feet	40 feet
Minimum Setback From Shoreline	No	No requirement	No requirement	No requirement

TABLE

4

5

District		Rural	Lake Shore
Minimum Lot Area (in square feet)		40,000	40,000
		20,000*	
Minimum Lot Area per Family Unit (in sq.ft.)		20,000	Not applicable
Minimum Lot Width		150 feet	100 feet
Front Yard		30 feet	30 feet
Side Yards		30 feet	20 feet
Rear Yard		30 feet	20 feet
Maximum Building Coverage		No requirement	No requirement
Maximum Building Height		No requirement	30 feet
Minimum Setback From Shoreline	50 feet	75 feet	

* If connected with either public water or sewer

** If connected with both public water and sewer

ARTICLE III - CONDITIONAL USES

Section 300 - Conditional Uses

A use permitted under Section 240 upon issuance of a Conditional Use Permit by the Board of Adjustment shall be permitted only if the Board determines, after public notice and public hearing, that the proposed use conforms to the following general and specific standards:

Section 310 - General Standards

1. General Standards - The proposed use shall not adversely affect:
 - (a) The capacity of existing or planned community facilities;
 - (b) The character of the area affected;
 - (c) Traffic on roads and highways in the vicinity;
 - (d) Bylaws then in effect;
 - (e) Utilization of renewable energy resources.
2. The proposed use shall comply with all the specific provisions of these Regulations applicable to it, including but not limited to lot area, setbacks, parking, coverage, intensity of use, sign regulations and performance standards. However, if one of the following subsections contains a more restrictive requirement for a particular use, such subsection shall control that particular use.

Section 320 - Specific Standards for Various Uses

- (a) Removal of Top Soil and Gravel: Unless the Board of Adjustment has granted a permit, there shall be no removal from the premises in any district of earth, sand, gravel, or clay, except as surplus material resulting from a bona fide construction, landscape, or agricultural operation being executed on the premises, and provided no permanent damage is done to the landscape.
 1. Removal of top soil: The Board of Adjustment may grant a permit in any district for the removal of top soil or loam from any area, provided that no less than four inches of top soil or loam remains and provided further that the entire area disturbed is seeded with a suitable cover crop or is put to cultivation.
 2. Removal of sand, gravel, clay: The Board of Adjustment, after public hearing, may permit the removal of sand, gravel, or clay in any district and may require any of the following conditions where necessary to protect the public safety and public interest, including the protection of area land values.
 - (i) The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation.
 - (ii) The plan shall provide for proper drainage of the area of the operation during and after completion and no bank shall exceed a slope of one foot of vertical rise in one and one-half feet of horizontal distance except in ledge rock. No removal shall take

place within 20 feet of a property line except that where the grade from a property line rises toward the lot where removal is to take place, material lying above the grade at the property line may be removed.

(iii) At the conclusion of the operation or of any substantial portion hereof, the whole area where removal takes place shall be covered with four inches of top soil, or an amount equal to the pre-existing depth of same, even if less than four inches and seeded with a suitable cover crop, except where ledge rock is exposed.

(iv) Before a permit is granted under this section, the applicant shall post a bond with the Treasurer of the Town of Fair Haven in an amount approved by the Board of Adjustment as sufficient to guarantee conformity with the provisions of the permit issued hereunder.

(b) Public Utilities: Public Utilities shall, in addition to Section 310 above, comply with the following:

1. All setbacks shall be a minimum of 50 feet when a permitted use of an adjacent property (whether upon issuance of a Zoning Permit or in a Planned Unit Development) is one, two, or multi-family dwellings.
2. All buildings or substations shall be screened from public highway view and the view from adjacent properties where the permitted use (whether by Zoning Permit or Planned Unit Development) is one, two, or multi-family dwellings. Such screening shall be by fences or coniferous trees or shrubs.
3. Exterior lighting shall be designed to eliminate direct light or glare directed toward public highways and adjacent properties where the permitted use (whether by Zoning Permit or Planned Unit Development) is one, two, or multi-family dwellings.

(c) Country Inn

1. Off-street parking spaces shall be provided as follows: One space for each guest room, plus requirements of Section 413 (5).
2. The location of off-street parking shall be as required by the Board of Adjustment.
3. Any exterior sign shall be of wood and shall meet the requirements of Section 415. No signs shall be displayed in windows.
4. Suitable landscaping to be approved by the Board of Adjustment, shall be provided.
5. If the building is listed on the National Register of Historic Places, then modifications shall conform to standards of the U.S. Department of Interior as interpreted by the

Vermont
Division of Historic Preservation.

6. A country inn may include lodging, housing for owners and employees, and public dining facilities.

(d) Educational Use in a Residential District

1. Off-street parking shall be provided as specified in Section 413.
2. Suitable landscaping, screening, fencing, or buffer areas shall be provided to protect adjoining residences, as approved by the Board.

(e) State or Community Owned and Operated Institutions and Facilities

1. Suitable off-street parking shall be provided, in accordance with Section 413 and as approved by the Board of Adjustment.
2. Suitable landscaping, screening, fencing, or buffer areas shall be provided to protect adjoining residences, as approved by the Board.
3. The use and design of the institutions or facility shall not adversely affect the character of the neighborhood.

(f) Auto Service Station

1. An auto service station shall not be located within 150 feet of any property line of land occupied by a school, hospital, library, or public assembly building.
2. The minimum lot area shall be 30,000 square feet.
3. There shall be a minimum of 150 feet of lot frontage.
4. The minimum lot depth shall be 150 feet.
5. Pumps and other service devices shall be located at least 50 feet from all lot frontage and all other property lines.
6. All storage of fuel and oil shall be at least 50 feet from the lot frontage and all other property lines.
7. Repair work, excepting minor servicing, shall be performed inside a building.
8. A landscape area shall be maintained along all lot frontage, except where such area is crossed by necessary access roads.

9. The open storage of inoperable or retired vehicles shall be screened from public highway view and from view on adjacent lands by fences or coniferous trees or shrubs. This provision is a continuing requirement and responsibility of the owner.
10. Entrances and exits, a maximum total number of two, shall be constructed so as not to cause unreasonable highway congestion or unsafe traffic conditions, and shall be at least 15 feet in width.

(g) Mobile Home Park

1. The mobile home park shall comply with the standards of the mobile home park regulations of the State of Vermont (see Appendix B,) except where the conditions of this section are more stringent.
2. It shall comply with any relevant ordinances of the Town of Fair Haven.
3. At least two off-street parking spaces shall be provided for each mobile home, and at least one off-street parking space shall be provided for each two mobile homes for visitor parking.
4. A 25 foot buffer strip, suitable landscaped, shall be provided around the perimeter of the mobile home park.

