Town of Jericho

Land Use and Development Regulations

AMENDED 30 April, 2012

ADOPTED 00 June, 2012

EFFECTIVE 00 July, 2012

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1. AUTHORITY AND PURPOSE

1.1. Enactment

In accordance with the Vermont Planning and Development Act [24 VSA Chapter 117], hereinafter referred to as the **ACT**, the Town of Jericho establishes zoning and subdivision regulations known as the *"Jericho Land Use and Development Regulations"*.

1.2. Purpose

These regulations are enacted to achieve the goals and purposes established in the **ACT** [§3202], to integrate regulatory provisions enabled under the **ACT** [§4419] into one unified set of development regulations, and to implement the goals of the Jericho Comprehensive Town Plan as most recently amended, as follows:

- to protect the natural environment,
- to preserve the rural and historic character of Jericho,
- to provide for economic development,
- to provide for long-range town planning consistent with regional and state guidelines,
- to provide for population growth including housing, facilities, and services without exceeding the town's ability to support the growth.

1.3. Applicability

In accordance with the **ACT** [§4446], no land development or subdivision of land shall commence in the Town of Jericho except in conformity with these regulations. Any land development or subdivision of land not specifically authorized under these regulations is prohibited, unless otherwise exempted under the **ACT** or these regulations.

1.4. Effective Date

In accordance with the **ACT** [§4442(c)], these regulations shall take effect twenty-one [21] days from the date of adoption by a majority of the members of the Jericho Selectboard. All zoning and subdivision regulations previously in effect for the Town of Jericho are repealed as of the effective date of these regulations.

1.5. Amendment

These regulations, including any zoning maps incorporated by reference, may be amended or repealed only in accordance with the requirements and procedures established in the **ACT** [§§4441,4442].

1.6. Severability

In the event that any part of these regulations, or their application, is judicially determined to be invalid, such determination shall not affect the validity of any other part of these regulations or their application.

2. GENERAL DEFINITIONS

~~**CHAPTER 117:** 24 VSA, Chapter 117, the Vermont Municipal and Regional Planning and Development Act [“**ACT**”] as most recently amended.~~

ABANDONED WELL: Any well or hole whose original purpose and use has been permanently discontinued, or which is in such a state of disrepair that the well or hole has the potential for transmitting contaminants into an aquifer or otherwise threatens public health or safety.

ACCESSORY APARTMENT: A second **DWELLING UNIT** on a subject **PARCEL** ~~which~~ that

a) contains up to three [3] rooms (excluding the bathroom), one of which may be a bedroom,
b) is located on a parcel ~~property the principal use of which is~~ primarily used as a single family dwelling or farm, ~~and~~
c) has a floor area not exceeding thirty percent [30%] of the principal dwelling, or 400 square feet, whichever is greater, and
d) meets all applicable setback, coverage and parking requirements of the subject district.

ACCESSORY STRUCTURE or **ACCESSORY USE:** A structure or use that is incidental and subordinate in size and overall appearance (excepting barns) to the ~~main~~ primary **USE** or ~~building~~ **STRUCTURE**, and which is located on the same **LOT**, or which is incidental and subordinate to the use of the land. ~~Examples: pools, man-made ponds, storage or tool sheds, playhouses, barns, free-standing satellite dishes that have an aggregate area of the dish face of less than four [4] square feet, and non-**NET METERED POWER SYSTEM** ground-mounted installations, and **PASSIVE RECREATION**~~.

ACCESS STANDARDS: Specifications from the Jericho Public Works department for design and construction of any **PRIVATE ROAD**, **DRIVEWAY**, and/or **RIGHT-OF-WAY** excepting only those for agricultural or forestry uses.

ACCESS PERMIT: An official document approved by the Town’s Road Commissioner that ensures **ACCESS STANDARDS** are met by any new accesses. Commonly known as a Road Access Permit.

ACRE: A self-contained and contiguous parcel of land containing 43,560 square feet.

ACT, The: The Vermont Planning and Development Act [24 VSA Chapter 117].

ADAPTIVE REUSE: the rehabilitation of a site or **STRUCTURE** constructed before 1955, where alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes.

AFFORDABLE HOUSING: Housing that is either

a) Owned by inhabitants whose gross annual household income does not exceed 100 percent of area median income, as defined by the United States Department of Housing and Urban Development, where the total annual cost of the housing, including principal interest, property taxes, insurance, and condominium association fees is not more than thirty percent [30%] of the household’s gross annual income; or
b) ~~housing that is~~ Rented by inhabitants whose gross annual household income does not exceed 100 percent of area median income as defined by the United States Department of Housing and Urban Development, where the total annual cost of the housing, including rent and utilities such as heat, electricity, water, garbage collection/disposal, and lights, is not more than thirty percent [30%] of the household’s gross annual income. Affordable housing units shall be subject to covenants or restrictions that preserve the ~~above~~ affordability requirements defined

above perpetually (for a minimum period of 99 years from the date of first sale or lease).

AFFORDABLE HOUSING DEVELOPMENT: A housing development in which at least twenty percent [20%] of the units are **AFFORDABLE HOUSING** units.

AGRICULTURE: One or more of the following activities:

a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
b) the raising, feeding or management of livestock, poultry, equines, camelids, fish or bees; or
c) the operation of greenhouses; or
d) the production of maple syrup; or
e) the on-site storage, preparation and sale of primarily agricultural products principally produced on the ~~farm~~ subject parcel; or
f) the on-site production of fuel or power from agricultural products or wastes produced on the ~~farm~~ subject parcel.
g) Providing access to agricultural activities.

ALTERATION: The rearrangement of interior space including the addition of halls, steps, and elevators, or the rearrangement of exterior bearing walls, including new doors or facades, adding or enlarging windows or doors, or addition to or expansion of the existing structure; but not including ordinary maintenance or repair. The term "Alteration" includes but is not limited to renovations and restorations.

BASEMENT: Any area of a **BUILDING** having its floor subgrade (below ground level) on at least fifty percent [50%] of its perimeter.

BED & BREAKFAST: A private, owner-occupied **DWELLING** in which no more than six [6] rooms are let to transient guests by the day or by the week. No meal other than breakfast may be offered to guests, and no meals shall be available to the general public.

BEDROOM: Any room within a **DWELLING** ~~or STRUCTURE~~ that:

a) ~~any room in a residential structure that~~ is at least eighty [80] square feet in area, ~~and which~~ is susceptible to present or future use as a private sleeping area, and which has at least:

    (1) one window;
    (2) one closet; and
    (3) one interior method of entry and exit, excluding closets and bathrooms, allowing the room to be closed off from the remainder of the residence for privacy; or

b) ~~any room that~~ serves primarily as sleeping quarters within a **DWELLING**.

BOUNDARY ADJUSTMENT: A division of land for the purpose of adjusting borders between adjacent lots and parcels where no new lot is created, and no lot or structure is made nonconforming or more nonconforming. If the total acreage transferred as a result of the boundary adjustment exceeds the minimum lot size in the district in which the property is located, the boundary adjustment shall be considered a minor subdivision

BUILDABLE LAND: All land outside the River Overlay District and the Wetlands, Wellhead Protection Area-1 and Natural Resources Overlay Districts.

~~+**BUILDING:** Any structure, regardless of its composition, either temporary or permanent, having a roof and used or built for shelter of any kind, including a tent, awning or vehicle situated on private property and used for purposes of a building.~~

+**BUILDING:** Any temporary or permanent **STRUCTURE**, regardless of its composition, having a roof, including any **CAMP**, tent, free-standing or self-supported awning, boat, or **MOTOR VEHICLE** situated on a parcel and constructed or used for purposes of shelter of any kind.

BUILDING ENVELOPE: The specific area of a lot, delineated on a **SUBDIVISION** plat, within which structures shall be located and outside of which no structures may be located, unless otherwise ~~provided~~ permitted.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade located at the front of the building to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a lot fronts on two or more streets, the building height shall be ~~measured~~ calculated along the highest street façade.

BUILDING PERMIT: Authorization to construct on or use a **PARCEL** in comformance with the *"Town of Jericho Land Use and Development Regulations". See also* **ZONING PERMIT**.

~~+**CAMP**: A non-commercial structure or dwelling (including recreational vehicles such as camper trailers) used for seasonal or intermittent occupancy of up to 180 days per year.~~

+**CAMP:** A type of **BUILDING** (including **RECREATIONAL VEHICLES** such as camper trailers and other tow-behinds) used for non-commercial, seasonal, or intermittent occupancy of up to 180 days per year.

CAR WASH: A structure containing facilities for ~~washing~~ cleaning automobiles or other motor vehicles ~~which~~ and that may utilize automatic or semiautomatic application of cleaner, sealants, brushes, rinse water, and/or heat for drying.

CATERER: A commercial establishment whose principal business is the sale of foods and beverages cooked or prepared on the premises, but where the food is not consumed on the premises.Take-out and fast food type establishments shall not be considered "Caterers". *See also* **RESTAURANT**.

CEMETERY: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of a cemetery. The term "Cemetery" shall also include land used for and dedicated to the burial of animals.

CERTIFICATE of OCCUPANCY (CO): An official document affirming that a **BUILDING** or **LAND DEVELOPMENT** complies substantially with the *"Town of Jericho Land Use and Development Regulations"* and/or plans and specifications that have been submitted to, and approved as a **CONDITIONAL USE** by the Development Review Board.

+**CHAPTER 117:** 24 VSA Chapter 117, the Vermont Municipal and Regional Planning and Development Act ["the **ACT**"] as most recently amended.

CHURCH: *See* **PLACE OF WORSHIP**.

CLUB: An establishment, or group of persons outside of a **FAMILY**, that operates for private social, recreational or educational purposes but usually is open only to members and not to the general public, excluding **FISH & GAME CLUB**.

COLLECTOR ROAD: *See* **ROAD, COLLECTOR**.

~~+**CONSTRUCTION/LANDSCAPING:** An installation serving as the headquarters or central facility of a firm engaged in the construction and/or landscaping industry, involving the storage and maintenance of vehicles, tools or materials.~~

CONDITIONAL USE: A utilization that ~~is allowed under conforms with zoning and subdivision regulations known~~ as the *"Jericho Land Use and Development Regulations",* ~~but~~ and ~~with~~

which may have standards, clauses or stipulations to that use attached and approved by the Development Review Board.

CONFORMING STRUCTURE or USE: A structure or use that successfully meets zoning and subdivision regulations known as the *"Jericho Land Use and Development Regulations"*. *See also* **NON-CONFORMING STRUCTURE or USE**, *and* **STRUCTURE** *and* **USE**.

CONTAINMENT SYSTEM, PRIMARY: A tank, pit, container, pipe, or vessel ~~of first containment of~~ that first captures a liquid or chemical, excluding the storage and handling of livestock wastes and by-products.

CONTAINMENT SYSTEM, SECONDARY: An ancillary tank, catchment pit, pipe, or vessel that limits and contains a hazardous material or hazardous waste leaking or leaching from a primary containment system. Monitoring and recovery are required, excluding the storage and handling of livestock wastes and by-products.

+**CONTRACTOR YARD:** An establishment, site, or **FACILITY** serving as the headquarters, or mobilization/staging point of an individual or firm engaged in the construction and/or landscaping industry. Outdoor storage and maintenance of **MOTOR VEHICLES**, tools and/or materials is customary and shall require peripheral **SCREENING**.

DAY-CARE: In accordance with the **ACT** [§4412(5)]: *"A state registered or licensed day care facility owned or operated by a state licensed or registered operator which is located within a single family dwelling and provides for the care, supervision, and protection of children."*

DEED: An official document that has been signed and delivered, by which an individual or entity, (the grantor), conveys title to real property to another individual or entity, (the grantee); a conveyance of land, tenements, or hereditaments, from one party to another.

DEVELOPMENT: *See* **LAND DEVELOPMENT**.

DORMITORY/HOSTEL: An overnight lodging facility ~~operated by a recognized national or international organization,~~ offering temporary lodging, educational programs and/or other goods and services to ~~its~~ members, affiliates, or partners. Lodging shall not exceed thirty [30] days in any four [4] month period, with a limit of no more than fourteen [14] consecutive days.

DRIVEWAY: An improved surface ~~for~~ providing vehicular access to no more than three [3] parcels from a road or highway, and which meets **ACCESS STANDARDS**.

DUPLEX: *See* **DWELLING, MULTI-FAMILY**.

~~+**DWELLING, MULTI-FAMILY:** A building or portion thereof, used or designed to be used as a residence for two (2) or more **FAMILIES**, with each occupying a separate **DWELLING UNIT.**~~

~~+**DWELLING, ELDERLY HOUSING:** A **SINGLE-FAMILY** or **MULTIFAMILY DWELLING** which may or may not have independent cooking facilities, 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 recreational facilities, and/or assisted living services.~~

~~+**DWELLING, SINGLE-FAMILY:** A building, or portion thereof, used or designed to be used as the residence of not more than one (1) **FAMILY**, that is not attached to any other dwelling (with the exception of an accessory apartment in accordance with these regulations).~~

+**DWELLING:** A **BUILDING** or portion thereof, used or designed to be for human habitation. Types of Dwellings include:

a) **SINGLE-FAMILY:** A building, or portion thereof, used or designed to be used as the residence of not more than one [1] **FAMILY**, and which is not attached to any other dwelling (with the exception of an **ACCESSORY APARTMENT** in accordance with these regulations).
b) **MULTI-FAMILY:** A building or portion thereof, used or designed to be used as a residence for two [2] or more families, with each occupying a separate **DWELLING UNIT**, neither/none of which is an **ACCESSORY APARTMENT** .
c) **ELDERLY HOUSING:** A **SINGLE-FAMILY** or **MULTI-FAMILY DWELLING** which may or may not have independent cooking facilities, 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.

DWELLING ACCESSORY TO FARM: A separate, accessory **DWELLING UNIT** of unspecified size, either attached or detached, for residential use by an individual or **FAMILY**, where one or more occupant is employed, and is essential to, agricultural work on the premises of an operating farm. ~~(see also **ACCESSORY APARTMENT**).~~

DWELLING UNIT: A **BUILDING** or a portion thereof having independent cooking, bathing, and sleeping facilities designated for occupancy as a residence by one [1] **FAMILY** ~~living independently~~ unit only.

FAMILY/HOUSEHOLD UNIT: An individual, or two [2] or more persons related by blood, marriage, civil union, legal adoption or placement in the home for adoption or as foster children; or a group of not more than five [5] unrelated persons ~~who need not be related~~, living together as a single housekeeping unit. Also known as a Family Unit.

FARM: A parcel associated with **AGRICULTURE**, specifically the cultivation, breeding or raising of plants or animals, and as defined by the most current Vermont Department of Agriculture Accepted Agricultural Practices.

FARM STRUCTURE: Any structure defined as a "Farm Structure" by the most current Vermont Department of Agriculture Accepted Agricultural Practices. This definition shall not include dwellings used for human habitation.

FARMERS MARKET: A retail outlet space with or without permanent **STRUCTURE**s used for the ~~seasonal~~ intermittent or occasionally scheduled sale of primarily seasonal agricultural products by one or more vendors.

FENCE: An artificially constructed barrier of any material or combination of materials erected to define, enclose, screen, or separate outdoor spaces ~~areas~~.

FINANCIAL INSTITUTION: A business relating to the management of money for others, including but not limited to banks, savings and loans and credit unions, but excluding professional services such as stock brokers, investment managers and accountants.

FISH & GAME CLUB: An establishment operated for social, recreational or educational purposes, with a focus on hunting, fishing and outdoor recreation, and which is usually open only to members and not to the general public. The term "Fish and Game Club" shall also include land used for and dedicated to a **SHOOTING RANGE**.

FLOOR AREA: For purposes of **BUILDING** size calculation, floor area shall include the square footage of all enclosed levels, including storage areas, utility areas, and **BASEMENT**s.

FOOTPRINT: The outline of the total area of a **BUILDING** including its porches or decks, as defined by the outside perimeter of its **FOUNDATION** or footings.

FORESTRY: The commercial growing, cutting or harvesting of ~~commercial~~ timber or other forest products; the ~~growing~~ cultivation, maintenance, or preservation of forest cover for watershed protection or wildlife habitat~~; access to support forestry~~.

FRONT BUILDING LINE: A straight line beginning at the building face closest to any abutting road and extending across the full width of the subject parcel to both side lot boundaries.

FOUNDATION: A permanent structure that supports a **BUILDING** or its component elements including but not limited to porches and decks. The term "Foundation" shall also include walls, poured or compacted slabs, sonotubes, piers, or other footings that provide a base for structural support.

FUEL SALES: Any lot or area of land including the building or buildings thereon, that is used for the sale of **MOTOR VEHICLE** fuels, lubricants, coolants, and related ~~motor vehicle~~ automotive products. The sale of food and other unrelated convenience items may be ~~allowed~~ approved as an accessory use to Fuel Sales, subject to Planned Unit Development Review. This definition specifically excludes **MOTOR VEHICLE SALES**.

FUNERAL HOME: A **STRUCTURE** used and occupied by a professional licensed mortician for burial preparation, cremation, and/or funeral services.

GALLERY: A ~~room or~~ **BUILDING** or portion thereof that is used for showing and/or selling works of fine art or crafts.

GARAGE, COMMERCIAL: *See* **MOTOR VEHICLE REPAIR**.

GARAGE, PRIVATE: An **ACCESSORY STRUCTURE**, either attached to or separate from the primary structure, ~~used~~ intended for parking and/or storage of motor~~ized~~ vehicles for personal use.

GARDEN CENTER: A commercial establishment that includes permanent or temporary **STRUCTURE**s, such as greenhouses or outdoor sales areas, for the sale of agricultural and/or horticultural products, supplies and equipment.

GENERAL RECREATION: *See* **RECREATION, GENERAL INDOOR** and **RECREATION, GENERAL OUTDOOR**.

GROSS FLOOR AREA (GFA): The sum of all floor areas of all stories and finished basements of a building, measured from the exterior face of exterior walls, or from the centerline of a wall separating two attached units or structures.

GUEST HOUSE: An **ACCESSORY STRUCTURE** located on the same lot as a single-family dwelling, used either intermittently to provide temporary lodging on a ~~not-for-hire~~ not-to-let basis, to invitees of the residents or owners of the single-family dwelling, or for on-site full-time employees on a not-to-let basis as a benefit or condition of employment.

GYMNASIUM: A **BUILDING** or portion thereof dedicated to the education and physical training of its members, which may include indoor or outdoor activities, traditional physical therapy (i.e. rehabilitative care) as well as a full range of proactive care, such as injury prevention, fitness, and wellness.

HAZARDOUS MATERIAL: All petroleum-based and/or toxic, corrosive, or ~~other~~ injurious substances, chemicals, and/or related sludge, as included in any of the following:

a) any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;
b) petroleum, including crude oil or any fraction thereof; or
c) hazardous wastes, defined in Section 101 (9) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

NOTE 1: *"Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions.*

NOTE 2: *"Hazardous material" does not include livestock wastes.*

HAZARDOUS WASTE: Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including, but not limited to those that are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, and which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any ~~matter~~ substance which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state.

NOTE 1: *All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition.*

NOTE 2: *The storage and handling of livestock wastes and by-products are specifically excluded from this definition.*

HEAVY MANUFACTURING: *See* **MANUFACTURING, HEAVY**.

HEIGHT: *See* **BUILDING HEIGHT**.

HIGHWAY: *See* **ROAD**.

HISTORIC STRUCTURE: Any **STRUCTURE** that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    (1) By an approved state program as determined by the Secretary of the Interior, or
    (2) Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: Any use conducted entirely within a **DWELLING** or an **ACCESSORY STRUCTURE** that is clearly incidental and secondary to the use of the dwelling purposes and which does not change the character thereof, and in connection with which there is no outside display or storage, nor emission of dust, noise, fumes, vibration or smoke beyond the lot line. Such permitted home occupation shall not occupy a floor area greater than twenty-five percent [25%] of the floor area of the dwelling unit, nor employ non-residents of the subject dwelling. Conditional use shall not employ more than three [3] persons who are not residents. Goods sold at retail shall be only those manufactured or assembled on the premises. Any non-illuminated **SIGN** for a home occupation shall conform with the provisions of Section 7.8 of these regulations.

HOSPICE: A program or **FACILITY** that provides special care for people who are near the end of life and for their families. Hospice care can be provided at home, in a dedicated facility or portion thereof, or within a **HOSPITAL**.

HOSPITAL: An institution or **FACILITY** for the medical or surgical care of sick or injured persons, or for the care of persons with contagious or infectious diseases. *See also* **NURSING HOME**.

HOTEL: A **BUILDING** or group of buildings offering more than ten [10] rooms for occupation by transient guests, access to which is gained through a common area or lobby, and with no cooking facilities in the guest rooms. Meals may be served in a common dining area. Additional facilities (recreation, meals and/or spirits available to the general public, etc.) are subject to the requirements of the district. *See also* **INN** and **MOTEL**.

INN: A **BUILDING** ~~compatible in appearance with surrounding residential structures,~~ offering no more than ten [10] rooms for occupation by transient guests. Guest rooms are ~~to which~~ accessed ~~is gained~~ through a common area or lobby, and ~~with~~ contain no cooking facilities ~~in the guest rooms~~. Meals may be served in a common dining area. Additional ~~facilities~~ amenities (e.g recreation, meals and/or spirits available to the general public, etc.) are subject to the requirements of the district. *See also* **HOTEL** and **MOTEL**.

INTERESTED PERSON: An individual or entity who has participated in a municipal regulatory proceeding authorized under 24 VSA Ch. 117 who may appeal a decision rendered in that proceeding by a Town agent, board or panel, to the environmental court.

INTERSTITIAL MONITORING: A system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential ground water contaminants by monitoring the space between the primary (inner) tank or connected piping and the secondary (outer) tank or connected piping.

JUNK: Old or scrap copper, brass, iron, steel, or other metal, and other old or scrap or nonferrous material, including but not limited to aluminum, rope, rags, plastic or pulp products, batteries, glass, rubber debris, waste, trash or any discarded, dismantled, wrecked, scrapped or ruined **MOTOR VEHICLE**, appliance, equipment, or parts thereof.

JUNKYARD: Any place of outdoor storage or deposit which is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk, or as a scrap metal processing facility. In addition, "Junkyard" (also known as a Salvage Yard) is defined as any place of outdoor storage or deposit, that is maintained or used for storing or keeping four [4] or more wrecked or disabled, unregistered and/or uninspected motor vehicles, trailers, campers and tow-behinds, or boats. This term does not apply to a **COMMERCIAL GARAGE** where wrecked or disabled motor vehicles are stored less than ninety [90] days for inspection or repairs.

KENNEL: Any premises on which breeding, housing, training, caring for, or keeping of four [4] or more dogs, cats, or other household domestic animals more than three [3] months of age is ~~done for~~ ~~monetary purposes~~ performed for profit or exchange.

LAND DEVELOPMENT: The division of a parcel into two [2] or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement, or any change in the use of any **BUILDING** or other **STRUCTURE**, or of any mining, excavation or landfill, and any change in the use of any ~~**BUILDING** or other **STRUCTURE**, or~~ land, or extension of use of land.

LIBRARY: A **BUILDING**, room, or organization, ~~which has~~ with a collection, especially of books, for people to read or borrow usually without payment. Also, a collection or set of books, records or other items all produced in the same style or about the same subject.

LIGHT MANUFACTURING: *See* **MANUFACTURING, LIGHT**.

LOT: A definable **PARCEL** of land in common ownership, not separated by a public **ROAD** or **RIGHT-OF-WAY**, occupied or capable of being occupied by one or more structures or uses. Lot boundaries are

a) established by **DEED** or deeds recorded in the Jericho Land Records, and the records of any public road Right-Of-Way; or
b) shown on a plat approved by the Jericho Development Review Board pursuant to these regulations.

Any parcel divided by a Class I, II or III road, is considered automatically subdivided.

LOT, CORNER: A lot at the point of intersection of, or abutting on, two [2] or more intersecting streets, the angle of intersection being not more than 135 degrees.

LOT SIZE: Calculated by one or more of the following methods:

a) **AREA**: Total space within the property lines excluding any part thereof lying within the boundary of an existing or proposed public **ROAD**, and usually measured in square feet or acres.
b) **DEPTH**: The mean distance between the front and rear lot lines, as measured at right angles to the front lot line.
c) **WIDTH**: The mean distance between the side lot lines, as measured at right angles to depth.
d) **FRONTAGE**: The boundary of a lot along a public or private **ROAD**, usually measured in linear feet.

~~+**LOT AREA**: Total area within the property lines excluding any part thereof lying within the boundary of a public street or proposed public street.~~

~~+**LOT DEPTH:** The mean distance between the front and rear lot lines, measured at right angles to the front lot line.~~

~~+**LOT FRONTAGE**: Boundary of a lot along a public or private street.~~

LOT, MINIMUM SIZE of: The horizontally projected area of a ~~lot computed exclusive of~~ parcel excluding any portion of the **RIGHT-OF-WAY** of any public thoroughfare.

LOT of RECORD: Any ~~lot which~~ parcel that either individually, or as part of a **SUBDIVISION**, has been recorded in the office of the Clerk of the Town.

~~+**LOT WIDTH:** The mean width measured at right angles to depth.~~

LOW IMPACT DEVELOPMENT (LID): A set of techniques and practices of site development strategies ~~that are~~ designed to mimic natural hydrologic function by reducing stormwater runoff and increasing groundwater recharge and pollution treatment. LID practices are usually small in scale and diffuse across a project site; they are generally surface vegetative systems that are integrated with the site development infrastructure.

NOTE: *As of the writing of these regulations, the State of Vermont had not adopted official LID standards. The Voluntary Stormwater Management Credits found in the Vermont Stormwater Manual, as well as certain bioretention practices, may be considered Low Impact Development. Additional guidance on evaluating LID practices and techniques can be found in the LID Guidance Manual for Maine Communities and similar reference materials.*

LUMBER and BUILDING ~~MATERIALS~~ SUPPLY YARD: An establishment, site, or **FACILITY**, engaged in selling lumber and/or other materials utilized in commercial or residential building or repair, direct to consumers, retailers or wholesalers, or to industrial, commercial, institutional, or professional users. Outdoor storage of materials and associated **MOTOR VEHICLES** is customary and shall require peripheral **SCREENING**.

MAJOR ROAD: *See* **ROAD, MAJOR**.

MANUFACTURED HOME: A ~~structure~~ **BUILDING**, transportable in one or more sections, ~~which is built constructed on a permanent chassis~~, and ~~is~~ 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 ~~the production of~~ 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. ~~but not including animal slaughtering, curing, or rendering of fats.~~ 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 ~~development~~ 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 ~~development~~ advancement.

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

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 ~~home~~ **DWELLING** which is ~~mobile~~ transportable, or originally designed and constructed to be such, whether later rendered immobile or not, with running water and sanitary facilities, bath and toilet. ~~The~~ Placing ~~of~~ a mobile home on foundations or ~~the~~ adding ~~of~~ 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. ~~Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes~~. This definition specifically excludes **MOBILE HOME SALES**.

MOBILE HOME SALES: An establishment or site associated with the display and sale of more than one [1] **MOBILE HOME**. Outdoor storage of materials is customary and shall require peripheral **SCREENING**.

MODULAR HOME: *See* **MANUFACTURED HOME.**

MOTEL: A **BUILDING** or group of buildings offering rooms for occupation by transient guests to which access is gained through separate entrances ~~to~~ from the outside, and with no cooking facilities in the guest rooms. Meals may be served in a common dining area. Additional ~~facilities~~ amenities (i.e. recreation, meals and/or spirits available to the general public, etc.) are subject to the requirements of the district. *See also* **HOTEL** and **INN**.

MOTOR VEHICLE: Any ~~self-propelled device~~ mechanically powered medium of transport designed to ~~transport~~ move people or cargo including, but not limited to aircraft, watercraft, automobile, bus, truck, tractor, trailer (excluding a **MOBILE HOME**), mower, tank, **RECREATIONAL VEHICLE**, go-cart, motorcycle, snowmobile, or all-terrain vehicle, regardless of whether or not the device is currently functional.

