



TOWN OF RICHMOND

RICHMOND TOWN CENTER
203 Bridge Street, P.O. Box 285
Richmond, Vermont 05477



MEMORANDUM

To: Town of Williston, Planning Commission Chair; Town of Huntington, Planning Commission Chair; Town of Hinesburg, Planning Commission Chair; Town of Jericho, Planning Commission Chair; Town of Bolton, Planning Commission Chair; Executive Director, Chittenden County Regional Planning Commission; Commissioner, Department of Economic, Housing and Community Development (DEHCD)

From: Richmond Planning Commission

Date: July 17, 2012

Re: Proposed Richmond Zoning and Subdivision Regulations

Following a public hearing in January 2012, the Planning Commission revised the proposed Richmond Zoning & Subdivision Regulations. The Richmond Planning Commission will hold a public hearing at the Richmond Free Library Community Room on Thursday, August 2, 2012, at 7:00 p.m. to receive public comment on the revised proposed Richmond Zoning and Subdivision Regulations, which supersede the Richmond Zoning Regulations, adopted March 1969, as amended February 22, 2010 and the Richmond Subdivision Regulations, adopted May 12, 1982, as amended April 27, 2009.

Pursuant to 24 VSA, Section 4441, sent by certified mail with return receipt requested, please find the following enclosed documents:

- Notice of Planning Commission Public Hearing for proposed Richmond Zoning and Subdivision Regulations
- Planning Commission Report for the proposed Richmond Zoning and Subdivision Regulations
- A digital copy of the full text and appendices for the proposed Richmond Zoning and Subdivision Regulations

Please forward any comments about the proposed amendments to the Richmond Zoning and Subdivision Regulations by Thursday, August 2, 2012. Comments may be presented at the public hearing (per attached notice) or sent to Cathleen Gent, Richmond Town Planner/Staff to the DRB, via email at townplanner@gmavt.net or US Postal mail to PO Box 285, Richmond, VT 05477.

**TOWN OF RICHMOND - PLANNING COMMISSION
NOTICE OF PUBLIC HEARING – August 2, 2012
Proposed Zoning and Subdivision Regulations**

The Richmond Planning Commission will hold a public hearing at the Richmond Free Library Community Room on Thursday, August 2, 2012, at 7:00 p.m. to receive public comment on the proposed Richmond Zoning and Subdivision Regulations which, if adopted, will supersede the Richmond Zoning Regulations, adopted March 1969, as amended February 22, 2010 and the Richmond Subdivision Regulations, adopted May 12, 1982, as amended April 27, 2009.

Summary of Proposed Regulations:

Section 1. General Provisions

Section 2. Zoning Districts and Overlay Districts

Section 3. Development Standards

Section 4. Administration

Section 5. Definitions

Following a public hearing in January 2012, the Planning Commission revised the proposed Richmond Zoning & Subdivision Regulations. Copies of the full text and maps of the revised proposed bylaws are available at the Town Offices located at 203 Bridge Street in Richmond, Vermont. The Town Offices are open from 8:00am to 4:30pm Monday-Thursday and Friday from 8:00 AM to noon. For more information, please contact the Richmond Planning/Zoning Office, 434-2430. A digital copy may be viewed on the Town of Richmond web site (www.richmondvt.com under "Documents" section).

July 17, 2012

Richmond Planning Commission

Reporting Form for Municipal Bylaw Amendments

Proposed Richmond, Vermont, Zoning & Subdivision Regulations For August 2, 2012 Planning Commission Public Hearing

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..... The report shall provide(:)”

(A) Brief explanation of the proposed bylaw, amendment, or repeal, including a statement of purpose as required for notice under section §4444 of this title.

The Richmond Planning Commission proposes to adopt the *Town of Richmond Zoning and Subdivision Regulations*. If adopted, these regulations will replace the Richmond Zoning Regulations, adopted March 1969, as amended February 22, 2010 and the Richmond Subdivision Regulations, adopted May 12, 1982, as amended April 27, 2009.

(B) Findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The proposed bylaw will advance the goals and policies of the 2012 *Richmond Town Plan* (as adopted March 5, 2012). The new *Zoning and Subdivision Regulations* reflect a central theme represented in the 2012 *Richmond Town Plan*, namely that Richmond should maintain the historic settlement pattern of a compact vibrant village for commerce and more intense development and a rural countryside that provides places for people to live, work, and enjoy the outdoors.

The proposed *Zoning and Subdivision Regulations* will advance the goals and policies of the Town Plan by creating several new or reconfigured zoning districts with different characteristics and proposed densities. Commercial and higher density residential areas are proposed for the village center and surrounding neighborhoods. Special zoning districts in Jonesville reflect the unique land use patterns of that area. Home based businesses, farming and forestry, and lower density residential zoning are proposed for areas farthest from the village. The proposed new zoning districts outside of village areas also incorporate principles giving landowners who want to develop their land more flexibility to create well-planned development that fits the area,

respects the environment, and is consistent with the underlying density allowed for a given district.

The proposed *Zoning and Subdivision Regulations* add the following provisions to encourage safe and affordable housing:

- Density bonuses are established for any Planned Unit Development (PUD) which meets specific standards for affordable, accessible or elderly housing. In certain zoning districts, the DRB may approve a density bonus of up to 30% if the additional dwelling units are dedicated to providing housing for elderly residents, people with disabilities, and/or low-income households.
- The size of accessory dwellings (“in-law apartments” may be larger than what is allowed in the current Richmond Zoning Regulation. This provides a way for residents to remain on their properties as they age by either renting out or living in the smaller second dwelling unit, The new standards exceed minimum State requirements.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

All of the changes are compatible with the proposed future land uses and densities of the 2012 *Richmond Town Plan*. Although the *Richmond Town Plan* does not include specific densities or land uses for each area of Richmond, it does describe broad categories of future land use and tasked the Planning Commission to prepare land use regulations which reflect the Town Plan future land use vision and map. This major revision to the zoning and subdivision bylaws accomplishes that *Richmond Town Plan* goal. The Planning Commission revised the standards for and the list of allowed land uses for each zoning district. Certain land uses are allowed only in the village-based zoning districts while other uses are permitted in the more rural zoning districts.

Specific elements related to general land uses and densities in the *Zoning and Subdivision Regulations* include:

- Larger minimum lot sizes in the rural areas are offset by smaller lots in the villages.
- Reduced setbacks in the Richmond village reflect the historical building patterns.
- Density-based zoning in Rural 3(R-3) and Rural 10 (R-10) manages overall development in those districts while maintaining the same one-acre minimum lot size that exists in the current Agricultural-Residential zoning district. Within a Planned Unit Development (PUD), the lot size may be as small as one-half an acre.
- In Richmond village and Jonesville, the character of neighborhoods is protected by providing for a mix of residential uses, primarily single family homes, and compatible non-residential and commercial uses.
- In the commercial-oriented zoning districts, such as the General Business district, more intense commercial and industrial land uses are encouraged.

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

Not applicable. The proposed revisions will not alter any specific proposals for planned community facilities. However, the proposed densities in the bylaws will encourage the concentration of and efficient use of existing infrastructure through the higher densities in Richmond village, where municipal water and sewer services exist.



Richmond Zoning & Subdivision Regulations

Prepared for Planning Commission Public
Hearing – August 2, 2012
*[With Track Changes Showing Changes from
January 4, 2012 version]*

Adopted _____, 2012
Effective _____, 2012

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Appendices

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Appendix A2 – Richmond Village Zoning Map

Appendix A3 – Jonesville Zoning Map

Appendix B – Shoreline Protection Overlay District [Map](#)

[Appendix C – Flood Hazard Overlay District Map](#)

Appendix [D](#) – Town of Richmond Roads

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1. General Provisions

1.1 Title and Introduction

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A., Chapter 117 (referred to herein as “the Act”), there are hereby established Uniform Land Use Regulations for the Town of Richmond which are set forth in the text and maps that constitute these regulations.

These Regulations shall be known and cited as the
“Town of Richmond Zoning and Subdivision Regulations.”

The regulations that follow *do not* intend to threaten or compromise any lawfully pre-existing non-conforming uses, structures, or lots which shall be accepted at current locations and levels of activity, as provided in these Regulations.

1.2 Authority

These Regulations are enacted in accordance with the Vermont Planning and Development Act, 24 V.S.A. Chapter 117.

1.3 Purpose

The purpose of these regulations is to:

- 1.3.1 Protect the public health, safety and general welfare;
- 1.3.2 Enhance the value of property, quality of life and sense of community;
- 1.3.3 Preserve Richmond’s character, which depends on its vibrant, multi-use villages, surrounded by working rural landscapes, forests, water resources, and natural area;
- 1.3.4 Facilitate provision of public services and infrastructure, including transportation, potable water, wastewater disposal, parks, playgrounds, recreation, schools and other such public facilities;
- 1.3.5 Facilitate provision of housing in appropriate districts to meet the town’s housing needs as identified in the *Richmond Town Plan*;
- 1.3.6 Provide the most beneficial circulation of traffic throughout the town, avoid congestion on the roads, enhance access to public transit and other transportation alternatives, and to maximize pedestrian and cyclist safety;
- 1.3.7 Provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent development that exceeds the capacity of the land;
- 1.3.8 Prevent the pollution of air, streams, ponds and lakes, assure the adequacy of drainage facilities, safeguard the water tables, and to encourage the prudent use and management of natural resources throughout the town in order to preserve the integrity, stability, and natural beauty of the community and the value of land; and
- 1.3.9 Guide the orderly development of the town in accordance with the purposes of the *Richmond Town Plan* and the Act (§4302).

1.4 Applicability

1.4.1 No land development shall commence without the issuance of a zoning permit by the Zoning Administrative Officer, unless specifically exempted as per applicable provisions of Section 8 of this chapter or Section 3.8.8.

1.4.2 Except within the Flood Hazard Overlay District (see Section 2.15), land development is defined in Article 5.

1.4.3 Any land development not specifically authorized under these regulations is prohibited unless specifically exempted as per applicable provisions of Section 8 of this chapter or Section 3.8.8.

1.4.4 The application of these regulations is subject to all applicable provisions of the Act.

1.4.5 Captions and section headings are inserted as a matter of convenience only and do not define, limit or extend the scope or intent of these regulations or any portion hereof.

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Deleted: as:¶

- a) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or building;¶
- b) Any mining, excavation, or landfill;¶
- c) Any change in use of any structure or land, or extension of use of land; or¶
- d) The division of a parcel into two or more parcels.

1.5 Repeal of Previous Regulations

These regulations are a unified land use bylaw which, except for the Interim Flood Hazard Overlay District Bylaw Amendments (dated November 7, 2011), replace the previous Richmond Zoning Regulations and Richmond Subdivision Regulations in their entirety. The previous bylaws and regulations, except for such interim bylaws, shall be repealed upon the effective date of these regulations.

1.6 Effective Date

These regulations and all subsequent amendments shall become effective 21 days after the date of adoption by the Richmond Selectboard, subject to the Act, 4442(d).

1.7 Severability

Invalidity of any section or provision of these Regulations shall not be held to invalidate any other section or provision of these regulations.

1.8 Exemptions

Except for construction within the Flood Hazard Overlay District (See Section 2.15, the following land development shall not require a zoning permit, but shall be constructed or undertaken in accordance with the provisions of these Regulations, including but not limited to, all setbacks and zoning district dimensional standards unless otherwise specified in these Regulations:

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1.8.1 The normal maintenance and repair of structures, utilities and infrastructure that does not result in any change to the footprint or height of a structure or any change in use.

1.8.2 Interior alterations that do not result in any change in use or intensification of use, and that do not alter or expand the exterior of the structure.

1.8.3 At-grade grading and excavation associated with normal road, driveway, parking area, lawn or yard maintenance.

1.8.4 Chimneys.

1.8.5 Residential stairway, landing, or ramp up to 50 total square feet in size providing external access to a principal residential structure or accessory structure containing an accessory dwelling, provided that such entry way must be in compliance with all other elements of these Regulations.

1.8.6 Arbors, trellises, pergolas and similar decorative or support structures used in a garden

1.8.7 Holiday light displays, and streetlights as specified in Section 3.2.3.

1.8.8 Signs as listed in Section 3.2.5.c).

1.8.9 Notwithstanding Section 3.8.8, construction, improvements and maintenance regarding public roads, sidewalks, bridges, infrastructure, and utility and related appurtenances within public

rights-of-way. However, any owner wishing to install utilities within the public right-of-way must receive a permit for the use of the public right-of-way, under 19 VSA 1111.

- 1.8.10 Trails and recreation paths that do not involve the creation of parking areas or construction of structures.
- 1.8.11 Temporary dwellings as specified in Section 3.8.14.
- 1.8.12 Garage sales or yard sales lasting not more than 3 consecutive days and not more than a total of 6 days per calendar year.
- 1.8.13 Farm stands as specified in Section 3.8.6.
- 1.8.14 Fill less than an amount of 40 cubic yards.
- 1.8.15 A facility with a State of Vermont Wastewater System and Potable Water Supply permit.

1.9 Conflicting Ordinances or Regulations

- 1.9.1 Consistency with Town Regulations - In case of any inconsistency between a provision of these regulations and a provision of any other applicable town ordinance or bylaw, the more restrictive provision shall control unless otherwise required by law. The provisions of the Flood Hazard Overlay District (Section 2.15) shall take precedence when they impose a greater restriction than other regulations.
- 1.9.2 Consistency with the Act - If any provision of these regulations is or becomes inconsistent with the Act, the Act shall control. Certain provisions of the Act in effect as of the effective date of these regulations are incorporated in substance or verbatim into these regulations. If any such regulatory or statutory referenced provision of the Act is amended after the effective date of these regulations, the corresponding provisions of these regulations shall be deemed automatically amended to conform with the language of such amendment of the Act.
- 1.9.3 Request for Amendment - Any request for an amendment to these Regulations, including the official Zoning District Map, shall be submitted in writing to the Planning Commission for consideration. A proposed amendment supported by a petition signed by not less than five percent of Richmond voters shall be corrected by the Commission only for technical deficiencies and warned for a public hearing. The Planning Commission shall prepare and approve a written report on all proposed amendments in accordance with the Act.

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1.10 Availability of Documents

Copies of these regulations, including all applicable maps, other related municipal bylaws and ordinances, and the Richmond Town Plan shall be made available to the public during normal business hours in the Richmond Town Clerk's office and in the Planning and Zoning Office.

1.11 Definitions

Many of the terms used in these regulations are defined in Article 5 and these definitions should be referred to for a correct interpretation of the regulations. Special definitions are in Section 2.15 (Flood Hazard Overlay District) and Section 3.9 (Wireless Telecommunications Facilities).

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2. Zoning Districts & Overlay Districts

2.1 General Provisions

2.1.1 Establishment of Zoning Districts

The following zoning districts are established in the Town of Richmond:

- a) Village Business-1 District (VB-1)
- b) Village Business-2 District (VB-2)
- c) Village Mixed District (VM)
- d) Village Residential North District (VRN)
- e) Village Residential South District (VRS)
- f) Jonesville Mixed District (JM)
- g) Jonesville Residential District (JR)
- h) Gateway District (G)
- i) General Business District (GB)
- j) Rural 3 District (R-3)
- k) Rural 10 District (R-10)
- l) Mobile Home Park District (MHP)

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2.1.2 Official Zoning District Map

- a) The location and boundaries of the zoning districts are established as shown on the Official Zoning District Map, which is incorporated into these regulations by reference. The small scale is a representation of the Official Zoning District Map which was approved with these regulations. The Official Zoning District Map is located in the Richmond Planning and Zoning Office.
- b) The Official Zoning District Map shall be available for public review at the town offices during normal business hours. A small-scale, unofficial copy of the map is reproduced in Appendix A of these Regulations for convenience only.
- c) The Zoning Administrative Officer shall locate the boundary of any zoning district by scaling distances off the Official Zoning District Map and in accordance with the following:
 - i. Centerlines. A boundary indicated on the Official Zoning District Map as appearing to follow a road, stream, or right of way shall be construed to follow the centerline of such road, stream or right-of-way.
 - ii. Lot Lines. A boundary indicated on the Official Zoning District Map as appearing to follow a lot line shall be construed as following such lot line.
 - iii. Shorelines. A boundary indicated on Official Zoning District Map as appearing to follow a shoreline shall be construed as following the shoreline at the normal mean water level.
 - iv. Contour Lines. A boundary indicated on Official Zoning District Map as appearing to follow a contour line showing elevation shall be construed as following such contour line.
 - v. Use of Scale – In cases where a Zoning District boundary is not indicated as appearing to follow any of the above, the boundary shall be determined by using the scale of the Official Zoning District Map.
- d) Any appeal of the Zoning Administrative Officer's interpretation of a Zoning District boundary shall be heard by the DRB per Section 4.3.1, which shall make a determination of the Zoning District boundary location based on a review of the best available data.
- e) Where a zoning district boundary divides a lot, land development within each portion shall meet the requirements of the district in which the portion of the lot lies. If the Zoning District boundary passes through a lot and results in an area of land in a zoning district which is smaller than the minimum lot size permitted in the applicable district, such area of land shall be considered to lie in the same district as the larger portion of the lot.

- f) Where the town line divides a lot, the standards of these regulations shall apply to that portion of the lot that is in the Town of Richmond in the same manner as if it were a separate lot entirely situated in the town.

2.1.3 Allowed Uses

The land uses allowed in each district are listed in this section as follows:

- a) **Uses Allowed Administratively** - Uses listed as "P" in Section 2.1.6 of this chapter are permitted and require a zoning permit from the Zoning Administrative Officer in accordance with Section 4.2.1.
- b) **Uses Allowed after Site Plan Review** - Uses listed as "SP" in Section 2.1.6 of this chapter are also permitted, but require site plan review and approval by the DRB in accordance with Section 4.5.1.a)i. and criteria referenced before the Zoning Administrative Officer may issue a zoning permit.
- c) **Uses Allowed Conditionally** - Uses listed as "C" in Section 2.1.6 of this chapter are conditional uses and require conditional use review (including Site Plan Review) and approval by the DRB in accordance with Section 4.5.1.a)ii. and criteria referenced before the Zoning Administrative Officer may issue a zoning permit.

Except as specifically provided in these regulations, no use shall be allowed in a zoning district except for those uses specifically listed in Section 2.1.6 of this chapter as being permitted or conditional in the applicable district.

2.1.4 Land Capability

No application shall be approved and no zoning permit shall be issued for land development unless the lot meets the following criteria in addition to the other applicable requirements of these Regulations. These criteria are designed to ensure the capability of the land to support the proposed land development.

- a) Areas with Special Guidelines for Land Development - The following portions of a lot are governed by the following special provisions:
 - i. Land within the Flood Hazard Overlay District must meet the provisions of Section 2.15, Flood Hazard Overlay District, of these Regulations;
 - ii. Land within the Water Source Protection Areas must meet the provisions of Section 2.16, Water Supply Source Protection, of these Regulations;
 - iii. Land with a slope of 20% or more must meet the provisions of Section 3.7.1, Steep Slopes, of these Regulations; and,
 - iv. Land within Class 1 or Class 2 wetlands must meet the provisions of Section 3.7.2, Wetlands, of these Regulations.
 - v. Land within 50 ft. of a shoreline must meet the provisions of Section 2.14, Shoreline Protection Overlay District, of these Regulations.
- b) Requirement for 10,000 Square Feet of Developable Land - Each lot must contain at least one contiguous 10,000 square foot area of land that is capable of supporting land development. The following areas of a lot shall be deemed incapable of supporting any land development:
 - i. Class 1 and Class 2 wetlands, streams, rivers, ponds, or lakes;
 - ii. Steep slopes as defined in Article 5;
 - iii. Publicly owned land or publicly owned public road right of ways;
 - iv. Privately owned vehicular or utility easements or rights of way;
 - v. Those portions of a lot for which development rights have been transferred to another party; and,
 - vi. Any land within the flood hazard overlay district for uses not authorized within the Flood Hazard Overlay District (Section 2.15).
 - vii. Land on the lot that is subject to a permanent conservation easement held by a qualified organization in accordance with 10 VSA §6301a.(2).

2.1.5 Maximum Lots

In order to achieve the overall goal of retaining a compact and vibrant village center surrounded by rural countryside, density and minimum lot size have been established for each zoning district, with higher residential density in the village center and immediately surrounding neighborhoods and lower residential density in areas outside of the village where the *Richmond Town Plan* has identified significant natural, agricultural, and forest resources for protection.

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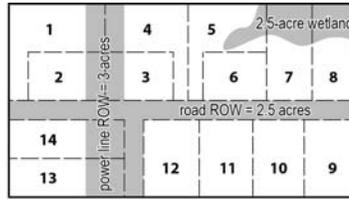
The maximum total number of lots to be subdivided on any pre-existing parcel, as of the effective date of these regulations, shall be as determined by the Town Planner/Staff to the DRB as specified for each zoning district. A site plan must be submitted which confirms that the proposed number of lots complies with Section 2.1.4.

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Lot calculations are based on the entire parcel size, less any lands described in a), b), or c) below, when determining the number of lots that may be subdivided or developed. Any parcel to be subdivided or developed will be evaluated with the following criteria. If one or more of the criteria apply, that portion of the parcel shall be excluded as "non-developable" in the lot calculations.

- a) Land subject to an easement that prevents construction of one or more structures within the easement area.
- b) Land within rights-of-way.
- c) Land unable to be built upon under state, federal or other applicable regulations, specifically including Class 1 and Class 2 wetlands and lands within the Special Flood Hazard Area.

Listed below is an example for the R3 zoning district.



50 acres total - 8 acres undevelopable = 42 developable acres
 42 developable acres = 14 lots @ density of 3 acres per home

Deleted: 2.1.5 Land Capability
 No application shall be approved and no zoning permit shall be issued for land development unless the lot meets the following criteria in addition to the other applicable requirements of these Regulations. These criteria are designed to ensure the capability of the land to support the proposed land development.

- a) Areas with Special Guidelines for Land Development - The following portions of a lot are governed by the following special provisions:
 - i. Land within the Flood Hazard Overlay District must meet the provisions of Section 2.14, *Flood Hazard Overlay District*, of these Regulations;
 - ii. Land within the Water Source Protection Areas must meet the provisions of Section 2., *Water Supply Source Protection*, of these Regulations;
 - iii. Land with a slope of 15% or more must meet the provisions of Section 3.7.1, *Steep Slopes*, of these Regulations; and,
 - iv. Land within Class 1 or Class 2 wetlands must meet the provisions of Section 3.7.2, *Wetlands*, of these Regulations.
 - v. Land within 50 ft. of a shoreline must meet the provisions of Section 2.13, *Shoreline Protection Overlay District*, of these Regulations.
- b) Requirement for 10,000 Square Feet of Developable Land - Each lot must contain at least one contiguous 10,000 square foot area of land that is capable of supporting land development. The following areas of supporting any land development:
 - i. Class 1 and Class 2 wetlands, streams, rivers, ponds, or lakes;
 - ii. Slopes equal to or greater than thirty percent - 30%;
 - iii. Publicly owned land or publicly owned public road right of ways;
 - iv. Privately owned vehicular or utility easements or rights of way;
 - v. Those portions of a lot for which development rights have been transferred to another party; and,
 - vi. Any land within the flood hazard overlay district for uses not authorized within the Flood Hazard Overlay District (Section 2.14).
 - vii. Land on the lot that is subject to a permanent conservation easement held by a qualified organization in accordance with 10 VSA §6301a.(2).

2.1.6 Uses By Zoning District Table

	VB-1	VB-2	VM	VRN	VRS	JM	JR	G	GB	R-3	R-10	MHP
	Accessory											
2.1.6-1	P		P	P	P	P	P	P	P	P	P	P
2.1.6-2	SP		SP	SP	SP	SP	SP	SP	P	C	C	
2.1.6-3	SP	<u>SP</u>	SP	P	P	SP	P	P	P	P	P	<u>SP</u>
2.1.6-4	C	<u>C</u>	C	C	C	C	C	C	SP	C	C	<u>C</u>
	Residential											
2.1.6-5			P	P	P	P	P	C		P	P	P
2.1.6-6			C	SP	SP	C	SP	C				
2.1.6-7			P	P	P	P	P	C		P	P	P
2.1.6-8	SP		SP	SP	SP	SP	SP	C				
2.1.6-9	C		P	P	P	P	P	P	C	P	P	P
2.1.6-10				P	P		P			P	P	
2.1.6-11												CU
	Group Living											
2.1.6-11	SP		SP	SP	SP	SP	SP					
2.1.6-12			P	P	P	P	P	C		P	P	
2.1.6-13			C	C	C	C	C			C		
2.1.6-14			C	C	C	C	C					
2.1.6-15	C		C	C	C	C	C	C	C	C	C	
	Home Business											
2.1.6-16	SP		SP			SP		SP	C			P
2.1.6-17	P		P	P	P	P	P	P	P	P	P	P
2.1.6-18			SP	C	C	SP	C	SP	P	C	C	
2.1.6-19			C			C		C	C			
	Public, Civic, Cultural, Religious											
2.1.620	C		C			C		C				
2.1.6-21	C		C			C						
2.1.6-22			C			C		C	C			
2.1.6-23								C	C			
2.1.6-24	C	<u>C</u>	C	C	C	C	C	C	C	C		
2.1.6-25	SP		SP	SP	SP	SP	SP	C		C		
2.1.6-26			P	P	P	P	P	P		P	P	
2.1.6-27	SP	<u>SP</u>	SP	C	C	SP	C	SP		C		
2.1.6-28	SP	<u>SP</u>	SP			SP		SP		C	C	
	Healthcare, Family Childcare, and Daycare											
2.1.6-29	SP	<u>C</u>	C			C		SP	SP			
2.1.6-30	P		P	P	P	P	P	P	P	P	P	P
2.1.6-31	SP		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
2.1.6-32	C	<u>C</u>	C	C	C	C	C	C	C	C	C	C
2.1.6-33	C	<u>C</u>	C	C	C	C	C	C	C	C	C	C

Richmond Zoning & Subdivision Regulations
Article 2. Zoning Districts & Overlay Districts

	VB-1	VB-2	VM	VRN	VRS	JM	JR	G	GB	R-3	R-10	MHP
	Communications and Transportation											
2.1.6-34	C	<u>C</u>	C	C	C	C	C	C	C	C	C	C
2.1.6-35									C			
2.1.6-36									C	C		
2.1.6-37	C		C			C			SP			
2.1.6-38	SP	<u>SP</u>	SP			SP		SP	SP			
2.1.6-39	C	<u>SP</u>	SP	C	C	SP	C	SP	SP	C		
2.1.6-40	C	<u>SP</u>	SP			SP		SP	SP			
	Agricultural and Animal Support Services											
2.1.6-41			C			C		C	SP	C	C	
2.1.6-42					C	C	C		C	SP	C	
2.1.6-43	C	<u>C</u>	C	C	C	C	C	SP	SP			
2.1.6-44	C		C			C		C	SP			
2.1.6-45									C			
	Food and Lodging											
2.1.6-46	SP	<u>SP</u>	SP	C	C	SP	C	C	C			
2.1.6-47								C	C			
2.1.6-48												
2.1.6-49	SP	<u>C</u>	C			C		C	C			
2.1.6-50	SP	<u>SP</u>	SP	C	C	SP	C	SP	SP			
2.1.6-51	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P
2.1.6-52	SP	<u>SP</u>	SP	C	C	SP	C	SP		SP	C	
2.1.6-53	C	<u>C</u>	C			C		C	C			
2.1.6-54			C			C				C	C	
	Sales											
2.1.6-55	SP	<u>SP</u>	SP			SP		C	C			
2.1.6-56	SP	<u>C</u>	C			C		C	C			
2.1.6-57		<u>C</u>	C			C			C			
2.1.6-58	SP	<u>SP</u>	SP			SP		SP	C			
2.1.6-59	SP	<u>SP</u>	C			C		SP	SP			
2.1.6-60	SP							C	C			
	Personal or Business Services, Financial, Office											
2.1.6-61	SP	<u>SP</u>	SP			SP		SP	C			
2.1.6-62	SP	<u>C</u>	C			C		C	C			
2.1.6-63	SP	<u>SP</u>	C			C		C	C			
2.1.6-64	SP	<u>SP</u>	SP	C	C	SP	C	SP	SP			
2.1.6-65	SP	<u>C</u>	C			C		C	SP			
	Recreation and Entertainment											
2.1.6-66	SP	<u>SP</u>	SP			SP		C	C			
2.1.6-67	C	<u>C</u>	C			C		SP	SP			
2.1.6-68										C		
2.1.6-69	SP	<u>SP</u>	SP		C	SP	C	SP	SP	C		

Richmond Zoning & Subdivision Regulations
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		VB-1	VB-2	VM	VRN	VRS	JM	JR	G	GB	R-3	R-10	MHP
2.1.6-70	Recreation, Indoor Class 2	SP	<u>SP</u>	C			C		C	SP			
2.1.6-71	Recreation, Outdoor Class 1	C	<u>C</u>	C	C	C	C	C	SP	SP	SP	<u>C</u>	CU
2.1.6-72	Recreation, Outdoor Class 2								C	SP	C		
	Automotive												
2.1.6-73	Vehicle Fueling Station, Class 1						C		C	C			
2.1.6-74	Vehicle Fueling Station, Class 2						C		C	C			
2.1.6-75	Equipment, Vehicle or RV Sales or Rental, Class 1		<u>C</u>	C			C		C	SP			
2.1.6-76	Equipment, Vehicle or RV Sales or Rental, Class 2								C	C			
2.1.6-77	Equipment, Vehicle or RV Repair, Class 1		<u>C</u>	C			C		C	SP			
2.1.6-78	Equipment, Vehicle or RV Repair, Class 2								C	C			
2.1.6-79	Car Wash			C			C			SP			
	Light Industry, Storage and R&D												
2.1.6-80	Food Production or Processing, Class 1	SP	<u>C</u>	C			C		C	SP			
2.1.6-81	Food Production or Processing, Class 2	C							<u>C</u>	C			
2.1.6-82	Artist/Craftsperson Studio	SP	<u>SP</u>	SP	C	C	SP	C	SP	SP	SP	SP	
2.1.6-83	Light Industry, Class 1	SP		C			C		<u>C</u>	SP			
2.1.6-84	Light Industry, Class 2	C							<u>C</u>	C			
2.1.6-85	Light Industry, Class 3									C			
2.1.6-86	Warehousing and Distribution, Class 1	SP		C			C		SP	P			
2.1.6-87	Warehousing and Distribution, Class 2	C					C		<u>C</u>	SP			
2.1.6-88	Warehousing and Distribution, Class 3									C			
2.1.6-89	Self-Storage, Class 1	SP	<u>C</u>	SP	C	C	SP	C	SP	P			
2.1.6-90	Self-Storage, Class 2	<u>C</u>	<u>C</u>				<u>C</u>		<u>C</u>	<u>SP</u>			
2.1.6-91	Self-Storage, Class 3									SP			
2.1.6-92	Research and Development, Class 1	SP	<u>C</u>	C			C		SP	P			
2.1.6-93	Research and Development, Class 2	C							C	SP			
2.1.6-94	Research and Development, Class 3								C	C			
2.1.6-95	Business Yard						C		<u>C</u>	SP			
2.1.6-96	Salvage Yard									C			
2.1.6-97	Recycling or Composting Facility									C	C		
2.1.6-98	Biomass Production or Processing									C			
2.1.6-99	Crematorium								C	C			
	Agriculture, Forestry and Resource-Based												
2.1.6-100	Agriculture or Silviculture (uses not				C	C		C	C	P	P	P	

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Richmond Zoning & Subdivision Regulations
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	VB-1	VB-2	VM	VRN	VRS	JM	JR	G	GB	R-3	R-10	MHP	
qualifying for state exemption)												P	
2.1.6-101 1		C	C	C	C	C	C	C	SP	SP	C		Deleted: 0
2.1.6-102 2									C	C	C		Deleted: 1
2.1.6-103 3									C	C			Deleted: 2
2.1.6-104 4	SP	P	P	P	P	P	P	P	P	P	P		Deleted: 3
2.1.6-105 5	SP	SP	SP	C	C	SP	C	SP	SP	SP	C		Deleted: 4
2.1.6-106 6										C	C		Deleted: 5
2.1.6-107 7				SP	SP		SP	SP	SP	SP	SP		Deleted: 6
2.1.6-108 8	P	P	P	P	P	P	P	P	P	P	P		Deleted: 7
2.1.6-109 9	P	P	P	P	P	P	P	P	P	P	P		Deleted: 8

2.2 Village Business-1 (VB-1)

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2.2.1 Purpose

- a) Purpose - The purpose of this district is to maintain and enhance the historic look and character, economic vitality and mixed-use environment of Richmond village's business district. Specific goals of the *Richmond Town Plan* to be implemented through this district include, but are not limited to:
 - i. Maintain the historic village pattern essential to the quality of life in Richmond, which is threatened by suburbanization and auto dependence.
 - ii. Promote village-scale development.
 - iii. Promote a mix of residential and commercial uses in village areas.
 - iv. Recognize that the commercial success of the village is vital to the economic and cultural health of the town.
 - v. Alleviate traffic congestion and its impacts on the village, while maintaining the dynamic commercial, civic and residential character of the village.

- b) Purpose Elements - This district has historically served as the core of the town's business community, and it has retained many of the essential elements of traditional downtown character including: historic architectural styles, multi-story structures built close to the street, on-street parking, a pedestrian scale and atmosphere, and a mix of uses. The desired purpose elements associated with this zoning district are designed to maintain and enhance a place that has:
 - i. A mix of uses in close proximity to each other bringing people together for a variety of activities –including town affairs, work, living, recreation, business, shopping, and entertainment – attracting and benefiting people of all ages and income levels.
 - ii. A physical layout with higher densities in comparison to outlying areas and a distinct, defined geographical edge that establishes an identity or a sense of place.
 - iii. A pedestrian-friendly environment in which most uses are within a 5- or 10-minute walk (1,500 to 3,000 feet) of each other and a transportation system that is designed first for pedestrians and secondarily for vehicles.
 - iv. A presence of special features, such as historic buildings, landmarks and views.
 - v. Multi-story buildings that maximize the use of vertical space while maintaining a human scale at street level.
 - vi. Buildings located close to the street built at the street line or with very shallow setbacks.
 - vii. Narrow, interconnected, tree-lined streets and on-street parking.
 - viii. Buildings whose main entrance is oriented to the street.
 - ix. Limited amounts of land devoted to parking.
 - x. Diversity in the size of buildings and lots.

2.2.2 Allowed Uses

Uses allowed in the VB-1 district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.2.3 Density and Dimensional Standards – VB-1 Zoning District

	Minimum	Maximum
Density		
2.2.3.a) Residential		1 dwelling unit per 0.125 acres
Lots		
2.2.3.b) Lot size	0.25 acres	
2.2.3.c) Lot frontage	50 feet	
2.2.3.d) Lot coverage		100%
Principal Structures		
2.2.3.e) Front setback - from front lot line.	0 feet	10 feet
2.2.3.f) Side and rear setback	0 feet	
2.2.3.g) Height	2 floors above grade	35 feet
2.2.3.h) Footprint		25,000 square feet
Accessory Structures		
2.2.3.i) Front setback - from front lot line.	30 feet	
2.2.3.j) Side and rear setback	5 feet	
2.2.3.k) Height		35 feet
2.2.3.l) Footprint		5,000 square feet

2.2.4 Development Standards

- a) Parking
 - i. In the VB-1 zoning district, new uses are exempt from meeting the required number of parking spaces, per Section 3.2.4.c)ii.3.
 - ii. Parking is encouraged to be located to the rear and/or side of principal structures.
- b) Ground Floor Uses - No residential uses shall be permitted on the ground floor of any principal structure in this district.
- c) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

Deleted: b) Traffic Generation - No use shall generate 60 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.¶
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2.3 Village Business-2 (VB-2)

2.3.1 Purpose

- a) Purpose - The purpose of this district is to retain and provide areas for the sale of retail or wholesale goods and services and office space within certain village areas and to complement the historic look and character, economic vitality and mixed-use environment of Richmond village. Specific goals of the *Richmond Town Plan* to be implemented through this district include, but are not limited to:
 - i. Maintain the historic village pattern essential to the quality of life.
 - ii. Promote village-scale development.
 - iii. Promote a mix of commercial uses in the village area.
- b) Purpose Elements - The desired purpose elements associated with this zoning district are designed to maintain and enhance a place that has:
 - i. An attractive, pedestrian-friendly, compact area for retail operations, services, or offices is encouraged.
 - ii. Diversity in the size of buildings and lots is encouraged.
 - iii. Parking and traffic flow is considered part of the site plan review process.

2.3.2 Allowed Uses

Uses allowed in the VB-2 district are listed in Chapter 2.1.6, *Uses By Zoning District Table*.

2.3.3 Density and Dimensional Standards – VB-2 Zoning District

	Minimum	Maximum
Lots		
2.3.3.a) Lot size	0.25 acres	
2.3.3.b) Lot frontage	50 feet	
2.3.3.c) Lot coverage		80%
Principal Structures		
2.3.3.d) Front setback - from front lot line.	20 feet	35 feet
2.3.3.e) Side and rear setback	10 feet	
2.2.3.f) Height		35 feet
2.3.3.g) Footprint		15,000 square feet
Accessory Structures		
2.3.3.i) Front setback - from front lot line.	20 feet	
2.3.3.j) Side and rear setback	5 feet	
2.3.3.k) Height		35 feet
2.3.3.l) Footprint		1,500 square feet

2.3.4 Development Standards

- a) Parking - Parking is encouraged to be located to the rear and/or side of principal structures. All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

2.4 Village Mixed (VM)

2.4.1 Purpose

- a) Purpose - The purpose of this district is to maintain and enhance the look and character, quality of life and mixed-use environment along the main travel corridors extending outward from the Richmond village business district and along Farr Road at the south end of the village. Specific goals of the *Richmond Town Plan* to be implemented through this district include, but are not limited to:
 - i. Maintain the historic village pattern essential to the quality of life in Richmond, which is threatened by suburbanization and auto dependence.
 - ii. Promote village-scale development.
 - iii. Promote a mix of residential and commercial uses in village areas.
 - iv. Largely concentrate residential development within village areas and other designated areas to conserve the town's rural character.
 - v. Recognize that the commercial success of the village is vital to the economic and cultural health of the town.
 - vi. Protect the architectural integrity of village-area homes and other historic structures.

- b) Purpose Elements - While allowing for mixed uses, this district should continue to appear largely residential. Maintaining the scale and architectural integrity of the many historic homes in this district is critical to protecting the quality of life and small town atmosphere of Richmond village. The residential character of these buildings should be preserved if they are converted to another use. New commercial, multi-family residential and mixed-use buildings should be designed to be compatible with surrounding historic homes in terms of their scale, massing and form. The desired purpose elements associated with this zoning district are designed to maintain and enhance a place that has:
 - i. A mix of uses in close proximity to each other bringing people together for a variety of activities –including town affairs, work, living, recreation, business, shopping, and entertainment – attracting and benefiting people of all ages and income levels.
 - ii. A physical layout with higher densities in comparison to outlying areas and a distinct, defined geographical edge that establishes an identity or a sense of place.
 - iii. A pedestrian-friendly environment and a transportation system that is designed first for pedestrians and secondarily for vehicles.
 - iv. A strong public presence, such as greens or parks, municipal buildings, post office, school or other public spaces or buildings.
 - v. Interconnected, tree-lined streets, and short and/or irregularly shaped blocks.
 - vi. Limited amounts of land devoted to parking, especially as visible from the street.
 - vii. Buildings that match historic setbacks and whose main entrance faces the street.
 - viii. Multi-story buildings that maximize the use of vertical space while maintaining a human scale at street level.

2.4.2 Allowed Uses

Allowed uses in the VM district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.4.3 Density and Dimensional Standards – VM Zoning District

		Minimum	Maximum
	Density		
2.4.3.a)	Residential (north of river)		1 dwelling unit per 0.25 acres
2.4.3.b)	Residential (south of river)		1 dwelling unit per 0.5 acres
	Lots		
2.4.3.c)	Lot size (north of river)	0.25 acres	
2.4.3.d)	Lot size (south of river)	0.5 acres	
2.4.3.e)	Lot frontage	50 feet	
2.4.3.f)	Lot coverage		80%
	Principal Structures		
2.4.3.g)	Front setback - from front lot line.	20 feet	
2.4.3.h)	Side and rear setback	10 feet	
2.4.3.i)	Height (structures fronting on Bridge St or Rt. 2)	2 floors above grade	35 feet
2.4.3.j)	Height (all other structures)		35 feet
2.4.3.k)	Footprint		15,000 square feet
	Accessory Structures		
2.4.3.l)	Front setback - from front lot line.	20 feet	35 feet
2.4.3.m)	Side and rear setback	5 feet	
2.4.3.n)	Height		35 feet
2.4.3.o)	Footprint		1,500 square feet

2.4.4 Development Standards

- a) Parking is encouraged to be located to the rear and/or side of principal structures. All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Mixed Use – Mixed use development shall be required on all land that was part of a lot of 5 acres or more as existing on the effective date of these regulations. No project shall be approved with less than 50% of non-residential gross floor area per the total residential gross floor area. In the case of a multi-structure development, this ratio shall be calculated for the development site as a whole rather than for each structure individually. This requirement applies to the residential floor area, including any created under a density bonus, per Section 3.6.4.
- c) Subdivision Requirements – A development shall be reviewed as a PUD when a parcel is subdivided into 4 or more lots within any 5-year period.

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ii. Development of any lot of 5.0 acres or more in size.

2.5 Village Residential North (VRN)

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2.5.1 Purpose

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- a) Purpose - The purpose of this district is to implement the goals and policies of the *Richmond Town Plan*, which calls upon the town to promote residential development within or adjacent to the village in order to conserve the town's rural character. This district is largely developed with single-family homes and it is the intent of these regulations to maintain the district's traditional settlement patterns and residents' quality of life. New construction within this district should respect the traditional pattern and scale of development while accommodating a wide range of building types, including attached, accessory and multi-family housing. The public infrastructure within this district will support compact development. In order to maximize use of existing infrastructure, lower density land use will be discouraged. While primarily residential in character, this district should also accommodate limited, small-scale, non-residential uses, primarily those operated from residential property, which do not disrupt quality of life in their neighborhood.
- b) Purpose Elements - The desired purpose elements associated with this zoning district are designed to maintain and enhance a place that encourage traditional residential neighborhoods, built before 1940, which typically extend outward from New England village downtown business districts. Neighborhoods within this zoning district should:
 - i. Be compact and walkable with a human scale that makes people feel comfortable.
 - ii. Offer variety and variability. Neighborhoods may have a diversity of housing types with dwelling unit and lot sizes that vary to cater to multiple market segments, and differences in building design, landscaping, and building placement on the lot.
 - iii. Have a network of interconnected streets with few dead-ends. Streets should be narrow and designed to minimize speeding and through traffic. Streets should follow the natural contours of the land, but suburban-style curvilinear streets and cul-de-sacs should be avoided. Neighborhood streets should have sidewalks.
 - iv. Provide for both public interaction and privacy through the design of streets, sidewalks, and lots. Most houses should face the street (e.g., have a front door, front porch, and/or front yard adjoining and visible from the street). Most dwellings should include some private outdoor space.
 - v. Offer a connection to nature through an open space system made up of formal elements (such as tree-lined streets, sidewalks, multi-use paths, greens and/or gardens), recreational elements (such as parks, playgrounds, and/or sports fields) and informal elements (such as trails, naturally vegetated buffers, wildlife habitat, preserved natural features, and/or scenic views). All three types of open space currently exist in Richmond village and are critical to creating the small town quality of life enjoyed by residents.

2.5.2 Allowed Uses

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Allowed uses in the VRN district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.5.3 Density and Dimensional Standards – VRN Zoning District

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		Minimum	Maximum
	Density		
2.5.3.a)	Residential		1 dwelling unit per 0.25 acres
	Lots		
2.5.3.b)	Lot size	0.25 acres	
2.5.3.c)	Lot frontage	75 feet	
2.5.3.d)	Lot coverage		70%
	Principal Structures		
2.5.3.e)	Front setback - from front lot line.	20 feet	
2.5.3.f)	Side and rear setback	15 feet	
2.5.3.g)	Height		35 feet
2.5.3.h)	Footprint		5,000 square feet
	Accessory Structures		
2.5.3.i)	Front setback - from front lot line.	20 feet	35 feet
2.5.3.j)	Setback for attached garage with doors facing the road (behind structure front line)	4 feet	
2.5.3.k)	Side and rear setback	10 feet	
2.5.3.l)	Height		35 feet
2.5.3.m)	Footprint		1,500 square feet

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Road centerline setback

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b) Traffic Generation - No use shall generate 10 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.

c

2.5.4 Development Standards

- a) Parking - Parking is encouraged to be located to the rear and/or side of principal structures. Parking for an attached garage (which is part of the principal structure) may be located in front of the attached garage. All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

2.6 Village Residential South (VRS)

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2.6.1 Purpose

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- a) Purpose - The purpose of this district is to implement the goals and policies of the *Richmond Town Plan*, which calls upon the town to promote residential development within or adjacent to the village in order to conserve the town's rural character. This district is largely developed with single-family homes and it is the intent of these regulations to maintain the district's traditional settlement patterns and residents' quality of life. New construction within this district should respect the traditional pattern and scale of development while accommodating a wide range of building types, including attached, accessory and multi-family housing. The public infrastructure within this district will support compact development. In order to maximize use of existing infrastructure, lower density land use will be discouraged. While primarily residential in character, this district should also accommodate limited, small-scale, non-residential uses, primarily those operated from residential property, which do not disrupt quality of life in their neighborhood.
- b) Purpose Elements - The desired purpose elements associated with this zoning district are designed to maintain and enhance a place that encourage traditional residential neighborhoods, built before 1860, which typically extend outward from New England village greens. Neighborhoods within this zoning district should:
 - i. Be compact and walkable with a human scale that makes people feel comfortable.
 - ii. Offer variety and variability. Neighborhoods may have a diversity of housing types with dwelling unit and lot sizes that vary to cater to multiple market segments, and differences in building design, landscaping, and building placement on the lot.
 - iii. Have a network of interconnected streets with few dead-ends. Streets should be narrow and designed to minimize speeding and through traffic. Streets should follow the natural contours of the land, but suburban-style curvilinear streets and cul-de-sacs should be avoided. Neighborhood streets should have sidewalks.
 - iv. Provide for both public interaction and privacy through the design of streets, sidewalks, and lots. Most houses should face the street (e.g., have a front door, front porch, and/or front yard adjoining and visible from the street). Most dwellings should include some private outdoor space.
 - v. Offer a connection to nature through an open space system made up of formal elements (such as tree-lined streets, sidewalks, multi-use paths, greens and/or gardens), recreational elements (such as parks, playgrounds, and/or sports fields) and informal elements (such as trails, naturally vegetated buffers, wildlife habitat, preserved natural features, and/or scenic views). All three types of open space currently exist in Richmond village and are critical to creating the small town quality of life enjoyed by residents.

2.6.2 Allowed Uses

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Allowed uses in the VRS district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.6.3 Density and Dimensional Standards – VRS Zoning District

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		Minimum	Maximum
	Density		
2.6.3.a)	Residential		1 dwelling unit per 0.5 acres
	Lots		
2.6.3.b)	Lot size	0.5 acre	
2.6.3.c)	Lot frontage	100 feet	
2.6.3.d)	Lot coverage		50%
	Principal Structures		
2.6.3.e)	Front setback - from front lot line.	20 feet	
2.6.3.f)	Side and rear setback	15 feet	
2.6.3.g)	Height		35 feet
2.6.3.h)	Footprint		5,000 square feet
	Accessory Structures		
2.6.3.i)	Front setback - from front lot line.	20 feet	35 feet
2.6.3.j)	Setback for attached garage with doors facing the road (behind structure frontline)	4 feet	
2.6.3.k)	Side and rear setback	10 feet	
2.6.3.l)	Height		35 feet
2.6.3.m)	Footprint		1,500 square feet

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b) Traffic Generation - No use shall generate 10 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.¶

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2.6.4 Development Standards

- a) Parking - Parking is encouraged to be located to the rear and/or side of the principal structures. Parking for an attached garage (which is attached to the principal structure) may be located in front of the attached garage. All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

2.7 Jonesville Mixed District (JM)

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2.7.1 Purpose

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- a) The purpose of this district is to maintain and enhance the look and character, quality of life and mixed-use environment along the main travel corridors along Route 2 in Jonesville. Specific goals of the *Richmond Town Plan* to be implemented through this district include, but are not limited to:
 - i. Promote village-scale development with a similar scale to existing buildings.
 - ii. Promote a mix of residential and commercial uses in Jonesville areas.
 - iii. Recognize that the commercial success of the village is vital to the economic and cultural health of the town.

- b) Purpose Elements - While allowing for mixed uses, this district should continue to appear largely residential. Maintaining the scale and architectural integrity of the many historic homes in this district is critical to protecting the quality of life and small town atmosphere of Jonesville. The residential character of these buildings should be preserved if they are converted to another use. New commercial, multi-family residential and mixed-use buildings should be designed to be compatible with surrounding historic homes in terms of their scale, massing and form. The desired purpose elements associated with this zoning district are designed to maintain and enhance a place that has:
 - i. A physical layout with higher densities in comparison to outlying areas and a distinct, defined geographical edge that establishes an identity or a sense of place.
 - ii. Interconnected, tree-lined streets, and short and/or irregularly shaped blocks.
 - iii. Limited amounts of land devoted to parking, especially as visible from the street.
 - iv. Buildings that match historic setbacks and whose main entrance faces the street.
 - v. Principal buildings closer to the street than associated accessory buildings and service areas that are largely invisible from the street.
 - vi. Multi-story buildings that maximize the use of vertical space while maintaining a human scale at street level.

2.7.2 Allowed Uses

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Allowed uses in the JM district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.7.3 Density and Dimensional Standards in the JM Zoning District

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	Minimum	Maximum
	Density	
2.7.3.a)	Residential	1 dwelling unit per 0.5 acres
	Lots	
2.7.3.b)	Lot size	0.5 acres
2.7.3.c)	Lot frontage	50 feet
2.7.3.d)	Lot coverage	80%
	Principal Structures	
2.7.3.e)	Front setback - from front lot line.	20 feet
2.7.3.f)	Side and rear setback	10 feet
2.7.3.g)	Height (structures fronting on Rt. 2)	2 floors above grade 35 feet
2.7.3.h)	Height (all other structures)	35 feet
2.7.3.i)	Footprint	15,000 square feet
	Accessory Structures	
2.7.3.j)	Front setback - from front lot line.	20 feet 35 feet
2.7.3.k)	Side and rear setback	5 feet
2.7.3.l)	Height	35 feet
2.7.3.m)	Footprint	1,500 square feet

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 Road centerline setback

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 i. Subdivision of

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 ii. Development of any lot of 5.0 acres or more in size

2.7.4 - Development Standards

- a) Parking is encouraged to be located to the rear and/or side of principal structures. All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Subdivision Requirements - A development shall be reviewed as a PUD when a parcel is subdivided into 4 or more lots within any 5-year period.

2.8 Jonesville Residential (JR)

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2.8.1 Purpose

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- a) Purpose - The purpose of this district is to implement the goals and policies of the *Richmond Town Plan*, which calls upon the town to promote residential development within or adjacent to the village areas in order to conserve the town's rural character. This district is largely developed with single-family homes and it is the intent of these regulations to maintain the district's traditional settlement patterns and residents' quality of life. New construction within this district should respect the traditional pattern and scale of development while accommodating a wide range of residential building types.
- b) Purpose Elements - The desired purpose elements associated with this zoning district are designed to maintain and enhance a place that encourages traditional and new residential neighborhoods. Neighborhoods within this zoning district should:
 - i. Be compact and walkable with a human scale.
 - ii. Offer variety and variability. Neighborhoods may have a diversity of housing types with dwelling unit and lot sizes that vary for multiple market segments, and differences in building design, landscaping, and building placement on the lot.
 - iii. Provide for both public interaction and privacy through the design of streets, sidewalks, and lots. Most houses should face the street (e.g., have a front door, front porch, and/or front yard adjoining and visible from the street). Most dwellings should include some private outdoor space.
 - iv. Offer a connection to nature through an open space system made up of formal elements (such as tree-lined streets, sidewalks, multi-use paths, greens and/or gardens), recreational elements (such as parks, playgrounds, and/or sports fields) and informal elements (such as trails, naturally vegetated buffers, wildlife habitat, preserved natural features, and/or scenic views).