(h) Oil and Gas Exploration and Development

See Appendix A for conditions.

(i) Industrial and Related Uses

1. Industrial and related uses shall include the following:
 - a. Manufacturing, including the production, assembling, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants.
 - b. Wholesaling or storage facilities.
 - c. Scientific laboratories or research facilities.
 - d. Industrial park.
 - e. Laundry or cleaning facilities.
 - f. Bulk materials sales or storage.
 - g. Machinery sales, storage, rental, or repair.
 - h. Trade or construction shops.
 - i. Utility plants or facilities.
 - j. Transportation facilities.
 - k. Earth and/or mineral resource extraction and processing.

2. Expected traffic flow to and from the site must not be beyond the capacity of local roads to handle. Evidence of compliance may consist of certification from the Town Manager that local roads in the vicinity of the use are either presently adequate or projected to be upgraded to handle the amount and weights of the vehicles expected at the site.
3. The design of the intersection of the access road to the site with local roads must conform with the criteria contained in the Standards for Development roads issued by the Vermont Department of Highways (Document A-76).
4. The development or use must not destroy or significantly alter wetlands or natural areas identified in the Town Plan or by the State of Vermont.
5. No noise which exceeds 70db(A) at the property line, or which represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area, shall be permitted.
6. No vibration shall be permitted which shall cause or result in any noticeable, clearly apparent vibration of or on the property of another landowner under normal conditions.
7. Smoke. No emission shall be permitted of any air contaminant for more than a period or periods aggregating six minutes in any hour which has:
 - a) A shade, or density, greater than no. 2 of the Ringlemann Chart, or
 - b) a shade, or density, of such capacity as to obscure an observer's view to a degree greater than does smoke described in subsection a) above.
8. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property which can cause excessive soiling, at any point on the property of others.
9. Odors. No emission of detectable objectionable odor beyond the property line of a premises shall be discharged, caused, allowed, or permitted.
10. Fire, Explosive, or Safety Hazard. No fire, explosive, or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.
11. Storage of Flammable Liquids. The storage of any highly flammable liquid in tanks above ground with unit capacity greater than 550 gallons shall be prohibited, unless such tanks up to and including 10,000 gallon capacity are placed not less than 200 feet from all property lines. All tanks with a capacity of greater than 550 gallons shall be properly

retained with dikes having a capacity of not less than one and one-half times the capacity of the tanks surrounded.

12. Hazardous Materials. All generation, handling, and disposing of hazardous materials shall be in compliance with Chapter 6, Subchapter VI of the Environmental Protection Regulations adopted by the Vermont Agency of Environmental Conservation.
13. Solar Access. No development shall be permitted which would eliminate the year-round use of existing or approved (but not yet constructed) solar power or wind generation devices which are or are proposed to be mounted on residential structures.
14. Off-street parking. Off-street parking within walking distance of the use must be provided with a sufficient number of spaces to accommodate the maximum number of vehicle expected or actually on the premises at any given time. Off-street parking is not permitted within any required setback or on Town or State rights-of-way.
15. Adequate space for loading and unloading must be provided within the boundaries of the lot. At no time shall any part of a truck or van be allowed to extend onto the traveled portion of a public road while the truck or van is being loaded or unloaded.
16. Corner Visibility. Clear vision must be maintained at all times for motorists at all street intersections and private driveways. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede the vision of motorists.
17. For mineral and earth resource extraction uses:
 - A plan for ongoing reclamation must be approved prior to the issuance of any land use permit.
 - A bond or other security to insure compliance with the approved reclamation plan may be required by the Board of Adjustment for all extraction uses except mining and quarrying operations. In determining the amount of the bond required, the Board of Adjustment shall consider the past record of the developer and the financial health of the developer.
 - Fencing of sufficient height and strength to deny access to the public is required around any pit or excavation.
 - Loads per truck shall not exceed the weight limits of the roads over which the truck will travel within Fair Haven.
 - Loads must be covered when off-site or loaded so as not to spill while enroute.
18. Lot line setbacks: In addition to the requirements of the dimensional table, all buildings, outdoor storage areas, paved areas, etc. shall be set back at least 20 feet from any lot line. The Board of Adjustment may waive a setback from one lot line if it finds that such setback would prevent the applicant from necessary location on a railroad siding, river, or public street.

19. Landscaping and fencing: The Board of Adjustment may require reasonable buffers, consisting of landscaping and/or fencing, between a use in this district and an adjacent use that would be adversely effected without such buffer.

(j) Light Industry in the Commercial District

1. Industry shall not be permitted in that portion of the Commercial District known as the Fair Haven Green Historic District.
2. "Light industry" includes the manufacture of small products, research facilities, wholesaling or storage facilities, and similar uses.
3. All relevant conditions for "Industrial and Related Uses", Section 320 (i), shall be met.

(k) Animal Services: (See definition in Section 140.)

1. The minimum lot size shall be one acre.
2. Areas where animals are kept, treated, or exercised shall be appropriately fenced.
3. Buildings for the overnight housing of animals shall be set back 150 feet from any street line and 75 feet from any lot line.
4. No manure or dust-producing fertilizer shall be stored in the open within 100 feet of any lot line.
5. In addition to the parking and loading requirements of Section 413 and 414, sufficient loading space for animal trailers shall be provided if relevant.

(l) Slate Quarrying and Other Mineral Resource Extraction and Processing:

1. See #17 of Section 320 (i), Industrial and Related Uses.

(m) Municipal/Regional Solid Waste Management Facilities

1. The maximum lot size shall be 10 acres.
2. Setbacks shall be 600 feet from all waterways and property lines.
3. The maximum height of fill material shall be 15 feet above the lowest grade.
4. Landscaping and screening requirements shall be that shrubs and coniferous trees must be used to provide screening sufficient to allow no view of the facility.

Section 330 - Issuance of Permits for Conditional Uses

Permit Conditions: In granting APPROVAL FOR a conditional use, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of 24 V.S.A. Chapter 117 and these Zoning Regulations.

The Board shall act to approve or disapprove any requested Conditional Use within 30 days of completion of the hearing, and failure to so act within such period shall be deemed approval.

The Board shall promptly send a copy of its findings and approval or disapproval to the applicant, the Administrative Officer, and all other parties specified in these regulations or in the Act. If the Conditional use is approved, the Board shall direct the Administrative Officer to issue a Zoning Permit as soon as all other requirements of these regulations are met.