MOTOR VEHICLE REPAIR: A business enterprise engaged in the service and restoration of any **MOTOR VEHICLE**, including auto body repair and/or auto detailing, which may also include the sale and installation of ~~**MOTOR VEHICLE**~~ automotive parts and accessories. This definition specifically excludes **MOTOR VEHICLE SALES**.

MOTOR VEHICLE SALES: An establishment ~~for~~ associated with the display and sale of more than one [1] ~~any~~ **MOTOR VEHICLE**, specifically excluding **MOBILE HOMES**. Outdoor storage of materials is customary and shall require peripheral **SCREENING**.

MUNICIPAL FACILITY: A **STRUCTURE** owned and operated by the Town of Jericho or other municipal organization. Two types include:

a) **OFFICE**: Facilities that are similar in use and appearance to commercial office buildings, including but not limited to Town Hall, Police Department, etc.
b) **OTHER**: Facilities (other than roads, trails, paths, and parks) that are not similar in use or appearance to commercial office buildings, including but not limited to sanitary landfills, Town Garages, sand and salt sheds, recreational pavilions, and trash collection and recycling facilities.

~~+**MUNICIPAL FACILITY, OFFICE:** Facilities owned and operated by the Town or other municipal organization that are similar in use and appearance to commercial office buildings, including but not limited to Town Hall, Police Dept., etc.~~

~~+**MUNICIPAL FACILITY, OTHER:** Facilities (other than roads, trails, paths, and parks) owned and operated by the Town or other municipal organization that are not similar in use or appearance to commercial office buildings, including but not limited to sanitary landfills, town garages, sand and salt sheds, and trash collection and recycling facilities.~~

MUSEUM: A **BUILDING** where objects of historical, cultural, scientific or artistic interest are kept and displayed for viewing by the public.

NATURAL COMMUNITIES: A region unified by similar soils, topography, water relations, exposure, and aspect that harbors a distinct original or regenerated (but not anthropogenic) vegetational profile, as listed in: Thompson, E. 1989; *Natural Communities of Vermont*, published by the Vermont Natural Heritage Program.

NET METERED POWER SYSTEM: Typically, a water-, solar- or wind-powered, grid-connected mechanism regulated by the Public Service Board, and exempt from local zoning regulations.

NON-CONFORMING LOT or PARCEL: A lot or parcel that does not conform with current regulations governing dimensional requirements, including parking, but which was in conformity with all applicable laws, ordinances, and regulations prior to the enactment of current regulations, including a lot or parcel improperly authorized as a result of error by the administrative officer or Development Review Board under the provisions of 24 VSA §4472.

NON-CONFORMING STRUCTURE or USE: A structure or use that fails to meet zoning and subdivision regulations known as the *"Jericho Land Use and Development Regulations". See also* **CONFORMING STRUCTURE or USE**, *and* **STRUCTURE** *and* **USE**.

NON-CONFORMITY, DEGREE of: The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. Any extension of a structure that results in an additional encroachment of the non-conforming feature/element, including the expansion of the volume or area of a structure within a building setback, increases the degree of nonconformity.

~~+**NURSING HOME:** An institution or part of an institution that provides licensed, skilled, full-time nursing care and related services for patients who require medical, nursing and/or rehabilitative services. The facility shall provide extended and/or intermittent care for those who by reason of advanced age, illness, infirmity, or mental impairments need acute, chronic or convalescent care.~~

NURSING HOME: An institution or **FACILITY** or portion thereof that provides licensed, skilled, full-time nursing care and related services and/or extended and/or intermittent care for patients who, by reason of advanced age, infirmity, or mental impairment, require acute, chronic, or convalescent medical, nursing and/or rehabilitative care.

OWNER: Any individual, firm, partnership, association, joint venture, corporation or other entity or combination thereof who alone, jointly or severally with others hold(s) legal or equitable title to any real property.

PARCEL: A tract of land ~~in the same~~ under ownership by any entity, which may be divided by a public **ROAD**, and may contain more than one **LOT** ~~(see "**LOT**")~~.

PARKING SPACE: A reasonably level ~~space~~ area adequately sized to accommodate ~~for~~ the temporary parking of one **MOTOR VEHICLE**.

PARKING, TANDEM: The arrangement of parking where one **PARKING SPACE** is located directly in front of another, such that it is necessary to pass through one space in order to leave or enter the other. Also known as Stacked Parking.

PASSIVE RECREATION: *See* **RECREATION, PASSIVE**.

PERMIT: An official document approved by a regulatory authority which ensures that structures or uses conform with regulations and conditions imposed by that local, state or federal authority. *See also* **BUILDING PERMIT** *and* **ZONING PERMIT**.

PERMITTED STRUCTURE or USE: A structure or use that is ~~allowed~~ acceptable under zoning and subdivision regulations known as the *"Jericho Land Use and Development Regulations"*. All permitted structures or uses still require either an approved **BUILDING or ZONING PERMIT**, or **CONDITIONAL USE** approval. *See also* **STRUCTURE** *and* **USE**.

~~+**PERSONAL/PROFESSIONAL SERVICES, TYPE 1:** Services provided to the public by an individual(s) with or without advanced academic training and engaged in a specific occupation for pay or for non-profit, where there is no production or use of hazardous waste or toxic materials. Including but not limited to tailor, seamstress, shoe repair, travel agent, barbers, hairdresser, engineering firm, lawyer, certified public accountant, consultant, real estate appraiser, architect, chiropractor, etc.~~

~~+**PERSONAL/PROFESSIONAL SERVICES, TYPE 2:** Services provided to the public by an individual(s) with or without advanced academic training and engaged in a specific occupation for pay or for non-profit, where there the production of or use of hazardous waste or toxic materials may occur. Including but not limited to photographic studios, photographic processing, furniture refinishing, health care clinic, physician, dentist, etc.~~

PERSONAL/PROFESSIONAL SERVICES: Services provided to the public by an individual(s) with or without advanced academic training and engaged in a specific occupation for pay or for non-profit. Two types include:

a) **TYPE 1 -** Where there is limited or minimal production or use of hazardous waste or toxic materials. Examples include but are not limited to tailor, seamstress, cobbler, travel agent, barber, hairdresser, engineering firm, lawyer, accountant, consultant, realtor, real estate appraiser, architect, designer, psychologist/psychiatrist, chiropractor, etc.
b) **TYPE 2 -** Where the production or use of hazardous waste or toxic materials may occur. Examples include but are not limited to photographic studios, photographic processing, furniture refinishing, health care providers (e.g. medical/ dental clinic, pharmacy), etc.

PLACE of WORSHIP: A ~~building established~~ **STRUCTURE** for the purpose of religious observances.

PLANNED UNIT DEVELOPMENT (PUD): A residential, mixed use, or non-residential development, approved by the Development Review Board in accordance with Section 10.3 of these regulations, designed and planned as an integral unit, and that may consist of individual lots which may not satisfy all of the dimensional requirements otherwise contained in these regulations.

PLAT: A site plan based upon a recent survey that shows details required by these Regulations.

POOL: *See* **SWIMMING POOL**.

POST OFFICE: A structure that contains service windows for mailing packages and letters; post office boxes, offices, vehicle storage areas, and/or mail sorting and distribution facilities.

PRINCIPAL USE or STRUCTURE: The ~~main use~~ primary purpose, application or function of, or ~~structure~~ the main assembly of materials for occupancy, use or display located upon any ~~particular~~ subject **LOT**. *See also* **STRUCTURE** *and* **USE**.

PRIVATE ROAD: *See* **ROAD, PRIVATE**.

PUBLIC FACILITY: A site or **STRUCTURE** that serves one or more needs of the community, including but not limited to state- or community-owned and operated institutions and facilities; any public or private **SCHOOL** or other educational institutions certified by the state Department of Education; any **PLACE of WORSHIP**, convents, and parish houses; public and private **HOSPITAL**s; certified regional solid waste management facilities and certain hazardous waste management facilities under 24 VSA §4413. *See also* **MUNICIPAL FACILITY**.

PUBLIC WATER SUPPLY: Any system~~(s)~~ or combination of systems owned or controlled by an entity ~~person~~, that provides drinking water through pipes or other constructed conveyances to the public and that has at least fifteen [15] service connections or serves an average of at least twenty-five [25] individuals daily for at least sixty [60] days out of the year.~~Such~~ The term includes all collection, treatment, storage and distribution facilities under the control of the water supplier and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with ~~such~~ the system. In addition, it includes any water supply system with ten [10] or more residential connections.

~~+**RECREATION, GENERAL INDOOR:** Recreational facilities including but not limited to indoor bowling alley, theater, table tennis, pool hall, skating rink, gymnasium, swimming pool, hobby workshop, or similar place of indoor recreation. Such facilities may or may not include the sale of food and/or beverages as an accessory use.~~

~~+**RECREATION, GENERAL OUTDOOR:** Recreational facilities with structures, open to the general public for outdoor recreation, including but not limited to X-C skiing, cycling, fishing, swimming, hiking, horse trails and riding rings, and use of motorized vehicles.~~

RECREATION, ACCESSORY USE: Leisure pursuits on private land containing walking and riding trails or playing fields, but absent any **STRUCTURE**, and located within any one [1] parcel unlinked to any other parcel, that enhance personal **USE** and enjoyment of the subject parcel by its owner(s) and **FAMILY** members and/or their guests.

RECREATION, GENERAL: Leisure pursuits occurring on private or public land that contains any **STRUCTURE** designed to enhance those activities, and which is accessible to the general public or private membership. The two types of General Recreation are:

a) **INDOOR**: Including but not limited to indoor bowling alley, theater, table tennis, pool hall, skating rink, spa/gymnasium, swimming pool, hobby workshop or similar **BUILDING**-centered, sheltered, recreation. Such facilities may or may not include the sale of food and/or beverages as an **ACCESSORY USE**.
b) **OUTDOOR**: Including but not limited to cross-country skiing, snow-shoeing, cycling, skating, fishing, swimming, hiking, running, horse trails and riding rings, and use of motorized vehicles.

RECREATION, PASSIVE: Leisure pursuits occurring on private or public land that contains no type of **STRUCTURE** designed to enhance those activities, ~~for outdoor recreation~~ including but not limited to cross-country skiing, snow-shoeing, ice skating, cycling, fishing, swimming, hiking, running, horse trails and riding rings, and ~~private~~ personal but excluding commercial use of motorized vehicles on materially unenhanced surfaces.

RECREATIONAL VEHICLE (RV): A **MOTOR VEHICLE** designed for **ROAD** travel, that is:

a) built on a single chassis;
b) 400 square feet or less when measured at the largest horizontal projections;
c) designed to be self-propelled or ~~permanently~~ towable by a light duty truck; and
d) designed primarily not for use as a permanent **DWELLING** but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

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

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

RIGHT-OF-WAY [ROW]: A strip of land that is granted, through **DEED**, easement, or other mechanism, and usually to serve the public good, such as for a highway, rail line or utility. The legal right of passage over the land is reserved for the purposes of maintenance or expansion of existing services within the ROW.

ROAD: Any highway, street, lane or other way commonly used by the public for vehicular traffic. The term does not include **DRIVEWAY,** or access for **AGRICULTURE** or **FORESTRY** ~~access~~ purposes. The four types of roads include:

a) ~~**ROAD,**~~ **MAJOR -** A road that is being used or will be used primarily as a link between communities or portions of the town, and ~~that~~ which carries a heavy volume of traffic. Major roads include State highways (e.g. Routes 15 and 117) and Class 2 roadways (e.g. Browns Trace, Lee River Road, Ethan Allen Road, River Road, Barber Farm Road and Nashville Road).
b) ~~**ROAD,**~~ **COLLECTOR -** A road that serves or is designated to carry traffic from major roads to minor roads.
c) ~~**ROAD,**~~ **MINOR -** A road that is being used or will be used primarily to provide access to abutting properties, and ~~that~~ which does not provide for use by through traffic.
d) ~~**ROAD,**~~ **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.**

~~+**SCHOOL, ELEMENTARY:** A public or private entity, whose primary mission is to provide 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.~~

~~+**SCHOOL, PRESCHOOL:** An establishment providing custodial and/or educational services to children, primarily under school age that does not qualify as a daycare.~~

~~+**SCHOOL, SECONDARY**: A public or private entity, whose primary mission is directly involved in, or in support of general or specialized instruction rather than technical education for students who have completed elementary school.~~

~~+**SCHOOL, VOCATIONAL:** An establishment providing daytime or evening seminars, workshops or trade and vocational training without overnight accommodations.~~

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.

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 ~~exempt from local zoning regulations~~ do not require a local permit.

SETBACK: Any distances from the ends and/or sides of a **LOT** beyond which construction may not extend. Also known as a "building line', setbacks are established by these regulations and vary from zoning district to district. The distance is always calculated from the outside (exterior) edge of a structure's point of maximum projection (foundation, deck, or eave) to the lot line.

SHOOTING RANGE: Any permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment.

SIGN: Any words, lettering, parts of letters, logos, symbols, figures, numerals, phrases, sentences, emblems, devices, designs, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, and which may be visible from a public ~~street~~ **ROAD** or **RIGHT-OF-WAY** and are used to attract attention.

SIGN, FREESTANDING: Any self-supporting sign ~~which~~ that is ~~permanently~~ ~~affixed~~ installed in ~~to~~ the ground, not including movable or folding sandwich-board type signs. *See also* **TEMPORARY SIGN.**

SIGN, PERMANENT: Any freestanding sign, or sign that is affixed to any **BUILDING**, and which is installed for a period of indefinite duration, not including movable or folding sandwich-board type signs. *See* **SECTION 7.8.**

SIGN, TEMPORARY: Any sign that is installed for a period of limited duration, including movable and/or sandwich-board type signs.

SIGN, UNPERMITTED: Any permanent or temporary sign that does not conform with the *"Town of Jericho Land Use and Development Regulations"*, or does not have an approved **PERMIT** on record; or which is installed in a public **RIGHT-OF-WAY**.

SILVICULTURE: The care and cultivation of forest trees. *See also* **FORESTRY**.

SLAUGHTERHOUSE: An establishment, site or **FACILITY**, where livestock is killed for its meat and/or where the meat and/or meat by-products including hide, bones, and fat may be processed or rendered for commercial purposes.

SPLASH BOARD: A board, gate or similar device used to open or close the channel or passageway (spillway) around or over a dam through which excess water is diverted.

STABLE – BOARDING/RIDING: A commercial ~~operation~~ establishment where ~~the boarding of horses occurs~~ horses are quartered or where instruction, riding, jumping, or showing are offered, or where horses may be hired for riding.

START OF CONSTRUCTION: Determined by the date a **BUILDING PERMIT** is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement occurs within 360 days of said issue date.

STREET: See **ROAD**.

STREET LINE: The boundary line that separates a public **RIGHT-OF-WAY** from abutting property.

STORAGE STRUCTURE: Any non-commercial **STRUCTURE** or portion thereof (such as a portion of a garage), whether permanent or temporary, attached or detached, ~~which~~ that is used ~~for the storage of~~ to store or warehouse materials and goods other than the number of vehicles which may be required in connection with the ~~authorized~~ permitted use of the main building.

STRUCTURE: An assembly of materials for occupancy, use or display, including but not limited to **BUILDING**s; swimming pools; ponds; curtain drains; standpipes; **MOBILE HOME**s; antennae and communication towers; free-standing satellite dishes with a diameter greater than thirty-six [36] inches; animal or vehicle jumps; flag poles; playground equipment; **FENCE**s; **SIGN**s, blinds; bridges, boardwalks, docks, decks, porches, and patios. The term "Structure" specifically excludes elements built at grade without a foundation or pier support, including but not limited to walking or riding trails or playing fields that are materially unenhanced; compost bins, planters, sidewalks, driveways; and berms, swales, walls less than three [3] feet in height as calculated from grade, and assembled from materials native to the parcel (i.e. not imported from off-site) that have been rearranged or relocated on the parcel.

STRUCTURE, ATTACHED: Any structure that is attached to a **BUILDING** by a common wall, by a roof, or by structural connections that allows pedestrian access to both structures, including but not limited to decks, stairways or breezeways.

STUDIO: One or more of the following:

a) A room in which an artist or artisan, especially a painter or photographer, works, or a company making artistic or photographic products.
b) A specially equipped room where television or radio programs or music recordings are made.
c) A building or place where films are made for the cinema, or the company that ~~makes~~ produces them.
d) A room or building where visual or performing arts are taught or practiced.

SUBDIVISION: The ~~division~~ partition of any ~~parcel~~ tract of land into two [2] or more **PARCEL**s for the purpose of offer, transfer, sale, conveyance, lease or **DEVELOPMENT**. The term also includes the **RESUBDIVISION** of a previously subdivided parcel, amended subdivision, the division of land held in common among several owners, and **PLANNED UNIT DEVELOPMENT**. The term shall not include a **BOUNDARY ADJUSTMENT**, unless the total acreage transferred exceeds the minimum lot size of the Zoning District, in which case the boundary adjustment is treated as a minor subdivision (*See* **SECTION 10.7).**

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a **STRUCTURE** whereby the cost of restoring the structure to its pre-damaged conditions would equal or exceed fifty percent [50%] of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a **STRUCTURE**, the cost of which equals or exceeds fifty percent [50%] of the market value of the structure before **START OF CONSTRUCTION** of the improvement. This term includes structures which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
b) Any alteration of an "**HISTORIC STRUCTURE**", provided that the alteration will not preclude the structure's continued designation as an "Historic Structure".

SWIMMING POOL: Any pool or other **STRUCTURE** used for swimming (other than a natural or man-made pond), above or below ground level, that contains two [2] or more feet of water at its deepest, whether for public, private or commercial uses.

TANDEM PARKING: See **PARKING, TANDEM**.

TAVERN: An establishment where the principal activities include serving alcoholic or non-alcoholic beverages for onsite consumption, social interaction, and/or ~~stage~~ live, performance entertainment. The term "Tavern" may also include the onsite production and/or brewing of beverages.

TELECOMMUNICATIONS FACILITY: A tower or other support structure, including antennae, that extend twenty [20] feet or more vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals. The term "Telecommunications Facility" includes towers and ancillary facilities.

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

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

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

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

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

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

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

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

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

WAREHOUSE: a **BUILDING** used primarily for the storage of goods, materials, and merchandise. ~~This definition shall not include~~ The term "Warehouse" specifically excludes any storage **STRUCTURE** accessory and subordinate to an approved principal use or structure.

WHOLESALE: Commercial establishments that sell ~~An establishment or place of business primarily engaged in selling~~ goods, products, material and merchandise stored on the premises, primarily to retailers or persons who are intermediaries between the producer and the consumer; to industrial, commercial, institutional or professional businesses uses; to other wholesalers; or which act~~ing~~ as agents or brokers and buy~~ing~~ merchandise for, or sell~~ing~~ merchandise to, such individuals or companies.

WILDLIFE MANAGEMENT: The application of ecological knowledge to populations of vertebrate animals and their plant and animal associates in a manner that strikes a balance between the needs of those populations and the needs of people. Ecological knowledge is applied in three basic management approaches: (1) *preservation*, when nature ~~is allowed to take~~ follows its course without human intervention; (2) *direct manipulation*, when animal populations are trapped, shot, poisoned, and stocked; and (3) *indirect manipulation*, when vegetation, water, or other key components of wildlife habitat are altered.

YARD: The open space extending the full width of the lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided for ~~designed~~ in these regulations. The three types of yard include:

a) **FRONT -** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street line and the nearest line of any above ground structure.
b) **REAR -** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of any above-ground structure.
c) **SIDE -** An open space between an above ground structure and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of any above ground structure.

See also **LUMBER and BUILDING SUPPLY YARD,** and **CONTRACTOR YARD**.

ZONING MAP: The ~~official~~ "Town of Jericho Zoning Map~~" located in the Jericho Town Office and available off the "Documents & Forms" tab on the Town website **www.jerichoVT.gov**~~. is the map officially adopted by the municipality and which is part of these regulations and clearly delineates the Zoning District boundaries.

ZONING PERMIT: An official document approved by the Town's Zoning Administrator that ensures conformity with the zoning and subdivision regulations known as the *"Town of Jericho Land Use and Development Regulations"*. Commonly known as a **BUILDING PERMIT.**

3. ZONING DISTRICTS

3.1. Zoning Districts and Zoning Map

For the purposes of these regulations, the Town of Jericho is divided into the following zoning districts, in accordance with Title 24 VSA Section 4414(1):

Agriculture District (AGR)

3.1.1. Commercial District (COM)

3.1.2. Forestry District (FOR)

3.1.3. Open Space District (OS)

3.1.4. Rural Residential District (RR)

3.1.5. Village District (VIL)

3.1.6. Village Center District (VCTR)

The location and boundaries of each zoning district are shown on the official "Town of Jericho Zoning Map", which is incorporated as part of these regulations. The official zoning map, located in the Jericho Town Office, shall be the final authority as to the current zoning status of land in the town.

3.2. Purpose of Districts

3.2.1. The purpose of the **Open Space District** is to retain these lands for public use, nature resource management, and conservation. The Open Space District encompasses that land in Jericho currently held by public or quasi-public organizations including the Ethan Allen Firing Range, the University of Vermont Research Forest, Mobbs Farm, and the Wolfrun Natural Area.

- *The Ethan Allen Firing Range is currently owned by the Federal Government. Some areas of the Range are heavily developed with numerous structures and significant infrastructure, while other areas remain largely undeveloped. The activities occurring on the site are currently outside the Town's jurisdiction. Should the Federal Government terminate its ownership of the Range in the future, the Range shall be considered part of the open space district until a significant public dialog on the designation and future of this area has occurred.*

3.2.2. The purpose of the **Forestry District** is to maintain the rural character of Jericho by preserving significant aesthetic, recreational, and natural resources. Some land in the district may be unsuitable for development due to physical limitations such as steep slopes or high water table. Planned Unit Development provisions are recommended to preserve rural land and resources and to determine limited, appropriate sites for any new residential or other development.

3.2.3. The purpose of the **Agricultural District** is to provide ~~open~~ dedicated land for agriculture, ~~forestry~~ silviculture, and rural housing. Prime forest and agriculture land should be protected while allowing for limited, compatible development. Planned Unit Development provisions are recommended to preserve rural land and resources and to determine limited, appropriate sites for any new residential or other development.

3.2.4. The purpose of the **Rural Residential District** is to provide for 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 Agricultural Districts.

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 for Jericho residents, including a mix of single- and multi-family housing, near the amenities provided by the Village Center and Commercial Districts. 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 they are compatible with the predominantly residential character of the district.

3.2.6. The purpose of the **Commercial District** is primarily to provide employment opportunities and a location for minimum impact commercial enterprises that cannot or should not be located in the Village Center District. While roadside visibility is important for the viability of some businesses, measures should be taken to prevent the appearance of strip development. Curb cuts should be limited to avoid impeding circulation on Route 15, and interior circulation roads may be required on larger parcels. Green space, landscaping and other visual treatments may be necessary to soften the appearance of development, particularly along Route 15. Residential uses may be approved if they are compatible with the predominantly commercial character of the district.

3.2.7. The purpose of the **Village Center District** is to encourage the concentration of people and community-focused activities in traditional centers. As noted in the Jericho Comprehensive Town Plan, Jericho Center, Jericho Corners, and Riverside have been the centers of commerce, culture, and community for the town. Each of these three locations is listed as an historic district on the State Historical Register. These areas generally retain an architectural character that constitutes a valuable and unique part of our cultural heritage. Jericho Corners and Jericho Center are on the National Register of Historic Places. In addition to the buildings themselves, the character of the villages is defined by the relationship of the structures with one another, with the roads, and with open land. The layout of new buildings should reflect traditional patterns and encourage use by pedestrians. Generally, large setbacks with parking in front of the building are less inviting to pedestrians than buildings close to the road with parking to the side or rear.

- *Different growth opportunities exist in each of the three Village Center Districts. In Riverside, a large proportion of new growth may take place on existing large parcels that are either vacant or largely undeveloped. Planned Unit Developments should be encouraged for any proposed development on these parcels. Redevelopment at a smaller scale also may take place on parcels fronting on Route 15 and other major roadways. On these parcels, it will be necessary to balance needs of new development vs. compatibility with historical patterns on nearby parcels. Development review should pay particular attention to bulk, setbacks and relationship of buildings to parking. Larger buildings can be successfully incorporated into the village centers through proper siting and the use of landscaping and architectural treatments to interrupt building bulk.*
- *Pedestrian-scale development should be encouraged within village centers. With attention to the location of buildings and connections between buildings, multiple use patterns within a village setting will be able to continue. Connectivity, both for vehicles and pedestrians, is important. A grid of streets throughout the village center with multiple connections to major streets, particularly in the Riverside area of Underhill Flats, will disperse traffic throughout the village and avoid congestion at any single point. On-street parking and other traffic-calming measures will decrease vehicle speed and encourage pedestrian safety. Sidewalks and paths should be constructed along streets and from streets to buildings.*

- *Sufficient parking is necessary for commercial viability. However, parking lots should not be allowed to dominate the visual appearance of a parcel. Particularly along Route 15, parking lots should not be permitted in front of buildings. In general, on-site parking should be encouraged to the side and rear of buildings.*
- *Existing neighborhood developments are located within the boundaries of the Village Center District, particularly in Jericho Corners. These neighborhoods generally are within easy walking distance to major commercial and public uses within the three villages. Pedestrian connections should continue to be encouraged. While an important part of each village, significant growth is not appropriate for these neighborhoods. Any commercial use or residential growth should be modest in scope and should be compatible with neighboring parcels.*
- *Any major development, including most commercial uses, should take place along major roads and on parcels with direct access to such roads.*
- *Growth opportunities may be more limited in Jericho Center, which lacks a public water supply and is not situated on a state highway. Development may be more modest in scope than in the other centers. Nonetheless, Jericho Center should continue to serve as a focal point for the Town. Reuse and expansion of existing structures may be the primary form of development in this area, though some modest amount of new construction may occur on larger parcels. Development in this area should be mindful of impacts on groundwater quality and availability, and of existing historic features such as the Village Green. Traffic calming and pedestrian circulation is of particular importance as development occurs along Browns Trace.*

3.3. Interpretation of Boundaries

The Zoning Administrator shall determine zoning boundaries according to the official Zoning Map. Where uncertainty exists, the Zoning Administrator shall use the following rules to locate any zoning district boundary. An interpretation by the Zoning Administrator of a zoning district boundary may be appealed to the Development Review Board, subject to the provisions of §12.5.1.

3.3.1. Boundaries indicated as following roads, transportation or utility Rights-Of-Way shall be interpreted as following the centerlines of such features.

3.3.2. Boundaries indicated as following lot lines shall be interpreted as following delineated property boundaries.

3.3.3. Boundaries indicated as following rivers or streams shall be interpreted as following the channel centerlines of such features, and shall move with the river or stream channel.

3.3.4. Boundaries indicated as parallel or perpendicular to, or extensions of, the above features shall be interpreted as such on the ground.

3.3.5. Distances not specifically indicated on the map shall be determined from the scale on the official zoning map.

3.4. Lots in More Than One Zoning District

When a lot proposed for development includes portions in different districts, the following shall apply:

3.4.1. The permitted and conditional use restrictions for the district in which the use is to occur shall control, and if it is to occur in both districts, it must conform with the restrictions of both.

3.4.2. Where a district boundary other than a highway divides a parcel that was in single ownership when these regulations were adopted, the Development

Review Board may permit uses applicable to either district within 100 feet of the district boundary as a conditional use.

3.4.3. The minimum frontage and minimum setback requirement for the district in which the structure is to be located shall control, and if the structure is to be in both districts, the smaller requirement shall control.

