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Town of Ripton Unified Development Bylaw

Adopted: October 8, 2018

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TOWN OF RIPTON UNIFIED DEVELOPMENT BYLAW

Article I: Enactment, Intent, Repeal of Former Zoning Bylaws

Section 110: Enactment

In accordance with the Vermont Municipal and Regional Planning and Development Act, 24 V.S.A. Chapter 117, hereinafter referred to as “the Act”, there are hereby established unified zoning regulations for the Town of Ripton, hereinafter referred to as Ripton or “the Town” in text and by map that constitute these regulations as authorized under 24 V.S.A., 117 §4419. These regulations shall be known and cited as the "Town of Ripton Unified Development Bylaw."

Section 120: Intent

It is the intent of this bylaw to provide for orderly community growth, to implement the Town Plan, to further the purposes established in the Act, §4302, to protect and enhance the Town’s most important community assets (cultural, environmental, social, aesthetic and economic), and to assure the individual’s freedom to use and enjoy his or her own property in ways that do not impinge on the rights or well-being of his or her neighbors.

Section 125: Repeal of Former Zoning Bylaw

The Zoning Bylaw, Flood Hazard Regulations and Flood Hazard Map, Subdivision Regulations, and Fluvial Erosion Hazard Bylaw and maps for Ripton in effect prior to the adoption of this bylaw and map(s) are hereby repealed as of the effective date of this bylaw and map(s).

Article II: Establishment of Zoning Districts and Zoning Map

Section 210: Establishment of Zoning Districts

Ripton is hereby divided into the following zoning districts as shown on the "Zoning Map", "Flood Hazard Overlay Zone Map", "River Corridor Maps" or "Rare Species Overlay Zone Map":

Neighborhood Commercial (NC-1)	Institutional (INS-5)
High Density Residential (HDR-2)	Historic District (HISTORIC)
Medium Density Residential (MDR-5)	Flood Hazard (FLO)
Low Density Residential (LDR-10)	River Corridor Overlay (CORR)
Rural Residential (RR-25)	Rare Species Overlay (RARE)
Conservation (CON-25)	

Section 220: Zoning Maps

The location and boundaries of zoning districts are established as shown on the Official Zoning Map, Flood Hazard Overlay Zone Map, River Corridor Maps and Rare Species Overlay Zone Map located in the Town Office. These maps are hereby made a part of these regulations and a part of all future amendments to these regulations. Copies of the Official Zoning Map are produced for convenience only and are not official. In the event of a discrepancy between the Official Zoning Map, the Official Flood Hazard Overlay Zoning Map, the Official River Corridor Maps and Official Rare Species Overlay Zone Map and any other version of these maps, the provisions of the official maps shall govern.

Section 230: Interpretation of Zoning District Boundaries

If uncertainty exists with respect to the boundary of any zoning district on the Zoning Map, the Planning Commission shall determine the location of such boundary.

Section 240: Application of Regulations

The application of these regulations is subject to the exemptions and limitations listed in §§4411, 4412 and 4413 of the Act. Except as hereinafter provided or otherwise allowed in the Act, no land development or change of use shall occur unless in conformity with the regulations herein specified for the district in which it is located. Uses listed as permitted shall be permitted by the Zoning Administrator if they meet all standards of the zoning district in which they are located and all other provisions of this bylaw. All uses other than permitted uses shall be considered conditional uses and shall be approved by the Zoning Board of Adjustment, hereinafter referred to as the Zoning Board, as provided in Section 341 and more specifically elsewhere in this bylaw. All permits issued may contain conditions to remediate nonconformance to the UDB regardless of relation to other subjects of the permit. The following zoning district regulations are hereby established:

Section 241: Neighborhood Commercial (NC-1)

Statement of Purpose: This district is in the village area along Vermont Route 125 where there is a mixture of existing, small-scale residential, public and commercial uses. The intent of this district is to continue these uses and permit modest expansions of these uses or similar new developments along the village's main street. Light soils suitable for development are well distributed in the district. Nearby flood areas lie south of its boundary, south of the Middlebury River. See Table I for permitted uses and specific standards in the NC-1 district.

Section 242: High Density Residential (HDR-2)

Statement of Purpose: This district includes the light soil land areas immediately adjacent to the village area that are served by existing town roads. The purpose of this district is to guide higher density development to locate close to existing village services and, therefore, to avoid the widespread construction of new roads, and to use soils best suited to development. See Table I for permitted uses and specific standards in the HDR-2 district.

Section 243: Medium Density Residential (MDR-5)

Statement of Purpose: This district occurs where substantial areas of light soil suitable for development occur along active town roads outside the village area. The purposes of this district are to encourage development to use existing town highways, especially where these highways form efficient loops, and to use soils most suited to development. See Table I for permitted uses and specific standards in the MDR-5 district.

Section 244: Low Density Residential (LDR-10)

Statement of Purpose: This district is designated along active town highways outside the village area where soil conditions are not well suited for higher density under the standards of the Department of Environmental Conservation Environmental Protection Rules relating to subdivisions. The purpose of this district is to allow the opportunity to develop land on existing roadways. See Table I for uses and specific standards in the LDR-10 district.

Section 245: Rural Residential (RR-25)

Statement of Purpose: This district includes lands remote from existing roads that are not owned by the Green Mountain National Forest and have a mixture of soil capabilities. One intent of this district is to discourage residential development in remote areas of the town. See Table I for permitted uses and specific standards in the RR-25 district.

Section 246: Conservation (CON-25)

Statement of Purpose: This district is intended to limit development on National Forest owned and privately-owned lands remote from existing roads and managed primarily for forestry. Uses in this district should be

limited to forestry, agriculture, and open land recreation. The construction of buildings should be discouraged and allowed only if approved after conditional use review. See Table I for permitted uses and specific standards in the CON-25 district.

Section 247: Institutional (INS-5)

Statement of Purpose: Land containing public and private institutional buildings, structures and contiguous open spaces are included in this district. Land uses within this district should be limited to educational, recreational, municipal, agricultural and forest uses. See Table I for permitted uses and specific standards in the INS-5 district.

Section 248: Historic District (HISTORIC)

Statement of Purpose: The Historic District contains structures of historic and architectural significance to Ripton. The purpose of the district is to preserve and enhance these structures along with landscape characteristics. The Historic District overlays all of the NC-1 district and portions of the HDR-2 district.

Location of Historic District: Beginning at a point on the center line of State Route 125 and the center line of Town Highway 11 (Natural Turnpike); thence running northerly along the center line of Town Highway 11 for a distance of 500 feet; thence continuing in a westerly direction 500 feet from and parallel to State Route 125 to the intersection of the center line of Town Highway 1 (Ripton-Lincoln Road); thence continuing on a line which shall intersect the center line of State Route 125 at a point which is 500 feet west of the center of the Robert Frost Bridge; thence continuing on a line 500 feet true south to a point; thence easterly to a point 500 feet true south from the point of beginning; and thence north 500 feet to the beginning point (see Zoning District map).

Uses: Permitted uses in the Historic District shall be as set forth in the applicable underlying NC-1 or HDR-2 zoning districts. Also see Table I.

Procedure: There is hereby established an Historic District Commission which shall consist of five residents of Ripton and whose members may include members of the Planning Commission and/or Zoning Board. The Historic District Commission may reasonably require any or all of the information listed in Section 351 as it deems necessary to consider applications within the Historic District. Plans prepared by design professionals may be required where appropriate. For larger projects it is customary to submit preliminary plans at appropriate stages, and finished plans at the final approval stage. The Historic District Commission shall abide by the time limits and other procedural requirements pertaining to the review of site plans under Sections 350 through 352 in considering and deciding Historic District applications.

Specific Standards: The specific standards for the Historic District shall be as listed in the underlying NC-1 and HDR-2 zoning districts. Also see Table I.

With respect to external appearances, and other than normal maintenance, structures within the Historic District may not be erected, substantially altered, landscaped or re-landscaped, restored, moved, changed or demolished without first obtaining approval from the Historic District Commission. The Historic District Commission shall consider the following in its review of plans submitted:

1. The historic or architectural significance of the structure, its distinctive characteristics, and its relationship to the historic significance of the surrounding area;
2. The relationship of the proposed changes in the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;
3. The general compatibility of the proposed exterior design, arrangement, texture and materials used;
4. The architectural compatibility of any alteration or new structure with the 19th century buildings of the Historic District; and
5. Any other factors, including the environmental setting and aesthetic factors that the Historic District Commission deems to be pertinent.

An application shall be approved only if the Historic District Commission is satisfied that the proposed plan will not materially impair the historic or architectural significance of the structure or surrounding area.

The Historic District Commission shall be strict in its judgment of plans for those structures deemed to be part of the Historic District. The Historic District Commission is not required to limit new construction, alteration, or repairs to the architectural style of any one period, but may permit compatible new construction.

If an application is submitted for the alteration of the exterior appearance, or for the moving or demolition of a significant structure within the Historic District, the Historic District Commission shall meet with the owner of the structure to devise an economically feasible plan for the preservation of the structure.

Notwithstanding the other provisions of this section, the Historic District Commission may approve an application regarding a significant structure if it is determined the structure is a deterrent to a major improvement program which will be of clear and substantial benefit to the Town, or if retention of the structure would cause undue financial hardship to the owner.

Section 249: Flood Hazard Overlay Zone (FLO)

Statement of Purpose: This district overlays portions of zoning districts along rivers or other water bodies that are prone to flooding. The district encourages design and construction of development in flood prone areas that minimize or eliminate the potential for damage to life and property, disruptions of commerce, impairment of the tax base, undue public expenditure, and demand on public services. The district makes the State and the Town of Ripton eligible for federal flood insurance, disaster recovery and hazard mitigation funds. See Table I for permitted uses and specific standards.

Section 250: River Corridor Overlay Zone (COR)

Statement of Purpose: This district, formerly known as the fluvial erosion hazard overlay zone, overlays portions of zoning district along rivers or other water bodies that are prone to flooding and flood-related erosion. The district avoids or minimizes loss of life and property and extraordinary public expenditure and demands on public services by limiting new development within mapped erosion hazard areas. Where possible, the district permits stream channel migration and adjustment, aiming to reestablish a natural flow equilibrium, stabilize riverbanks, and avoid degrading stream channelization. See Table I¹ for permitted uses and specific standards.

Section 251: Rare Species Overlay Zone (RARE)

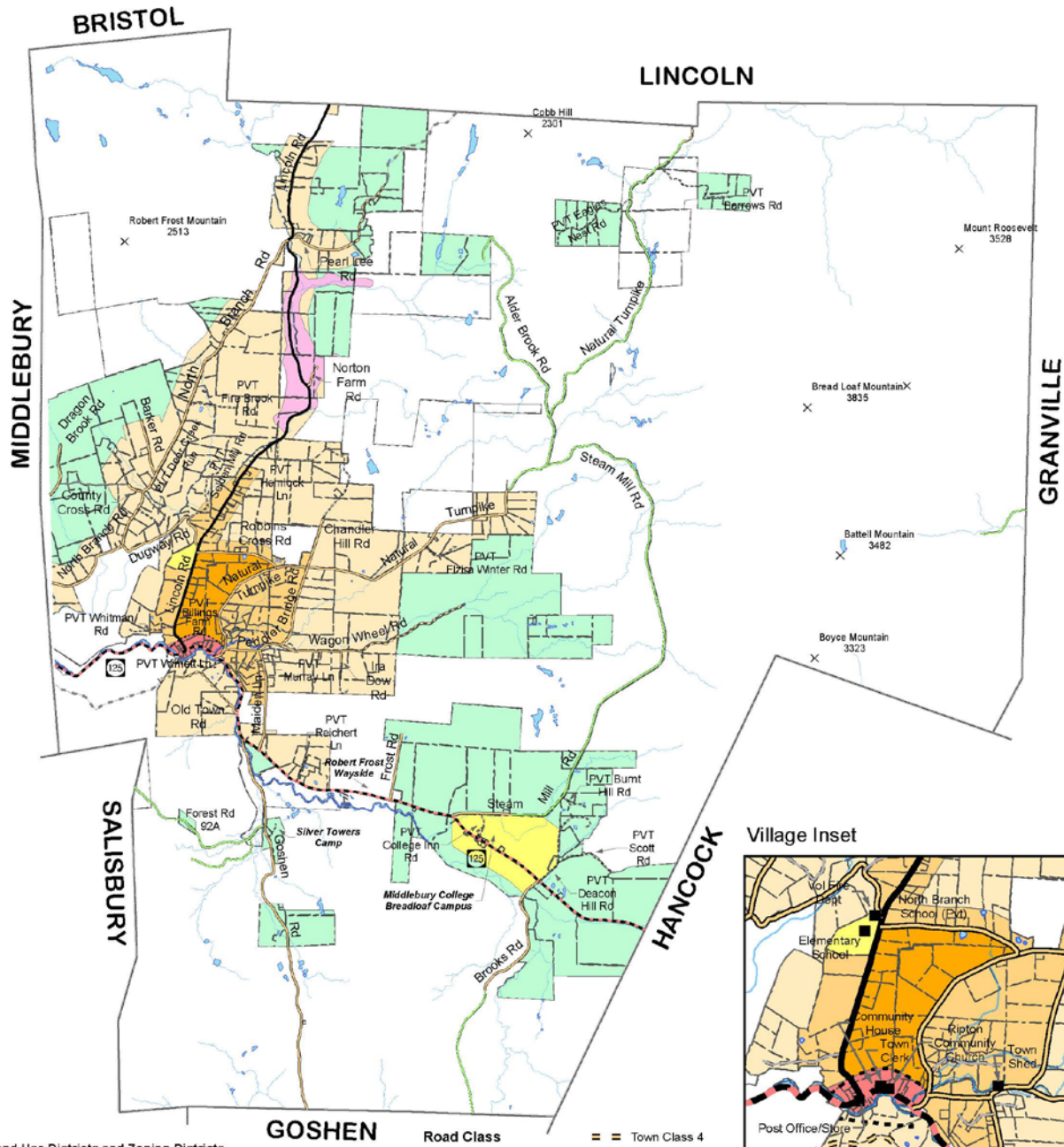
Statement of Purpose: This overlay zone protects important areas of habitat known to be occupied by Appalachian Jacob's ladder, a rare and threatened plant species in Vermont, from development under the authority of 24 V.S.A §4414(2). The overlay zone contains a unique concentration of sites of this species. The Rare Plant Conservation Overlay Zone contains 30 locations where Appalachian Jacob's ladder occurs or has

¹ **Footnote to Table I:** In addition to the uses permitted in each district, certain uses are allowed within each district and are exempt from this bylaw, either by design of the Planning Commission, like small sheds, or by state statute, like hunting, agricultural and silvicultural uses. Exempt uses are covered in Section 321 of this bylaw. Even though exempt, certain uses, like farm structures, may require that a permit application be filed with the Zoning Administrator to ensure that they qualify for an exemption. Also, other "governmental and community" uses, by statute, may only be regulated as to certain design or site planning elements. Those uses are addressed by Section 518 of this bylaw.

occurred since 2000. The perimeter of this overlay zone (see Map 1) includes all sites presently known in this Appalachian Jacob's ladder population. It includes a 50-foot buffer around the outer margin of each site.

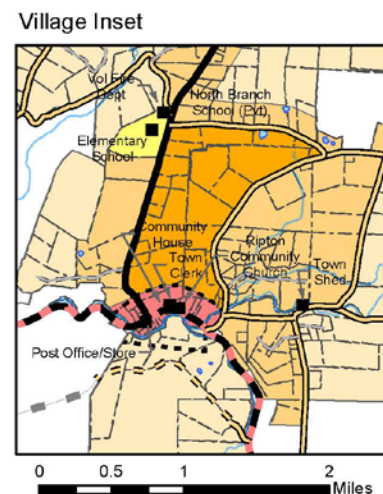
Proposed development within this overlay zone will be subject to conditional use review by the Ripton Zoning Board of Adjustment. Additionally, several activities will be prohibited in portions of the overlay zone within known Appalachian Jacob's Ladder sites or their 50-foot buffers without specific written authorization of the VT Agency of Natural Resources (ANR) or the U.S. Forest Service. A botanist or someone with demonstrated expertise in plant identification designated by ANR on private land, or by a botanist designated by the U.S. Forest Service on the Green Mountain National Forest shall confirm presence or absence of Appalachian Jacob's Ladder. Prohibited activities in areas occupied by Appalachian Jacob's Ladder include development, including drainage ditching or piping, excavation, construction of roads, logging roads, driveways, or trails, demolition or construction of structures, heavy equipment use, or use of a site or portion of a site as part of a building envelope for subdivision or PUD purposes. Periodic routine maintenance of existing roads or driveways is permitted.

Map 1: Town of Ripton Land Use and Zoning Districts



Note:
Land Use and Zoning Districts
adopted by the Select Board on Oct 26, 2015.

Flood Hazard Area and Fluvial Erosion Hazard (FEH) Overlay Districts are shown on a separate map series, and are by reference a part of the Ripton Town Plan and Unified Development Bylaw.



Addison County
REGIONAL PLANNING COMMISSION



Map 2: Rare Species Overlay Zone

Vermont Agency of Natural Resources

vermont.gov

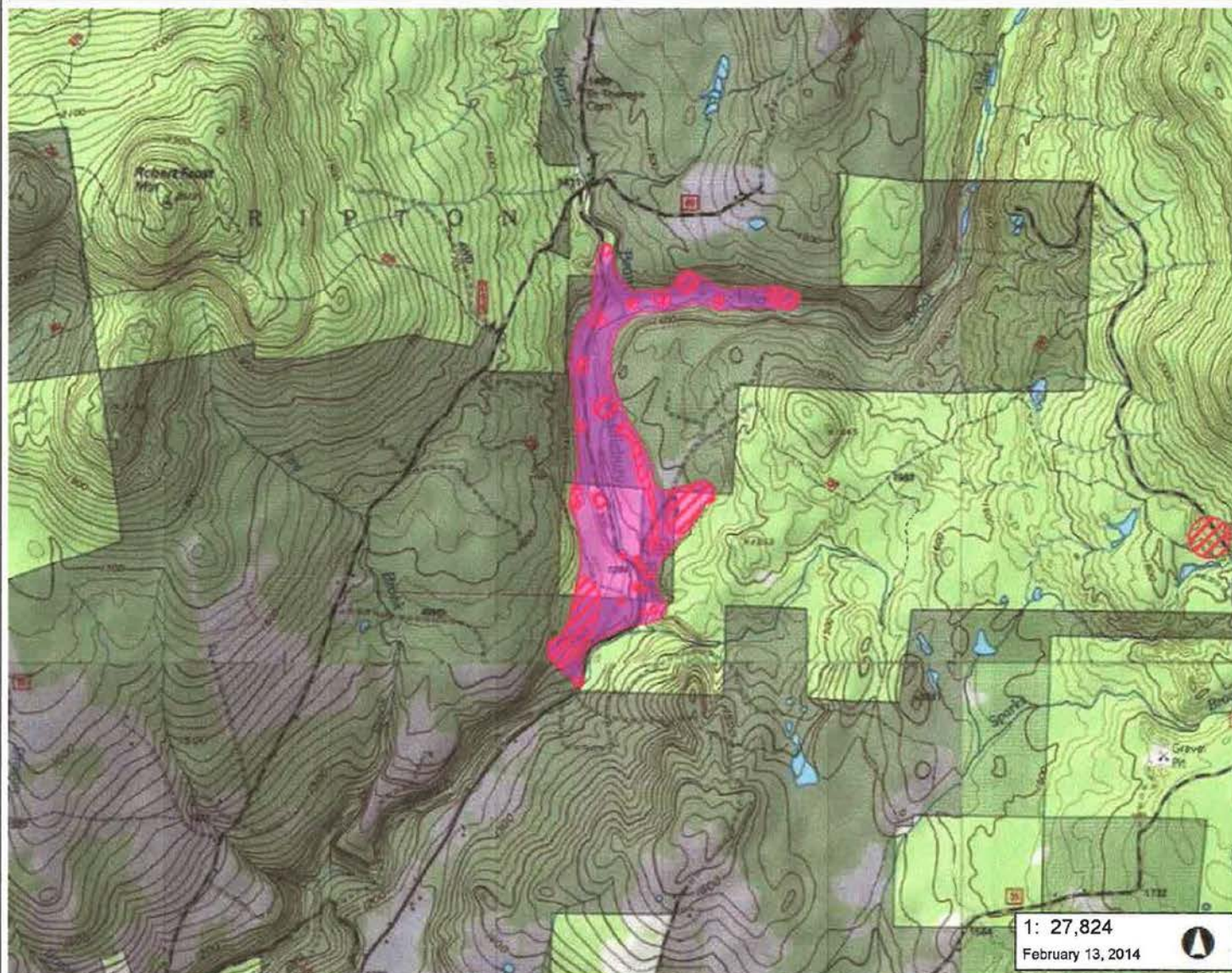


LEGEND

Rare Threatened Endangered

Threatened or Endangered

Rare



1: 27,824

February 13, 2014



NOTES

Map created using ANR's Natural Resources Atlas

1,413.0 0 706.00 1,413.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

1" = 2319 Ft. 1cm = 278 Meters

© Vermont Agency of Natural Resources

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

Article III: Administration and Enforcement

Section 310: Zoning Administrator

The Zoning Administrator shall be nominated by the Planning Commission and appointed by the Town of Ripton Selectboard, hereinafter referred to as the Selectboard, to administer and enforce the Unified Development Bylaw, as provided for in the Act. The Zoning Administrator shall literally interpret, administer and enforce the provisions of these regulations and carry out his or her duties as otherwise provided by law, and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out his or her duties as described in Section 311.