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2.8.2 Allowed Uses

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Allowed uses in the JR district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.8.3 Density and Dimensional Standards – JR Zoning District

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		Minimum	Maximum
	Density		
2.8.3.a)	Residential		1 dwelling unit per 1 acres
	Lots		
2.8.3.b)	Lot size	1 acre	
2.8.3.c)	Lot frontage	100 feet	
2.8.3.d)	Lot coverage		30%
	Principal Structures		
2.8.3.e)	Front setback - from front lot line.	30 feet	
2.8.3.f)	Side and rear setback	20 feet	
2.8.3.g)	Height		35 feet
2.8.3.h)	Footprint		5,000 square feet
	Accessory Structures		
2.8.3.i)	Front setback - from front lot line.	30 feet	
2.8.3.j)	Side and rear setback	10 feet	
2.8.3.k)	Height		35 feet
2.8.3.l)	Footprint		1,500 square feet

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 Road centerline setback

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 b) Traffic Generation - No use shall generate 10 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.¶
 c

2.8.4 Development Standards

- a) Parking - Parking is encouraged to be located to the rear and/or side of principal structures. Parking for an attached garage (which is attached to the principal structure) may be located in front of the attached garage. All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

2.9 Gateway (G)

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2.9.1 Purpose

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- a) Purpose - The purpose of this district is to maintain this mixed-use corridor as a scenic entrance to the Town of Richmond and its traditional village center. Specific goals of the Richmond Town Plan are incorporated as follows:
 - i. Promote a high-quality built environment, to encourage construction of multi-story buildings, and to limit the amount of paved surface visible from Route 2.
 - ii. To maintain the scenic character of this district, the primary view for drivers on Route 2 shall be of landscaped greenspace and building facades.
 - iii. Signs, lighting and building designs intended to be highly visible from I-89 shall be prohibited.
- b) Purpose Elements - The desired purpose elements associated with this zoning district are designed to maintain a mixed-use corridor and scenic entrance to Richmond:
 - i. The size and shape of commercial buildings to be constructed in this area reflect those found in Richmond village.
 - ii. Urban/suburban strip development and "big box" stores will be prohibited.
 - iii. Access to this area will be controlled by limiting curb cuts to US Route 2 and by providing an internal circulation road for new commercial development.
 - iv. Green space, landscaping to help screen parking from Route 2 and I-89, and other "character of the neighborhood" criteria must be met in order to retain the flavor of an entranceway to a rural and historic small town.
 - v. As elsewhere in the Town, restoration and reuse of existing historic structures in this district is encouraged.

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2.9.2 Allowed Uses

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Allowed uses in the G district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.9.3 Density and Dimensional Standards in the G Zoning District

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	Density	Minimum	Maximum
2.9.3.a)	Residential		1 dwelling unit per .33 acre
	Lots		
2.9.3.b)	Lot size	1 acre	
2.9.3.c)	Lot frontage	100 feet	
2.9.3.d)	Lot coverage		50%
	Principal Structures		
2.9.3.e)	Front setback (from Route 2) From front lot line.	25 feet	
2.9.3.f)	Front setback (from all other roads) From front lot line.	5 feet	
2.9.3.g)	Side and rear setback	10 feet	
2.9.3.h)	Height (within 200 feet from Route 2)	2 floors above grade	35 feet
2.9.3.i)	Height (>200 feet from Route 2)		35 feet
2.9.3.j)	Footprint (single-story structure)		10,000 square feet
2.9.3.k)	Footprint (multi-story structure)		15,000 square feet
	Accessory Structures		
2.9.3.l)	Front setback (from Route 2) From front lot line.	25 feet	
2.9.3.m)	Side and rear setback	10 feet	
2.9.3.n)	Height		35 feet
2.9.3.o)	Footprint		5,000 square feet

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2.9.4 Development Standards

- a) Landscaping - Landscaping shall be an integral component of new development and a 15-foot deep landscaped area shall be provided along all portions of any lot fronting on Route 2 not being used for access (vehicular or pedestrian). The landscaped area shall include a mix of trees, shrubs, perennials and groundcovers in accordance with the provisions of Section 3.2.2.
- b) Parking - Parking is encouraged to be located to the rear and/or side of principal structures. If an attached garage for a residence is located more than 200 feet from Route 2, parking may be located in front of the attached garage. All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- c) Subdivision Requirements - A development shall be reviewed as a PUD when a parcel is subdivided into 4 or more lots within any 5-year period.

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Deleted: Additional regulations regarding parking are specified in Section 3.2.4.¶

c) Traffic Generation - No use shall generate 120 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.¶

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i. Subdivision of

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ii. Development of any lot of 3 acres or more in size.

2.10 General Business (GB)

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2.10.1 Purpose

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- a) Purpose - In order to develop Richmond's economy, protect the environment, and preserve the town's sense of place, this zoning district encourages development within designated outlying general business areas (focusing on commercial and industrial uses), surrounded by a rural landscape.

- b) Purpose Elements - This district should continue to serve general business uses, including commercial and industrial uses, with an emphasis on the following purpose elements:
 - i. Provide locations for businesses that provide residents with goods and services, generate local employment and entrepreneurship opportunities, and diversify Richmond's tax base.
 - ii. This district is sited to promote economic development in an area served by, or with the potential to be served by, existing infrastructure (e.g., highways, rail, municipal water and wastewater).
 - iii. Commercial and industrial development within this district should be of a type, scale and design that complements, rather than competes with, businesses within Richmond village.
 - iv. Uses proposed for areas outside the village should not have the effect of eroding the viability of the Village Business-1 or Village Business-2 zoning districts.

2.10.2 Allowed Uses

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Allowed uses in the GB district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.10.3 Density and Dimensional Standards in the GB zoning district

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	Minimum	Maximum
Density		
2.10.3.a) Residential		1 dwelling unit per lot in second floor only
Lots		
2.10.3.b) Lot size	1 acre	
2.10.3.c) Lot frontage	100 feet	
2.10.3.d) Lot coverage		70%
Principal Structures		
2.10.3.e) Front setback (structure with a footprint up to 10,000 sq ft) – From Route 2, Route 117, or Governor-Peck Road From front lot line.	25 feet	
2.10.3.f) Front setback - (structure with a footprint up to 10,000 sq ft) – From all other roads From front lot line.	5 feet	
2.10.3.g) Front setback – Applies to all roads (add to setback for every additional 1,000 sq ft of footprint)	1 foot	
2.10.3.h) Side and rear property line setback (structure with a footprint up to 10,000 sq ft)	20 feet	
2.10.3.i) Side and rear line setback (add to setback for every additional 1,000 sq ft of footprint)	0.5 feet	
2.10.3.j) Height		35 feet
2.10.3.k) Footprint		50,000 square feet
Accessory Structures		
2.10.3.l) Front setback (structure with a footprint up to 10,000 sq ft)	60 feet	
2.10.3.m) Front setback (add to setback for every additional 1,000 sq ft of footprint)	1 foot	
2.10.3.n) Side and rear setback (structure with a footprint up to 10,000 sq ft)	20 feet	
2.10.3.o) Side and rear setback (add to setback for every additional 1,000 sq ft of footprint)	0.5 feet	
2.10.3.p) Height		35 feet
2.10.3.q) Footprint		25,000 square feet

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2.10.4 Development Standards

- a) Landscaping - Landscaping shall be an integral component of new development and a 15-foot deep landscaped area shall be provided along all portions of any lot fronting on a public road not being used for access. The landscaped area shall include a mix of trees, shrubs, perennials and groundcovers in accordance with the provisions of Section 3.2.2.

- b) Parking - All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- c) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

Deleted: Parking shall be located outside of required setbacks, per Section 3.2.4.f.]
c) . Traffic Generation - No use shall generate 120 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.¶]
d

2.11 Rural 3 (R-3)

2.11.1 Purpose

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- a) Purpose - The purpose of this district is to allow for the maintenance of the town's working landscapes and open spaces, while providing opportunities for low-density rural living and resource-based small businesses. Specific goals of the *Richmond Town Plan* to be implemented through this district include, but are not limited to:
 - i. Promote development patterns that maximize the efficient use of land and the protection of important natural resources and open space.
 - ii. Utilize development methods that minimize impacts on Richmond's natural resources.
 - iii. Promote viable agricultural and forestry sectors as a way to provide economic opportunity and maintain open spaces and natural resources.
 - iv. Encourage conservation of land for protecting water quality, wildlife, natural resource functions, forestry, farming and recreation opportunities.

- b) Purpose Elements - The desired purpose elements associated with this zoning district are designed to maintain and enhance a rural countryside, where residential development is compatible with and subordinate to surrounding open space – whether farm or forest land. Privacy, greenery, scenic views and vistas, opportunities for outdoor recreation, home and agricultural businesses, farms and forests, and small residential clusters contribute to the character of the district. The following purpose elements shall be considered when reviewing development proposals in the R-3 district:
 - i. Agriculture, forestry and residential development should remain the predominant land uses in this district. Agricultural support businesses, ag-product businesses, agri-tourism, renewable energy generation and similar businesses that improve the economic viability of farming and forestry should be allowed, especially when associated directly with a farm. Accepted agricultural and forestry practices, which may be potentially disruptive or objectionable to neighbors, are traditional elements of Richmond's rural character that district residents should recognize and respect.
 - ii. Development should be guided away from those areas characterized by sensitive or critical natural resources including, but not limited to: steep slopes, streams and ponds, erosion or flood hazard areas, wetlands and vernal pools, natural heritage sites, wildlife habitat and travel corridors, identified source water recharge areas, primary agricultural soils, and productive forest soils. Enjoyment of nature and outdoor recreation should be encourage
 - iii. Lots and buildings should not be standardized, regular, consistent, repetitious or cookie-cutter in their pattern or character. New development should reflect and replicate the diversity typical of rural landscapes, with large and small lots and buildings, more dense areas separated by expanses of undeveloped land.

2.11.2 Allowed Uses

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Allowed uses in the R-3 district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.11.3 Density and Dimensional Standards in the R-3 zoning district

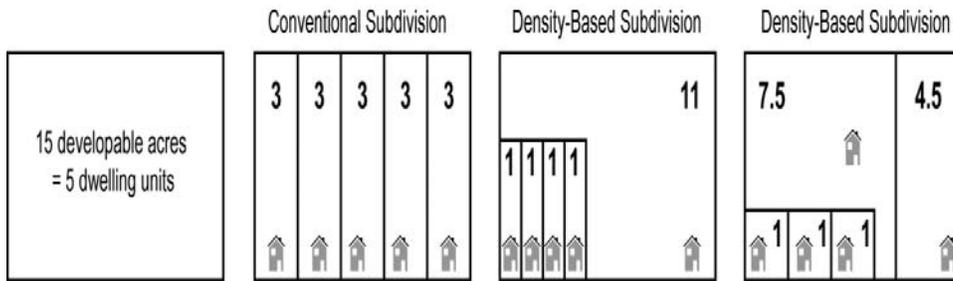
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		Minimum	Maximum	
	Density			
2.11.3.a)	Residential		1 dwelling unit per 3 acres	Deleted: 0
	Lots			
2.11.3.b)	Lot size (residential)	1 acre		Deleted: 0
2.11.3.c)	Lot size (non-residential)	3 acres		Deleted: 0
2.11.3.d)	Lot frontage	100 feet		Deleted: 0
2.11.3.e)	Lot coverage		20%	Deleted: 0
	Principal Structures			
2.11.3.f)	Front setback - from front lot line.	30 feet		Deleted: 0
2.11.3.g)	Side and rear property line setback	20 feet		Deleted: If the front lot line is not known, use the road centerline Road centerline setback
2.11.3.h)	Height		35 feet	
2.11.3.i)	Footprint		5,000 square feet	Deleted: 55 feet
	Accessory Structures			
2.11.3.j)	Front setback (structures with a footprint up to 2,500 sq ft)	30 feet		Deleted: 0
	Front setback - from front lot line.			Deleted: 0
2.11.3.k)	Front setback (add to setback for every additional 500 sq ft of footprint)	2 feet		Deleted: If the front lot line is not known, use the road centerline Road centerline setback
2.11.3.l)	Side and rear setback (structure with a footprint up to 2,500-sq ft)	10 feet		Deleted: 55 feet
2.11.3.m)	Side and rear setback (add to setback for every additional 500 sq ft of footprint)	1 foot		Deleted: 0
2.11.3.n)	Height		35 feet	Deleted: 0
2.11.3.o)	Footprint		2,500 square feet	Deleted: 0
				Deleted: 5,000

Example.

Also see Section 2.1.4 for an example of the density calculation. Parcels in the R-3 district may be developed based on an average density of 1 dwelling unit for every 3 developable acres. Landowners subdividing land for residential development may create new house lots as small as 1 developable acre in size. To qualify for more than 1 dwelling unit/further subdivision for an additional house lot, a parcel of land would need to include at least 6 developable acres of land. Zoning density calculations take into consideration the entire parcel size when determining the number of parcels that may be developed.

This system is intended to provide rural landowners with the flexibility to design a subdivision in response to the specific characteristics of their property and how they want to use their land. It also provides an alternative to fragmentation of rural land into residential lots that are “too big to mow and too small to plow” while retaining a moderately low density of development.



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2.11.4 Development Standards

- a) All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

Deleted: 0

Deleted: a) . Traffic Generation - No use shall generate 10 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.¶
 b) .

2.12 Rural 10 District (R-10)

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2.12.1 Purpose

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- a) Purpose - The purpose of this district is to promote responsible management and conservation of the town's natural resources, while providing opportunities for low-density rural living, dispersed recreation and enjoyment of nature. Specific goals of the *Richmond Town Plan* to be implemented through this district include, but are not limited to:
 - i. Promote viable agricultural and forestry sectors as a way to provide economic opportunity and maintain open spaces and natural resources.
 - ii. Promote development patterns that maximize the efficient use of land and the protection of important natural resources and open space.
 - iii. Utilize development methods that minimize impacts on Richmond's natural resources.
 - iv. Encourage the conservation of land for protecting water quality, wildlife, natural resource functions, and forestry, farming, and recreation opportunities.

- b) Purpose Elements - The desired purpose elements associated with this zoning district are designed to maintain and enhance a rural countryside, where residential development causes minimal disturbance to the ecological functions and sustainable use of the surrounding natural environment. Privacy, quiet, dark night skies, limited traffic, narrow and largely unpaved roads, scenic views, and connections to the natural environment are critical components of the district's rural character. The following purpose elements shall be considered when reviewing development proposals in the R-10 district:
 - i. Agriculture, forestry and low-density residential uses should remain the predominant land uses in this district. Agricultural support businesses, ag-product businesses, agri-tourism, renewable energy generation, wood processing and similar businesses that improve the economic viability of farming and forestry should be allowed, especially when associated directly with a farm. Accepted agricultural and forestry practices, which may be potentially disruptive or objectionable to neighbors, are traditional elements of Richmond's rural character that district residents should recognize and respect.
 - ii. Development should be guided away from those areas characterized by sensitive or important natural resources including, but not limited to: critical wildlife habitat and travel corridors, steep slopes, streams and ponds, erosion or flood hazard areas, wetlands and vernal pools, natural heritage sites, identified source water recharge areas, and primary agricultural or forestry soils. Enjoyment of nature and outdoor recreation should be encouraged.
 - iii. A less dense scale of development is appropriate for this zoning district. Lots and buildings should not be standardized, regular, consistent, repetitious or cookie-cutter in their pattern or character. New development should be carefully sited and planned to minimize fragmentation and disturbance of existing expanses of undeveloped land.

2.12.2 Allowed Uses

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Allowed uses in the R-10 district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.12.3 Density and Dimensional Standards in the R-10 zoning district

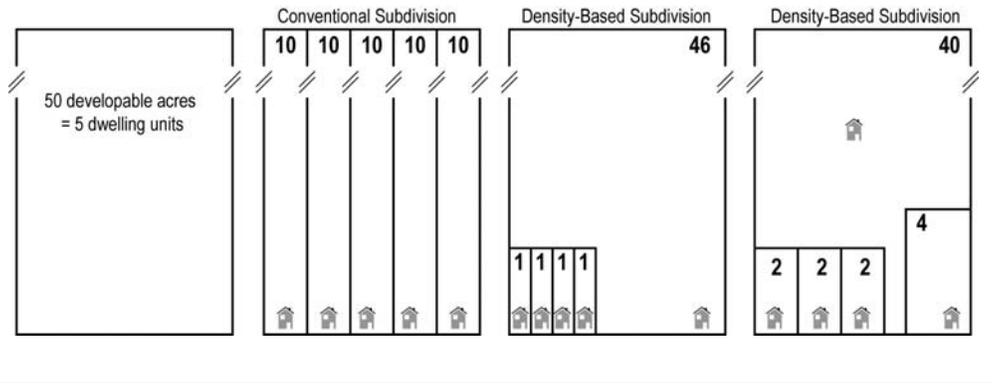
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		Minimum	Maximum	
	Density			
2.12.3.a)	Residential		1 dwelling unit per 10 acres	Deleted: 1
	Lots			
2.12.3.b)	Lot size (residential)	1 acre		Deleted: 1
2.12.3.c)	Lot size (non-residential)	10 acres		Deleted: 1
2.12.3.d)	Lot frontage	200 feet		Deleted: 1
2.12.3.e)	Lot coverage		10%	Deleted: 1
	Principal Structures			
2.12.3.f)	Front setback - from front lot line.	50 feet		Deleted: 30 Deleted: 1
2.12.3.g)	Side and rear setback	30 feet		Deleted: If the front lot line is not known, use the road centerline Road centerline setback
2.12.3.h)	Height		35 feet	
2.12.3.i)	Footprint		5,000 square feet	Deleted: 55 feet
	Accessory Structures			
2.12.3.j)	Front setback - from front lot line.	25 feet		Deleted: 1 Deleted: 1
2.12.3.k)	Side and rear setback	20 feet		Deleted: 1
2.12.3.l)	Height		35 feet	
2.12.3.m)	Footprint		2,500 square feet	Deleted: If the front lot line is not known, use the road centerline Road centerline setback Deleted: 50 feet Deleted: 1 Deleted: 1 Deleted: 1 Deleted: 5,000

Example:

Also see Section 2.1.4 for an example of the density calculation. Parcels in this district may be developed based on an average density of 1 dwelling unit for every 10 developable acres. Landowners subdividing land for residential development may create new house lots as small as 1 developable acre in size. To qualify for more than 1 dwelling unit/further subdivision for an additional house lot, a parcel of land would need to include at least 20 developable acres of land. Zoning density calculations take into consideration the entire parcel size when determining the number of parcels that may be developed.

This system is intended to provide rural landowners with the flexibility to design a subdivision in response to the specific characteristics of their property and how they want to use their land. It also provides an alternative to fragmentation of rural land into residential lots that are “too big to mow and too small to plow” while retaining a low density of development.



Deleted: Density-Based Zoning Explanation

2.12.4 Development Standards

- a) All parking must meet the requirements of Section 3.2.4, including Section 3.2.4.c)ii.3. for the required parking spaces for any use.
- b) Subdivision Requirements - Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

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Deleted: a) Traffic Generation - No use shall generate 10 or more vehicle trips during its peak hour. Trip generation rates shall be calculated based on the most recent edition of the Institute of Traffic Engineer's Trip Generation. The DRB may allow applicants to use estimates from other sources, including local traffic counts, if the ITE publication does not contain data for the proposed use or if the proposed use has unique characteristics that would cause it to differ from national traffic estimates.¶

2.13 Mobile Home Park District (MHP)

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2.13.1 Purpose

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The purpose of the Mobile Home Park District is to designate an area in town which supports an intense development of land for mobile home residential purposes while recognizing the need to create open spaces, efficient traffic patterns and comfortable spacing between individual homes.

2.13.2 Allowed uses

Deleted: 2

Allowed uses in the MHP district are listed in Chapter 2.1.6, Uses By Zoning District Table.

2.13.3 Density and Dimensional Standards in the MHP zoning district

		Minimum	Maximum	
	Lot Sizes			
2.13.3.a)	Mobile Home Park	10 acres		Deleted: 2
2.13.3.b)	Lot Not Used for Mobile Home Park	1 acre		Deleted: 2
2.13.3.c)	Mobile Home Park – per dwelling unit	.25 acre		Deleted: 2
2.13.3.d)	Lot frontage – For Lot Used for Mobile Home Lot and for Lot Not Used for Mobile Home Park	100 feet		Deleted: 2
2.13.3.e)	Lot coverage		40%	Deleted: 2
	Mobile home site dimensions (each site must contain a point from which circle can be described within lot boundary)	50 foot radius		
	Principal Structures			
2.13.3.f)	Front setback – For Lot Not Used for Mobile Home Park From front lot line.	30 feet		Deleted: 2 Deleted: If the front lot line is not known, use the road centerline Road centerline setback
2.13.3.g)	Front setback – For Lot Used for Mobile Home Park From front lot line.	100 feet		Deleted: 55 feet Deleted: 2
2.13.3.h)	Side and rear setback – For Lot Not Used for Mobile Home Park	20 feet		Deleted: If the front lot line is not known, use the road centerline Road centerline setback
	Side and rear setback – For Lot Used for Mobile Home Park	50 feet		Deleted: 125 feet
2.13.3.i)	Height		35 feet	Deleted: 2
2.13.3.j)	Footprint		2,500 square feet	Deleted: 2
	Accessory Structures			
2.13.3.k)	Front setback – For Lot Not Used for Mobile Home Park From front lot line.	30 feet		Deleted: 2 Deleted: If the front lot line is not known, use the road centerline Road centerline setback
2.13.3.l)	Front setback – For Lot Used for Mobile Home Park From front lot line.	100 feet		Deleted: 55 feet Deleted: 2
2.13.3.m)	Side and rear setback – For Lot Not Used for Mobile Home Park	10 feet		Deleted: If the front lot line is not known, use the road centerline Road centerline setback
2.13.3.n)	Side and rear setback – For Lot Used for Mobile Home Park	25 feet		Deleted: 125 feet Deleted: 2
2.13.3.o)	Height		35 feet	Deleted: 2
2.13.3.p)	Footprint		2,500 square feet	Deleted: 2 Deleted: 2

2.13.4 Development Standards

- a) The purchase of additional land by the owner of a lot containing a Mobile Home Park from an adjacent lot owner shall be permitted, provided such purchase does not create a lot of less than the minimum lot area required in the MHP district on the part of the seller.
- b) Parking – Parking requirements shall be regulated as provided in Section 3.2.4.
- c) Signs – Shall be regulated as provided in Section 3.2.5.
- d) Access – Shall be regulated as provided in Section 3.3.2.
- d) State Approval of Mobile Home Parks - No Zoning Permit may be issued for land development within a mobile home park unless satisfactory evidence is produced to the Zoning Administrative Officer that all applicable state laws and regulations relating to Land Development have been met.
- e) Replacement of Mobile Homes - In accordance with the Act (§4412), no standards under these Regulations shall have the effect of prohibiting the replacement of a mobile home on an existing site within a mobile home park that is legally in existence as of the Effective Date of these Regulations. In the event that a mobile home park is determined to be nonconforming under these Regulations, the determination shall apply to the parcel as a whole, and not to individual mobile home sites within the park. An individual mobile home site that is vacated shall not be considered a discontinuance or abandonment of a nonconforming use or structure.
- f) Subdivision Requirements – Subdivision of a parcel into 4 or more lots within any 5-year period shall be reviewed as a PUD.

2.14 Shoreline Protection Overlay District

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2.14.1 Purpose

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It is the purpose of this section to promote the public health, safety, and welfare by protecting the shorelines of the Winooski and Huntington Rivers, Gillette Pond and the Richmond portion of Lake Iroquois from erosion, pollution, and visual blight. These bodies of water are recognized as providing important wildlife habitat, recreational opportunities, and scenic enjoyment for the public. The Shoreline District includes shorelines listed in the Richmond Town Plan and are regulated as depicted on the official "Shoreline Protection Overlay Map" of the Town of Richmond, in accordance with the Act (§4414).

2.14.2 Shoreline Overlay District Boundary

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All Land Development occurring within the fifty (50) foot Shoreline District must comply with both the requirements of this section and with the requirements of the underlying district. In situations of conflict between the requirements of the Shoreline District and any other provisions of these Regulations, the more stringent shall be applied.

2.14.3 Permitted Uses

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Agricultural use of land, no structures.

2.14.4 Conditional Uses

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Permanent agricultural structures and all other uses allowed in the underlying district except for those uses as prohibited under Section 2.14.6, *Prohibited Uses*, below.

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2.14.5 Additional Conditional Use Criteria

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For Conditional Use Review under this section, the following criteria shall be used in addition to those criteria specified in Section 4.3.7, *Conditional Use Review*. The DRB shall evaluate the effect of the proposed use based on the following:

- a) That the use shall be planned and located in a manner best suited to protect the shoreline from pollution, erosion, and visual blight.
- b) That the use shall not result in erosion of the shoreline, introduction of pollutants to the river, increase in flooding, detrimental effect on shoreline and aquatic habitats, or other impacts which would effect water quality, visual quality, or other purposes of these Regulations.

2.14.6 Prohibited Uses

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- a) Storage of hazardous materials including petroleum products.
- b) Open storage of road salt.

2.14.7 Other Rivers, Brooks and Ponds

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In order to maintain and improve water quality throughout the Town, a fifty (50) foot buffer is highly encouraged on all streams and brooks.

2.15 Flood Hazard Overlay District

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2.15.1 Statutory Authority for Flood Hazard Overlay District and Underlying Districts

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- a) In accordance with 10 V.S.A. Chapter 32 and V.S.A. Chapter 117 §4424, §4411 and §4414, these Flood Hazard Overlay District Regulations are hereby established for areas at risk of Flood damage in the Town of Richmond.
- b) Any Development in the Flood Hazard Overlay District requires a Zoning Permit from the Town of Richmond.
- c) Any Development must comply with the provisions of the Flood Hazard Overlay District and the underlying zoning district. If a conflict exists between the provisions of the Flood Hazard Overlay District and the underlying zoning district, the provisions of the Flood Hazard Overlay District shall control, unless the use is not permitted within the underlying zoning district.

2.15.2 Statement of Purpose

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The purposes of the Flood Hazard Overlay District are:

- a) To implement the goals, policies, and recommendations in the current Town Plan;
- b) To avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the public expenditures and demands on public service that result from Flooding related to inundation;
- c) To restrict new residential and commercial development along river corridors leading to healthier rivers and natural areas;
- d) To ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing and does not impair the stream equilibrium, the function served by the Floodplain, or the stream corridor; and
- e) To manage all Special Flood Hazard Areas designated pursuant to 10 V.S.A., Chapter 32, §753, the Town of Richmond "All-Hazards Mitigation Plan"; and make the Town of Richmond, its citizens, and businesses eligible for federal Flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available. In recognition of the high level of exposure to the Base Flood in Richmond and the resulting risks, these regulations are designed to meet or, in specific aspects, to exceed the minimum requirements established by the National Flood Insurance Program.

2.15.3 Other Provisions

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- a) Precedence of Bylaw - The provisions of Section 2.15 shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this section imposes a greater restriction than other regulations, the provisions of this section shall take precedence.
- b) Warning of Disclaimer of Liability - These Flood Hazard Overlay District regulations do not imply that land outside the Flood Hazard Overlay District or Development permitted within such district will be free from Flooding or Flood damages. These regulations shall not create liability on the part of the Town of Richmond or any town official or employee for any Flood damages that result from reliance on these Regulations or any administrative decision lawfully made hereunder. These regulations do not imply that a property is or is not eligible for Flood insurance. These regulations do not determine Flood insurance rates.
- c) The provisions of Section 2.15 do not supersede the Town of Richmond Zoning Regulations: Interim Flood Hazard Overlay District Bylaw Amendments, as adopted on November 7, 2011.

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2.15.4 Definitions

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In addition to the definitions in Article 5, the following definitions apply only to Section 2.15 and supersede Article 5 definitions if presented in both sections.

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Area of Special Flood Hazard – synonymous in meaning with the phrase “Special Flood Hazard Area” for the purposes of these regulations.

Base Flood – the Flood having a one (1) percent chance of being equaled or exceeded in any given year, generally known as the one hundred (100) Year Flood.

Base Flood Elevation (BFE) - the elevation of the water surface elevation resulting from a Flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map, the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the Base Flood, usually in feet, above the ground surface.

Basement – any area of the building having its floor elevation below ground level on all sides.

Channel – an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Common Plan of Development – where a Structure will be refurbished over a period of time. Such work might be planned unit by unit.

Contents - [For purposes of Section 2.15, the following definition applies.] Contents are personal property including the following: washing machine, tumble dryer, dishwasher, refrigerator, freezer, microwave, electrical appliances, carpets, floor coverings, curtains or blinds.

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Critical Facilities – include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, community water supply and waste treatment facilities, and other Structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station that survive a Flood and now are the only points for food and gas.

Development – [For the Flood Hazard Overlay District, the use of the term “Development” in Section 2.15 replaces the term “Land Development” which is defined in Article 5 and applies to the rest of these Regulations.] “Development” means any human-made change to improved or unimproved real estate, including but not limited to buildings or other Structures, mining, dredging, Filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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Elevation Certificate – FEMA official record that shows Structures and Substantial Improvements for existing Structures in identified Special Flood Hazard Areas (SFHAs) are properly elevated.

Engineering Report and Plan - a report and a plan prepared by and signed by an engineer licensed to practice in Vermont, delineating the Base Flood Elevation Area on a property by an accepted engineering method, including but not limited to a methodology recognized by a federal or Vermont state agency, and which show the calculated Special Flood Hazard Area boundary with sufficient information for such boundary to be confirmed. The Engineering Report and Plan must include a contour map showing the actual BFE of the area and, if no BFE is available from a Flood Insurance Study, a hydrologic and hydraulic study is needed as part of the Engineering Report and Plan to provide the BFE.

Existing Manufactured home park or subdivision - A Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the Manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is *completed before June 21, 1982 (the date of Richmond's first adopted "Flood Hazard Area Development Standards") and includes any subsequent improvements to such Structures.*

Expansion to an Existing Manufactured home Park or Subdivision – *[The Flood Hazard Overlay District regulations do not allow the expansion to an Existing Manufacturing Home Park or Subdivision.]* Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Farm Structure – a Building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants (e.g., a silo or commercial greenhouse) or carrying out other practices associated with Accepted Agricultural Practice, including a silo, as "farming" is defined in state law [10 V.S.A. §6001 (22)], but excludes a Dwelling for human habitation, in accordance with the Act (§4413).

FEMA – U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency

Fill – Any placed material that changes the natural grade, increases the elevation, or diminishes the Flood storage capacity at the site.

First Floor Elevation (FFE) - the Base Flood Elevation plus one foot or more for Flood damage mitigation.

Flood – is (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by Flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current, or (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash Flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in Flooding.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) – A FEMA examination, evaluation and determination of Flood hazards and, if appropriate, the corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or Flood related erosion hazards. *[For purposes of these regulations, the term "Flood Elevation Study" is synonymous in meaning with the Flood Insurance Study.]*

Floodplain or Flood-prone area - any land area susceptible to being inundated by water from any source (see definition of "Flood").

Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to Structures which reduce or eliminate Flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents.

Floodway, Regulatory, in Town of Richmond - 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 at any point.

Historic Structure - any Structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Improvement – any reconstruction, rehabilitation, addition, or other improvement to a Structure which does not meet the definition of Substantial Improvement.

Letter of Map Change - a general term used to refer to the several types of revisions and amendments to maps issued by FEMA that can be accomplished by letter. The following are types of Letter of Map Change:

A. **“LOMA”; Letter of Map Amendment** – A letter of map revision issued by FEMA officially removing a Structure, Lot, or portion of a Lot from the FEMA Special Flood Hazard Area (SFHA) as designated on the Flood Insurance Rate Maps, based on information provided by a certified engineer or surveyor. This is used where Structures or Lots are located above the Base Flood Elevation and have been inadvertently included in the mapped Special Flood Hazard Area.

B. **“LOMR”; Letter of Map Revision** – Based on a formal request from a property owner or Applicant and supporting documentation, a LOMR is a revision to a Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a Flooding source and thus result in the modification of the existing regulatory Floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

C. **“LOMR-F”; Letter of Map Revision based on Fill** – A modification of the Special Flood Hazard Area (based on Fill placed to raise a Structure or Lot to or above the 1% annual chance Flood elevation) outside of the existing regulatory Floodway, based on a formal request from a property owner or Applicant and supporting documentation.

Lowest Floor - the Lowest Floor of the lowest enclosed area, including Basement or Walkout-on-grade Basement, except an unfinished or Flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a Basement area is not considered a building's Lowest Floor; provided that such enclosure is not built so as to render the Structure in Violation of the applicable non-elevation design requirements of 44 CFR 60.3 and this Section 2.15, in particular Section 2.15.15.

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Maintenance – Routine care or upkeep of a structure, driveway, or other areas.

Manufactured home – [For purposes of Section 2.15, the term “Manufactured home” includes a “modular home” and a “Mobile Home” but does not include a “recreational vehicle.”] Means 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 attached to the required utilities.

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Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more Manufactured home lots for rent or sale.

New Construction – For the purposes of determining insurance rates, Structures for which the “Start of Construction” commenced on or after the effective date of the original Flood Insurance Rate Maps for the Town of Richmond [dated January 5, 1982], including any subsequent improvements to such Structures. For *Floodplain management purposes*, New Construction means Structures for which the Start of Construction commenced on or after June 21, 1982 (the date of Richmond’s first adopted “Flood Hazard Area Development Standards”) and includes any subsequent improvements to such Structures.

New Manufactured home park or subdivision - [For purposes of Section 2.15, Manufactured home parks are not permitted or conditional uses.] Means a Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the Manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 21, 1982.

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Nonconforming Structure - a Structure or part of a Structure that does not conform to these Regulations but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of these Regulations, including a Structure improperly authorized as a result of error by the Zoning Administrative Officer. Structures that were in Violation of the Flood hazard regulations at the time of their creation, and remain so, remain Violations and are not Nonconforming Structures.

Nonconforming use - use of land that does not conform to these Regulations but did conform to all applicable laws, ordinances, and regulations prior to the enactment of these Regulations, including a use improperly authorized as a result of error by the Zoning Administrative Officer.

Nonconformity - a Nonconforming use, Structure, lot, or parcel.

Non-Residential – includes but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile Structures, agricultural and industrial Structures, and warehouses.

Recreational vehicle - a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area – the Floodplain within a community subject to a 1 percent or greater chance of Flooding in any given year. For purposes of these regulations, the term “special Flood hazard area” is synonymous in meaning with the phrases “area of special Flood hazard” and “Flood Hazard Area”. Also note that zone designations from the Federal Flood Insurance Program apply to FEMA Special Flood Hazard Areas. This area is usually labeled Zone A, AO, AH, AE, or A1-30 in the most current Flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base Flood Elevations have not been determined in Zone A where the Flood risk has been mapped by approximate methods. Base Flood Elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where Floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of Construction – for purposes of Floodplain management, determines the effective map or Bylaw that regulated Development in the Special Flood Hazard Area. The “Start of Construction” includes

Substantial Improvement, and means the date the Zoning Permit was issued provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a Manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and Filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a Basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For any improvement, the actual Start of Construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure - For regulatory purposes, Structure means a walled and roofed Building, as well as a Manufactured home, and any related built systems, including gas or liquid storage tanks.

Substantial Damage – damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the Structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a Structure, after the Effective Date of adoption, the cost of which, over three years, or over the period of a Common Plan of Development, cumulatively exceeds 50 percent of the market value of the Structure before the Start of Construction of the improvement, or which results in an expansion of greater than 25% of the existing Gross Floor Area, whichever is less. This term includes Structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include (a) any project for improvement of a Structure to correct existing Violations of state or local health, sanitary, or safety code specification which have been identified by the state or local code enforcement official and which are the minimum necessary to assure safe conditions or (b) any alteration of a Historic Structure, provided that the alteration will not preclude the Structure's continued designation as a Historic Structure.

Violation – Failure of a Structure or other Development to be fully compliant with Section 2.15 and all provisions pertaining to Flood hazards. A Structure or other Development without the Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in Violation until such time as that documentation is provided.

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Walkout-on-grade Basement – Basement whose floor is at ground level along at least a portion of one side of the house, usually with a door on that side. This is considered the Lowest Floor.

2.15.5 Lands to Which These Regulations Apply

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- a) **Regulated Flood Hazard Areas** - These regulations shall apply to the Flood Hazard Overlay District which overlays any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. The Flood Hazard Overlay District includes:
 - i. FEMA Special Flood Hazard Areas (however identified and by whatever language or terms described) on the most current Flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) as provided by the Secretary of the Agency of Natural Resources pursuant to V.S.A. 10, Chapter 32 §753. The FEMA Flood insurance studies and maps are hereby adopted by reference and declared to be part of these Regulations; and

- ii. All land outside of the FEMA Special Flood Hazard Area but within 100 feet of the outside edge of the FEMA Special Flood Hazard Area, unless the jurisdictional determination made pursuant to Section 2.15.6 concludes that the area proposed for Development is above the Base Flood Elevation and, therefore, is not within the Flood Hazard Overlay District. This provision shall no longer be in effect after FEMA issues final Flood Insurance Rate Maps which supersede the 1982 Flood Insurance Rate Maps.

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- b) **Base Flood Elevations** - Where available, Base Flood Elevations and Floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where Base Flood Elevations and/or Floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

2.15.6 Flood Hazard Overlay District Jurisdictional Determination Process

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The purpose of the Flood Hazard Overlay District jurisdictional determination process is to establish whether a given area on a property shall be subject to the jurisdiction of Section 2.15.

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- a) **General Review** – The process for establishing jurisdiction for the Flood Hazard Overlay District begins with a two-step review by the Zoning Administrative Officer regarding the locations of all areas proposed for Development to assess whether:
 - i. The area (measured horizontally) is within the FEMA Special Flood Hazard Area as defined in Section 2.15.5.a).
 - ii. The area is outside the FEMA Special Flood Hazard Area but within 100 feet (measured horizontally) of the outside edge of the FEMA Special Flood Hazard Area.

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The Zoning Administrative Officer shall conduct a Flood Hazard Overlay District jurisdictional determination to assess if any area proposed for Development is located within either i. or ii. above and is, therefore, subject to the Flood Hazard Overlay District regulations.

- b) **Jurisdictional Determination Scope** - The Flood Hazard Overlay District jurisdictional determination shall be made by the Zoning Administrative Officer prior to any action taken on an application for proposed Development for any parcel.
- c) **Jurisdictional Determination Process** - The Flood Hazard Overlay District jurisdictional determination is a jurisdictional opinion issued by the Zoning Administrative Officer and must be conducted for any parcel proposed for Development. The Zoning Administrative Officer shall institute the Flood Hazard Overlay District jurisdictional determination process, based on whether i. or ii. apply:
 - i. When an area proposed for Land Development is located clearly 100 feet or more beyond the outside edge of the FEMA Special Flood Hazard Area, the Zoning Administrative Officer shall issue the jurisdictional determination concurrently with the Zoning Permit approval or denial, based on a complete application for Development.
 - ii. When an area proposed for Land Development is inside (or may be inside) the FEMA Special Flood Hazard Area or is located outside the FEMA Special Flood Hazard Area but within 100 feet (or may be within 100 feet) of the outside edge of the FEMA Special Flood Hazard Area, the jurisdictional determination process is initiated by the Zoning Administrative Officer upon receipt of a complete application for proposed Development. The jurisdictional determination follows procedures for Zoning Administrative Officer approval as established in Section 4.2.1.

- 1) The Zoning Administrative Officer shall review the application for proposed Development provided by the Applicant and refer to the boundaries and other

features shown on the most recent FEMA Flood Insurance Rate Maps and FEMA Flood Boundary and Floodway Maps. In addition, the Zoning Administrative Officer will review any applicable map amendments created via a Letter of Map Change Approved by FEMA. The information presented on any FEMA maps or studies, adopted by reference, is presumed accurate. The Zoning Administrative Officer will make a jurisdictional determination regarding the locations of all areas proposed for Development on the property. The Zoning Administrative Officer may require additional information if necessary to make that determination.

- 2) Any area within the FEMA Special Flood Hazard Area shall be under the jurisdiction of Richmond's Flood Hazard Overlay District unless that area is formally removed by a Letter of Map Change, specifically a LOMA or LOMR as determined by FEMA, per Section 2-15.7. A LOMR-F shall not be used to remove land from the jurisdiction of the Town of Richmond Flood Hazard Overlay District. A Letter of Map Change includes a report of findings which shall be presented by the Applicant to the Zoning Administrative Officer. If the area proposed for Development appears to be within the FEMA Special Flood Hazard Area, the Zoning Administrative Officer shall consider the area to be within the FEMA Special Flood Hazard Area.
- 3) Any area located outside the FEMA Special Flood Hazard Area but within 100 feet of the outside edge of the FEMA Special Flood Hazard Area shall be under the jurisdiction of Richmond's Flood Hazard Overlay District unless the Zoning Administrative Officer determines that land is above the Base Flood Elevation. The Zoning Administrative Officer shall require the Applicant to provide information as part of the application which establishes the Base Flood Elevation for the area proposed for Development using one of the following methodologies:
 - A. FEMA's simplified methodology for "Contour Interpolation" as laid out in the FEMA publication, Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations, 1995. Section V., "Developing Base (100-Year) Flood Elevations," at the Applicant's expense.
 - B. The Zoning Administrative Officer shall require that an Engineering Report and Plan be developed, at the Applicant's expense, when there is doubt on the part of the Administrative Officer due to alterations in river characteristics that are likely to affect a change in the area that is subject to the Base Flood Elevations in stream Channels subsequent to the most recent FEMA Flood Insurance Rate Maps or FEMA Flood Boundary and Floodway Maps or for any other reason deemed necessary.
- 4) If the area is outside of the FEMA Special Flood Hazard Area but within 100 feet of the outside edge of the FEMA Special Flood Hazard Area and is clearly above the Base Flood Elevation beyond any reasonable doubt, the Zoning Administrative Officer may determine that a "Contour Interpolation" calculation or an Engineering Report and Plan is not required. In such jurisdictional determinations, the area proposed for Development shall not be subject to the jurisdiction of the Flood Hazard Overlay District.
- 5) The Applicant has the option to concede that the area proposed for Development falls within the jurisdiction of the Flood Hazard Overlay District regarding a specific application. This concession is not applicable and is not binding on any future FHOD jurisdictional determinations or new applications for either the Applicant or the Town of Richmond.

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d) **Jurisdictional Determination Decisions** - Jurisdictional Determinations by the Zoning Administrative Officer shall be issued in writing within the following time frames based on the nature of the request or application:

- i. Within 30 days of the date when a complete application for Land Development is submitted (per Section 2.15.6.c)i., per Section 2.15.6.c) ii.3), or per Section 2.15.6.c)ii.4). above); or
- ii. Within 30 days of expiration of the time provided in Section 2.15.16.b).

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e) **Jurisdictional Determination Appeals** - Appeals concerning Flood Hazard Overlay District jurisdictional determination of the Zoning Administrative Officer may be made to the DRB within 15 days of the issuance of the jurisdictional determination or of the Zoning Permit approval or denial in which a Flood Hazard Overlay District jurisdictional determination was made. The DRB shall hear the appeal in accordance with Section 4.3.1 and Section 4.3.12 and shall make its decision in conformance with Section 2.15.6.

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2.15.7 Removing Land from a FEMA Special Flood Hazard Area

By federal regulation, land can only be removed from a FEMA Special Flood Hazard Area by obtaining from FEMA a Letter of Map Change. No Permit for Development may be issued for land within the FEMA Special Flood Hazard Area, except as provided in this Section 2.15, unless a LOMA or LOMR is first obtained from FEMA. The property owner or Applicant must submit the application for a request for a LOMA or LOMR directly to FEMA. A LOMR-F shall not be used to remove land from the jurisdiction of the Flood Hazard Overlay District. No structure may be built on Filled areas unless that Structure would have been allowed in that location prior to the Fill being placed there. See Section 2.15.15.m) regarding limitations for use of a LOMR-F.

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FEMA's jurisdictional determination regarding whether the area proposed for Development may be removed from the Special Flood Hazard Area will be based on a comparison of the Base Flood Elevation with certain FEMA-prescribed elevation information. The property owner or Applicant is required to submit application materials requesting a Letter of Map Change to the following (or current address at the time of application):

National Flood Insurance Program
Suite 200, 140 Wood Road
Braintree, MA 02184-2513
Phone: (781) 848-1908

2.15.8 Required Permits in Flood Hazard Overlay District

If any portion of a principal structure (including a deck or porch) is within the FEMA Special Flood Hazard Area, the entire structure is considered to be within the FEMA Special Flood Hazard Area. A Zoning Permit is required from the Zoning Administrative Officer for all Development in all areas within the Flood Hazard Overlay District. Development that requires a conditional use approval, change or expansion of non-conforming structures or use approval, or a variance from the DRB under Section 2.15 must have such approvals prior to the issuance of a Zoning Permit by the Zoning Administrative Officer. Any Development subject to municipal jurisdiction in the Flood Hazard Overlay District shall meet the criteria in Section 2.15.9 through Section 2.15.15. Any Zoning Permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

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2.15.9 Permitted Development by Zoning Administrative Officer Approval

For the purposes of review under Section 2.15, the following Development activities require a Zoning Permit from the Zoning Administrative Officer, and must conform with the applicable standards presented in Section 2.15.15.a) and the applicable administrative requirements in 2.15.16:

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- a) Seasonal sales of agricultural products or silvicultural activities, which are not exempt per Section 2.15.12 and related one story temporary Structures (not on the site for more than 180 consecutive days) which do not exceed 400 square feet of floor area and do not involve wastewater systems. Deleted: 14
- b) Repairs to or replacement of interior walls, wallboard, plaster, flooring, paneling, cabinets, countertops, foundation with a total cost exceeding \$1,000. Deleted: value
- c) Repairs to or replacement of existing plumbing, electrical and HVAC equipment, including ducting, boiler, furnaces, residential fuel tanks, water heaters, sinks, fixtures, toilets, showers, sump pumps, tubs, light fixtures and ceiling fans with a total cost exceeding \$1,000. Deleted: value
- d) Repairs to or replacement of existing roof with alterations to the roofline. Deleted: value
- e) Repairs to or replacement of existing doors and windows with a total cost exceeding \$1,000. Deleted: value
- f) Repairs to decks, porches, detached garages, sheds, gazebos, fencing and swing sets with a total cost exceeding \$1,000. Deleted: value
- i) Routine maintenance (with no new net fill) of existing driveways, parking areas, culverts, stormwater drainage facilities, bridges, or retaining walls with a total cost exceeding \$1,000. Deleted: value

Should any of the above proposed development, or combination thereof, reach the threshold of substantial improvement within a three-year period or constitute substantial damage, the DRB must review the proposed development as a conditional use review. For any replacement and/or repair that requires new infrastructure or structures, the infrastructure or new or expanded structure must be approved via conditional use review prior to being issued a zoning permit.

2.15.10 Conditional Use Approval by the DRB after a Public Hearing Deleted: 14

Except as provided in Section 2.15.9, and Section 2.15.12, following the application procedure per Section 2.15.16, conditional use review and approval may be granted by the DRB for Development in the Flood Hazard Overlay District with a public hearing for the following: Deleted: 14

- a) **Outside of the Floodway**
 - i. New parking areas and driveways or improvements to parking areas and driveways.
 - ii. Parks, playgrounds, and other outdoor recreational facilities with or without structures.
 - iii. Improvements to existing roads.
 - iv. Bridges, culverts, Channel management activities, or public projects which are functionally dependent on stream access or stream crossing.
 - v. Structures that are accessory to residential Dwellings or to the permitted uses in Section 2.15.9 that do not require wastewater systems. Deleted: 14
 - vi. Parks, playgrounds and other outdoor recreational facilities not involving structures, except for those located on a parcel with a single family detached dwelling or a two-family dwelling.
 - vii. Playground structures.
 - viii. Recreational Vehicles that do not require wastewater systems.
 - ix. Improvements or Substantial Improvements to existing Residential and Non-Residential Structures - Structures lawfully in existence as of the Effective Date may continue to exist and expand so long as the Improvement or Substantial Improvement does not result in an expansion of greater than 25% of the original Structure's Gross Floor Area.
 - x. Replacement of Structures (including mobile homes) lawfully in existence as of the effective date of these regulations so long as the replacement does not result in an expansion of greater than 25% of the original Structure's Gross Floor Area.
 - xi. Building utilities (electrical equipment, well pump, water heater, etc.)
 - xii. State-approved new wastewater or replacement wastewater systems.
 - xiii. State-approved new or replacement storage tanks for existing Structures.
 - xiv. New or replacement water supply systems.

- xv. New or replacement decks, porches, detached garages, doors, windows, sheds, gazebos, fencing or swing sets.
- xvi. New roofs or existing roofs with an altered roofline.
- xvii. Grading, excavation, or the creation of a pond.
- xviii. Public utilities.

b) Inside the Floodway

- i. Improvements to any existing Structures included in this section b).
- ii. Bridges, culverts, Channel management activities, or public projects which are functionally dependent on stream access or stream crossing.
- iii. Public utilities for which no reasonable alternative location exists.
- iv. Dams or bank stabilization projects.
- v. Drainage or Channel management projects authorized by the Vermont Agency of Transportation.
- vi. At-grade parking involving no Fill.
- vii. Replacement water supply or septic systems.
- viii. Recreational vehicles.

Any Development inside the Floodway may occur only provided such uses and Structures do not increase the Base Flood in the FEMA Special Flood Hazard Area and meet other FEMA requirements for existing uses or Structures. An Engineering Report and Plan containing hydrologic and hydraulic analyses must prove that the proposed use or Structure will result in no increase in the Flood levels during the occurrence of the Base Flood. Any such uses and Structures allowed in the Floodway shall require approval by the DRB following a public hearing and shall be approved by FEMA and the Vermont Agency of Natural Resources.

2.15.11 Prohibited Development

No Development except that listed in Section 2.15.9 and Section 2.15.10 shall be permitted in the Flood Hazard Overlay District. Prohibited Development includes, but is not limited to:

- a) New residential or non-residential principal structures (including the placement of Manufactured homes). This shall not be deemed to prohibit the improvement or substantial improvement to existing residential or non-residential principal structures, per Section 2.15.10.ix and Section 2.15.10.x. Notwithstanding any other provisions in these regulations, an accessory dwelling must be attached to an existing principal structure.
- b) Critical Facilities;
- c) Storage and junk yards;
- d) New Fill;
- e) Accessory Structures in the Floodway; and
- f) All Development not exempted, permitted, or conditionally permitted.

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2.15.12 Exempt Activities

The following are exempt from regulation under Section 2.15:

- a) Maintenance or repairs to existing driveways, parking areas, culverts, stormwater drainage facilities, bridges or retaining walls, with a total cost less than \$1,000 in value.
- b) Re-roofing with no alterations to the roofline.
- c) Repairs to or replacement of interior walls, wallboard, plaster, flooring, paneling, cabinets, countertops, foundation with a total cost less than \$1,000.
- d) Repairs to or replacement of existing plumbing, electrical and HVAC equipment, including ducting, boiler, furnaces, residential fuel tanks, water heaters, sinks, fixtures, toilets, showers, sump pumps, tubs, light fixtures and ceiling fans with a total cost less than \$1,000.
- e) Repairs to or replacement of existing doors and windows with a total cost less than \$1,000.

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- f) Repairs to decks, porches, detached garages, sheds, gazebos, fencing, and swing sets with a total cost less than \$1,000.
- g) The removal of a building or other Structure in whole or in part;
- h) Maintenance of existing roads,
- i) Silvicultural (forestry) activities conducted in accordance with Vermont Department of Forest and Parks Acceptable Management Practices; and
- j) Agricultural activities conducted in accordance with Vermont Agency of Agriculture, Food & Market's Accepted Agricultural Practice (AAP) Rules. Prior to the construction of Farm Structures, the farmer must notify the Zoning Administrative Officer in writing of the proposed activity, including the setbacks from adjoining property lines and road rights-of-way. The notice must contain a sketch of the proposed Structure including setbacks approved by the Secretary of Vermont Agency of Agriculture, Food & Markets.
- k) Replacement, repair, addition, or removal of the contents of a structure.
- l) Lawns and gardens with no new net fill.
- m) Mailboxes used for delivery of US Postal mail.

