

# Town of Jericho



# Land Use and Development Regulations

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**MANUFACTURED HOME:** A **BUILDING**, transportable in one or more sections, and designed for use as a **DWELLING** with or without a permanent foundation when attached to the required utilities. The term “Manufactured Home” does not include a **RECREATIONAL VEHICLE**. *See also* **MODULAR HOME**.

**MANUFACTURING:** The use of machines, tools, and labor to make things for use or sale. The term may refer to a range of human activity, distilled here into two categories:

- a) **HEAVY:** Relates to a type of business that typically carries a high capital cost (capital-intensive), high barriers to entry, and low transportability. The term “heavy” refers to the fact that the items produced by “heavy industry” used to be products such as iron, coal, oil, ships, etc. Today the reference also refers to industries that cause disruption to the environment in the form of pollution, deforestation, etc. Industries that are typically considered “heavy” producers include: Chemicals and plastics, steel and oil refining and production, mining, and mass transit (railways, airlines, shipbuilders).
- b) **LIGHT:** Relates to the processing or fabrication of materials and products such as home appliances, electrical instruments, office machines, precision instruments, electronic devices, timepieces, jewelry, optical goods, musical instruments, novelties, wood products, printed material, lithographic plates, type composition, machine tools, dies and gauges, ceramics, apparel, light weight nonferrous metal products, plastic goods, pharmaceutical goods, and food products, where no process involved will produce noise, vibration, air or water pollution, fire hazard, or noxious emission that will disturb or endanger neighboring properties. The term “Light Manufacturing” specifically excludes a **SLAUGHTERHOUSE** or facility engaged in the curing or rendering of animal parts.

**MANUFACTURING, RESEARCH and DEVELOPMENT:** A **FACILITY** whose primary purpose is the advancement of products whose manufacture will take place elsewhere, as well as research not necessarily related to a specific product. Such facilities may contain laboratories or production capabilities limited to the purposes of said advancement.

**MAP:** *See* **ZONING MAP**.

**MASS and MASSING:** Also referred to as architectural form, is the overall three dimensional shape and volume of a building defined by exterior walls, roof shapes, and any significant architectural appendages such as porches, projecting bays, towers, and cupolas.

**MINOR ROAD:** *See* **ROAD, MINOR**.

**MIXED USE:** A single **BUILDING** containing more than one separate space intended for any combination of uses provided for in the *Table of Uses* (§4.4.3 of these regulations), including but not limited to dwelling, retail trade, manufacturing, business office, professional office, **HOME OCCUPATION**, etc.

**MOBILE HOME:** A **DWELLING** that is transportable, or originally designed and constructed to be such, whether later rendered immobile or not, with running water and sanitary facilities, bath and toilet. Placing a mobile home on foundations or adding adjacent or attached fixed buildings shall not change its classification as a Mobile Home.

**MOBILE HOME PARK:** Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two [2] mobile homes. “Mobile Home Park” shall not mean any parcel of land under the ownership of an agricultural employer who may accommodate thereon up to four [4] mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment. This definition specifically excludes **MOBILE HOME SALES**.

- c) **MINOR** - A road that is being used or will be used primarily to provide access to abutting properties, and which does not provide for use by through traffic.
- d) **PRIVATE** - A road providing vehicular access to a **SUBDIVISION** that is neither owned nor maintained by the Town.

**ROOMING HOUSE:** A **BUILDING** or premises where rooms are let to individuals for periods exceeding one [1] week and where meals may regularly be served in a common dining area for compensation. Motels, hotels, inns, bed and breakfasts, apartment house, **MULTI-FAMILY DWELLINGS** and **RESIDENTIAL CARE FACILITIES** shall not be considered “Rooming Houses”.

**SALVAGE YARD:** *See* **JUNKYARD**.

**SCENIC RESOURCES:** Scenic resources are defined as those landscape patterns and features that are visually or aesthetically pleasing and that, therefore, contribute affirmatively to the definition of a distinct community or region including, but not limited to, trees, rock outcroppings, and historic buildings. Scenic areas, open spaces, rural landscapes, vistas, country roads and other factors interact to produce a net visual benefit upon individuals or communities. Those visual resources that uniquely contribute to the public benefit are scenic resources.

