

ARTICLE XI. DEFINITIONS

Section 11.1 Terms & Usage

A. Except where specifically defined herein or in the Act [§4303], or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

B. In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

1. the particular controls the general;
2. the present tense includes the future tense;
3. the word "shall" is mandatory; the words "may" and "should" are permissive;
4. the word "structure" includes, but is not limited to "building;"
5. the word "road" includes "street;" and
6. the word "lot" includes "parcel."

C. General definitions under Section 11.2 shall apply unless otherwise specified or required under these regulations:

1. For the purposes of flood hazard area management and regulation under Table 2.8 and Article VI, National Flood Insurance Program (NFIP) definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided under Section 11.3.
2. For purposes of telecommunications facility regulation under Section 4.18, technical definitions under Section 11.4 shall apply.
3. Where specific definitions under Sections 11.3 and 11.4 differ from similar definitions under the Act [§4303] or these regulations, the more specific or program definitions shall control.

D. Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Development Review Board under Section 10.5. In such cases, the DRB shall base its decision upon the following definitions, state statute, common language, and the need for reasonable and effective implementation of these regulations. The DRB shall publish and update from time to time such written interpretations, to ensure consistent and uniform application of the provisions of these regulations.

Section 11.2 General Definitions

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of

1 Agriculture, Food and Markets (see exemptions under Section 10.2). See also Agriculture, Farm
2 Structure.

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4 **Accepted Management Practices (AMPs):** Accepted practices for silviculture (forestry) as
5 currently defined by the Commissioner of the Vermont Department of Forests, Parks and
6 Recreation (see exemptions under Section 10.2). See also Forestry.

7
8 **Access:** A defined area of ingress and/or egress between a property and an abutting road right-
9 of-way (e.g., a curb cut) or a surface water. See also Driveway, Road.

10
11 **Accessory Dwelling:** See Dwelling, Accessory.

12
13 **Accessory Structure, Use:** A structure or use that is clearly incidental, customary, and
14 subordinate in size and overall appearance (except for barns) to the principal structure or use of
15 land on the same lot. Examples: in-ground pools, ponds, garages, storage sheds, playhouses,
16 tree houses, barns, satellite dishes, residential wind towers, etc. See also Dwelling, Accessory
17 and Structure.

18
19 **Act:** 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development
20 Act as most recently amended.

21
22 **Adaptive Reuse:** The rehabilitation or renovation of an existing historic structure, as listed on
23 the Vermont Historic Sites and Structures Survey for the Town of Underhill, the National
24 Register of Historic Places, or another list prepared and maintained by the town for this
25 purpose, for another use as specified in these regulations (see Section 4.2).

26
27 **Administrative Officer:** The Underhill Zoning Administrator.

28
29 **Affordable Housing:** Housing that is either: (1) owned by its inhabitants, whose gross annual
30 household income does not exceed 80 percent of the median income for the Burlington
31 Metropolitan Statistical Area, as defined by the United States Department of Housing and
32 Urban Development, and the total annual cost of the housing, including principal, interest,
33 taxes and insurance, is not more than 30 percent of the household's gross annual income; or (2)
34 rented by its inhabitants whose gross annual household income does not exceed 80 percent of
35 the median income for the Burlington Metropolitan Statistical Area, as defined by the United
36 States Department of Housing and Urban Development, and the total annual cost of the
37 housing, including rent, utilities, and condominium association fees, is not more than 30
38 percent of the household's gross annual income. **"Perpetually affordable"** shall mean housing
39 that meets the affordability requirements of these regulations for a minimum period of 99
40 years from the date of first sale or lease.

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42 **Affordable Housing Development:** A housing development in which at least 20% of the units,
43 or a minimum of five units, whichever is greater, are affordable housing units.

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Agribusiness: An enterprise that supplies raw materials, feed, equipment or supporting services to agricultural producers, or engages in the collection, processing, storage and distribution of agricultural commodities. An agribusiness may be established on an operating farm, subject to these regulations.

Agriculture: As defined by the Vermont Secretary of Agriculture, Food and Markets, to include the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple sap; the on-site storage, preparation and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes produced on the farm. The term shall also include commercial boarding and riding stables. See also Accepted Agricultural Practices, Farm Structure.

Agricultural Products: Products produced, prepared and/or processed from an agricultural operation including but not limited to milk, vegetables, fruits, flowers, potting or bedding plants, soil or compost, trees, shrubs, greens, maple syrup or other sap products, meat, poultry, eggs, fish, honey, and other bee products. This also includes products manufactured from these products, including cheese and other dairy products. See also Agriculture.

Agricultural Structure: See Farm Structure.

Agritourism: Activities conducted on a working farm and offered to the public or invited groups for the purposes of recreation, education, or active involvement in farm operations. Activities must be clearly related and incidental to on-site farming operations, and may include farm tours, hayrides, petting zoos, classes related to agricultural products or skills, tastings, the sale of farm products, and associated facilities. Guest accommodations may be provided on-site in association with a bed and breakfast or inn established under these regulations.

Alpine Ski Facility: An area and facility developed for downhill skiing, with trails and lifts, which may also include associated ticketing, parking, ski equipment sales and rentals, ski instruction, safety, patrol, snowmaking and maintenance facilities, and warming hut facilities to be accessed primarily by ski trails or service roads. Other facilities, such as commercial lodging, indoor recreation, cultural and restaurant facilities, which may support year-round use, may be allowed in association with an alpine ski facility subject to review as a mixed use (see Section 4.12) or a planned unit development (Article IX).

Alteration: Any relocation, structural change, rearrangement, or addition to a building or structure, excluding normal maintenance and repair activities. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure, including its height, length, width, footprint, or gross floor area. It shall also include any increase in the number of bedrooms or bathrooms. See also Conversion, Improvement, Substantial Improvement.

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Applicant: The owner of land or property proposed to be subdivided and/or developed in accordance with these regulations or his or her duly authorized representative. Any party with a legal interest in land subdivision and/or development may apply for a permit in cooperation with the owner of the property. See also Authorized Agent, Interested Person.

Approval: A written decision issued by the Underhill Development Review Board within the statutory time limit, or in the event of the DRB's failure to act within the specified time limit, a certification of such failure to act issued by the Municipal Clerk, as attached to the permit application and recorded in the land records of the municipality.

Authorized Agent: A person or group of persons who is duly authorized in writing by an applicant or subdivider to act on his/her behalf.

Bar: See Restaurant.

Basement: Any area of a building having its floor at subgrade (below ground level) on all sides.

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which no more than five guest rooms accommodating up to ten guests within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. Parking requirements also apply (see Section 4.5). See also Commercial Lodging Facility, Inn.

Board: The Underhill Development Review Board, as established under the Act, unless otherwise specified.

Boundary (Lot Line) Adjustment: A change in the location of lot line(s) between adjoining parcels where no new lot is created, for purposes of transferring land between adjoining properties. A boundary adjustment shall not create a nonconforming lot or use (see Section 7.2). See also Subdivision.

Buffer: Any space between adjoining land uses or between a land use and a natural feature, which is intended and designed to reduce the impact of one use on the other use or feature. Buffers may include open space, woodland, landscaped areas, undisturbed vegetated areas, or other types of physical, visual or sound barriers.

Building: A structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods, chattel or equipment. See also Structure.

Building Coverage: As specified by zoning district to mean either (1) that portion (percentage) of a lot area which is covered by buildings and other structures, to be calculated as the sum of

1 all building or structure footprints divided by the lot area: (total building footprint/lot area) x
2 100 = % building coverage, or (2) the maximum total building footprint allowed per lot, to be
3 calculated based on the sum of all building and structure footprints on that lot.
4

5 **Building Envelope:** Designated area(s) on a lot within which structures, parking and loading
6 areas shall be located; and outside of which structures, parking or loading areas shall not be
7 located. At minimum the building envelope shall be defined by required district setbacks and
8 height limits; but may be also defined, as specified under these regulations, to exclude other
9 portions of the lot (e.g., steep slopes, surface waters, wetlands, required buffer areas,
10 designated open space).
11

12 **Building Height:** See Height.
13

14 **Building Orientation:** The location on a lot of a building or other structure in relation to road
15 rights-of-way and, where present, adjoining and facing structures and/or designated open
16 space areas, such as a common park or green.
17

18 **Camp:** A type of detached, seasonal dwelling unit which is not the primary residence of the
19 owner or occupant, is occupied only on a part-time or seasonal basis, and which is structurally
20 not suited for year-round occupancy. This definition shall include (1) a dwelling which is
21 occupied no more than 180 days during any one (1) year period, and which lacks one or more of
22 the basic amenities, services or utilities required for year-round or all weather occupancy,
23 including but not limited to a winterized water system, insulated walls and roof, heating source,
24 adequate water or wastewater disposal systems, or utility line connection, or (2) a dwelling that
25 has been specifically permitted as a camp. For purposes of these regulations, a dwelling listed
26 on the Underhill Grand List as a single family vacation residence (V1 or V2) as of the effective
27 date of these regulations shall be deemed a seasonally occupied dwelling and may be deemed a
28 camp under this definition, unless it has been permitted as a single family dwelling or it has
29 been documented by the applicant and determined by the Zoning Administrator to be an
30 existing single family dwelling. See also Dwelling, Accessory and Dwelling, Single Family.
31

32 **Camper (Recreation Vehicle):** Any vehicle used as temporary sleeping, camping or living
33 quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle,
34 and includes a holding tank for the storage of sewage if bathroom facilities are present. This
35 definition includes recreation vehicles such as motor homes and travel trailers, but specifically
36 excludes tiny houses (see Section 3.22) and mobile homes (see Section 4.3). See also Mobile
37 Home, "Recreation Vehicle" as defined for purposes of flood hazard area management and
38 regulation under Section 11.3.
39

