

Town of Jericho



Land Use and Development Regulations

ADOPTED 18 April 2019

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What style of design standards do you want? How detailed
do you want to get?

- c) designed to be self-propelled or towable by a light duty truck; and
- d) designed primarily not for use as a permanent **DWELLING** but as temporary living quarters for recreational, camping, travel, or seasonal use.

RESIDENTIAL CARE FACILITY: An institution or **FACILITY** other than a **HOSPITAL** or **NURSING HOME**, operated under state licensing or registration, that provides care for persons who have a handicap or disability, or physical or mental impairment, as defined in 9 VSA §4501, and which does not include facilities for the treatment of illness or injuries (other than minor acute illness) or for surgical care; or a residential facility or transitional housing for the developmentally disabled, victims of domestic violence, or homeless persons and households.

RESEARCH and DEVELOPMENT: *See* **MANUFACTURING, RESEARCH and DEVELOPMENT**.

RESTAURANT: A commercial establishment whose principal business is the sale of foods and beverages cooked or prepared on the premises, and which may have facilities for either on-site food consumption or take-out service or both, but excluding **DRIVE-THRU** service, and which may or may not serve alcoholic beverages. *See also* **CATERER**.

RESTAURANT, FORMULA-BASED: shall mean a restaurant that is required by contractual or other arrangement to offer any of the following: standardized menu, employee uniforms, interior and/or exterior color schemes, architectural design, signage or similar standardized features, or which adopts a name or food presentation format that causes it to be substantially identical to another restaurant regardless of ownership or location.

RESUBDIVISION: A second, or subsequent partition of a parcel that has already been divided into smaller parcels or lots. *See also* **SUBDIVISION**.

RETAIL, FORMULA-BASED: shall mean a retail use that is required by contractual or other arrangement to offer any of the following: standardized inventory, employee uniforms, interior and/or exterior color schemes, architectural design, signage or similar standardized features, or which adopts a name or product presentation format that causes it to be substantially identical to another restaurant regardless of ownership or location.

RETAIL, GENERAL MERCHANDISE: Commercial establishments that sell or rent/lease, primarily direct to consumer, diverse merchandise, including, but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, pharmaceutical products, magazines, books and newspapers, and food. The stores included under this heading are known as department stores, variety stores, and general stores. This category does not include convenience stores that sell automotive fuel. *See also* **FUEL SALES**.

RETAIL, SPECIALTY STORE: Commercial establishments that sell or rent/lease, primarily direct to consumer, a single type of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, pharmaceutical products, magazines, books and newspapers, and food. This category does not include convenience stores that sell automotive fuel. *See also* **FUEL SALES**.

RIDGELINE: The crest of any ridge, hill, cliff, slope, or geologic face. It may typically coincide with the top (highest elevation) of a rock or cliff or, where bedrock is not exposed, or the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope but below its crest.

TOP of BANK: The point along a stream bank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

UNPERMITTED STRUCTURE or USE: A structure or use that is not acceptable under zoning and subdivision regulations and constitutes a violation of one or more of those regulations. No unpermitted structure or use is eligible to receive either an approved **BUILDING or ZONING PERMIT**, or **CONDITIONAL USE** approval. *See also STRUCTURE and USE.*

USE: The specific purpose for which land or a **BUILDING** is arranged, designed, or intended; or for which either land or a building is or may be occupied or intended. Four categories of use include:

- a) **ALLOWED USE:** Utilization that does not require a **ZONING PERMIT**;
- b) **PERMITTED USE:** Requires a **ZONING PERMIT** and conformity with Land Use and Development Regulations;
- c) **CONDITIONAL USE:** Requires review and approval with conditions attached by the Development Review Board; and
- d) **PROHIBITED or UNPERMITTED USE:** Utilization that is unacceptable under any circumstances.

VARIANCE, ZONING: A deviation from the land use or density requirements of these regulations as may be granted by the Development Review Board.

VEHICLE TRIPS: A term that forecasts travel demands by predicting the number of automotive journeys which originate from or end in a particular location. For example, leaving Point A to travel to Point B is calculated as one Vehicle Trip; leaving Point A to travel to Point B and then return to Point A is calculated as two Vehicle Trips.

VERMONT ENERGY STAR® HOMES SILVER RATING: The Vermont ENERGY STAR® Homes Silver Rating is an energy standard for new construction, which exceeds the Residential Building Energy Standards (RBES) set by the Vermont Energy Code. Additional information about this standard is available from Efficiency Vermont, through their Residential New Construction Services program.

VETERINARY FACILITY: An establishment which provides veterinary care of animals, including surgery, examination, treatment, medication, etc., and also including any facilities for caring, breeding, short-term housing or keeping animals in conjunction with the provision of veterinary care.

WAIVER, DIMENSIONAL: A relaxation of the minimum distance or dimensional requirements of these regulations as may be granted by the Development Review Board.

WALKABLE, MIXED USE DEVELOPMENT. Such development shall be designed as part of a planned unit development or master plan and shall have the following components: (A) a mix of residential and commercial uses and densities, with institutional and municipal uses encouraged; (B) proximity to public transportation (ideally within one-half mile); (C) a connected street network with relatively short blocks, sidewalks and crosswalks, pedestrian-scaled lighting, street trees, and/or recreation paths and bicycle paths; and (D) a compact design characterized, for example, by lots smaller than typically required in other districts in these land development regulations, and housing and businesses oriented towards internal streets rather than parking areas.

WALK-OUT BASEMENT: Any inside area of a building having its floor subgrade (below ground level) on at least fifty percent [50%] of its perimeter and which provides direct access through a portal or portals to the outdoors.

appropriate sites for any new residential or other development. Linkages to other districts via trails and on road cycling are of particular importance in this district.

- 3.2.4 The purpose of the **Low Density Residential District** is to provide for a variety of land uses that are compatible with rural areas. This district creates a transition between the denser Village, Commercial and Village Center Districts and the lower-density Open Space, Forestry and Rural/Agriculture Residential Districts. Additional breaks within this District should be considered to preserve the open countryside. Linkages to other Districts via trails and on road cycling are of particular importance in this District.
- 3.2.5 The purpose of the **Village District** is to provide a moderate-density residential area as a transition from the Village Center Districts. The Village District is intended to provide a variety of housing options, including a mix of single and multi-family housing, near the amenities provided by the Village Center District and the Commercial District. Pedestrian linkages to surrounding neighborhoods and the Village Centers are of particular importance in this district. Small service-oriented commercial uses may be approved if appropriate and if they are compatible with the predominantly residential character of the district.
- 3.2.6 The purpose of the Commercial District is to create connections between Jericho Village and Riverside Village. The Commercial District is intended to provide a location for walkable mixed-use development and expanded commerce at an appropriate scale for the community which preserves rural character, the natural beauty of the landscape and distant views. ~~The purpose of the Commercial District is to provide employment opportunities and a location for commercial, industrial and similar uses that are not compatible in a village setting due to noise, dust, heavy truck traffic and similar nuisances.~~ While roadside visibility is important for the viability of some businesses, strip development is prohibited in the district. Strip development is defined as linear development along Route 15 that has broad frontage, lack of two or more stories over the entire footprint, and a limited reliance on shared access. Curb cuts shall be limited to avoid impeding circulation on Route 15, and interior circulation roads shall be required on larger parcels with three or more buildings. Green space, landscaping and other visual treatments shall be required..
- 3.2.7 The purpose of the **Village Center District** is to encourage the concentration of people and community-focused activities in traditional centers. As noted in the Jericho Comprehensive Town Plan, Jericho Center, Jericho Corners, and Riverside have been the centers of commerce, culture, and community for the town. Each of these three locations is listed as an historic district on the State Historical Register. These areas generally retain an architectural character that constitutes a valuable and unique part of our cultural heritage. Jericho Corners and Jericho Center are on the National Register of Historic Places. In addition to the buildings themselves, the character of the villages is defined by the relationship of the structures with one another, with the roads, and with open land. The layout of new buildings should reflect traditional patterns and encourage use by pedestrians. Generally, large setbacks with parking in front of the building are less inviting to pedestrians than buildings close to the road with parking to the side or rear.
- *Different growth opportunities exist in each of the three Village Center Districts. In Riverside, a large proportion of new growth may take place on existing large parcels that are either vacant or largely undeveloped. Planned Unit Developments*

ZONING USES

4.1. Allowed Uses

Allowed uses for each district of the Town are specified in the Table of Uses in Section 4.3. Allowed uses do not require a Zoning Permit from the Zoning Administrator, unless otherwise specified in Section 10.2 Where the allowed use is not the primary use of a parcel, a separate permit may be required for that primary use.

4.2. Permitted Uses

Permitted uses for each district of the Town are specified in the Table of Uses in Section 4.4. All permitted uses require a Zoning Permit (sometimes called a “Building Permit”) approved by the Zoning Administrator according to the requirements of Section 10.2. A Certificate of Occupancy also is required for those conditional uses in Section 10.6.1.

4.3. Conditional Uses

Conditional uses for each district of the Town are specified in the Table of Uses in Section 4.3. Before the Zoning Administrator may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the requirements of Section 10.9. A Certificate of Occupancy also is required for those conditional uses indicated in Section 10.6.

4.4. Table of Uses

All uses are defined in Section 2, **GENERAL DEFINITIONS**. Any primary use of a parcel not specified as conditional or permitted anywhere in this document shall be considered prohibited. The Zoning Administrator, and the office of Planning and Zoning, shall determine the applicability of a specific definition to a specific use. Said determination may be appealed to the Development Review Board under §12.5.1.