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If Farm Structures are determined to be exempt from regulation per Section 2.15.12, the Applicant will be issued a notice of exemption by the Zoning Administrative Officer. Any such exempt use must meet the requirements for the Flood-proofing of Structures in Section 2.15.15 and other requirements of the FEMA National Flood Insurance Program.

2.15.13 Variances

Variances to specific provisions of Section 2.15 shall be granted by the DRB only in accordance with 24 VSA Section 4469 and 44 CFR Section 60.6 of the National Flood Insurance Program regulations, after a public hearing noticed as described in Section 4.3.2. Special provisions for variances for Development in the Flood Hazard Overlay District include the following:

- a) Any variance issued in the Special Flood Hazard Area will not increase Flood heights, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a Structure below the Base Flood Elevation increases risk to life and property and will result in increased Flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.
- b) A copy of such a variance shall be affixed to the deed of the property on file in the municipal clerk's office.

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2.15.14 Nonconforming Structures and Uses

Special provisions regarding Nonconforming Structures and uses apply to Section 2.15. The general provisions of Section 3.1.4 shall also apply. The DRB, after public notice and hearing per Section 4.3.12, may approve the repair, relocation, replacement, or enlargement of a Nonconforming Structure within the jurisdiction of the Flood Hazard Overlay District provided that:

- a) The proposed Development is in compliance with all the Development standards in Section 2.15.15;
- b) A Nonconforming Structure that is Substantially Damaged or destroyed may be reconstructed only in circumstances when the Structure cannot be relocated to a less hazardous location on the parcel. The Lowest Floor of the reconstructed Structure must be rebuilt to one foot or more above the Base Flood Elevation, and the Structure must otherwise comply with all requirements of the National Flood Insurance Program;

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- c) Nonconforming Structures or uses shall be considered abandoned where such Structures or uses are discontinued for more than 12 months; and
- d) An individual Manufactured home lot in an existing Manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement Manufactured homes must be placed so as to meet the Development standards in this district.

2.15.15 Development Standards

The criteria below are the minimum standards, if allowed under Section 2.15.9 and Section 2.15.10, for Development of land under the jurisdiction of the Flood Hazard Overlay District. Where more than one area is involved (i.e., the Floodway, FEMA Special Flood Hazard Area, or Flood Hazard Overlay District jurisdiction), the more restrictive standard shall apply.

- a) All Development shall be:
 - i. Reasonably safe from Flooding;
 - ii. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the Structure;
 - iii. Constructed with materials resistant to Flood damage;
 - iv. Constructed by methods and practices that minimize Flood damage;
 - v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding;
 - vi. Adequately drained to reduce exposure to Flood hazards;
 - vii. Located so as to minimize conflict with changes in Channel location over time and the need to intervene with such changes; and,
 - viii. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the Base Flood Elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- b) Existing Structures to be Substantially Improved or replaced shall be:
 - i. Located such that the Lowest Floor is elevated a minimum of one foot above the Base Flood Elevation, also known as the First Floor Elevation. This must be documented, in as-built condition, with a FEMA Elevation Certificate. Dry Flood proofing on non-residential Structures is not acceptable.
 - ii. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the Structure.
 - iii. Constructed with materials resistant to Flood damage.
 - iv. Constructed by methods and practices that minimize Flood damage.
 - v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding (see FEMA technical bulletins for guidelines).
 - vi. Adequately drained to reduce exposure to Flood hazards.
 - vii. For fully enclosed areas below the Lowest Floor –
 - 1. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any Zoning Permits.
 - 2. Be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens,

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louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of Floodwaters.

Any application for Development within the Flood Hazard Overlay District for a proposed improvement to or replacement of an existing Structure requires: 1) an appraisal of the existing Structure from a licensed appraiser or current town assessment (or alternative method approved by the DRB); and 2) a cost estimate from a contractor who is independent of the Applicant.

- c)** All new Accessory Structures shall have the Lowest Floor elevated to a minimum of one foot above the Base Flood Elevation, also known as the First Floor Elevation, and shall be:
 - i. Designed or modified to be adequately anchored to prevent flotation, collapse or lateral movement of the Structure during the occurrence of the Base Flood. Materials used in the construction shall be resistant to Flood damage and the methods of construction used shall be those that minimize Flood damage.
 - ii. A Zoning Permit shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting all FEMA Flood proofing provisions.
- d)** Small Accessory Structure smaller than 500 square feet as measured by the Gross Floor Area that represents a minimal investment need not be elevated to the Base Flood Elevation provided the Structure:
 - i. Shall be used only for parking or storage of non-hazardous material.
 - ii. Shall be designed to have low Flood damage potential.
 - iii. Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of Floodwaters.
 - iv. Shall provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to Flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of Floodwaters.
 - v. Shall be firmly anchored to prevent flotation.
 - vi. Shall have service facilities, such as electrical and heating equipment, elevated or Flood proofed to at least one foot above Base Flood Elevation.
- e)** Recreational Vehicles shall be:
 - i. On the site for fewer than 180 consecutive days, and fully licensed and ready for highway use; or
 - ii. Permitted in accordance with the elevation and anchoring requirements for "Manufactured homes" in **o)** below.
- f)** Replacement water supply systems shall be designed to minimize or eliminate infiltration of Flood waters into the systems.
- g)** Replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.
- h)** Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the systems and discharges from the systems into Flood waters.
- i)** The Flood carrying capacity and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.
- j)** Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Vermont Agency of Natural Resources.
- k)** Parking areas and driveways built above grade shall be designed by a licensed engineer to minimize or eliminate the potential for Flooding and loss or damage associated with Flooding. (See subsection m) regarding Filling.)

- l) Public roads and public bridges shall be designed to be adequately anchored to prevent flotation, collapse, or lateral movement of the Structure during the occurrence of the Base Flood. (See subsection m) regarding Filling.)
- m) Soil, or Fill, can be moved from one place to another within the Special Flood Hazard Area outside of the Floodway, on a Lot or between adjoining Lots, if there is no net loss in the Floodwater holding capacity of the land. Soil can only be moved in support of an allowed use as described in Sections 2.15.9 and 2.15.10. Fill shall not be used to raise land elevations and remove land from the Flood Hazard Overlay District for Development not allowed in the Flood Hazard Overlay District, and the Town of Richmond shall not approve or consent to a Letter of Map Revision based on Fill (LOMR-F) for this purpose.
- n) New subdivision Developments, planned unit Developments, or Manufactured home parks of more than 5 acres or 50 lots, whichever is less, shall:
 - i. Include Base Flood Elevation data.
 - ii. Minimize Flood damage within the Flood-prone area.
 - iii. Provide adequate drainage to reduce exposure to Flood hazards.
 - iv. Locate and construct utilities and facilities, such as sewer, gas, electrical, and water systems, so as to minimize or eliminate Flood damage.
- o) Manufactured homes to be replaced or substantially improved that are:
 - i. Located in a New manufactured home park or subdivision, outside of a Manufactured home park or subdivision, in an Expansion to an Existing Manufactured home Park or Subdivision, or in a Manufactured home park or subdivision which has incurred Substantial Damage from a Flood shall be elevated on a permanent foundation such that the Lowest Floor of the Manufactured home is elevated to at least one foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the Base Flood.
 - ii. Located in an existing Manufactured home park (created before the FIRM), where elevating a replacement home to or above Base Flood Elevation is *not possible*, the Lowest Floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to resist flotation, collapse, and lateral movement.
- p) No structure may be cantilevered to extend over an area within the Flood Hazard Overlay District.
- q) Special provisions within the Floodway:
 - i. Encroachments or Development above grade and below the elevation of the Floodway are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed Development will:
 - 1) Not result in any increase in Flood levels (0.0 feet) during the occurrence of the Base Flood;
 - 2) Not increase any risk to surrounding properties, facilities, or Structures from erosion or Flooding.
 - ii. Public utilities may be placed underground, and the analyses waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
 - iii. Soil or Fill may not be moved from one place to another.

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2.15.16 Administration

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- a) Application Submission Requirements
When a complete application for proposed Development is received, the Zoning Administrative Officer shall make a Flood Hazard Overlay District jurisdictional determination, per Section 2.15.6. No action shall be taken on a Development application by the Zoning Administrative Officer or DRB until a Flood Hazard Overlay District jurisdictional determination has been

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completed. Per Section 2.15.6, once the jurisdictional determination has been issued and the proposed Development is determined to be under the jurisdiction of the Flood Hazard Overlay District, the Zoning Administrative Officer shall assess whether the proposed uses and/or Structures are permitted under Section 2.15.9 through Section 2.15.15.

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For all proposed Development in the Flood Hazard Overlay District, the application for Development shall be in compliance with all requirements for "Permits and Approval" within Section 5 and with all provisions contained in Section 2.15 for the Flood Hazard Overlay District. The Applicant shall provide an additional set of all application materials, to comply with Section 2.15.16.b).

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Any application for Development within the Flood Hazard Overlay District requires: 1) an appraisal of the existing Structure from a licensed appraiser or current town assessment (or alternative method approved by the DRB); and 2) a cost estimate from a contractor who is independent of the Applicant.

i) Applications for proposed Development seeking approval by the Zoning Administrative Officer submitted per Section 2.15.9 must include the following information:

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1. Site plan showing all proposed Development including sketch of proposed Farm Structure;
2. Copy of approval by Vermont Agency of Agriculture, Food and Market's Accepted Agricultural Practice Rules for agricultural and silvicultural uses;
3. Any information that the Zoning Administrative Officer deems necessary.

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ii) Applications for proposed Development seeking approval by the DRB submitted per Section 2.15.10 require at least one public hearing per RZR Section 8.2.3 and Section 8.2.4 and require at a minimum the following information:

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1. Site plans in triplicate drawn to survey quality or accurate measurement showing:
 - A. The nature, location, dimensions and elevation of the area proposed for Development prepared by a Vermont licensed land surveyor or engineer;
 - B. All water bodies, Special Flood Hazard Areas, Floodways, the Base Flood Elevations at the site, the shortest distance from the proposed Development to the top of bank of any stream, any existing and proposed drainage, any proposed Fill, pre- and post-Development grades, and the elevation of the proposed Lowest Floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. FEMA Elevation Certificate for Existing Structures depicting their First Floor Elevation in relation to mean sea level (a FEMA Elevation Certificate);
3. Proposed New Construction including First Floor Elevation in relation to Base Flood Elevation;
4. Plans showing proposed areas and extent of Filling, dredging or grading;
5. Plans showing all materials proposed for outdoor storage, including types of materials and storage locations;
6. If proposed, locations of any existing and proposed driveways, streets and parking areas;
7. Vermont Agency of Natural Resources listing of all needed state and federal permits;
8. Proposed Flood Proofing measures;
9. Relationship of improvements to the river bank;
10. Copy of FEMA Letter of Map Change, "Contour Interpolation" Study, or Engineering Report and Plan;

11. For Channel relocation, a profile showing the slope of the bottom on the Channel of the flowline of the stream and the extent to which the Channel is to be relocated shall also be provided.
12. Information shall be provided that demonstrates that the proposed Development meets the requirements for the underlying zoning district in effect, in addition to the requirements imposed within the Flood Hazard Overlay District. These requirements include but are not limited to permitted and conditional uses, Building setbacks, Lot coverage, Building Heights, etc. for the underlying zoning district.
13. If the request is an appeal for a variance, then the appeal application must include responses to the criteria set forth in 24 VSA §4469 and §4424(E) and CFR 60.6.

b) Referral to Agency of Natural Resources –

When an application for proposed new construction or substantial improvement within the FEMA Special Flood Hazard Area is deemed complete, the Town Planner/Staff to the DRB shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A DRB decision or Zoning Permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

In instances when a Letter of Map Change has been issued by FEMA for an area with proposed Development, the provisions of this Section 2.15.16.b) shall not apply.

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If the applicant is seeking a Zoning Permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A Zoning Permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner.

c) Decisions

The DRB shall consider comments from the NFIP Coordinator at the Vermont Agency of Natural Resources. The DRB may recess the proceedings on any application pending submission of additional information.

d) Zoning Administrative Officer Records - The Zoning Administrative Officer shall properly file and maintain a record of:

- i. All Zoning Permits issued in areas covered by these Regulations;
- ii. An Elevation Certificate with the as-built elevation (consistent with the datum for the elevation on the current Flood Insurance Rate Maps for the community) of the Lowest Floor, including Basement, of all new Structures, substantially improved Structures, or Flood proofed Structures (not including accessory Structures), in the Flood Hazard Overlay District, including the FEMA Special Flood Hazard Area;
- iii. All Flood proofing and other certifications required under this regulation; and
- iv. All decisions of the Zoning Administrative Officer and the DRB (including variances and Violations) and all supporting findings of fact, conclusions, and conditions.

2.15.17 Certificate of Occupancy

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In accordance with Chapter 117 §4449, it shall be unlawful to use or 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 within Special Flood Hazard Area until a certificate of occupancy is issued by the Zoning Administrative Officer, stating that the proposed use of the Structure or land conforms to the requirements of these regulations. The requirements for a Certificate of Occupancy are set forth in Section 4.2.2. A certificate of occupancy is not required for structures that were built in compliance with these regulations at the time of construction and have not been improved since the Effective Date of these regulations. Within 14 days of the receipt of the application for a certificate of occupancy, the Zoning Administrative Officer shall inspect the premises to ensure that all required local, State, and federal permits have been acquired and all that all work has been completed in conformance with the Zoning Permit and associated approvals. If the Zoning Administrative Officer fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day.

2.15.18 Enforcement and Penalties

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- a) It shall be the duty of the Zoning Administrative Officer to enforce the provisions of Section 2.15 under 10 VSA §1974a, 24 VSA §4451 and §4452, including Section 8.3. Upon determination that a Violation exists, the Zoning Administrative Officer shall institute appropriate action in accordance with the provisions of 24 V.S.A. Chapter 117. A copy of any notice of Violation shall be mailed to the State NFIP Coordinator.
- b) If the Violation occurs in the areas within the FEMA Special Flood Hazard Area and remains after all appeals have been resolved, the Zoning Administrative Officer shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of Flood insurance for the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
- c) If the Violation occurs in the area outside the FEMA Special Flood Hazard Area but within 100 feet of the outside edge of the FEMA Special Flood Hazard Area, the Zoning Administrative Officer shall follow the provisions of 24 V.S.A. §1974a , 24 V.S.A. §4451, or 24 V.S.A. § 4452 to correct the Violation.
- d) Violations of the Accepted Agricultural Practices shall be enforced as Violations of these Regulations. Such Violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

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2.16 Water Supply Source Protection Areas

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All development within the mapped Source Water Protection Areas is regulated by the Town of Richmond's Water Supply Source Protection Ordinance. Contact the Zoning Administrative Officer for the location of source water protection areas within the town and the requirements of the ordinance.

3. Development Standards

3.1 General Standards

3.1.1 Removal of Structures

A zoning permit is required for the removal of structures for which a zoning permit or DRB approval to construct would be required. Any such permit shall incorporate a condition that the land be restored to a neat and clean condition.

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3.1.2 Height

a) Applicability – Except for the following structures, no structure shall exceed the height requirements of these regulations.

b) Exemptions – Exemptions from the 35' zoning district height restriction include the following:

- i. Farm accessory structures and structures described in §4412(6) of the Act.
- ii. Spires, chimneys, water towers, windmills, cupolas, rooftop solar collectors, domes, belfries and antennae may extend up to 45' from the ground.
- iii. A structure may have a steeply pitched roof (8/12 or greater) extending to 45' provided there is no occupancy or use (except for storage) between 35' and 45'.

3.1.3 Lots, Setbacks and Yards

a) Principal Use Per Lot - Only one principal use and one principal structure may be located on a lot, unless approved by the DRB as a mixed use in accordance with Article 2 of these regulations or as part of a Planned Unit Development in accordance with Section 3.6 of these regulations.

b) Lot Area - No lot shall be so reduced in area that it cannot conform to lot size, setback, lot frontage, lot coverage and other dimensional standards set forth in these regulations, except for allowed modifications approved as part of a Planned Unit Development, per Section 3.6.5.

c) Open Space - Space required under these regulations to satisfy area or other open space requirements in relation to one structure shall not be counted as part of a required open space for any other principal structure.

d) Setbacks for Interior Lots – A structure on an interior lot shall meet the minimum setback requirements under the same standards as non-interior lots within the same zoning district for the property line facing the road. The side where the driveway meets the road is deemed as the front setback.

e) Approval for Interior Lots with No Frontage

Land Development proposed for any lot with no frontage on a public road or public water shall provide access to such a road by a permanent access easement. The following procedures will be followed for obtaining access to and approval for such lots:

- i. Review Process - A new or relocated access to any lot without frontage on a public road or public waters shall require DRB approval, under the standards in Section 3.3.3 (for driveways) and Section 3.3.4 (for roads).
- ii. Required Information - Applications shall include a plan drawn to scale showing boundaries of all properties crossed by and to be served by the access easement, dimensions and grades of the proposed road within the access easement, the point of access onto a public road, and

any other information the DRB may require to assure adequate access to the lot and its structures.

- iii. An access easement shall be at least thirty (30) feet in width if serving less than four (4) lots. Access easements serving four or more lots shall be at least sixty (60) feet in width and meet the standards in Section 3.3.4 and the current Public Works Specifications. Bicycle or pedestrian easements shall be at least fifteen (15) feet in width. A parcel linked to a public or private road via a pre-existing right-of-way is grandfathered at the current level of use.

f) Front Yards – Any yard adjoining a road shall be considered a front yard. A corner lot shall be considered to have two front yards and two side yards. Structures on any lot which has frontage on more than one road must maintain the required setbacks on each road.

g) Roof Overhangs – For purposes of computing setbacks, the portion of a roof overhang up to 30 inches shall not be counted.

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3.1.4 Nonconforming Lots, Structures, and Uses

a) Nonconforming Lots

- i. Existing Small Lots - In accordance with the Act [§4412(2)], any lot in individual and separate and non-affiliated ownership from surrounding properties, that is legally in existence on the effective date of any Richmond bylaw may be developed for the purposes permitted in the Zoning District in which the lot is located, even though the lot does not conform to minimum lot size requirements of the Zoning District provided such lot is not less than one-eighth (1/8) acre in area and does not have a width or depth dimension of less than 40 feet. Notwithstanding this exception to minimum lot size requirements, no zoning permit shall be issued for land development on an existing small lot unless such land development complies with all other provisions of these Regulations, including Section 2.1.5.
- ii. Lot Merger - If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, in accordance with the Act, a nonconforming lot shall not be deemed merged and may be separately conveyed if all of the following apply:
 - 1) The lots are conveyed in their preexisting, nonconforming configuration.
 - 2) On the effective date of these Regulations, each lot was developed with a water supply and wastewater disposal system.
 - 3) At the time of transfer, each water supply and wastewater disposal system is functioning in an acceptable manner.
 - 4) If the lot is not served by municipal water and sewer, the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined by 10 V.S.A. Chapter 64.

iii. A lot which is approved via a subdivision approval before the effective date of these regulations in which an approved plat is filed in the Richmond land records as forth in the land use bylaws in affect at the time such subdivision occurred may be developed for the purposes established for the zoning district in which the lot is located, even if there is affiliated ownership.

iv. An existing non-conforming lot of less than 3 acres in the R-3 zoning district or less than 10 acres in the R-10 zoning district may be developed with a single family dwelling pursuant to this section 3.1.4.a.

b) Nonconforming Structures - The following shall apply to all nonconforming structures, except for those within the Flood Hazard Overlay District, which also must comply with the provisions of Section 2.15 of these regulations:

- i. May undergo normal repair and maintenance if such action does not increase the structure's degree of nonconformity

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- ii. May be restored or reconstructed after damage to its prior condition if damaged or destroyed by fire or other casualty, provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that a zoning permit is obtained within 12 months of the date the damage occurred.
- iii. May be enlarged or expanded up to 25% or less of the gross floor area, provided the enlargement or expansion does not increase the structure's degree of nonconformity, following approval by the DRB and subsequently receiving a zoning permit from the Zoning Administrative Officer, provided that the degree of nonconformity is not increased. As per Section 4.3.3 of these regulations, the DRB may grant a waiver for dimensional requirements.
- iv) May, subject to conditional use approval by the DRB in accordance with the provisions of Section 4.3.7 and Section 4.5.8 of these Regulations, be structurally altered or expanded in a manner that would increase the degree of nonconformity for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety, or energy regulations that would allow for the continued use of the structure.

c) Nonconforming Use - A Nonconforming Use may continue to exist, subject to the following:

- i. A Nonconforming Use shall not be changed to other than a permitted use. Any Nonconforming Use that ceases for 12 months shall not be permitted to resume, and intent to abandon the use shall be conclusively presumed for such non-use unless it qualifies under the "Adaptive Use" Section 3.8.2 of these Regulations. If it can be shown that the usage has traditionally been intermittent, the historical rate will be used to assess abandonment and continued use.
- ii. Any increase or expansion of a Nonconforming Use may occur, subject to conditional use approval by the DRB in accordance with Section 4.3.7 and Section 4.3.8 and subsequent issuance of a zoning permit. The DRB may approve increases in nonconforming uses that involve an increase of 25% or less in physical characteristics such as, but not limited to, square footage, or traffic flow, after Conditional Use Review.

3.2 Site Planning & Design

3.2.1 Design

a) **Applicability** – Pursuant to the authority established in the Act (4416), the following standards of this section (3.2.1) shall apply to the construction of any new structure with a footprint of 3,000 square feet or more, excluding a detached single-family or two-family dwelling or exempt farm structure.

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b) Structure or Building Form

- i. New principal structures with a façade width of 50 feet or greater shall be broken down into a series of smaller elements or bays through use of varying setbacks, heights, roof treatments, doorways, window openings, and other structural, architectural or decorative elements in order to reduce apparent size and scale of the building as viewed from public roads and private roads.
- ii. No uninterrupted length of any façade shall be permitted to exceed 100 feet without incorporating:
 - 1) a change in color, material or texture; and
 - 2) an architectural projection or recess.
- iii. Such structures situated at corners shall “wrap” the corner by continuing façade elements such as the cornice or other horizontal features on all road elevations.
- iv. New façades shall include base, middle and top levels and coordinate the relative height of these façade elements with those of any adjacent or nearby buildings.
- v. Sloped roofs shall ensure the fall of snow, ice or rain does not create a hazard for pedestrians. Sloped roofs should use design features such as dormers and gables to give the façade more visual character.
- vi. Within the Village Mixed District, structures subject to the provisions of this section shall be designed to appear similar in scale, character and massing to historic residential structures within the district as viewed from the road.

c) Principal Structure Entrances and Facades

- i. Except within the General Business District, principal structure entrances shall face the road and shall be easily identifiable and pedestrian-scaled.
- ii. Except within the General Business District, the doors and entryways of commercial and mixed-use principal structures shall be modeled on traditional storefront design, be recessed, and be compatible with the architectural style of the building.
- iii. Within the Village Business-1 and Village Mixed Use District, commercial and mixed-use principal structures shall be designed with display windows facing the road they front.
- iv. Except within the General Business District, clear glass shall be used on ground-floor windows.
- v. Within the Village Business-1 District, the front elevation of commercial and mixed-use buildings shall provide a minimum of 60% and a maximum of 85% clear glass at ground level.
- vi. Within the Village Business-1 and Village Mixed Use District, commercial and mixed-use principal structures shall include large front windows on the ground level, with sills between 24 to 36 inches above sidewalk level and the top of the window between 9 and 12 feet above sidewalk level.
- vii. Principal structures intended for retail uses shall provide sign panels (flat, often recessed areas above a storefront designed to accommodate a wall sign).

d) Building Materials

- i. Except within the General Business District, exterior building materials shall be of comparable aesthetic quality on all sides.
- ii. Except within the General Business District, rear and side building walls that are visible from public roads, residential neighborhoods or adjacent properties within 1,000 feet of the building shall be designed to complement the architectural treatment of the primary façade.
- iii. Standard corporate and trademark colors shall be permitted only on signs.
- iv. Accessory structures shall meet the same design standards as the principal structure on the lot.

3.2.2 Landscaping and Screening

- a) **Purpose** – The Town of Richmond recognizes the importance of trees, landscaping, vegetation, and well-planned green spaces in promoting the health, safety, and welfare of residents through improved drainage, water supply recharge, flood control, air quality, sun control, shade, and visual relief, and in integrating new development into its surroundings. Therefore, landscaping and screening should:
- i. Provide an undisturbed, vegetated buffer between developed and undeveloped portions of a parcel to protect environmental quality and/or other natural features;
 - ii. Provide for stormwater infiltration and management, and/or establish or maintain woody vegetation to protect water quality and/or limit soil erosion;
 - iii. Provide screening of development to increase privacy, reduce noise and glare, contribute to the attractiveness, aesthetics and/or scenic qualities of travel corridors, and/or to otherwise soften and/or lessen the visual impact of development;
 - iv. Establish and maintain street trees and/or other streetscape landscaping along public or private roads to create a canopy effect, add visual interest to the street, and/or maintain a pedestrian scale;
 - v. Provide for preserving existing mature trees, tree lines, hedgerows, and wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat; and/or
 - vi. Establish buffers or barriers between incompatible land uses.
- b) **Applicability and Application Requirement** – Landscaping and screening shall be required for all uses subject to site plan review, conditional use review, and subdivision review.
- i. Street tree planting shall be required along all public roads in a subdivision, including PUD.
 - ii. In evaluating landscaping, screening, and street plan requirements, the DRB shall promote the retention of existing trees while encouraging the use of recommended plant species.
 - iii. The applicant must submit a landscape plan, prepared by a landscape architect, master gardener, nursery professional, arborist, professional landscape designer, or other landscape professional. See Section 4.4 for application requirements.
- c) **Conditions and Safeguards** - Conditions and safeguards with respect to landscaping and screening include, but are not limited to:
- i. Provision for landscaping that will preserve the character of the existing neighborhood. This may include curbside shade trees.
 - ii. Provision of a buffer zone that shall include vegetative screening to conceal outdoor storage or display areas, parking lots, or loading areas, or other outdoor commercial, including multi-family housing, or between dissimilar uses between neighboring properties.
 - iii. Requirements that vegetation be indigenous to the area, be substantially sight-impervious during all seasons of the year, large enough to do well, and planted at intervals in keeping with other neighborhood foliage. Maximum effort shall be made to save existing mature non-invasive trees, especially those along property lines and roads. Native plant species are preferred, and under no circumstances shall non-native invasive species be used.
 - iv. Interim fencing while vegetation is growing to appropriate size.
 - v. Provision for the care and maintenance of plantings, including removal of dead or diseased trees or shrubs.
 - vi. **Minimum Landscaping Costs.**
The minimum direct landscaping cost shall be at least equal to the total project construction cost (before installation of landscaping and excluding soft costs such as engineering or landscape architectural fees) multiplied by a certain percentage per the below schedule:

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Construction Cost	Percentage
\$0 - \$250,000	3%
Next \$250,000	2%
Over \$500,000	1%

In evaluating landscaping requirements, the DRB may grant some credit for existing trees, existing site features or for alternative improvements, other than tree planting, as long as the objectives of this section are met.

- vii. Yard Setbacks - In the case of non-residential uses, the front, side, and rear yards shall be landscaped and maintained in good appearance.
- viii. Buffer Strips - DRB may also require additional landscaping above and beyond the formula for the purpose of adding a buffer strip along I-89 and along US Route 2 (in the Gateway zoning district) to properly screen development from the highways.
- ix. Screening - The DRB shall require plantings or attractive solid fencing, above the normal landscaping requirement, whenever the DRB determines a particular site warrants such landscaping, such as to adequately screen two adjacent dissimilar uses from each other, or to improve the appearance of a property which is covered excessively with pavement or structures or is otherwise insufficiently landscaped or which adversely impacts adjacent properties. All outdoor lighting lamps or parking lighting lamps associated with public or commercial uses shall be screened from the view of the ground floor of adjacent residential buildings.
- x. Specific Standards for New Trees or Shrubs
 - 1) New Trees or Shrubs - Trees or shrubs shall be of a type indigenous to Vermont, preferably of high wildlife conservation value, shall be planted in fertile and fertilized ground in accord with standard horticultural practices, and shall be watered and nurtured until growth is assured.
 - 2) Trees shall have a minimum trunk diameter at a point six (6) inches above the ground level of two (2) inches, shall be planted close to the right-of-way line at average intervals of no more than sixty (60) feet, and shall be free of branches between ground level and a point six (6) feet above ground level.

d) Zoning Administrative Officer Responsibilities for Landscaping and Screening

The following uses are also regulated under Section 3.2.2 and shall be administered by the Zoning Administrative Officer:

- i. Recreational vehicles, campers and unregistered, non-inspected motor vehicles owned by visitors and on the premises for more than 3 consecutive weeks must be screened from public and private roads and from adjoining properties.
- ii. Outdoor Lighting – Outdoor lighting associated with landscaping or screening shall meet the requirements of Section 3.2.3 of these regulations.
- iii. Site Restoration – The DRB may require any necessary grading or seeding to restore the condition of any portion of a site that is disturbed during construction.
- iv. Completion of landscaping and screening requirements – Any landscaping and screening requirements must be completely installed prior to the issuance of a Certificate of Occupancy.

3.2.3 Outdoor Lighting

- a) Purpose** - The purpose of this section is to provide regulation for outdoor lighting that will:
- i. Permit reasonable uses of outdoor lighting for night-time safety, utility, security, enjoyment and commerce;
 - ii. Minimize adverse offsite impacts including light trespass and obtrusive light;
 - iii. Curtail light pollution and improve the nighttime environment for astronomy;
 - iv. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources;
 - v. Conserve energy and resources to the greatest extent possible.

- b) General Standards** - To allow for appropriate outdoor lighting, the following standards shall apply to all outdoor lighting installations, with the exception of temporary holiday light displays, lighting for special events, and municipal street lighting within the public right-of-way, which are exempt from these requirements.
- i. All outdoor lighting shall be kept to the minimum required for safety, security and intended use. Outdoor lighting shall not have an undue adverse impact on the character of the area in which it is located.
 - ii. Permanent outdoor light fixtures shall not direct light upward or onto adjacent properties, public roads or public waters, unless specifically approved by the DRB in accordance with Paragraph 3 of this section. Outdoor light fixtures shall be cast downward and be designed to minimize glare. Such fixtures may include recessed, shielded or cut-off fixtures, or low luminance lamps.
 - iii. Outdoor light fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during business hours or when the property is occupied.
 - iv. Electrical service to exterior light fixtures shall be underground unless the fixtures are mounted directly on utility poles.
 - v. Whenever any new outdoor lighting fixture is installed, i.e., either a new fixture or a replacement fixture, the lighting fixture must comply with this Section 2.3.2.

- c. Exemptions** – The following activities are exempt from meeting the requirements of this Section, 3.2.3:
- i. Temporary holiday light displays.
 - ii. Lighting for special events.
 - iii. Replacing light bulbs on an existing outdoor lighting fixture.

- d) Specific Standards** - The following standards shall apply to all outdoor lighting installations associated with a use requiring subdivision approval, site plan approval, or conditional use approval:

- i. Submission Requirements - Lighting plans shall be submitted for all proposed land development showing exterior lighting drawn to a scale of 1 inch = 20 feet and shall include the location, dimensions and type of lighting equipment, the manufacturer's specification sheets (to include photometric data, designation as cut-off fixtures by the Illumination Engineers Society of North America and the Color Rendering Index of all bulbs) and point-by-point calculated illuminance values noted on a 10-foot grid. Any building elevations submitted shall show exterior fixtures and the portions of walls to be illuminated.

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ii. Lighting Standards Table

	General Business	Village Business-1, Village Business-2, Village Mixed, Gateway	All Other Districts
General			
1)	Maximum height of free-standing lights	25 feet	20 feet (including base) or height of associated principal structure, whichever is less
	A. Maximum height of free-standing lights for Recreation Outdoor, Class 1	30 feet	30 feet
2)	Minimum color rendering index	70	80
3)	Maximum illumination level at the property line	0.1 foot candles	0.2 foot candles
Parking Lots, Exterior Sales/Display Areas, and Security Lighting			
4)	Uniformity ratio	5:1	4:1
5)	Minimum illumination level (five feet from ground)	0.3 to 0.5 foot candles	0.2 to 0.3 foot candles
Building Facades and Roofs			
6)	Maximum illumination level (five feet from ground)	3.0 foot candles	2.5 foot candles

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- iii. Parking Lots - Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination on adjacent properties or roads. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illumination Engineers Society of North America (IESNA).
- iv. Lighting for vehicle fueling stations includes special provisions for outdoor lighting.

e) Security Lighting - All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination on other areas. In no case shall any security lighting be directed above the horizontal plane through the lighting fixture.

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f) Street Lights - Street lights shall conform to [these regulations](#). To protect Richmond's rural character, street lighting should only be installed in the Rural 3 and Rural 10 districts where site-specific safety conditions warrant.

Deleted: the Town of Richmond Public Works Specifications

g) Lighting of Building Facades and Roofs - Exterior building facades and roofs shall not be illuminated, except that the DRB may approve the lighting of structures having exceptional symbolic (e.g. churches or public buildings) or historic significance in the community as a conditional use in accordance with the provisions of this section and Section 3.8.2, *Adaptive Reuse*, of these Regulations. Such light fixtures:

Formatted: Bullets and Numbering

- i. Shall be carefully located, aimed and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed towards adjacent roads.
- ii. Shall be mounted on the building and designed to "wash" the facade with light to the extent practicable.
- iii. Shall be directed downward rather than upward to the extent practicable.

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h) Period Lighting Fixtures - [Period Lighting Fixtures must meet the following requirements:](#)

- i. The maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150 watt incandescent bulb),
- ii. Any such fixture must be shielded; and
- iii. The height of such fixtures shall not exceed 15 feet.

3.2.4 Parking, Loading and Service Areas

a) Purpose - To ensure the adequate provision of parking and loading facilities for all Land Development within the Town of Richmond, in accordance with the Act (§4414) and the following standards.

b) Loading Requirements - All uses shall provide off-road loading spaces in conformance with the below standards

- i. Location - All loading spaces shall be located on the same lot as the principal use. Loading spaces shall minimize circulation conflicts on the lot. Loading areas shall not be calculated to include required off-road parking spaces.
- ii. Size - All loading spaces shall be of sufficient size to allow necessary maneuvering for deliveries without encroaching upon the public right of way, parking spaces, or internal parking lot circulation. Loading spaces shall be a minimum of fifteen (15) feet wide by twenty-five (25) feet in length. The DRB may require greater dimensions if deemed necessary to handle projected truck traffic volumes or longer truck lengths.
- iii. Surfaces - All loading areas shall be hard-surfaced and clearly marked with painting to designate the loading area. This requirement may be waived by the DRB, based upon projected traffic counts.
- iv. Combination of uses - Loading spaces may be designed to serve one or more businesses located in the same building or on the same lot. The DRB may approve joint usage on adjacent lots provided a written agreement is submitted and filed with a deed.
- v. Ratios - One (1) space for the first 20,000 square feet of gross floor area. One (1) additional space for each additional 20,000 square feet of gross floor area.
- vi. The loading dock area must be sufficient to handle the maximum length of trucks making deliveries.
- vii. Application Requirement – The application must specify the number of trucks in the loading area at one time and the maximum length of trucks.
- viii. Other standards - Loading areas shall meet screening, landscaping, lighting, and other development standards as specified herein.
- ix. Waivers - All waiver requests shall be submitted in writing. The DRB may waive some or all loading requirements, however, b)i., b)ii, and b)vi may not be waived. The DRB may place conditions on a waiver as necessary to guarantee adequate loading facilities. The DRB may approve waiver requests under one or more of the following circumstances:
 - 1) The proposed use will require minimal deliveries which will not interfere with the traffic circulation on the lot.
 - 2) Deliveries are made during non-business hours.
 - 3) Existing development makes it impossible to meet loading standards.

The DRB may require that waivers be filed in the Town Land Records and that a statement be attached that any change in use may require the construction of loading facilities.

c) Off-Road Parking Requirements

- i. Applicability - In order to insure the safe and continuous flow of traffic at all times as well as to facilitate the safe passage of all emergency vehicles, all land uses shall be provided with sufficient off-road vehicular parking spaces to meet the reasonable parking needs of residents, employees, customers, visitors, or other persons making use of the property. For every

principal structure or use erected, altered, or extended, there shall be a minimum number of parking spaces as set forth below.

ii. Dimensional Standards:

- 1) All required parking spaces shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet.
- 2) Parking lot aisles shall meet the following minimum dimensional standards:

Parking Pattern	Minimum One-Way Aisle Width	Minimum Two-Way Aisle Width
90° Perpendicular	Twenty feet	Twenty-five feet
60° Angle	Eighteen feet	Twenty-five feet
45° Angle	Sixteen feet	Twenty-five feet
30° Angle	Fourteen feet	Twenty-five feet
Parallel	Twelve feet	Twenty feet

- 3) The required number of off-Road parking spaces shall be as follows:

Land Use \ Building Type	Required Parking Spaces *SFGFA = Square feet of gross floor area **SFGRA = Square feet of gross retail area
Equipment, Vehicle, or RV Repair	2.0 per 1,000 SFGFA*
Financial Services	3.3 per 1,000 SFGFA*
Financial Services with drive-through facility	3.0 per 1,000 SFGFA*
Bowling alley	4.5 per lane
Church/Synagogue/Conference area	0.5 per seat or 22 linear inches of bench
Cleaners	1.5 per 1,000 SFGFA
Convenience store	7.5 per 1,000 SFGFA*
Drive-through facility	3 spaces per drive-through window
Furniture store	2 per 1,000 SFGFA*
Hardware store	3 per 1,000 SFGFA*
Hospital/clinic	1.5 per bed
Hotel or Motel	1 per room, plus 0.33 per maximum occupancy in meeting and banquet rooms
Industrial park	1.6 per 1,000 SFGRA**
Laundromat	5.0 per 1000 SFGRA*
Museum	3.3 per 1,000 SFGRA**
Nursing home	0.33 per room
Office	3.5 per 1,000 SFGFA*
Personal services establishment	2.0 per 1,000 SFGFA +1 per customer service station
Recreation Facility - Indoor	0.33 per person in maximum occupancy permitted
Recreation Facility - Outdoor	0.33 per seat or per person in maximum occupancy

Land Use \ Building Type	Required Parking Spaces *SFGFA = Square feet of gross floor area **SFGRA = Square feet of gross retail area
Residential:	
Accessory dwelling	1 per unit
Bed and breakfast	1 per sleeping room + 2 per dwelling
Boarding house/dormitory	1 per sleeping room
Child care home	2 per dwelling unit + 1 per nonresident employee
Fraternity / sorority	1.5 per 1,000 SFGFA*
Group home	0.3 per sleeping room
Home occupation	2 per dwelling unit + 1 per nonresident employee
Multi-family (3 or more units)	2 per dwelling unit + 1 guest space per each 10 units
Single-family	2 per dwelling unit
Two-family	2 per dwelling unit
Triplex	2 per dwelling unit
Restaurant – Class 1/Class 2	20 per 1,000 SFGFA*
Retail sales establishment	2.5 per 1,000 SFGFA*
Retirement Community	0.5 per dwelling unit or other sleeping room
Service station	5.5 per 1,000 SFGFA*
Shopping center	4 per 1,000 SFGFA* + 10 spaces/1,000 sq. ft. food service. Off-site employee parking may allow 15% reduction.
Sports club \ Health spa	5 per 1,000 SFGFA*
Warehouse	0.25 per 1,000 SFGFA*

4) If the land use or building type is not contained in the above table or the DRB is reviewing a large or multi-use development, the applicant shall use standards from the ULI (Urban Land Institute) or ITE (Institute of Transportation Engineers) parking manuals.

d) Drive-through Facilities

- i. Location - Drive-through facilities shall not utilize required parking spaces to meet stacking requirements. Facilities shall be designed to minimize conflicts with other on-site vehicular and pedestrian traffic.
- ii. Stacking requirements - A minimum of six (6) vehicles should be accommodated in each stacking lane.

e) Parking or storage of junk vehicles - The parking or storage of any unlicensed or unregistered vehicle is prohibited except as provided in a vehicle repair facility unless screened from view from the adjoining Road and property line. No unlicensed or unregistered vehicle may be parked or stored within any required setback. No such vehicle parked, or stored on any lot shall decrease the required number of parking spaces. In no instance may junk vehicles be parked and stored in any residential District except for one personally owned junk vehicle which is totally screened from view.

f) Parking of Recreational Vehicles - Recreational vehicles shall meet the following requirements:

- i. No more than one such vehicle may be parked in a driveway or front yard. No recreational vehicle may be parked within a public or private right-of-way.

- ii. No such vehicle, parked or stored, on any lot shall decrease the required number of parking spaces.
- iii. The parking of a recreation vehicle owned by visitors may be temporarily parked for a period of time not to exceed three (3) consecutive weeks.
- iv. Recreational vehicles parked within the Flood Hazard Overlay District (Section 2.15), shall also meet the requirements of Section 2.15.13(e).

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g) Other Parking Standards and Applicability

- i. Location - All parking areas subject to administrative review by the Administrative Officer, except for such areas associated with single or two-family dwellings, or other Land Development specifically exempted from site plan review, shall require Site Plan Review (see Section 4.3.6). All parking areas shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the DRB.
- ii. Surfacing - All parking areas shall be hard-surfaced. The DRB may waive this requirement if the Applicant demonstrates that all of the remaining standards of Section 3.2.4.g) will be met. In addition, the following specific standards shall be considered by the DRB when reviewing a waiver request for surfacing requirements:
 - 1) The parking area shall be designed so as to prevent the intrusion of gravel or a similar surfacing material onto the road travel lanes or adverse impacts on drainage systems.
 - 2) The use of permeable pavement is encouraged to reduce the amount of stormwater generated by the land development.
- iii. Drainage - All parking areas and associated roadways shall be designed and constructed with detention devices, such as, but not limited to overland grassed and/or stone lined swales, detention basins, and settling ponds, in order to assure that the post development peak flow stormwater volumes from such parking areas and roadways do not exceed the predevelopment quantities based on the run-off from a twenty-five year, twenty-four hour storm event. All such devices shall be designed and constructed to the standards in the Public Works Specifications, except that in the event of a conflict between the Public Works Specifications and the preceding sentence, the preceding sentence shall control. Unless stormwater flows are contained on the lot where such parking areas and roadways are located, there must also be adequate off-site drainage areas to accommodate such flows. An easement must be granted, and evidence in the form of an easement or a deed must be presented to the DRB, from adjoining property owner(s) when off-site drainage areas are utilized for a given project.
- iv. Parking for Persons With Disabilities - All parking areas shall provide for persons with disabilities which are clearly designated and marked, and signed, using the international symbol for access required by Title 21 V.S.A. Section 275, as amended, for use by such persons only.
- v. Off-Site Parking - State, municipal or private commuter lots shall be approved by the DRB subject to Site Plan Review under Section 4.3.6.
- vi. Screening - The DRB may require screening for any parking lots located within any front yard. Screening shall emphasize the separation of parking lots from adjoining public roads to minimize glare from vehicle headlights onto public roads. The use of berms and landscape materials is the preferred method of screening. The DRB may approve fencing, if it determines the more preferred methods are impractical.
- vii. Parking in Right-of-Way - No parking spaces shall be located within a public road or private road right-of-way.
- viii. Landscaping - All parking lots shall be landscaped as approved by the DRB.
- ix. Pedestrian access - The design of all parking lots shall incorporate measures to minimize safety hazards to pedestrians. Pedestrian paths shall be designated and clearly marked. Separation of vehicle and pedestrian traffic shall be included in all parking lot plans where

- possible. The DRB may waive this requirement due to unique characteristics of the lot, or innovative alternative designs.
- x. Bicycle access - Parking lots shall be designed to encourage bicycle access. Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The DRB may waive this requirement if in their judgment the business will not generate bicycle traffic.
 - xi. Striping - Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified by the DRB.
 - xii. Traffic Control Signs - The DRB may require the use of uniform ingress and egress signs, traffic control signs, and other signs as necessary to direct the flow of traffic.
 - xiii. Lighting - Lighting shall be provided in all parking lots as approved by the DRB and in conformance with Section 3.2.3, *Outdoor Lighting*, of this Regulation.
 - xiv. Joint Parking Facilities - Joint parking arrangements may be approved by the DRB, provided that the Applicant has submitted legal documentation to guarantee continued long-term availability of said parking. Within any retail shopping facility or other areas where joint parking has been established, the DRB may not approve any site plan amendments or other use changes which would increase parking needs, or any waivers of parking requirements, until the Applicant has submitted proof of notice to all tenants or shared parking participants of the proposed change.
 - xv. Home Industry – No more than six (6) additional parking spaces shall be created for a home industry. All parking must be adequately screened and located on the lot. On-premises shall be sufficient for all employees and residents. No waiver may be granted from these requirements.
 - xvi. Fire Lanes - All fire lanes as recommended to the DRB by the Fire Chief shall be clearly designated by pavement markings and/or signage. All designated fire lanes shall be kept free from vehicular and other obstruction at all times.
 - xvii. Waivers - The DRB may waive some or all parking requirements and may place conditions on a waiver as necessary to guarantee adequate parking. The DRB may require any change in use on any property where a waiver has been granted to be reviewed for parking impacts, and the change shall be prohibited if it is deemed to generate a parking deficiency. The DRB shall determine that one or more of the following standards are met at a specific location prior to granting a waivers:
 - 1) The proposed uses have staggered business hours with minimal overlap in business hours.
 - 2) The Applicant presents evidence that the parking requirements are excessive based upon new parking studies, traffic engineering data, or obvious and apparent existing parking demands.
 - 3) The Applicant demonstrates that the demand for parking is reduced because the type of business proposed substantially relies on pedestrian traffic.
 - 4) The Applicant demonstrates that sufficient off-Road parking is available at other locations within two hundred (200) feet which are, or have been approved by the DRB.
 - 5) The use of mass or public transit or other alternate transportation reduces parking demand.
 - 6) Joint parking facilities with abutting businesses are sufficient to meet parking demand.
 - 7) The I.T.E. (Institute of Traffic Engineers) Parking Manual, or other published professional source, provides data which demonstrates parking demand for a proposed use is less than the standards specified in these Regulations.
 - h) Snow Storage – Parking and loading areas shall be usable throughout the entire year. Sufficient parking space shall be provided for the storage of plowed snow, unless removal by other means is provided. Snow shall be removed and stored in a manner that allows for infiltration of melt water into the ground except where infeasible due to site-specific physical limitations (e.g., soils or

slopes). In no case, shall melt water from stored snow be directed into stormwater culverts or sanitary sewers.

- i) Service Areas – The DRB may require that additional parking be provided for service area to accommodate emergency vehicles, waste disposal and collection, transit service, or other purposes as necessitated by the proposed use. Service areas shall be screened in accordance with the provisions in Section 3.2.2.

3.2.5 Signs

a) Purpose - It is the purpose of this section to limit the use of signs to those purposes that serve the public interest, and to provide a coordinated, uniform and consistent approach for the review of signs, taking into consideration the historic, cultural, scenic, aesthetic and natural resources sought to be protected by these regulations. The location, size, materials and graphic design of signs affect the appearance, character and quality of a community. Therefore, all signs shall convey their messages clearly and simply to enhance their surroundings. These standards are intended to:

- i. Promote and protect the public health, welfare and safety by regulating signs;
- ii. Prevent sign or advertising distractions and obstructions that may contribute to traffic accidents;
- iii. Reduce hazards that may be caused by signs overhanging or projecting over public roads.
- iv. Enhance and protect the town's physical appearance, community character and natural beauty in order to provide a more enjoyable and pleasing environment for residents and visitors;
- v. Protect property values by creating a more attractive business and tourism climate; and
- vi. Encourage the use of well-designed signs that clearly present visual messages in a manner compatible with their surroundings.

b) Applicability - A zoning permit shall be required before the erection, construction, modification or replacement of any sign, except for signs that are specifically exempted as per Section 3.2.c) of this section.

c) Exemptions - No zoning permit shall be required for the following signs, which shall not be illuminated. Exempt signs shall not be included in the calculation of the total sign area as per Paragraph g) of this section.

- i. Signs erected by the state or by the Town of Richmond.
- ii. Flags and banners intended solely for ornamental or non-advertising purposes. The U.S. or Vermont flag shall be flown in accordance with applicable federal or state flag regulations.
- iii. One (1) temporary lawn, garage sale, or auction sign per parcel:
 - 1) The lawn or garage sale sign may be up to 8 square feet in size for no more than 30 consecutive days. Such signs shall be removed immediately following the event.
 - 2) One (1) auction sign per year up to 24 square feet for no more than 30 consecutive days. Such signs shall be removed immediately following the event.
- iv. One (1) temporary real estate sign per lot for sale or for lease not to exceed 6 square feet in area, which shall be removed immediately following sale or lease.
- v. One (1) sign not to exceed 6 square feet in area advertising the architect, engineer or contractor working or responsible for a project on the lot upon which the sign is located to be in place while construction is ongoing. Such signs must be removed immediately after construction is completed.
- vi. One (1) "Open" sign or flag not to exceed 6 square feet in area.
- vii. Non-illuminated political signs, including election campaign and other signs protected from regulation under federal law.

- viii. Bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed 1 per establishment and not to exceed 16 square feet in area and a maximum of 6 feet in height above the ground.
- ix. Temporary signs up to 8 square feet or banners up to 18 square feet advertising public events not located on the lot, which shall be in place for not more than 3 weeks and shall be removed immediately following the event.
- x. Signs related to trespassing, hunting, or identifying the residents of a dwelling shall not exceed two (2) square feet in area,
- xi. Signs for the seasonal sale of agricultural products shall not exceed three (3) square feet, including directional signs that are not located on the lot. Such signs shall be located outside of a public road or private road right-of-way.
- xii. Historic markers no larger than 12 square feet in size or names of buildings and dates of erection no larger than 2 square feet.
- xiii. Temporary flyers not related to the use on the lot which are informational in nature, not to exceed 1.5 square feet in area placed on the interior side of a window or glass door.
- xiv. One (1) sign for a home occupation, not to exceed 4 square feet, with a maximum of one (1) sign per dwelling.
- xv. Signs for farmers markets which are members of the Vermont Farmers Market Association and which are selling Vermont agricultural products may be placed on the lot and on lots other than where the market is located, including the following:
 - 1) One (1) wall sign – not to exceed 12 square feet, for the market season
 - 2) Ten (10) portable signs – placed on the day of the farmers’ market – not to exceed 12 square feet.
 - 3) Ten (10) directional signs – placed on the day of the farmers’ market - not to exceed 3 square feet

d) General Restrictions - The following types of signs shall be expressly prohibited:

- i. Neon signs exceeding three (3) square feet;
- ii. Internally illuminated signs, electronic message signs, or signs illuminated by or containing flashing, intermittent, rotating or moving lights.
- iii. Signs with reflective materials are prohibited.
- iv. Moving signs, or signs consisting of or incorporating any pennant, ribbon, streamer, spinner, balloon or other similar moving, fluttering or revolving device.
- v. Roof signs that are mounted so that the sign is, or appears as viewed from the street, higher than the roof peak, except for religious symbols unaccompanied by lettering when mounted on the cornice, tower, spire or steeple of a place of worship.
- vi. Signs mounted on utility poles, road sign posts or town sign posts.
- vii. Signs which are not located on the lot where the land use served by the sign is located, except that:
 - 1) A sign may be allowed within the private access right-of-way serving an interior lot that does not have frontage on a public road if such right-of-way is wide enough to accommodate the proposed sign.
 - 2) A directory sign may be allowed per Section 3.5.n).
 - 3) Portable signs may be allowed, per standards in Section 3.5.m)
- viii. Are in violation of or at variance with any federal or state law or regulation.

e) Hazards - No sign shall be designed or located to impair public safety, traffic flow, or road visibility without limiting the foregoing, specifically:

- i. No sign shall impair the visibility of, or sight distance for, vehicles entering or exiting a road or driveway.
- ii. No sign shall restrict clear vision between the sidewalk and road.

