Zoning Regulations

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2004– March 22 (Added § 3.9 – Setback Modifications)
2006– August 8 (Amended Official Zoning District Map only)
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2014– May 27 (Added Jolina Court Interim Zoning attached to the end of the document)
2014– June 24 (Amended §6.8.8, §6.8.16, §6.8.15)
2015– February 11 (Amended §6.8)
March 30 (Amended §3.4)
September – (Amended Jolina Court Interim Zoning Regulations)
2016– May 23 – (Extended Jolina Court Interim Zoning Regulations for one year)
2017 – February 28 (Amended §5.9 Accessory Dwellings & §7.1 Definitions)
2019 – September 25 (Added §3.10 Village Downtown District)
2020 – March 10 (Amended §3.10.3 Residential Density in the Village Downtown District)
2020 – May 12 (Added §3.9 Jolina Court District)
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2020 – November 10 (Amended §1.2 Application of Zoning Regulations, §2.4 Uses and Exemptions for Districts - Generally, §5.1 Applicability, and §5.10 Requirements for Specific Structures)
2021 – October 25 (Amended §3.8.5 Other Requirements Applicable to Lots in the MHP District; §4.6 Nonconforming Lots; §5.2.1 Application, Fees, Reimbursement for Technical Review; §5.3.5 Certificates of Occupancy; §5.6 Conditional Use

Review; §5.8 Boundary Adjustments, and §8.2 Development Review Board (DRB). Added §4.13 Performance Standards.)

2022 – May 23 (Amended §4.7 Nonconforming Structures, §4.8 Nonconforming Uses, §4.13 Vehicle Fueling Stations, §6.9 Wetlands, and Official Zoning District Map)

2023 – June 26 (Amended §2.5.2 Non-Developable Portions of a Lot, §3.3 Village Residential/Commercial District, §3.4 Gateway Residential/Commercial District, §4.5 Multiple Uses and Principal Structures on a Lot, §5.5 Site Plan Review, §6.1.2 Off-Road or Highway Parking Requirements, §6.13 Multifamily Housing Development Standards, §7 Definitions, and Town Zoning District Map (Appendix A1)

2024 – May 28 (Amended §3.7 Industrial Commercial District, §5.12 Planned Unit Development and Residential PUD, §7 Definitions)

2025 - January 29 (New §3.11 Village Residential Neighborhoods North Zoning District, §3.12 Village Residential Neighborhoods South Zoning District and §6.14 Residential Density; Amended §6.1.2 Off-road or Highway Parking Requirements, §6.13 Multifamily Housing Development Standards, §7 Definitions, and Town Zoning District Map - Appendix A1)

2025 – April 28 (Amended § 4.7 Non-conforming Structures, § 4.8 Non-conforming Uses, and §6.8 Flood Hazard Overlay District (FHOD))

2025 – August 25 – (Amended §3.9, Jolina Court Zoning District, §5.12, Planned Unit Development (PUD) and Residential PUD and §7, Definitions. Introduction of new sections §6.15, Residential Bonus Plan and § 6.16, Affordable Housing)

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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 Zoning 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 Regulations."

The regulations that follow *do not* intend to threaten or compromise any lawfully existing residence, structure or business; these lawfully existing uses and structures shall be grand-fathered and accepted at current locations and levels of activity, as provided in these Zoning Regulations.

Richmond's rural character will be protected by zoning regulations that support current patterns of use; and by small-scale, rather than large-scale, development.

1. OVERVIEW

1.1 Purpose

The purpose of these Zoning Regulations is to promote the health, safety and general welfare of the inhabitants of the Town of Richmond, Vermont and to enhance the value of property, to secure safety from fire and congestion, and to further the purposes of the Town Plan and the Act (§4302).

1.2 Application of Zoning Regulations

A Zoning Permit must be issued prior to the commencement of any land development, unless regulated by 24 VSA §4413 as described in section 5.1.2 of these regulations.

1.3 Legal Status

These Zoning Regulations shall become effective twenty-one (21) days after the date of adoption by the Richmond Selectboard, subject to §4442(d) of the Act. The zoning regulations heretofore in effect in the Town of Richmond shall be deemed repealed upon the Effective Date of these Zoning Regulations.

1.4 Amendment or Repeal of Sections

Any amendment, repeal of sections or revision of the other provisions of these Zoning Regulations shall be prepared in accordance with the Act as may be amended from time to time. Any request for an amendment to these Zoning 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.

1.5 Severability

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

1.6 Conflicting Ordinances or Regulations

In case of any inconsistency between a provision of these Zoning Regulations and a provision of any other applicable ordinance or regulation of the Town, the provision that was adopted or materially amended later than the other shall control unless otherwise required by law. Under Section 6.8.3.a), the provisions of the Flood Hazard Overlay District take precedence when they impose a greater restriction than other regulations. If any provision of these Zoning Regulations is or becomes inconsistent with the Act, the Act shall control.

1.7 Definitions and Index

Many of the terms used in these Zoning Regulations are defined in Section 7 and these definitions should be referred to for a correct interpretation of the regulations. Some of the more prominent terms are capitalized to draw attention to their having definitions, though many defined terms are not capitalized. Special definitions are in Section 6.8 and Section 6.12. ~~The index in the final section of this document can also be used to find references to specific topics.~~

2. ZONING DISTRICT REGULATIONS - GENERAL

2.1 Establishment of Zoning Districts

The Town of Richmond is divided into the following Zoning Districts in accordance with the Official Zoning District Map:

2.1.1 A/R - Agricultural / Residential District

2.1.2 HDR - High Density Residential District

2.1.3 V R/C – Village Residential / Commercial District

2.1.4 G R/C - Gateway Residential / Commercial District

2.1.5 V/C - Village Commercial District

2.1.6 C - Commercial District

2.1.7 I/C - Industrial / Commercial District

2.1.8 MHP - Mobile Home Park District

2.1.9 JC - Jolina Court District

2.1.10 VD – Village Downtown District`

2.1.11 VRNN – Village Residential Neighborhood North

2.1.12 VRNS – Village Residential Neighborhood South

2.2 Determination of Zoning District Boundaries

If the location of a Zoning District boundary is at issue, then the following rules shall apply:

2.2.1 Centerlines - A boundary indicated on the Zoning District Maps 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.

2.2.2 Lot lines - A boundary indicated on the Zoning District Maps as appearing to follow a lot line shall be construed as following such lot line.

2.2.3 Shorelines - A boundary indicated as appearing to follow a shoreline shall be construed as following the shoreline at the normal mean water level.

2.2.4 Contour lines - A boundary indicated as appearing to follow a contour line showing elevation shall be construed as following such contour line.

2.2.5 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 Zoning District Maps.

2.2.6 Divided Parcels - When a lot is divided by a Zoning District boundary line, Land Development in each portion of the lot shall meet the requirements of the Zoning 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 Zoning District, such area of land shall be considered to lie in the same district as the larger portion of the lot.

2.3 Zoning District Map

The written provisions of these Zoning Regulations shall apply to the Zoning Districts as shown on the official Zoning District Map, such Map being a part of these Zoning Regulations.

2.4 Uses and Exemptions for Districts - Generally

2.4.1 Application - Except as otherwise specifically provided in these Zoning Regulations, no use shall be allowed in a Zoning District except for those uses specifically mentioned as being allowed in such Zoning District. The DRB may, on appeal or in considering a conditional use application, allow a use which it finds is substantially similar to a use specifically mentioned as being allowed in such Zoning District.

2.4.2 Nonconforming Uses - Nonconforming uses shall be allowed to continue as provided in Section 4.8, *Nonconforming Uses,* of these Zoning Regulations.

2.4.3 Uses Subject to Site Plan Review - Many allowed uses require "Site Plan Review" by the DRB under Section 5.5 of these Zoning Regulations. Such uses have been identified as having significant impacts on the area and/or resources of the Town. The uses to which site plan review applies are identified in section 5.5.1. If an application is considered under Conditional Use review (section 5.6), then Site Plan review criteria shall also be considered by the DRB, though no separate hearing is required.

2.4.4 Recreational Paths - Recreation paths shall be allowed in any district. Parcels of land which do not meet the lot area requirements for a Zoning District, but which are suitable for recreation path use may be conveyed to the Town, a land trust, or similar group, to be utilized for such purposes.

2.4.5 Uses regulated by 24 VSA §4413, including agriculture and silviculture; and 30 VSA §248, public utilities –These uses shall be regulated as per section 5.1.~~2~~ of these regulations.

2.5 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 Zoning Regulations. These criteria are designed to ensure the capability of the land to support the proposed Land Development.

2.5.1 Areas with Special Guidelines for Land Development - The following portions of a lot are governed by the following special provisions:

a) Land within the Flood Hazard Overlay District must meet the provisions of Section 6.8, *Flood Hazard Overlay District*, of these Zoning Regulations;
b) Land within the Water Source Protection Areas must meet the provisions of Section 6.10, *Water Supply Source Protection*, of these Zoning Regulations;
c) Land with a slope of 20% or more must meet the provisions of Section 6.11, *Steep Slopes*, of these Zoning Regulations; and,
d) Land within 50 ft. of a shoreline must meet the provisions of Section 6.7, *Shoreline Protection Overlay District*, of these Zoning Regulations.

2.5.2 Non-Developable Portions of a Lot - Each Lot within a district whose minimum lot size is greater than 10,000 square feet must contain at least one contiguous 10,000 square foot area of land that is

capable of supporting Land Development, excluding land on the lot that is subject to a permanent conservation easement held by a qualified organization in accordance with 10 VSA §6301a(2). The following areas of a lot shall be deemed incapable of supporting any Land Development:

a) Wetlands (class I, II, III) streams, rivers, ponds, or lakes;
b) Slopes equal to or greater than thirty-five percent - 35%;
c) Publicly owned land or publicly owned or controlled Road or Highway right of ways;
d) Privately owned vehicular or utility easements or rights of way;
e) Those portions of a lot for which development rights have been transferred to another party; and,
f) Any land within the flood hazard overlay district for uses not authorized within the flood hazard overlay district (Section 6.8).

2.6 Administratively Created Lots

2.6.1 A Zoning Permit may be issued by the Administrative Officer for the division of one (1) lot (the "original lot") which exceeds 25 acres into two (2) lots (the "remainder lot" and the "new lot") without DRB review under the Richmond Subdivision Regulations as amended, provided neither the "remainder lot" nor the "new lot" shall be further subdivided within seven (7) years without DRB approval under the Town of Richmond Subdivision Regulations. Thereafter, either lot may be further subdivided per this section, subject to the same provisions provided within this section. A final plat showing the original and remainder lot shall be filed in the Richmond Town Clerk's Office within 180 days of such approval. If not so filed, the approval shall be void.

2.6.2 No Zoning Permit may be issued by the Administrative Officer under this Section unless each lot created complies with all pertinent state and local statutes, regulations and ordinances relating to water supply, sewage disposal, vehicular access, environmental impact and other provisions of these Zoning Regulations and with the standards of the Richmond Subdivision Regulations.

2.6.3 A Zoning Permit for an administratively created lot may be appealed to the DRB under Section 8.4.1 and shall be recorded in the land records of the town in accordance with Section 8.5.

3. ZONING DISTRICT REGULATIONS - SPECIFIC - USE INDEX

No Zoning Permit shall be issued for Land Development on any lot in any Zoning District unless such Land Development is permitted in that Zoning District and complies with the requirements and standards set forth for that Zoning District and all other rules and regulations applicable to such Land Development.

3.1 Agricultural / Residential District (A/R)

Purpose - The Residential /Agricultural District is designed primarily to retain and provide areas of low-density housing, particularly of the single-family type, in a rural setting. Agricultural and forestry uses of all types are essential to the concept of a rural setting. Areas of moderate density housing surrounded by open space or working landscapes, as well as homesteading occupations and cottage industries are accepted features of this district. Privacy, greenery, scenic views and vistas, local natural recreational opportunities, working residences and/or small residential clusters constitute the "character of the neighborhood".

3.1.1 Allowable Uses on Issuance of Zoning Permit by Administrative Officer - The following uses shall be allowed in the A/R District after issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to section 5.5 may be required.

a) Accessory dwelling as provided in Section 5.9.
b) Accessory uses and structures to uses in 3.1.1.
c) Child Care Home as provided in Section 5.11.
d) Group Home as provided in Section 5.11.

e) Home Occupation as provided in Section 5.11.
f) One bed and breakfast.
g) One single-family residential dwelling.
h) One two-family residential dwelling.
i) Agriculture, silviculture and horticulture.

3.1.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the A/R District after issuance of conditional use approval by the DRB.

a) Adaptive use, as provided in Section 5.6.~~8~~ 7
b) Artist/Craft studio
c) Cemetery.
d) Cottage industry as provided in Section 5.6.~~7~~. 6
e) Day care center.
f) Extraction of earth resources as provided in Section 5.6.~~6~~. 5
g) Inn or guest house.
h) Kennel.
i) Museum.
j) Professional offices with a maximum size of 2500 square feet gross floor area.
k) Personal Service with a maximum size of 2500 square feet gross floor area.
l) Planned Residential Development, as provided in Section 5.12.
m) Outdoor recreation facility or park.
n) Religious or educational facility as provided in Section 5.10.4.
o) Retirement community.
p) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
q) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
r) Veterinary Clinics

3.1.3 Dimensional Requirement For lots in the A/R District - No Zoning Permit may be issued for Land Development in the A/R District unless the lot proposed for such Land Development meets the following dimensional requirements:

a) **Lot Area** - No lot shall be less than one (1) acre. The purchase of additional land by the owner of such lot 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 Zoning District for the lot on the part of the seller.
b) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of fifty (50) feet can be inscribed within the boundary of the lot.
c) **Lot Frontage** - No lot having frontage on a public or private road shall have less than one hundred (100) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2, Required Frontage, and 4.3, Approval for Interior Lots with No Frontage.
d) **Lot Coverage** - The total amount of ground on a lot that can be covered by any structure or impervious material shall not exceed 30%.

3.1.4 Dimensional Limitations for Structures on Lots in the A/R District - No Zoning Permit may be issued for a structure in the A/R District unless the structure proposed for the lot meets the following dimensional requirements:

a) **Height** - The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6, Taller Structures, of these Zoning Regulations.

b) **Front Yard Setback** - All structures shall be set back at least thirty (30) feet from each front lot line, or fifty-five (55) from the center line of each public or private Road or Highway right of way contiguous to the lot, whichever is greater.
c) **Side Yard Setback** - A principal structure shall be set back at least twenty (20) feet from each side lot line. An accessory structure shall be set back at least ten (10) feet from the side lot line.
d) **Rear Yard Setback** - A principal structure shall be set back at least twenty (20) feet from a rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot line.

3.1.5 Other Requirements Applicable to Lots in the A/R District - No Zoning Permit may be issued for Land Development in the A/R District unless the Land Development meets the following requirements:

a) **Parking Requirements** - Parking requirements shall be regulated as provided in Section 6.1.
b) **Signs** - Signs shall be regulated as provided in Section 5.7.
c) **Access** - Access shall be regulated as provided in Section 4.1 through 4.4.
d) **Traffic Impact** - Traffic shall not exceed 10 vehicle trip ends during the peak evening hours.

3.1.6 Residential PUD - Subdivision of lots using a Residential PUD under Section 5.12 of these Zoning Regulations is encouraged in the A/R District and is required for all subdivisions over nine (9) lots in the A/R District as provided in Section 5.12.2. The retention of agricultural, forest or outdoor recreational land will be encouraged in such Residential PUD subdivisions.

3.2 High Density Residential District (HDR)

Purpose - The standards of this district are designed to promote the higher density housing that is characteristic of village centers and growth areas. The efficient use of infrastructure will be served by allowing closer placement of residential units, with neighborhoods located close to the retail services of the commercial district. This proximity allows for energy-efficient pedestrian traffic, roadways and school bus traffic. Planning for road crossings, sidewalks, curbside trees, bikeways, pocket parks and recreational activities, and other amenities, will be crucial to maintaining an inviting atmosphere while encouraging high density residential growth. Various types of residential units may be permitted in a Residential PUD within the HDR district.

Traditional spacing and setbacks for houses shall be maintained to preserve the integrity of the New England village atmosphere. Home occupations within residences, day care facilities, proximity to schools and civic institutions, pedestrian pathways to essential services and close-knit residential groups constitute the “character of the neighborhood.”

3.2.1 Allowable Uses on Issuance of Zoning Permits by Administrative Officer - The following uses shall be allowed in the HDR District after issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required.

a) Accessory dwelling as provided in Section 5.9.
b) Accessory uses or structures to the uses in 3.2.1.
c) Childcare home, as provided in Section 5.11.
d) Group home, as provided in Section 5.11.
e) Home occupation, as provided in Section 5.11.
f) One bed and breakfast.
g) One single-family dwelling unit.
h) One two-family dwelling.

3.2.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the HDR District after issuance of a conditional use approval by the DRB.

a) Adaptive uses as provided in Section 5.6.8.
b) Artist/Craft studio.
c) Cemetery.
d) Cottage industry as provided in Section 5.6.7.
e) Day-care center.
f) One multi-family dwelling with three or four dwelling units except in a Residential PUD in the HDR District, where more than one multi-family dwelling may be permitted on a lot within a Residential PUD so long as the number of units proposed for the entire Residential PUD does not exceed the number which could have been approved for the subdivision of the lot without a Residential PUD, as provided in Section 5.12.
g) Extraction of earth resources as provided in Section 5.6.6.
h) Inn or guest house.
i) Museum.
j) Office, Professional with a maximum size of 2,500 square feet of gross floor area.
k) Personal Service with a maximum size of 2,500 square feet gross floor area.
l) Planned Residential Development, as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
m) Outdoor recreational facility or park.
n) Religious or educational facility as provided in Section 5.10.4.
o) Retirement community.
p) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
q) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.
r) Veterinary Clinics

3.2.3 Dimensional Requirements for Lots in the HDR District - No Zoning Permit may be issued for Land Development in the HDR District unless that lot proposed for such Land Development meets the following dimensional requirements.

a) **Lot Area** - Except as provided under Section 4.6.1, no lot served by a municipal water and sewer system shall be less than 2/3 acre. This minimum lot area requirement shall be increased to one (1) acre for any lot not served by municipal water and sewer systems. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than such minimum size on the part of the seller. In the case of the use of a lot for a multi-family dwelling of 3 or more units for lots served by municipal water and sewer systems, two-third (2/3) acre of land per dwelling unit shall be required. In the case of a use of a lot for a multi-family dwelling of three (3) or more units, one (1) acre per dwelling unit shall be required for lots not served by municipal water and sewer systems.
b) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of thirty-five (35) feet can be inscribed within the boundary of the lot.
c) **Lot Frontage** - No lot having frontage on a public or private road shall have less than seventy-five (75) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.
d) **Lot Coverage** - The total ground area of a lot covered by all structures, parking areas, walkways, driveways, and areas covered by impervious materials shall not exceed forty percent (40%) of the total ground area of the lot.

3.2.4 Dimensional Limitations for Structures on Lots in the HDR District - No Zoning Permit may be issued for a structure in the HDR District unless the structure proposed for the lot meets the following dimensional requirements:

a) **Height** - The height of any structure, with the exception of exemptions listed in Section 6.6, shall not exceed thirty-five (35) feet.
b) **Front Yard Setback** - All structures shall be set back at least twenty (20) feet from each front lot line, or thirty-five (35) feet from the center line of each public and private Road or Highway right of way contiguous to the lot, whichever is greater.
c) **Side Yard Setback** - A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from each side lot line.
d) **Rear Yard Setback** - A principal structure shall be set back at least fifteen (15) feet from the rear lot line. An accessory structure shall be set back at least five (5) feet from the rear lot line.
e) **No Build Zone** - No construction of improvements may occur within five (5) feet of any lot line (except for fences and walls which mark property boundaries or enclose portions of the property and are less than 6 feet high). "Construction of improvements" means all construction activities such as, but not limited to, driveways (except where adjacent to the public or private right of way providing access to the lot), fences, recreational improvements, parking areas, excavation, grading or filling.

3.2.5 Other Requirements Applicable to the HDR District - No Zoning Permit may be issued for Land Development in the HDR district unless the Land Development meets the following requirements:

a) **Parking Requirements** - Parking requirements shall be regulated as provided in Section 6.1.
b) **Signs** - Signs shall be regulated as provided in Section 5.7.
c) **Traffic Impact** - No Zoning Permit shall be issued for a use which generates more than 10 vehicle trip ends during the P.M. peak hour for the first 40,000 square feet of lot area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of lot area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip Generation - ~~Seventh~~ Twelfth Edition – ~~2002~~ 2025, Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.
d) **Access** - Access shall be regulated as provided in Sections 4.1 through 4.4.

3.2.6 Residential PUD - Subdivision of lots using a Residential PUD under Section 5.12 of these Zoning Regulations are encouraged in the HDR District and are required for subdivisions of over three (3) lots in the HDR District, as provided in Section 5.12.2, in order to encourage innovation of design and layout of residential uses.

3.3 Village Residential / Commercial District (V R/C)

3.3.1 Purpose - The standards of this district allow residential-compatible commercial uses to co-exist with housing of various types, including multifamily, in a traditional village style. The density is moderate, and walkability between residences, businesses, and community amenities is encouraged.

Features of the Village Residential/Commercial district include:

1. Residential-compatible commercial uses on the main arterials to promote economic vitality;
2. Increased and varied housing opportunities, including multi-family structures;
3. Multiple use buildings that will allow more flexibility in use of property to meet changing needs in commercial real estate and live/work strategies;
4. Increased walking, biking and public transit options both within and into the village area to meet climate change and livability goals;
5. Street trees, landscaping, and green space keep the village attractive for residents and visitors;

6. Plentiful gathering spaces and recreational opportunities to meet community needs;
7. All lots will be served by municipal water and sewer;
8. The character of the area shall be comprised of predominantly unique, small-scale, commercial enterprises that reflect the independent entrepreneurial economy of a small historic town or village center intermixed with housing.

3.3.2 Permitted Uses - The following uses are considered compatible with the other uses allowed in the Village Residential/Commercial District and require a Zoning Permit. The use may also require Site Plan Review by the DRB pursuant to Section 5. 5 prior to the issuance of the Zoning Permit:

a) Accessory dwelling
b) Accessory uses or structures
c) Artist/crafts studio
d) Bed and Breakfast
e) Childcare facility – Family Child Care Home
f) Dwelling, single-family
g) Dwelling, two-family
h) Dwelling, multi-family with up to four dwelling units
i) Group home
j) Home occupation
k) Multiple Use building if all of the uses are permitted uses within the Village Residential/Commercial District
l) Office, medical
m) Office, professional
n) Personal Services

3.3.3 Conditional Uses - The following uses require Conditional Use Review and approval by the DRB prior to the issuance of a Zoning Permit:

a) Adaptive uses
b) Catering services
c) Cemetery.
d) Child Care Facility - Large Family Child Care Home
e) Child Care Facility – Center-Based Child Care Facility
f) Cottage industry
g) Dwelling, multi-family with five or more dwelling units.
h) Educational Facility
i) Fitness Facility
j) Food processing facility
k) Funeral parlor.
l) Grocery Store, Village scale
m) Health care services
n) Inn
o) Laundromat
p) Light manufacturing
q) Multiple Use Building if all uses are allowed within the Village Residential/Commercial District and if at least one of the uses is a Conditional Use
r) Museum.
s) Pharmacy, Village scale
t) Recreation facility
u) Religious use
v) Restaurant, standard.
w) Retail, Village scale

x) Retirement community.
y) State- or community-owned and operated facility
z) Supported housing facility
aa) Veterinary Clinic

3.3.3 Dimensional Requirements

a) **Minimum Lot Size** – 10,000 square feet
b) **Maximum residential density** – 1 dwelling unit for every 5,000 square feet of land
c) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of 25 feet can be inscribed within the boundary of the lot.
d) **Lot Frontage** - No lot having frontage on a public or private road shall have less than 75 feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.
e) **Maximum Lot Coverage** – 60 percent
f) **Height** - The height of any structure shall not exceed 35 feet, except as provided in Section 4.11.
g) **Front Yard Setback**
   i. Principal structure – 10 feet
   ii. Accessory structure – No closer to the front lot line than 10 feet behind the front of the principal structure
h) **Side Yard Setback** -
   i. Principal structure - 10 feet
   ii. Accessory structure – 5 feet
i) **Rear Yard Setback** –
   i. Principal structure – 15 feet
   ii. Accessory structure - 5 feet

3.3.5 District Specific Development Standards - These standards are intended to ensure compatibility between residential and commercial uses and retain a traditional mixed-use village appearance. In addition to the standards found in Section 5, when applicable, the following standards shall apply:

a) **Site Design Standards**
   i) Unless the primary or accessory structures completely screen the following from view from any public road, landscaping and/or screening shall be required to completely block from view from any public road, all free-standing utilities and mechanicals, commercial parking and loading areas, and any outdoor storage of materials, including, but not limited to, bulk and waste containers.
   ii) Front yards shall be vegetated. Street trees are encouraged to be incorporated into the design of front yard vegetation.

b) **Building Design Standards** These standards shall apply to all new construction and significantly remodeled exteriors of existing structures, the latter meaning that more than 50% of the area of the structure's façade and building walls are to be affected by the remodel, with the exception of single-family dwelling or two-family dwelling uses.

   i) Any façade of 50 feet or longer that faces directly onto the Route 2 right-of-way shall be designed with aesthetic, appropriate and human-scale features that are consistent with the purpose of the district. Such features may include: traditional or historic architecture, design consistency with neighboring buildings, points of interest in the façade, landscaped

vegetation along the base of the façade, and/or other such visually appealing design features.
ii) A minimum of 5% of the square footage of a building façade that faces directly onto a public road right-of-way shall consist of transparent windows.
iii) Entrances shall be defined with overhangs, porches, or other architectural features.
iv) Principal buildings shall have pitched roofs. If a principal building is to have rooftop solar panels prior to the issuance of a Certificate of Occupancy, the principal building may have a roof of any pitch, including a flat roof.
v) Any principal building with a public road-facing façade will provide that façade with a wood, stone or brick appearance

c) Additional Multi-family housing standards. All housing that contains more than two dwelling units shall, in addition to subsections (a) and (b) above, adhere to the Multi-family Housing Development Standards in Section 6.13 of these regulations.

d) Multiple Structures on a Lot. On any Lot in the Village Residential / Commercial District, two principal structures hosting residential uses may be developed, provided the following conditions are met:

i. The lot's area and residential density are sufficient to support the proposed dwelling units; and
ii. Proposed legal arrangements for ownership and management of all structures, uses, and any common land on the lot shall be provided with the permit application; and
iii. In a situation where so-called "footprint lots," or lots smaller than the required minimum size are proposed as part of the proposed plan of ownership, the DRB shall require the applicant to record a notice of conditions in the land records stating that for planning and zoning purposes the larger lot shall be treated as a single lot; and
iv. All other applicable dimensional standards, such as setbacks and lot coverage, shall be met for all buildings on the lot.

e.) Traffic Impact

i) A transportation impact study shall be required for uses which generate more than 70 vehicle trip ends on adjacent roads during the P.M. peak hour for the first 40,000 square feet of land development area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of land development area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip generation – ~~Tenth~~ Twelfth Edition" 2025 Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.

ii) For establishments that generate more than 70 vehicle trip ends during the P.M. peak hour, the Development Review Board shall review the level of service of adjacent roads. Based on its review as well as consultation with the Road Foreman, the DRB may put forth permit conditions to mitigate adverse traffic impacts. Permit conditions may include:

a) Site improvements to improve access management, such as the creation of secondary access points, the reduction of the width of curb cuts, or the like;
b) Improvements to internal circulation, including the creation of narrower roadway widths, pedestrian pathways, and the like;
c) Improvements with connections with adjacent properties, such as, but not limited to, the creation of additional vehicle or pedestrian access points, the

installation of signage and traffic lights, and adjustments to intersections to reduce pedestrian crossing distances and to slow traffic.

3.3.6 Planned Unit Developments that meet the regulations under Section 5.12 of these regulations are allowed in the Village Residential/Commercial District.

3.4 Gateway Residential/Commercial District (G R/C)

3.4.1 Purpose – The standards of this district allow for both residential and commercial uses in an area that has importance as a scenic entrance to the Town of Richmond. Development will be managed to maintain a visually appealing corridor that reflects the rural and historic aspects of Richmond while allowing for growth.

Features of the Gateway Residential/Commercial District include:

a) The features of commercial strip development will be avoided;
b) A range of commercial and residential uses, including multifamily housing, will be allowed~~;~~
c) Curb cuts will be limited to the number in existence as of June 26, 2023, or less – these access points will serve any new development as shared driveways or private roads;
d) Setbacks along Route 2 will be vegetated and provide the rural greenspace appearance needed to maintain the scenic viewshed and historic settlement pattern of this area;
e) Plans are being developed for a shared path for bike and pedestrian use to connect lots within the district and with the village center to the east and the Park and Ride to the west;
f) Plans are being developed for future public transit along the Route 2 corridor;
g) Restoration and reuse of existing historic structures is encouraged;
h) Multistory buildings—rather than single-story buildings—are encouraged;
i) The character of the area shall be comprised of unique commercial enterprises that help define and promote the independent entrepreneurial economy of the nearby small town / village center, inter-mixed with housing.

3.4.2 Permitted Uses - The following uses are considered compatible with the other uses allowed in the Gateway Residential/Commercial District and require a Zoning Permit. The use may also require Site Plan Review by the DRB pursuant to Section 5.5 prior to the issuance of the Zoning Permit.

a) Accessory dwelling
b) Accessory uses or structures, except outdoor storage
c) Arts/crafts studio
d) Bed and breakfast.
e) Child Care Facility - Family Child Care Home
f) Dwelling, single-family
g) Dwelling, two-family
h) Dwelling, multi-family with up to 4 units
i) Group home
j) Home occupation
k) Multiple use building if all of the uses are permitted uses allowed within the Gateway Residential/Commercial District
l) Office, medical
m) Office, professional
n) Personal services

3.4.3 Conditional Uses – The following uses require Conditional Use Review and approval by the DRB prior to the issuance of a Zoning Permit.

a) Adaptive use.
b) Bank.
c) Brewery
d) Business yard.
e) Car Wash
f) Catering services
g) Cemetery.
h) Child Care Facility – Large Family Child Care Home
i) Child Care Facility – Center-based Child Care Facility
j) Cottage Industry
k) Dwelling, multi-family with five or more dwelling units.
l) educational facility
m) Fitness Facility
n) Food processing facility
o) Funeral parlor.
p) Grocery Store, Village scale
q) Health Care Services
r) Hotel or motel.
s) Inn
t) Kennel
u) Laundromat
v) Light Manufacturing.
w) Multiple use building if all of the uses are allowed within the Gateway Residential/Commercial District and if at least one of the uses is a Conditional Use
x) Museum.
y) Pharmacy, Village scale
z) Powered Vehicle and/or Machinery Service
aa) Recreation facility
bb) Religious use
cc) Research laboratory.
dd) Restaurant, Standard
ee) Retirement community.
ff) State- or community-owned and operated institutions and facility
gg) Storage, outdoor as an accessory use to any commercial use that is permitted or conditional in this district
hh) Supported housing facility
ii) Tavern
jj) Veterinary Clinic
kk) Warehouse Use

3.4.4 Dimensional Requirements

a) **Minimum Lot Size**– 10,000 square feet
b) **Maximum residential density** – 1 dwelling unit for every 5,000 square feet of land
c) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of 25 feet can be inscribed within the boundary of the lot.
d) **Lot Frontage** - No lot having frontage on a public or private road shall have less than 75 feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.
e) **Maximum Lot Coverage** – 60 percent

f) **Height** - The height of any structure shall not exceed 35 feet, except as provided in Section 4.11.

g) **Front Yard Setback**
   i. 30 feet from the edge of the Route 2 right-of-way for principal structures
   ii. For accessory structures, 10 feet behind the front of the principal structure fronting all rights-of-way except I-89
   iii. 30 feet from the edge of the I-89 right-of-way for residential primary structures and structures hosting accessory dwelling uses
   iv. 10 feet from the edge of the I-89 right-of-way for accessory structures associated with residential uses
   v. 10 feet from the edge of the I-89 right-of-way for non-residential structures and their associated accessory structures
   vi. 15 feet from the edge of all other rights-of-way for principal structures

h) **Side Yard Setback**
   i. For principal structures – 10 feet
   ii. For accessory structures - 5 feet

i) **Rear Yard Setback**
   i. For principal structures – 10 feet
   ii. For accessory structures - 5 feet

j) **Maximum Building Size** - No building shall have a footprint exceeding 10,000 square feet, with the exception of buildings that are set back more than 200 feet from the edge of the Route 2 right-of-way and 30 feet from the edge of all other rights-of-way. Buildings set back more than 200 feet from the edge of the Route 2 right-of-way and 30 feet from the edge of all other rights-of-way shall not have a footprint exceeding 17,000 square feet.

3.4.5 District Specific Development Standards. These standards are intended to ensure that the Gateway Residential/Commercial District remains a scenic entrance to the village of Richmond, and that there is compatibility between the residential and commercial uses. The historic settlement pattern of this area, with a vegetated greenspace adjacent to Route 2 and a pattern of mixed-use development, shall be maintained. In addition to the standards found in Section 5.5.3 when applicable, the following standards shall apply:

a) Site Design Standards
   i. Except for new curb cuts for lots that pre-exist the adoption of these regulations which do not have a curb cut as of the date these regulations are adopted *(~~insert date of adoption~~* June 25, 2023*),* no increase in the total number of curb cuts along the Route 2 right-of-way shall be allowed. All new land development shall access Route 2 right-of-way by way of existing curb cuts. Existing curb cuts may be relocated in accordance with the Public Works Specifications and applicable State regulations. Further sharing of driveways that will reduce the existing number of curb cuts is encouraged.
   ii. The front yards adjacent to the Route 2 right-of-way shall be maintained in a vegetated state and shall include naturally occurring vegetation and/or landscaping. Landscaping may include a combination of trees, shrubs, perennials, ground covers or gardens in addition to grass. Diseased or dead vegetation shall be replaced with healthy vegetation, and a security may be required by the DRB pursuant to Section 8.2.5(c).
   iii. Parking shall not be permitted between the Route 2 right-of-way and the façades of structures that directly face the Route 2 right-of-way.
   iv. Landscaping and/or screening shall be required to shield from view from any public road all free-standing utilities and mechanicals, commercial parking and loading facilities, and all outdoor storage including, but not limited to, bulk and waste containers.
   v. Provisions shall be made for pedestrian traffic between buildings, and along Route 2 where feasible.

b) **Building Design Standards.** These standards shall apply to all new or significantly remodeled exteriors of existing structures, the latter meaning that more than 50% of the area of the structure's

façade and building walls are to be affected by the remodel, with the exception of single-or two-family dwelling uses.

i. Any façade that faces directly onto the Route 2 right-of-way shall be designed with aesthetic, appropriate and human-scale features that are consistent with the purpose of the district. Such features may include: traditional or historic architecture, design consistency with neighboring buildings, points of interest in the façade, landscaped vegetation along the base of the façade, and/or other such visually appealing design features.

ii. A minimum of 5% of the square footage of the façade that faces directly onto the Route 2 right-of-way shall consist of transparent windows.

iii. Pedestrian entrances on facades that face directly onto the right-of-way of a public or private road, with exception to the I-89 right-of-way, shall be defined with overhangs, porches, or other architectural features.

iv. Any principal building with a façade that faces directly onto the Route 2 right-of-way shall have a pitched roof. The roof-pitch requirement does not apply to buildings with a footprint exceeding 10,000 square feet. If a principal building is to have rooftop solar panels prior to the issuance of a Certificate of Occupancy, the principal building may have a roof of any pitch, including a flat roof.

v. Any principal building with a façade that faces directly onto Route 2 shall provide that façade with a wood, stone or brick appearance

c) Additional Multi-family housing standards. All buildings which contain ~~more than two dwelling units~~ three (3) or more separate dwelling units shall adhere to the Multi-family Housing Development Standards in Section 6.13 of these regulations, in addition to subsections (a) and (b) above.

d) Multiple Structures on a Lot. On any Lot in the Gateway Residential/Commercial District, two principal structures hosting residential uses may be developed provided the following conditions are met:

i. The acreage and residential density are sufficient to support the proposed number of dwelling units, and

ii. Proposed legal arrangements for ownership and management of all structures, uses, and any common land on the lot shall be provided with the permit application; and

iii. In a situation where so-called “footprint lots,” or lots smaller than the required minimum size are proposed as part of the proposed plan of ownership, the DRB shall require the applicant to record a notice of conditions in the land records stating that for planning and zoning purposes, the larger lot shall be treated as a single lot; and

iv. All other applicable dimensional standards, such as setbacks, shall be met for all buildings on the lot.