ARTICLE IV - GENERAL REGULATIONS

Section 400 - Non-Conforming Uses and Non-Complying Structures

A use made non-conforming or a structure made non-complying by the enactment of this Ordinance, or an amendment thereto, may be continued subject to the following conditions:

1. Non-conforming uses under this ordinance shall be subject to the provisions of the Act, Section 4408(b).
2. A non-conforming use of buildings or premises lawfully existing at the effective date of this ordinance or any pertinent amendment thereto, may be continued, and any building so existing which was designed, arranged, intended for, or devoted to a non-conforming use may be reconstructed, structurally altered, and the non-conforming use therein changed, all subject to the following regulations:
 - (a) No non-conforming use may be changed except to a conforming use, or with the approval of the Planning Commission, a non-conforming use may be changed to another non-conforming use no more objectionable in character.
 - (b) No non-conforming use shall, if once changed into a conforming use, be changed back again to a non-conforming use.
 - (c) No non-conforming use shall be extended or expanded except with the approval of the Planning Commission, which shall have determined that no greater detrimental effect upon the community will result.
 - (d) No non-conforming use which has been discontinued for a period of six months shall be thereafter resumed.

3. No building which does not conform to the requirements of this ordinance regarding building height limit, area, and width of lot, percentage of lot coverage, and required yards and parking facilities shall be enlarged unless such enlarged portion conforms to the ordinance regarding the forgoing building and lot requirements applying to the district in which it is located.
4. Nothing in this ordinance shall prevent the reconstruction within one year of a building damaged by fire, accident, the act of God, or of the public enemy to its condition prior to such damage to no more than its original dimensions or prevent the restoration of a wall or structural member.
5. Where a non-conforming structure is located in the Flood Hazard Area District, any repair, relocation, reconstruction, or enlargement shall conform to the requirements of Appendix C.

Section 401 - Home Occupation

Notwithstanding anything else in these Regulations, these Regulations shall not prevent a resident from using a minor portion of a dwelling for an occupation which does not change the character of the residential district.

A home occupation may be carried on subject to the following:

1. The business shall be operated wholly within the principal building or accessory building;
2. Not more than two persons who are not residents of the dwelling may be employed in the business;
3. Obnoxious or excessive noise, smoke, vibration, dust, drainage, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot on which the dwelling is located shall not be generated;
4. No traffic shall be generated in substantially greater volume than would normally be expected in the neighborhood;
5. A person shall not commence a home occupation without a Zoning Permit and site plan approval from the Planning Commission. Examples of generally accepted home occupations in Fair Haven are: handicraft shop, workshop, beauty shop professional office.
6. No storage or display of goods shall be allowed outside existing buildings.
7. Off-street parking shall be provided as required in Section 413.
8. Signs shall be regulated according to Section 415.

Section 402 - Open Storage Requirements

The open storage of materials, or inoperable or retired vehicles shall be screened from view from adjacent lots and public highways by fences and/or coniferous trees and shrubs. This screening provision is a continuous requirement and responsibility of the owner of the premises.

The open storage of building materials in a residential area which will be consumed on the premises during the course of construction, not to exceed six (6) months, need not be screened.

Section 403 - Front Setback Modification

On established streets where the principal buildings are less than 30 feet from the street, the front setbacks of any new principal buildings, additions attached to principal buildings, or additions attached to any accessory buildings may be as close to the existing right-of-way (but not in the right-of-way) as the adjacent building with the shortest setback.

Section 404 - Lots in Two or More Zoning Districts

Where one or more district boundary lines divide a lot or parcel containing three acres or less of land, the regulations for the least restrictive part of such lot or parcel shall extend into the more restrictive parts for an acreage total of not more than 90% of the acreage area contained in the least restrictive part of such lot or parcel. For lots or parcels containing more than three acres of land, the regulations for the least restrictive part of such lot or parcel shall extend not more than fifty (50) feet into the more restricted parts of such lot or parcel. These apply only if the lot or parcel has lot frontage on a public street in the least restricted district and the lot or parcel referred to in this section is existing on the effective date of these Zoning Regulations.

Section 405 - Location of Access Driveways

All access driveways shall be located more than 100 feet from the intersection of the right-of-way lines of intersecting streets for all uses except one and two family dwelling units. No lot shall be served by more than two access roadways, nor shall any such access roadway be wider than a (50) foot right-of-way. All access driveways shall be constructed and maintained in such a manner that provides for year-round use.

Section 406 - Divided Parcels

Lot area on one side of an existing public highway right-of-way shall not be added to lot area on the other side of such right-of-way in calculating minimum lot area.

Section 407 - Exterior Lighting

All exterior lighting shall be designed to eliminate direct light or glare directed toward public highways and adjacent properties and shall be of such a type that is compatible with the

surrounding area.

Section 408 - Abandonment of Structures

Within six months after a permanent or temporary structure has been demolished, destroyed, or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owners or the structure shall be repaired, rebuilt or replaced.

Section 410 - Travel Trailers and Campers

A travel trailer or a hunting or fishing camping trailer or other mobile camping vehicle may be parked on private land within the town of Fair Haven, with the written permission of the landowner, provided it is not used for living purposes in excess of twenty-one days.

Section 411 - Radio or Television Antennas, Transmitters, or Relay Stations

A residential antenna attached to the roof shall not require a permit but cannot extend more than twenty (20) feet above the height of the building.

A dish antenna measuring 49 inches or more shall be considered an accessory structure in any district AND shall meet setback requirements.

A free-standing radio or television antenna, transmitter, or relay station shall be considered a conditional use in any district and shall be exempt from the height requirements. The Board of Adjustment shall require appropriate conditions to make it compatible with neighboring uses and shall consider the effect on aviation and aesthetics.

Section 412 - Keeping of Animals

Raising of livestock and keeping of animals is included in "Agriculture" as a use.

In districts where "Agriculture" is not a permitted or conditional use, animals may be kept under the following conditions. Owners may keep not more than two head of livestock and poultry up to 25 birds, and may practice truck gardening and nursery gardening, including greenhouses incidental thereto. No livestock or poultry shall be kept on lots of less than one acre in area, except household pets. No new building for the housing of animals or poultry shall be located within 150 feet from any street line nor within 75 feet from any other lot line. This paragraph shall not permit raising of swine or of furbearing animals other than rabbits. No manure or dust producing fertilizer shall be stored in the open within 100 feet from any property line.