4. ZONING USES

4.1. Allowed Uses

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

4.2. Permitted Uses

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

4.3. Conditional Uses

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

4.4. Table of Uses

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

USE	OS	FOR	AGR	RR	VIL	COM	VCTR
1.0 Agriculture and Related Uses							
1.1 Agriculture	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~
1.1.1 Slaughterhouse			C	C		C	
1.2 Silviculture/Forestry	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~
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 ~~P~~	A ~~P~~	A ~~P~~	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 ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~
2.0 Residential Uses							
2.1 Single Family[1]							
2.1.1 SF-1 dwelling unit/lot		P	P	P	P	C	P
2.1.2 Accessory apartment		P/C[2]	P/C[2]	P/C[2]	P	P/C[2]	P
2.1.3 Dwelling, accessory to farm		C	P	P	P	P	P
2.1.4 Guest house		C	P	P	P	P	P

USE	OS	FOR	AGR	RR	VIL	COM	VCTR
2.2 Multi-family[1]							
2.2.1 Multi-family dwelling, *2 units*			C	C	P	C	P
2.2.2 Multi-family dwelling					C	C	C
2.2.3 Residential care facility				C	C	C	P
2.2.4 Rooming house				C	C	C	C
3.0 Commercial Uses							
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		P	P	P	P	P	P
3.2 Retail Uses							
3.2.1 Lumber, building supply yard						C	
3.2.2 Retail, General merchandise ≤ 3000 sq.ft.						P	P/C[3]
3.2.3 Retail, General merchandise > 3000 sq.ft.						C	C
3.2.4 Retail, Specialty Store ≤ 3000 sq.ft.						P	P/C[3]
3.2.5 Retail, Specialty Store > 3000 sq.ft.						C	C
3.2.6 Farmers markets	P/C[4]	P/C[4]	P/C[4]	P/C[4]	P	P	P
3.2.7 Garden center ≤ 3000 sq.ft.			C	C	C	P	P/C[3]
3.2.8 Garden center > 3000 sq.ft.						P	
3.2.9 Mobile Home sales						C	
3.2.10 Motor Vehicle sales						C	
~~3.2.11 Kennel accessory to store~~						~~C~~	
3.2.12 Gallery/Studio/Museum ≤ 3000 sq.ft.			C	C	P/C[3]	P	P/C[3]
3.2.13 Gallery/Studio/Museum > 3000 sq.ft.						P	C
3.2.14 Fuel sales						C	
3.3 Financial Institutions							
3.3.1 Financial Institution ≤ 3000 sq.ft.						P	P/C[3]
3.3.2 Financial Institution > 3000 sq.ft						C	C
3.4 Food Service							
3.4.1 Restaurant/Tavern[5] ≤ 3000 sq.ft.						P	P/C[3]

USE	OS	FOR	AGR	RR	VIL	COM	VCTR
3.4.2 Restaurant/Tavern[5] > 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	P	P/C[3]
3.5.2 Personal/Professional services, Type 1 > 3000 sq.ft						P	C
3.5.3 Personal/Professional services, Type 2 ≤ 3000 sq.ft					C	C	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 ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~
3.6.2.2 General	C	C	C	C	C	C	C
3.6.3 Gymnasium					C	P	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	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	AGR	RR	VIL	COM	VCTR
5.4 Hospice facility						C	P
5.5 Hospital facility							P
5.6 Nursing home facility			C	C	C	C	P
5.7 Club ≤3000 sq.ft				C	C	C	P/C[3]
5.8 Club >3000 sq.ft				C	C	C	C
5.9 Fish and game club		C	C	C			
5.10 Funeral home					C	C	C
5.11 Cemetery				C	C		C
5.12 Post Office							P
5.13 Municipal facility, Office							P
5.14 Municipal facility, Other			C	C	C	C	
5.15 Dormitory/Hostel	P	P	P	P	P	P	P
6.0 Accessory Structures and Uses							
6.1 Accessory structures ~~and uses~~	P	P	P	P	P	P	P
6.1 Accessory uses							
6.1.1 Home Occupation		P	P	P	P	P	P
6.1.2. Recreation, Accessory Use		A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~	A ~~P~~
6.1.3. Drive-Thru		C	C	C	C	C	C

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

1) *See Section 5.6; Density*
2) *See Section 4.5.3*
3) *Uses with frontage on major roads are permitted* (P). *Uses with frontage on minor roads are conditional* (C).
4) *Conditional use approval by the Development Review Board required for permanent structures.*
~~5) *Drive-up service associated with restaurants is not permitted*~~

4.5. **Uses/Structures Per Lot**

Multiple uses in one principal structure, including residential and non-residential uses, may be permitted on a single lot, provided that district lot coverage requirements are not exceeded. If all component uses within a principal structure are permitted in the district, the structure shall be considered a permitted structure. If any component use within a principal structure is conditional in the district, the structure will be conditional. Construction or substantial improvement of a single structure containing multiple uses with a total floor area in excess of 10,000 square feet shall be subject to Planned Unit Development review. Multiple principle structures may be ~~allowed~~ 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;
- Regional solid waste management facilities certified under 10 VSA, Chapter 159; and
- Hazardous waste management facilities for which a notice of intent to construct has been received under 10 VSA §6606a.

4.7. **Specific Use Standards**

4.7.1. *Residential Care Facilities:*

4.7.1.1. In accordance with the **ACT** [§4412(1)(g)], a residential care facility to be operated under state licensing or registration, serving not more than eight [8] persons who have a handicap or disability as defined in 9 VSA §4501 shall be considered by right to constitute a permitted single-family residential use of property, except that no home shall be so considered if located within 1000 feet of another existing or permitted such home.

4.7.1.2. All other Residential Care Facilities shall be permitted only as prescribed in the Table of Uses in Section 4.~~3~~ 4 of these regulations.

4.7.2. *Day Care:* In accordance with the **ACT** [§4412(5)], day cares are permitted in all districts, subject to the following:

4.7.2.1. A day care operating out of a new or existing dwelling and serving not more than six [6] children full time and four [4] children part time shall be considered a permitted home occupation under Section 7.1.1 of these regulations and shall not be subject to conditional use review or site plan review, regardless of other provisions of these regulations.

4.7.2.2. A day care operating out of a new or existing dwelling and serving more than six [6] children full time and four [4] children part time shall be considered a Conditional Home Occupation under Section 7.1.2 of these regulations.

4.7.2.3. Non-residential day care facilities may be ~~allowed~~ approved in designated zoning districts as a preschool as prescribed in the Table of Uses in Section 4.~~3~~ 4 of these regulations.

4.7.3. *Accessory Apartment:* In accordance with the **ACT** [§4412(1)(e)], one accessory apartment, which is located within or attached to a single family dwelling, or within an accessory structure to the single family dwelling, may be ~~allowed~~ approved as a permitted accessory use in any zoning district, subject to the issuing of a zoning permit by the Zoning Administrator under Section 10.2 , and the following requirements:

4.7.3.1. Either the single family dwelling or the accessory apartment shall be occupied by the owner of the single family dwelling or a member of the owner's family;

4.7.3.2. The accessory apartment's floor area shall not exceed thirty percent [30%] of the floor area of the single family dwelling, or 400 square feet, whichever is greater;

4.7.3.3. The accessory apartment shall not have more than one [1] bedroom;

4.7.3.4. The accessory apartment shall meet all dimensional requirements for the district in which it is located;

4.7.3.5. Sufficient wastewater capacity exists to serve both the single family dwelling and the accessory apartment;

4.7.3.6. Conditional use approval shall be required for an accessory apartment located in the Agricultural, Forestry, Rural Residential, or Commercial District, if the creation of an accessory apartment requires one or more of the following:

(a) A new accessory structure; or

(b) An increase in height or floor area of the existing dwelling; or

(c) An increase in the dimensions of the parking areas.

4.7.4. *Agricultural and Forestry:* In accordance with the **ACT** [§4413(d)], these regulations shall not regulate accepted agricultural and silvicultural practices, as those practices are defined by the Secretary of Agriculture, Food and Markets or the commissioner of Forests, Parks, and Recreation, respectively, under 10 VSA 1021(f) and 1259(f) and 6 VSA 4810.

4.7.5. *Agricultural Buildings:* ~~Any agricultural building not meeting the definition a "farm structure" in the most current Vermont Department of Agriculture Accepted Agricultural Practices shall require a zoning permit.~~ In accordance with the **ACT** [§4413(d)(1)] no permit shall be required for an agricultural building meeting the definition of a "farm structure" in the most current Vermont Department of Agriculture Accepted Agricultural Practices. An exempt farm structure shall meet the setbacks for the district in which it is located, unless the Commissioner of Agriculture has approved modified setbacks. A ~~person~~ property owner shall notify the municipality of the intent to build an exempt farm structure prior to commencement of construction. This Notification shall contain a sketch of the proposed structure, including setbacks from adjoining property lines, and shall be recorded by the Jericho Town Clerk. An exempt farm structure shall not be converted to another principal or accessory use unless all required town permits and approvals are obtained.

4.7.6. *Roadside Stands for the Sale of Agricultural Products:* Roadside stands for the sale of agricultural products shall be permitted as an accessory use in all districts, subject to the following requirements:

4.7.6.1. The stand is at least twenty-five [25] feet from the nearest edge of the roadway surface and complies with applicable side yard requirements;

4.7.6.2. Parking spaces are provided as required by Section 11.2: "Parking/Loading/Circulation";

4.7.6.3. Any signs conform with the requirements of Section 7.8: "Signs".

4.7.7. *Temporary Structures:* Temporary structures used in conjunction with construction work shall be permitted only during the period while the construction is in progress. Permits for temporary structures shall be issued for maximum six-month periods, with extensions granted as necessary by the Zoning Administrator.

4.7.8. *Camps:*

4.7.8.1. **Existing Camps**~~: Existing camps~~ shall be for seasonal or intermittent use only, with occupancy not to exceed 180 days per year.

4.7.8.2. **Conversion of Existing Camps**~~: Conversion of a camp~~ to a single-family residence intended for occupancy more than 180 days per year shall be ~~allowed~~ ~~approved~~ subject to approval in all districts except the Open Space District, subject to the following conditions:

(a) Sewage disposal facilities and water supplies shall meet all state requirements for new single-family dwellings.

(b) Each camp to be converted to year-round use shall be located on a separate lot, which either

(i) meets the current requirements for minimum lot size, or

(ii) qualifies as an existing separate lot under Section 5.10.

(c) Camps located on lots that

(i) have insufficient acreage for subdivision into two [2] conforming lots, and

(ii) already contain another dwelling or primary use, may not be converted to year-round use unless they are approved as guest houses, accessory apartments, or as dwellings accessory to farms.

(d) Lots containing converted camps shall either have direct access to a public road or access by a deeded Right-Of-Way of at least thirty [30] feet in width.

4.7.8.3. **New Camps**~~: The construction of new camps~~ may be ~~allowed~~ constructed ~~as follows~~ subject to the following conditions:

(a) as permitted uses in all districts except Open Space when proposed in the same manner and according to the same requirements as single-family dwellings;

(b) as conditional uses subject to approval by the Development Review Board in all districts except Open Space when the proposed camp does not meet all requirements applicable to the construction of a single family dwelling (such as for sewage disposal, water supply, or road access), or when such use will be accessory to an existing dwelling on the same lot. Such camps may be conditionally approved by the Development Review Board only upon finding that the proposed camp would be served by a sewage disposal system appropriate for the intended use (as determined by the Vermont Department

of Environmental Conservation), and that no more than one [1] such camp shall be located on a single lot.

4.7.9. *Water Storage Facilities:* A ~~facility~~ structure for water storage such as a swimming pool, sewage lagoon, liquid manure storage, or community water reservoir shall comply with the following requirements:

4.7.9.1. The distance between the facility and lot lines shall conform with the dimensional requirements for front, side and rear yards for accessory structures in the zoning district in which it is located.

4.7.9.2. The facility (except in the case of a pond or securely covered tank) shall be enclosed by a fence no less than four [4] feet high to prevent uncontrolled access by small children.

(a) Fences enclosing swimming pools shall be further governed by Section 7.6.~~2 and 7.6.3~~ of these regulations.

4.7.9.3. Upon review and approval, the Development Review Board may change or waive the requirements for fencing.

4.7.9.4. If operated to attract visitors, the facility shall comply with the requirements of Section 11.2: "Parking/Loading/Circulation" and Section 10.10: "Site Plan Review".

4.6.10 *Public Facilities:* In accordance with the **ACT** [§4413(a)], certain public facilities may only be regulated with respect to size, location, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening, and only to the extent that regulations do not have the effect of interfering with the intended functional use. These public facilities shall be ~~allowed~~ approved in designated zoning districts in which they or a similar use are listed in the Table of Uses. Such facilities or uses shall meet applicable district requirements, and may be subject to site plan review and/or conditional use review as provided by these regulations.

4.7.11. *Power Generation and Transmission Facilities:* In accordance with the **ACT** [§4413(b)], these regulations shall not regulate public utility power generating plants and facilities that are regulated by the Vermont Public Service Board under 30 VSA Section 248. This provision includes private generating facilities that are "net metered" or connected to the power grid. Prior to commencement of construction, a copy of the Vermont Public Service Board approval shall be submitted to the Zoning Administrator.

4.7.12. *Mobile Home Park:*

4.5.12.1. New mobile home parks may be constructed in all zoning districts except the Open Space (OS) district, subject to Planned Unit Development review and the following standards:

4.5.12.2. Mobile homes within a mobile home park shall be regulated as single family dwelling units as prescribed in the Table of Uses in section 4.3 of these regulations. The number of mobile homes in the park shall not exceed the total number of single family dwelling units that could otherwise be approved.

4.5.12.3. Each mobile home shall be located on a dedicated site of not less than 10,000 square feet in area, or the district minimum lot size for a PUD found in Section 5.8 of these regulations, whichever is less.

4.5.12.4. In accordance with the **ACT** [§4412(7)(b)], if a mobile home park legally in existence as of the effective date of these regulations is found to be nonconforming, this nonconforming status shall apply to the park as a whole, and not to individual mobile home sites within the park. Accordingly:

(a) A vacated mobile home site within a mobile home park shall not be considered a discontinuance or abandonment of non-conformity under Section 7.3.

(b) The requirements of these regulations, including district dimensional standards, shall not have the effect of prohibiting the replacement of mobile homes on existing sites within a mobile home park.

4.7.13. *Junkyard:* New or expanded junkyards may be ~~allowed~~ approved within ~~designated~~ the Commercial Zoning District subject to conditional use review under Section 10.9 and the following requirements:

4.6.13.1. All junkyards shall be licensed in accordance with State of Vermont regulations pertaining to junk yards. The operator shall be responsible for all upkeep and maintenance of fences, screening, and other required site improvements and the proper storage and disposal of salvaged and hazardous materials, as required under municipal and state regulations and associated conditions of approval.

4.6.13.2. No junkyard shall exceed five [5] acres in total area or extent.

4.6.13.3. Junkyards shall be set back at least 100 feet from all property lines and road Rights-Of-Way and 150 feet from surface waters and wetlands. Required setbacks may be increased as appropriate based on specific site conditions to protect water quality and neighboring properties.

4.6.13.4. Junkyards shall be screened year-round from public view and from adjoining properties. Additional landscaping, fencing or other forms of screening may be required as appropriate. No vehicles associated with the business, or any other waste, scrap, parts or materials shall be stacked, piled or stored higher than the fence or screen.

4.6.13.5. Junkyards shall be secured as necessary to protect public health, safety, and welfare, and neighboring properties. Exterior lighting shall be the minimum required for security and safe operation.

4.6.13.6. The on-site storage of materials shall not adversely affect surface, ground or drinking water supplies, or other identified natural, cultural, or historic features on-site, or in the vicinity of the junkyard.

4.6.13.7. Application Submission Requirements: In addition to the conditional use application requirements in Section 10.9,

applicants for a new or expanded junk yard shall submit the following information:

(a) The applicant for a new or expanded junkyard shall submit a description of existing and proposed operations, including storage areas, and all equipment to be used on-site;

(b) existing and/or proposed junkyard operations, including all storage and processing areas, and distances from property boundaries, public streets, wetlands, surface waters and public and private wells on-site and in the vicinity;

(c) site contours that show existing and proposed grades and drainage patterns;

(d) test boring results indicating soil types, and depths to bedrock and seasonal high water tables within the proposed area of operation; and

(e) existing and/or proposed groundwater monitoring well locations, if any.

4.6.13.8. Cessation or Abandonment of Operations: All materials shall be removed from the site within twelve [12] months of the cessation or abandonment of operations; and the site shall be restored to a safe, usable condition. Site restoration, including the clean-up and disposal of hazardous materials, shall be subject to all applicable state and federal regulations. A site restoration plan may be required as a condition of approval.

4.6.14 *Fuel Sales:* Fuel sales may be approved within the Commercial Zoning District subject to conditional use review under Section 10.9 and the following requirements:

4.6.14.1. ~~Planned Unit Development review shall be required prior to the approval of a new fuel sales establishment.~~

4.6.14.2. The facility shall be designed to ensure that pedestrian circulation is adequately separated from vehicular movements. In order to accomplish this objective, the Development Review Board may require additional curbing, landscaping and screening, and pedestrian walkways. In the Village Center District, building components and pump islands shall be located in such a way so as to contribute to a well-defined, pedestrian friendly streetscape.

4.6.14.3. The applicant shall be encouraged to minimize canopy size.

4.6.14.4. All underground storage tanks shall meet applicable state and federal requirements for design and installation, and monitoring. The applicant shall be encouraged to maximize the distance between vent pipes and residential areas.

4.6.14.5. The Development Review Board may require the installation of stormwater treatment practices approved for use in stormwater hotspots as defined by the Vermont Department of Environmental Conservation.

4.6.14.6. Pumps, lubricating and other outside service devices shall be located at least 300 feet from any lot occupied by a school or hospital.

4.6.14.7. If Car Wash or Repair facilities are to be included as accessory uses to Fuel Sales, such facilities shall comply with the standards outlined below.

4.6.15. *Car Wash:*

4.6.15.1. Outdoor vacuuming and drying areas shall be located behind the front building line.

4.6.15.2. All off-street parking and waiting areas shall be on impervious surfaces.

4.6.15.3. At least one [1] traffic lane shall be provided as means of egress without entering the car wash lane. Such lane shall be in addition to a stacking lane for vehicles waiting in line for the car wash.

4.6.15.4. The DRB may require landscaping or other measures to mitigate the impacts of the stacking lane on neighboring uses.

4.6.15.5. The Development Review Board may require the installation of stormwater treatment practices approved for use in stormwater hotspots as defined by the Vermont Department of Environmental Conservation.

4.6.16. *Motor Vehicle Repair:*

4.6.16.1. All areas designated for vehicle repairs shall be constructed and operated in accordance with all applicable state and federal regulations. In the Village Center District, all vehicle repairs shall take place within an enclosed building or an outdoor area located behind the front building line and enclosed within wall or privacy fence of sufficient height to screen vehicles from public view, or equivalent approved by the Development Review Board.

4.6.16.2. Bodywork and/or painting of vehicles shall only be conducted within designated areas meeting all applicable state and federal health and safety standards for proper ventilation. The applicant shall maximize the distance between ventilation outlets and residential areas.

4.6.16.3. The Development Review Board may require the installation of stormwater treatment practices approved for use in stormwater hotspots as defined by the Vermont Department of Environmental Conservation.

4.6.16.4. Any new repair use shall be located at least 300 feet from any ~~lot~~ parcel occupied by a school or hospital.

4.6.16.5. Onsite, outdoor storage of wrecked or disabled motor vehicles for inspection or repair for not more than ninety [90] days shall be permitted. Up to three [3] wrecked or disabled motor vehicles may be stored on the site for longer than ninety [90] days for the purpose of providing parts for other vehicles.

(a) In the Village Center District, all outdoor areas for storage of wrecked or disabled motor vehicles shall be located behind the front building line and shall be enclosed within wall or privacy fence of sufficient height to screen vehicles from public view, or equivalent screening approved by the Development Review Board.

(b) In all districts, outdoor storage of four [4] or more wrecked or disabled, unregistered and/or uninspected motor vehicles for longer than ninety [90] days shall be considered to constitute a Junkyard and shall only be ~~allowed~~ approved in accordance with the Table of Uses.

4.6.17. *Outdoor Storage/Display*

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

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

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

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

4.6.18 *Drive-thrus*

4.6.18.1. Drive-thrus serving any permitted or conditional use within the district shall be allowed, subject to conditional use review. In addition to the Conditional Use standards in Section 10.9, the following standards shall be met:

(a) Drive-thru structures and windows shall be designed to match the architectural detail, materials, and roof pitch/design of the structure they serve.

(b) Drive-thru structures, windows and stacking lanes shall be located to minimize conflicts between motor vehicles and pedestrians and to ensure safe pedestrian circulation and access to the principal structure on the site.

(c) Drive-thru structures and windows shall generally be oriented to the side or rear of the building to avoid disruption of the streetscape. The DRB may approve other orientations if measures such as landscaping or architectural treatments that maintain the streetscape are provided by the applicant.

(d) Each drive-thru window shall be designed to include stacking for at least three [3] motor vehicles and a separate pass-through lane. The pass-through lane shall be constructed adjacent to the stacking lane(s) in order to provide a way out of (or around) the stacking lane(s).

5. DIMENSIONAL STANDARDS

The dimensional standards of this section apply to all lots created after the effective date of these regulations. These standards also apply to pre-existing lots unless otherwise specified in Section 5.10.

5.1. **Minimum Lot Area**

Minimum required lot area for all lots is specified in Section 5.7 or 5.8.

5.2. **Required Road Frontage**

5.2.1. *Minimum Road Frontage Requirements:*

5.2.1.1. Minimum required road frontage for each lot is specified in Section 5.7 or 5.8.

5.2.1.2. The required minimum road frontage shall be contiguous. A lot may have additional noncontiguous road frontage as long as the minimum requirement is contiguous.

5.2.2. *Lots With No Road Frontage:* No land development shall be permitted on lots which do not have frontage on a public or private road, public waters, or, with the approval of the Development Review Board, access to such a road or waters by a permanent easement or Right-Of-Way at least thirty [30] feet in width. The Development Review Board may grant approval according to the following standards:

5.2.2.1. A maximum of two [2] lots without road frontage may be served by a private driveway. Standards for private driveways are provided in Section 11.1.

5.2.2.2. The Development Review Board shall determine the maximum number of lots or dwelling units that may be served by a private road, subject to the provisions of Section 11.1.

5.3. **Required Yards**

5.3.1. All structures, other than fences or permanent sign bases, shall not project into any minimum front, side, or rear yard as set forth in Section 5.7 or Section 5.8.

5.3.2. Lots, which abut on more than one street, shall provide the required front yard depth along each street.

5.3.3. The minimum front yard for Planned Unit Developments set forth in Section 5.8 shall apply to all lots within a PUD, regardless as to whether the lot fronts an existing public road or a new road internal to the PUD. In such a case where the minimum front yard set forth in Section 5.8 is applied to a lot fronting on a State Highway, the Vermont Agency of Transportation shall be notified in accordance with the **ACT** [§4464(a)(2)(B)].

5.3.4. No wall, fence, shrubbery or other object which obstructs or interferes with traffic visibility shall be erected, planted or maintained on or near a road or street curve or on any corner lot within the triangular area formed by the lot lines along the roads or streets and a line connecting them at points thirty [30] feet from the intersection.

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. **Height**

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 elderly housing located within a Planned Unit Development in the Village Center District shall be limited by lot coverage requirements rather than the number of dwelling units per acre. No dwelling unit so exempted shall exceed 1300 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	AGR	RR	VIL	COM	VCTR
Minimum lot area (acres)	10	10	10	3	1	1	0.25
Minimum road frontage (feet)	400[1]	400[1]	400[1]	200[1]	120[1]	150[1]	75
Minimum front yard (feet) [2]	n/a	35	35	35	25	50/30[3]	25
Minimum side yards (feet) [2]	n/a	25	25	20	15	20	10
Minimum rear yard (feet) [2]	n/a	25	25	20	20	25	20
Maximum lot coverage	n/a	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	AGR	RR	VIL	COM	VCTR
Minimum lot area (acres)[1]		0.50	0.50	0.33	0.33	0.33	0.10
Minimum road frontage (feet)		75	75	50	50	50	50
Minimum front yard (feet) [2]		25	25	15	15	15	10/0[3]
Minimum side yards (feet) [2]		15	15	10	10	10	5[4]
Minimum rear yard (feet) [2]		20	20	20	20	25	10
Maximum lot coverage[5]		30%	30%	40%	40%	60%	60%
Structure height (feet, maximum)		34	34	34	34	34	45
Buffer zone (feet)[6]		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 District.

5.9.2. No building except those for agricultural and related uses and elementary and secondary schools shall be erected of total floor area greater than 60,000 square feet.

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

5.10. **Pre-Existing Lots**

5.10.1. *Minimum Lot Size:*

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

5.10.2. *Dimensional Standards:*

5.10.2.1. Any lot that became a lot of record in conformity with the dimensional requirements of regulations applicable before these regulations became effective, even if owned by the owner of one or more adjoining lots, may be developed in accordance with such previously applicable dimensional requirements.

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

Pre-existing Lots: Minimum Setbacks, in feet

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

5.11. **Dimensional Waivers**

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

6. OVERLAY DISTRICTS

6.1. Scope and Authority

Overlay districts shall be considered as overlying other zoning districts. Any uses permitted in the portions of the districts so overlain shall be permitted subject to the provisions of the Overlay District. Where there is a conflict between the underlying zoning district and an overlay district, the more restrictive regulation shall apply.

6.2. Purpose

The purpose of the Overlay Districts is to identify the areas where protective measures will be employed to preserve the natural and aesthetic resources identified in the Jericho Comprehensive Plan.

6.3. Description

The overlay districts are the Wetlands Overlay District, the River Overlay District, the Wellhead Protection Area Overlay District, and the Natural Resources Overlay District.

6.4. Wetlands Overlay District

6.4.1. *Purpose:* The purpose of the Wetlands Overlay District is to preserve public health and safety, wildlife, and existing and future water supplies, and control pollution by maintaining the quality and level of the water table and surface waters.

6.4.2. *Delineation of District:* The Wetlands Overlay District shall consist of the following areas:

6.4.2.1. All land areas identified as "Class I and Class II Wetlands" on the most current "National Wetlands Inventory Map." The actual boundaries of all wetlands shown on the "National Wetlands Inventory Map" shall be determined in the field in accordance with the delineation methodology provided for in the most recent Vermont Wetlands Rules. The applicant shall bear the sole responsibility and cost of the delineation process.

6.4.2.2. A buffer of fifty [50] feet surrounding all Class II wetlands referenced in 6.4.2.1 and a buffer of 100 feet surrounding all Class I wetlands referenced in 6.4.2.1.

~~**NOTE:** *The National Wetlands Inventory Map that was current at the adoption of these regulations is included in* Section **3**.~~

6.4.3. *Permitted Uses*: The following uses are permitted in the Wetlands Overlay District:

6.4.3.1. Non-motorized passive recreation and wildlife management, provided that there is no construction of any new road, parking space, building, or structure, or draining, dredging or filling.

6.4.3.2. Proper operation and maintenance of existing dams, splash boards, man-made ponds and other water control, supply, and conservation devices in conformity with applicable state and federal regulations.

6.4.3.3. Agriculture not involving the use of structures and conducted in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices and with the most recent Vermont Wetlands Rules.

6.4.3.4. Forestry not involving the use of structures and conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices and with the most recent Vermont Wetlands Rules.

6.4.4. *Conditional Uses:* Any of the following uses may be ~~allowed~~ approved as a conditional use by the Development Review Board only upon finding that such use will not adversely affect existing and future water supplies, or the quality and level of the water table or surface waters.

6.4.4.1. Construction of dams, splashboards, and other water control, supply, and conservation devices in conformity with applicable state and federal regulations.

6.4.4.2. Construction and maintenance of ~~public~~ water supplies, pump stations, and well fields.

6.4.4.3. Construction and maintenance of blinds, boardwalks, bridges, private single-dwelling water supplies and boat landings.