3.4.6. Planned Unit Developments. Planned Unit Developments that meet the regulations listed under Section 5.12 are allowed in the Gateway Residential/Commercial District.

3.5 Village Commercial District (V/C)

Purpose -- The standards of this district are designed to retain and provide areas for the sale of retail or wholesale of those types of goods and services required by the residents of the community. Strip development with multiple curb cuts is discouraged. An attractive, pedestrian-friendly, compact area of retail operations is encouraged. Parking and traffic flow shall be considered as part of the site plan review process for any Land Development in this district. Residential uses that are compatible with a village commercial district will be permitted after conditional use approval and site plan review.

3.5.1 Allowable Uses Upon Issuance of Zoning Permit by Administrative Officer - The following uses shall be allowed uses in the V/C District upon issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required:

a) Accessory dwelling as provided in Section 5.9.
b) Accessory uses or structures, except outdoor storage, to the uses in 3.5.1.
c) Artist/Craft studio.
d) Day care center.
e) Inn or guest house.
f) Museum.
g) Office, business or professional.
h) Personal services business.
i) Religious use as provided in Section 5.10.4
j) Restaurant, standard.
k) Retail business.
l) Theater, indoor.

3.5.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the V/C District after issuance of conditional use approval by the DRB.

a) Adaptive use as provided in Section 5.6.8.
b) Bank.
c) Catering service.
d) Commercial multi-use building.
e) Business yard.
f) Educational facility as provided in Section 5.10.4.
g) Equipment supply and/or rental.
h) Funeral parlor.
i) Group home.
j) Hotel or motel.
k) Light manufacturing
l) Lumber yard / Building supply business.
m) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
n) Powered Vehicle and/or Machinery Service
o) Private club.
p) Recreation, indoor or outdoor, facility or park.
q) Research laboratory.
r) Restaurant, fast food or take-out.
s) Retirement community.
t) Rooming or boarding house.
u) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
v) Storage, outdoor as an accessory use to any permitted or conditional use.
w) Tavern.
x) Veterinary Clinics
y) Wholesale trade.
z) Dwelling Units as part of a Planned Unit Development.
aa) Agriculture, silviculture and horticulture as provided in Section 2.4.5

3.5.3 Dimensional Requirement for Lots in the V/C District - No Zoning Permit may be issued for Land Development in the V/C District unless the lot proposed for such Land Development meets the following dimensional requirements:

a) **Lot Area** - Except as provided under Section 4.6.1, no lot served by a municipal or community water and sewer system shall be less than one-third (1/3) acre. This minimum lot area requirement shall be increased to one (1) acre for any lot not served by municipal or community water and sewer systems. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller. In the case of a lot for three (3) or more dwelling units served by municipal or community water and sewer systems, one-third (1/3) acre of land per dwelling unit shall be required and one (1) acre of land per dwelling unit shall be required for lots not served by municipal or community water and sewer systems.
b) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of twenty-five (25) feet can be inscribed within the boundary of the lot.
c) **Lot Frontage** - No lot having frontage on a public or private road shall have less than seventy-five (75) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.
d) **Lot Coverage** - The total ground area covered by all structures, parking areas, walkways, driveway, and areas covered by impervious materials shall not exceed fifty percent (50%) of the total ground area of the lot.

3.5.4 Dimensional Limitations for Structures on Lots in the V/C District - No Zoning Permit may be issued for a structure in the V/C District unless the structure proposed for the lot meets the following dimensional requirements:

a) **Building Height** - The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6.
b) **Front Yard Setback** - All structures shall be set back at least twenty (20) feet from the front lot line.
c) **Side Yard Setback** - A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from the side lot line.
d) **Rear Yard Setback** - A principal structure shall be set back at least fifteen (15) feet from the rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot.
e) **Parking Setbacks** – Parking spaces on all properties in the V/C District shall meet the setback standards for the V/C District, except for properties bordering the Jolina Court Zoning District. On such properties, the setback for parking spaces from property lines that separate the Jolina Court Zoning District from Village Commercial Zoning District is zero (0) feet. However, for all other property lines that do not serve as boundary lines for the Jolina Court Zoning District on properties bordering the Jolina Court Zoning District, parking spaces must meet the setback standards for the V/C District.

3.5.5 Other Requirements Applicable to Lots in the V/C District - No Zoning Permit may be issued for Land Development in the V/C District unless the Land Development meets the following requirements:

a) **Parking Requirements** - New land development is exempt from meeting the required number of parking spaces, per Section 6.1.2, for the following parcels: 10 East Main Street (EM0010); 26 Bridge Street (BR0026); 30 Bridge Street (BR0030); 38 Bridge Street (BR0038); 39 Bridge Street (BR0039); 48 Bridge Street (BR0048); 52 Bridge Street (BR0052).

With the exception of the number of required parking spaces for those parcels, Section 6.1.2 shall apply to the V/C District. In all other respects. Required parking shall be regulated as provided in Section 6.1 within the V/C district.

b) **Signs** - Signs shall be regulated as provided in Section 5.7.
c) **Traffic Impact** - No permit or approval shall be issued for a use which generates more than 70 vehicle trip ends during the P.M. peak hour for the first 40,000 square feet of lot area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of lot area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip generation - ~~Seventh~~ Twelfth Edition – ~~2003~~ 2025", Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.
d) **Access** - Access shall be regulated as provided in Sections 4.1 through 4.4.

3.6 Commercial District (C)

Purpose - The standards of this district are designed to retain and provide areas for the sale at retail or wholesale of those types of goods and services required by the residents of the community. Strip development with multiple curb cuts is discouraged. An attractive, pedestrian friendly, compact area of retail operations is encouraged. Parking and traffic flow shall be considered as part of the site plan review process for any Land Development in this district. Residential uses that are compatible with a commercial district will be permitted after conditional use approval and site plan review.

3.6.1 Allowable Uses Upon Issuance of Zoning Permit by Administrative Officer - The following uses shall be allowed in the C District upon issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required:

a) Accessory dwelling as provided in Section 5.9.
b) Accessory uses or structures, except outdoor storage, to the uses in 3.6.1.
c) Artist/Craft studio.
d) Day care center.
e) Inn or guest house.
f) Museum.
g) Office, business or professional.
h) Personal services business.
i) Religious use as provided in Section 5.10.4.
j) Restaurant, standard.
k) Retail business.
l) Theater, indoor.

3.6.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the C District after issuance of conditional use approval by the DRB:

a) Adaptive use as provided in Section 5.6.8.
b) Amusement arcade.
c) Automobile and/or marine sales.
d) Bank.
e) Business yard.
f) Car wash.
g) Catering service.
h) Commercial multi-use building.
i) Distribution Center.
j) Educational facility as provided in Section 5.10.4
k) Equipment supply and/or rental.
l) Extraction of earth resources as provided in Section 5.6.6.
m) Funeral parlor.

n) Group home.
o) Hotel or motel.
p) Light manufacturing
q) Lumber yard / Building supply business.
r) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
s) Powered Vehicle and/or Machinery Service
t) Private club.
u) Recreation, indoor or outdoor, facility or park.
v) Research laboratory.
w) Restaurant, fast food or take-out.
x) Retirement community.
y) Rooming or boarding house.
z) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
aa) Storage, outdoor as an accessory use to any permitted or conditional use.
bb) Tavern.
cc) Vehicle Fueling Station
dd) Veterinary Clinics
ee) Warehouse Use.
ff) Wholesale trade.
gg) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.

3.6.3 Dimensional Requirement for Lots in the C District - No Zoning Permit may be issued for Land Development in the C District unless the lot proposed for such Land Development meets the following dimensional requirements:

a) **Lot Area** - Except as provided under Section 4.6.1, no lot served by a municipal or community water and sewer system shall be less than one-third (1/3) acre. This minimum lot area requirement shall be increased to one (1) acre for any lot not served by municipal or community water and sewer systems. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller. In the case of a lot for three (3) or more dwelling units served by municipal or community water and sewer systems, one-third (1/3) acre of land per dwelling unit shall be required and one (1) acre of land per dwelling unit shall be required for lots not served by municipal or community water and sewer systems.
b) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of twenty-five (25) feet can be inscribed within the boundary of the lot.
c) **Lot Frontage** - No lot having frontage on a public or private road shall have less than seventy-five (75) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.
d) **Lot Coverage** - The total ground area covered by all structures, parking areas, walkways, driveway and areas covered by impervious materials shall not exceed fifty percent (50%) of the total ground area of the lot.

3.6.4 Dimensional Limitations for Structures on Lots in the C District - No Zoning Permit may be issued for a structure in the C District unless the structure proposed for the lot meets the following dimensional requirements:

a) **Building Height** - The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6.
b) **Front Yard Setback** - All structures shall be set back at least twenty (20) feet from the front lot line.

c) **Side Yard Setback** - A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from the side lot line.
d) **Rear Yard Setback** - A principal structure shall be set back at least fifteen (15) feet from the rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot.

3.6.5 Other Requirements Applicable to Lots in the C District - No Zoning Permit may be issued for Land Development in the C District unless the Land Development meets the following requirements:

a) **Parking Requirements** - Parking shall be regulated as provided in Section 6.1.
b) **Loading Space Requirements** - Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1.
c) **Signs** - Signs shall be regulated as provided in Section 5.7.
d) **Traffic Impact** - No permit or approval shall be issued for a use which generates more than 70 vehicle trip ends during the P.M. peak hour for the first 40,000 square feet of lot area or faction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of lot area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip generation - ~~Seventh~~ Twelfth Edition - ~~2003~~" 2025, Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.
e) **Access** - Access shall be regulated as provided in Sections 4.1 through 4.4.

3.7 Industrial / Commercial District (I/C)

Purpose - The purpose of the Industrial / Commercial District is to foster employment opportunities and help diversify the tax base for the Town. The standards of this district are designed to retain and provide areas for the manufacture, warehousing, jobbing, wholesaling and limited retailing of products which by their inherent characteristics are not obnoxious to one another. The standards are further described to minimize adverse impacts on neighboring properties, visual, noise, odors, etc. and on the visual impacts of the site from roads.

3.7.1 Allowable Uses Upon Issuance of a Zoning Permit by Administrative Officer - The following uses shall be allowed in the I/C District after issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required.

a) Accessory dwelling, as provided in Section 5.9.
b) Accessory uses or structures, except outside storage, to the uses in 3.7.1.
c) Car wash.
d) Catering service
e) Dwelling Unit(s) as part of a PUD as provided in Section 5.12
f) Equipment service and repair business, including retail sales.
g) Equipment supply and/or rental business, including retail sales.
h) Food processing establishment.
i) Office, Business.
j) Office, Professional.
k) Personal services.
l) Storage and distribution center.
m) Warehousing use.
n) Wholesale trade use.

3.7.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the I/C District after issuance of conditional use approval by the DRB.

a) Adaptive use as provided in Section 5.6.8.
b) Amusement arcade.
c) Automobile and/or marine sales.
d) Commercial multi-use building
e) Bank.
f) Business yard.
g) Communications, telecommunications, as provided in Section 6.12.
h) Extraction of earth resources as provided in Section 5.6.6.
i) Hotel or motel.
j) Kennel.
k) Light manufacturing.
l) Lumber yard or building supply business.
m) Mobile home sales business.
n) Outdoor storage as an accessory use to in connection with any conditional or permitted use.
o) Planned Unit Development as provided in Section 5.12
p) Private club.
q) Powered Vehicle and/or Machinery Service
r) Recreation facility, outdoor or indoor.
s) Research laboratory.
t) Restaurant, fast-food or take-out.
u) Restaurant, standard.
v) Retail business.
w) Storage, indoor.
x) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
y) Tavern.
z) Theater.
aa) Vehicle Fueling Station
bb) Veterinary Clinics
cc) Agriculture, silviculture and horticulture, as provided in Section 2.4.5.

3.7.3 Dimensional Requirement For Lots in the I/C District - No Zoning Permit may be issued for Land Development in the I/C District unless the lot proposed for such Land Development meets the following dimensional requirements:

a) **Lot Area** - Except as provided under Section 4.6.1, no lot shall be less than 1 acre. The purchase of additional land by the owner of a lot from an adjacent lot owner shall be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller.
b) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of fifty (50) feet can be described within the boundary of the lot.
c) **Lot Frontage** - No lot having frontage on a public or private road shall have less than one-hundred (100) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.
d) **Lot Coverage** - The total ground area covered by all structures, parking areas, walkways, driveways and areas covered by impervious materials shall not exceed sixty percent (60%) of the total ground area of the lot. If it can be demonstrated that all storm water will be retained on the lot, coverage may be increased to a maximum of 80%.

3.7.4 Dimensional Limitations for Structures on Lots in the I/C District - No Zoning Permit may be issued for a structure in the I/C District unless the structure proposed for the lot meets the following dimensional requirements:

a) **Building Height** - The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6
b) **Front Yard Setback** - All structures shall be set back at least fifty (50) feet from the edge of public or private Road or Highway right of way contiguous to the lot.
c) **Side Yard Setback** - A principal structure shall be set back at least fifteen (15) feet from the side lot line unless the side walls of such principal structure are of masonry construction and contain no opening in which event the principal structure need not be set back from the side lot lines. An accessory structure shall be set back from the side lot line at least ten (10) feet.
d) **Rear Yard Setback** - A principal structure shall be set back at least fifteen (15) feet from the rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot line.

3.7.5 Other Requirements Applicable to Lots in the I/C District - No Zoning Permit may be issued for Land Development in the I/C District unless the Land Development meets the following requirements:

a) **Parking Requirements** - Parking Requirements shall be regulated as provided in Section 6.1.
b) **Loading Requirements** - Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1.
c) **Signs** -Signs shall be regulated as provided in Section 5.7.
d) **Traffic Impact** - No permit or approval shall be issued for a use which generates more than 70 vehicle trips ends during the P.M. peak hour for the first 40,000 square feet of lot area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of lot area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip Generation - ~~Seventh~~ Twelfth Edition – ~~2003~~ 2025", Institute of Traffic Engineers, or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.
e) **Access** - Access shall be regulated as provided in Sections 4.1 through 4.4

3.8 Mobile Home Park District (MHP)

Purpose - The purpose of the Mobile Home Park District is to designate an area in town which supports an intense development of land for residential purposes while recognizing the need to create open spaces, efficient traffic patterns and comfortable spacing between individual homes. The standards are further described to minimize adverse impacts on neighboring properties, visual, noise, odors, etc. and on the visual impacts of the site from roads.

3.8.1 Allowable Uses on Issuance of Zoning Permit by Administrative Officer - The following uses shall be allowed in the MHP District after issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required:

a) Accessory dwelling as provided in Section 5.9.
b) Accessory uses and structures to the uses in 3.8.1.
c) Childcare home, as provided in Section 5.11.
d) Group home, as provided in Section 5.11.
e) Home occupation, as provided in Section 5.11.
f) One single-family dwelling unit.
g) One two-family dwelling unit.
h) Agriculture, silviculture and horticulture, as provided in Section 2.4.5, including one single- or two-family dwelling.

3.8.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the MHP District after issuance of conditional use approval by the DRB.

a) Day care center.
b) One mobile home park on a lot.
c) Recreation, outdoor facility or park.

3.8.3 Dimensional Requirement for Lots in the MHP District - No Zoning Permit may be issued for Land Development in the MHP District unless the lot proposed for such Land Development meets the following dimensional requirements:

a) **Lot Area** - Except as provided under Section 4.6.1, a lot which is not used for a mobile home park shall not be less than one (1) acre. A lot which is used for a MHP shall contain not less than ten (10) acres. The purchase of additional land by the owner of such lot 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 Zoning District on the part of the seller. In the case of use of a lot for a Mobile Home Park, one-quarter acre (1/4) acre of land per dwelling unit in the Mobile Home Park shall be required.
b) **Lot Dimensions** - Each lot must contain a point from which a circle with a radius of fifty (50) feet can be described within the boundary of the lot.
c) **Frontage Required** - No lot shall be created nor developed unless the lot has frontage for a continuous uninterrupted length of not less than one hundred (100) feet or the lot must have access to a public road or a private right of way approved by the DRB pursuant to Sections 4.2 - 4.3.
d) **Lot Coverage** - For a lot used for a Mobile Home Park, the total ground area covered by all structures, parking areas, walkways, driveways, and areas covered by impervious materials shall not exceed forty (40) percent of the total ground area of the lot. For a lot not used as a mobile home park, the lot coverage shall not exceed 30%.

3.8.4 Dimensional Limitations for Structures on Lots in the MHP District - No Zoning Permit may be issued for a structure in the MHP District unless the structure proposed for the lot meets the following dimensional requirements:

a) **Height** - The height of any structure shall not exceed thirty-five (35) feet, except as provided in Section 6.6.
b) **Front Yard Setback** - All structures on a lot which is not used for a Mobile Home Park shall be set back at least thirty (30) feet from each front lot line, or fifty-five (55) feet from the center line of each public or private Road or Highway right of way contiguous to the lot, whichever is greater. All structures on a lot used for a Mobile Home Park shall be set back at least one hundred (100) feet from each front lot line, or one hundred twenty-five (125) feet from the center line of each public or private Road or Highway right of way contiguous to the lot, whichever is greater.
c) **Side Yard Setback** - A principal structure on a lot which is not used for a Mobile Home Park shall be set back at least twenty (20) feet from each side lot line. An accessory structure shall be set back at least ten (10) feet from the side lot line. All structures on a lot used for a Mobile Home Park shall be set back at least fifty (50) feet from each side lot line. An accessory structure shall be set back at least twenty-five (25) feet from the side lot line.
d) **Rear Yard Setback** - A principal structure on a lot which is not used for a Mobile Home Park shall be set back at least twenty (20) feet from each rear lot line. An accessory structure shall be set back at least ten (10) feet from the rear lot line. All structures on a lot used for a Mobile Home Park shall be set back at least fifty (50) feet from each rear lot line. An accessory structure shall be set back at least twenty-five (25) feet from the rear lot line.

3.8.5 Other Requirements Applicable to Lots in the MHP District - No Zoning Permit may be issued for any Land Development in the MHP District unless the Land Development meets the following requirements:

a) **Parking Requirements** - Parking requirements shall be regulated as provided in Section 6.1.
b) **Signs** - Signs shall be regulated as provided in Section 5.7.
c) **Access** - Access shall be regulated as provided in Section 4.1 through 4.4.

3.8.6 Replacement of Mobile Homes - In accordance with the Act (§4412), no standards under these Zoning 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 Zoning Regulations. In the event that a mobile home park is determined to be nonconforming under these Zoning 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.

3.9 Jolina Court District (JC)

Purpose: The purpose of this district is to provide diverse housing options in an area of Richmond-that is supported by municipal water and sewer services and promotes an energy efficient and walkable community within the center of town. This district will contribute to a vibrant and dynamic town center where many residents can support local businesses and access community activities as pedestrians, an important “smart growth” goal

Any development in this district shall enhance the overall village area and shall be compatible with the surrounding mix of residential, non-residential, and municipal uses. Any development proposal shall fit into the vision for Richmond as described in the Richmond Town Plan.

3.9.1 Permitted Uses - The following uses shall be allowed in the Jolina Court District upon issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required.

a) Artists/Crafts studio
b) Bank
c) Bed and Breakfast
d) Dwelling, single-family
e) Dwelling, two-family
f) Dwelling, multi-family
g) Home Occupation as in Section 5.11
h) Fitness facility
i) Hotel
j) Inn or guesthouse
k) Laundromat
l) Office, Professional
m) Office, Medical
n) Personal Services
o) Retail business, village scale

3.9.2 Conditional Uses - The following uses shall be allowed in the Jolina Court District upon issuance of conditional use approval by the DRB.

a) Accessory structure
b) Brewery
c) Catering Service
d) Center Based Child Care Facility
e) Commercial multi-use
f) Educational Facility as provided in Section 5.10.4

g) Food Processing Establishment
h) Funeral Parlor
i) Light Manufacturing
j) Health Care Services
k) Hospital
l) Multiple-use buildings if all uses are permitted or conditional uses allowed within the Jolina Court District
m) Pharmacy
n) Planned Unit Development or Residential PUD as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
o) Residential Dwelling Units as part of a Mixed Use Planned Unit Development or Residential PUD.
p) Pub
q) Recreational facility
r) Research laboratory
s) Restaurant
t) Religious use as provided in Section 5.10.4
u) State- or community-owned and operated institutions and facilities, as provided in Section 5.10.4
v) Tavern
w) Theater
x) Veterinary Clinics
y) Wholesale trade

3.9.3 Residential Density and Requirements

a) Maximum base residential density is 24 dwelling units per developable acre of the parcel where the units are located.

b) Residential density bonus units that meet the requirements of §6.15 shall be allowed in addition to base density units not to exceed a Maximum Total Residential Density (base density plus bonus density) of 30 units per acre.

c) Developable land excludes those lands that are outlined in section 2.5.2. The maximum number of units that may be permitted shall be calculated by multiplying the residential density by the total developable acreage of the lot. When this calculation results in a number with a fractional component, the fraction will be rounded according to conventional rounding rules as follows, in which X is a whole number:

X.0 – X.49 units shall be rounded DOWN to X units
X.5 – X.99 units shall be rounded UP to X+1 units

Examples: 24 units/acre x 1.22 developable acres = 29.28 units rounds down to 29 units
24 units/acre x 2.66 developable acres = 63.84 units rounds up to 64 units

d) Residential dwelling units may only be approved as part of a mixed-use Planned Unit Development **or Residential Planned Unit Development**. All residential dwelling units are required to meet Vermont Fire and Building Safety Code.

3.9.4 Dimensional Requirement for Lots in the JC District-No Zoning Permit may be issued for Land Development in the J/C District unless the lot proposed for such Land Development meets the following dimensional requirements:

a) **Lot Area -** No lot shall be less than 8,712 square feet (1/5) or 0.20 acre. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller.
b) **Lot Dimensions -** Each lot must contain a point from which a circle with a radius of twenty-five (25) feet can be inscribed within the boundary of the lot.

c) **Lot Frontage -** No lot having frontage on a public or private road shall have less than seventy-five (75) feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to sections 4.2 and 4.3.

d) **Lot Coverage -** The total ground area covered by all structures, parking areas, walkways, driveway and areas covered by impervious materials shall not exceed ~~eighty~~ ninety percent (90%) of the total developable ground area of the lot.

3.9.5 Dimensional Requirements for Structures on Lots in the JC District

a) **Height of Buildings and Structures** - the height of any structure shall not exceed 35 feet, except as provided in §4.11 or §6.~~1~~6 of these regulations.

b) **Setbacks for the Periphery of the Zoning District** - Refer to Appendix D for the map and text of the setback requirements for periphery of the zoning district. If a lot line demarcating the periphery of the zoning district conflicts or overlaps with any lot lines created after May 12, 2020, principal and accessory structures must follow the setback requirements for the periphery of the zoning district with respect to the lot line that also serves as a boundary line for the Jolina Court Zoning District.

c) **Setbacks within the Zoning District** - The following regulations apply to structures with respect to lot lines created after May 12, 2020 and are wholly within the zoning district:

d) **Front-yard setback** - A principal structure shall be set back at least ten (10) feet from the front lot line. An accessory structure shall be set back at least five (5) feet from the front lot line.

e) **Side-yard setback** - A principal structure shall be set back at least ten (10) feet from each side lot line. An accessory structure shall be set back at least five (5) feet from each side lot line

f) **Rear-yard setback -** A principal structure shall be set back at least ten (10) feet from the rear lot line. An accessory structure shall be set back at least five (5) feet from the rear lot line. For Planned Unit Developments, the setback requirements for lot lines within the PUD may be waived by the DRB if the design and layout of the PUD conforms with the Town Plan.

g) **Parking Setbacks –** Parking spaces on all properties in the Jolina Court Zoning District shall meet the setback standards for the Jolina Court Zoning District, except for properties bordering the Village Commercial Zoning District. On such properties, the setback for parking spaces from property lines that separate the Jolina Court Zoning District from Village Commercial Zoning District is zero (0) feet. However, for all other property lines that do not serve as boundary lines for the Jolina Court Zoning District on properties bordering the Village Commercial Zoning District, parking spaces must meet the setback standards for the Jolina Court Zoning District.

h) **Footprints of Principal Structures -** No principal structure shall have a footprint area that exceeds 10,000 square feet.

3.9.6 Other Requirements Applicable to Lots in the JC District- No Zoning Permit may be issued for Land Development in the J/C District unless the Land Development meets the following requirements:

a) **Parking Requirements**

i. Residential parking requirements shall be 1 parking space per dwelling unit; an applicant may provide additional parking spaces as needed.

ii. All commercial uses shall follow the parking requirements as set forth in §6.1.

iii. Bicycle parking racks shall be required within the parking areas, and lots shall be required to provide safe and convenient bicycle access as set forth in §6.1.6.

b) **Loading Space Requirements** – Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1.

c) **Signs** – Signs shall be regulated as provided in Section 5.7.

d) **Traffic Impact** – The purpose of this requirement is to foster the general welfare of the public through the minimization of traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents.

i) A transportation impact study shall be required for uses which generate more than 70 vehicle trip ends on adjacent roads during the P.M. peak hour for the first 40,000 square feet of land development area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of land development area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize "Trip generation – ~~Tenth~~ Twelfth Edition 2025", Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.

ii) For establishments that generate more than 70 vehicle trips ends during the P.M. peak hour, the Development Review Board shall review the level of service of adjacent roads. Based on its review as well as consultation with the Road Foreman, the DRB may put forth permit conditions to mitigate adverse traffic impacts. Permit conditions may include:

a. Site improvements to improve access management, such as the creation of secondary access points, the reduction of the width of curb cuts, or the like;
b. Improvements to internal circulation, including the creation of narrower roadway widths, pedestrian pathways, and the like;
c. Improvements with connections with adjacent properties, such as, but not limited to, the creation of additional vehicle or pedestrian access points, the installation of signage and traffic lights, and adjustments to intersections to reduce pedestrian crossing distances and to slow traffic.
d. Adequate improvements for wheelchair access to accessible/adaptable dwelling units, disabled parking spaces and connecting routes to town sidewalks shall be provided.

e) **Access** – Access shall be regulated as provided in Sections 4.1 through 4.4.

f) **Sidewalks**- Sidewalks that connect all buildings on Jolina Court with the sidewalks and pedestrian crossings on Bridge Street shall be required. They may be connected individually or in series. The purpose of this is to ensure walkability of any new development and ensure connection to the downtown area.

g) **Compatibility and Design Standards-** The purpose of this requirement is to allow the Development Review Board to review and approve the visual aspects of new construction, or new or remodeled exteriors. This ensures public ability to review the visual rendering and provide input. A visual rendering of any new construction or remodeled exterior shall be required as part of a site plan and/or conditional use application. Any changes to the façade, size, or scale of new construction or a remodeled exterior shall require a new visual rendering that portrays the proposed changes and shall require an amendment to the Development Review Board's original site plan and/or conditional use approval which contains the most recent iteration of the visual rendering. Publicly displayed visual renderings must be in accordance with section 5.3.3 (b). The following shall be considered when reviewing the application:

i) Compatibility of size, scale, color, materials, and character of the district, and construction utilizing materials similar or the same to the existing buildings of the district, shall be required for all new construction and all new or remodeled exterior facades. Applicants shall be required to demonstrate compatibility through examples, research, architectural consultation, or other means. This compatibility requirement shall not prohibit artistic expression, ability to landscape, commercial viability, creativity, or individuality.

ii) Design features that provide all structures with an attractive and human-scale appearance when viewed from a public or private road or by neighboring properties shall be required. These features shall include the following:

a. Building façades of 50 feet or more shall be broken down into a series of smaller facades that incorporate changes in color, texture or materials; architectural projections or recesses; varying setbacks or roof treatments, or other structural or decorative variations.
b. Primary building facades of any length shall include windows and doors.
c. All sides of buildings must have windows
d. Accessory structures shall also satisfy compatibility criteria as described above.
e. Landscaping, screening and green space shall be required to achieve the following goals:
    i. To provide screening of development to increase privacy, reduce noise and glare, contribute to the attractiveness and scenic qualities of the property, and to otherwise lessen the visual impact of the development on neighboring properties.
    ii. To provide green space amenities for the occupants of the development
    iii. Provisions for the care and maintenance of plantings, including the removal and replacement of dead or diseased shrubs or trees.

h) **Multi-family Housing Standards** – Any structure that contains three or more dwelling units (also called a "multi-family dwelling) shall adhere to the Multi-family Housing Development Standards in §6.13 of these regulations.

i) **Fire Protection**- Any building using engineered lumber shall have the appropriate placard as deemed necessary by ISO standards. This placard shall be placed at the primary ingress/egress of the main floor of said building.

j) **Environmental Concerns –** The development should prioritize the protection of wetlands, riparian areas and surface waters to maintain the health and function of those areas and their ecosystem services. These ecosystem services include, but are not limited to, protection of water quality; stormwater management; floodwater storage; limitation of soil erosion; stream channel stabilization; preservation of existing plant and animal communities, including identified rare and sensitive species; preservation of habitat connectivity, and the maintenance of Richmond's rural character and scenic beauty. For specific standards regarding land development within the Floodway and the Special Flood Hazard Area, see Section 6.8.

k) **Additional Possible Conditions** - The following site standards also may be required as a condition of Development Review Board approval

- Greater setback or screening requirements along the perimeter of the property
- Adequate pedestrian facilities
- Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, driveways, parking, sidewalks, landscaping, and other conditions or standards imposed

3.10 Village Downtown District (VD)

Area: the following parcels are included in this district:PS0023, BR0052, BR0048, BR0039, BR0038, BR0030, BR0027, BR0026, WM0013, EM0010, EM0013, WM0004, WM0035, DS0022, PS0014, BR0072

Purpose: The purpose of the Village Downtown Mixed-Use District is to provide a district that encompasses the existing village core area and supports employment, light industry, commercial enterprises, community gathering spaces, dense and affordable housing, and other compatible uses that bring value

to the community and maintain Richmond's unique sense of place. It will also support the traditional village mixed use patterns with street/ground level commercial uses and upper floor residential uses. There are 3 primary goals for this district:

1. Help improve the economic vitality of Richmond by attracting desirable new businesses to the site, creating jobs, and increasing municipal water and wastewater utility use.

2. Attract residents and visitors to our village center for community and commercial activities.

3. Increase the housing density, affordability, and diversity in order to support a vibrant and diverse population of Richmond residents.

Any development in this district shall enhance the overall village area and shall be compatible with the surrounding mix of residential, non-residential, and municipal uses. Any development proposal shall fit into the vision for Richmond as described in the Richmond Town Plan.

3.10.1 Allowable Uses Upon Issuance of Zoning Permit by Administrative Officer- The following uses shall be allowed in the Village Downtown District upon issuance of a Zoning Permit by the Administrative Officer. Site Plan Review by the DRB pursuant to Section 5.5 may be required.

a) Artists/Crafts studio
b) Bank
c) Bed and Breakfast
d) Hotel
e) Inn or guest house
f) Laundromat
g) Office, Medical
h) Office, Professional
i) Personal Services
j) Retail business

3.10.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the Village Downtown District after issuance of conditional use approval by the DRB.

a) Brewery
b) Catering Service
c) Center-based Child Care Facility
d) Commercial Multi-Use Building
e) Educational Facility as provided in Section 5.10.4
f) Equipment Rental or Supply
g) Food Processing Establishment
h) Funeral Parlor
i) Group Home
j) Health Care Services
k) Hospital
l) Research Laboratory
m) Light Manufacturing
n) Museum
o) Planned Unit Development
   as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
   Residential Dwelling Units as part of a Mixed Use Planned Unit Development
   No residential-only Planned Unit Development
p) Pharmacy
q) Private Club
r) Pub
s) Recreational facility
t) Religious use as provided in Section 5.10.4
u) Restaurant
v) Retirement Community

w) State- or community-owned and operated institutions and facilities as provided in Section 5.10.4
x) Tavern
y) Theater
z) Veterinary Clinics
aa) Wholesale trade

3.10.3 Residential Density and Requirements

a) Each residential dwelling unit shall require 1/24 acre of developable land located on the same lot as the unit subject to the rounding rule below. This equals a residential density of approximately 24 units per acre. Developable land excludes those lands that are outlined in section 2.5.2. The maximum number of units that may be permitted shall be calculated by multiplying the residential density by the total developable acreage of the lot. When this calculation results in a number of units with a fractional component, the fraction will be rounded according to conventional rounding rules as follows, where X is a whole number:

X.0 – X.49 units shall be rounded DOWN to X units.
X.50 – X.99 units shall be rounded UP to X+1 units.

Examples: 24 units/acre x 0.22 developable acres = 5.28 units rounds DOWN to 5 units.
24 units/acre x 0.16 developable acres = 3.84 units rounds UP to 4 units.

If the number of permissible units is less than one (1) it shall be rounded UP to 1 unit.

Example: 24 units/acre x 0.02 developable acres = 0.48 units rounds UP to 1 unit.

b) Residential dwelling units shall be restricted to the second story/floor and above of any building and shall not be allowed on the street/ground level. These units may be approved as part of a mixed-use Planned Unit Development.