USE	OS	FOR	RAR	LDR	VIL	COM	VCT R
1.0 Agriculture and Related Uses							
1.1 Agriculture	A	A	A	A	A	A	A
1.1.1 Slaughterhouse			C	C		C	
1.2 Silviculture/Forestry	A	A	A	A	A	A	A
1.3 Veterinary facility			C	C	C	C	C
1.4 Veterinary Facility with accessory kennel			C	C	C	C	
1.5 Stable – boarding/riding	A	A	A	C	C	C	C
1.6 Kennel		C	C	C		C	
1.7 Garden Center accessory to farm			P	C	C	C	C
1.8 Wildlife Management	A	A	A	A	A	A	A
2.0 Residential Uses							
2.1 Single Family ¹							
2.1.1 SF-1 dwelling unit/lot		P	P	P	P	C	P
2.1.2 Accessory apartment		P/C ²	P/C ²	P/C ²	P	P/C ²	P
2.1.3 Dwelling, accessory to farm		C	P	P	P	P	P
2.1.4 Guest house		C	P	P	P	P	P

USE	OS	FOR	RAR	LDR	VIL	COM	VCT R
2.2 Multi-family ¹							
2.2.1 Multi-family dwelling, 2 units			C	C	P	C	P
2.2.2 Multi-family dwelling					C	C	C
2.2.3 Residential care facility				C	C	C	P
2.2.4 Rooming house				C	C	C	C
2.3 Senior Housing Development		C	C	C	C		C
3.0 Commercial Uses							
3.1 Lodging							
3.1.1 Hotels and motels						C	C
3.1.2 Inns		C	P	P	P	PC	P
3.1.3 Bed & Breakfast		C	P	P	P	PC	P
3.2 Retail Uses		P	P	P	P	PC	P
3.2.1 Lumber, building supply yard						C	
<u>Retail, Formula</u>						C⁵	
3.2.2 Retail, General merchandise ≤ 3000 sq.ft.						PC	P/C ³
3.2.3 Retail, General merchandise > 3000 sq.ft.						C	C
3.2.4 Retail, Specialty Store ≤ 3000 sq.ft.						PC	P/C ³
3.2.5 Retail, Specialty Store > 3000 sq.ft.						C	C
3.2.6 Farmers markets	P/C ⁴	P/C ⁴	P/C ⁴	P/C ⁴	P	P	P
3.2.7 Garden center ≤ 3000 sq.ft.			C	C	C	PC	P/C ³
3.2.8 Garden center > 3000 sq.ft.						PC	
3.2.9 Mobile Home sales						C	
3.2.10 Motor Vehicle sales						C	
3.2.11 Gallery/Studio/Museum ≤ 3000 sq.ft.			C	C	P/C ³	PC	P/C ³
3.2.12 Gallery/Studio/Museum > 3000 sq.ft.						PC	C
3.2.13 Fuel sales						C	
3.3 Financial Institutions							
3.3.1 Financial Institution ≤ 3000 sq.ft.						PC	P/C ³
3.3.2 Financial Institution > 3000 sq.ft.						C	C
3.4 Food Service							

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<u>Restaurant, Formula</u>						C ⁵	
3.4.1 Restaurant/Tavern ≤ 3000 sq.ft.						EC	C
USE	OS	FOR	RAR	LDR	VIL	COM	VCT R
3.4.2 Restaurant/Tavern > 3000 sq.ft.						C	C
3.4.3 Caterer (with on-site retail)		C	C	C	C	PC	P
3.4.4 Caterer (no on-site retail)		C	P	P	P	PC	P
3.5 Personal/Professional Services							
3.5.1 Personal/Professional services, Type 1 ≤ 3000 sq.ft.					C	C	P/C ³
3.5.2 Personal/Professional services, Type 1 > 3000 sq.ft.						PC	C
3.5.3 Personal/Professional services, Type 2 ≤ 3000 sq.ft.					C	PC	C
3.5.4 Personal/Professional services, Type 2 > 3000 sq.ft.						C	C
3.5.5 Motor Vehicle Repair						C	C
3.5.6 Car Wash						C	C
3.6 Recreation: Commercial & Municipal							
3.6.1 Indoor							
3.6.1.1 General					C	C	C
3.6.2 Outdoor							
3.6.2.1 Passive	A	A	A	A	A	A	A
3.6.2.2 General	C	C	C	C	C	C	C
3.6.3 Gymnasium					C	PC	P
4.0 Industrial Uses							
4.1 Manufacturing							
4.1.1 Heavy Manufacturing						C	
4.1.2 Light Manufacturing						C	C
4.1.3 Research & Development						C	C
4.2 Wholesale or warehousing			C	C		C	
4.3 Contractor Yard		C	C	C		C	
4.4 Junk Yard						C	
5.0 Institutional Uses							
5.1 Schools and Child care							
5.1.1 Day-care		P	P	P	P	P	P
5.1.2 Preschool			C	C	C	C	P
5.1.3 Elementary				C	C	C	P
5.1.4 Secondary				C	C	C	P

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5.1.5 Vocational school			C	C	C	C	C
5.2 Place of Worship				C	C	C	P
5.3 Library							P
USE	OS	FOR	RAR	LDR	VIL	COM	VCT R
5.4 Hospice facility						C	P
5.5 Hospital facility							P
5.6 Nursing home facility			C	C	C	C	P
5.7 Club ≤3000 sq.ft.				C	C	C	P/C ³
5.8 Club >3000 sq.ft.				C	C	C	C
5.9 Fish and game club		C	C	C			
5.10 Funeral home					C	C	C
5.11 Cemetery			C	C	C		C
5.12 Post Office							P
5.13 Municipal facility, Office							P
5.14 Municipal facility, Other			C	C	C	C	
5.15 Dormitory/Hostel	P	P	P	P	P	P C	P
5.16 Park & Ride/Transit Facilities						P	
6.0 Accessory Structures and Uses							
6.1 Accessory structures	C	P	P	P	P	P	P
6.2 Accessory uses							
6.2.1 Home Occupation		P	P	P	P	P	P
6.2.2. Recreation, Accessory Use		A	A	A	A	A	A

A = allowed use, P = permitted use, C = conditional use.

1) See Section 5.6; Density

2) See Section 4.7.3

3) Uses with frontage on major roads are permitted (P). Uses with frontage on all other roads are conditional (C).

4) Conditional use approval by the Development Review Board required for permanent structures.

4.5) Formula retail/restaurants must be part of a walkable mixed-use PUD, otherwise they are prohibited.

4.5. Uses/Structures Per Lot

Multiple uses in one principal structure, including residential and non-residential uses, may be permitted on a single lot, provided that district lot coverage requirements are not exceeded. If all component uses within a principal structure are permitted in the district, the structure shall be considered a permitted structure. If any component use within a principal structure is conditional in the district, the structure will be conditional. Construction or substantial improvement of a single structure containing multiple uses with a total floor area in excess of 10,000 square feet shall be subject to Planned Unit Development review. Multiple principle structures may be approved on a single lot within a Planned Unit Development.

4.6. Special Uses

- 4.6.1. Pursuant to State statute (VSA Title 24, Chapter 117, Section 4413a), certain special uses (listed below) may only be regulated by municipalities with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, landscaping, lighting, and screening requirements, and only to the extent that regulations do

Commented [CS2]: Mixed use buildings in the Commercial district will most likely be in excess of 10,000 square feet. Is this enough to push most multi-story mixed use into PUD? If not, a mandatory PUD provision for multi-story mixed use in the Commercial District could be included.

- waters and public and private wells on-site and in the vicinity;
- (c) site contours that show existing and proposed grades and drainage patterns;
 - (d) test boring results indicating soil types, and depths to bedrock and seasonal high water tables within the proposed area of operation; and
 - (e) existing and/or proposed groundwater monitoring well locations, if any.
- 4.7.12.8. Cessation or Abandonment of Operations: All materials shall be removed from the site within twelve [12] months of the cessation or abandonment of operations; and the site shall be restored to a safe, usable condition. Site restoration, including the clean-up and disposal of hazardous materials, shall be subject to all applicable state and federal regulations. A site restoration plan may be required as a condition of approval.
- 4.7.13. *Fuel Sales:* Fuel sales may be approved within the Commercial Zoning District subject to conditional use review under Section 10.9 and the following requirements:
- 4.7.13.1. The facility shall be designed to ensure that pedestrian circulation is adequately separated from vehicular movements. In order to accomplish this objective, the Development Review Board may require additional curbing, landscaping and screening, and pedestrian walkways
 - 4.7.13.2. The applicant shall be encouraged to minimize canopy size.
 - 4.7.13.3. All underground storage tanks shall meet applicable state and federal requirements for design and installation, and monitoring. The applicant shall be encouraged to maximize the distance between vent pipes and residential areas.
 - 4.7.13.4. The Development Review Board may require the installation of stormwater treatment practices approved for use in stormwater hotspots as defined by the Vermont Department of Environmental Conservation.
 - 4.7.13.5. Pumps, lubricating and other outside service devices shall be located at least 300 feet from any lot occupied by a school or hospital.
 - 4.7.13.6. If Car Wash or Repair facilities are to be included as accessory uses to Fuel Sales, such facilities shall comply with the standards outlined below.
- 4.7.14. *Car Wash:*
- 4.7.14.1. Outdoor vacuuming and drying areas shall be located behind the front building line.

Commented [CS3]: Or dwelling? Or Walkable Mixed Use Development?

- 4.7.14.2. All off-street parking and waiting areas shall be on impervious surfaces.
- 4.7.14.3. At least one [1] traffic lane shall be provided as means of egress without entering the car wash lane. Such lane shall be in addition to a stacking lane for vehicles waiting in line for the car wash.
- 4.7.14.4. The DRB may require landscaping or other measures to mitigate the impacts of the stacking lane on neighboring uses.
- 4.7.14.5. The Development Review Board may require the installation of stormwater treatment practices approved for use in stormwater hotspots as defined by the Vermont Department of Environmental Conservation.

4.7.15. *Motor Vehicle Repair:*

- 4.7.15.1. All areas designated for vehicle repairs shall be constructed and operated in accordance with all applicable state and federal regulations. In the Village Center District, all vehicle repairs shall take place within an enclosed building or an outdoor area located behind the front building line and enclosed within wall or privacy fence of sufficient height to screen vehicles from public view, or equivalent approved by the Development Review Board.
- 4.7.15.2. Bodywork and/or painting of vehicles shall only be conducted within designated areas meeting all applicable state and federal health and safety standards for proper ventilation. The applicant shall maximize the distance between ventilation outlets and residential areas.
- 4.7.15.3. The Development Review Board may require the installation of stormwater treatment practices approved for use in stormwater hotspots as defined by the Vermont Department of Environmental Conservation.
- 4.7.15.4. Any new repair use shall be located at least 300 feet from any parcel occupied by a school or hospital.
- 4.7.15.5. Onsite, outdoor storage of wrecked or disabled motor vehicles for inspection or repair for not more than ninety [90] days shall be permitted. Up to three [3] wrecked or disabled motor vehicles may be stored on the site for longer than ninety [90] days for the purpose of providing parts for other vehicles.
 - (a) In the Village Center District, all outdoor areas for storage of wrecked or disabled motor vehicles shall be located behind the front building line and shall be enclosed within wall or privacy fence of sufficient height to screen vehicles from public view, or equivalent screening approved by the Development Review Board.
 - (b) In all districts, outdoor storage of four [4] or more wrecked or disabled, unregistered and/or uninspected

Commented [CS4]: Or dwelling? Or Walkable Mixed Use Development?

Commented [CS5]: How does this relate to the CD?

motor vehicles for longer than ninety [90] days shall be considered to constitute a Junkyard and shall only be approved in accordance with the Table of Uses.

4.7.16. Outdoor Storage/Display

4.7.16.1. The term “Outdoor Storage” specifically refers here to collections or assemblies of materials not in frequent, regular, or ongoing use, such as masses of plastic, wood, metal or glass containers; automotive, appliance, and machinery components including tires and electronics; processed or treated timber products; non-ferrous, scrap, structural and sheet metal products; clothing, textiles, and paper products; hardware, fixtures and furniture; construction and demolition waste; lawn, tree, and garden trimmings, but specifically excludes gaseous and solid fuels.