40 **Campground:** A parcel of land upon which three or more cabins, lean-tos or yurts, or three or
41 more campsites for occupancy by a camper or tent, are located as temporary, seasonal living
42 quarters for recreation, education, or vacation purposes (see Section 4.4). See also Camper.
43

- 1 **Capacity Study:** An inventory of available natural and man-made resources (e.g., facilities,
2 services), based on detailed data collection, which identifies the capacities and limits of those
3 resources to absorb land development, as defined under the Act [§4303].
4
- 5 **Cemetery:** Land used or dedicated to the burial of the dead, including cremains. A cemetery
6 may include as accessory structures an office, a chapel, mausoleums, columbaria, and
7 maintenance facilities. An individual burial site on private land, registered with the Underhill
8 Town Clerk in accordance with state law, is exempted from this definition. See also Funeral
9 Home.
10
- 11 **Change of Use:** See Conversion.
12
- 13 **Character of the Area:** For purposes of these regulations, the "character of the area" or
14 character of a neighborhood is the planned type, density and pattern of development for a
15 particular area or neighborhood, as defined by zoning district purpose statements and clearly-
16 stated goals, policies and objectives of the Underhill Town Plan that are specific to that area
17 and/or the physical circumstances of development.
18
- 19 **Clearing:** The removal of existing vegetation, e.g., as part of site preparation for the installation
20 of driveways, septic systems, building sites and construction or yard areas.
21
- 22 **Commercial Lodging Facility:** For the purposes of these regulations a bed and breakfast or an
23 inn (see Section 4.5). See Bed & Breakfast, Inn.
24
- 25 **Commercial Use:** An occupation, employment or enterprise that is carried on for profit by the
26 owner, lessee or licensee.
27
- 28 **Commission:** The Underhill Planning Commission, as established under the Act, unless
29 otherwise specified.
30
- 31 **Common Land:** Land within a development or subdivision that is not individually owned, but
32 which is designed to be held in common for the use, enjoyment, management and maintenance
33 by the residents or occupants of a development or subdivision. Common land may include but
34 not be limited to open space areas, parking lots, community water and wastewater systems,
35 pedestrian walkways, utility and road rights-of way.
36
- 37 **Community Center:** A building used for recreational, social, and cultural activities which is not
38 operated for profit and is intended primarily to serve the residents of the town or the
39 development in which it is located.
40
- 41 **Community System (Water, Wastewater):** Any water or wastewater disposal system other
42 than a municipally-owned system which provides potable water to or disposes of wastewater
43 from two or more domestic, commercial, industrial, or institutional uses. Such systems shall
44 include associated collection, distribution and treatment facilities.

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Conditional Use: A use, which because of its nature and potential impacts to roads, traffic, community facilities and services, adjoining properties and uses, or the character of the area, may be allowed with conditions only upon approval of the Development Review Board.

Condominium: A form of ownership of real property that includes separate, individual ownership of portions of the property (e.g., units in an apartment building) and undivided or joint ownership of the remainder of the property (e.g., common areas, common land, shared infrastructure). For purposes of these regulations, condominium development can be in the form of a two-family dwelling or multi-family dwelling, and must meet the same requirements as other types of land subdivision and development. See also Dwelling, Multi-family.

Conformance with the Plan: A subdivision or development that conforms to or implements specifically stated goals and policies of the Underhill Town Plan currently in effect; i.e., that, under the Act [§4303]:

- (1) Makes progress toward attaining, or at least does not interfere with plan goals and policies,
- (2) Provides for proposed land uses, densities and intensities of development contained in the municipal plan.
- (3) Carries out, as applicable, specific proposals for community facilities, or other proposed actions contained in the municipal plan.

Construction Drawings: Drawings showing the as-built location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary; or (2) two or more parcels which share a common parcel boundary or point. Where one or more existing road rights-of-way bisect an existing parcel, the right(s)-of-way may be considered a boundary dividing the parcel into two or more lots only if all portions of the parcel divided by the right(s)-of-way meet the minimum lot size requirement for the district in which they are located.

Contractor's Yard: A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades (see Section 4.6). See also Home Industry.

Conversion: A change in the existing use of land or a structure to a different use, with or without structural alteration. This includes but may not be limited to the conversion of camps or accessory dwellings to single family dwellings, or the conversion of a single family dwelling to a two-family or multi-family dwelling (see Section 3.3). See also Adaptive Reuse.

Coverage: See Building Coverage, Lot Coverage.

1 **Cul-de-Sac:** A road intersecting another road at one end, and terminated at the other end by a
2 vehicular turnaround.

3
4 **Cultural Facility:** A museum, theater, concert hall, library or other establishment offering
5 programs, performances or exhibits of cultural, educational, historical, or scientific interest,
6 excluding movie theaters as a principal use. See also Recreation, Indoor.

7 **Curb Cut:** See Access.

8
9 **Day Care Facility:** An establishment, except as supported in whole by tax funds, operated as a
10 business or service on a regular or continual basis, whether for compensation or not, which
11 provides care, protection, supervision and/or education for children or adults for periods of less
12 than 24 hours. This definition shall include all facilities that are required to be licensed by the
13 State of Vermont as a private kindergarten, nursery school, and/or day care facility except for
14 home child care facilities (see Section 4.7). See also Group Home, Home Child Care, Residential
15 Care Facility.

16
17 **Deer Yard:** An area designated by the Vermont Department of Fish and Wildlife as wintering
18 habitat for white tailed deer.

19
20 **Degree of Nonconformance:** The degree to which a structure, or portion thereof, does not
21 meet required dimensional standards (e.g., minimum setback distances) as specified in these
22 regulations. For purposes of these regulations, any enlargement or other structural alteration
23 which extends the footprint, height or volume of a structure within a required setback distance,
24 or above the maximum allowed height (i.e., the amount of encroachment), shall be considered
25 to increase the degree of noncompliance. See also Nonconforming Structure.

26
27 **Demolition:** The razing of more than 50% of a structure.

28
29 **Density:** The maximum number of dwelling units or gross square footage of building per acre of
30 lot area, excluding the land area within existing and proposed road rights-of-way.

31
32 **Development:** See Land Development. Also see DEVELOPMENT as defined for purposes of
33 flood hazard area management and regulation under Section 11.3.

34
35 **Development Right:** The right to build or develop on a specific parcel of land in accordance with
36 these regulations for the district in which the parcel is located.

37
38 **DRB:** Underhill Development Review Board as established under the Act.

39
40 **Drive-through:** An establishment which, by design, physical facilities, and/or service
41 encourages or permits customers to receive services, obtain goods, or be entertained while
42 remaining in their motor vehicles.

43

- 1 **Driveway:** A private travel way, including an easement or right-of-way serving up to three (3)
2 parcels, which provides vehicular access to a parking area(s) associated with the principal
3 structure or use (see Section 3.2). See also Access, Road.
4
- 5 **Dwelling, Accessory:** A secondary dwelling unit established in conjunction with and clearly
6 subordinate to a single family dwelling, which is retained in common ownership, is located
7 within, attached to or on the same lot as the primary dwelling, and which otherwise meets
8 applicable requirements of these regulations (see Section 4.15). See also Dwelling, Two-Family.
9
- 10 **Dwelling, Seasonal:** See Camp.
11
- 12 **Dwelling, Multi-Family:** A building or portion thereof containing three (3) or more dwelling
13 units. See also Dwelling Unit; Dwelling, Two Family; and Condominium.
14
- 15 **Dwelling, Single Family:** (1) A detached building containing one (1) principal dwelling unit, and
16 up to one (1) accessory dwelling as allowed under Section 4.15. See also Dwelling, Accessory
17 and Group Home.
18
- 19 **Dwelling, Two-Family:** A detached building, such as a duplex or condominium, that contains
20 two principal dwelling units.
21
- 22 **Dwelling Unit:** A building, or portion thereof, designed, constructed, or used as separate living
23 quarters for one (1) family, including any domestic employees employed on the premises,
24 which includes food preparation, sleeping and sanitary facilities. This definition specifically
25 excludes boarding or rooming houses, residential care facilities, inns and hotels. See also
26 Family.
27
- 28 **Dwelling Unit, Affordable:** See Affordable Housing.
29
- 30 **Dwelling Unit, Elderly:** See Elderly Housing.
31
- 32 **Easement:** A legal right (such as a right of way) or interest in land owned by another that
33 entitles the holder to limited use or enjoyment of a designated portion(s) of the property for a
34 specified purpose.
35
- 36 **Easement, Conservation:** A type of easement that restricts land development, including the
37 subdivision or development of land, as necessary to protect specified conservation resources or
38 values.
39
- 40 **Elderly Housing:** Housing development that meets one or more of the following requirements,
41 in accordance with the Federal Fair Housing Act: (1) Housing specifically designed for and
42 occupied by elderly persons under a federal or state housing program. (2) Housing occupied
43 only by persons who are 62 years or older. (3) A housing development in which 80% or more of
44 the dwelling units are to be occupied by at least one person who is 55 or older, under adopted

1 policies to house persons who are 55 years or older. Elderly housing may include, as
2 accessories, congregate dining and recreational facilities and assisted living services. See also
3 Residential Care Facility.

4
5 **Elevation Limit:** The prohibition of new structures or changes in the use of existing structures
6 above 1500 feet in elevation (from mean sea level).

7
8 **Enlargement:** Any increase in the height or the footprint of a structure, e.g., through
9 extensions or additions.

10
11 **Extraction:** A use involving the on-site removal of surface and subsurface materials, including
12 soil, sand, gravel, and stone. Typical uses include sand and gravel pits and related operations
13 such as the crushing, screening, and temporary storage of materials on-site (see Section 4.8).
14 See also Quarrying.

15
16 **Family:** One or more persons related by blood, marriage, civil union, adoption other form of
17 legal guardianship as recognized by the State of Vermont, or a group of not more than eight
18 unrelated persons, exclusive of domestic servants, living together as a household. See also
19 Group Home.