3.10.4 Dimensional Requirement for Lots in the VD District - No Zoning Permit may be issued for Land Development in the VD District unless the lot proposed for such Land Development meets the following dimensional requirements:

a) **Lot Area-** No lot shall be less than one-eighth (1/8) or 0.125 acre The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller.
b) **Lot Dimension -** Each lot must contain a point from which a circle with a radius of twenty-five (25) feet can be inscribed within the boundary of the lot.
c) **Lot Frontage-** A lot must have 50 feet of continuous frontage on a public or private road or have access to a public or private road by a permanent easement or right-of-way approved by the DRB as regulated by Sections 4.2 and 4.3.
d) **Lot Coverage-** The total ground area covered by all structures, parking areas, walkways, driveways and areas covered by impervious materials shall not exceed eighty percent (80%) of the total ground area of the lot.

3.10.5 Dimensional Limitations for Structures on Lots in the VD District

a) Height- shall be as in Section 4.12 of these regulations.
b) Setback- All structures shall have zero (0) feet setbacks, except for a five (5) feet setback for all structures on district boundaries. All development is required to install and maintain a sidewalk to the public works standards on any and all public road frontage. Placement of the sidewalk and curb cuts or accesses to the property are subject to approval of the Highway Foreman.

3.10.6 Other Requirements Applicable to Lots in the VD District- No Zoning Permit may be issued for Land Development in the VD District unless the Land Development meets the following requirements:

a) **Parking Requirements**-

i) In this district, the residential parking requirement shall be based on the number of bedrooms per dwelling unit. The spaces required shall only serve to calculate overall supply, and shall not be assigned to specific dwellings.

Bedrooms	Efficiency (0)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Spaces Required	1	1.5	2	2.5	3

Spaces shall increase by 0.5 spaces per additional bedroom.

ii) All other parking supply requirements shall follow the requirements as set forth in section 6.1.

iii) Exempted Lots - BR0052, BR0048, BR0038, BR0030, BR0026, BR0039, EM0010 are exempt from standard parking requirements. However, they are required to provide a descriptive plan for where they intend to have tenants and patrons park, whether that be providing a copy of a private parking agreement between landowners or use of public parking. Use of public parking requires Selectboard and road foreman approval in the form of a public parking permit.

b) **Loading** - Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1

c) **Signs** - Signs shall be regulated as provided in Section 5.7.

d) **Traffic Impact** - The purpose of this requirement is to foster the general welfare of the public through the minimization of traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents.

i) A transportation impact study shall be required for uses which generate more than 70 vehicle trip ends on adjacent roads during the P.M. peak hour for the first 40,000 square feet of land development area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of land development area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize “Trip generation – Tenth Edition”, Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.

ii) For establishments that generate more than 70 vehicle trip ends during the P.M. peak hour, the Development Review Board shall review the level of service of adjacent roads. Based on its review as well as consultation with the Road Foreman, the DRB may put forth permit conditions to mitigate adverse traffic impacts. Permit conditions may include:

a. Site improvements to improve access management, such as the creation of secondary access points, the reduction of the width of curb cuts, or the like;
b. Improvements to internal circulation, including the creation of narrower roadway widths, pedestrian pathways, and the like;
c. Improvements with connections with adjacent properties, such as, but not limited to, the creation of additional vehicle or pedestrian access points, the installation of signage and traffic lights, and adjustments to intersections to reduce pedestrian crossing distances and to slow traffic.

e) **Access** - Access shall be regulated as provided in Sections 4.1 through 4.4.

f) **Compatibility-** The purpose of this requirement is to allow the Development Review Board to review and approve the visual aspects of new construction or new or remodeled exteriors. The goal of this requirement is to ensure public ability to review the visual rendering, and the opportunity to provide input. A visual rendering of any new construction or remodeled exterior shall be required as part of a site plan and/or conditional use application. Any changes to the facade, size, or scale of new

construction or a remodeled exterior shall require a new visual rendering that portrays the proposed changes and shall require an amendment to the Development Review Board's original site plan and/or conditional use approval which contains the most recent iteration of the visual rendering. The following shall be considered when reviewing the application:

- Compatibility of size, scale, color, materials, and character of the district, and construction utilizing materials similar or the same to the existing buildings of the district, is required for all new construction and all new or remodeled exterior facades.
- Applicants shall be required to demonstrate compatibility through examples, research, architectural consultation, or other means.
- This compatibility requirement shall not prohibit artistic expression, ability to landscape, commercial viability, creativity, or individuality.

g) **Residential Use** - Residential dwelling units shall be restricted to the second story/floor or higher of any building and shall only be approved and permitted via Planned Unit Development.

h) **Additional Possible Conditions** - The following site standards also may be required as a condition of Development Review Board approval

- Greater setback or screening requirements along the perimeter of the property
- Adequate pedestrian circulation
- Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, driveways, parking, sidewalks, landscaping, and other conditions or standards impose

3.11 Village Residential Neighborhoods North (VRNN)

3.11.1 Purpose - The purpose of the Village Residential Neighborhoods North District is to provide residential neighborhoods of moderate density within walkable proximity to the services and amenities of the center of Richmond village.

Features of the district include:
1. The character of this district will be residential.
2. Housing types may include single-family houses, duplexes, multi-family and accessory dwellings, and the dwellings may be closely spaced.
3. Natural amenities will be provided by green spaces, vegetated front yards and street or front yard trees.
4. Traffic speeds on the streets will be low to provide safety for pedestrians and bicyclists.
5. The Flood Hazard Overlay District will control the development of any lot within its borders.
6. All lots are to be served by Municipal water and sewer service.

3.11.2 Permitted Uses: The following uses shall be allowed in the VRNN District after issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required.
a) Accessory dwelling
b) Accessory structure
c) Dwelling, single-family
d) Dwelling, two-family (duplex)
e) Dwelling, 3–4 unit multi-family
f) Family child-care home
g) Group home
h) Home occupation

3.11.3 Conditional Uses: The following uses may be allowed in the VRNN District after issuance of a conditional use approval by the DRB.
a) Assisted Living Residence
b) Child-care facility, large home-based

c) Hospice
d) Nursing Home
e) Park or open space
f.) Residential Planned Unit Development (see section 5.12)

3.11.4 Residential density

a) Maximum Base Residential Density - 1 dwelling unit for every 8,712 square feet of land (5 U/A – see section 6.14)
b) In this district, a single-family home with an Accessory Dwelling Unit, a Duplex, or a 3-4 unit Multi-family dwelling shall be allowed on the same size lot as a single-family dwelling as per 24 VSA 4412[1][D] with no additional land or lot area required (see also section 6.14).

3.11.5 Dimensional requirements:

a) Minimum lot size: 8,712 square feet (1/5 or .2 A)
b) Lot shape: Each lot must contain a point from which a circle with a radius of 25 feet can be inscribed within the boundary lines of the lot.
c) Lot frontage: No lot having frontage on a public or private road shall have less than 55 feet of continuous uninterrupted length of said frontage, or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3
d) Maximum Lot Coverage: 50 %
e) Height: The height of any structure shall not exceed 35 feet, except as provided in Section 4.11
f) Front yard setback:
  i. Principal habitable structure -- minimum = 10 feet
  ii. Accessory structure or accessory dwelling -- minimum of 10 feet behind front building line of principal structure
g) Side yard setback:
  i. Principal habitable structure or accessory dwelling – minimum = 10 feet
  ii. Accessory non-habitable structure – minimum = 5 feet
h) Rear yard setback:
  i. Principle habitable structure or accessory dwelling – minimum = 10 feet
  ii. Accessory non-habitable structure = 5 feet

3.11.6 District Specific Development Standards

a) Site Design Standards

i. Parking shall be located at the side or rear of the building, unless in front of a garage door.
ii. Waste containers and dumpsters shall be located behind or on the side of principal or accessory structures such that they are not visible from the road. Waste containers may be placed temporarily by the roadside for the scheduled collection time.
iii. Front yards shall be vegetated. Street and/or yard trees are encouraged to be incorporated into the design of front yard vegetation.
iv. Residential parking: one parking space per dwelling unit is required. The applicant may provide more spaces if need is anticipated.

b) Additional Multifamily Housing Standards

Any structure that contains three or more dwelling units (also called a “multifamily dwelling”) shall, in addition to the VRNN District Specific Development Standards listed above, adhere to the Multi-family Housing Development Standards in Section 6.13 of these regulations.

3.11.7 Planned Unit Developments that consist entirely of residential units (Residential PUD’s) and that satisfy the provisions of §5.12 of these regulations are allowed in the VRNN District.

3.12 Village Residential Neighborhoods South (VRNS)

3.12.1 Purpose - The purpose of the Village Residential Neighborhood South District is to provide residential neighborhoods of moderate density south of the Winooski River that are within walkable proximity to the services and amenities of the center of Richmond village. This neighborhood helps to provide a transition from the Agricultural/Residential district to the village districts and provides a residential surrounding for the iconic Round Church.

Features of this district include:
1. The character of the district will be residential.
2. Housing types may include single-family houses, duplexes, multi-family and accessory dwellings, and may be closely spaced.
3. Natural amenities will be provided by green spaces, vegetated front yards, and street or front yard trees.
4. Historic viewshed of the Round Church is maintained with neighborhood residences and green spaces. Round Church events, including, but not limited to, weddings, concerts, lectures and programs, will continue to be allowed, with on-site parking on the adjacent field
5. Traffic speeds on the streets will be low to provide safety for pedestrians and bicyclists.
6. The Flood Hazard Overlay District will control the development of any lot within its borders.
7. All lots are to be served by Municipal water and sewer service.

3.12.2 Permitted Uses: The following uses shall be allowed in the VRNS District after issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required.

a) Accessory dwelling
b) Accessory structure
c) Dwelling, single-family
d) Dwelling, two-family (duplex)
e) Dwelling, 3-4 unit multi-family
f) Family childcare home
g) Group home
h) Home occupation

3.12.3 Conditional Uses: The following uses may be allowed in the VRNS District after issuance of conditional use approval by the DRB.

a) Artist/Craft studio
b) Assisted Living Residence
c) Childcare facility, large home based
d) Hospice
e) Museum
f) Nursing Home
g) Park or open space
h) Residential Planned Unit Development (see section 5.12)

3.12.4 Residential density

a) Maximum Base Residential Density - 1 dwelling unit for every 8,712 square feet of land (5 U/A -see section 6.14)
b) In this district, a single-family home with an Accessory Dwelling Unit, a Duplex, or a 3-4 unit Multi-family dwelling shall be allowed on the same size lot as a single-family dwelling as per 24 VSA 4412[1][D] with no additional land or lot area required (see also section 6.14).

3.12.5 Dimensional requirements:

a) Minimum lot size: 8,712 square feet (1/5 or .2A)
b) Lot shape: Each lot must contain a point from which a circle with a radius of 25 feet can be inscribed within the boundary lines of the lot:
c) Minimum lot frontage: No lot having frontage on a public or private road shall have less than 55 feet of continuous uninterrupted length of said frontage or the lot must have access to a public or private road with approval by the DRB pursuant to Section 4.2 and 4.3

d) Maximum lot coverage: 50 %
e) The height of any structure shall not exceed 35 feet, except as provided in Section 4.11
f) Front yard setback:
i. Principal habitable structure -- minimum = 10 feet
ii. Accessory structure or accessory dwelling -- minimum of 10' behind front building line of principal structure
g) Side yard setback:
i. Principal habitable structure or accessory dwelling = minimum 10 feet
ii. Accessory non-habitable structure = minimum 5 feet
h) Rear yard setback:
i. Principal habitable structure or accessory dwelling - minimum = 10 feet
ii. Accessory non-habitable structure - minimum = 5 feet

3.12.6 District Specific Development Standards
a) Site Design Standards
i. Parking shall be located at the side or rear of the building, unless in front of a garage door.
ii. Waste containers and dumpsters shall be located behind or to the side of the principal or accessory structures, such that they are not visible from the road. Waste containers may be placed temporarily by the roadside for the scheduled collection time.
iii. Front yards shall be vegetated. Street and/or yard trees are encouraged to be incorporated into the design of front yard vegetation.
iv. Residential parking: one parking space per dwelling unit is required. More spaces may be provided by the applicant if additional need is anticipated.

b) Additional multi-family housing standards - Any structure that contains three or more dwelling units (also called a "multi-family dwelling") shall, in addition to the District Specific Development Standards listed above, adhere to the Multi-family Housing Development Standards in Section 6.13 of these regulations.

3.12.7 Planned Unit Developments that consist entirely of residential units (Residential PUD's) and that satisfy the provisions of Section 5.12 of these regulations are allowed in the VRNS.

4. REGULATIONS APPLYING TO ALL LOTS

4.1 Compliance with Public Works Specifications
All vehicular accesses shall comply with the 2000 Public Works Specifications, or the most recent version of Public Works Specifications at the time of application.

4.2 Required Frontage on, or Access to, Roads or Public Waters
In accordance with the Act [§4412(3)], Land Development may be permitted on lots which do not have frontage either on a public road or public waters in conformance with Section 4.3, provided that access through a permanent easement or right-of-way has been approved by the DRB.

4.3 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 easement or right-of-way. The following procedures will be followed for obtaining access to and approval for such lots:

4.3.1 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 6.2.

4.3.2 Required Information - Applications shall include a plan drawn to scale showing boundaries of all properties crossed by and to be served by the proposed private easement or right-of-way, dimensions and grades of the vehicular access, the point of access onto a public road, and any other information the DRB may require assuring adequate emergency access to all lots and dwelling units.

4.3.3 Easement Dimensions - An easement or right-of-way shall be at least thirty (30) feet in width if serving less than four (4) lots. Easements or rights-of-way serving four or more lots shall be at least sixty (60) feet in width and meet the standards in Section 6.2.1 and the current Public Works Specifications.

4.4 Curb Cuts

No more than one curb cut shall be allowed onto a public or private Road or Highway right of way affording access to a lot. The Administrative Officer or DRB may impose further reasonable conditions regarding curb cuts including consolidation of access points to public or private Road or Highway 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 and Highways in the vicinity.

4.5 Multiple Uses and Principal Structures on a Lot

There shall be only one use on a lot, and only one Principal Structure on a lot, unless otherwise provided elsewhere in these regulations.

4.6 Nonconforming Lots

4.6.1 Existing Small Lots – An existing small lot is any lot that is legally subdivided; is in individual and separate and non-affiliated ownership from surrounding properties; is legally in existence on October 25, 2021; and does not conform to the minimum lot size requirement of the district the lot is located within. Existing small lots may be developed pursuant to the requirements, with exception of the minimum lot size, of the district in which the lot is located as follows:

4.6.1.1 Existing small lots served by municipal water and sewer may be developed

4.6.1.2 Existing small lots not served by municipal water and sewer service, and unable to connect to municipal water and sewer service may be developed if said existing small lots have both of the following dimensional requirements:

a) At least one-eighth (1/8) acre in area; and
b) A width and depth dimension of at least 40 feet each.

4.6.2 A lot which is nonconforming by requirements other than size may be used or developed according to the district in which the lot is located if all applicable dimensional requirements are met.

4.6.3 Merger of a Nonconforming Lot - 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:

a) The lots are conveyed in their preexisting, nonconforming configuration.
b) On the Effective Date of these Zoning Regulations, each Lot was developed with a water supply and wastewater disposal system.
c) At the time of transfer, each water supply and wastewater disposal system is functioning in an acceptable manner.
d) 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.

4.7 Nonconforming Structures

4.7.1. A nonconforming structure located within the Flood Hazard Overlay District shall be regulated entirely by Section 6.8.15, and not by Section 4.7.

4.7.2. The regulations under this section do not construe or imply the permitting of the use of a structure declared unsafe by an appropriate governmental authority or the continuation of an establishment declared to be health hazard by an appropriate governmental authority.

4.7. Nonconforming structures may continue to exist unchanged indefinitely.

4.7.4. Nonconforming structures may undergo normal repair and maintenance without a zoning permit provided that the structure's degree of nonconformity is not increased.

4.7.5. The Administrative Officer may approve the replacement, restoration, or reconstruction of a nonconforming structure after damage or destruction by fire, flood, collapse, explosion, or other similar casualty to its prior condition provided that:

a) the reconstruction does not increase the degree of nonconformity that existed prior to the damage; and
b) a zoning permit is issued within 12 months of the date the damage occurred.

4.7.6. The Administrative Officer may approve the replacement, restoration, reconstruction, and expansion of a nonconforming structure for reasons other than damage or destruction provided that the structure's degree of nonconformity is not increased.

4.7.7. The Administrative Officer may approve the relocation of a nonconforming structure on the same property provided that the change in location of the structure does not increase the structure's degree of nonconformity.

4.7.8. The Development Review Board may allow a nonconforming structure to extend, or further extend, into a wetland or wetland buffer, thus increasing its degree of nonconformity, provided that it is permitted by the state Wetlands Program as pursuant to Section 6.9.5.

4.7.9. For the purpose of Section 4.7, the phrase “degree of nonconformity” shall mean:

a) the volume of the nonconforming structure within a required setback;
b) The height of the nonconforming structure above a maximum height;
c) the square footage that the nonconforming structure’s footprint or any associated impervious surface occupies within a wetland buffer; or
d) the extent to which the nonconforming structure exceeds any other required dimensional standard.

4.7.10 Setback Modifications - Subject to Conditional Use Review, the Development Review Board may allow for the expansion of any nonconforming structure built prior to April 1, 1969 no closer than five (5) feet to any lot line or edge of a public or private right of way and an increase in building footprint 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, the Development Review Board could allow an increase of 800 square feet in lot coverage.

4.8 Nonconforming Uses

4.8.1. A non-conforming use located within the Flood Hazard Overlay District shall be regulated entirely by Section 6.8.15, not by Section 4.8.

4.8.2. A non-conforming use may be continued indefinitely provided it remains unchanged.

4.8. The structure containing a nonconforming use may undergo normal repair and maintenance without a zoning permit provided that the nonconforming use is not changed, enlarged, expanded, moved or altered.

4.8. The Administrative Officer may approve the replacement, restoration, or reconstruction of a structure containing a nonconforming use to its prior condition after damage or destruction by fire, flood, explosion, collapse, or other similar casualty provided that:

a) the reconstruction does not change, enlarge, expand, move or alter the nonconforming use; and
b) a zoning permit is issued within 12 months of the date the damage or destruction occurred; and
c) all other requirements of the zoning district in which the structure containing the use is located are met.

4.8 A nonconforming non-residential use that ceases for 12 or more months shall be deemed discontinued by the Administrative Officer, regardless of the intent to resume the prior use, and shall not be permitted to resume. A residential use may be resumed within a legal, vacant structure at any time

4.9 Noise

It shall be a requirement for any approval under these Zoning Regulations to comply with the following stated limits:

4.9.1 Residential Noise. Noise shall not exceed the following levels of intensity at the property line in the Agricultural/Residential, High Density Residential, Residential/Commercial and Mobile Home Park Districts:

TIME PERIOD	One-hour Average dBA	Instantaneous Maximum dBA
7:00 AM to 11:00 PM	70	80
11:00 PM to 7:00 AM	50	60

4.9.2 Commercial Noise. Noise shall not exceed the following levels of intensity at the property line in the Gateway Commercial, Village Commercial, Commercial, Jolina Court and Industrial/Commercial Districts:

TIME PERIOD	One-hour Average dBA	Instantaneous Maximum dBA
7:00 AM to 11:00 PM	80	90
11:00 PM to 7:00 AM	60	70

4.9.3 Terms. For purposes of this regulation, the following terms shall be defined as stated below:

a) Decibel - a unit measure of sound level;
b) Sound level - in decibels measured by a sound level meter, using “A” frequency weighting (expressed in dBA);
c) 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.

4.9.4 Exemptions. Noises associated with standard agricultural operations and usual and customary residential activities shall be exempt from this standard.

4.10 Exterior Lighting

4.10.1 General Guidelines - The Town of Richmond exterior lighting policy is designed to reduce the use of inappropriate and poorly designed or installed exterior lighting which causes unsafe and

unpleasant viewing conditions. On the other hand, it is also recognized that some exterior lighting is appropriate and necessary. All Richmond property owners or Applicants are encouraged to utilize the following general guidelines when designing and installing or replacing existing exterior lighting fixtures:

- use the minimum light level needed for the task
- avoid competitive lighting, in which one source of lighting is increased in illumination to "outshine" a neighboring source
- light areas evenly and uniformly for better visibility
- consider the color of the light and limit the use of lighting that provides unnatural color.
- Lighting should not shine onto adjacent properties or above the horizontal plane, at the elevation of the light fixture.

4.10.2 General Requirements - It shall be a requirement for any municipal approval in all zoning districts, to mitigate Undue Adverse Effects and conserve energy, that the following requirements are met:

a) **Site Plan.** Submit a Site Plan proposal that includes all proposed exterior light fixtures:
   i. Specifications for all proposed lighting fixtures including photometric data designation as IESNA (the Illumination Engineers Society of North America) "cut-off" fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures such as height and location, and;
   ii. Analyses and iso-illuminance diagrams showing that the proposed installation conforms to the lighting standards in this Section.

b) **Illumination.** Whenever building elevations are submitted, show exterior fixtures and the portions of the walls to be illuminated.

c) **Sensors.** Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.

d) **Underground.** Electrical service to exterior lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.

e) **Height.** The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture.

f) **Exemptions.** Lighting associated with normal and customary residential activities and holiday lighting, displayed within 45 days of the State recognized date of the holiday, shall be exempt from this standard.

4.10.3 Parking Lot & Security Lighting

a) **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 or Highways.
   i. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by (IESNA).
   ii. Alternatives: If a proposal contains a particular "period" or architectural style, an alternative (other than required by this section) primary or supplemental lighting design or fixture may be approved if the following apply:
      1. One, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150 watt incandescent bulb), when such fixtures are not "cut-off" fixtures as defined by the IESNA, and;
      2. Two, the mounting heights of such fixtures shall not exceed fifteen (15) ft.

b) **Security Lighting** - The purpose of and need for security lighting, i.e., lighting for safety of persons and property, is allowed when part of an overall lighting plan.
   i. 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 lighting be directed above a horizontal plane through the lighting fixture.

c) **Security and Parking Area lighting standards** in the various districts are as shown in the following table:

LIGHTING	A/R, HDR, and MHP	R/C, G, V/C, JC, VD, and C	I/C
Mounting Height (Max.) ***	20’	20’	25’
Minimum Illumination Level	no less than 0.2 foot candles (fc)	no less than 0.2 fc	no less than 0.3 fc
Uniformity Ratio *	4:1	4:1	4:1
Average Illumination Level on Vertical Surface	no more than 0.3 fc	no more than 0.5 fc	no more than 0.3 fc
Minimum CRI **	70	70	60

*

Uniformity ratio is the ratio of average illumination to minimum illumination

** CRI = Color Rendering Index.

*** Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

4.10.4 Illuminated Signs. Illuminated signs shall meet the requirements set forth in the Signs section (5.7) of these Zoning Regulations.

4.10.5 Roads or Highways Lighting. Roads or Highways lighting shall meet the standards set forth in the Town’s Public Works Specifications.

4.10.6 Lighting of Gasoline Station Aprons and Canopies. Lighting levels on gasoline station aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these Zoning Regulations shall be used for that purpose.

a) Areas on the apron away from the gasoline pump islands, used for parking or vehicle storage, shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this Section.
b) 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.
c) Light fixtures mounted on canopies shall be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy.
d) As an alternative (or supplement) to recessed lights, indirect lighting may be used where light is reflected down from the bottom of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
e) Lights shall not be mounted on the top or sides of the canopy, and the sides (fascias) of the canopy shall not be illuminated.

4.10.7 Lighting of Building Facades and Roofs. With the exception of structures having exceptional symbolic (i.e. churches and/or public buildings) or historic significance in the community, exterior building facades shall not be illuminated. When buildings having symbolic or historic significance are to be illuminated, a design for the illumination shall be approved by the DRB, after public hearing, and the following provisions shall be met:

a) The maximum illumination on any vertical surface or angular roof surface shall not exceed 2.5 footcandles.
b) Lighting fixtures 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 and Highways.
c) Lighting fixtures mounted on the building and designed to “wash” the facade with light are to be preferred.
d) To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.

4.11 Height of Buildings and Structures

4.11.1 The height of a building shall not exceed 35 feet. In buildings with steeply pitched roofs in which there is no occupancy above 35 feet, the building height may not exceed 45 feet.

4.11.2 Structures on the roof of a building such as spires, chimneys, cupolas, rooftop solar collectors, domes and belfries may extend up to 45 feet from the average finished grade. Rooftop antennae may extend to 47 feet. [24 V.S.A. §4412 (6 and 8A)]

4.11.3 All single-family and two-family dwelling uses must include an egress window with a lower sill or threshold that does not exceed 32 feet from adjacent finished grade, and meet all applicable municipal and state fire safety codes.

4.11.4 All single-family and two-family dwelling uses shall have at least one point where the threshold of the roof is no higher than 32 feet from the adjacent finished grade to allow for ladder access to the roof by fire and rescue personnel.

4.11.5 For all Conditional Use and Site Plan Review applications, applicants must consult with the Richmond Fire Department prior to applying. All Conditional Use and Site Plan Review applications must include a letter of recommendation from the Richmond Fire Department. The DRB shall take into consideration the recommendations the Richmond Fire Department in its review. Permit conditions may include recommendations from the Richmond Fire Department, so long as the recommendations promote the health, safety and general welfare of the inhabitants of the Town of Richmond.

4.11.6 Farm accessory buildings are exempt from the 35-foot height restriction, providing there is no habitation above 35 feet.

4.11.7 The height of wireless telecommunication facilities other than rooftop antennae shall be governed by section 6.12 of these regulations and 24 VSA S. 4412 (8B and C).

4.12 Performance Standards

All uses in all districts, including nonconforming uses, shall meet the following performance standards at all times:

a) No vibration resulting from the activities or use of a lot shall be measurable at the lot lines.
b) No odors resulting from the activities or use of a lot shall be discernible at the lot lines.
c) Smoke emissions from the activities or use of a lot shall not exceed number two (2) on the Ringelman Chart.
d) No dust, dirt or fly-ash from the activities or use of a lot shall exceed two-tenth (0.2) grain per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.
e) No noxious gases resulting from the activity or use of a lot shall be discernible at the lot lines.
f) Hazardous materials and wastes shall be stored on and removed from a lot without causing a release or the threat of a release from a facility on a lot or on adjacent lots, and any such storage, use and/or removal shall protect the public health, safety, welfare and the environment. All uses shall comply with all federal and state laws, rules and regulations for the use, storage, transport, and disposal of hazardous materials and wastes.
g) No use shall cause, create, or result in an undue adverse impact on municipal facilities and services.
h) No heat shall be discernible at the lot lines.

4.13 Vehicle Fueling Stations - All Vehicle Fueling Stations shall adhere to the following requirements and standards:

4.13.1. Vehicle Fueling Stations may have up to four pumping islands, allowing up to eight vehicles to receive liquid or gaseous fuels at one time.

4.13.2. All Vehicle Fueling Stations shall have one or more DC Fast Charger electric vehicle charging station(s) with a Society of Automotive Engineers (SAE) Combined Charging System (CCS).

4.13.3. Customary accessory uses for Vehicle Fueling Stations include the retail sales of vehicle accessories; food and beverages prepared for off-premises consumption, but which may be consumed on or off premises; and other convenience store items. Up to 20% of the floor space within a structure containing the aforementioned accessory uses may be used for tables and/or chairs.

5. PERMITS AND APPROVALS

5.1 Applicability

No land development may be commenced in the Town of Richmond without a zoning permit issued by the Administrative Officer, except as regulated by 24 VSA §4413 and 30 VSA §248 as described below. Please note in Section 5.1.1, a review of the proposed development is required even if no zoning permit is needed. In Section 5.1.2, the issuance of a zoning permit shall be in conformance to 24 VSA §4448 and §4449.

5.1.1 Land development regulated by 24 VSA §4413 for which a zoning permit is NOT required:

a) **Agricultural uses**, including the development of farm structures -- In addition to State Statute 24 VSA §4413, the Vermont Agency of Agriculture, Food and Markets (VAAFM) regulates these uses and should be consulted. Pursuant to the Act (§4413), applicants proposing to develop a farm structure shall:
   i. confirm that they qualify as a farm and are operating under Required Agricultural Practices (RAPs),
   ii. ensure that the proposed structure is at least 50 feet from adjoining surface waters. Additional setbacks may be required for waste storage facilities. (see VAAFM regulations)
   iii. ensure that the proposed structure complies with municipal setbacks or a waiver has been granted by VAAFM.
   iv. If the proposed farm structure will be constructed in a Flood Hazard Area and/or River corridor, or will disturb one or more acres of land, applicants must obtain a permit from the Agency of Natural Resources prior to construction.
   v. Submit the “Notice of Intent to Build a Farm Structure” form to the Administrative Officer prior to any land development; and
   vi. With this form, enclose a sketch of the structure, and setback measurements from the adjoining road rights-of-way, property lines and surface water.

b) **Forestry uses**, including silviculture and forestry operations – In addition to 24 VSA §4413, these uses are regulated by The Agency of Natural Resources and the Vermont Department of Forests, Parks and Recreation.
   i. Any forestry use that involves logging, shall adhere to the “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont” published by the Department of Forests, Parks and Recreation.
   ii. For a structure to qualify as a structure associated with silviculture and forestry operations, all timber from said use must be harvested from the property on which the intended structure would be located.
   iii. If the Administrative Officer determines that the structure qualifies as a structure associated with silviculture and forestry operations, the structure is not required to meet the respective setback requirements.
   iv. Applicants proposing to develop structures associated with silviculture and other forestry operations shall submit the following prior to any land development:
      1. The “Notice of Intent to Build a Silviculture or Forestry Operations Structure” to the Administrative Officer prior to any land development. Notification shall include:

a. A sketch of the structure, and setback measurements from adjoining road rights-of-way, property lines and surface water; and
b. Confirmation in writing that all timber in relation to the silviculture or forestry operation is harvested on the subject property on which the structure will be located

c) **Public Utility** power- generating plants and transmission facilities – In addition to 24 VSA §4413, these uses are regulated by 30 VSA §248.

5.1.2 Land development regulated by 24 VSA §4413 for which a zoning permit IS required.
For the following uses, site plan approval (for uses allowed in a district) or conditional use approval (for uses allowed conditionally in a district) shall be required before a zoning permit can be issued as per Sections 5.5 and 5.6 of these regulations. However, these uses may be regulated only with respect to their location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road or highway parking, loading facilities, traffic, noise, lighting, landscaping and screening, and only to the extent that such regulations do not have the effect of interfering with the intended functional use.

If any of the following uses, with the exception of (a), is proposed to be located within the Flood Hazard Overlay District of these regulations, the land development shall be regulated by Section 6.8 of these regulations, as long as the regulations do not interfere with the proposed functional use.

a) State- or community-owned and operated institutions and facilities
b) Public and private schools and other educational institutions certified by the Agency of Education
c) Churches and other places of worship, convents and parish houses
d) Public and private hospitals
e) Regional solid waste management facilities certified under 10 VSA §159
f) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606a

5.2 Application Process, Decisions and Appeals

5.2.1 Application, Fees, Reimbursement for Technical Review -

a) **Complete Application** - Applications submitted for review will be deemed complete by the Administrative Officer when all required material has been submitted and the permit fee has been paid. After the application is deemed complete, the Administrative Officer shall immediately refer it to the appropriate officer or the DRB for review, in accordance with the Act (§§4448, 4460).
b) **Fees, Reimbursements for Technical Review** - Accompanying each application shall be the required fee or fees as established by the Richmond Selectboard in accordance with the Act (§4440), payable to the municipality. Under no conditions shall such sum or any part thereof be refunded unless provided for under a separate section of these Zoning Regulations or other town ordinance. Any fee may be amended from time to time by the Selectboard and shall be posted in the Town Clerk's Office. The Administrative Officer or DRB may require an Applicant to pay for the reasonable costs of an independent technical review, by a consultant employed by such person or body, of an application, or portions therefore, subject to any procedures and standards established by the Richmond Selectboard, and the following:
    i. Administrative Officer: Upon receipt of an application, the Administrative Officer may arrange for independent technical review of the application or portions thereof.
    ii. DRB: The DRB, at any public hearing required under these Zoning 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.
    iii. In the event a written report is obtained from the technical consultant, the Applicant shall forthwith be supplied with a copy.
    iv. The Applicant shall pay for the reasonable costs of an independent technical review authorized under this subsection 5.2.1(b), within thirty (30) days of invoice for the cost thereof.

v. In the event the Town, Administrative Officer, or DRB is required to bring legal action to collect the amount specified in the invoice, the Applicant shall be responsible for the Administrative Officer's, or DRB's reasonable attorney's fees, and other costs of collection.
vi. Notwithstanding anything in Section 5.3.5, a certificate of occupancy shall not be issued to the Applicant, its successors and assigns, for the Land Development proposed in the application, or any part, until the invoice issued under subsection 5.2.1(b) is paid in full.

c) **Forms** – An application for a Zoning Permit shall be filed with the Administrative Officer on form(s) provided for those purposes.

Application for Zoning Permit - The Administrative Officer shall require that every application for a Zoning Permit be accompanied by one (1) or more copies of a site plan showing the following in sufficient detail to enable the Administrative Officer to ascertain whether the proposal is in conformance with these Zoning Regulations.

i. The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are established on the ground.
ii. The shape, size and location of all buildings or other structures already existing on the lot.
iii. The existing and intended uses and areas of use of the lot and all buildings and other structures.
iv. The dimensions of all yards and such other information concerning the parcel or adjoining parcels as may be essential for determining whether the provisions of these Zoning Regulations are being observed regarding yards, areas, off-Roads or Highways parking and other such requirements or standards.
v. Any other information as may be required by the Administrative Officer.
vi. The location of the house, septic area, driveway and well, when specified in the subdivision approval, must be flagged and inspected as part of the permit application. vii. 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 6.8.
    1. 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;
    2. 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.

d) **State Permits** - When applicable, a receipt of a State Wastewater and Potable Water Supply Permit is required prior to the issuance of a zoning permit. Local permits do not absolve the applicant from obtaining applicable state and federal permits, and the applicant is responsible for obtaining relevant state and federal permits. The applicant ~~should~~ shall contact ~~the regional permit specialist employed by the Agency of Natural Resources~~ the Department of Environmental Conservation Permit Navigator at Permit Navigator | Department of Environmental Conservation for additional information on related state permits.

e) **Building Energy Standards** - Unless the applicant certifies that the structure will not be heated or cooled or unless the structure is a sign or fence, all applicants for a zoning permit for a structure are required to adhere to the state's Building Energy Standards, either residential (RBES) or commercial (CBES) [30 VSA §§ 51 and 53], with exemptions as listed in the statute. An RBES or CBES certification of adherence to the standards from the builder will be required prior to the issuance of a Certificate of Occupancy (CO). A guide to the codes can be obtained from the

Zoning Administrator, and a copy of the full Vermont Residential Building Energy Code Book can be obtained from the Vermont Department of Public Service.