6.4.4.4. ~~Construction of driveways if no other reasonable access to the lot is possible and if Conditional Use Determination (CUD) is received from the Vermont Wetlands Office.~~

6.4.5. *General Standards for all Subdivisions and Permitted and Conditional Uses in the Wetlands Overlay District:* No development, dredging, ditching or manipulation of vegetation will be permitted within the Wetlands Overlay District unless in conformity with the Vermont Wetlands Rules.

6.4.5.1. No development, dredging, ditching or manipulation of vegetation will be permitted within the Wetlands Overlay District unless in conformity with the Vermont Wetlands Rules.

6.4.5.2. Construction of driveways, roads, and/or other crossings within the Wetlands Overlay District shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the Standards found in Section 11.1.8.

6.4.6. *Relation to Planned Unit Development (PUD):* In Planned Unit Developments in conformity with Section 10.13 of these regulations, building areas shall not infringe upon the Wetland Overlay District

6.4.7. *Class III Wetlands:* While Class III wetlands that are neither contiguous nor connected to a Class I or II wetland are not governed by the Wetlands Overla**y** District, in the interest of preserving environmental integrity, it is recommended that no structure be located within twenty-five [25] feet of a Class III Wetland.

6.5. River Overlay District

6.5.1. *Purpose:* The purpose of the River Overlay District is to protect life and property by minimizing new development and inappropriate land uses in the floodplain and to protect valuable natural resources important for wildlife, recreation, and Jericho's rural atmosphere. Development should be very limited and new dwellings should not be constructed in this District.

The provisions of the River Overlay District afford greater protection to major watercourses and their floodplains and tributaries than is provided by

NFIP (National Flood Insurance Program) regulations and Section 8 of these regulations. Where conflicts exist, the stricter provisions shall apply.

6.5.2. *Delineation of the District:* The River Overlay District shall consist of the following areas:

6.5.2.1. All 100-Year Floodplain Areas, which are defined as the following:

(a) all areas in the Town of Jericho, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 VSA § 753, which are hereby adopted by reference and declared to be part of these regulations.

(b) All areas that are either within 100 feet measured horizontally of the outside edge of the area of special flood hazard or less than five [5.0] feet above the base flood elevations have been established by FEMA, unless a survey prepared by a licensed surveyor demonstrates that the area is above the Base Flood Elevation. Such a survey shall be prepared at the applicant's expense and shall be subject to Independent Technical Review in accordance with Section 10.8.6 of these regulations.

6.5.2.2. All areas within the following buffers along mapped rivers and streams:

(a) A buffer of thirty-five [35] feet from the top of bank of all streams identified as "first order" on the most recent Jericho Surface Water Map.

(b) A buffer of fifty [50] feet from the top of bank of all streams identified as "second order" on the most recent Jericho Surface Water Map.

(c) A buffer of 100 feet from the top of bank of streams identified as "third order or greater" on the most recent Jericho Surface Water Map.

6.5.2.3. Fluvial Hazard Erosion Areas mapped and defined by the Vermont Department of Environmental Conservation River Management Program

6.5.3. *Amendments to Floodplain Boundaries:* Flood insurance studies and maps are based on small-scale surveys that may not capture all topographical features and inaccurately depict the floodplain boundary in some areas. The River Overlay District may be amended to more accurately reflect the actual floodplain boundary subject to conditional use review and the following:

6.5.3.1. Only land which is naturally above the Base Flood Elevation and outside of prescribed stream buffers may be removed from the River Overlay District. The procedures described below shall not be used to remove areas raised above the Base Flood Elevation through the use of fill or grading from the River

Overlay District. The procedures described below shall not be used to remove areas within the buffers specified in 6.5.2.2 or the Fluvial Hazard Erosion areas specified in 6.5.2.3 from the River Overlay District.

6.5.3.2. The River Overlay District Boundary shall be amended for the entire parcel in question. In removing a portion of a parcel naturally above the Base Flood Elevation from the River Overlay District, all portions of the parcel naturally below the Base Flood Elevation shall be added to the River Overlay District.

6.5.3.3. Prior to applying to the Development Review Board for an amendment to the River Overlay District Boundary, the applicant shall obtain a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), copies of which shall be submitted with the application.

6.5.3.4. A survey prepared by a licensed surveyor, showing the actual floodplain boundary for the entire parcel, based on Base Flood Elevations established by FEMA, shall be submitted with the application. The applicant shall bear the sole responsibility and cost of the survey.

All areas of the parcel located below the Base Flood Elevation shall be identified on the survey, including those not identified as areas of special flood hazard on the flood insurance maps and studies. This survey shall be subject to Independent Technical Review in accordance with Section 10.8.6 of these regulations.

6.5.3.5. Upon determination by the Development Review Board that a parcel or portion of a parcel is naturally above the Base Flood Elevation, that parcel or portion of a parcel shall not be considered within the River Overlay District. Upon such a determination, any other portion of the parcel located below the Base Flood Elevation which is not identified as an area of special flood hazard by the flood insurance maps and studies shall be considered to be within the River Overlay District.

6.5.3.6. Letter of Map Revision – Fill: For the purpose of obtaining lower flood insurance premiums only, FEMA may grant Letter of Map Revision-Fill (LOMR-F) to structures raised above the 100-year flood elevation through the use of fill. A structure or property which has obtained a LOMR-F or similar determination from FEMA shall NOT be considered to have been removed from the River Overlay District.

6.5.4. *Reduction of Stream Buffer Width:* Subject to Conditional Use Review, the Development Review Board may authorize a reduction in the stream buffer required under Section 6.5.2.2 down to an absolute minimum of ten [10] feet upon presentation of an impact study that provides sufficient documentation and justification that even with the reduction, the same or greater degree of water quality protection, wildlife habitat protection, and stream bank stability would be afforded as would be with the full width buffer. In granting such a reduction, the Development Review Board may require additional erosion control or runoff control measures as deemed necessary to protect water

quality and bank stability and/or additional measures to protect wildlife, such as habitat restoration or improvement. An impact study shall meet the following requirements:

6.5.4.1. The Impact Study shall include detailed information regarding runoff and pollutant loading bank stability, and erosion and flood control, including but not limited to the following:

(a) This portion of the Impact Study shall be performed by a registered professional engineer.

(b) Description of the proposed project including location and extent of impervious surfaces, on-site processes or storage of material; the anticipated use of the land and buildings; description of the site including topographic, hydrologic, and vegetative features.

(c) Characteristics of natural runoff on the site and projected runoff with the proposed project, including its rate and chemical characteristics deemed necessary to make an adequate assessment of water quality.

(d) Measures proposed to be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.

(e) Proposed runoff control and reservoir protection measures for the site. These measures shall be designed to ensure that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff is not less than pre-development conditions.

(f) The extent to which the reduced buffer will provide for stream bank stability and flood and erosion control. In no case shall a reduced buffer provide for less stream bank stability, flood control and/or erosion control than would be provided by the prescribed buffer.

6.5.4.2. The Impact Study shall include detailed information regarding impacts on wildlife habitat, including but not limited to:

(a) Analysis of the project's impacts on habitat for fish and other aquatic animals, including impacts on the availability of woody debris and food supply and effects on water temperature in other portions of the water way.

(b) Analysis of the project's impacts on habitat for amphibious and terrestrial organisms, including the reduced buffer's functional capacity as a wildlife corridor.

(c) Description of measures, both on and off site, to improve or maintain the quality of wildlife habitat. The project shall be designed to ensure that the reduced buffer is of equal or greater value than the buffer prescribed by these regulations.

6.5.4.3. The Impact Study shall be subject to Independent Technical Review in accordance with Section 10.8.6 of these regulations.

6.5.5. *Permitted Uses:* The following uses are permitted in the River Overlay District:

6.5.5.1. Agriculture

6.5.5.2. Silviculture/Forestry

6.5.5.3. Farmers markets

6.5.5.4. Recreation, passive

6.5.5.5. Wildlife Management

6.5.6. *Conditional Uses:* The following uses may be permitted in the River Overlay District as Conditional Uses by the Development Review Board in accordance with Section 10.8 of these regulations:

6.5.6.1. Accessory structure/use (only in stream buffer areas defined by Section 6.5.2.2)

6.5.6.2. Recreation, general outdoor

6.5.7. *Relation to Flood Hazard Area Regulations:* All applications for land development in the areas specified in Section 6.5.2.1 shall meet the requirements of Section 8 of these regulations in addition to the requirements of the River Overlay District.

6.5.8. *General Standards for all Subdivisions and Permitted and Conditional Uses in the River Overlay District.*

6.5.8.1. All lands within the stream buffer specified in Section 6.5.2.2 shall be left in an undisturbed, naturally vegetated condition. No development, excavation, landfill, or grading shall occur within the buffer area, and vegetation shall be left in an undisturbed state, with the exception of limited clearing and site development associated with the following ~~allowed~~ encroachments:

(a) Agricultural, not involving the use of structures and conducted in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices;

(b) Forestry, including logging roads, consistent with a written Forest Management Plan and conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices;

(c) The removal of dead, heavily damaged, or diseased trees, or trees that pose an immediate threat to human safety;

(d) Maintenance of lawns, pasturelands, meadows or fields in existence prior to the adoption of these regulations;

(e) Supplemental planting and landscaping with appropriate species to achieve the objective of an undisturbed, naturally vegetated stream buffer;

(f) The control of non-native species of nuisance plants including but not limited to water chestnut, purple loosestrife, reed grass (phragmites), and Japanese knotweed, where such control is by

(i) hand pulling, or

(ii) in accordance with a written plan approved by the Vermont Agency of Natural Resources and under any applicable law;

(g) Bank stabilization or restoration projects, designed and constructed in accordance with applicable state and federal regulations;

(h) Road, rail, driveway and utility crossings;

(i) Pedestrian and recreation paths;

(j) River access such as piers, docks, and boat ramps;

(k) Low Impact Development Stormwater treatment practices meeting the design and maintenance standards of the latest version of the Vermont Stormwater Management Manual; and

(l) Hydroelectric power generation.

6.5.8.2. The creation of new lawns within the stream buffer area is not permitted. Maintenance of lawns in existence prior to the adoption of these regulations shall be permitted. However, property owners are encouraged to return mowed areas to a naturally vegetated state and/or to restore and enhance these areas with landscaping and supplemental planting of natural vegetation.

6.5.8.3. Areas that are not vegetated or that are disturbed during construction shall be seeded with a naturalized mix of grasses rather than standard lawn grasses.

6.5.8.4. For developments subject to DRB review, the Development Review Board may require the applicant to develop and implement management plans for areas subject to the River Overlay District, if it is determined that such measures are necessary based on the conditions of the site and the nature of the proposed use. Such plans shall include measures to protect water quality, bank stability, and wildlife habitat.

6.5.8.5. Construction of driveways, roads, and/or other crossings within the River Overlay District shall require Conditional Use Review by the Development Review Board. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the Standards found in Section 11.1.8.

6.6. Wellhead Protection Area Overlay District

6.6.1. *Purpose:* The purpose of the Wellhead Protection Area [WHPA] District is:

- to promote the health, safety, and general welfare and to conserve the natural resources of the community;
- to protect the ground water and ground water recharge areas of the town from adverse development or land use practices; and
- to preserve and protect present and potential sources of water supply for the public health and safety.

6.6.2. *Delineation of Districts:* The Wellhead Protection Area (WHPA) Overlay District shall consist of the following three areas:

6.6.2.1. **WHPA-1:** A circle of radius 200 feet surrounding each of the water supply wells serving the Jericho Village Water District, the Foothills water supply, the Jericho East water supply, and the Underhill-Jericho Water District, the Jericho Heights water supply, and any other public water supply on the most recent *"Water Source Protection Areas"* map, prepared by the Vermont Agency of Natural Resources Water Supply Division. The above map is herein incorporated by reference and made a part of this ordinance.

6.6.2.2. **WHPA-2:** Wellhead protection areas in active use identified on the most recent *"Water Source Protection Areas"* map prepared by the Vermont Agency of Natural Resources Water Supply Division that are delineated as Zone 2 on the water system's most recent Source Protection Plan.

6.6.2.3. **WHPA-3:** Wellhead protection areas in active use identified on the most recent *"Water Source Protection Areas"* map prepared by the Vermont Agency of Natural Resources Water Supply Division that are delineated as Zone 3 on the water system's most recent Source Protection Plan.

6.6.3. *Permitted Uses:* The following uses are permitted in the Wellhead Protection Area Overlay District

6.6.3.1. **WHPA-1:**

(a) Wildlife management;

(b) Passive recreation;

(c) Proper operation and maintenance of existing dams, splash boards, and other water control, supply and conservation devices;

(d) Maintenance and repair of any existing structure;

(e) Agriculture and forestry provided that fertilizers, herbicides, pesticides and other leachable materials are neither applied nor stored outdoors.

6.6.3.2. **WHPA-2:**

(a) All permitted uses in the WHPA-1 above

(b) Agriculture and forestry

(c) All permitted uses within the underlying district that do not involve the collection, handling, manufacture use, storage, transfer or disposal of hazardous materials or hazardous wastes.

6.6.3.3. **WHPA-3:**

(a) All permitted uses in the WHPA-1 and WHPA-2 above

(b) All permitted uses within the underlying district

6.6.4. *Conditional Uses:* The following uses may be permitted in the Wellhead Protection Area Overlay District as conditional uses by the Development Review Board in accordance with Section 10.9 of these regulations:

6.6.4.1. **WHPA-1:** none

6.6.4.2. **WHPA-2:**

(a) All permitted uses within the underlying district involving the collection, handling, manufacture use, storage, transfer or disposal of hazardous materials or hazardous wastes;

(b) All conditional uses within the underlying district.

6.6.4.3. **WHPA-3:** all conditional uses within the underlying district.

6.6.5. *General Standards for all Subdivisions and Permitted and Conditional Uses in the Wellhead Protection Area Overlay District:*

6.6.5.1. Lot coverage shall not exceed fifty percent [50%] unless the applicant utilizes Low Impact Development practices and techniques to manage stormwater. Such practices shall allow for the on-site reabsorption and treatment of stormwater, such that it will not contaminate or inhibit the recharge of groundwater.

6.6.5.2. As a condition of approval, the DRB may require the applicant to decommission all abandoned wells, including those less than twenty [20] feet deep, located on the property to be developed. The DRB may also require the applicant, at his/her expense, to decommission abandoned wells, including those less than twenty [20] feet deep, located within the Wellhead Protection Area Overlay District on neighboring properties, provided the landowner's permission can be obtained. Abandoned wells shall be decommissioned by a Vermont licensed well driller in accordance with Chapter 21, Parts 11 and 12 of the Vermont Water Supply Rule.

6.6.5.3. All underground storage tanks and pipes carrying hazardous materials, including category four underground storage tanks as defined by the Vermont Department of Environmental Conservation Waste Management Division, shall have a secondary containment system and an inspectable sump, and shall be equipped with interstitial monitoring.

6.6.6. *Conditional Use Standards:* In addition to the Conditional Use Standards in Section 10.9, applications for conditional uses in the Wellhead Protection Area Overlay District shall meet the following standards:

6.6.6.1. Any facility involving the collection, handling, manufacture use, storage, transfer or disposal of hazardous materials or hazardous wastes shall have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or release from the primary containment system.

6.6.6.2. Storage of petroleum products exceeding 1,100 gallons at one locality in one tank or a series of tanks shall be in elevated tanks. Such tanks shall have a secondary containment system and shall be equipped with interstitial monitoring.

6.6.6.3. Any use involving the collection, handling, manufacture use, storage, transfer or disposal of hazardous materials or hazardous wastes shall prepare an acceptable contingency plan for preventing hazardous materials and/or hazardous wastes from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:

(a) **For flood control**, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the Base Flood Elevation. For above ground facilities an impervious dike above Base Flood Elevation capable of containing 100 percent [100%] of the largest volume of storage will be provided with an overflow recovery catchment area (sump).

(b) **For fire control**, plans shall include but not be limited to a safe firefighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.

(c) **For equipment failures**, plans shall include but not be limited to:

(i) Below ground level – removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system;

(ii) Above ground level – liquid and leaching monitoring of primary containment systems, the replacement and/or repair and cleanup of impervious surfaces.

6.6.6.4. The owner and/or operator shall report all incidents involving liquid or chemical material to the Zoning Administrator within seven [7] days of the incident.

6.7. Natural Resources Overlay District

6.7.1. *Purpose:* The purpose of the Natural Resources Overlay District is:

- to preserve wildlife habitat such as deeryards;
- to conserve and protect identified natural areas and natural communities such as significant habitat for flora and fauna; and
- to preserve identified scenic resources such as ridgelines.

6.7.2. *Delineation of District:* The Jericho Natural Resources Overlay District shall consist of the following areas: wildlife habitat, natural areas, natural communities, scenic resources, and natural resource lands.

6.7.2.1. **Wildlife habitat** shall consist of areas which are located in or within 100 feet of any "winter deer range" as depicted on the current version of the Vermont Department of Fish and Wildlife map titled *"Significant Habitat Map",* or have been investigated and confirmed by the Vermont Department of Fish and Wildlife to be deer critical habitat.

6.7.2.2. **Natural areas and natural communities** shall consist of areas designated by the Vermont Natural Heritage Program and indicated on the map titled *"Biological Natural Areas of Chittenden County"* dated January, 1991 which are hereby incorporated by reference and made a part of this section.

6.7.2.3. **Scenic areas** shall consist of the upper 100 feet of elevation of all peaks over 1000 feet in elevation.

6.7.3. *Table of Uses:* The following Table lists permitted and conditional uses in the Natural Resources Overlay District. All uses not enumerated in this table are prohibited.

Use	Natural Areas, Communities	Wildlife Habitat	Scenic Areas
Wildlife management	P	P	P
Passive recreation	P	P	P
Selective timber cutting (for personal use or woodland management)	P	P	P
Agriculture, not involving the use of structures and conducted in accordance with Vermont Department of Agriculture Acceptable Agricultural Practices	P	P	P
Forestry, not involving the use of structures and conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices	P	P	P
Dwellings		PUD	C
Accessory structures		C	C

1) P = *permitted use;* C = *conditional use;* PUD = *use ~~allowed~~ approved only in association with a PUD, and only as prescribed in Section 6.7.5.1,* "Special exception for Planned Unit Developments" *of these regulations.*

6.7.4. *Conditional Use Standards:* In addition to the Conditional Use Standards in Section 10.9, applications for conditional uses in the Natural Resources Overlay District shall meet the following standards:

6.7.4.1. All conditional uses in scenic areas shall be located to minimize the visual impact of siting and clearing, and

6.7.4.2. All conditional uses shall be sited to minimize degradation of the natural resource and erosion of surrounding lands.

6.7.5. *Relation to Planned Unit Development (PUD):* In Planned Unit Developments, in conformity with Section 10.10 of these regulations building areas shall not infringe upon the natural resources overlay district, except as follows:

6.7.5.1. Special Exception for Planned Unit Developments:

Up to twenty percent [20%] of land areas designated "wildlife habitat" pursuant to 6.7.2.1 may be developed as part of a Planned Unit Development when in the opinion of the Development Review Board

(a) there is no other practical possibility for the configuration of building lots outside of the overlay area, and

(b) the proposed location and configuration of building lots minimizes the impact of the development on the overlay area.

7. GENERAL PROVISIONS

7.1. Home Occupations

In accordance with the **ACT** [§4412(4)], no provision of these regulations may infringe upon the right of any resident to use a portion of a dwelling for an occupation that is customary in a residential area and which does not have an undue adverse impact on the character of the residential area in which the dwelling is located. These regulations provide for two [2] levels of home occupations:

- A home occupation with lesser potential impacts on other residences is a permitted use requiring only a zoning permit.
- A home occupation with potentially greater impacts is a conditional use subject to review by the Development Review Board.

Examples of acceptable home occupations include but are not limited to production and/or sales of materials related to dressmaking; preserving or home cooking; repair of portable equipment, small engines or appliances; handicrafts; cabinet making; antiques; photography or art studio; teaching or tutoring of not more than six [6] students simultaneously; day care; the offices of a recognized profession, such as medicine, dentistry, law, architecture, accounting, surveying, or engineering; or the office of a business service, such as real estate or insurance.

7.1.1. *Home Occupation* Permitted

7.1.1.1. The home occupation shall be conducted by the residents of the premises. No additional employees or fellow entrepreneurs shall be active on the premises.

7.1.1.2. The use shall be conducted entirely within a dwelling, occupying not more than one-third of its floor area, or within all or a portion of any accessory building; shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes; and shall not change the character of the building.

7.1.1.3. There shall be no exterior storage of materials or equipment used in the home occupation.

7.1.1.4. Parking for customers of the home occupation shall be provided on the premises and shall not exceed two [2] spaces. Parking for residents of the premises shall be provided in accordance with Section 11.2. No commercial vehicles operated by non-residents, other than delivery trucks in the process of making a delivery, shall be parked on the premises.

7.1.1.5. No ~~traffic shall be generated in substantially greater volumes than would normally be expected from a residential use (i.e.~~ more than ten [10] vehicle trips per day related to the home occupation shall be permitted over an average month.

7.1.1.6. Objectionable noise, smoke, vibration, dust, odors, heat, glare, electrical interference or other nuisance discernible beyond the property shall not be produced.

7.1.1.7. Proper provisions shall be made for the storage, handling and disposal of any toxic or hazardous waste material. The use shall not constitute a health or safety risk to other residences.

7.1.1.8. Principal items to be sold in connection with a home occupation are limited to craft items or items that are assembled, mixed together or created on the premises. Related products in support of those principal items also may be sold.

7.1.1.9. There shall be no exterior display of goods or wares.

7.1.1.10. Signs are subject to the provisions of Section 7.8 and shall not be illuminated.

7.1.2. *Home Occupation* – Conditional use

7.1.2.1. The home occupation shall be conducted by the residents of the premises. No more than three [3] additional employees or fellow entrepreneurs shall be active on the premises.

7.1.2.2. The use shall be conducted entirely within a dwelling, occupying not more than one-third of its floor area, or within all or a portion of any accessory building, and shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes. The character of the building shall be compatible with the neighborhood, as determined by the Development Review Board.

7.1.2.3. Outdoor display of goods and wares and exterior storage of materials and equipment associated with a home occupation shall be limited to a clearly designated yard or storage area approved by the Development Review Board, which meets all applicable setbacks for the district in which the property is located. The DRB may require greater setbacks as deemed necessary to avoid adverse impacts to neighboring properties or public Rights-Of Way. The DRB also may require that such areas be adequately screened year-round from public view and neighboring properties, and secured to protect public safety.

7.1.2.4. Traffic generated by the home occupation shall be compatible with the neighborhood, as determined by the Development Review Board.

7.1.2.5. Objectionable noise, smoke, vibration, dust, odors, heat, glare, unsightliness, electrical interference or other nuisance discernible beyond the property shall not be produced.

7.1.2.6. Proper provisions shall be made for the storage, handling and disposal of any toxic or hazardous waste material. The use shall not constitute a health or safety risk to other residences.

7.1.2.7. The retail sale on the premises of items purchased at wholesale (excepting the antique business, network sales, and internet sales) shall not be considered a home occupation. Sale of other goods shall be as approved by the Development Review Board.

7.1.2.8. Signs shall be subject to the provisions of Section 7.8 and shall not be illuminated.

7.2. Adaptive Use of Existing Structures

7.2.1. *Purpose:* The purpose of this provision is to enable the continued viability of certain old structures within the Town of Jericho that may have outlived their

original or present function by permitting within the current dimensions of said structure certain uses not specifically listed as "permitted" or "conditional" in Section 4.3: "Table of Uses".

7.2.2. *Eligibility:* Structures eligible for adaptive use under this section shall include the following:

7.2.2.1. **Agricultural structures** that meet the following criteria:

(a) constructed prior to 1955,

(b) originally designed or historically used for agricultural purposes, and

(c) can be demonstrated to have historical or architectural significance to the town.

7.2.2.2. **Non-agricultural structures** that meet the following criteria:

(a) constructed prior to 1955 and

(b) can be demonstrated to have historical or architectural significance to the Town.

7.2.3. *Adaptive Uses:* All structures eligible under Section 7.2.2.1 or 7.2.2.2, regardless of their zoning district designation, may be considered by the Development Review Board for the following uses, individually or in combination, subject to conditional use review under Section 10.9:

7.2.3.1. Gallery/Studio/Museum

7.2.3.2. Specialty store limited to the sale of antiques and/or locally-produced arts and crafts

7.2.3.3. Garden Center

7.2.3.4. Personal/Professional Services Type 1

7.2.3.5. Financial Institution

7.2.3.6. Place of Worship

7.2.3.7. Preschool

7.2.3.8. Elementary School

7.2.3.9. Secondary School

7.2.3.10. Vocational School

7.2.3.11. Library

7.2.3.12. General Indoor Recreation

7.2.3.13. Multifamily dwelling. Density shall not exceed two [2] units per minimum lot size, except that affordable or elderly housing shall be limited by lot coverage requirements rather than the number of dwelling units per acre. All such dwelling units shall not exceed 1300 square feet in size, excluding garages, unfinished basements, porches and decks.

In addition, agricultural structures eligible under Section 7.2.2.1 may also be considered for the following uses:

7.2.3.14. Warehousing not involving the storage or distribution of hazardous materials or waste.

7.2.3.15. Light manufacturing which does not produce noise, vibration, or noxious emission discernible beyond the property line.

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. All other conditional use standards in Section 10.9. have been satisfied.

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. **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. **Interruption and resumption.** No nonconforming use shall be resumed if such use is discontinued for any reason for twelve [12] consecutive months, notwithstanding any intention to resume such use.

7.3.1.4. **Objectionable qualities.** No change or adjustment in size, intensity of use, or nature of use shall be granted that is deemed to increase the objectionable quality or qualities of the original non-conforming use including but not limited to, traffic, parking, noise, light and glare, hours of operation, unsightly storage or conditions, objectionable odors, neighborhood character, safety, overcrowding and pollution.

7.3.2. *Nonconforming Structures:* Any structure, group of structures, or parts thereof, existing on the effective date of these regulations, that is not in conformity with them because of failure to meet their requirements of height, lot size, yard size, density or off-street parking or loading, but which conforms with all applicable laws, ordinances, or regulations in force prior to such effective date, may remain but shall not be moved, enlarged, altered, reconstructed, or restored except in strict compliance with the following:

7.3.2.1. **Enlargement, alteration and moving.** Any dimension or measurement may be increased or adjusted up to those dimensions or measurements permitted by these regulations. Such dimensions or measurements not in conformity with those permitted by these regulations may be adjusted only so as to reduce their difference from those required by these regulations, except by variance or waiver from the Development Review Board.

7.3.2.2. **Reconstruction, restoration.** A nonconforming structure that has been damaged or destroyed by fire, explosion, wind or other casualty may be reconstructed or replaced if reconstruction or replacement begins within twelve [12] months from the date of damage or destruction and is substantially completed within twenty-four [24] months of that date (exclusive of time delays due to local, state, or federal permitting processes). If such reconstruction is not undertaken within twelve [12] months, the structure shall be completely razed and cleaned up within eighteen [18] months of the damage. No such replacement shall increase floor area or structural capacity except as authorized under Section 7.3.2.1. The Development Review Board may extend the above time periods in cases of hardship or impracticability.

7.4. Earth Products

7.4.1. *Review Requirements:*

7.4.1.1. **All Districts.** Removal from lots of more than sixteen [16] cubic yards of loam, gravel, stone, fill, sand, or other earth product in any twelve [12] month period, except when incidental to the construction or maintenance of a building on the same lot, or access to such building, shall be considered a conditional use subject to review and approval by the Development Review Board. For the purposes of this section “incidental to construction” is defined to include the area

disturbed in the normal construction of the building to include driveway, foundation, leach field, access to water supply and to provide suitable grading around the house to provide lawn and garden.