20
21 **Farm Structure:** (1) In accordance with the Act [§ 4413(d)], a building, enclosure or fence for
22 housing livestock, raising horticultural or agronomic plants, or carrying out other practices
23 associated with accepted agricultural or farming practices, including a silo; but excludes a
24 dwelling for human habitation. (2) As defined by the Vermont Secretary of Agriculture under
25 accepted agricultural practices, a farm structure includes a structure used for agricultural
26 production, which meets one or more of the following: (a) is used in connection with the sale
27 of \$1000 or more of agricultural products in a normal year; (b) is used in connection with the
28 raising, feeding and management of the minimum specified number of adult animals: four (4)
29 equines, five (5) cattle or bison, 15 swine, 15 goats, 15 sheep, 15 fallow or red deer, 50 turkeys
30 or geese, 100 laying hens or ducks, 250 broilers, pheasant, Chukar partridge or Coturnix quail,
31 three (3) camelids, four (4) ratites, 30 rabbits, or 1000 pounds of cultured trout; (c) is used by a
32 farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one
33 of the past two years; (d) is on a farm with a business and farm management plan approved by
34 the Secretary. See also Agriculture, Accepted Agricultural Practices.

35
36 **Fence:** An assemblage of materials, which may include metal, stone, wood, or any
37 combination, erected and placed on the ground for purposes of limiting visual or physical
38 access, and/or to mark a property boundary. Agricultural and residential fences or walls less
39 than six feet in height which do not obstruct public rights-of-way are specifically exempted
40 from these regulations (see Sections 3.5 and 10.2). For purposes of these regulations, other
41 fences shall be considered a type of accessory structure.

42
43 **Fill:** Deposit or placement of earth, sand, gravel, rock or other similar material.

44

1 **Financial Institution:** A bank, savings and loan, finance, mortgage or investment company.
2

3 **Floor Area, Gross:** The total area of all floors of a building as measured to the outside surfaces
4 of exterior walls, including halls, stairways, elevator shafts, attached garages, enclosed porches
5 and balconies, but excluding interior vehicular parking and loading spaces, or any space where
6 the floor to ceiling height is less than six feet.
7

8 **Forestry:** The use and management of timber land for purposes of conservation and/or wood
9 production and timber harvesting. This definition specifically excludes sawmills, lumber yards
10 and other similar facilities used for the processing and/or manufacturing of wood and wood
11 products, with the exception of portable sawmills and other equipment used on site in
12 association with timber harvesting activities. See also Accepted Management Practices. Light
13 Industry.
14

15 **Frequency:** The number of cycles completed each second by an electromagnetic wave
16 measured in hertz (Hz).
17

18 **Front Lot Line:** The dividing line between a lot and a public or private road, defined along the
19 edge of the road right-of-way between side lot lines. For purposes of these regulations, a lot
20 without frontage along a road-right-of-way shall have only side lot lines. See also Lot Frontage.
21

22 **Frontage:** See Lot Frontage.
23

24 **Funeral Home:** A building or part thereof used for funeral services. Such building may also
25 contain space and facilities for the preparation of the dead for interment or cremation,
26 crematoriums, the performance of autopsies and associated surgical procedures, the storage
27 and sale of caskets, funeral urns and related funeral supplies, and the storage of funeral
28 vehicles.
29

30 **Garage Sale:** The casual sale or offering at any one time of new, used, or second hand items of
31 tangible personal property to the general public, which is generally advertised by such terms
32 "garage sale," "yard sale," "rummage sale," "attic sale," "lawn sale," "porch sale," "barn sale" or
33 similar phrase (see Exemptions under Section 10.2). See also Outdoor Market.
34

35 **Garden Center:** The use of land, buildings and/or structures for the purpose of selling lawn and
36 garden equipment, furnishings and supplies. This definition specifically does not include
37 nurseries and greenhouses that are defined as "Agriculture" or "Accepted Agricultural
38 Practices" and are therefore exempted from these regulations. See also Agriculture, Accepted
39 Agricultural Practices.
40

41 **Gas Station:** Any lot or area of land including the building or buildings thereon, which is used
42 for the sale of motor vehicle fuels, lubricants, and related motor vehicles products, and/or
43 which has facilities for fueling, washing or servicing motor vehicles (see Section 4.9). This
44 definition includes gas stations and car washes; but specifically excludes automobile and motor

1 vehicle repair services and sales, and the sale of food and unrelated convenience or grocery
2 items. See also Motor Vehicle Sales & Service, Mixed Use.

3
4 **Grade, Finished:** Completed surface of grounds, lawns, walks, paved areas and roads which
5 have been brought to grades as shown in associated plans.

6
7 **Grade, Natural:** The initial, original or pre-development surface of ground within a proposed
8 building or structure footprint, as measured from contour elevations prior to any site clearing,
9 filling or excavation.

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11 **Greenhouse:** A commercial agricultural business or farm structure for growing flowering and
12 other plants for wholesale or retail sale on the premises. Residential greenhouses, for purposes
13 of these regulations, are considered accessory structures. See also Accepted Agriculture
14 Practices, Agriculture, Farm Structure, Garden Center.

15
16 **Grocery Store:** A self-service retail establishment with a gross floor area of 4,000 square feet or
17 more that sells primarily food and household goods. For purposes of these regulations, grocery
18 stores of less than 4,000 square feet (e.g., convenience, neighborhood or general stores), shall
19 be separately defined and regulated as retail stores. See also Retail Store.

20
21 **Group Home:** In accordance with the Act [§4412(1)], a residential care home operating under
22 state licensing or registration, which serves not more than eight (8) persons who have a
23 handicap or disability as defined in state statutes (9 V.S.A. 4501), and meets the requirements
24 of Section 4.10. See also Residential Care Facility.

25
26 **Health Clinic:** A building or part thereof operated by physicians, surgeons, dentists,
27 chiropractors, therapists, or other licensed health care professionals for the examination and
28 treatment of patients on an out-patient basis. This definition does not include a public or
29 private hospital, or the professional office of a licensed health care provider located in his or
30 her residence. See also Home Occupation, Health Care Facility.

31
32 **Height:** The distance above ground of a structure as measured vertically from the average
33 finished grade at the base of the structure to the highest point of the structure or roof surface,
34 excluding the chimney (see Section 3.6). See also Grade, Finished.

35
36 **Historic Resource:** A site, structure or other cultural feature that is (1) listed on, or eligible for
37 listing on national or state registers of historic places, or (2) identified as having local historical
38 significance in the Underhill Town Plan, historic resource inventories, or through site
39 investigation. Historic resources include, but may not be limited to buildings, structures and
40 their surroundings (context), historic and prehistoric archaeological sites, and historic landscape
41 features (e.g., witness/survey trees, stone walls, fence lines, foundations and cellar holes).

42
43 **Home Child Care:** A home-based child daycare business, the owner and operator of which is
44 licensed or registered by the state, which is considered to constitute a permitted single family

1 residential use of property in accordance with the Act [§4412(5)] (see Section 4.7). See also
2 Day Care Facility.

3
4 **Home Industry:** An expanded home-based business conducted by one or more residents of a
5 single family dwelling and up to five nonresident employees, which is carried on within the
6 principal dwelling, accessory structure and/or designated yard areas, and meets all applicable
7 requirements of these regulations (see Section 4.11). See also Home Occupation.

8
9 **Home Occupation:** A use conducted entirely within a minor portion of a single family dwelling
10 or accessory structure to the dwelling, by one or more residents of the dwelling and up to two
11 nonresident employees, which is clearly incidental and secondary to the use of the dwelling for
12 dwelling purposes, and which does not change the character thereof (see Section 4.11). See
13 also Bed & Breakfast, Home Child Care, Home Industry.

14
15 **Improvement:** Any physical addition to real property, or any part of such addition, including but
16 not limited to any building, structure, infrastructure, parking facility, wall, fencing, or
17 landscaping (see also Substantial Improvement). See also Public Improvement, Substantial
18 Improvement.

19
20 **Infrastructure:** Facilities and services required to support residential, commercial, industrial
21 and civic land development, which may include but not be limited to roads, sidewalks and other
22 transportation facilities; water, wastewater, and stormwater management systems;
23 communications, electrical and other utilities; and public facilities such as fire houses, parks,
24 and schools. For purposes of these regulations, infrastructure is considered and regulated as
25 land development, which may be principal, accessory or incidental to other types of land
26 development. See also Development, Improvement, Public Facility, Structure.

27
28 **Inn:** A type of commercial lodging facility consisting of a building or group of buildings
29 containing a maximum of 24 guest rooms for occupancy and use by transients on a short-term
30 basis (less than one month on average), and may include common dining, meeting, event,
31 recreation and service facilities for the use of guests (see Section 4.5). Dining, meeting, event,
32 and recreation facilities open to the general public may be allowed as a mixed use, subject to
33 review as a mixed use, in zoning districts in which all such uses are allowed. See also Bed &
34 Breakfast, Commercial Lodging Facility, Mixed Use.

35
36 **Institutional Facility:** A type of public facility, including buildings and land, that for purposes of
37 these regulations is limited to large facilities that may include group housing and that are
38 owned, operated or contracted by a public agency or nonprofit entity for a public purpose.
39 Such institutional facilities may include college campuses, hospitals or prison facilities. See also
40 Cultural Facility, Public Facility, Residential Care Home.

41
42 **Interested Person:** As defined under the Act [§4465], for purposes of appeals:
43 (1) A person owning title to property, or a municipality or solid waste district empowered to
44 condemn it or an interest in it, affected by these regulations, who alleges that the regulations

1 impose on the property unreasonable or inappropriate restrictions of present or potential use
2 under the particular circumstances of the case.

3 (2) The Town of Underhill or an adjoining municipality.

4 (3) A person owning or occupying property in the immediate neighborhood of a property that is
5 the subject of any decision or act taken under these regulations, who can demonstrate a
6 physical or environmental impact on the person's interest under the criteria reviewed, and who
7 alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or
8 terms of the plan or bylaws of the town.