5.2.2 Decision on Application by the Administrative Officer - The Administrative Officer shall act on a permit application in accordance with the following. 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 Administrative Officer's decision or lack thereof, and if denied by the DRB by direct appeal to the Environmental Court.

a) A Zoning Permit may be issued by the Administrative Officer, if, in the opinion of the Administrative Officer, 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 Zoning Regulations and all other ordinances of the municipality.
b) If, in the opinion of the Administrative Officer, the proposal set forth in such application is incomplete, the 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.
c) If such application is complete and can be reviewed by the Administrative Officer and is found to be not in conformance with the provision of these Zoning Regulations and all other ordinances, the Administrative Officer shall deny the application. If an application for a permit is denied, the Administrative Officer shall state in writing on the application the reason for such denial.
d) If an application needs to be reviewed by the DRB and the Administrative Officer deems the application complete, the Administrative Officer shall promptly refer the application to the DRB, in writing with the date of referral noted,
e) If the application is for proposed Land Development located within the Flood Hazard Overlay District, the Administrative Officer shall promptly refer the completed application to the Agency of Natural Resources in accordance with Section 6.8.12.
f) There is no refund of the application fee once a decision has been made or hearing warned by the Town.

5.2.3 Appeals - Any act of the Administrative Officer under this section, including the approval or denial of a Zoning Permit, or the issuance of a written determination, may be appealed to the DRB as provided in Section 8.4. Any Zoning Permit issued by the Administrative Officer shall include a statement of the time within which an appeal may be taken.

5.3 Process after Permit is Issued

5.3.1 Procedure after Issuance -

a) Within 3 working days following the issuance of a Zoning Permit by the Administrative Officer, the Administrative Officer shall post a copy of the permit in the Town Clerk's Office. The permit shall remain posted until 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.
b) Each permit issued under this section shall require posting of a notice of permit on a form provided by the Town, to be displayed in a prominent site on the lot upon which the Land Development is occurring, within view from the nearest public right-of-way, and shall remain posted until all work is complete.
c) The 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.
d) The Zoning Permit shall be delivered by the Administrative Officer to the Town Clerk for recording in the land records of the Town in accordance with Section 8.5. The Administrative Officer shall deliver a copy of the permit to the Listers once it has been recorded by the Town Clerk

5.3.2 Effective and Expiration Dates -

a) A Zoning Permit which the Administrative Officer is empowered to issue shall not take effect until 15 days after issuance by the Administrative Officer or, in the event that a notice of appeal is properly filed in accordance with Section 8.4, such permit shall not take effect until final adjudication of the appeal, as provided in §4449 of the Act...

b) A Zoning Permit shall expire 24 months after the effective date, provided, however, that a Zoning Permit shall not expire if the Administrative Officer determines that, viewed as a whole, the work, time and expenditures invested in the project for which the Zoning Permit was issued demonstrate a good faith intent to presently commence upon the permitted use. The Administrative Officer may extend the permit for good cause for an additional 12 months, provided the request is made prior to the expiration date. Projects phased over several years by the permitting authority of the Town of Richmond shall have separate expiration dates attached to each phase, and the provisions of this subparagraph (b) as to whether expiration has occurred shall apply to each separate expiration date.

5.3.3 Misrepresentations –

a) Any zoning permit issued based upon material inaccuracies or misrepresentations in an application or in any supporting documents to an application shall be null and void and shall not be construed as waiving any provision of these zoning regulations.

b) Any visual rendering of a permitted project that is displayed publicly shall be the same visual rendering that has been presented to and approved by the DRB or the Administrative Officer.

5.3.4 Amendments to Permits Already Issued by the Administrative Officer - Amendments to the conditions of any permit already issued by the Town of Richmond may be made only by making application to the Administrative Officer for a new permit. Such application for a new 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 permit was approved by the DRB.

5.3.5 Certificates of Occupancy –

5.3.5.1 A certificate of occupancy from the Administrative Officer is required prior to the use or occupancy of any land or new principal structures, dwellings, additions to structures 600 square feet or greater, and accessory structures 600 square feet or greater.

5.3.5.2 As a condition of approval, the Development Review Board may require the applicant to receive a certificate of occupancy regardless of the nature of the proposed land development prior to the occupancy of the structure and/or commencement of the use.

5.3.5.3 In order for the Administrative Officer to issue a Certificate of Occupancy, the Administrative Officer shall determine that:

a) The land is used and the structure is built according to the terms and conditions of an approved zoning permit, these Zoning Regulations, approved project plans, applicable conditions of approval, and any other applicable specifications; and

b) For heated or cooled structures, the applicant has filed the applicable building energy standards certificate--either the Residential Building Energy Standards Certificate (RBES), the RBES Owner/Builder Disclosure Statement, or the Commercial Building Energy Standards Certificate (CBES).

5.3.5.4 The Administrative Officer shall act on a complete application for a certificate of occupancy within 30 days. The Administrative Officer may inspect the subject property and consult with other Town departments as needed to determine compliance prior to the issuance or denial of a complete application for a certificate of occupancy.

5.3.5.5 The Administrative Officer shall approve or deny applications for certificates of occupancy in writing. When denying a certificate of occupancy application, the Administrative Officer shall provide the applicant the reasons for the denial.

5.3.5.6 For all Zoning Permits issued after October 25, 2021, Certificates of Occupancy shall be applied for prior to the expiration of the respective Zoning Permits.

5.3.5.7 Certificates of Occupancy shall be delivered by the Administrative Officer to the Town Clerk for recording in the land records of the Town in accordance with Section 8.5.

5.4 Subdivision Review

The division of a lot into two or more lots shall require subdivision approval under the Town of Richmond Subdivision Regulations, except for the following which shall require a Zoning Permit issued by the Administrative Officer:

a) those lots created under Section 2.6, Administratively Created Lots, of these Zoning Regulations; and
b) boundary line adjustments between two adjoining landowners, which do not create a new lot, but which shall require approval under Section 5.8, Boundary Adjustments, of these Zoning Regulations; and
c) Subdivision Regulation §800.1, Minor Revisions to the RSR

Consideration of combining the SubRegs with the RZR here…

5.5 Site Plan Review

5.5.1 Applicability - The establishment or expansion of Permitted Uses requires Site Plan Review by the DRB prior to obtaining a Zoning Permit with the exception of the following uses:

a) Agriculture, Silviculture, and Horticulture
b) Accessory structures related to dwelling single-family, dwelling two-family, and dwelling multifamily of up to four dwelling units
c) Artist/crafts studio
d) Bed and Breakfast
e) Dwelling, single-family
f) Dwelling, two-family
g) Dwelling, multi-family with up to four dwelling units
h) Home occupations, except Family Child Care Homes serving more than six children and less than 11 children
i) Group homes.
j) Personal services

5.5.2 Application Requirements for Site Plan Review -

a) Name and address of owner(s) of the parcel.
b) Names and addresses of all abutters, including those across contiguous Road(s) or Highway(s).
c) Unless waived by the DRB for good cause, a site plan shall be prepared by a registered surveyor, professional planner, engineer, architect, or landscape planner. In all events, the site plan shall be drawn to scale, and submitted with written supporting data, showing the following:
    i. **Existing features**: contours, structures, utility easements, rights-of-way, deed restrictions, significant landscape features, Roads or Highways, surveyed boundaries, dimensions, total lot size;
    ii. **Proposed Land Development**: land use areas, structures, driveways, curb cuts, parking and loading areas, traffic circulation, pedestrian walkways, outside display areas, signs, site grading, landscaping, plantings and screening, setbacks and buffer strips, outside lighting, equipment and waste storage areas and sewage disposal areas.
d) Information as to the time period or phasing for completion of the project.

e) The DRB may also require the following submittals:
   i. **Security** as provided in Section 8.2.5.
   ii. **Formal traffic study** if a substantial alteration in public traffic flow is anticipated or a large-scale parking area is planned. This may include analyses of traffic volumes, average daily trips, turning movements, patterns of ingress and egress, levels of service on roadways and at intersections, and modes of traffic control. Refer to ITE Trip Generation, 12th edition 2025.

5.5.3 Conditions of Approval for Site Plan Review - The DRB may impose conditions and safeguards upon the approval of a site plan with respect to features authorized by the Act (§4416), as amended. Maps, data, studies, and other information will be requested as needed by the DRB for site plan review. Conditions of approval for site plan review include, but are not limited to, the following:

a) **Traffic** - Conditions and safeguards with respect to adequacy of parking, traffic access, and circulation for pedestrians and vehicles, including, but not limited to:
   i. **Lanes** - Installation of speed change lanes or frontage roads.
   ii. **Curb Cuts** - Limitations on access driveways, or requirement that these be shared with adjacent properties to reduce curb cuts and provide for safe ingress and egress.
   iii. **Pedestrians** - Provision for pedestrian traffic, with sidewalks and other walkways clearly separated from vehicular traffic and with appropriately designed road-crossing areas.
   iv. **Roads** - Roads within the site connecting to roads outside the site that will bear substantial traffic loads being constructed to the Public Works Specifications.
   v. **Parking** - Parking must be located to the rear of buildings, or at the side well-screened from view.
   vi. **Trails** - Trails for non-motorized transportation.
   vii. **Lighting** - Provision for lighting adequate to promote traffic and pedestrian safety, while minimizing negative impact on neighboring residences.

b) **Landscaping and Screening** - Conditions and safeguards with respect to landscaping and screening, including, but 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 or industrial uses from neighboring residences.
   iii. **Requirements that vegetation** be indigenous to the area, sight-impervious, large enough to do well, and planted intervals in keeping with other neighborhood foliage.
   iv. **Retention** of currently existing site vegetation.
   v. **Interim fencing** being required while vegetation is growing to appropriate size.
   vi. **Provision for the care** and maintenance of plantings, including removal of dead or diseased trees or shrubs.
   vii. **Minimum Landscaping Costs.** The minimum direct landscaping cost shall be at least equal to the total project construction cost multiplied by a certain percentage per the below schedule:

Construction Cost	Percentage
$0 -$250,000	3%
Next $250,000	2%
Excess 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.

viii. **Front Yards.** In the case of non-residential uses, the required front yard shall be suitably landscaped and maintained in good appearance.

ix. **Buffer Strips.** DRB may also require additional landscaping above and beyond the formula for the purpose of adding a buffer strip along I-89 to properly screen development from the highway.

x. **Additional Screening.** The DRB may require additional plantings or attractive solid fencing, above the normal landscaping requirement, whenever it determines a particular site warrants such additional 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. All outdoor lighting or parking from public or commercial uses shall be screened from the view of the ground floor of adjacent residential buildings. Auto service stations shall be screened in the same manner from all abutting properties. Recreational vehicle parking areas shall be screened with evergreen trees and shrubs and such landscaping plan shall be part of the application.

xi. **Exterior Lighting.** Exterior lighting shall meet the requirements of Section 4.11 of these Zoning Regulations.

xii. **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.

c) **Renewable Energy Resources** - Conditions and safeguards for the protection and the utilization of renewable energy resources.

d) **Signs** – Size, location, and design.

5.5.4 Site Plan Review Process – The Site Plan Review process shall be conducted in accordance with the requirements contained in Section 8.2.

5.5.5 Site Plan Amendments - The Administrative Officer shall determine if proposed changes to an approved site plan are minor or major.

a) **Minor Amendments**—those which do not involve changes to approved curb cuts, internal traffic or pedestrian circulation patterns, landscaping or screening, may be approved by the Administrative Officer.

b) **Major Amendments**—All amendments other than Minor Amendments shall require the submittal of a revised site plan to the DRB for review.

5.6 Conditional Use Review

A use requiring conditional use approval by the DRB shall comply with the following general standards and specific standards, and all other applicable standards and requirements of these Zoning Regulations.

5.6.1 General Standards - A proposed use shall not result in an undue adverse effect upon:

a) The capacity of existing or planned community facilities;

b) The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located and with specifically stated policies and standards of the Richmond Town Plan;

c) Traffic on roads and highways in the vicinity;

d) Bylaws and ordinances then in effect; and,

e) The utilization of renewable energy sources.

5.6.2 Specific Standards - Conditional uses shall comply with the following specific standards:

a) 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.

b) 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.

c) Outside storage of goods, parts, supplies, vehicles machinery and other personal property shall be appropriate to the neighborhood and shall not impair safety.
d) A State Wastewater and Potable Water Supply Permit shall be obtained before the use commences.
e) The development is proposed over a reasonable time period in order that the general and specific standards for conditional uses may be met.
f) 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.
g) No fire, explosive, or safety hazard shall be permitted that, in the judgment of the DRB, after consideration of the advice of Richmond firefighting officials, significantly endangers other property owners or emergency personnel.
h) The development shall not result in an Undue Adverse Effect on state- or community-owned and operated institutions and facilities.
i) Existing water supplies and the quality of ground and surface water resources shall not be adversely affected.
j) 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.
k) Any other standards, such as natural landscape and "character of the neighborhood" standards if not associated with a residential review, as indicated for specific districts shall also be applied.

The DRB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Zoning Regulations and 24 V.S.A. Chapter 117.

5.6.3 Site Plan Review Standards - In order to expedite the review process, conditional uses are not subject to separate site plan review under Section 5.5, however, all conditional uses shall also meet site plan review standards and conditions as set forth under Section 5.5.3 prior to the issuance of conditional use approval.

5.6.4 Conditional Use Review Process - The DRB shall hold a public hearing on the application, warned in accordance with Section 8.2.3, and shall provide opportunity for any person wishing to achieve status as an Interested Person to demonstrate that they meet the definition of an Interested Person under the Act (24 V.S.A. §4465) and these Zoning Regulations for purposes of participation and appeal. The DRB shall act to approve, approve with conditions, or deny the application and issue a decision as provided in Section 8.2.5.

The following 3 sections should be placed under Section 6, Special Zoning Regulations and not under the CUR Section.

5.6.5 Extraction of Earth Resources –Applicability - In the A/R, HDR, R/C, G, C and I/C Zoning Districts, the removal of loam, gravel, stone, sand, fill, sod or any other earth resource, with the exceptions listed in Section 5.6.6 (e) below, shall be a conditional use to be reviewed and approved by the DRB.

a) **Removal or filling** of earth resources; (i) within 50 feet of wetlands or a publicly owned body of water or a navigable watercourse, or (ii) within a buffer zone under Section 5.6.6 (c)(iv) below, shall not be permitted.
b) **Submittal Requirements** –
    i. Names and addresses of all abutters, including those across any contiguous public or private Road(s) or Highway(s).
    ii. A current site plan showing existing grades; depth to water table in proposed area of excavation; off-site drainage patterns and existing easements crossing the lot.

iii. A restoration plan showing proposed finished grades; cover vegetation and trees to be planted.
iv. A management plan that includes: provisions for drainage; erosion and dust control methods; traffic and noise control; protection of surface water including a 25 ft. to 100 ft. buffer zone between operation and streams, and a 25 ft. to 100 ft. buffer zone between the operation and any neighboring lot line. The exact width of the buffer zone required will be determined by the proximity to neighbors and any other factors the DRB considers relevant.

c) **Conditions of Approval** - The DRB may impose any of, but not limited to, the following conditions:
   i. Per Section 8.2.5, security to assure proper restoration of the site.
   ii. Limitation of hours of operation if an abutting residential neighborhood shall be substantially negatively affected by noise, dust, or vibration.
   iii. Noise limitations as defined in Section 4.10, *Noise*.
   iv. Limitations on size of trucks, number of trips/day.
   v. A traffic study by a qualified traffic expert if substantial concern exists regarding traffic.
   vi. Requirement for loads to be covered.
   vii. Limitation of duration of permit or requirement for future review by the DRB.
   viii. Isolation distances from sources of drinking water.
   ix. Lighting requirements or limitations as established in Section 4.11*, Exterior Lighting*, of these Zoning Regulations.

d) **Protections** –
   i. Existing pits in operation on the Effective Date of these Zoning Regulations may continue in operation at their current levels of operation as of the Effective Date of these Zoning Regulations. No increase over such current levels shall occur without issuance of conditional use approval by the DRB.
   ii. Equipment incidental to the operation of a gravel pit or other earth resource extraction operation, and used only to crush, sort, or otherwise process materials removed from the lot where the equipment is located, shall be allowed, provided that installation and use of such equipment meets all applicable general and specific conditional use standards and other applicable standards and requirements of these Zoning Regulations and all conditions imposed by the DRB.

e) **Exceptions** - This section shall not apply to the removal of earth resources incidental to the construction of a building or its access on the same lot, normal agricultural or forestry operations, public road construction, or the operation of a cemetery, to the extent reasonably necessary for such purpose.

5.6.6 Cottage Industries that are not Home Occupations -

This section applies to Cottage Industries that are not Home Occupations (Section 5.11, and defined in Section 7), since Home Occupations do not require conditional use review.

a) **Conditional use** - Cottage Industries may be allowed in the A/R, HDR, R/C and G Districts after conditional use approval by the DRB using the following criteria in c) and d) below for review in addition to those in 5.6, Conditional Use Review and all other zoning requirements.

b) **Renewal** - A new conditional use approval shall be required before a Cottage Industry is expanded or modified.

c) **Requirements** - All Cottage Industries shall comply with the following provisions in addition to the conditional use provisions in Section 5.6:
   i. All activities of a Cottage Industry must be located on the same Lot for which the permit is granted. Any Cottage Industry activity on a separate lot shall be considered as a separate Cottage Industry activity and must receive a permit.
   ii. The business use is clearly secondary to the agricultural or residential use of the lot and the business owner shall reside on the lot.
   iii. The business use shall not necessitate any change in the outside appearance of the structures related to the cottage industry on the lot other than the addition of one non-

illuminated sign that meets the requirements of Section 5.7, Signs, of these Zoning Regulations.

iv. The residents of the dwelling unit on the lot plus no more than three full-time equivalent employees may be employed.

v. 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 - Seventh Edition - 2003" Institute of Traffic Engineers, or its equivalent, or any subsequent and most recent publication thereof.

vi. 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 6.1. On-premise parking shall be sufficient for all employees and residents.

vii. There shall be no storage of hazardous waste or materials, and fuel storage shall be limited to that needed for the operation of the vehicles of the business.

viii. The property shall be landscaped and the business use screened, in such a manner that the Cottage 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.

ix. The Cottage Industry shall be provided with a vegetated (grass, trees, etc.) buffer zone between the structure housing the business and any lot line.

x. There shall be no safety hazards to neighborhood children, including those children boarding or disembarking from the school bus.

xi. Sound shall not exceed the limits of Section 4.10, Noise of these Zoning Regulations.

xii. Smoke, vibrations, dust, odors, heat and glare produced by the business shall not be excessive.

xiii. Delivery truck traffic may be limited to 2 trucks per day, if it is deemed that such traffic shall adversely affect the character of the neighborhood.

d) **Character of the Neighborhood** - Suburban neighborhoods with closely spaced residences, with few pre-existing business uses, are less suitable locations for cottage 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 cottage industry and may prohibit such industry on the basis of having an undue adverse effect on the character of the neighborhood.

5.6.7 Adaptive Use of Existing Structures -

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. Structures which shall be considered appropriate for adaptive use include any structure which: (i) has historical or architectural significance to the Town, and (ii) has a minimum of 4,000 square feet, and (iii) is no less than fifty (50) years old.

a) **Additional Uses** - Structures determined to be appropriate for adaptive use may be put to the following additional 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; if the building is in a Zoning District where two-family or multi-family dwellings are not normally allowed, the HDR minimum lot area per dwelling unit requirements 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. Professional offices.
vi. Community resources such as banks, churches, schools, or libraries. vii. Storage uses such as for boats or furniture.

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, bars, motels, gas 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.

b) **Additional Requirements** - The DRB may grant conditional use approval for prospective uses of structures in order that owners may renovate for approval for specific businesses or tenants. 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.

5.7 Signs

Purpose - It is the purpose of this section to limit the use of signs to those purposes which serve the public interest. No sign, billboard or exterior graphic display shall be permitted except as provided in this section.

5.7.1 Signs Which Do Not Require a Permit - The following signs are allowed in any district without a Zoning Permit. No other signs shall be permitted unless a Zoning Permit is issued by the Administrative Officer. Any sign installed or maintained pursuant to this Section shall be located outside the boundaries of all public Road or Highway rights-of-way, except as provided in d) and f), below.

a) One free-standing, on-premise, non-illuminated sign on a lot, which sign shall not exceed four square feet per face and shall be limited to identifying a private residence or a home occupation. The sign or supports shall not exceed six (6) feet in height above the surface of the ground.
b) One free-standing, on-premise, non-illuminated sign on a lot, which sign shall not exceed two square feet per face and shall be limited to the direction, instruction or convenience of the public (i.e. signs identifying restrooms, freight entrances, posted areas, danger areas, etc.).
c) One non-illuminated sign on a lot, which sign shall not exceed six square feet per face and shall be limited to the advertising of agricultural products grown on-premise.
d) Non-illuminated signs to be maintained for not more than two weeks, that identify fairs, expositions, auctions, campaign drives unrelated to elections, or other events of a civic, philanthropic or religious nature. For any sign to be located within public Road or Highway rights-of-way including public sidewalks, either the VT Agency of Transportation or the Richmond Selectboard must issue written approval, with any attached conditions, prior to placement of the sign.
e) Signs for the direction of the public on privately owned or non-profit recreation land. These signs will not exceed two (2) square feet per face.
f) One non-illuminated sign per lot or storefront on a public right-of-way with a maximum of 6 square feet per face supported by 4 posts, hinged at one end to form a "sandwich board" sign. The posts shall not count toward total square footage and the sign shall be removed when the business or activity is not in operation. If the sign is located within a State or municipal right-of-way, including public sidewalks, either the VT Agency of Transportation or the Richmond Selectboard must issue written approval, with any attached conditions, prior to placement of the sign.
g) Non-illuminated political signs, including election campaign signs.

5.7.2 General Restrictions on all Permitted Signs - All signs other than those specified above in Section 5.7.1 shall require a Zoning Permit from the Administrative Officer. Permitted signs shall conform to the requirements listed in this section:

a) No sign shall prevent a clear and unobstructed view of official signs or vehicular traffic.
b) Indirectly lighted signs may be lighted with constant lighting provided the lighting shall not be directed at neighboring properties or public ways and that the intensity shall not adversely affect the neighborhood or Roads and Highways, especially the drivers of vehicles. The light source

shall not be visible from adjacent properties or roads, and the average level of illumination on the sign shall not exceed 3.0 foot-candles and the uniformity ratio shall not exceed 2:1.

c) No sign shall be illuminated during hours when the premises are not open for business.

d) No signs shall contain string lighting, pennants, moving parts or similar attention gathering devices nor may they contain or support any device capable of emitting noise. No sign shall be illuminated by neon, flashing, moving, intermittent or any other internally generated light.

e) No sign shall be erected, attached, or maintained upon any tree or drawn or painted on any rock or other natural feature or upon any utility pole or town sign post.

f) No sign shall be erected which is not on the lot where the activity served by the sign is located. If a lot does not have frontage on a public Road or Highway and is accessed by a private right of way, the interior lot owner may obtain a Zoning Permit for locating a sign in the private access right-of-way to the interior lot, provided that such private access right-of-way is broad enough to allow a sign.

g) The height of a free-standing sign shall not be more than ten (10) feet.

h) No sign which is attached to a building shall extend above its roof line.

i) No sign may be so designed, erected, illuminated, operated or maintained and be in such a location that it conflicts with or detracts from the effectiveness of an official traffic light or sign or constitute a menace to traffic safety. No sign shall be placed that resembles any official marker erected by a government agency or display such words as “Stop” or “Danger”. No Zoning Permit shall be issued for a sign to be located within the right-of-way of a public or private Road or Highway.

j) All signs hereafter constructed, maintained, painted or otherwise established, moved, altered, changed or used in any Zoning District shall comply with the requirements of the Zoning District in which the sign is located, including the dimensional requirements for structures, except as otherwise specifically provided, and also shall comply with the following criteria:

   i. The lot frontage or width of the structure used as the basis for determining permitted sign area for one building or use shall not be used again as the basis for determining the permitted sign area for another structure or use.

   ii. On corner structures, the longer front of the structure may be used to determine the maximum sign dimension.

   iii. For purposes of signs, only one (1) side of the structure facing a Road or Highway shall be considered to be the front of the structure.

   iv. For structures which house more than one (1) business, the front width of each business unit shall be used to determine the maximum sign area for the business.

   v. Sign regulations shall not apply to official Federal, State, or Town signs, including traffic signs, which are erected and intended for public information, direction, safety or control purposes.

k) No sign shall be erected upon or applied to any roof, except religious symbols unaccompanied by lettering, when applied to the cornice, tower or spire of a place of worship.

5.7.3 Signs - A/R, HDR, V R/C and MHP Zoning Districts - In the Agricultural/Residential District, High Density Residential District, Village Residential/ Commercial District and Mobile Home Park District, one sign (either free-standing, wall, or projecting) per lot shall be permitted upon issuance of a Zoning Permit by the Administrative Officer, provided such signs meet the following requirements:

a) **Free-standing Signs** - The free-standing sign shall be located outside of any public or private Road or Highway right-of-way and shall not exceed 12 square feet on each of two faces. If the sign does not utilize one or more of the following geometric forms; circle, square, rectangle or ellipse, then the DRB shall review the request as a conditional use review.

b) **Wall Signs** - The wall sign shall be attached horizontally to and not extending perpendicularly from a wall of the principal structure and shall not exceed in area ten (10) percent of the gross surface area of the facade to which it is mounted, or twenty-five (25) square feet, whichever is less. A wall sign is permitted only for purposes of identifying the name of the resident, the title or nature of the person conducting a permitted home occupation or business, or the name of building and seller or agent.

c) **Projecting Signs** - The projecting sign shall be attached to, and extending perpendicularly from, a wall of a principal structure and shall not exceed 10 square feet on each of two faces and shall nor project out more than three (3) feet from the front face of the primary structure.
d) **Roof Signs** - No signs shall be erected upon or applied to any roof, except religious symbols, unaccompanied by lettering when applied to the cornice, tower or spire of a place of worship.

5.7.4 Signs - C, G R/C, V/C, JC, VD and I/C Zoning Districts - In the Commercial, Gateway Residential/Commercial, Village/Commercial, Jolina Court, Village Downtown and Industrial/Commercial Zoning Districts, one sign (either free-standing, wall, or projecting) per lot shall be permitted upon issuance of a Zoning Permit by the Administrative Officer, provided such signs meet the following requirements:

a) **Free-Standing signs** - The free-standing sign shall be located outside of any public or private Road or Highway right-of-way and shall not exceed 24 square feet on each of two faces. If the sign does not utilize one or more of the following geometric forms; circle, square, rectangle or ellipse, then the DRB shall review the request as a conditional use review.
b) **Wall Signs** - The wall sign shall be attached horizontally to, and not extending perpendicularly from, the wall of a principal structure, and shall not exceed the following size limitations:
    i. Signs with a total surface area not to exceed one (1) square foot of sign for each linear foot of the side of the structure in which the use is contained; however, the total surface area of any sign/s shall not exceed fifty (50) square feet.
c) **Projecting Signs** - The projecting sign shall be attached to and extending perpendicularly from a wall of a principal structure and shall not project out more than five (5) feet from the front wall of the building. The maximum square footage of a projecting sign shall be no greater than twenty-five percent (25%) of the linear footage of the front width of the structure on which the sign shall be attached with a maximum of twenty (20) square feet.
d) **Locator Signs for Multiple Uses** - For a lot comprising two (2) or more uses and in addition to the sign allowed under this subsection, 5.7.4, each individual use shall be allowed one sign, not exceeding ten (10) square feet which is either a wall sign or projecting sign. Except for maximum square footage, these signs shall meet the above design requirements. The wall or projecting sign must be attached to the exterior wall of the side of the structure in which the use is contained.

5.7.5 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 directory signs may only advertise businesses or organizations on Railroad Street or Jolina Court. The following standards apply to these directory signs.

1) One Directory sign per street.
2) A Directory Sign is a free-standing sign
3) “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.
4) The directory sign may include the name and logo of each business
5) The maximum size of the directory sign shall be 5 feet wide and 6 feet tall (30 square feet)
6) The directory sign must have a vertical orientation (i.e., be taller than wide)
7) The maximum height of the directory sign is 10 feet including the street name, per c). above, with the lowest panel a minimum of 3 feet from the ground.
8) Individual letters (words) may not exceed 8” in height.
9) Individual logos for each business or organization may not exceed 1.5 square feet
10) The sign is divided as follows with six 1-foot sections – 5 feet total width
11) Anchor (maximum of 2 anchors) – maximum of two 1-foot sections per anchor
12) If there are 2 anchor signs, the two additional 1-foot sections may be divided into a maximum of 4 segments
13) If only one anchor is on the sign, the four additional 1-foot sections may be divided into a maximum of 8 segments

14) If there are no anchor signs, the 6 1-foot sections may be divided into a maximum of 12 segments
15) 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
16) Similar/compatible color schemes must be used for the directory sign
17) The directory sign is not included in the computation of the permissible sign area, allowed per lot, per section 5.7.4.

5.7.6 Maintenance - All signs shall be well maintained.

a) **Sign Removal** - Any sign which advertises a business, product or service no longer available on the lot shall be removed. Any sign which is deemed to be structurally unsafe by the Administrative Officer shall be removed or repaired by its owner or permittee. Removal or repair shall be completed within thirty (30) days of notification by the Administrative Officer. If the owner or permittee fails to remove or repair the sign within the specified period, the Administrative Officer may cause the sign to be removed at the owner's expense.

5.7.7 Nonconforming Signs - A sign which does not comply to these Zoning Regulations which is lawfully in use when these Zoning Regulations become effective may continue in use but, shall be subject to the provisions of Sections 4.7 and 4.8 of these Zoning Regulations.

5.7.8 Non-commercial Content - Notwithstanding anything else in this Section 5.7, any sign authorized by this section, and requiring a Zoning Permit, may display non-commercial content in lieu of any otherwise permitted content.

5.8 Boundary Adjustments

Boundary adjustments may be made by and between only two adjoining landowners upon issuance of a Zoning Permit by the Administrative Officer. A Zoning Permit for boundary adjustments may be appealed to the DRB under Section 8.4 and shall be recorded in the land records of the town in accordance with Section 8.5. Prior to issuance of a Zoning Permit the following conditions shall be met:

5.8.1 No New Lots - No additional lot is created after the adjustment of the boundary lines.
5.8.2 Only Two Lots - Only two lots may be involved in any one boundary line adjustment.
5.8.3 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.
5.8.4 State Sign-off – Submittal of a Boundary Line Adjustment Exemption Form for the Wastewater Systems and Potable Water Supply Rules.
5.8.~~4~~ 5 New Lot Configuration - No lot may be created by the adjustment of the lot boundary that does not conform to all provisions of these Zoning Regulations.
5.8.~~5~~ 6 Appeals – A Zoning Permit for boundary adjustments may be appealed to the DRB under Section 8.4.1.

The approval for a boundary line adjustment shall expire180 days from that approval date, unless, within that 180-day period, the plan for the adjustment and deeds for the transfer of property are filed or recorded with the Richmond Town Clerk. After the approved plan and deeds are filed, no expiration of the approval shall be applicable.

5.9 Accessory Dwellings

5.9.1 Permitted Use - In accordance with the Act [§4412(1)(E)], one accessory dwelling within or appurtenant to a single-family dwelling, or within or appurtenant to an existing accessory structure to the single-family dwelling, may be allowed as a permitted use to a single-family dwelling, except within

the Flood Hazard Overlay District (new Accessory Dwellings are prohibited within the Flood Hazard Overlay District), subject to the issuance of a Zoning Permit by the Administrative Officer, and all of the following requirements:

a) Either the single-family dwelling or the accessory dwelling must be occupied by the owner or by the owner's spouse, civil union partner, parents or legal children. In the event that the owner or relative is forced to leave the dwelling, or accessory dwelling, or dies, there shall be no change in status of the accessory dwelling for a period not to exceed twelve months at which time the familial occupancy rule will be enforced.
b) The accessory dwelling must be at all times owned by the same party that owns the single-family dwelling.
c) The accessory dwelling shall be an efficiency, one-bedroom, or two-bedroom apartment that is clearly subordinate to the single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.
d) The accessory dwelling shall not exceed 75% of the total habitable floor area of the single-family dwelling or up to 1,000 square feet, or whichever is less. In cases where the State Statutory minimum of 30% of the total habitable floor area of the single-family dwelling exceeds the Town maximum, the State minimum shall take precedence over the Town maximum.
e) The property shall have sufficient wastewater capacity.
f) The accessory dwelling shall meet all applicable setback, coverage and parking requirements for the principal dwelling as specified in these Zoning Regulations. If the accessory dwelling is to be located in a nonconforming structure, it shall not increase the degree of nonconformance, except in accordance with Section 4.7

~~**5.9.2 Conditional Use** - Conditional use approval by the DRB under Section 5.6 shall be required for an accessory dwelling for which any of the following also apply:~~

~~a) The accessory dwelling is to be located within a new single-family dwelling in a district in which conditional use review is required for single-family dwellings.~~ **Remove as there are no Districts that require CUR for an SFD where allowed. Where not allowed, an ADU is moot.**

5.9.~~3~~ 2 Conditions of Approval – In addition to any other conditions of approval, the Zoning Permit issued for an accessory dwelling shall clearly state that the dwelling is allowed only as an accessory to the primary, principal single-family residential use of the property and as such shall be retained in common ownership. An accessory dwelling may be converted and/or subdivided for conveyance or use as a principal dwelling only if it is found to meet all requirements of applicable municipal and state regulations for a two-family dwelling (for an attached unit) or for two single-family dwellings (for a unit in an accessory structure), including all lot, density and dimensional requirements for the zoning district in which it is located. All applicable municipal permits and approvals shall be obtained prior to conversion or conveyance as a principal single-family dwelling.

5.10 Requirements for Specific Structures

5.10.1 Accessory Structure - An accessory structure includes any structure that is customarily incidental and subordinate to the principal structure or use on a lot, including but not limited to, fences, walls, barns, sheds, greenhouses, gazebos, patios, accessory electric vehicle charging stations, and free-standing garages. Accessory structures (except for non-structural fences and walls which mark property boundaries, or enclose portions of the property, and are less than 6 feet high, and accessory electric vehicle charging stations) shall conform to the setbacks established in the applicable Zoning District, unless a greater setback is required by these Zoning Regulations.

5.10.2 Seasonal Dwelling - A "seasonal dwelling" or "camp" structure shall not be occupied more than 180 days in any one-year period. Camps which are pre-existing nonconforming structures or nonconforming uses shall be governed by Sections 4.7 or 4.8 of these Zoning Regulations. New camps and conversions of camps to single-family dwellings shall be permitted wherever single-family dwellings are permitted as long as all requirements for a single-family dwelling are met. Each camp

which is converted to year-round single-family use shall be located on a separate conforming lot on which there is no other principal structure.

5.10.3 Temporary Structure - "Temporary Structures" include any structure erected for a transient purpose which remains in place for less than 120 days in any one-year period. A Zoning Permit from the Administrative Officer for such temporary structures, including but not limited to seasonal produce stands, temporary fencing (excluding livestock fencing), ~~wind measuring devices~~, temporary signs (see applicability with §5.7,signs) and storage areas, shall be required. No temporary structure may be used as a dwelling.