(a) In the Village Center District outdoor storage of materials comprising an aggregate area greater than five [5] cubic yards shall be screened from view of any public Right-of-Way and from all adjoining parcels.

(b) In all other districts, outdoor storage of materials comprising an aggregate area greater than ten [10] cubic yards shall be screened from view of any public Right-of-Way and from all adjoining parcels. Excluded from this regulation are vehicles, tools, and the raw materials associated with agriculture and silviculture.

4.7.16.2. The term “Display” specifically refers here to seasonal presentation and/or demonstration or promotion for personal and civic purposes and specifically excludes signs.

4.7.17. Walkable Mixed Use Development

4.7.17.1. Walkable Mixed Use Developments, as defined in Section 2, are allowed only in the Commercial District and must apply for Planned Unit Development Review under 10.13 of these regulations.

4.7.17.2. The allowable height of a Walkable Mixed Use Development as identified in 5.8 shall be determined by the Development Review Board based on the visual impact of the proposed development on views from Route 15. Buildings that are able to take advantage of natural changes in topography may be allowed to maximize height under 5.8

4.7.18. Formula Restaurants and Formula Retail

4.7.18.1. Formula Restaurants and Formula Retail are allowed only within a Walkable Mixed Use Development as part of a PUD.

4.7.16.2. Floor area of Formula Restaurants and Formula Retail is limited to a maximum of 30% of ground floor gross leasable commercial area within the Walkable Mixed Use Development.

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Commented [CS6]: One thing that was never thoroughly discussed is building form. What does the PC/Town want in terms of form? Our conceptual renderings presented a fairly broad mix of forms, which is why I have not specifically identified any requirements in that regard.

Commented [CS7]: I am working to find sound examples of how to clearly assess this.

Commented [CS8]: This applies exclusively to restaurants and retail that meet the definition of “formula.” It would not apply to other forms of retail or restaurants.

Is there a desire to limit where these businesses are located within a walkable mixed use development?

5.4. Lot Coverage

Total ground floor area of all structures, parking areas, access drives and walkways shall not exceed the maximum percentage of lot area as set forth in Section 5.7 or Section 5.8.

5.5.1. Height of all structures shall not exceed the maximum set forth in Section 5.7 or Section 5.8, except as specified below.

5.5.2. The height limitations set forth in Section 5.7 or Section 5.8 shall not apply to the following:

5.5.2.1. Farm structures as specified by the most current Vermont Department of Agriculture Accepted Agricultural Practices

5.5.2.2. Spires, steeples, minarets, cupolas, chimneys, ventilators, tanks, or similar parts of a building, occupying on aggregate not more than twenty [20] percent of the area of such building and not used for any human occupancy.

5.5.2.3. Rooftop solar collectors less than ten [10] feet high or wind turbines with blades less than twenty [20] feet in diameter, or similar structures.

5.5.2.4. Telecommunication towers, which shall be subject to the provisions of Section 9.9.5.

5.5.2.5. Power generation and transmission facilities, regulated by the Vermont Public Service Board.

5.6. Density

Residential density, not including accessory apartments, dwellings accessory to a farm, and guest houses, shall not exceed one [1] single family residential unit or two [2] multifamily units per minimum lot area for standard subdivisions set forth in Section 5.7. Affordable housing and senior housing located within a Planned Unit Development in the Village Center District **and Commercial District** shall be limited by lot coverage requirements rather than the number of dwelling units per acre. No dwelling unit so exempted shall exceed 1,300 square feet in size, excluding garages, unfinished basements, porches and decks.

Applicants should be aware that the maximum densities permitted by this section may not be achievable in all areas due to site specific limitations, including but not limited to soils, slopes, access, natural features and infrastructure.

5.7 Table of Dimensional Requirements for Standard Subdivisions and Conventional Developments

	OS	FOR	RAR	LDR	VIL	COM	VCTR
Minimum lot area (acres)	10	10	10	3	1	1	0.25
Minimum road frontage (feet)	400 ¹	400 ¹	400 ¹	200 ¹	120 ¹	150 ¹	75
Minimum front yard (feet) ²	35	35	35	35	25	50/30 ³	25
Minimum side yards (feet) ²	25	25	25	20	15	20	10
Minimum rear yard (feet) ²	25	25	25	20	20	25	20
Maximum lot coverage	5%	30%	30%	40%	40%	60%	60%
Structure height (feet, maximum)	34	34	34	34	34	34	45

1) Lots fronting on the outside of curved portions of a cul-de-sac shall have a minimum frontage of 100 feet on the circumference of the cul-de-sac, except in the Village Center District, where the minimum frontage shall be 75 feet

2) Front, side, and rear yard setbacks are calculated from the point of maximum projection (foundation, deck, or eave)

3) In the Commercial District, the minimum front yard setback shall be 50 feet on Route 15 and 30 feet on all other roads

5.8 Table of Dimensional Requirements for Planned Unit Developments (PUD)

	OS	FOR	RAR	LDR	VIL	COM	VCTR
Minimum lot area (acres) ¹	NA	0.50	0.50	0.33	0.33	0.33 ² 5	0.10
Minimum road frontage (feet)	NA	75	75	50	50	50	15
Minimum front yard (feet) ²	25	25	25	15	15	15	10/0 ³
Minimum side yards (feet) ²	15	15	15	10	10	10 5	5 ⁴
Minimum rear yard (feet) ²	20	20	20	20	20	25	10
Maximum lot coverage ⁵	5%	30%	30%	40%	40%	60/75 %	60%
Structure height (feet, maximum)	34	34	34	34	34	34 34 4 5	45
Buffer zone (feet) ⁶	100	100	100	75	50	50	None

1) The total number of lots/dwelling units in a PUD shall be determined in accordance with Section 10.13.7.

2) Front, side, and rear yard setbacks are calculated from the point of maximum projection (foundation, deck, or eave)

3) In the Village Center District, the minimum front yard setback in a PUD shall be 10 feet on Route 15 and 0 feet on all other roads.

4) See Section 5.9.1

5) The Development Review Board may increase maximum lot coverage by up to 15% if criteria specified in Section 10.13.8 are met

6) The buffer zone specified in Section 5.8 shall be part of the common open space or removed from the building envelope of individual lots. The Development Review Board may waive this requirement when it is found that there is no adverse effect on neighboring parcels to be mitigated

6.7) The allowable building height for a PUD in the Commercial District shall be determined based on visual impacts from Route 15

Commented [CS9]: Left at 15' to allow for adequate road widths, onstreet parking, sidewalk, etc.

Could alter if you want a true village style layout.

Commented [CS10]: I left this a range from 34-45 feet to allow for flexibility with regard to height. If natural topography can be used to shield a floor from view on Route 15, then three stories (45 feet) would be allowed.

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5.9 Additional Dimensional Standards

- 5.9.1. The minimum distance between structures on abutting parcels shall be twenty [20] feet, excepting PUDs within the Village Center and Commercial Districts.
- 5.9.2. No building except those for agricultural and related uses and elementary and secondary schools shall be erected of total floor area greater than 60,000

- square feet.
- 5.9.3. In all districts, small accessory buildings associated with residential use shall comprise an aggregate area no greater than one hundred percent [100%] of the Gross Floor Area (GFA) of the principal dwelling on the parcel served by the accessory buildings.

5.10. Pre-Existing Lots

- 5.10.1. *Minimum Lot Size:*
- In accordance with the ACT (§4412(2)), any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in the district in which it is located even though not conforming with minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty [40] feet. Surveys may be required by the Zoning Administrator or Development Review Board to determine the application of this section.

5.10.2. *Dimensional Standards:*

- 5.10.2.1. Any lot that became a lot of record in conformity with the dimensional requirements of regulations applicable before these regulations became effective, even if owned by the owner of one or more adjoining lots, may be developed in accordance with such previously applicable dimensional requirements.
- 5.10.2.2. Any lot that became a lot of record before the adoption of zoning regulations on March 6, 1961, even if owned by the owner of one or more adjoining lots, may be developed according to the following dimensional requirements, or the dimensional requirements for the district, whichever is less restrictive:

Commented [CS12]: Do I read this correctly that existing lots

Pre-existing Lots: Minimum Setbacks, in feet

	Front yard	Side yard	Rear yard
One acre or less	25	10	10
More than 1 acre, up to 3 acres	20	20	10
More than 3 acres, up to 10 acres	75	50	50
More than 10 acres	As required by the district		

5.11. Dimensional Waivers

The Development Review Board may consider waivers to the dimensional requirements of this section in accordance with the provisions of Section 10.11. and Section 13.1.11.

- 10.12.12.3.3. Upon satisfactory completion of the improvements and submission of legal documents to transfer the property, all letters of credit or other security shall be released, except that sufficient bonding or security shall be retained to guarantee maintenance of streets and other public improvements for the period of time up to three [3] years specified by the Selectboard.
- 10.12.12.3.4. Final acceptance of all proposed streets and utilities shall be in conformity with the steps and procedures established by the Selectboard.
- 10.12.12.3.5. Final acceptance of public lands or easements for recreation or open space shall be in conformity with the steps and procedures established by the Selectboard.

10.13. Planned Unit Development Review

- 10.13.1. *Purpose.* Planned Unit Developments (PUDs) are intended to further the goals and objectives of the Jericho Comprehensive Town Plan, the purpose of the underlying zoning district by permitting flexibility in the application of land development regulations, and the purposes below. Flexibility is encouraged in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve these goals, objectives and purposes:

- 10.13.1.1. To encourage compact, pedestrian-oriented development and to promote a mix of residential uses, nonresidential uses or both in village centers and the Commercial District.
- 10.13.1.2. To encourage provision of affordable housing.
- 10.13.1.3. To encourage any development in rural areas to be compatible with the use and character of surrounding rural lands.
- 10.13.1.4. To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan, such as the preservation of agricultural land, forestland, trails and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
- 10.13.1.5. To provide for efficient use of public facilities and infrastructure.
- 10.13.1.6. To encourage opportunities for energy-efficient development.
- 10.13.1.7. To provide a mechanism by which property owners may create small building lots while retaining large tracts of contiguous land.

~~10.13.1.7-10.13.1.8.~~ To encourage active transportation and connectivity between the Village Center districts and Commercial District

- 10.13.2. *Applicability:* PUDs are encouraged for all development in Jericho. PUD review shall be required in the following circumstances:

- 10.13.2.1. When a subdivision results in the creation of three [3] or more lots

within a period of twelve [12] months, and in the judgment of the Development Review Board a PUD will better meet the objectives of the Jericho Comprehensive Town Plan.

10.13.2.2. Multiple principal structures are proposed on a single lot.

10.13.2.3. Construction or substantial improvement of a single structure containing multiple uses with a total floor area in excess of 10,000 square feet is proposed.