Section 311: Duties of the Zoning Administrator

1. Issue permits. The Zoning Administrator shall issue permits for development that conforms to the zoning regulations, and shall issue certificates of occupancy for conforming developments, and other duties associated with issuance of permits as described in §4449 of the Act. See Table II for the permits, fees, and sections of the bylaw that apply to each permit.
2. Assist applicants. The Zoning Administrator shall provide the necessary forms and answer questions about the application process. If the applicant is applying for a variance or conditional use permit, the Zoning Administrator's duties also include, but are not limited to, providing the applicant with the Town of Ripton Unified Development Bylaw criteria for conditional use and variance applications.
3. Make inspections. The Zoning Administrator shall inspect structures and/or land of the development before a permit is issued to ensure the site plan and application relate accurately to a development project. The Zoning Administrator shall make other inspections as necessary to carry out his or her duties in the enforcement of this regulation.
4. Approve or deny boundary adjustments.
5. Notify about flood hazards. The Zoning Administrator shall notify state agencies of development in Ripton according to §4424 of the Act relating to flood hazards.
6. Maintain records. The Zoning Administrator shall maintain up-to-date records of all applications for permits and Certificates of Occupancy, with notations for issuance approval or refusal and any other special conditions.
7. File copies. The Zoning Administrator shall file copies of all plans submitted to him/her in the Ripton Town Office and keep records of all actions taken pursuant to these regulations.
8. Initiate enforcement action. The Zoning Administrator shall initiate enforcement actions under these regulations.
9. Maintain records in the flood hazard district. The Zoning Administrator shall maintain a record of the elevation of the lowest habitable floor and the flood-proofed elevation of all new construction or substantial improvements to structures, whether or not such structures contain a basement.
10. Other Duties. The Zoning Administrator shall carry out other duties as required by the Act, and as may be assigned by the Town of Ripton Planning Commission, hereinafter referred to as the Planning Commission.

Section 313: Planning Commission

The Planning Commission shall consist of members to be appointed by the Selectboard. The Selectboard may appoint alternate members of the Planning Commission to serve in situations where one or more members are disqualified or are otherwise unable to serve. The Planning Commission has the following functions:

1. Prepare and update the Ripton Town Plan every eight years and amend it as necessary.
2. As needed, prepare amendments to these regulations and other regulations as permitted by 24 V.S.A. Chapter 117.
3. Nominate the Zoning Administrator for approval of the Selectboard to administer these regulations, as provided for in 24 V.S.A. § 4448.
4. Serve as the appropriate municipal panel for the purpose of hearing and granting or denying approval to modify district requirements under the Planned Unit Development provisions of these regulations as it considers subdivision applications.
5. Review requests for rights of way, or other changes requested to plats of record.
6. Approve or deny applications for site plan review and subdivision review, not including boundary adjustment.

Section 314: Zoning Board of Adjustment

The Zoning Board shall consist of members to be appointed by the Selectboard. The members of the Zoning Board may also be members of the Planning Commission. The Selectboard may appoint alternate members to the Zoning Board to serve in situations where one or more members are disqualified or are otherwise unable to serve. Any member of the Zoning Board may be removed for just cause by the Selectboard upon written charges and after a public hearing.

The Zoning Board has the following functions:

1. Hear and grant or deny appeals of actions of the Zoning Administrator.
2. Hear and grant or deny requests for variances and waivers.
3. Hear and grant or deny conditional use approval.
4. Hear and grant or deny approval for expansion of non-conforming uses and structures.

Section 318: Issuance of Development Permit

No permit shall be issued for any proposed development or use on a parcel if the parcel or any development or use on it is in violation of any portion of this bylaw, regardless of whether the notice of violation has been issued or the alleged violation is related to the permit application.

Section 319: Development Permit Application

No land development may commence or occur without a zoning permit issued by the Zoning Administrator. An application for a zoning permit shall contain all of the information below. See Table II for fees and bylaw sections that relate to permits.

1. Background information including property identification numbers of the property taken from the latest tax records, name and address of the owner of record name and address of applicant and person or firm preparing the map, scale of map, and north point and date.
2. Sketch or plan clearly indicating the shape, size, height and location in exact relation to all property lines and to street or road lines of any structure and/or improvement to be erected, altered, extended or moved, and of any structure and/or improvement already on the lot and/or indicating the location of any proposed new boundary line on the lot.
3. Existing and intended use of all such structures and the land.
4. Application fee.

5. Complete application and supporting data for a state wastewater disposal permit if the land development involves:
 - a. The construction of a new dwelling or any other structure, the useful occupancy of which requires the provision of water supply and wastewater disposal;
 - b. The addition of a bedroom or bedrooms to an existing dwelling;
 - c. Conversion of a camp to a dwelling or a seasonal dwelling to a permanent dwelling;
 - d. Any other activity that will result in an increase or change in the subject property's wastewater disposal requirements (whether in terms of volume, type, or usage patterns) over its existing use(s); and
 - e. Any other activity requiring a permit under any other applicable requirement of the Town or other jurisdiction.
6. Completed applications or copies of granted permits for any and all other Town, state or federal permits or requirements necessary to develop the land in the manner requested in the application.
7. For new single-family, two-family, multi-family housing of three stories or less, and additions of 500 square feet or greater, proof of compliance with Vermont Act 20, Residential Building Energy Code Handbook, is required.
8. Such other information as may be required by the Zoning Administrator to insure compliance with the provisions of these regulations.

An application shall not be considered complete, and the thirty-day period for acting on a filed completed application shall not begin to run, until it meets all the above requirements. The Zoning Administrator shall act with regard to a completed application for a permit within 30 days after submission of the completed application. If the application is denied, the Zoning Administrator shall state such denial and the reasons therefore in writing and shall mail notice of such denial to the applicant at the address indicated on the application.

Development not substantially commenced upon the permitted use within two years of issuance of a Development Permit shall be terminated. Development Permits terminate in two years, but are subject to renewal.

Section 320: Certificate of Occupancy

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 after March 7, 1989, or for which a permit has been granted under this or predecessor bylaws, unless a Certificate of Occupancy has been issued for it by the Zoning Administrator in consultation with the Town Health Officer, stating that the use of the land or structure conforms to this bylaw, all issued permits and any and all other applicable requirements, ordinances, laws, bylaws and the like.

Section 321: Exemptions

No development permit is required for the following:

1. Fences, except boundary fences which require a permit, hedges or walls, other than those located in either the flood hazard and river corridor area (Article X), or Historic District (Section 248), that do not interfere with corner visibility, are no more than eight feet in height, and are located entirely on the property of the property owner constructing the fence, hedge or wall. Fences, hedges, or walls proposed to be located directly on a property line shall require a permit, which shall not be granted unless agreed to by the property owners on each side of the fence, hedge, wall or boundary. Lack of response by an adjoining property owner within 30 days shall indicate agreement.

2. Terraces, or steps that are in conformance with all front, side, and rear setback requirements for the district in which said structure is built.
3. Porches, decks, doghouses, sheds, tree houses, or similar structures having 100 square feet or less in floor area and less than 10 feet in height if in compliance with all zoning setbacks for the district in which said structure is placed.
4. Any sign erected by the Town or State for directional information or traffic control purposes.
5. Town road maintenance.
6. Installation of consumer satellite dishes not exceeding applicable district setback or height limits.
7. One light shelter structure not exceeding 400 square feet in footprint area may be erected on a lot without a permit. Additional such structures require zoning permits. All such structures shall comply with all zoning setbacks for the district in which they are placed.
8. Incorporated exemptions from state statute 24 V.S.A. §4413 (a),(b), (d) and (e)
 - a. Pursuant to 24 V.S.A. §4413(b), public utility power generating plants or transmission facilities regulated under 30 V.S.A. §248.
 - b. Pursuant to 24 V.S.A. §4413(d) farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure shall notify the municipality of the intent to build a farm structure, and abide by setbacks contained within this bylaw, unless they provide an approval of lesser setbacks by the Secretary of the Agency of Agriculture, Food and Markets. The notification to the municipality shall contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way. Additionally, all farm structures within the flood hazard overlay district shall comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or accepted silvicultural practices to the appropriate state authorities for enforcement.
 - c. Pursuant to 24 V.S.A. §4413(e), but subject to 24 V.S.A. §2295, of this bylaw shall not restrict hunting, fishing, trapping and other activities under §2295.
 - d. Certain government and community facilities, as described in Section 518 of this bylaw are exempt from the district regulations prescribing where they may be located, but shall be regulated by site plan review with respect to all aspects of the property within the parcel chosen to the maximum extent allowable under these regulations.
 - e. Renovations to the interior of a building that do not alter or change its use.

Section 322: Fees

The Selectboard shall establish all fees to be charged with respect to the administration of this bylaw, with the intention of covering the costs of administering the same. The Zoning Administrator, Planning Commission or Zoning Board may require an applicant to pay for reasonable costs of an independent technical review of all or parts of an application on behalf of the Town. See Table IIb for the fees and pertinent bylaw sections.

Section 330: Enforcement

Violations of this bylaw shall be enforced as prescribed either in §§4451 and 4452 of the Act or Chapter 59 of Title 24, as determined by the Zoning Administrator after consultation with the Selectboard. Enforcement proceedings under §§4451 and 4452 of the Act shall be initiated by the Zoning Administrator by issuance of a Notice of Violation as prescribed therein. Enforcement proceedings brought under Chapter 59 of Title 24 shall be considered a violation of a civil ordinance and initiated by the Zoning Administrator through the issuance of a municipal complaint as provided therein. The Selectboard shall establish, and may amend from time to time, the

schedule of penalties and waiver fees for various categories of zoning violations enforced pursuant to Chapter 59 of Title 24. Regardless of whether enforcement is sought under §§4451 and 4452 of the Act or under Chapter 59 of Title 24, any financial penalty shall not exceed the amount set forth in §4451 of the Act, provided however, that each day that a violation is continued shall constitute a separate offense.

Section 341: Conditional Uses

The Zoning Administrator shall not issue a zoning permit for any use or structure that requires conditional use approval or for the expansion or enlargement or change in use of an existing conditional use until the Zoning Board grants such approval. The Zoning Board shall make findings on general and specific standards, hold hearings and attach conditions, if any, as provided for in 24 V.S.A., § 4414(3) and all applicable sections of these regulations. When public uses listed in §4413 of the Act are proposed within Ripton, the Zoning Board shall review those uses pursuant to the criteria and procedures established in this section, but modified to comply with the statutory requirements and intent of §4413 of the Act.

Uses listed as conditional uses which existed prior to the effective date of this bylaw shall conform to all requirements herein pertaining to conditional uses with respect to a change in use, expansion or contraction of land area, or alteration of structures.

Any use that is not listed as a permitted use in any zoning district may be approved as a conditional use by the Zoning Board if the Board, after a hearing, determines that:

1. The proposed conditional use shall not unduly adversely affect:
 - a. The capacity of existing or planned community facilities;
 - b. The character of the area, as proposed by the Ripton Town Plan, where the use is proposed;
 - c. Traffic on roads and highways in the vicinity;
 - d. Bylaws and ordinances in effect; and
 - e. Utilization of renewable energy resources.
2. The proposed conditional use:
 - a. Furthers the objectives and the intent of the Town Plan;
 - b. Is of the same or more conforming nature to an existing non-conformity;
 - c. Does not create a nuisance, detriment, threat, hazard, or other undue adverse effect;
 - d. Satisfies the standards set forth in 10 V.S.A., §6086.

In granting a conditional use the Zoning Board may attach such reasonable conditions and safeguards as necessary to implement the purposes of the Act and this bylaw. The application for a conditional use shall be submitted to the Zoning Board and shall meet the requirements of Section 351 of this bylaw. The Planning Commission and Zoning Board shall consider site plan review and conditional use review simultaneously. In addition to meeting the requirements of this section any conditional use shall also meet all other requirements of this bylaw, including the specific standards of the district in which it is located.

Section 343: Variances and Waivers

1. Variance: The Zoning Board may deny, grant with conditions, or grant a variance from the dimensional provisions of this bylaw for a structure as follows:
 - a. For a structure that is not primarily a renewable energy resource structure, where the requested variance is not subject to conditional use review under Section 528, the Zoning Board shall grant a variance and render a decision in favor of the appellant, if all of the following facts are found, and the finding is specified in its decision:

- i. 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 these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw.
 - ii. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - iii. Unnecessary hardship has not been created by the appellant.
 - iv. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - v. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.
- b. For a structure that is primarily a renewable energy resource structure, where the requested variance is not subject to conditional use review under Section 528, the Zoning Board may grant a variance and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in its decision:
 - i. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.
 - ii. The hardship was not created by the appellant.
 - iii. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
 - iv. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

2. Waivers: Upon written request to the Zoning Administrator by an applicant for a zoning permit, the Zoning Board may at a hearing called under the terms of §4414(8) of the Act waive dimensional or lot coverage requirements for structures that meet the following standards:

- a. provide for disability accessibility, fire safety, and other requirements of law, or
- b. provide for energy conservation and renewable energy resource structures.

In considering an application for a waiver to reduce the dimensional or lot coverage requirements of this bylaw, the Zoning Board may deny, grant with conditions, or grant such a waiver if it finds that the waiver, if granted:

- a. conforms to the Town Plan;
- b. provides no more of a waiver than is needed; and
- c. cannot reasonably be accommodated within the dimensional or lot coverage standards of this bylaw.

In granting a request for a variance or waiver, the Zoning Board may attach reasonable conditions such as landscaping, screening, noise abatement, and safeguards against nuisance, detriment, threat, or hazard

creation, and which do not adversely affect the character of the area, to the granting of a waiver to implement the purposes of the Act and this bylaw. Upon the close of the hearing, the Zoning Board shall issue its decision pursuant to the procedure outlined in Subsection 4 of Section 352 of these regulations.

Section 344: Appeals to the Zoning Board of Adjustment

Appealing Decision: Appeals of any decision of the Zoning Administrator shall be made to the Zoning Board. The Zoning Board shall conduct hearings on appeals pursuant to the authority derived from and the procedures contained in V.S.A. §§ 4465, 4466, 4468, and 4470. An appeal taken with respect to an act or decision of the Zoning Administrator shall be filed within 15 days of such act or decision. Only an “interested person” (see below and 24 V.S.A. §4465(b)) may appeal the decision or action of the Zoning Administrator under these regulations.

“Interested Persons” shall be defined as follows (see also 24 V.S.A. §4465(b):

1. A person owning title to property affected by a bylaw who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.
2. A municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, 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 plan or bylaw of that municipality.
4. Any ten persons who may be any combination of voters or real property owners who have signed a petition and delivered it to the Planning Commission and allege that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case. This petition to the Planning Commission shall designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
5. Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Vermont Agency of Commerce and Community Development.

Notice of Appeal: The appellant shall file a notice of appeal, including the fee, with the Zoning Administrator. A notice of appeal shall not be considered complete until all fees have been paid to the Town of Ripton. The Zoning Administrator shall forward the completed application with the date of completion clearly indicated on it to the Chair of the Zoning Board. The following information shall be included as part of the submittal:

1. Names and addresses of the applicant, co-applicant or any person party to the original application;
2. A detailed description of the property from which the appeal is taken, including a map of that property, drawn to scale and depicting the boundaries of the parcel and all important features, including roads, buildings, storm water, water, wastewater, electric or other infrastructure, important natural features and other information relevant to the appeal;
3. A reference to the regulatory provisions applicable to that appeal;
4. The relief requested;
5. The grounds as to why the relief requested is proper under the circumstances; and
6. A complete list of all adjoining landowners to the property subject to the appeal.

Public notice of hearing shall be given as required by Section 353 of these regulations. The Zoning Board shall review all appeals pursuant to the procedure established in Section 4471 of the Act.

Upon the close of a hearing, the Zoning Board shall issue its decision pursuant to the procedure outlined in Subsection 4 of Section 352 of this bylaw.

Section 345: Burden of Proof

Any person applying to the Zoning Administrator, Planning Commission, Historic District Commission, or the Zoning Board bears the burden of proof for each and every requirement and element of this bylaw.

Section 350: Site Plan Approval

The Zoning Administrator shall not issue a zoning permit for any use or structure, other than one- and two-family dwellings and accessory uses and child care homes, until the Planning Commission approves a site plan for the use or structure.

Section 351: Site Plan Requirements to be Filed with the Application

In connection with an application for approval of a site plan as required under Section 350, the applicant shall submit two sets of site plan maps and supporting data to the Planning Commission, which shall include the following information:

1. A general description of the project and property, giving location, names and addresses of the owners of the property.
2. A survey map or maps of the property showing existing and proposed natural and manmade features, including, without limitation, contours, streets, land use classifications, deed restrictions, location and dimensions of lot lines, driveways, pedestrian/bicycle and traffic circulation, parking and loading spaces, any restrictions affecting land use, easements, utilities, service areas, lighting, signs, storm water drainage, screening or fencing, septic system locations, and structures (on the subject property and on adjoining properties). The map should also set forth the person or firm who prepared the map, the scale of the map, a north point, and the date of preparation.
3. Uses planned for each area and the phasing of build out.
4. Location of preserved farm land, natural or wildlife areas, resource and recreation areas.
5. Design control guidelines for the project.
6. Construction limitation or phasing.
7. Building elevations and floor plans (materials, details, and colors and actual samples may be required).
8. Detailed site grading and landscaping, indicating existing and proposed trees, shrubs and ground cover.
9. Unique natural or man-made features, and physical conditions of the site.
10. A plan of construction sequence and time schedule for completion of each phase of buildings, parking spaces and landscaping.
11. Such other information as the Planning Commission may require.

Section 352: Review procedures

In reviewing a site plan the Planning Commission shall consider and may impose appropriate conditions and safeguards with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, exterior lighting, the size, location, and design of signs, and to protecting the utilization of renewable energy resources. The Planning Commission shall perform the following:

1. Review the site plan map and supporting data before issuing one of the following: approval, approval with stated conditions, or disapproval. The issuance of site plan approval shall not relieve the applicant from the obligation to obtain a zoning permit. No land development shall commence until a zoning permit is obtained.
2. Give public notice of a hearing pursuant to the procedure described in Section 353 and mail to the applicant a copy of that notice at least seven days prior to the hearing date. Any person or body empowered to appeal or participate (see §4465 of the Act) may appear and be heard in person or be represented by an agent or attorney at the hearing.
3. Adjourn the hearing from time to time, provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810.
4. Issue a written decision, which shall include findings of fact, any conditions, and provisions for appeal within 45 days after completing the hearing and within that period send the applicant or appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Zoning Administrator and the Town Clerk who shall record the decision as a public record. If the Planning Commission fails to make a decision within 45 days, on the 46th day the Planning Commission shall be deemed to have rendered a decision in favor of the applicant.

Section 353: Public Notice

All development review applications before the Planning Commission or appeals to the Zoning Board shall require notice of a warned public hearing as follows:

1. Public notice of hearings for conditional use review, variances, appeals of decisions of the Zoning Administrator, and final plat review for subdivisions shall be given not less than 15 days prior to the date of the public hearing. Public notice of hearings on all other types of development review, including site plan review, shall be given not less than 7 days prior to the date of the public hearing.
2. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected. The Zoning Administrator shall place the notice in the paper.
3. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. §312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made. The Zoning Administrator shall post notices in two places within town. The applicant shall be responsible for posting the property subject to development.

Written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. The applicant shall be responsible for notifying all adjoining landowners and shall do so by a certificate of mailing or hand delivery. At the first hearing, the applicant shall demonstrate compliance with this provision by producing a copy of the letter sent, a list of those it was sent to and the certificate of mailing demonstrating that the letters were sent (the applicant need only demonstrate that the letter was sent, not that it was received) or signed receipts if the letter was hand-delivered.

Table IIa Activities Requiring A Permit
(See Table IIb for Bylaw References and Fees)

New Construction	Residential or Seasonal Dwelling
	Mobile Home
	Accessory Outbuilding
	Porches, decks, doghouses, sheds or tree houses more than 100 sq. ft. in area and/or 10' in height
	Second or successive light shelters not exceeding 400 sq. ft. or any light shelter exceeding 400 sq. ft. in area
	Major projects/commercial/industrial
Replacement Construction	Residential or Seasonal Dwelling
	Mobile Home
	Outbuildings
Addition or External Renovation	
Historic District	Change to external appearance of dwelling, outbuilding or property, including fences
Change of Use	From camp to seasonal dwelling
	From camp to permanent dwelling
	From seasonal to permanent dwelling
	From storage to living space
	From residential to commercial use, including short term rentals
Temporary Uses	Incidental to construction projects, up to one year
	Camper occupied for more than 16 days and up to 90 days in one year
Land Development	Drainage improvements
	Ponds, dams
	Swimming pools
	Gravel, soil or sand extraction or expansion of operation
	Excavation
	Filling of land
	Ground-mounted solar energy system
	Wind turbine
Access Road or Driveway	
Subdivision of Land	
Boundary Adjustments	
Signs and Temporary Signs	
Administrative Hearing, Appeals, Conditional Use	
Water	Potable water supply and/or wastewater disposal: permit required from the VT Dept. of Environmental Conservation
Flood Zone or River Corridor	Open space uses in Flood Zone and River Corridor
	Construction or substantial improvement in flood plain
	Development in River Corridor

Permits are issued by the Town Zoning Administrator.