5.10.4 Public Facilities and Utilities

a) 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 or Highway 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. Chapter159).
   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 facilities must meet applicable requirements of these Zoning Regulations, and may be subject to site plan review under Section 5.5 or conditional use review under Section 5.6. Associated conditions of approval, however, shall not exceed allowed municipal regulation of these facilities, as specified under the Act and subsection a).

c) In accordance with the Act [§4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. §248) are specifically exempted from municipal regulation.

5.11 Home Occupations, Child Care Homes, Group Homes

In accordance with the Act (§4412), the following uses are allowed as described below:

5.11.1 Home Occupation – A home occupation shall be permitted in any dwelling upon issuance of a Zoning Permit by the Administrative Officer, providing the following conditions are met:

a) 1/3 or less of the floor area of the dwelling is to be used for the occupation. This condition does not apply to Family Child Care Homes, in which any or all of the floor area may be used.
b) The occupation does not have an undue effect on the character of the neighborhood.
c) The occupation is to be carried out by one or more full-time residents of the dwelling unit.
d) A maximum of two other non-residential employees or fellow entrepreneurs shall be allowed.
e) Adequate parking and traffic flow shall be provided.
f) The use shall be conducted entirely within the dwelling. This condition does not apply to Family Child Care Homes for which an outside play area is permitted.
g) With the exception of Family Child Care Homes, there shall be not more than one accessory structure devoted to the occupation, and that structure shall not exceed 1200 sq. ft in footprint area. For Family Child Care Homes, more than one accessory structure is allowed, but the total footprint area of the accessory structures shall not exceed 1200 square feet.
h) There shall be no outside storage of materials beyond that which is customarily associated with residential use, and at a scale consistent with residential use.
i) There shall be no storage of hazardous waste or fuels.
j) There shall be no unreasonable noise, smoke, vibrations, dust, odors, heat, glare, unsightliness or other nuisance.
k) There shall be no traffic generated beyond that which is usual and customary in the neighborhood.

An amendment to the original permit shall be required before any changes are made in the scope of the home occupation. Such changes might include but are not limited to; new activities, increases in the number or non-resident employees or parking spaces, changes in the square footage, or new accessory structures.

5.11.2 Child Care Home - As per 24 VSA §4412(5), Family Child Care Homes which serve six or fewer children shall be permitted as a home occupation subject to Section 5.11.1. A Family Child Care Home serving more than six children and less than 11 children shall require Site Plan Review and also be permitted as a home occupation subject to Section 5.11.1. Large Family Child Care Homes and Center-based Child Care Facilities shall be regulated by the zoning district in which they are located. Adequate off-Road or Highway parking shall be provided for all applications for Child Care Homes. Applications for any Child Care Home shall include detailed information and accurate measurements regarding location drop-off, parking, square footage in home for use, etc. The Administrative Officer may require additional information from the Applicant or may conduct a site visit to gather additional information.

5.11.3 Group Home - 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. Adequate off-Road or Highway parking shall be provided.

5.12 Planned Unit Development (PUD) and Residential PUD

Purpose – In accordance with the 24 VSA §4417, Planned Unit Developments (PUDs) are 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. For purposes of these Zoning Regulations, Residential PUDs shall be considered a type of Planned Unit Development. 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 Zoning Regulations may be permitted subject to the conditions set forth in this section, simultaneously with the approval of a subdivision plat under the Richmond Subdivision Regulations if a subdivision is proposed.

5.12.1 Coordination of Review – Application for PUD or Residential PUD approval shall be reviewed by the DRB as a conditional use, subject to conditional use review and approval under Section 5.6, and concurrently with the review of a subdivision plat if a subdivision is proposed. Any subsequent Zoning Permit, site plan or conditional use approval of a proposed development within an approved PUD or Residential PUD shall incorporate all applicable conditions of the PUD or Residential PUD approval.

5.12.2 General Conditions - All PUD and Residential PUD applications shall meet the following conditions:

a) The PUD or Residential PUD provision may be used for any sized parcel but shall be *required* for developments of nine or more lots, or ones in which a multiple ownership of a building or buildings, or multiple principal structures or uses on a single lot are proposed, except as provided in Section 4.5. For the purpose of determining the number of lots, all lots shall be counted if they have been approved for subdivision by the DRB or Administrative Officer within a continuous period of sixty months preceding the date of filing the PUD subdivision application.

b) A PUD, but not a Residential PUD, shall be allowed in the VD District. A PUD or Residential PUD shall be allowed in the VRC, GRC, JC, VC, C or I/C Districts. However, in the I/C District, a Residential PUD shall be allowed only on parcels that are occupied and solely occupied by a residence or residences prior to May 28, 2024 and apply only to the following parcels: RG0090, RG0140, RG0226 and RG0300. A Residential PUD shall be allowed in the A/R and the HDR Districts as well.

c) A Residential PUD shall include only dwelling units. The dwelling units may be of various types including single-family, two-family and multi-family dwelling units. Home occupations, child-care homes and group-homes shall also be allowed.
d) The total number of allowable dwelling units in the PUD or the Residential PUD shall not exceed the number that would be permitted if the land were subdivided into lots in conformance with these zoning regulations for the Zoning District in which such land is located, and in accordance with Section 2.5 of these Zoning Regulations.
e) The DRB may allow for a greater concentration of units than would otherwise be allowed in the underlying district within some section(s) of the development, provided there is an offsetting lesser concentration or an appropriate reservation of open space on the remaining land.
f) The uses proposed for a PUD shall only be those uses listed as permitted or conditional in the district in which the PUD will be located. Any of these uses shall be allowed.
g) A PUD may contain only commercial uses or may contain mixed commercial and residential uses. In the VC, C and I/C Districts, at least 50% of the gross building floor area must be in commercial use. In the VD District, residential uses shall be restricted to the second floor and above; and in the JC District, residential uses shall be allowed on any floor except for any building fronting Bridge Street, in which case 20% of the first (ground) floor nearest to Bridge Street shall be restricted to commercial use
h) The DRB may impose conditions to assure that a PUD or a Residential PUD does not place an unreasonable burden on the ability of the Town of Richmond to provide municipal or governmental services.
i) A PUD or Residential PUD is consistent with the Town Plan.
j) The PUD or Residential PUD is an effective and unified treatment of the development possibilities of the project site. The development plan shall make appropriate provision for preservation of the following features as feasible or required: streams, stream banks, and water bodies, aquifer recharge areas, slopes greater than 20%, wetlands, soils unsuitable for development, agricultural lands, meadow lands, productive forest lands, historic features, unique natural features as identified in the Town Plan, wildlife habitat, high elevations, ridge tops, and floodplains.
k) The PUD or Residential PUD shall meet local and state regulations for sewage disposal and the protection of water quality.

5.12.3 Additional Standards – In addition to the specific standards in the Zoning District and, as applicable, review standards in Section 5.6 *Conditional Use Review,* or subdivision review standards under the Town of Richmond Subdivision Regulations, the following site standards also may be required as a condition of the DRB approval.
a) Greater setback and screening requirements for structures, parking areas and other development features along the perimeter of the property.
b) Adequate pedestrian circulation.
c) Improvements to roads to meet the Public Works Specifications.
d) Restriction of points of access to state or town roads.
e) Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, and other private improvements.

5.12.4 Application Procedures –
a) A Zoning Permit shall not be issued for any building or development in a PUD or Residential PUD until the PUD or Residential PUD has been approved by the DRB.
b) The DRB shall hold one or more public hearings on the PUD or Residential PUD, warned in accordance with Section 8.2.3, as required for conditional use review.
c) The Applicant shall submit one set of site plan maps and supporting data to the Administrative Officer for referral to the DRB, which, in addition to the application requirements for conditional use or subdivision review, shall include the following information:

i. Name and address of the owners of record of adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date. Name, address, and interest of the Applicant in the subject property.
ii. Survey of the property showing all existing, proposed or potential lot boundaries, and all existing or proposed easements, rights of way and deed restrictions.
iii. Site resource map, at the same scale as the site plan, showing contours, indicating soils suitable for on-site sewage disposal, wetlands, Areas of Special Flood Hazard, bodies of water, slopes of 20% grade or greater, ridge lines, agricultural and forest land, critical wildlife habitat, and identified natural or historic features.
iv. Site plan showing the locations of proposed structures and their use; Road(s) or Highway(s), driveways, traffic circulation, parking, and pedestrian ways; landscaping, including site grading, landscape design, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land that may be set aside for common lands and/or public use.
v. A statement setting forth the nature of all proposed modifications, changes, or supplements of these Zoning Regulations and the proposed standards and criteria which the Applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces.
vi. Construction sequence and time schedule for completion of each phase of buildings, Roads or Highways and parking, landscaping and amenities.
vii. Proposed restrictive covenants for those developments that shall provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities owned or maintained in common.

5.12.5 Common Land – If the proposal results in lands available for park, recreation, open space, agriculture, forestry or municipal purposes, such common land must meet the following requirements:

a) The location, shape, size and character of the common land is suitable for its intended use and for the development given its size, density and physical features.
b) Common land 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) Prior to the issuance of any Certificate of Occupancy for any Land Development in the PUD or Residential PUD, the Applicant 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, without first offering to dedicate the same to the Town or other government agency to maintain those common facilities or that open space.

5.12.6 Roads and Other Facilities

All roads, sidewalks, recreation paths, water and sewer lines, stormwater facilities, utilities, and related facilities in a PUD or Residential 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 60-foot-wide area of land, 30 feet 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.

5.12.7 PUD and Residential PUD Review Process-

a) The PUD or Residential PUD application will be reviewed simultaneously with Conditional Use Review under the Richmond Zoning Regulations, as well as review of the subdivision plat under the Richmond Subdivision Regulations if a subdivision is proposed. If a subdivision is not proposed, the application will be reviewed by the DRB as a Conditional Use but shall utilize the three-step procedure of Sketch Plan, Preliminary Plan, and Final Plan review as outlined in the Subdivision Regulations.
b) The DRB shall hold a public hearing on the application, warned in accordance with Section 8.2 and shall provide the opportunity for any person wishing to achieve status as an "Interested Person" to demonstrate that they meet the definition of "Interested Person" under 24VSA §4465 and these Zoning Regulations for purposes of appeal.
c) The DRB will impose any conditions felt to be necessary to ensure that the PUD or Residential PUD will satisfy the PUD purpose statement and standards set forth in Section 5.12, any conditions of the underlying district that are not modified in the approval, and any conditions felt to be necessary. Certain clearly defined conditions which are essential to the approval will be designated as **"Critical Permit Conditions"**. Examples of such conditions include those that would prohibit further development in an area of the PUD, or conserve land though a permanent easement.
d) The DRB shall act to approve, approve with conditions, or deny the application and issue a decision as provided in Section 8.2.
e) Subsequent to an approval of a PUD or Residential PUD, but prior to the commencement of any further land development beyond which has been approved and permitted, an application for an amendment to the approval shall be submitted. This application will be followed by DRB review, including public hearing(s) as required by Section 5.6 before an amended permit can be issued. If a new subdivision is proposed, the subdivision review shall occur concurrently with the Conditional Use amendment review. An application to amend a **Critical Pemit Condition** shall be subject to the ***Hildebrand/Stowe Club Highlands test*** or deemed major enough by the DRB to warrant an entirely new PUD or Residential PUD application.

STOP HERE – 3.4.26

6. SPECIAL ZONING REGULATIONS

6.1 Parking and Loading

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.

6.1.1 Loading Requirements – All uses shall provide off-Road or Highway loading spaces in conformance with the below standards, except residential uses and those uses receiving a waiver under this section.
a) **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 or Highway parking spaces.
b) **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 unless a specific waiver is approved by the DRB. Loading spaces shall be 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.

c) **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 Administrative Officer or the DRB based upon projected traffic counts.
d) **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.
e) **Ratios** – One (1) space for the first 5000 square feet of gross floor area. One (1) additional space for each additional 30,000 square feet of gross floor area.
f) **Other standards** – Loading areas shall meet screening, landscaping, lighting, and other development standards as specified herein.
g) **Waivers** – All waiver requests shall be submitted in writing. The Administrative Officer may approve a waiver request for a change in use which does not increase loading requirements or any building expansion which does not exceed five hundred (500) square feet of gross floor area. The DRB may approve waiver requests under one or more of the following circumstances:
   i. The proposed use will require minimal deliveries which will not interfere with the traffic circulation on the lot.
   ii. Deliveries are made during non-business hours. Iii. Existing development makes it impossible to meet loading standards.

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

6.1.2 Off-Road or Highway Parking Requirements –

a) All required parking spaces shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.
b) 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-four feet
60° Angle	Eighteen feet	Twenty-four feet
45° Angle	Sixteen feet	Twenty-four feet
30° Angle	Fourteen feet	Twenty-four feet
Parallel	Twelve feet	Twenty feet

c) The required number of off-Road or off-Highway parking spaces shall be as follows, unless otherwise specified elsewhere in these regulations. The minimum number of parking spaces is the expected demand for parking, and building to the minimum required amount of parking is encouraged.
d) In any district served by municipal water and sewer infrastructure that allows residential uses, the residential parking requirement for any structure containing a dwelling unit shall be 1 parking space per dwelling unit. An applicant may provide additional spaces if they are felt to be needed. In districts not served by municipal water and sewer infrastructure, the residential parking requirements are listed in the following table:

Land Use	Minimum Parking Spaces	Maximum Parking Spaces
Accessory Dwelling	None	None
Amusement Arcade	0.25 space per maximum occupancy	None
Artists/Crafts Studio	1 space per 1,000 SFGFA	None
Automobile and/or Marine Sales	1 space per employee	None

Bank	2 spaces per 1,000 SFGFA	4 spaces per 1,000 SFGFA
Bed and Breakfast	1.5 spaces plus 1 space per guest room	None
Brewery	1 space per employee	None
Business Yard	1.5 spaces per 1,000 SF of the retail area	3 spaces per 1,000 SF of the retail area
Car Wash	1 space per employee	None
Catering Services	1 space per employee	None
Cemetery	2 spaces	None
Center-Based Child Care Facility	1 space per 3 children	None
Communication Use	1 space	None
Distribution Center	0.25 space per 1,000 SFGFA	1 space per 1,000 SFGFA
Dwelling, Multifamily	1.5 spaces per dwelling unit	None
Dwelling, Single-family	1 space per dwelling unit	None
Dwelling, Two-family	1.5 spaces per dwelling unit	None
Educational Facility	1 space per employee	1 space per 3 students
Equipment Supply and Rental	1.5 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Extraction of Earth Resources	1 space per employee	None
Fitness Facility	0.25 space per maximum occupancy	None
Food Processing Establishment	1 space per employee	1 space per 1,000 SFGFA
Funeral Parlor	1 space per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Grocery Store, Large Scale	2 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Grocery Store, Village Scale	2 spaces per 1,000 SFGFA	4 spaces per 1,000 SFGFA
Health Care Services	2 spaces per 1,000 SFGFA	None
Horticulture	1.5 spaces per 1,000 SF of the retail area	3 spaces per 1,000 SF of the retail area
Hotel or Motel	1 space per guest room	None
Hospital	2 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Inn or Guest House	1 space per guest room	None
Kennel	2 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Large Family Child Care Home	1 space per three children	None
Laundromat	3 spaces per 1,000 SFGFA	1 space per 2 washing machines
Light Manufacturing	1 space per employee	1 space per 1,000 SFGFA
Lumber Yard	2 spaces per 1,000 SF of the retail area	3 spaces per 1,000 SF of the retail area
Museum	1.5 spaces per 1,000 SFGFA	2 spaces per 1,000 SFGFA
Office, Business	1 space per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Office, Medical	2 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Personal Services	1.5 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Pharmacy, Large Scale Pharmacy, Village Scale	1.5 spaces per 1,000 SFGFA 1.5 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA 3 spaces per 1,000 SFGFA
Powered Vehicle and/or Machinery Service	1.25 spaces per employee	3 spaces per 1,000 SFGFA
Private Club	0.25 spaces per maximum occupancy	None
Recreation Facility	2 spaces + 0.25 space per 1,000 SFGFA of all structures	None
Religious Use	0.25 space per maximum occupancy	None
Research Laboratory	1 space per 1,000 SFGFA	None
Restaurant, Standard	5 spaces per 1,000 SFGFA	10 spaces per 1,000 SFGFA

Restaurant, Fast Food	5 spaces per 1,000 SFGFA	10 spaces per 1,000 SFGFA
Retail Business Retail, Large Scale	2 spaces per 1,000 SFGFA 2 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA 3 spaces per 1,000 SFGFA
Retail, Village Scale	2 spaces per 1,000 SFGFA	3 spaces per 1,000 SFGFA
Retirement Community	0.5 spaces per dwelling unit	1 space per dwelling unit
State and Community-Owned and -Operated Institutions and Facilities	2 spaces per 1,000 SFGFA	None
Supported Housing	0.5 spaces per room	0.5 space per room + 1 space per employee
Storage, Indoor	0.5 spaces per 1,000 SFGFA	1 space per 1,000 SFGFA
Storage, Outdoor	0.5 space per 1,000 SF of area used for outdoor storage	1 space per 1,000 SF of area used for outdoor storage
Tavern	4 spaces per 1,000 SFGFA	20 spaces per 1,000 SFGFA
Theater	0.5 space per maximum occupancy	None
Vehicle Fueling Station	1 space per fueling pump	None
Veterinary Clinic	2.5 spaces per 1,000 SFGFA	5 spaces per 1,000 SFGFA
Warehouse	0.5 spaces per 1,000 SFGFA	1 space per 1,000 SFGFA
Wholesale Trade	0.5 space per 1,000 SFGFA + 1 space per employee	3 spaces per 1,000 SFGFA

e) For properties that host multiple uses, including but not limited, to properties hosting Commercial Multiple Use, Accessory Uses, Adaptive Uses, Cottage Industry Uses, and Home Occupation Uses, the amount of parking required will be based on the parking requirements of the use or uses listed in the table in Section 6.1.2(c) most similar to the use or uses on the subject property. The Administrative Officer shall determine the similarity of the uses based on the definitions of uses in Section 7. The parking requirements per use shall apply to the portions of the property carrying out the respective uses.

f) For any use not explicitly listed above in Section 6.1.2(c), the amount of parking required will be based on the parking requirements of the use listed in the table in Section 6.1.2© most similar to the use or uses on the subject property. The Administrative Officer shall determine the similarity of the uses based on the definitions of uses in Section 7.

g) For Automobile and/or Marine Sales uses, accessory uses that involve automobile and/or marine sales or uses similar to Automobile and/or Marine Sales uses, the storage of vehicles is not included in the parking requirements. The storage of vehicles contributes to the square footage of the Automobile and/or Marine Sales use on any property.

6.1.3. Drive-through Facilities –

a) **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.

b) **Stacking requirements.** A minimum of six (6) vehicles should be accommodated in each stacking lane.

6.1.4 Parking or storage of junk vehicles – The parking or storage of any unlicensed or junk vehicle is prohibited except as provided in a vehicle repair facility unless screened from view from the adjoining Road or Highway and property line. No junk 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 vehicle which is totally screened from view.

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

a) No more than one such vehicle may be parked in a driveway or front yard outside of the required setbacks.

b) No such vehicle, parked or stored, on any lot shall decrease the required number of parking spaces.
c) 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.
d) Recreational vehicles parked within the Flood Hazard Overlay District (Section 6.8), shall also meet the requirements of Section 6.8.13©.

6.1.6 Other Parking Standards and Applicability –

a) **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 5.5.1). All parking areas shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the DRB.
b) **Surfacing –** All parking areas shall be hard-surfaced (asphalt or concrete). The DRB may waive this requirement if the Applicant demonstrates that all of the remaining standards of section 6.1.6 will be met. In addition, the following specific standards shall be considered by the DRB when reviewing a waiver request for surfacing requirements:

6) The parking area shall be designed so as to prevent the intrusion of gravel or a similar surfacing material onto the road / Road or Highway travel lanes or adverse impacts on drainage systems.

c) **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.
d) **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.
e) **Off-Site Parking** – State, municipal or private commuter lots shall be approved by the DRB subject to Site Plan Review under Section 5.5.
f) **Setbacks** – All parking spaces shall meet the setback standards for the District in which it is located except parking in driveways in the Agricultural / Residential District for single-family residential uses, parking in the Jolina Court Zoning District, and the Village Commercial District. Refer to Section 3.9 for specific requirements regarding parking and setbacks in the Jolina Court Zoning District, and Section 3.5.4 for specific requirements regarding parking and setbacks in the Village Commercial District.
g) **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 or Highways to minimize glare from vehicle headlights onto public Roads or Highways. 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.
h) **Landscaping** – All parking lots shall be landscaped as approved by the DRB.
i) **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.
j) **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.

k) **Striping** – Hard surfaced parking spaces shall be clearly striped and maintained and shall meet standard parking dimensional requirements as specified by the DRB.

l) **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.

m) **Lighting** – Lighting shall be provided in all parking lots as approved by the DRB and in conformance with Section 4.11, *Exterior Lighting*, of this Regulation.

n) **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 shopping center 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.

o) **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 obstruction at all times. Vehicles parked within a designated fire lane for any period of time shall be subject to immediate towing at the owner's expense.

p) **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:

   i. The proposed uses have staggered business hours with minimal overlap in business hours.
   ii. 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.
   iii. The Applicant demonstrates that the demand for parking is reduced because the type of business proposed substantially relies on pedestrian traffic.
   iv. The Applicant demonstrates that sufficient off-Road or Highway parking is available at other locations within two hundred (200) feet which are, or have been approved by the DRB.
   v. The use of mass transit, or other alternate transportation reduces parking demand.
   vi. Joint parking facilities with abutting businesses are sufficient to meet parking demand.
   vii. The I.T.E. (Institute of Traffic Engineers) Parking Manual, or other professional source, provides data which demonstrates parking demand for a proposed use is less than the standards specified in these Zoning Regulations.

6.2 Driveway Requirements

6.2.1 Standards – The following standards for driveways and their intersections with public Roads or Highways shall apply:

a) Unless specifically approved by the DRB there shall be a maximum of one driveway per lot accessing a public Road or Highway. 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.

b) Driveways shall meet the following standards unless a different size is required by the DRB due to special circumstances: Residential – 12 feet minimum width, 36 feet maximum width; Commercial – 20 feet minimum width, 36 feet maximum width.

c) The DRB may require installation of acceleration and/or deceleration lanes on the adjacent public Road or Highway if it deems necessary.

d) Driveways shall be located more than 100 feet from signalized Road or Highway intersections (measured between the near edges of the driveway and intersection). Greater distances may be required on Roads or Highways with high traffic volumes.

e) The intersection of the driveway to the public or private road shall conform to the standards in the Public Works Specifications. The driveway shall meet the Vermont Agency of Transportation's B-71 Standards for construction.
f) For the length of the driveway, the driveway grade shall not exceed twelve (12) percent except that the last 200 feet from the foundation of the primary structure being served shall not exceed fifteen (15) percent. In measuring the compliance of a driveway, the maximum grade may not be exceeded along the driveway center-line.

6.2.2 Access to Abutting Properties – The DRB may require reservation of land on any lot for provision of access to abutting properties whenever such access is deemed necessary to reduce curb cuts onto an arterial or collector Roads or Highways, to provide additional access for emergency or other purposes, or to improve general access and circulation in the area.

6.3 Pedestrian and Bike Ways

During conditional use review or site plan review, the Applicant may be required to accommodate planned expansions of existing municipal pedestrian paths and bike ways by negotiating an easement for such expansion.

6.4 Swimming Pools

In-ground swimming pool areas must be completely enclosed by a fence or similar structure at least four feet high so as to restrict unsupervised access by young children. Aboveground pools shall not be accessible by unsupervised children.

6.5 Mobile Homes and Travel Trailers

Travel trailers shall not be occupied while they are stored on a lot for more than one month during the calendar year and must have suitable disposal of all waste and wastewater generated. Mobile homes may not be located or occupied on any lot which has an existing residential principal use except within an approved mobile home park. Mobile homes outside of a mobile home park must be located on their own lot and have received all required state and local residential permits.

6.6 Taller Structures (Height Exemption)

Farm accessory buildings and structures in §4412(6) of the Act are exempt from the 35' zoning district height restriction. Spires, chimneys, water towers, windmills, cupolas, rooftop solar collectors, domes, belfries and antennae may extend up to 45' from the ground. Taller structures may accommodate a steeply pitched roof extending to 45' provided there is no occupancy or use between 35' and 45'. The communications industry shall be encouraged to share a single tower to mitigate impacts on ridgelines.

6.7 Shoreline Protection Overlay District

Purpose – 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).

6.7.1 Shoreline Overlay District Boundary – 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 Zoning Regulations, the more stringent shall be applied.

6.7.2 Permitted Uses - Agricultural use of land, no structures.

6.7.3 Conditional Uses – Permanent agricultural structures and all other uses allowed in the underlying district except for those uses as prohibited under Section 6.7.5, *Prohibited Uses*, below.

6.7.4 Additional Conditional Use Criteria – For Conditional Use Review under this section, the following criteria shall be used in addition to those criteria specified in Section 5.6, *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 Zoning Regulations.

6.7.5 Prohibited Uses –

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

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

6.8 Flood Hazard Overlay District

6.8.1. Statutory Authority for Flood Hazard Overlay District and Underlying Districts

In accordance with 10 V.S.A. Chapter 32 and V.S.A. Chapter 117 §4424, §4411, §4414 and §4469(d), these Flood Hazard Overlay District Regulations are hereby established for areas at risk of Flood damage in the Town of Richmond. With the exception of specified exempt activities described in Section 6.8.9, Development in the Flood Hazard Overlay District requires a Zoning Permit from the Town of Richmond. All 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 take precedence, unless the use is not permitted within the underlying zoning district.

6.8.2. Statement of Purpose

The purposes of the Flood Hazard Overlay District are:

1. To implement the goals, policies, and recommendations in the current Town Plan;
2. To avoid and minimize the loss of life and property, the disruption of commerce, and the public expenditures and demands on public service that result from Flooding related to inundation;
3. To restrict new residential and commercial development along river corridors leading to healthier rivers and natural areas;
4. To ensure that the selection, design, creation, and use of development in the flood hazard area 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
5. 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
6. To 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 the minimum requirements established by the National Flood Insurance Program.

6.8.3. Other Provisions

a) Precedence of Bylaw – The provisions of Section 6.8 shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where Section 6.8 imposes a greater restriction than other provisions in the Richmond Zoning 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 Zoning 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. The strength of the ordinance is, however, taken into consideration when determining the Town's cost share during a federally declared disaster that damages the Town's public infrastructure. The ordinance may play a factor in determining individuals' flood insurance rates through FEMA's Community Rating System.

6.8.4 Definitions

In addition to the definitions in Section 7, the following definitions apply only to Section 6.8 and supersede Section 7 definitions if presented in both sections.

Accessory Structures – A structure on the same lot with and of a nature which is customarily incidental and subordinate to the principal structure.

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.

Basement, walkout-on-grade – Any area that is sub grade on only three sides, with the downhill side at or above grade. Also known as daylight basements or terrace basements.

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

Contents – personal property that is not considered part of the structure and may include furniture, portable and window air conditioners, portable microwave ovens and portable dishwashers, clothes washers and dryers, food freezers, and machinery and equipment which are not integral to the structures primary heating, ventilation and cooling systems. Contents may also include outdoor furniture and seasonal decorations.

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.

Degree of flood hazard - the "degree of flood hazard" means the degree to which the velocity, volume or impact of floodwaters is increased above the normal during a flood. Any additional obstruction in the floodway or reduction in size of the floodway is considered to increase the degree of flood hazard.

Development – *[For the Flood Hazard Overlay District, the use of the term "Development" in Section 6.8 replaces the term "Land Development" which is defined in Section 7.0 and applies to the rest of the Richmond Zoning 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, but excluding maintenance and insignificant repairs.

Elevation Certificate – an administrative tool of the NFIP that documents elevation information necessary to ensure compliance with the floodplain management regulations, determining proper insurance rates and to support a request for a Letter of Map Amendment.

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.

Existing Structure or Facility – A structure or facility that, as of the time an exempt activity is undertaken or an application for a proposed permitted or conditional use development is made under this Section 6.8, that: i) qualifies as a nonconforming structure (as defined in Section 7.2); or ii) complies with this Section 6.8.

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.

Fill as needed to elevate an existing principal structure – fill required to elevate and reinforce a newly elevated existing principal structure.

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.

Footprint of a structure – the "footprint of a structure" in the Flood Hazard Overlay District shall be considered the area where the structure is in contact with or directly above the ground, as measured in square feet.

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, non-substantial – any reconstruction, rehabilitation, addition, or other improvement to a Structure which does not meet the definition of Substantial Improvement, Maintenance, Insignificant Repair or Insignificant Activities. Non-substantial improvements will not result in new obstructions to flood flows or impair drainage

Improvement, Substantial – any reconstruction, rehabilitation, addition, or other improvement of a Structure, after the Effective Date of adoption, the cost of which, 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.

Insignificant activities – placement or erection of decorative or directional elements, or of small incidental structures that are not buildings, such as flag poles, mailbox posts, public refuse containers, dog waste bag/ bin stations, or picnic tables which do not result in new obstructions to flood flows or alter drainage or have the potential to be a substantial improvement. Placement of these elements shall include anchoring to the ground to prevent lateral movement from floodwater. Insignificant activities may also include mowing, planting a garden, or adding soil amendments. These activities, when carried out within the Floodway, shall require a permit from the Zoning Administrator.

Insignificant repair – to fix or mend to a sound condition after decay or damage and the cost of which does not exceed $500 or does not result in the replacement, alteration, addition or extension of an existing structure. Insignificant repairs will not result in new obstructions to flood flows or impair drainage or have the potential to be a 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.

Maintenance – routine care or upkeep of a structure or property which results in retention of the current condition or value. Routine maintenance will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement. Also includes maintenance of existing paths, recreation areas, storm water drainage areas, roads, bridges, culverts, boardwalks or channel management activities

Manufactured home – *[For purposes of Section 6.8, 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.

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 6.8, 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.

No-Rise Certification – A certification by a licensed engineer supported by hydraulic or hydrologic technical data (or an explanation of why an analysis is not required) based on the computer model utilized to develop the 100-year floodway shown on the FEMA Flood Insurance Rate Map (FIRM) and the results tabulated in the Flood Insurance Study (FIS) for Richmond.

Nonconforming Structure or Use – A structure, part of a structure, or a use, that does not conform to these zoning regulations but was lawfully in existence prior to April 29, 2025. In the absence of any evidence to the contrary, such a structure or use will assumed, to have been lawful and in conformance with, or approved as if in conformance with the regulations, laws and ordinances in place at the time of its creation.

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.

Open air recreational structure – a structure consisting of a roof and two or more open sides that is (are) not enclosed by a wall. There may or may not be a constructed floor. The use of the structure is to provide a sheltered outdoor space for gatherings such as musical or other performances or events, picnicking, sheltering form the rain or sun or any other recreational purposes. Open air recreational structures include, but are not limited to, bandshells, bandstands, gazebos, and pavilions. Such structures already in existence in the SFHA as of (DATE OF ADOPTION HERE) shall be subject to the requirements of §§ 6.8.15 and 6.8.16.

Playground equipment – structures that ae not buildings designed for children's physical activities such as, but not limited to, climbing, sliding riding or playing on, located in an area with a special soft-landing surface. The equipment and the area in which it stands may or may not be surrounded by a fence to prevent the children from encountering contiguous hazards. Such equipment already in existence in the SFHA as of (DATE OF ADOPTION HERE) shall be subject to the requirements of §§ 6.8.15 and 6.8.16.

Principal Structure – A structure, which includes a walled and roofed building, in which is conducted the main or principal use of the lot on which the structure is situated.

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 or FEMA 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.

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 – An assembly of materials for occupancy or use, 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 that are principally above ground. Unless otherwise specifically provided, (1) the term Structure does not include parking areas and driveways, or paved paths that provide accessibility to a structure, (2) for purposes of determining setbacks, the term Structure does not include fences, except where specifically provided, and (3) for the determination of setbacks, septic systems shall not be considered structures and the setbacks shall be dictated by state law. See also Recreational Vehicle and Existing Structure.

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.

Temporary Structures – One-story structures that are not buildings, and that can be quickly and easily removed from the SFHA at any time and are not on the site for more than 180 consecutive days. This category includes goals for sports such as soccer and lacrosse, recreational vehicles, food trucks and special-event tents, canopies, and portable toilets. A permit is required from the Zoning Administrator. The permit must contain contact information of the party responsible in order to facilitate rapid removal of any temporary structures in case of an impending flood event.

Violation – Failure of a Structure or other Development to be fully compliant with Section 6.8 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.

6.8.5 Lands to Which These Regulations Apply

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 FEMA Special Flood Hazard Areas (however identified and by whatever language or terms described) on the most current Flood Insurance Rate Maps (FIRM) and Flood Insurance Studies (FIS) 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 Zoning Regulations; and

b) **Base Flood Elevations** – Where available, Base Flood Elevations (BFE) 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 base flood data. Where available, the applicant shall use regulatory data provided by FEMA, or State, or Federal agencies. An engineering report or plan or a FEMA determination may be used to determine a BFE.

6.8.6 Flood Hazard Overlay District Jurisdictional Determination Process

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 6.8.

a) **General Review** – The process for establishing jurisdiction for the Flood Hazard Overlay District begins with a review by the Administrative Officer regarding the locations of any parcel proposed for Development to assess whether the area (measured horizontally) is within the FEMA Special Flood Hazard Area as defined in Section 6.8.5.a). Any area within the FEMA Special Flood Hazard Area is subject to the Flood Hazard Overlay District regulations. The Flood Hazard Overlay District jurisdictional determination shall be made by the Administrative Officer prior to any action taken on an application for proposed Development for any parcel.

b) **Jurisdictional Determination Process** – The Flood Hazard Overlay District jurisdictional determination is an opinion issued by the Administrative Officer and must be conducted for any parcel proposed for Development. The Administrative Officer shall institute the Flood Hazard Overlay District jurisdictional determination process, based on the following: When an area proposed for Development is inside the FEMA Special Flood Hazard Area, the jurisdictional determination process is initiated by the Administrative Officer upon receipt of a complete application for proposed Development. The jurisdictional determination follows procedures for Administrative Officer approval as established in Section 5.2.2.

1. The 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. In addition, the 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 Administrative Officer will make a jurisdictional determination regarding the locations of all areas proposed for Development on the property. The 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 6.8.8. 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 Administrative Officer. If the area proposed for Development appears to be within the FEMA Special Flood Hazard Area, the Administrative Officer shall consider the area to be within the FEMA Special Flood Hazard Area.
3. 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 Flood Hazard Overlay District jurisdictional determinations or new applications for either the Applicant or the Town of Richmond.
4. Notwithstanding b), an applicant has the option of seeking a jurisdictional opinion from the Administrative Officer to determine if an area is within the FEMA Special Flood Hazard Area without filing a Zoning Permit application.

c) **Jurisdictional Determination Decisions** – Jurisdictional Determinations by the 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. Or

ii) If applicable, within 30 days of expiration of the time provided in Section 6.8.17.c).

d) **Jurisdictional Determination Appeals** – Appeals concerning Flood Hazard Overlay District jurisdictional determination of the 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 5.2.3 and Section 8.5 and shall make its decision in conformance with Section 6.8.6.