- iii. No sign shall be designed so that it could be confused with any traffic sign or signal, any official marker erected by a government agency, or display words such as "stop" or "danger."
- iv. No sign shall prevent free access to any door, window or fire escape.
- v. Signs shall be constructed to withstand a wind pressure load of at least 30 pounds per square foot.

f) Setbacks - Front or road setback requirements shall not apply to signs, except that no freestanding sign shall be placed within the right-of-way of a public or private road.

g) Computation of Permissible Sign Area - When computing the total permissible sign area for any use:

- i. Existing signs shall be included.
- ii. Exempt signs shall not be included.
- iii. Hanging and freestanding signs shall not include the support structure, except as provided herein. The maximum size of the support structure shall be 6" wide on the four sides around the sign. Any area of the support structure (other than on the four sides of the sign) greater than 6" in width shall be counted toward the computation of the permissible sign area.
- iv. Signs consisting of freestanding letters, numerals or other devices shall include any intervening spaces between them.
- v. Only the larger faced area of a double-faced sign shall be included in the calculation.
- vi. In the case of three-dimensional signs, the calculated area shall be the total surface area of the three-dimensional sign visible as viewed from the public way.
- vii. Sign Size and Number Table

The size and number of signs shall be as specified below:

	Village Business-1, Village Business-2, Village Mixed Jonesville Mixed	Gateway General Business	All Other Districts
Maximum Size of Signs			
1) Roof, wall and/or window sign (maximum square footage per sign)	20 square feet	24 square feet	16 square feet
2) Freestanding sign	12 square feet	24 square feet	12 square feet
3) Hanging sign	8 square feet	12 square feet	8 square feet
4) Portable sign (i.e. sandwich board)	8 square feet	8 square feet	8 square feet
Maximum Number of Signs			
5) Roof, wall or window sign	5 per business	5 per business	1 per business
6) Freestanding sign	1 per parcel	1 per parcel	1 per parcel
7) Hanging sign	1 per customer entrance	1 per customer entrance	1 per customer entrance
8) Portable sign (i.e. sandwich board)	1 per business or organization	1 per business or organization	1 per business or organization
Maximum Total Sign Area per Lot			

9)	Single Business or organization on a Lot	1 sf per linear foot of building front*, up to a maximum of 48 square feet	1 sf per linear foot of building front*, up to a maximum of 72 square feet	32 square feet
10)	Multiple Businesses or organization on a Lot	1 sf per linear foot of building front*, up to a maximum of 48 square feet	1 sf per linear foot of building front*, up to a maximum of 72 square feet	16 square feet + 8 square feet per use

* Building front – in instances where the Administrative Officer cannot determine the road frontage for a lot, the building front is determined as follows:

- 1) If the DRB establishes the road frontage for a lot, the building front is based on that road frontage amount.
- 2) If the DRB has not established the road frontage for a lot, the building front is the side of the lot where the principal building entrance is located.

h) Application Requirements - All applicants shall submit a drawing of the proposed sign showing all dimensions, sign design, color, lighting (including light fixture type and intensity), mounting method and location on property, and a description including dimensions, of all existing signs on the property.

i) Freestanding Signs - No freestanding sign, including product signs and service signs, shall exceed 10 feet in overall height, measured from the lowest level of natural ground immediately beneath the sign to the highest point of the structure. For home occupations, no freestanding sign shall exceed 6 feet.

j) Wall Signs - Wall signs, including product signs and service signs, shall be placed in a manner that complements the architecture of buildings. A wall sign shall not extend above the eaves, nor block access to any window or door. No wall sign shall project more than 18 inches from the wall of any building. Signs painted, printed or placed on canopies or awnings or windows, shall be considered wall signs for the purposes of determining the number and size of signs permitted.

k) Hanging Signs - The lowest portion of a hanging sign or its support structure shall be at least 7 feet above the sidewalk or grade directly beneath it. No hanging sign shall project more than 6 feet from the wall of any building or beyond 2 feet from the edge of a public sidewalk closest to the building, whichever is less. However, hanging signs within the first 200 feet on both sides of Bridge Street (from the Main Street intersection) are allowed to be placed above the public sidewalk. Such signs must meet the specifications in Section 3.2.5.g)vii.

l) Signs in Windows – Includes product signs or service signs: Not more than 25% of any windowpane or door-pane area shall be obscured by signs.

m) Portable Signs - A single portable sign such as a sandwich board may be placed on the lot where the activity or use is taking place, including on the public sidewalk or within the road right-of-way outside the travel lanes.

- i. No such sign shall be placed in a parking space, nor shall a portable sign be placed on a public sidewalk except within the first 200 feet on both sides of Bridge Street (from the Main Street intersection) so long as the sign is placed within five (5) feet from the front of the principal structure and does not restrict the flow of pedestrian traffic.
- ii. Portable signs shall not be illuminated or embellished with devices as described in Section c) of this section.
- iii. Portable signs shall only be placed out when the business being advertised is open.

- n) Directory Signs** – Directory signs may be allowed in two locations: at the intersection of Bridge Street and Railroad Street and at the intersection of Bridge Street and Jolina Court. The following standards apply to these directory signs.
- i. One Directory sign per street.
 - ii. A Directory Sign is a free-standing sign
 - iii. “Railroad Street” or “Jolina Court” street name may be placed at the top of the sign – maximum of 1 foot high and a total square footage of 2 feet. This street name does not count toward the maximum size of the directory sign.
 - iv. The directory sign may include the name and logo of each business
 - v. The maximum size of the directory sign shall be 5 feet wide and 6 feet tall (30 square feet)
 - vi. The directory sign must have a vertical orientation
 - vii. The maximum height of the directory sign is 10 feet including the street name, per iii. above, with the lowest panel a minimum of 3 feet from the ground.
 - viii. Individual letters (words) may not exceed 8” in height.
 - ix. Individual logos for each business or organization may not exceed 1.5 square feet
 - x. The sign is divided as follows with six 1-foot sections – 5 feet total width
 1. Anchor (maximum of 2 anchors) – maximum of two 1-foot sections per anchor
 2. If there are 2 anchor signs, the two additional 1-foot sections may be divided into a maximum of 4 segments
 3. If only one anchor is on the sign, the four additional 1-foot sections may be divided into a maximum of 8 segments
 4. If there are no anchor signs, the 6 1-foot sections may be divided into a maximum of 12 segments
 - xi. Panels may be added and removed as needed. There is no minimum number of panels needed for the directory sign, however, there cannot be only one panel (anchor or non-anchor) on the sign
 - xii. Similar/compatible color schemes must be used for the directory sign
 - xiii. The directory sign is not included in the computation of the permissible sign area, allowed per lot, per section 3.2.5.g)vii.
- o) Signs on Vehicles** - No vehicle on which is placed or painted any advertising sign shall be parked or stationed in a manner primarily intended to display the sign.
- p) Lighting** - A constant, shielded, external light source may be used for lighting, if the lighting is directed on the sign or wall surface and does not have an undue adverse impact on non-adjacent neighboring properties, rights-of-way or vehicular traffic. The light source shall not be visible from adjacent properties or roads. Such lighting must be mounted on fixtures above or as a halo with lighting behind the sign and Illuminance of the sign face by external light fixtures shall not exceed 3 foot-candles and the uniformity ratio shall not exceed 2:1 as measured on the sign face or wall behind the sign. No sign shall be illuminated during hours when the premise is not occupied or open for business.
- q) Special Sign Standards and Applicability**
- i. Per Section 3.2.1.c), certain new principal structures with a footprint of 3,000 square feet or more, other than a single- or two-family dwelling or exempt farm structure, includes a special provision for a sign panel location.
 - ii. Per Section 3.8.7, certain special provisions apply for signs for vehicle fueling stations.
- r) General Sign Requirements**
- i. Maintenance – All signs and other advertising structures, together with all their supports, braces, hooks, guys, and anchors, shall be of substantial and sturdy construction, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain a clean,

neat, safe, and orderly appearance. Failure to adequately maintain a sign will constitute a zoning violation enforceable under Section 4.2.5.

- ii. Wind pressure and dead load – Any sign or advertising structure shall be designed and constructed to withstand a wind pressure load of at least 30 lb. per square feet.
- iii. Obstruction to safety – No sign shall be erected, relocated, or maintained so as to prevent fire ingress to or egress from any door, window, or fire escape. No sign shall be attached to a standpipe or fire escape.
- iv. Signs not to constitute traffic hazards – In order to secure and maintain reasonable traffic safety, no sign shall be erected or maintained in such a manner as to obstruct free and clear vision or so as to distract the attention of the driver of any vehicle by reason of the position, shape or color thereof. No sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device. Accordingly, no sign or other advertising structure shall make use of the words “STOP”, “GO”, “LOOK”, “DANGER”, or other similar phrase, symbol, or character or employ any color in such a manner as to interfere with, mislead, or confuse traffic. Reflective materials are prohibited.
- v. Permanent signs must be made of permanent, still materials and no banner-like materials.

s) Removal and Repair of Signs - Any sign that no longer advertises an existing business conducted or product sold on the lot upon which such sign is located shall be removed within 90 days. A historic marker sign or sign on an historic building is exempt from this standard. All signs shall be maintained in good condition. Any sign that is abandoned, unsafe, or insecure may be removed by the town at the owner's expense if the owner takes no action to repair or remove such a sign after a notice of violation as per Section 4.2.5 of these regulations.

t) Nonconforming Signs - A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. Replacement does not extend to a new coat of paint for the sign. If a sign is torn down, it must be replaced with a sign that conforms to these regulations. If a project is proposed for a property upon which an existing sign is located, and the existing sign is associated with the principal activity which is the subject of the proposed project but does not conform to these standards, the DRB shall require that the non-conforming sign be brought into compliance with these standards. A nonconforming sign is a non-complying structure and is not a non-conforming use.

3.3 Engineering and Transportation

3.3.1 Public Works Specifications

All land development must comply with the provisions of this section, 3.3.1, Public Works Specifications.

All development shall comply with all applicable provisions of the Town of Richmond *Public Works Specifications* as amended from time to time and the following requirements:

All roads, sidewalks, recreation paths, water and sewer lines, stormwater facilities, utilities, and related facilities in a PUD (each a "Facility") shall remain private until formally accepted by vote of the Town Selectboard. If the applicant intends to offer any facility to the Town, then, with the application for Final Subdivision approval, the applicant shall submit the following:

- a) A draft irrevocable offer of dedication;
- b) A draft warranty deed conveying to the Town:
 - i. For a road Facility, fee simple title to a minimum of a 60 foot wide area of land, 30 feet minimum on either side of the road centerline; and
 - ii. For any other Facility, either fee simple title to an area where the facility will be located, or an easement for the facility's use, maintenance, repair, enlargement, and replacement. The warranty deed shall not be subject to any encumbrances, including but not limited to mortgages and other easements.

Final Subdivision approval shall not constitute acceptance of the facility as a public facility, as acceptance can only occur by vote of the Selectboard. Final approval shall not be deemed to prevent the Town Selectboard from requiring any modifications to the irrevocable offer or any instruments or the deed that the Selectboard deems appropriate prior to acceptance.

3.3.2 Access

All land development must comply with the following provisions of this section, 3.3.2, Access.

No approval under these Regulations shall relieve any property owner of obligations to obtain highway access permits and any other permits under 19 V.S.A. §1111. In addition, the following provisions shall apply:

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- a) No more than one curb cut shall be allowed onto a public road or private road right of way affording access to a lot. The Zoning Administrative Officer or DRB may impose further reasonable conditions regarding curb cuts including consolidation of access points to public or private road rights of way, in the interests of minimizing to the greatest degree possible, a multiplicity of curb cuts. Notwithstanding the foregoing, the DRB, in a conditional use or appeal proceeding, may increase the number of curb cuts, where only one curb cut would result in adverse effects on traffic circulation within the site or on traffic on roads in the vicinity.
- b) For any curb cuts approved by the DRB, a separate highway access permit must be obtained, per VSA §1111.
- c) Any application that comes before the DRB for new land development associated with a lot which contains existing development that does not meet these access standards because of pre-existing conditions may be required, as a condition of approval, to make improvements necessary to bring the property into compliance with the provisions of this section.

3.3.3 Driveway Requirements

All land development must comply with the following provisions of this section, 3.3.3, Driveway Requirements. The following standards for driveways and their intersections with public and private roads shall apply:

- a) Unless specifically approved by the DRB there shall be a maximum of one driveway per lot accessing a road. This provision shall not disallow a shared driveway between two or more lots or dual driveways where one lane is marked for entering traffic and one lane for exiting traffic. A shared driveway may serve up to three (3) lots. Any shared driveway serving four (4) or more lots shall be considered a road and must meet the requirements of Section 3.3.4.
- b) Driveways shall meet the following standards for width unless a different size is required by the DRB due to special circumstances or to meet the Vermont Agency of Transportation's B-71 Standards for construction: Residential - 12 feet minimum width, 24 feet maximum width; Non-residential - 24 feet minimum width, 40 feet maximum width.
- c) The DRB may require installation of acceleration and/or deceleration lanes on the adjacent public road or private road if it deems such lanes necessary to maintain level or service required by Section 4.5.5 and/or to prevent traffic hazards.
- d) In the case of excessively wide pre-existing driveways or uncontrolled access that extends along a property's frontage in excess of the driveway widths in ii) above, the DRB shall require the reduction in access width as a condition of approval, unless the applicant can demonstrate that such reduction would prevent the continued operation of a pre-existing land use.
- e) Driveways shall be located more than 100 feet from signalized road intersections (measured between the near edges of the driveway and intersection). The DRB may require greater distances on public roads or private roads with high traffic volumes.
- f) The intersection of the driveway to a public road shall conform to the standards in the Public Works Specifications.
- g) The intersection of the driveway to a public or private road shall meet the Vermont Agency of Transportation's B-71 Standards for construction.
- h) In measuring the compliance of a driveway, the maximum grade may not be exceeded at any point in the driveway subject to applicable B71 standards at the driveway entrance intersection with the road. For the length of the driveway, the driveway grade shall not exceed twelve (12) percent, except that the final 20 feet of the driveway grade from the foundation of the principal structure shall not exceed three (3) percent.

3.3.4 Roads

All land development must comply with the following provisions of this section, 3.3.4, Roads.

- a) Design Standards – Public roads and private roads must meet the Town of Richmond *Public Works Specifications* and shall be designed in accordance with the dimensional and geometric design standards specified in the Vermont Agency of Transportation's A-76 Standards for Development Roads, unless otherwise specified in any adopted town highway ordinances and/or public works specifications currently in effect, and the following:
 - i. Interconnected Road Network - Development roads shall be designed to provide for an interconnected road network both within an individual development and between adjoining developments unless the applicant can demonstrate to the DRB that physical constraints (e.g. topography, streams, railroad) prevent such connections. Dead-end roads and cul-de-sacs shall not be approved unless necessitated by the site-specific conditions.
 - ii. Layout - Roads shall logically relate to topography to minimize site disturbance and the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads.
 - iii. Intersections - All intersections of opposing roads shall be aligned perpendicularly or the centerlines of the opposing roads shall be separated by a minimum of 200 feet. All road intersections shall be at a right angle unless the applicant can demonstrate that such an alignment is not feasible due to site-specific conditions and that the intersection as proposed will be safe.
 - iv. Sight Distance - Sight distances at all intersections shall be consistent with anticipated traffic speed, traffic volume, terrain, alignments and climatic conditions.
 - v. Resource Protection. Public and private roads shall, to the extent feasible be designed and laid out to:
 - 1) Avoid adverse impacts to natural, historic, cultural and scenic resources;
 - 2) Be consistent with existing road patterns in the village and other settlement areas;
 - 3) Maximize connectivity within the subdivision and to adjoining parcels and road networks;
 - 4) Minimize the amount of impervious surface required to serve the proposed development and allow for efficient road maintenance and provision of community services;
 - 5) Follow existing linear features, such as tree lines, hedgerows and fence lines; and
 - 6) Avoid fragmentation of agricultural land and other designated conservation areas.
 - vi. Drainage and Stormwater - A stormwater drainage system shall be provided that is designed to control and accommodate stormwater collected on all public and private roads. Generally, roadbeds, shoulders, ditches and culverts shall be designed and maintained in conformance with the *Vermont Better Backroads Manual*, as most recently amended.
 - vii. A shared driveway may serve up to three (3) lots. Any shared driveway serving four (4) or more lots shall be considered a road and must meet the requirements of this section.
- b) Frontage Requirements - Lots created after the effective date of these regulations are subject to all applicable provisions of these regulations regarding access and frontage, per Article 2. Frontage requirements for lots served by private roads shall be the same as the requirements for lots served by public roads.
- c) Road Names - Road names for public roads shall be approved by the Selectboard prior to the submittal of the final subdivision application.
- d) Reserve Strips - There shall be no reserved strips that deny access to a proposed road from a property adjacent to that road.

3.3.5 Pedestrian and Bicycle Facilities

All land development must comply with the following provisions of this section, 3.3.5, Pedestrian and Bicycle Facilities.

The applicant may be required by the DRB to accommodate planned expansions of existing municipal sidewalks, paths or trails. In an area with an existing municipal sidewalk, the applicant shall be required to extend the municipal sidewalks. Bicycle paths and trails shall be developed to interconnect with adjoining neighborhoods. A 15-foot right-of-way easement shall be required for such facilities.

- a) In the VB-1, VM, VRN, VRS zoning districts, the DRB shall require that the expansion of existing sidewalks, paths, or trails apply to any new development.
- b) Outside the village zoning districts, the DRB may require that the expansions of new or existing sidewalks, paths, or trails apply to any new development:
 - i. When the Town of Richmond has adopted plans for expanded municipal sidewalks, paths, or trails in the area where the development is proposed.
 - ii. When the project is of sufficient scale to warrant new municipal sidewalks, paths, or trails.

3.3.6 Utilities

All land development must comply with the following provisions of this section, 3.3.6, Utilities.

- a) Location - All utility systems for subdivisions shall be located as follows:
 - i. All utility, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable, shall be located underground throughout the subdivision or project site.
 - ii. The applicant shall coordinate subdivision or site design with the utility companies to ensure adequate and suitable areas for under or above ground installation, both for the proposed development, and areas adjacent to the development.
 - iii. Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance and any adverse impacts to natural, cultural or scenic resources, and to public health.
- b) Utility Boxes - All utility boxes shall be located so as to be accessible for maintenance while being screened from public view to the greatest extent feasible.

3.3.7 Fill and Storage of Material

All land development must comply with the following provisions of this section, 3.3.7, Fill and Storage of Material.

The placement of fill or the storage of more than 40 cubic yards of soil, sand, gravel or other similar material, except where required as part of any development lawfully undertaken in accordance with these regulations, may be permitted in any district subject to the following:

- a) Between 40 cubic yards and 499 cubic yards – zoning permit is required.
- b) 500 or more cubic yards - conditional use review is required.
- c) If in the Flood Hazard Overlay District, compliance with all provisions of Section 2.15.
- d) The criteria in Section 4.5.8 shall apply when a) and b) above apply.

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3.4 Performance Standards

The following performance standards apply to any use of land in the Town of Richmond.

3.4.1 Applicability

- a) No land or structure shall be used in any manner as to create dangerous, injurious or noxious conditions that create undue adverse effect on the reasonable use of adjoining or nearby properties.
- b) The following performance standards, as measured at the property line, shall apply to all uses in all districts.

3.4.2 Dust, Smoke, Odor and Air Pollution

- a) No emission shall be permitted that can cause any property damage, pose a hazard to the health of people, animals, vegetation, or that can cause any excessive soiling at any point on the property of others. No odor or noxious gases shall be permitted that are discernable at the property line.
- b) Smoke is excessive when the shade or appearance of such smoke is darker, measured at the property line, than No.2 on the Ringelmann Smoke Chart, published by the United States Bureau of Mines. Fly-ash or other emission is excessive when it exceeds, as measured at the stack, 0.2 grain per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit.
- c) All emissions shall comply with applicable state and federal regulations.

3.4.3 Electromagnetic Interference

- a) Except from telecommunications facilities that are specifically licensed and regulated through the Federal Communications Commission, no electromagnetic disturbances or electronic transmissions or signals that will repeatedly and substantially interfere with the reception of radio, television or other electronic signals, or that are otherwise detrimental to public health, safety and welfare shall be permitted.

3.4.5 Glare and Reflection

- a) No glare, lights or reflection shall be permitted that create an undue adverse impact for other property owners or tenants, that could impair the vision of a driver of any motor vehicle, or that are detrimental to public health, safety and welfare. However, reflections from solar energy collectors that are part of an operating solar energy system shall not be regulated under this section.

3.4.6 Hazardous Materials

- a) No fire, explosive or safety hazard shall be permitted that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.
- b). No radioactive emission or other hazard that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.
- c) The storage of any highly flammable liquid in above ground or below ground tanks shall comply with applicable provisions of these regulations and all applicable state and federal regulations. All hazardous materials shall be stored within a structure.

3.4.7 Liquid or Solid Waste and Refuse

- a) No discharge shall be permitted at any point into any sewage disposal system, surface water body, or into the ground, except in accord with standards approved by the state, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.
- b) No releases of heat, cold, moisture, mist, fog or condensation that are detrimental to neighboring properties and uses, or the public health, safety, and welfare shall be permitted.
- c) There shall be no accumulation of solid wastes or refuse conducive to the breeding of rodents or insects, except for well-maintained compost piles. There shall be no storage or stocking of any waste materials whatsoever, except in a completely enclosed structure or container.

3.4.8 Noise

Noise shall not exceed the following levels of intensity at the property line:

- a) Maximum noise Levels in the Gateway or General Business zoning districts:

TIME PERIOD	One hour Average dBA	Instantaneous Maximum dBA
7:00 AM to 10:00 PM	80	90
10:00 PM to 7:00 AM	60	70

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- b) Maximum noise levels in the Village Business-1 zoning district:

TIME PERIOD	One hour Average dBA	Instantaneous Maximum dBA
7:00 AM to 10:00 PM	60	70
10:00 PM to 7:00 AM	40	50

- c) Maximum noise levels in all other zoning districts

TIME PERIOD	One hour Average dBA	Instantaneous Maximum dBA
7:00 AM to 10:00 PM	45	65
10:00 PM to 7:00 AM	35	50

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- d) For purposes of this regulation, the following terms shall be defined as stated below:
 - i. Decibel - a unit measure of sound level;
 - ii. Sound level - in decibels measured by a sound level meter, using "A" frequency weighting (expressed in dBA);
 - iii. Average dBA - a sound level during a given period of time (e.g., one hour) found by the general rule of combination of sound levels. Also called equivalent sound level.
- e) Exemptions - Sound associated with accepted agricultural and forestry practices, and usual and customary residential activities shall be exempt from the standards of this section.

3.4.9 Vibration

- a) No clearly apparent vibration except during the construction of a structure and/or infrastructure that, when transmitted through the ground, is discernible at property lines without the aid of instruments shall be permitted.

3.5 Subdivision

3.5.1 Purpose

The regulation of subdivisions is guided by the following set of purposes:

- a) to protect public health, safety and general welfare of the Town of Richmond;
- b) to guide the orderly development of the Town in accordance with the ACT, the *Richmond Town Plan*, the provisions of these regulations, and all other Town ordinances and bylaws enacted to implement the *Richmond Town Plan*;
- c) to provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent developments which exceed the capacity of the land;
- d) to provide for housing in appropriate locations to meet the community's housing needs as identified in the *Richmond Town Plan*;
- e) to guide public and private actions to provide adequate transportation, potable water, wastewater disposal, parks, playgrounds, recreation, schools and other public facilities;
- f) to provide the most beneficial circulation of traffic throughout the Town, to avoid congestion on the roads, and to maximize pedestrian and cyclist safety;
- g) to prevent adverse impact on public facilities;
- h) to prevent the pollution of air, ground water, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water tables; to prevent environmental degradation; and to encourage the prudent use and management of natural resources throughout the Town;
- i) to preserve the village and rural characters, natural resources, natural beauty and topography of the Town; and,
- j) to preserve sites that are historically significant.

3.5.2 Applicability

Except for boundary adjustments approved administratively under Section 4.2.3 of these Regulations, the DRB and the Zoning Administrative Officer, per Section 4.3.8, shall evaluate any subdivision of land in accordance with the standards set forth in this section and all other applicable provisions of these regulations, including but not limited to Section 2.1.4, Section 2.1.5, and Section 4.5.

3.5.3 Master Plans

Whenever a proposal is submitted for a subdivision of a portion of a parcel, the DRB shall require submission of a conceptual master plan for the entire parcel that at a minimum identifies:

- a) Proposed conservation areas, other common land or open space, and/or recreation facilities;
- b) Proposed development areas;
- c) The general location of proposed infrastructure, including road, utility and green space corridors; and
- d) An estimate of the type, density and timing of future development.

Future development shall be in conformance with any approved master plan for the lot. An approved master plan may be amended in accordance with the provisions of Section 4.3.14.

3.5.4 Compatibility with Existing Settlement Patterns

Subdivisions shall be designed and laid out to achieve the desired settlement pattern of the district in which they are located as described in the applicable purpose statements in Article 2 of these regulations. To the extent feasible, new subdivisions of land shall:

- a) Maintain and extend desired settlement patterns for the zoning district, including lot area and configuration, road layout, and building locations, for the neighborhood or district in which they are located;
- b) Maintain contiguous tracts of open land with adjoining parcels; and
- c) Connect to, and extend where appropriate, existing road, path, utility and open space corridors.

3.5.5 Density and Lot Layout

In accordance with the *Richmond Town Plan*, it is the intent of these Regulations to maintain low development densities in areas of Town with limited and/or poor access to Town facilities and services, to maintain low development densities contiguous to large blocks of conserved public lands, and to encourage moderate to high densities in areas of Town with good access to Town facilities and services and close proximity to the village center.

Density, lot size and layout shall conform to zoning district standards, and general standards pertaining to lot frontage, lot and setback requirements, unless modified by the DRB under the Planned Unit Development provisions of Section 3.6 of these regulations. In addition:

- a) Lower densities of development shall be required by the DRB based on specific site conditions that constrain development potential (e.g. steep slopes, wetlands, and floodplains), as defined in Section 2.1.4 and Section 2.1.5. A site plan must be submitted which confirms that the proposed number of lots complies with those sections.
- b) Lot layout shall be appropriate for the intended use and reflect the purpose of the district in which the lots are located.
- c) Lots with frontage on more than one road shall have sufficient width to permit the required minimum setback from each road.
- d) Side lot lines shall be generally at right angles to straight roads, or radial to curved roads.
- e) Lots with irregular shapes (e.g., curves, jogs, dog-legs) shall not be created unless warranted by conditions of topography, the location of natural features, existing roads, or similar site-specific physical conditions.

3.5.6 Subdivision of previously subdivided lots

Lots created under any subdivision approved after the effective date of these Regulations shall be subject to the determination of development density as specified in the original DRB decision. The total number of lots within the boundaries of the original parcel shall not exceed the maximum number of lots approved under the original density determination. Allocation of potential future lots to specific parcels shall be specified in the DRB decision and in the notes on the final recorded survey. Any change to the allocation of potential future lots must be approved as an amended subdivision by the DRB, per Section 4.3.14.

3.5.7 Revisions to a Subdivision Approval

No changes, modifications, or other revisions that alter a subdivision plat or conditions attached to an approved subdivision shall be made unless the proposed revisions are first resubmitted to the DRB for an amendment to the previously approved plat and/or conditions, and the Board approves such revisions after a public hearing warned in accordance with Section 4.3.14. In the event that such subdivision plat revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

3.5.8 Establishment of Building Envelopes

Each newly created lot shall have a designated building envelope. Building envelopes shall be designated to identify and limit the location of principal and accessory structures, parking areas, and

associated site development (excluding driveway(s), road and utility rights-of-way or easements) on one or more portions of a lot. The size and shape of building envelopes shall at a minimum be determined by zoning district setback requirements, unless otherwise specified in these regulations or established by the DRB.

3.5.9 Protection of Natural Resources

Subdivision boundaries, lot layouts, the location of roads, driveways and infrastructure, and building envelopes shall be located and configured to avoid undue adverse impacts to natural and scenic resource features as identified in Article 2 of these regulations, the *Richmond Town Plan*, and/or in the Vermont Agency of Natural Resources web-based Environmental Interest Locator or any updates thereof.

In addition, the DRB may require submission of, or accept as evidence, applicable field evaluations undertaken by qualified professionals and may require similar protection for the natural or scenic resources identified in such a study.

3.5.10 General Standards

All land to be subdivided shall be suitable for its intended purpose and, in the judgment of the DRB, shall meet the standards set forth in Section 4.5.8 in such a manner so as to be used for intended purpose(s), as stated in the application, without danger to public health or safety, and without undue adverse impacts to the environment, neighboring lots, or the character of the area as described in the purpose section of the zoning district (see Article 2) in which it is located and the *Richmond Town Plan*.

3.5.11 Continuing Management Requirements

The subdivider and the subdivider's successors and assigns, including the organization or trust required by Section 3.5.12, shall continuously maintain to the condition when originally installed, all facilities (including but not limited to all roads, sidewalks, recreation paths, water and sewer lines, stormwater facilities, utilities, and related facilities in a subdivision) and other improvements, including all required subdivision landscaping. Diseased, dying, or dead landscaping shall be replaced with landscaping of a size equal to that as of the time of replacement, but in no event to exceed the size the landscaping would have reached by ten years after installation. The obligations of this section:

- a) Shall not apply to facilities or landscaping which have been accepted by the Town: and
- b) Shall only apply to an individual lot owner as to landscaping on the owner's lot.

3.5.12 Association of Owners

The subdivider shall provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space. The organization or trust shall not be dissolved or revoked nor shall it dispose of any common facilities or open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common facilities or open space. Common facilities or open space shall be offered to the Town or other government agency, if willing to accept, to maintain those common facilities or that open space.

3.5.13 Additional Subdivision Standards

In addition to the above standards, a subdivision must meet the following standards [and the applicable review criteria of Section 4.5:](#)

- a) Be located in such a way to avoid known archeological sites such as cellar holes, building foundations, wells, or known fences.

- b) Provide a wastewater system and potable water supply to the proposed subdivision.
- c) Provide applicable buffer zones for wetlands, open spaces, floodplains or other natural features.

3.6 Planned Unit Development

3.6.1. Purpose

A Planned Unit Development (PUD) is a type of subdivision. These Planned Unit Development (PUD) provisions are intended to accommodate new development in a manner that maintains the town's traditional settlement patterns, are compatible with the character of the area as described in the *Richmond Town Plan* and the purpose of the zoning district(s) in which the project is located, implement the goals and objectives of the *Richmond Town Plan*, encourage cluster development, green building practices, and affordable, accessible and/or elderly housing, and which offer owners the flexibility to creatively develop their properties.

3.6.2 Applicability

These PUD provisions shall be required in accordance with the applicable development standards of Article 2 and Section 4.5 and may be applied to any land development within any zoning district in the Town of Richmond at the request of the applicant or as required within these Regulations.

For purposes of determining the number of lots into which a parcel has been subdivided, all lots shall be counted if they have been approved for subdivision by the DRB within a continuous period of sixty months preceding the date of filing the subdivision application. This provision is applicable as of the effective date of these Regulations.

3.6.3 Multiple Districts, Lots and/or Owners

- a) Where a district boundary line divides a parcel, the development of a single PUD shall be allowed with a total density based on the combined allowable density of each district. Development may be located on any portion of the parcel, regardless of zoning district, in accordance with the standards set forth in these regulations.
- b) The DRB may approve a PUD involving two or more contiguous parcels, whether in common or separate ownership, with the total density based on the combined allowable density of all parcels. All owners of such contiguous parcels must be co-applicants.

3.6.4 Base Density and Density Bonuses

- a) Base Density - Except as specifically provided for in this section, the overall density of the project shall not exceed the number of dwelling units permitted as set forth in the standards for the district(s) in which the land is situated (base density) and developable as a subdivision, per Section 3.5 (Subdivision). The DRB shall require the applicant to demonstrate that the number of units proposed is capable of being developed as a conventional subdivision by submitting a sketch plan of the conventional subdivision.
- b) Density Bonus - The DRB may grant projects one or more density bonuses in accordance with the provisions below.
 - i. Density Bonus for Land Conservation - The DRB may approve an increase in residential density for a PUD in the Rural-3 or Rural-10 districts of up to 20% in exchange for the applicant placing a permanent conservation easement pursuant to 10 VSA Chapter 34 on 80% or more of the land involved in the development.

- ii. Density Bonus for Affordable, Accessible or Elderly Housing - The DRB may approve an increase in residential density for a PUD in the Village Business-1, Village Mixed, Village Residential North, Village Residential South, Jonesville Mixed, or Gateway districts of up to 30% if the additional units are dedicated to providing housing for elderly residents, people with disabilities, and/or low-income households. The dwelling units shall be permanently dedicated to such a purpose through legally binding means. The number of detached single-family homes shall not exceed that allowed under the base density for the zoning district. In zoning districts where a certain portion of non-residential development is required in correspondence with residential development, those standards apply to units receiving a density bonus based on the development of housing for the elderly, people with disabilities, and/or low-income households.

3.6.5 Modification of Dimensional Standards

The DRB may not modify the following dimensional standards, as established in Article 2: lot frontage, lot coverage, setback requirements of structures and parking from the perimeter of the PUD parcel, maximum height of structures, and the maximum footprint of structures requirements. For purposes of determining parking setbacks from the perimeter of a PUD, parking setbacks shall be considered the same as those for structures. However, the DRB may modify the following standards per Article 2 as follows:

- a) The internal setbacks within the development, except these may not be modified within the R3 and R10 zoning districts, may be reduced up to 50% from the setbacks in the respective zoning district.
- b) Minimum lot size in the R3 zoning district may be reduced to ½ acre. This does not affect the total allowed density, per Section 2.4.

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3.6.6 Open Space Guidelines

- a) PUDs shall be designed to preserve open space for parks, recreation, greenways, scenic resource protection, historic resource protection, and/or preservation of agricultural or forest lands, critical wildlife habitat and travel corridors and environmental quality.
- b) Common Land and Infrastructure - Land held in common for the preservation and maintenance of open space shall be established separate from the maintenance and protection of shared infrastructure such as community wastewater systems, recreation facilities, roads and utility rights-of-way.
- c) Legal Requirements - Section 3.5.12 shall apply to open space and common facilities. The DRB may establish conditions regarding the use of open space and common facilities.

Deleted: The DRB shall require that protected open space be dedicated, either in fee simple or through a conservation easement or open space agreement approved by the DRB, to the town, to a non-profit land conservation organization, or to a homeowners association comprising of all the present and future owners of property within the development. Open space shall be subject to deed restrictions stipulating the permitted and prohibited use of such land, and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.

Deleted: Designated open space may include the portion of a single lot

Deleted: that is characterized by important natural resources and/or may encompass the contiguous boundaries of important natural resources located outside the building envelopes of multiple lots

3.6.7 Special Development Standards for R-3 and R-10 Zoning Districts

PUDs in the Rural-3 and Rural-10 districts shall be designed to blend new development into the agricultural or forest landscape, and to maintain the town's rural character, both visually and as a functional working landscape and shall, therefore, conform to the following:

- a) **Preservation of Open Space** - The location, size and shape of lands set aside to be preserved for open space shall be approved by the DRB, in accordance with the following:
 - i. The DRB may impose any condition to protect open space on any portion of a lot outside of the building envelope.
 - ii. The location, shape, size and character of the open space shall be suitable for its context and intended use or purpose. A single, contiguous area of open space is preferred unless the DRB agrees that multiple, non-contiguous open space areas would better protect the specific resources or features of a particular property and/or allow for a better overall development pattern on the site.

- iii. Open space land shall be located to conform with and extend existing areas sharing similar characteristics or natural features and resources on adjacent parcels.
 - iv. Provisions shall be made to enable open space designated for a specific or restricted use or purpose (e.g., agriculture, forestry, recreation, wildlife habitat, groundwater recharge etc.) to remain suitable for that use or purpose. Management plans may be required by the DRB as necessary to ensure the long-term protection and management of open space.
 - v. Rights-of-way, easements, grassed over access, and parking areas shall not be counted as open space areas, except where the applicant can demonstrate, to the satisfaction of the DRB, that those uses do not disrupt or detract from the values for which the open space is intended. Wastewater treatment and stormwater management facilities that require, incorporate or establish open space areas may be counted as open space.
- b) Open Space Requirements** - PUDs in those districts shall set aside a minimum of 60% of the project area as open space in accordance with the following principles:
- i. If the parcel to be developed which includes open space is currently productive agricultural land, the acreage set aside shall be of a quality, size and configuration that makes continued agricultural use possible unless the DRB determines that doing so would result in undue adverse impacts to any important natural resources, per Section 3.7 or per Section 4.5, identified on the parcel.
 - ii. If the parcel to be developed is largely forested, forest fragmentation, wildlife habitat and travel corridor disturbance and tree removal should be kept to a minimum, and the acreage set aside should be of a quality, size and configuration that makes forest management possible and/or that conserves contiguous tracts of unbroken forest habitat.
- c) Preservation of Farmland** - Lots and building envelopes shall be configured to maintain the agricultural potential of primary agricultural soils and productive fields or pastures to the greatest extent feasible. PUDs to be located on such lands shall be designed to do one or more of the following:
- i. Preserve working land by locating house sites along the edges of fields, pastures and woodlots. Building locations adjacent to, but not within, tree lines and wooded field edges are required. When such siting is not possible, development shall be located on the least productive land. Roads, driveways and property lines are required to follow existing site features such as walls, fence lines and hedgerows. Homes shall be located to provide an adequate buffer between the residential and agricultural uses.
 - ii. Replicate a traditional Vermont farmstead, characterized by a variety of building scales reminiscent of the appearance of a principal dwelling and a mix of barns and agricultural accessory buildings located within a compact area surrounded by open farmland.
 - iii. Replicate a traditional Vermont hamlet or crossroads, characterized by a concentration of primarily residential structures, located at a road intersection, bounded by farm or forest land. Developments are required to incorporate a village green or park into their design. Buildings shall be oriented towards roads, one another and/or the green or park.
- d) Preservation of Forestland** - PUDs to be located in largely forested areas shall be designed to maintain the appearance of an unbroken forested canopy outside of the building envelope and to blend new development into the landscape as viewed from off-site. Lots and building envelopes shall be configured to minimize fragmentation of forest blocks, conserve critical wildlife habitat and travel corridors, and to provide for the sustainable, ongoing management of forest resources to the greatest extent feasible. PUDs located in forested areas shall substantially comply with the following:
- i. Development should be located near roads or existing development. Building locations near to, but not highly visible from, existing roads are required.
 - ii. Lot coverage and building envelope shall be minimized. Long driveways and/or large parking areas shall be avoided.
 - iii. A forested buffer shall be maintained around the perimeter of the development site.

- iv. Clearing at the edge of public roads shall be limited to the minimum necessary to create a driveway or private road entrance with adequate sight distance and proper drainage control.
- v. Clearing for building sites, lawns, road and utility corridors, and to create views shall be minimized. Selectively cutting small trees and the lower branches of large trees, rather than removing mature trees, to create narrow view corridors between trees and beneath tree canopies is required.
- vi. Landscaping within cleared areas shall incorporate existing vegetation and/or feature additional woody vegetation planted primarily in undisturbed, naturalistic groupings. Landscaping shall primarily consist of native species. Landscaping must comply with Section 3.2.2., Landscaping and Screening.

- e) Preservation of Rural Character** - PUDs shall be designed to be compatible with the rural character of the districts. To this end, PUDs shall comply with the following:
- i. Existing vegetation patterns shall be preserved outside the building envelope to the greatest extent feasible. Maintenance of open fields and pastures may be required as a condition of approval. Limits may be placed on clearing outside building envelopes as a condition of approval.
 - ii. Development shall be designed to fit into the existing landscape to the greatest extent feasible by following natural features such as landform, water features and/or the shapes of fields or pastures, or woodlots.
 - iii. Existing site features such as hedgerows or fence lines, shall be preserved, to the greatest extent feasible, and incorporated into the development plan. Preservation of structures of exemplary historic, aesthetic, or agricultural value may be required as a condition of approval.
 - iv. Signs used to identify a residential development shall be avoided.
 - v. Street lighting shall only be installed where site-specific safety conditions warrant. The DRB may place conditions on the location, height, intensity and design of any outdoor lighting.
 - vi. The use of natural materials and colors (i.e., not stark white) for visible engineering structures is encouraged. Such structures include curbing, culverts, walls, roads, parking areas, and outlet structures. An engineered structure does not include principal or accessory structures.
- f) Preservation of Natural Resources** - PUDs shall be designed to protect important natural resources. To this end, building envelopes shall be configured to limit undue adverse impacts on natural resources and fragile features as identified in the *Richmond Town Plan*, by the Richmond Conservation Commission, by the state Agency of Natural Resources, or through site investigation including, but not limited to, wetlands, streams, critical wildlife habitat and travel corridors, steep slopes, areas of unstable soils, soils generally unsuited for development or on-site septic disposal.

3.6.8 Special Development Standards for Certain Zoning Districts

- a) PUDs in the Village Business-1, [Village Business-2](#), Village Mixed, Jonesville Mixed, Jonesville Residential, Village Residential North, Village Residential South and Gateway districts shall be designed to be compatible with the character of a traditional New England village as described in the *Richmond Town Plan* and the purposes of the zoning district(s) in which the project is located. To this end:
- i. PUDs shall propose lot sizes and setbacks typical of a traditional village business district or residential neighborhood, as appropriate to the district in which they are located.
 - ii. PUDs shall propose roads, sidewalks, paths and/or trails that will establish, extend or allow for future connections to a village circulation network, unless the DRB agrees that this is not feasible due to site conditions such as topography.
 - iii. PUDs are encouraged to provide a range of housing opportunities. The DRB may approve a range of housing types including, but not limited to, apartments, attached dwellings, mixed-use buildings, mobile homes and multi-family dwellings. Consideration shall be given to whether the proposed structures and site design will be compatible with the character of a traditional

village as described in the *Richmond Town Plan* and the purposes of the zoning district(s) in which the project is located.

- iv. PUDs are encouraged to include a mix of uses within a single project or building and shared parking facilities.
- v. PUDs are encouraged to support the viability of the village center by providing locations for public facilities, civic institutions and/or community infrastructure serving uses not on the lot.
- vi. All buildings with a footprint of 3,000 square feet or greater shall be designed with varying setbacks, heights, roof treatments, doorways, window openings, and other structural, architectural or decorative elements to reduce apparent size and scale of the building as viewed from the road.
- vii. Within the Village Mixed, Jonesville Mixed, Jonesville Residential, Village Residential North, and Village Residential South districts, all buildings with a footprint of 3,000 square feet or greater shall be designed to appear similar in scale, character and massing to historic structures within this district as viewed from the road. The architectural integrity of residences being converted to mixed, non-residential, or multi-family use shall be maintained through the careful design and placement of features such as fire escapes, signs, store front windows, etc. Non-compatible features shall not be placed on the front of the building.
- viii. Architectural styles shall be complementary and have similar architectural forms and detailing. The goal should be to construct a traditional village streetscape that provides continuity while avoiding monotony and provides opportunity for occasional variability. To that end, any single residential development of 5 or more dwellings shall comply with the following:
 - 1) At least one-third of the single-family dwellings shall have a covered front entry porch.
 - 2) Porches shall be at least 8 feet deep to comfortably accommodate a place to sit. If there is no porch, some type of covering shall be provided over the front door for shelter from the elements.
 - 3) The visual impact of garage doors facing the road shall be minimized by siting the garage to face the side or at the back of the lot if there is sufficient lot width. When the garage must face the road, it shall be set back a minimum of 4 feet from the front facade so the front door of the home is prominent. Trim or windows should be added to the garage doors to bring them in scale with the facade of the home.
 - 4) Windows visible from the road shall be square or vertical. Divided panes shall be used to add scale to large window openings. Blank walls on homes and garages, especially on walls that face the road, shall be avoided.
- b) Open Space Standards – If the proposal results in lands available for park, recreation, open space, agriculture, forestry or municipal purposes, such open space must meet the following requirements:
 - i. The location, shape, size and character of the open space is suitable for its intended use and for the development given its size, density and physical features.
 - ii. Open space shall be suitably improved for its intended use, except that common unimproved land, and lands designated for agriculture and forestry, may be so utilized.
- c) Legal Requirements - Section 3.5.12 shall apply to open space and common facilities. The DRB may establish conditions regarding the use of open space and common facilities.

Deleted: The DRB shall require that protected open space be dedicated, either in fee simple or through a conservation easement or open space agreement approved by the DRB, to the town, to a non-profit land conservation organization, or to a homeowners association comprising all of the present and future owners of property within the development. Open space shall be subject to deed restrictions stipulating the permitted and prohibited use of such land, and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.

3.7 Natural and Cultural Resources

3.7.1 Steep Slopes

- a) Applicants proposing development that will disturb land with an average slope of more than 20% but less than 30% as measured over any 100-foot section shall submit engineering plans for adequate erosion control and safe construction methods as part of a complete application for the proposed use, activity or structure.
- b) Principal and accessory structures, roads, and driveways shall be prohibited on land with an average slope of 30% or more as measured over any 100-foot section.

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3.7.2 Wetlands

- a) No structure, roadway or septic system shall be constructed within 100 feet of a Class I wetland and within 50 feet of a Class II wetland. Classifications of wetlands are established by the State of Vermont.
- b) In addition, no draining, dredging, filling, or alteration of the water flow shall occur within 50 feet of Class I and Class II wetlands, unless such use has been approved by the Vermont Department of Environmental Conservation's Wetlands Section through the issuance of a State Wetlands Permit.

3.8 Specific Use Standards

3.8.1 Accessory Dwellings

In accordance with the Act [4412(1)(E), an accessory dwelling unit that meets the standards below shall be an accessory use to an owner-occupied single-family dwelling in all districts where single-family dwellings are an allowed use or to any single-family dwelling in existence as a nonconforming use as of the effective date of these regulations.

- a) The accessory dwelling shall be clearly subordinate to the single-family dwelling and shall have facilities and provisions for independent living, including sleeping, sanitation, and/or food preparation and shall be an efficiency, one-bedroom unit, or two-bedroom unit;
- b) The habitable area of the accessory dwelling shall not exceed the lesser of 75% of the total habitable space of the single family dwelling or 800 square feet;
- c) The accessory dwelling shall be within the single family dwelling or in an accessory building to the single family dwelling that meets all the applicable standards for the district in which it is located;
- d) Either the single family or accessory dwelling shall be occupied by the property owner, or by the spouse, civil union partner, parents or children of the property owner;
- e) Off-street parking for 1 vehicle shall be provided in accordance with the standards in Section of these regulations; and
- f) A copy of the state Wastewater and Potable Water Supply permit and, where applicable, the town sewer and water allocation for the accessory dwelling shall be filed with the town before the Zoning Administrative Officer may issue a Certificate of Occupancy under Section 4.2.2 of these regulations and before the dwelling unit may be occupied.
- g) The zoning permit shall state that the use is limited to an accessory dwelling, approved in accordance with the above provisions, which is accessory to the single-family residential use, and that an accessory dwelling may be converted and/or subdivided for conveyance or use as a single family dwelling only in accordance with all applicable provisions of these regulations.

3.8.2 Adaptive Reuse of Existing Structures

- a) Purpose - The purpose of this section is to enable the continued viability of certain old structures in the Town of Richmond which have outlived their original function by allowing additional uses within the current dimensions of such structures, subject to conditional use review and approval.
- b) Applicability - Structures that shall be considered appropriate for adaptive use include any structure which:
 - i. Is on the National Register of Historic Places or the State Register of Historic Places or would qualify for inclusion as an individual listing or as a contributing member of a district;
 - ii. Has a minimum of 4,000 square feet of gross floor area in its current configuration; and
 - iii. Is at least 50 years old.
- c) Additional Uses - Structures determined to be appropriate for adaptive reuse may be put to the following uses, or combination of uses, in any zoning district provided conditional use approval is obtained from the DRB:
 - i. Two-family or multi-family dwelling - The minimum lot area per dwelling unit of the zoning district in which the building is situated shall apply.
 - ii. Uses which involve historic materials or relate to the attraction provided by an historic atmosphere, such as museums, local arts and crafts shops, antique shops, woodworking, furniture repair, or restaurants.
 - iii. Enterprises whose principal use is the sale of agricultural products, such as greenhouses, orchards, nurseries, food co-ops, or farm products stores.
 - iv. Enterprises whose principal use is the sale of products produced in Vermont.
 - v. Offices.
 - vi. Community resources such as churches, schools, or libraries.
 - vii. Storage uses such as for boats or furniture.

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The foregoing list is meant to suggest appropriate uses not otherwise allowed and is not intended to be all inclusive. Nevertheless, uses such as bowling alleys, drive-in theaters, taverns, motels, vehicle fueling stations, fuel or chemical storage and distribution, heavy industry or heavy manufacturing and other similar uses shall be considered incompatible with the structures in question.

- d) Additional requirements – The adaptive reuse of existing structures shall be approved by DRB conditional use review, and the DRB may approve prospective uses of structures in order that owners may renovate for approval for specific businesses or tenants. Adequate parking must be provided for each separate use. Evidence shall be provided that the project is in accordance with the guidelines set forth in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983) (36CFR67) in terms of the rehabilitation of the building and its site.

3.8.3 Family Childcare Home

A childcare home that meets all of the following standards shall be permitted as an accessory use to a single-family dwelling within all districts where single-family dwellings are an allowed use or in any single-family dwelling in existence as a nonconforming use as of the effective date of these regulations.

- a) The operator of the family childcare home must reside in the single-family dwelling.
- b) The family childcare home shall be operated under state licensing or registration.
- c) A family childcare home may serve a maximum of six children full-time and four children part-time and are classified as Class 1 and Class 2 within these Regulations.
- d) Adequate off-road parking shall be provided as follows: 1.0 space per employee plus 1 space per 6 children.
- e) Signage shall be allowed in accordance with Section 3.2.5., Signs.

- f) Applications for any family childcare home shall include detailed information and accurate measurements regarding location drop-off, parking, square footage in the home for the use, etc.
- g) The Zoning Administrative Officer or the DRB may require additional information from the applicant or may conduct a site visit to gather additional information.

3.8.4 Energy Generating Systems

The following standards apply to Energy Generating Systems, Class 1 and Class 2.

- a) Wind Energy Generating Systems – Wind energy systems that involve towers may be allowed as established in Section 2.1.6 in designated zoning districts as an accessory use in accordance with all of the following:
 - i. Purpose: This section regulates a wind energy generating systems which is not regulated by 30 VSA 219a(2).
 - ii. A wind energy generating system may consist of one or more towers not to exceed a total height, including the tower and the length of the blades, of a maximum of 100 feet above the height of the ground at the base of the tower. Each tower is restricted to the maximum height standards.
 - iii. The applicant shall take all reasonable measures to minimize any undue adverse visual impact.
 - iv. The tower shall be set back a distance equal or greater to the total height, including the tower and the length of the blades, from:
 - 1) Any public road right-of-way, unless written permission is granted by the entity with jurisdiction over the road;
 - 2) Any overhead utility lines, unless written permission is granted by the entity(s) with jurisdiction over the lines;
 - 3) All property lines;
 - 4) The applicant shall take all reasonable measures to minimize any undue adverse visual or noise impact.
- b) Solar Energy Generating Systems
 - i. Purpose: This section regulates non-net metered solar energy projects.
 - ii. Solar energy or hot water systems may be allowed in designated zoning districts as established in Section 2.1.6 as an accessory use in accordance with all of the following:
 - 1) Maximum height requirements shall be modified, in accordance with Section 3.1.2 of these regulations, to allow placement of roof-mounted solar panels up to 10 feet above the roof surface.
 - 2) Minimum property line setbacks for ground-mounted solar panels shall be 5 feet. The DRB may modify road or front setbacks for solar panels, in accordance with the requirements for each zoning district, upon finding that cost-effective installation and/or efficient operation requires siting panels in the front yard.
 - 3) The requested height and size of the system shall not exceed what is reasonably necessary to provide efficient operation of the system.
 - 4) The applicant shall take all reasonable measures to minimize any undue adverse visual or noise impact.
- c) In addition to the foregoing, all energy generating systems shall comply with the applicable provisions of Section 4.5 and all other applicable provisions of these Regulations.
- d) Expiration and Abandonment - A zoning permit issued for an energy generating system shall expire if the system is out-of-service or otherwise unused for a continuous 24-month period. All structures associated with the energy system located outside the residence shall be removed within 6 months of the zoning permit expiration.