9 (4) Any 10 persons who may be any combination of voters or real property owners within the
10 town or an adjoining municipality who, by signed petition to the Development Review Board,
11 the plan or regulations of which are at issue in any appeal brought under these regulations,
12 allege that any relief requested by a person under these regulations, if granted, will not be in
13 accord with the policies, purposes or terms of the municipal plan or regulations. The petition to
14 the Board must designate one person to serve as the representative of the petitioners
15 regarding all matters related to the appeal.

16 (5) Any department and administrative subdivision of the state owning property or any interest
17 in property within the town or an adjoining municipality, and the Agency of Commerce and
18 Community Development.

19

20 **Junk:** Any scrap or waste material which is collected, stored, handled, kept, or intended for
21 salvage, resale or conversion to another use. This includes junk motor vehicles, scrap metal,
22 plastic and rubber debris, rope, rags, batteries, paper, waste, trash or other discarded,
23 dismantled, wrecked, scrapped or ruined items or materials.

24

25 **Junk Motor Vehicle:** A discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or
26 parts thereof, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to
27 remain unregistered or uninspected for a period of 90 days from the date of discovery.

28

29 **Junk Yard:** See Salvage Yard.

30

31 **Kennel:** Any premises in which the care, boarding, breeding, grooming, or training of four (4) or
32 more dogs, cats, or other domestic animals is done for primarily commercial or monetary
33 purposes. See also Veterinary Clinic.

34

35 **Land Development:** The construction, reconstruction, conversion, structural alteration,
36 relocation or enlargement of any building or other structure, or of any mining operation,
37 excavation or landfill, and any change in the use of any building or other structure, land or
38 extension of use of land [24 V.S.A. §4303(10)]. See also Subdivision. Also see "Development" as
39 defined for purposes of flood hazard area management and regulation under Section 11.3.

40

41 **Level of Service (LOS):** A measure used by engineers, most commonly to rate transportation
42 infrastructure (highway, intersection) efficiency (e.g., from the *Highway Capacity Manual*,
43 published by the Transportation Research Board). Transportation LOS systems rate
44 performance using the letters A through F, with A being the best rating, C the average rating,

1 and F the worst rating. Highway LOS is determined based on the efficiency of traffic flow;
2 intersection LOS is based on vehicle delays (wait times) at signalized or unsignalized
3 intersections.

4
5 **Light Industry:** A facility not exceeding 10,000 square feet in total gross floor area, used for the
6 manufacture, processing, fabrication, testing and/or assembly of products. This may also
7 include associated research and development, warehousing and shipping activities. A light
8 industry shall meet all applicable requirements of these regulations, including performance
9 standards. The processing of agricultural products produced on the premises where produced
10 shall not be deemed to be manufacturing. See also Home Industry, Sawmill.

11
12 **Loading Area:** One or more spaces logically and conveniently located for bulk pickups and
13 deliveries, scaled to delivery vehicles expected to be used. Required off-street loading areas
14 are not to be included as off-street parking spaces in the computation of required off-street
15 parking space (see Section 3.13).

16
17 **Lot:** A parcel of land. For purposes of these regulations, a lot is (1) any parcel of land which has
18 sufficient area to meet the dimensional requirements of these regulations, excluding existing or
19 proposed road rights-of-way; (2) a parcel of land defined by property lines, as shown on a site
20 plan or subdivision plat. See also Contiguous Land; Lot Area; Lot, Existing; and Lot of Record.

21
22 **Lot Area (Lot Size):** The total land area within the boundaries (lot lines) of a lot, exclusive of the
23 area designated for any existing or proposed road rights-of-way as measured within the
24 boundaries of the right-of-way.

25
26 **Lot, Corner:** A lot at the junction of and abutting on two or more intersecting roads where the
27 interior angle of the intersection does not exceed 135 degrees. A lot abutting a curved street
28 shall be deemed a corner lot if the tangents to the curve are the points of intersection of the
29 side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

30
31 **Lot, Through:** A lot that extends between adjoining lots and has frontage on two roads.
32 Through lots have front and side lot lines, but no rear lot line.

33
34 **Lot Coverage:** That portion (percentage) of a lot area which is covered by buildings, structures
35 and other man-made improvements, including parking and loading areas, access roads, service
36 areas, and other impermeable surfaces which prevent the infiltration of storm water.

37
38 **Lot Depth:** The minimum horizontal distance from the street line of the lot to the rear lot line of
39 such lot, as measured at right angles.

40
41 **Lot, Existing:** Any parcel in individual, separate and non-affiliated ownership from surrounding
42 properties that is legally in existence as of the effective date of these regulations. See also
43 Nonconforming Lot.

1 **Lot Frontage:** The front lot line along a public or private road, as measured along the road
2 right-of-way from the intersection of one side lot line to the intersection of the other lot line.
3 See also Front Lot Line.

4
5 **Lot Line:** The boundary line of a parcel of land; a property line.

6
7 **Lot of Record:** Any lot which individually, or as part of a subdivision, has been recorded in the
8 Underhill Town Office.

9
10 **Lot Size:** See Lot Area.

11
12 **Mean Sea Level:** The standard datum to which typical contour elevations are referenced.

13
14 **Mixed Use:** A building or parcel containing two (2) or more principal uses which are otherwise
15 allowed as permitted or conditional uses in the district in which the building or parcel is located
16 (see Section 4.12). Also see Planned Unit Development.

17
18 **Mobile Home:** A prefabricated single family dwelling unit which: (1) is designed for continuous
19 residential occupancy; (2) is designed to be moved on wheels, as a whole or in sections, (3) on
20 arrival at the site, is complete and ready for occupancy except for incidental unpacking,
21 assembly, and placing on supports or a permanent foundation, or installation as a unit in a
22 previously prepared structure; and (4) contains the same water supply and wastewater disposal
23 systems as immovable housing (see Section 3.4). See also Camper; Dwelling, Single Family;
24 Mobile Home Park.

25
26 **Mobile Home Park:** A parcel of land under single or common ownership or control which
27 contains, or is designed, laid out or adapted to accommodate, three (3) or more mobile homes
28 to be occupied for living purposes (see Section 3.4 and 4.13). See also Mobile Home. Also see
29 Manufactured (Mobile) Home Park as defined for purposes of flood hazard area management
30 and regulation under Section 11.3.

31
32 **Mobile Home Sales:** An establishment, including land and/or a building, for which the principal
33 use is the sale of mobile homes. This may include customary accessory structures or uses, such
34 as an office, an enclosed sales room, and a parking area.

35
36 **Motor Vehicles Sales & Service:** An establishment, including land and buildings, for which the
37 principal use is the sale and repair of automobiles or other motor vehicles, to include the sale
38 and/or leasing of motor vehicles and accessory products, general vehicle and engine repair
39 shops, rebuilding and/or reconditioning shops, and body shops. This does not including
40 gasoline stations except as may be allowed a mixed use, or home based repair businesses (see
41 Section 4.14). See also Gas Station, Home Industry, Mixed Use.

42
43 **Municipal Land Use Permit:** As defined in the Act [§4303] to include, as issued by the
44 municipality: (1) final zoning, subdivision, site plan or building permits or approvals relating to

1 subdivision and land development; (2) septic or sewage system permits; (3) final official
2 minutes of meetings which relate to permits or approvals, which serve as the sole evidence of
3 such permits or approvals; (4) certificates of occupancy, compliance or similar certificates; (5)
4 certificates of location for salvage yards; and (6) any amendments to the previously listed,
5 permits, approvals and/or certificates.
6

7 **Municipal (Town) Plan:** The municipal plan for the Town of Underhill as most recently adopted
8 in accordance with the Act. See also "Conformance with the Plan."
9

10 **Nature Center:** A scientific or educational facility open to the public that provides facilities,
11 services, research, materials, educational programs, exhibits and/or displays promoting
12 understanding, sound management and protection of the natural environment.
13

14 **Nonconforming Lot:** A lot lawfully in existence as of the effective date of these regulations,
15 which does not conform within these regulations, including zoning district dimensional, density
16 or coverage requirements, or other applicable dimensional requirements of these regulations
17 (see Section 3.8). See also Nonconforming Structure, Nonconforming Use.
18

19 **Nonconforming Structure:** A structure or part thereof lawfully in existence as of the effective
20 date of these regulations, which does not conform to the provisions of these regulations, but
21 did conform to all applicable laws, ordinances and regulations prior to the enactment of these
22 regulations; and structures improperly authorized in error by the Zoning Administrator (see
23 Section 3.9). See also Nonconforming Use.
24

25 **Nonconforming Use:** The use of a land or structure lawfully in existence as of the effective date
26 of these regulations, which does not conform with these regulations, including but not limited
27 to allowed uses within the district in which it is located, but did conform to all applicable laws,
28 ordinances and regulations prior to the enactment of these regulations; and uses improperly
29 authorized in error by the Zoning Administrator (see Section 3.10). See also Nonconforming
30 Structure.
31

32 **Nordic Ski Facility:** An area and facility developed for cross-country and backcountry skiing
33 and snowshoeing on a maintained trail network, which may also include associated ticketing,
34 parking, ski equipment sales and rentals, ski instruction, safety, patrol, snowmaking and trail
35 maintenance facilities, and warming hut facilities to be accessed primarily by ski trails or service
36 roads. Other facilities, such as camping, commercial lodging, indoor recreation, cultural and
37 restaurant facilities, which may support year-round use, may be allowed in association with a
38 Nordic ski facility subject to review as a mixed use (see Section 4.12) or a planned unit
39 development (Article IX).
40

41 **Nursery:** See Greenhouse.
42

43 **Office:** A room, suite of rooms or building principally used for conducting the affairs of a
44 business, profession, or service industry. This definition specifically excludes office space which

1 is associated with home occupations or which is clearly accessory to another allowed principal
2 use. It also specifically excludes the on-premise retail sale of goods. See also Home Occupation.