Section 413 - Off-Street Parking

For all development hereafter authorized by Zoning Permit there shall be provided off-street

parking spaces at least as set forth below:

1. Residential uses: Two parking spaces per dwelling unit. The parking spaces required for all residential dwellings shall be located on the same lot as the dwellings. The front yard shall not be used for designated parking spaces.

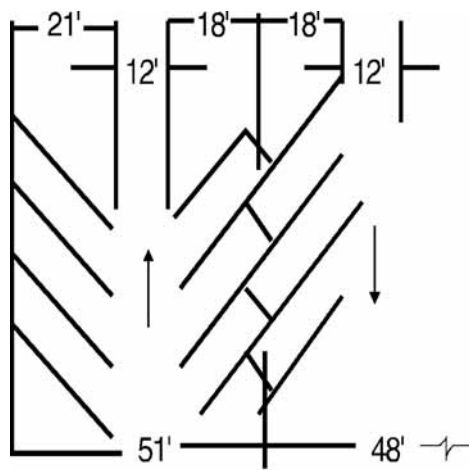
Exception: Within the Downtown Business District this requirement may be waived during site plan review if the applicant can show that public or commercial overnight parking is available in the parking area on the south side of the park.

2. Lodging facilities: Hotel, motel, lodge, country inn, guest house: One parking space per lodging unit.
3. Places of public assembly: Every structure used as a theater, amusement facility, auditorium, community center, club, stadium, library, museum, church, hall, or other place of public or private assembly, one parking space for every three seats.
4. Commercial business use: Four parking space for every one thousand (1000) square feet of areas used for business.
5. Restaurant, eating, and drinking establishments: One parking space for each three seats, each three standees, and each three employees.
6. Industrial, Wholesale, Warehouse, Storage, Freight and Trucking Uses: One parking space for every motor vehicle used in the business, plus one parking space for every two employees employed on the premises in the maximum shift.
7. Home Occupations: At least two (2) parking spaces must be provided in addition to the requirements of paragraph 1 (above).
8. Recreational Area: All parking site plans must be reviewed and approved by the Planning Commission.

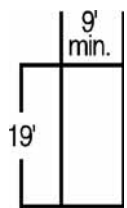
Parking spaces shall, at the minimum, meet the design standards for Off-street parking set forth in this section.

The requirement for parking space shall be a continuing obligation of the owner. All off street parking shall be constructed and maintained in such a manner that provides for year-round use. These required parking spaces shall be located on the same lot as the principal use or on a lot which is within 500 feet of the principal use.

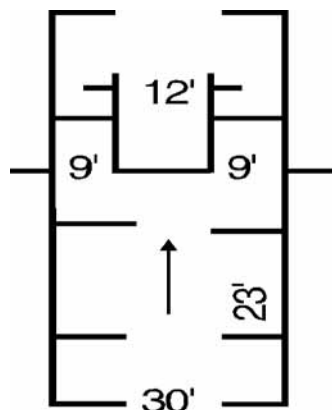
Design Standards for Off-Street Parking:



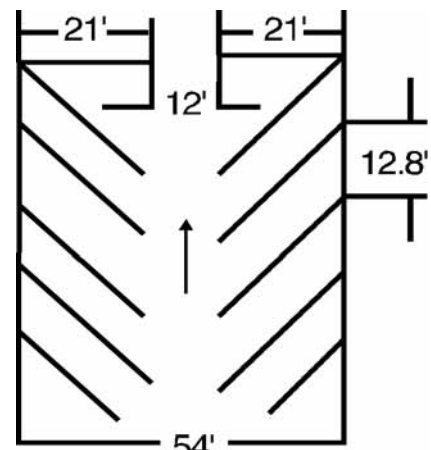
45° ANGLE OVERLAP



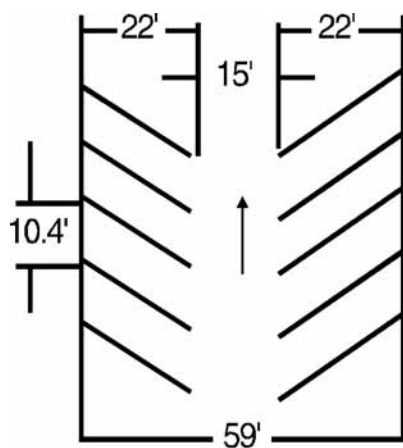
**TYPICAL
PARKING
SPACE**



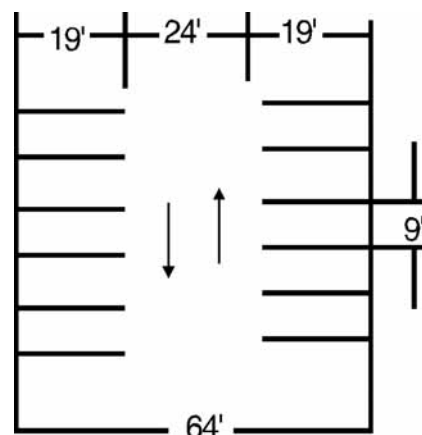
PARALLEL



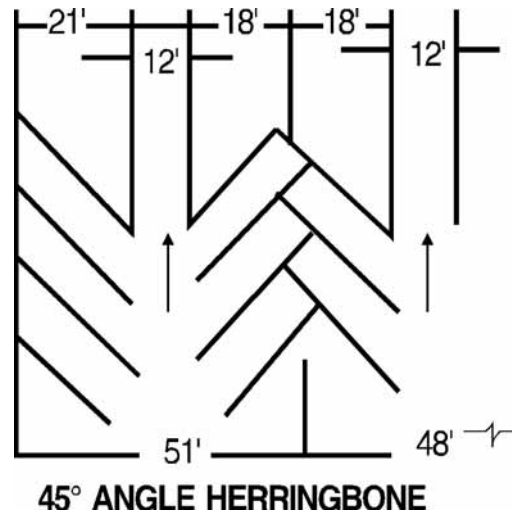
45° ANGLE



60° ANGLE



90° ANGLE



Section 414 - Off Street Loading

For every building hereafter erected, altered, extended, or changed in use for the purpose of business, trade, or industry, there shall be provided off-street space for loading and unloading of vehicles. All off street loading shall be constructed and maintained in such a manner that provides for year-round use. Off street loading space shall not be counted in calculating parking.

The requirement for loading space shall be a continuing obligation under the same guidelines as those set forth for the requirement of parking space in Section 413 and shall be maintained in such a manner that provides for year round use.

Section 415 - Signs

No person may erect or maintain outdoor advertising visible to the traveling public except as provided herein.