10.13.2.3. 10.13.2.4. When a walkable, mixed use development is proposed in the Commercial District.

10.13.3. *Coordination of Review:* Applications for PUDs shall be reviewed pursuant to Section 10.12, Subdivision Review. PUDs may be classified as minor or major subdivisions, pursuant to Section 10.12.3. A PUD may include any permitted or conditional uses in the District which it is located, subject to all required review. Any subsequent zoning permit, site plan or conditional use approval within an approved PUD shall incorporate all applicable conditions of the PUD approval.

10.13.4. *Designation of Open Space Lands:* All PUDs shall make provisions for the preservation of open space, except that open space land shall not be required for PUDs located in the Village Center District. The lands set aside to be preserved for open space shall be reviewed and approved by the Development Review Board, in accordance with the following:

- 10.13.4.1. The following areas shall be contained within the open space portion of the PUD or otherwise protected through building envelopes and deed restrictions on individual lots:
- (a) Areas within the Wetlands Overlay District,
 - (b) Areas within the River Overlay District,
 - (c) Areas within the WHPA-1 area of the Wellhead Protection Area Overlay District, and
 - (d) Areas within the Natural Resources Overlay District, except as provided by Section 6.7.
- 10.13.4.2. The overall layout of the PUD shall minimize the disturbance of the areas listed below:
- (a) Areas with slopes greater than twenty-five percent [25%],
 - (b) Prominent hill sides, ridgelines and significant rock outcroppings,
 - (c) Areas containing prime or statewide agricultural soils and other productive agricultural and forest land.
 - (d) Historic and cultural resource areas
 - (e) Scenic Resources
 - (f) Large Habitat Blocks

Where feasible, these areas should be contained in the open space portion of the PUD or otherwise protected through building envelopes and deed restrictions

Commented [CS13]: This should be an acceptable mixed use trigger.

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Commented [CS14]: Or we could require a PUD for walkable mixed use developments of any size in the CD.

- 10.13.4.3. Open space land shall have a coherent purpose, such as the preservation of a wildlife corridor or a scenic outlook, or ~~creation or expansion of an interconnected public trail system or similar non-motorized paths or sidewalks~~~~creation of an interlocking trail system~~, or preservation of land with agricultural potential, or some similar feature.
- 10.13.4.4. Land designated as open space shall be indicated with appropriate notation on the final development plat. Open space land shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for its maintenance.
- 10.13.5. *Configuration of Open Space:* The Development Review Board shall determine the configuration of open space land based on the following:
- 10.13.5.1. The configuration of the open space land and the covenants governing its usage shall reflect the purpose of the open land and be suitable for its intended use.
- 10.13.5.2. Open space land shall not be required in the ~~Commercial and Village Center Districts~~. Open space shall be equivalent to at least ~~15% of the entire parcel in the Commercial district~~, 25% of the entire parcel in the Village District, and shall be equivalent to at least 50% of the entire parcel in the remaining districts.
- 10.13.5.3. ~~Open space land shall be configured to provide for large contiguous open space lands on the parcel. Fragmentation of open space land shall be avoided to the greatest extent possible. Narrow strips of open space land shall only be approved when necessary to connect significant areas or when designed to protect linear resources such streams or trails.~~
- 10.13.5.4. If the parcel to be developed contains currently productive agricultural land, the acreage set aside as open space land should be of a quality, size and configuration that make continued agricultural use possible.
- 10.13.5.5. Open space land shall be contiguous with existing and potential open space land on adjacent parcels.
- 10.13.6. *Ownership of Open Space Lands:* Open Space Land may be set aside as common land, as a separate undeveloped lot, or as a portion of a single lot, outside of the building envelope, to be held in private ownership. Open space land shall be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the municipality, an owners' association comprised of present or future owners of the subdivided lots, and/or a nonprofit conservation organization. The ownership type shall be consistent with the best means of maintaining or managing the resources on the site. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.
- 10.13.6.1. **Common Open Space:** The following provisions shall apply to commonly owned open space lands:
- (a) The common open space land may be used for water supply and/or septic waste disposal, either common or

Commented [CS15]: Gets to connectivity

Commented [CS16]: Catherine asked – does this make sense in smaller lots for the CD?

individual, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.

- (b) Public access of common open space lands may be required when it may facilitate a trail network, or where public benefit may be obtained by access to unique natural features, or for some related access.

10.13.6.2. **Privately Owned Open Space:** In order to create larger lots for agricultural or preservation purposes, PUDs may also be designed with designated open space retained in private ownership rather than as common land. Such privately owned open space shall provide that:

- (a) All development (if any) is restricted to a designated building envelope within which development may occur as permitted in Section 4.3: "Table of Uses".
- (b) The remainder of each lot is designated open space and is restricted through permanent deed restriction or easement from all development except sewage disposal, water supply, agriculture, forestry, wildlife management and passive recreation.
- (c) Privately owned open space may be used for water supply and/or septic waste disposal, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.

10.13.7. *Permitted Density:* Total approved residential density in a PUD shall be determined by calculating the total number of potential lots in a conventional subdivision. As provided in Section 5.6 (Density), each potential lot in a conventional subdivision shall entitle the applicant to one [1] single family dwelling, or two [2] multifamily dwelling units within the PUD, provided all other requirements of these regulations can be met. This procedure shall not apply to affordable or senior housing in the Village Center District or any housing in a Walkable Mixed Use Development located in the Commercial District, which in accordance with Section 5.6, shall be limited by lot coverage rather than by the number of dwellings per acre. The maximum number of potential lots in a conventional subdivision shall be determined in accordance with the following:

10.13.7.1. The total number of potential lots in a conventional subdivision shall be calculated by dividing the total acreage of the parcel by the minimum lot area in a conventional subdivision, less twenty-five percent [25%] to account for topography, soils, dimensional and frontage requirements, rivers, streams and wetland areas, and other site restraints and overlays. A twenty-five percent [25%] reduction in the number of potential lots shall not be required in the Village Center Zoning District.

10.13.7.2. *Density Plan* - The total number of units in a PUD may be increased if the Development Review Board determines the maximum number of potential lots in a conventional subdivision on the same parcel of land would be greater than that permitted in Section 10.13.7.1 above. Such a

Commented [CS17]: Catherine asked if this was strong enough for the CD? How much residential do you want?

May need to identify percentages of use mix in order to avoid a largely residential development – unless that's desired.

determination shall be based on a density plan showing the number of potential lots in a conventional subdivision meeting the following criteria:

- (a) Each potential lot shall satisfy all the dimensional requirements of the applicable zoning district;
- (b) Each potential lot shall contain an area of compact, contiguous, buildable land equal to or greater than 10,000 square feet.
- (c) no more than three [3] lots from the original parcel may be served by a private driveway;
- (d) proposed public roads and driveways must meet appropriate regulations, including but not limited to: the requirements of the Jericho Public Works Specifications, ~~and the Jericho Subdivision Regulations~~ (e.g. maximum slope, length, curvature, etc.) and adopted Official Map taking account of proper site distances, with due regard for topography and natural obstacles, etc.;
- (e) for the purposes of density calculations all other provisions of this and other regulations shall be considered.
- (f) Sensitive areas such as those listed in 10.13.4.2. shall be clearly delineated in the density plan, and avoided to the extent possible. The DRB shall provide direction to reorganize the layout to minimize disturbance to these features.
- (g) The density plan shall be presented at sketch plan review. If the applicant elects not to participate in sketch plan review, the request shall be made at preliminary review.

10.13.8 *Density Bonus*: At the request of the applicant, the Development Review Board may increase the total number of approved dwelling units by up to fifty percent [50%] and/or increase maximum lot coverage by up to fifteen percent [15%] if one or more of the criteria listed below are met. In determining if a density bonus is warranted, the Development Review Board shall consider the overall layout of the PUD, compatibility with the Jericho Comprehensive Town Plan, and the ability of the site to support additional units.

In order to be eligible for a density bonus, a PUD shall meet at least one of the following criteria:

- (a) The PUD contains designated affordable or senior housing. Designated affordable or senior housing units shall be indicated on the final plat. Affordable housing developments serving a very-low income population (80% of area median household income) may be eligible to increase the total number of approved dwelling units by up to one-hundred percent [100%] and/or increase maximum lot coverage by up to thirty percent [30%]. Such lots or units shall be subject to appropriate restrictions to ensure that they meet the definition of affordable or senior housing contained within these regulations in perpetuity.

- (b) The PUD consists of structures meeting or exceeding the state of Vermont Residential Building Energy Stretch Code for residential development (or the then-current State of Vermont high efficiency standard) or if commercial, the state of Vermont Commercial Building Energy Stretch Code (or the then-current State of Vermont high efficiency standard). In granting a Density Bonus, the Development Review Board may attach reasonable conditions to ensure that the structures are built to certification standards, such as third party review and verification/certification prior to the issuing of a Certificate of Occupancy.
 - (c) The PUD provides for additional public access to resource lands, or enhances connectivity to existing or planned public outdoor recreation facilities beyond that which is required to provide safe circulation within and between developments. Such access shall be noted on the final plat and contained in deed, covenant, or easement language for the subject parcel.
- 10.13.8.2. Requests for a density bonus shall be made at sketch plan review. If the applicant elects not to participate in sketch plan review, the request shall be made at preliminary review for major PUDs or final review for minor PUDs.
- 10.13.8.3. Disclaimer: Nothing in this section shall be read so as to require the Development Review Board to grant a density bonus to any applicant. Any bonus granted under this section shall be specific to the parcel to which it has been granted. A bonus on one parcel shall not be construed as a general guideline or standard for any other parcel.

10.13.9 Development Standards and Dimensional Regulations:

- 10.13.9.1 All PUDs shall comply with the subdivision review standards in Section 10.12, any and all applicable Specific Use Standards in Section 4.4 and the General Provisions in Section 7.
- 10.13.9.2. The Dimensional Requirements within a PUD shall comply with Table 5.8.
- 10.13.9.3. Lot coverage within a PUD shall be calculated based on the total coverage of the PUD, including open space land. Individual lots or portions of the PUD may exceed the acceptable maximum lot coverage, provided there is an offset by a lesser lot coverage in (an)other portion(s) of the PUD.
- 10.13.9.4. A buffer zone between lot boundaries and the boundary of the PUD shall be maintained so as to provide screening sufficient to mitigate adverse impact on adjacent properties. The minimum required buffer zone for each district is specified in Table 5.8. The buffer zone shall be part of the common open space or removed from the building envelopes of individual lots. The Development Review Board may waive this

requirement when it is found that there is no adverse effect on neighboring parcels to be mitigated.