3
4 **Open Space:** Land not occupied by structures, buildings, roads, rights-of-way, and parking lots.
5 Open space may or may not be held in common. "Usable open space" is further characterized
6 as open space which is available and accessible to all occupants of the building or buildings on
7 the lot for purposes of active or passive recreation.

8
9 **Out Building:** See Accessory Structure.

10
11 **Outdoor Market:** An occasional or periodic market held in an open area or structure where
12 groups of individual sellers offer goods for sale to the public, including "farmers" and "flea"
13 markets. See also Garage Sale.

14
15 **Parking Facility:** A separate off-street parking area, garage or similar structure that is the
16 principal use of a lot. See also Transit Facility.

17
18 **Parking Space:** An off-street area which is not less than nine feet in width and 18 feet in depth,
19 exclusive of adequate access or maneuvering area, ramps, columns, etc., which is to be used
20 exclusively as a temporary storage space for a single motor vehicle (see Section 3.13).

21
22 **Permitted Use:** An allowed use within a zoning district which requires the issuance of a zoning
23 permit by the Zoning Administrator and, depending on the type of use, site plan approval from
24 the Development Review Board (Section 5.3). See also Conditional Use.

25
26 **Person:** Any individual, partnership, corporation, association, unincorporated organization,
27 trust, or any other legal or commercial entity, including a joint venture or affiliated ownership,
28 which owns or controls land or other property to be subdivided and/or developed under the
29 provisions of these regulations. The word "person" shall also include any municipality or other
30 government agency.

31
32 **Personal Service:** A business which provides services of a personal nature, including but not
33 limited to laundry and dry cleaning, beauty and barber shops, tailoring and shoe repair,
34 photographic studios, and similar businesses. Sales of products must be clearly related and
35 incidental to services provided. See also Funeral Home.

36
37 **Place of Worship:** A building used solely for purposes of assembly and worship by a legally
38 established and recognized religious institution. This definition also includes such customary
39 accessory structures such as parish houses (see Section 4.16). See also Public Facility.

40
41 **Planned Residential Development (PRD):** A type of planned unit development specifically for
42 residential purposes in which an area of land, consisting of one or more parcels, is planned to
43 be developed as a single entity, to include residential dwelling units allowed within a zoning
44 district(s) and associated accessory structures and facilities. In a PRD, zoning district

1 dimensional standards under these regulations (Article II), including lot size, density, coverage,
2 frontage and setback requirements, may be modified or waived to provide flexibility in
3 subdivision and site design in order to promote desired types and patterns of residential
4 development (see Article IX). See also Planned Unit Development.

5
6 **Planned Unit Development (PUD):** One or more lots or parcels of land to be developed as a
7 single entity for one or more uses allowed within a zoning district(s), the plan for which may
8 propose any authorized combination of density transfers or increases, as well as a mix of land
9 uses, as allowed under these regulations. In a PUD, zoning district dimensional standards under
10 these regulations (Article II), including lot size, density, coverage, frontage and setback
11 requirements, may be modified or waived to provide flexibility in subdivision and site design in
12 order to promote desired types and patterns of mixed use development (see Article XI). See
13 also Mixed Use, Planned Residential Development.

14
15 **Plat:** A map or representation on paper, Mylar or other accepted material, of a piece of land
16 subdivided into lots and roads, drawn to scale.

17
18 **Post Office:** A facility operated by the United States Postal Service for the collection and
19 distribution of mail, and associated mailing and delivery services.

20
21 **Primary Agricultural Soils:** Agricultural soils of federal (prime), state (statewide) or local
22 importance for growing food and forage crops, as defined and mapped for the state by the
23 USDA Natural Resource Conservation Service.

24
25 **Principal Structure:** A structure or building in which the main, primary or principal use of the
26 property is conducted. Attached accessory dwellings, garages, porches or carports, or other
27 structures which share a common wall and/or roof, or are connected by an enclosed
28 breezeway, are considered to part of the principal structure.

29
30 **Private Club:** An establishment operated for social, recreational, educational or cultural
31 purposes that is open only to members and their invited guests, and not the general public.

32
33 **Public Improvement:** Any improvement which shall be owned or maintained by the Town of
34 Underhill or other government entity.

35
36 **Public Facility:** A building or other facility owned, leased, held, used, and/or controlled
37 exclusively for public purposes by a municipality, state or federal government, regulated utility
38 or railroad. Such facilities include, but may not be limited to municipal buildings and garages,
39 public parks and playgrounds, water and wastewater facilities, power generation and
40 transmission facilities, and educational facilities (see Section 4.16).

41
42 **Quarrying:** The removal of rock or minerals by means of open excavation to supply material for
43 construction, industrial or manufacturing purposes (see Section 3.4). See also Extraction.

1 **Reasonable Use:** A use of real property which is allowed within the district in which the
2 property is located, which provides some (but not necessarily all) potential benefit to the
3 owner, and which does not lead to unreasonable interference with another's use of property,
4 or with the natural flow of water. Reasonable use does not mean highest and best use; nor
5 does it include accessory uses, structures, or additions which may be customary, but are not
6 necessary, to the existing or intended principal use (e.g., garages, swimming pools).
7

8 **Reconstruct:** To replace or rebuild a building or structure which has been substantially
9 destroyed or demolished without regard to cause.
10

11 **Recreation, Indoor:** A building or structure designed, equipped and used for sports, leisure
12 time, and other recreational activities, except for such facilities which are accessory to an
13 approved educational facility or a residential use. This includes, but may not be limited to
14 bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, fitness centers, and
15 swimming pools.
16

17 **Recreation, Outdoor:** A facility for outdoor recreation, including but not limited to a stadium,
18 tennis courts, athletic fields, golf courses, swimming pools, and trails for hiking, horseback
19 riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are
20 accessory to an approved educational facility or a residential use, or are otherwise exempted
21 from these regulations under Section 10.2. This definition specifically excludes separately
22 listed, defined and regulated outdoor recreation facilities, including alpine and Nordic ski
23 facilities. See also Alpine Ski Facility, Nordic Ski Facility.
24

25 **Recreation Vehicle:** See Camper. See also "Recreational Vehicle" as defined for flood hazard
26 management and regulation under Section 11.3.
27

28 **Redemption Center:** A store or other facility certified by the state [10 V.S.A. §1524] where a
29 person may, during normal business hours, redeem the amount of the deposit for an empty
30 beverage container.
31

32 **Residential Care Facility:** A facility licensed by the state which provides residential care,
33 including rooming, boarding, recreation and personal care services, to elderly or infirmed
34 individuals, on a 24-hour a day basis (see Section 4.10). See also Group Home, Institutional
35 Facility.
36

37 **Restaurant:** An establishment of which the primary function is to serve food and beverages to
38 the public for consumption only at tables or counters on the premises. This definition includes
39 cafes, bakeries with table or counter service, taverns and bars, but specifically excludes night
40 clubs.
41

42 **Resubdivision:** A change to a previously approved and recorded subdivision plat within five
43 years of the proposed subdivision Changes include, but are not limited to, changes that affect

1 any lot lines, street or road layouts, areas reserved for public use, or any map or plan that has
2 been legally recorded.

3
4 **Retail Store:** Premises where goods or merchandise are offered for retail sale to the general
5 public for personal, business, or household consumption, and where services incidental to the
6 sale of such goods are provided. This definition excludes the retail sale of gasoline and
7 automobiles and other goods and services that are otherwise more specifically addressed
8 under these regulations. See also Gasoline Station, Mobile Home Sales, Motor Vehicle Sales &
9 Service, Personal Service and Restaurant.

10
11 **Ridgeline:** The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top
12 (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break
13 in slope associated with the underlying bedrock. The term does not include intermediate
14 terraces, steps, or elevations along the face of a slope. A "prominent" ridgeline is a ridgeline
15 characterized by an elevation, slope, orientation, and/or relationship to nearby property so as
16 to be highly visible from distant vantage points.

17
18 **Right-of-Way:** (1) A formally deeded right of passage over another person's property; (2) the
19 width of the traveled and untraveled portion of a public or private road. See also Road.

20
21 **Road:** A public highway, or a private right-of-way serving four or more lots, which is designed
22 and intended for use by motor vehicles. The word "road" shall mean the entire right-of-way.
23 See also Driveway.

24
25 **Road, Development (Private):** Any road or street which is not publicly owned and maintained,
26 excluding private driveways serving up to three lots (see Section 8.6). See also Road, Driveway.

27
28 **Road, Pent:** A town highway that, under written authorization by the Underhill Selectboard, is
29 gated but not locked.

30
31 **Road, Public:** A road which is constructed within the boundaries of an officially deeded and
32 accepted public right-of-way, including municipal, state and federal highways.

33
34 **Rock Outcrop:** Portion of bedrock that protrudes through the soil, including boulders, ledges
35 and cliffs.

36
37 **Salvage Yard:** Any place of outdoor storage or deposit for storing, keeping, processing,
38 dismantling, shredding, salvaging, buying or selling discarded items, material or scrap metal.
39 This definition includes any outdoor area used for storing or keeping four or more junk vehicles,
40 excluding motor vehicle service establishments (garages) where wrecked or disabled motor
41 vehicles are stored for less than 90 days for inspection and repair (see Section 4.17). This
42 definition also does not include scrap metal crushing or processing facilities permanently
43 located on the premises or hazardous or solid waste management facilities under 10 V.S.A.

1 Chapter 159. See also Motor Vehicle Sales & Service, Public Facility, Waste Management
2 Facility.

3
4 **Sawmill:** A wood processing facility, including structures and yard areas, where logs are stored
5 and processed into lumber and other wood products. Portable chippers and sawmills used in
6 conjunction with active logging operations are excluded from this definition. See also Forestry,
7 Light Industry.