7.4.1.2. **Wetlands and River Overlay District.** Filling of lots with loam, gravel, fill, sand, or other earth products shall be a permitted use except within the Wetlands Overlay District, or within the River Overlay District. Filling within these areas shall be prohibited except when occurring in conjunction with one or more of the following uses:

(a) maintenance or repair of existing improvements;

(b) state approved erosion control measures;

(c) state approved wastewater disposal systems;

(d) bridge construction or maintenance;

(e) filling in the River Overlay District necessitated as part of an approved conditional use.

7.4.1.3. **Exemptions.** The provisions of this section shall not apply to normal agricultural or forestry operations, public road construction or maintenance, or the operation of a cemetery, to the extent reasonably necessary for such purpose.

7.4.2. *Submission Requirements*: The applicant seeking conditional use approval for earth removal or filling shall submit a site plan showing the following:

7.4.2.1. Names and addresses of all abutters, including those across any street.

7.4.2.2. Existing grades in the area of fill or excavation and in surrounding areas, together with the proposed finished grades at the conclusion of the operation.

7.4.2.3. Proposed cover vegetation and trees.

7.4.2.4. Depth to water table in the area of any proposed excavation.

7.4.2.5. Timetable for completion of project.

7.4.3. *Criteria for Approval:* In addition to the general requirements for conditional use approval under Section 10.9, the Development Review Board shall consider the following:

7.4.3.1. Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto neighboring properties

7.4.3.2. Soil shall not be disturbed within one hundred [100] feet of the boundaries of the premises, except at the conclusion of operations if required in order to improve the overall grading

7.4.3.3. Removal shall not result in a cover of less than one [1] foot of native, undisturbed material over any water table, such water table elevation to be established at a seasonally high level

7.4.3.4. A restoration plan ensuring that:

(a) All land be so graded that no slope exceeds one [1] foot vertical rise in three [3] feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.

(b) All boulders larger than one-half cubic yard be removed or buried unless such boulders are provided for as part of the plan.

(c) The entire area be covered with not less than four [4] inches of good quality loam that shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover.

7.4.4. *Conditions of Approval:*

7.4.4.1. **Required Conditions.** In granting its approval the Development Review Board shall attach the following conditions:

(a) A restoration plan shall be provided in conformity with Section 7.4.3.4.

(b) A performance bond shall be required in an amount determined by the Development Review Board as sufficient to ensure satisfactory restoration of the site.

7.4.4.2. **Optional Conditions.** In granting its approval, the Development Review Board may also impose additional conditions, including but not limited to:

(a) Limits on the duration of the permit.

(b) Limits on the hours of operation, routes of transportation or amount or type of material moved.

7.4.5. *Release of Performance Bond:* The performance bond required under Section 7.4.4.1(b) shall not be released until sufficient time has passed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

7.5. **Fences**

7.5.1. A fence six [6] feet high or less may be placed up to but not on a property line so that both sides of the fence can be erected and maintained from the property of the person erecting the fence. A building permit is not required.

7.5.2. A fence more than six feet high is a conditional use in all districts subject to approval by the Development Review Board under Section 10.9.

7.5.3. A fence shall be erected so that its "good side" shall face an abutting property or roadway.

7.5.4. No fence may be placed so as to interfere with an adjacent town Right-Of-Way or publicly owned or maintained sidewalk, bikepath or pedestrian way.

7.5.5. All fences shall comply with Section 5.3.4.

7.6. **Swimming Pools**

All swimming pools shall require a building permit and are subject to the following provisions:

7.6.1. Pools shall be considered structures and meet all applicable setback requirements.

7.6.2. All in-ground pools shall be completely enclosed by a fence, natural barrier or other substantial structure not less than four [4] feet in height measured on the outside of the enclosure. Entrance to a pool shall be from a self-latching and self-closing gate.

7.6.3. Above-ground pools need not meet the fencing requirement if entrance to the pool is possible only from the house or through the use of steps or stairs that are portable and are removed when the pool is not in use.

7.7. Sales Permitted in All Districts

7.7.1. *Garage Sales, Other Temporary Sales, Auctions:*

Garage sales and other temporary sales to dispose of personal property (also commonly called "lawn, yard, basement or tag" sales) and auctions shall be permitted in all zoned districts. Temporary sales lasting longer than three [3] consecutive days or ~~nine [9]~~ twelve [12] days per calendar year, respectively, shall be considered to be businesses and, as such, are restricted by other portions of these regulations. All sales shall be conducted between the hours of 8am and 8pm only. One [1] sign no larger in size than 2' x 2' may be installed on the property where the sale is being conducted. The sign shall be displayed only during the sale and shall be removed within twenty-four [24] hours after the sale is concluded.

7.7.2. *Sale of Motor Vehicles:*

The sale of one [1] motor vehicle, whether registered or unregistered, at a time shall be permitted in all zoned districts. Sales of more than one [1] vehicle at a time shall be considered to constitute a business and, as such, are restricted by other portions of these regulations. One [1] sign no larger in size than 2' x 2' may be installed on the property where the vehicle is being sold.

7.8. Signs

The use of signs shall be limited to those purposes that serve the public interest and convenience. This section is enabled under 24 VSA Section 2291(7) in addition to the zoning authority referred to in Section 1.1 of these regulations.

7.8.1. *Permit Required:* A permit issued by the Zoning Administrator shall be required for ~~the erection and maintenance of any sign~~ installation of any new, or substantial modification of any existing sign except as stated in Section 7.8.7 of these regulations. Approval of a sign by any other municipal, state or governmental agency shall not constitute approval for purposes of these regulations.

7.8.2. *Permanent Signs:*

7.8.2.1. **Commercial District**

Up to two [2] signs shall be ~~permitted~~ allowed for each of up to two businesses on a single lot. One [1] sign shall have an area of not more than thirty two [32] square feet and the other not more than six [6] square feet. One [1] additional sign, not more than six [6] square feet, shall be ~~permitted~~ allowed announcing the sale of motor fuel.

In the case of a lot containing more than two [2] businesses, each establishment shall be ~~permitted~~ allowed one sign on its own premises, not to exceed sixteen [16] square feet in area. In addition, one [1] common sign shall be allowed per lot, not to exceed thirty two [32] square feet in area.

7.8.2.2. **Village Center District**

One [1] sign shall be ~~permitted~~ allowed for each of up to two [2] businesses on a single lot, such sign to have an area of not more than sixteen [16] square feet.

In the case of a lot containing more than two [2] businesses, each establishment shall be ~~permitted~~ allowed one [1] sign on its own premises, not to exceed eight [8] square feet in area. In addition, one [1] common sign shall be ~~permitted~~ allowed per lot, not to exceed sixteen [16] square feet in area.

7.8.2.3. **Other Districts**

No premises or property outside the Commercial and Village Center Districts shall have a permanent sign with an area of more than six [6] square feet on each of two [2] sides.

7.8.3. *Temporary Signs:*

7.8.3.1. ~~Commercial and Village Center~~ **All Districts**

In addition to signs ~~permitted~~ allowed in Section 7.8.2, a temporary sign shall be ~~permitted~~ allowed for special events. Such sign shall not exceed thirty two [32] square feet in area and shall not be illuminated. A permit may be issued for one [1] temporary sign up to six [6] times per calendar year for a period not to exceed fourteen [14] days each time.

One [1] sandwich board sign may be ~~permitted~~ allowed per business. Such sign shall not exceed six [6] square feet per side in area and shall not be illuminated.

7.8.4. *Measurement of Sign Area:*

7.8.4.1. In the case of a ~~free standing or~~ permanent or temporary sign or a sign affixed to a structure that is clearly a separate entity, the area of the sign shall ~~consist of~~ be defined by the actual area of the display face. Where such sign is affixed as individual letters or other components or painted on a window or other surface, the area of the sign shall be the area of the smallest rectangle enclosing all of the displayed lettering, logo(s) and/or illustration(s) unless such sign is clearly intended to have some other simple geometric shape, in which case the area shall consist of the area of the intended geometric figure. In the case of a sign bearing messages on two sides only one side shall be used to determine the area.

7.8.4.2. Measurement of sign area for a free standing sign shall not include a permanent sign base that is subordinate in appearance to the sign and contains no lettering, logo(s) or illustration(s). Such permanent sign base requires a permit which may be included as part of the sign permit. If not

included as part of the sign permit, the permanent sign base shall be considered a structure subject to minimum yard setbacks.

7.8.5. *Other Restrictions:*

All signs shall be subject to the following requirements:

7.8.5.1. No sign shall prevent a clear and unobstructed view of official signs or approaching or merging traffic.

7.8.5.2. Illuminated signs shall shield any portion of the main traveled way of a public road and any adjacent properties from direct beams or rays of light.

7.8.5.3. No sign or exterior display shall contain string lighting, pennants, moving parts or similar attention-gathering devices nor shall they contain or support any device capable of emitting noise. No sign or display shall be illuminated by neon, flashing, moving, or intermittent light except one sign per premises in the Commercial District may display an LED indication of time and/or temperature that changes to reflect those markers and messages of a non-commercial nature.

7.8.5.4. No commercial sign shall be erected, attached, or maintained upon any utility pole or Town signpost.

7.8.5.5. No permanent sign shall be erected within or projected into or above any public street or sidewalk Right-Of-Way.

7.8.5.6. No sign shall be erected which is not on or reasonably near the premises of the activity served by the sign.

7.8.5.7. The top of a free standing sign shall not be more than twenty [20] feet high.

7.8.5.8. No sign which is attached to a building, shall extend above its roofline.

7.8.5.9. No sign shall be illuminated during hours when the premises are unoccupied and not open for business.

7.8.5.10. Internally lit signs shall be ~~permitted~~ allowed, in the Commercial District only, provided they are of such low intensity and brilliance as to pose nor hazard or nuisance to nearby dwellings. No sign shall be illuminated between the hours of 11pm and 6am unless the premises on which it is located is open for business.

7.8.5.11. Movable signs (such as folding or sandwich board signs) shall not be permitted, except those ~~permitted~~ allowed under Section 7.8.3.1 or exempt under Section 7.8.7.

7.8.5.12. No sign shall be affixed to a motor vehicle that is unregistered or otherwise not in regular use as a vehicle.

7.8.5.13. The material, texture, and design of a sign should be in harmony with the area in which it is located and should not detract from the overall rural character of the Town. Material shall be as durable and secure as required for the intended use.

7.8.5.14. A sign shall be constructed, affixed, and maintained in such a way that it does not constitute a hazard to vehicular or pedestrian traffic.

7.8.5.15. A permitted sign may be either affixed to the structure occupied or otherwise located on property owned or controlled by the business. Signs advertising specific products or services available within which are not apparent from the nature of the business may be displayed in the windows.

7.8.5.16. All signs that inform the public of goods and services offered shall be nearby or on the premises.

7.8.6. *Maintenance:*

Any sign that advertises a business, product or service no longer available in the Town shall be removed by the owner or permittee of the sign, excepting any sign on or related to an Historic Structure as defined in Section **2**, **GENERAL DEFINITIONS**. Any sign that is deemed to be structurally unsafe by the Zoning Administrator shall be removed or repaired by its owner or permittee.

Appeal from the Administrator's decision shall be to the Development Review Board. Removal or repair shall be completed within the time limit set by the Zoning Administrator but not to exceed thirty [30] days from the date of the notice. In the event of an appeal, the time limit shall be extended to not more than thirty [30] days from the date of the decision of the Development Review Board. If the owner or permittee fails to remove or repair the sign within the period specified above, the Zoning Administrator may cause the sign to be removed, and the owner or permittee shall be liable for the cost of removal.

7.8.7. *Generally ~~Permitted~~ Allowed Signs:*

The following signs shall not require a permit but shall be subject to all other requirements of this section:

7.8.7.1. Signs servicing schools or government offices, provided such signs are permanent and are located on the premises and have an area not to exceed thirty two [32] square feet per side.

7.8.7.2. Small signs for the direction, instruction, or convenience of the public, including signs that identify restrooms, freight entrances, posted areas or the like, activities identified with a neighborhood watch program, or designed to *"… foster growth of agriculture and food based businesses"* in conformity with the Comprehensive Town Plan adopted 17 February 2011, that contain an area not exceeding three [3] square feet, provided such signs are on the premises served by the sign.

7.8.7.3. One temporary real estate "for sale" or "for rent" sign for each lot or part thereof on a public road, provided that such sign does not exceed an area of six [6] square feet on each side for residential real estate signs and sixteen [16] square feet on each side for commercial real estate signs. Both sides of the sign may be used and may list the name of an agent. All temporary real estate signs shall be removed within forty-eight

[48] hours after ~~sale of the property is closed~~ Title is transferred to the new owner.

7.8.7.4. Temporary signs promoting the sale of agricultural products.

7.8.7.5. One temporary non-illuminated sign per lot to be maintained for not more than four [4] weeks erected by fairs or expositions or signs announcing an auction, campaign, drive or other event of a civic, political, philanthropic, or religious nature, not exceeding sixteen [16] feet in area for each of two sides.

7.8.7.6. Non-illuminated signs promoting auctions, garage sales or similar short-term sales.

7.8.7.7. Signs in or on the rolling stock of a common carrier while in use as such and signs painted on or attached to registered and inspected vehicles so as not to change the exterior dimensions of such vehicle provided that any such vehicle is in use as a vehicle. This exemption does not extend to rolling stock or vehicles when their principal use is advertising by signs on them.

7.8.7.8. A temporary, non-illuminated sign not exceeding twenty [20] square feet to advertise an approved subdivision. Such sign shall be removed when seventy-five percent [75%] of the lots have been transferred into individual ownership.

7.8.7.9. Temporary election signs that do not exceed an area of sixteen [16] square feet on each side, posted in accordance with state law for a period of four [4] weeks before an election date. Political signs shall be removed promptly after the election date.

7.8.8. *Nonconforming Signs:*

Any sign that conformed with the regulations in effect at the time of installation may continue in use.

8. FLOOD HAZARD AREA REGULATIONS

Section 8 of the *"Jericho Land Use and Development Regulations"* intends to comply with federal requirements for all areas of special flood hazard in the Town of Jericho. Other sections of the regulations place greater restrictions on the construction of structures within areas of special flood hazard. Where conflicts exist, the stricter provision shall apply.

8.1. Statutory Authorization

To affect the purposes of 10 VSA chapter 32, and in accord with the Vermont Planning and Development Act, 24 VSA Section 4424, there are hereby established special regulations for the management of flood hazard areas in the Town of Jericho.

8.2. Statement of Purpose

It is the purpose of these regulations to:

8.2.1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards;

8.2.2. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property;

8.2.3. Manage all flood hazard areas designated pursuant to 10 VSA § 753; and

8.2.4. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

8.3. Lands to Which These Regulations Apply

These regulations shall apply to the following areas:

8.3.1. All areas in the Town of Jericho, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 VSA § 753, which are hereby adopted by reference and declared to be part of these regulations.

8.3.2. All areas that are either within 100 feet measured horizontally of the outside edge of the area of special flood hazard or less than five [5.0] feet above the base flood elevation where such elevations have been established by FEMA, unless a survey prepared by a licensed surveyor demonstrates that the area is above the Base Flood Elevation. Such a survey shall be prepared at the applicant's expense and shall be subject to Independent Technical Review in accordance with Section 10.8.6 of these regulations.

8.4. Development Permit Required

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the Development Review Board is required for new buildings, substantial improvement of existing buildings, and development in a floodway prior to being permitted by the Zoning Administrator. All development and subdivisions shall be reviewed to ensure that such proposals

minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

8.5. **Procedures**

8.5.1. Prior to issuing a permit, a copy of the application and supporting information shall be submitted by the Zoning Administrator to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 VSA § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of thirty [30] days from the date the application was mailed to the Agency, whichever is sooner.

8.5.2. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least thirty [30] days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8.5.3. The applicant shall submit a Project Review Sheet from the Vermont Agency of Natural Resources for the proposal to the Zoning Administrator as part of a complete building permit application. This review sheet shall identify all State and Federal agencies from which permit approval is required. The applicant shall obtain all such permits prior to the issuing of a building permit.

8.6. **Base Flood Elevations and Floodway Limits**

8.6.1. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.

8.6.2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.

8.6.3. Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one [1] foot at any point within the community.

8.7. **Development Standards**

8.7.1. *Floodway Areas:*

8.7.1.1. Development, or other encroachments, within the regulatory floodway, as determined by Section 8.6, is prohibited unless it has been demonstrated through hydrologic and hydraulic

analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

8.7.1.2. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

8.7.2. *Floodway Fringe Areas:*

8.7.2.1. **All Development** shall be reasonably safe from flooding and:

(a) designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

(b) constructed with materials resistant to flood damage,

(c) constructed by methods and practices that minimize flood damage, and

(d) constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

8.7.2.2. **Residential Development**:

(a) New construction and existing buildings to be substantially improved that are located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to at least one [1] foot above the base flood elevation.

(b) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:

(i) located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one [1] foot above the base flood elevation and be securely anchored to an adequately grounded foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.

(ii) located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely

anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.

8.7.2.3. **Non-Residential Development**:

(a) New construction located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated at least two [2] feet above the base flood elevation.

(b) Existing buildings to be substantially improved located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to at least two [2] feet above the base flood elevation, or together with attendant utility and sanitary facilities be designed so that two [2] feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

8.7.2.4. **Subdivisions**:

(a) New subdivision proposals or other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than fifty [50] lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

(b) Subdivisions (including manufactured home parks) shall be designed to ensure:

(i) such proposals minimize flood damage within the flood-prone area,

(ii) public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) adequate drainage is provided to reduce exposure to flood hazards.

8.7.2.5. **Enclosed Areas Below the Lowest Floor**:

(a) Enclosed areas below the lowest floor that are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

(b) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to

automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two [2] openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one [1] foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

8.7.2.6. **Recreational Vehicles** placed on sites with special flood hazard areas shall be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 8.7.2.2(b).

8.7.2.7. **Accessory Structures** that represent a minimal investment need not be elevated to the base flood elevation, provided the building:

(a) shall not be used for human habitation,

(b) shall be designed to have low flood damage potential,

(c) shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,

(d) shall be firmly anchored to prevent flotation, and

(e) shall have service facilities such as electrical and heating equipment elevated or floodproofed.

8.7.2.8. **Water Supply Systems**, both new and replacement, shall be designed to minimize or eliminate infiltration of flood waters into the systems.

8.7.2.9. **Sanitary Sewage Systems**, both new and replacement, shall be designed to minimize or eliminate infiltration of flood waters into the systems, and discharges from the systems into flood waters.

8.7.2.10. **On-Site Waste Disposal Systems** shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least [1] foot above the base flood elevation.

8.7.2.11. **Watercourse Carrying Capacity** within any altered or relocated portion of a watercourse shall be maintained.

8.8. Duties and Responsibilities of the Zoning Administrator

The Zoning Administrator shall maintain a record of:

8.8.1. All permits issued for development in areas of special flood hazard;

8.8.2. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;

8.8.3. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;

8.8.4. All floodproofing certifications required under this regulation; and

8.8.5. All variance actions, including justification for their issuing.

8.9. **Variances to the Development Standards**

Variances shall be granted by the appropriate municipal panel only in accordance with 24 VSA §4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations. Any variance issued in the area of special flood hazard shall not result in an increase in flood heights. In granting a variance in the area of special flood hazard, the Development Review Board shall include a condition which specifically states that by accepting the variance, the applicant confirms and agrees for him/herself and all successors in interest that he/she is aware that seeking a variance from these regulations will increase risk to life and property and will likely result in increased flood insurance premiums.

8.10. **Warning of Disclaimer of Liability**

These regulations do not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Jericho or any town official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

8.11. **Precedence of Regulations**

The provisions of these regulations shall not in any way impair or remove the necessity of compliance with any other applicable ordinances or regulations. Where these regulations impose a greater restriction, the provisions of these regulations shall take precedence.

8.12. **Enforcement and Penalties**

It shall be the duty of the Zoning Administrator to enforce the provisions of these regulations. Whenever any development occurs contrary to these flood hazard area regulations, the Zoning Administrator, at his/her discretion, shall institute appropriate action in accordance with the provisions of 24 VSA §1974a or pursuant to 24 VSA § 4451 or 24 VSA § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven [7] day warning notice by certified mail. An action may be brought without the seven [7] day notice and opportunity to cure if the alleged offender repeats the violation after the seven [7] day notice period and within the next succeeding twelve months. The seven [7] day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven [7] days, and that the alleged offender will not be entitled to an additional warning notice for the presence of the same violation after the seven [7] days.

If the structure is still noncompliant after the opportunity to cure has passed, the Zoning Administrator shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of:

(a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location,

(b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance,

(c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority,

(d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and

(e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

8.13. **Definitions**

The following definitions apply only to Section 8 of the *"Jericho Land Use and Development Regulations"*. Other definitions are found in Section **2**, **GENERAL DEFINITIONS**.

Base Flood - A term for the **Flood** having a one percent [1%] chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) - The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Existing manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood - Either:

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

Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source (*See* **Flood**).

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

Floodway, Regulatory in Town of Jericho - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one [1] foot at any point.

Land Development - The construction, reconstruction, structural alteration, relocation, or enlargement of any building or other structure or land, or extension of use of land. In the Flood Hazard Area, this definition additionally includes any human-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

Manufactured home park or subdivision - A parcel, or contiguous parcels, of land divided into two [2] or more manufactured home lots for rent or sale.

New construction - For the purposes of determining insurance rates:

- structures for which the "start of construction" commenced on or after the effective date of an initial **FIRM** or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

For floodplain management purposes:

- structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community including any subsequent improvements to such structures.

New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Special Flood Hazard Area - The land in the floodplain within a community subject to a one percent [1%] or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99,

AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous with the phrase "area of special flood hazard".

Start of Construction - Includes substantial improvement, and determined by the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The "Actual Start" refers to either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction includes the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure - For floodplain management purposes:

- a walled and roofed building, including a manufactured home and/or a gas or liquid storage tank, that is principally above ground.

For insurance purposes:

- a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- a manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except "travel trailers" as described above, or a gas or liquid storage tank.

Violation - The failure of a structure or other development to fully conform with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of conformity required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

9. REGULATION OF TELECOMMUNICATION TOWERS AND FACILITIES

9.1. Purpose

The purpose of these regulations is to protect the public health, safety, and general welfare of the citizens of the town of Jericho and of those who visit this community, while accommodating the telecommunication needs of residents and businesses. These regulations shall:

9.1.1. Preserve the character and appearance of the town of Jericho, while allowing adequate telecommunications services to be developed.

9.1.2. Protect the scenic, historic, environmental, and natural resources of the town of Jericho, and property values therein.

9.1.3. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of telecommunications facilities and towers.

9.1.4. Minimize tower and antenna proliferation by encouraging the sharing of existing telecommunications facilities, towers, and sites where possible and appropriate.

9.1.5. Promote the use of existing structures to provide these services.

9.1.6. Facilitate the provision of telecommunications services to the residences and businesses of the town of Jericho.

9.1.7. Minimize the adverse aesthetic, health, and interference effects of towers through careful design and siting standards.

9.2. Authority to Hire Independent Consultants

9.2.1. Upon review of an application for conditional use approval for a tower or telecommunications facility, the Development Review Board may determine that it needs the assistance of an independent consultant or consultants to evaluate the application. Upon making such a determination, it may hire independent consultants, the reasonable costs of whose services shall be paid for by the applicant. Upon such determination, the applicant shall place in escrow sufficient funds to cover such costs, as estimated by said independent consultant(s). These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one of the following fields:

1) telecommunications/radio frequency engineering;
2) structural engineering;
3) assessment of electromagnetic fields; and
4) other fields, if determined necessary by the Development Review Board.

9.2.2. The Development Review Board may provide any independent consultant(s) hired pursuant to this section with the full application for review and analysis.

9.3. Agreement with Federal Law

In addition to other findings required by these regulations, the Development Review Board shall find that its decision regarding an application is intended to be in agreement with federal law, particularly the Telecommunications Act of 1996. These regulations do not:

9.3.1. Prohibit or effectively prohibit the provision of personal wireless services;

9.3.2. Unreasonably discriminate among providers of functionally equivalent services; or

9.3.3. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

9.4. **Exemptions**

9.4.1. The following telecommunications facilities are exempt from the requirements of this section and district height restrictions, ~~Such facilities~~ but shall require a building permit and ~~comply with~~ conform with setback and lot coverage requirements:

9.4.1.1. Police, fire, ambulance, and other emergency dispatch;

9.4.1.2. Amateur (ham) radio, citizens-band radio, and single-use local business radio dispatch.

(a) Television antennae for home use that have an aggregate area of the largest face of the antennae less than eight [8] square feet, and a total installation height of less than twelve [12] feet above the structure to which it is attached, shall not require a building permit.

(b) Satellite dishes for home use that have a diameter less than thirty-six [36] inches.

9.4.1.3. Other antennae used to transmit and/or receive ~~or transmit and receive~~ communications signals on the owner's premises if the aggregate area of the largest face of the antennae is not more than eight [8] square feet, and if the antennae and the mast to which they are attached do not extend more than twelve [12] feet above the roof of that portion of the building to which they are attached.

9.4.1.4. A wireless telecommunications facility that has received a certificate of public good pursuant to 20 VSA § 248a.

9.4.2. No other FCC-licensed telecommunications facility shall be considered exempt from these regulations for any reason, whether or not said facility is proposed to share a tower or other structure with such exempt uses.

9.5. **Conditional Use**

No construction, alteration, modification (including the installation of antennae for new uses) or installation of any tower or telecommunications facility shall commence without a conditional use permit first being obtained from the Development Review Board in accordance with the Section 10.9 of these regulations and this section.

Telecommunications towers or facilities may be permitted as conditional uses in all zoning districts, upon compliance with the provisions of these regulations. An applicant for a tower or telecommunications facility conditional use permit shall be a telecommunications provider. A conditional use permit shall be granted only for a telecommunications facility with a user that has a current FCC license.

In addition to information otherwise required by these regulations, applicants for telecommunications towers or facilities shall include the following supplemental

information:

9.5.1. The exact legal name, address, and telephone number of the applicant, the landowners of record, and any agents of the landowners or applicants. If the applicant is not a natural person, the name and address of the business, the type of business entity, and the state in which it is incorporated and has its principal office shall be provided, as well as an applicant's registered agent and registered office.

9.5.2. The name, address and telephone number of the person to be contacted. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.

If this person cannot be contacted in the event of an emergency, the applicant shall also provide the name, address, and telephone number of someone who is available on a 24-hour basis and is authorized to act on behalf of the applicant in the event of an emergency regarding the structure or safety of the telecommunications facility.

9.5.3. Owner of the property on which the proposed tower shall be located, and the owner(s) of the tower or structure on which the proposed transmitter shall be located. Written permission of the owners to apply for a conditional use permit shall also be submitted along with written permission from the owners of the proposed properties or facilities sites for the Town's independent consultant to conduct any necessary site visits.

9.5.4. The names and addresses of the landowners of record of all abutting properties.

9.5.5. A report from qualified and Vermont-licensed professional engineers that:

9.5.5.1. Describes the telecommunications facility height, design and elevation.

9.5.5.2. Documents the height above grade for all proposed mounting positions for antennae to be collocated on a tower or telecommunications facility and the minimum separation distances between antennae.

9.5.5.3. Describes the tower's proposed capacity, including the number, height, and type of antennae, including manufacturers and model numbers that the applicant expects the tower to accommodate.

9.5.5.4. Provides evidence of need, as described in Section 9.7 of these regulations.

9.5.5.5. Describes the output frequency, number of channels and power output per channel for each proposed antenna.

9.5.5.6. Describes the dimensions, antenna gain (projected and maximum), polarization and radiation pattern (composite pattern for an antenna array), the power input to antennae, including power input in normal use and at maximum output for each antenna and all antennae as an aggregate.

9.5.5.7. Describes the output frequency of the transmitters.

9.5.5.8. For a telecommunications facility with multiple emitters, describes the results of an intermodulation study to predict the

interaction of the additional equipment with existing equipment.