All exterior signs shall be regulated according to the provisions of this ordinance or to Chapter 21 of Title 10, Vermont Statutes Annotated 1984 whichever is the more restrictive.

A person shall not construct, erect, or display a sign, or enlarge, extend, change, or move a sign, without first obtaining a Zoning Permit, except as hereafter set forth.

An applicant shall complete a sign application form and shall specify legend, size, shape, colors, location, materials, height, lighting, and such other information as may be necessary to determine and provide for the enforcement of these Regulations.

When a sign application does not accompany a Zoning Permit application the applicant shall pay such sign application fee as prescribed.

A sign and its related structure shall be maintained in good repair. This shall be a continuous

obligation of the property owner.

A legally erected sign which has been taken down, damaged or destroyed may be replaced in the same form at the same location without a Zoning Permit within six months of the date of removal, damage, or destruction.

A sign for any use which has been discontinued shall be removed within thirty days.

(1) On-Premises Signs;

Signs with the name given the house or property or the name of its occupants. Such signs shall not have an area of more than two (2) square feet. The number of On-Premises signs shall be limited to one per residential unit with one additional sign being permitted, if needed to identify a housing complex. These signs shall not require a permit;

Signs for home occupations shall be attached to a building and shall not have an area of more than three (3) square feet;

No internally illuminated signs shall be allowed in the residential districts.

Signs advertising the sale or lease of real estate by the owner or his agent. Such signs shall not have an area of more than six (6) square feet. No more than two such signs shall be erected on the premises. These signs shall not require a permit;

Signs erected in conjunction with a construction project. Such signs shall not have an area of more than sixteen (16) square feet not be displayed for more than one hundred twenty (120) days. Such signs must be removed within twenty four (24) hours of the completion of the construction project. No more than one such sign shall be erected on the premises. Such signs shall not require a permit;

Signs restricting trespassing and posted lands restricting hunting, fishing, trapping and the like. Such signs shall not have an area of more than one and one-half (1 1/2) square feet. The number of such signs shall not be limited. Such signs do not require a permit;

Small signs displayed for the direction, instruction or convenience of the public, meaning signs which identify rest rooms, freight entrance, customer parking, restricted areas and the like. Such signs shall not have an area of more than two (2) square feet. The number of such signs shall not be limited. Such signs do not require a permit;

Commercial signs shall be reviewed and approved by the planning commission.

(2) Official Directional Signs Erected and maintained by the State. No permit is required for such signs.

- (3) Signs located on or in the rolling stock of common carriers. No permit is required for such signs.
- (4) Signs on registered and inspected motor vehicles except those which are determined by the administrative officer to be circumventing the intent of these regulations. No permit is required for such signs.
- (5) Signs erected and maintained by the town outside the highway right-of-way, each of which does not exceed eight (8) square feet in area, excluding panel and frame, which may show the place and time of services or meetings of churches and civic organizations in the town, and which may include a panel which identifies the name of the town, the charter date, the date the town was founded, or any other significant date in the history of the town, and which the town wishes to identify. The panel may bear the wording "Welcome to Fair Haven." Not more than two such signs may be erected and maintained readable by traffic proceeding in any one direction on any one highway. Such signs shall meet the criteria of the Transportation Agency and the Travel Information Council. Such signs do not require a permit.
- (6) Official Traffic Control Signs;

Signs of a duly constituted governmental body including traffic and similar regulatory devices, legal notices or warnings at railroad crossings. The number of such signs shall not be limited. Such signs do not require a permit.
- (7) Signs to be displayed for not more than two weeks announcing an auction, or a campaign, drive or event of a civic, philanthropic or religious organization. Not more than two (2) such signs may be erected. Such signs do not require a permit.
- (8) Memorial signs or tablets. Such signs shall be reviewed and approved by the Planning Commission.
- (9) Signs advertising locally held carnivals, circuses, fairs, expositions, farmers' markets and the like. Such signs shall be displayed no longer than two (2) weeks and must be removed within forty-eight hours of the close of the event.
- (10) Directional signs, subject to regulations promulgated by the Bureau of Public Roads, with a total surface area not to exceed four (4) square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place. No more than two (2) such signs shall be erected. Such signs shall be displayed only during the period of such a sale and must be removed within forty-eight hours of the end of this period;

All other types of signs are strictly prohibited.

Section 416 - Landscaping Buffer

- A. Commercial and industrial land development shall be screened from adjacent property where one, two or multi-family dwellings are permitted by Zoning Permit or PUD; such screening to be by a fence or a buffer of natural plantings or coniferous trees or shrubs at least ten (10) feet wide.
- B. Industrial land development shall be screened from public highway view, such screening to be by a fence or a buffer of natural plantings or coniferous trees at least ten (10) feet wide.

Section 417 - Watershed Area

Watershed is the area around Inman Pond, Sheldon Dam and Howard Dam. The boundaries of the watershed are determined by the topography of the area that forms the drainage basin to these water sources. The preferred situation is to have the watershed fenced. "No Trespassing" signs have been erected and no unauthorized persons may enter the watershed area.

Section 418 - Planned Unit Development

General Intent - A Planned Unit Development is intended to permit developments of larger parcels of land which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land, will result in a more efficient, aesthetic and desirable use of open area, to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potentials of sites characterized by special features of geography, topography, size or shape. All PUD-s, whether in areas of permitted or conditional use, must be reviewed by the Planning Commission under this section.

So that innovations in design and layout, and more efficient use of land may be encouraged, a person may undertake land development in the Commercial or Rural Districts upon approval of a Planned Unit Development as authorized by 24 V.S.A. Section 4407(12). To permit a Planned Unit Development, the Planning Commission may modify these Zoning Regulations in accordance with that section subject to the following standards and conditions:

1. A site plan shall be submitted to the Planning Commission showing the location, height, spacing, uses, and architectural inter-relationships of all buildings, open spaces and their landscaping; utility lines, streets, driveways, and off-street parking and unloading spaces, unique or man-made features, and physical conditions of the site, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplements to existing zoning regulations, and such other information as the Planning Commission may deem necessary. A Planned Unit Development application shall also include both maps and a written statement and must show enough of the area surrounding the proposed PUD to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.