- 10.13.9.5. Variable lot sizes are acceptable within a PUD, provided that they advance the goals of the Jericho Comprehensive Town Plan and Section 10.13.1 above, and are in keeping with the purpose of the district in Section 3.2.
- 10.13.9.6. In all districts a PUD may include, subject to conditional use review, an accessory office, common laundry, storage, kitchen/dining area, and/or indoor recreational facility for use by residents of the PUD and their invited guests.
- 10.13.9.7. PUDs shall provide for vehicular and pedestrian connectivity with neighboring developments wherever possible.
- 10.13.9.8. Subdivision boundaries, access roads, utilities, lot lines and layout, and building envelopes shall be located and configured to avoid fragmentation of, and adverse impacts on, the resources listed in Section 10.10.4.1 above.
- 10.13.9.9. The overall layout of the PUD should incorporate or protect cultural and historic sites and features, as well as other features stated in § 10.13.4.2.
- 10.13.9.10. Access roads, driveways, and utility corridors shall be shared to the furthest extent possible, shall follow site contours to minimize the need for grading, and shall follow existing linear features such as roads, tree lines, stone walls, or field edges to minimize the fragmentation of open agricultural land and other resources.

10.13.10. Specific Standards for the Village Center Zoning District:

- 10.13.10.1. Lot and building layout shall reinforce or contribute to a pedestrian friendly streetscape of buildings with consistent, narrow setbacks lining roads and streets.
- 10.13.10.2. Open space meeting the requirements of Sections 10.13.4 and 10.13.5 above shall not be required in the Village Center District. However, PUDs in the Village Center District are encouraged to be publicly accessible and to provide for public or semipublic spaces, such as central greens, commons, parks, playgrounds, outdoor seating areas, or similar outdoor spaces. If provided, such outdoor space should be incorporated into the layout of the PUD and may be utilized by other uses within the PUD. These areas may be used to satisfy the requirements of Section 11.8 (Recreation/Open Space/Common Land) of these regulations.

10.13.10.3. The PUD shall promote and contribute to a logical road and pedestrian network, which provides for safe, year-round pedestrian circulation within the PUD and to adjoining properties, connections between parcels and between residential and commercial areas and for the continuation of roads and pedestrian ways.

10.13.11. Specific Standards for the Commercial Zoning District:

10.13.11.1. Lot and building layout shall reinforce or contribute to a

pedestrian friendly streetscape of buildings with consistent, narrow setbacks lining internal roads and streets.
Connectivity with active transportation infrastructure such as bikes and paths should be promoted.

10.13.11.2. The PUD shall promote and contribute to a logical road and pedestrian network, which provides for safe, year-round pedestrian circulation within the PUD and to adjoining properties, connections between parcels and between residential and commercial areas and for the continuation of roads and pedestrian ways.

~~10.13.11~~10.13.12. *PUDs involving two [2] or more parcels:* Two [2] or more parcels, whether contiguous or non-contiguous, may be combined in a single application for review as a PUD. Prior to approving such an application, the Development Review Board shall determine that the application complies with all standards above as well as the following standards:

~~10.13.11.1~~10.13.12.1. Total permitted density shall be based upon the cumulative acreage of all parcels and shall be determined in accordance with the procedures in Section 10.10.7 above. Total density may be aggregated onto a single parcel to allow for greater concentrations of development and corresponding preservation of open space, provided the overall density for the combined parcels does not exceed that which could be permitted in accordance with Section 10.10.7.

~~10.13.11.2~~10.13.12.2. The number of units removed from a parcel to be protected as open space shall be added to the acceptable maximum number of units on the parcel to be developed as prescribed by Section 10.10.7.

~~10.13.11.3~~10.13.12.3. The transfer of density will contribute to the protection of resources identified in Section 10.10.4 and result in settlement patterns consistent with the purpose of the zoning district(s) in which the PUD is to be located.

~~10.13.11.4~~10.13.12.4. Density may be transferred from one parcel to another in accordance with the following table:

Density originating from:	May be transferred to:
Forestry District - FOR	Forestry, Agricultural, Low Density Residential, Village, Commercial, and/or Village Center Districts
Rural/Agriculture Residential District - RAR	Agricultural, Low Density Residential, Village, Commercial, and/or Village Center Districts
Low Density Residential District - LDR	Low Density Residential, Village, Commercial, and/or Village Center Districts
Village District - VIL	Village, Commercial, and/or Village Center Districts
Commercial District - COM	Village, Commercial, and/or Village Center Districts
Village Center District - VCTR	Village Center District only

~~10.13.11.5~~10.13.12.5. The aggregation of density from one [1] or more

parcels to another parcel shall be administered in accordance with the following:

~~10.13.11.5.1~~10.13.12.5.1. The removal of density from a parcel shall be accomplished through a permanent conservation easement approved by the Development Review Board to be recorded in the Land Records. Such easement shall specify that the protected portions of the parcel are to be used only for open space, agriculture, forestry, and passive outdoor recreation. In addition, the easement shall be accompanied by a recordable plat which clearly depicts the boundaries of the parcel; the boundaries of the portion of the parcel to be designated as open space and restricted by conservation easement; the total unallocated density available as calculated by Section 10.10.7, and the total reduction of density on the parcel resulting from the transfer.

~~10.13.11.5.2~~10.13.12.5.2. The aggregation of density on a parcel shall be accomplished through a written agreement, approved by the Development Review Board concurrently with PUD approval to be recorded in the Land Records and may be in the form of a written decision approving the PUD. Such agreement shall specify the total density being aggregated onto the parcel from other parcels and shall include deed reference to the easement covering the parcel(s) from which the density originated.

~~10.13.11.6~~10.13.12.6. The density from parcels subject to conservation easements or comparable deed restrictions may not be used to increase the acceptable density on any parcel other than the parcel which is identified in the application as the parcel designated for increased density.

~~10.13.12~~10.13.13. *Phased PUDs/Conceptual Plan*: PUDs are encouraged for all development in Jericho, including applications that will not result in development of an entire parcel. In such cases, the applicant may apply for a phased PUD, provided a Conceptual Plan meeting the criteria outlined below is submitted and approved by the DRB. The Conceptual Plan shall be submitted and acted upon with the preliminary application for major PUDs and with the final application for minor PUDs. The findings of fact pertaining to the Conceptual Plan shall be binding on both the Development Review Board and the applicant for all subsequent applications made pursuant to the Conceptual Plan approval, unless an amendment to the Conceptual Plan is made.

~~10.13.12.1~~. The Conceptual Plan shall indicate open space lands for future phases of the PUD. Future Open space areas shall meet the requirements of Section 10.13.4 and 10.13.6. Open space lands may be formally designated and conveyed entirely in the first phase or in portions during future phases. Open space lands

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shall be designed in accordance with any current or future planned public infrastructure.

~~10.13.12.2.~~ 10.13.13.1. The Conceptual Plan shall indicate likely future development areas. Individual lots and building sites need not be identified, and the total number of lots or dwelling units to be developed in future phases need not be specified.

~~10.13.12.3.~~ 10.13.13.2. However, future development areas shall be those areas which have the least impact on the resources listed in Section 10.10.4.1. Future development areas shall actually be buildable based on the provisions of these regulations and site conditions including but not limited to slope, soils, and access.

~~10.13.12.4.~~ 10.13.13.3. If the first or a subsequent phase of a PUD will exceed the district lot coverage requirements, the Conceptual Plan shall show how this increased lot coverage will be offset in future phases, in accordance with Section 10.13.9.3 above.

~~10.13.12.5.~~ 10.13.13.4. A Conceptual Plan may indicate potential future uses. This may include specific uses, or broad categories such as residential, mixed use, retail, etc. Such indication shall be for reference purposes only, and shall not obligate the DRB to approve a specified use or category of uses when more detailed, formal plans are submitted.

~~10.13.12.6.~~ 10.13.13.5. The Conceptual Plan shall include general information related to vehicular and pedestrian circulation in future phases, including connections to neighboring properties. Details, specifications and cross sections are not required. However, construction of connecting facilities in conformity with these regulations and any any current or future planned shared, common or public infrastructure shall be technically feasible.

~~10.13.12.7.~~ 10.13.13.6. Reservations of land for purposes such as sewage disposal, stormwater treatment, or shared parking may be indicated on the Conceptual Plan.

10.14 Development Plan Review

10.14.1. The Standards for Development Plan Review are contained in Sections 13.1.9. and 13.1.10.

11. GENERAL DEVELOPMENT STANDARDS

11.1. Access - Public/Private Roads and Driveways

11.1.1. *Conformity with Public Works Specifications:*

All streets/roads and driveways shall be designed to meet the requirements of the Public Works Specifications of the Town of Jericho, unless waived by the Selectboard, and shall be depicted on the Plat for review by the Development Review Board prior to final plat approval. If a conflict exists between these regulations and the Public Works Specifications, the more conservative shall apply.

Commented [CS18]: Road design standards for Commercial District should be included in public works specifications.

11.1.2. *Private Driveways:*

No more than three [3] lots may be served by a private driveway. The interest of the owner of each lot served by a common or shared driveway shall be protected by an easement recorded in the deed of each lot involved.

Private driveways shall have a maximum grade of 10%, a minimum travel way width of 12', and be capable of supporting the weight of a two-axle, 40,000 pound vehicle. For any new subdivision with a shared driveway over 100' serving up to 3 lots, the maximum grade shall be 10%, the driveway shall have at least a 15' wide improved travel way, or shall, at intervals of 100' of length, have other provisions for the passing of oncoming vehicles; shall be capable of supporting the weight of a two-axle, 40,000 pound vehicle; and shall have an adequate turnaround at the end. The grade for any portion of a driveway within the Town right-of-way shall be -3%. (all drives must slope away from the road). See also the detailed requirements of "Access Standards" on the Town of Jericho Road Access Permit application. Curbcuts shall be limited to one per residential property. These provisions are contained in the Town of Jericho Public Works Specifications amended 1/22/09 and shall be superseded by any revisions to the same.

11.1.3. *Public/Private Roads:*

All accesses serving four [4] or more lots shall be considered roads. All roads shall be private unless otherwise approved as public roads by the Selectboard or identified on a duly adopted Official Map. The interest of the owner of each lot served by a private road shall be protected by an easement recorded in the deed of each lot involved.

Private roads shall be developed to the same standards as public roads, in accordance with the most recent version of the Town of Jericho Public Works Specifications.

11.1.4. *Construction and Maintenance:*

The applicant shall be responsible for construction and maintenance of all streets until such time as the Selectboard approves the construction and accepts the street as a public street; unless otherwise provided during the approval process.