**SCHOOL:** A public or private institution whose primary mission is to provide instruction. The four types of school include:

- a) **ELEMENTARY** - Basic instruction in the tools of learning adapted to the needs of pupils in preschool or kindergarten and up to the first six [6] grades.
- b) **PRESCHOOL** - An establishment providing custodial and/or educational services to children primarily under school age and which does not qualify as a daycare;
- c) **SECONDARY** - Directly involved in, or in support of general or specialized instruction other than technical education for students who have completed elementary school; and
- d) **VOCATIONAL** - An establishment providing daytime or evening seminars, workshops or trade and vocational training without overnight accommodations.

**SCREENING:** A wall, **FENCE**, or horticultural device such as a hedgerow, designed to buffer, mask or mitigate a view of a **PARCEL** from one or more vantage points.

**SENIOR APARTMENT COMPLEX:** Age-restricted multiunit housing with self-contained living units for older adults who are able to care for themselves. Usually no additional services such as meals or transportation are provided. Such housing units or facilities should accommodate aging in place by providing design features for disabled or universal access.

**SENIOR HOUSING DEVELOPMENT:** A housing development in which at least eighty percent [80%] of the units are **SENIOR HOUSING** units. Examples may include: **INDEPENDENT LIVING FACILITY, SENIOR APARTMENT COMPLEX, ASSISTED LIVING FACILITY, CONTINUING CARE RETIREMENT COMMUNITY (CCRC), or LIFE CARE COMMUNITY.** Such housing units or facilities should accommodate aging in place by providing design features for disabled or universal access.

**SENIOR HOUSING UNIT:** A **DWELLING** specifically designed and intended for occupancy by at least one person who is fifty-five [55] years of age or older. Such housing may include congregate dining and/or recreational facilities, and/or assisted living services. Such housing units should accommodate aging in place by providing design features for disabled or universal access.

**SEPTIC SYSTEM:** A **STRUCTURE** or method designed to dispose of human waste. All septic systems are regulated by the Vermont Agency of Natural Resources, and do not require a local permit.

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 provide locations 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. Development within the Commercial District is intended to complement and create connections between Jericho Village and Riverside Village. Planned Unit Development provisions are recommended to encourage higher density, clustering, walkability and shared infrastructure. In addition to businesses, the District integrates diverse forms of housing and access to public transit. Design and site layout standards are especially important to enable different Uses to co-exist and to change over time, including some Uses not appropriate for other districts. New “complete” multi-modal streets, primarily connected to North Main Street, are encouraged to support a compact village like setting, away from Route 15. 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

## 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. Before the Zoning Administrator may issue a Zoning Permit, all permitted Uses and Structures require Site Plan approval from the Development Review Board, except those explicitly exempted under Section 10.10.2. In accordance with Section 10.13.2, PUD review may also be required.

### 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 and Section 10.10. A Certificate of Occupancy also is required for those conditional uses indicated in Section 10.6. In accordance with Section 10.13.2, PUD review may also be required.

### 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
<b>1.0 Agriculture and Related Uses</b>							
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
<b>2.0 Residential Uses</b>							
2.1 Single Family <sup>1</sup>							

2.1.1 SF-1 dwelling unit/lot		P	P	P	P	C	P
2.1.2 Accessory apartment		P/C <sup>2</sup>	P/C <sup>2</sup>	P/C <sup>2</sup>	P	P/C <sup>2</sup>	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 <sup>1</sup>							
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	<u>C</u>	C
<b>3.0 Commercial Uses</b>							
3.1 Lodging							
3.1.1 Hotels and motels						C	C
3.1.2 Inns		C	P	P	P	P	P
3.1.3 Bed & Breakfast		C	P	P	P	P	P
3.2 Retail Uses		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
3.2.1 Lumber, building supply yard						C	
3.2.2 Retail, General merchandise ≤ 3000 sq.ft.						P	P/C <sup>3</sup>
3.2.3 Retail, General merchandise > 3000 sq.ft.						C	C
3.2.4 Retail, Specialty Store ≤ 3000 sq.ft.						P	P/C <sup>3</sup>
3.2.5 Retail, Specialty Store > 3000 sq.ft.						C	C
3.2.6 Farmers markets	P/C <sup>4</sup>	P/C <sup>4</sup>	P/C <sup>4</sup>	P/C <sup>4</sup>	P	P	P
3.2.7 Garden center ≤ 3000 sq.ft.			C	C	C	P	P/C <sup>3</sup>
3.2.8 Garden center > 3000 sq.ft.						<del>PC</del>	
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 <sup>3</sup>	P	P/C <sup>3</sup>
3.2.12 Gallery/Studio/Museum > 3000 sq.ft.						<del>PC</del>	C
3.2.13 Fuel sales						C	
3.3 Financial Institutions							
3.3.1 Financial Institution ≤ 3000 sq.ft.						P	P/C <sup>3</sup>
3.3.2 Financial Institution > 3000 sq.ft.						C	C
3.4 Food Service							
3.4.1 Restaurant/Tavern ≤ 3000 sq.ft.						C	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	P	P
3.4.4 Caterer (no on-site retail)		C	P	P	P	P	P
3.5 Personal/Professional Services							
3.5.1 Personal/Professional services, Type 1 ≤ 3000 sq.ft.					C	<del>CP</del>	P/C <sup>3</sup>
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	P	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
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	<del>CP</del>	P/C <sup>3</sup>
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	<del>PC</del>	P
<b>6.0 Accessory Structures and Uses</b>							
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. 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 and residential density requirements are met. If all component uses within a principal structure are permitted in the district, the structure shall be considered a permitted Mixed Use structure. If any component use within a principal structure is conditional in the district, the Mixed Use 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 not have the effect of interfering with the intended functional use:

- State- or community-owned and operated institutions and facilities;
- Public and private schools and other educational institutions certified by the state department of education;
- Churches and other places of worship, convents, and parish houses;
- Public and private hospitals;

#### 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 ~~that are~~ located within a Planned Unit Development in the Village Center District ~~or in the 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 <sup>1</sup>	400 <sup>1</sup>	400 <sup>1</sup>	200 <sup>1</sup>	120 <sup>1</sup>	<del>150</del> <sup>1</sup> 20 <sup>1</sup>	75
Minimum front yard (feet) <sup>2</sup>	35	35	35	35	25	50/ <del>30</del> <sup>3</sup> 25 <sup>3</sup>	25
Minimum side yards (feet) <sup>2</sup>	25	25	25	20	15	<del>20</del> <sup>3</sup> 15	10
Minimum rear yard (feet) <sup>2</sup>	25	25	25	20	20	<del>25</del> <sup>3</sup> 20	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) <sup>1</sup>	NA	0.50	0.50	0.33	0.33	<del>0.33</del> 5	0.10
Minimum road frontage (feet)	NA	75	75	50	50	50	15
Minimum front yard (feet) <sup>2</sup>	25	25	25	15	15	15	10/0 <sup>3</sup>
Minimum side yards (feet) <sup>2</sup>	15	15	15	10	10	<del>10</del> 5	5 <sup>4</sup>
Minimum rear yard (feet) <sup>2</sup>	20	20	20	20	20	<del>25</del> 20	10
Maximum lot coverage <sup>5</sup>	5%	30%	30%	40%	40%	<del>60</del> 75 %	60%
Structure height (feet, maximum)	34	34	34	34	34	34	45
Buffer zone (feet) <sup>6</sup>	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

### 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.

- 7.2.4. *Standards and Procedures:* An application for adaptive use shall be reviewed as a conditional use in accordance with Section 10.9. After a public hearing the Development Review Board may approve an application for adaptive use only upon finding the following:
- 7.2.4.1. The structure proposed for adaptive use qualifies as an eligible structure according to Section 7.2.2,
  - 7.2.4.2. The proposed use or uses are in conformity with Section 7.2.3,
  - 7.2.4.3. No enlargement greater than ten percent [10%] of the existing structure is proposed, and that any enlargement is compatible with the massing, size, scale and architectural features of the existing structure,
  - 7.2.4.4. Evidence has been provided that all proposed renovations, reconstruction or rehabilitation of the existing structure and surrounding site are in general conformity with the guidelines set forth in “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings”, revised 1983 (36CFR67), as most recently amended, and
  - 7.2.4.5. Satisfaction of all other conditional use standards in Section 10.9.