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3.8.5 Extraction of Earth Resources

- a) Purpose - It is the purpose of this section to:
 - i. Provide reasonable opportunities for the extraction of earth resources;
 - ii. Prevent the pollution of air, streams, ponds and lakes, assure the adequacy of drainage facilities, safeguard the water tables, and to encourage the wise use and management of natural resources throughout the town;
 - iii. Protect against hazards, fire, explosives, offensive noise, damaging vibration, excessive dust and other particulate matter, and other dangerous, toxic, noxious or objectionable influences;
 - iv. Maintain the condition, character, safety and function of town roads and associated infrastructure; and
 - v. Protect the value of residential property and preserve the town's quality of life.
- b) Applicability - No earth resources, including loam, sand, gravel, clay, peat, quarry stone, or inorganic matter, shall be extracted, excavated or removed except in conformance with the provisions of this section. There shall be no extraction, except in the zoning districts as allowed in Section 2.4, as a conditional use.
- c) Exemptions - The following are exempt from the requirements of this section:
 - i. Necessary filling, excavation, grading or removal incidental to the permitted subdivision of land, or the permitted construction or alteration of a structure, road or driveway, parking lot, septic system or other infrastructure.
 - ii. Necessary filling, excavation, grading or removal incidental to private road, driveway or parking area repair or maintenance.
 - iii. Non-commercial extraction by a landowner for agricultural or forestry use on their own property in accordance with accepted agricultural and forestry practices.
- d) Pre-Existing Operations - Any pre-existing extraction operation which constitutes a nonconforming use, which was in operation during the year prior to the effective date of these regulations, may continue in operation at its level as of the effective date of these regulations. No increase in the level of operation shall occur without conditional use approval under the provisions of these regulations. Pre-existing operations may add or replace equipment incidental to the business (e.g., crushing, sorting, processing, etc.) if installation and use of such equipment meets all applicable standards of these regulations and any conditions of the operation's permit.
- e) Standards and Criteria - In addition to the development review standards specified in Section 4.3.6 and 4.3.7 of these regulations, extraction operations shall comply with and be reviewed in accordance with the following:
 - i. Phasing - Extraction shall be phased with not more than 5 acres being opened at one time. Upon receiving conditional use approval from the DRB, the Zoning Administrative Officer shall issue a zoning permit for one phase at a time. When a phase is complete, the area shall be reclaimed in accordance with the approved reclamation plan. After a site inspection and upon satisfactory reclamation, the Zoning Administrative Officer shall issue a certificate of occupancy for the completed phase, including reclamation, and a zoning permit for the next phase. No Certificate of Occupancy shall be issued for the next phase until the reclamation is complete.
 - ii. Buffers and Setbacks – No extraction or extraction-related land development, including structures, stockpiles, or processing equipment other than an approved access road shall be permitted within 50 feet from any property line or road. Existing vegetation shall be retained except where clearing is necessary for ingress/egress. The DRB may impose additional or greater setbacks or buffers to address the unique characteristics of each site as the DRB deems necessary to achieve the purposes of this section including the protection of natural resources and preservation of quality of life for adjoining property owners. Where existing vegetation is inadequate to provide year-round visual screening of the operation from the public road and nearby residences, the DRB may require additional screening be installed.

- iii. Overburden Removed and Stockpiled - A minimum of the top 6 inches of material removed shall be stored for use in site reclamation. Stockpiled material shall be located and managed to prevent dust, erosion and sedimentation of drainage ways and streams.
- iv. Temporary Slopes and Stockpiles - No temporary slopes shall be created by excavation or stockpiling in excess of the angle of repose of the soil or materials being extracted or stored. Stockpiles shall not be created in excess of 35 feet in height from the natural grade of the location before extraction commences.
- iv. Fencing - The DRB may require fencing when it is deemed necessary to protect public safety. At a minimum, perimeter fencing shall be required for excavations exceeding a depth of 15 feet or slopes of 1:2. Such fences shall be no less than 6 feet in height and shall be located no less than 15 feet from the edge of the excavated area.
- vi. Protection of Surface and Ground Water - No extraction shall occur and natural vegetation shall be maintained within a wetland or required wetland buffer. An undisturbed, vegetated buffer shall be maintained within 100 feet of all mapped surface waters, based on either the U.S. Geological Survey data set or the Vermont Hydrography data set. The extraction of earth resources shall not result in any groundwater contamination or diminishment of the drinking water supply of residences in existence as of the date of application. Necessary steps must be taken so that, at no time, will sediment created by an extraction operation reach the mapped surface waters. The DRB may require use of monitoring wells and/or regular water quality testing when deemed necessary to achieve the purposes of this section. The DRB may require additional buffers or setbacks as deemed necessary to prevent degradation of water quality.
- vii. Hours of Operation - No extraction, crushing or other processing, loading, dumping or trucking shall occur between the hours of 6 p.m. and 7 a.m. on weekdays and between 4 p.m. and 8 a.m. on weekends and legal holidays. The DRB may further restrict the hours of operation based on the proximity of homes or other incompatible uses.
- viii. Traffic - The DRB may limit the number, frequency, size or weight of trucks as deemed appropriate given the capacity of the roads that will be used, the character of the area and the quality of life for nearby residents.
- ix. Dust and Emissions - The applicant shall be required to take all reasonable measures to limit the amount of dust and other air quality contaminants generated from the extraction, processing and transport of earth materials, including but not limited to the following:
 - 1) Soil to be stored in undisturbed stockpiles for longer than 1 calendar year shall be seeded and maintained as necessary to establish a vegetative cover adequate to prevent erosion.
 - 2) Water, calcium chloride or similar agent shall be applied as necessary to the haul roads, traffic areas and non-vegetated storage piles to prevent fugitive dust and the tracking of dirt onto public roads.
 - 3) All trucks entering, exiting or operating at the site that are loaded with materials that may generate fugitive dust shall be covered.
- x. Outdoor Lighting - Outdoor lighting shall be in accordance with Section 3.2.3 of these regulations.
- xi. Performance Standards - operation shall meet all performance standards in accordance with Section 3.4, Performance Standards, of these regulations.
- xii. Reclamation - Upon completion of the extraction authorized, the area of excavation or otherwise disturbed ground shall be reclaimed so that the land will be left in a safe, attractive and readily usable condition for the types of land uses allowed in the district and in accordance with the following:
 - 1) The area shall fit in with the surrounding pre-excavated area with slopes not exceeding 1:3. The DRB may modify this requirement based on specific site conditions (e.g., allow steeper slopes due to presence of ledge rock or require gentler slopes to ensure slope

stability based on soil characteristics) or to ensure the land will be suitable for reasonable future use.

- 2) The natural drainage patterns of the site shall be restored with surface water draining off-site in similar locations and at similar rates to pre-extraction.
- 3) All stockpiled materials, debris and loose boulders not incorporated into the improvement of the site shall be buried or removed from the property.
- 4) A top layer of arable soil, which shall be free of any large stones, shall be spread to a depth of not less than 6 inches over the entire area.
- 5) At a minimum, the disturbed area shall be seeded with a native perennial grass and maintained until the surface is completely stabilized with a dense cover of grass and no danger of erosion exists. The DRB may require the disturbed area be fertilized and/or mulched as needed to prevent erosion and promote plant growth. The DRB may also require seedlings be planted on all or portions of the disturbed area to restore a formerly wooded site.
- 6) The DRB may require the establishment of an annual fund into which the permit holder shall be required to deposit an amount sufficient to ensure the availability of funds to implement the approved reclamation plan.

3.8.6 Farm Enterprises, Agri-Tourism, and Farm Product Sales

- a) Purpose - It is the purpose of this section to promote continued agricultural activities in Richmond and support farmers' ability to diversify and remain economically viable through the additional uses of farm enterprises, agri-tourism, and farm product sales.
- b) Applicability - Farm enterprises, agri-tourism, and farm product sales are allowed in the zoning districts as provided in Article 2.
- c) Ownership and Operation - A business approved under these provisions shall be owned and operated in conjunction with an agricultural operation that meets the state's definition of Accepted Agricultural Practice and shall be located on a parcel of land associated with such agricultural activities as defined by the Accepted Agricultural Practices regulations from the Vermont Agency of Agriculture, Food & Markets. Under this provision, leased land shall be considered part of the farm.
- d) Reuse of Farm Structures - Adaptive reuse of farm structures is encouraged. In accordance with the adaptive reuse provisions of Section 3.8.2, the DRB may modify dimensional requirements to allow for re-use of farm structures in conjunction with farm-product sales.
- e) Signs - Signs shall be in accordance with Section 3.2.5 of these regulations.
- f) Parking and loading areas shall be provided on-site in accordance with Section 3.2.4 of these regulations.
- g) Lighting - Lighting shall be in accordance with Section 3.2.3 of these regulations.
- h) Performance Standards - The business shall meet all performance standards in accordance with Section 3.4 of these regulations.
- i) Permit Limitations - The zoning permit shall clearly state that the use is limited to a farm enterprise, agri-tourism or farm product sales, approved in accordance with the above provisions and any conditions placed on it by the DRB. The business may be subdivided or converted for sale or use apart from the agricultural use only if it meets all current Town and state regulations pertaining to such use, including the standards within these regulations for the zoning district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale or conversion.
- j) Location - Farm stands or similar product sales facilities (including wagons, trailers, vans) may be located within required front setbacks, except that no stand shall be located within a public or private road right-of-way.

- k) Traffic Safety - Farm stands or similar product sales facilities shall not create a traffic hazard (e.g., vehicles parked on the road, vehicles entering or existing the road in an area of limited sight distance, or blocking visibility at an intersection).
- l) A sworn certification shall be submitted to the Zoning Administrative Officer within 90 days of the end of the calendar year or farmer's fiscal year demonstrating compliance during such year with the percentage requirements for the amount that must be produced on the farm or on land leased for the farm operation to meet the definitions of Farm Enterprise or Farm Product Sales.

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3.8.7 Vehicle Fueling Stations

Vehicle fueling stations may be allowed in designated zoning districts as set forth in Article 2 with the following:

- a) Setbacks for Equipment and Storage - Pumps and service equipment shall be located at least 50 feet from all property lines or outside the required setbacks, whichever is greater. All fuel and oil shall be stored at least 35 feet from any property line or outside the setbacks, whichever is greater.
- b) Access and Landscaping - Vehicle fueling stations may be allowed up to 2 access driveways from the road. The maximum width of each access driveway shall not exceed 25 feet. Additional standards for driveways and access, including meeting the Vermont B-71 standards must be met, per Section 3.3.2 and Section 3.3.3 of these regulations. Additional curbing, landscaping, screening or pedestrian connections may be required by the DRB as established in Section 3.2.2 to manage vehicle and pedestrian circulation on- and off-site, and to minimize undue adverse impacts to adjoining properties. No sidewalk shall be used as a parking area and the pumps shall be positioned so that vehicles are not parked on a sidewalk for fueling.
- c) Building and Canopy Design – Per Section 3.1, site layout and building design shall be compatible with the character of the area in which the vehicle fueling station will be located. Flat-roofed station canopies shall be limited to the minimum area required for adequate pump and apron coverage and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Alternative canopy designs, such as peaked roofs, are encouraged. Canopy scale and design shall be compatible with station design and with surrounding buildings. Corporate logos shall be specifically prohibited on station canopies and canopies shall not be used for advertising.
- d) Parking and Fuel Delivery - Employee and customer parking shall be provided on-site in accordance with Section 3.2.4 of these regulations. Fuel delivery vehicles shall not be allowed to back in or out of the station, or to block access or circulation for customer traffic.
- e) Signs – Signs must follow the requirements as established in Section 3.2.5.
- f) Lighting – Outdoor lighting shall be in accordance with Section 3.2.3 of these regulations and the following standards.
 - i. Canopies shall not be internally illuminated nor shall their fascia be illuminated. Lights shall not be mounted on the top or sides of the canopy. Shielded, indirect lighting recessed within the canopy may be permitted. Light fixtures mounted on canopies shall be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy. As an alternative or supplement to recessed lights, indirect lighting may be used where light is reflected down from the bottom of the canopy. Such light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
 - ii. Areas on the apron away from the vehicle fuel pump islands, used for parking or vehicle storage, shall be illuminated in accordance with the requirements of Section 3.2.3 of these regulations.
 - iii. Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance is at least 1.0 foot-candle and no more than 2.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall not exceed 4:1.

- g) Performance Standards - The vehicle fueling station shall meet all performance standards in accordance with Section 3.4 of these regulations.

3.8.8 State Limits

a) Public Facilities and Utilities

In accordance with the Act [§4413(a)], the following public facilities or uses may be regulated only with respect to their location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that such regulations do not have the effect of interfering with the intended functional use. The DRB shall apply these standards and require the Applicant to demonstrate how specific standards, when applied, interfere with the intended functional use of the proposed land development:

- i. State- or community-owned and operated institutions and facilities.
- ii. Public and private schools and other educational institutions certified by the Vermont Department of Education.
- iii. Churches and other places of worship, convents and parish houses.
- iv. Public and private hospitals.
- v. Regional solid waste management facilities certified by the state (under 10 V.S.A. Chapter 159).
- vi. Hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. §6606a).

b) Public Utilities

These regulations shall not apply to utility power generating plants and transmission facilities regulated under V.S.A. §248.

c) Agriculture and Forestry

These regulations shall not regulate Accepted Agricultural Practices and silvicultural practices. While no zoning permit issued by the Zoning Administrative Officer shall be required for construction of a farm structure, the property owner shall notify the Zoning Administrative Officer in writing of the intent to build a farm structure and shall present a scaled site plan showing that the proposed structure meets the zoning district requirements for the property setbacks or meets standards that are approved by the Secretary of Agriculture, Food, and Marketing. The location of any farm structure shall abide by the setback requirements of the zoning district in which the structure will be located.

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3.8.9 Group Homes

A group home serving up to eight residents shall be permitted wherever single-family homes are permitted unless they are to be located within 1,000 feet of another group home. If a new group home is to be located within 1,000 feet of an existing group home, then a conditional use review is required.

- a) **Parking Requirements** - 1.0 space per employee plus 1 space per 6 residents.

3.8.10 Home-Based Businesses

a) Home Occupation - In accordance with the Act (§4412) and upon the issuance of a zoning permit by the Zoning Administrative Officer, up to one third (1/3) of the gross floor area of a residential dwelling is permitted to be used for a home occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located, provided the following requirements are met:

- i. The home occupation must be carried on by one or more full-time resident(s) of the dwelling.
- ii. A maximum of two other nonresident employees or fellow entrepreneurs shall be allowed.
- iii. Off-road parking shall be provided.
- iv. The use shall be conducted entirely within the dwelling and not more than one accessory structure devoted to the home occupation not exceeding 1200 square feet.

- v. There shall be no exterior storage of materials related to the home occupation, except for materials or facilities that are customarily associated with a residential use and at a scale consistent with residential use.
- vi. There shall be no storage of hazardous wastes or fuels.
- vii. Must comply with all performance standards in Section 3.4.
- viii. There shall be no retail sale of goods.
- ix. There shall be no traffic generated above and beyond 1.5 times the number of trips for a residential use.
- x. An amendment to the original permit shall be required before any new activities or increases in the number of non-resident employees, number of parking spaces, or square footage/location may occur.

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b) Home Industry – Home industries may be allowed in designated zoning district, per Article 2, subject to provisions therein, in accordance with the following provisions.

- i. Renewal - A new conditional use approval shall be required before a home industry is expanded or modified.
- ii. Requirements - All Home Industries shall comply with the following provisions in addition to the conditional use provisions in Section 4.3.7, Conditional Use Review:
 - 1. All activities of a home industry must be located on the same lot for which the permit is granted.
 - 2. The business use is clearly secondary to the agricultural or residential use of the lot and the business owner shall reside in the dwelling on the lot.
 - 3. The business use shall not necessitate any change in the outside appearance of the structures related to the home industry on the lot other than the addition of one non-illuminated sign that meets the requirements of Section 3.2.5, Signs, of these Regulations.
 - 4. The residents of the dwelling unit on the lot plus no more than three full-time equivalent employees may be employed.
 - 5. The business use shall not generate more than twice the number of average daily trips that would be generated by the dwelling according to "Trip Generation - Eighth Edition - 2008" Institute of Traffic Engineers, or its equivalent, or any subsequent and most recent publication thereof.
 - 6. No more than 6 additional parking spaces shall be created. All parking must be adequately screened and located on the lot and must be in compliance with the parking requirements in Section 3.2.4. On-premise parking shall be sufficient to accommodate all employees and residents.
 - 7. There shall be no storage of hazardous waste or materials.
 - 8. The property shall be landscaped and the business use screened, in such a manner that the home industry shall be visually compatible with the neighboring lots and uses. In addition, any outside storage of materials, including building or construction materials, unregistered vehicles or heavy equipment, firewood or lumber for sale, must be completely screened year-round from the road and from neighboring lots.
 - 9. The home industry shall be provided with a vegetated (grass, trees, etc.) buffer zone between the structure housing the business and any lot line.
 - 10. There shall be no safety hazards to neighborhood residents, including those children boarding or disembarking from the school bus.
 - 11. Sound shall not exceed the limits of Section 3.4.7, *Noise*, of these Regulations.
 - 12. Smoke, vibrations, dust, odors, heat and glare produced by the business shall not be excessive. The home industry shall meet all performance standards in accordance with Section 3.4 of these regulations.
 - 13. Delivery truck traffic may be limited to 2 trucks per day, if it is deemed that a higher traffic level shall adversely affect the character of the neighborhood.

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- iii. Character of the Neighborhood - Suburban neighborhoods with closely spaced residences, with few pre-existing business uses, are less suitable locations for home industries than rural residential neighborhoods, which have more widely-spaced, larger lots that traditionally have been used for such home-based businesses such as farming and forestry. The DRB may determine that a neighborhood or location is unsuitable for a home industry and may prohibit such industry on the basis of having an undue adverse effect on the character of the neighborhood.

3.8.11 Mixed Use

Within any district, the DRB may allow a mixed use (excluding multiple types of residential uses), to include any combination of uses allowed (permitted or conditional) in the applicable district, on a single lot upon conditional use approval in accordance with the provisions of Section 4.3.7 of these regulations.

3.8.12 Swimming Pools

The installation of a swimming pool may be permitted as an accessory structure upon application and receipt of a zoning permit in accordance with Section 4.2.1 of these regulations and the following provisions:

- a) All swimming pools shall be completely enclosed by a wall, fence or other substantial structure not less than 4 feet in height as measured from the highest grade on the outside of the enclosure adequate to prevent access by unsupervised children.
- b) All swimming pools shall abide by the greater of the zoning district setback requirements or 15 feet from any lot line.

3.8.13 Temporary Structures

- a) **Special Events Structures** - The Zoning Administrative Officer may issue temporary permits for structures, excluding dwellings, associated with a special event for a period not exceeding 30 days.
- b) **Campers, Recreational Vehicles, and Temporary Shelters** – A zoning permit shall not be required for a camper, recreational vehicle, boat with living quarters, or other temporary shelter (e.g., tent, tepee or yurt) parked, stored or located on public or private property in accordance with the following requirements:
 - i. The provisions of this paragraph shall not apply to campers or other temporary shelters located in an approved campground or repair garage, or sales establishment.
 - ii. No more than 2 campers or other temporary shelters shall be stored on a residential or undeveloped lot.
 - iii. Campers, recreational vehicles, and other temporary shelters shall conform to the setback requirements for accessory structures for each zoning district.
 - iv. Campers, recreational vehicles, boats and other temporary shelters shall not be inhabited for more than a total of 30 days during a calendar year.
 - v. Any camper, recreational vehicle, boat or temporary shelter that is inhabited for more than a total of 30 days in a calendar year or that is not readily moveable shall be deemed a dwelling and be subject to all provisions of these regulations applicable to single-family dwellings.
 - vi. Any wastewater or sewage generated from a camper, recreational vehicle, boat or other temporary shelter shall be disposed of in accordance with all applicable state and federal regulations. The applicant shall submit written evidence of the method of wastewater disposal and its conformance with applicable state regulations.
 - vii. Campers, recreational vehicles, boats and other temporary shelters located within the Flood Hazard Overlay District shall meet all applicable provisions of that district.
 - viii. Not more than 1 recreational vehicle may be parked in a driveway or front yard.

- ix. No recreational vehicle, parked or stored, on any lot shall decrease the required number of parking spaces.

3.8.14 Temporary Dwellings in Special Circumstances

The Zoning Administrative Officer may issue permits for temporary dwellings for a period not exceeding six (6) months, provided such permits are conditioned upon agreement by the applicant to remove the structure upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding six (6) months. Temporary dwellings shall only be permitted:

- a) If located on the same lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster, or
- b) If located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, and
- c) Where any wastewater or sewage generated from the dwelling shall be disposed of in accordance with all applicable state regulations. As part of the zoning permit application, the applicant shall submit a letter from the State of Vermont specifying that the use complies with the state Wastewater and Potable Water Supply Rules.

3.9 Wireless Telecommunications Facilities

Wireless Telecommunications Facilities shall include those of all wireless telecommunications service providers, licensed and/or regulated by the Federal Communications Commission (FCC), and associated equipment and buildings.

3.9.1 Purpose

The purpose of this section is to protect the characteristics of our zoning districts, aesthetics, safety and general welfare of the Town of Richmond while accommodating the communication needs of residents and businesses. This section is intended to strike an appropriate balance between the interests of private landowners and other residents. This section shall:

- a) Preserve the character and appearance of the Town of Richmond while allowing adequate wireless telecommunications services to be developed.
- b) Protect the scenic, historic, environmental, and natural resources of the Town of Richmond.
- c) Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of wireless telecommunications facilities and towers.
- d) Minimize tower and antenna proliferation by requiring the sharing of existing communications facilities, towers and sites where possible and appropriate.
- e) Facilitate the provision of wireless telecommunications services to the residences and businesses of the Town of Richmond.
- f) Minimize the adverse visual effects of towers and antennas through collocation, careful design, siting, landscaping, screening, and innovative aesthetic mitigation standards.

3.9.2 Authority

Pursuant to the Act [§4414(12)] the DRB of the Town of Richmond is authorized to review, approve, conditionally approve, and deny applications for wireless telecommunications facilities, including sketch, preliminary and final plans, and installation.

3.9.3 Independent Technical Review

Upon submission of an application for a Wireless Telecommunication Facility permit, the DRB may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the DRB. The consultant(s) shall work at the DRB's direction and shall provide the DRB such reports and assistance, as the DRB deems necessary to review an application.

3.9.4 Consistency with Federal Law

This bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of the Vermont Statutes Annotated. If any section of this bylaw is held by a court with appropriate jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw. This section does not:

- a) Prohibit or have the effect of prohibiting the provision of personal wireless services;
- b) Unreasonably discriminate among providers of functionally equivalent services; or
- c) Regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

3.9.5 Definitions and Technical Standards

Some of the following terms do not appear in the text of this section. If a defined term is not used in the text of this section, it serves the purpose of providing a technical standard that may prove relevant in some proceedings under these Regulations.

- a) **Adequate Coverage:** Coverage for wireless telephony is "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that 90% of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error-rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage as long as the signal regains its strength further away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.
- b) **Affiliate:** When used in relation to an operator, another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest. When used in relation to the municipality, any agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.
- c) **Alternative Design Tower Structure:** Artificial trees, clock towers, bell steeples, light poles, silos and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also Stealth Facility).
- d) **Antenna:** A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.
- e) **Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the base of the support structure shall be used in calculating the antenna height.
- f) **Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.
- g) **Applicant:** A person who applies for a wireless telecommunications facility siting. An applicant can be the wireless telecommunications service provider with the owner's written permission (or other legally designated representative) or the owner of the property.
- h) **Available Space:** The space on a tower or structure to which antennas of a wireless telecommunications provider are both structurally able and electromagnetically able to be attached.
- i) **Base Station:** The primary sending and receiving site in a wireless telecommunications facility network. More than one base station and/or more than one variety of wireless telecommunications provider can be located on a single tower or structure.
- j) **Blocking:** Blocking is the failure of calls due to insufficient line availability. For the purpose of Erlang B calculations, Blocking is expressed as the fraction of failed calls. For example, Blocking of 2% means 2 calls dropped for every 100 attempted and equates to a Grade of Service of 98%.
- k) **Bulletin 65:** "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," Published by the Federal Communications Commission (FCC) Office of Engineering and Technology specifying radiofrequency radiation levels and methods to determine compliance. OET Bulletin 65 Edition 97-01 dated August, 1997 unless further revised by the FCC.
- l) **Busy Hour Traffic:** BHT (in Erlangs) is the number of hours of call traffic there are during the busiest hour of operation of a telecommunication facility.
- m) **Cell Site:** A tract or parcel of land that contains a cellular communication antenna, its support structure, accessory building(s), and parking, and may include other uses associated with and ancillary to cellular communications transmission.

- n) Cellular Service: A wireless telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmission sites called cell sites, either to the public switched network or to other mobile cellular phones.
- o) Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.
- p) Cellular Telecommunications Facility: Consists of the equipment and structures at a particular site involved in receiving telecommunication or radio signals from mobile radio communications sources and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
- q) Channel: The segment of the radio frequency spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.
- r) Collocation: Locating wireless telecommunications equipment from more than one provider on a single site. Collocation also means the mounting or installation of an antenna on an existing tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- s) Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.
- t) Communication Equipment Shelter: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.
- u) Communication Tower: A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.
- v) Communications Facility: A land facility supporting antennas and/or microwave dishes that sends and/or receives radio frequency signals. Communications facilities may include structures, towers or accessory buildings.
- w) dBm: Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.
- x) Directional Antenna: An antenna or array of antennas designed to concentrate a radio signal in a particular area.
- y) Dish Antenna: A dish-like antenna used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
- z) Electromagnetically Able: The determination that the signal from and to the proposed new antenna will not significantly interfere with the existing signals from and to other facilities or antennas located on the same tower or structure as determined by a qualified radio frequency engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.
- aa) Erlang: An international unit created to measure telephone use. One Erlang is equivalent to one caller talking for one hour on one telephone.
- ab) Erlang B Calculations: The Erlang B traffic model is used to mathematically relate Busy Hour Traffic (BHT), call Blocking, and the number of Lines in a trunk group. For the purposes of this document, Erlang B Calculations are used to verify Adequate Capacity.
- ac) Facility Site: A property, or any part thereof, which is owned or leased by one or more wireless telecommunications facility(s) and where required landscaping is located.
- ad) FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.
- ae) Frequency: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).
- af) GHz: Gigahertz. One billion hertz
- ag) Grade of Service: GOS is an estimate of customer satisfaction with a particular aspect of service such as noise, echo, or blocking. For the purposes of this document, GOS refers to the

percentage of calls that are blocked in the radio portion of the wireless network. A GOS of 98% equates to 2 dropped calls for every 100 attempted calls.

- ah) Hertz: (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.
- ai) Location: References to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true North.
- aj) MHz: Megahertz, or one million hertz.
- ak) Microcell: A low power mobile radio service telecommunications facility used to provide increased capacity in high call-demand areas or to improve coverage in areas of weak coverage. A microcell must meet the criteria for a stealth facility.
- al) Microwave: High-frequency radio frequency emissions, including UHF and extending to infrared frequencies.
- am) Microwave Antenna: A dish-like antenna manufactured in many sizes and shapes used to link communication sites together by wireless transmission of voice or data.
- an) Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities.
- ao) Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below grade foundations.
- ap) Omnidirectional Antenna: An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it is designed.
- aq) Permit: Embodies the rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its facility within the boundaries of the municipality.
- ar) Personal Communications Services (PCS): Digital wireless telephone technology such as portable phones, pagers, faxes, and computers; generally operates at high frequencies.
- as) Personal Wireless Services: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services, specialized mobile radio services, and paging services.
- at) Preexisting Towers and Antennas: Any tower or antenna for which a permit has been issued prior to the effective date of these Regulations.
- au) Radiated-Signal Propagation Studies or Coverage Plots: Computer generated estimates of the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tools for determining whether the telecommunications equipment will provide adequate coverage for that site.
- av) Radio Frequency Exposure: Emissions from FCC-regulated transmitters upon the quality of the human environment. At the present time, there is no federally-mandated radio frequency (RF) exposure standard. The FCC's requirements dealing with RF exposure can be found in Part 1 of its rules at [47 CFR 1.1307\(b\)](#). The exposure limits themselves are specified in [47 CFR 1.1310](#) in terms of frequency, field strength, power density and averaging time. Facilities and transmitters licensed and authorized by the FCC must either comply with these guidelines or else an applicant must file an Environmental Assessment (EA) with the FCC as specified in [47 CFR 1.1301](#) *et seq.*
- aw) Repeater: A receiver/relay transmitter and antenna, often of relatively low power output, designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station. A repeater must meet the criteria for a stealth facility.
- ax) Roof and/or Building Mount Facility: A facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.
- ay) Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or human made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or a nearby object, or to Open Space.
- az) Self-Supporting Tower: A communications tower that is constructed without guy wires.

- ba) Spectrum: Relating to any transmissions or reception of electromagnetic waves.
- bb) Stealth Facility: Any wireless telecommunications facility that is designed to blend into the surrounding environment and is inconspicuous to the naked eye at or beyond the property line. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and antennas integrated into architectural elements. (See also Alternative Design Tower Structure.)
- bc) Structurally Able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.
- bd) System: The communications transmission system operated by a telecommunications service provider in the municipality or region.
- be) Telecommunications Provider: An entity authorized by the FCC, the Vermont Public Service Board, or law to provide telecommunications services to individuals or institutions.
- bf) Temporary Wireless Communication Facility: Any tower, pole, antenna, etc., designed for use while a permanent wireless facility is under construction, or for a special event or conference.
- bg) Unlicensed Wireless Services: The offering of wireless telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.
- bh) View Corridor: A three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.
- bi) Whip Antenna: A vertical antenna that normally transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape, narrow (less than 6 inches in diameter) and long (often measure 18 inches in height or more).
- bj) Wireless Telecommunications Facility: All equipment (including repeaters) and locations of equipment with which a wireless telecommunications provider transmits and receives the waves which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or another owner or entity. This term includes all types of towers defined or described in Section 3.9. This term includes all of the physical facilities defined or described in this section. Consumer model television satellite dishes are not covered by these Regulations. Wireless telecommunications facility include, but are not limited to the following: a macro telecommunications cell, a microcell, and a repeater.

3.9.6 Permitted and Prohibited Siting Locations

The purposes of these siting requirements are to preserve the pattern of development promoted by the various zoning districts; protect aesthetic interests and water quality of the Town; and to provide adequate separation from existing development of what are fundamentally commercial structures.

Per the Use Table in Article 2, a Stealth Facility must be approved by the DRB as a conditional use and then receive a zoning permit in all zoning districts.

All other Wireless Telecommunications Facilities must be approved by the DRB as a conditional use and then receive a zoning permit. Wireless Telecommunications Facilities (other than Stealth Facilities) are allowed only in the General Business zoning district.

Wireless Telecommunications Facilities that do not qualify as Stealth Facilities may not be sited in any of the following locations:

- a) Within 300 feet horizontally from any property or district listed on the National Register of Historic Places.
- b) Closer than 50 feet horizontally to the boundary of the property on which it is located.
- c) If it is higher than 40 feet, closer than its actual height plus 10 feet horizontally to the boundary of the property on which it is located.
- d) Closer than 300 feet horizontally to any structure existing at the time of the application which is used as either a primary or secondary residence.
- e) Within 100 feet horizontally of any pond, river or perennial stream, and within 50 feet of any intermittent stream.
- f) Within 300 feet horizontally of a public road.
- g) Where its height would exceed the average height of the surrounding forest within 200 feet of its base by more than 20 feet, as measured by reference to the expected height of the forest at maturity (i.e., the tree line).
- h) On a ridgeline or hilltop with an elevation of more than 900 feet, at a location where its height would exceed the height of that ridgeline or hilltop, as measured at the nearest point to the facility. Instead, it shall be located (assuming that all other criteria are met) sufficiently below the height of the ridgeline or hilltop so that its height does not protrude above the ridgeline or hilltop in its immediate vicinity. This requirement is in addition to the requirements of Section 3.9.8.g) of these Regulations.

All distances specified in this section shall be calculated including antennas and other vertical appurtenances. Waivers to the above setback requirements [a) through h)] may be granted to encourage wireless telecommunications facilities' antenna collocation on existing structures.

3.9.7 Exemptions and Applicability of Other Regulations

The following wireless telecommunications facilities are exempt from the provisions of Section 3.9:

- a) Police, fire, ambulance and other emergency dispatch; licensed amateur (ham) radio; citizens band radio; and radio dispatch services licensed by local businesses, provided that the antenna support structure (including any building that forms part of the antenna support structure) does not exceed 55 feet above grade and the attached antenna is no higher than required for reasonable use, or it is a Stealth Facility.
- b) To the extent that a wireless telecommunications facility constitutes a telecommunications facility per 30 VSA 248a(1), an application under 30 VSA 248a shall be exempt under subsection (h) thereof.

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All facilities subject to this section must comply with all other applicable provisions of these Regulations and other bylaws, in addition to complying with this section.

3.9.8 Application Requirements for Wireless Telecommunications Facilities

An Applicant for any Wireless Telecommunications Facility must be a personal wireless service provider or FCC licensee, or must provide a copy of its executed contract to provide land or facilities to such an entity, to the Zoning Administrative Officer at the time that an application is submitted. A permit shall not be granted for a wireless telecommunications facility to be built on speculation.

No construction, alteration, modification (including the installation of antennae for new uses) or installation of Wireless Telecommunications Facility shall commence without a Conditional Use approval first being obtained from the DRB, followed by the issuance of a Zoning Permit by the Zoning Administrative Officer.

In addition to the application information required in Section 4.4 for Conditional Use Review and Site Plan Review, all applicants shall include the following supplemental information for an application for a Wireless Telecommunications Facility:

- a) The applicant's legal name, address and telephone number. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.
- b) The name, title, address and telephone number of the person to whom correspondence concerning the application should be sent.
- c) The name, address and telephone number of the owner or lessee of the property on which the Wireless Telecommunication Facility will be located.
- d) The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
- e) A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.
- f) The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
- g) Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening.
 - i. All plans shall be drawn at a minimum scale of 1 inch = 50 feet.
- h) In the case of a site that is forested, the approximate average elevation of the existing vegetation within 200 feet of any tower base.
- i) Construction sequence and time schedule for completion of each phase of the entire project.
- j) A report from a qualified engineer that:
 - i. Describes any tower's design and elevation;
 - ii. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas;
 - iii. Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate;
 - iv. In the case of new Facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community;
 - v. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage;
 - vi. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided;
 - vii. Demonstrates that the applicant has analyzed the feasibility of using repeaters or microcells in conjunction with all facility sites listed in compliance with iv. above.
 - viii. Demonstrates the Facility's compliance with the standards set forth in this bylaw or other applicable standards;
 - ix. Provides proof that at the proposed Facility site the applicant will be in compliance with all FCC regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for radio frequency radiation (RFR);
 - x. Includes such other information as determined by the DRB to evaluate the application;

- k) For a facility to be installed on an existing structure, a copy of the Applicant's executed contract with the owner of the existing structure (to be provided to the Zoning Administrative Officer at the time an application is submitted).
- l) To the extent required by the National Environmental Policy Act (NEPA) as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed facility.
- m) A copy of the application or draft application for an Act 250 permit, if applicable.
- n) Copies of correspondence between the Applicant and all State and Federal regulatory agencies regarding the proposed facility prior to and during the DRB review process.
- o) Such other information as determined by the DRB to evaluate the application.
- p) Computer generated photo simulations of the proposed facility showing the facility from all public rights-of-way and any adjacent property from which it may be visible. Each photo must be labeled with the line of sight, elevation and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

3.9.9 Collocation Requirements

Wherever possible, wireless telecommunications facilities shall be collocated on a single structure. An application for any new Wireless Telecommunication Facility shall not be approved unless the DRB finds that the facilities planned for the proposed structure cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

- a) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer licensed to practice in the State of Vermont. Additionally, the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.
- b) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer, and such interference cannot be mitigated at a reasonable cost.
- c) The proposed antennas and equipment, either alone or together with existing facilities, equipment or antennas, would exceed the maximum permissible radio frequency exposure.
- d) Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function reasonably or are too far from the area of needed coverage to function reasonably as documented by a qualified engineer.
- e) Aesthetic reasons make it unreasonable to locate the planned wireless telecommunications equipment upon an existing or approved tower or building.
- f) There is no existing or approved tower in the area in which coverage is sought.
- g) Other unforeseen specific reasons make it unreasonable to locate the planned wireless telecommunications equipment upon an existing or approved tower or building.

Towers shall be designed structurally, electrically and in all respects to accommodate both the Applicant's antennas and additional antennas when overall permitted height allows.

3.9.10 Access Roads and Above Ground Facilities

Where the construction of new facilities subject to this Section 3.7.14 requires construction of, or improvement to, access roads, to the extent practicable, roads shall follow the contour of the land, and be constructed or improved within forest fringe areas, and not in open fields or forests to the extent practicable. Utility or service lines shall be underground. The Town may require closure of access roads to vehicles following facility construction where it is determined that site conditions warrant the same, and where maintenance personnel can reasonably access the facility site on foot.

3.9.11 Criteria for Approval and Conditions

Proposed facilities shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, major view corridor, named river, or public roadway. Height and mass of facilities shall not exceed that which is essential for its intended use and public safety.

- a) Towers, antennas and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment, except in cases in which the Federal Aviation Administration (FAA), state or federal authorities have dictated color. Use of a Stealth Telecommunications Facility structure may be required in visually sensitive locations.
- b) In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennas and tower-related fixtures shall be not more than 20 feet above the average height of the tree line measured within 50 feet of the highest vertical element of the wireless telecommunications facility. Notwithstanding the above, additional height may be approved upon a finding by the DRB that the additional height is necessary in order to provide Adequate Coverage in the Town of Richmond (or to accomplish collocation of facilities) and that the additional height will not cause an undue, adverse visual impact on the scenic character or appearance of the area.
- c) Towers, antennas and any necessary support structures shall be designed to avoid having an undue adverse impact regarding aesthetic impact on scenic Open Space, prominent ridgelines and hilltops. In determining whether a tower's aesthetic impact would be undue and adverse, the DRB shall consider:
 - i. the period of time during which the proposed tower would be viewed by the traveling public on a public road;
 - ii. the frequency of the view experienced by the traveling public;
 - iii. the degree to which the tower would be screened by existing vegetation, the topography of the land, and existing structures;
 - iv. background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
 - v. the distance of the proposed tower from the view point and the proportion of the facility that is visible above the skyline;
 - vi. the sensitivity or unique value of a particular view affected by the proposed tower;
 - vii. significant disruption of a view shed that provides context to a historic or scenic resource.
 - viii. the provisions of the *Richmond Town Plan*.
- d) The DRB shall have the authority to impose conditions consistent with the purpose of this section in approving a proposed facility. Furthermore, the DRB may require an Applicant to consider alternative sites, or demonstrate why no such sites are technically feasible.
- e) All buildings and structures accessory to a tower shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in this section 3.8, whichever is greater.
- f) Ground mounted equipment or antennas as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better complements the architectural character of the surrounding neighborhood. A planted or vegetative screen shall be a minimum of ten feet in depth with a minimum height of six feet and, in the case of towers, shall have the potential to grow to a height at maturity that will be within 20 feet of the highest point of the tower and its attached antennas. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

3.9.12 Amendments to Existing Wireless Telecommunications Facility Conditional Use Approval

Any alteration or addition not considered to be de minimis to a Wireless Telecommunications Facility shall require an amendment to the conditional use approval, including when any of the following are proposed:

- a) Change in the number, design or configuration of buildings or facilities permitted on the site; or
- b) Addition or change of any equipment resulting in greater visibility or structural wind loading, additional height of the tower, or profile of additional antennas not specified in the original application if such changes would result in significant increased visibility as viewed from the property line.

3.9.13 Tower Lighting and Signage; Noise Generated by Facility

Unless required by the FAA, no lighting of towers is permitted. In any case where a tower is determined to need obstruction marking or lighting, the Applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. The Applicant shall submit copies of required FAA applications. Heights may be reduced to eliminate the need for lighting or another location selected.

No commercial signs or lettering shall be placed on a tower. Signage shall be limited to that required by federal or state regulation.

Noise at the site perimeter from the operation of any machinery or equipment shall be minimized and shall comply with all performance standards of these Regulations.

3.9.14 Temporary Wireless Telecommunications Facilities

Any wireless telecommunications facility designed for temporary use is subject to the following:

- a) Use of a temporary facility is permitted only if the owner has received a temporary use permit from the Administrative Officer.
- b) Temporary wireless telecommunications facilities are permitted for no longer than five days use in conjunction with a special event.
- c) The maximum height of a temporary facility is 50 feet from grade.
- d) Temporary facilities must comply with all applicable portions of these Regulation, with the exception that such temporary facilities may be allowed in all zoning permits without meeting the requirements for Stealth Wireless Telecommunications Facilities.

3.9.15 Continuing Obligations

The owner of a Wireless Telecommunications Facility, at such times as requested by the DRB, shall file a certification showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation, and that adequate insurance has been obtained for the facility. Failure to file a certification within the timeframe requested by the DRB shall mean that the facility has been abandoned.

3.9.16 Wireless Telecommunications Facility Removal

Abandoned or unused towers or portions of towers shall be removed as follows:

- a) The owner of a facility shall, at the request of the DRB, file a declaration with the Zoning Administrative Officer certifying the continuing safe operation of every facility/tower installed subject to these Regulations, compliance with the provisions of the permit and compliance with the

representations of the permit application. Failure to file a declaration shall mean that the facility/tower is no longer in use and considered abandoned.

- b) Abandoned or unused wireless telecommunications facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the DRB. The property owner shall remove and properly dispose of the facility and restore the site to its original condition prior to the installation of the facility. In the event the wireless telecommunications facility is not removed within 180 days of the cessation of operations at a site, the zoning permit shall be deemed revoked and the facility abandoned. The Town may remove the tower and all associated facilities. Costs of removal shall be assessed against the property owner of land where the facility is located.
- c) The Applicant shall, as a condition of the conditional use permit, provide an escrow account payable to the Town of Richmond and acceptable to the DRB and Selectboard to cover the cost of removal of the facility and remediation of the landscape.

3.9.17 Maintenance Requirements

The property owner is responsible for ensuring the maintenance of all facilities. Such maintenance shall include, but not be limited to painting, structural integrity and landscaping. In the event the property owner or facility operator fails to maintain the facility, the Town of Richmond may, but is not obligated to, undertake such maintenance at the expense of the Applicant or landowner.

3.9.18 Insurance Requirements

Liability insurance shall be maintained in the amount determined by the DRB, naming the Town of Richmond as an additional insured.

Deleted: The facility owner shall maintain adequate insurance on all facilities and provide such proof of a certificate of insurance at the time that the Certificate of Occupancy is issued for the facility. The DRB, or designee, may request proof of adequate insurance at any other time. The responsibility for insurance, maintenance, and facility removal be on the property owner (not the facility owner/operator).

3.9.19 Fees

Fees for filing an application to build or alter any facility subject to these Regulations shall be as established by the Richmond Selectboard, in accordance with the Act (§4440), payable to the municipality. Additional fees may include the reasonable costs of an independent technical assessment of the application that may be incurred during the review and permitting process.

4. Administration

4.1 General Provisions

4.1.1 Zoning Administrative Officer

- a) Appointment - The Zoning Administrative Officer, an Acting Zoning Administrative Officer or Assistant Zoning Administrative Officer to serve in the Zoning Administrative Officer's absence or in case of a conflict of interest, shall be appointed by the Richmond Selectboard from nominations submitted by the Planning Commission, in accordance with the Act (§4448).
- b) Removal - The Selectboard may remove the Zoning Administrative Officer for cause at any time after a hearing and consultation with the Planning Commission. The Acting Zoning Administrative Officer and Assistant Zoning Administrative Officer shall serve at the pleasure of the Selectboard.
- c) Authority - The Zoning Administrative Officer shall administer these regulations literally and shall not have the power to permit any land development that is not in conformance with these regulations.

4.1.2 Development Review Board

- a) Appointment and Terms - The Selectboard shall establish the number of seats on the Development Review Board (DRB) in accordance with the Act (§4460). Each term shall be for 3 years and no more than 3 terms shall expire in any year. During March of each year, the Selectboard shall appoint new members or re-appoint existing members. The Selectboard may also appoint alternates to serve in the event that one or more members are unable to serve in a particular proceeding.
- b) Removal - The Selectboard may remove a member upon written charges for cause after a public hearing.
- c) Authority - The DRB shall meet as required and operate under the authority granted under the Act [§4460(e)] and these regulations.
- d) Organization and Meetings - The DRB shall elect a chair from its membership, shall appoint a secretary and shall adopt rules of procedure and rules of ethics with respect to conflicts of interest for the conduct of its affairs. A quorum shall be not less than a majority of the members of the DRB, and a concurring vote of a majority of the DRB shall be necessary to effect an order. Meetings shall be at the call of the chair or a majority of the members, and at such other regular times as it may determine. Majorities are of all members, not just those present at a meeting. All meetings of the DRB, except for deliberative and executive sessions, shall be open to the public in accordance with Vermont's Open Meeting Laws. The officers of the DRB may administer oaths and compel the attendance of witnesses and the production of material germane to any issue within the preview of these regulations.
- e) Responsibilities - The DRB shall be authorized:
 - i. To hear and decide access approval for lots lacking required frontage on public or private roads or public waters.
 - ii. To hear and decide applications for site plan approval required by the terms of these regulations.
 - iii. To hear and decide applications for conditional use approval required by the terms of these regulations.
 - iv. To hear and decide applications for subdivisions, including PUDs, in accordance with these regulations.
 - v. To hear and decide appeals of any decision or act of the Zoning Administrative Officer under these regulations, including DRB referrals and the issuance or denial of zoning permits, Certificates of Occupancy, and notices of violation.

- vi. To hear and decide appeal for a waiver of submission requirements, dimensional requirements or other specified requirements of these regulations.
- vii. To hear and decide appeal for a variance from the requirements of these regulations.
- viii. To receive testimony under oath and make such studies and surveys as are required to carry out its duties.
- ix. To request information or opinions from the Planning Commission and/or the Chittenden County Regional Planning Commission or successor organization relative to an application.
- x. To request information or opinions from any civil or administrative officer of the town or any other person or persons considered expert on the matter before the DRB.
- xi. To attach such requirements and conditions to its approvals as may be necessary to carry out the intent and purposes of these regulations.
- xii. To present to the Planning Commission such suggestions for amendment of these regulations as it deems necessary to clarify the intent and purpose or improve any provision on which the DRB has occasion to rule.

4.1.3 Fees

- a) Fee Schedule - In accordance with the Act (§4440), the Richmond Selectboard shall establish a schedule of reasonable fees to be charged in administering these regulations. Such fees may include the cost of posting and publishing notices, ~~holding public hearings, and the cost of conducting periodic inspections during the installation of public improvements~~ and standards for requiring applicants to pay for the reasonable costs of independent technical reviews of their application.
- b) Amendment of Fee Schedule - Any fee may be amended from time to time by the Selectboard and the complete fee schedule shall be posted in the Town Clerk's Office.
- c) Fees Due - Accompanying each application submittal shall be the required fee or fees as established by the Richmond Selectboard in accordance with the Act, payable to the municipality.
- d) Refund of Fees - Under no conditions shall any fee be refunded, in whole or part, unless provided for elsewhere in these regulations or other town ordinance.

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4.1.4 Security

- a) Applicability - The DRB may condition any approval upon the submission of a bond, escrow account, letter of credit or other surety in a form acceptable to the Selectboard to assure one or more of the following:
 - i. Completion of the project, including roads, driveways, landscaping or other required improvements.
 - ii. Adequate stabilization or restoration of the site.
 - iii. Protection of public facilities that may be affected by the project.
- b) Amount and Term - In rendering a decision in favor of the applicant, the DRB may attach additional conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the Richmond Town Plan then in effect. Such conditions may include the following:
 - i. For the purpose of this Section, the Term "Security" shall mean a performance bond issued by either a bonding or surety company approved by the Town's Selectboard or issued by the owner with security acceptable to the Town's Selectboard or an escrow or letter of credit arrangement acceptable to the Town's Selectboard, in each case securing to the Town the completion of the required improvements for which the Security is supplied, their required maintenance and site restoration or remediation, as provided below in (iii). In the event of non-performance, the bonding or surety company, or the Town, as the case may be, may complete the required improvements and perform the maintenance, to the extent of the Security, and may enter onto the owner's property for such purposes.

- ii. The DRB may require that no Zoning Permit, except for any permits that may be required for infrastructure construction, may be issued for approved Land Development unless the required roads and improvements on or in those roads, parking areas, stormwater facilities, sewer and water systems, and other required infrastructure improvements (including those anticipated to be dedicated to the Town and those anticipated to remain private) have been satisfactorily installed in accordance with the approval decision, and these regulations, and as-built plans submitted by a registered professional engineer.
- iii. In lieu of the condition in (ii) above, the DRB may require, prior to commencement of any Land Development, Security in an amount sufficient to cover the full cost of required roads, improvements on or in those roads, parking areas, stormwater facilities, water and sewer systems, and other required infrastructure improvements, submission of as-built plans by a registered professional engineer, the maintenance of all forgoing improvements for a period of two years after submission to and approval by the Administrative Officer of as-built plans, and also including restoration or remediation in the event the applicant abandons or otherwise fails to complete the project or required infrastructure improvements, as such full cost is estimated by the DRB or by such Town departments or officials as the DRB may designate. Such security shall secure to the Town completion of such required improvements within three years of the start of construction of the first of such required improvements and the maintenance of such required improvements for such period of two years after completion of the last of such required improvements.
- iv. The DRB may also require, prior to commencement of any Land Development, Security in an amount sufficient to cover the full cost of any required landscaping, screening, buffers, and site restoration, adequate stabilization, and protection of public facilities that may be affected by the project, and maintenance of all the foregoing for a period of two years after completion, as such full cost is estimated by the DRB or such municipal departments or officials as the DRB may designate. Such security shall secure the Town the completion of all such required improvements within three years from the start of installation of the first such required improvements and their maintenance for a period of two years after completion of the last of such required improvements.
- v. The time periods for completion in (iii) and (iv) above may be extended by the DRB for an additional 3 years with the consent of the land owner.
- vi. The Security required by (iii) and (iv) above may be by one consolidated instrument, or by separate instruments.
- vii. Prior to the issuance of a certificate of occupancy for any required improvements, the applicant shall reimburse the Town within 30 days of invoice for the Town's engineering, legal, and other professional fees related to the inspection of the work, preparing reports to the Town, and other related activities. This provision shall be deemed a condition of every approval whether or not expressly stated in the approval.

4.1.5 Independent Technical Review

The DRB, at any public hearing required under these regulations in connection with an application, may vote to have an independent technical review of an application, to the extent specified by the DRB in its vote.

The DRB may require an applicant to pay for the costs of an independent technical review of an application by a qualified professional, subject to procedures and standards established by the Richmond Selectboard, and the following:

- a) In the event a written report is obtained from the technical consultant, the applicant shall be sent a copy at the time the report is submitted to the DRB.
- b) The applicant shall pay for the costs of an independent technical review within 30 days of being invoiced.

- c) In the event the Town is required to bring legal action to collect the amount specified in the invoice, the applicant shall be responsible for the town's legal fees and other costs of collection.
- d) The Zoning Administrative Officer shall not issue a certificate of occupancy until any invoice issued under this section is paid in full.

4.1.6 Professional Fees

The DRB shall require an applicant or permit holder to pay for the engineering, legal or other professional fees related to the inspection or monitoring of projects subject to any procedures and standards approved by the Richmond Selectboard. This provision shall be deemed a condition of every zoning permit and DRB approval whether or not it is expressly stated.

4.1.7 As-Built Plans

The Zoning Administrative Officer or DRB may require an applicant to provide as-built plans prepared by an engineer registered in Vermont to be reviewed and deemed acceptable by the town engineer before a certificate of occupancy or additional zoning permits for further development on a site may be issued.

4.1.8 State Permits

All required state permits shall be a part of and made a condition of each local permit. Unless otherwise required, state permits may be obtained after local permits. In no case shall a project or use commence without all necessary permits from the state and town.