Check with Zoning Administrator for the most current applications, permit forms and fees or for questions not addressed above.

Table IIb Town of Ripton Unified Development Bylaw References, Permits and Fees
(See Table IIa for full list of activities that require permits)

TYPE OF PERMIT		Unified Development Bylaw	Permit Fee	Recording Fee	Total Fee
NEW CONSTRUCTION	Residential/seasonal dwelling	§§240, 319, 511	\$100.00	\$10.00	\$110.00
	Mobile home	§§240, 319, 511, 531	\$100.00	\$10.00	\$110.00
	Accessory outbuilding	§§240, 319, 595	\$50.00	\$10.00	\$60.00
	Major projects/commercial/industrial	§§240, 319, 518, 532	Set by Selectors	\$10.00	TBD
	Porches, decks, light shelters - see Table IIa for sizes and full list	§321		\$10.00	
REPLACEMENT CONSTRUCTION	Residential/seasonal dwelling/mobile home/outbuilding	§§240, 319, 511, 512	\$50.00	\$10.00	\$60.00
ADDITION/RENOVATION		§§240, 319	\$50.00	\$10.00	\$60.00
SIGNS		§§810-880	\$50.00	\$10.00	\$60.00
TEMPORARY USES	Incidental to construction projects, up to one year	§516	\$50.00	\$10.00	\$60.00
	Camper occupied for more than 16 days and up to 90 days in one year	§523.2	\$50.00	\$10.00	\$60.00
LAND DEVELOPMENT	Drainage improvements, ponds, dams, swimming pools	§§319, 524, 527, 595	\$50.00	\$10.00	\$60.00
	Gravel extraction/excavation	§525	Set by Selectors	\$10.00	TBD
	Filling of land	§524			
	Ground-mounted solar energy system, wind turbine	§528			
ACCESS ROAD/DRIVE		§§502, 609(14)	\$25.00	\$10.00	\$35.00
VERIFICATION OF COMPLIANCE			\$50.00	\$10.00	\$60.00
SUBDIVISION	Two Lots	§§501, 604, 606-609	\$100.00	\$15.00	\$115.00
	Three Lots	§§604, 605, 607-609	\$200.00	\$15.00	\$215.00
	Four Lots	§§604, 605, 607-609	\$300.00	\$15.00	\$315.00
	Five Lots	§§604, 605, 607-609	\$400.00	\$15.00	\$415.00
	More than Five Lots is \$400 plus \$200 per additional Lot, plus recording fee				
	Boundary adjustment	§§604, 606		\$15.00	\$15.00
ADMINISTRATIVE HEARING	Zoning Board of Adjustment (CU, variance, appeal)	§§240, 341, 343, 344	\$100.00	\$10.00	\$110.00
	Planning Commission (site plan review, subdivision, PUD)	§350-352, 604-610, 613	\$100.00	\$10.00	\$110.00
LATE PERMIT FEE SURCHARGES	Permit applied for before discovery by ZA/Town official	Base fee + 25% surcharge			TBD
	Permit applied for after discovery by ZA/Town official	Base fee + 50% surcharge			TBD
CHANGE OF USE	Change from camp to seasonal or permanent dwelling, change from storage to living space,	§240	\$50.00	\$10.00	\$60.00
	Change from residential to commercial, including short term rentals	§240			
The fees may be revised by the Selectboard from time to time. Check with the Zoning Administrator for the most current applications, permit forms and fees or for questions not addressed above.					

Article IV: Amendments, Interpretation, Severability

Section 410: Amendments

This bylaw may be amended according to the requirements and procedures established in §§4441 and 4442 of the Act.

Section 420: Interpretation

Except as provided for in §4413 of the Act and where this bylaw specifically provides the contrary, it is not intended that this bylaw repeal, annul, or in any way impair any regulations or permits previously adopted or issued, provided however, that where this bylaw imposes a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of this bylaw shall control.

Section 440: Severability

If any provision of this bylaw or the application thereof to any person or circumstances is held invalid, this invalidity shall not affect the validity of any other provisions or applications of this bylaw which can be given effect without the invalid provision or application, and for this purpose the provisions of this bylaw are severable.

Article V: General Regulations

The provisions of these regulations shall be subject to such additions, modifications, or exceptions as herein provided by the following general regulations.

Section 501: Existing Lots

Under prior zoning bylaws preexisting small lots may have merged with an adjoining lot or lots if they came into common ownership while such a prior zoning bylaw was in effect, and in such cases these lots shall remain merged notwithstanding any provision of this section to the contrary. Hereafter, any lot that was legally subdivided, was in individual and separate and nonaffiliated ownership from surrounding properties, and was in existence as a separate lot on March 7, 1989, may be developed for the purposes permitted in the district in which it is located, even though the lot no longer conforms to the minimum lot size requirement of this zoning bylaw, provided such lot is greater than 1/8 acre in size and has no width or depth dimension of less than forty (40) feet, and any such lot will not merge if it comes into common ownership with another lot after the date of enactment of this zoning bylaw.

Notwithstanding the standards of the district in which it is located, a Pre-existing Small Lot may be developed for the uses permitted in the district, provided it meets the following dimensional standards:

1. Lots of 1/8 acre to 1 acre:
 - All set backs - minimum of 30 feet
 - Minimum frontage – none
 - Minimum depth – none
 - Maximum building height. - 35 feet
 - Building coverage - Maximum 25% of lot area
2. All other standards shall comply with regular district requirements. Lots of 1 to 2 acres:
 - Front yard set back - 50 feet, Side yard set back - 30 feet
 - Rear yard set back - 50 feet

Minimum lot depth - 125 ft.: Building coverage - 15% of lot area

Maximum building height - 35 feet

All other standards shall comply with regular district requirements.

3. Lots greater than 2 acres shall meet all other district dimensional requirements.

Section 502: Public Roads, Public Waters and Rights-of-Way

No land development may be permitted on lots which do not have either frontage on a public road or public waters, or with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least 20 feet in width and which assures, in the view of the Zoning Administrator, Planning Commission, or Zoning Board, safe and adequate access. A duly prepared and recorded survey of the easement or right-of-way may be required as a condition of approval.

Land separated by a public road or public waters shall not be aggregated for purposes of land development (see definitions of "lot" and "lot area").

Section 503: Interior Lots

Any lot that does not have frontage on either a public road or public waters shall have a minimum yard requirement for all yards equal to the setback distances for lots in that district.

Section 504: Protection of Home Occupations

No regulation herein is intended to infringe upon the right of any resident to use up to 30 percent of the floor area of a dwelling or accessory dwelling unit for a home occupation.

A home occupation is allowed in any district in which residential uses are also allowed.

Section 510: Lots in Two Zoning Districts

Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet into the more restricted part.

Section 511: Residential Buildings on Lots

There shall be no more than one residential or primary building on a lot except for Planned Unit Developments (Section 613) and except as provided in Section-596.

A one-family or two-family dwelling or residential care home constitutes a permitted use on a conforming lot in all zoning districts so indicated in Article II. A multiple-family dwelling may be permitted on a conforming lot as a conditional use in Zoning Districts HDR-2 and MDR-5.

Section 512: Non-conforming Uses, Lots, and Structures

Any non-conforming use, lot, or structure may be continued indefinitely, but:

1. Shall not be changed to another non-conformity without approval by the Zoning Board, and then only to a non-conformity which the Zoning Board determines is of the same or of a more conforming nature; and
2. Shall not be re-established if such non-conformity has been discontinued for a period of at least one year or has been changed to, or replaced by, a conformity. Intent to resume a non-conformity shall not confer the right to do so. If a non-conformity is not re-established within one year, the future use, lot, or structure shall be in conformance with the provisions of these regulations; and
3. Shall not be restored or reconstructed for other than a conforming use, lot, or structure after damage from any cause unless such non-conforming use is carried on uninterrupted in the undamaged part of the structure or unless such non-conformity is reinstated by the

commencement of construction within one year of such damage and the non-conformity resumed within two years. Otherwise, the non-conformity shall be deemed to have been discontinued; and

4. Shall not be moved, demolished and reconstructed, extended, or enlarged unless the Zoning Board shall find that such movement, demolition, reconstruction, extension, or enlargement:
 - a. Does not create a greater nuisance or detriment;
 - b. Is consistent with the objectives and intent of the Town Plan; and
 - c. Is in conformity with the area, yard, coverage, height and general regulations of the applicable district.

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-conformity.

With regard to non-conforming uses, lots, and structures, the Zoning Board may make findings, hold hearings, and attach conditions as deemed necessary.

Section 513: Authority to Abate Public Nuisances, Health and Safety Risks

Nothing in this bylaw shall be construed to restrict the authority of the Town of Ripton to abate public nuisances or to abate or remove public health or safety risks or hazards.

Section 515: Demolition and Removal of Structures

Within six months after a permanent or temporary building or structure has been destroyed, demolished or attains a dilapidated state, all structural materials shall be removed from the site, and any excavation remaining shall be covered over or filled to the normal grade and seeded by the owner.

Section 516: Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application to the Zoning Administrator for an additional year. Additional extensions may be granted upon review of the Zoning Board.

Section 518: Special Public Use Exceptions

In accordance with §4413 of the Act, unless reasonable provision is made in this bylaw for the location of any of the following uses, the following uses may only be regulated with respect to size, height, bulk, courts, yards, setbacks, density of buildings, off-street parking and loading facilities, traffic, noise, lighting, and landscaping or screening requirements, but only to the extent of not interfering with the intended use:

1. Federal, state or community owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the Vermont Department of Education.
3. Churches, convents, and parish houses.
4. Public and private hospitals.

Section 519: Junk Motor Vehicles

It shall be unlawful to place, discard or abandon three or more junk motor vehicles in a place where it is visible from the traveled way of a highway or town road, or where it is visible to an abutting landowner from that portion of the abutter's land used on a regular basis. Any such item so placed, discarded or abandoned is hereby declared a public nuisance.

Section 520: Public Utility Facilities

The Zoning Board may in its discretion require the following:

1. The facility shall be surrounded by a fence which is set back from the property lines in conformance with the district regulations for front, side, and rear yards.
2. A landscaped area at least twenty-five feet wide may be required to be maintained in front, rear, and side yards. This landscaped area shall screen the facility from view of nearby and neighboring roadways and properties.

Section 521: Storage of Flammable Liquids, Solids and Gases

Storage of flammable liquids, solids and gases shall comply with all State of Vermont regulations. It shall be the responsibility of the applicant to furnish all appropriate permits and certifications to the Zoning Administrator prior to the issuance of a zoning permit.

Section 522: Gasoline or Motor Vehicle Service Stations

Gasoline or motor vehicle service stations shall comply with the following:

1. A gasoline or motor vehicle service station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library, or religious institution.
2. Lot size shall be at least two acres.
3. Lot frontage shall be at least 200 feet.
4. Lot depth shall be at least 200 feet.
5. Pumps, lubricating and other service devices shall be located at least 50 feet from the street line and side and rear lot lines.
6. All fuel and oil shall be stored at least 35 feet from any property line.
7. All automobile parts and dismantled vehicles are to be stored within a building unless screened from public view.
8. No signs shall extend beyond the pumps, or exceed fifteen feet in height.
9. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be 40 feet.
10. A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.
11. Architecture, as well as interior and exterior lighting, shall be compatible with the neighborhood, including, but not limited to, considerations of size, scale, materials and architectural design period.

Section 523: Campers, Tiny Houses and Recreational Vehicles

1. No camper, tiny house or recreational vehicle may be stored, parked or otherwise located on a property unless it complies with all dimensional standards of the zoning district in which it is located and it is located, if reasonably practicable, behind the front line of any principal structure located on the same lot.
2. No camper, tiny house or recreational vehicle may be stored, parked or otherwise located on a property that is not otherwise developed with a structure, except as provided in 3 below.
3. No camper, tiny house or recreational vehicle may be occupied for more than sixteen (16) days in any one year period without first receiving a temporary use permit from the Zoning Administrator. The Zoning Administrator may issue such a temporary use permit for a period not to exceed ninety (90) days in any one year period, provided the applicant demonstrates the means to dispose of all wastewater in a state-

approved wastewater disposal system, and the camper, tiny house or recreational vehicle is otherwise in compliance with all other provisions of this bylaw. For use of campers, tiny houses or recreational vehicles incidental to a construction permit see Section 516.

4. Stays over 90 days require coverage by a state-approved wastewater system.

Section 524: Filling of Land

A zoning permit is required for the filling of land. The Zoning Administrator shall not issue a permit for the filling of land where he determines it will adversely alter existing drainage patterns, cause soil erosion, or otherwise adversely affect the environment or community.

Section 525: Extraction of Soil, Sand, or Gravel

The removal of soil, sand or gravel, except when incidental to and necessary for the construction of a building on the same premises, or in the case of routine town road maintenance, shall be subject to the following provisions, in addition to any and all other provisions of this bylaw:

1. Before commencement of any new soil, sand or gravel operation, or extension thereof, a performance bond shall be secured from the applicant sufficient to ensure that the provisions of this and all other town bylaws and regulations, as well as the conditions of any permits, are satisfied.
2. The applicant shall submit a rehabilitation and restoration plan that provides for the restoration of the site to either its original contours, or to contours more stable and that result in less erosion than existed originally.
3. All removal of material and restoration of the site shall be conducted so as to result in a more level contour and less potential erosion than originally existed. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pits or soften such slopes in a timely manner.
4. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation sites shall be fertilized, mulched and re-seeded so as to establish a firm cover of grass or native vegetation sufficient to prevent erosion. Extraction sites in a wooded setting shall be restored to a native wooded cover.
5. All surface drainage affected by excavation operations shall be controlled by the applicant to prevent erosion debris and other loose materials from entering any drainage course, body of water, public or private right-of-way, or other property.
6. No excavation, blasting, or stockpiling of materials shall be located within 200 feet of any public or private right-of-way or other property line.
7. No power activated sorting or crushing machinery or equipment shall be located within 300 feet of any public or private right-of-way or other property line and all such machinery shall be equipped with satisfactory dust and noise elimination devices.
8. All excavation slopes in excess of one to two shall be fenced in a manner and form approved by the Zoning Administrator.
9. Extension or expansion of a legal, pre-existing soil, sand or gravel operation shall also require a permit. Such extension or expansion shall be found when either:
 - a. An existing operation expands onto or comes to involve land not controlled by the site owner or operator as of March 7, 1989 or the date the operation was first granted a valid town zoning permit, whichever is applicable;

- b. The surface area or volume of an operation increases by 25% or more from what was in place as of March 7, 1989 or the date the operation was first granted a valid zoning permit, whichever is applicable, or;
- c. The average daily rate of material removal, calculated over any three month period, increases by 25% or more from the rate of extraction as of March 7, 1989 or the date the operation was first granted a valid zoning permit, whichever is applicable.

Section 526: Stripping of Topsoil

Stripping of topsoil for sale or for use on other premises, except as may be incidental and necessary to a construction project, shall be prohibited.

Section 527: Ponds

All ponds over one acre shall be constructed in conformance with the specifications outlined in the United States Department of Agriculture's Agricultural Handbook Number 590, available from the Natural Resources Conservation Service and hereby adopted by reference and declared to be part of these regulations. Construction of ponds of all sizes shall otherwise comply with the provisions of this bylaw, including Sections 524 and 525 and applicable state regulations.

Section 528: Renewable Energy Resources

1. Intent: To promote the development and use of clean, renewable residential energy resources, such as wind and solar energy, subject to reasonable conditions that will protect the community's health, safety, and welfare. This bylaw establishes the regulations and criteria that allow solar energy systems and small wind turbines as compatible accessory uses.
2. Compliance with state regulations: Net-metered systems are regulated by Vermont Public Service Board Rule 5.100 and require a Certificate of Public Good. Self-generation and net-metering requirements and permitting are spelled out in Section 1, 30 V.S.A. §219(a) as amended by the 2011 Vermont Energy Act No. 47. The Town of Ripton Selectboard and Planning Commission request that the Public Service Board take the following non-net-metering criteria into account when it considers whether the proposed development conforms to the orderly development of the region pursuant to its review under 30 V.S.A., §248(b)(1).
3. Permitted accessory uses: Renewable energy resource structures, including solar energy systems and small wind turbines, are permitted accessory uses within Institutional, Conservation and all residential districts except Neighborhood Commercial. As permitted accessory uses, they are subject to the same requirements of this bylaw as the principal use to which they are accessories. Any proposed renewable energy resource structure that does not comply with the height and setback requirements of the zoning district in which it is proposed may be modified by the exceptions provided below. Any renewable energy resource proposed to be located in the Neighborhood Commercial Zone may be permitted as a conditional use upon satisfying the standards established in Sections 248 and 341, as well as those set forth in this section, where applicable.
4. All solar energy systems shall meet the following requirements:
 - a. A solar energy system shall comply with all setback and height requirements for the zoning district where the solar energy system is to be installed, except for stated exceptions.
 - b. A ground-mounted solar energy system shall comply with the accessory structure restrictions of the zoning district where the ground-mounted solar energy system is to be installed.
 - c. All exterior electrical and/or plumbing lines shall be properly protected against accidental exposure. When the solar collector is remotely located away from the structure it serves, electrical

lines-shall be safely and securely attached to utility poles or placed in a conduit and run underground.

- d. A solar energy system may be mounted on the rooftop of a conforming structure as long as no part of the system extends more than ten feet above the high point of the roofline.
 - e. As a conditional use, the Zoning Board may permit a solar energy system to exceed district height limits or be built within a setback, provided the proposed structure satisfies the requirements of Section 341 and will not present undue hardship on adjoining properties.
 - f. Net-Metering Systems. All net-metering solar systems require that a Net-Metering Application Form be submitted to the Vermont Public Service Board, and that this agency issue to the applicant a Certificate of Public Good for the proposed system.
 - g. Solar panels and associated wiring pose a potential fire hazard. Owners of solar arrays shall report all solar arrays to the Ripton Fire Department at 388-4506.
5. Residential wind turbines 15 kW or less: wind turbines 15kW or less are a permitted accessory use in all residential zoning districts subject to the following:
- a. Number of wind turbines 15 kW or less: One per residential unit.
 - b. Tower height: So long as the total extended height meets sound and setback requirements, there shall be no specific height limitation, except as imposed by Federal Aviation Administration regulations, FAR Part 77 of the FAA guidance on airspace protection.
 - c. Lighting: No tower is permitted that requires any lighting under federal, state, or local law.
 - d. Blade clearance: There shall be a minimum of 20 feet between the ground and the lowest point of the rotor blade. Blade clearance shall be measured from the higher of existing or proposed grade. Local conditions may require greater than 20 feet of separation to achieve the proper safety buffer. No blades may extend over parking areas, driveways, or sidewalks.
 - e. Access: Ladders, climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.
 - f. Setback: The base of the tower or other structure supporting a wind turbine shall be set back from any property line, public right-of-way, or public utility line a distance that is the greater of the following:
 - i. The setback requirement for all structures for that zone.
 - ii. The total extended height of the wind turbine. The total extended height is defined as the height of the tower plus the height of the blades at the high point of their arc.
 - iii. Wind turbines mounted on complying structures are exempt from the setback to the public utility lines that supply the structure or residence if their operation does not in any way interfere with these utility lines.
 - iv. As a conditional use, a turbine shall be allowed closer to a property line than its total extended height if it satisfies all conditional use criteria set forth in Section 341 and the installation poses no interference with public utility lines or public roads.
 - g. Wiring underground: All wiring from the tower to the residence shall be through the structure by which it is supported, attached to utility poles or placed in a conduit and run underground.
 - h. Automatic over-speed controls: All small wind turbines shall be equipped with manual—electronic or mechanical—and automatic over-speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.

- i. Interference avoidance: By virtue of its construction or location a small wind turbine shall not interfere with an existing fixed broadcast, retransmission, or reception antenna. This includes interference with residential radio, television, wireless internet or wireless phone, or other personal communication system reception. No small wind turbines shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
 - j. Noise/Sound: Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the noise values described in the Performance Standards of Section 910. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.
 - k. Appearance: In order to operate efficiently wind turbines need to be in the open where some visibility is unavoidable. However, they are to be made as unobtrusive as possible. Those installations requiring a variance or waiver will be evaluated for visual impact on the neighborhood and town. An assessment of aesthetic impacts will be made by the Zoning Board based on the procedure described by the Committee on Environmental Impacts of Wind Energy Projects, National Research Council ISBN: 0-309-10835-7, Appendix D, p. 360 (2007). A copy of this document is available to be read at the Ripton Town Office. An installation that in the opinion of the Zoning Board will have a significant impact on the neighborhood will require a variance or waiver.
 - l. Information to be submitted: All applications shall include the information required for conditional use under Section 341 and site plan approval pursuant to Sections 350-351. Additionally, the applicant shall provide system specifications for the small wind turbine system, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and designed kilowatt capacity. Notice to neighbors: Prior to submitting any application for approval of a wind turbine 15 kW or less, notice shall be provided according to Section 353, Subsection 4, to all abutting neighbors and any neighbor whose house is within 500 feet of a proposed small wind turbine location.
 - m. Utility notification: No small wind turbine that is interconnected with the grid shall be installed until evidence has been given that the utility company has been given written notification of the customer's intent to install an interconnected customer-owned generator, and that the system meets all interconnection requirements of the utility. Off-grid systems shall be exempt from this requirement. It is highly recommended that every installation be inspected by a licensed electrician knowledgeable in the field of windmill and solar residential connections.
 - n. Insurance: Prior to the issuance of a development permit for the installation of a small wind turbine, the applicant shall provide the Zoning Administrator with a binder or other written evidence that the homeowner's insurance policy has been endorsed to cover damage or injury that might result from the installation and operation of the small wind turbine system. Additional insurance beyond homeowners' coverage shall not be required.
 - o. Net-metering Systems. All net-metering windmill generating systems require that a Net-Metering Application Form be submitted to the Vermont Public Service Board, and that this agency issues to the applicant a Certificate of Public Good.
6. Use of water bodies or water courses for electrical or other energy shall require a conditional use permit and site plan approval. Proof of compliance with all state and federal regulations shall be submitted to the Zoning Administrator. In addition, any such application shall establish to the Zoning Board's satisfaction that the conditional use requirements in Section 341 insure that the proposed energy system poses no threat, hazard, nuisance, detriment or undue adverse impact to the Town of Ripton or its residents, and

that water removed from a running water source is returned unimpaired with respect to clarity, temperature, chemical and biological attributes.