9.5.5.9. Demonstrates the tower's compliance with the municipality's structural standards and setbacks for towers and support structures (*see* Section 9.10.).

9.5.5.10. Provides proof that at the proposed site the applicant will be in at least minimum compliance with all federal, state, and local regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain such compliance regarding both radio frequency interference (RFI) and radio frequency radiation (RFR).

9.5.5.11. Includes other information required by the Development Review Board that is necessary to evaluate the request and its impact upon the health and safety of the residents of Jericho.

9.5.6. For a telecommunications facility to be installed on an existing structure, a copy of the applicant's letter of intent or executed contract with the owner of the existing structure.

The Development Review Board shall ~~allow~~ approve other wireless service providers to co-locate on the approved facility if it is technically feasible on reasonable terms and conditions; provided, however, that there shall be no affirmative obligation on the applicant to increase the height or width of the tower in order to accommodate the equipment of another user, nor shall the applicant be required to engineer the tower to accommodate another user.

9.5.7. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the proposed telecommunications facility.

9.5.8. A copy of the application for an Act 250 permit, if it has been filed with the District Environmental Commission.

9.5.9. Detailed plans for emergency power generation, including:

9.5.9.1. Demonstration of percent of electrical demand being proposed in the event of loss of commercial power.

9.5.9.2. Type of fuel, storage method, and expected means and frequency of fuel delivery to the site for power generation.

9.5.9.3. Amount of generator time, based on historical power reliability for the area of the telecommunications facility, proposed frequency and duration of tests, and description of muffler system and methods for noise abatement.

9.5.9.4. Feasibility of wind and/or solar power in conjunction with storage batteries.

9.5.10. Two [2] cross-sections through the proposed tower, drawn at right angles to each other and showing the ground profile to at least 500 feet beyond the limit of clearing and showing any guy wires or supports. This shall show the proposed height of the tower above average grade at lower base. This shall also show all proposed antennae, including their location on the tower.

9.5.11. Illustration of the modular structure of the proposed tower indicating the

heights of sections which could be removed or added in the future to adapt to changing telecommunications conditions or demands.

9.5.12. A professional structural engineer's written description of the proposed tower structure and its capacity to support additional antennae or other telecommunications facilities at different heights and the ability of the tower to be shortened if future telecommunications facilities no longer require the original height.

9.5.13. A description of available space on the tower, providing illustrations and examples of the type and number of telecommunications facilities that could be mounted on the structure.

9.5.14. An existing conditions plan and proposed site plan as defined in Section 9.6 of these regulations.

9.6. Site Plan Requirements

No construction, alteration, modification (including the installation of antennae for new uses) or installation of any tower or telecommunications facility shall commence without site plan approval first being obtained from the Development Review Board in accordance with the requirements of Section 10.10 of these regulations and this section.

In addition to site plan requirements found in Section 10.10, site plans for telecommunications facilities shall include the following supplemental information:

9.6.1. *Location Map:* a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed tower site. It shall indicate the tower location and the exact latitude and longitude (degrees, minutes, seconds to the nearest tenth).

9.6.2. *Vicinity Map:* at a scale of no smaller than 1 inch = 416 feet (or metric equivalent 1:5,000) with contour intervals no greater than 10 feet (or metric equivalent 3 meters) showing the entire vicinity within a 2,500-foot radius of the tower site, including the telecommunications facility or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites, and habitats for threatened or endangered species and Natural Communities. It shall indicate the property lines of the proposed tower site parcel and all access easements or Rights-Of-Way needed for access from a public way to the tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement.

9.6.3. *Telecommunications Facility Site Map:* A recent survey of the telecommunications facility site at a scale no smaller than 1 inch = 40 feet (1:480 or metric equivalent 1:500), showing horizontal and radial distances of antenna(e) to nearest point on property line, and to the nearest dwelling unit.

9.6.4. *Existing Conditions Plan:* A recent survey of the area within 500 feet of the telecommunications facility site at a scale no smaller than 1 inch = 40 feet (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 5 feet (1.5 meters) contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, existing water wells and springs. It shall show the boundary of any wetlands or flood plains or watercourses, and of any bodies of water included in the Official Flood Hazard Area within 500 feet from the tower or any related facilities or access ways or appurtenances. The survey plan shall have been completed, on the ground, by a Vermont-registered land surveyor no

more than two years prior to the application date.

9.6.5. *Proposed Site Plan:* Showing the entire telecommunications facility site, and all improvements, including landscaping, utility lines, guy wires, screening, and roads, at the same scale as or larger than the Existing Conditions Plan.

9.6.5.1. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building, telecommunications facility, or other. It shall indicate property boundaries and setback distances to the base of the tower and the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements. Where protective fencing is proposed, it shall indicate setback distances from the edge of the fencing.

9.6.5.2. Proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.

9.6.5.3. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or telecommunications lines, and whether underground or above ground.

9.6.5.4. Any direct or indirect wetlands alteration proposed.

9.6.5.5. Detailed plans for drainage of surface and sub-surface water, to control erosion and sedimentation both during construction and as a permanent measure.

9.6.5.6. Plans indicating locations and specifics of proposed screening, landscaping, grading, ground cover, fencing, and additional information that may be required, including any exterior light(s) or sign(s).

9.6.5.7. Plans of proposed access driveway or roadway and parking area at the tower site. This shall include grading, drainage, and traveled width. This shall also include a cross-section of the access drive indicating the width, depth of gravel, paving or surface materials.

9.6.5.8. Plans showing any changes to be made to an existing telecommunications facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking or other infrastructure as a result of a proposed modification of said facility.

9.6.6. *Proposed Tower and Appurtenances:*

9.6.6.1. Plans, elevations, sections and details at appropriate scales but no smaller than 1 inch = 10 feet (1:120).

9.6.6.2. Details of proposed tower foundation, including cross-sections and details. This shall show all ground attachments, specifications for anchor bolts and other anchoring hardware.

9.6.6.3. Detail proposed exterior finish and color of the tower (*See* Section 9.9.6).

9.6.6.4. The relative height of the tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in 10 years.

9.6.7. *Plans of Proposed Telecommunications Facility Shelter:*

9.6.7.1. Floor plans, elevations, and cross-sections at a scale of no smaller than three inch = 1 foot (1:4) of any proposed appurtenant structure, and

9.6.7.2. Representative elevation views, indicating the roof, facades, doors, and other exterior appearance and materials.

9.6.8. *Proposed Equipment Plan:*

9.6.8.1. Plans, elevations, sections and details at appropriate scales but no smaller than 1 inch = 10 feet (1:120).

9.6.8.2. Number of antennae and repeaters, as well as the exact locations of antennae and of any repeaters located on a map, as well as by degrees, minutes, and seconds to the nearest tenth of latitude and longitude.

9.6.8.3. Mounting locations on tower or structure, including height above ground.

9.6.9. *Visibility Maps and Visual Analysis:*

9.6.9.1. A map of view corridors in a zero-to-two-mile radius from the site, shown beginning at true north and continuing clockwise at forty-five-degree intervals. In other words, a minimum of eight views should be presented.

9.6.9.2. A map of the town of Jericho, on which any visibility of the proposed tower from a public way (including all existing public Rights-Of-Way) shall be indicated.

9.6.9.3. The applicant shall also develop and submit to the Development Review Board a written analysis of the visual impact of the proposed tower. This analysis shall include photographs of the balloon test, as described in Section 9.6.10, taken from at least 10 different perspectives within the town of Jericho.

9.6.10. *Balloon Test:*

Within thirty-five [35] days of submitting an application, applicant shall arrange to fly, or raise upon a temporary mast, a three-foot-diameter, brightly colored balloon at the maximum height of the proposed tower and within fifty [50] horizontal feet of the center of the proposed tower. The applicant shall advertise the date, time, and location of this balloon test at 7 and 14 days in advance of the test date in the Burlington Free Press. The applicant shall inform the Jericho Development Review Board and abutting property owners in writing of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least six consecutive hours, between 7:00am and 5:00pm (and/or at least two [2] hours before sunset as posted for the test dates by the National Weather Service) on the dates chosen.

Application for collocation at an existing telecommunications facility shall

not require this balloon test.

9.6.11. Construction sequence and time schedule for completion of each phase of the entire project.

9.6.12. A copy of the information submitted as part of the conditional use permit application.

9.6.13. A copy of GIS Data and Digital Photo Data from analyses if available.

9.7. **Evidence of Need**

9.7.1. *Existing Coverage:* In the case of new tower proposals, the applicant shall demonstrate that existing telecommunications sites and other existing structures within 30 miles of the proposed site cannot reasonably be modified to provide adequate coverage and adequate capacity to the Town of Jericho. If such facilities do exist, it must be shown that they are either technically inadequate or the owner, after a process of good faith negotiation, will not ~~allow~~ approve co-location. It shall be the burden of the applicant to perform a minimal analysis of technical feasibility. The documentation shall include, for each telecommunications facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or monitoring results shall be prepared by the independent engineer and submitted to the Development Review Board, the Health Officer, and abutting property owners, as identified in Section 9.5.4.

In the case of collocated telecommunications equipment, the Health Officer shall have monitoring performed and reported and shall bill all telecommunications providers and the telecommunications facility's owner(s) equally or according to a predetermined proportionality. This monitoring structure, type of antennae, antenna gain, height of antennae on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing telecommunications facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified. Tiled coverage plots showing each of these telecommunications facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.

9.7.2. *Repeaters:* Applicants shall provide written documentation of analysis of the feasibility of repeaters in conjunction with all telecommunications facility sites listed in compliance with Section 9.7.1 to provide adequate coverage and/or adequate capacity to areas lacking such coverage and/or capacity. Tiled coverage plots of all repeaters considered for use in conjunction with these facilities sites shall be provided as part of the application.

9.7.3. *Indirect Service:* Applicant shall demonstrate which portion of a tower or structure and which antennae, if any, are to reduce or eliminate reliance on land-lines, or otherwise provide telecommunications capability to the applicant, as opposed to providing direct service to customers. Such provision of indirect service may be considered if reasonable alternatives are not available and the incremental effect is consistent with the purposes set forth in Section 9.1 of these regulations.

9.7.4. *Five-Year Plan:* All applications shall be accompanied by a written five-year plan for the utilization of the proposed facilities. This plan should include justification for capacity in excess of immediate needs, as well as plans for any further development within the town.

9.8. **Legal and Technical Documentation**

9.8.1. *Federal Permits:* Applicant shall submit to the Development Review Board copies of all pertinent submissions and showings pertaining to: FCC permitting/licensing; Environmental Assessments and Environmental Impact Statements; FAA Notice of Construction or Alteration; aeronautical studies; all pertinent data, assumptions, and calculations relating to service coverage; and all pertinent calculations and/or measurement data related to non-ionizing radiation emissions and exposure, despite whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.

9.8.1.1. Applicant: If any applicant is not a natural person, it shall also give the type of business entity and the state in which it is registered.

9.8.1.2. Person to whom correspondence or telecommunications in regard to the application are to be sent: Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant.

9.8.1.3. Person to be contacted in the event of an emergency involving the telecommunications facility: This should be someone available on a twenty-four [24] hour basis and authorized by the applicant to act on behalf of the applicant regarding an emergency situation.

9.8.1.4. An emergency plan to be implemented in the event that the tower structure is deemed unsafe through inspection as described in Section 9.11.6. The plan shall include measures to warn abutting landowners of an unsafe situation, to evacuate a zone where injury or property damage may occur, and to notify local authorities.

9.8.1.5. Owner of the property on which the proposed tower shall be located, and of the owner(s) of the tower or structure on which the proposed telecommunications facility shall be located: Written permission of the owner(s) to apply for a conditional use permit shall also be submitted along with written permission from the owner(s) of the proposed properties or facility sites for the Town's independent consultants, to conduct any necessary site visits.

9.8.1.6. Names and addresses of the owner(s) of record of all abutting properties.

9.8.2. *Surety:* Details of proposed method of financial surety as required in sections 9.9.2 (Landscaping/Screening) and 9.16 (Abandoned, Unused, Obsolete, Damaged, or Dangerous Towers or Portions of Towers) of these regulations.

9.9. **General Project Requirements**

9.9.1. *Access Roads and Utilities:* Where new telecommunications towers and facilities require construction of or improvement to access roads, to the extent practicable, roads shall follow the contour of the land and be constructed or improved within existing forest or forest fringe areas, and not in open fields. Utility or service lines shall be designed to be located underground.

9.9.2. *Landscaping/Screening:* Natural or planted vegetative screening or other

screening should be considered at the perimeter of the site as needed to ensure that ground equipment and structures associated with the tower or telecommunications facility are normally hidden from adjacent public roadways to create an effective year-round visual buffer. Existing on-site vegetation outside the immediate site for the telecommunications facility shall be preserved.

The Jericho Tree Warden and/or Jericho Conservation Commission shall be consulted to determine the types of trees and plant materials and depth of the needed buffer based on-site conditions. Disturbance to existing topography shall be minimized, unless the disturbance is demonstrated to result in less visual impact on the telecommunications facility from surrounding properties and other vantage points. Applicant shall obtain a financial surety to cover the cost of the remediation of any damage to the landscape which occurs during the clearing of the site.

9.9.3. *Fencing and Signs:* The area around the tower and telecommunications facilities shelters shall be completely fenced and gated for security to a height of six [6] feet. Use of razor wire is not permitted. A sign no greater than two [2] square feet indicating the name of the telecommunications facility owner and a twenty-four [24] hour emergency telephone number, either local or toll-free, shall be posted adjacent to the entry gate. In addition, radio frequency radiation (RFR) warning signs, and the federal tower registration plate, where applicable, shall be posted on the fence or as required to meet federal requirements. “No Trespassing” signs may be posted at the discretion of the telecommunications facility/tower owner.

9.9.4. *Telecommunications facilities, shelters, and accessory buildings:* Shall be designed to be architecturally similar and compatible with each other, and shall be no more than twelve [12] feet high. The buildings shall be used only to house equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.

9.9.5. *Height of Towers:* New towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Applicant may submit a request for additional height to accommodate future sharing, or to provide indirect service as described in Section 9.7.3 and shall provide design information to justify such additional height. Repeaters shall not be closer than twenty-five [25] feet to the ground.

9.9.6. *Tower Finish:* New towers shall have a galvanized finish unless otherwise required. The Development Review Board may require the towers to be painted or otherwise camouflaged to minimize the adverse visual impact.

9.9.7. *Tower Sharing:* Towers shall be of a type, which will maximize potential sharing. Lattice-type structures are preferred, but where a monopole is required, the applicant shall demonstrate through submissions to the Development Review Board the future utility of such structure for expansion of service for applicant and other future applicants.

9.10. Tower and Antenna Design Requirements

Proposed facilities shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor or other special features as described in the Jericho Comprehensive Town Plan. Height and mass of facilities shall not exceed that which is essential for its intended use and public safety.

9.10.1. Towers, antennae, and any necessary support structures shall be designed to blend into the surrounding environment through the use of color camouflaging and architectural treatment, except in cases in which the Federal Aviation Administration (FAA) or other state or federal authorities have dictated color.

9.10.2. In order to protect public safety and to preserve the scenic character and appearance of the area, the height limit for towers, antennae and tower-related fixtures shall be not more than twenty [20] feet above the average height of the tree line measured within 100 feet of the highest vertical element of the telecommunications facility. Notwithstanding the above, additional height may be approved upon a finding by the Development Review Board that the additional height is necessary in order to provide adequate coverage in the town of Jericho or to accomplish collocation of facilities and that the additional height will not cause an undue visual impact on the scenic character or appearance of the area.

9.10.3. All buildings and structures accessory to a tower (except for electric power poles where specifically exempted by the Development Review Board) shall meet the minimum setback requirements of the underlying zoning district or setback requirements specified in Section 9.10.5 of these regulations, if those are stricter. In no case shall the minimum distance from the tower to any property line be less than the height of the tower, including antennae and other vertical appurtenances.

9.10.4. Ground-mounted equipment or antennae associated with the tower or telecommunications facility, as well as buildings and structures accessory to a tower, shall be hidden from adjacent public roadways through the use of natural or planted vegetative screening, except where a design of non-vegetative screening would better complement the architectural character of the surrounding neighborhood. Existing on-site vegetation outside the immediate site for the telecommunications facility shall be preserved. Disturbance to existing topography shall be minimized unless the disturbance is demonstrated to result in less visual impact on the telecommunications facility from surrounding properties and other vantage points.

9.10.5. *Setback Requirements:* No free standing tower shall be located closer than 300 feet to a dwelling unit or less ~~closer~~ than twenty-five [25] feet in height from grade ~~to the ground~~. No freestanding tower, including guy-wire anchors and protective fencing, if any, shall be located:

9.10.5.1. Closer than 300 feet horizontally to any boundary of the site on which the tower is located, or the height of the tower, whichever is greater.

9.10.5.2. Closer than 1,500 feet horizontally to any structure existing at the time of application which is used as a primary or secondary residence, to the property of any school (both public and private), hospitals, senior centers, schools, child care facilities, or to any other public building. Primary or secondary residences are those dwelling units that include toilet facilities and facilities for food preparation and sleeping.

9.10.5.3. Within the habitat of any state-listed rare or endangered wildlife or plant species, or Natural Community.

9.10.5.4. Within 300 feet horizontally of any Vermont or federally regulated wetland.

9.10.5.5. Within 300 feet horizontally of the outer riparian zone, measured horizontally from any river or perennial streambank, or within the 100-year floodplain, whichever is greater.

9.11. **Structural Integrity and Safety**

9.11.1. *Structural Inspection:* Tower owners shall arrange for an independent consultant (a licensed professional structural engineer) to conduct inspections of the tower's structural integrity and safety. Guyed towers shall be inspected every three [3] years. Monopoles and non-guyed lattice towers shall be inspected every five [5] years. A report of the inspection results shall be prepared by the independent consultant, and a copy shall sent to the Zoning Administrator within ten [10] business days, in addition to any notification required under these regulations. In the event of any major modification of the existing tower, which includes changes to tower dimensions or number or types of antennae, the tower owner shall immediately perform a new structural inspection and deliver it to the Zoning Administrator.

9.11.2. *Unsafe Towers:* Should the inspection of any tower reveal any structural defect which, in the opinion of the independent consultant, renders that tower unsafe, the tower owner shall undertake the following actions:

9.11.2.1. Immediately upon notification of any structural defects which render a tower unsafe, post warnings of same at access points to the tower; notify appropriate emergency authorities; notify the Zoning Administrator, and notify the owners of record of the abutting properties within the unsafe area (minimally a 360-degree area the radius of the height of the tower); when appropriate, in consultation with emergency authorities, restrict access to the unsafe area and/or encourage evacuation of residents.

9.11.2.2. Within ten [10] business days of notification of any structural defects which may render a tower unsafe, submit to the Zoning Administrator a plan to remedy the structural defects as soon as reasonably possible. The tower owner shall initiate this remediation plan within ten business days of its submission.

9.12. **Amendments to Existing Telecommunications Facility Permit**

In the event of an alteration or addition to a previously approved telecommunications facility, the tower owner shall submit to the Development Review Board an application for a permit amendment when any of the following are proposed:

9.12.1. Change in the number of buildings or facilities permitted on the site;

9.12.2. Material change in technology used by the telecommunications facility; or

9.12.3. Addition or change of any equipment resulting in greater visibility or structural windloading, or additional height of the tower, including profile of additional antennae, not specified in the original application.

9.13. **Tower Lighting, Signage, Noise Generated by Telecommunication Facility**

Towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA or other federal or state authority, without alternative, for a particular tower because of its height. In the event that any

lighting is required solely as a result of height and where more than one type of lighting may be used, the owner of the tower shall ask for a review by the Development Review Board. The Development Review Board may require that tower heights be reduced to eliminate the need for such lighting or that a more suitable location be selected.

9.13.1. No commercial signs or lettering shall be placed on towers.

9.13.2. Manually operated emergency lights are permitted for use only when telecommunications facility operating personnel are on site.

9.13.3. The owner of the facilities shall take reasonable measures to minimize noise from the operation of any machinery or equipment, as detected at the site perimeter.

9.14. **Antennae Mounted on Structures, Roofs, Walls and on Existing Towers**

Antennae mounted on structures, roofs, and walls, and on existing towers shall be subject to these regulations, except as exempted under Section 9.4.

9.15. **Temporary Wireless Telecommunications Facilities**

Any telecommunications facility designed for temporary use is subject to the following:

9.15.1. Use of a temporary telecommunications facility is permitted only if the owner has received a temporary use permit from the Development Review Board.

9.15.2. Temporary telecommunications facilities are permitted for no longer than five [5] days use during a special event.

9.15.3. The maximum height of a temporary telecommunications facility is fifty [50] feet from grade.

9.15.4. Temporary telecommunications facilities shall comply with all applicable sections of this Zoning regulation.

9.16. **Abandoned, Unused, Obsolete, Damaged or Dangerous Portions of Towers**

Abandoned or unused towers or portions of towers, antennae or associated facilities shall be removed as follows:

9.16.1. The owner of a telecommunications facility/tower and owners of collocated antennae, shall annually, on January 15, file a declaration with the Town of Jericho's Zoning Administrator certifying the continuing safe operation of every telecommunications facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the telecommunications facility/tower is no longer in use and is considered abandoned.

9.16.2. Abandoned or unused towers, antennae and associated facilities shall be removed within 180 days of cessation of operations at the site, unless the Development Review Board approves a time extension. In the event the tower is not removed within 180 days of the cessation of operations at a site, the Zoning Administrator shall send the owner of the tower a Notice of Zoning Violation and, following the expiration of the period for remediation of the violation, shall request the Town of Jericho to remove the tower, Antennae and all associated facilities. Costs of removal shall be assessed against the tower and Antenna owner.

9.16.3. Unused portions of towers shall be removed by a tower owner within 180

days of the time that such portion is no longer used for antennae. The replacement of portions of a tower previously removed shall require the issuing of a new telecommunications facility conditional use permit by the Development Review Board.

9.16.4. An owner who has failed to file an annual declaration with the Zoning Administrator by January 15 may, by February 15, file a declaration of use or intended use and may request the ability to continue use of the telecommunications facility/tower.

9.17. **Maintenance of Telecommunications Facilities Insurance**

The telecommunications facility owner shall maintain adequate property and liability insurance on all telecommunications facilities within the town of Jericho. The permittee shall arrange with the insurance carrier for original certificates of insurance for all renewals or cancellations of said insurance coverage to be delivered to the office of the Zoning Administrator.

9.18. **Fees**

A schedule of fees for towers and telecommunications facilities permitting and renewal, for any monitoring of exposure, for inspection of structures, or for other related purposes shall be established by the Selectboard, as provided for in 24 VSA Section 4446. This schedule may be amended from time to time.

9.19. **Definitions**

The following definitions apply only to Section 9 of the *"Jericho Land Use and Development Regulations"*. Other definitions are found in Section 2, **GENERAL DEFINITIONS**.

Adequate capacity - A determination made on a grade of service of p.05 or better for at least fifty percent [50%] of the days in a preceding month, prior to the date of application, as measured using direct traffic measurement of the telecommunications facility in question, where the call blocking is due to frequency contention at the antenna[e].

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

Affiliate - When used in relation to an operator:

- another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest.

When used in relation to the municipality:

- any agency, board, authority or political subdivision affiliated with the municipality or other person in which the municipality has legal or financial interest.

Antenna - A device for transmitting and/or receiving electromagnetic waves, which is attached to

a tower or other structure, which stands alone.

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

Antenna support structure - Any pole, telescoping mast, tower tripod, or other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

Applicant - A person who applies for a telecommunications facility siting. An applicant is the telecommunications service provider or its agent of record.

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

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

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

Channel - The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

Collocation - Locating wireless telecommunications equipment from more than one provider on a single site.

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

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

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

FCC - Federal Communications Commission, the government agency responsible for regulating telecommunications in the United States.

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

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

Interference - An undesirable effect caused by electromagnetic signals.

- Type 1 interference refers to interference regulated by the FCC and affecting other FCC licensees or other entities over which the FCC has jurisdiction.
- Type 2 interference refers to electromagnetic disturbances to business, institutional,

medical, and home electronic equipment.

Location - References to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true north.

Modification of an existing telecommunications facility - Any change, or proposed change, in power input or output, number of antennae, change in antenna type(s) or model(s), repositioning of antenna(e), or change in number of channels per antenna above the maximum number approved under an existing permit.

Modification of an existing tower - Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennae and/or equipment.

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

Permit - An official action or document, which sets forth the rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its telecommunications facility within the boundaries of the municipality.

Permittee - An applicant who is granted a permit for a tower and/or telecommunications facility.

Radial-plots - Radial plots are the result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial. A threshold plot uses a mark to indicate whether that point would be strong enough to provide adequate coverage C i.e., the points meeting the threshold of adequate coverage. The drawback is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials. Area of interest: As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. This method requires substantially more topographic data and longer (computer) execution time than radial plots, but is preferable for comparative analysis.

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

Roof and/or building-mount telecommunications facility - A telecommunications facility in which antennae are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

Scenic view - A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures. A scenic view may present from either a stationary viewpoint or as one travels along a roadway, waterway, or path. A view may be to a faraway object, such as a mountain, or a nearby object.

Temporary wireless telecommunications facilities - Any tower, pole, antenna, or other device designed for use while a permanent wireless telecommunications facility is under construction or for a special event or conference where a majority of people attending are wireless users.

Tiled-coverage plots - Tiled plots result from calculating the signal at uniformly spaced locations on a rectangular grid, or tile, of the area of concern. Unlike radial plots, tiled plots provide a uniform distribution of points over the area of interest, usually the same grid will be used as different sites are examined, and it is not necessary that the transmitter site be within the grid or and activities.

Site - A property, or any part thereof, that is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility and required landscaping are located.

Structurally able - A determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(e) under all reasonably predictable conditions as determined by professional structural engineering analysis.

Telecommunications equipment shelter - A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions.

Telecommunications facility - All equipment (including repeaters) with which a telecommunications provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment or any part thereof, and locations of equipment with which a telecommunications provider transmits and receives the waves which carry their services. This facility may be sited on one or more tower or structure owned and permitted by the provider or its agent of record.

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

Telecommunications provider - An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

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

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

View corridor - A three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

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:

- 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, 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:

10.2.2.1 Accepted agricultural (AAPs) and management (AMPs) practices for silviculture as defined by their respective regulating agency or department. Such development, however, shall be recorded by the Clerk in the Town's Land Records.

10.2.2.2. Net-metered power generation and transmission facilities as regulated by the Department of Public Service.

10.2.2.3. "De Minimis" land development including but not limited to:

(a) Normal maintenance, repair, renovation, or replacement of an existing structure that does not result in exterior alterations or expansion of a building footprint, or a change in use.

(b) Wholly subterranean structures excluding in-ground swimming pools, or exterior alterations to structures that do not result in any change to the footprint, height, or location of the structure, or a change in use.

(c) Demolition of structures, including removal of debris from fire, flood, or storm damage.

(d) Interior alterations or repairs to a structure that do not result in exterior alterations or expansion or a change in use, or impact the approved septic capacity.

(e) Residential entry stairs (excluding decks and porches), and walkways. Such structures, however, shall conform with setbacks defined in these regulations, and shall be recorded by the Clerk in the Town's Land Records.

(f) Handicap access ramps, which shall be exempt from setback regulations but which shall be recorded in the Land Records.

(g) Fences less than six [6] feet in height, or walls less than four [4] feet in height. Such structures, however, shall not extend into or obstruct public Rights-Of-Way, or interfere with corner visibilities or sight distances for vehicular traffic.

(h) Minor grading and excavation associated with road and driveway maintenance or drainage, excluding extraction and quarrying activities regulated under §7.4.1.

(i) Outdoor recreational pursuits and trails (e.g., walking, hiking, riding, cross-country skiing and snow mobile trails) and playing fields on private property which do not require the installation of structures or parking areas.