### 7.3. Nonconformities

- 7.3.1. *Nonconforming Uses:* The following provisions shall apply to all uses of lands or improvements thereon, lawfully existing on the effective date of these regulations, which do not conform with the use requirements of the districts in which they are located. These provisions also apply to the uses of land or improvements thereon which may be rendered nonconforming by reason of amendment of these regulations. It is considered desirable and in the best interest of the Town to encourage change of nonconforming uses to a more compatible use within the district. A nonconforming use may be continued subject to the following provisions:

~~7.3.1.1. **Enlargement.** A nonconforming use shall not be enlarged beyond the lot as it existed on the effective date of these regulations. The Development Review Board may permit the expansion of the nonconforming use by up to twenty five percent [25%] of the ground area in use at the onset of nonconformity, or of the floor space or structural capacity of the building then existing and housing said use. Such permission shall be granted only in conformity with the requirements of Section 4.4: “Table of Uses”.~~

~~7.3.1.2.~~ **7.3.1.1. Change of use.** No nonconforming use shall be changed to another nonconforming use except with the approval of the Development Review Board, which must find that the proposed use is more appropriate and compatible to the zoning district than the existing use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

~~7.3.1.3.~~ **7.3.1.2. Interruption and resumption.** No nonconforming use shall be resumed if such use is discontinued for any reason for

## 10. PERMIT AND REVIEW PROCEDURES

### 10.1. Types of Permit Applications and Review Authority

Applications for development are subject to review by the Zoning Administrator, by the Development Review Board, or by other parties as indicated in the table below:

TYPE OF REVIEW	SECTION	REVIEW AUTHORITY
Approval to Build Without Road Frontage	5.2.2	Development Review Board
Signs	7.8	Zoning Administrator
Zoning Permit	10.2	Zoning Administrator
Septic Permit	10.3	Vermont Department of Environmental Conservation
Road Access Permit	10.4	Road Commissioner
Water Service	10.5	Jericho Village Water Department
Certificate of Occupancy	10.6	Zoning Administrator
Boundary Adjustment	10.7	Zoning Administrator
Conditional Use	10.9	Development Review Board
Site Plan	10.10	Development Review Board
Dimensional Waiver	10.11	Development Review Board
Subdivision	10.12	Development Review Board
Planned Unit Development	10.13	Development Review Board
Variance	12.6	Development Review Board
Appeal of Zoning Administrator Decision	12.5.1	Development Review Board

### 10.2. Zoning Permits

10.2.1 *Application Requirements:* An application for a zoning permit (commonly known as a building permit) shall be filed with the Zoning Administrator on a form provided by the municipality. Required application fees, as set by the Selectboard, also shall be submitted with each application. In addition, the following information, as applicable, shall be submitted on a site plan, drawn to scale, and/or on the application form:

- dimensions of the lot,
- location, footprint and height of existing and proposed structures or additions,
- location of existing and proposed easements and Rights-Of-Way,
- location of required and proposed setbacks to property boundaries (including public Rights-Of-Way), surface waters, and wetlands,
- location of existing and proposed water and wastewater systems,
- proposed development details that demonstrate compliance with each applicable standard in Section 11, and
- other such information as required by the Zoning Administrator to determine conformity with these regulations.

10.2.2. *Exemptions:* No zoning permit shall be required for the following activities:

- (m) Outdoor storage/display below the aggregate areas thresholds and durational limits identified in §4.6.17.
- (n) Installation of building-mounted receivers or free-standing satellite dishes with a diameter less than 36 inches.

- 10.2.3. *Action by the Zoning Administrator:* Within thirty [30] days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to issue or deny a Zoning Permit in writing or shall refer the application to the Development Review Board for consideration and/or Site Plan review. In accordance with the ACT §§4448, 4449, if the Zoning Administrator fails to act within the thirty [30] day period, a permit shall be deemed issued on the thirty-first [31st] day. No Zoning Permit shall be issued by the Zoning Administrator for any use or structure that requires the approval of the Development Review Board until such approval has been obtained.

In accordance with the ACT (§4414(13)), no Zoning Permit for a structure requiring a new or expanded septic system or water supply shall be considered “in effect” until a wastewater and potable water supply permit is issued by the State, under 10 VSA chapter 64.

Any Zoning Permit issued under this section shall include a statement of the time within which appeals may be taken under Section 12.5; and shall require posting of a notice of permit, on a form prescribed by the municipality, within view of the nearest public Right-Of-Way until the time for appeal has expired.

- 10.2.4. *Required Action Following the Issuing of a Zoning Permit:* The Zoning Administrator, within three [3] days of the date of issue, shall deliver a copy of the zoning permit to the Listers; and shall post a copy of the permit in the municipal offices for a period of fifteen [15] days from the date of issue.