6.8.7 Substantial Improvement Determinations

When a proposal for development within the Special Flood Hazard Area is reviewed, the Administrative Officer shall make a Substantial Improvement determination. Such determinations shall be used to determine the appropriate development standards for additions, improvements, rehabilitation, repair and rebuilding of an existing structure. In making such a determination the Administrative Officer may require:

a) An estimate of the market value of structure from one of the following sources:
   1. An independent appraisal by a professional appraiser
   2. Property values used for tax assessment purposes with an adjustment recommended by the tax appraiser to reflect current market conditions;
   3. The value of buildings taken from NFIP claims data;

b) A cost estimate provided by a qualified contractor, Professional Engineer or Licensed Architect. The cost estimate shall include a detailed accounting of the proposed improvements, additions, reconstruction or rehabilitation work, repairs or associated construction and development. A Substantial Improvement determination can be appealed by an applicant to the Development Review Board. The DRB shall hear the appeal in accordance with Section 5.2.3 and Section 8.5.

6.8.8 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 Amendment (LOMA) or Letter of Map Change (LOMC). No Permit for Development may be issued for land within the FEMA Special Flood Hazard Area, except as provided in this Section 6.8, 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. Existing principal structures which have received LOMR-F's are prohibited from developing basements or walkout on grade basements. No new 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 6.8.16.s) regarding limitations for use of a LOMR-F.

6.8.9 Required Permits in Flood Hazard Overlay District

If any portion of proposed development is within the FEMA Special Flood Hazard Area, the entire development is considered to be within the FEMA Special Flood Hazard Area. Except for exempt activities, per Section 6.8.10, a Zoning Permit is required from the 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 6.8 must have such approvals prior to the issuance of a Zoning Permit by the Administrative Officer. Any Development subject to municipal jurisdiction in the Flood Hazard Overlay District shall meet the development standards in Section 6.8.16. See Section 6.8.17.c) regarding state and federal permits.

Uses and activities within the Special Flood Hazard Overlay District, as listed in Figure 6.8-1 are subject to the following permit requirements. Please refer the underlying District requirements to determine which additional requirement may apply.

X – Prohibited, development not allowed within the FHOD

✓ - Exempt, not subject to FHOD review,

P – Permitted use, subject to FHOD review by Administrative Official
CU – Conditional Use, subject to FHOD review by Development Review Board

Figure 6.8 -1 Special Flood Hazard Overlay District Use Standards Table

Activity	SFHA	Floodway
Additions to existing accessory structures	P	X
Additions to existing principal structures	CU	X
Temporary structures	P	P
New accessory structures	CU	X
New dwelling units (including accessory apartments)	X	X
New principal structures	X	X
New basements	X	X
Maintenance	✓	✓
Insignificant Repairs	✓	✓
Insignificant Activities	✓	P
Removal, repair, replacement or additions of contents	✓	✓
Demolition of a structure in whole or in part	✓	✓
Improvements, non-substantial	P	CU
Improvements, Substantial	CU	CU
Replacement of a manufactured home	P	CU
New parking area and driveways, at-grade	P	P
New Parking areas and driveways requiring grading or excavating	P	CU
Grading or excavating for the purpose of any other activity not specifically listed	CU	CU
Creation of a pond	CU	CU
Widening, re-aligning or significant changes to existing roads	CU	CU
New bridges, culverts, docks or other public projects which are functionally dependent on-stream access or stream crossings	CU	CU
New drainage or channel management projects	CU	CU
New dams or bank stabilization projects	CU	CU
New fill as needed to elevate an existing principal structure	CU	CU
New fill	X	X
New Agricultural activities in accordance with VT Agency of Agriculture, Food & Markets Accepted Agricultural Practices (AAP)	✓	✓
New Silvicultural (forestry) activities in accordance with VT Dept of Forest & Parks Acceptable Management Practices (AMP)	✓	✓
New Public Utilities	CU	CU
New Outdoor storage	CU	X
New Junk yards	X	X
New Storage of Hazardous materials	X	X
New Critical facilities	X	X
Changes to pre-existing nonconformities (see § 6.8.15)	CU	CU

6.8.10 Exempt Activities

As listed within Figure 6.8-1, the following are exempt from regulation under Section 6.8:

1. Agricultural activities conducted in accordance with VT Agency of Agriculture, Food & Markets Accepted Agricultural Practices (AAP)
2. Removal, repair, replacement of Content
3. Insignificant Repairs and insignificant Activities
4. Maintenance
5. Demolition of a structure in whole or in part
6. Silvicultural (forestry) activities conducted in accordance with VT Dept of Forest and Parks Acceptable Management Practices (AMP)

6.8.11 Permitted Development by Administrative Officer Approval

As listed within Figure 6.8-1, the following Development activities require a Zoning Permit from the Administrative Officer, and must conform with the applicable standards presented in Section 6.8.16:

f) **In SFHA and outside of the Floodway**
   1. Additions to Accessory structures
   2. Additions to minor accessory structures
   3. Temporary structures
   4. New Minor accessory structures
   5. Improvements, non-substantial
   6. Replacement of a manufactured home
   7. New parking area and driveways, at-grade
   8. New parking areas and driveways requiring grading or excavating

g) **Within the Floodway**
   1. New parking area and driveways, at-grade
   2. Insignificant Activities
   3. Temporary structures

6.8.12 Conditional Use Approval by the DRB after a Public Hearing

As listed within Figure 6.8-1, the following Development activities may be approved as a conditional use by the Development Review Board as per section 5.6. and 8.2, and must conform with the applicable standards presented in Section 6.8.16:

a) **In SFHA and outside of the Floodway**
   1. Additions to existing principal structures
   2. New Accessory Structures
   3. Improvements, Substantial (not including replacement of a manufactured home)
   4. Grading, excavating, or the creation of a pond
   5. Widening, re-aligning or significant changes to existing roads
   6. New bridges, culverts, docks or other public projects which are functionally dependent on stream access or stream crossings
   7. New Dams or bank stabilization projects
   8. New Drainage or channel management projects
   9. New fill as needed to elevate an existing principal structure
   10. New Public Utilities
   11. New Outdoor Storage
   12. Changes to pre-existing nonconformities (see § 6.8.15)

b) **Within the Floodway**
   1. Improvements, Substantial (not including replacement of a manufactured home)
   2. Improvements, non- substantial
   3. Replacement of a manufactured home
   4. New parking areas and driveways requiring grading or excavating
   5. Creation of a pond
   6. Grading or excavating for the purpose of any other activity not specifically listed
   7. Grading, excavating, or the creation of a pond

8. Widening, re-aligning or significant changes to existing roads
9. New bridges, culverts, docks or other public projects which are functionally dependent on stream access or stream crossings
10. New Dams or bank stabilization projects
11. New Drainage or channel management projects
12. New fill as needed to elevate an existing structure
13. Public Utilities
14. Changes to pre-existing nonconformities (see § 6.8.15)

6.8.13 Prohibited Development

As listed within Figure 6.8-1, the following development is prohibited in the Flood Hazard Overlay District. Prohibited Development includes, but is not limited to:

a) **In SFHA and outside of the Floodway**
   1. New dwelling units
   2. New Principal structures
   3. New basements
   4. New Fill
   5. New Junk yards
   6. New Storage of Hazardous materials
   7. New Critical facilities

b) **Within the Floodway**
   1. Additions to existing accessory structures
   2. Additions to existing principal structures
   3. New accessory structures
   4. New dwelling units
   5. New principal structures
   6. New basements
   7. New Fill
   8. New outdoor storage
   9. New Junk yards
   10. New Storage of Hazardous materials
   11. New Critical facilities

6.8.14 Variances

Variances to specific provisions of Section 6.8 may be granted by the DRB only in accordance with 24 VSA Section 4469(d) and 44 CFR Section 60.6 of the National Flood Insurance Program regulations, after a public hearing noticed as described in Section 8.4. 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.

6.8.15 Nonconforming Structures and Uses

6.8.15.1 Nonconforming Structures and Uses in the Flood Hazard Overlay District shall be regulated entirely by Section 6.8.15:

a) A nonconforming structure or use may continue to exist unchanged indefinitely.

b) A nonconforming structure, or a structure containing a nonconforming use, may undergo normal repair and maintenance without a permit provided that the

nonconforming use is not changed, enlarged, expanded, moved or altered.

c) The regulations under this section do not construe or imply the authorization of the use of a structure declared unsafe by an appropriate governmental authority or the continuation of an establishment declared to be a health hazard by an appropriate governmental authority.

d) The DRB, after public notice and hearing per Section 8.2, may approve the replacement, restoration, reconstruction, relocation, enlargement, or reduction in size of an existing nonconforming structure, or of a structure containing an existing nonconforming use, that is located within the SFHA but outside of the Floodway, provided that conditions i. through iv. below are satisfied:

i. The degree of nonconformity is not increased.

ii. The proposed Development is in compliance with the Development Standards in Section 6.8.16 and meets the requirements of the definitions in Section 6.8.4.

iii. 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 same lot.

iv. The Lowest Floor of a reconstructed residential Principal Structure shall be rebuilt to one foot or more above the Base Flood Elevation and the residential Principal Structure must otherwise comply with all requirements of the National Flood Insurance Program.

v. A reasonable degree of accessibility, including a paved path for wheelchair traverse, leading to a nonconforming structure may be provided, in addition to the footprint of the nonconforming structure, as long as the flood hazard is not increased beyond that of the structure to be accessed. Additional on-ground improvements shall be the minimum needed to achieve accessibility, and “reasonable” in this context means accepting the current terrain as given, and accepting that assistance to some disabled visitors might be required.

vi. A safety fence around a nonconforming structure or use may be allowed as needed to protect children from contiguous dangers. This fencing shall provide the least possible resistance to floodwater and debris while still achieving its protective function.

vii. Removeable improvements as well as permanent improvements shall be considered for the above subsections v. and vi. as long as they satisfy the purposes outlined.

e) The DRB, after public notice and hearing per Section 8.2, may approve the replacement, restoration, reconstruction, relocation, or reduction in size of an existing nonconforming structure, or of a structure containing an existing nonconforming use, located within the Floodway, provided that conditions i. through iv. below are satisfied:

i. Neither the degree of nonconformity nor the degree of flood hazard is increased. Within the floodway, enlarging the footprint of a structure is considered increasing the degree of nonconformity.

ii. The proposed Development is in compliance with the Development Standards in Section 6.8.16 and meets the requirements of the definitions in Section 6.8.4.

iii. 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 lot.

iv. The Lowest Floor of a reconstructed residential Principal Structure shall be

rebuilt to one foot or more above the Base Flood Elevation and the residential Principal Structure must otherwise comply with all requirements of the National Flood Insurance Program.

v. A reasonable degree of accessibility, including a paved path for wheelchair traverse to a nonconforming structure may be provided in addition to the footprint of the nonconforming structure, as long as the flood hazard is not increased beyond that of the structure to be accessed. Additional on-ground improvements shall be the minimum needed to achieve accessibility, and "reasonable" in this context means accepting the current terrain as given, and accepting that assistance to some disabled visitors might be required.

vi. A safety fence around a nonconforming structure or use may be allowed as needed to protect children from contiguous dangers. This fencing shall provide the least possible resistance to floodwater and debris while still achieving its protective function.

vii. Removeable improvements as well as permanent improvements shall be considered for the above Subsections v. and vi. as long as they satisfy the purposes outlined.

f) A Nonconforming Structure or Use shall be considered abandoned when such structure or use is discontinued for more than 12 months from the date of damage or cessation of the use, irrespective of the intent to abandon or discontinue.

g) An individual Manufactured home lot in an existing Manufactured home park that is vacated shall not be considered a discontinuance or abandonment of a nonconformity. Replacement Manufactured homes must be placed so as to meet the Development Standards in Section 6.8.16.

6.8.16 Development Standards

a) Where more than one area is involved (i.e., the Floodway, FEMA Special Flood Hazard Area) the more restrictive standard shall apply. Illustrated examples of the standards are found at the end of this section.

b) All Development, including elements of insignificant activities, but not temporary structures, shall be reasonably safe from Flood-damage and be;

1. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the Structure during the occurrence of the Base Flood;
2. Constructed with materials resistant to Flood damage;
3. Constructed by methods and practices that minimizes flood damage;
4. 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;
5. Adequately drained to reduce exposure to Flood hazards;
6. Located so as to minimize conflict with changes in Channel location over time and the need to intervene with such changes;

c) All fuel storage tanks are required to be securely anchored to prevent flotation or lateral movement (as needed to serve an existing building in the Special Flood Hazard Zone). Fill and vent pipes shall be elevated at least one foot above the base flood elevation; or storage tanks may be buried underground, if securely anchored as certified by a qualified professional.

d) New Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

e) New Fully enclosed areas above grade, and below the Base Flood Elevation (such as crawlspaces) shall be:
   1. Solely used for parking of vehicles, storage, or building access, and are prohibited from future conversion to residential or commercial use; and
   2. Wet flood proofed and 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, and meet or exceed the following minimum criteria:
      i. 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.
      ii. 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.

f) All existing Residential Structures to be substantially improved or replaced, and all additions to principal residential structures shall:
   1. Be reasonably safe from flooding;
   2. Have the Lowest Floor elevated to a minimum of one foot above the Base Flood Elevation. Dry flood proofing is prohibited for residential structures;
   3. Have structural designs, specifications, and plans prepared and certified by a registered professional engineer or architect. Designs and proposed methods of construction shall be in accordance with accepted standards of practice for meeting all FEMA Flood proofing and elevation provisions.

g) All existing non-residential Structures to be substantially improved or replaced, and all additions to nonresidential structures shall:
   1. Be reasonably safe from flooding;
   2. Have either:
      i. The Lowest Floor elevated to a minimum of one foot above the Base Flood Elevation; or
      ii. Be dry flood proofed at least two feet above the Base Flood Elevation; or
      iii. If solely used for parking of vehicles, storage, be wet flood proofed as per 6.8.16 d) 2.

   3. Have structural designs, specifications, and plans prepared and certified by a registered professional engineer or architect. Designs and proposed methods of construction shall be in accordance with accepted standards of practice for meeting all FEMA Flood proofing and elevation provisions.

h) All new Accessory Structures shall:
   1. Be reasonably safe from flooding;
   2. Have either:
      i. The Lowest Floor elevated to a minimum of one foot above the Base Flood Elevation; or
      ii. Be dry flood proofed at least two feet above the Base Flood Elevation; or
      iii. If solely used for parking of vehicles, storage, be wet flood proofed as per 6.8.16 d) 2.

   3.Have structural designs, specifications, and plans prepared and certified by a registered professional engineer or architect. Designs and proposed methods of construction shall be in accordance with accepted standards of practice for meeting all FEMA Flood proofing and elevation provisions.

   .

i) Manufactured homes to be replaced or substantially improved shall be:

1. Be reasonably safe from flooding;

2. 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:

3. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the Base Flood.

4. If a manufactured home is 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.

j) Recreational Vehicles shall be:

1. On the site for fewer than 180 consecutive days, or

2. Fully licensed and ready for highway use.

k) Replacement water supply systems shall be designed to minimize or eliminate infiltration of Flood waters into the system.

l) Replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.

m) Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of Flood waters into the system and discharges from the system into Flood waters.

n) Altered or relocated portions of any watercourse shall maintain the Flood carrying capacity and sediment transport capacity, and any alteration or relocation shall not result in any decrease of stream stability.

o) 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.

p) 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 r) regarding Fill.)

q) Roads and bridges shall be adequately anchored to prevent flotation, collapse, or lateral movement of the Structure during the occurrence of the Base Flood. (See subsection r) regarding Fill.)

r) 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.

1. Fill can only be moved in support of an exempt or allowed use as described in Section 6.8.10 , Section 6.8.11, and Section 6.8.12.

2. 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.

3. Fill may only be used as needed for the sole purpose of elevating an existing principal structure, structural elevation designs must demonstrate the proposal shall reasonably minimizes impacts.

s) New subdivision Developments, planned unit Developments, or Manufactured home parks of more than 5 acres or 50 lots, whichever is less, shall:

1. Include Base Flood Elevation data;

2. Be designed to minimize Flood damage within the Flood-prone area;

3. Have adequate drainage to reduce exposure to Flood hazards; and

4. Have utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed so as to minimize or eliminate Flood damage.

t) In Zones A and AE where base flood elevations and/or floodway limits have not been

determined, development applications are required to demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment on the property, will not increase the base flood elevation more than 1.00 foot at any point within the municipality. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

u) Within the Floodway development shall:

1. Not result in any increase in Flood levels (0.0 feet) during the occurrence of the Base Flood, this will be demonstrated by the submission of a No Rise Certification;
2. Not increase any risk to surrounding properties, facilities, or Structures from erosion or Flooding.
3. Allow for public utilities to be placed underground, and the No Rise 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.

Illustration of standards:

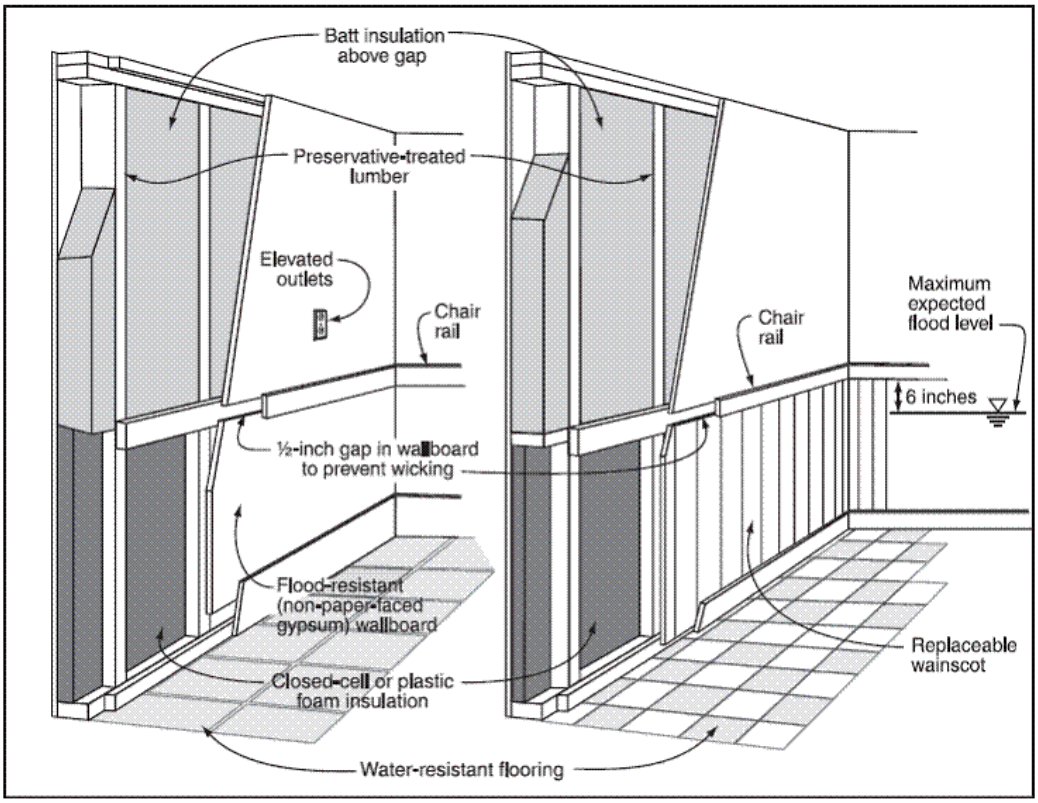

Figure 6.8.2 - Example of Interior renovations which are reasonably safe from flooding.

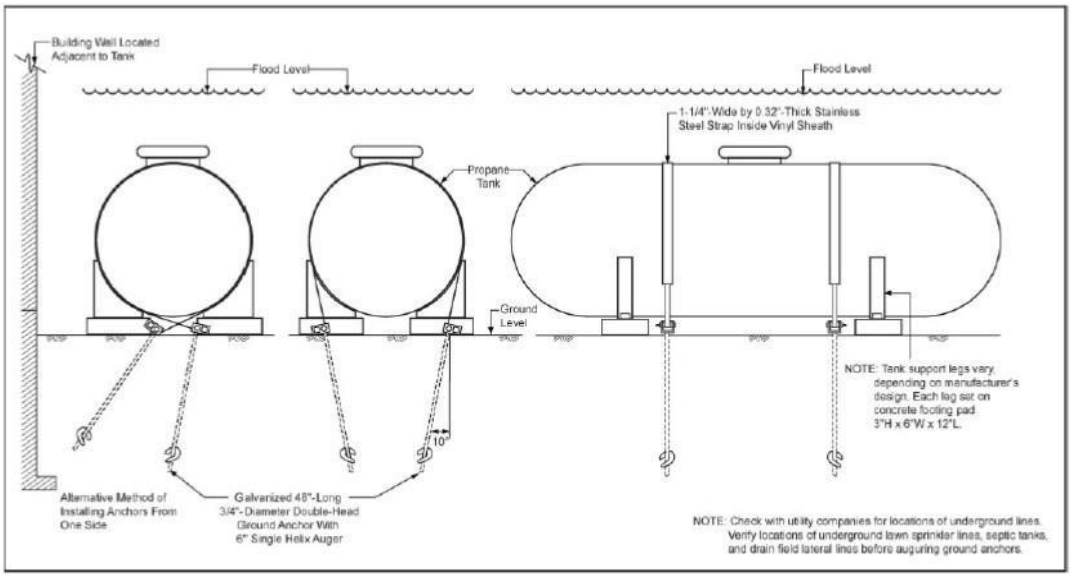

Figure 6.8.3 - Example of an anchored above-ground propane tank.

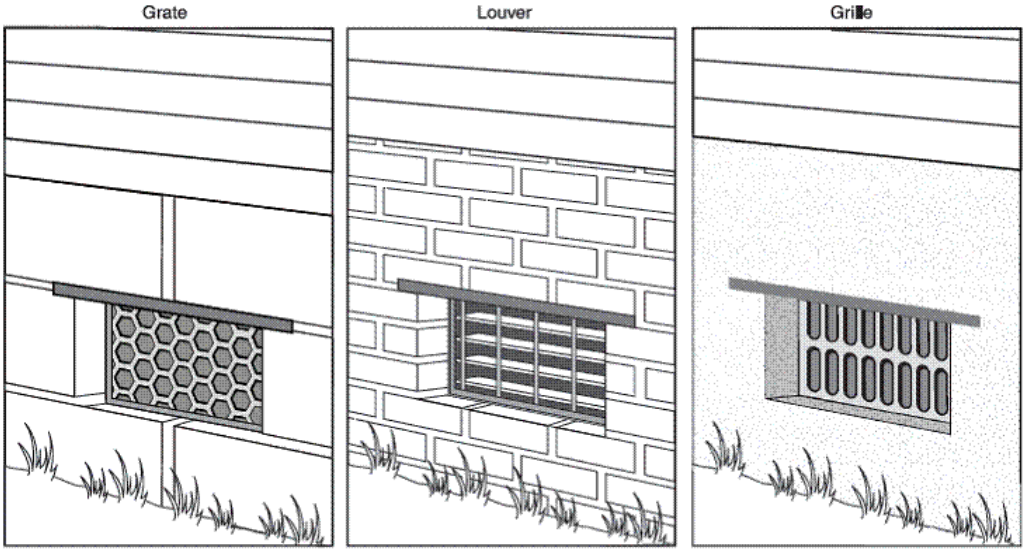

Figure 6.8.4 - Example of an elevated structure on a wet flood proofed, at-grade crawl space with an opening which permits the automatic entry and exit of floodwaters.

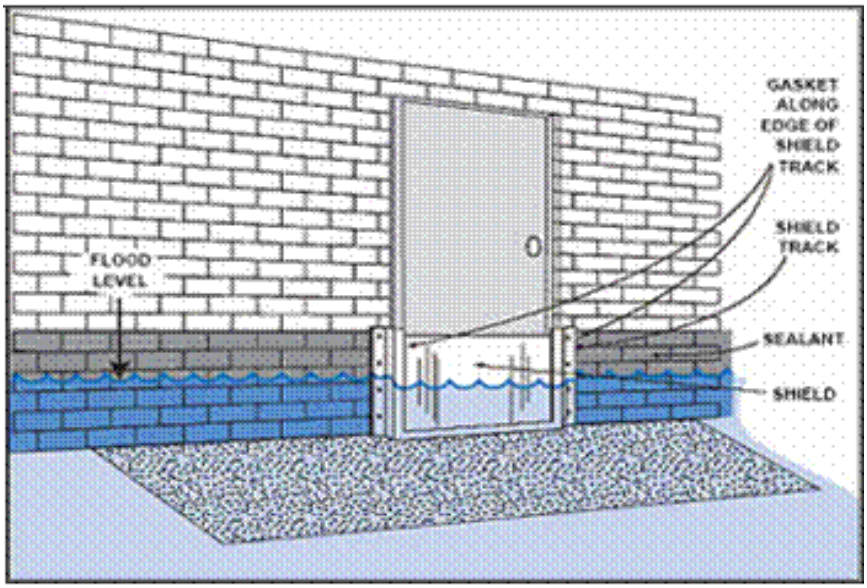

Figure 6.8.5 - Example of a dry flood-proofed commercial building.

6.8.17 Administration

6.8.17.1 Application Submission Process – When an application for proposed Development is received:

a) The Administrative Officer shall make a:
   i. Flood Hazard Overlay District Jurisdictional Determination, per Section 6.8.6.; and
   ii. Substantial Damage Determination, per Section 6.8.7.
b) No action shall be taken on a Development application by the Administrative Officer or DRB until a Flood Hazard Overlay District jurisdictional determination and Substantial Damage Determination has been completed.
c) Once the jurisdictional determination has been determined, per Section 6.8.6, and the proposed Development is determined to be under the jurisdiction of the Flood Hazard Overlay District, the Administrative Officer shall determine the type of review required:
   i. Prohibited, development not allowed within the FHOD;
   ii. Exempt, not subject to FHOD review;
   iii. Permitted use, subject to FHOD review by Administrative Official; or
   iv. Conditional Use, subject to FHOD review by Development Review Board.

   Applications for proposed Development seeking approval by the DRB submitted per Section 6.8.12 require at least one public hearing per RZR Section 8.2.3 and Section 8.2.4

d) 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 6.8 for the Flood Hazard Overlay District.

6.8.17.2 Application Submission Requirements – Any application for Development within the Flood Hazard Overlay District requires:

a) Site plans drawn to scale as specified in Section 5.5.2.c),with accurate measurements of survey quality or prepared by a Vermont licensed surveyor or engineer showing;
   i. All proposed Development and existing structures, including locations of any existing and proposed driveways, road and parking areas;
   ii. All water bodies, Special Flood Hazard Areas, Floodways;
   iii. The Base Flood Elevations at the site;
   iv. The shortest distance from the proposed Development to the top of bank of any stream;
   v. Any existing and proposed drainage;
   vi. Any pre- and post-Development grades;
   vii. Any proposed areas and extent of dredging or grading;
   viii. The elevation of the proposed Lowest Floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps if applicable;
   ix. Any storage locations showing materials proposed for outdoor storage, including types of materials;
b) Plan for meeting applicable provisions of Section 6.8.16a)
c) FEMA Elevation Certificate for Existing Structures depicting their Lowest Floor Elevation in relation to mean sea level (a FEMA Elevation Certificate) if applicable;
d) A Vermont Agency of Natural Resources Project Review Sheet for the proposal identify all state and federal agency permits from which permit approval is required (this is not required for non-substantial improvements or minor accessory structures);
e) Any proposed structural elevation or Flood Proofing measures as certified by a registered professional engineer or architect.
f) No-Rise Certification for development within the floodway.
g) 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 for channel relocation projects
h) Information 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.
i) When applicable, the Applicant shall provide an additional set of all application materials, to comply with Section 6.8.15.b).
j) Relevant information that the Administrative Officer deems necessary.
k) 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 CFR 60.6.

6.8.17.3 Referral to Agency of Natural Resources

When an application for proposed new development or substantial improvement (but not necessarily for improvements) within the FEMA Special Flood Hazard Area or for any proposed development in the floodway is deemed complete, the Administrative Officer 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.

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.

6.8.17.4 Decisions

The Administrative Officer and 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.

Conditions such as non-conversion of storage areas to residential use and areas solely used for parking of vehicles, storage, or building access, shall clearly be stated on any Decisions and Zoning Permits.

6.8.17.5 Administrative Officer Records

The Administrative Officer shall properly file and maintain a record of:

a) Zoning Permits issued in areas covered by these Zoning Regulations;
b) 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 accessory 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;
c) All Flood proofing and other certifications required under this regulation; and
d) All decisions of the Administrative Officer and the DRB (including variances and Violations) and all supporting findings of fact, conclusions, and conditions.

6.8.18 Certificate of Occupancy

a) In accordance with 24 V.S.A. §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 Administrative Officer, stating that the proposed use of the Structure or land conforms to the requirements of these regulations.

b) The requirements for a Certificate of Occupancy are set forth in Section 5.3.5. Within 14 days of the receipt of the application for a certificate of occupancy, the 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 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.

6.8.19 Enforcement and Penalties

a) It shall be the duty of the Administrative Officer to enforce the provisions of Section 6.8 under 10 VSA §1974a, 24 VSA §4451 and §4452, including Section 8.3. Upon determination that a Violation exists, the 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 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.

Violations of the Accepted Agricultural Practices shall be enforced as Violations of these Zoning Regulations. Such Violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 481

6.9 Wetlands

6.9.1. Applicability. Any land development on a lot containing a known or suspected wetland identified by the Vermont Significant Wetlands Inventory, the Wetlands Advisory Layers, or the Wetlands Screening Tool shall require a zoning permit issued by the Administrative Officer.

6.9.2. No land development shall occur within a Class I or II wetland, or wetland buffer, unless approved or exempted by the Vermont Wetlands Program.

6.9.3. Wetland Buffers. All Class I and II wetlands shall be surrounded by a buffer of the following widths:

a) 100 feet for a Class I wetland;
b) 50 feet for a Class II wetland;

6.9.4. Application Requirements.

Applications for development within Class I or II wetlands, and wetland buffers shall provide the following:

a) A wetlands delineation and assessment of the wetland prepared by a professional wetlands ecologist in accordance with the Vermont Wetlands Rules put forth by the Agency of Natural Resources;
b) A site plan indicating the location of the proposed land development in relation to the wetland and the wetland buffer;
c) A permit approving such development issued by the state Wetlands Program;
d) An erosion prevention and sediment control plan in accordance with the current Vermont Standards and Specifications for Erosion Prevention and Sediment Control.

6.9.5. The Development Review Board may approve the reconstruction, replacement or relocation of a nonconforming structure and existing impervious surfaces that extend into, or further into, a wetland or wetland buffer provided that a permit approving such development is issued by the state Wetlands Program.

6.9.6. The creation of new lawns or areas of pavement, including for parking, within wetlands or wetland buffers is prohibited unless approved by the state Wetlands Program. Supplemental planting within a wetland or wetland buffer with appropriate native vegetation to restore and enhance the function of the wetland is allowed.

6.9.7. New on-site septic systems, including septic tanks and leach fields, are prohibited in wetlands and wetland buffers. Replacement systems may be allowed with the appropriate state and federal permits.

6.9.8. Storage of hazardous or other materials is prohibited in wetlands and wetland buffers.

6.10 Water Supply Source Protection Area

All Land Development within the municipal water supply source protection area is governed by the Town of Richmond's Water Supply Source Protection Ordinance. Contact the Administrative Officer for location of the Protection Area and requirements of the Ordinance.

6.11 Steep Slopes

Any proposed construction on land with a slope of over 20% shall be required to submit engineering plans for adequate erosion control and safe construction methods as part of a complete application for the proposed use, activity or structure. An access must be provided which meets the Vermont Agency of Transportation's B-71 Standards and local requirements, and if conflicting, the stricter apply.

6.12 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.

Purpose – The purpose of Section 6.12 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 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 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 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.

6.12.1 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 telecommunications facilities, including sketch, preliminary and final plans, and installation. Pursuant to the Act (24 V.S.A. §4440) and Section 5.2.1, the DRB is authorized to hire qualified persons to conduct an independent technical review of applications and to require the Applicant to pay for reasonable costs thereof.

6.12.2 Consistency with Federal Law

In addition to other findings required by Section 6.12, the DRB shall find that its decision regarding an application is consistent with federal law, particularly the Telecommunications Act of 1996. 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.

Notwithstanding restrictions imposed by Section 6.12, an Applicant may obtain a Zoning Permit if the Applicant establishes that the denial of any application because of any provision of this section would be inconsistent with the Telecommunications Act of 1996. To assert that the application of this section would be inconsistent with the Telecommunications Act of 1996, an Applicant must provide written notice of such assertion as part of its written application. The notice must: 1) specify the basis for the claim of inconsistency; 2) establish that there are no alternative sites (including sites controlled by others at the time of the application) within the Town of Richmond that could serve as an alternative to the application and comply with this section; and 3) provide a statement of any facts that the Applicant intends to provide to support its assertions of inconsistency between this section and the Telecommunications Act of 1996. The Applicant will bear the burden of proving any claim that the application of this section would be inconsistent with the Telecommunications Act of 1996. The DRB may approve a Zoning Permit that is inconsistent with this section only to the extent required to comply with the Telecommunications Act of 1996.

6.12.3 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 Zoning Regulations.

Adequate Capacity: Capacity is considered to be "adequate" if the grade of service (GOS) is 98% or higher (i.e. Blocking of 2% or lower) during Busy Hour Traffic, as assessed by direct measurement of the facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, adequate capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the personal wireless services facility in question, adequate capacity shall be determined on the basis of a 20% busy hour (20% of all offered total daily traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the coverage area.

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.

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.

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*).

Antenna: A device for transmitting and/or receiving electromagnetic waves, which is attached to a tower or other structure.

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.

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.

Applicant: A person who applies for a wireless telecommunications facility siting. An applicant can be the telecommunications service provider with the owner's written permission (or other legally designated representative) or the owner of the property.

Available Space: The space on a tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

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.

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%.

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.

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.

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.

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.

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.

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 landbased telephone lines.

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.

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.

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.

Communication Equipment Shelter: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.

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.

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.

dBm: Unit of measure of the power level of a signal expressed in decibels above 1 milliwatt.

Directional Antenna: An antenna or array of antennas designed to concentrate a radio signal in a particular area.

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.

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.

Erlang: An international unit created to measure telephone use. One Erlang is equivalent to one caller talking for one hour on one telephone.

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.

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.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

Frequency: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

GHz: Gigahertz. One billion hertz

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.

Hertz: (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

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.

MHz: Megahertz, or one million hertz.

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.

Microwave: High-frequency radio frequency emissions, including UHF and extending to infrared frequencies.

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.

Monitoring: Measurement, by the use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities.

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.

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.

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.

Personal Communications Services (PCS): Digital wireless telephone technology such as portable phones, pagers, faxes, and computers; generally operates at high frequencies.

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.

Preexisting Towers and Antennas: Any tower or antenna for which a permit has been issued prior to the effective date of these Zoning Regulations.