7. Use of organically derived fuels, including wood and agricultural sources, waste heat and geothermal sources, shall not create a nuisance, detriment, threat or hazard, and shall require regulation to the extent of failure to comply with state and federal air and water quality standards, whichever is more restrictive.

Section 531: Mobile Homes

Under the provisions of §4412(1)(B) of 24 V.S.A, Chapter 117 and this bylaw, mobile homes, modular housing and other forms of prefabricated housing are accorded the same treatment as conventional housing, except in a mobile home park as provided in Section 532. Mobile homes, modular and prefabricated housing structures may not be parked, stored or otherwise located on any property without a zoning permit or temporary use permit.

If a zoning permit has been issued for the installation of a mobile or modular home, the structure may be temporarily parked or stored on the property where the installation is to be made provided the permanent installation shall be accomplished within fifteen days of the structure's arrival on the property.

A vacated mobile home within a mobile home park shall not be considered a discontinuance or abandonment of a non-conformity.

Section 532: Mobile Home Park Permit and Standards

Any application to construct a Mobile Home Park shall be treated as one for a Planned Unit Development under Section 613 of this bylaw.

If a mobile home park is a non-conformity pursuant to Ripton's bylaws, the entire mobile home park shall be treated as a non-conformity and not individual lots within the mobile home park.

Section 535: Child Care Homes and Facilities

Child care homes serving six or fewer children shall constitute a permitted single-family residential use of property. Child care homes serving no more than six full-time children and four part-time children shall also constitute a permitted single-family residential use of property but shall also require site plan approval under Sections 350-352. Child care facilities serving more than six full-time and four part-time children shall be conditional uses in all zoning districts, subject to all applicable municipal bylaws.

Section 536: Residential Care Home or Group Home

A residential care home or group home serving not more than eight persons who have a handicap or disability is a permitted use for a single-family home in NC-1, HDR-2, MDR-5, LDR-10, and RR-25 districts if it is operated under state licensing or registration and is located more than 1,000 feet from other such permitted homes.

Section 542: Reduction of Lot Area

No lot shall be so reduced in area that the area, yards, frontage, coverage, or other requirements of these regulations do not conform to the bylaw requirements for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose or where provisions are modified under Section 613 (Planned Unit Development).

Section 543: Required Area or Yard

Space required under these regulations to satisfy area, yard or other open space requirements for one building shall not be counted as part of a required open space for any other building.

Section 544: Projection in Yard

Every part of a required yard shall be open from grade level to the sky unobstructed, except for vegetation and for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet. Additionally, certain architectural features needed for the operation of active and

passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors and piping, may be permitted by the Zoning Board to project into the required yard if conformance with yard requirements will cause undue expense or unusual difficulties.

Section 545: Corner Lot Exceptions

Any yard adjoining a street shall be considered a front yard. A corner lot shall be considered to have only front yards and side yards.

Section 550: Landscaping

1. Where commercial land development in the NC-1, INS-5 or Historic District abuts any residential district, a landscaped buffer shall be constructed and maintained that is sufficient to screen that land development from the residential district, when, in the Zoning Board's view, it shall be required to mitigate impacts. In addition, the land development shall comply with all other provisions of this bylaw as well as requirements of any Planning Commission or Zoning Board approval.
2. Outdoor trash storage shall be screened or hidden from public view and the view of persons in residential districts. In commercial or industrial districts such storage shall be screened and located to the rear of the buildings.
3. Landscaping required under this section shall consist of, at a minimum, evergreen trees, shrubs, and protective ground cover. One evergreen tree at least ten feet in height shall be planted no nearer than five feet to any lot line for each three hundred square feet of required landscaped area and shall be located to minimize potential shading of south-facing surfaces of adjacent residences. One shrub shall be planted for each 200 square feet of required landscaped area. Protective ground cover is required for the entire landscaped area.

Section 560: Grading

Any earth left exposed as a result of land development activity shall be stabilized to prevent erosion.

Section 561: Archaeological Resources

Lot layout and development envelopes shall be located and configured to minimize or avoid to the extent feasible adverse impacts to historic and archaeological sites and resources as identified in the Town Plan, by the Vermont Division of Historic Preservation, the Ripton Conservation Commission, or through site investigation.

Section 570: Height Restrictions

Through the conditional use review procedure, the Zoning Board may permit a structure to exceed the applicable building height maximum if the general standards of Section 341 are met and if the structure or extension thereof is a steeple, bell tower, fire tower, antenna, monument, cooling tower, chimney, flagpole, electric transmission pole, wind energy conversion system, rooftop solar collector, or other similar structure meeting all other applicable requirements of this bylaw.

Section 580: Community Rights of Way

In the absence of a written agreement or superseding Vermont law regarding the allocation of maintenance costs for a private road, the costs shall be divided ratably among the owners of property that utilize a private road for access and the holders of recorded easements with a right to use the private road for access. Ratable apportionment shall be based on the proportionate deeded rights-of-way over the section of roadway or bridge needing repair.

Section 595: Accessory Uses And Buildings

Accessory uses or buildings may be permitted on any lot where the primary use on the lot is permitted, provided that the accessory uses or buildings conform to lot setback, lot coverage, and building height requirements for the district in which they are located.

A person intending to build a farm structure, as defined in 10 V.S.A., §6001(22), shall notify the Zoning Administrator and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets.

Section 596: Accessory Dwelling Units

A single-bedroom or efficiency accessory dwelling unit may be permitted within or appurtenant to an owner-occupied single-family dwelling on a conforming lot following site plan review provided:

1. the property has sufficient wastewater capacity,
2. the unit does not exceed 30 percent of the total habitable floor area of the single family dwelling, or 500 square feet of living area, whichever is larger, and
3. applicable setback, coverage, and off-street parking requirements are met, and
4. the principal single-family dwelling and the accessory dwelling unit are under the same ownership.

Article VI: Subdivision and Planned Unit Development (PUD)

Section 601: Subdivision: Purpose

The subdivision regulations of the Town of Ripton supplement the Town's Zoning Bylaw and other Town ordinances in providing a process for implementation of the Town Plan ("the Plan"). The fundamental principles of the Plan are to protect and enhance the Town's most important community assets (natural, environmental, social, aesthetic and economic) and to assure an individual's freedom to use and enjoy his or her own property in ways that do not impinge on the rights and well-being of his or her neighbors.

The subdivision regulations provide a process for evaluating proposed subdivisions in the context of the Town's physical and economic limitations and long-term goals.

The Plan also recognizes Ripton's considerable natural resources and seeks to protect, preserve and enhance them for the benefit of this and future generations. The subdivision regulations implement the Plan by seeking to protect wetlands, wildlife, air and water quality, forest health, agricultural resources, and the town's general rural character.

Section 602: Jurisdiction of Regulations

Whenever any subdivision of land is proposed to be made, before any grading, clearing, construction or other improvement incident to a subdivision is undertaken, before any permit for the erection of a structure in such a proposed subdivision is granted, and before any plat or subdivision deed may be filed with the Town Clerk, the subdivider, or his/her authorized agent, shall apply in writing to the Planning Commission for and secure approval of the proposed subdivision in accordance with the provisions of these regulations.

Section 603: Boundary Adjustment

A boundary adjustment requires administrative approval by the Zoning Administrator with the requirements that the existing and proposed boundary lines be surveyed and that no new lot is created and no nonconformity is increased.

Section 604: Sketch Plan Meeting

1. Application and Sketch Plan: The applicant shall prepare a sketch plan of the proposed subdivision for submission to the Zoning Administrator with his/her application for a subdivision permit, together with a fee set by the Selectboard. The sketch plan should provide an overview of the proposal, general layout of the proposed subdivision, unique natural or man-made features and physical layout of the land.
2. Discussion: The applicant, or his/her authorized agent, shall attend the sketch plan meeting to discuss the requirements of these regulations and the information submitted with the sketch plan with the members of the Planning Commission. The Commission may adjourn and reconvene the meeting to a future date if

further discussion and/or the presentation of additional information on the sketch plan is deemed necessary.

3. **Classification of Project:** One of the principal purposes of the sketch plan meeting shall be classification of the applicant's project as either a major or a minor subdivision, and to specify the detailed information that will be required for review of the application at a public hearing, or hearings, on the project to be convened by the Commission. If the project qualifies as a planned unit development (PUD), it shall be considered a major subdivision and the Commission may simultaneously review the project under the criteria established in sections 604-611 and 613 of the Town's Unified Development Bylaw.
4. If the Planning Commission determines the project to be a major subdivision, applicant shall identify primary conservation areas, including river corridor and flood hazard zone land, slopes with a gradient of 25 percent or more, surface waters, wetlands and associated buffers. Identify secondary conservation areas, including critical wildlife habitat and corridors, groundwater source protection areas, slopes from 15 percent to 25 percent, designated archeological and historic sites, and sites with viewsapes identified in the Rippon Town Plan.
 - a. Building envelopes shall exclude primary conservation areas and shall avoid to the extent feasible secondary conservation areas.
 - b. Lot lines, infrastructure, roads, driveways and utility corridors shall avoid primary conservation areas and shall avoid to the extent feasible secondary conservation areas.
5. **Findings and Decision, Sketch Plan Meeting(s):** The Planning Commission shall inform the applicant in writing of its classification of his/her project, and what information, other than specified in this bylaw, the applicant shall submit to the Commission prior to the formal hearing(s) on the application.

Section 605: Major Subdivision Application, Public Hearings and Decision

The Planning Commission shall review an application for a proposed major subdivision at publicly warned hearings, as follows.

1. **Preliminary Plan:** Within six (6) months of the classification of the project as a major subdivision at the sketch plan meeting, and at least thirty (30) days prior to the Planning Commission's next regular meeting, the applicant shall file a preliminary subdivision plan with the Zoning Administrator in a form determined by the Planning Commission at the sketch plan meeting. In addition to all the information the applicant submitted for the sketch plan meeting, the preliminary plan shall include:
 - a. An overview of the proposed use of the land, a statement of the compliance of the proposed subdivision with the provisions of the Town Plan, the Town's Unified Development Bylaw including reference to any zoning action that may be requested, and any other federal, state and Town statutes and zoning bylaws that may pertain to the proposed development;
 - b. A complete survey of the proposed boundaries of the subdivided parcel by a licensed surveyor, with the date, true north point and scale specified;
 - c. A description of the proposed water supply for the project. If the source is a community water supply system, evidence of the right to use the system and the adequacy of the system to meet the project's water supply requirements shall be presented. All design criteria shall conform to the requirements of applicable state health regulations and water supply rules;
 - d. A description of the proposed sewage disposal system for the project. If an on-site sewage disposal system is proposed, a soils test report and system design data prepared by a registered professional engineer or a certified site technician in accordance with the provisions of the State's Environmental Protection Rules shall be presented;
 - e. A preliminary grading plan for the site, showing areas of cut and fill and the revised contours of

- the parcel, drafted at a contour interval of not more than ten feet;
- f. A storm water drainage plan prepared by a registered professional engineer, drafted at a contour interval of not more than ten feet, indicating methods of collecting and discharging runoff, as well as methods of temporary and permanent erosion control, including preliminary design data and certified to be in compliance with Sections 609(10) and 609(11) of these regulations;
 - g. A description of all existing and proposed street right-of-way boundaries, street widths, typical road, walkway and utility profiles, dimensions and sizes of all lots, locations of all existing and proposed structures, driveways, walkways, amenities, utilities and other man-made improvements on the site. The description shall also include the locations of temporary markers to allow the Commission to appraise the basic layout of the proposed subdivision in the field;
 - h. Proof that the traffic generated by the proposed project meets the criteria in Section 609(14). Information to be provided shall include but not be limited to current traffic volumes, current excess capacities or deficiencies, trip generation calculations and their impact on capacities, and sight/stopping distances for existing and proposed road intersections with existing and proposed Town roads;
 - i. Proof that the school-age population of the proposed subdivision can be accommodated in the Town's existing school facilities, or that it conforms to the provisions of the Town's capital improvement plan and budget for the school;
 - j. A preliminary landscaping plan for the subdivision, showing the types of plants, ground cover, lighting and signage, and the existing features and trees to be retained on the site;
 - k. A description of any proposed covenants and/or deed restrictions which are intended to apply to all or part of the subdivision, and a description of the homeowners' association or any other form of management organization for the subdivision, if such is proposed;
 - l. Such other information as the Planning Commission may require.
2. Preliminary Plan Hearing: Notice of the hearing shall be provided as required under Section 607. The applicant, and/or his/her authorized agent, shall attend the preliminary plan hearing to discuss the requirements of these regulations as they apply to the preliminary subdivision plan submitted to support his/her application. The Planning Commission may adjourn and reconvene the hearing at a future date, and may request any other information that it believes may be useful in deciding whether the proposed subdivision complies with the requirements of these regulations. The Commission may also adjourn the hearing pending decisions on any other Town, state or federal permits that may be required.
 3. Findings and Decision, Preliminary Plan Hearing: Within 45 days after the close of the preliminary plan hearing, the Planning Commission shall issue a written statement of its findings and decision to the applicant, granting or denying approval of the preliminary plan. Approval of the preliminary plan shall be deemed granted by default if a decision is not rendered within such 45-day period. When approving a preliminary plan, the Commission shall state the conditions of such preliminary approval, if any, which may include, but are not limited to, the following:
 - a. The specific changes the Commission will require to be included in the final plan;
 - b. The character and extent of the required improvements for which the applicant has requested a waiver;
 - c. The improvements the Commission will require as prerequisites to the approval of the final plan, as well as what, if any, bonding for these improvements will be required;
 - d. Modification, phasing, or scaling back of the application to insure compliance with the provisions of the Town Plan, these regulations or other statutes, ordinances and regulations in effect;

- e. Completion of the project in two or more phases, to insure compliance with the provisions of the Town Plan and the Town's capital spending plan.

Approval of the preliminary plan shall not constitute approval of the subdivision permit.

- 4. Final Plan and Notice: Within six (6) months of the approval of the preliminary subdivision plan, and at least thirty (30) days prior to the Planning Commission's next regular meeting, the applicant shall file a final subdivision plan with the Zoning Administrator in the form determined by the Planning Commission at the preliminary plan hearing. In addition to all of the information that was submitted for the preliminary plan hearing, the final plan shall include:
 - a. A written description of the applicant's easement areas and maintenance agreements recorded in Ripton's land records.
 - b. Written evidence of approval by all local, regional, state and federal agencies having jurisdiction over the project, including the expiration of all statutory periods. In lieu of meeting this requirement as a precondition to subdivision approval, the Planning Commission may instead issue Town subdivision approval first (where the application conforms to the standards of these regulations), conditioned on the applicant's later receipt of such state and federal approvals, where the Commission determines this sequence will reduce delays or otherwise facilitate overall consideration of the project.
 - c. Such other information as the Planning Commission may require.
- 5. Final Plan Hearing: The applicant, and/or his/her authorized agent, shall attend the final plan hearing to discuss the requirements of these Regulations as they apply to the final subdivision plan submitted to support his/her application. The Planning Commission may adjourn and reconvene the hearing at a future date, and may request any other information that the Commission believes may be useful in deciding whether the proposed subdivision complies with the requirements of these regulations. The Commission may also adjourn the hearing pending decisions on any other Town, state or federal permits that may be required.
- 6. Findings and Decision, Final Plan Hearing: Within 45 days after the close of the final plan hearing, the Planning Commission shall issue a written statement of its findings and decision to the applicant, granting or denying approval of the final plan and the subdivision application. Approval of the final plan and the subdivision application shall be deemed granted if a decision is not rendered within such 45-day period. The Commission may approve the final plan and the permit subject to reasonable conditions and modifications.
- 7. Appeal of the Planning Commission's Decision: Any interested person, as defined in §4465(b) of the Act, may appeal a decision of the Planning Commission to the Environmental Court in accordance with the provisions of §4471 of the Act.

Section 606: Minor Subdivision Application, Public Hearing and Decision

The Planning Commission shall review an application for a proposed minor subdivision at a publicly warned hearing, as follows:

- 1. Final Plan: Within six (6) months of the classification of the project as a minor subdivision at the sketch plan meeting, and at least thirty (30) days prior to the Planning Commission's next regular meeting, the applicant shall file a final subdivision plan with the Zoning Administrator in the form determined by the Planning Commission at the sketch plan meeting. Upon receiving the plan, the Commission shall set a date for a final plan hearing to be convened, where reasonably possible, within forty-five (45) days after the date of filing. Notice of the hearing shall also be provided as required under Section 607.
- 2. Final Plan Hearing: Same requirements as Section 605(5).

3. Findings and Decision, Final Plan Hearing: Same requirements as Section 605(6).
4. Appeal of the Planning Commission's Decision: Same requirements as Section 605(7).

Section 607: Notice of Hearings

At least seven (7) calendar days prior to the preliminary plan hearing provided for in Section 605(2) or fifteen (15) calendar days prior to the final plan hearing provided for in Section 606(1), the applicant shall notify the owners of all adjoining lots of the pending application and the date, time and location of the hearing, either by certified mail or delivery in hand. Additionally, notification of a final hearing shall be published in a local newspaper of general circulation at least fifteen days prior to a final hearing. For purposes of this provision, an adjoining landowner shall include the owner of any property with road frontage, any portion of which is directly across a road from any portion of road frontage of the subject property. Such notice shall be acknowledged by certified mail return receipt or by affidavit of the applicant. The applicant shall furnish copies of the notice, certified mail receipts or his/her affidavit to the Zoning Administrator before the date of the hearing. The date notice is received, not the date of mailing, shall be controlling for purposes of this Section. In addition, notice of any public hearings required under these regulations shall meet the requirements of 24 V.S.A. 117 §4464.

Section 608. Requirement for Approval

An application for subdivision may be approved by the Planning Commission after notice and hearing in accordance with the provisions of these regulations only if the proposed subdivision complies with the standards set forth in these regulations, the Town Plan, and other statutes, ordinances, and regulations in effect. The Town bears no responsibility for determining whether any project must apply for any non-Town approval, nor for determining whether such project complies with any such requirement.

Section 609. General Standards

The applicant shall show that the proposed subdivision complies with the standards and criteria of 10 V.S.A. §6086(a) and the following general standards:

1. Character of the Land: All land to be subdivided shall be, in the judgment of the Planning Commission, of such a character that it can be used for the intended purpose without danger to public health or safety, or to the environment. Wetlands, land subject to periodic flooding or poor drainage, land with inadequate capability, as determined under these regulations, to accommodate structures, septic systems, roads, utilities, or other forms of development, or land with other hazardous conditions shall not be considered for improvement or development, to the extent improvement or development is inconsistent with the land's capacity.
2. Preservation of Existing Features: Due regard shall be given to the preservation and protection of existing features, including but not limited to trees, scenic areas, brooks, streams, rock outcroppings, hilltops and ridges, water bodies, wetlands, open land, extent of unfragmented forest, and other natural and historic features. To avoid degradation, isolation or destruction of such features, irregular or elongated lots may be restricted or prohibited, and the location of structures or other development may be restricted or limited. Certain provisions for planned unit developments (PUDs) contained within these regulations pertain to the clustering of development in a manner that minimizes the impact on existing features. While the provisions for PUDs are applicable only in certain circumstances, all subdividers may benefit by referring to Section 613 for guidance in preserving existing features.
3. Open Space, Recreation and Privacy: The proposed development shall provide sufficient open space for recreation and visual and aural privacy.
4. Lot Layout and Configuration: The layout and configuration of lots shall conform to the principles of the Town Plan and dimensional and other standards of the Unified Development Bylaw and shall be appropriate for the intended purpose. Consideration shall be given to topography, soil conditions, existing features, natural resources and adjacent uses.