11.1.5. *Traffic Study/Off Site Improvements:*

11.1.5.1. The Development Review Board may require the provision of a traffic study to analyze the impact of the proposed development on street capacity and safety. The formal study shall include but not be limited to details of existing and proposed ingress and egress, traffic volumes, turning

movements, levels of service, traffic control, physical conditions of the existing street network, and pedestrian access and safety. Existing traffic studies conducted in the previous five (5) years may be considered, if in the DRB's judgment traffic conditions on the surrounding street network are substantially similar. Existing traffic studies greater than five (5) years of age may be considered, provided data regarding traffic volumes, levels of service, and other pertinent information is updated. A formal traffic study shall be required when:

- (a) the development involves creation of twenty (20) or more dwelling units; or
- (b) The increase in average daily trip ends exceeds 200, based on the estimations in the most recent Institute of Transportation Engineers Trip Generation Manual [ITETGM]; or
- (c) The increase in adjacent street traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or
- (d) The increase in traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or
- (e) The increase in average daily trip ends exceeds fifty percent (50%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is a State Highway, Class 1 Town Highway, or paved Class 2 Town Highway; or
- (f) The increase in average daily trip ends exceeds twenty-five percent (25%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is an unpaved class 2 Town Highway, Class 3 Town Highway, Class 4 Town Highway or Trail; or
- (g) The Development Review Board determines a traffic study is warranted in its judgment based on the specifics of the project and the area in which it is located.

- 11.1.5.2. If, in the Development Review Board's judgment, there will be an adverse impact from the proposed development on existing access roads, the Development Review Board may require the applicant to improve the access road(s).

The need and scope for such improvements may be established by the Jericho Comprehensive Town Plan; the Jericho Capital Budget and Program; the recommendations of the Jericho Town Engineer or Highway Commissioner; corridor plans; traffic studies prepared by the Town, the CCMPO, or VTrans; by a traffic study required by Section 11.1.5.2 above; or other pertinent sources. The cost of such improvements may be credited as an in-kind contribution toward any road or transportation impact fees due the development, provided the in-kind contribution is approved by the Selectboard.

11.1.6. Access:

- 11.1.6.1. The Development Review Board may require measures such as speed change lanes, turning lanes, right turn only egress or other design elements necessary to provide for safe circulation and on the site and on adjoining road. The DRB may require additional improvements and configuration to improve and facilitate pedestrian access and safety.
- 11.1.6.2. At road and driveway access points, the Development Review Board may require measures such as striping, contrasting or textured paving, and/or mountable curbs to define narrower car lanes while maintaining sufficient pavement width for safe turning of larger vehicles.

11.1.7. Street Names:

Street names shall be developed with the Planning & Zoning Office and submitted to the Development Review Board for approval. Proposed streets that are in obvious alignment with others already existing and named, shall bear the names of those existing streets. The applicant shall furnish a plan detailing approved street names and proposed address numbers to the E-911 Coordinator who will certify its conformity with emergency management protocol and update appropriate Town records.

All street signs and posts shall be provided and installed by the Town at the expense of the applicant.

11.1.8. Arrangement of Streets:

- 11.1.8.1. The arrangement of streets in the proposed development shall provide for the continuation of streets to adjoining developments and for proper projections of streets through adjoining properties which are not yet subdivided or developed. To ensure adequate access, the Development Review Board may require the continuation of existing streets from adjacent parcels. Where adjacent parcels are underdeveloped, the Development Review Board may require that Rights-Of-Way and/or improvements be extended to property lines. Where, in the opinion of the Development Review Board, topographic or other conditions made such continuance undesirable or impracticable, the above conditions may be modified.
- 11.1.8.2. Minor streets shall be so laid out that their use by through traffic will be discouraged. In order to minimize new curb cuts on major streets, where a development abuts or contains an existing or proposed major street, the Development Review Board may require that access to the development be provided by new minor streets.
- 11.1.8.3. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.

Commented [CS19]: This would be an opportunity to add content if Jericho adopted an Official Map.
Restrict access to Route 15 in CD?

- 11.1.8.4. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than eighty [80] degrees.
- 11.1.8.5. Four-way intersections, deflecting from each other at any one point by more than ten [10] degrees shall not be acceptable. Center line offsets shall conform with the Public Works Specifications, unless waived by the Selectboard.
- 11.1.8.6. No road or driveway providing access to land in another town shall be permitted, unless such access contributes to a network of connected streets and appropriate agreements regarding maintenance have been made with the Selectboard.
- 11.1.8.7. *Dead-End and Single Access Streets:*
- (a) The number of dwelling units or commercial businesses served by a dead end street or by a system of streets sharing a common single access to a major or collector street shall not exceed thirty (30) unless additional connections to other streets are approved by the Development Review Board, except as provided in (b) or (c) below.
 - (b) **New Dead End and Single Access Streets:** New dead end or single access streets are discouraged. In accordance with Section 11.1.8.1, new streets shall be arranged to provide for continuation of streets to adjoining properties whenever feasible. The Development Review Board may approve more than thirty (30) units on a new dead end or single access street if the traffic study required under section 11.1.5.1 above finds that a single access will not result in undue congestion or inhibit emergency vehicle access, and that the applicant has taken measures to accommodate pedestrian and/or vehicular circulation to adjacent parcels and neighborhoods. Such measures may include, but are not limited to:
 - (i) providing pedestrian and/or bicycle connections to neighboring streets and/or developments; and/or
 - (ii) providing a second access restricted to emergency vehicles and pedestrian traffic; and/or
 - (iii) reservation of Right-Of-way sufficient to provide for vehicular connections to adjacent undeveloped or underdeveloped adjoining properties.
 - (c) **Existing Dead End and Single Access Streets:** Existing streets shall be extended to serve new development whenever feasible. The Development Review Board may approve more than thirty (30) units on an existing or extended dead end or single access street upon finding that
 - (i) additional units will not result in undue congestion or inhibit emergency vehicle access; and
 - (ii) the existing road is sufficient to accommodate additional traffic, including adequate turn-around for

emergency vehicles, or the applicant will contribute to improvements to the road to accommodate additional traffic; and

- (iii) if the property to be developed could provide pedestrian connections to adjacent streets or neighborhoods, Right-Of-Way or easements for this purpose are provided.
- (d) The turnaround area on a permanent dead-end street shall conform with the Public Works Specifications.
- (e) Temporary dead-end streets that are necessary due to construction phasing are permitted. However, the streets should not exceed ten [10] times the required minimum lot frontage or 2,000 feet, whichever is shorter, and shall be equipped with a turnaround that conforms with the standards for permanent dead-end streets. A temporary turnaround shall be provided with a notation on the plat that land outside the normal street Right-Of-Way reverts to abutting property owners whenever the street is continued.

11.1.9. Roads and Driveways within the River and Wetlands Overlay Districts:

Construction of driveways, roads, and/or other crossings shall require Conditional Use Review by the Development Review Board and the Vermont Agency of Natural Resources (ANR). In addition to the Conditional Use Standards in Section 10.9, applicants shall:

- 11.1.9.1. Obtain wetlands permit, US Army Corps permits, Stream Alteration permits, as required;
- 11.1.9.2. Use open-bottom structures, such as arch culverts and bridges whenever feasible. If use of open-bottom structures is not feasible, closed-bottom structures shall remain embedded, so as to create an invisible transition between the natural stream channel and the crossing structure;
- 11.1.9.3. Not allow crossing to constrict the stream channel, backfill, or otherwise interfere with stream dynamics; and
- 11.1.9.4. Match the post-construction stream pattern and profile to the natural (pre-construction) stable pattern and profile. Crossings shall be designed to maintain water depths and water velocities at the rates found in the natural stream channel above and below the crossing.

11.2. Parking/Loading/Circulation

11.2.1. Off Street Parking Requirements

Adequate off-street parking shall be provided in conjunction with any improvement or change of use requiring a zoning permit. Except as provided within Section 11.12.5: "Alternative Parking Arrangements", all parking shall be on the same premises as the proposed improvement.

11.2.2. Number of Parking Spaces Required

- 11.2.2.1. The following table indicates the minimum number of parking spaces to be provided for each use:

USE	PARKING SPACES REQUIRED
1.0 Agriculture and Related Uses	
1.1 Agriculture	
1.2 Silviculture/Forestry	
1.3 Veterinary facility	2.5 per 1,000 sf GFA*
1.4 Veterinary facility w/ accessory kennel	2.5 per 1,000 sf GFA
1.5 Stable – boarding/riding	1 per 2 stalls
1.6 Kennel	2.5 per 1,000 sf GFA
1.7 Garden Center accessory to farm	3.6 per 1,000 sf GFA
2.0 Residential Uses	
2.1 Single Family, duplex	2.0 per dwelling unit
2.2 Multifamily	2.0 1.5 per unit + 1 per every 8 units
2.3 Rooming House	1.2 per room
2.4 Residential Care Facility	0.33 per room
2.5 Accessory Apartment/Guest House	1.0 per unit
3.0 Commercial Uses	
3.1 Lodging	1 2 per guest room
3.2 Retail Uses	
3.2.1 Lumber/Building Supply materials	2.0 per 1,000 sf GFA
3.2.2 Retail – General merchandise	3.6 per 1,000 sf GFA
3.2.3 Retail – Specialty Store	3.6 per 1,000 sf GFA
3.2.4 Farmers markets	2.0 per seller
3.2.5 Garden center	3.6 per 1,000 sf GFA
3.2.6 Motor vehicle sales	2.0 per 1,000sf GFA
3.2.7 Gallery/Studio/Museum	2.5 per 1,000sf GFA
3.2.8 Fuel sales	7.5 per 1,000 sf GFA + 1 per pump
3.3 Financial Institutions	
3.3.1 Financial Institution	3.6 per 1,000sf GFA
3.4 Food Service	
3.4.1 Restaurant/Tavern	1.0 per 3 seats plus 5 per 1,000sf GFA of customer space without seats.
3.4.2 Caterer (with on-site retail)	3.6 per 1,000 sf GFA + 1.0 per 2 employees
3.4.3 Caterer (with no on-side retail)	1.0 per 2 employees
3.5 Personal and Professional Services	
3.5.1 Personal/Professional services	3.6 per 1,000 sf GFA
3.5.2 Motor Vehicle Repair	2 per 1,000sf GFA
3.5.3 Car Wash	1 per 1,000sf GFA
3.6 Commercial & Municipal Recreation	

Commented [CS20]: I made several minor tweaks to these parking standards, but in the examples of “maximum vs minimum” standards most, of the standards in Jericho were less than maximums in other locations. This is largely due to the fact that maximum standards are more effective in areas with multiple types of alternative transit (busses, subways, etc.)