4.1.9 Recording Requirements

- a) Zoning Administrative Officer Actions - Within 30 days of the issuance of a zoning permit, certificate of occupancy, boundary adjustment, or notice of violation, the Zoning Administrative Officer shall deliver either the original, a legible copy, or a memorandum of municipal action to the Richmond Town Clerk for recording in the town land records, as generally provided in 24 V.S.A. § 1154(c), and file a copy in the Town Planning and Zoning Office in a location where all zoning permits shall be kept, as required under the Act [§4449(c)]. The applicant may be charged recording fees.
- b) Special Requirements for the Flood Hazard Overlay District - The Zoning Administrative Officer shall also maintain a record of all permits, elevation certificates, floodproofing certifications and variance actions issued for land development within the Flood Hazard Overlay District.
- c) Subdivision Plats - Upon final approval of a final subdivision application by the DRB, the subdivider or applicant shall prepare a copy of the final subdivision plat for recording in the Town Land Records in accordance with the requirements of 27 VSA Chapter 17 and the Act (§4463), plus all other associated materials required by the DRB.
 - i. No plat shall be recorded in the Town Land Records until it has received final approval by the DRB, as endorsed in writing on the plat. The wording on the plat approved by the DRB shall be as follows: "Approved by the Chair or Vice-Chair by decision of the Richmond Development Review Board incorporating any changes approved by that decision on [add date], with approval number [add approval number] and signed this [add date]."
 - ii. The plat shall be recorded within 180 days of the date of DRB approval, as extended by §4463(b)(1) of the ACT, or the approval shall expire. In accordance with the Act (§4463), after an approved plat, the approval or certification shall not expire. It shall be the subdivider's or applicant's responsibility to timely record the plat.
- d) Boundary Adjustments- Upon final approval of a boundary adjustment by the Zoning Administrative Officer, the applicant shall prepare a copy of the final boundary adjustment plat for recording in the Town Land Records in accordance with the requirements of 27 VSA Chapter 17 and the Act (§4463), plus all other associated materials required by the DRB.

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- i. The wording on the boundary adjustment approved by the Zoning Administrative Officer shall be as follows: "Approved for recording in the Town of Richmond Land Records by decision of the Richmond Zoning Administrative Officer on [add date], with permit number [add permit number] and signed this [add date]."
 - ii. For boundary adjustments issued by the Zoning Administrative Officer – The plan for the adjustment and deeds for the transfer of property must be filed or recorded in the Richmond land records within 180 days. *See Section 4.2.3 regarding the expiration of the boundary adjustment approval.*
- e) Recording of DRB Decisions – Within 30 days of the issuance of a final subdivision approval or any decision issued by the DRB, the Town Planner/Staff to the DRB shall deliver either the original, a legible copy, or a notice of the approval to the Town Clerk for recording in the Town Land Records, as required in the Act [§4463 and §4449(c)],

4.1.10 Revocation

On petition by the Town of Richmond and after notice and opportunity for hearing, the environmental division may revoke a municipal land use permit issued under 24 VSA, §4455, including a permit for a telecommunications facility, on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

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4.2 Zoning Administrative Officer Actions

4.2.1 Zoning Permit

- a) Zoning Permit Application Review, Decision, and Referral
 - i. Permit Required – No land development may be commenced without a zoning permit issued by the Zoning Administrative Officer, as required in the Act [§4449(a)]. No land development requiring a zoning permit, including demolition, shall commence until the Zoning Administrative Officer issues a permit in conformance with these regulations, the Act, and the following provisions:
 - 1) The Zoning Administrative Officer shall not issue a zoning permit for any land development that requires the approval of the DRB and/or Selectboard until such approval has been obtained.
 - 2) The Zoning Administrative Officer shall not issue a zoning permit for any land development on a lot for which subdivision approval is required until such approval has been obtained and the plat has been properly recorded.
 - 3) The Zoning Administrative Officer shall issue a Certificate of Occupancy, in accordance with Section 4.2.2.
 - ii. Application Form and Fees - The applicant shall submit an application for a zoning permit to the Zoning Administrative Officer on forms provided by the Zoning Administrative Officer, along with any application fees as established by the Selectboard.
 - iii. Application Review - Upon receipt of an application and the associated fee, the Zoning Administrative Officer shall determine whether the application is complete, based on meeting the application requirements as specified in Section 4.4.
 - 1) If, in the Zoning Administrative Officer's opinion, the proposal set forth in such application is incomplete, the Zoning Administrative Officer shall issue a written determination and return the application with any fees to the applicant with a list of those items needed to complete the application.
 - iv. Action Regarding Application – After the application is deemed to be complete, the Zoning Administrative Officer shall review the application, in accordance with the Act [§4448 and §4460] and with the following standards:

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- 1) Decision on Application by the Zoning Administrative Officer - The Zoning Administrative Officer has 30 days to approve, deny or refer the application. The Zoning Administrative Officer shall approve or deny a zoning permit in writing, in accordance with the Act.
- 2) Failure to act - If the Administrative Officer fails to act on a complete application within 30 days, a permit shall be deemed approved and shall be issued by the Administrative Officer on the 31st day, provided, however, that for a "deemed approval" to be effective the Applicant must seek DRB affirmation of the applicability of this remedy by direct appeal to the DRB of the Zoning Administrative Officer's decision or lack thereof, and if denied by the DRB by direct appeal to the Superior Courts - Environmental Division.
- 3) Approval - The Zoning Administrative Officer may issue a zoning permit if, in the Zoning Administrative Officer's opinion, no review by the DRB is required and the proposed land development as set forth in the application is in conformity with the provisions of these Regulations. Information regarding permit display under Section 4.2.1.c), and required inspections and certificates of occupancy under Section 4.2.2 shall be issued with the zoning permit as applicable.
 - A. With the administrative review authority granted in the Act [§4464(c)], the Zoning Administrative Officer shall have the right to inspect the work during the effective period of the permit, from permit issuance until a Certificate of Occupancy is issued. Such inspections shall be done at reasonable times during the normal workday.
- 4) Denial - If such application is found to be not in conformance with the provision of these regulations, the Zoning Administrative Officer shall deny the application. If an application for a permit is denied, the Zoning Administrative Officer shall state in writing on the application the reason for such denial. Denials shall include a statement of the time in which appeals may be made under Section 4.3.1 of these regulations.
- 5) Referral to DRB - If a zoning permit application needs to be reviewed by the DRB, the Zoning Administrative Officer shall promptly refer the application to the DRB. Referral to the DRB may be accomplished by forwarding the complete application to the Town Planner/Staff to the DRB.
 - A. Flood Hazard Overlay District - If the application is for land development located within the Flood Hazard Overlay District, the Town Planner/Staff to the DRB shall promptly refer the completed application to the Agency of Natural Resources in accordance with Section 2.15.16.
- b) Zoning Administrative Officer Posting and Filing Requirements for Zoning Permit
In accordance with the Act (§4449), upon issuing a zoning permit, the Zoning Administrative Officer shall, within 3 working days of the date of issuance:
 - i. Post a copy of the zoning permit at the Town Office. The permit shall remain posted for a period of 15 days from the date of issuance and shall be available for public review during the regular business hours of the Town Clerk's office;
 - ii. Deliver a copy of the zoning permit to the town Listers;
 - iii. File a copy of the permit as part of the Zoning Administrative Officer's records in the Town Planning and Zoning Office in a location where all zoning permits shall be kept.
- c) ~~Within 30 days of the date of issuance, in accordance with Section 4.1.9.a), the Zoning Administrative Officer shall deliver a copy of the zoning permit, or a memorandum of municipal action, to the Town Clerk for recording in the Town land records;~~
- d) Applicant Posting Responsibilities
Upon receipt of a zoning permit, the applicant shall post a notice of a zoning permit on a form provided by the Town, to be displayed in a prominent site on the subject lot upon which the land development is occurring, within view of the nearest public right-of-way. The zoning permit shall remain posted until all work is complete.
- e) Effective Date
A zoning permit shall not take effect until 15 days after issuance by the Zoning Administrative Officer. In the event that a notice of appeal is properly filed in accordance with Section 4.3.1, such

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permit shall not take effect until final adjudication of the appeal, in accordance with the Act (§4449). In the event that the zoning permit being issued is associated with a DRB approval, applicants may apply for the zoning permit prior to the 30-day appeal period for the DRB approval. In that instance, the approval date for the zoning permit application will be based on the 30-day appeal period associated with the DRB approval date, i.e., the proposed development on the parcel may commence only after the 30-day appeal period has ended or the effective date of the zoning permit, whichever is later.

f) Expiration Date

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A zoning permit shall expire 24 months from the effective date unless any of the following occur:

- i. The work has actually commenced, as defined by either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.
- ii. Work has constructively commenced. This is determined by applying this standard: Viewed as a whole – the work, time, and expenditures invested in the project demonstrate a good faith intent to presently commence upon the permitted use.
- iii. A twelve-month extension has been granted for good cause by the Zoning Administrative Officer. The request for extension must be made prior to the end of the original 24-month period.

If work has commenced under either i. or ii., the permit will not expire prior to completion of the work, unless the work has been determined to be abandoned. If applicable, the applicant must demonstrate that the work has not been abandoned. Determination of abandonment is a factual issue.

f) Amendments to Zoning Permits Already Issued by the Zoning Administrative Officer
Amendments to any issued zoning permit, including conditions, may be made only by making application to the Zoning Administrative Officer for a new permit. Such application for a new zoning permit shall be limited in scope to the changes from the permit already issued. Review of the amendment application by the DRB shall be required if the original approval was made by the DRB, except for minor changes as specified in Section 4.2.5,

4.2.2 Certificate of Occupancy

- a) Certificate of occupancy Required - Unless exempted as per Paragraph 2.2 of this section, a person shall not use or permit the use or occupancy of any land or structure, or part thereof, for which the Zoning Administrative Officer issued a zoning permit until the Zoning Administrative Officer issues a Certificate of Occupancy stating that:
 - i. The proposed use of the structure or land conforms to the requirements of these regulations and the conditions of any DRB approval, in accordance with the Act (§4449);
 - ii. All fees and project-related invoices have been paid in full; and
 - iii. All violations of town zoning permits, DRB approvals, bylaws, and regulations have been cured as to the property involved and all related fines paid.
- b) Exemptions – Notwithstanding the preceding, a Certificate of Occupancy shall not be required for the removal of a structure that conforms to the requirements of these Regulations, i.e., does not qualify as a nonconforming structure.
- c) Wastewater and Potable Water Supply Permits - A Town of Richmond Water and Sewer allocation, State of Vermont Wastewater System and Potable Water Supply Permit, or demonstration of exemption must be presented by the Applicant before a Certificate of Occupancy will be issued.
- d) Temporary Certificate of Occupancy - The Zoning Administrative Officer may issue a temporary Certificate of occupancy for a period not to exceed 12 months to allow use or occupancy of a substantially completed project while work remains ongoing. As a condition of issuing a temporary Certificate of occupancy, the Zoning Administrative Officer may

- require security as per Section 4.1.4 to ensure all work is completed in accordance with the conditions of the zoning permit.
- e) Phased Projects - Phased projects may be issued a separate Certificate of Occupancy for each phase to allow use or occupancy of a completed portion of the project while work remains ongoing on other phases of the project, including but not limited to landscaping, which may need to be completed after the winter months.
 - f) Certification of Energy Efficiency Construction – The applicant must present a Vermont Residential Building Energy Standards (VT-RBES) or Commercial Building Energy Standards (VT-CBES) certification as part of the Certificate of Occupancy application, demonstrating that any applicable construction meets the requirements of the VT-RBES and/or VT-CBES programs.
 - g) Within 30 days of the date of issuance, the Zoning Administrative Officer shall post the Certificate of Occupancy at the Town Clerk's Office. The Certificate of Occupancy shall remain posted for a period of 15 days from the date of the issuance and shall be available for public review during the regular business hours of the Town Clerk's office;
 - h) Recording - The Zoning Administrative Officer shall deliver certificates of occupancy to the Town Clerk for recording in the town land records in accordance with Section 4.1.9.a).

4.2.3 Boundary Line Adjustment

A boundary line adjustment is the adjustment of property lines between adjacent lots.

- a) Qualification for Administrative Review – To be eligible for an administrative boundary adjustment by the Zoning Administrative Officer, the boundary line adjustment must meet all of the following standards:
 - j) Does not create any new lots after the adjustment of the boundary lines.
 - ii) Does not create any non-conforming or more non-conforming lots as a result of the boundary line adjustment.
 - iii) Does not impact access to any parcel, including roads, rights-of-way or public facilities.
 - iv) Does not create a re-configured lot that does not conform to all provisions of these Regulations.
- b) Administrative Review Standards - If the Zoning Administrative Officer finds that the proposed project meets all of the above conditions and does not call for a novel or difficult interpretation of these regulations, he/she may conduct the administrative review for a boundary line adjustment. The administrative review shall consider whether the proposal meets all applicable requirements of these regulations.
 - i. Following the review, the Zoning Administrative Officer shall present a draft written decision with appropriate conditions to the DRB.
 - ii. The DRB will then schedule a public hearing, warned according to Section 4.3.12, to review the draft decision and either deny the boundary line adjustment, make amendments, or approve the boundary line adjustment and sign the written decision and survey plat. When amendments are required, the written decision shall be issued within 45 days in accordance with Section 4.3.13. The applicant shall file the subdivision plat in accordance with Section 4.1.9.c).
- c) State Permits - All state permits must be approved prior to submission of the application and state permit numbers must be included on the application.
- d) Any boundary line adjustment that does not meet the above standards must be reviewed by the DRB.

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Deleted: Only Two Lots - Only two lots may be involved in any one boundary line adjustment.¶

Deleted: c) Plan Required - A clear and accurate plan of the lots and the proposed boundary adjustment shall be submitted. The plan does not need to be a survey but must have accurate field measurements, except if the Administrative Officer deems such survey necessary. The plan shall be in a form suitable for recording.

Deleted: d) State Permits - All state permits must be approved prior to submission of the application and state permit numbers must be included on the application.¶ e

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f) Filing Requirements - No later than 180 days of approval by the Zoning Administrative Officer, the applicant shall file a final plat and deeds for the transfer of the property for recording in the town land records as required in Section 4.1.9.b). Failure to file within 180 days voids approval of the plat. If the Zoning Administrative Officer's decision is appealed to the Development Review Board, the plat shall not be filed until the appeal has been resolved.¶

g) Appeals – A Zoning Permit for boundary adjustments may be appealed to the DRB under Section 4.3.1.¶

4.2.4 Revisions by Zoning Administrative Officer to Approved Plans and Permits

- a) Applicability - The Zoning Administrative Officer may consider and act on written requests to modify DRB-issued approvals for site plan review and subdivisions as necessary to facilitate more appropriate and beneficial land development and/or in response to unanticipated conditions and contingencies that arise during construction. The Zoning Administrative Officer shall not modify any permit that was granted through the variance approval process.
- b) Subdivision Amendments - The Zoning Administrative Officer may approve a permit for a minor revision to an approved subdivision, including boundary adjustment, for the following modifications only:
 - i. Adjust a lot boundary, provided that no lot is diminished by more than 10 percent;
 - ii. Change a road location, provided that the centerline is moved by no more than 20 feet and/or no more than 100 feet of the length of the road segment is moved. The town engineer shall also approve any such changes.
 - iii. Move a building envelope by no more than 20 feet in any direction to the extent that all district setbacks are met and that no adjoining property owner or an interested person has requested a public hearing before the DRB. If a public hearing is requested with the DRB, the procedures in Section 4.3.9 (for DRB hearings for subdivision amendments) shall apply;
 - 1) To determine whether a public hearing shall be required under this subsection (1), the Zoning Administrative Officer shall send notice to adjoining property owners and any interested person in the original DRB proceeding. As part of the request for a minor revision, the subdivider shall submit to the Zoning Administrative Officer one set of stamped envelopes addressed to each current adjoining property owner and to each such interested person to the proposed subdivision. For addresses for any interested person, the Applicant shall provide an updated list of interested persons who participated at the previous public hearing(s) for the approved subdivision. Along with a letter of notice, the Zoning Administrative Officer shall send the following information:
 - A. Copy of proposed draft permit;
 - B. Specified date by which written request must be received (15 calendar days from the date of the notice mailing); and
 - C. Contact information for making the request.
 - iv. Any minor revision must comply with requirements for approval and notice and must receive a zoning permit as part of these regulations and requirements for recording in Section 4.1.9.a).
- c) Site Plan Review Amendments - The Zoning Administrative Officer shall determine if proposed changes to an approved site plan are minor or major.
 - i. Minor Amendments - those involving only de minimis changes and not involving changes to approved curb cuts, internal traffic or pedestrian circulation patterns, landscaping or screening may be approved by the Zoning Administrative Officer.
 - ii. Major Amendments — All amendments other than minor amendments shall require the submittal of a revised site plan to the DRB for review.
- d) Decision with Notice - The Zoning Administrative Officer may approve written subdivision or site plan amendments in accordance with the posting and notification requirements of Section 4.2.1.b) and the additional notification requirements of Section 4.2.4.b)iii.1) of this section. This action may be appealed in accordance with the provisions of Section 4.3.1.
- e) Notice - The Zoning Administrative Officer shall send the following to interested persons who participated in a DRB hearing for the project:
 - i. Copy of original DRB decision and document which specifies the changes approved by the Zoning Administrative Officer;
 - ii. Specified date by which written request for appeal of the Zoning Administrative Officer's decision must be received; and
 - iii. Contact information for making an appeal request.

- f) Administration - The Zoning Administrative Officer shall document all changes to approved DRB decisions, plans or plats in writing and shall require submission and/or filing of revised plats and/or as-built plans in accordance with the provisions of Section 4.1.7 and Section 4.1.9

4.2.5 Zoning Permit Violations and Enforcement

- a) Applicability – The commencement or continuation of any land development that is not in conformance with these regulations shall constitute a violation. All violations shall be pursued in accordance with the Act [4451, §4452]. The Zoning Administrative Officer shall institute in the name of the Town of Richmond any appropriate action, injunction, or other proceeding to enforce the provisions of these regulations, including conditions or approval. All fines imposed and collected for violations shall be paid over to the Town.
- b) Notice of Violation – Any person who violates these Regulations shall be fined not more than \$100.00 for each offense. No action may be brought under this section unless the alleged offender has had at least seven (7) days' warning notice by certified mail, as provided in the Act (§4451). The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. An action may be brought without the seven-day notice period and opportunity to cure if the alleged offender repeats the violation after the seven-day period and within the next succeeding 12 months. In default of payment of the fine, the person, the members of any partnership, or the principal officers of the corporation shall each pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense.
- c) Appeal - Decisions or actions of the Zoning Administrative Officer in relation to violations may be appealed as per Section 4.2.6 of these regulations.

4.3 DRB Actions

4.3.1 Appeal of an Act or Decision of the Zoning Administrative Officer

- a) Appeals to the DRB – In accordance with the Act (§4465), an Interested Person (as defined in Article 5) may appeal any decision or act taken by the Zoning Administrative Officer, or failure to act within a required period, by filing a notice of appeal with the secretary of the DRB (via the Town Planner/Staff to the DRB). If the appeal is taken with respect to a decision or act of the Zoning Administrative Officer, the notice of appeal must be filed within fifteen days of the date of such decision or act, and a copy of the notice of appeal shall be filed with the Town Planner/Staff to the DRB.
- b) Notice of Appeal - Such 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, including any request for a variance from one or more provisions of these regulations, and the alleged grounds why such requested relief is believed proper under the circumstances.
- c) Hearing on Appeal – The DRB shall warn and hold a public hearing on a notice of appeal within 60 days of its filing, as required under the Act (§4468). In accordance with the Act [§4470(a)], the DRB may reject an appeal or request for consideration without hearing, and render a decision within 10 days of the filing of a notice of appeal if it determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts raised by or on behalf of the appellant. All appeal hearings shall be open to the public, and the rules of evidence applicable to these hearings shall be the same as the rules of evidence that apply to contested cases in hearings before

administrative agencies (10 V.S.A. §810). Any Interested Person may appear in person or be represented by an agent or attorney at the hearing.

- d) Decisions on Appeal – A decision on appeal shall be rendered no later than 45 days after the date of hearing adjournment, in accordance with Section 4.3.13.

4.3.2 Variances

- a) Applicability - In accordance with the Act (§4469), on appeal from a decision of the Zoning Administrative Officer, the DRB may grant variances and render a decision in favor of the appellant only if all the following facts are found, and the findings are specified in its decision. In addition, the DRB may issue a variance for land development in the Flood Hazard Overlay District, as described in b) below and in Section 2.15.13.
 - i. 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 unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of these Regulations in the neighborhood or Zoning District in which the property is located.
 - ii. That because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - iii. That the unnecessary hardship has not been created by the appellant.
 - iv. That the variance, if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use of development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.
 - v. That the variance, if authorized, shall represent the minimum variance that shall afford relief and shall represent the least deviation possible from these Regulations and from the Town Plan.
- b) Variances for Development (as defined in Section 2.15) within the Flood Hazard Overlay District shall follow the requirements for this section 4.3.2 and in Section 2.15.13.
- c) Renewable Energy Resource - If a variance is being requested for a structure that is primarily a renewable energy resource structure, the DRB shall only grant a variance if all of the following conditions are met in accordance with the Act (§4469):
 - i. On an appeal under section 4465 or 4471 of the Act in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is primarily a renewable energy resource structure, the DRB may grant that variance and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in its decision:
 - 1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
 - 2) The hardship was not created by the appellant.
 - 3) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - 4) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the Town Plan.
- d) Conditions - In rendering a decision in favor of an appellant under this section, the DRB may attach such conditions to the variance as it may consider necessary and appropriate under

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the circumstances to implement the purposes of these regulations, the Richmond Town Plan, and the Act.

4.3.3 Waiver of Dimensional Standards

- a) Purpose - Richmond contains a large number of buildings that were built prior to the enactment of Richmond's first zoning regulations and do not conform to setback and/or lot coverage requirements. Current regulations may prohibit even small increases in these buildings due to the restrictions on setbacks and lot coverage. Small increases in the size of these buildings may, in appropriate cases, be beneficial to landowners without adversely affecting neighbors or the interests protected by these regulations. It is the purpose of this section to allow for such increases subject to conditional use review, specifically applying only the criteria in Section 4.5.8 as needed to authorize the modification or waiver of district front, side, and rear setback and lot coverage requirements in accordance with the Act [§4414(8)].
- b) Applicability - The DRB may issue conditional use approval for the expansion of any nonconforming structure substantially completed prior to April 1, 1969. If lawful additions were made to any structure after April 1, 1969, the term "existing building" shall include the original building and such additions. The conditional use approval may allow the expansion of the existing building (including a lateral expansion) to occur no closer than five (5) feet to any lot line or edge of a public or private right-of-way and increases in lot coverage as a result of the expansion by no more than 10% of the total ground area of the lot. (For example, if the lot is 8,000 square feet, a waiver could allow an increase of 800 square feet in lot coverage.)
- c) Application Requirements - It shall be the responsibility of the applicant to provide sufficient information to allow the DRB to justify granting a waiver. Requests for waivers shall be submitted in writing and include all of the following:
 - i. The name and address of the applicant;
 - ii. A brief description of the property and project with respect to which the waiver is being sought;
 - iii. A reference to the applicable provisions of these regulations;
 - iv. Application submission requirements for conditional use review, as specified in Section 4.4.2.
 - v. The relief being requested; and
 - vi. A response to each criteria listed in Section 4.3.3.e) of these regulations.
- d) Selectboard Notification - On behalf of the DRB, the Town Planner/Staff to the DRB shall notify the Selectboard of applications to modify setbacks that are adjacent to land owned by the town or to town rights-of-way.
- e) Review Criteria - Prior to issuing conditional use approval for the waiver or modification of setback and coverage requirements, the DRB must find that the proposed expansion:
 - i. Is in compliance with conditional use criteria of Section 4.5.8; and
 - ii. The structure must be found to be otherwise in compliance with these regulations.
- f) Decision - In granting a waiver, the DRB may require such conditions that will, in its judgment, substantially meet the intent and purpose of these regulations.

4.3.4 Waiver of Application Requirements

- a) Applicability - The DRB may waive or modify application requirements upon written request from the applicant prior to scheduling the public hearing. The types of application requirements that may be waived include: survey, traffic study, technical review fee, or any other technical information.
- b) Application - Such a request must be submitted as part of a formal application for a site plan review, a conditional use review, a preliminary subdivision, or a final subdivision. It

- shall be the responsibility of the applicant to provide sufficient information to allow the DRB to justify granting the waiver.
- c) Review Criteria - In determining whether to grant a waiver, the DRB shall find that:
 - i. The requirement is not necessary in the interest of public health, safety, and general welfare;
 - ii. The requirement is not applicable given the specific characteristics of the proposed development and/or property; and
 - iii. The requirement is not necessary to determine conformance with all applicable provisions of these regulations, the Richmond Town Plan and other municipal bylaws and ordinances in effect.
 - d) Decision - The DRB shall issue a written response to a request for a waiver of application requirements documenting the requirement(s) being waived or modified. A decision to waive application requirements shall not preclude the DRB from requesting submission of the waived or similar materials during the review process if the DRB later determines the information to be necessary for the comprehensive review of the application.

4.3.5 Sketch Plan Review

- a) Applicability - Applicants may request an informal meeting with the DRB in advance of submitting an application for land development to discuss their plans, the applicable regulations, and the review process. A sketch plan meeting shall be required before an applicant submits an application for a preliminary subdivision review. For land development in which a subdivision is proposed, a Site Analysis shall be required of the applicant.
- b) Application and Notice - There is no formal warning or notice requirement for a sketch plan meeting, but adjoining property owners shall be informed of the meeting in advance by the Town Planner/Staff to the DRB. Accompanying the request for sketch plan review shall be: the required number of copies of the applicable section(s) of the Town orthophoto map(s) (which are available at the Town Planning & Zoning office) or other referencing materials with the subject area defined; a sketch plan of the land that depicts the proposed development; and one set of stamped envelopes addressed to each adjoining property owner. The complete application must be received by the Town Planner/ Staff to the DRB at least twenty-one (21) days prior to a regularly scheduled meeting of the DRB. The DRB shall consider the sketch plan materials and may hold more than one meeting on any sketch plan review.
 - 1) Site Analysis Submission Requirements - for any land development project involving a subdivision, including a PUD.
 - A. Prior to submitting materials for a sketch plan review, the applicant shall meet with the Town Planner/Staff to the DRB to review the site analysis and ensure that it encompasses all relevant built and natural resource criteria. The Town Planner/Staff to the DRB can provide applicants with GIS data for use in preparing the application.
 - B. Site Analysis Review by DRB – As part of the sketch plan review, the DRB shall conduct a site analysis review. This meeting should provide an opportunity for review and discussion of the required submittals, and the applicable provisions of these regulations. It should allow for communication between all parties before significant time and money has been spent on the development plan with the goal of reducing the potential of future conflicts and the need for multiple revisions to the proposed plan. The applicant may request a waiver of application requirements for the Preliminary Design requirements (as part of the Preliminary Subdivision Review), at the meeting.
- c) Effect - The DRB shall not issue any written decision following an informal sketch plan meeting. Informal discussion held during a sketch plan meeting shall not be interpreted to grant an applicant any vested rights, or any interested person any appeal rights.

- d) Preliminary Subdivision Review application – the applicant must file a preliminary subdivision review application within nine months of the final sketch plan review meeting or must submit a new sketch plan review application.

4.3.6 Site Plan Review

- a) Applicability - Site plan review by the DRB shall be required for land development as specified in Section 2.1.6. The following uses are exempt from site plan review, in accordance with the Act (§4416):
 - i. Accepted agricultural and silvicultural practices (including Farm Structures).
 - ii. Single and two-family dwellings and their related accessory structures.
 - iii. Home occupations.
 - iv. Group homes.
 - v. Child Care Homes serving a maximum of six children full-time and four children part-time.
 - vi. Land Development requiring Public Service Board (Section 248) approval.
- b) Purpose - Site plan review allows for the evaluation of site and design features to ensure that proposed land development is compatible with adjacent land uses and the character of the area, as defined in these regulations and the Richmond Town Plan, and to ensure that all reasonable provisions have been made to avoid, minimize, or mitigate potentially adverse impacts resulting from proposed development.
- c) Application Requirements - Application requirements shall be as per Section 4.4. The Town Planner/Staff to the DRB shall review all applications for completeness. Applications deemed incomplete will be returned, in whole, to the applicant along with all fees and a letter specifying what additional information or material is needed for the application to be deemed complete. The complete application and all associated fees must be received by the Town Planner/ Staff to the DRB at least twenty-one (21) days prior to a regularly scheduled meeting of the DRB.
- d) Staff Report - The Town Planner/Staff to the DRB may prepare a staff report for the DRB reviewing the application against the criteria of Section 4.5 of these regulations and any other applicable provisions of these regulations.
- e) Hearing – The DRB shall warn and conduct a public hearing on a complete site plan review application as per Section 4.4.
- f) Review Criteria - The DRB may act to approve, approve with conditions, or deny a site plan upon consideration of the project's compliance with the applicable review criteria of Section 4.5 and all other applicable provisions of these regulations. The DRB may place conditions upon the approval of a site plan with respect to the review criteria of Section 4.5 and all applicable provisions of these regulations.
- g) Decision - The DRB shall issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 4.13.

4.3.7 Conditional Use Review

- a) Applicability - Conditional use review by the DRB shall be required for all uses identified as conditional in Section 2.1.6.
- b) Application Requirements - Application requirements shall be as per Section 4.4. The Town Planner/Staff to the DRB shall review all applications for completeness. Applications deemed incomplete will be returned, in whole, to the applicant along with all fees and a letter specifying what additional information or material is needed for the application to be deemed complete. The complete application and all associated fees must be received by the Town Planner/ Staff to the DRB at least twenty-one (21) days prior to a regularly scheduled meeting of the DRB.

- i. In the case of a conditional use review for an application concerning the Flood Hazard Overlay District, per Section 2.15, a complete application must be received at least thirty (30) days prior to a regularly scheduled meeting of the DRB.
- c) Staff Report - The Town Planner/Staff to the DRB may prepare a staff report for the DRB reviewing the application against the criteria of Section 4.5 of these regulations and any other applicable provisions of these regulations.
- d) Hearing – The DRB shall warn and conduct a public hearing on a complete conditional use review application as per Section 4.3.12.
- e) Review Criteria - The DRB may act to approve, approve with conditions, or deny a conditional use upon consideration of the project's compliance with the applicable review criteria of Section 4.5 and all other applicable provisions of these regulations. The DRB may place conditions upon the approval of a conditional use with respect to the review criteria of Section 4.5 of these regulations and all applicable provisions of these regulations.
- f) Decision - The DRB shall issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 4.13 of these regulations.

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4.3.8 Administrative Two-Lot Subdivision

Upon the submission of a complete application for the subdivision of a parcel of land into no more than two lots, proper payment of fees, and submission of all required supporting documentation, the Zoning Administrative Officer may conduct an administrative review of the proposed subdivision and make a recommendation to the DRB for approval of the project final plan. This administrative review replaces the normal subdivision review and approval requirement by the DRB. If the applicant prefers, he/she may request formal review by the DRB even if the proposal meets the requirements for administrative review.

- a) Qualification for Administrative Review - To be eligible for administrative review, projects shall meet all of the conditions listed below. If, prior to or during the process of conducting the Administrative Review, the Zoning Administrative Officer determines that the project fails to meet any of the conditions listed below, or that some other unusual condition exists, the Zoning Administrative Officer will refer the project to the DRB, which shall commence the review process following the normal subdivision procedures.
 - i. The parcel is being divided into only two parcels.
 - ii. The parcel being subdivided has not received prior administrative review for a two-lot subdivision approval from the Town within the last five years.
 - iii. The parcel being subdivided has not been part of a Boundary Adjustment within the past two years.
 - iv. The subdivision is not a PUD.
 - v. The subdivision does not create any new roads (public or private) or cause an existing driveway to be classified as a road.
 - vi. The intended use of the subdivided parcels is residential.
 - vii. The proposed lots conform to all the standards of these regulations regarding lot shape, size, frontage, and density.
 - viii. No prior condition exists which would prevent subdivision of the parcel.
- b) Administrative Review Standards - If the Zoning Administrative Officer finds that the proposed project meets all of the above conditions and does not call for a novel or difficult interpretation of these regulations, he/she may conduct the administrative review for a two-lot subdivision. The administrative review shall consider whether the proposal meets all applicable requirements of these regulations.
 - i. Following the review, the Zoning Administrative Officer shall present a draft written decision with appropriate conditions to the DRB.

ii. The DRB will then schedule a public hearing, warned according to Section 4.3.12, to review the draft decision and either deny the subdivision, make amendments, or approve the subdivision and sign the written decision and survey plat. When amendments are required, the written decision shall be issued within 45 days in accordance with Section 4.3.13. The applicant shall file the subdivision plat in accordance with Section 4.1.9.c).

4.3.9 Preliminary Subdivision Review

- a) Purpose - The purpose of the Preliminary Subdivision application is to require a landowner to present a plan for a proposed subdivision to the DRB. Major issues and concerns will be identified and potential solutions will be explored. All applications for Preliminary Subdivision Review must be approved by the DRB prior to proceeding with a Final Subdivision Review to undertake any land subdivision with the following exception:
 - Deleted: , including a PUD,
- b) Applicability – Preliminary Subdivision Review approval is required prior to all Final Subdivision Review applications. The division of a lot into two or more lots shall require subdivision approval by the DRB, except for Boundary Line Adjustments between two adjoining landowners, which do not create a new lot, but which shall require approval by the Zoning Administrative Officer under Section 4.2.3.
 - Deleted: , including a PUD,
- c) Preliminary Subdivision Plan - After completion of the sketch plan hearing, the applicant shall apply for a Preliminary Subdivision Plan. The applicant should outline the overall concept for the subdivision, showing areas of proposed development, layout of utilities and infrastructure, and location of lot lines and building envelopes.
 - Deleted: c) Sketch Plan - Applicants shall complete a sketch plan meeting as per Section 4.3.5 before submitting an application for preliminary plat approval. Prior to the sketch plan meeting, the applicant is strongly encouraged to meet with the Town Planner/Staff to the DRB to discuss the project. The Town Planning Office may be able to provide applicants with GIS or other relevant data for use in preparing for the sketch plan meeting.¶
d
- d) Application Requirements - Application requirements shall conform to all required information as listed in Section 4.4. A formal Preliminary Design must be completed and submitted by the applicant. The Town Planner/Staff to the DRB shall review all applications for completeness. Applications deemed incomplete will be returned, in whole, to the applicant along with all fees and a letter specifying what additional information or material is needed for the application to be deemed complete. The complete application and all associated fees must be received by the Town Planner/ Staff to the DRB at least twenty-one (21) days prior to a regularly scheduled meeting of the DRB.
 - Deleted: e
- i. Preliminary Design - Requirements
 - 1) When completing the preliminary design, applicants are strongly encouraged to use the following process when designing their development:
 - A. Determine location of open space;
 - B. Select building locations;
 - C. Align roads, driveways and trails to connect the buildings; and
 - D. Draw lot lines and/or building envelopes.
 - 2) The DRB may place conditions upon the approval of a PUD with respect to the review criteria of Section 4.4 and all applicable provisions of these regulations. In the event a written report is obtained from the technical consultant, the applicant shall be sent a copy at the time the report is submitted to the town. The applicant shall pay for the reasonable costs of an independent technical review within 30 days of being invoiced. In the event the town is required to bring legal action to collect the amount specified in the invoice, the applicant shall be responsible for the town's legal fees and other costs of collection. The Zoning Administrative Officer shall not issue a certificate of occupancy until any invoice issued under this section is paid in full.
- e) Field Markers - Field markers shall be located on the site and maintained until a final decision is made on the application to enable the DRB to readily locate and evaluate the proposed layout in the field. Field markers shall have different labels or color codes to show proposed roads, rights-of-way, corners of proposed structures or building envelopes, and all lots, plus any areas to be dedicated to public use.
 - Deleted: f

- f) Staff Report - The Town Planning Office may prepare a staff report for the DRB reviewing the application against the criteria of Section 4.5 and any other applicable provisions of these regulations. Deleted: g
- g) Hearing - The DRB shall warn and conduct a public hearing on a complete preliminary subdivision application as per Section 4.3.12. Deleted: h
 - i. The subdivider, or a duly authorized representative, shall attend the Preliminary Subdivision public hearing to discuss with the DRB the subdivision, possible alternatives, and the proposal's compliance with these regulations;
 - ii. The DRB shall study the information provided and consider whether or not the proposed development conforms to the Act, these regulations, and any other Town bylaws in effect. The DRB may request alternative layouts and arrangements of the subdivision and identify key features or provisions which it feels should be recognized in the final layout. The DRB may recess the public hearing for a time and date certain within six months of the initial hearing date.
- h) Review Criteria - The DRB may act to approve, approve with conditions, or deny a Preliminary Subdivision Plan upon consideration of the subdivision's compliance with the review criteria of Section 4.5 and all other applicable provisions of these regulations. The DRB may place conditions upon the approval of a preliminary plat with respect to the review criteria of Section 4.5 and all applicable provisions of these regulations. Deleted: i
- i) Preliminary Subdivision Review Decision - The DRB shall issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 4.13. Approval of Preliminary Subdivision does not imply approval of the Final Subdivision by the DRB but is simply authorization to proceed with a formal application for Final Subdivision Review. Deleted: j

4.3.10 Final Subdivision Review

- a) Purpose – The final subdivision review is the final step in the DRB review of a subdivision plan, the subdivision plat, and all other evidence regarding a subdivision application, including a PUD, to ensure compliance with these regulations, the Richmond Town Plan, and all other applicable Town standards.
- b) Application Requirements - Within 9 months of the date the preliminary subdivision decision was issued, the applicant shall submit an application for final subdivision plan approval or request an extension in writing from the DRB. If a complete application is not received within 9 months or as extended, the applicant shall resubmit a preliminary subdivision application. The final subdivision application shall be consistent with and incorporate all conditions made by the DRB in its Preliminary Subdivision decision. Application requirements shall conform to all required information as listed in Section 4.4. The Town Planner/Staff to the DRB shall review all applications for completeness. Applications deemed incomplete will be returned, in whole, to the applicant along with all fees and a letter specifying what additional information or material is needed for the application to be deemed complete. The complete application and all associated fees must be received by the Town Planner/ Staff to the DRB at least twenty-one (21) days prior to a regularly scheduled meeting of the DRB.
 - i. Final Design Requirements - The applicant shall present a fully engineered plan for the development, its lots, building envelopes, and associated infrastructure.
 - ii. A letter from a professional engineer retained by the applicant stating that all proposed public and private infrastructure is in compliance with these regulations and any standards established by the Town of Richmond such as Public Works Specifications or other standards;
- c) Staff Report - The Town Planner/Staff to the DRB may prepare a staff report for the DRB reviewing the application against the criteria of Section 4.5 and any other applicable provisions of these regulations.

- d) Hearing - The DRB shall warn and conduct a public hearing on a complete final subdivision application as per Section 4.3.12.
- e) Review Criteria - The DRB may act to approve, approve with conditions or deny a final subdivision application and plat upon consideration of the subdivision's compliance with the review criteria of Section 4.5 and all other applicable provisions of these regulations. The DRB may place conditions upon the approval of a final subdivision and plat with respect to the review criteria of Section 4.5 and all other applicable provisions of these regulations.
- f) Decision - The DRB shall issue a written decision, with findings of fact, within 45 days after closing the hearing in accordance with Section 4.5.13.
- g) Effect of Final Approval - The approval by the DRB of a final subdivision plan and associated plat shall not be construed to constitute acceptance of any legal interest by the town of any road, easement, utility, park, recreation facility, or other open space shown on the final plat. Such acceptance may be accomplished only by a formal resolution of the Selectboard, in accordance with state statute. The final approval shall not imply approval under any other regulations, bylaws or ordinances in effect in the town. The final approval shall not imply that the town has independently ascertained the accuracy, completeness, effectiveness or suitability of plans, designs and documents. The town shall not incur any liability for approval of a final subdivision plan.
- h) Monuments – Within 180 days of receiving approval from the DRB for a final subdivision plan and plat, the applicant shall submit certification from a Vermont-licensed surveyor that the installation of all boundary monuments was completed at all lot corners, at all right-of-way intersections, at all points of curvature (P.C.) and points of tangency (PT) on both sides of any private or public road lines, and at any other critical points in the road lines so as to correctly stake out any lot in the subdivision. Each monument shall have identification at the top, and the marked center shall be the point of reference. Monuments shall be reinforced concrete or granite.
- i) DRB Decision and Plat Recording Requirements – All DRB-approved subdivision decisions and plats shall be recorded in the Richmond Land Records in accordance with Section 4.1.9.c).

4.3.11 PUD Review

- a) Purpose – In accordance with the Act (§4417), a Planned Unit Development (PUD) is authorized within designated zoning districts in order to encourage flexibility of design and the development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of roads and utilities and to preserve the natural and scenic qualities of the open lands of the Town of Richmond. The modification of the dimensional requirements governing lot area, lot dimension, lot frontage and lot coverage and the dimensional limitations for structures governing front, side, and rear yard setback requirements of these regulations may be permitted subject to the conditions set forth in this section, simultaneously with the approval of a subdivision plat per Section 4.3.9.
- b) Application Requirements - Applications for PUDs shall be reviewed pursuant to Section 10.12, Subdivision Review. A PUD is a type of subdivision and, as such, applications for a PUD shall be reviewed pursuant to the sketch plan, preliminary subdivision, and final subdivision requirements as specified above. Applications shall also conform to all required information as listed in Section 4.4. A formal Site Analysis must be completed and submitted by the applicant. The Town Planner/Staff to the DRB shall review all applications for completeness. Applications deemed incomplete will be returned, in whole, to the applicant along with all fees and a letter specifying what additional information or material is needed for the application to be deemed complete.
- c) Coordination with Other Review Processes - Approval for a PUD that involves the development of one or more conditional uses shall not exempt the project from conditional

use review. The applicant may request that the conditional use or any other applicable review be combined with PUD review as per Section 4.11.

- d) Review and Decision - The DRB shall review and issue a decision on an application for a PUD in accordance with the procedures applicable to subdivisions as specified in Section 4.3.8 and Section 4.3.9. At the time of PUD approval, the DRB shall include in its written decision a clear indication of all approved modifications of dimensional standards, per Section 3.5.5.

4.3.12 Combined Review

- a) Applicability - In cases where a proposed project will require more than one type of development review, the DRB may warn and hold a single hearing for the purpose of reviewing and acting on the project. The Town Planner/Staff to the DRB shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review.
- b) Notice - Notice for a combined review hearing shall be made in accordance with Section 4.3.12. The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.
- c) Hearing and Decision - All hearing and decision requirements, and all deadlines applicable to each review process shall apply. The DRB may issue separate written decisions for each review conducted as part of the combined review, but they should be coordinated where appropriate.

4.3.13 DRB Hearings

- a) Public Hearing Notice Requirements - All public hearings of the DRB as required under these Regulations and the Act shall be warned in accordance with the Act (§4464):
 - i. Public hearings for conditional uses – Conditional use review, preliminary subdivision review, final subdivision review, appeals, and variances shall be given not less than 15 days' notice in advance of the hearing date by publication of the date, place and purpose of the hearing in a newspaper of general circulation within the Town; by posting the same information in three (3) or more public places within the municipality, including posting by the Applicant on the subject property within view of the nearest public right-of-way; and by written notification to the Applicant, and to all property owners adjoining the property subject to development without regard to public rights-of-way.
 - ii. Public notice for site plan and other development review hearings not listed in i. above shall be given not less than seven (7) days prior to the hearing date and, at minimum, shall include the posting of the date, place and purpose of the hearing in three (3) or more public places within the Town, in conformance with Vermont's Open Meeting Law [1 V.S.A. §312(c)(2)], and written notification to the Applicant, and to all property owners adjoining the property subject to development, without regard to public or private road rights-of-way.
 - iii. The notification for a public hearing shall include a description of the proposed project, and be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the hearing process is a prerequisite to the right to take any subsequent appeal.
 - iv. The Applicant shall be required to bear the cost of public warning, and the cost and responsibility of notifying adjoining property owners. The Applicant shall provide a list of names and addresses of those adjoining property owners and corresponding plain, stamped, addressed envelopes. These envelopes shall be used by the Town Planner/Staff to the DRB to send notice of the public hearing.

- v. No defect in the form or substance of any public hearing notice under this section shall invalidate the adoption, amendment, or repeal of any plan, bylaw, or capital budget and program. However, the action shall be invalidated if the notice is materially misleading in content or fails to include one of the elements required by the Act (4444(b) or if the defect was the result of a deliberate or intentional act.
- vi. For proposed subdivisions proposed within 500 feet of a Town boundary, a copy of the notice shall be sent to the clerk of the adjoining municipality.
- b) Public Hearings – The DRB shall conduct public hearings in accordance with the Act (§§4461- 4464). All provisions of §4461(b)(1) of the Act shall apply:
 - i. All hearings shall be open to the public.
 - ii. The DRB may examine or cause to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding, may require the attendance of any person having knowledge in the premises, may take testimony and require proof material for its information, and may administer oaths or take acknowledgment in respect of those matters. The DRB may require an independent technical review of one or more aspects of an application, the cost of which shall be paid by the applicant, in accordance with the procedures and standards for such reviews, per Section 4.1.3.a) and Section 4.1.5.
 - iii. Opportunity shall be provided for each person wishing to achieve status as an Interested Person, for purposes of participation or appeal under Section 4.3.15, to demonstrate that the criteria for achieving such status are met. The DRB shall keep a written record of the name, address and participation of each of these persons.
 - iv. Any person can participate in the public hearing. However, appeals are limited to interested persons.
 - v. The DRB may recess the proceedings on any application pending submission of additional information, and should close evidence promptly after all parties have submitted requested information.

4.3.14 DRB Decisions

- a) Time to Act - In accordance with the Act (§4464), all decisions of the DRB shall be issued within 45 days after the hearing is closed. Failure to issue a decision within this period shall be deemed approval and shall be effective on the 46th day, provided, however, that for a “deemed approval” to be effective, the applicant must seek court affirmation of the applicability of this remedy by direct appeal to the Superior Courts - Environmental Division.
- b) Conditions - In rendering a decision in favor of the applicant, the DRB may attach additional conditions as it deems necessary to implement the purposes of the Act, these regulations, and the *Richmond Town Plan*, including security, per Section 4.1.4.
- c) Content and Format - Decisions shall be issued in writing and shall separately state findings of fact, to include a statement of the factual bases on which the DRB has made its conclusions, and a statement of conclusions related to applicable review criteria, based on the evidence presented. Decisions shall also include a statement of the time within which an appeal may be taken to the Superior Courts - Environmental Division as per Section 4.3.15.
- d) Distribution and Filing - All decisions of the DRB shall be sent by certified mail to the applicant or appellant. Copies of the decision shall also be sent to every person or body appearing and having been heard at the hearing, and shall be filed with the Zoning Administrative Officer and the approval or notice of approval filed with the Richmond Town Clerk as part of the public records of the municipality.
- e) Expiration of DRB Approvals
Subdivision permits, once properly filed, shall not expire. Other DRB approvals shall expire 24 months from the effective date unless, within that time, the applicant applies for a zoning permit.

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Deleted: any of the following occur:

- f) Zoning Permit Issued - Upon the DRB issuing a decision to approve an application, the Zoning Administrative Officer shall issue a zoning permit for the proposed land development, following the receipt of a complete application and associated fees. No zoning permit may become effective before the expiration of the appeal period, per Section 4.3.16. Applicants may apply for the zoning permit prior to the 30-day appeal period for the DRB approval. In that instance, the approval date for the zoning permit application will be based on the 30-day appeal period associated with the DRB approval date, i.e., the proposed development on the parcel may commence only after the 30-day appeal period has ended or the effective date of the zoning permit, whichever is later.
- g) Expiration Date - If the zoning permit for land development approved by the DRB expires under Section 4.2.1.e), the underlying DRB approval (other than a final subdivision approval) shall also expire.

Deleted: i. The applicant has applied for a zoning permit for the development approved by the DRB. This is a prerequisite for ii. and iii. below: ¶
ii. Work has actually commenced, as defined by either the first placement of permanent construction of a structure on the site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or ¶
iii. Work has constructively commenced. This is determined by applying this standard: ¶
Viewed as a whole – the work, time, and expenditures invested in the project demonstrate a good faith intent to presently commence upon the approved use. ¶

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Deleted: If the project is not commenced in accordance with the provisions of Sections i.-iii. above, the DRB approval shall be deemed to expire with the expiration of the associated zoning permit. If the zoning permit for the land development expires under Section 4.2.1.e), the underlying DRB approval (other than a subdivision approval) shall also expire.

4.3.15 Amendment of DRB Decisions

- a) Applicability - Except as provided in Section 4.2.4, no changes, modifications or other revisions that alter any DRB-approved project, plan or plat, or conditions attached to a plan or plat, approved by the DRB shall be made unless the proposed amendment is first resubmitted to the DRB and the DRB approves the amendment after a hearing warned and conducted, as per Section 4.3.12. The applicable standards of Section 4.5 and other applicable provisions of these Regulations shall apply.

4.3.16 Appeal of an Act or Decision of the DRB

- a) Any Interested Person who has participated in a regulatory proceeding under these Regulations may appeal a decision of the DRB, or an approval resulting from the failure of the DRB to act within the required 45-day period, within 30 days of such decision to the Vermont Environment Court, as provided in the Act (§4471).
- i. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- ii. A copy of the notice of appeal filed with the Superior Courts - Environmental Division shall be sent to the DRB via the Town Planner/Staff to the DRB, who shall supply a list of Interested Persons to the appellant within five (5) working days of receipt of the notice. Upon receipt of the list, the appellant shall, by certified mail, provide a copy of the notice of appeal to every Interested Person. If one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.
- iii. If an appeal is taken to Superior Courts - Environmental Division, a Zoning Permit shall not take effect until the Superior Courts - Environmental Division rules in accordance with 10 V.S.A. §8504 on whether to issue a stay, or until the expiration of 15 days, whichever comes first.

4.3.17 Finality

In accordance with the Act (§4472), upon the failure of any Interested Person to appeal an act or decision of the Zoning Administrative Officer or DRB, all interested persons affected shall be bound by that decision or act, and shall not thereafter contest, directly or indirectly, the decision or act, or any proceeding to enforce such decision or act.

4.4 Application Requirements

4.4.1 General Provisions

- a) Identifying Information - Each plan or map sheet submitted shall include the following information:
 - i. Preparer name and certification(s).
 - ii. Scale, north arrow and legend.
 - iii. Title block indicating date, title, page number, etc.

4.4.2 Application Requirements

All applications for any approval under these regulations shall contain and be accompanied by the plans and all other information described in Section 4.4.2. The columns in the table below pertain to the type of approval being sought.