2. The Planning Commission shall hold at least one public hearing, upon public notice, prior to approval.
3. Any permitted and conditional uses allowed in the district where the PUD is located, may be included in the PUD, subject to approval under this section. Dwelling units may be of varied types.
4. The PUD shall be consistent with the Town Plan.
5. The minimum size of a PUD shall be two acres.
6. The overall density of the project shall not exceed the number of dwelling units and other uses which could be permitted, in the Planning Commission's judgment, if the land were conventionally developed in accordance with these regulations.
7. The Planning Commission may increase or decrease the setback requirements in any District if, in its judgment, the special circumstances of a proposed development would make such requirement inappropriate. Side and rear setback requirements, as listed in the Tables of Section 240 and as used in this Section, shall be interpreted as the side and rear setback requirement required for the PUD as a whole and not as the setback requirements for each particular structure placed in such PUD.
8. The Planning Commission may allow for a greater concentration of density, or intensity of residential land use within some section or sections of the development than upon others, which shall be offset by a lesser concentration in any other section.
9. The Planning Commission may issue Planned Unit Development approval for a proposed development for a specified period of time, not to exceed four (4) years.
10. Where a PUD is to be located in more than one zoning district, the lot sizes and the number of allowable dwelling units must be separately calculated for each individual zone in the PUD.
11. Mixed commercial and residential uses shall be so arranged as to insure visual and acoustical privacy to residents in the development.
12. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause unreasonable highway congestion or unsafe traffic conditions. The parking requirements of Section 413 shall apply in all Districts.
13. Water and utilities shall be demonstrated to be adequate, and all sewage and other effluent disposal shall be designed so it will not become a public health hazard.

14. Unique natural features of the site shall be preserved.
15. If a Planned Unit Development application results in land available for park, recreation, open space or other municipal purposes, the Planning Commission as a condition of its approval may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.
16. The Planning Commission may attach such reasonable conditions and safeguards as may be necessary to implement the purposes of 24 V.S.A. Chapter 117 and these Regulations, in order to protect the public health, safety and welfare. These may include screening and landscaping.
17. The Planning Commission may require from the owner, for the benefit of the Town, a performance bond with a good and sufficient surety, in an amount sufficient to cover the full costs of public or private roadways and utility lines, in situations where buildings are to be constructed prior to the completion of such roadways or utility lines.
18. The Planning Commission shall also have the same powers in any Planned Unit Development application with respect to adequacy of traffic access, circulation and parking, landscaping and screening, and such other items as it has in a Site Plan Review procedure, to the extent not already provided for in this Section.
19. The issuance of PUD approval shall not relieve the applicant, or his successors or assigns, from the obligation to obtain a zoning permit under Section 510 of these Regulations.

Section 419 - Site Plan Approval

- A. A prerequisite to the approval of any use, with the exceptions hereafter set forth, is the approval of site plans by the Planning Commission after public hearing with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and such other items as may be the subject of site plan approval under 24 V.S.A. Section 4407(5). The following are exempt from the requirement for the site plan approval:
 1. Signs, excluding commercial;
 2. One and two family dwellings and accessory uses which are not home occupations;
 3. Any use requiring a Conditional Use Permit, except Planned Unit Development;
 4. Minor changes, additions, or other land development to existing uses, which the Planning Commission determines after a review of a properly submitted application, will have no significant impact upon adequacy of traffic access, circulation and parking, or landscaping and screening.

In the case of a PUD application, the hearing on such application and for site plan approval, if required, shall be warned and held at the same time.

B. Site Plan Filing Requirements:

1. Description of the property giving location, names and addresses of the owners of the property, and of the person or firm who prepared the map, scale of map, north point, and date.
2. Survey, map, or sketch of the property showing existing features. If available, the survey map shall show existing structures, utility easements, rights-of-way, streets, zoning classification, existing surface water (brooks, ponds, etc.) if any, and the location of proposed structures with distance from lot lines indicated.
3. Detailed Site Plan showing proposed floor plans and elevation, land use area, streets, driveways, pedestrian walkways, traffic circulation, parking and loading spaces, utility service lines proposed (placement of poles), surface storm water drainage, landscaping plans including site grading, planting design and screening or fencing.
4. The location and size of proposed signs.
5. Construction sequence and anticipated time schedule for completing each phase for building, parking spaces and landscaping areas of entire development.

C. Site Plan Review Procedure:

In considering its action, the Planning Commission shall consider and may impose appropriate conditions and safeguards with respect to the screening. A public hearing is held for each Site Plan Review.

The Planning Commission shall review the site plan map and supporting data before issuing one of the following: approval, approval with stated conditions, or disapproval.

The following objectives will be taken into consideration during this review:

1. Maximum safety of vehicular circulation between the site and the street network.
2. Adequacy of circulation, parking and loading facilities with particular attention to safety.
3. With the approval of the Planning Commission, parking spaces may be provided by the applicant on other property owned by the applicant, provided such land lies within three hundred feet of an entrance to the principal building. Parking spaces for any number of separate uses may be combined in one parking lot, but the required space assigned to one use may not be assigned to another at the same time, except upon approval by the Planning Commission.
4. Adequacy of landscaping and screening in regard to achieving maximum compatibility

and protection to adjacent property.

5. The Planning Commission may issue Site Plan Approval for a proposed development for a specified period of time, not to exceed four (4) years.
6. The issuance of Site Plan Approval shall not relieve the applicant, or his successors or assigns, from the obligation to obtain a zoning permit under Section 510 of these Regulations, and that permit shall only be issued if the proposed land development complies with all applicable provisions and conditions of the Site Plan Approval and the applicable requirements of these Zoning Regulations. No land development approved in a Site Plan Review shall be commenced until such zoning permit is obtained.

Section 420 - Warning of Disclaimer of Liability

These Regulations do not imply that land outside the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Fair Haven or any town official or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made thereunder.

Section 421 - Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

Section 422 - More than One Primary Use in a Structure

A structure may be used for more than one primary use, provided that each use complies both individually and jointly with all the applicable provisions of this ordinance.

Section 423 - Fences

Fences shall not exceed eight feet in height unless specified by the Planning Commission or Zoning Board of Adjustment as conditions for screening, nor shall they be placed closer than four feet from the center of the public sidewalk or, where no sidewalk is existing or proposed, they shall not be placed closer than five feet from the edge of the pavement or the traveled portion of the road.

Barbed wire or electrified fences shall not be permitted except on an operating farm or to contain livestock, or when approved by the Planning Commission in connection with site plan review or by the Zoning Board of Adjustment in connection with a conditional use.

Fences shall be erected around inground pools. Aboveground pools which require permits shall have restricted access.

All fences shall be constructed so that the finished side faces outward.

Section 424 - Required Frontage on, or Access to, Public Roads or Public Waters

No development may be permitted on lots which do not either have frontage on a public road or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width.