The Zoning Administrator, within thirty [30] days of the date of issue, shall deliver a copy of the zoning permit to the Town Clerk for recording and shall file a permanent copy in a location where all municipal land use permits shall be kept.

- 10.2.5. *Review Following Proposed Amendment to these regulations:* If public notice has been issued by the Selectboard for its first public hearing on a proposed amendment to these regulations, for a period of 150 days following that notice the Zoning Administrator shall review any new application filed for compliance with the proposed amendment and applicable existing bylaws. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period, or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under all applicable provisions of this bylaw.

### 10.3. Septic Permits

Septic permits for septic disposal systems proposed to be built, altered or replaced shall be subject to the Vermont Agency of Natural Resources Wastewater System and Potable Water Supply Rules, as most recently amended.

- 10.3.1. *New Construction, Single Lot:* No zoning permit for new construction of a dwelling shall be considered “in effect” unless and until a wastewater and potable water supply permit is issued to the parcel owner under 10 VSA Chapter 64 of Title 10; or

- 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 one or more of 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 with proximity to transit and to promote a mix of residential uses, nonresidential uses or both, oriented toward internal streets rather than parking areas in Village eCenters and the Commercial District.
- 10.13.1.2. To encourage provision of affordable housing and senior 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 multi-modal connectivity between zoning districts, and especially between the Village Center dDistricts 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 purpose of the district in Section 3.2 and 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.
- 10.13.3. *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 and open space land is encouraged but shall not be required for PUDs located in the Commercial 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
- 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 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 or when necessary to connect sidewalks or paths.
    - 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 and to enhance existing, or provide for future, bike and pedestrian connections.
  - 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 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 [pedestrian](#) or 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 [housing](#) or senior housing in the Village Center [or Commercial Districts](#), 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 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 duly 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 ~~housing~~ or senior housing. Designated affordable or senior housing units shall be indicated on the final plat. Affordable ~~housing-Housing De~~velopments 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

(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 establishes, builds, provides or improves public access and connectivity to existing or planned public outdoor recreation facilities beyond that which is required to provide safe circulation within and between developments. Such access or connectivity shall be noted on the final plat and contained in deed, covenant, or easement language for the subject parcel.

(d) The PUD consists of a multi-story, Mixed Use building in the Commercial District.

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

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 and/or on a duly adopted Official Map.
- 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 and Commercial Zoning Districts:*

- 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. Multi-story. Mixed Use buildings are strongly encouraged. Connectivity with active transportation infrastructure such as bike lanes and pedestrian paths should be provided.
- 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 or Commercial Districts. However, PUDs in the Village Center or Commercial Districts 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 [and access to transit facilities](#).

10.13.11. *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. 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. 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. 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. Density may be transferred from one parcel to another in accordance with the following table:

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

10.13.11.5. 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. 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. 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. 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. *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 shall be designed in accordance with any current or future planned public or shared infrastructure and/or any duly adopted Official Map.

~~10.13.12.2.~~ 10.13.12.1. 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.~~ 10.13.12.2. 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.~~ 10.13.12.3. 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.~~ 10.13.12.4. 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.~~ 10.13.12.5. 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 and/or any duly adopted Official Map shall be technically feasible.

~~10.13.12.7.~~ 10.13.12.6. 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 [KS1]:** The CD Master Plan discussed the importance of Complete streets. The Riverside Character Based Zone includes street types not otherwise described in the Public Works specs, but which may be appropriate in the Commercial District, or other Village Centers. Need further analysis to determine best way to streamline.

#### 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. Curbscuts 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

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.

~~11.1.6.2.~~ 11.1.6.3. In the Commercial District, development of direct access for motor vehicles onto Route 15 shall be allowed only for an existing or new Collector or Minor road, or for a single family or a two-family dwelling. Development of new accesses directly to Route 15 are otherwise prohibited.

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 ~~m~~Major ~~streets~~Roads, where a development abuts or contains an existing or proposed ~~m~~Major ~~street~~Road, the Development Review Board may require that access to the development be provided by new ~~minor~~-Minor Road~~streets~~.

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.

11.1.8.8 In addition to the above, in the Commercial District, any new development shall be developed along streets internal to the District, in order to minimize curbcuts and accesses on to Route 15. Streets should be laid out as depicted on any duly adopted Official Map. See Section 11.1.6.3 regarding access.