Richmond Zoning and Subdivision Regulations
Article 4: Development Standards

	Zoning Permit	Bound. Line Adjust.	Site Plan	Cond. Use	Sketch Plan	Admin. Two-Lot	Subdivision	
							Prelim.	Final
4.4.2.a)	Administrative							
4.4.2.a)i.	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.a)ii.	1	8	8	8	8	8	8	8
4.4.2.a)iii.		✓	✓	✓	✓	✓	✓	✓
4.4.2.b)	Sketch, Site Review, Conditional Use Review & Subdivision Plans							
4.4.2.b)i.		200	100 ft	100 ft	400 ft	200	200 ft	200 ft
4.4.2.b)ii.	0	2	1	2	0	2	2	2
4.4.2.b)iii.	1	7	7	7	7	7	7	7
4.4.2.b)iv.		survey	✓	✓	✓	survey	✓	survey
4.4.2.b)v.	✓	survey	✓	✓	✓	survey	✓	survey
4.4.2.b)vi.		✓			✓	✓	✓	✓
4.4.2.b)vii.		✓	✓	✓	✓	✓	✓	
4.4.2.b)viii.	✓	✓	✓	✓	✓	✓	✓	
4.4.2.b)ix.		survey	✓	✓	✓	survey	✓	survey
4.4.2.b)x.		✓	✓	✓	✓	✓	✓	✓
4.4.2.c)	Natural and Cultural Resources							
4.4.2.c)i.		10 ft	10 ft	10 ft	20 ft	10 ft	10 ft	10 ft
4.4.2.c)ii.		10 ft	2 ft	2 ft		10 ft	10 ft	2 ft
4.4.2.c)iii.		✓		✓	✓	✓	✓	✓
4.4.2.c)iv.		✓		✓		✓	✓	✓
4.4.2.c)v.		✓		✓		✓	✓	✓
4.4.2.c)vi.	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.c)vii.	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.c)viii.	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.c)ix.	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.c)x.		✓		✓	✓	✓	✓	✓
4.4.2.c)xi.		✓			✓	✓	✓	✓
4.4.2.c)xii.		✓			✓	✓	✓	✓
4.4.2.c)xiii.		✓			✓	✓	✓	✓
4.4.2.c)xiv.		✓		✓	✓	✓	✓	✓
4.4.2.c)xv.		✓			✓	✓	✓	✓
4.4.2.d)	Built Environment							
4.4.2.d)i.	✓	survey	✓	✓	✓	survey	✓	survey
4.4.2.d)ii.	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.d)iii.	✓	survey	✓	✓	✓	survey	✓	survey
4.4.2.d)iv.	✓	✓	✓	✓		✓	✓	✓
4.4.2.d)v.	✓	survey	✓	✓		survey	✓	survey
4.4.2.d)vi.	✓	✓	✓	✓		✓	✓	✓
4.4.2.d)vii.	✓	survey	✓	✓		survey	✓	survey
4.4.2.d)viii.	✓	✓	✓	✓		✓	✓	✓
4.4.2.e)	Proposed Uses							
4.4.2.e)i.	✓	Field markers	✓	✓	✓	Field markers	Field markers	survey
4.4.2.e)ii.	✓	✓	✓	✓		✓	✓	✓

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	Zoning Permit	Bound. Line Adjust.	Site Plan	Cond. Use	Sketch Plan	Admin. Two-Lot	Subdivision	
							Prelim.	Final
structures on each lot								
4.4.2.e)iii. Existing and intended uses and areas of use of the lot, principal structures, accessory structures	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.e)iv. Dimensions of front, side and rear yards and other information regarding lot or adjoining lots to determine compliance with these regulations, including parking and other such requirements or standards	✓	✓	✓	✓	✓	✓	✓	✓
4.4.2.e)v. Location of principal structure, accessory structures, wastewater system, water supply, driveway	✓	Flag	✓	✓	✓	Flag	Flag	Flag

4.4.3 Additional Submissions

- a) For an application in which any portion of the parcel is within the Flood Hazard Overlay District, the following additional information must be provided, per Section 2.15.
 - i. A site plan that depicts the proposed development, all water bodies, FEMA Special Flood Hazard Areas, floodways, Fluvial Erosion Hazard Zone, Base Flood Elevation information, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre- and post-development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps.
 - ii. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the Town of Richmond permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the Administrative Officer prior to the issuance of a Certificate of Occupancy.
- b) For Application Pertaining to Shoreline Overlay District - For an application in which the land development is within the Shoreline Overlay District, the following information must be provided, per Section 2.11.
 - i. A site plan that depicts the proposed development within the Shoreline Overlay District boundary (50 feet).
- c) Additional Information - The DRB may require additional information during the review process as necessary to determine conformance with all applicable provisions of these regulations including, but not limited to:
 - i. Field delineations and/or professional assessments of any natural, historic or cultural resources or features on the site including but not limited to critical wildlife habitat, important agricultural or forest soils, historic features or structures, and archeological resources.
 - ii. Architectural elevations of proposed structures and samples of finish materials and/or colors.
 - iii. Draft legal documents such as easements, owners associations, or maintenance agreements.
 - iv. Construction staging plan and schedule, including the sequence and timing of proposed site development and related improvements.
 - v. Landscaping plan showing the following:
 - 1) Provisions of landscaping and screening that will preserve the character of the existing neighborhood (which may include curbside shade trees).
 - 2) Provision of a buffer zone that includes vegetative screening to conceal outdoor storage or display areas, parking lots, loading areas, or other outdoor commercial or industrial uses from neighboring residences.
 - 3) Other requirements, per Section 3.2.2.
 - vi. Lighting plan showing the required elements per Section 3.2.3.
 - vii. Stormwater management and erosion control plan (during and post construction).

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- viii. Traffic impact study.
- ix. Environmental impact analysis – For projects in which the scale, location, or use are such that the project may cause undue adverse impact.
- x. Visual impact analysis.

4.4.4 Waiver of Application Requirements

The DRB may waive one or more application requirements in accordance with Section 4.3.4.

4.5 Review Criteria

4.5.1 Applicability

- a) The DRB shall use the following criteria when reviewing applications for site plan review, conditional use review, subdivision review, including PUD review, and amendments to any prior DRB approvals as specified below. If these criteria conflict with any other applicable provisions of these regulations, the more stringent shall apply.
 - i. Site Plan Review - The DRB shall apply only the criteria of Section 4.5.2 – Section 4.5.7 of this chapter during site plan review.
 - ii. Conditional Use Review - The DRB shall apply the criteria of Section 4.5.2 – Section 4.5.11 of this chapter during conditional use review.
 - iii. Subdivision Review, including PUD - The DRB shall apply the criteria of Section 4.5.2 – Section 2-14 of this chapter during subdivision or PUD review.
- b) The DRB shall find that the proposed development will not result in an undue adverse impact on the applicable criteria of this chapter.
- c) The DRB may impose conditions as appropriate to ensure conformance with these criteria and all applicable provisions of these regulations.

4.5.2 Local Laws and Town Plan

The applicant shall demonstrate that the proposed development is in conformance with all applicable requirements of these regulations (including, but not limited to, the district requirements in Article 2 and development standards in Article 3), any capital budget and program, official map, other local bylaws or ordinances, town permit and/or approval conditions, and is consistent with applicable goals, objectives and policies of the *Richmond Town Plan*.

4.5.3 Design

The applicant shall demonstrate that the design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district purposes and standards, existing site conditions and features, and adjoining structures and uses [and compliance with Section 3.2.1](#).

4.5.4 Landscaping and Screening and Outdoor Lighting

DRB shall require landscaping and screening to meet the requirements of Section 3.2.2, *Landscaping and Screening* and Section 3.2.3, *Outdoor Lighting*. The DRB may require any necessary grading or seeding to restore the condition of any portion of a site that is disturbed during construction. The applicant shall also demonstrate compliance with Section 3.2.1, *General Standards*, where applicable.

4.5.5 Traffic, Circulation and Parking

- a) General - The applicant shall demonstrate that the proposed development meets the general intent and specific requirements of Section 3.2.4, *Parking, Loading, and Service Areas*, Section 3.3, *Engineering and Transportation*, and the following standards. The DRB may consider and seek information from public officials and experts as appropriate related to:
 - i. Public safety and infrastructure;
 - ii. Regional and municipal traffic plans or studies;
 - iii. Pedestrian and bicycle needs;
 - iv. Public transit needs;
 - v. Development patterns that minimize construction of new roads, drives and other impervious surfaces related to transportation functions; and

- vi. Development patterns that reduce driving and traffic.
- b) Internal - The DRB shall consider the safety and efficiency of pedestrian and vehicular circulation patterns within the site, the location and design of parking and service areas, accessibility for service and emergency response vehicles and equipment, and snow storage and stormwater management plans.
- c) External - The DRB may impose appropriate conditions and safeguards to minimize the undue adverse impact of projected traffic resulting from the proposed development in relation to the condition, capacity, safety and function of off-site roads, parking and associated infrastructure (e.g., bridges, culverts) potentially affected by the proposed development.
- d) Regional - The DRB shall consider the potential impact of projected traffic resulting from the proposed development in relation to regional transportation systems and issues.
- e) Traffic Impact Study - The DRB may require a traffic impact study if a substantial alteration in public traffic flow is anticipated or a large-scale parking area is planned. A traffic impact study shall include the following, unless specifically waived by the DRB:
 - i. Identification of all roads and intersections potentially affected by the project.
 - ii. Statement of existing and projected traffic conditions for a minimum of a 5-year period.
 - iii. Comparison of operating levels of service for affected roads and intersections with and without the proposed development, as of its opening date, and projected for a 5-year period.
 - iv. Identification of any adverse traffic, road or intersection impacts, and a description of the improvements needed to provide an acceptable level of service.
- f) Level of Service - For development that will cause the level of service to fall one grade (eg., from "A" to "B"), to fall below "C" for the identified design hour, or that will contribute to an existing level of service "D" or "F", as defined by the Vermont Agency of Transportation, the DRB may require off-site road or intersection modifications as appropriate for the area (e.g., the installation of frontage roads, turning lanes, or signals as warranted) as a condition of approval.
- g) Connectivity - The DRB may require easements for future pedestrian or vehicular connections between adjoining parcels, or construction of sidewalks, paths or roads to the edge of the property to be connected when adjoining lands are developed. If the town has a plan in place for improvements along a public road corridor, the DRB may require a private developer to construct or contribute financially towards planned improvements within or along the public right-of-way adjoining the subject property.
- h) Pedestrian and Bicycle Access - The DRB may require provision for pedestrian access within the site, and access through the site to adjacent properties and along roads. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities. Bicycle racks may be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the public shall be provided for people with disabilities in accordance with applicable state and federal laws.

4.5.6 Renewable Energy Resources

- a) General – The DRB shall impose conditions and safeguards for the protection and the utilization of renewable energy resources. The applicant shall demonstrate that the proposed development will not interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources both on the site and on adjoining properties. Energy efficient site design and layout is encouraged. At a minimum, the DRB shall consider:
 - i. Whether the project will unreasonably harm any neighbor's access to solar energy or other alternative energy utilization.
 - ii. Whether the project will appropriately incorporate the principles of energy conservation and the best available technology that is practicable for efficient use and recovery of energy.
 - iii. Whether the project will be able to be served by existing and permitted utility facilities, without excessive demands or adverse indirect impacts.
- b) Energy Conservation - In order to promote energy conservation, the following shall apply:

- i. All new construction that is required to meet the standards of the State of Vermont's Residential Building Energy Standards (VT-RBES) or the State of Vermont's Commercial Building Energy Standards (VT-CBES) must submit certification that such construction has been completed as part of the Certificate of Occupancy application, per Section 4.2.2.
- ii. To the extent that is economically and environmentally feasible:
 - 1) Energy efficiency shall be considered in the design and orientation of buildings to maximize solar gain, solar energy generation and day-lighting opportunities. Buildings that are designed with uninterrupted south facing roof expanses and orientations within 15 degrees of true south are encouraged.
 - 2) Landscaping should be effectively incorporated to provide wind barriers and to reduce heat loss or gain as appropriate.
 - 3) The siting of lots and buildings should minimize the length of road and utility corridors required.
 - 4) Supporting infrastructure for alternative modes of transportation (e.g., interconnected bicycle and pedestrian connections, sidewalks, transit stops) shall be incorporated into development plans as appropriate.

4.5.7 Signs

All signs must meet the standards, per Section 3.2.5, *Signs*, for size, location, and design.

4.5.8 Conditional Use Criteria

- a) **General Standards** - A proposed use shall not result in an undue adverse effect upon:
 - i. The capacity of existing or planned community facilities;
 - ii. The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and ~~specifically stated policies and standards of the Richmond Town Plan;~~
 - iii. Traffic on roads in the vicinity;
 - iv. Bylaws and ordinances then in effect; and,
 - v. The utilization of renewable energy sources.
- b) **Specific Standards** - Conditional uses shall comply with the following specific standards:
 - i. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated.
 - ii. There shall be no outside displays except those that are brought indoors at the end of the business hours and are the actual product of the business.
 - iii. Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety.
 - iv. Applicable state permits for water supply and sewage disposal shall have been obtained, and any other applicable state permits, before the use commences.
 - v. The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met.
 - vi. In determining the appropriateness of the use in the Zoning District, the DRB shall consider the scale of the proposal in relation to the scale of existing uses and structures.
 - vii. No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond fire fighting officials, significantly endangers other property owners or emergency personnel.
 - viii. The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities.
 - ix. Existing water supplies and the quality of ground and surface water resources shall not be adversely affected.

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- c) The proposed Land Development shall not have an undue adverse effect on an Historic Site or rare or irreplaceable natural areas. Proposed structures should take advantage of existing slopes and vegetation to provide screening for the project.
- d) Any other standards, such as natural landscape and "character of the neighborhood" standards, as indicated for specific districts shall also be applied.

4.5.9 Performance Standards

The applicant shall demonstrate that the proposed development meets the general intent and specific requirements of Article 3 of these regulations. The DRB may place conditions and safeguards on proposed development as necessary to ensure compatibility with surrounding land uses and to implement the purposes of these regulations including, but not limited to:

- a) Limiting hours of operation, number of employees, number of trips generated, size of structures, or other similar measures of the scale or intensity of a use.
- b) Requiring setbacks and buffers between incompatible uses, or between developed and undeveloped portions of a site.
- c) Establishing a program of periodic or ongoing monitoring, testing, inspection, reporting or certification that a land use is being conducted in accordance with the conditions of approval.
- d) Following the maximum levels for noise, vibration, emission, pollution or similar off-site impacts as specified in Section 3.4, *Performance Standards*.
- e) Exterior lighting of any kind shall meet the requirements of Section 3.4.3, *Outdoor Lighting*.
- f) Industrial wastes shall be so stored and removed from the lot in manners as to not be reasonably objectionable to adjacent lots or create a public nuisance, or pollute the environment. These shall be stored within a structure.
- g) All uses shall comply with all federal and State laws and regulations for the use, storage, hauling and disposal of hazardous materials and wastes.
- h) No heat shall be discernible at the lot lines.

4.5.10 Natural Resources and Environmental Quality

The applicant shall demonstrate that the land to be developed will be able to support the intended use without undue adverse impact on important natural resources or sensitive features located on the parcel, including, but not limited to, wetlands, steep slopes, highly erodible soils, shallow soils, important agricultural or forest soils, rivers and streams, critical wildlife habitat, habitat travel corridors, habitat diversity, groundwater source protection areas, groundwater recharge areas, fluvial erosion hazard areas and/or floodplains identified in the *Richmond Town Plan*, by state or federal government agencies, by the Richmond Conservation Commission or through field investigation. An environmental assessment may be required to determine potential adverse impacts and associated mitigation measures. The DRB may require measures to ensure the protection of natural resources and sensitive features including but not limited to:

- a) Establishment of buffer areas;
- b) Permanent protection through conservation easements or other deed restrictions;
- c) Designation of building envelopes to ensure that activities incidental to the development, including clearing and yard area, do not adversely impact identified resources; and/or
- d) Preparation and implementation of management plans for protected resources and associated buffer areas.

4.5.11 Stormwater Management and Erosion Control

- a) General - Temporary and permanent stormwater management and erosion control measures shall be incorporated into subdivision design and layout to control surface runoff, sedimentation and water pollution on-site and downstream from the proposed subdivision. Factors to be considered in determining the types of controls necessary shall include pre-development site and runoff conditions, vegetation and ground cover, slope and drainage patterns, soil types (i.e.,

- hydric soils), the percentage of land covered in impermeable surfaces, types of pollutants generated, distances to streams and other surface waters, and impact on adjoining properties.
- b) The DRB may require the preparation and implementation of stormwater management and/or sedimentation and erosion control plans and associated analyses to ensure that site improvements, including excavation, road and driveway construction and site clearing and grading, will not unduly impact neighboring properties or surface waters. Such plans, if required, shall be prepared by a licensed Vermont engineer, be based upon Best Management Practices (BMPs) for managing stormwater and controlling erosion, as defined by the Vermont Agency of Natural Resources, the U.S. Department of Agriculture Natural Resource Conservation Service, and shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control facilities.
 - c) Control of stormwater runoff flows for downstream flood control from all impervious surfaces shall be accomplished by limiting the post-development peak discharge rate from the subdivision so that it does not exceed the pre-development peak discharge rate from the site for the 10% and 1% probability 24 hour storm.
 - d) Control of stormwater runoff to protect downstream channels shall be accomplished by providing 12 to 24 hours of extended detention storage for the one year storm event.
 - e) If a subdivision will result in changes in stage-frequency, discharge-frequency or flooding in areas not owned or controlled by the applicant, the applicant must secure appropriately sized easements for all areas of flow or flooding on affected properties. Suitable land use restrictions will be included in easements to prevent any activity that may affect drainage across the area.
 - f) Areas exposed during construction shall be protected in accordance with standards of the Vermont Department of Environmental Conservation, the U.S. Department of Agriculture Natural Resource Conservation Service or other appropriate standards as approved by the DRB. Permanent vegetation and erosion control measures shall be established according to a schedule as required by the Development Review Board. The DRB also may require the phasing of construction to reduce the amount of land disturbed at any one time, and may stipulate deadlines for the installation of temporary and permanent erosion control or stabilization measures.

4.5.12 Scenic Resources

Richmond is characterized by highly scenic landscapes visible from public roads throughout town. A multi-layered, long-distance vista with open, pastoral, valley landscape in the foreground, rising up and transitioning to forested hillsides in the mid-ground, with the Green Mountains peaks in the background is common. Scenic back roads, narrow with roadside trees forming a canopy overhead, wind up Richmond's hills. These resources provide a unique and engaging experience that should be carefully preserved and managed for the enjoyment of present and future generations, and to sustain the economic benefits of tourism Vermont's scenic landscapes support. The applicant shall demonstrate that the proposed development will not have any undue adverse impact on scenic views and vistas, as viewed from public vantage points. To that end:

- a) Development shall be designed to fit into scenic landscapes to the greatest extent feasible (e.g., location along edges rather than in the center of an open view, burying utilities, maintaining existing vegetation or planting new naturalistic landscaping to screen development, etc.).
- b) The location of lot lines, building envelopes, structures, access roads or drives, and other infrastructure should be configured to reflect existing landscape patterns and features (e.g., following hedgerows or edges of fields, following the existing lay of the land and limiting the amount of earthwork, limiting removal of mature roadside vegetation, avoiding creation of highly visible cleared areas on wooded hillsides and ridgelines, etc.)

4.5.13 Recreation

As part of approvals for land development, the DRB may require the dedication of land or easements for parks, playgrounds, trails or pathways or other recreation purposes, or financial contributions towards the construction of off-site public recreation facilities. Public outdoor recreation facilities and/or open spaces for informal recreational use shall be required in conjunction with major residential development. All such land shall be of a reasonable character for its intended use. Applicants are encouraged to maintain any existing public recreational access on property being developed to the greatest extent feasible.

4.5.14 Community Services and Infrastructure

- a) General - The applicant shall demonstrate that the demand for community services and facilities resulting from the proposed development will not exceed the available or planned capacity of such services and facilities. The development shall not create an undue burden on municipal facilities or create an unreasonable demand for public services, nor shall it endanger public or quasi-public investments or materially interfere with the function, efficiency, safety or public's use and enjoyment of governmental, utility or non-profit community facilities, services or lands. Available capacity may be determined in part through consultation with other town and/or state officials having jurisdiction over affected services and facilities. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.
- b) Water and Wastewater - The development shall have sufficient water and wastewater capacity available for its needs and shall not result in an unreasonable burden on the town's current or planned water or wastewater systems. If public water or wastewater is not involved, the property shall have adequate capability for on-site water supply and wastewater disposal in accordance with applicable state regulations. A Town of Richmond Water and Sewer allocation, State of Vermont Wastewater System and Potable Water Supply Permit, or demonstration of exemption must be presented to the DRB.
- c) Capacity of Community Services - At the discretion of the DRB, letters from the Chittenden East School District Superintendent, the Richmond Police Chief, the head of Richmond Rescue, and the Richmond Fire Chief indicating their assessment of the impact of the proposed land development on the provision of school, police, rescue or fire protection services, or letters from others on relevant issues.
- d) Fire Protection Facilities - The development shall have adequate water storage or distribution facilities for fire protection. The DRB may require the applicant to install infrastructure to suppress or fight fire such as sprinkler systems, fire hydrants, dry hydrants, cisterns or ponds. The applicant may be asked to submit documentation from the fire department as to the adequacy of emergency access and fire protection facilities. The DRB may solicit input from the fire department.
- e) Fiscal Impact - The DRB may consider whether the anticipated tax return from the proposed development is equal to or exceeds the cost of anticipated municipal services and facilities directly attributable to the proposed development, and whether the proposed development will place an unreasonable burden on the ability of local governmental units to provide affordable municipal, governmental, or educational services and facilities. A fiscal impact analysis, impact fees and/or the phasing of development in accordance with any duly adopted capital budget and program may be required as appropriate. The DRB may solicit input from appropriate town and school officials/staff, and other qualified professionals.

5. Definitions

General

- 5.1.1 Words used in the present tense include the future, and words in the singular number include the plural number.
- 5.1.2 The word “shall” is mandatory. The word “may” is permissive.
- 5.1.3 The word “used” includes the words “arranged,” “designed,” or “intended to be used.” The term “occupied” includes the words “designed,” or “intended to be occupied.”
- 5.1.4 Unless otherwise defined in these regulations, definitions contained in the Act shall be applicable throughout these regulations. Unless otherwise defined in these regulations or in the Act, all words shall be interpreted to have their normal and customary meaning.
- 5.1.5 Unless specifically stated, no defined use shall be interpreted to include any other defined use.

A

Accepted Agricultural Practice - An agricultural practice including construction of farm structures as those practices are defined by the Vermont Secretary of Agriculture, Food and Markets.

Accepted Silvicultural Practice – A silviculture practice, as defined by the Vermont Commissioner of Forests, Parks, and Recreation. See also Silviculture.

Accessible Housing - A dwelling designed to provide easier access for physically disabled or vision impaired persons, including barrier-free, adaptable design in both public areas and individual dwelling units.

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Accessory Structure - A detached structure that is subordinate to the principal structure on the same lot, and that serves a purpose customarily incidental to the use of the principal structure. Accessory structures shall be classified as follows:

Accessory Structure, Residential - A structure that is accessory to a single-family or two-family dwelling. This definition specifically excludes accessory dwellings.

Accessory Structure, Non-Residential - A structure that is accessory to a use other than a single-family or two-family dwelling.

Accessory Use - A use that is subordinate to the principal use of the same lot, and that serves a purpose customarily incidental to the use of land. Accessory uses shall be classified as follows:

Accessory Use, Residential - A use that is accessory to a single-family or two-family dwelling. This definition specifically excludes accessory dwellings.

Accessory Use, Non-Residential - A use that is accessory to a use other than a single-family or two-family dwelling.

Act, The - The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated (V.S.A.), as subsequently amended.

Adaptive Reuse - The development of a new use for an older building or for a building originally designed for a special or specific purpose.

Adjacent Lot - A lot sharing a common point with the lot line of a second lot, including a lot that would share such a point were it not for the presence of a right-of-way, river, or stream.

Adjoining Property Owner – Owner of property adjoining the property subject to land development, including the owners of properties which would be contiguous to the property subject to land development but for the interposition of a road or other public right-of-way.

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Affiliated Ownership or Control - Any legal or equitable title interest to lands held by individuals or entities affiliated with each other for profit or other consideration. A legal or equitable title interest held by an individual's spouse, civil union partner, natural or adopted children, parents, or siblings, and the spouse or civil union partner of an individual's parents, children or siblings, shall be presumed to be affiliated ownership unless satisfactory evidence is provided that such person will not derive any profit or other consideration from the contiguous lands. The following rules shall apply in determination of whether certain types of ownership interests are affiliated:

- A stockholder in a corporation which holds the legal or equitable title interest shall be presumed to be affiliated if the stockholder and the stockholder's spouse, civil union partner, natural or adopted children, parents, and siblings own, control or have a beneficial interest in more than five percent (5%) of the outstanding shares in the corporation.
- An individual who owns the legal or equitable interest solely as an agent of another, such as a court appointed guardian, a licensed attorney, or similar agency relationship, shall not be deemed affiliated unless the compensation received or other consideration obtained as a result of those duties indicates more than an agency relationship;
- A seller or chartered lending institution holding a legal or equitable title interest as security for money loaned to the individual shall not be deemed to be affiliated.

Affordable Housing - Housing that is owned by inhabitants whose gross annual household income meets the criteria for Low-Income Household, as defined by the United States Department of Housing and Urban Development (HUD). *See Household, Low Income.*

Agriculture – [general definition that does not encompass Accepted Agricultural Practices] The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding, or management of livestock, equines, poultry, fish, or bees; the operation of greenhouses; the production of maple syrup; the on-site storage, preparation and sale of agricultural products principally produced on the farm; the on-site production of fuel or power from agricultural products or wastes produced on the farm.

Agri-Tourism - A use that provides accommodations and/or activities for visitors on a working farm or any agricultural, horticultural or agribusiness operation used for the purpose of enjoyment, education, and/or hands-on visitor involvement in the operation of the farm or agribusiness.

Airport - An area of land or water designated or used for the landing and take-off of aircraft and associated structures, rights-of-way, approach zones and buildings. May include aircraft storage and maintenance facilities, air traffic control and communication facilities, terminal buildings and other similar accessory uses or structures.

Alteration, Structural - Any change in the supporting or load-bearing members of a building such as load-bearing walls, columns, beams, girders or floor joists, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height.

Applicant - The owner of land or property proposed to be developed in accordance with these Regulations.

Artist/Craftsperson Studio - A fully enclosed, interior space used for the creation, preparation, assembly, display and/or sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, cabinetry, leather craft, hand-woven articles, woodcrafts and other such items by one or more individuals without any off-site production or re-sale of products created at other locations.

B

Basement - That portion of a building below the first or ground-floor level and having less than 4 feet of clearance from its ceiling to the average finished grade of the building perimeter.

Bed and Breakfast (B&B) - A place of lodging located on owner-occupied, single-family residential property, which provides not more than 6 rooms for occupancy by transient guests for compensation and which serves only breakfast to guests and no meals to the general public.

Biomass Production or Processing - A facility for converting biomass, such as wood, plant material or agricultural wastes, into energy, fibers, chemicals or petroleum replacement products.

Boarding House - An owner-occupied single-family dwelling with one common kitchen facility that provides lodging for not more than 10 people on a long-term, non-transient basis for compensation, and where meals may be provided to the boarders but not to outside guests.

Bikeway - A roadway for non-motorized bicycles.

Boundary Line Adjustment - Adjustment of property lines between adjacent lots in which there is a sale, conveyance, or exchange of adjacent lots that does not increase the number of parcels of land.

Buffer - Undisturbed naturally occurring vegetation that may exist or be created and planted for screening or environmental purposes.

Building - A portable or fixed structure having a roof supported by columns or walls for the shelter, support, or enclosure of people, animals, or property.

Building Envelope - That area on a lot that encompasses land development including, but not limited to, excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and terraces, pools, any areas of disturbance, access ways, and parking. Approved plantings of landscape materials on natural grade and approved walkways, driveways, roads and infrastructure may occur outside of a building envelope.

Business Services - Establishments primarily engaged in providing services to other businesses on a fee or contract basis (e.g., advertising, mailing, building maintenance, consulting services, equipment leasing, copying and printing, etc.) and which do not include the on-site retail sale of goods except as incidental to principal activity occurring on the premises. Business service uses shall be classified as follows:

Business Services, Class 1 - A business services use without drive-through service, which occupies less than 2,500 square feet.

Business Services, Class 2 - All other business service uses.

Business Yard - A site used primarily to store and maintain construction, landscaping or similar heavy equipment and other materials and facilities customarily required by a contractor in the building, landscaping, or construction-related trades or similar businesses, and where the majority of business activity takes place off-site. May include associated office space and/or enclosed areas for vehicle or equipment repair or maintenance. Shall not include any on-site assembly.

C

Campground - A lot in affiliated ownership offering short-term or seasonal lodging to the general public or members in tents, recreational vehicles, or camps or cottages, whether these exist on the site and are rented out to lodgers, or are brought onto the site by the lodgers. May include personal service, recreational, and food preparation and dining facilities available for use by those staying on-site and/or the general public.

Car Wash - A commercial facility designed for the washing and cleaning of vehicles of any type whether automatic or manual, or whether employee or customer operated.

Catering Services - An establishment where food and drink are prepared before being transported to, served and consumed at a remote location.

Cemetery - A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments a mausoleum for vault or crypt interments and/or a columbarium for cinerary interments.

Certificate of Occupancy – A document issued by the Richmond Zoning Administrative Officer stating that a structure, improvements, or use conforms to the permits issued by the Zoning Administrative Officer and approvals issued by the DRB, if applicable. The Certificate of Occupancy refers specifically to a previously-approved zoning permit.

CFR - The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government (www.gpoaccess.gov/cfr).

Commercial Use - Activity involving the sale of goods or services.

Commercial, Multi-Use - Activity involving the sale of goods or services carried out for profit in conjunction with two or more types of commercial activities on the same lot.

Contiguous Lands - Contiguous lands are described as one or more of the following:

- Lands that have in common one or more linear parts on any boundary.
- Lands that, prior to the effective date of these regulations, were divided by easements or interests of less than fee simple ownership (other than state or municipal road rights-of-way).

Crematorium - A location containing properly installed, certified apparatus intended for use in the act of cremation.

Cultural Facility - An institution providing for the documentation, display, performance or enjoyment of heritage, culture, history, science or the arts such as a library, museum, interpretative site or performance venue, which is owned or operated by a public or non-profit entity.

D

Daycare - The care of one or more people on a regular basis for periods less than 24 hours per day and in a place other than cared-for person's own home. Daycare uses shall be classified as follows:

Daycare Facility - A facility operated in accordance with state regulations that provides care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Density - The number of dwellings permitted per developable acre, calculated in keeping with Section 2.1.4.

Density Bonus - The allocation of development rights that allow a lot to accommodate additional square footage or additional residential units beyond the maximum for which the lot is zoned.

Development - See definition of Land Development.

Development, Low-Impact - Development that preserves and protects natural-resource systems. Its aims include preserving and protecting important natural characteristics of sites and areas, maintaining pre-development water quality, and maintaining or replicating pre-development groundwater and surface water volume and flow characteristics.

Development Rights - The right to develop land by a landowner who maintains fee simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing regulations.

Developable Acre – That portion of a lot which is capable of land development, as determined via the calculations of density and developable land.

De Minimis – very minor deviation.

DRB - Development Review Board.

Drive-through Facility - An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway - An improved surface for vehicular access to no more than three (3) lots.

Dwelling, Accessory - A secondary dwelling unit established in conjunction with and clearly subordinate to a single-family dwelling, whether a part of the same structure as the primary dwelling or within an accessory structure on the same lot. (See Section 3.8.1 of these regulations.)

Dwelling, Multi-Family - A principal structure designed exclusively for occupancy by three or more households living independently of each other in individual dwelling units that are not townhouse dwelling units; or a portion of a mixed-use building designed for use as one or more dwelling units. Accessory dwellings are not permitted.

Dwelling, Single-Family Detached – A principal structure containing one dwelling unit that is not attached not attached to any other dwelling by any means, other than a lawful accessory dwelling, and is surrounded by open spaces or yards.

Dwelling, Townhouse - A townhouse dwelling unit, with a private entrance from the outside, which is part of a principal structure with more than two dwelling units which are attached with each dwelling unit having a totally exposed front and rear wall to be used for access, light and ventilation. Accessory dwellings are not permitted.

Dwelling, Temporary – A structure:

- That is located on the same lot as a dwelling made uninhabitable by fire, flood or other natural disaster and that is temporarily occupied by the residents displaced by the disaster;
- That is located on the same lot as a dwelling that is under construction or undergoing substantial repairs and that is temporarily occupied by the residents intending to live in the permanent residence when the work is complete; or
- That is a recreational vehicle capable of being moved from place-to-place that provides living, sleeping, housekeeping, cooking and sanitary facilities, that is occupied on a temporary or seasonal basis, and that is not located in a campground.

Accessory dwellings are not permitted.

Dwelling, Two-Family (duplex) - A principal structure designed exclusively for occupancy by two households living independently of each other in individual dwelling units. Accessory dwellings are not permitted.

Deleted: families or

Dwelling Unit - A building or a portion thereof having independent cooking, bathing and sleeping facilities designated for occupancy as a residence by one household living independently.

E
Easement - A legal interest in land, generally established in a deed or on a recorded plat, granted by the owner to another person, persons, or entity which allows the use of all or a portion of the land, for a stated purpose including but not limited to access or placement of utilities.

Easement, Conservation - A legal agreement restricting development on land for the purposes of:
- Retaining or protecting the natural, scenic, or open space values of real property;
- Assuring its availability for agriculture, forest use, recreation, or open space use; or
- Maintaining or improving environmental quality.

Educational Facility - A building, or part thereof, that is designed, constructed or used for education or instruction, and including accessory structures and uses traditionally associated with a program of study.

Effective Date - Date on which the provisions of any regulations take effect.

Elderly Housing - A single family or multifamily dwelling which meets one of the following standards: 1) is specifically designed for and occupied by elderly persons under a federal, State, or local government program; 2) is occupied solely by persons who are age 62 or older; or 3) houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates intent to house persons who are 55 or older. Such housing may include a community room.

Deleted: congregate dining and recreational facilities, and/or assisted living services

Emergency Services or Public Safety Facility - A building, or part thereof, that is operated by a governmental agency or non-profit organization to provide law enforcement or emergency response services, which may include administrative offices, meeting and training facilities, emergency shelter, equipment and vehicle storage, temporary detention facilities, and/or associated accessory uses and facilities.

Employee Housing - An accessory residential use that provides housing for the employees, and their families, of the residents of the principal structure or the owners of the property or business, and which is not offered for rent to non-employees.

Energy Generating System - Any facility or installation such as a wind turbine, hydroelectric generator or solar collecting or concentrating array or geothermal heat, biomass, or agricultural waste products (excepting net metering systems as defined in 30 VSA 219a(2), which is designed and intended to produce renewable energy for primarily on-site use from natural forces or materials such as wind, water, sunlight, geothermal heat, biomass or agricultural waste products. This definition specifically excludes utility power generation. Energy generating systems shall be classified as follows:

Energy Generating System, Class 1 - An energy generating system that does not involve any impoundment of surface water, any structure not in excess of 35 feet in height, any roof-mounted apparatus in excess of 10 feet in height (as measured from the roof surface), or any ground-mounted apparatus visible from the public road with a total surface area or footprint in excess of 200 square feet.

Energy Generating System, Class 2 - All other energy generating systems.

Equipment, Vehicle or RV Sales or Rental - A facility for the sales or rental of motor or recreational vehicles, or equipment (e.g., farm and garden equipment, construction equipment, etc.). May include repair or service conducted wholly within an enclosed building as an accessory use. Equipment, vehicle or RV sales or rental uses shall be classified as follows:

Equipment, Vehicle or RV Sales or Rental, Class 1 - A use with not more than 10 vehicles or pieces of equipment for sale or rental stored or displayed outside an enclosed building on the lot and visible from the public road.

Equipment, Vehicle or RV Sales or Rental, Class 2 - All other equipment or vehicle sales or rental uses.

Equipment, Vehicle or RV Repair - A facility for the repair or service of motor vehicles or recreational vehicles, small engines, household appliances and similar types of equipment or machinery. All repair and service shall occur within an enclosed building. Equipment, vehicle or RV service uses shall be classified as follows:

Equipment, Vehicle or RV Service, Class 1 - A use with not more than 10 vehicles or pieces of equipment stored or displayed outside an enclosed building on the lot and visible from the public road.

Equipment, Vehicle or RV Service, Class 2 - All other vehicle or equipment repair uses.

Extraction - Excavating and removing rock, stone, ore, soil, gravel, sand, minerals and similar materials from the surface and/or subsurface of the earth.

F

Façade – one exterior side of a building, usually the front.

Family Childcare Facility - Provision of childcare services not in a single family dwelling serving more than six full-time and four-part time children in accordance with Section 3.8.3 of these regulations and all applicable state laws, in which the family childcare facility owner or operator is licensed or registered by the State for child care,

Family Childcare Home – Provision of childcare services in a single family dwelling where the owner or operator is to be licensed or registered by the State for child care in accordance with Section 3.8.3 of these regulations.

Family Childcare Home, Class 1 – Serving six or fewer children.

Family Childcare Home, Class 2 – Serving no more than six full-time and four part-time children.

Farm Enterprise - A business operated on a farm that produces and/or sells value-added farm products, that offers contractual agricultural services, that generates energy from crops or by-products, that processes, stores and/or ships farm products, or that engages in similar agriculturally-oriented income-producing activities. If the business involves on-site retail sales, a minimum of 50% of the gross retail sales shall be generated from products or materials grown or harvested on land farmed by the business operator. A minimum of 50% of the gross sales must be from products originated on the farm, with a maximum of 10% being non-agricultural products related to the farm enterprise. The remainder of the sales must originate from other agricultural products.

Farm or Garden Supply - An establishment engaged in the retail sale of supplies directly related to the day-to-day activities of agricultural or horticultural production, and/or lawn and garden maintenance.

Farm Product Sales - A structure or site for the seasonal or periodic sales of locally produced farm products, including value-added products. A minimum of farm product sales must be 90% agricultural products, with a minimum of 50% of the total sales from locally produced agricultural products. Up to 10% of the sales may be from non-agricultural products related to the farm enterprise.

Farm product sales shall be classified as follows:

Farm Product Sales, Class 1 - A farm product sales use that is operated not more than 270 days in any calendar year, and which sells farm products grown or produced by the operator or property owner.

Farm Product Sales, Class 2 - All other farm product sales including winter farmers' markets and Community Supported Agriculture (CSA) distribution points.

Farm Structure - In accordance with the Vermont Accepted Agricultural Practices Regulations, a structure or structures (not including a dwelling for human habitation) used for agricultural production.

Farmers Market – A public market at which farmers and often other vendors sell produce directly to consumers.

Fence - A structure, solid or otherwise, which forms a physical barrier and which is erected to enclose, delineate, divide, screen or separate areas.

Fill - Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans, for purposes of creating a new elevation of the ground.

Financial Services - A use that provides financial and banking services to consumers or clients such as banks, savings and loans associations, credit unions, lending establishments and automatic teller machines.

Floor Area, Gross - The sum of the gross horizontal areas measured between the exterior faces of exterior walls of the several floors of a building including interior walls, balconies, mezzanines, hallways, stairwells, and including the area of roofed porches, roofed patios and carports having more than 1 wall, but excluding unfinished basement areas.

Food Production or Processing - An establishment in which food is processed, packaged or otherwise prepared primarily for off-site sale and consumption, and where any retail sales of the resulting food products is incidental and subordinate to the principal use. Food production or processing uses shall be classified as follows:

Food Production or Processing, Class 1 - A facility with or without direct-to-consumer retail sales, which occupies less than 5,000 square feet.

Food Production or Processing, Class 2 - All other food production or processing uses.

Footprint, Building - The total developed ground area covered by a roof, to include a porch, covered deck, or covered entryway

Forestry - The growing and harvesting of trees or timber under proper forest management for purposes other than their fruit. For the purposes of these regulations, the term “forestry” shall also include the use of temporary processing equipment such as chippers and portable sawmills, which are used in association with harvesting operations, not exceeding a maximum of one year, and are removed from the site once harvesting operations are complete. This definition specifically excludes permanent sawmills, lumberyards and other similar facilities used for the processing, manufacturing and/or storage of wood and wood products.

Frontage - That portion of a lot contiguous to a public or private road or to public water.

Frontline, Building - A line formed by the exterior front wall of a building from which the setback for any accessory buildings may be measured.

G

Golf Course - A recreation facility that includes a tract of land laid out with a least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a clubhouse, rest rooms, driving range and shelters as accessory uses.

Government Office - A building, complex or site publicly owned, operated and/or occupied that is used for administering and conducting the affairs of government.

Gross Floor Area - See Floor Area, Gross.

Groundwater Source Protection Area - Groundwater recharge areas that collect precipitation or surface water and carry it to aquifers, including source protection areas for public water supplies as delineated and mapped by the Vermont Agency of Natural Resources.

Group Home – Per 24 V.S.A. §4412(G), a dwelling operated under state licensing or registration, serving as a residence for not more than 8 individuals who have a handicap or disability in accordance with Section 3.8.9 of these regulations.

H

Habitable Floor Area - The total floor area within the exterior walls of a building but excluding basements, attics and areas in any accessory structure attached to the building.

Health Club - An establishment that provides exercise facilities, and fitness equipment and training, and associated facilities, which is operated on a fee or membership basis.

Healthcare Office or Clinic - A building, or a portion of a building, operated by one or more licensed healthcare providers for treating patients who are not lodged overnight.

Height - Vertical distance measured from the average elevation of the post-development grade along the structure to the highest point of the façade.

Height, Sign – See Sign Height.

Historic Site - Any site, structure, district or archeological landmark which has been officially included in the National Register of Historic Places and/or the state register of historic places or which is established by testimony of the Vermont Advisory Council on Historic Preservation as being historically significant.

Home Industry - The accessory use of a single family dwelling for an occupation, profession, business or industry carried on for gain by at least one resident of the property. Home industry uses shall be classified as follows:

Home Industry, Class 1 - A non-retail business that has not more than 4 non-residential employees, has enclosed storage only (i.e., no outdoor storage), occupies less than 2,500 square feet or a maximum of 1/3 of the principal structure and/or accessory structure(s) (whichever is less) to the dwelling, and that meets the standards of Section 3.8.10 of these regulations.

Home Industry, Class 2 - A business that has not more than 10 non-residential employees and occupies less than 10,000 square feet in the dwelling and/or accessory structure(s) (whichever is less) to the dwelling, and that meets the standards of Section 3.8.10 of these regulations.

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Home Occupation - The use by a resident of a minor portion of a dwelling unit for an occupation, profession, business or industry that is customarily in residential areas, carried on for gain and as an accessory use to the dwelling unit that complies with Section 3.8.10 of these regulations.

Hotel - A building or complex in which lodging is provided and offered to transient guests for compensation, and which also may provide incidental services including meals and recreation to paying guests. A hotel shall not include a restaurant open to the general public unless approved as a mixed use in accordance with Section 3.8.11 of these regulations.

Household, Low-Income - A household with a gross household income that does not exceed 80% of the median gross household income for households of the same size within the county in which the housing is located as established by the U.S. Department of Housing and Urban Development.

I
Inn - A building or site that contains a dwelling unit occupied by an owner or resident manager from which not more than 12 lodging rooms are offered to transient guests for compensation, and from which meals may be served to guests and the general public.

Impervious Surface - Any material that substantially reduces or prevents the infiltration of storm water. It shall include, but not be limited to, all paved areas, gravel driveways, parking areas, buildings, decks, sidewalks, graveled areas, swimming pools, and structures.

Infrastructure - Facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, roads, communications, and public facilities such as fire stations, parks, schools, etc.

Intensity - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated and amount of lot coverage.

Interested Person - For purposes of appeals of all decisions under these regulations, an interested person, as defined under the Act (§4465) includes:

- A person owning title to property, or a municipality, or a solid waste management district empowered to condemn it or an interest in it, affected by these regulations, who alleges that these regulations impose on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
- The Town of Richmond or any municipality that adjoins the Town of Richmond.
- A person owning or occupying property in the immediate neighborhood of a property that is subject of any decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the Richmond Town Plan or these regulations.
- Any ten persons who may be any combination of voters or real property owners within the Town of Richmond who, by signed petition to the DRB, the plan or a bylaw of which is at issue in any appeal, allege that any relief requested by a person, if granted, will not be in accord with the policies, purposes, or terms of the *Richmond Town Plan*. This petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
- Any department or administrative subdivision of the State of Vermont owning property or any interest in property within the municipality, and the Vermont Agency of Commerce and Community Development.

J
Junk - Old or scrap copper, brass, iron, steel and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, waste, trash or any discarded, dismantled, wrecked, scrapped or ruined motor vehicles or parts thereof.

Junk Vehicle - A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or one other than an on-premise utility vehicle that is allowed to remain unlicensed or unregistered for a period of 90 days from the date of discovery.

Junkyard - Any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. Junkyard also means any place of outdoor storage or deposit, not in connection with a business which is maintained or used for storing or keeping 4 or more junked vehicles that are visible from any portion of a

public road. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 VSA § 2202 and the regulations of the secretary of human services. It does not mean a repair garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

K
Kennel - An establishment in which 6 or more mature domesticated animals are housed, boarded, cared for, groomed, bred, trained or sold for fee or compensation.

L
Land Development - *[For the Flood Hazard Overlay District, the use of the term "Land Development" is replaced by the term "Development" as defined in Section 2.15.]* The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, demolition, or of any mining, excavation, or landfill, site alteration, and any change in the use of any building or other structure, or land, or extension of use of land. Land development shall not include maintenance and interior remodeling projects, however, this exemption does not apply to a structural alteration. For purposes of these Regulations, the definition of Land Development shall also include boundary (lot) line adjustments, as regulated herein, which are not subject to subdivision review under these Regulations. A zoning permit is required for all Land Development.

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Landscaping - The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover, and grass to soften building lines, provide shade, and generally produce a pleasing visual effect of the premises. Landscaping also includes concrete or wooden benches, retaining or stone walls, or a pond.

Level of Service (LOS) Standard, Traffic - A scale that measures the amount of traffic that a road or intersection can accommodate, based on such factors as maneuverability, driver dissatisfaction, and delay.

- Level of Service A indicates a relatively free flow of traffic, with little or no limitation on vehicle movement or speed.
- Level of Service B describes a steady flow of traffic, with only slight delays in vehicle movement and speed. All queues clear in a single signal cycle.
- Level of Service C denotes a reasonably steady, high-volume flow of traffic, with some limitations on movement and speed, and occasional backups on critical approaches.
- Level of Service D designates the level where traffic nears an unstable flow. Intersections still function, but short queues develop and cars may have to wait through one cycle during short peaks.
- Level of Service E represents traffic characterized by slow movement and frequent (although momentary) stoppages. This type of congestion is considered severe, but is not uncommon at peak traffic hours, with frequent stopping, long standing queues, and blocked intersections.
- Level of Service F describes unsatisfactory stop-and-go traffic characterized by "traffic jams" and stoppages of long duration. Vehicles at signalized intersections usually have to wait through one or more signal changes, and "upstream" intersections may be blocked by the long queues.

Light Fixture - A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply.

Light Fixture, Cut-Off A light fixture with elements such as shields, reflectors, or refractor angles that direct and cut off the light at a cut-off angle less than 90 degrees.

Light Industry - A facility or site used for the refining, processing, manufacturing, compounding, assembly, packaging, treatment and/or fabrication of materials, parts or goods, and operated in compliance with all

applicable provisions of these regulations, including but not limited to the performance standards of *Section *. Light industrial uses shall be classified as follows:

Light Industry, Class 1 - A light industrial use that occurs entirely within an enclosed structure, that involves no outside storage of goods, materials or equipment, that occupies less than 10,000 square feet and that does not process or produce flammable, explosive or hazardous materials.

Light Industry, Class 2 - A light industrial use that occurs entirely within an enclosed structure, that may include outside storage that is fully screened year-round from adjoining properties and public rights-of-way, that occupies less than 25,000 square feet and that does not process or produce flammable, explosive or hazardous materials.

Light Industry, Class 3 - All other light industrial uses.

Live-Work Unit - A type of mixed-use development that combines commercial or industrial space within the same building, or portion thereof, which serves as a dwelling for the business owner or operator, and where the work space is accessible from the living area and is reserved for, and regularly used by, one or more residents of the associated dwelling.

Loading Space - An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

Locally Produced - food grown and produced within a 50-mile radius of the town of Richmond.

Lot - Any parcel of land with its boundaries separately described in a recorded deed or filed plat. A public road or private road right-of-way constitutes a lot boundary.

Lot, Corner - A lot abutting two or more intersecting roads.

Lot Coverage - The area of a lot developed with impervious surfaces.

Lot Depth - The average horizontal distance between the front lot line and the rear lot line.

Lot Frontage or Front Lot Line - The uninterrupted linear or curvilinear extent of a lot measured along the road right-of-way from the intersection of one side lot line to the intersection of the other side lot line. If a lot has frontage on more than one road, frontage on one road only shall be used to satisfy the minimum lot frontage.

Lot, Interior - A lot with no frontage on a public road or private road.

Lot Width - The average horizontal distance between the side lot lines.

Lumberyard or Building Supplies - An establishment where lumber, other building materials and incidental building supplies, tools and equipment are sold at retail.

M

Maintenance – Routine care or upkeep as of structure, driveway, or other areas.

Mean Water Level – The normal summer (June 1 – September 15) water level, measured in feet above sea level, of lakes or rivers as determined by the mean water level readings available over time or as established by the Vermont Natural Resources Board.

Mixed Use - The development of a lot or building with two or more different allowed uses such as, but not limited to, residential, office, retail, public, or entertainment, in a compact form.

Mobile Home - A prefabricated dwelling unit built on a permanent chassis that:

- Is designed for long term and continuous residential occupancy;
- Is designed to be moved on wheels, as a whole or in sections;
- Is at least 8 feet wide and 40 feet long or is at least 320 square feet in area, or if the structure was manufactured prior to June 15, 1976, is at least 8 feet wide and 32 feet long; and
- On arrival at the site, is complete and ready for occupancy, except for incidental unpacking, assembly, connections with utilities, and placing on supports or a permanent foundation, or installation as a unit in a previously prepared structure.

Mobile Home Lot – A fixed, delineated piece of land within a mobile home park for an individual mobile home.

Mobile Home Park - Any parcel of land under common ownership or control that contains, or is designed, laid out or adapted to accommodate, more than 2 mobile homes. Nothing herein shall be construed to apply to premises used solely for the storage or display of mobile homes.

Modular Housing - A factory-built, single-family dwelling, which is manufactured or constructed under authority of 42 USC Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles.

Municipal Land Use Permit - Municipal land use permits include:

- A conditional use, subdivision, site plan, zoning permit, building permit or other approval, any of which relate to land development as defined in these Regulations that has received final approval from the DRB or Zoning Administrative Officer.
- The final official minutes of a meeting that relate to a permit or approval that serve as the sole evidence of the permit or approval.
- A Certificate of Occupancy or similar certificate issued by the town that relates to permits and approvals listed above.
- An amendment of any document listed above.

N

National Register of Historic Places - Administered by the National Park Service, the National Register of Historic Places is the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

Nature Preserve - Areas intended to remain in a predominately natural or undeveloped state to provide resource protection, which may include limited facilities for passive recreation and environmental education.

New Construction - The construction of structures or filling commenced on or after the effective date of these regulations, and any subsequent improvements to such structures.

Nonconforming Lot - Lot that does not conform to the provisions these regulations covering dimensional requirements, but that was in conformance with all applicable laws, bylaws, ordinances, and regulations prior to the enactment of these regulations, including a lot improperly authorized as a result of error by the Zoning Administrative Officer.

Nonconforming Structure – A structure or part of a structure that does not conform to these regulations, but that was in conformance with all applicable bylaws, laws, ordinances, and regulations prior to the enactment of these regulations, including a structure improperly authorized as a result of effort by the Zoning Administrative Officer.

Nonconforming Use - Use of land that does not conform to these regulations, but did conform to all applicable laws, bylaws, ordinances, and regulations prior to the enactment of these regulations, including a use improperly authorized as a result of error by the Zoning Administrative Officer.

Nonconformity - A nonconforming use, structure or lot.

Nuisance - Anything offensive or obnoxious to the health and welfare of the inhabitants of the town; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

Nursery - The direct-to-customer or mail-order retail or wholesale sales of any article, substance or commodity related to the planting, maintenance or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products.

Nursing Home - A congregate residential facility operated under state licensing that provides nursing care and related medical services on a 24-hour per day basis to residents that due to illness, disease, injury or infirmity are unable to live independently. Other services such as assistance with the activities of daily living, recreation and transportation may also be provided.

O

Office - A room, group of rooms or building used for conducting the affairs of a business, profession, organization or service industry, and which does not include unenclosed storage or the on-site retail sale of goods, except as incidental to the principal activity occurring on the premises.

Office, Class 1 - An office use that occupies less than 2,500 square feet.

Office, Class 2 - All other office uses.

Open Air Market - A retail establishment operated primarily outside an enclosed building, which may be open on a seasonal or periodic basis. This definition specifically excludes motor vehicle, RV or modular home sales, lumberyards, farm product sales, or any activity that obtains a Special Event permit from the Town of Richmond.

Open Space - Land retained as working farm or forest land, as active or passive recreation areas, or in an essentially undeveloped state for resource protection. Designation of land as open space shall not imply public or common ownership or access.

Open space, common - Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or employees of the development, and may include such complementary structures and improvements as are necessary and appropriate.

Open space, public - Designated land owned in fee or by a public agency, land trust, or non-profit organization and specifically maintained for the use and enjoyment of the general public, health, safety, and welfare of the general public, habitat preservation, or preservation of other public goods such as landscape or scenic vista preservation.

Outdoor Storage - The storage of any material, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

Owner - An individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity who owns or holds title to real property.

P

Parapet Wall - A low wall extending above a roof.

Parcel - A lot established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Parking Lot - An open area, other than the traveled portions of a road, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers. Parking lots may be allowed as an accessory use to non-residential, multi-unit residential or mixed uses, but shall only be allowed as a principal use of property in accordance with Section 2.1.6 of these Regulations.

Parking, Off-Street - A parking space for a motor vehicle that is located within a parking lot, parking structure, garage or a residential driveway.

Parking, On-Street - A parking space for a motor vehicle that is located within the road right-of-way.