Section 425 - Obstructions at Street.

No obstruction to sightline or vision shall be allowed within the highway right-of-way.

Section 426 - Lots Adjacent to a Railroad

In commercial or industrial districts, where a lot is contiguous to a railroad right-of-way, a setback of fifteen feet shall be required adjacent to such right-of-way.

Section 427 - Accessory Structures

Accessory Structures shall be located only in the rear yard of principal buildings and shall have minimum side and rear setbacks of four feet.

Section 428 - Projection Into Open Space

Nothing in this regulation shall prohibit projection of not more than one foot into a required front, rear, or side yards of pilasters, columns, sills, cornices, or other similar architectural features, nor the planting of landscaping of such open spaces except as provided in Section 425.

Section 429 - State Licensed Care Facilities

A State licensed or registered residential care home or group home, serving not more than six persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single-family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another such home.

A State licensed or registered day care facility serving six or fewer children shall be considered by right to constitute a permitted single-family residential use of property.

Section 430 - Height Limit Modification

Any and all accessories attached to the roof shall not exceed twenty (20) feet in height above the roof.

ARTICLE V - ADMINISTRATION AND ENFORCEMENT

Section 500 - Administrative Officer

The Administrative Officer shall be appointed for a term of three years by the Planning Commission, with the approval of the Board of Selectmen. The Administrative Officer shall literally enforce the provisions of these Regulations and shall not have the power to permit any land development which is not in conformance with these Regulations. The Administrative Officer shall inspect development, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

An Administrative Officer may be removed for cause at any time by the Selectmen after consultation with the Planning Commission.

The Planning Commission may appoint, with the approval of the legislative body, an acting administrative officer who shall have the same duties and responsibilities as the administrative officer in his absence.

Section 510 - Zoning Permits

- A. No person shall commence any land development or change in use without a zoning permit issued by the Administrative Officer.
- B. Applications: All applications for a zoning permit shall be accompanied by two copies of each of the following:
 - 1. A plot plan showing driveways, parking area, location of well and septic areas, property lines (with dimensions), location of proposed and/or existing buildings and structures, location and width of existing rights-of-way and proposed rights-of-way for roadways to service other lands, and such other information as may be necessary to determine and provide for the enforcement of these Regulations. This plan is to be drawn to an appropriate scale so as to adequately show the sizes and relationships to the various parts of the plan.
 - 2. Floor plans of each floor of the proposed building and elevations of each exposure of the proposed building drawn to description of such elevations.
 - 3. A statement of all existing and proposed uses.
 - 4. A statement that the applicant is the owner of the land and a reference to the book and page in the Fair Haven Land Records of the applicant's deed.

- C. Fee: The fee for a zoning permit shall be established by the Board of Selectmen. Any permit submitted to complete the activities authorized and paid for under a now expired zoning permit shall not receive credit for these previously paid fees in computing the new fee amount.
- D. Issuance of Permit: A zoning permit shall be issued by the Administrative Officer only if an application, fee, and plot plan have been properly filed and other requirements of these Regulations have been complied with.
- E. Posting of Permit: Within three (3) days following the issuance of a zoning permit, the Administrative Officer shall:
1. Make a copy of the permit available to the listers of the municipality.
 2. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the date of issuance of the permit.
- F. Time of Issuance: If the Administrative Officer fail to act with regard to an application for a permit within thirty (30) days, a permit shall be deemed issued on the 31st day. Where Site Plan Approval, Planned Unit Development, a Variance, or Conditional Use Approval is required, such 30-day period shall commence upon issuance of such approval or variance by the Planning Commission or the Board, whichever is applicable.
- If denied, the Administrative Officer shall so notify the applicant in writing stating his reasons therefore.
- G. Effective Date: If a zoning permit is issued, it shall not take effect until the time for appeal (15 days) to the Board has passed. In the event a notice of appeal is properly filed, such permit shall not take effect until final adjudication of the appeal.
- H. All activities as authorized by the issuance of the permit shall be commenced within nine (9) months and completed within two (2) years of the date of issue or final determination of any appeal, whichever is later, or the permit shall become null and void and shall not be extended or renewed by the Zoning Administrator. Application and issuance of a new zoning permit shall be required to complete the activities as initiated under the original permit.
- I. It shall be the responsibility of the owner to insure that a copy of the zoning permit is prominently displayed in an exterior location on the premises whereupon the permitted development is authorized. The permit shall be displayed in a location visible to the Zoning Administrative Officer and to the General Public.
- J. The zoning permit shall be displayed at least 48 hours prior to any construction. The Permit may be removed only after the Certificate of Occupancy/Completion is issued.

Section 530 - Enforcement

The Administrative Officer shall enforce the provisions of this Regulation as provided in Sections 4444 and 4445 of the Act.

Section 540 - Certificate of Occupancy or Use

- A. Requirement: It shall be unlawful to use, occupy or permit the use or occupancy of any land or structure or part thereof created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy is issued therefore by the Administrative Officer stating that the proposed use of the land or structure conforms to the provisions of this Ordinance. A Certificate of Occupancy shall not be issued until the following conditions are met.
- B. Issuance: Within five (5) days after notification that a building or structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative Officer to make a final inspection thereof and issue a Certificate of Occupancy if the land, building, structure, or part thereof is found to conform with the provisions of this Ordinance.
- C. Refusal: If the Administrative Officer, after such final inspection, refuses to issue a Certificate of Occupancy, he shall mail notice of such refusal to the applicant at the address indicated on the application.

ARTICLE VI - BOARD OF ADJUSTMENT

Section 600 - Appointment and Term of the Board

The Selectmen shall determine the number and terms of office of members of the Board, and appoint, fill vacancies, and remove the members in accordance with 24 V.S.A. Section 4461.

Section 610 - General Powers

The Board of Adjustment is a body with limited powers. Except as specifically provided herein and in accordance with the provisions of 24 V.S.A. Chapter 117, the Board of Adjustment may not amend, alter, invalidate or affect any plan or bylaw of the Town of Fair Haven or the implementation of enforcement thereof, or allow any use not permitted by the Zoning Regulations or any other bylaw.

Section 612 - General Duties

The Board shall be charged with the proper interpretation of the Zoning Regulations and their consequent application within the municipality, and with the administration of the procedures allocated to it by this Zoning Regulation including the following:

- A. To hear and rule on appeals concerning any order, requirement, decision, or determination made by the Administrative Officer in the administration and enforcement of these Zoning Regulations.
- B. To hear and grant or deny a request for a variance in accordance with Section 770.
- C. To approve or deny a request for a Conditional Use in accordance with Article III.
- D. To approve or deny a request related to structures in the Flood Hazard Area District in accordance with Appendix C.