5. **Energy Efficiency:** Due attention shall be given to the potential for renewable energy sources in the layout and configuration of lots and in the layout, design, and construction of habitable structures. Such attention should include solar gain from south-facing sites, structure design that incorporates energy efficient materials, potential for wind power, use of Energy Star materials and appliances, and design recommendations from Efficiency Vermont.
6. **Municipal Services and Facilities:** When viewed in the context of existing and unbuilt but approved, and proposed subdivisions and developments in the Town, proposed subdivisions shall not place an unreasonable burden on the ability of the Town to provide municipal, educational or governmental services or facilities.
7. **Pollution:** Proposed subdivisions shall not cause unacceptable air, noise, soil, light or water pollution.
8. **Outdoor Lighting:** If proposed or required, outdoor lighting fixtures shall be of a shielded, downward directed design that does not cast direct illumination outside of a cone having a maximum angle measured from the vertical of 60 degrees. The maximum mounting height shall be 30 feet, and the maximum allowable initial lumen level shall be 15,000. Street lights shall be located to illuminate intersections, but shall not obstruct vision or otherwise create a vehicular safety hazard.
9. **Phasing and Municipal Services:** The Planning Commission may impose conditions or alter the scope of an application to insure that the phasing of the development is consistent with the Town Plan and Capital Budget and Program, and that the development will take place over a sufficient period of time so that it will not place an unacceptable burden on the ability of the Town to provide municipal or governmental services.
10. **Storm water Runoff, Drainage and Erosion Control:** Subdivision applications shall include a storm water drainage plan prepared by a professional engineer. The design of all storm water and drainage facilities and site work shall accommodate 100-year storm frequency criteria. The plan may include, but not be limited to, the following:
 - a. **Erosion and Sediment Control:** During and after construction all areas shall be protected in accordance with standards contained in the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites published by the Department of Environmental Conservation, Agency of Natural Resources. Permanent vegetation and erosion control structures shall be established according to a schedule by the Commission.
 - b. **Removal of Spring and Surface Water:** The subdivider shall remove, either by pipe or by open ditch, spring or surface water that may exist, either previous to, or as a result of, the subdivision if the Planning Commission finds that such water will be detrimental to the subdivision, adjoining property, upstream or downstream drainage areas, or wetland. Any drainage facilities shall be located in the street right-of-way where feasible, or in unobstructed easements of adequate width but not less than 20 feet in width. In design of the drainage system, natural waterways and drainage ways shall be utilized to the extent possible.
 - c. **Accommodation of Potential Development Upstream:** Drainage facilities shall be designed to accommodate potential run-off from the upstream drainage area, based on conditions of total potential development.
 - d. **Responsibility for Drainage Downstream:** To prevent flooding and erosion, the Planning Commission may require the applicant to maintain the post-development peak storm water flows at pre-development levels, reduce post-development peak storm water flows below pre-development levels, and/or make down-gradient improvements.
 - e. **Storm water Treatment:** The subdivider shall provide an adequate level of storm water treatment to insure that receiving waterways are not adversely affected.

11. Utilities: The application shall include provisions for utilities, as follows:
- a. Depth of Utility Mains: Water and sewer lines shall be laid below the depth of frost penetration of the area.
 - b. On-Site Water Systems: The proposed subdivision shall provide for the location and availability of potable water in adequate quantities, and shall comply with standards for water supplies as set forth in the rules adopted by Vermont's Agency of Natural Resources and Department of Health.
 - c. On-Site and Community Sewage Treatment Systems: Individual septic systems shall meet all local, state and federal permitting and regulatory requirements.
 - d. Electric, Telephone, Internet and Cable Television Services: The applicant shall coordinate the subdivision's design with utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the area around the subdivision. Common rights-of-way shall be utilized whenever possible and, when required by the Commission, utility distribution systems shall be placed underground.
 - e. Fire Protection Facilities: Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Commission after consultation with the Ripton Fire Department. Where required by the Commission, fire ponds and dry hydrants shall be installed by the developer.
 - f. Easements: The Commission may establish the location of the placement of the utilities in relation to the road. Where inclusion of utilities in the street right-of-way is impractical, a perpetual, unobstructed easement at least 20 feet in width shall be provided with satisfactory access to the street. Common rights-of-way and/or easements shall be utilized whenever possible.
12. Landscaping Plan: A landscaping plan shall be provided. The plan shall integrate the various elements of the site design including components such as the plants, trees and other materials which will be retained, as well as those which will be added to the site.
13. Preservation of Significant Natural Resources: All buildings, buildable envelopes, roadways, sewage disposal sites, and sewer and water lines will be located to retain the following significant natural resources, as designated in the Town Plan and/or protected under state law:
- a. productive farmland, and "prime" agricultural soils,
 - b. productive and/or unfragmented forest lands,
 - c. scenic vistas, as determined by the Ripton Planning Commission,
 - d. locally significant wildlife habitat, as described in the Ripton Town Plan,
 - e. natural areas, as specified in the Ripton Town Plan,
 - f. mapped aquifer protection areas, and
 - g. class 2 wetlands.
14. Roads and Driveways: Traffic, Construction and Access Standards: The proposed subdivision shall meet the following standards with respect to roads, driveways and access:
- a. All new transportation improvements associated with a proposed subdivision shall comply with the requirements of the Town of Ripton Policy For Transportation Construction and Improvements, as amended.

- b. The proposed subdivision shall not cause unreasonable impact of roads and driveways on forest resource fragmentation and adverse impacts to core forest and contiguous wildlife habitat areas, slopes with a gradient of 25 percent or greater, headwaters, wetlands, habitat for rare, threatened or endangered species and other conserved open space areas.
- c. All driveways, roads and intersections affected by, or modified or constructed as a result of a subdivision approval shall be adequate to handle existing and proposed traffic. Where applicable, all such roads and intersections shall be constructed or brought up to Town road standards regardless of whether they are to be turned over to the Town. Points of access to state or town highways or roads shall be minimized. Provisions for access for emergency vehicles, and handicapped transport shall be included.
- d. The proposed subdivision shall not cause unreasonable highway congestion or unsafe conditions with respect to the current or projected use of highways, streets and roads in the Town. The proposed subdivision shall make adequate provisions for pedestrian and bicycle traffic in terms of safety, convenience and access to appropriate destinations.
- e. In addition to meeting any and all other applicable standards, a subdivision shall not be approved if either (i) the traffic caused by the subdivision or (ii) any driveway, road and/or intersection modifications or construction found by the Commission to be necessitated by the subdivision would have an undue adverse impact on the rural nature of the town, any area of town, or the goals and policies of the Town Plan.

Section 610. Planning Commission Action

1. Commission Action: If the Planning Commission determines the proposed subdivision does not meet the standards of Section 609 or any other applicable standard, it may either (i) deny the application, (ii) order the application be scaled back, (iii) order the application be phased, or (iv) approve the application with conditions addressing the deficiencies found by the Commission.
2. Deviation from Regulations: Any deviation from these regulations shall be noted on, or appended to, the permit and the plat record. The notation on the deviation shall address specifically the standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces.
3. Financial Impacts: The Planning Commission may obtain independent professional analysis and review of any aspect of a proposed subdivision with the costs of obtaining this independent review being borne by the applicant in advance.
4. Costs: In the event the applicant proposes any improvements to private or Town facilities, or if improvements to private or Town facilities are made a condition of any approval, the applicant shall bear all the costs of this construction.
5. Performance Bonds: In those cases in which a performance bond is required, the applicant shall post with the Town Clerk either a certified check or a performance bond in an amount and under a term of up to two years set by the Planning Commission. The form, sufficiency, manner of execution and surety of any such performance bond shall be acceptable to the Selectboard and the Town's attorney. The term of such bond may be extended for an additional period not to exceed two years, with the approval of the Selectboard.
6. Filing of Approved Subdivision Plat or Deed: An approved subdivision shall be completed by filing a plat record of the subdivided parcel (or parcels) in the Town's land records within 180 calendar days of the date of the Planning Commission's approval decision under Sections 605(6) or 606(3) of these regulations, or the approval of the permit shall expire. A subdivision plat record or deed shall be invalid unless it is signed by an authorized member of the Planning Commission, certifying that the plat record complies with the decision of the Commission rendered under the provisions of Sections 605(6) or 606(3) and that all other requirements of the decision have been satisfied. The final plat record shall consist of a

drawing or drawings that conform to the requirements for a recordable plat as specified in 27 V.S.A. Chapter 17.

7. **Changes and Modifications:** No changes, erasures, modifications or revisions shall be made in any subdivision plat record or deed after approval has been given by the Commission and endorsed in writing as specified in Section 610(6), above, unless the plat record or deed is first resubmitted to the Commission and the Commission approves the modifications. Such changes shall be considered resubdivisions but shall exclude boundary adjustments, and shall be reviewed in the same manner as subdivisions as set forth in Sections 604-607.

Section 611: Waivers and Variances

Waivers and variances to the provisions of these subdivision regulations shall be considered under the following conditions and limits:

1. **Waivers:** The Planning Commission may waive or vary the provision of any or all improvements and requirements of these regulations if in its judgment the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare.
2. **Variances:** Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with the standards set forth in these regulations, it may vary such standards.
3. **Conditions:** In granting waivers and variances, the Planning Commission shall require such conditions as it determines necessary to secure the objectives of the requirements so waived or varied.
4. **Statutory Limitations:** In no case shall waivers approved under the provisions of this section constitute a waiver of the provisions of any other Town regulation or ordinance. No such waiver or variance may be granted if it would have the effect of contradicting the intent or purpose of the comprehensive Town Plan, any other Town regulation or ordinance, or this Unified Development Bylaw.
5. **Application:** All requests for waivers and variances shall be made by the applicant in writing, and shall provide such information as may be necessary for the Planning Commission to reach a decision regarding such waivers and variances.

Section 613: Planned Unit Development (PUD)

In accordance with the provisions set forth in §4417 of the Act, the modification of the district regulations by the Planning Commission is permitted simultaneously with approval of a subdivision plat under the following procedures.

1. **Purpose:** The purpose of planned unit development (PUD) provisions are to encourage innovation and flexibility of design, layout, and development of land in such a manner as to promote the most appropriate and efficient use of land, to facilitate the adequate and economic provision of streets and utilities, to preserve the natural and scenic qualities of open land, including agricultural land, forest land, trails and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards, to provide for a mixture and variety of housing types at different densities, to minimize forest fragmentation, and to provide for the development of existing lots which because of physical, topographic or geological conditions could not otherwise be developed.
2. **Application Procedure:** A site plan shall be submitted to the Planning Commission showing the information and plans required under Section 351 and subdivision review, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementation of existing zoning regulations in addition to an explanation of how the proposal, if approved, furthers the purposes of PUDs. Multiple owners or properties shall apply under a common application that identifies all owners, delineates all properties and presents a draft homeowners' or property owners' covenant or management agreement.

3. **Public Hearing:** The Planning Commission shall hold at least one public hearing that has been duly warned in a newspaper of general publication in the municipality at least 15 days prior to the date of the hearing. The warning shall specify the date, time, place, and purpose of the hearing. The Planning Commission shall approve or disapprove any application within 45 days after the final public hearing unless such time restriction is waived by agreement of the Planning Commission and the applicant.

Site plan review, conditional use review and subdivision review may take place simultaneously. All required federal, state or local permits, including an approved state potable water supply and wastewater system permit, an executed community management agreement, and a final plat ready for signature, shall be presented at the final hearing.

4. **Performance Bond:** The Planning Commission may require a performance bond on any improvement required for the safety and functionality of the PUD and/or any improvement that will be deeded to the Town. If required, before the Commission signs the Final Subdivision Plat for recording, the applicant shall file with the Town Clerk a performance bond to cover the cost of the required improvements as set by the Selectboard. Any such bond shall be satisfactory to the Commission and the Town attorney as to form, time frame, sufficiency, manner of execution and surety.
5. **Phasing:** The Planning Commission may allow a PUD to be phased provided all improvements necessary and incident to the residential and non-residential structures to be constructed or improved in each such phase are also completed, inspected and approved prior to those structures being used or occupied.
6. **General Standards for Review:** The following general standards shall be met in order for the Planning Commission to approve the PUD application:
 - a. The proposal furthers the Town Plan.
 - b. The overall density of the project does not exceed the number of dwelling units that could be permitted, in the Planning Commission's judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations in which such land is situated given due consideration to site conditions limiting development such as shallow depth of soil, wetness and steep slopes. (See option for bonus in Section 613(8).)
 - c. The Planning Commission may permit a greater concentration of density or intensity of residential land use in a section or sections of the subject property in order to further the purposes of this section: provided its greater density or intensity is offset by a lesser concentration in another section or other sections of the property, or by the appropriate reservation of common open space on the remaining land by a grant of easement or by covenant to the Town.
 - d. Residential dwelling units may be of varied types, including one-family, two-family, or multi-family construction.
 - e. The PUD is an effective and unified treatment of the development possibilities of the project site, and the development plan makes appropriate provision for preservation of streams, stream banks, steep slopes, wet areas, and unique natural and man-made features.
 - f. To provide adequate municipal facilities and services the development plan may be limited or phased over a reasonable period of time.
 - g. To encourage and preserve opportunities for energy-efficient development, where possible, buildings shall be sited so as to take advantage of southeast, south, or southwest orientations. No building in the development shall preclude the proposed or potential use of solar energy collectors or other energy generating devices, except where topographical conditions make compliance unreasonable.

- h. Any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted on or appended to the plat.
 - i. Cluster development shall be encouraged and may, at the Planning Commission's discretion, be required whenever it is deemed to be feasible and desirable.
 - j. A PUD may contain any use that is either permitted in the underlying zoning district or is approved as a conditional use by the Zoning Board.
 - k. The PUD will promote and contribute to a logical street and pedestrian network for the village area, which provides for connections between parcels and between residential and commercial areas, and for the continuation of streets and pedestrian ways. Pedestrian ways may include sidewalks or pathways along public streets, as well as the rear of building lots.
7. Specific Standards for Review: The following specific standards shall be met in order for the Planning Commission to approve the application:
- a. District regulations on height and spacing between main buildings shall be met unless otherwise modified by the Planning Commission.
 - b. The Commission may impose restrictions on the height of buildings and the spacing between buildings that are greater than specified in the applicable underlying zoning standards.
 - c. The Commission may require improvements and a maintenance commitment to bring roads up to an appropriate class of maintenance, and to maintain that class of maintenance. New roads, public or private, shall meet Town road standards. Such requirements for improvements do not imply acceptance of improved roads as Town-maintained roads.
 - d. The Commission may impose greater setback and screening requirements for structures, parking areas, and other development around the perimeter of the PUD that are greater than specified in the applicable underlying zoning standards. The Planning Commission may also impose increased setback and screening requirements between the development area and any protected resource lands in the common open space area.
 - e. When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities may be required by the Commission. A prospectus shall be submitted by the developer describing this organization, its financing and membership, which shall meet the requirements of the Commission (such as homeowners association bylaws, or covenants). Approval will be contingent upon the Commission's receipt of final drafts of documents which, when legally executed, will form such an organization.
 - f. To provide for efficient use of public facilities and infrastructure, proposed buildable envelopes or limitations may be required for present and future phases.
 - g. To ensure adequate privacy for existing or proposed uses adjacent to the PUD, structures on the perimeter of the project shall meet sideyard setback requirements for the zoning district in which the project is located.
 - h. Adequate water supply and sewage disposal facilities shall be provided.
 - i. The uses proposed for the project are permitted either as a matter of right or for conditional use approval. Dwelling units may be in detached, semi-detached or multi-family structures or any combination thereof.

8. Open Space: The Planning Commission shall not approve an application for a PUD unless it finds that the project will result in the dedication of open or public space consistent with the purposes of this section. Lands set aside to meet the purposes of this section shall be in a location or locations, and of a size and shape approved by the Planning Commission (for park, recreation, open space, agriculture, forestry, unfragmented forest blocks, wildlife habitat, natural areas, aquifer protection areas, waterbody bank, or municipal purposes). The Planning Commission, as a condition of its approval, may establish conditions as to the ownership, use and maintenance of such land as it deems necessary to assure the preservation of such lands for their intended purposes without adverse impact to the Town's resources, including, but not limited to, the following:
 - a. The open space land shall provide for the protection of resources on the site including agricultural land, woodland, wildlife habitat, natural areas, aquifer protection areas, views, vistas, stream banks and historic sites.
 - b. The location, shape, size and character of the open space land shall be sufficient for its intended use.
 - c. Open space land will be suitably improved and/or maintained for its intended use, except that open space containing natural resources worthy of preservation may be required to be left unimproved. Provisions will be made to enable lands designated for agriculture and forestry to be utilized for these purposes. Management plans for forestry and wildlife habitat may be required.
 - d. The Planning Commission, as a condition of approval, may establish such conditions as it deems necessary to the ownership, use and maintenance of land set aside as open space, to assure the preservation of such lands for their intended purposes.
 - e. The amount of open space to be provided within each PUD shall be not less than 66 percent.
 - f. Open space land may be located so as to conform with and extend existing and potential common open space lands on adjacent parcels.
 - g. Additional measures may be imposed to protect resources identified on the parcel, such as restrictions on building sites through designation of buildable envelopes and clearing limits.
 - h. Road rights-of-way and parking spaces shall not be included in the determination of the open space requirements of this section.
9. A density bonus of up to 20 percent over what would reasonably be permitted, in the Planning Commission's judgment, if the land were subdivided into lots in conformance with this bylaw, may be granted where the Commission determines the proposal would exceed the minimum requirements for this use and result in a significant benefit to the general public. In determining whether to grant a density bonus the Commission shall give due consideration to site conditions limiting development, such as shallow soil depth, wetness and steep slopes; and take into account the capacities of community facilities and services, and the character of the affected area.
10. PUDs located on divided properties, in addition to all other standards, shall conform to the following:
 - a. Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a single PUD. The permitted number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the Unified Development Bylaw.
 - b. Parcels separated by a public or private road or right-of-way may be considered contiguous by the Planning Commission for the purposes of this section provided their property boundaries coincide for at least 50 percent of the length of one side on each side of the right-of-way.

- c. The PUD promotes the protection of significant natural resources and unique features of the Town.
 - d. The project otherwise furthers the goals of this article.
11. Where lands under a PUD application lie within two or more zoning districts, the Planning Commission shall decide which district is applicable to the development.

Article VII: Transportation, Access, Safety, And Parking

Section 710: Parking

- 1. The Planning Commission may require that non-residential and multi-family parking lots be screened from public highway view and the view of persons in residential districts.
- 2. No parking lots or improved parking areas for motor vehicles shall be allowed in setback areas.
- 3. Commercial parking lots adjacent to residential uses shall be set back at least 50 feet.
- 4. In the NC-1 Zoning District these parking provisions may be modified by the Planning Commission where the Commission finds the applicant has satisfied the requirements of this article to the extent reasonably possible and that total compliance either is not practical or would otherwise impede or impair provisions of this bylaw.

Section 711: Off-Street Parking Space Requirements

For every building erected, altered, extended, or changed in use, there shall be off-street parking spaces at least as set forth below.

- 1. Residential Uses: Two parking spaces for each family unit.
- 2. Motor Lodge/Inn, Tourist Home/Bed and Breakfast: One space for every guest room.
- 3. Residential Health Care Facility: One space for every two beds.
- 4. Community Facility: One parking space for each four fixed seats, or every 200 square feet of floor space, whichever is more.
- 5. Professional Office: One parking space per office unit, plus one additional parking space for every 300 square feet of office space.
- 6. Commercial, Business and Unspecified Uses: One parking space for every motor vehicle used in business, plus one parking space for every 200 square feet of floor area.

Section 720: Access Permit and Work in Public Right-of-Way Permit

Any activity that involves the construction or modification of a driveway intersecting with a public right-of-way, shall obtain an access permit or a public right-of-way permit from the Selectboard or State of Vermont, as required in Town of Ripton Ordinance #1: Special Regulations Governing Obstructions to Highways.

Section 721: Driveway Clearance

To assure safe access to emergency vehicles driveways ~~must~~ shall be at least 14 feet wide and provide at least 12 feet of vertical clearance.

Section 722: Obstruction of Vision

On a corner lot, within the triangular area formed by the intersection of two roads and a line joining them at points 25 feet away from their intersection, no obstruction to vision is allowed between the heights of three and ten feet above street grade.

Article VIII: Signs

Section 810: General

No signs shall be permitted without meeting the following criteria:

1. Be in the public interest and not to the detriment of the public safety, welfare or surrounding properties;
2. Be of a character, size and location compatible with the orderly development of the district.

Section 820: Off-Premise Signs

On Town roads no permanent sign shall be located elsewhere than upon the lot containing the subject of the sign.

Section 830: Signs in Residential Districts and Resource (Conservation) Districts

The following signs are permitted when located on the immediate property:

1. One professional or home occupation sign, not exceeding four square feet.
2. One temporary real estate sign, not exceeding six square feet.
3. Signs identifying any non-residential building or use permitted in residential districts, not exceeding a total of sixteen square feet.
4. Directional or information sign, not exceeding four square feet.
5. Signs necessary for public safety or welfare.

Section 840: Signs in Neighborhood Commercial and Institutional Districts

The following signs are permitted when located on the immediate property:

1. All signs permitted under Section 830.
2. One business sign not to exceed thirty square feet.
3. One directory sign not exceeding ten square feet.

Section 850: Wall, Projecting, Ground, and Roof Signs

Every wall sign shall:

1. Not exceed the highest point of the building's roof.
2. Not exceed thirty square feet in the Neighborhood Commercial and Institutional districts or sixteen feet in residential and resource districts.

Every projecting sign shall:

1. Not extend beyond the street line.
2. Not extend more than four feet from the building wall.
3. Not be less than ten feet above the surface of a public walkway area.
4. Not exceed sixteen square feet.

Every ground sign shall:

1. Not exceed fifteen feet in height above the finished grade in commercial, industrial, and institutional districts or eight feet in height above finished grade in residential and resource districts.
2. Be set back at least five feet from any street line, and at least ten feet from any other lot line, and shall not interfere with the sightlines of oncoming traffic.

3. Not exceed sixteen square feet.

Roof signs shall not be permitted in any zoning district.