Parking Space - A space for the parking of a motor vehicle that conforms to the standards of these regulations

Parking Structure - A multi-level structure, or one or more levels of a multi-story building, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Person - An individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Patio - A level, landscaped and/or surfaced area not covered by a permanent roof and not elevated above grade intended for indoor-outdoor living and recreation.

Pedestrian - A person traveling on foot.

Pedestrian Access or Connections - A continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian access or connections include but are not limited to sidewalks, arcades, walkways, access ways, stairways and pedestrian bridges.

Pedestrian Scale - The proportional relationship between the dimensions of a building or building element, road, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian. Site and building design elements will be dimensionally smaller such as ornamental lighting no higher than 12 feet; bricks, pavers, or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signs and signpost details designed for viewing from a short distance.

Permanent - Continuing or enduring in the same state, place, or the like without marked change.

Personal Services - An establishment engaged primarily in providing services direct to consumers involving the care of a person or of personal goods (e.g., laundry, dry cleaning, beauty and barber shops, shoe repair and tailoring, funeral services, photographic studios, domestic services, etc.) other than healthcare or daycare uses, and which does not include the on-site retail sale of goods except as incidental to principal activity occurring on the premises.

Personal Services, Class 1 - A personal service use without drive-through service, which occupies less than 2,500 square feet.

Personal Services, Class 2 - All other personal service uses.

Planned Unit Development (PUD) – A type of subdivision with one or more lots, tracts, or parcels of land developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of allowed land uses.

Plat - A scaled drawing showing the relationship of a group of lots to one another and other information required by these regulations.

Pollution - The presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, light, or human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of air, land or water, in quantities or at level that are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

Pond - A body of water, whether natural or artificially formed, that has a surface area of 1,000 square feet or more.

Porch - A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned or, if glazed, when the percentage of window area to wall area is less than 50%.

Post Office - A building, or part thereof, that operates primarily to provide U.S. Postal mail service to the general public including facilities for sending and receiving packages and letters.

Primary Agricultural Soils - Soil map units with the best combination of physical and chemical characteristics that have a potential for growing food, feed, and forage crops, have sufficient moisture and drainage, plant nutrients or responsiveness to fertilizers, few limitations for cultivation or limitations which may be easily overcome, and an average slope that does not exceed 15%. Present uses may be cropland, pasture, regenerating forests, forestland, or other agricultural or silvicultural uses. However, the soils must be of a size and location, relative to adjoining land uses, so that those soils will be capable, following removal of any identified limitations, of supporting or contributing to an economic or commercial agricultural operation. Unless contradicted by the qualifications stated in this paragraph, primary agricultural soils shall include important farmland soils map units with a rating of prime, statewide, or local importance as defined by the Natural Resources Conservation Service of the United States Department of Agriculture.

Principal Structure - A building in which is conducted the main or principal use of the lot on which the building is situated, and including areas such as garages, carports, and storage sheds which are attached to the principal structure.

Private Club - A building, site or complex operated not primarily for profit and for a fraternal, social, cultural, educational or recreational purpose to which membership or invitation is required for participation or use of the premises.

Public Transit - Any vehicle or transportation system owned, operated or regulated by a governmental agency or quasi-governmental organization used for the mass transport of people.

Public Water - All natural inland lakes, ponds, rivers and streams within the town of Richmond that are navigable by boat under the laws of the state [10 V.S.A. §1422(4)].

Public Works Facility - A publicly operated facility for: the storage and maintenance of vehicles, equipment and materials used for highway and similar infrastructure maintenance and construction; the collection,

distribution, treatment and/or storage of potable water, wastewater or stormwater; or for the collection, processing and short-term storage of solid waste, recyclables and similar refuse.

Public Works Specifications - The Town of Richmond's most recently adopted manual outlining and specifying the requirements for roads, driveways and other such improvements, including water and sewer improvements.

R

Rail Transportation Facility - The use of land and structures for purposes directly connected with rail transportation of passengers and cargo, including such facilities as tracks, sidings, maintenance yards, and passenger and freight terminals.

Recreation - A use whose main purpose is to provide participants with an amusement, entertainment or fitness activity. Recreation uses shall be classified as follows:

Recreation, Indoor Class 1 - A recreational use operated entirely within an enclosed building (e.g., arcade, gymnasium, arena, bowling alley, pool hall, etc.), which occupies less than 5,000 square feet.

Recreation, Indoor Class 2 - All other indoor recreational uses.

Recreation, Outdoor Class 1 - A recreational use conducted primarily in the open or in partially enclosed or screened facilities (e.g., athletic fields, sports courts, track, etc.), which does not involve shooting or motorized sports.

Recreation, Outdoor Class 2 - All other outdoor recreational uses.

Recreational Vehicle - A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Deleted: A term encompassing any type of vehicle used primarily for recreational pleasure. A recreational vehicle is not designed or intended for use as a permanent dwelling, but may be used for temporary living quarters for recreational camping, travel, or seasonal use. This definition includes, but is not limited to, vehicles such as travel trailers, motor homes, boats, house boats, and campers. A recreational vehicle does not include passenger cars.

Recycling or Composting Facility - An enclosed facility for the collection, separation, processing, enclosed storage and shipment of recyclable materials; or a site, building or complex used for the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition.

Religious Facility - A site, building or complex used for regular organized religious assembly, ceremonies or purposes. May include associated facilities such as a rectory, convent, daycare, school, meeting hall, administrative offices or cemetery.

Deleted: Recreational Facility - A structure or open area specifically designed as a public facility for recreation.¶

Rental Cottages - Detached, small lodging units designed for seasonal use or short-term occupancy, which are let by their owners for transient dwelling purposes.

Research and Development - An enclosed facility for investigation into the natural, physical or social sciences, which may include engineering and product development. Research and development uses shall be classified as follows:

Research and Development, Class 1 - A research and development facility that occupies less than 5,000 square feet

Research and Development, Class 2 - A research and development facility that occupies 5,000 to less than 25,000 square feet.

Research and Development, Class 3 - All other research and development uses.

Renewable Energy Resources - Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat and geothermal sources.

Resort or Retreat Center - An establishment or development that provides accommodations and related services transient guests, seasonal renters and/or dwelling unit owners for compensation, where the primary attraction is recreational facilities or activities, which may include facilities and services that are open to the public; or a facility used for professional, educational, health, spiritual or religious conclaves, meetings, conferences, seminars, training or care that may provide meals, housing and recreation for participants during the period of the retreat or program.

Restaurant - An establishment where food and drink are prepared, served and/or consumed. A minimum of 60% of gross sales must be generated by the sale of food. Restaurant uses shall be classified as follows:

Restaurant, Class 1 - A non-formula restaurant without drive-through service, which primarily serves patrons seated indoors on the premises, and which occupies less than 5,000 square feet.

Restaurant, Class 2 - All other non-formula restaurant uses, including a drive-through.

Restaurant, Formula - A restaurant that is required by contractual or other arrangement to offer any of the following: standardized menu, employee uniforms, interior and/or exterior color schemes, architectural design, signage or similar standardized features, or which adopts a name or food presentation format that causes it to be substantially identical to another restaurant regardless of ownership or location.

Retail - An enclosed building housing an establishment offering a specified line of goods or services for retail sale direct to walk-in customers. Retail uses shall be classified as follows:

Retail, Class 1 - A non-formula retail use without drive-through service, which occupies less than 3,000 square feet.

Retail, Class 2 - All other non-formula retail uses.

Retail, Formula - A retail use that is required by contractual or other arrangement to offer any of the following: standardized inventory, employee uniforms, interior and/or exterior color schemes, architectural design, signage or similar standardized features, or which adopts a name or product presentation format that causes it to be substantially identical to another store regardless of ownership or location.

Retirement Community - Residences including private dwelling units, apartments, and/or congregate housing that provide one or more of the following: rooms, meals, personal care, or supervision of self-administered medication for: (i) people age 55 or older; and/or (ii) people with disabilities. Other services such as recreation or transportation may also be provided.

Ridgeline - A relatively narrow elevation that is prominent because of the angle at which it rises and that is seen as a distinct edge against a backdrop of land or sky.

Right-of-Way - A strip of land, whether held in fee or pursuant to a right-of-way or easement, for use as a way for vehicular traffic, trail, water line, sanitary sewer, power line and/or other utilities or facilities.

Riparian Buffer - A vegetated buffer strip along a watercourse that filters stormwater and provides wildlife habitat.

Road - A way for vehicular traffic, whether designated as a road, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, or lane. A driveway is not a road.

Deleted: for 4 or more lots

Deleted: A road is not a driveway.

Road, Arterial - A major or main route for vehicular traffic that is used or will be used primarily for through traffic flow.

Road, Collector - A road that is used or will be used primarily for connecting local road traffic to the arterial road system.

Road Center Line - The center line of the traveled portion of a road.

Road Frontage - See Lot Frontage.

Road, Private - A road that is not a public road.

Road, Public - A town or state road.

Rural Character - Sense of place created by a relatively undeveloped landscape that is primarily devoted to working agricultural and forest lands and/or open space.

S

Salvage Yard - A site used for storing, selling, dismantling, shredding, compressing or salvaging scrap or discarded materials, vehicles or equipment, including a junkyard as defined in state law.

Sawmill or Wood Processing - An operation, facility, permanently installed or non-portable equipment or machine that has as its primary purpose, the sawing, planing refining or processing of logs, trees or rough timber into rough slabs, firewood, lumber or similar value-added wood products. This definition specifically excludes forestry and non-commercial wood processing.

Scenic Resources or Character - Natural or built features or landscapes and vistas over them, which would be described as beautiful or visually pleasing by the average viewer.

Scenic Vista - A long-distance view that includes foreground and background features, which would be described as beautiful or visually pleasing by the average viewer.

Screening - A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms or densely planted vegetation.

Self-Storage - A building, part of a building, or complex of buildings containing separate, individual and self-contained storage compartments available for lease or rent for the storage of personal property.

Self-Storage, Class 1 - The adaptive re-use of a historic structure for self-storage use.

Self-Storage, Class 2 – Self-storage use must meet the following criteria:

- a) Within an existing building (in existence as the effective date of these regulations)
- b) With a maximum building footprint of 5,000 square feet
- c) A maximum of one-third of the doors to individual units may have direct exterior access.
- d) Building footprint may expand up to 25% (to a maximum of 5,000 square feet)

Self-Storage, Class 3 - All other self-storage uses.

Deleted: 2

Setback - The required distance between a lot line, road centerline or other specified feature and the nearest point of any structure as established in Article 2.

Setback, Behind Building Frontline - The required distance between the frontline of a principal structure and the nearest point of any accessory structure.

Setback, Front – For the front setback, the surveyed line shall be used if survey markers are clearly in place and available. The required distance between one of the following: (1) the front lot line and the nearest point of a structure; or (2) if the front lot line is not known, the road centerline setback and the nearest point of a structure. See Article 2 regarding front setbacks requirements for each zoning district.

Setback – Rear or Side - The required distance between the side or rear lot line and the nearest point of any structure. See Article 2 regarding rear and side setback requirements for each zoning district.

Settlement Pattern - The spatial distribution of built features on the landscape.

Sewer System, Community - Sewer system serving more than two users.

Shoreline Overlay District - The area along both sides of the Winooski and Huntington Rivers, the Oxbows, Gillette Pond, and Lake Iroquois, which lies within 50 feet of the mean annual water level. The 50-foot measurement shall be made perpendicular to the tangent of the riverbank.

Sign - Any structure (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and is visible from a public road or other properties. The term sign shall not include any flag, badge, or insignia or any governmental unit, nor shall it include any item of merchandise normally displayed within a show window of a business. Sign types include:

Sign, Electronic Message - Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

Sign, Freestanding - A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

Sign, Hanging - A sign attached to and projecting out more than 18 inches from a building.

Sign, Internally Illuminated - A sign designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign, including but not limited to neon and exposed lamp signs.

Sign, Portable - A sign that is not permanently affixed to a structure or the ground and that is designed to be moved easily.

Sign, Roof - A sign that is mounted on the roof of a building and projects above the highest point of a building with a flat roof, the ridgeline of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Wall - A sign attached to and projecting out not more than 18 inches from a building.

Sign Area - the area of a flat sign shall be the area within the smallest rectangle (or circle, for circular signs) which can be drawn to encompass all letters, designs, tubing, panels and frames which are part of the sign. The area of a hanging or directory sign shall be the total surface area of the sign on all sides, including all letters, design, panels and frames, and the supporting structure if any part of the structure is more than 6" wide, or if any part of the structure is more than 6" from an edge of the sign. In either of the latter cases, the whole visible surface of the supporting structure and any space between the structure and the sign shall be included as sign area. A false building front or awning or gas station canopy may be included in calculating sign area.

Sign Height - the maximum height of a sign is measured from the average elevation of the foundation of the sign between the support posts. In the case of a single sign, the height is measured at the base of the support structure

Silviculture - The development and/or maintenance of a forest or wooded preserve.

Site Analysis – Formal process for subdivision projects in which the applicant presents an analysis of the property to be developed, its built and natural resources, and allowable density.

Deleted: , including PUDs,

Site Plan - A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and illustrations or drawings of principal development features proposed for a specific parcel or parcels of land, including parking, landscaping, roads and driveways, drainage, wetlands, floodplain, etc.

Slaughterhouse - A building or site for the slaughtering and processing of livestock and the refining of their byproducts, which may include packing, treating, storage or sale of meat or other animal-derived products on the premises.

Slope, Percent - The ratio of vertical rise or fall to horizontal distance of terrain (rise divided by run).

Slope, Moderate - Slopes with an average grade, as measured over any 100-foot section, of at least 15% but less than 30%.

Slope, Steep - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics as mapped and described in the most recently completed county soil surveys or other similar technical reports. At a minimum, steep slopes shall be interpreted to include any grade that averages a slope of 30% or more over any 100-foot section.

Stable or Riding Facility - An establishment where equines are housed for compensation or fee, or are offered for sale or hire to the public. Breeding, boarding, training, showing of equines may also be conducted, as well as equine-based recreational activities.

Storefront - Display windows of a building housing a commercial use visible from a road, sidewalk, or other pedestrian connection accessible to the public, or adjacent public or private property.

Stormwater - The flow of water which results from precipitation and which occurs immediately following rainfall or a snow melt.

Story - A space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; except that basements and attics shall not be considered stories.

Stream - Those areas where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the passage of water and includes but is not limited to bedrock, channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water year-round. This definition is not meant to include artificially created irrigation ditches, canals, storm or surface water run-off devices, or other entirely artificial water courses unless they are used by salmonid or created for the purposes of stream mitigation.

Stream, Intermittent or Perennial - A stream that may not contain water year-round and that is not shown on the most recent edition of the United States Geological Survey 7.5-minute series topographic map, commonly known as a quad map.

Stream, USGS Mapped - A stream that is shown on the most recent edition of the United States Geological Survey 7.5-minute series topographic map, commonly known as a quad map.

Streetscape - A design term referring to all the elements that constitute the physical makeup of a road and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

Structural Alteration - See Alteration, Structural.

Structure - An assembly of materials for occupancy, use and/or the shelter of people, animals or property, including, but not limited to, a building, mobile home or trailer, sign, wall or fence, except a wall or fence on an operating farm. The term structure also includes liquid and gas storage tanks and placement or storage of fill regulated by Section 3.3.7. Unless otherwise specifically provided, the term structure does not include parking areas and driveways. For the determination of setbacks, fences less than 6 feet in height and wastewater systems shall not be considered structures. The setbacks for wastewater systems shall be dictated by state law.

Structure, Lightweight Portable - A structure not attached to a permanent foundation or footing, which is designed to be erected, dismantled and transported by one or two people without the use of vehicles or equipment.

Subdivision – Any lot or parcel, vacant or improved, which is divided into two (2) or more lots and any other division of land, for sale, development, lease, or any other purpose. The term includes amended subdivisions, resubdivisions, Planned Unit Developments as defined in these Regulations, and condominiums and other common interest communities as defined in 27A VSA 1-103. Boundary adjustments shall not be considered to be subdivisions.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantially Completed - A building, structure or infrastructure that is sufficiently constructed so that it can be used for its intended purpose with no further construction.

Swimming Pool - A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreation.

T

Tavern - An establishment whose principal business is the serving alcoholic beverages at retail for consumption on the premises, which may also offer patrons food for consumption on the premises.

Theater - A site, building or complex used for the development, rehearsal, production and presentation of theatrical, dance, musical, comedy or other live performances, or the showing of motion pictures.

Transit Facility - A building or site designed or used for loading, unloading or transferring public transit passengers, or accommodating the movement of transit passengers from one mode of transportation to another.

Travel Trailer - See Recreational Vehicle.

Tree Caliper - A standard trunk diameter measurement for trees taken 12 inches above ground.

Trip - A one-way journey that proceeds from an origin to a destination via a single mode of transportation.

Trip End - Each time a vehicle comes to or leaves a site it is a trip end.

U

Undue Adverse Impact or Undue Adverse Effect – An impact or effect which is substantial or material. In making a determination of undue adverse impact, the DRB may consider any factors it deems relevant under the applicable section of these Regulations where the term is being used, including but not limited to, the nature of the project's surroundings, compatibility with the project's surroundings, whether the project violates

a clear written community standard in a Town bylaw or regulation, or in the Town Plan, whether the project's applicant has failed to take generally available mitigating steps which a reasonable person would take to minimize the impact, the purpose or purposes of the zoning district in which the project is located and the specifically stated policies and standards of the Town Plan and, in the case of traffic issues, safety considerations and resulting levels of service.

U.S. Geological Survey - a US government organization, part of the Department of the Interior, which makes detailed maps of the US and lists of minerals found in the U.S.

Use - Any purpose for which a lot, building, or other structure or an area of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on an area of land.

Use, Permitted - A use allowed in a zoning district for which the Zoning Administrative Officer may issue a zoning permit without the applicant being required to receive approval from the Development Review Board.

Use, Principal - The primary or predominant use of a lot, building, or other structure or an area of land. The principal use of any lot with an inhabited single- or two-family dwelling shall be deemed residential.

Utility Box - Electric transformers, switch boxes, telephone pedestals and telephone boxes, television pedestals and televisions boxes, traffic boxes, and similar devices.

V

Vehicle Fueling Station - Any structure or area of land used for the retail sale of vehicle fuels, along with oils and/or vehicle accessories, and also including other retail sales. Vehicle fueling stations shall be classified as follows:

Vehicle Fueling Station, Class 1 - A vehicle fueling station with less than 1,000 square feet of retail space and that does not offer motor vehicle repair or service.

Vehicle Fueling Station, Class 2 - All other vehicle fueling station uses.

Vermont Hydrology Dataset – Statewide surface water dataset, coined the “VHD”, created in partnership between the Vermont Center for Geographic Information and the USGS Innovative Partnership (USGS-IP) Project.

Veterinary Office or Clinic - A facility maintained by or for the use of one or more licensed veterinarians in the diagnosis, treatment or prevention of animal diseases and injuries, which may include boarding of patients and other non-patient domesticated animals.

Village Scale - A style of development in which buildings resemble in size and character existing village single-family homes, and in which pedestrian accessibility is an important feature.

W

Warehousing and Distribution - A facility for the regular and on-going enclosed storage, transport, shipping and/or distribution of goods, materials, products, parts, supplies, vehicles or equipment.

Warehousing and distribution uses shall be classified as follows:

Warehousing and Distribution, Class 1 - The adaptive re-use of a historic structure for a warehousing and distribution use, which does not involve the storage flammable, explosive or hazardous materials.

Warehousing and Distribution, Class 2 - A warehousing and distribution use that occupies less than 10,000 square feet and does not store flammable, explosive or hazardous materials.

Warehousing and Distribution, Class 3 - All other warehousing and distribution uses.

Water System, Community - Water system serving more than two users.

Wetlands - Those areas that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction, including those areas shown on the Vermont Wetland Inventory Maps and associated buffers. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming.

Wholesale - An establishment primarily engaged in selling or distributing merchandise to retailer, industrial, commercial, institutional, professional or other wholesale customers rather than directly to the public or end consumer; or acting as agents or brokers and buying for or selling to such individuals. Wholesale uses shall be classified as follows:

Wholesale, Class 1 - A wholesale use with no unenclosed storage of its inventory and that occupies less than 5,000 square feet.

Wholesale, Class 2 - All other wholesale uses.

Wildlife Habitat, Critical - An area that because of climate, soils, vegetation, relationship to water and other physical properties has been identified as of critical importance to the survival of one or more wildlife species at any period in its life including breeding and migratory periods within the town. Critical wildlife habitat may be identified in the town plan, by the state or federal government, or by qualified natural resource professionals based on either remote sensing data or on-site field investigation.

Wildlife Travel Corridor - A linear area of land and/or water through which wildlife travels to feed, seek refuge and migrate between seasons.

Wireless Telecommunications Facility – See Section 3.8, Wireless Telecommunications Facilities, for this definition.

Working Land - Land actively used or managed for farming or forestry purposes.

X

Y

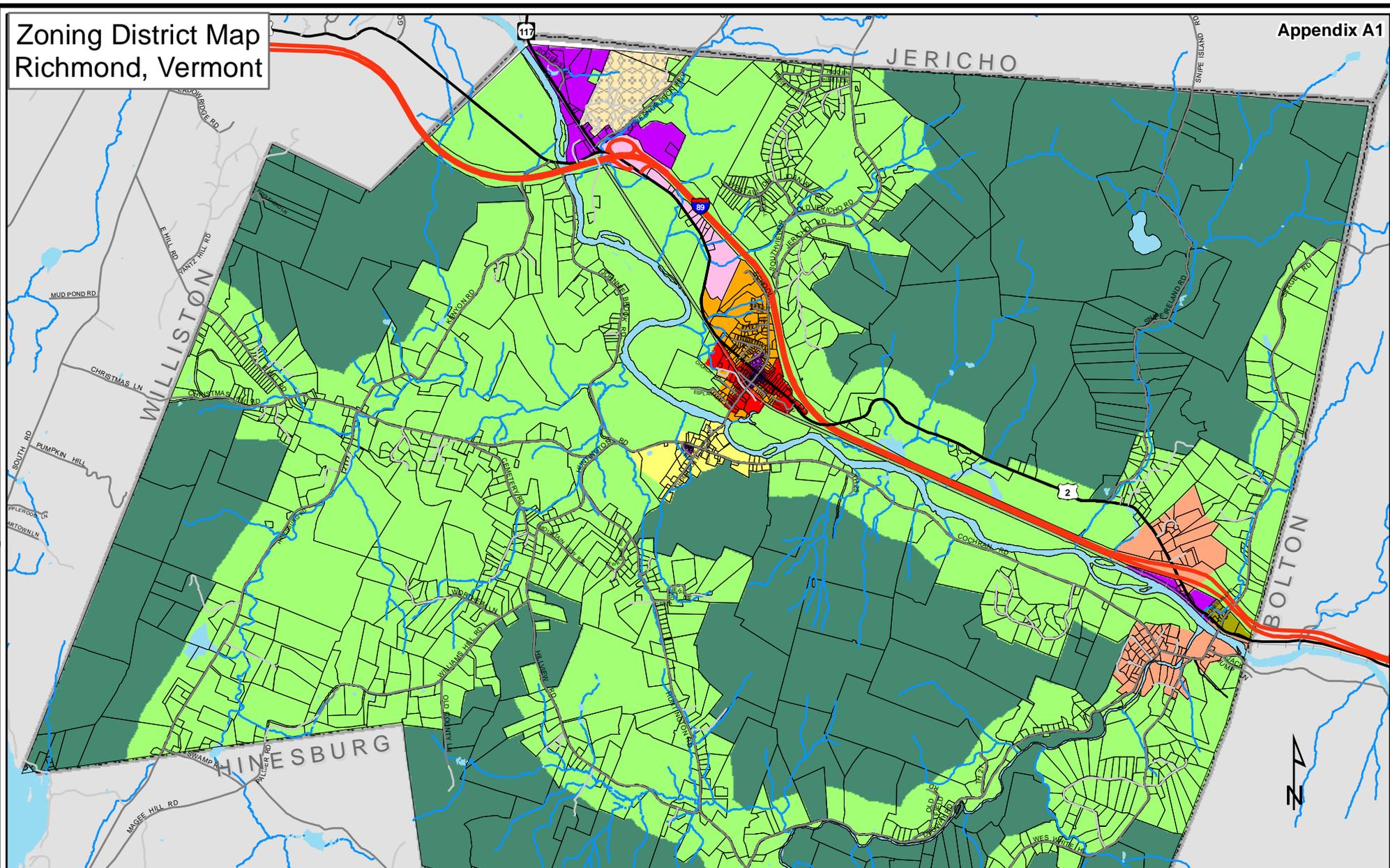
Z

Zoning Administrative Officer - The Zoning Administrative Officer administers these regulations. The term also includes the Acting Zoning Administrative Officer and the Assistant Zoning Administrative Officer.

Zoning District - A land area or land areas as established in Article 2 of these regulations and shown on the Zoning Map.

Zoning Permit - A document signed by the Zoning Administrative Officer, as required in these regulations, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, demolition, or installation of a structure or building or of a site alteration, which acknowledges that such use, structure, building, or site alteration complies with the provisions of the Regulations or authorized variance.

Zoning District Map Richmond, Vermont



Zoning Districts

- | | |
|--|--|
|  Village Business 1 |  Jonesville-Residential |
|  Village Business 2 |  Gateway |
|  Village Mixed |  General Business |
|  Village Residential North |  Rural 3 |
|  Village Residential South |  Rural 10 |
|  Jonesville-Mixed |  Mobile Home Park |

1 inch = 4,200 feet

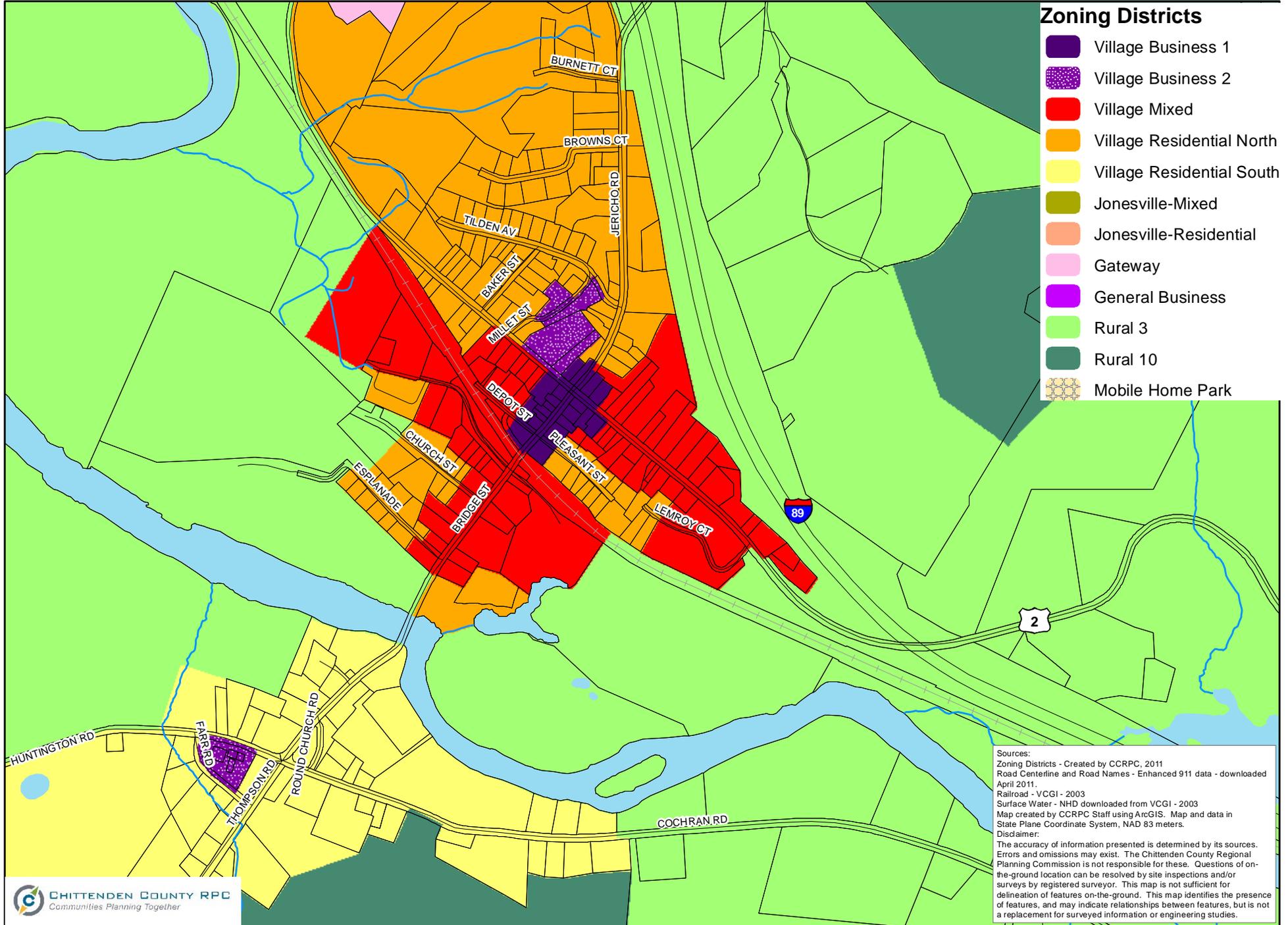
 **CHITTENDEN COUNTY RPC**
Communities Planning Together

7/12/2012

Sources:
Zoning Districts - Created by CCRPC, 2011
Road Centerline and Road Names - Enhanced 911 data - downloaded April 2011.
Railroad - VCGI - 2003
Surface Water - NHD downloaded from VCGI - 2003
Map created by CCRPC Staff using ArcGIS. Map and data in State Plane Coordinate System, NAD 83
Disclaimer:
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map shows the presence of features and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.

Zoning District Map - Richmond Village Area Richmond, Vermont

1 inch = 800 feet

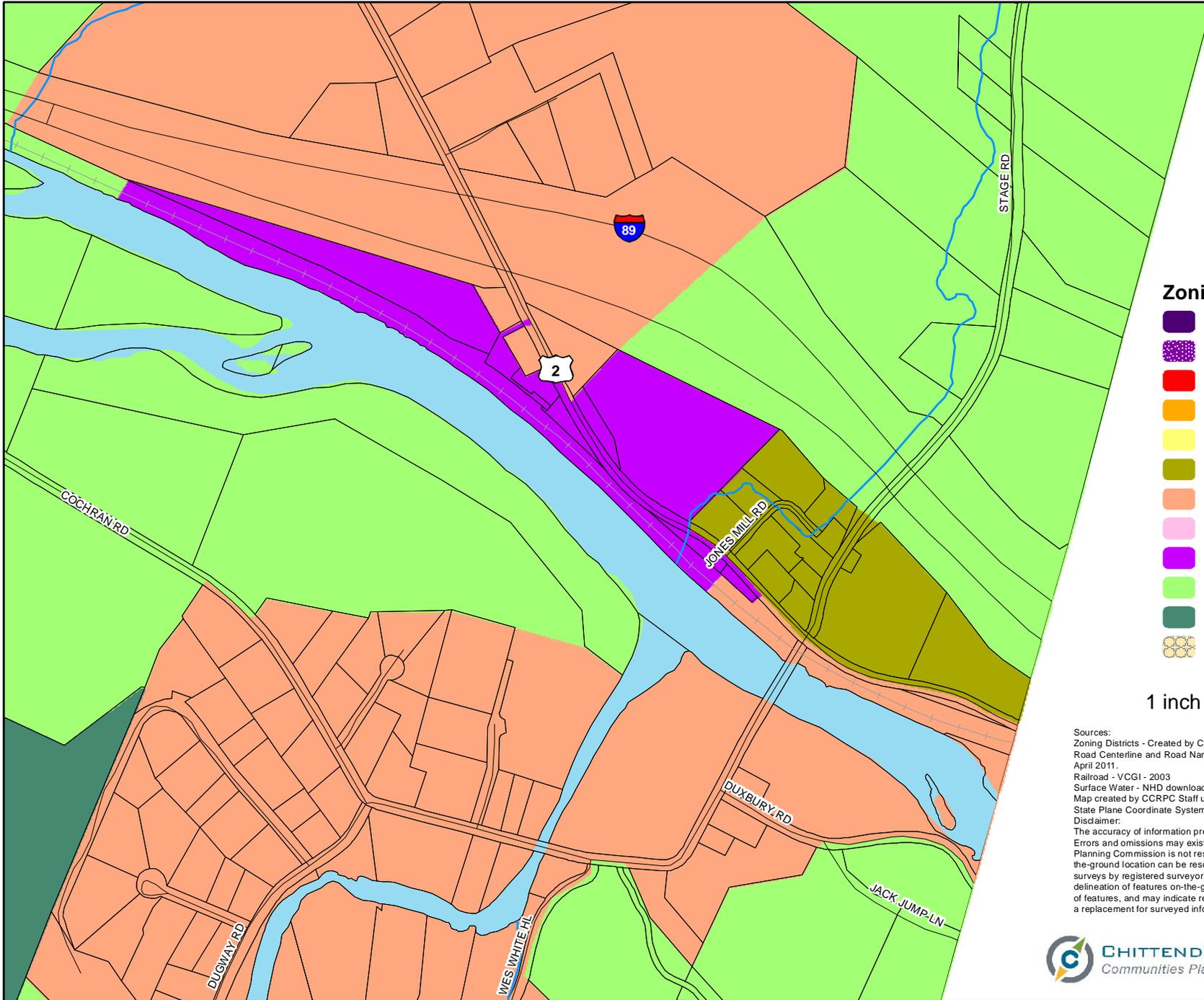


Zoning Districts

-  Village Business 1
-  Village Business 2
-  Village Mixed
-  Village Residential North
-  Village Residential South
-  Jonesville-Mixed
-  Jonesville-Residential
-  Gateway
-  General Business
-  Rural 3
-  Rural 10
-  Mobile Home Park

Sources:
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 Road Centerline and Road Names - Enhanced 911 data - downloaded April 2011.
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Zoning District Map - Jonesville Area Richmond, Vermont



Zoning Districts

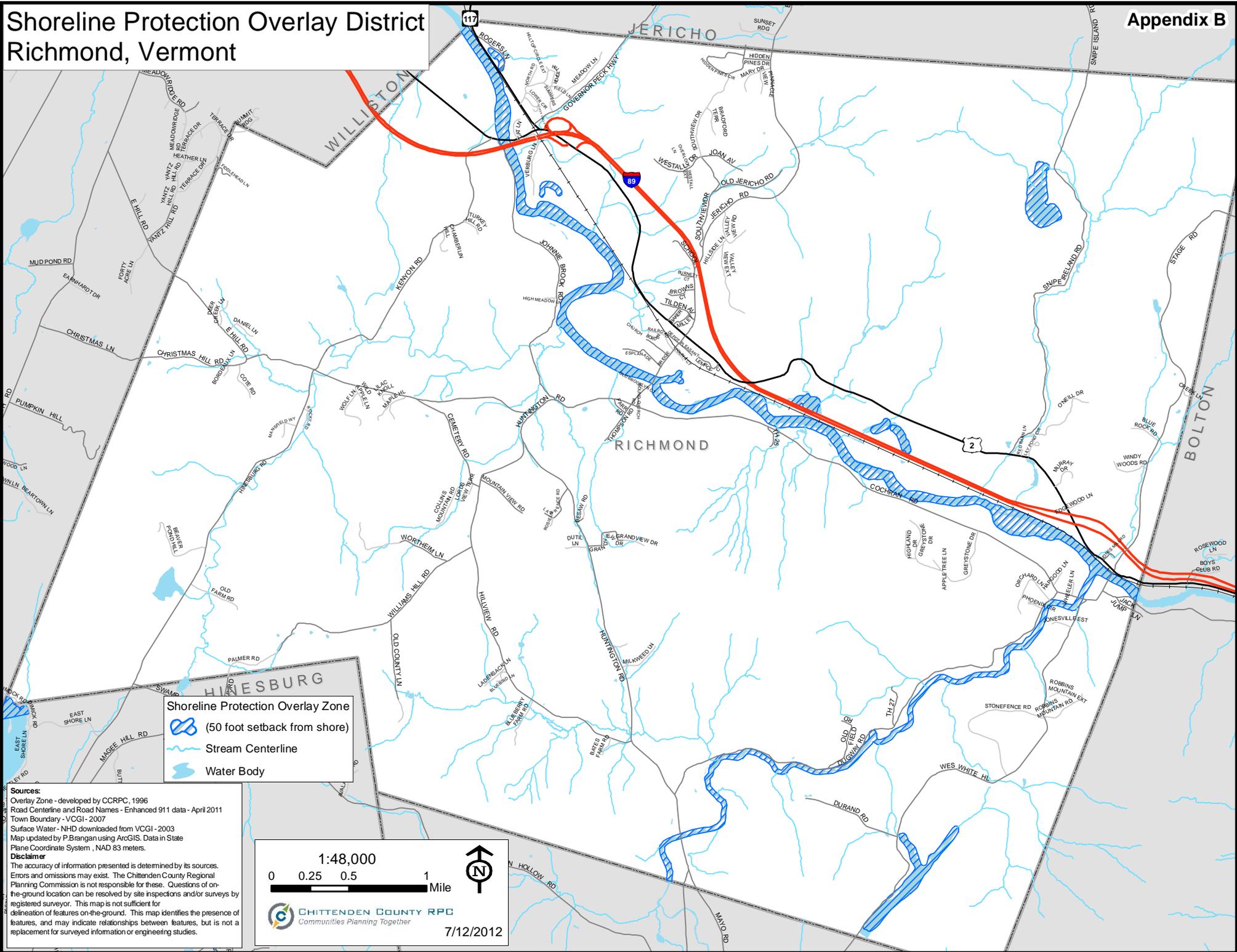
-  Village Business 1
-  Village Business 2
-  Village Mixed
-  Village Residential North
-  Village Residential South
-  Jonesville-Mixed
-  Jonesville-Residential
-  Gateway
-  General Business
-  Rural 3
-  Rural 10
-  Mobile Home Park

1 inch = 600 feet

Sources:
 Zoning Districts - Created by CCRPC, 2011
 Road Centerline and Road Names - Enhanced 911 data - downloaded April 2011.
 Railroad - VCGI - 2003
 Surface Water - NHD downloaded from VCGI - 2003
 Map created by CCRPC Staff using ArcGIS. Map and data in State Plane Coordinate System, NAD 83 meters.

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Shoreline Protection Overlay District Richmond, Vermont



Shoreline Protection Overlay Zone

-  (50 foot setback from shore)
-  Stream Centerline
-  Water Body

Sources:
 Overlay Zone - developed by CCRPC, 1996
 Road Centerline and Road Names - Enhanced 911 data - April 2011
 Town Boundary - VCGI - 2007
 Surface Water - NHD downloaded from VCGI - 2003
 Map updated by P.Brangan using ArcGIS, Data in State Plane Coordinate System, NAD 83 meters.

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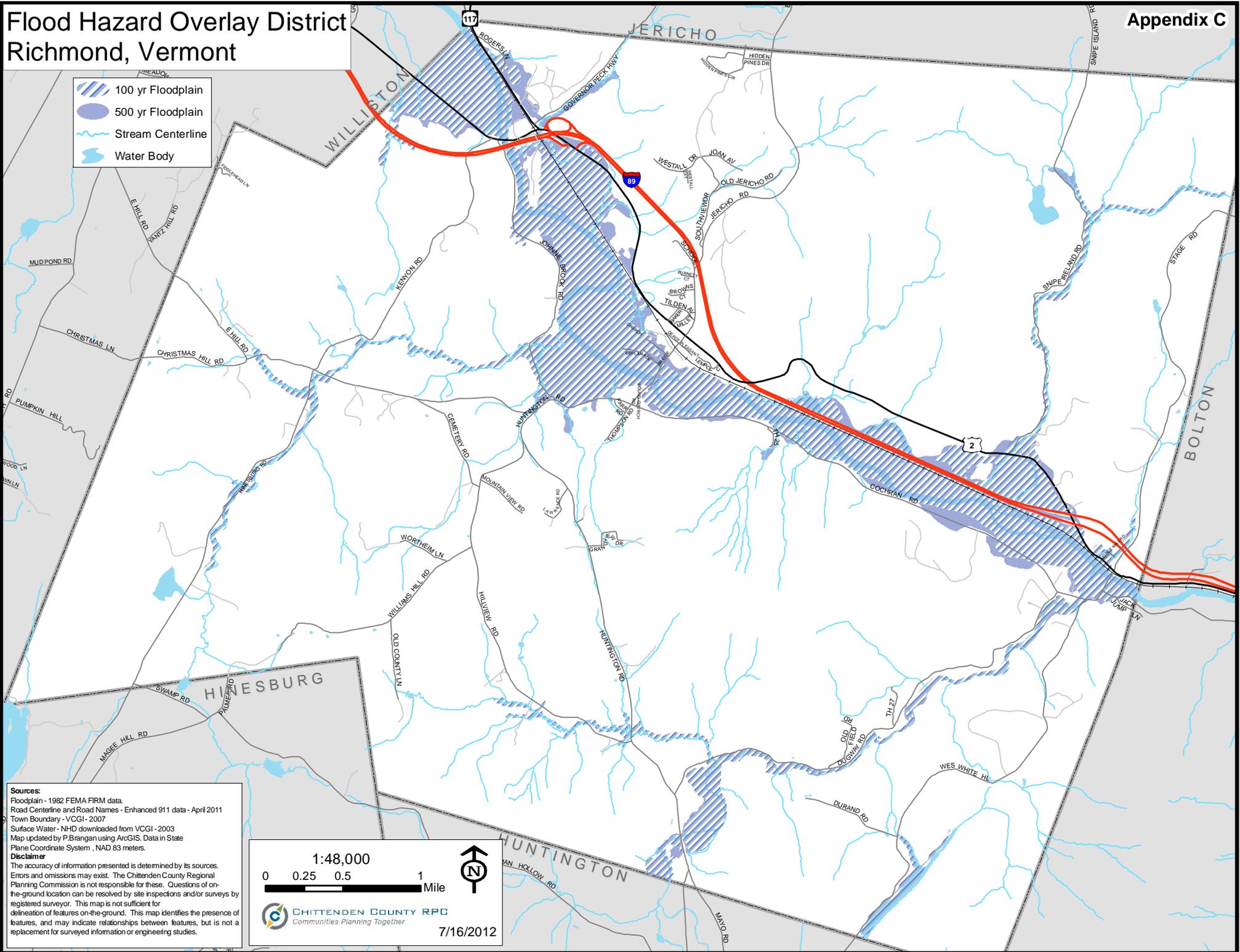


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 Communities Planning Together

7/12/2012

Flood Hazard Overlay District Richmond, Vermont

-  100 yr Floodplain
-  500 yr Floodplain
-  Stream Centerline
-  Water Body



Sources:
 Floodplain - 1982 FEMA FIRM data
 Road Centerline and Road Names - Enhanced 911 data - April 2011
 Town Boundary - VCGI - 2007
 Surface Water - NHD downloaded from VCGI - 2003
 Map updated by P.Brangan using ArcGIS. Data in State Plane Coordinate System, NAD 83 meters.

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1:48,000

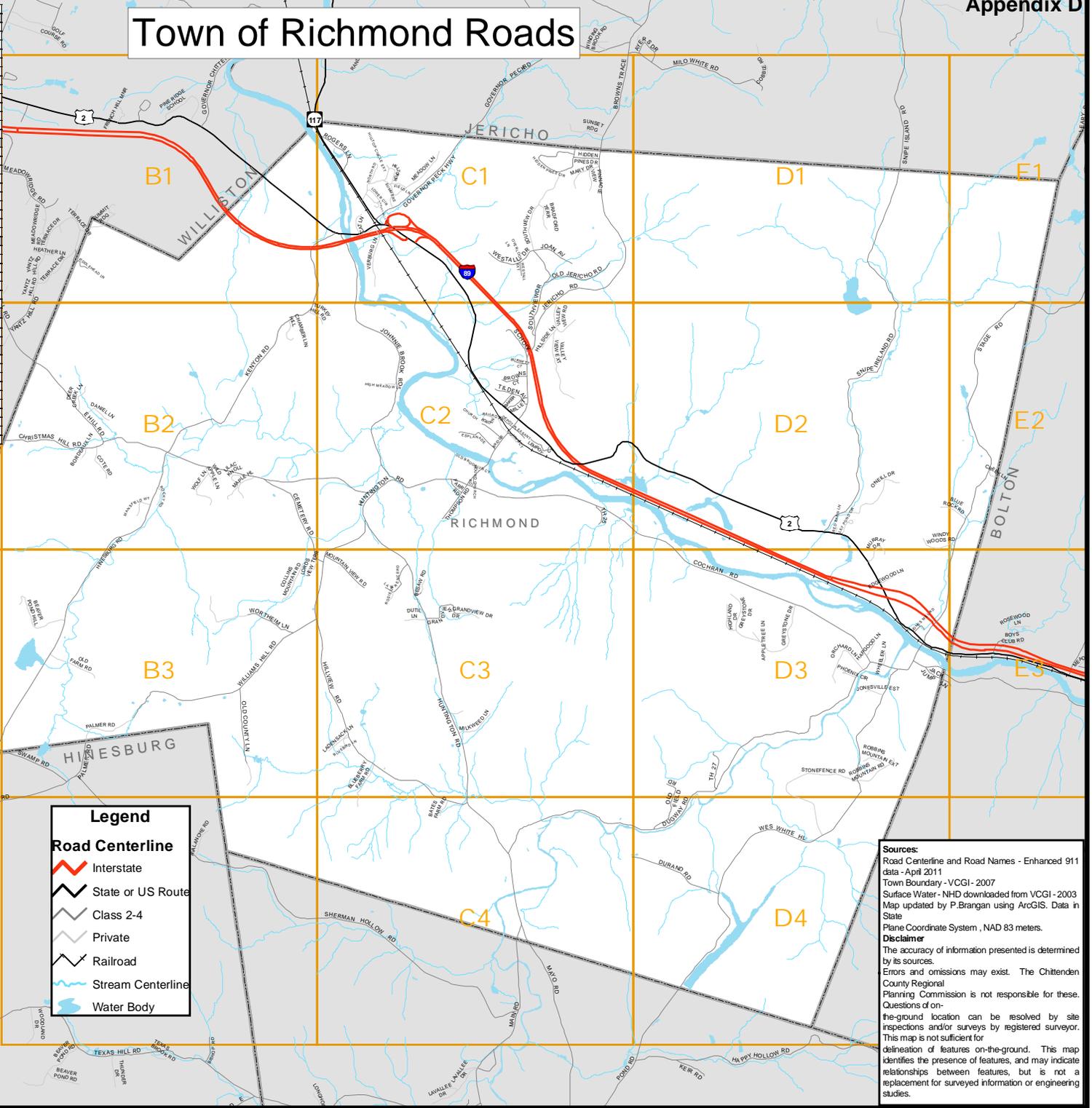
0 0.25 0.5 1 Mile




7/16/2012

Town of Richmond Roads

STREET NAME	GRID ID	STREET NAME	GRID ID
APPLE TREE LN	D3	RAILROAD	C2
BAKER	C2	RED BARN LN	D2
BATES FARM RD	C4	RICHMOND RD	A3
BEAVER POND HILL	B3	RIVER RD	B1
BESAW RD	C3	RIVER RD	C1
BLUE ROCK RD	D2	ROBBINS MOUNTAIN EXT	D3
BLUE ROCK RD	E2	ROBBINS MOUNTAIN RD	D3
BLUEBERRY FARM RD	C3-C4	ROCKY RD	B2
BLUEBRD LN	C3	ROGERS LN	C1
BORDEAUX LN	B2	ROSIE LN	C3
BORDEN	C2	ROUND CHURCH RD	C2
BRADFORD TERR	C1	ROUTE 89 S	E3
BRIDGE	C2	ROUTE 89 S	E3
BROWNS CT	C2	SCHOOL	C2
BURNETT CT	C2	SHERWOOD FOREST RD	B2
CAT LN	C1	SNIPE IRELAND RD	D1-D2
CEMETERY RD	B3-B3,C3	SNIPE ISLAND RD	D1
CHAMBERLIN HILL	B2	SOUTHVIEW DR	C1-C2
CHRISTMAS HILL RD	B2	STAGE RD	D3,E1-E3
CHURCH	C2	STONEFENCE RD	D3-D4
COCHRAN RD	C2-D2-D3	SUMMERS	C1
COLLINS MOUNTAIN RD	B3	SUMMIT RDG	B1
COTE RD	B2	SWAMP RD	A3,B3
CREEK LN	E2		
DANIEL LN	B2	TH 17	B2
DEER CREEK LN	B2	TH 25	C2
DEPOT	D3	TH 27	D3
DIMOCK RD	A3	THEODORE ROOSEVELT HWY	D3
DIMOCK RD	A3	THOMPSON RD	C2
DUGWAY RD	C4,D3-D4	TILDEN AV	C2
DURAND RD	C4,D4	TURKEY HILL RD	B2,C2
DUTIL LN	C3		
DUXBURY RD	D3	VALLEY VIEW EXT	C2
E HILL RD	B2	VALLEY VIEW RD	C1-C2
E MAIN	C2-D2-D3	VERBURG LN	C1
EDGEWOOD LN	D3	W MAIN	B1,C1-C2
ESPLANADE	C2	WES WHITE HL	D3-D4
FARR RD	C2	WESTALL DR	C1
FIDDLEHEAD LN	B1	WESTALL EXT	C1
FIELD LN	C1	WHEELER LN	D3
G		WILD APPLE LN	B2
GOVERNOR PECK HWY	C1	WILLIAMS HILL RD	B3
GOVERNOR PECK RD	C1	WINDY WOODS RD	D2,E2
GRANDVIEW DR	D3	WOLF LN	B2
GREYSTONE DR	C3	WORTHEN LN	B3
H			
HAPWOOD LN	D3		
HIDDEN PINES CIR	C1		
HIDDEN PINES DR	C1		
HIDDEN PINES EXT	C1		
HIGH MEADOW LN	C2		
HIGHLAND DR	D3		
HILLSIDE LN	C2		
HILLTOP CIR	C1		
HILLTOP CIRCLE EXT	C1		
HILLVIEW RD	B3,C2-C4		
HINESBURG RD	A3,B2-B3,C2		
HUNTINGTON RD	C2-C4		
I			
INTERSTATE 89	C1-C2,B1,D2-D3,E3		
J			
JACK JUMP LN	D3		
JERICO RD	C1-C2		
JOAN AV	C1		
JOHNNIE BROOK RD	C1-C2		
JOHNNIE BROOK RD	C1		
JOLINA CT	C2		
JONES MILL RD	D3		
JONESVILLE EST	D3		
K			
KENYON RD	B1-B2,C1		
L			
LADENBACH LN	C3		
LAWRENCE RD	C3		
LEMROY CT	C2		
LILAC KNOLL	B2		
LILY POND CIR	D3		
LORDS VIEW TERR	B3,C3		
LOWER CIR	C1		
LOWER CIRCLE EXT	C1		
M			
MANSFIELD WY	B2		
MAPLE HL	B2		
MARY DR	C1		
MAYO RD	C4		
MEADOW LN	C1		
MILKWEED LN	C3		
MILLET	C2		
MOUNTAIN VIEW RD	C3		
MURRAY DR	D2-D3		
N			
NORTH RD	C1		
O			
O'NEILL DR	D2		
OLD BROOKLYN CT	C2		
OLD COUNTY LN	B3		
OLD FARM RD	B3		
OLD FIELD RD	D3-D4		
OLD JERICO RD	C1		
ORCHARD LN	D3		
OVERLOOK LN	C1		
P			
PALMER RD	B3		
PHOENIX CIR	D3		
PINE TREE LN	C3		
PINNACLE VIEW	C1		
PLEASANT	C2		
POND RD	D4		



Legend

- Interstate
- State or US Route
- Class 2-4
- Private
- Railroad
- Stream Centerline
- Water Body

1:60,000

0 0.25 0.5 1 Mile

CHITTENDEN COUNTY RPC
Communities Planning Together

Date: 7/13/2012

Sources:
 Road Centerline and Road Names - Enhanced 911 data - April 2011
 Town Boundary - VCGI - 2007
 Surface Water - NHD downloaded from VCGI - 2003
 Map updated by P.Brangan using ArcGIS. Data in State Plane Coordinate System, NAD 83 meters.

Disclaimer
 The accuracy of information presented is determined by its sources.
 Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.