8
9 **Scenic Resource:** A landscape element or group of elements that is visually or aesthetically
10 pleasing, as viewed from a public vantage point or while traveling along a public highway,
11 waterway or path. Such elements may include natural and/or man-made landscape features,
12 for example landforms, land cover, water, landscaping, streetscapes, buildings and architectural
13 design elements. Scenic resources may be identified in the Underhill Town Plan, scenic resource
14 inventories, or through specific site analyses.

15
16 **School:** A public, private or parochial institution licensed by the State of Vermont to provide
17 educational instruction to students. Such facilities may also include accessory recreational and
18 dining facilities, and may be used as officially designated temporary emergency shelters (see
19 Section 4.16). See also Institutional Facility, Public Facility.

20
21 **Setback:** The horizontal distance from a road, lot line, boundary or other delineated feature
22 (e.g., a stream bank or channel, shoreline, or wetland area) to the nearest part of a building,
23 structure or use on a lot. In the case of a public highway, the distance shall be measured from
24 the nearest limit of the highway right-of-way (street line) or 25 feet from the centerline of the
25 highway, whichever is greater. In the case of a private road other than a driveway, the distance
26 shall be measured from the edge of the road right-of-way.

27
28 **Sign:** Any structure, display, device, material, object or representation which is designed or
29 used to advertise, direct or call attention to any property, establishment, business, enterprise,
30 profession, product, or service or other matter from any public right-of-way (see Section 3.16).
31 This definition includes words, lettering, figures, logos, trademarks, phrases, sentences, designs,
32 and other outdoor advertising displayed on natural objects, buildings, exterior walls and
33 windows, banners, canopies, fences or other manmade structures, which are visible from a
34 road right-of-way. For purposes of these regulations, a "**permanent**" sign is a sign that is on
35 display for 45 days or more in any one-year period.

36
37 **Silviculture:** See Forestry.

38
39 **Site Disturbance:** Removal of vegetation, grading, excavation, fill, or any combination thereof,
40 and site conditions resulting from such actions. See also Clearing.

41
42 **Slope:** The topographic gradient of any area of land, whether or not located on a single parcel,
43 as determined by the change in vertical distance or elevation (rise) over a horizontal distance
44 (run) which, for the purposes of these regulations is expressed as a percentage (e.g., 20-ft

1 gain/100-ft distance = 0.20 or 20%). For construction and grading purposes slope also may be
2 expressed as the ratio of the horizontal to vertical distance (e.g., 2:1). For purposes of these
3 regulations, a "**steep slope**" is a slope with a natural (pre-development) grade of 15% to 25%. A
4 "**very steep slope**" is a slope with a natural (pre-development) grade of more than 25% (see
5 Section 3.18).
6

7 **Snack Bar:** A seasonal roadside stand or enclosed structure, operated for a maximum of six (6)
8 months in any calendar year to include the summer months, for the preparation and sale of
9 food and beverages to the general public for consumption on- or off- the premises. A snack bar
10 shall include adequate off-street parking, and may include outdoor seating, as accessory to the
11 use. Indoor restaurant seating, and/or year-round use shall be allowed only as a permitted
12 restaurant. See also Restaurant.
13

14 **Storage Facility:** A building for storing goods as an accessory to a retail store, or for the
15 temporary storage of goods (e.g., household goods) by the general public. Self-storage facilities
16 are prohibited in the Town of Underhill, except as an Adaptive Reuse under Section 4.2. See
17 also Adaptive Reuse, Warehouse.
18

19 **Story:** That part of any building, excluding cellars and basements, between the surface of any
20 floor and the surface of the next floor above it, or if there is no floor above it, then the space
21 between a floor and the ceiling above it. See also Story, Half.
22

23 **Story, Half:** Any space partially within the roof framing, where the clear height of not more than
24 50% of such space between the top of the floor beams and the structural ceiling level is 7½ feet
25 or more.
26

27 **Stream:** Any surface water course in the Town of Underhill as depicted by the U.S. Geological
28 Survey on topographic maps, the Underhill Zoning Map, Vermont Base Map orthophotos, or as
29 identified through site investigation, but excluding artificially created irrigation and drainage
30 channels. This definition includes any stream channel two feet or more below the elevation of
31 surrounding land, with well defined stream banks, that directs the flow of surface water. See
32 also Stream Channel, Stream Banks.
33

34 **Stream Channel:** A defined area that demonstrates clear evidence of the permanent or
35 intermittent passage of water and includes, but may not be limited to bedrock channels, gravel
36 beds, sand and silt beds, and swales. A stream bank may define the usual boundaries, but not
37 the flood boundaries, of a stream channel. Artificially created water courses such as agricultural
38 irrigation and drainage ditches are specifically excluded from this definition. See also Stream,
39 Stream Bank.
40

41 **Stream Bank:** Physiographic feature that normally contains a stream within a channel. Stream
42 Banks are distinct from the streambed, which is normally wetted and provides a substrate that
43 supports aquatic organisms. For purposes of these regulations (see Section 3.19) "**Top of Bank**"
44 is defined as the point along a stream bank where an abrupt change in slope is evident, and

1 where the stream is generally able to overflow the banks and enter the adjacent floodplain only
2 during flows at or exceeding the average annual high water stage. “**Top of Slope**” is defined as
3 a break in the slope adjacent to steep-banked streams that have little or no floodplain.
4

5 **Street:** See Road.
6

7 **Street Line:** The dividing line between a lot and a public or private road or street, typically
8 defined by the edge of the road right-of-way. See also Front Lot Line.
9

10 **Structure:** An assembly of materials on the land for occupancy or use, including a building,
11 mobile home or trailer, sign, wall or fence. For purposes of these regulations "structure" also
12 includes but may not be limited to: additions to buildings, tennis courts, in-ground swimming
13 pools, telecommunications facilities, gas station canopies, and tanks for the outdoor storage of
14 gas or oil. Infrastructure, such as sidewalks, driveways, roads, parking areas, signs, service lines,
15 and the subsurface components of potable water and sewage disposal systems is specifically
16 excluded from this definition. Structures are exempted from these regulations only in
17 accordance with the Act [§4446] and these regulations (see Section 10.2). See also Accessory
18 Structure, Building, Improvement, Infrastructure. Also see "Structure" as defined for purposes
19 of flood hazard area management and regulation under Section 11.3.
20

21 **Subdivider:** Any person(s) who proposes to subdivide land, including an applicant for
22 subdivision approval. See also Applicant.
23

24 **Subdivision:** The division of any parcel of land into two or more parcels for the purpose of offer,
25 transfer, sale, conveyance, long-term lease or land development (see Section 7.2). The term
26 includes the re-subdivision of a previously subdivided parcel, amended subdivisions, the
27 division of land held in common among several owners, and planned unit development; and
28 any leaseholds equal to or exceeding 30 years or which, by right, may be extended to 30 years
29 or more. See also Boundary (Lot Line) Adjustment.
30

31 **Subdivision, Major:** A subdivision of land resulting in the creation of four (4) or more lots, and
32 all Planned Residential and Planned Unit Developments (see Section 7.2).
33

34 **Subdivision, Minor:** A boundary (lot line) adjustment, amendments to an approved subdivision
35 plan that will not substantially change the nature of the previously approved plan or conditions
36 of approval, or a subdivision which results in the creation of three or fewer lots (see Section
37 7.2).
38

39 **Substantially Commenced:** For purposes of these regulations, substantially commenced entails
40 the following: initial site preparation; the installation of an access; and the installation of a
41 foundation, water and/or wastewater system on-site, in accordance with these regulations and
42 all permits and approvals.
43

1 **Substantially Complete:** The completion of a permitted building or structure to the extent that
2 it may be safely occupied for its intended use.

3
4 **Substantially Destroyed:** Fifty percent (50%) or more of the structure has been damaged
5 and/or the damaged structure is no longer structurally sound, habitable or safe for its intended
6 use.

7
8 **Transfer Station:** A facility, including a recycling center, certified by the state that functions as a
9 collection point for solid waste and recyclable material that will subsequently be transported to
10 a state-approved landfill or disposal facility. The facility will include, at minimum, a receiving
11 hopper and compacting equipment (see Section 4.16). See also Public Facility.

12
13 **Transit Facility:** A building, structure, or area designed and intended for use by persons
14 changing transportation modes, including but not limited to bus and train stations. For
15 purposes of these regulations, this shall also include park and ride facilities which may also
16 provide access to other forms of public transportation. See also Parking Facility.

17
18 **Tiny House:** A type of single family dwelling or accessory dwelling that is typically less than 500
19 square feet. Whether the dwelling is mobile or non-mobile, a tiny house shall meet the same
20 standards as a dwelling meant for permanent occupation rather than temporary occupation.
21 For the purposes of these regulations, a mobile tiny house shall not be considered a camper,
22 recreation vehicle, or temporary shelter. See also Dwelling, Accessory; Principal Structure.

23
24 **Undue Adverse Effect (Impact):** An unnecessary or excessive impact that (1) violates a clear,
25 written community standard, including a provision of these regulations or a specific policy of
26 the municipal plan, or (2) which cannot be avoided through mitigation, alternative design, or
27 conditions of approval.

28
29 **Use:** The specific purpose for which a parcel of land or structure is designated, designed or
30 intended, or for which it may be used and maintained. See also Accessory Use, Structure.

31
32 **Value-Added Production.** Production activities that enhance or improve the overall value of
33 local agricultural or forestry products, including processing, packaging, direct marketing, and
34 related public outreach and educational activities. This may include the limited on-site sale of
35 goods produced on the premises, and directly related products, but shall not include general
36 retail sales.

37
38 **Veterinary Clinic:** A building or part thereof used for the care, diagnosis, treatment and
39 temporary boarding of animals. See also Kennel.

40
41 **Warehouse Facility:** A building used primarily for the storage, wholesale and distribution of
42 manufactured goods and materials, and not as a primary location or outlet for business or retail
43 uses.

