

# **Marshfield Planning Commission Reporting Form for Clarification and Minor Amendments**

This report is in accordance with 24 V.S.A. §4441 (c), which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments.”

## **Brief explanation of the proposed bylaw, amendment, or repeal and statement of purpose as required for notice under section §4444 of this title:**

The purpose of this amendment is to clarify the requirements of the Zoning Ordinance and to make minor edits to requirements. These changes were made based upon requests of the Zoning Administrator.

## **Conformity with the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:**

The amendments continue to be in conformity with the Marshfield Town Plan that includes a goal to "Continue to develop clearly written zoning regulations that inform the citizens of Marshfield of their rights and responsibilities, and the process they must follow to achieve their development goals."

The amendment does not affect the availability of safe and affordable housing.

## **Compatibility with the proposed future land uses and densities of the municipal plan:**

The Marshfield Town Plan does not propose any changes in future land uses or densities affected by these amendments.

## **Specific proposals for any planned community facilities:**

This amendment does not propose any community facilities.

**Marshfield Zoning Regulations**  
**Proposed Zoning Bylaw Amendments**  
**Clarification Amendments**  
**To be voted at Town Meeting 3/2/2010**

*The Zoning Administrator has requested clarifications of the Zoning Ordinance. The following amendments are proposed in response to those concerns.*

*Section 180, Definitions is amended as follows:*

Building height: Vertical distance measured from the average-lowest elevation of the proposed finished grade ~~at the front of the building~~ to the highest point on the roof.

Setback, Front: The distance between the nearest portion of any structure or proposed structure on a lot and the centerline of the public road, ~~or the side and rear property lines.~~

Setback, Side and Rear: The distance between the nearest portion of any structure or proposed structure on a lot and the side and rear property lines.

Fence, Transparent: A fence that is see-through when viewed from most angles. Examples include post and rail fences, wire fences, and chain-linked fences.

Temporary ~~structure~~building: Any structure which can be relocated easily, has no permanent foundation, is designed for limited use, and is less than 100 square feet in area. All temporary structures shall be considered an accessory use.

Agricultural uses: ~~The raising of livestock or agricultural or forest products on land containing at least two acres, including farm structures and the storage of agricultural products raised on the property.~~ Accepted agricultural practices Agriculture as defined by the Secretary of Agriculture, Food and Markets.

*The tables for Village Residential District regulations and Agricultural and Rural Residential District regulations shall be amended by the addition of the following note:*

\*\*Unoccupied building area not greater than 500 square feet in size and not greater than 1510 feet above the height of the building (for example steeples, bell towers, and cupolas) for cupolas, and not greater than 25 feet above the height of the building for church steeples and bell towers, are exempt from the maximum building height requirement.

*The first paragraph of Section 245, Conditional Uses, is amended to read as follows:*

No zoning permit shall be issued by the Administrative officer for any use or structure ~~which that~~ requires a conditional use permit in these Regulations until the Development Review Board grants such approval. In considering this action, the Development Review Board shall make findings on the general and specific standards set forth in the Act, hold hearings and attach conditions as provided for in the Act. A new Conditional Use permit is required for any change from one business operation to another (for example, from a hardware store to a video rental

store) regardless of when it was established. The addition or change of accessory uses traditionally found within a particular business operation is not a considered a change from one business operation to another unless it substantially changes the nature of the business. The Administrative Officer shall make the determination whether there is a change in business operation or a change in accessory uses requiring conditional use review.

*That portion of Section 225 is modified to read as follows:*

A zoning permit is not required for modifications of building interiors if no change of use is planned, for fences under five feet in height, transparent fences, fences at least 15 feet from a property line, for repairs, or for minor changes (including chimneys, re-roofing or re-siding) which will not affect the exterior dimensions or the height of the structure. ~~Also, a zoning permit is not required for a temporary structure, although a temporary structure should meet setback requirements if possible.~~

A zoning permit is also not required for any temporary or permanent building up to 100 square feet in size and not more than 15-feet in height with the following limitations:

1. The allowed number of such exempt buildings is determined by dividing the size of the parcel by the required district lot size, rounded to the closest whole number. In no case shall the number of exempt buildings exceed three (exceeding agricultural buildings).
2. The exempt building(s) shall not be placed within the required front yard setback or in front of the principal structure on the lot, which ever **provides the least restriction.**
3. The exempt building(s) shall not be within 10 feet of a side or rear lot line.

Any additional buildings under 100 square-feet, other than permitted above, shall obtain a zoning permit and be required to meet the regular district setbacks.

*The following additional section is added to the Zoning Regulations:*

#### Section 391 Fences

All fences over five in height, within 15 feet of a property line, and not transparent, are required to obtained site plan approval by the Development Review Board in accordance with Section 250 and 251. All other fences are exempt from zoning review.