Section 855: Special Temporary Sign Exemption

1. A person may, without obtaining a zoning permit, display one additional sign indicating a special event such as a garage sale, special rate, special entertainment or similar information provided that:
 - a. The sign area of such a sign shall not exceed sixteen square feet. and such sign shall be located on the premises of the activity it serves.
 - b. The sign, if not attached flat against a building, shall be set back at least five feet from any street line and at least ten feet from any other lot line, and shall not impede motorist's vision.
 - c. The sign shall not be displayed more than ten consecutive days, nor more than fifteen days in any calendar month, nor more than 45 days in any calendar year.
2. The Zoning Administrator may grant a permit to allow signs and street banners advertising public entertainment or events, fairs, expositions, winter carnivals, and similar activities. Such signs may be displayed for a period not to exceed two weeks and shall be removed within forty-eight hours of the completion of the event.
3. One free-standing sign may be erected and maintained on sites under construction. The sign area shall not exceed sixteen square feet, and its height shall not exceed eight feet. The sign shall not be erected earlier than one month prior to the start of construction and shall be removed no later than fourteen days after completion of construction. Such sign shall be set back fifteen feet from the front lot line.

Section 860: Computation of Permissible Sign Area

When computing the total permissible sign area for any use:

1. Existing signs shall be included.
2. The total area of all signs shall not exceed the requirements as set forth in these regulations.
3. Signs consisting of freestanding letters, numerals, or other devices shall include any intervening spaces between them.
4. Only the larger faced area of a double-faced sign shall be used; back-to-back signs may be counted as one sign.
5. Dimensions shall include the extent of the sign and the frame.

Section 870: Traffic, Hazard, Safety, and Obstruction

Every sign shall be designed and located in such a manner as to:

1. Not impair public safety, nor restrict clear vision between a sidewalk and street.
2. Not be confused with any traffic sign or signal.
3. Not prevent free access to any door, window or fire escape.
4. Withstand a wind pressure load of at least 30 pounds per square foot.

Section 880: Illuminated and Flashing Signs

1. Signs may be illuminated by a steady light provided that the lighting will not reflect or project outward from the sign. No interior-lit signs shall be permitted.
2. Flashing, oscillating, or revolving signs shall not be permitted, unless necessary for public safety or welfare.

Section 890: Limitation on Sign Content Review

Notwithstanding any other provision of this bylaw, the Zoning Administrator shall review the content of a sign only to the extent necessary to determine whether the sign is an off premises sign and to determine compliance with any other permits to which the property and sign may be subject.

Article IX: Performance Standards

No land or building in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions that adversely affect the reasonable use of the surrounding area of adjoining properties. The following specific standards are set forth to implement this purpose.

Section 910: Noise

No noise that is excessive at the property line and represents a significant increase in noise levels in the vicinity of the development so as to be incompatible with the reasonable use of the surrounding area shall be permitted. Specifically, the maximum sound pressure level radiated by a use or activity, when measured at the property line of the lot on which sound is generated, shall not exceed the values shown in the following table:

Octave band range in cycles per second	Sound pressure in decibels
<75	72
75-150	67
151-300	59
301-600	52
601-1200	46
1201-2400	40
2401-4800	34
>4800	32

Section 920: Dangerous and Objectionable Elements

No dangerous or objectionable elements, such as vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness, electromagnetic or other disturbance, liquid or solid refuse or waste, glare, lights, or reflection shall be permitted that are a nuisance, hazard, threat or detriment to other property owners or tenants or that distract the vision of a driver of any motor vehicle. However, reflections from solar energy collectors that are part of an operating solar energy system shall not be considered a nuisance to other property owners and tenants.

Section 930: Fire, Explosive, and Safety Hazards

No fire, explosive or safety hazard shall be permitted that endangers other property owners or that results in a significantly increased burden on municipal facilities.

Article X: Flood and River Corridor Regulations

Section 1001: Statutory Authorization and Effect

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 §4414, and 24 VSA Chapter 59, there is hereby established zoning regulations for areas at risk of flood damage. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

Section 1002: Statement of Purpose

It is the purpose of these regulations to:

1. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
2. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor,
3. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 §753, the municipal hazard mitigation plan; and make the Town of Ripton, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

Section 1003: Other Provisions

1. Precedence: The provisions of these flood hazard regulations shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.
2. Validity and Severability: If any portion of these regulations is held unconstitutional or invalid by a competent court, the remainder of these regulations shall not be affected.
3. Warning of Disclaimer of Liability: These regulations do not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Ripton, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

Section 1004: Lands to Which these Regulations Apply

1. Regulated Flood Hazard Areas: These regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called “hazard areas”) in the Town of Ripton, as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that shall be met before meeting the additional standards applicable in the underlying district. These hazard areas include:
 - a. The River Corridors as publicly available from the Vermont Agency of Natural Resources in the on-line ANR Atlas including the Statewide River Corridors and refinements to that data based on field-based assessments that are hereby adopted by reference. Where River Corridors are not mapped, the standards in Section 1007C shall apply to the area measured as fifty (50) feet from the top of the stream bank or slope.
 - b. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

2. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas: Where available, base flood elevations provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. As of the date of approval of this bylaw there are no base flood elevations for the Town of Ripton. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.
3. Interpretation: The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
 - a. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.
 - b. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

Section 1005: Summary Table: Development Review in Hazard Areas

The hazard areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium. FEMA has not yet identified floodways on the Middlebury River.

#	Activity	Hazard Zone		
	P Permitted C Conditional Use Review X Prohibited E Exempted	Special Flood Hazard Area	Floodway	River Corridors
1	New Structures	X	X	X
2	Storage	X	X	X
3	Improvements to Existing Structures	P, C	C	C
4	Small Accessory Structures	P	X	C
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	C	C	C
8	Fill as needed to elevate existing structures	C	C	C
9	Fill	X	X	X
12	Grading	C	C	C
13	Road maintenance	E	E	E
14	Road improvements	C	C	C

15	Bridges and culverts	C	C	C
16	Channel management	C	C	C
17	Recreational vehicles	P	P	P
18	Open space, recreation	E	E	E
19	Forestry	E	E	E
20	Agriculture	E	E	E

Section 1006: Development Review in Hazard Areas

1. **Permit:** A permit is required from the Zoning Administrator for all development in all areas defined in Section 1004. Development that requires conditional use approval, non-conforming use approval, or a variance from the Zoning Board under these flood hazard regulations, shall have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Sections 1006 and 1007. Any permit issued will require that all other necessary permits from state or federal agencies have been received before work may begin.
2. **Permitted Development:** For the purposes of review under these regulations, the following development activities in the Special Flood Hazard area where outside of the floodway and outside of the River Corridors, and meeting the Development Standards in Section 1007, require only an administrative permit from the ZA:
 - a. Non-substantial improvements;
 - b. Accessory structures;
 - c. Development related to on-site septic or water supply systems;
 - d. Building utilities;
 - e. At-grade parking for existing buildings; and,
 - f. Recreational vehicles.
3. **Prohibited Development in Special Flood Hazard Area and River Corridors:**
 - a. New residential or non-residential structures (including the placement of manufactured homes);
 - b. Storage or junkyards;
 - c. New fill except as necessary to elevate structures above the base flood elevation.
 - d. Accessory structures in the floodway;
 - e. Critical facilities are prohibited in all areas affected by mapped flood hazards; and,
 - f. All development not exempted, permitted, or conditionally permitted.
4. **Conditional use review and approval by the Zoning Board is required prior to the issuance of a permit by the ZA for the following proposed development:**
 - a. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
 - b. New or replacement storage tanks for existing structures;
 - c. Improvements to existing structures in the floodway;
 - d. Grading, excavation; or the creation of a pond;

- e. Improvements to existing roads;
 - f. Bridges, culverts, channel management activities, or public projects that are functionally dependent on stream access or stream crossing;
 - g. Public utilities;
 - h. Improvements to existing primary structures in the River Corridors that do not expand the footprint of the existing structure more than 500 square feet and do not increase the value of the structure by more than 50 percent of its appraised value prior to the onset of the improvement or, if damaged, before the damage occurred, and do not decrease the structure's setback distance from the stream channel as measured horizontally from the nearest point of the structure to the top of the bank;
 - i. Accessory structures in the River Corridors of 500 square feet or less that represent a minimal investment;
 - j. Building utilities in the River Corridors; and,
 - k. At-grade parking for existing buildings in the River Corridors.
5. Exempted Activities: The following are exempt from regulation under these regulations:
- a. The removal of a building or other structure in whole or in part;
 - b. Maintenance of existing roads and storm water drainage;
 - c. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
 - d. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer shall notify the ZA in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks.
6. Variances: Variances may be granted in writing by the Zoning Board only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section 1008.
- a. A variance for development within the River Corridors may be allowed if, based on a review by VT Agency of Natural Resources, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
 - b. 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.
7. Nonconforming Structures and Uses: The Zoning Board may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a flood hazard area provided that:
- a. The proposed development is in compliance with all the Development Standards in Section 1007 of these regulations;
 - b. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure shall be rebuilt to one foot or more above the base flood

- elevation, and the structure shall otherwise comply with all requirements of the National Flood Insurance Program;
- c. Nonconforming structures or uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months; and
 - d. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes shall be placed so as to meet the development standards in this bylaw.

Section 1007: Development Standards

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

1. Special Flood Hazard Area

- a. All development shall be:
 - i. Reasonably safe from flooding;
 - ii. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - iii. Constructed with materials resistant to flood damage;
 - iv. Constructed by methods and practices that minimize flood damage;
 - v. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - vi. Adequately drained to reduce exposure to flood hazards;
 - vii. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - viii. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
- b. In Zones AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
- c. Structures to be substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation and shall be documented, in as-built condition, with a FEMA Elevation Certificate;
- d. Non-residential structures to be substantially improved shall:
 - i. Meet the standards in Section 1007 (1) (C); or,
 - ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with

structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

- e. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.
- f. Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- g. Recreational vehicles shall be fully licensed and ready for highway use.
- h. A small accessory structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 1007A (above).
- i. Water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the systems.
- j. Sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharges from the systems into floodwater.
- k. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- l. The flood carrying and sediment transport capacity within the altered or relocate portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
- m. Bridges and culverts, which by their nature shall be placed in or over the stream, shall have a stream alteration permit from the Agency of Natural Resources where applicable.
- n. Subdivisions and Planned Unit Developments shall be accessible by dry land access outside the special flood hazard area.
- o. Existing buildings, including manufactured homes, to be substantially improved in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.

2. Floodway Areas

- a. Encroachments or development above grade and less than one foot above the base flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice by a licensed professional engineer development certifying that the proposed development will:
 - i. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - ii. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
 - b. Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
3. River Corridors
- a. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank.
 - b. Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.
 - c. Development shall not increase the susceptibility of that development or other properties to fluvial erosion damage.
 - d. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion.
 - e. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
 - f. Bridge and culvert projects shall have a Stream Alteration Permit.
 - g. Channel management activities shall be authorized by the Agency of Natural Resources.

Section 1008: Administration

- 1. Application Submission Requirements: Applications for development shall include:
 - a. Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, River Corridors, 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.
 - b. 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 municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin.
- 2. Referrals:
 - a. Upon receipt of a complete application for a substantial improvement or new construction, the ZA 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 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.

- b. If the applicant is seeking a 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 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. The Board should consider comments from the NFIP Coordinator at ANR.

3. Decisions:

The Zoning Board shall consider comments from the NFIP Coordinator at ANR. The Zoning Board may recess the proceedings on any application pending submission of additional information.

4. Records:

The Zoning Administrator shall properly file and maintain a record of:

- a. All permits issued in areas covered by this bylaw;
- b. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
- c. All flood proofing and other certifications required under this regulation; and,
- d. All decisions of the Zoning Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

Section 1009: Certificate of Occupancy

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a certificate of occupancy is issued therefor by the Zoning Administrator, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA 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. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

Section 1010: Enforcement and Penalties

1. This bylaw shall be enforced under the UDB in accordance with 24 VSA Chapter 117 § 4451, § 4452 and 24 VSA Chapter 59 §1974a. A copy of the notice of violation will be mailed to the State NFIP Coordinator.

2. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
3. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

ARTICLE XI: Towers and Telecommunications Facilities Provisions

Section 1101: Applicability

In addition to any and all other provisions of this bylaw, the provisions of this article shall apply to any and all applications to erect, construct, expand, alter, or install a tower or telecommunications facility. In the event there is a conflict between these and other provisions of this bylaw, the more restrictive shall apply. The Zoning Board may waive sections or portions of sections of this article if such sections or portions have little or no application to the purposes of this article, or if application of any such provision shall have an effect contrary to any of the purposes set forth in Section 1102 or for which it was intended, provided the reasons for waiver are explained in a written Zoning Board decision.

Section 1102: Purpose

The purpose of this article is to:

1. Preserve the character and appearance of the Town of Ripton while allowing adequate telecommunications services to be developed.
2. Protect the Town's scenic, historic, environmental, natural and human resources.
3. Provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunications facilities and towers.
4. Preserve property values, and protect scenic areas.
5. Locate towers and/or antennae in a manner that promotes the general safety, health, welfare and quality of life of residents and visitors.
6. Require the use of existing structures where possible.
7. Require the sharing of existing communications facilities, towers, and sites where possible.

Section 1106: Consistency with Federal Law

This article is intended to be consistent with state and federal law, particularly the Telecommunications Act of 1996 in that:

1. It does not prohibit or have the effect of prohibiting the provision of personal wireless services;
2. It is not intended to discriminate among providers of functionally equivalent services;
3. It does not regulate personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning such emissions.

Section 1108: Provision for Hiring Independent Consultants

1. Upon submission of an application for a conditional use permit under this article, the Ripton Zoning Board may hire independent consultants whose services shall be paid for, in advance, by the applicant. These consultants shall be qualified professionals with an appropriate combination of training, record of

service, and/or certification in telecommunications/radio-frequency engineering, structural engineering, assessment of electromagnetic fields, or other fields as determined necessary by the Zoning Board.

2. Upon submission of a complete application for a conditional use permit under this article, the Ripton Zoning Board may provide its independent consultant(s) with the full application for their analysis and review.

Section 1110: Findings of the Zoning Board of Adjustment

1. Conditional Uses: No tower or telecommunications facility shall be erected, constructed, expanded, altered, or installed without first obtaining a conditional use permit from the Ripton Zoning Board.
2. Applicable Bylaws: Applications under this article shall follow the procedures and satisfy the requirements and standards for conditional uses established in this bylaw, including Section 341 and this article.
3. Findings: No conditional use permit shall be issued under this article unless the applicant establishes that its application meets the following standards, as well as all other applicable standards and provisions of the Town Plan, this article and this bylaw, including Section 341:
 - a. Applicant is not already providing adequate coverage and/or adequate capacity to the Town of Ripton; and
 - b. Applicant is not able to use existing tower/facility sites, either with or without the use of repeaters, to provide adequate coverage and/or adequate capacity to the Town of Ripton for one of the following reasons:
 - i. The proposed equipment would exceed the structural or spatial capacity of the existing or approved tower or facility and the existing or approved tower/facility cannot be re-enforced, modified or replaced to accommodate the planned equipment at a reasonable cost to provide coverage and capacity comparable to the proposed facility;
 - ii. The proposed equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility and such interference cannot be prevented at a reasonable cost;
 - iii. The proposed equipment either alone or together with existing facilities, equipment or antennae would create radio frequency interference (R.F.I.) or radio frequency radiation (RFR) in violation of federal standards or requirements;
 - iv. 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;
 - v. Aesthetic considerations make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or structure;
 - vi. There is no existing or approved tower in the area in which coverage is sought; or
 - vii. Other unforeseen specific considerations make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or structure; and
 - c. Applicant provides adequate coverage and capacity to the Town of Ripton with the least number of towers and telecommunications facilities, and/or least obtrusive design; and
 - d. New towers are located, to the extent possible, adjacent to existing towers; and
 - e. Applicant has agreed to rent or lease available space on the tower, under the terms of a fair-market lease, with reasonable conditions and without discrimination to other telecommunications providers; and

- f. The proposed facility shall be built and maintained in compliance with FCC Rules, using procedures outlined in FCC Bulletin 65, regarding exposure from electromagnetic radiation; and
- g. The required monitoring program is in place and shall be paid for by the applicant; and
- h. Towers and telecommunications facilities shall be located so as to minimize the following potential impacts:
 - i. Visual/Aesthetic: Towers shall, when possible, be sited off ridgelines, and where their visual impact is not detrimental to scenic areas. In determining whether a tower will have a detrimental visual impact on a scenic area, the Zoning Board shall consider:
 - a) The period of time during which the proposed tower would be viewed by the traveling public;
 - b) The frequency of the view of the proposed tower as experienced by the traveling public;
 - c) The degree to which the view of the tower is screening topographic features;
 - d) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;
 - e) The distance of the proposed tower from the viewing vantage point and the proportion of the facility that is visible above the skyline; the frequency with which the proposed facility would be viewed from or near the critical vantage point; and
 - f) The sensitivity or unique value of the particular view affected by the proposed development.
 - ii. Devaluation of property values.
 - iii. Safety hazards: In cases of structural failure, ice accumulation and discharge, and attractive nuisance.
 - iv. Electromagnetic radiation.
 - v. Bird strikes; monopole structures are preferable to guyed lattice towers.
- 4. Documentation of Denial: Any decision by the Zoning Board deciding an application for a conditional use permit under this article shall, without limitation, be in conformance with 47 U.S.C. §332 (7)(B)(iii) of the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

Section 1112: Exemptions

The following telecommunications facilities are exempt from the provisions of this article, unless subject to review under Act 250:

- 1. Police, fire, ambulance and other emergency dispatch;
- 2. Amateur (ham) radio;
- 3. Citizens band radio;
- 4. Local business radio dispatch.

No other telecommunications facility shall be considered exempt from this article for any reason whether or not said facility is proposed to share a tower or other structure with such exempt uses, and provided that any antennae involved are not more than 25 feet above grade.

Section 1120: Access Roads and Above Ground Utilities

Where new telecommunications towers and facilities require 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 existing forest or forest fringe areas, and not in open fields. Utility or service lines shall be designed and located to minimize or prevent disruption to the scenic character or beauty of the area.

Section 1122: Landscaping / Screening

Screening shall be required at the perimeter of the site. A natural or planted vegetative screen may be required at all times. Vegetation shall be of a type that typically reaches a height of at least fifteen feet at maturity. Existing vegetation surrounding the site shall be preserved and maintained to the greatest extent possible. Applicant shall obtain a financial surety to cover the cost of the remediation of any damage to the landscape that occurs during the clearing of the site.

Section 1124: Fencing and Signs

The area around the tower or telecommunication facility and communication equipment shelter(s) shall be completely fenced for security to a minimum height of six feet and gated. Use of razor wire is not permitted. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number, either local or toll-free, shall be posted adjacent to the entry gate. In addition, "No Trespassing" or other warning signs, and the federal tower registration plate, where applicable, may be posted on the fence or as required to meet federal requirements.

Section 1126: Building Design

Communication equipment shelters and accessory buildings shall be designed to be architecturally compatible with each other, and shall be no more than twelve feet high. The buildings shall be used only for the housing of equipment related to the particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building. All buildings and structures accessory to a tower shall meet the minimum setback requirements of the zoning district in which they are located. Ground metal and equipment or antennae as well as buildings and structures accessory to a tower shall be screened from view by suitable vegetation.

Section 1128: Height of Towers

Repeaters shall not be closer than 25 feet to the ground. The maximum height of any tower shall not exceed 199 feet.

Section 1130: Tower Design

Towers shall be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights where overall permitted height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennae and additional antennae where overall permitted height allows.

Towers, antennae 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 those cases where federal or state authorities have dictated a color or colors.

Section 1132: Use of Repeaters

The use of repeaters to assure adequate coverage or to fill holes within areas of otherwise inadequate coverage while minimizing the number of required towers is permitted and encouraged. A system similar to the Sanders PCS-over-cable, in which transmitter/antenna mounting is on existing utility infrastructure, is considered a use of repeaters. One application may be submitted which covers all such units. Applicants shall detail the number, location, power output, and coverage of any proposed repeaters in their systems and provide engineering data to justify their use.

Section 1134: Commercial Advertising

No advertising shall be allowed on any telecommunications facility, antenna, tower, or accessory building or communication equipment shelter.

Section 1136: Lighting

No external lighting is permitted, except for manually operated emergency lights for use only when operating personnel are on site.

Section 1138: Air Navigation

No tower or telecommunications facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation Administration (FAA) regulations (Title 14 CFR) is permitted. In the event of subsequent FAA determination that obstruction lighting or painting is required, permittees under this article agree to apply for the least obtrusive means of satisfying FAA regulations.

Section 1140: Coverage Area

If primary coverage (greater than 50 percent) from the proposed telecommunications facility is outside Ripton, then the permit may be denied.

Section 1142: Setback Requirements

1. No repeater shall be located closer than 100 feet to a dwelling unit, nor closer than 25 feet to the ground.
2. No other telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:
 - a. Closer than 300 feet horizontally to any boundary of the site on which the tower is located.
 - b. Within the habitat of any state-listed rare or endangered wildlife or plant species.
 - c. Within 200 feet horizontally of any Vermont or federally regulated wetland.
 - d. Within 200 feet horizontally of any river or perennial stream.
3. In the event of a conflict between the dimensional standards of this article and those of the other provisions of this bylaw, including the specific dimensional standards of the applicable zoning district, the more restrictive standards shall apply.