1 **Waste Management Facility:** A public facility licensed or certified by the state of Vermont for
2 the collection, storage, transfer, shipment or disposal of solid or hazardous waste materials (see
3 Section 4.16), to include transfer stations, landfills, and other types of waste management
4 facilities, except for salvage yards (see Section 4.17). See also Public Facility, Salvage Yard.

5
6 **Wetland:** Those areas of the state which are inundated by surface or ground water with a
7 frequency sufficient to support vegetation or aquatic life that depend on saturated or
8 seasonally saturated soil conditions for growth and reproduction.” Such areas include, but are
9 not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats,
10 bogs and ponds, but exclude such areas where food and crops are grown in connection with
11 farming activities. The location of wetlands on a particular parcel, as indicated on State
12 Wetland Inventory Maps, shall be confirmed through site investigation unless waived by the
13 Development Review Board.

14
15 **Wildlife Habitat:** An ecological or environmental area that is inhabited by a particular species
16 of animal, plant or other type of organism. For purposes of these regulations, "**significant**" or
17 "**critical**" wildlife habitat includes: (1) "necessary wildlife habitat" as defined by the Vermont
18 Department of Fish and Wildlife (under 10 V.S.A. §6086(a)(8)(a)) to include habitat which is
19 concentrated, identifiable, and is demonstrated to be decisive to the survival of a species of
20 wildlife at any period in its life, including breeding and migration; (2) wildlife habitat identified
21 in the Underhill Town Plan and related maps and inventories as significant to the community;
22 and (3) wildlife habitat determined to be significant to the state, region or town, in consultation
23 with the Underhill Conservation Commission or the Vermont Department of Fish and Wildlife,
24 as identified through site-specific investigation. Applicants should refer to available information
25 on file at the Underhill Town Office and through the Vermont Department of Fish and Wildlife.

26
27 **Wildlife Refuge:** A designated area owned and/or managed by a public or nonprofit entity
28 principally for the purpose of sustaining wildlife habitat and/or wildlife populations, which may
29 also be open to the public for hunting and outdoor recreation. Designated trails and parking
30 areas, and storage and maintenance structures may be allowed as accessory to the principal
31 use.

32
33 **Yard:** An unoccupied area of ground, as defined by required setback distances, in which no
34 structure, building or portion thereof, may be located. See also Setback.

35
36 **Yard Sale:** See garage sale.

37 38 **Section 11.3 Flood Hazard Area Regulation Definitions**

39
40 **Areas of Shallow Flooding:** A designated AO or AH zone on a community's FIRM with a one
41 percent or greater annual chance of flooding to an average depth of one to three feet where a
42 clearly defined channel does not exist, where the path of flooding is unpredictable, and where
43 velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

1 **Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any
2 given year.

3
4 **Base Flood Elevation (BFE):** The elevation of the water surface elevation resulting from a flood
5 that has a one percent (1%) chance of equaling or exceeding that level in any given year. On
6 the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National
7 Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum
8 referenced in the Flood Insurance Study report, or the average depth of the base flood, usually
9 in feet, above the ground surface. Base flood elevations are shown at selected intervals on
10 maps of Special Flood Hazard Areas that are determined by detailed methods. Base flood
11 elevations have not been determined in Zone A where the flood risk has been mapped by
12 approximate methods.

13
14 **Construction/New:** (a) For purposes of determining insurance rates pertaining to flood hazard
15 area regulation, structures that commenced on or after June 15, 1988 (the effective date of the
16 initial FIRM), and includes any subsequent improvements to such structures. (b) For floodplain
17 management purposes, new construction means structures for which the start of construction
18 commenced on or after the effective date of the floodplain management regulation adopted by
19 the Town of Underhill and includes any subsequent improvements to such structures.

20
21 **Basement:** Any area of building having its floor subgrade (below ground level) on all sides.

22
23 **Building:** See Structure.

24
25 **Common Plan of Development:** The approved plan or schedule for a structure to be
26 refurbished over a period of time.

27
28 **Critical Public Facility:** A facility critical to the health and safety of the public and the
29 environment, such as hospitals and nursing homes, emergency operations centers (particularly
30 police, fire, and rescue), vital data storage centers, power generation and other utilities
31 (including related infrastructure such as principal points of utility systems) and any facilities that
32 produce, use or store toxic pollutants as defined under the Clean Water Act and other state and
33 Federal statutes. New critical public facilities are prohibited within floodplains that is subject
34 either to a 1.0% or greater annual chance of flooding (the "100-year" floodplain) or a 0.2% or
35 greater annual chance of flooding (the "500-year" floodplain).

36
37 **Development:** Any man-made change to improved or unimproved real estate, including but
38 not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation
39 or drilling operations or storage of equipment or materials within the Special Flood Hazard
40 Area, identified on the most current Federal Insurance Rate Map (FIRM).

41
42 **Flood:** (a) a general and temporary condition of partial or complete inundation of normally dry
43 land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation of
44 runoff of surface waters from any source; and mudslides which are proximately caused by

1 flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land
2 areas, as when earth is carried by a current of water and deposited along the path of the
3 current; (b) the collapse or subsidence of land along the shore of a lake or other body of water
4 as a result of erosion or undermining caused by waves or currents of water exceeding
5 anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body
6 of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash
7 flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which
8 results in flooding.

9
10 **Flood Hazard Boundary Map (FHBM):** An official map of the community, issued by Federal
11 Emergency Management Agency, where the boundaries of the flood, mudslide (i.e., mudflow)
12 and related erosion areas having special hazards have been designated.

13
14 **Flood Insurance Rate Map (FIRM):** An official map of the community on which the Federal
15 Emergency Management Agency has delineated both the special hazard areas and the risk
16 premium zones applicable to the community.

17
18 **Flood Insurance Study (FIS):** An examination, evaluation, and determination of flood hazards
19 and, if appropriate, corresponding water surface elevations.

20
21 **Floodplain or Flood-prone Area:** Any land area susceptible to being inundated by water from
22 any source (also see Flood).

23
24 **Floodproofed/Floodproofing:** Any combination of structural and nonstructural additions,
25 changes or adjustments to structures that reduce or eliminate flood damage to real estate or
26 improved real property, water and sanitary facilities, structures and their contents.

27
28 **Floodway (Regulatory in the Town of Underhill):** The channel of a river or other watercourse
29 and the adjacent land areas that must be reserved in order to discharge the base flood without
30 cumulatively increasing the water surface elevation more than one foot at any point. Please
31 note, where floodways have been determined, they may be shown on separate map panels
32 from the Flood Insurance Rate Maps.

33
34 **Fringe Area:** The area outside of the floodway as shown on the Flood Insurance Rate Map,
35 which would be inundated by the hundred-year flood.

36
37 **Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is
38 located or carried out in close proximity to water.

39
40 **Historic Structure:** Any structure that is: (1) listed individually in the National Register of
41 Historic Places (a listing maintained by the Department of the Interior) or preliminarily
42 determined by the Secretary of the Interior as meeting the requirements for individual listing
43 on the National Register; (2) certified or preliminarily determined by the Secretary of the
44 Interior as contributing to the historical significance of a registered historic district or a district

1 preliminarily determined by the Secretary to qualify as a registered historic district; (3)
2 individually listed on the state inventory of historic places; or (4) individually listed on a local
3 inventory of historic places in communities with historic preservation programs that have been
4 certified either: (a) by an approved state program as determined by the Secretary of the
5 Interior or (b) directly by the Secretary of the Interior in states without approved programs.
6

7 **Letter of Map Amendment (LOMA):** A letter issued by the Federal Emergency Management
8 Agency officially removing a structure or lot from the flood hazard zone based on information
9 provided by a certified engineer or surveyor. This is used where structures or lots are located
10 above the base flood elevation and have been inadvertently included in the mapped special
11 flood hazard area.
12

13 **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An
14 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or
15 storage in an area other than a basement area is not considered a building's lowest floor
16 provided that such enclosure is not built so as to render the structure in violation of the
17 applicable non-elevation design requirements of 44 CFR 60.3.
18

19 **Manufactured (Mobile) Home:** A structure, transportable in one or more sections, which is
20 built on a permanent chassis and designed to be used as a dwelling unit with or without a
21 permanent foundation when connected to required utilities. For floodplain management
22 purposes, the term "manufactured home" also includes park trailers, travel trailers, and other
23 similar recreational vehicles that are not fully licensed and ready for highway use. For flood
24 insurance purposes, the term "manufactured home" does not include park trailers, travel
25 trailers or other similar recreational vehicles.
26

27 **Manufactured (Mobile) Home Park or Subdivision:** A parcel (or contiguous parcels) of land
28 divided into two or more manufactured home lots for rent or sale.
29

30 **Manufactured (Mobile) Home Park or Subdivision/Existing:** A manufactured home park or
31 subdivision for which the construction of facilities for servicing the lots on which the
32 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
33 construction of streets, and either final site grading or the pouring of concrete pads) is
34 completed before the effective date of initial floodplain management regulations adopted by
35 the town.
36

37 **Manufactured (Mobile) Home Park or Subdivision/Expansion:** The preparation of additional
38 sites by the construction of facilities for servicing the lots on which the manufacturing homes
39 are to be affixed (including the installation of utilities, the construction of streets, and either
40 final site grading or the pouring of concrete pads).
41

42 **Manufactured (Mobile) Home Park or Subdivision/New:** A manufactured home park or
43 subdivision for which the construction of facilities for servicing the lots on which the
44 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the

1 construction of streets, and either final site grading or the pouring of concrete pads) is
2 completed on or after the effective date of the initial floodplain management regulations
3 adopted by the town.
4

5 **Mean Sea Level:** For purposes of the National Flood Insurance Program, the North American
6 Vertical Datum (NAVD 88) to which base flood elevations shown on a community's Flood
7 Insurance Rate Map are referenced.
8