Section 620 - Officers of the Board

The Board of Adjustment shall elect its own officers and adopt rules of procedure subject to the provisions of these Zoning Regulations and the Act. The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material pertinent to any issue under appeal.

Section 630 - Meetings

Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine. All such meetings shall be open to the public.

Section 640 - Rules of Procedure

The Board shall adopt, from time to time, such rules and regulations as it determines are necessary to effect the provisions of this Ordinance in accordance with Sections 4462 and 4463 of the Act.

Section 650 - Fees

The fee for an application or appeal to the Board shall be established by the Selectmen.

Section 660 - Appeals to the Board

An interested person may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the Secretary of the Board of Adjustment or with the Clerk of the municipality, if no such Secretary has been appointed.

Section 661 - Time for Filing

If the appeal is made with respect to any decision or act of the Administrative Officer, such notice of appeal must be filed within fifteen (15) days of the date of such decision or act, and a copy of the notice of appeal shall be filed with such officer.

Section 662 - Interested Persons

For the purposes of these Zoning Regulations, an interested person means any of the following:

1. A person owning title to property affected by a bylaw who alleges that such regulation imposes on such property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
2. The Town of Fair Haven and any adjoining municipality.
3. A person owning or occupying property in the immediate neighborhood of a property which is the subject of any decision or act taken under these Regulations, who alleged that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan of the Town.
4. Any ten persons owning real property within the Town who, by signed petition to the Board in a proceeding where the plan or a bylaw is at issue in any appeal, allege that any relief requested by a person under this article, if granted, will not be in accord with the policies, purposes or terms of the plan of the Town.
5. Any department and administrative subdivision of this State owning property or any interest therein within the Town, and the Agency of Development and Community Affairs of this State.

Section 663 - Notice of Appeal

Any notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant and the alleged grounds why such requested relief is believed appropriate under the circumstances.

Section 664 - Stay of Enforcement

If a stay of enforcement of the regulatory provisions is referred to in a notice of appeal, it may be granted or denied by the Board of Adjustment in accordance with Section 4466 of the Act.

Section 665 - Hearing on Appeals

The Board of Adjustment shall set a date and place for a public hearing of an appeal under these Regulations, which shall be within sixty (60) days of the filing of the notice of such appeal.

The Board shall give public notice of the hearing, and shall mail to the appellant a copy of such notice at least fifteen (15) days prior to the hearing date.

Any person or body empowered by Section 662 of these Regulations to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at such hearing.

Any hearing held under this Section may be adjourned by the Board from time to time, providing however, that the date and place of the reconvened hearing shall be announced at the hearing.

All hearings held under this Section shall be open to the public.

Section 666 - Decisions on Appeals

The Board of Adjustment shall render any decision on an appeal, which shall include findings of fact, within forty-five (45) days after completing the hearing, in accordance with Section 4470 of the Act. If the Board fails to act within this period, it shall be deemed to have rendered a decision in favor of the appellant and granted the relief requested on the last day of such period.

Section 667 - Minutes and Findings

The Board shall keep minutes of its proceedings, indicating the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the clerk of the municipality as a public record.

All findings and actions of the Board shall be in writing and shall include the reasons for the action taken. Findings shall be detailed and in specific terms, discussing the cause of the decisions, beyond such generalities as "in the interest of public safety, health and general welfare". In every instance, a statement of the facts upon which such action is based shall appear in the minutes.

Section 670 - Specific Powers of the Board to Grant Variances

On an appeal, under Section 660 of these Regulations, wherein a variance from the provisions of the Zoning Regulations constitutes the relief requested by the appellant, the Board may grant such variance and render a decision in favor of the appellant, if all the following facts are found by the Board and are specified in its decision:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Regulation in the neighborhood or district in which the property is located.
- B. That as a result of such physical circumstances or conditions, there is no possibility that the

property can be developed in strict conformity with the provisions of the Zoning Regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, and
- E. That the variance, if authorized, will represent the minimum variance that will afford relief, and will represent the least modification possible of the Zoning Regulation and of the comprehensive plan.
- F. Where such a request is in the Flood Hazard Area District the Board shall also find that the variance will not result in increased flood heights, threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

In addition, the Secretary of the Board of Adjustment shall notify the applicant that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to the amounts as high as \$25 for \$100 of insurance coverage; and
- (2) Such construction below the base flood elevation increases risk of life and property.

The Secretary of the Board of Adjustment shall:

- (1) Maintain a record of all variance actions, including justification for their issuance; and,
- (2) Report such variances issued in its Annual Report to the Federal Emergency Management Administration.

In rendering a decision in favor of an appellant under this Section, the Board may attach such conditions to a variance as it may consider necessary and appropriate under the circumstances to implement the purposes of this Zoning Ordinance, 24 V.S.A. Chapter 117, and the Town Plan.

The issuance of a variance shall not relieve the appellant of the obligation to obtain a zoning permit under Section 240 or 510 of this Ordinance, and that permit shall only be issued if the proposed land development complies with all applicable provisions of this Ordinance, except as varied by the Board of Adjustment. The land development approved by the Board

in such variance proceeding shall not be commenced until such zoning permit is obtained.

ARTICLE VII - AMENDMENTS AND REPEALS

Section 700

An provisions of this Regulation, as well as the boundaries of the various zoning districts established herein, may be amended or repealed subject to the provisions of Section 4403 and 4404 of the Act.

ARTICLE VIII - PUBLIC NOTICE

Section 800

Any public notice required for public hearing under these Zoning Regulations shall be given by the publication of the date, place and purpose of such hearing in a newspaper of general circulation in the municipality, and the posting of such notice in one or more public places within the municipality not less than fifteen (15) days prior to the date of the public hearing.

ARTICLE IX - SEPARABILITY AND EFFECTIVE DATE

Section 900 - Separability

Should any court of competent jurisdiction judge any provision of this Regulation to be invalid, such judgment shall not affect the validity of the Regulation as a whole or any part other than the part so declared to be invalid.

Section 910 - Effective Date of Amendment or Repeal

This Regulation shall take effect in accordance with the procedures contained in Section 4404 of the Act.

Section 912 - Repeal of Prior Zoning Ordinance

Upon the effective date of these By-Laws, the previous Zoning Ordinance (with all amendments thereto) is hereby repealed.