USE	PARKING SPACES REQUIRED
3.6 Commercial & Municipal Recreation	
3.6.1 Indoor	
3.6.1.1 General	0.33 per maximum occupancy
3.6.2 Outdoor	
3.6.2.1 Passive	1.0 per 10 Acres
3.6.2.2 General	1.0 per 10 Acres + 1.0 per 500 sf GFA
3.6.2.3 Gymnasium	3.6 per 1,000 sf GFA
4.0 Industrial Uses	.5 per 1,000 sf GFA + 1.0 per employee
5.0 Institutional Uses	
5.1 Schools, child care	
5.1.1 Day-care	1.0 per employee + 1 per 6 children
5.1.2 Preschool	0.3 per child
5.1.3 Elementary	0.25 per student
5.1.4 Secondary	0.25 per student
5.1.5 Vocational school	2 .0+ 0.5 per student
5.2 Place of Worship	1.0 per 4 fixed seats
5.3 Library	3.6 per 1,000sf GFA
5.4 Hospice Facility	0.33 per bed
5.5 Hospital Facility	2.0 + 1.0 per 200 sf GFA
5.6 Nursing Home Facility	0.33 per bed
5.7 Club	0.33 per maximum occupancy
5.8 Funeral home	1.0 per 4 seats
5.9 Cemetery	2 .0
5.10 Fish and game club	larger of: 1.0 per 200 sf GFA or 5.0 per improved acre
5.11 Post Office	3.6 per 1,000 sf GFA
5.12 Municipal facility, office	10 + 1.0 per employee
5.13 Municipal facility, other	1.0 per employee
5.14 Dormitory/Hostel	1.2 per room
6.0 Accessory Structures and Uses	
6.1 Home Occupation	1.0 per 2 employees
6.2 Recreation, Accessory Use	

* GFA = Gross Floor Area

11.2.2.2. Handicapped Spaces:

Non-residential parking lots shall include parking for persons with disabilities. Such parking shall be set aside and identified with signs requiring display of a state handicapped designation. There shall be at least one such space, plus one for every fifty spaces exceeding one.

The handicapped spaces shall be those closest to the principal means of handicapped access to the proposed structure or use.

Parking spaces designated for handicapped use shall be counted toward satisfying the total number of required spaces.

11.2.2.3. Modification In Required Spaces:

The Development Review Board may increase or decrease the number of parking spaces required if appropriate to accommodate the parking needs of an individual applicant. In general, the Board should seek to require sufficient parking spaces to meet anticipated demand but to avoid creating excess parking spaces. Alternative arrangements such as shared, offsite, and on street parking shall be encouraged to meet peak parking demand. Excessive on-site parking shall be discouraged.

In granting a reduction in the number of spaces, the Board may consider factors including but not limited to actual anticipated parking needs of a proposed use, the mix of uses within the development, proximity of the proposed use to pedestrian infrastructure, transit service, or other alternative modes of transportation, and/or transportation management proposed by the applicant.

11.2.3. Standards:

Parking areas servicing non-residential uses and all parking areas for five [5] or more cars shall be designed and constructed in accordance with the standards of this section.

11.2.3.1. General Layout:

- (a) Parking areas shall be laid out so as not to require or permit vehicles to back onto a public way, nor to require the movement of other vehicles to enter or exit any designated parking space, excepting Tandem Parking as permitted under Section 11.2.3.1(d) below.
- (b) Except in the Commercial District, Village District and Village Center District, designated parking areas shall not be located in any required front, side, or rear yard setback. Within the Commercial District parking may be within one-half [1/2] of the depth of the required side or rear yard(s) setbacks, except where the subject parcel is adjacent to property in the Low Density Residential, Rural/Agriculture Residential, or Forestry District. In the Village Center District and Village District, parking may be within the side or rear yard setbacks.
- (c) Parking for two [2] or more abutting uses may be constructed across any common side or rear lot line. Such parking may be served by a common driveway, either on the common boundary, or entirely within the frontage of one lot. Where such common access is entirely within one lot, an access easement shall be duly recorded.
- (d) Tandem or 'stacked' parking may be approved for

Commented [CS21]: How does this work with a 10ft side setback?

residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is approved, the first space shall have unobstructed access while the second space may be accessed through the first space.

11.2.3.2. Dimensions:

- (a) Each parking space shall have a minimum width of nine [9] feet and a minimum length of eighteen [18] feet. These dimensions may be modified based on accepted engineering standards if angled parking is proposed.
- (b) Parking spaces reserved for handicapped use shall have a minimum width of twelve [12] feet.
- (c) Parking aisles shall have a minimum width of twenty [20] feet. The Development Review Board may require wider aisles if necessary to allow for adequate circulation or emergency access. The Development Review Board may reduce the minimum width if it can be shown that the required widths are excessive to the functional needs of the site.

11.2.3.3. Front Yard Parking:

In order to enhance and maintain village character, parking to serve non-residential uses shall not be permitted between the front building line and the street in the Village and Village Center Districts, *or in the Commercial District*. The Development Review Board may consider exceptions to this requirement when strict conformity cannot be achieved due to site specific constraints and where the overall site layout otherwise conforms with the purpose of the district. Such exceptions shall only be granted when additional measures are taken to ensure safe pedestrian circulation and access to the building, around the site, and to/and from adjoining properties.

11.2.3.4. Landscaping:

All parking areas shall be landscaped in accordance with Section 11.8 of these regulations.

11.2.4. Bicycle Parking:

A minimum of one [1] bicycle parking space shall be provided for every five [5] parking spaces required by Section 11.2.2.1 of these regulations. Required bicycle parking spaces shall be of sufficient size to accommodate a full sized bicycle, including space for access and maneuvering, and shall allow the bicycle wheel and frame to be locked to the facility.

11.2.5. Alternative Parking Arrangements:

In order to prevent creating excess parking spaces, and to reduce impervious surfaces and encourage pedestrian friendly development, the following alternative parking arrangements shall be authorized and encouraged in all districts.

11.2.5.1. Shared Parking:

When any land or building is used for two [2] or more distinguishable purposes, such that the hours of peak usage do

not coincide, the minimum total number of parking spaces required to serve the combination of all uses may be reduced at the discretion of the Development Review Board.

11.2.5.2. Off-site Parking:

The Development Review Board may authorize locating required parking off-site on (an) other premise(s) in accordance with the following requirements:

- (a) Provisions for safe movement of pedestrians from the parking area to the principal access of the proposed use have been made;
- (b) Provisions for handicapped parking meeting the requirements of the Americans With Disabilities Act have been made;
- (c) In the Village Center and Open Space Districts, one-hundred percent (100%) of required parking may be located off-site. In all other districts, up to seventy five percent (75%) of the required parking may be located off-site, unless located in a PUD;
- (d) PUDs in all districts may designate one or more central off-site parking areas containing up to one hundred percent (100%) of all parking required for individual uses within the PUD. Such parking areas may be within or outside the limits of the PUD. If central off-site parking is provided, separate on-site parking areas need not be designated for each individual use within the PUD;
- (e) The proposed off-site parking area shall be within 2,500 feet of the principal access of the proposed improvement. The DRB may approve off-site parking farther from the proposed improvement, provided the applicant has provided adequate pedestrian infrastructure or transportation management to connect the parking area and proposed use;
- (f) The proposed off-site parking area shall not be counted toward satisfying the parking requirements of any other use except in accordance with the provisions for shared parking;
- (g) The proposed off-site parking area otherwise satisfies all standards of this ordinance; and
- (h) A deeded easement granting parking rights to the subject property shall be recorded in the Jericho land records.

11.2.5.3. On Street Parking:

The Development Review Board may approve on-street parking if approved by the Selectboard or Vermont Agency of Transportation. On street parking may be shared as provided in Section 11.2.5.1 and may be counted towards the parking requirements in Section 11.2.2. On street parking shall not be considered “front yard parking”, and shall be permitted in the Village Center ~~and~~ Village ~~and~~ Commercial Districts, provided pedestrian infrastructure or sufficient Right-Of-Way and/or

easements to accommodate such infrastructure are in place.

11.2.6. Loading and Service Areas:

- 11.2.6.1. Where a proposed development will require the frequent or regular loading or unloading of goods or passengers, sufficient on-site service areas shall be provided. Service areas may also be required for emergency vehicles, waste disposal and collection, transit service, or other purposes as necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct sight visibility at intersections or from any internal road or access. With the exception of passenger pick-up or drop-off areas, loading and service areas shall be located behind the front building line, or to the side or rear of the structure they serve.
- 11.2.6.2. All vehicle movements for loading, unloading, and deliveries shall be made off the public Right-Of-Way.

11.3. Pedestrian Facilities

All public and private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. To the extent feasible, pedestrian and vehicular circulation shall be separated by curbing, plantings or reserve strips, and should cross or intersect in controlled locations and manners.

- 11.3.1 The Development Review Board may require the applicant to submit, at his or her expense, a study of vehicular and pedestrian circulation, subject to independent technical review under Section 10.8.6. This study shall provide vehicular and pedestrian access to the site, circulation on the site, and circulation between neighboring parcels and buildings. This study shall be required if the site is located in areas of desired connections listed in the Town Plan, as referenced in the 2015 Bicycle and Pedestrian Master Plan.
 - 11.3.1.1. For sites shown to contain a desired connection as referenced in the Town Plan and as referenced in the 2015 Bicycle and Pedestrian Master Plan~~;~~ or a planned infrastructure investment as identified on an adopted Official Map, the Development Review Board shall require permanent bike/pedestrian easements up to twenty-five [25] feet in width in order to facilitate pedestrian connections between parcels.
- 11.3.2. The Development Review Board may require that curbs and sidewalks be installed along both sides of major and collector streets and along one side of

minor streets. Designs shall meet the Public Works Specifications and approval of the Selectboard prior to final plat approval.

- 11.3.3. In addition to sidewalks required by 11.3.1, the Development Review Board may require permanent pedestrian easements up to twenty-five [25] feet in width in order to facilitate pedestrian circulation within a development, between adjoining neighborhoods, or to provide access to parks, schools, shopping centers, centers of employment and community facilities. Pedestrian easement locations may include, but are not limited to the following areas:

- 11.3.3.1. through blocks 600 feet or more in length,
- 11.3.3.2. as a continuation of cul-de-sacs,
- 11.3.3.3. in conjunction with utility easements, or
- 11.3.3.4. along existing Rights-Of-Way that lack sufficient width to contain bicycle/pedestrian facilities.

- 11.3.4. *Handicapped Access:* Where construction of parking or access facilities results in curbs or other barriers, handicapped access shall be provided in accordance with generally accepted standards for handicapped access.

11.4. Lot Layout

- 11.4.1. Each lot shall have the minimum area and frontage required by these regulations, unless modified through the Planned Unit Development provisions in Section 10.13 of these regulations.
- 11.4.2. Lots shall be of sufficient size to provide an adequate building site with suitable areas and adequate isolation distances for sewage disposal and water supply both on site and neighboring properties. The Development Review Board may require larger lots than required by these regulations where deemed necessary because of conditions affecting drainage, sanitary sewage disposal, or water supply.
- 11.4.3. Where lots are more than double the minimum required area for the zoning district, the Development Review Board may require that development on such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots.
- 11.4.4. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street.
- 11.4.5. Each lot shall be provided with satisfactory access to a road meeting the requirements of Section 11.1 of these regulations.
- 11.4.6. No privately owned reserved strip shall be permitted which controls access to any part of the development or to any other parcel of land from any street or other open space dedicated to public use or which may be so dedicated.
- 11.4.7. Wherever feasible, lots shall be laid out to provide access onto minor streets rather than collector streets, and wherever possible to avoid direct access to major streets and highways. In the Commercial District direct access to Route 15 shall only be allowed if no direct access to minor or collector streets is available without an easement.
- 11.4.8. The Development Review Board shall encourage lot layout that will preserve open space areas and significant natural resources.