(j) Small accessory buildings associated with residential uses that conform with §5.9.3, have less than 64 square feet of floor area, and are less than eight [8] feet in height, and are not located within required setback areas.

(k) Signs as generally permitted under §7.8.7, and displays as generally permitted under §4.5.17.2.

(l) Garage sales, yard sales, auctions or similar activities that do not exceed three [3] consecutive days, nor more than twelve [12] total days in any calendar year.

(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. 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 ~~may be issued~~ 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

10.3.2. *New Construction, Subdivision and Creation of Two or More New Lots:* An applicant may submit a permit application for review, and the Town may condition the issuing of a final permit upon an approved wastewater and potable water supply permit under chapter 64 of Title 10.

10.4. ~~**Road**~~ **Access Permits - Roads and Driveways**

All private roads, private drives and Rights-Of-Way proposed to intersect a town-owned road shall conform with Access Standards adopted by the Selectboard, as most recently amended. Access permits are valid for one [1] year from the date of issue. All new access points onto a State highway or within a State Right-Of-Way are subject to approval by the Vermont Agency of Transportation.

10.4.1. Curb cuts shall be limited to one per residential property.

10.5. **Water Service**

Any connection to a public water supply system shall be subject to approval by the Jericho Village Water District or the Underhill Jericho Water District. All community water systems and individual wells shall be subject to the Vermont Agency of Natural Resources Wastewater System and Potable Water Supply Rules and the Vermont Water Supply Rules, as most recently amended.

10.6. **Certificates of Occupancy**

10.6.1. *Applicability:* ~~No~~ Any occupancy or use of any land or structure requiring conditional use or site plan approval from the Development Review Board, or any new dwelling, or addition of a bedroom to an existing dwelling ~~struction of a new septic capacity, water supply and/or public road access may take place prior to~~ shall require the issuing of a Certificate of Occupancy by the Zoning Administrator.

10.6.2. *Application Requirements:* An application for a Certificate of Occupancy shall be filed with the Zoning Administrator upon completion of the project on a form provided by the ~~municipality~~ Town. Required application fees, as set by the Selectboard, also shall be submitted with each application.

10.6.2.1 If need is demonstrated by the applicant, a Certificate of Occupancy may be issued when the project is only "substantially" complete.

10.6.3. *Action by the Zoning Administrator:* Within fifteen [15] days of receipt of a complete application, including all application materials and fees, the Zoning Administrator shall act to issue or deny a Certificate of Occupancy in writing. If the Zoning Administrator fails to act within the fifteen [15] day period, a permit shall be deemed issued on the sixteenth [16th] day. A Certificate of Occupancy shall not be issued until the Zoning Administrator determines that the use of the structure or land conforms with all ~~necessary permits and approvals~~ terms and conditions of all permits and approvals.

10.6.4. *Additional Requirements:* Requirements for notification of appeal periods, posting, recording and filing of a Certificate of Occupancy shall be the same as for a Zoning Permit as specified in Sections 10.2.2 and 10.2.3.

10.7. **Boundary Adjustment**

10.7.1. *Applicability:* Any boundary adjustment must satisfy the requirements of this section. Boundary adjustments shall require review and approval by the Zoning Administrator and shall be submitted for filing with the Town Clerk. If the total acreage transferred as a result of a boundary adjustment exceeds the minimum lot size in the district in which the property is located, the boundary adjustment shall be treated as a minor subdivision.

10.7.2. *Boundary Adjustment Standards:* All boundary adjustments shall meet the following standards:

10.7.2.1. No new lots shall be created

10.7.2.2. No existing lot or structure is made non-conforming or more non-conforming

10.7.2.3. No roads, Rights-Of-Way, or public facilities shall be impacted

10.7.3. *Application Requirements:* An application for a boundary adjustment shall be filed with the Zoning Administrator and shall include the following:

10.7.3.1. Completed zoning permit application ~~form~~

10.7.3.2. New Plans and Drawings including:

(a) Date, scale, and true North arrow;

(b) The name, license number, and seal of the registered land surveyor who prepared the plans;

(c) Bearings and distances of boundary lines of each lot, monumentation of all lot corners, and all easements; and

(d) The following language, *"Approval of this boundary adjustment does not constitute creation of a separate parcel or lot of land. It simply adjusts the physical location of the common boundary of the adjoining parcels or lots. Any future subdivision of these parcels or lots must be approved by the Development Review Board. This lot line adjustment has been approved pursuant to Section 10.7 of the Town of Jericho Land Use and Development Regulations."*

10.7.4. *Action by 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 the boundary adjustment in writing or to refer the application to the Development Review Board for consideration as a minor subdivision. If the Zoning Administrator fails to act within the thirty [30] day period, a Boundary Adjustment shall be deemed issued on the thirty-first [31st] day.

10.7.5. *Recording of Mylar:* Once approved or issued, the applicant shall submit a copy of the mylar, bearing the Zoning Administrator's or Development Review Board Chair's endorsement, to the Town Clerk. The applicant shall pay any fees required to file the mylar. Boundary adjustment approval shall expire if the mylar is not filed with the Town clerk within 180 days of approval.

10.8. **Development Review Board Procedures**

10.8.1. *Concurrent Review:* Where an application is subject to two [2] or more types of review by the Development Review Board, attempts shall be made to conduct review procedures concurrently. (For a list of types of review, see Section 10.1).

10.8.2. *Sketch Plan Review:* Applicants are encouraged to participate in a Sketch Plan Review, which is an informal public hearing with the Development Review Board to explore options in a preliminary manner with minimal expense involved. Sketch Plan Review provides the applicant an opportunity to consult early with the Development Review Board prior to expending time and resources on detailed engineering plans. No formal decision is taken at this time, and no specific data is required for this review. Conceptual plans, layouts, and elevations may be discussed. The Development Review Board may make recommendations for modifications or changes in subsequent submissions, or requests for additional studies or supporting documentation. If an applicant elects not to participate in Sketch Plan Review, he or she shall indicate so on the application form.

10.8.3. *Review Process:* The procedures of this section shall apply to all applications reviewed by the Development Review Board.

10.8.3.1. Applications to the Development Review Board shall include the following information:

- Completed application form signed by the landowner and applicant
- Two [2] full-size and seven [7] reduced (11" x 17") copies and electronic files of a plan containing all pertinent items from the development review checklist
- Any additional letters or supporting documents required by the development review checklist
- Application fee.

The Zoning Administrator shall determine if any required items are not pertinent and shall determine when an application is complete.

10.8.3.2. Upon submission of a complete application, a public hearing of the Development Review Board shall be warned in accordance with the **ACT** [§4464]. Any revisions made to the application shall be submitted to the Zoning Administrator at least one week prior to the public hearing, unless such revisions are requested by Town Staff.

10.8.3.3. The Development Review Board may recess proceedings on any application pending the submission of additional information. The Board shall adjourn the hearing promptly after all parties have submitted requested information and all parties present for the hearing have had the opportunity to be heard.

10.8.3.4. The Development Review Board shall act to approve, approve with conditions, or deny an application within forty-five [45] days of the date that the public hearing is adjourned. The

Board shall issue a written decision to include findings, conditions of approval, and provisions for appeal to Environmental Court in accordance with the **ACT** [§4464(b)]. The decision shall be sent by certified mail to the appellant within the forty-five [45] day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing. All decisions shall be recorded in the land records of the Town. If the Board fails to act within the forty-five [45] day period, the application shall be deemed approved on the forty-sixth [46th] day, provided the applicant seeks court affirmation of the deemed approval by direct appeal to the Environmental Court.

10.8.3.5. In granting an approval, the Development Review Board may attach such reasonable conditions as it may deem necessary to implement the purpose and standards for a specified type of review and to ensure the proper installation of required improvements.

10.8.3.6. If the Development Review Board finds that the proposed use does not satisfy the purpose and standards of the specified type of review, and that reasonable conditions cannot be attached to the approval to ensure that they will be met, it shall deny the application.

10.8.4. *Referral to Conservation Commission:* Prior to the public hearing, a copy of the application shall be submitted to the Conservation Commission for comment, if such a Commission is designated by the Selectboard.

10.8.5. *Site Visits:* To verify the location of proposed improvements and to evaluate conformity of the application with standards of these regulations and the Jericho Comprehensive Town Plan, the Development Review Board may make a site visit and require the applicant's attendance at the site visit.

10.8.6. *Independent Technical Review:* Pursuant to the **ACT** [§4440(A)], the Development Review Board may require an applicant to pay for the reasonable costs of an independent technical review of the application, or related legal documents. Accordingly:

10.8.6.1. The Development Review Board shall prepare a detailed scope for the technical review. The scope shall be strictly limited and relevant to specific review criteria upon which the Board is required to base its decision on the application and shall require that the review be completed in a timely manner, as specified by the Board.

10.8.6.2. The Board, in consultation with the Selectboard, shall retain a competent and, where applicable, licensed individual or company qualified in the pertinent field(s) to conduct the independent review.

10.8.6.3. The cost of the review shall be paid for by the applicant, in accordance with procedures established by the Selectboard.

10.9. **Conditional Use Review**

10.9.1. *Purpose:* Conditional use review is intended to subject specified uses to more careful scrutiny because of the potential for adverse impacts to adjoining properties, the neighborhood, or the community at-large.

10.9.2. *Applicability:* Before the Zoning Administrator may issue a Zoning Permit, a conditional use requires approval of the Development Review Board subject to the procedures of Section 10.8. Conditional uses are those specified for a given zoning district in the Table of Uses in Section 4.3. A use designated as a conditional use shall not require separate site plan review. Site plan review standards, submission requirements and approval conditions in Section 10.10 shall become part of the conditional use review standards.

10.9.3. *Standards:* In granting approval for a conditional use, the Development Review Board shall determine the area likely to be affected, and that the use shall not result in an undue adverse effect on any of the following general standards from the **ACT** [§4414(3)(A)]:

10.9.3.1. The capacity of existing or planned community facilities. The Development Review Board shall determine that facilities (e.g. water, sewer, schools, fire protection, roads) are reasonably available to serve the use or are planned to serve the proposed use at its anticipated time of occupancy.

10.9.3.2. The character of the area affected as defined by the purpose of the zoning district in which the use is located, and by specifically stated policies and standards of the Jericho Comprehensive Town Plan. At a minimum, the Development Review Board shall determine that:

(a) nuisance or hazard will not be created to the detriment of the health, safety, or welfare of the occupants of the proposed use or the citizens of Jericho;

(b) the proposed use, including any building associated with the use, will be in general harmony with the character of the surrounding neighborhood and will not adversely impact abutting residences or other property; and

(c) the proposed use, including any building associated with the use, will be compatible with the stated purpose of the zoning district in which the use will be located.

10.9.3.3. Traffic on roads and highways in the vicinity: The Development Review Board shall determine that traffic generated or patterns of access or egress will not cause congestion, hazard, or detriment to the established neighborhood character. In making this determination, the Development Review Board may consider any traffic study required by Section 11.5.1 of these regulations

10.9.3.4. Bylaws and ordinances then in effect.

10.9.3.5. Utilization of renewable energy resources.

10.9.4. *Additional Review Standards:* The Development Review Board shall consider and may impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.9.4.1. All site plan review standards and approval conditions in Section 10.10 below

10.9.4.2. The cumulative impact of the proposed conditional use taken together with other conditional uses in the area

10.9.4.3. If the proposed use involves the sale or storage of hazardous materials, protection for public and private water supplies, adjacent properties, wetlands or other environmental features, and human health shall be ensured. Particular care shall be taken with respect to potential impacts on water resources in the Wellhead Protection Overlay District, Wetlands Overlay District, and the River Overlay District. To facilitate evaluation of the proposed use, the Development Review Board may require an independent analysis, in accordance with Section 10.8.6 of these regulations.

10.9.5. *Expiration of Approval:*

10.9.5.1. Conditional use approval shall expire if a zoning permit is not obtained within 180 calendar days of approval unless the Development Review Board grants an extension.

10.9.5.2. The Development Review Board may grant an extension of conditional use approval for reasonable and substantial cause.

10.10. Site Plan Review

10.10.1. *Applicability:* Before the Zoning Administrator may issue a zoning permit for any structure or use of land for which site plan approval is required, approval must be granted by the Development Review Board according to the procedures of Section 10.8. Site plan approval is required for all uses and structures other than those exempted under Section 10.10.2.

10.10.2. *Exemptions:* The following uses and structures are exempt from site plan review:

10.10.2.1. Agricultural and forestry uses

10.10.2.2. One- and two-family dwellings and accessory buildings thereto

10.10.2.3. Uses that satisfy all of the following criteria:

- Do not require conditional use review
- Do not require new or expanded parking for five [5] vehicles or more,
- Do not involve the construction or expansion of 1,000 square feet of building area or more, and
- Do not involve construction, expansion, or substantial alteration of any outside storage or display area.

10.10.3. *Review Standards:* The Development Review Board may consider and impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.10.3.1. All site plans shall comply with the following General Development Standards found in Section 11 of these regulations. Upon review of the application, the Development Review Board/Zoning Administrator may determine that

additional General Development Standards are applicable to a given application, such as:

(a) Roads/Access

(b) Parking/Loading/Circulation

(c) Pedestrian Facilities

(d) Grading/Slope/Ridgeline

(e) Water Supply and Sewage Disposal

(f) Landscaping

(g) Site Layout and Design

(h) Outdoor Storage

(i) Outdoor Lighting

(j) Utilities

(k) Stormwater

(l) Performance standards

10.10.3.2. Site plans shall comply with any and all applicable Specific Use Standards in Section 4.4 and the General Provisions in Section 7.

10.10.3.3. The Development Review Board may require that the applicant submit information regarding hours of operation and may impose conditions limiting hours of operation.

10.10.4. *Performance Guarantee:* All landscaping and plantings shall be guaranteed for three [3] years from the date of planting. The Development Review Board may require a letter of credit, performance bond, escrow, or other surety in an amount sufficient to provide for planting and landscaping and to ensure that the planting and landscaping remains in satisfactory condition for a period of three [3] years after completion.

Where surety is required, the Development Review Board may specify a schedule for planting and landscaping and for release of any reserved funds. If the applicant fails to install planting and landscaping within the specified time period, the letter of credit or other security may be forfeited after thirty [30] days written notice. Upon receipt of the proceeds, the Town may install or maintain planting and landscaping, and in the event the proceeds are insufficient, the applicant shall reimburse the Town for the balance. Any balance remaining in escrow at the end of the three [3] year maintenance period shall be refunded to the applicant.

10.10.5. *Expiration of Approval:*

10.10.5.1. Site plan approval shall expire if a zoning permit is not obtained within 180 calendar days of approval unless the Development Review Board grants an extension.

10.10.5.2. The Development Review Board may grant an extension of site plan approval for reasonable and substantial cause.

10.11. **Dimensional Waivers**

In accordance with the **ACT** [§4414(8)], the Development Review Board may approve a waiver to the dimensional standards of these regulations to allow expansion of a structure if it determines that such waiver conforms with the criteria of this section.

10.11.1. *Waiver Criteria:*

10.11.1.1. The waiver is the minimum reduction in the dimensional requirement that will reasonably accomplish the purpose of the expansion.

10.11.1.2. The proposed project will not have an undue adverse effect on any of the following:

(a) The character and aesthetics of abutting properties or the neighborhood;

(b) Traffic patterns and circulation;

(c) Public health, safety, and utility services;

(d) Stormwater management; or

(e) Water and wastewater capacity.

10.11.1.3. The expansion will conform with the Jericho Comprehensive Town Plan and to the purpose of the zoning district in which the property is located.

10.11.1.4. The need for a waiver was not created by an intentional action of the applicant, and is necessitated by the absence of any practical option or alternative.

10.11.2. *Waiver Application and Review Process:*

10.11.2.1. Applications for a waiver shall be reviewed in accordance with Section 10.8 above.

10.11.2.2. The Development Review Board shall consider the opinion of abutters and other property owners within 250 feet of the property line in deciding whether to grant the waiver.

10.11.2.3. In granting a decision in favor of the applicant, the DRB may attach reasonable conditions, including, but not limited to, mitigation by design, screening, or other remedy.

10.11.2.4. Any waiver granted under this section shall be limited to the specific parcel to which it has been granted. A waiver on one parcel shall not be construed as a general guideline or standard for any other parcel.

10.11.3. *Expiration:* Waiver approvals shall expire by limitation if work is not completed within twenty-four [24] months from the date they are approved. All work must be completed as shown on any approved plan before the expiration date. Extensions of this deadline may be granted by the Board prior to expiration.

10.12. **Subdivision Review**

10.12.1. *Purpose:* Subdivision review is intended to ensure orderly growth and coordinated development in the Town of Jericho, to guide community settlement patterns, to ensure the efficient extension of services, utilities, and

facilities as land is developed, to promote the health, safety, and general welfare of the Town's inhabitants, and to implement the Jericho Comprehensive Town Plan as most recently amended.

10.12.2. *Applicability:* In accordance with the **ACT** [§4418], Subdivision Review by the DRB is required whenever any subdivision of land is proposed for the purpose of sale, lease or development. Applications for Planned Unit Development shall be reviewed under subdivision review concurrently with Planned Unit Development review in Section 10.13.

10.12.3. *Minor vs. Major:* For the purpose of these regulations, subdivision of land shall be classified by the Zoning Administrator as a minor or major subdivision as follows:

10.12.3.1. **Minor subdivisions** shall include any subdivision of land, or the resubdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of three [3] or fewer lots (not including open land in a PUD) and which does not require the construction of any new public or private roads. Minor subdivisions shall also include an amendment to an approved subdivision which does not result in a major subdivision. Minor subdivisions shall require final review approval pursuant to Section 10.12.9.

10.12.3.2. **Major subdivisions** shall include any subdivision of land, or the resubdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of four [4] or more lots (not including open land in a PUD) or which requires the construction of any new public or private streets. Major subdivisions shall require preliminary and final review approval pursuant to Section 10.12.8 and 10.12.9.

10.12.4. *Waiver Authority:*

10.12.4.1. In accordance with the **ACT** [4418(2)(a)], the Development Review Board may waive one or more application requirements specified in the Development Review Checklist, or one or more of the review standards in Section 10.12.5, if the Board determines that the requirement:

(a) Is not requisite to the interest of public health, safety, and general welfare; and

(b) Is inappropriate due to the inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision; and

(c) The waiver will not have the effect of nullifying the intent and purpose of applicable provisions of these regulations.

10.12.4.2. The Development Review Board may waive one or more application or review requirements for a retained portion of a parcel to be subdivided if the retained parcel is twenty-five [25] acres or more and is to remain unimproved and undeveloped. In granting such a waiver the Development Review Board shall require that any portion of the subdivision to be separately conveyed and/or developed comply with all applicable requirements of these regulations.

10.12.4.3. The request for a waiver shall be submitted in writing by the applicant with the application. It shall be the responsibility of the applicant to provide sufficient information to allow the Development Review Board to justify the waiver. In granting waivers, the Development Review Board may require such conditions that will, in its judgment, substantially meet the objectives of the requirement so waived. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of these regulations or other municipal ordinances or regulations currently in effect.

10.12.5. *Review Standards:* The Development Review Board may consider and impose appropriate safeguards, modifications, and conditions relative to the following standards:

10.12.5.1. All subdivisions shall comply with the following General Development Standards found in Section 11 of these regulations. Upon review of the application, the Development Review Board or Zoning Administrator may determine that additional General Development Standards are applicable to a given application, such as:

(a) Roads/Access

(b) Pedestrian Facilities

(c) Lot Layout

(d) Grading/Slope/Ridgeline

(e) Recreation/Open Space/Common Land

(f) Water Supply and Sewage Disposal

(g) Landscaping

(h) Outdoor Lighting

(i) Utilities

(j) Stormwater

10.12.5.2. All subdivisions shall comply with any and all applicable Specific Use Standards in Section 4.4 and General Provisions in Section 7.

10.12.5.3. As a condition of approval of the preliminary plan and/or final plan, the Development Review Board may require that the applicant obtain all applicable approvals from municipal officials and State and Federal agencies having jurisdiction over the project.

10.12.6. *Sketch Plan Review:* All applicants for subdivision are encouraged to participate in sketch plan review, as described in Section 10.8.2.

10.12.7. *Conceptual Plan:* Applicants for major subdivisions shall submit a Conceptual Plan meeting the criteria outlined below. Applicants for minor subdivisions are encouraged to submit conceptual plans. The Conceptual Plan shall be submitted and acted upon with the preliminary application for major subdivisions and with the final application for minor subdivisions. The findings of fact pertaining to the Conceptual Plan shall be binding upon

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. Approval of the Conceptual Plan shall not constitute approval of the final subdivision plan and associated plat.

10.12.7.1. The Conceptual Plan shall delineate all overlay districts located on the property and indicate other significant natural features, such as slopes greater than twenty-five percent [25%], prominent hill sides, ridgelines and significant rock outcroppings, areas containing prime or statewide agricultural soils and other productive agricultural and forest land.

10.12.7.2. The Conceptual Plan need not delineate individual lots and building sites, but should contain information regarding how future lot layout will facilitate efficient circulation, protection of natural resources and the purpose of the districts in which the subdivision is located.

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

10.12.7.4. 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 shall be technically feasible.

10.12.7.5. Reservations of land for the purposes such as sewage disposal, stormwater treatment, or shared parking shall be indicated on the Conceptual Plan.

10.12.8. *Preliminary Review:*

10.12.8.1. **Purpose and Applicability.** Preliminary review shall be required for all major subdivisions. The purpose of preliminary subdivision review is to identify significant issues or concerns associated with a proposed subdivision under the provisions of these regulations, and to provide the applicant with guidance to address identified issues and concerns prior to preparing final engineering plans for the subdivision and related site improvements. At the discretion of the Development Review Board, Preliminary Review and Final Review may be combined into one proceeding.

10.12.8.2. **Review Process.** The Development Review Board shall review all applications for preliminary subdivision review in accordance with Section 10.8 above.

10.12.8.3. **Phasing.** At the time that the Development Review Board grants preliminary plan approval, it may require the subdivision to be divided into two [2] or more phases to ensure the adequacy and availability of public facilities and services to support the development. Conditions may be imposed upon

filing of an application for final plat approval for each phase as the Development Review Board deems necessary to ensure the orderly development of the plat and/or to avoid overburdening municipal facilities and services.

10.12.8.4. **Effect of Preliminary Approval.** Approval of the preliminary plan shall not constitute approval of the final subdivision plan and associated plat.

10.12.9. *Final Review:*

10.12.9.1. **Applicability.** The applicant shall within twelve [12] months of the date of preliminary plan approval submit an application for final approval. If the applicant fails to do so he/she shall be required to submit a new preliminary plan for review by the Development Review Board. The Development Review Board may grant up to two [2] three- [3-] month extensions of preliminary plan approval for reasonable and substantial cause. If phasing was a requirement of preliminary plat approval, a separate final plat application may be filed for each section within the time periods imposed in the preliminary application.

10.12.9.2. **Review Process.** The Development Review Board shall review all applications for Final Subdivision Review in accordance with Section 10.8 above.

10.12.9.3. **Selectboard Approval of Street Detail.** Prior to final subdivision approval, all street details shall be reviewed and approved by the Jericho Selectboard. The Selectboard findings shall be reflected in the Development Review Board's final decision.

10.12.9.4. **Legal Documents.** The final plat application for a minor or major subdivision shall be accompanied by the following legal documents. Should the Development Review Board determine it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant. Issues that may be reviewed include but are not limited to:

(a) Information on all proposed publicly-owned land, Rights-Of-Way, or easements, including certificate of title, offer of irrevocable dedication, and warranty deed, free and clear of all encumbrances, to be recorded after final acceptance of all streets, easements, parks, or other open space by the Town.

(b) Copies of agreements or other documents showing the manner in which common property and/or space is to be maintained, including any conservation easements. Any common property and/or open space shall be defined and consistent with the approved site plan. Open space restrictions and reservations shall be permanent. All lots/units shall receive perpetual right for use of common properties and facilities, unless exempt from this requirement by specific action of the Development Review Board.

(c) Bylaws, Articles of Incorporation, or Covenants of any homeowners association, declaration of condominium, or other applicable legal agreements. Homeowners association responsibility, mandatory membership, and lienable assessment power shall be provided for by the homeowners association documents and individual lot deeds. The association shall have the duty to obtain liability, property, and casualty insurance, and responsibility for expenses relating to management and maintenance of association-owned structures. A provision shall be included for Town takeover in the event of failure of essential services, including the power of the Town to appoint a receiver to assess the property for funds to cure defects in facilities.

(d) All restrictions and covenants to be included in individual deeds.

(e) Any other data, such as contracts, certificates, affidavits, endorsements, receipts, or other materials or agreements which have been required by the Development Review Board or the Selectboard.

10.12.9.5. **Effect of Final Approval.** The approval by the Development Review Board of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Acceptance of such dedications by the applicant may be accomplished only by a formal resolution of the Selectboard.

10.12.10. *Recording of Final Plat and Other Documents:*

10.12.10.1. **Plat Recording Requirements.** Final approval of the Development Review Board of a final subdivision plat shall expire unless, within 180 days from the final approval decision, such plat shall have been duly recorded in the office of the Town Clerk. The approval must be endorsed in writing by the Chair of the Development Review Board on the plat. The Plat to be filed with the Town Clerk shall comply with the requirements of the **ACT** as presently enacted or as hereinafter amended. In accordance with the **ACT** [§4463(b)], after an approved plat is filed, no expiration of that approval shall be applicable.

10.12.10.2. **Plat Void if Revised or Altered.** No changes, erasures, modifications, or revisions shall be made on any subdivision plat after approval has been given by the Development Review Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Board and the Board approves any modification. In the event that such subdivision plat is recorded without complying with this requirement, the plat shall be considered null and void.

10.12.10.3. **Recording.** At the time that the Final Plat is recorded, the legal documents listed in Section 10.12.8.4, as may be amended by

the Development Review Board, shall be recorded in the Jericho Land Records.

10.12.11. *Performance Guarantee:* The Development Review Board may attach reasonable conditions to ensure the proper installation of required improvements. Such conditions may include the following:

10.12.11.1. Where public improvements are required as part of a final subdivision approval, the Development Review Board may require the posting of a letter of credit, performance bond, escrow, or other surety in an amount agreed upon by the Selectboard, prior to any site modification. The amount shall be sufficient to cover the full cost of completion of the improvements and ensure that the improvements and construction remain in satisfactory condition for a period of three [3] years after completion. Such letter of credit or other security may be divided into different portions over different three [3] year periods to cover phased improvements.

If any required improvements have not been installed or maintained as provided within the terms of the letter of credit or other security, it may be forfeited after thirty [30] days written notice. Upon receipt of the proceeds, the Town may install or maintain such improvements, and in the event the proceeds are insufficient, the applicant shall reimburse the Town for the balance. Any balance remaining in escrow at the end of the three [3] year maintenance period shall be refunded to the applicant.

10.12.11.2. All landscaping and plantings shall be guaranteed for three [3] years from the date of planting. The Development Review Board may require a letter of credit, performance bond, escrow or other surety, in an amount sufficient to provide for planting and landscaping and to ensure that landscaping remains in satisfactory condition for a period of three [3] years after completion. Where surety is required, the Development Review Board may specify a schedule for planting and landscaping and for release of any reserved funds.

If the applicant fails to install the plantings and landscaping within the specified time period, the letter of credit or other security may be forfeited after thirty [30] days written notice. Upon receipt of the proceeds, the Town may install or maintain such improvements, and in the event the proceeds are insufficient, the applicant shall reimburse the Town for the balance. Any balance remaining in escrow at the end of the three [3] year maintenance period shall be refunded to the applicant.

10.12.11.3. Where improvements are to be privately owned and maintained (such as streets maintained by a homeowners association), the Development Review Board may require that the applicant provide a licensed engineer's certification that all such improvements have been installed in accordance with the approved plans and the public works specifications (including any waivers granted by the Selectboard). As a condition of

approval, the Development Review Board may limit the number of building permits or certificates of occupancy that may be issued prior to receipt by the Town of such certification.