**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:

- 11.1.9.4. Obtain wetlands permit, US Army Corps permits, Stream Alteration permits, as required;
- 11.1.9.5. 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;
- 11.1.9.6. Not allow crossing to constrict the stream channel, backfill, or otherwise interfere with stream dynamics; and
- 11.1.9.7. 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
<b>1.0 Agriculture and Related Uses</b>	
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
<b>2.0 Residential Uses</b>	
2.1 Single Family, duplex	2.0 per dwelling unit
2.2 Multifamily	<del>2.0</del> 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
<b>3.0 Commercial Uses</b>	
3.1 Lodging	<del>1.2</del> 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	

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.

~~The Zoning Administrator may 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 ~~or Zoning Administrator~~ 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, d~~Designated parking areas shall not be located in any required front, side, or rear yard setbacks ~~in any district, with the following exceptions:-~~  
~~Within~~
  - ~~the parking may be located within the side and rear yard(s) setbacks of the Village Center and Village Districts, and~~
  - ~~Commercial District~~ parking may be located within ~~one-half (1/2) of the depth of~~ the required side or rear yard(s) setbacks ~~in the Commercial District~~, except where the ~~subject parcel~~ yard 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 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.

~~(d)(e)~~ Parking spaces to accommodate electric vehicle charging should be considered.

**Commented [CS2]:** Proposed additional language in supplemental document.

**Commented [KS3R2]:** Additional Language here or above, a new section 11.2.2.3

#### 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 show that the required widths are excessive to the functional needs of the site.
- (d) Pedestrian ways should be separated from parked cars by grade changes, difference in materials, and/or landscaped islands.

#### 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. In order to enhance pedestrian access and an attractive streetscape in the Commercial District, parking may be permitted between the front building line and the front yard setback, provided the parking is located to the side of the building and does not overlap the building's front facade. 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:**

Parking should be designed and located to minimize its visibility from the road. 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 or the Zoning Administrator.

**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, Commercial and Open Space Districts, up to 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 and according to the purpose of the district in Section 3.2. 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, 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~~should, where appropriate and/or where the District's purpose will be served, require that curbs and sidewalks be installed along both sides of major and collector streets and along at least 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, or

11.3.3.5. any street in the Commercial District.

- 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.

11.3.5. For Land Development in areas indicated on any duly adopted Official Map, the Town's acquisition of land or easements for pedestrian facilities shall be controlled through the Official Map process according to 24 VSA §4421.

#### **11.4. Lot Layout**

- 11.4.2. 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.
- 11.4.3. 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.
- 11.4.4. 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.
- 11.4.5. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street.
- 11.4.6. Each lot shall be provided with satisfactory access to a road meeting the requirements of Section 11.1 of these regulations.
- 11.4.7. 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.
- 11.4.8. 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

- 11.7.4.1. 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.
- 11.7.4.2. 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.
- 11.7.4.3. 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.
- 11.7.4.4. 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.
- 11.7.5. *Sewage Disposal:*
  - 11.7.5.1. 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.
  - 11.7.5.2. 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 and/or from Route 15 or Raceway Road. 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 to provide effective enduring screening based on
- (a) the location and context of the site,
  - (b) the type of use,
  - (c) proximity to neighbors and adjacent uses, and
  - (d) the pattern and extent of existing vegetation (on-site and in the immediate area), and
  - (e) visibility from the road.

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 in [Section 3.2](#), 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.

11.9.1. Commercial District: Site Layout and design shall minimize the appearance of strip development. Building siting, Site layout and design shall incorporate natural topography, green space, screening, landscaping, buffers and other visual treatments that soften and break up the appearance of development particularly from Route 15 and Raceway Road. Development should be designed and located to maintain views of Mount Mansfield. Buildings must fit the local context. Design and architecture is encouraged to reflect Vermont's rural areas and villages based on residences, barns, mills and other traditional rural New England structures. Curb cuts should be limited to avoid impeding circulation on Route 15, and interior circulation roads may be required ~~on larger parcels.~~

#### 11.9.3.1 Site Layout

Buildings should be designed with pedestrians in mind, placed together along the street and should be sited to relate to the street, preferably with the narrow end facing the street, as in a traditional village setting. This layout makes shared parking and driveways possible and supports pedestrian circulation. The following layout standards apply to any land development:

- Existing Terrain: Development should be designed and located to fit into the natural terrain to the maximum extent feasible and should utilize topography to reduce visual impacts.
- Parking and buildings should be terraced to hug the existing topography wherever possible. Grading should be compatible with existing topography.
- Adjacent and nearby uses are encouraged to share parking, driveway, access and curbcuts.