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.

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.

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.

Scenic View: A scenic view is a wide angle or panoramic field of sight and may include natural and/or humanmade 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 faraway object, such as a mountain, or a nearby object, or to Open Space.

Self-Supporting Tower: A communications tower that is constructed without guy wires.

Spectrum: Relating to any transmissions or reception of electromagnetic waves.

Stealth Facility*:* Any communications facility that is designed to blend into the surrounding environment to the extent that it becomes invisible 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.)

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.

System: The communications transmission system operated by a telecommunications service provider in the municipality or region.

Telecommunications Provider: An entity authorized by the FCC, the Vermont Public Service Board, or law to provide telecommunications services to individuals or institutions.

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.

Tower: A vertical structure for mounting antenna(s) that provide telecommunications services. A tower shall also mean any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.

Unlicensed Wireless Services: The offering of telecommunications services using duly authorized devices which do not require individual licenses but does not mean the provision of direct-to-home satellite services.

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 360degree 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.

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).

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 6.12. This term includes all of the physical facilities defined or described in this section. Consumer model television satellite dishes are not covered by these Zoning Regulations.

6.12.4 Permitted and Prohibited Locations

A Stealth Facility may obtain a Zoning Permit as a conditional use in all zoning districts.

All other Wireless Telecommunications Facilities may obtain a Zoning Permit as a conditional use in the following zoning districts: Residential/Commercial; Commercial; Industrial/Commercial; Village Commercial; and Gateway Commercial. Wireless Telecommunications Facilities (other than Stealth Facilities) are prohibited from all other districts.

Even in districts where they may be located as conditional uses, Wireless Telecommunications Facilities that do not qualify as Stealth Towers 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.
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 should 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 6.12.8 of these Zoning Regulations.

If located in or near Open Space (i.e., as defined in these Zoning Regulations), the Applicant must demonstrate that the Wireless Telecommunications Facility has been sited to be as unobtrusive as feasible.

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.

All distances specified in this section shall be calculated including antennas and other vertical appurtenances. Waivers to the above setback requirements may be granted to encourage antenna collocation on existing towers. The DRB may grant a request for a waiver only if it finds that the waiver will not have the effect of nullifying the intent and purpose of Section 6.12, and that it has required other conditions that will secure the objectives of the waived requirements.

6.12.5 Exemptions and Applicability of Other Regulations

This Section (6.12) specifically exempts the following Wireless Telecommunications Facilities: 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 65 feet above grade and the attached antenna is no higher than required for reasonable use, or it is a Stealth Facility. Wireless Telecommunications Facilities exempted from this section under this paragraph must comply with all other applicable provisions of the Richmond Zoning Regulations, Subdivision Regulations, and other bylaws. If the antenna support structure exceeds the heights specified herein, the facilities described in this sub paragraph must comply with this section. No wireless telecommunications facility shall be deemed exempt from this section because it is proposed that said facility share a tower or other structure with such exempt uses.

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

6.12.6 Application Requirements for Wireless Telecommunications Facilities

An Applicant for all Wireless Telecommunications Facilities 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 Administrative Officer at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.

No construction, alteration, modification (including the installation of antennas for new uses) or installation of Wireless Telecommunications Facility shall commence without a Zoning Permit first being obtained from the DRB.

In addition to information otherwise required in these Zoning Regulations, Applicants for all Wireless Telecommunications Facilities shall include the following supplemental information:

a) The name and address of the Applicant, the record landowners and any agents of the landowners or Applicants as well as an Applicant's registered agent and registered office. If the Applicant is not a natural person, the name and address of the business and the state in which it is incorporated and has its principal office shall be provided.

b) The name, address and telephone number of the person to be contacted and who is authorized to act in the event of an emergency regarding the structure or safety of the facility.

c) The names and addresses of the record owners of all abutting property.

d) A report from qualified engineers and/or licensed land surveyors that:

i. Describes the facility height, design and elevation.

ii. Documents the height above grade for all proposed mounting positions for antennas to be collocated on a telecommunications tower or facility and the minimum separation distances between antennas, and that the antennas' height are no higher than required for the provision of reasonable service.

iii. Describes the tower's proposed capacity, including the number, height and type(s) of antennas that the Applicant expects the tower to accommodate.

iv. In the case of new tower proposals, demonstrates that existing telecommunications sites and other existing structures, or other structures within 5 miles of the proposed site cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the Town of Richmond. The documentation shall include, for each facility site or proposed site within such radius, the exact location, ground elevation, height of tower or structure, and sufficient additional data to allow the independent reviewer to verify that other locations will not be suitable. The report shall also demonstrate that the tower's height is no higher than required for the provision of reasonable service.

v. Demonstrates that the Applicant has analyzed the feasibility of using repeaters or micro-cells in conjunction with all facility sites listed in compliance with Section 6.12.6 D. iv. (above) to provide adequate coverage.

vi. Describes the operating frequency and/or channels, sector orientation and power output per channel for each proposed antenna.

vii. Includes a written explanation for the use of the proposed telecommunications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town.

viii. Demonstrates the tower's compliance with structural standards and the Town of Richmond setbacks for towers and support structures.

ix. Provides assurance that at the proposed site the Applicant will be in compliance with all FCC rules and regulations, particularly with respect to radio frequency exposure. The DRB may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards and requirements on an annual basis at unannounced times.

x. Includes other information requested by the DRB that is necessary to evaluate the request.

xi. Includes an engineer's stamp and registration number, where appropriate.

xii. Includes a letter of intent committing the facility owner and his or her successors to permit shared use (collocation) of the facility if additional users agree to reasonable terms and conditions for shared use.

e) 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 Administrative Officer at the time an application is submitted).

f) 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.

g) A copy of the application or draft application for an Act 250 permit, if applicable.
h) 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.

The permit application shall be signed under the pains and penalties of perjury.

6.12.7 Site Plan Requirements for Wireless Telecommunications Facilities

In addition to site plan requirements found in Section 5.5.3, site plans for Wireless Telecommunications Facilities subject to this Section 6.12, including applications subject to conditional use review, shall include the following supplemental information:

a) Location Map: a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed facility site.
b) Vicinity Map showing the entire vicinity within a 2500-foot radius of the facility site, including the facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, Historic Sites and habitats for endangered species. 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.
c) Proposed site plans of the entire development indicating all Land Development including landscaping, utility lines, guy wires, screening and roads.
d) Elevations showing all facades and indicating all exterior materials and color of towers, buildings and associated facilities.
e) 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.
f) In the case of a proposed site that is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.
g) Construction sequence and time schedule for completion of each phase of the entire project.

Plans shall be drawn at a minimum at the scale of one (1) inch equals fifty (50) feet.

6.12.8 Collocation Requirements

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 create excessive 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 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 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.

6.12.9 Access Roads and Above Ground Facilities

Where the construction of new facilities subject to this section (6.12) 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 or forest fringe areas, and not in open fields 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.

6.12.10 Tower and Antenna Design Requirements

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 Stealth Design or Alternative Design 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 200 feet of the highest vertical element of the 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 Effect 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 will 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.

6. the provisions of the Richmond Town Plan.

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.

d) 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 (6.12).

e) 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 nonvegetative 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.

6.12.11 Amendments to Existing Telecommunications Facility Permit

Any material alteration or addition to a Wireless Telecommunications Facility shall require a permit amendment, 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, or additional height of the tower, including profile of additional antennas, not specified in the original application.

6.12.12 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 Zoning Regulations.

6.12.13 Temporary Wireless Communication Facilities

Any 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 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 Zoning Regulations.

6.12.14 Continuing Obligations

It shall be a condition of every permit that the permittee shall annually demonstrate compliance with all FCC standards and requirements regarding radio frequency exposure, and provide the basis for such representations in a filing on January 15 of each year with the Administrative Officer. The DRB may also require the filing of information on an annual or more frequent basis to assure the compliance with permit conditions and these Zoning Regulations.

6.12.15 Facility Removal

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

a) The owner of a facility/tower shall annually, on January 15, file a declaration with the Administrative Officer certifying the continuing safe operation of every facility/tower installed subject to these Zoning 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 towers or facilities shall be removed within 180 days of cessation of operations at the site unless a time extension is approved by the DRB. In the event the tower is not removed within 180 days of the cessation of operations at a site, the Town shall notify the owner and may remove the tower and all associated facilities. Costs of removal shall be assessed against the property or tower owner.

c) The Applicant shall, as a condition of the conditional use permit, provide a financial surety bond 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.

d) The annual declaration must be accompanied by a certificate of insurance and a review and filing fee as established by the Richmond Selectboard. Any annual declaration received after January 15 must be accompanied by an additional late filing fee, plus interest at the legal rate for each day that the filing fee and the penalty remain unpaid.

6.12.16 Maintenance Requirements

The Applicant shall maintain all facilities. Such maintenance shall include, but not be limited to painting, structural integrity and landscaping. In the event the Applicant 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.

6.12.17 Insurance Requirements

The facility owner shall maintain adequate insurance on all facilities. A certificate of insurance must accompany each annual declaration.

6.12.18 Fees

Fees for filing an application to build or alter any facility subject to these Zoning 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.

6.13 Multi-family Housing Development Standards

6.13.1 Applicability and Purpose. The provisions of this section apply to multifamily buildings. The purpose of the section is to protect or enhance the appearance and quality of neighborhoods, and to ensure basic standards of living for the residents of the multifamily dwelling.

6.13.2. Front Doors. Buildings with front setbacks in which the front façade is directly visible from a public or private road shall have at least one entrance door on that façade. All front facade doors shall be sheltered and defined by a porch, roof overhang, or other architectural features. If each dwelling unit has a separate door on the front facade, then each door must be sheltered and defined as described above. If there are multiple front facades on a building, an entrance door on one such facade shall be adequate to satisfy this provision.

6.13.3. Fire Escapes and Entry Stairs. Exterior fire escapes when needed and exterior entry stairs to upper floor units if included shall be located to the side or rear of the building and shall meet all setback requirements. If located to the side, they must be set back at least 8 feet from the front building line. Fully or partially enclosing exterior stairs with durable materials that are compatible with the exterior cladding of the building is strongly encouraged.

6.13.4. Garages and Underbuilding Parking Entries. Garage doors and entrances to underbuilding parking shall be either:

a) Oriented to the side or rear (not facing a street) of the lot; or
b) Set back at least 8 feet from the front building line if directly facing and visible from a public or private road.

6.13.5. Driveways and Parking Areas. The width of residential driveways between the street and front building line shall not exceed 20 feet in width. The driveway may widen at a point at least 8 feet behind the front building line to provide parking, turnaround space and/or access to garage or underbuilding parking entrances.

6.13.6. **Light Trespass**. Light trespass from parking areas onto adjoining properties on which where there are residences, shall be prohibited. Lot layout, building placement, privacy fencing or vegetative screening may be required to eliminate light trespass on adjoining properties with residential uses.

6.13.7. Privacy. Applicants shall provide evidence, such as plans for building design, lot layout, screening or landscaping, to demonstrate that consideration has been given to the location, orientation and design of multi-family buildings to protect the privacy of neighbors. This consideration may include such factors as:

a) The height and proximity of ground floor windows to the sidewalk, street or public spaces;
b) The alignment of windows between adjacent buildings;
c) The potential for overlook from buildings into neighboring private outdoor spaces; and
d) The use of building offsets, architectural features, fences, walls and landscaping to shield views into private outdoor spaces.

6.13.8. Outdoor Living Space. Twenty percent of a lot hosting a multi-family building shall have private, semiprivate or common outdoor living space(s) that satisfy (a) or (b) or (c) below.

a) Each residential unit has a private or semi-private outdoor living space (yard, patio, courtyard, terrace, porch, balcony, deck, rooftop garden, etc.) that is accessible from the residential unit for the exclusive use of unit residents and that is at least 80 square feet in area and not less than 8 feet in any dimension**;** or
b) The lot has one or more common outdoor living space(s) to be shared by building residents with the following standards:
    i. The common outdoor living space(s) must be located in one or more areas conveniently accessible to building residents via an ADA-compliant path.
    ii. No area of the common outdoor living space(s) shall be less than 20 feet in any dimension.
    iii. Common outdoor living space(s) shall at least be 50% vegetated.
    iv. At least one area of the common outdoor living space(s), must be improved to accommodate activities such as sitting, walking, dining, children's play, community gardening, or other such typical outdoor activities; or
c) The lot has a combination of private and/or commonly shared outdoor living space(s) as described in a) and b) above.

6.13.9. Landscaping. The front yard shall be landscaped with a mix of trees, shrubs and ornamental plants in addition to grass, in a manner characteristic of other residential properties in the neighborhood. This may include planting, potentially in combination with fencing, along the frontage and property lines, as well as planting areas along walkways or building foundations. Trees shall be installed if they are not present. Applications for buildings with five or more units shall provide a landscaping or planting plan prepared by a professional landscape architect, landscape designer, arborist, site designer or engineer experienced with landscape design.

6.13.10. Laundry. There shall be laundry hook-ups in each unit or common laundry facilities in the building. Clotheslines shall not be prohibited pursuant to 24 V.S.A. §4413.

6.13.11. Bulk Storage. Residential units must have a secure, enclosed bulk storage area for the exclusive use of unit residents that is at least 50 square feet in area and not less than 5 feet in any dimension. The storage area may be separate from the residential unit or may be located within the building or within an accessory building. If the storage area will be located within a garage, it must be in addition to the area necessary to accommodate any required parking.

6.13.12. Mechanicals and Utilities. Free-standing mechanicals and utilities shall be landscaped or screened to prevent visibility from a public road. The outdoor components of heat pumps shall be exempt from this requirement.

6.13.13. Waste Storage. Trash and recycling receptacles must be stored on a hard surface in a location that is readily accessible to building residents and completely screened from view from a public road. If dumpsters are provided for waste collection, they must be kept within an enclosure constructed of durable materials or completely screened with vegetation and shall not be placed in the front yard.

6.13.14. EV-Charging Parking Spaces. One EV-charging parking space for every 10 residential units shall be provided.

6.14. Residential Density.

6.14.1 Base Residential Density, defined as the maximum number of dwelling units per unit of area, is provided in a separate subsection for each zoning district that allows residential uses. Some zoning districts may allow for **residential density bonuses** (see Section 6.15)**,** which may be added to the base residential density if listed conditions are met, with a limit on the **total residential density** (base density plus bonus density) in districts that allow density bonus units.

6.14.2 Calculations of residential density shall be as follows:

a) Residential density shall be expressed as a number of "dwelling units per acre of land in a parcel" if the amount of land required for 1 dwelling unit is 1 acre or more; and "a dwelling unit shall require_____ square feet of land" if the amount of land required for 1 dwelling is less than 1 acre (43,560 sf).
b) In any district that allows residential uses, one single-family dwelling, one single-family dwelling with an ADU, or one duplex, shall count as 1 dwelling unit.
c) In a district served by municipal water and sewer that allows residential uses, one 3-4 unit multi-family building shall count as 1 dwelling unit for purposes of assessing residential density only.
d) In a district not served by municipal water and sewer that allows residential uses, each dwelling unit in a 3-4 unit multi-family building shall count as 1 dwelling unit.
e) In any district that allows residential uses, each dwelling unit in a multi-family building with 5 or more units shall count as 1 dwelling unit.
f) If 2 single-family dwellings are allowed on an owner-occupied lot, each single-family dwelling may have an ADU, and each single-family dwelling with its ADU shall count as 1 dwelling unit.
g) A "group home" shall count as 1 dwelling unit.
h) An "Assisted living residence," "Hospice," "Nursing home,", "Supported housing" or "Retirement community" residential use shall count as 1 dwelling unit for each 8 residents.
i) Emergency shelters, hotels, inns, and bed and breakfasts, shall not be subject to density requirements.
j) Only single-family dwellings shall be allowed to have accessory dwelling units

6.15 Residential Density Bonus Program

Purpose: The objective of this section is to encourage more housing, specifically of the types which enable greater diversity and affordability of Richmond's housing stock. This goal is elaborated in the Richmond Town Plan and the Chittenden County Regional Planning Commission's ECOS Plan. This section is authorized by 24 VSA 4414 (7)(C).

6.15.1 Applicability: Residential density bonuses consist of dwelling units that may be developed in excess of the stated base residential density in specified zoning districts if certain criteria are met. These bonuses will be available only in the zoning districts that state that they are allowed in the subsection of that district entitled "Residential Density," and only as part of a residential or mixed-use PUD.

6.15.2 General requirements
a) Density bonus units shall adhere to all other requirements of the district where they are to be developed.

b) All verifications and certifications will be the responsibility of the developer and will be submitted to the Richmond Planning and Zoning Department, or to the Housing Committee if designated, on the appropriate forms (see Section 6.15.7) at the appropriate times or intervals.

c) Any reference to “AMI” shall refer to the current VHFA chart entitled “Maximum rent and purchase price affordability thresholds by income and household size,” and shall reference the “Chittenden, Franklin, Grand Isle” line. “AMI” refers to the column titled “Income level.”

d) Applicants may apply for any number or combination of density bonus units described in section 6.15, provided that the total number of developed units does not exceed the Total Maximum Residential Density of the district in which the project is located.

e) Projects qualifying under Section 6.16 and 24 VSA 4303(2) “Affordable Housing Development” shall not be eligible for additional density bonus units under this section.

6.15.3 Types of Density Bonus Units Available

a) Accessible/Adaptable housing: Development of two units of accessible/adaptable housing as described in Subsection 6.15.5 shall allow for one additional market-rate unit to be developed in addition to the two qualifying accessible/adaptable units, providing that the Total Maximum Density of the zoning district in which the project is located is not exceeded by the total number of units developed. Accessible/adaptable dwelling units are those designed and constructed for those living with or able to be visited by those with physical disabilities, having features as listed in Subsection 6.15.5 below. They may be marketed as “adaptable” units and rented or sold at market rates. There is, however, no requirement that they be occupied by physically disabled residents. All accessible/adaptable features shall be visually confirmed at on-site inspection prior to the CO being issued, including those required by 20 VSA 2907 (see subsection 6.15.5.4).

b) True, income-sensitive affordable housing (rent limited and income sensitive): Development of one unit of affordable housing, as described in Subsection 6.15.6 below, shall allow for four additional market-rate units to be developed in addition to the qualifying true affordable unit, providing that the Total Maximum Density of the zoning district in which the project is located is not exceeded by the total number of units developed.

6.15.4 Requirements for Accessible/adaptable dwelling units

6.15.4.1 Accessible/adaptable dwelling units are based upon the standards established by the Uniform Federal Accessibility Standards (UFAS) and the Vermont Access Board to comfortably and safely house those with physical disabilities, and to allow those with physical disabilities to visit a dwelling unit. In order for dwelling units to be considered accessible/adaptable under this section of the Richmond Zoning Regulations, the dwelling unit shall have a minimum of 400 sf of floor area, and certain features of these units shall be “accessible” meaning able to be navigated by a wheelchair-bound individual, and other features may be “adaptable,” meaning relatively easy to convert to fully accessible if need be. For features that are adaptable, consumer information must be provided and documented prior to the Certificate of Occupancy, so prospective tenants are aware that these features may be made accessible. The adaptable features are based on the “Universal Design Policy” of the Vermont Housing Finance Agency and the Vermont Access Rules for Adaptable and Visitable Dwelling Units.

6.15.4.2 Required features of the dwelling unit site

a) Accessible to designated accessible parking space, and to nearest road or sidewalk network by means of a paved sidewalk or other safe route

b) Adequate outdoor lighting

6.15.4.3 Required features of the building containing the dwelling unit

a) At least one entrance to the building must be accessible
b) Elevator if dwelling unit is above the first floor
c) Memory-promoting wayfinding cues to building or unit (for example, different paint color for unit or other indicators)

6.15.4.4 Required features of the dwelling unit - All new residential dwelling units shall comply with 20 VSA 2907. These features shall be visually inspected for compliance prior to the issuance of a Certificate of Occupancy.

In addition to these requirements, density bonus adaptable/accessible units available in these Zoning Regulations shall have the following features which will be visually inspected prior to a Certificate of Occupancy being issued. Many of these required features and other features that are encouraged can be found in the VHFA (Vermont Housing and Finance Agency)'s "Universal Design Policy."

a) Minimum total floor area in dwelling unit of 400 square feet
b) Bathroom with minimum turning radius of 60 inches or with a T-shaped turnaround with a total area of at least 60 inches by 60 inches with adequate clearance for door and appliances
c) ADA (Americans with Disabilities Act) compliant walk-in bathtub or shower
d) ADA (Americans with Disabilities Act) compliant grab bars installed in shower/ bathtub and near toilet
e) Adjustable, hand-held shower head
f) A minimum of one wired-in light fixture per room
g) System of adjustable kitchen counters and cabinet bases that allow height adjustment and provision of knee-space if needed
h) System of removeable under-sink cabinets in bathroom, with under-sink plumbing that can provide knee-space if needed
i) Loop or lever door handles throughout

6.15.5 Requirements for true income-sensitive, affordable dwelling units

6.15.5.1 A "true affordable housing unit" is one that meets the definition of "affordable housing" as defined in 24 VSA 4303(1) and summarized below.

6.15.5.2 "Affordable housing," for this section, means housing, as specified on the most current Vermont Housing Finance Agency (VHFA) chart entitled "Maximum rent and purchase price affordability thresholds by income and household size" for Chittenden County, that meets one of the following standards:

(1) Owner-occupied housing for which the total annual cost of ownership, including mortgage principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent AMI (average median income); or

(2) Rental housing for which the total annual cost of renting, including rent, utilities, and/or condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent AMI.

6.15.5.3 The following criteria shall be met for both rental and saleable affordable housing units:

a) All costs associated with the rental or sale must meet the average median income (AMI) standards for the size of the unit and % (80 or 120) of income on the current VHFA chart; and
b) the income of the renter or purchaser must be ascertained at the time of initial rental or sale, and at the time of rental of each new tenant; and
c) for rental units, there shall be a maximum rent increase of 3% per year; and
d) the requirements for affordability shall be maintained for a minimum of 15 years for both rental and saleable dwelling units developed under this program

6.15.5.4 The units and all verifications will be examined prior to the CO being issued.

6.15.5.5. The number of qualifying affordable units may not equal or exceed 20% of the total project units under this program. If 20% or more of the project's units are affordable, the applicant may be eligible for Section 6.16 of these regulations, statutorily designated "Affordable housing development," which provides an alternative pathway for exceeding base residential density. Any project qualifying under Section 6.16 will not be eligible for density bonus units under Section 6.15 but will be eligible for the density bonus allowances described in Section 6.16.

6.15.6 Application, DRB Review and Verification, Monitoring Requirements

6.15.6.1 The Richmond Planning and Zoning Department shall be responsible for all aspects of administering the Residential Density Bonus Program as well as for promulgating such further rules, regulations and forms as may be necessary to implement this program. The Planning and Zoning Department will determine initial eligibility, rental and sale procedures, and will monitor for continued adherence to the standards for the agreed-upon life of the program.

6.15.6.2 Application requirements:
In addition to other applicable submission requirements to proposed projects as specified in Section 5.12 and any other applicable sections of the Richmond Zoning Regulations, applications under Section 6.15 shall include the following:

a) A housing density bonus application, including identification of which density bonus category or categories are being requested; how many of the qualifying units and/or parking spaces are proposed, and the number of bonus market-rate units that are expected from the program.
b) A site plan which identifies the location, type and size of the accessible/adaptable or affordable units proposed, and the location of public parking spaces proposed; and the location of the bonus market-rate units expected;
c) Data necessary to determine affordability if affordable units are requested, including floor area, number of bedrooms and total estimated housing costs and any other information deemed necessary;
d) Information regarding the long-term management of the affordable units, including the responsible party or parties, in order to ensure affordability in perpetuity;
e) Draft legal documents to ensure continued affordability, including but not limited to, deed restriction, restrictive covenant or contractual agreement with the Town. Such documents shall be approved by the Town Attorney, and shall include:
    i. Resale restrictions that limit the resale price to whichever is the higher of whatever is affordable for eligible household with combined income of no greater than 120% AMI, or the purchase price the seller paid plus 2% (non-compounding) for each year of ownership;
    ii. Rent change for rental units limited to 3% annually, or to the % change in the AMI on the annual VHFA chart.
    iii. Restrictions that prohibit the subletting of units to households at rents exceeding the affordability criteria that have been established for the unit.
f) Documents explaining the adaptable features of the accessible/adaptable units will be provided with the application, if accessible/adaptable units are requested. These documents shall be provided to the new tenant or owner.
g) Construction timeline and phasing plan for the proposed project, including all density bonus and market-rate units
h) Any other information requested by the Zoning Administrator to determine project compliance with Section 6.15.

6.15.6.3 Development Review Board (DRB) shall determine that the following requirements for approval are met by a development incorporating density bonus units:

a) Accessible/adaptable and affordable dwelling units shall be physically integrated among the market-rate units in the design of the project; and
b) The maximum residential density for the district in which the project is located is not exceeded; and
c) The varied types of accessible/adaptable and/or affordable dwelling units shall be approved at the discretion of the DRB; and
d) The documents that the applicant has submitted to ensure the on-going affordability of affordable units shall be reviewed and approved by the DRB after review by the Town Attorney for legality; and
e) The documents that the applicant has submitted explaining the adaptable features of the accessible/adaptable units, to be given to an incoming tenant or new owner at the time of rental or sale, shall be reviewed and approved by the DRB; and

6.15.6.4 Long-term Monitoring requirements

a) Annually, the applicant or subsequent owner of a project that has received

affordable housing density bonus dwelling units for rental shall submit a report to the Planning and Zoning Department that lists the gross rents charge for affordable housing units and household incomes at move-in or sublet, based on documentation provided by the current tenant for owner's completion of a form provided by the Town, to certify that rent and household income maximums have been maintained as required.

b) The owner of an affordable for-sale housing project that has been developed under Section 6.15, shall be required to notify the Richmond Planning and Zoning Department if the property is to be offered for sale or rental, and shall abide by the affordability requirements for the life of the initial agreement.

6.15.6.5 Alteration of status of an affordable dwelling unit used to obtain density-bonus market-rate units under this program shall adhere to the following requirements:

a) If at any point in time an affordable dwelling unit is to be removed, demolished or converted to a different use – including a market-rate residential use – or a non-use (i.e. a vacant lot), the parties responsible for changing the status of the affordable dwelling unit must establish a replacement affordable dwelling unit within the Town of Richmond. This unit shall be reviewed and approved by the Richmond Planning and Zoning Department.
b) An affordable replacement unit shall have either the same number of bedrooms or the same floor area as the dwelling unit being replaced.
c) A replacement affordable dwelling unit shall conform to all applicable regulations of Section 6.15.
d) For replacement of an affordable ownership dwelling unit, the replacement units shall be offered for sale at or below the fair-market value of the unit to be replaced as determined either by an appraisal provided by the applicant or by the Town's latest assessed value of the unit to be replaced and its premises.
e) This section shall not be applicable to an affordable dwelling unit that was ordered demolished or declared unfit for habitation because of damage caused by natural disaster, fire, flood, or other causes beyond the owner's control.

6.16 Affordable Housing Development

6.16.1 "Affordable housing development" shall mean a housing development in which at least 20% of the units or a minimum of 5 units, whichever is greater, are "affordable housing units," as defined in 24 VSA 4303[1]. These units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years.

6.16.2 In any area served by municipal water and sewer infrastructure that allows residential development, any affordable housing development including mixed use development, as defined by 24 VSA 4303(2), shall be allowed to exceed residential density limitations for the zoning district in which it is located by an additional 40%, which shall include exceeding maximum height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.

7. DEFINITIONS

7.1 General

When not consistent with the context, words used in the present tense include the future and words in the singular number include the plural number.

The word "shall" is mandatory. The word "may" is permissive. 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."

Unless otherwise defined herein, definitions contained in the Title 24 Vermont State Statutes Annotated, Chapter 117 shall be applicable throughout these Zoning Regulations.

7.2 Specific

For the purpose of these Zoning Regulations, certain words and terms are hereby defined as follows:

Acceptable Management Practices for Silviculture- any forestry activity as defined the Commissioner of Forests, Parks and Recreation including those regulated by the "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs Rule."

Accessory Dwelling Unit (ADU) A dwelling unit that may be an efficiency, one-bedroom, or two-bedroom apartment that is located within or appurtenant to, and is clearly subordinate to, a single-family dwelling on an owner occupied lot; is on the same lot as the single-family dwelling; has the facilities and provisions necessary for independent living, including sleeping, food preparation, and sanitation; and that also meets the requirements of these Zoning Regulations (see Section 5.9), in accordance with the 24 VSA §4412.

Accessory Electric Vehicle Charging Station – A structure or device for the free or retail dispensing of electricity as a vehicle fuel within an on-street or off-street parking space, or incidental to a residential or commercial building that does not dispense liquid or gaseous fuel.

Accessory Uses or Structures - A use or structure on the same lot with and of a nature which is customarily incidental and subordinate to the principal use or structure.

Act, The - The Vermont Municipal and Regional Planning and Development Act, Title 24, Chapter 117, Vermont Statutes Annotated (V.S.A.), as subsequently amended. If any provision of these Zoning Regulations are or become inconsistent with the Act, the Act shall control.

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

Adjoining Property Owner – Owners of properties 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 highway or other public right-of-way.

Administrative Officer – The Administrative Officer administers the Zoning Regulations and shall not permit any Land Development that is not in conformance with these regulations. The term also includes the Interim Administrative Officer and the Assistant Administrative Officer.

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) 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

b) 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;

c) 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 development – a housing development, per 24 VSA §4303(2), of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided by municipal bylaws.

Agriculture - The use of property or structures for common farming-related activities necessary for crop and animal production. A plant or tree nursery shall be deemed an agricultural related activity. This definition means to include the sale of agricultural products or byproducts on agricultural property. See also Accepted Agricultural Practices, Farm Structure.

Alteration, structural - Any change in the supporting or load-bearing members of a building such as loadbearing 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

Amusement Arcade - An indoor or outdoor area, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.

Applicant – person who applies for Zoning Permit on behalf of the property owner. The applicant may be the property owner.

Approved - Sanctioned by the appropriate official as required by law so long as all provisions of these Zoning Regulations are met.

Artist/Crafts Studio - An interior enclosed space where artwork and crafts are created then displayed and/or sold by the individual(s) working within the same space without any off-site production or re-sale of products from other locations. This type of activity includes, but is not limited to, the following: painter, sculptor, photographer, musician, and performing artist.

Assisted Living Residence - a facility that combines housing, health and supportive services for the support of resident independence and ageing in place. Within a homelike setting, assisted living units offer, at a minimum, a private bedroom, private bath, living space, kitchen capacity, and a lockable door. Assisted living promotes resident self-direction and active participation in decision making while emphasizing individuality, privacy and dignity. These facilities require state licensing.

Automobile and/or Marine Sales - The use of any building, land area, or other premise for the display and sale of new or used automobiles or marine vessels generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Bank – A financial institution involved in the direct deposit or withdrawal of funds or a structure which houses facilities to deposit or withdraw funds electronically. A bank may include drive-through facilities.

Basement – the level, floor or portion of a building that is wholly or partially below ground level. Special types of basements include:

- Walkout Basement: a basement that incorporates one or more walls with windows and a door that opens at grade so that a person may “walk out”
- Daylight Basement: a basement with windows above grade but no door to the outside

Bed and Breakfast - An owner inhabited residential structure with six or fewer rooms for rent by the day or the week.

Bedroom - A room within a dwelling unit used for the primary purpose of sleeping. To qualify as a bedroom, all applicable fire safety codes specific to bedrooms must be met.

Bikeway - A roadway for non-motorized bicycles.

Brewery - a place where fermented or distilled beverages are manufactured, stored, bottled, and sold wholesale or retail in sealed containers for consumption off premises. This establishment may include a tap room, a tasting room, or a retail area as an accessory use

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

Building - A structure having a roof and used or occupied by people or animals.

Building Line – Front. The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line. A lot with two or more front lot lines shall have a front building line for each front lot line.

Rear. The line, parallel to the rear lot line, that passes through the point of the principal building nearest the rear lot line. In the event that a property has two or more front lot lines and no rear lot lines, the rear building line shall be the line that is both (a) parallel to the side lot line that passes through the point of the principal building nearest the side lot line and (b) parallel to the Primary Building Façade.

Business Yard - A business which operates out of a yard which may include structures, indoor and outdoor storage of materials, equipment or vehicles. Customary accessory uses for the business are small office space and vehicle and equipment repair. A majority of the business activity shall take place off-site. No assembly is involved or allowed.

Bylaws - The Town of Richmond Zoning Regulations, Town of Richmond Subdivision Regulations, and any official map adopted under the authority of 24 V.S.A., Chapter 117.

Car wash - Any facility whose principal business is the cleaning and washing of vehicles of any type, or a facility which provides two (2) or more bays for the washing of vehicles by the customer or for hire by the business.

Catering services - Any facility which prepares food for delivery and consumption off the premises.

Cemetery - Property used for the interring of the dead.

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).

Character of the Area, or Character of the Neighborhood – these phrases shall be equivalent to the phrase "Character of the Zoning District in which the land that is the subject of the application is located" as defined by the purpose and features of the zoning district, as well as the regulatory standards set forth for the zoning district, and any specific standards, goals or policies for the zoning district described in the Town Plan. The DRB may also look to the architectural appearance, structure, size, parking configuration, setbacks, lot coverages and landscaping styles of properties within 1,500 feet of the property that is the subject of the application.

Child Care Facility - an establishment whose function is the care of children on a regular basis outside the child(ren)s own home for less than 24 hours per day by a person or persons other than the child or children's own parents or guardians. All regulations from the Vermont Agency of Human Services "Child Care Licensing Regulations" shall be followed.

- Family childcare home – A childcare facility in which fewer than 11 children are cared for in the caregiver's own residence, per 24 V.S.A. §4412(5). Family childcare homes shall be regulated as in Section 5.11.2 of these regulations.
- Large Family childcare home – a childcare facility in which 11 or more children are cared for in the caregivers' residence. This facility shall be state-registered or licensed and shall be regulated under Section 5.11.2 of these regulations.
- Center-based childcare facility – Any child-care facility establishment operated as a business or service not in the caregiver's own residence. Also referred to as a "Day Care Center".

Commercial Use - Activity involving the sale of goods or services carried out for profit.

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.

Communication Use - Establishments and structures furnishing point-to-point communication services, whether by wire or radio, either aurally or visually, including radio and television broadcasting stations, satellite relay stations, telephone communications, radar and the exchange or recording of messages.

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

a) Lands which have in common one or more linear parts on any boundary.

b) Lands which, prior to the Effective Date of these Zoning Regulations, are divided by easements or interests of less than fee simple ownership (other than state or municipal road rights of way) shall be deemed “contiguous”.