9 **Recreational Vehicle:** For purposes of flood hazard area regulation, a vehicle which is: (a) built
10 on a single chassis; (b) 400 square feet or less when measured at the largest horizontal
11 projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and
12 (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters
13 for recreational, camping, travel, or seasonal use.
14

15 **Special Flood Hazard Area (SFHA):** The land within a community subject to a one percent or
16 greater chance of flooding in any given year. This area is usually labeled Zone A, AO, AH, AE,
17 A1-30, or A99 in the most current flood insurance studies and on the maps published by the
18 Federal Emergency Management Agency.
19

20 **Start of Construction:** For purposes of flood hazard area regulation, determines the effective
21 maps or bylaw that regulated development in the Special Flood Hazard Area. The "start of
22 construction" includes substantial improvement, and means the date the building permit was
23 issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition
24 placement, or other improvement was within 180 days of the permit date. The actual start
25 means either the first placement of permanent construction of a structure on a site, such as the
26 pouring of slab or footings, the installation of piles, the construction of columns, or any work
27 beyond the stage of excavation; or the placement of a manufactured home on a foundation.
28 Permanent construction does not include land preparation, such as clearing, grading, and filling;
29 nor does it include the installation of streets and/or walkways; nor does it include excavation
30 for a basement, footing, piers, or foundation or the erection of temporary forms; nor does it
31 include the installation on the property of accessory buildings, such as garages or shed not
32 occupied as dwelling units or not part of the main structure. For a substantial improvement,
33 the actual start of construction means the first alteration of any wall, ceiling, floor, or other
34 structural part of a building, regardless whether that alteration affects the external dimensions
35 of the building.
36

37 **Structure:** A walled and roofed building, as well as a manufactured (mobile) home, and any
38 related built systems, including gas or liquid storage tanks.
39

40 **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of
41 restoring the structure to its before-damaged condition would equal or exceed fifty percent of
42 the market value of the structure before the damage occurred.
43

1 **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost
2 of which, over three years, or over the period of a common plan of development, cumulatively
3 equals or exceeds 50% of the market value of the structure either (a) before the improvement
4 or repair is started or (b) if the structure has been damaged, and is being restored, before the
5 damage occurred. The term does not, however, include either (a) any project for improvement
6 of the structure to comply with existing state or local health, sanitary, or safety code
7 specifications which are necessary to assure safe living conditions; or (b) any alteration of a
8 structure listed on the National Register of Historic Places or a state inventory of historic places.
9

10 **Violation:** The failure of a structure or other development to be fully compliant with these
11 regulations or conditions of permit approval. With respect to the flood hazard regulation, a
12 structure or other development without the elevation certificate, other certifications, or other
13 evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as
14 that documentation is provided.
15

16 **Section 11.4 Telecommunications Facility Regulation Definitions**

17
18 **Adequate Coverage:** Coverage is adequate within that area surrounding a base station where
19 the predicted or measured median field strength of the transmitted signal is such that the
20 majority of the time, transceivers properly installed and operated will be able to communicate
21 with the base station without objectionable noise (or excessive bit-error rate for digital) and
22 without calls being dropped. In the case of cellular communications in a rural environment like
23 Underhill, this would be a signal strength of at least -90 dBm. It is acceptable for there to be
24 holes within the area of adequate coverage, as long as the signal regains its strength farther
25 away from the base station. The outer boundary of the area of adequate coverage, however, is
26 that location past which the signal does not regain.
27

28 **Affiliate:** For the purposes of regulating telecommunications facilities, (1) when used in relation
29 to an operator, an affiliate is another person who directly or indirectly owns or controls, is
30 owned or controlled by, or is under common ownership or common control with the operator,
31 or an operator's principal partners, shareholders, or owners of some other ownership interest;
32 or (2) when used in relation to the municipality, an affiliate is any agency, board, authority or
33 political subdivision associated with the municipality or other person in which the municipality
34 has legal or financial interest.
35

36 **Antenna:** A device for transmitting and/or receiving electromagnetic signals.
37

38 **Antenna Height:** The vertical distance measured from the base of the antenna support
39 structure at grade to the highest point of the structure. If the support structure is on a sloped
40 grade, then the average between the highest and lowest grades at the base of the structure
41 shall be used in calculating the antenna height.
42

43 **Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure
44 which supports a device used in the transmitting and/or receiving of electromagnetic signals.

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Available Space: For purposes of regulating telecommunications facilities, the space on a telecommunications tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

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

Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Channel: For purposes of regulating telecommunications facilities, the segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

Collocation: Locating wireless telecommunications equipment from more than one provider at a single site or structure.

Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

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 applicable at a particular frequency, and may be ambiguous unless all receivers and antenna combinations utilize an identical frequency.

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

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

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

Interference: An undesirable effect caused by electromagnetic signals. FCC "Type 1" interference refers to interference regulated by the FCC and affecting other FCC licensees or other entities over which the FCC has jurisdiction. FCC "Type 2" interference refers to

1 electromagnetic disturbances to business, institutional, medical, and home electronic
2 equipment.

3
4 **Location:** For purposes of regulating telecommunications facilities, references to site location
5 shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or
6 orientation should be referenced to true north.

7
8 **Modification of an Existing Telecommunications Facility:** Any change, or proposed change, in
9 power input or output, number of antennas, change in antenna type(s) or model(s),
10 repositioning of antenna(s), or change in number of channels per antenna above the maximum
11 number approved under an existing permit.

12
13 **Modification of an Existing Telecommunications Tower or Structure:** Any change, or proposed
14 change, in dimensions of an existing and permitted tower or other structure designed to
15 support telecommunications transmission, receiving and/or relaying antennas and/or
16 equipment.

17
18 **Monitoring:** The ongoing observation or measurement of existing conditions, through site
19 inspections and the use of instruments in the field.

20
21 **Monitoring Protocol:** For purposes of regulating and monitoring telecommunications facilities,
22 the testing protocol, such as the Cobbs Protocol , or the FCC Regulations (Title 47, Part 1,
23 Section 1.1307 referenced as IEEE C95.3 1991), or one substantially similar, including
24 compliance determined in accordance with the National Council on Radiation Protection and
25 Measurements, (Reports 86 and 119) which is to be used to monitor the emissions and
26 determine exposure risk from existing and new telecommunications facilities.

27
28 **Monopole:** A single self-supporting vertical pole with no guy wire anchors, usually consisting of
29 a galvanized or other unpainted metal or a wooden pole with below-grade foundations.

30
31 **Radial Plots:** Radial plots are the result of drawing equally spaced lines (radials) from the point
32 of the antenna, calculating the expected signal and indicating this graphically on a map. The
33 relative signal strength may be indicated by varying the size or color at each point being studied
34 along the radial. A threshold plot uses a mark to indicate whether that point would be strong
35 enough to provide adequate coverage i.e., the points meeting the threshold of adequate
36 coverage. The draw back is the concentration of points close to the antenna and the divergence
37 of points far from the site near the ends of the radials.

38
39 **Repeater:** A small receiver/relay transmitter and antenna of relatively low power output
40 designed to provide service to areas which are not able to receive adequate coverage directly
41 from a base or primary station.

42

1 **Roof and/or Building Mount Telecommunications Facility:** A telecommunications facility in
2 which antennas are mounted to an existing structure on the roof (including rooftop
3 appurtenances) or a building face.
4

5 **Structurally Able:** For purposes of regulating telecommunications facilities, the determination
6 that a tower or structure is capable of safely carrying the load imposed by the proposed new
7 antenna(s) under all reasonably predictable conditions as determined by professional structural
8 engineering analysis including the wind load or any other structural requirements.
9

10 **Telecommunications Equipment Shelter:** A structure located at a base station designed
11 principally to enclose equipment used in connection with telecommunications transmissions
12 including any foundation that may be required.
13

14 **Telecommunications Facility:** (1) As defined under the Act [§4303(29)] for purposes of these
15 regulations: "A tower or other support structure, including antennae, that will extend 20 or
16 more feet vertically, and related equipment; and base structures to be used primarily for
17 communication or broadcast purposes to transmit or receive communication or broadcast
18 signals." (2) If regulated by the Vermont Public Service Board [30 V.S.A. §248a], and therefore
19 exempted from these regulations: "A communications facility that transmits and receives
20 signals to and from a local, state, national, or international network used primarily for two-way
21 communications for commercial, industrial, municipal, county, or state purposes and any
22 associated support structure that is proposed for construction or installation which is primarily
23 for communications purposes, and any ancillary improvements that are proposed for
24 construction or installation and are primarily intended to serve the communications facilities or
25 support structure."
26

27 **Telecommunications Facility Site:** A property, or any part thereof, which is owned or leased by
28 one or more telecommunications providers and upon which one or more telecommunications
29 facilities and any required landscaping are located. See also Subdivision.
30

31 **Telecommunications Provider:** An entity licensed by the FCC to provide telecommunications
32 services to individuals or institutions.
33

34 **Telecommunications Tower:** A guyed, monopole, or self-supporting tower, constructed as a
35 free-standing structure or in association with a building, other permanent structure or
36 equipment, containing one or more antennas intended for transmitting and/or receiving
37 television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic
38 communication.

39 **Temporary Wireless Telecommunications Facility:** Any tower, pole, antenna, or other facility
40 designed for use while a permanent wireless telecommunications facility is under construction,
41 rehabilitation or restoration.
42

43 **Tiled Coverage Plots:** Tiled plots result from calculating the signal at uniformly spaced locations
44 on a rectangular grid, or tile, of the area of concern. Tiled plots (in comparison to radial plots)

- 1 (1) provide a uniform distribution of points over the area of interest, (2) usually allow the same
- 2 grid to be used as different sites are examined, and (3) do not necessitate the transmitter site
- 3 be within the grid or area of interest. As with radial plots, the graphic display or plot can be
- 4 either signal strength or adequate threshold. Tile plotting requires more topographic data and
- 5 longer (computer) execution time than radial plotting, but is preferable for comparative
- 6 analysis.

DRAFT