Section 1144: Removal Requirements

The owner of each telecommunications facility shall annually, on the anniversary date of the initiation of service, file a declaration with the Zoning Administrator certifying the continuing safe operation of its facility. Failure to file such a declaration in a timely manner shall be deemed proof that the facility has ceased operations. In the event an owner fails to file its annual declaration or a telecommunications facility otherwise ceases to operate for a period of one year (cease to operate is defined as not performing the permitted functions associated with a telecommunications facility and its equipment on a continuous and ongoing basis for a period of one year) the owner shall remove the telecommunications facility. The owner shall remove the facility and remediate the site at a minimum of 180 days of cessation of operations as hereinbefore provided or otherwise determined by the Selectboard. At the time of removal, the facility site shall be remediated such that all telecommunications facility improvements that have ceased to be utilized are removed. If all facilities on a tower have ceased to operate, the tower shall also be removed, and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal. Applicant shall, as a condition of the conditional use permit, provide a financial surety bond payable to the Town of Ripton and acceptable to the Ripton Zoning Board to cover the cost of removal of the telecommunications facility and the remediation of the landscape, should the facility cease to operate.

Section 1146: Interference with Public Safety Communications

No new telecommunications facilities shall be constructed that interfere with public safety telecommunications.

Section 1150: Evidence of Need

1. **Existing Coverage:** Applicant shall provide written documentation demonstrating that existing telecommunications facility sites and other existing structures of suitable height in Ripton, in abutting towns, and within a 30-mile radius of the proposed site cannot reasonably be made to provide adequate coverage and/or adequate capacity to the Town of Ripton. The documentation shall include, for each facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or structure, type of antennae, antenna gain and polarization, height of antennae on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing facility sites, including changes in antenna type, adjustments to these existing facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.
2. **Repeaters:** Applicant shall demonstrate with written documentation that they have analyzed the feasibility of repeaters in conjunction with all facility sites listed in compliance with Section 1150(1) (above) to provide adequate coverage and / or adequate capacity to the Town of Ripton. Radial or tiled coverage plots of all repeaters considered for use in conjunction with these facility sites shall be provided as part of the application.
3. **Indirect Service:** Applicant shall demonstrate which portion of a tower or structure and which antennae, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide communications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the incremental effect is consistent with the purposes set forth in Section 1102 of this article.
4. **Five-Year Plan:** All applications shall be accompanied by a written five-year plan for the utilization of the proposed facilities. This plan should include justification for capacity in excess of immediate needs, as well as plans for any further development within the town.

Section 1155: Legal and Technical Documentation

1. **Federal Permits:** The Ripton Zoning Board shall be provided copies of all pertinent submittals and showings pertaining to: FCC permitting/licensing; environmental assessments and environmental impact statements; FAA Notice of Construction or Alteration; aeronautical studies; all pertinent data, assumptions and calculations related to service coverage; and all pertinent calculations and/or measurement data related to non-ionizing radiation emissions and exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.
2. **Contacts:** Applicant shall submit the exact legal name, address or principal place of business and phone number of the following:
 - a. **Applicant:** If any applicant is not a natural person, it shall also give the type of business entity and the state in which it is registered.
 - b. **Person to whom correspondence or communications in regard to the application is to be sent.** Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.
 - c. **Person to be contacted in the event of an emergency involving the facility.** This should be someone available on a 24-hour basis who is authorized by the applicant to act on behalf of the applicant regarding an emergency situation.

- d. Owner of the property on which the proposed tower will be located, and of the owner(s) of the property on which the proposed facility shall be located. Written permission of the owner(s) to apply for a conditional use permit shall also be submitted along with written permission from the owner(s) of the proposed property(s) or facility site(s) for town's independent consultant(s) to conduct any necessary site visit(s).
 - e. Names and addresses of the record owners of all abutting properties.
- 3. Surety: The applicant shall provide details of the proposed method of providing financial surety as required in Section 1144 (Removal Requirements).
- 4. Commitment to Available Space: Applicants for new tower or telecommunications facility construction or modification permits shall provide a written, irrevocable commitment valid for the duration of the existence of the tower or telecommunications facility, to rent or lease available space for collocation on the tower at fair market prices and terms, without discrimination to other telecommunications providers.
- 5. Lease of Tower: Applicants for a conditional use permit for a facility to be installed on an existing structure shall provide a copy of their lease/contract with the owner of the existing structure.
- 6. Contract with Provider: Applicants for a tower or telecommunications facility conditional use permit shall be a telecommunications provider or shall provide a copy of its lease/contract with an existing telecommunications provider.
- 7. Plans and Maps: Applicants shall provide all required physical plant plans, prepared, stamped and signed by a professional engineer licensed to practice in Vermont. Survey plans should also be stamped and signed by a land surveyor registered in Vermont. Signal propagation and radio-frequency studies, plots and related material should be prepared, clearly identified and signed by a qualified radio-frequency engineer. Plans shall be on 24" X 36" sheets, on as many sheets as necessary, and at scales that are no smaller (i.e., no less precise) than listed below. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal(s) and signature(s) of the professional(s) who prepared the plan.
 - a. Location Map: Copy of a portion of the most recent U.S.G.S. Quadrangle map, at a scale of 1:25,000, and showing the area within at least two miles from the proposed tower site. Indicate the tower location and the exact latitude and longitude (degrees, minutes, and seconds to the nearest tenth).
 - b. Vicinity Map at a scale of 1 inch = 416 feet (1:5000) with contour intervals no greater than ten feet (three meters) showing the entire vicinity within a 2500-foot radius of the tower site, and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features, historic sites, habitats for endangered species. Indicate the property lines of the proposed tower site parcel and of all abutters to the tower site parcel (from assessors' maps or available surveys). Indicate any access easement or right of way needed for access from a public way to the tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.
 - c. Existing Conditions Plan: A recent survey of the area within 500 feet of the tower site at a scale no smaller than 1 inch = 40 feet (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 5-foot (1.5 meter) contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, existing water wells and springs. Show the boundary of any wetlands or flood plains or watercourses, and of any bodies of water included in the Official Flood Hazard Area within 500 feet from the tower or any related facilities or access ways or appurtenances. The survey plan shall have been completed on the ground by a land surveyor (registered in Vermont) within two years prior to the application date.

- d. Proposed Site Plans: Proposed facility site layout, grading and utilities at the same scale or larger than the existing conditions plan.
 - i. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements. Where protective fencing is proposed, indicate setback distances from the edge of the fencing.
 - ii. Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.
 - iii. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility, of communication lines, and whether underground or above ground. Detailed plans for emergency power generation, including:
 - a) Demonstration of percent of electrical demand being proposed in event of loss of commercial power.
 - b) Type of fuel, storage method, and expected means and frequency of fuel delivery to the site for power generation.
 - c) Amount of generator time based on historical power reliability for the area of the facility, proposed frequency and duration of tests, and description of muffler system and methods for noise abatement.
 - d) Feasibility of wind and/or solar power in conjunction with storage batteries.
 - iv. Any direct or indirect wetlands alteration proposed.
 - v. Detailed plans for drainage of surface and/or sub-surface water, plans to control erosion and sedimentation both during construction and as a permanent measure.
 - vi. Plans indicating locations and specifics of proposed screening, landscaping, ground cover, fencing, etc., any exterior light or signs.
 - vii. Plans of proposed access driveway or roadway and parking area at the tower site. Include grading, drainage, traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.
 - viii. Plans showing any changes to be made to an existing facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of a proposed modification of the facility.
- e. Proposed Tower and Appurtenances:
 - i. Plans, elevations, sections and details at appropriate scales but no smaller than 1 inch = 10 feet.
 - ii. Two cross-sections through the proposed tower drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. The proposed height of the tower above average grade at the tower base. Show all proposed antennae, including their location on the tower.
 - iii. Details of proposed tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.
 - iv. Detail proposed exterior finish of the tower.

- v. Indicate relative height of the tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in ten years.
 - vi. Illustration of the modular structure of the proposed tower indicating the heights of sections that could be removed or added in the future to adapt to changing communications conditions or demands.
 - vii. A professional structural engineer's written description of the proposed tower structure and its capacity to support additional antennae or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height.
 - viii. A description of available space on the tower, providing illustrations and examples of the type and number of telecommunications facilities that could be mounted on the structure.
 - ix. Documentation of the measures taken by the applicant to avoid interference with any established public safety telecommunications.
 - x. A description of the radio frequency radiation (RFR) at the site showing how it is consistent with FCC guidelines, and a statement of whether the applicant is regulated by the FCC and explanation of the basis for the statement pertaining to the RFR.
 - xi. Certificate by a professional engineer licensed in the State of Vermont:
 - a) That the proposed telecommunication facility complies with the provisions of this bylaw with respect to structural standards,
 - b) That coverage and capacity within the Town of Ripton will not be adequate unless the facility is constructed,
 - c) In the case of a new telecommunications facility, that the new telecommunications facility cannot reasonably be placed on a pre-existing or pre-approved telecommunications facility.
 - d) That the proposal, taking into account the provisions of the five year plan specified under Section 1150(4), complies with all FCC regulations, standards and requirements.
 - e) Such other information that the Zoning Board may require to evaluate the proposal in light of this article and bylaw.
- f. Plans of Proposed Communications Equipment Shelter including:
- i. Floor plans, elevations and cross sections at a scale of no smaller than $1/4" = 1'$ (1:48) of any proposed appurtenant structure, and
 - ii. Representative elevation views, indicating the roof, facades, doors, and other exterior appearance and materials.
- g. Proposed Equipment Plan:
- i. Plans, elevations, sections, and details at appropriate scales but no smaller than one inch = 10 feet.
 - ii. Number of antennae and repeaters, as well as the exact locations, in degrees, minutes, and seconds to the nearest tenth of latitude and longitude.
 - iii. Mounting locations on the tower or structure, including height aboveground.

- iv. A recent survey of the facility site at a scale no smaller than 1 inch = 40 feet (1:480 or metric equivalent 1:500) showing horizontal and radial distances of antenna(e) to the nearest point on a property line, and to the nearest dwelling unit.
 - v. Antenna type(s), manufacturer(s), model number(s).
 - vi. For each antenna, the antenna gain, polarization and radiation pattern (composite pattern for an antenna array).
 - vii. Number of channels per antenna, projected and maximum.
 - viii. Power input to the antennae.
 - ix. Power output, in normal use and at maximum output for each antenna and all antennae as an aggregate.
 - x. Output frequency of the transmitter(s).
 - xi. For a facility with multiple emitters, the results of an intermodulation study to predict the interaction of additional equipment with existing equipment.
- h. Visibility Maps:
- i. A minimum of eight view lines in a zero- to two-mile radius from the site shown beginning at True North and continuing clock-wise at 45 degree intervals.
 - ii. A map of the Town of Ripton on which any visibility of the proposed tower from a public way (including all existing public rights of way) shall be indicated.
- i. Balloon Test: Within 35 days of submitting an application, applicant shall arrange to fly, or raise upon a temporary mast, a three-foot diameter brightly colored balloon at the maximum height of the tower and within 50 horizontal feet of the center of the proposed tower. The date, time, and location of this balloon test shall be advertised by the applicant at 7 and 14 days in advance of the test date in a newspaper of general circulation in the Town of Ripton. The applicant shall inform the Zoning Board and abutting property owners in writing of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four consecutive hours between 9:00 a.m. and 5:00 p.m. (and at least two hours before sunset) on the dates chosen.
- j. Visual Analysis: The applicant shall develop and submit to the Zoning Board a written analysis of the visual impact of the proposed tower. This analysis shall include photographs of the balloon test taken from at least 10 different perspectives within the Town of Ripton.
- k. Proof of Insurance: Each owner and user of each telecommunications facility shall have proof of adequate insurance.

Section 1160: Monitoring Protocol

The Zoning Board may, as the technology changes, require and accept the use of testing protocols other than the Cobbs Protocol. A copy of the monitoring protocol shall be on file with the Selectboard and the Town Clerk.

Section 1162: Pre-testing

After the granting of a conditional use permit and before applicant's telecommunications facilities begin transmission, the applicant shall conduct a survey, prepared by an independent qualified telecommunications or radio-frequency engineer, on the background levels of non-ionizing radio-frequency radiation around the proposed facility site and/or any repeater locations to be utilized for applicant's telecommunications facilities. The independent engineer shall use the monitoring protocol, or one substantially similar. This report shall be submitted to the Selectboard, Zoning Administrator, the Zoning Board, and the Town Clerk.

Section 1164: Post-testing

Upon commencement of transmission and annually thereafter, the owner(s) of any telecommunications facility(s) located on any facility site shall submit reports prepared by an independent qualified telecommunications or radio-frequency engineer regarding any non-ionizing radio-frequency radiation emission or exposure from said site, and to report results as follows:

1. There shall be routine annual (each calendar year, spaced less than 14 months apart) monitoring of emission/exposure by the independent engineer using actual field measurement of radiation, utilizing the monitoring protocol. This monitoring shall measure levels of non-ionizing radio-frequency radiation exposure at the facility site as well as from repeaters (if any). A report of the monitoring results shall be prepared by the independent engineer and submitted to the Selectboard, the Zoning Board, the Town Clerk, and abutting property owners.
2. Any major modification of an existing facility or the activation of any additional permitted channels shall require new monitoring.

Section 1166: Excessive Exposure

Should the monitoring of a facility site reveal that the site exceeds the current FCC standards and guidelines, the owner(s) of all facilities utilizing that site shall be so notified. In accordance with FCC requirements, the owner(s) shall immediately reduce power or cease operation as necessary to protect persons having access to the site, tower, or antennae. Additionally, the owner(s) shall promptly submit to the Zoning Board and the building inspector a plan for the correction of the situation that resulted in excessive exposure. Failure to act as described above shall be a violation of the conditional use permit and violations are subject to penalties as provided for zoning violations by Section 330 of this bylaw.

Section 1168: Structural Inspection

Tower owner(s) shall pay for an independent consultant (a licensed professional structural engineer), hired by the Town, to conduct inspections of the tower's structural integrity and safety. Guyed towers shall be inspected every three years. All other towers shall be inspected every five years. A report of the inspection results shall be prepared by the independent consultant and submitted to the Selectboard, Zoning Board, and the Town Clerk. Any major modification of an existing facility that includes changes to tower dimensions or antenna numbers or type shall require a new structural inspection.

Section 1170: Unsafe Structure

Should the inspection of any tower reveal any structural defect(s) which, in the opinion of the independent consultant, render(s) that tower to not be in accordance with generally accepted standards or the provisions of this article, the following actions shall be taken: Within ten business days of notification of an unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within ten days of the submission of the remediation plan, and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within ten business days of initial notification shall be a violation of the conditional use permit and subject to penalties as provided for zoning violations by Section 330 of this bylaw.

ARTICLE XII: Definitions

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" includes "plot"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company, or organization; and the word "street" is synonymous with "road."

Doubt as to the precise meaning of any word, phrase or definition used in this bylaw shall be clarified by the Zoning Board.

As applied in this article, the following terms shall have the meanings indicated. The word “shall” or “will” indicate mandatory requirements; “may” is advisory and indicates recommendations which are not mandatory.

Access road: Any road, public or private, constructed to provide access to three or more single-family residential uses or lots from an existing road network.

Access ordinance: The Town's access ordinance, as most recently amended.

Accessory dwelling unit: An efficiency or one-bedroom apartment subordinate to an owner-occupied single-family dwelling and with facilities and provisions for independent living, including sleeping, food preparation, and sanitation, located within or appurtenant to the owner-occupied single-family dwelling.

Accessory use or structure: A use or structure customarily incidental and subordinate to the permitted principal use or structure and located on the same lot. For residential uses these include, but may not be limited to, garages, garden and tool sheds, playhouses, and in-ground swimming pools that are incidental to the residential use of the premises and not operated for gain.

Act, the: Title 24 of the Vermont Statutes Annotated, Chapter 117 (24 V.S.A. 117), entitled “Vermont Municipal and Regional Planning and Development Act.”

Adequate capacity: Capacity is considered to be “adequate” if the grade of service is p.05 or better for at least 50 percent of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna(e).

Adequate coverage: Coverage is considered to be “adequate” within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority 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 like Ripton, this would be signal strength of at least -90 dBm at the antenna terminal of a typical receiver. 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. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

Administrator: The Federal Emergency Management Administrator

Agriculture-land cultivation or pasturing only: Land used for raising livestock or growing agricultural or forest products.

Agriculture-nonresidential building: Building used for livestock, storing agricultural equipment, or, as an accessory use, selling agricultural products raised on the property.

Alteration, telecommunication: Structural change, rearrangement, change of location or addition to a structure or any change, or proposed change, in power input or output, number of antennae, frequency, change in antenna type or model, repositioning of antenna(e), change in number of channels per antenna above the maximum number approved under an existing conditional use permit. Any change, or proposed change in dimension, shape, or appearance of an existing and permitted tower, or telecommunications facility, or other structure designed to support telecommunications transmission, receiving and/or relaying antennae and/or equipment.

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

Appurtenant: A subsidiary structure or dwelling attached to or detached from but located on the same lot as a single family dwelling.

Area of flood hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area includes all A zone designations on the FIRM, or, in the absence of the FIRM, on the FHBM. It does not include Zones B and C.

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

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

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.

Base station: The primary sending and receiving site in a wireless telecommunications network. More than one base station and/or more than one variety of telecommunications provider can be located on a single telecommunications facility, tower, or structure.

Basement: Story completely or partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

Boundary adjustment: Any revision to a plat record or deed legally filed in the Town's land records which creates no new building lot(s) and which has no impact on roads, rights-of-way or other public facilities, i.e.: a case in which the owners of two abutting properties wish to move a common boundary without the intent to create an additional lot.

Buffer: An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

Buildable envelope: That portion of a lot that remains available for the location of structures after all setbacks and other applicable regulatory limitations have been satisfied.

Building: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or personal property. Includes any carport, porch, covered terrace, deck, or steps.

Building area: Total of areas enclosed by exterior building walls. Any solar collection device or related apparatus not included as floor area of a building is not included.

Building front line: Line parallel to the street line transecting that point of the building that is closest to the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

Building height: Vertical distance measured from the top of the foundation to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Building rear line: Line parallel to the street line transecting that point of the building that is farthest from the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

Building side line: Line parallel to the nearest side lot line transecting that point of the building which is nearest the side lot line.

Buildout: A project's or parcel's state of maximum development. Buildout may be used either theoretically, as in the case of describing a parcel's maximum development potential if developed in a manner that is consistent with

this bylaw, or it may be used specifically, as in reference to a particular permit, describing a project's completed state.

Bulletin 65: Published by the FCC Office of Engineering and Technology specifying radio frequency radiation levels and methods to determine compliance.

Camp, primitive: Non-commercial, non-institutional permanent structure without a supply of running water or a working wastewater disposal system that is used occasionally or seasonally. A camp shall have a lawful, documented method of disposing of human wastes either on or off the property. For purposes of this definition, occasional or seasonal use means no more than three consecutive weeks or 60 days during any calendar year.

Camper: Any motorized or unmotorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. This includes a camper body mounted on a truck, but excludes mobile homes.

Change of use: Use that differs from an established use based on type, intensity or magnitude, for example, from camp to seasonal or permanent dwelling, from residential to commercial use, including short-term rentals, or from storage space to living space.

Channel: The segment of electromagnetic spectrum that comprises a distinct audio, video or data signal. An antenna may simultaneously transmit and receive multiple channels.

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

Channel width (or bankfull width): The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

Child care facility: State registered or licensed family child care home serving more than six full-time and four part-time children.

Child care home: State registered or licensed family child care home serving no more than six full-time and four part-time children.

Clinic: A non-residential office building used by members of the medical professions for the diagnosis and outpatient treatment of human ailments.

Club: Building or use catering exclusively to club members and their guests for recreational, educational, or service purposes.

Cluster development: A development in which building lots may be reduced in size and buildings may be sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is preserved as open space and recreational use land.

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

Community facility: Any town building, meeting hall, place of assembly, museum, art gallery, library, school, church, or other similar type of establishment, open to the public which is not operated primarily for profit.

Conditional use: Use which may be permitted only by approval of the Zoning Board after public notice and public hearing to determine whether the proposed use will conform to general and specific standards as set forth or referred to in this bylaw and pursuant to §4414(3) of the Act.

Critical facilities: Police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

dBm: Unit of measure of the power level of an electromagnetic signal at the input of a receiver, given its antenna system gain at a particular frequency, expressed as decibels (dB) above one milliwatt. Signal predictions with this measure are valid at one particular frequency, and ambiguous unless all receivers and antenna combinations are identical.

dBu: Unit of measure of the field intensity of an electromagnetic signal, expressed as decibels (dB) above one microvolt per meter, an absolute measure for describing and comparing service areas, independent of the many variables (see dBm) introduced by different receiver configurations. This unit shall be used for coverage prediction plots.

Development: The division of a lot into two or more lots; the construction, reconstruction, conversion, structural alteration, location, relocation or enlargement of any building, other structure, replacement of a mobile home, or materials, road, driveway, pond, or of any mining, excavation, dredging, filling, grading, paving, drilling or landfill, or storage of equipment, and any change in the use of any building or other structure or land, or extension of use of the land.

Driveway: Any way commonly used for vehicular traffic, serving not more than two single-family residential uses or lots.