Cottage Industry - A commercial, manufacturing, or industrial use which is housed in a single-family dwelling or in an accessory structure to a single-family dwelling, on the same lot as the dwelling. A Cottage Industry is not a Home Occupation

Courtyard – An open-space area unobstructed from the ground to the sky that is at least 500 square feet in area and bounded by the exterior walls of principal structures on at least three sides

Critical Permit Condition – A permit condition imposed on a PUD or Residential PUD that is judged by the DRB to have been essential for approval of the project and listed as such in the approval document. Standards for, and examples of, Critical Permit Conditions may be found in specific Zoning Districts and Section 5.12.

DC Fast Charger – A battery charger designed for use with commonly available electric vehicles that are capable of receiving direct current (DC) electricity. The DC Fast Charger will comply with Society of Automotive Engineers (SAE) standard J1772 and Underwriters Laboratory standard 2251, or successor standards, and will be rated at a minimum of 50 kilowatts electric power output.

Development - See Land Development.

Directory Sign – A sign with advertises multiple businesses or organizations, whether on not such businesses or organizations are located on the parcel where the sign is located on the parcel where the sign is located.

Distribution Center - An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail air, or motor vehicle.

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.

Duplex – a residential building that has two dwelling units in the same building with at least one shared interior wall or floor/ceiling, and neither dwelling unit is an accessory dwelling unit. Duplex shall mean the same as dwelling two-family, or two-family residential structure.

Dwelling, Detached - A dwelling that is not attached to any other dwelling by any means.

Dwelling, Single-Family - A single structure containing one (1) dwelling unit.

Dwelling, Two-Family - A single structure containing two (2) dwelling units also called a duplex.

Dwelling, Multi-Family - A single structure containing three (3) or more separate dwelling units.

Dwelling Unit - a room or group of rooms within a building containing cooking, bathing and sleeping facilities that functions as the living space for a single set of family members or roommates. A building or structure may be occupied by one, two or multiple dwelling units. The term “dwelling” is also used to refer to a dwelling unit in these regulations.

Educational Facility - Any establishment certified by the Vermont Department of Education, including parochial, private, public and nursery schools, colleges, universities and accessory uses, but specifically excluding commercially operated schools of beauty culture, business, dancing, driving, music and other similar establishments.

Effective Date – Date on which Zoning Regulations, including provisions therein, take effect.

Efficiency (or Efficiency Apartment) - a type of dwelling unit in which the functions of the living room, kitchen and bedroom exist in a single room.

Equipment Supply and Rental - The storage, warehousing, and distribution of residential or commercial equipment used in the construction, repair, or maintenance of buildings or property on a retail or rental basis.

Establishment - a business, organization, institution or household

EV-charging parking space – A parking space served by a functional level 2 or greater electric vehicle charging station. This space shall be provided with all necessary electric vehicle supply equipment components to ensure delivery of energy from the grid to an electric vehicle, including but not limited to the conductors, the electrical vehicle connectors, attachment plugs, fitting devices, power, conduits, and wiring.

Farm Structure - A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants or for carrying out other practices associated with accepted agricultural or faming practices, including a silo, as "farming" is defined in state law [10 V.S.A. §6001(22)]. This definition specifically excludes any dwelling for human inhabitation, in accordance with the Act (§4413).

Fitness Facility - an establishment less than 5,000 square feet in size that provides exercise facilities, including but not limited to exercise equipment, game courts, swimming facilities, saunas, and massage rooms, as well as fitness instruction and classes in disciplines including but not limited to yoga and Pilates.

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 one (1) wall, but excluding basements.

Food Processing Establishment - An establishment in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.

Foot-candle - The unit of illumination when the foot is the unit of length.

Front Lot Line - See Line, Front Lot.

Frontage - That portion of a lot contiguous to a public or private Road or Highway right of way, or to public water.

Funeral Parlor - an establishment used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation

Grocery Store, Large-Scale – An establishment primarily engaged in selling food to the general public whose total gross floor area is greater than 5,000 square feet, and within which 25 percent of the total gross floor area is devoted to the sale of fresh produce, meats, and dairy. Customary accessory uses include the sale of household goods, florist or pharmacy products, and on-premises restaurant service that occupies no more than 10 percent of the total gross floor area of the Grocery Store.

Grocery Store, Village-Scale – An establishment primarily engaged in selling food to the general public whose total gross floor area is equal to or less than 5,000 square feet, and within which 25 percent of the total gross floor area is devoted to the sale of fresh produce, meats, and dairy. Customary accessory uses include the sale of household goods, florist or pharmacy products, and on-premises restaurant service that occupies no more than 10 percent of the total gross floor area of the Grocery Store.

Gross Floor Area - See Floor Area, Gross.

Group Home or Residential Care Home – a type of residential facility to be operated under state licensing or registration, that serves not more than eight persons, not including caregivers, who have a handicap or disability as defined by 9 V.S.A. §4501, or a recovery residence not serving more than 8 persons. In accordance with 24 V.S.A.§4412, a group home shall be considered by right to constitute a permitted single-family residential use of property, unless it is to be located within 1,000 feet of another group home.

Health Care Services - an establishment providing support to medical professionals and their patients, such as medical and dental laboratories, blood banks, oxygen, miscellaneous types of medical supplies and devices, and record and document storage

Height, of a building - the vertical distance measured from the average elevation of the finished grade of the ground to the highest point of the roof.

Height of a structure - the vertical distance from the average finished grade or the base of the structure, whichever is lower, to the highest point of the structure.

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 Occupation - The use of a minor portion of a dwelling unit by a resident thereof for an occupation which is customary in residential areas and does not have an undue adverse effect on the character of the residential area where the dwelling is located, and which meets the requirements of these Zoning Regulations, in accordance with protections provided in the Act (§4412). -

Horticulture - The cultivation of a garden or orchard. See also Agriculture, Accepted Agricultural Practice.

Hospice – also called “Home for persons who are terminally ill” – a facility providing services specifically for three or more people who are dying, that includes room, board, personal care and other assistance for the residents’ emotional, spiritual and physical well-being. These facilities require state licensing.

Hospital - A licensed institution providing primary health care services and medical or surgical care to people, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions requiring medical treatment, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, and training facilities. Hospitals customarily include the retail sale of pharmaceuticals and medical supplies as an accessory use.

Hotel or Motel - A commercial establishment with 10 or more furnished rooms available for overnight rental accommodation to transient occupants. Customarily, the owners are not in residence, but they may be. Access to the rooms may be from an interior hallway or individually provided to each room from the outside. A single- or two-story, linear building with multiple attached units with ready access to the guests’ cars, is usually considered a motel. Additional amenities such as ballrooms and meeting rooms may be provided for guests and the general public, as well as restaurant service, bars, lounges and banquet halls, as long as Standard Restaurant uses are allowed in the zoning district in which the establishment is located. The primary use and appearance of the structure is considered commercial.

Impervious Surface – A manmade surface, including but not limited to a roof, or a paved or unpaved road, driveway, walkway or parking area, from which precipitation runs off rather than infiltrates

Industrial Use - Any use whose primary activity is the production of goods for wholesale or retail distribution.

Inn or Guest House – A residential-appearing structure, often historic, which may or may not be occupied by the owner, with fewer than 10 furnished rooms available for overnight rental accommodation to transient occupants. . Access to each room is from the interior. Meals may be served to guests. The owner or a manager must be on the premises for a minimum of 6 hours per day. Exterior signage will be required to indicate the nature of the business.

Institution - An organization established to promote a cause. Furthermore, public and semi-public uses including, but not limited to: colleges, universities, hospitals, churches, membership clubs and private colleges. See Section 5.10.4 .

Interested Person – For purposes of appeals of all decisions under these Zoning Regulations, an Interested Person, as defined under the Act (§4465) includes:

a) 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 Zoning Regulations, who alleges that these Zoning Regulations impose on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

b) The Town of Richmond or any municipality that adjoins the Town of Richmond.

c) A person owning or occupying property in the immediate neighborhood of a property that is subject of any decision or act taken under these Zoning 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 Zoning Regulations.

d) Any ten persons who may be any combination of voters or real property owners within the Town of Richmond or a municipality adjacent to the Town of Richmond who, by signed petition to the DRB, alleges that any relief requested by a person under these Zoning Regulations, if granted, will not be in accord with the policies, purposes, or terms of the Richmond Town Plan or these Zoning Regulations. The petition to the DRB shall designate one person to serve as the representative of the petitioners regarding all matters related to an appeal.

e) 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.

Kennel - Any lot or premises on which more than six dogs, cats or household pets are either permanently or temporarily boarded, bred or sold.

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 6.8.4.]* The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land. Land Development shall not include maintenance and interior remodeling projects. This exemption does not apply to a structural alteration which results in an exterior addition or enlargement. Land Development shall not include any stairway landings or ramps up to 50 square feet in size providing external access to a building which is built in the agricultural-residential district, provided that the entry ways must be in compliance with all other elements of these Zoning Regulations. For purposes of these Zoning Regulations, the definition of Land Development shall also include administratively approved subdivisions and boundary (lot) line adjustments, as regulated herein, which are not subject to subdivision review under the Town of Richmond Subdivision Regulations. A Zoning Permit is required for all Land Development, including subdivision of land.

Laundromat - an establishment providing apparel laundering services or machines on the premises for the general public, but does not provide dry-cleaning on or off premises

Light Manufacturing – The processing, fabrication, assembly, treatment, and packaging of products, provided that all light manufacturing activities are conducted entirely within a building and meet the performance standards of these regulations. Customary accessory uses include the storage, distribution and retail sales of goods produced on site, provided that any outdoor accessory use activities are fully screened from view from neighboring properties and the right-of-way of any public road.

Line, Front Lot - Each boundary between a lot and a public or private Road or Highway right of way contiguous to the lot.

Line, Lot - Each boundary of a lot.

Line, Rear Lot - The line which is opposite and most distant from a front line, or, on an irregular or triangular lot, a line at least ten (10) feet long entirely within the lot, parallel to and furthest distant from the front lot line.

Line, Side Lot - A line connecting a front lot line with a rear lot line.

Loading Space - A space on the same lot as the principal structure, providing for the standing, loading or unloading of trucks and/or semi-trailers.

Lot - A lot means any land in affiliated ownership on the Effective Date of these Zoning Regulations. If a lot (as so defined) is approved for subdivision or re-subdivision by the DRB under the Richmond Subdivision Regulations and a final plat thereof is duly filed for a record in the Richmond Town Clerk's Office within one hundred eighty (180) days of such approval (or within ninety days in cases of approvals issued prior to July 1, 2004), each area of land approved for division shall also be a "lot." Land which has been previously identified and properly recorded in surveys or through deeds prior to the Effective Date of the Richmond Zoning Regulations and Subdivision Regulations shall also be deemed to be "Lots." Lands which are divided by state or municipal road rights of way or surface waters with a drainage area of greater than 10 square miles shall not be deemed contiguous but shall be deemed to be "Lots".

Lot, Corner - A Lot situated at the junction of two (2) or more Roads or Highways.

Lot Coverage - That portion of the ground area of a Lot, covered by structures and on-ground improvements.

Lot, Interior - A lot with no frontage on a public or private road, nor on public water.

Lumber Yard - The storage and distribution of wood products for retail or wholesale, including other products utilized in residential and commercial building, construction and repair.

Main Floor - the floor of primary ingress and egress into a building or structure that is not a basement of any type. May also be referred to as the "street level" or "ground floor".

Mean Annual High-Water Level - The highest point on the river bank which experiences annual scouring by high water as indicated by exposed rock, lack of soil or vegetation.

Mobile Home - A pre-fabricated, pre-assembled structure, which can be moved upon public Roads or Highways as a single unit, so designed and so constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one (1) or more persons or for commercial use, and which can have a foundation of wheels, jacks or a regular house foundation. For purposes of flood hazard area regulation, a mobile home is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation.

Mobile Home Park - Means any Lot which contains, or is designed, laid out or adapted to accommodate, three or more mobile homes. Nothing in this definition shall be construed to apply to premises used solely for storage or display of mobile homes.

Multiple Use Building - A building containing two or more distinct uses.

Municipal Land Use Permit – In accordance with the Act (§4303), municipal land use permits include:

a) A zoning, subdivision, site plan, or building permit or approval, any of which relate to "Land Development" as defined in these Zoning Regulations that has received final approval from the applicable Town board or officer.

b) 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.

c) A Certificate of Occupancy, Certificate of Compliance, or similar certificate issued by the Town that relates to permits and approvals listed above.

d) An amendment of any document listed above.

Museum - An institution for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

New Construction - the construction of structures or filling commenced on or after the Effective Date of these Zoning Regulations, and any subsequent improvements to such structures.

Nonconforming Lot (Parcel) - A lot or parcel that does not conform to the dimensional requirements of these Zoning Regulations, but was in compliance with all applicable municipal bylaws and ordinances prior to the enactment of these Zoning Regulations. This includes a lot or parcel that was improperly authorized as a result of an error by the Administrative Officer.

Nonconforming Structure – A structure, or portion thereof, that does not conform to these Zoning Regulations but was in compliance with all applicable municipal bylaws and regulations prior to the enactment of these Zoning Regulations. This includes a structure that was improperly authorized as a result of an error by the Administrative Officer.

Nonconforming Use – A use of land or a structure that does not conform to these Zoning Regulations, but did conform to all applicable municipal bylaws, ordinances, and regulations prior to the enactment of the present Zoning Regulations. This includes a use that was improperly authorized as a result of an error by the Administrative Officer.

Nonconformity – A nonconforming use, structure, or lot (parcel).

Nursing Home - an institution or distinct part of an institution that is licensed by the state, that is primarily engaged in providing to its residents any of the following:

(a) skilled nursing care and related services for residents who require medical or nursing care;
(b) rehabilitation services for the rehabilitation of persons who are injured, have a disability, or are sick;
(c) on a 24-hour basis, health-related care and services to individuals who, because of their mental or physical condition, require care and services that can be made available to them only through institutional care.

Office, Business - A building where the management affairs of a business, commercial or industrial organization, or firm are conducted.

Office, Medical - Any establishment where human patients are examined and treated by doctors, dentists or other medical professionals but not hospitalized overnight. Medical office may include as an ancillary use the assembly, fitting, testing and sale of products directly related to the medical service provided in the same establishment.

Office, Professional - an establishment used for conducting the affairs of a business, profession, service, industry, or like activity. Such office uses have limited contact with the general public. It also does not involve manufacturing, repairing, processing, and retail sales of articles and goods

On-ground improvement – a manmade impervious surface that is flat on the ground such as a driveway, parking area, sidewalk, walkway, patio, or any other paved surface.

Open Space - An area or parcel of land unobstructed by man-made facilities except those incidental to recreation or agricultural needs.

Parapet Wall - A low wall extending above a roof.

Parking - The assembling or standing of motor vehicles for relatively temporary periods of time.

Parking Area - An area for the parking of motor vehicles.

Parking, Off-Road or Highway - Parking of motor vehicles off the public rights of way.

Parking Space - The area required by the provisions of these Zoning Regulations for the parking of one (1) motor vehicle.

Pedestrian - A person traveling on foot.

Perishable food - edible products for human consumption that are fresh and unprocessed, and/or were produced from fresh food, and will need subsequently to be refrigerated or frozen in order to retain their edible qualities.

Permanent - Continuing or enduring in the same state, place, or the like without marked change.

Personal Services - A business providing services involving personal grooming or the care of a person's apparel, including, but not limited to, hairdressing, barbering, manicure, shoe repair, massage, tanning salon, clothing repair or alteration, and laundry and dry cleaning (but not including self-service laundromat operations), and tattoo and body piercing. A customary accessory use is the sale of merchandise related to the services provided.

Person - An individual, partnership, corporation, association, municipality, and any other incorporated or nonincorporated entity.

Pharmacy, Large Scale - An establishment engaged in the sale, compounding and dispensing of drugs and medications, whose total gross floor area is greater than 5,000 square feet. Medications and health products may be over the counter or by health care providers' prescriptions, and are overseen by an on-premises licensed pharmacist. Customary accessory uses may include the sale of personal products or accessories. No more than two per cent of the gross floor area shall be devoted to the sale of food items and/or beverages. Establishments selling cannabis products shall not be considered pharmacies.

Pharmacy, Village Scale – An establishment engaged in the sale, compounding and dispensing of drugs and medications, whose total gross floor area is less than or equal to 5,000 square feet. Medications and health products may be over the counter or by health care providers' prescriptions, and are overseen by an on-premises licensed pharmacist. Customary accessory uses may include the sale of personal products or accessories. No more than two per cent of the gross floor area shall be devoted to the sale of food items and/or beverages. Establishments selling cannabis products shall not be considered pharmacies.

Planned Unit Development (PUD) - One or more lots to be developed under the provision of Section 5.12 of these Zoning Regulations. A PUD may be subdivided or retained as a single lot, may have a creative layout, may be developed with a mix of land uses and building types, and may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, lot frontage, parking, required common open space, or other standards

Planned Unit Development (PUD), Residential A type of Planned Unit Development, as defined above, but that contains only residential use and conforms to the requirements of Section 5.12.

Plat - A scaled drawing showing the relationship of a group of lots to one another and other information required by these Zoning Regulations.

Powered Vehicle and/or Machinery Service – A commercial establishment, including land and buildings, for which the principal use is the repair and maintenance of powered vehicles and/or machinery. Accessory uses include rebuilding, reconditioning and body shop work; the sale and installation of parts and accessories, the provision of electricity as a vehicle fuel, and the sale or leasing of no more than four vehicles at any one time.

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 building.

Private Club - A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, nor general public and whose members pay dues and meet certain prescribed qualifications for membership.

Pub – See "Tavern"

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 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, which come under jurisdiction of the Town or are made a part of Town approvals.

Rear Lot Line - See Line, Rear Lot.

Recovery residence – A residential facility which provides shared living accommodations supporting persons recovering from a substance use disorder, that provides tenants with peer support and assistance accessing available support services and community resources and is certified by an organization approved by the Vermont Department of Health as provided by 24 VSA 4412[1][G].

Recreation Facility - - A establishment greater than 5,000 square feet in size designed and equipped for the conduct of sports and leisure-time activities. Recreation facilities can be indoor or outdoor, as well as a facility or a park.

Recreational Vehicle – Any 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 single family dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Religious Use - A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held. In accordance with the Act (§4413), a religious use or facility also includes convents and parish houses.

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.

Required Agricultural Practice – any farming activity as defined by the "Required Agricultural Practices Rule" developed by the Vermont Agency of Agriculture, Food and Markets pursuant to Act 64.

Research Laboratory - An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

Residential density – the number of dwelling units allowed per unit of area in a zoning district as regulated by Section 6.13 of these regulations.

Residential Use - residential use includes dwelling units and those uses that are associated with dwelling units such as owner or tenant storage, parking, laundry, common space or common land owned or used by tenants or owners for private use of said tenants or owners.

Restaurant, Fast-Food/Take-Out - An establishment whose principal business is the preparation and sale of foods or beverages, for consumption either on or off the premises, and whose operation is characterized by 1) food and/or beverages sold in a form ready for consumption, 2) insufficient seating facilities within the restaurant building for the volume of food sold, and 3) consumption designed to take place outside the confines of the restaurant, which may include ordering and pickup of food from an automobile.

Restaurant, Standard - An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Retail, large scale – An establishment engaged in selling or renting merchandise to the general public for personal or household use, occurring primarily within an enclosed structure whose total gross floor area is greater than 5,000 square feet. Customary accessory uses include installation, repair or maintenance services for the goods or merchandise sold or rented. This use does not include establishments that sell vehicle fuels (see Vehicle Fueling Station); automobiles or boats (see Automobile and/or Marine Sales); wood products (see Lumber Yard); medications (see Pharmacy, Large Scale); or food (see Grocery Store, large scale).Any establishment otherwise meeting these criteria but having greater than two per cent of its gross floor area devoted to the sale of food of any kind shall meet the definition of a large scale grocery store.

Retail, village scale – An establishment engaged in selling or renting merchandise to the general public for personal or household use, occurring primarily within an enclosed structure whose total gross floor area

is equal to or less than 5,000 square feet. Customary accessory uses include installation, repair or maintenance services for the goods sold or rented. This use does not include establishments that sell vehicle fuels (see Vehicle Fueling Station); automobiles or boats (see Automobile and/or Marine Sales); wood products (see Lumber Yard); medications (see Pharmacy, village scale): or food (see Grocery Store, village scale). Any establishment otherwise meeting these criteria but having greater than two per cent of its gross floor area devoted to the sale of food of any kind shall meet the definition of a village scale grocery store.

Retirement Community - A residential community providing housing for the elderly (one resident in each unit being 60 or older) consisting of not more than 100 independent living units (in the form of buildings containing multi-family, two-family or single-family dwellings, common facilities including dining facilities, primarily for the use of the retirement home residents, and a health center which may include facilities of the type offered in a group home.

Road or Highway - A way for vehicular traffic, whether designated as a Road or Highway, road titled to town in simple fee, town rights-of-way, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, or otherwise. These zoning regulations specify, in particular instances, whether a public or private road or highway is involved.

Road or Highway, Center Line of - The true center line of the right of way of a Road or Highway.

Sewer System, Community - Sewer system serving more than two users.

Setback - The distance from a lot line or, if applicable, from the center line of the road or highway right-of-way to the outside dimension of a building or structure on the lot, measured at ground level, or of any portion of the building including the edge of a deck, porch, steps or cantilevered area. The setback provisions of these Zoning Regulations do not apply to fences 6 feet or less in height, walls 3 feet or less in height, roof overhangs that extend no more than three (3) feet from the structure, on ground improvements unless otherwise indicated, or signs outside a road right-of-way, except where specifically provided. Setbacks for septic systems shall be dictated by state law.

Shoreline District: The area along both sides of the Winooski and Huntington Rivers, the Oxbows, Gillette Pond, and Lake Iroquois, which lies within fifty (50) feet of the Mean Annual High Water Level. The fifty foot measurement shall be made perpendicular to the tangent of the riverbank.

Side Lot Line - See Line, Side Lot.

Sign - Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols or trademarks by which anything is made known, such as are used to designate a firm, an association, a corporation, a business, a service or a commodity or product, or any type of publicity, whether placed on natural objects or on a building, fence or other man-made structure, which are visible from any public road right of way.

Sign Area - The total area enclosed by uprights, poles, or braces in or upon the ground.

Sign, Projecting - A sign which is attached directly to the building wall.

Sign, Roof - A sign erected upon or above a roof or parapet wall of a building or structure.

Sign, Wall - Any sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

Silviculture - The development and/or maintenance of a forest or wooded preserve.

Single-family Dwelling – any building or structure in which a household resides that contains sleeping facilities and is not otherwise classified as a “public building” as defined in Title 20, 2730(a) or as a condominium or multiple unit dwelling as defined in Title 20, 2729(d).

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.

Storage, Indoor - The keeping, in an enclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Storage, Outdoor - The keeping, in an unenclosed area, of any goods, , material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Structural Alteration - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure - An assembly of materials for occupancy or use that is principally or exclusively above ground level, including, but not limited to, a principal or accessory building, mobile home or trailer, sign, wall or fence and storage tanks for liquid, gas, oil, propane, or other fuel; or an above ground or inground swimming pool. The term structure does not include tanks that are fully underground, septic system components, or on ground improvements.

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.

Supported housing - A residential facility that provides housing and may also provide assistance, care, supervision or services such as medical, educational, training, personal services, meals, or life management to the residents. This housing may be temporary, as in a rehabilitation facility, substance abuse treatment facility, housing for persons in transition from a major life disruption, temporary housing for persons at risk of homelessness (also called emergency shelters) or permanent, such as a nursing home or assisted living facility per 33 V.S.A. §7102. This category includes a facility required to be licensed under 33 VSA §§7102-7103 as a therapeutic community residence or a residential care home.

Tavern - Also known as a “pub”. An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

Theater - A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Therapeutic community residence – a facility, however named, excluding hospitals as defined by statute, that provides, for profit or otherwise, transitional individualized treatment to three or more residents with major life adjustment problems, such as substance use disorder, psychiatric disability, or delinquency, and that has obtained a state license.

Travel Trailer - Any vehicle (whether designed to be towed by another vehicle or self-propelling) designed to travel upon roads and so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one (1) or more persons seasonally or for commercial use seasonally, having no other foundation than wheels or jacks.

Trip End - Each time a vehicle comes to or leaves a site it is a trip end.

Undue Adverse Effect – An effect or impact which is substantial or material. In making a determination of undue adverse impact or effect, 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 municipal 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, in the case of Section 5.6.1(b), 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.

Use - Any activity taking place upon land and/or in structures.

Use - permitted - A use allowed in a Zoning District upon issuance of a Zoning Permit.

Vehicle Fueling Station -- Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of liquid or gaseous vehicular fuels including, but not limited to, gasoline, diesel, kerosene, ethanol, ammonia, methane (including natural gas), propane, or hydrogen, in addition to the retail dispensing of electricity as a vehicle fuel. The presence of an Accessory Electric Vehicle Charging Station shall not alone render the use a Vehicle Fueling Station.

Veterinary Clinic - An establishment intended primarily for the medical and surgical treatment of domestic animals including the short-term boarding of animals while receiving treatment. Allowable accessory uses include pet grooming and the retail sale of pet supplies.

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.

Warehouse Use - A building used primarily for the storage of goods and materials, which may also be made available to the general public for a fee.

Water System, Community - Water System serving more than two users.

Wetland - An area that is 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. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas which grow food or crops in connection with farming activities.

Wetland Buffer – The area contiguous to a wetland which serves to protect the values and functions of the wetland.

Wholesale Trade - Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals.

Yard - An area between a lot line and a line parallel to a Lot Line at a distance from such Lot Line equal to the required setback for a principal structure.

Yard, Front - An area between the Front Lot Line and a line parallel to the front Lot Line at a distance from such front Lot Line equal to the required front yard setback for a principal structure.

Zoning District - A land area or land areas as defined by the Zoning District Maps.

Zoning District Maps - The maps of the Town dated 1996 dividing the Town into the Zoning Districts described in Section 2, the originals of which are in the Richmond Town Clerk's Office; copies of the Zoning District maps are attached as Appendix A and B.

Zoning Permit - A permit issued by the Administrative Officer as described in Section 5 and elsewhere in these Zoning Regulations.

8. ADMINISTRATION, APPEALS AND ENFORCEMENT

8.1 Administrative Officer

The Administrative Officer, and an Acting Administrative Officer to serve in the Administrative Officer's absence, shall be appointed by the Richmond Selectboard from nominations submitted by the Richmond Planning Commission, in accordance with the Act (§4448). The Administrative Officer may be removed for cause at any time by the Selectboard after a hearing and consultation with the Planning Commission. The Acting Administrative Officer shall serve at the pleasure of the Selectboard.

The Administrative Officer shall administer these Zoning Regulations literally and shall not have the power to permit any Land Development which is not in conformance with these Zoning Regulations.

8.2 Development Review Board (DRB)

The Selectboard shall establish the number of seats on the DRB in accordance with the Act (§4460). Each term shall be for three (3) years and no more than three (3) terms shall expire in any one year. During May 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. The DRB shall meet as required and shall operate under the authority granted under the Act [§4460(e)] and these Zoning Regulations. A member may be removed by the Selectboard for just cause after a public hearing duly warned and held.

8.2.1 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 affect 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 Zoning Regulations.

8.2.2 Responsibilities - The DRB shall be authorized to:

a) To hear and decide access approval for lots lacking required frontage on public or private roads or public waters.
b) To hear and decide applications for Site Plan Approval required by the terms of these Zoning Regulations.
c) To hear and decide applications for Conditional Use Approval required by the terms of these Zoning Regulations.
d) To hear and decide applications for Planned Unit or Planned Residential Development as allowed or required by the terms of these Zoning Regulations.
e) . To hear and decide appeals of any decision or act of the Administrative Officer under these Zoning Regulations, including DRB referrals and the issuance or denial of Zoning Permits, Certificates of Occupancy and notices of violation.
f) To hear and decide appeal for a variance from the strict application of these Zoning Regulations.
g) To receive testimony under oath and make such studies and surveys as are required to carry out the duties herein outlined.
h) To request information or opinions from the Planning Commission and/or the Chittenden County Regional Planning Commission relative to such application.
i) To request information or opinions from any civil or administrative officer of the municipality or any other person or persons considered expert on the matter before the DRB.
j) To attach such requirements and conditions to its approvals as may be necessary to carry out the intent and purposes of these Zoning Regulations.
k) To present to the Planning Commission such suggestions for amendment of these Zoning Regulations as it deems necessary to clarify the intent and purpose or improve any section, article, or paragraph on which the DRB has occasion to rule.

8.2.3 Public Hearing Notice Requirements - All public hearings of the DRB as required under these Zoning Regulations and the Act shall be warned in accordance with the Act (§4464):

a) Public hearings for conditional uses, Planned Unit Development and Planned Residential Development, 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.

b) Public notice for site plan and other development review hearings 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 rights-of-way.

c) 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.

d) 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. The Applicant shall demonstrate proof of delivery to adjoining property owners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address, supported by a sworn certificate of service.

e) No defect in the form or substance of any public notice required under this section shall invalidate the action of the DRB where reasonable efforts have been made to provide adequate posting and notice,

8.2.4 Public Hearings - The DRB shall conduct public hearings in accordance with the Act (§§4461-4464):

a) The DRB may examine or cause to be examined any property, maps, books or records bearing upon the matters concerned in the proceeding, may require the attendance of any person having knowledge in the premises, and may administer oaths, take testimony and require proof material for its information.

b) Opportunity shall be provided for each person wishing to achieve status as an Interested Person, for purposes of participation or appeal under Section 8.4, 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.

c) Any person can participate in the public hearing. However, appeals are limited to Interested Persons.

d) 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.

8.2.5 Decisions - In accordance with the Act (§4464), all decisions of the DRB shall be issued within 45 days after the date of hearing adjournment. 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 Environmental Court. In addition:

a) 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 of law related to applicable review standards, based on the evidence presented.

b) Decisions shall also include a statement of the time within which an appeal may be taken to the Environmental Court under Section 8.4.6.

c) 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 Highways and improvements on or in those Roads and Highways, 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 and Highways, improvements on or in those Roads and Highways, 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.

d) All decisions of the DRB shall be sent by certified mail to the applicant, or appellant. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing, and shall be filed with the 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) Any approval granted by the DRB for the project shall not be personal to the applicant, but shall run with the land. Any approval shall expire 24 months from the date of the final approval unless a valid Zoning Permit has been obtained, or the DRB determines at a warned public hearing that substantial commencement of the project has begun or that the work, time and expenditures invested in the project indicates a good faith intent to presently commence upon the project. The

DRB may grant an extension of up to 12 months for good cause, if a request for extension was made before the end of the 24-month period after the final approval.

8.3 Violations and Enforcement

8.3.1 Violations - The commencement or continuation of any Land Development that is not in conformance with these Zoning Regulations shall constitute a violation. All violations shall be pursued in accordance with the Act (§§4451, 4452). Each day that a violation continues shall constitute a separate offense. The 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 Zoning Regulations, including conditions of approval. All fines imposed and collected for violations shall be paid over to the Town.

8.3.2 Notice of Violation – Any person who violates these Zoning 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.

8.4 Appeals and Variances

8.4.1 Appeals to the Development Review Board (DRB) – In accordance with the Act (§4465), an Interested Person may appeal any decision or act taken by the Administrative Officer, or failure to act within a required period, by filing a notice of appeal with the secretary of the DRB or with the Town Clerk if no such secretary has been elected. If the appeal is taken with respect to a decision or act of the 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 Administrative Officer.

8.4.2 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 Zoning Regulations, and the alleged grounds why such requested relief is believed proper under the circumstances.

8.4.3 Hearing on Appeal – The DRB shall warn and hold a public hearing on a notice of appeal within 60 days of its filing, in accordance with Section 8.2.3, and 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.

8.4.4 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 8.2.5.

8.4.5 Variances - In accordance with the Act (§4469), on appeal from a decision of the 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:

a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of these Zoning Regulations in the neighborhood or Zoning District in which the property is located.
b) 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 Zoning Regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
c) That the unnecessary hardship has not been created by the appellant.
d) 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.
e) That the variance, if authorized, shall represent the minimum variance that shall afford relief and shall represent the least deviation possible from these Zoning Regulations and from the Town Plan.

Variances for Land Development (as defined in Section 6.8.3) within the Flood Hazard Overlay District shall follow the requirements for this section. 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 the circumstances to implement the purposes of these Zoning Regulations, the Richmond Town Plan, and the Act.

8.4.6 Appeals to Environmental Court - Any Interested Person who has participated in a regulatory proceeding under these Zoning 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 (§§4449, 4471).

a) "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.
b) A copy of the notice of appeal filed with the Environmental Court shall be sent to the Richmond Town Clerk, or the Administrative Officer if so designated, 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.
c) If an appeal is taken to Environmental Court, a Zoning Permit shall not take effect until the Environmental Court 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.

8.4.7 Finality - In accordance with the Act (§4472), upon the failure of any Interested Person to appeal an act of the 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.

8.5 Recording Requirements

8.5.1 Within 30 days of the issuance of a Municipal Land Use Permit or notice of violation, the Administrative Officer shall deliver either the original, a legible copy, or a notice of the permit or notice to the Richmond Town Clerk for recording in the land records of the Town, as generally provided in 24 V.S.A. §1154(c), and file a copy in the Town Office in a location where all Municipal Land Use Permits shall be kept, as required under the Act [§4449(c)]. The Applicant may be charged recording fees.

8.5.2 The 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.

8.6 Fee Schedule

In accordance with the Act (§4440), the Richmond Selectboard shall establish a schedule of fees to be charged in administering these Zoning Regulations, with the intent of covering the Town's administrative costs; and establish procedures and standards for requiring Applicants to pay for the reasonable costs of independent technical reviews of their applications.

8.7 Availability of Documents

In accordance with the Act (§4445), copies of these Zoning Regulations, 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.

8.8 Amendments of Statutes Referenced Herein

Certain provisions of the Act in effect as of the Effective Date of these regulations are incorporated in substance or verbatim as sections or subsections of these regulations. If any such regulatory or statutory referenced provision of the Act is amended after the Effective Date of these regulations, the corresponding section or subsection of these regulations shall be deemed automatically amended to conform with the language of such amendment of the Act.

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Appendix A1

INSERT REDUCED COPY OF TOWN ZONING DISTRICT MAP
As Amended April 27, 2009

SEE MAPPING ON TOWN OF RICHMOND PLANNING AND ZONING HOMEPAGE

Appendix A2

INSERT REDUCED COPY OF VILLAGE AREA ZONING DISTRICT MAP
As Amended April 27, 2009

SEE MAPPING ON TOWN OF RICHMOND PLANNING AND ZONING HOMEPAGE

Appendix B

INSERT REDUCED COPY OF OFFICIAL SHORELINE PROTECTION OVERLAY MAP

SEE MAPPING ON TOWN OF RICHMOND PLANNING AND ZONING HOMEPAGE

Appendix C

INSERT REDUCED COPY OF OFFICIAL ROAD MAP

SEE MAPPING ON TOWN OF RICHMOND PLANNING AND ZONING HOMEPAGE

Appendix D

INSERT REDUCED COPY OF JOLINA COURT ZONING DISTRICT WITH SETBACKS MAP

SEE MAPPING ON TOWN OF RICHMOND PLANNING AND ZONING HOMEPAGE