#### 11.9.3.2 Building Design

Buildings for Mixed Use or for non-residential uses are encouraged to be multi-story for more efficient land use. The following building design standards apply to any land development:

- The principal building facade and any façade serving the primary parking area must have an entrance that uses attractive entrance features such as covered entrances, porches, stoops, canopies or porticos, arcades, arches or planters, or a concentration of windows.
- Facade colors should be neutral, dark or muted to blend in with surroundings. Building materials whenever possible should be high quality, durable in all seasons, provide visual interest, and to retain value.
- Materials commonly used in Vermont and/or sourced locally are encouraged, especially wood, fiberboard, brick, and metal.
- In order to foster a unique and economically diverse community, non-residential uses shall use architectural elements that fit within the local community character.
- Franchise or generic corporate architecture or standardized box designs, without any unique modification to fit the character of Jericho are prohibited.

#### 11.9.3.3 Massing

Buildings must be designed to reduce Massing. The following standards pertain to reducing building mass:

- To give buildings an organic quality as if expanded over time, the use of attached sheds, gable roof for part of the building, or step back upper stories is encouraged.
- For all buildings, exterior building walls with an uninterrupted plane or facade (blank walls without windows, doors, materials change, or other articulation) shall not exceed 50 feet in length and should not exceed 20 feet in length. Facades may be broken up by recesses and projections, windows, awnings or other architectural details.
- Roof lines should include variations such as parapets (to conceal flat roofs and rooftop equipment), overhanging eaves or sloping planes. Fenestration (doors and window openings) should comprise at least 1/3 of the first floor of a building's facade.
- Buildings that occupy a corner of streets should consider design elements for each facade the faces a street.
- For all facades facing a street, visual interest should be added through the use of display windows, window boxes, interesting textures and patterns, and other features.

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.

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.



aimed as to illuminate the primary recreation area only, and so that no direct illumination is directed offsite. Lighting for outdoor recreation areas shall be turned off no more than forty-five [45] minutes after the end of the event.

- 11.11.8. Direct glare (defined as illumination beyond property lines caused by direct rays from incandescent, fluorescent, or arc lighting) shall not be permitted with the exception that parking areas and walkways may be illuminated by lights hooded or shielded such that the maximum angle of the cone of direct illumination is no more than sixty [60] degrees.

11.11.9. Provisions for outdoor lighting may be subject to recommendations by the Vermont State Police.

~~11.11.9.~~ 11.11.10. Sky Glow: Site lighting levels should not exceed the minimums for each use recommended by the Illumination Engineering Society of North America (IESNA) in their current guidelines or as recommended by the Outdoor Lighting Manual for Vermont Municipalities, whichever is lower. High or low-pressure sodium lamps that cast an orange glow are prohibited.

#### 11.12. Utilities

- 11.12.1. All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat.
- 11.12.2. All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive. Prior to approving overhead utilities, the DRB shall require independent technical review in accordance with Section 10.8.6 to determine if the above conditions are met.
- 11.12.3. The applicant shall coordinate development design with utility companies to ensure that suitable areas are available for underground installation within and adjacent to the proposed development. Utility easements of sufficient width shall be provided to serve both the proposed development, and future service extensions to adjoining properties.
- 11.12.4. Utility corridors shall be shared with other utility and/or transportation corridors where feasible and shall be located to minimize site disturbance.

#### 11.13. Storm Water (subdivision section III.6)

- 11.13.1. *Post-Construction Stormwater Management:* The applicant shall install a storm water management system along all new streets and at other required locations. This system shall meet the following standards:
  - 11.13.1.1. Development shall minimize stormwater runoff and utilize pervious areas for stormwater infiltration and treatment. Existing natural drainage ways shall be incorporated into the design of the management system to the fullest extent possible.
  - 11.13.1.2. The stormwater management system shall be designed, installed and maintained in accordance with the requirements of the latest version of the Vermont Stormwater Management Manual and the Jericho Public Works Specifications. In the event of conflicting design criteria within these standards, the stricter shall apply.
  - 11.13.1.3. Applicants are encouraged to incorporate Low Impact