Commented [CS22]: This is an attempt to limit access to Route 15 unless a property has no alternative access point.

- 11.4.8.1. Building Envelopes: All lots shall have designated building envelopes that shall not include areas within the Wetlands Overlay District, or the River Overlay District, or the WHPA-1 of the Wellhead Protection Area Overlay District, or Vernal Pools plus 100' Buffer identified in the Natural Resources Overlay District.
- 11.4.8.2. In areas containing currently productive agricultural land, building envelopes shall be located at field edge or on the least productive areas in order to minimize the fragmentation of agriculturally productive lands, impacts on existing farm operations, and disruption of the scenic qualities of the site.
- 11.4.8.3. If the parcel to be developed is largely forested, building envelopes shall minimize the extent of forest clearing required for development. Forest fragmentation and tree removal shall be kept to a minimum.
- 11.4.8.4. In order to minimize land use conflicts, the Development Review Board may require vegetative buffers or other mechanisms to separate building lots and subsequent development from agricultural and forestry operations, recreation areas, and critical wildlife habitat.
- 11.4.9. *Energy Conservation:* Lot layout, including orientation of buildings and vegetation, should be designed so as to promote the conservation of energy and to permit the utilization of renewable energy resources.
- 11.4.10. *Monumentation:* Lot corners along public road frontage shall be marked by concrete monuments. All other lot corners shall be marked by iron pins or steel pipes.

Commented [CS23]: This may conflict with the desired pattern of development in the Commercial District. Could add an exception for the commercial district.

11.5. Grading/Slope/Ridgeline

- 11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.
- 11.5.2. Development and disturbance of steep slopes should be minimized. The following standards shall apply to the development of steep slopes:
 - 11.5.2.1. If slopes between eight and fifteen percent (8%-15%) are disturbed as a result of a proposed development, the Development Review Board may require the applicant to submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer.
 - 11.5.2.2. Development and disturbance of more than 10,000 square feet of slopes greater than fifteen percent (15%) and less than twenty-five percent (25%) shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards:

- 11.7.3.1. If the development will be supplied by an existing public water system, a letter shall be submitted by the applicant from the governing body of the water district stating that the water district has adequate capacity to serve the development and approving the design and construction details prior to final approval by the Development Review Board.
- 11.7.3.2. If the development is to be served by a public water supply system, the applicant shall install a complete public water system, including mains, valves, services to the property lines and all other appurtenances. Design and construction procedures, materials and location of improvements shall conform with all applicable standards required by the commissioners of the water district in which the development is located and shall be subject to the approval of the water district's engineer.
- 11.7.3.3. If the development will not be served by a public water system, a community system, a system consisting of individual wells, or other means of providing water to the proposed development shall be designed and installed in accordance with all applicable State regulations and standards. Community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system.
- 11.7.3.4. Evidence of the location and availability of potable water in adequate quantities shall be provided. The DRB may require the applicant to submit well yield information or provide other evidence that sufficient groundwater to serve the development is available. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, floodwater levels, aquifer protection areas, and other factors affecting the potability of water supplies.
- 11.7.4. *Sewage Disposal:*
 - 11.7.4.1. All wastewater disposal systems shall conform with the Environmental Protection Rules, Chapter 1, Waste Water and Potable Water Supply Rules published by the Agency of Natural Resources, as most recently amended.
 - 11.7.4.2. The DRB may defer sewage disposal requirements for a new lot if said lot is greater in size than twenty-five [25] acres, or if the DRB determines that the lot is suitable for agricultural or open space purposes. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed.

11.8. Landscaping

- 11.8.1. *Preservation of Landscape:* Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties. Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be revegetated by the applicant. Where development occurs in a forested or partially forested area, the applicant may be required to submit recommendations from a professional forester regarding placement of

improvements and removal of trees. Where tree coverage does not exist or has been removed, new plantings may be required.

- 11.8.2. *Landscaping Budget Requirement:* For all site plans, the Development Review Board may require minimum planting costs of up to three percent [3%] of total construction/improvement costs.
- 11.8.3. *Screening and Buffering Requirements:* All parking areas for five [5] or more cars, all outdoor sales display areas, all business uses and industrial uses, all contractor's yards, open storage and loading service yards and all commercial outdoor recreation shall be screened from any adjacent residential use and or the Low Density Residential, Rural/Agriculture Residential or Forestry district. This provision shall also apply in the Commercial District when development is visible from Route 15 and Raceway Rd. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). The introduction of attractive fencing, integrated with the vegetation, can also be used to define the buffer. The amount and type of plantings required will be determined by the Development Review Board based on
- (a) the location and context of the site,
 - (b) the type of use,
 - (c) proximity to neighbors, and
 - (d) the pattern and extent of existing vegetation (on-site and in the immediate area).

In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum landscaping requirement.

- 11.8.4. *Street and Shade Trees:* In addition to plantings that may be required above for screening and/or buffering, all uses abutting a public way shall provide plantings of street trees. Street tree plantings shall also be required for all streets in a subdivision or Planned Unit Development. New trees shall be along both sides of streets in areas where no trees presently exist or where existing trees would suffer life-shortening construction damage. The trees shall be planted outside the Right-Of-Way, unless written approval is gained from the Selectboard. Street trees shall be located so as to minimize conflicts with necessary utilities. Such trees shall be deciduous canopy-forming trees of similar species and growth habit, and may be either massed or planted at intervals.

Where such trees are planted at intervals, they shall conform with the following schedule of maximum spacing based on mature height:

SIZE (mature height)	MAXIMUM SPACING (trunk-to-trunk distance)
Large (40 feet or greater)	50-70 feet
Medium (30-40 feet)	40-50 feet
Small (30 feet or less)	30-40 feet

Where such trees are massed, planting shall consist of the same number and size of trees as would be required based on planting at intervals.

- 11.8.5. *Internal Parking Lot Landscaping:* All off-street parking lots containing twenty [20] or more spaces shall be landscaped with trees, shrubs, and other plants. At least one deciduous tree per ten [10] spaces shall be planted in a bed of not less than forty [40] square feet. The Development Review Board may require fewer trees if the required landscaping results in an undue loss of parking. In lieu of this requirement, the Development Review Board may approve uncurbed planting areas in order to provide for stormwater run-off into vegetated areas for treatment.
- 11.8.6. In lieu of other landscaping requirements above, the Development Review Board may approve landscaping of equivalent value for the purpose of improving or restoring wildlife habitat, wetlands restoration and protection, stream bank stabilization and restoration, or similar improvement. Plans for such improvements shall be developed by an appropriate professional.
- 11.8.7. *Planting Specifications:* Plants shall be hardy for the climatic and other conditions in which they will be used (salt, air pollution, etc.). Trees shall preferably be of a type indigenous to the neighborhood. At its discretion, the Development Review Board may refer to “Recommended Trees for Vermont Communities: A guide to Selecting and Purchasing Street, Park, and Landscape Trees”, published by the Vermont Urban and Community Forestry program. Trees shall be nursery grown or otherwise of healthy stock. Trees of similar species and function shall be of substantially uniform size and shape. At the time of planting, canopy-forming deciduous trees shall be at least two [2] inches in diameter, measured at a point four [4] feet above finished grade, and evergreen species shall be at least four [4] feet in height.

All plantings required by this section shall be planted in accordance with accepted horticultural practice and shall be guaranteed by the developer or successor in interest for a period of three [3] years from the date of planting. To the extent practical, existing trees shall be retained and used to satisfy this section. Final choice of tree species and exact planting locations are subject to recommendations of the Jericho Tree Warden.

11.9. Site Layout and Design

The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

- 11.9.1. *Village Center District:* Site layout and design shall reinforce a compact village settlement pattern of buildings lining public roads or central greens and shall enable building sites and setbacks to be consistent with village patterns. Buildings shall be sited so as to encourage use by pedestrians and to create a well-defined streetscape.
- 11.9.2. *Low Density Residential, Village, and Rural Agriculture Residential and Forestry Districts:* Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas.

- 11.9.3. *Commercial District:* Site Layout and design shall minimize the appearance of strip development~~– and shall utilize topography landscaping and other visual treatments to minimize visual impacts, particularly to the Route 15 corridor.~~ Site layout and design shall incorporate green space, landscaping and other visual treatments that soften the appearance of development. Curb cuts should be limited to avoid impeding circulation on Route 15, and interior circulation roads may be required~~–on larger parcels.~~
- 11.9.4. *Energy Conservation & Renewable Energy Generation:* In all districts, site layout and design, including orientation of buildings and vegetation, should promote the conservation of energy and permit the utilization of renewable energy resources. Walkable mixed-use development in the Commercial District shall be required to provide the infrastructure needed to install EV charging stations.
- 11.9.5. The existence of a nearby structure that does not contribute positively to the character of the Town shall not be regarded as a justification for perpetuating or expanding the effect.

11.10. Outdoor Storage/Display

- 11.10.1. In addition to the provisions of Section 4.7.16, except as provided in Section 11.2.3.3: “Front Yard Parking”, no parking, loading or outdoor storage, sales or display areas shall be permitted in any required front yard setback. The Development Review Board may limit the total size of outdoor areas for the display of items for sale as a conditional use requiring site plan review.
- 11.10.2. *Solid and Hazardous Wastes:* No trash, garbage, construction debris, or hazardous or corrosive wastes or chemicals, junk, or other refuse shall be stored on a lot in such a way that pollutes surface or groundwater or that threatens public health and safety.
- 11.10.3. *Motor Vehicles:* No person shall permit more than three [3] unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty [30] consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or a permitted motor vehicle dealership. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks.
- 11.10.4. *Underground Storage Tanks:* All new underground tanks for the storage, sale, or distribution of petroleum products shall be protected from internal and external corrosion such as by all Fiberglass construction, steel with bonded Fiberglass and internal lining, or the Steel Tank Institute 3-Way Protection System. Such tanks shall conform with the requirements of current applicable state and/or federal law.
- 11.10.5. *Above Ground Storage Tanks:* The storage of any highly flammable or hazardous liquid in an above ground tank with a storage capacity greater than 500 gallons shall meet all applicable state and federal standards, and the setback requirements and other standards of National Fire Protection Association (NFPA) Code 58 (or the most recent NFPA Code).

11.11. Outdoor Lighting

Lighting shall be kept to a minimum consistent with the requirements of pedestrian and vehicular safety and convenience in accordance with the Public Works Specifications