Dwelling, multiple-family: Building used as living quarters by three or more families living independently of each other, including townhouses or condominiums.

Dwelling, permanent (year-round): A single-family, two-family or multiple-family dwelling occupied and used 90 days or more during each of the periods between November 1st and April 30th of the two most recent, consecutive calendar years, and during the remainder of both calendar years as well. A permanent dwelling has a permanent supply of running water and a working wastewater disposal system.

Dwelling, one-family: Detached building used as living quarters by one family.

Dwelling, seasonal – A single-family, two-family or multiple-family dwelling occupied and used during the period between May 1st and October 31st of each of the two most recent calendar years, but fewer than 90 days during each of the periods between November 1st and April 30th of the two most recent, consecutive calendar years. A seasonal dwelling has a supply of running water and a working wastewater disposal system. The conversion to a permanent dwelling of a seasonal dwelling shall be considered a change in, or extension of, a use, except one previously approved as a permanent dwelling.

Dwelling, two-family: Building used as living quarters by two families living independently of each other.

Dwelling unit: Building or part thereof used as living, eating and sleeping quarters by members of one family, with a dedicated means of entrance and egress separate from that of other dwelling units. The terms "dwelling," "one-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not include a tourist home or motor lodge.

Electromagnetically able: The determination that the new signal from and to the proposed new antennae will not significantly interfere with the existing signals from and to other facilities located on the same tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.

Erosion hazard overlay zone: Area identified by the Fluvial Erosion Hazard (FEH) maps.

Facility: A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility(s) and required landscaping are located. It shall meet minimum lot size and regulations for the zone in which it is to be located.

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

FEMA: Federal Emergency Management Agency

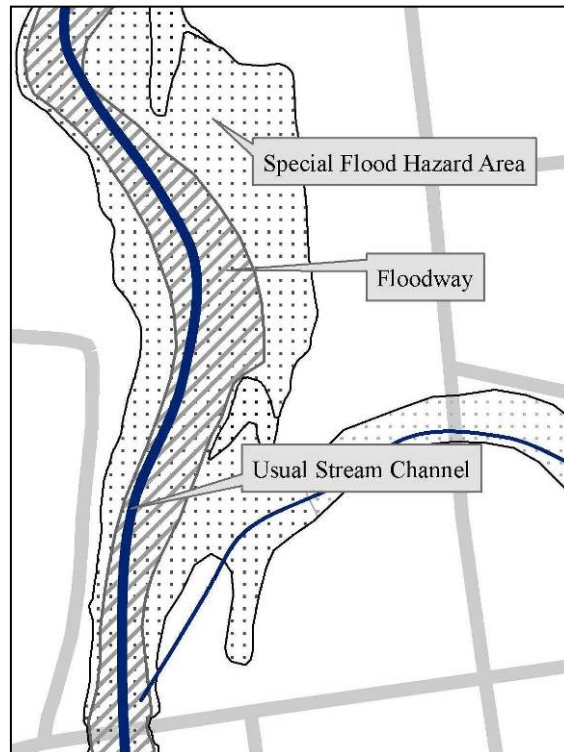
Fence: A structure or vegetation used primarily for enclosure or screening

FHBM: Flood Hazard Boundary Map, an official map of a community on which the Administrator has delineated both the areas of flood hazard and the risk premium zones applicable to the community. A FHBM is issued before the FEMA has conducted a flood study of the community.

Finished grade: Completed surfaces of ground, lawn, walks, paved areas and roads brought to grade as shown on plans relating thereto.

FIRM: Flood Insurance Rate Map, an official map of a community showing the areas of flood hazard and the risk premium zones applicable to the community.

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



partial or from: the rapid source; flooding on the is carried of the along the erosion or exceeding an water, or and

FEMA and

Flood hazard overlay zone: Area identified by the Flood Insurance Rate maps and Flood Boundary Floodway maps.

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

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

Floor area: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between exterior faces of walls.

Fluvial erosion: Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

Gasoline or motor vehicle service station: Any lot or area of land, including the building or buildings thereon, which is used for the sale of any motor vehicle fuel or lubricant, or which has commercial facilities for lubricating, washing, painting, repairing, or servicing motor vehicles.

Gigahertz (GHz): One billion Hertz.

Government facility: Any building held, used, or controlled exclusively for public purposes by any department or branch of government.

Grade of service: A measure of the percentage of calls that are able to connect to the base station, during the busiest hour of the day. Grade of service is expressed as a number, such as p.05, means that 95 percent of callers will connect on their first try. A lower number (p.04) indicates a better grade of service.

Group home: See Residential care home.

Handcraft manufacturing facility: Location wherein five or fewer employees are engaged in the production of handmade items such as pottery, knitted goods, musical instruments, objects d'art, or similar objects.

Hertz: One Hertz is the frequency of an electric or magnetic field that reverses polarity once each second, or one cycle per second.

Historically significant structure: A structure that is: (a) listed individually in the National Register of Historic Places 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 the Vermont Inventory of Historic Places; or (d) within Ripton's Historic Overlay District (HISTORIC) and was constructed in the 19th or early 20th century.

Home occupation: Accessory use conducted within a minor portion of a dwelling by the residents thereof, which is clearly secondary to the residential use, employs fewer than three persons including the residents, is customary in residential areas, and does not change the character thereof.

Junk: Old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof.

Junkyard: Any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping junk or three or more junk motor vehicles.

Junk motor vehicle: A discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered or uninspected motor home not connected to water and/or sewer, or a motor vehicle that is unregistered or uninspected.

Letter of Map Amendment (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed 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.

Light shelter structure: a floorless structure consisting of fabric or plastic enclosure materials supported by a lightweight wood, plastic or metal framework.

Location: References to site location shall be the exact longitude and latitude, to the nearest tenth of a second; since the FCC uses the 1927 North American horizontal datum, this shall be employed, and bearing or orientation shall be referenced to True North.

Lodging establishment: A tourist home, bed and breakfast, hotel or inn that provides regular rental of a portion of a structure.

Lot or Parcel: For the purposes of land development, contiguous land and premises, with or without buildings, having not less than the minimum area, width, and depth required for a lot in the district in which such land is situated, and having frontage on a public road or public waters, or other means of access as may be required elsewhere in this bylaw. This definition includes an existing small lot, per Section 501 of this bylaw, which may not meet minimum area, width, or depth requirements. Lands separated by a Class 1, Class 2, Class 3 or Class 4 Town Highway or public waters shall not be considered a single "lot" for any purpose.

Lot area: Total area within a lot's boundary lines, excluding any part thereof lying within the boundaries of an existing or proposed Class 1, Class 2, Class 3 or Class 4 Town Highway. The areas of lands separated by a Class 1, Class 2, Class 3 or Class 4 Town Highway or public waters shall not be aggregated for purposes of calculating lot area.

Lot, corner: Lot that has an interior angle of less than 135 degrees at the intersection of two streets.

Lot coverage: That percentage of the lot area covered by the building area.

Lot depth: Mean horizontal distance from the street line to the rear lot line measured at right angles to the building front line, or, if undeveloped, to the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

Lot frontage: Distance measured along the street line between the points of intersection of lot lines and the street line.

Lot line: Property lines bounding a lot.

Lot line, rear: The lot line opposite and most distant from the street line. Where a lot fronts on public waters but not a public road, "mean water line" shall replace "street line" in this definition.

Lot width: Width measured at right angles to its lot depth, at the proposed or existing building front line.

Lowest floor: The lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Megahertz (MHz): One million Hertz.

Mobile home: A prefabricated dwelling unit which is designed for long-term and continuous residential occupancy, is designed to be moved on wheels as a whole or in sections, and is ready for occupancy upon arrival at the site except for incidental unpacking, assembly, connections with utilities, and placement on supports or foundation.

Mobile home park: Any land under single, affiliated, or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes.

Monitoring: The measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from individual telecommunications facilities, towers, antennae, or repeaters.

Monitoring protocol: The testing protocol, such as the Cobbs Protocol, (or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements.

Motor lodge/inn: A building or group of buildings used for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals. Does not include tourist home/bed and breakfast.

Net-metering system: A facility for generation of electricity that is no more than 250 kW (AC) capacity; operates in parallel with facilities of the electric distribution system; is intended primarily to offset part or all of the customer's or group's own electricity requirements; is located on the customer's or a member of the group's premises; and employs a renewable energy source produced using a technology that relies on a resource that is being consumed at a harvest rate at or below its natural regeneration rate pursuant to 30 V.S.A., §8002(2); or is a combined heat and power system with a capacity up to 20 kW that meets the definition of a combined heat and power facility under 10 V.S.A., §6523(b)(2).

New construction: Structures commenced on or after the effective date of this bylaw.

Non-conforming lot or parcel: A lot or parcel that does not conform to all the dimensional requirements of this bylaw but were in conformance with all applicable laws, ordinances, and regulations at the time of the enactment

of the present bylaw, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

Non-conforming structure: A structure or part of a structure that does not conform to the present bylaw but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaw, including a structure improperly authorized as a result of error by the Zoning Administrator.

Non-conforming use: Use of land that does not conform to the present bylaw but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaw, including a use improperly authorized as a result of error by the Zoning Administrator.

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.

Official map: The map(s) authorized under the provisions of 24 V.S.A., 117: §4421 adopted in accordance with the provisions of §§4402 and 4418, and modified in accordance with the provisions of §4442.

Parking space: Off-street space used for the temporary location of one licensed motor vehicle, such space being at least 9 feet wide and 22 feet long not including access driveway, and having direct access to a street.

Permitted use: Permitted use as identified in Article II. Use specifically allowed in the district, excluding illegal uses, conditional uses, and nonconforming uses. Permitted use for other than one- two-family dwellings and child care homes requires site plan review (see Section 350).

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.

Planned unit development (PUD): One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. The plan for a PUD need not correspond in lot size, bulk or type of dwelling, commercial or industrial use, density, lot coverage and required open space to the requirements established in any one or more of the districts created under the provisions of the Town's Unified Development Bylaw which has been adopted under the authority of the Act, and subsequently amended. The permitted number of dwelling units shall not exceed the number that could be permitted if the land were subdivided into lots otherwise in conformance with the Unified Development Bylaw. Dwelling units may be clustered to take advantage of site locations best suited for development and to preserve open space values, as long as two-thirds of the land under development is set aside for public or open space uses. A Planned Unit Development includes principal and accessory structures and uses that are substantially related to the purposes and objectives listed in Section 613 of this bylaw and §4417 of the Act.

Plat: A document of record drawn to scale on paper or other reproducible medium describing one or more plots of land and roads.

Plat record: A map or representation on paper or another reproducible medium of land subdivided into lots and roads, drawn to scale.

Professional office: Professional office including architect, accountant, dentist, doctor, lawyer, engineer, psychologist, or other similar occupation.

Quarrying: Marble, granite, or other stone extraction operations and any land development incidental thereto. Quarrying includes the enlargement of any existing quarrying excavations.

Radial coverage plots: Radial plots are the result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial; a threshold plot would use a mark to indicate whether that point would be strong enough to provide adequate coverage -- i.e., the points

meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

Radiated-signal propagation studies or coverage plots: Computer generated estimates of the signal emanating, and prediction of coverage, from antennae 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 a site will provide adequate coverage for the telecommunications facility proposed for that site.

Radio frequency interference (R.F.I.): The emissions from wireless communications facilities under the authority of the FCC that can affect the normal operation of electronic devices.

Radio frequency radiation (R.F.R.): The emissions from wireless communications facilities under the authority of the FCC.

Recreation, open land: Park, golf course, or skiing facility.

Recreational vehicle: See camper.

Repeater: A small receiver/relay transmitter of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

Reports 86 and 119: Reports to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities upon adoption of this bylaw.

Residential care home or group home: Residential dwelling operating under state licensing or registration serving not more than eight persons with handicaps or disabilities as defined in 9 V.S.A., §4501, not within 1000 feet of another such home.

Residential health care facility: Any residential facility for the diagnosis or treatment of human ailments, including but not limited to hospital, sanitarium, nursing home, community care home, and hospice.

Residential use: One-family dwelling, two-family dwelling, multiple-family dwelling, or residential care home or group home.

Restaurant: A public eating establishment in which the primary function is the preparation and serving of food.

Resubdivision: A change of a recorded subdivision plat record or deed if such change affects any road layout on such plat record, or area reserved thereon for public use, or any change of a lot line (other than a boundary adjustment), or any such change that affects any map or plan that has been legally recorded or approved.

Retail store: Any enclosed business concerned primarily with the sale of produce, products, goods, equipment or commodities; but shall exclude any drive-in facility, free-standing retail stand, gasoline or motor vehicle service station, motor vehicle sales facility, restaurant or junk yard.

Right-of-way: An easement for passage or access upon or across the lands of another.

Road: Any road, highway, avenue, street, land or other way between right-of-way lines, commonly used for vehicular traffic exclusive of a driveway serving not more than two single-family residential uses or lots.

Road, private: A road which has been constructed for public or commercial travel over land which has not been conveyed to nor accepted by the Town or to the State of Vermont by a deed or a fee on easement interest.

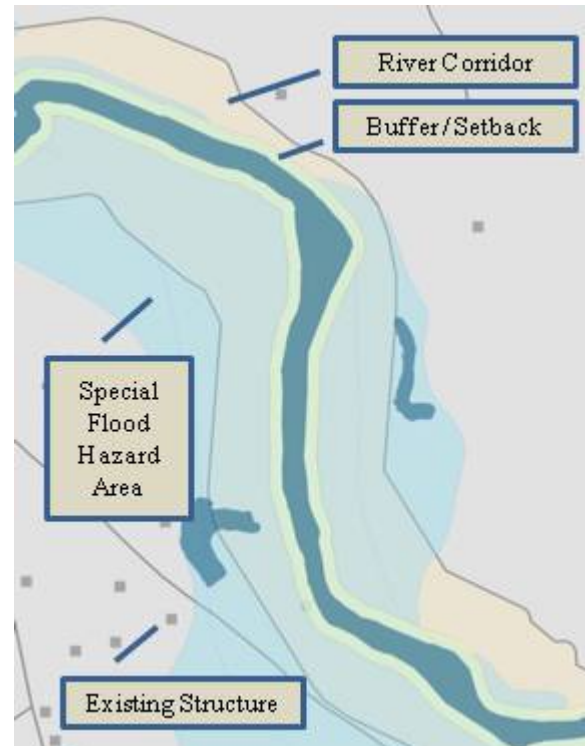
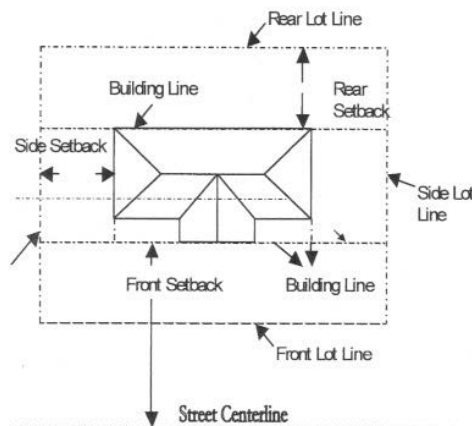
Road, public: A road constructed over land conveyed to and accepted by the Town or the State of Vermont by deed or fee on easement interest.

River corridor: The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated in accordance with the ANR River Corridor Protection Guide.

Sand and gravel pit, commercial: Site from which sand, gravel, or stone is removed for sale or use off-site.

Service area: A designated space used for waste storage or pickup, utility areas, or for the delivery of goods and services to any building or land use.

Setback: The following diagram illustrates the front, side and rear setbacks of a parcel.



Setback, front: Consists of the distance between the center of the applicable public or private highway or right-of-way, and the applicable building front line.

Sign: Any device, structure, building or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Significant structure: See Historically significant structure.

Sketch plan: A sketch of a proposed subdivision, in a form approved by the Planning Commission, showing the location of the subdivision, the names of the adjoining landowners and a description of the proposed development.

Sketch plan meeting: A meeting between the subdivider, or his/her authorized agent, and the Planning Commission, scheduled to review a sketch plan of the proposed subdivision and to determine what data will be required for the formal application.

Small Residential Wind Turbine System: A wind energy conversion system consisting of a wind turbine, tower, and associated controls or conversion electronics, which has a rated capacity of not more than ten kilowatts and is intended primarily to reduce on-site consumption of utility power. A system is considered a residential small wind turbine only if it supplies electrical power solely for off-grid onsite use or net-metering.

Solar collector: A device or structure, combination or part thereof that transforms direct solar energy into thermal, chemical, or electrical energy.

Solar energy: Radiant energy (direct, diffuse, and reflected) received from the sun.

Solar energy system: Any solar collector or other solar energy device, including passive systems, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to collect, store and distribute solar energy for space heating or cooling, for water heating or for electricity.

Solar power generator: the use of solar panels to convert sunlight directly or indirectly into heat or electricity. Solar power generators consist of solar panels, charge controllers, inverters, working fluid systems, hot water storage tanks, thermostats, storage batteries and other components regularly used together to produce solar derived energy.

Special Flood Hazard Area: The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods.

Start of construction: See FEMA definition in §1909.1 of the current National Flood Insurance program rules and regulations.

Street: Public way for vehicular traffic, which affords the principal means of access to abutting properties.

Street line: Right-of-way or boundary line of a street as dedicated by a deed or other proper instrument of record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the center of the traveled portion of the street.

Story: The space in a building between two adjacent floor levels or between a floor and the roof.

Structurally able: The determination that a tower or structure is capable of carrying the load imposed by the proposed new antennae under all reasonable predictable conditions as determined by professional structure engineering analysis.

Structure: An assembly of materials for occupancy, or for the storage and/or protection of property, including a building, mobile home, trailer, or light shelter structure, or for use, including a sign, wall, or fence, but excluding farm structures, as defined in 10 V.S.A., §6001(22), which are regulated by the Secretary of Agriculture, Food and Markets.

Subdivider: Any person, firm, corporation, partnership, association, unincorporated organization, trust, or any other commercial or legal entity, including a joint venture of affiliated ownership which owns or controls the tract(s) of land to be developed or subdivided, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for him/herself or for others.

Subdivision: The division by recorded deed of a parcel of land with or without roads into two or more lots, plots or other legal divisions of land for transfer of ownership, building development or sale. Subdivision includes resubdivision. Land divided by a public road right-of-way or public waters is considered two separate parcels for purposes of these regulations.

Subdivision, major: Any residential subdivision containing three or more lots, or requiring any new road in excess of 800 feet in length, or any commercial, industrial or commercial recreational project, multi-family housing project, or Planned Unit Development that meets the definition of a subdivision; or any subdivision involving issues that the Planning Commission considers too critical to be addressed under the minor subdivision procedures.

Subdivision, minor: Any residential property being subdivided into two residential lots and otherwise not qualifying as a major subdivision.

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

Substantial improvement: Any reconstruction, rehabilitation, addition to, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project the primary purpose of which is the ~~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 local code enforcement official and which are the minimum necessary to assure safe living 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”.

Telecommunications facility: All equipment (including repeaters) with which a telecommunications provider broadcasts and/or receives the radio-frequency waves which carry its services and all locations of said equipment or any part thereof, together with any and all site improvements, including buildings incidental to the above. This facility may be sited on one or more towers or structures owned and permitted by another owner or entity.

Telecommunications provider: An entity licensed by the FCC to provide telecommunications services.

Tiled coverage plots: Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or tile, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over the area of interest; usually the same grid will be used as different sites are examined, and it is not necessary that the transmitter site be within the grid or area of interest. As with radial plots (see Radial Coverage Plots), the graphic display or plot can be either signal strength or adequate threshold. This method is preferable for comparative analysis and shall normally be used for coverage prediction plots.

Tiny house: A mobile dwelling of 300 square feet or less, subject to UDB Sections 516, 523, or 596.

Tourist home/bed and breakfast: Building wherein more than four people are sheltered for profit. If meals are provided, breakfast is the only meal served. Does not include motor lodge/inn.

Tower: A lattice structure or framework, either self-supporting or guyed, or monopole, that is designed to support telecommunications facilities, antennae, and/or equipment.

Town highway, Class 3: All Town roads or highways other than Class 1, Class 2 or Class 4 highways, as designated by the Selectboard.

Town highway, Class 4: All Town roads or highways, including trails and pent roads, other than Class 1, Class 2 or Class 3 highways, as designated by the Selectboard.

Undue adverse effect: An unharmonious effect of a proposed project on aesthetics and the scenic and natural beauty of an area and its surroundings that violates a clear written community standard intended to preserve the scenic or natural beauty of an area, or that offends the sensibilities of the average person, or that fails to take generally available mitigating steps a reasonable person would take to improve the harmony of a proposed project with its surroundings.

Variance: A requested departure from the provisions of this bylaw to be granted or denied by the Zoning Board pursuant to the provisions of and subject to standards imposed by §4469 of the Act and UDB Sections 343 and 611.

Violation: The failure of a structure or other development to be fully compliant with this bylaw. 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.

Wind energy conversion system: A device that converts wind energy to mechanical or electrical energy.

Wind tower: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

Wind turbine: A machine with turbine apparatus, rotor blades, nacelle and tower capable of producing electricity by converting the kinetic energy of wind into rotational, mechanical and electrical energy; provided, the term does not include electrical distribution or transmission lines, or electrical substations.

Yard: Space on a lot not occupied with a building or structure.

Yard, front: Yard between the street line and the building front line.

Yard, rear: Yard between the rear lot line and the building rear line.

Yard, side: Yard between a side lot line and a building side line.