10.12.12. *Inspection, Maintenance, and Acceptance of Roadways and Other Improvements*

10.12.12.1. Inspection of Roadway Improvements – At least seven [7] days prior to commencing construction of any required roadway improvements, the applicant shall advise the Zoning Administrator and Selectboard when construction is to begin so the Town can inspect during the construction process, in order to ensure satisfactory completion of conditions required by the Development Review Board. The Selectboard may require that inspections are performed by a licensed engineer at the applicant's expense.

10.12.12.2. Maintenance of Improvements – The applicant or successor shall be required to maintain all improvements (including snow removal) until acceptance of said improvements by the Selectboard.

10.12.12.3. Public Acceptance of Streets, Public Lands and Other Improvements

(a) If streets are to be public, no building permits shall be issued until proof is shown of acceptance of streets and other improvements by the Selectboard, or an adequate bonding arrangement has been agreed upon by the Selectboard.

(b) As-built drawings showing the location of improvements certified by a licensed civil engineer shall be filed with the Selectboard prior to the acceptance of the improvements. Until as-built drawings are filed, the balance of the letter of credit or other surety shall not be released.

(c) 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.

(d) Final acceptance of all proposed streets and utilities shall be in conformity with the steps and procedures established by the Selectboard.

(e) Final acceptance of public lands or easements for recreation or open space shall be in conformity with the steps and procedures established by the Selectboard.

10.13. **Planned Unit Development Review**

10.13.1. *Purpose.* Planned Unit Developments (PUDs) are intended to further the goals and objectives of the Jericho Comprehensive Town Plan, the purpose of the underlying zoning district by permitting flexibility in the application of

land development regulations, and the purposes below. Flexibility is encouraged in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve these goals, objectives and purposes:

10.13.1.1. To encourage compact, pedestrian-oriented development and to promote a mix of residential uses, nonresidential uses or both in village centers.

10.13.1.2. To encourage provision of affordable housing.

10.13.1.3. To encourage any development in rural areas to be compatible with the use and character of surrounding rural lands.

10.13.1.4. To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan, such as the preservation of agricultural land, forestland, trails and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.

10.13.1.5. To provide for efficient use of public facilities and infrastructure.

10.13.1.6. To encourage opportunities for energy-efficient development.

10.13.1.7. To provide a mechanism by which property owners may create small building lots while retaining large tracts of contiguous land.

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

10.13.2.1. When a subdivision results in the creation of three [3] or more lots within a period of twelve [12] months, and in the judgment of the Development Review Board a PUD will better meet the objectives of the Jericho Comprehensive Town Plan.

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

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

10.13.2.4. Any application for fuel sales.

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

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

10.13.4.1. The following areas shall be contained within the open space portion of the PUD or otherwise protected through building envelopes and deed restrictions on individual lots:

(a) Areas within the Wetlands Overlay District,

(b) Areas within the River Overlay District,

(c) Areas within the WHPA-1 area of the Wellhead Protection Area Overlay District, and

(d) Areas within the Natural Resources Protection Overlay District, except as provided by Section 6.4.4.1.

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.

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 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 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 ~~allowed~~ approved when necessary to connect significant areas or when designed to protect linear resources such streams or trails.

10.13.5.3. 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.

10.13.5.4. Open space land shall be contiguous with existing and potential open space land on adjacent parcels.

10.13.6. *Ownership of Open Space Lands:* Open Space Land may be set aside as common land, as a separate undeveloped lot, or as a portion of a single lot, outside of the building envelope, to be held in private ownership. Open space land shall be dedicated, either in fee or through a conservation easement approved by the Development Review Board, to the municipality, an owners' association comprised of present or future owners of the subdivided lots, and/or a nonprofit conservation organization. The ownership type shall be consistent with the best means of maintaining or managing the resources on the site. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent landowners.

10.13.6.1. **Common Open Space:** The following provisions shall apply to commonly owned open space lands:

(a) The common open space land may be used for water supply and/or septic waste disposal, either common or individual, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.

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

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

(a) All development (if any) is restricted to a designated building envelope within which development may occur as permitted in Section 4.3: "Table of Uses".

(b) The remainder of each lot is designated open space and is restricted through permanent deed restriction or easement from all development except sewage disposal, water supply, agriculture, forestry, wildlife management and passive recreation.

(c) Privately owned open space may be used for water supply and/or septic waste disposal, provided that adequate control over the use of the land for these purposes is retained by the party or parties responsible for the maintenance of these facilities.

10.13.7. *Permitted Density:* Total ~~allowed~~ approved residential density in a PUD shall be determined by calculating the total number of potential lots in a conventional subdivision. As provided in Section 5.6 (Density), each potential lot in a conventional subdivision shall entitle the applicant to one [1] single family dwelling, or two [2] multifamily dwelling units within the PUD, provided all other requirements of these regulations can be met. This procedure shall not apply to affordable or elderly housing in the Village

Center District, which in accordance with Section 5.6, shall be limited by lot coverage rather than by the number of dwellings per acre. The maximum number of potential lots in a conventional subdivision shall be determined in accordance with the following:

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

10.13.7.2. 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.) 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.

10.13.8. *Density Bonus:* At the request of the applicant, the Development Review Board may increase the total number of ~~allowed~~ 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 overlay layout of the PUD, compatibility with the Jericho Comprehensive Town Plan, and the ability of the site to support additional units.

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

(a) The PUD contains designated affordable or elderly housing. Designated affordable or elderly housing units

shall be indicated on the final plat. Such lots or units shall be subject to appropriate restrictions to ensure that they meet the definition of affordable or elderly housing contained within these regulations.

(b) The PUD contains structures meeting recognized standards for green building. Green building standards eligible under this provision shall be regionally based (i.e. contain standards designed for northern New England) and require independent third party review and verification/certification. 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, beyond that which is required to provide safe circulation within and between developments. Such access shall be noted on the final plat and contained in deed, covenant, or easement language for the subject parcel.

10.13.8.2. Requests for a density bonus should 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 ~~allowed~~, provided there is an offset by a lesser lot coverage in (an)other portion(s) of the PUD.

10.13.9.4. A buffer zone between lot boundaries and the boundary of the PUD shall be maintained so as to provide screening sufficient to mitigate adverse impact on adjacent properties. The minimum required buffer zone for each district is specified in Table 5.8. The buffer zone shall be part of the common open space or removed from the building envelops of individual lots. The Development Review Board may waive this

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

10.13.9.5. Variable lot sizes are ~~allowed~~ acceptable within a PUD, provided that they advance the goals of the Jericho Comprehensive Town Plan and Section 10.13.1 above, and are in keeping with the purpose of the district in Section 3.2.

10.13.9.6. In all districts a PUD may include, subject to conditional use review, an accessory office, common laundry, storage, kitchen/dining area, and/or indoor recreational facility for use by residents of the PUD and their invited guests.

10.13.9.7. PUDs shall provide for vehicular and pedestrian connectivity with neighboring developments wherever possible.

10.13.9.8. Subdivision boundaries, access roads, utilities, lot lines and layout, and building envelopes shall be located and configured to avoid fragmentation of, and adverse impacts on, the resources listed in Section 10.10.4.1 above.

10.13.9.9. The overall layout of the PUD should incorporate or protect cultural and historic sites and features.

10.13.9.10. Access roads, driveways, and utility corridors shall be shared to the furthest extent possible, and shall follow existing linear features such as roads, tree lines, stone walls, or field edges to minimize the fragmentation of open agricultural land and other resources.

10.13.10. *Specific Standards for the Village Center Zoning District:*

10.13.10.1. Lot and building layout shall reinforce or contribute to a pedestrian friendly streetscape of buildings with consistent, narrow setbacks lining roads and streets.

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

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

10.13.11. *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 ~~allowed~~ 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 - **FOR**	Forestry, Agricultural, Rural Residential, Village, Commercial, and/or Village Center Districts
Agricultural District - **AGR**	Agricultural, Rural Residential, Village, Commercial, and/or Village Center Districts
Rural Residential District - **RR**	Rural Residential, Village, Commercial, and/or Village Center Districts
Village District - **VIL**	Village, Commercial, and/or Village Center Districts
Commercial District - **COM**	Village, Commercial, and/or Village Center Districts
Village Center District - **VCTR**	Village Center District only

10.13.11.5. The aggregation of density from one [1] or more parcels to another parcel shall be administered in accordance with the following:

(a) 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.

(b) 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 ~~allowable~~ 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.

10.13.12.2. 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. 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. 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. 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. 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 shall be technically feasible.

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

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 ~~gain design approval~~ be depicted on the Plat for review by the ~~Jericho Selectboard~~ Development Review Board prior to final plat approval ~~by the Development Review Board~~.

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.

11.1.2.1. An access point plan shall be submitted as part of the development application, and approved by the Zoning Administrator.

11.1.3. *Public/Private ~~Streets~~ Roads:*

All accesses serving four [4] or more lots shall be considered ~~streets~~ roads. All ~~streets~~ roads shall be public unless otherwise approved as ~~private~~ public ~~streets~~ roads by the Selectboard. 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.

11.1.4. *Construction and Maintenance:*

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

11.1.5. *Traffic Study/Off Site Improvements:*

11.1.5.1. The Development Review Board may require the provision of a traffic study to analyze the impact of the proposed development on street capacity and safety. The formal study shall include but not be limited to details of existing and proposed ingress and egress, traffic volumes, turning movements, levels of service, traffic control, physical conditions of the existing street network, and pedestrian access and safety. Existing traffic studies conducted in the previous five (5) years may be considered, if in the DRB's judgment traffic conditions on the surrounding street network are substantially similar. Existing traffic studies greater than five (5) years of age may be considered, provided data regarding traffic volumes, levels of service, and other pertinent information is updated. A formal traffic study shall be required when:

(a) the ~~project~~ development involves creation of twenty (20) or more dwelling units; or ~~twenty-five [25] parking spaces according to these regulations, or creation of twenty [20] dwelling units, or when the increase in peak hour traffic~~

~~exceeds fifty [50] vehicles per hour. The formal study shall include details of existing and proposed ingress and egress, traffic volumes, turning movements, levels of service, traffic control, and pedestrian access and safety.~~

(b) The increase in average daily trip ends exceeds 200, based on the estimations in the most recent Institute of Transportation Engineers Trip Generation Manual [ITETGM]; or

(c) The increase in adjacent street traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or

(d) The increase in traffic during the peak hour of generation exceeds fifty (50) vehicles per hour, based on the estimations in the most recent ITETGM; or

(e) The increase in average daily trip ends exceeds fifty percent (50%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is a State Highway, Class 1 Town Highway, or paved Class 2 Town Highway; or

(f) The increase in average daily trip ends exceeds twenty-five percent (25%) of existing traffic on the adjacent street, based on the estimations in the most recent ITETGM, if the adjacent street is an unpaved class 2 Town Highway, Class 3 Town Highway, Cass 4 Town Highway or Trail; or

(g) The Development Review Board determines a traffic study is warranted in its judgment based on the specifics of the project and the area in which it is located.

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

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

11.1.6. *Access:*

11.1.6.1. The Development Review Board may require measures such as speed change lanes, turning lanes, right turn only egress or other design elements necessary to provide for safe circulation and on the site and on adjoining road. The DRB may require additional improvements and configuration to improve and facilitate pedestrian access and safety.

11.1.6.2. At road and driveway access points, the Development Review Board may require measures such as striping, contrasting or textured paving, and/or mountable curbs to define narrower car lanes while ~~allowing~~ maintaining sufficient pavement width for safe turning of larger vehicles.

11.1.7. *Street Names:*

~~Prior to final approval,~~ Street names shall be ~~proposed to the Selectboard~~ developed with the Planning & Zoning Office ~~for approval~~ 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. ~~In no case shall the names for proposed streets duplicate existing street names within the Town~~. The applicant shall furnish a plan detailing approved street names and proposed address numbers to the E-911 Coordinator who will certify its conformity with emergency management protocol and update appropriate Town records.

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

11.1.8. *Arrangement of Streets:*

11.1.8.1. The arrangement of streets in the proposed development shall provide for the continuation of streets to adjoining developments and for proper projections of streets through adjoining properties which are not yet subdivided or developed. To ensure adequate access, the Development Review Board may require the continuation of existing streets from adjacent parcels. Where adjacent parcels are underdeveloped, the Development Review Board may require that Rights-Of-Way and/or improvements be extended to property lines. Where, in the opinion of the Development Review Board, topographic or other conditions made such continuance undesirable or impracticable, the above conditions may be modified.

11.1.8.2. Minor streets shall be so laid out that their use by through traffic will be discouraged. In order to minimize new curb cuts on major streets, where a development abuts or contains an existing or proposed major street, the Development Review Board may require that access to the development be provided by new minor streets.

11.1.8.3. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades, and safe intersections in appropriate relation to the proposed use of the land to be served by such streets.

11.1.8.4. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than eighty [80] degrees.

11.1.8.5. Four-way intersections, deflecting from each other at any one point by more than ten [10] degrees shall not be ~~allowed~~ acceptable. Center line offsets shall conform with the Public Works Specifications, unless waived by the Selectboard.

11.1.8.6. No road or driveway providing access to land in another town shall be permitted, unless such access contributes to a network of connected streets and appropriate agreements regarding maintenance have been made with the Selectboard.

11.1.8.7. Dead-End and Single Access Streets:

(a) The number of dwelling units or commercial businesses served by a dead end street or by a system of streets sharing a common single access to a major or ~~secondary~~ collector street shall not exceed thirty (30) unless additional connections to other streets are approved by the Development Review Board, except as provided in (b) or (c) below.

(b) **New Dead End and Single Access Streets:** New dead end or single access streets are discouraged. In accordance with Section 11.1.8.1, new streets shall be arranged to provide for continuation of streets to adjoining properties whenever feasible. The Development Review Board may ~~allow~~ approve more than thirty (30) units on a new dead end or single access street if the traffic study required under section 11.1.5.1 above finds that a single access will not result in undue congestion or inhibit emergency vehicle access, and that the applicant has taken measures to accommodate pedestrian and/or vehicular circulation to adjacent parcels and neighborhoods. Such measures may include, but are not limited to:

(i) providing pedestrian and/or bicycle connections to neighboring streets and/or developments; and/or

(ii) providing a second access restricted to emergency vehicles and pedestrian traffic; and/or

(iii) reservation of Right-Of-way sufficient to provide for vehicular connections to adjacent undeveloped or underdeveloped adjoining properties.

(c) **Existing Dead End and Single Access Streets:** Existing streets shall be extended to serve new development whenever feasible. The Development Review Board may ~~allow~~ approve more than thirty (30) units on an existing or extended dead end or single access street upon finding that

(i) additional units will not result in undue congestion or inhibit emergency vehicle access; and

(ii) the existing road is sufficient to accommodate additional traffic, including adequate turn-around for emergency vehicles, or the applicant will contribute to improvements to the road to accommodate additional traffic; and

(iii) if the property to be developed could provide pedestrian connections to adjacent streets or neighborhoods, Right-Of-Way or easements for this purpose are provided.

(d) The turnaround area on a permanent dead-end street shall conform with the Public Works Specifications.

(e) Temporary dead-end streets that are necessary due to construction phasing are permitted. However, the streets should not exceed ten [10] times the required minimum lot frontage or 2,000 feet, whichever is shorter, and shall be equipped with a turnaround that conforms with the standards for permanent dead-end streets. A temporary turnaround shall be provided with a notation on the plat that land outside the normal street Right-Of-Way reverts to abutting property owners whenever the street is continued.

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

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

11.1.9.1. Obtain wetlnds permit, US Army Corps permits, Stream Alteration permits, as required;

11.1.9.2. Use open-bottom structures, such as arch culverts and bridges whenever feasible. If use of open-bottom structures is not feasible, closed-bottom structures shall remain embedded, so as to create an invisible transition between the natural stream channel and the crossing structure;

11.1.9.3. Not allow crossing to constrict the stream channel, backfill, or otherwise interfere with stream dynamics; and

11.1.9.4. Match the post-construction stream pattern and profile to the natural (pre-construction) stable pattern and profile. Crossings shall be designed to maintain water depths and water velocities at the rates found in the natural stream channel above and below the crossing.

11.2. Parking/Loading/Circulation

11.2.1. *Off Street Parking Requirements*

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

11.2.2. *Number of Parking Spaces Required*

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

USE	PARKING SPACES REQUIRED
1.0 Agriculture and Related Uses	
1.1 Agriculture	
1.2 Silviculture/Forestry	
1.3 Veterinary facility	2.5 per 1,000 sf GFA*
1.4 Veterinary facility w/ accessory kennel	2.5 per 1,000 sf GFA

USE	PARKING SPACES REQUIRED
1.5 Stable – boarding/riding	1 per 2 stalls
1.6 Kennel	2.5 per 1,000 sf GFA
1.7 Garden Center accessory to farm	3.6 per 1,000 sf GFA
2.0 Residential Uses	
2.1 Single Family, duplex	2.0 per dwelling unit
2.2 Multifamily	2.0 per unit + 1 per every 8 units
~~2.3 Elderly Housing~~	~~1.5 per dwelling unit~~
2.3 Rooming House	1.2 per room
2.4 Residential Care Facility	0.33 per room
2.5 Accessory Apartment/Guest House	1.0 per unit
3.0 Commercial Uses	
3.1 Lodging	1.2 per guest room
3.2 Retail Uses	
3.2.1 Lumber/Building Supply materials	2.0 per 1,000 sf GFA
3.2.2 Retail – General merchandise	3.6 per 1,000 sf GFA
3.2.3 Retail – Specialty Store	3.6 per 1,000 sf GFA
3.2.4 Farmers markets	2.0 per seller
3.2.5 Garden center	3.6 per 1,000 sf GFA
3.2.6 Motor vehicle sales	2.0 per 1,000sf GFA
~~3.2.11 Kennel accessory to store~~	~~2.5 per 1,000 sf 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.
3.4.3 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	
3.6.1 Indoor	
3.6.1.1 General	0.33 per maximum occupancy
3.6.2 Outdoor	

3.6.2.1 Passive	1.0 per 10 Acres
USE	**PARKING SPACES REQUIRED**
3.6.2.2 General	1.0 per 10 Acres + 1.0 per 500 sf GFA
3.6.2.3 Gymnasium	3.6 per 1.000 sf GFA
4.0 Industrial Uses	.5 per 1,000 sf GFA + 1.0 per employee
5.0 Institutional Uses	
5.1 Schools, child care	
5.1.1 Day-care	1.0 per employee + 1 per 6 children
5.1.2 Preschool	0.3 per child
5.1.3 Elementary	0.25 per student
5.1.4 Secondary	0.25 per student
5.1.5 Vocational school	2 .0+ 0.5 per student
5.2 Place of Worship	1.0 per 4 fixed seats
5.3 Library	3.6 per 1,000sf GFA
5.4 Hospice Facility	0.33 per bed
5.5 Hospital Facility	2.0 + 1.0 per 200 sf GFA
5.6 Nursing Home Facility	0.33 per bed
5.7 Club	0.33 per maximum occupancy
5.8 Funeral home	1.0 per 4 seats
5.9 Cemetery	2 .0
5.10 Fish and game club	larger of: 1.0 per 200 sf GFA or 5.0 per improved acre
5.11 Post Office	3.6 per 1,000 sf GFA
5.12 Municipal facility, office	10 + 1.0 per employee
5.13 Municipal facility, other	1.0 per employee
5.14 Dormitory/Hostel	1.2 per room
6.0 Accessory Structures and Uses	
6.1 Home Occupation	1.0 per 2 employees
6.2 Recreation, Accessory Use	

** GFA = Gross Floor Area*

11.2.2.2. **Handicapped Spaces:**

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

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

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

11.2.2.3. **Modification In Required Spaces:**

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

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

11.2.3. *Standards:*

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

11.2.3.1. **General Layout:**

(a) Parking areas shall be laid out so as not to require or permit vehicles to back onto a public way, nor to require the movement of other vehicles to enter or exit any designated ~~stall~~ parking space, excepting Tandem Parking as permitted under Section 11.2.3.1(d) below.

(b) Except in the Commercial District, Village District and Village Center District, designated parking areas shall not be located in any required front, side, or rear yard setback. Within the Commercial District parking may be within one-half [½] of the depth of the required side or rear yard(s) setbacks, except where ~~such yard~~ the subject parcel is adjacent to property in the Rural Residential, Agricultural, 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 ~~allowed~~ 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 ~~allowed~~ approved, the first space shall have unobstructed access

while the second space may be accessed through the first space.

11.2.3.2. **Dimensions:**

(a) Each parking space shall have a minimum width of nine [9] feet and a minimum length of eighteen [18] feet. These dimensions may be modified based on accepted engineering standards if angled parking is proposed.

(b) Parking spaces reserved for handicapped use shall have a minimum width of twelve [12] feet.

(c) Parking aisles shall have a minimum width of twenty [20] feet. The Development Review Board may require wider aisles if necessary to allow for adequate circulation or emergency access. The Development Review Board may reduce the minimum width if it can be show that the required widths are excessive to the functional needs of the site.

11.2.3.3. **Front Yard Parking:**

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

11.2.3.4. **Landscaping:**

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

11.2.4. *Bicycle Parking:*

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

11.2.5. *Alternative Parking Arrangements:*

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

11.2.5.1. **Shared Parking:**

When any land or building is used for two [2] or more distinguishable purposes, such that the hours of peak usage do not coincide, the minimum total number of parking spaces

required to serve the combination of all uses may be reduced at the discretion of the Development Review Board.

11.2.5.2. **Off-site Parking:**

~~Where existing structures or lots within the districts make locating the entire number of parking spaces on the same premises impractical, as determined in a site plan review of the proposed improvements, the Development Review Board may authorize the locating of up to seventy five percent [75%] of the required parking on some other premises in accordance with the following requirements:~~ The Development Review Board may authorize locating required parking off-site on (an)other premise(s) in accordance with the following requirements:

(a) Provisions for safe movement of pedestrians from the parking area to the principal access of the proposed use have been made;

(b) Provisions for handicapped parking meeting the requirements of the Americans With Disabilities Act have been made;

(c) In the Village Center and Open Space Districts, one-hundred percent (100%) of required parking may be located off-site. In all other districts, up to seventy five percent (75%) of the required parking may be located off-site, unless located in a PUD;

(d) PUDs in all districts may designate one or more central off-site parking areas containing up to one hundred percent (100%) of all parking required for individual uses within the PUD. Such parking areas may be within or outside the limits of the PUD. If central off-site parking is provided, separate on-site parking areas need not be designated for each individual use within the PUD;

(e) The proposed off-site parking area ~~lays~~ shall be within ~~1,500~~ 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 ~~transportation~~ pedestrian infrastructure or transportation management to connect the parking area and proposed use;

(f) The proposed off-site parking area ~~is not to~~ 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 ~~allow~~ 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 Districts, provided pedestrian infrastructure or sufficient Right-Of-Way and/or easements to accommodate such infrastructure are in place.

11.2.6. *Loading and Service Areas:*

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

11.2.6.2. All vehicle movements for loading, unloading, and deliveries shall be made off the public Right-Of-Way.

11.3. Pedestrian Facilities

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

11.3.1. The Development Review Board may require the applicant to submit, at his or her expense, a study of vehicular and pedestrian circulation, subject to independent technical review under Section 10.8.6. This study shall address vehicular and pedestrian access to the site, circulation on the site, and circulation between neighboring parcels and buildings.

11.3.2. The Development Review Board may require that curbs and sidewalks be installed along both sides of major and collector streets and along one side of minor streets. Designs shall meet the Public Works Specifications and approval of the Selectboard prior to final plat approval.

11.3.3. In addition to sidewalks required by 11.3.1, the Development Review Board may require permanent pedestrian easements up to twenty-five [25] feet but not less than ten [10] 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 pedestrian facilities.

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

11.4. **Lot Layout**

11.4.1. Each lot shall have the minimum area and frontage required by these regulations, unless modified through the Planned Unit Development provisions in Section 10.13 of these regulations.

11.4.2. Lots shall be of sufficient size to provide an adequate building site with suitable areas and adequate isolation distances for sewage disposal and water supply both on site and neighboring properties. The Development Review Board may require larger lots than required by these regulations where deemed necessary because of conditions affecting drainage, sanitary sewage disposal, or water supply.

11.4.3. Where lots are more than double the minimum required area for the zoning district, the Development Review Board may require that development on such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots.

11.4.4. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform with the front yard setback requirements on each street.

11.4.5. Each lot shall be provided with satisfactory access to a ~~street~~ road meeting the requirements of Section 11.1 of these regulations.

11.4.6. No privately owned reserved strip shall be permitted which controls access to any part of the development or to any other parcel of land from any street or other open space dedicated to public use or which may be so dedicated.

11.4.7. Wherever feasible, lots shall be laid out to provide access onto minor streets rather than collector streets, and wherever possible to avoid direct access to major streets and highways.

11.4.8. The Development Review Board shall encourage lot layout that will preserve open space areas and significant natural resources.

11.4.8.1. Building Envelopes: All lots shall have designated building envelopes that shall not include areas within the Wetlands Overlay District, the River Overlay District, the WHPA-1 of the Wellhead Protection Area Overlay District, and the Natural Resources Protection Overlay District (except as provided by Section 6.7.5.1).

11.4.8.2. In areas containing currently productive agricultural land, building envelopes shall be located at field edge or on the least productive areas in order to minimize the fragmentation of agriculturally productive lands, impacts on existing farm operations, and disruption of the scenic qualities of the site.

11.4.8.3. If the parcel to be developed is largely forested, building envelopes shall minimize the extent of forest clearing required

for development. Forest fragmentation and tree removal shall be kept to a minimum.

11.4.8.4. In order to minimize land use conflicts, the Development Review Board may require vegetative buffers or other mechanisms to separate building lots and subsequent development from agricultural and forestry operations, recreation areas, and critical wildlife habitat.

11.4.9. *Energy Conservation:* Lot layout, including orientation of buildings and vegetation, should be designed so as to promote the conservation of energy and to permit the utilization of renewable energy resources.

11.4.10. *Monumentation:* Lot corners along public road frontage shall be marked by concrete monuments. All other lot corners shall be marked by iron pins or steel pipes.

11.5. **Grading/Slope/Ridgeline**

11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

11.5.2. Development and disturbance of steep slopes should be minimized. The following standards shall apply to the development of steep slopes: ~~slopes twenty-five percent [25%] or greater shall be minimized and shall require conditional use review if more than 10,000 square feet of such areas are disturbed. Conditions of approval shall include measures to stabilize slopes and minimize erosion during and after construction.~~

11.5.2.1. If slopes between eight and fifteen percent (8%-15%) are disturbed as a result of a proposed development, the Development Review Board may require the applicant to submit plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer.

11.5.2.2. Development and disturbance of more than 10,000 square feet of slopes greater than fifteen percent (15%) and less than twenty-five percent (25%) shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards:

(a) The applicant shall provide a grading plan for the construction site and all access routes. Grades for roads and driveways shall not exceed the maximums prescribed in the Public Works Specifications. Switchbacks and curve radii shall be designed to allow for safe ingress and egress of service and emergency vehicles.

(b) Site disturbance, including cut and fill, shall be minimized and shall not create a detrimental impact on slope stability or increase erosion potential. The applicant shall submit

plans for erosion and sediment control during construction and plans for post-construction slope stabilization. These plans shall be prepared by a registered professional engineer. Erosion and sediment control measures shall at minimum meet the requirements of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites. Potential post-construction slope stabilization measures include, but are not limited to, retaining walls and/or dense landscaping.

(c) The Development Review Board may require a letter of credit, performance bond, escrow, or other surety, in an amount sufficient to provide for slope stabilization and to ensure stabilization plantings and improvements remain in satisfactory conditions for a period of three (3) years following construction.

11.5.2.3. Development and disturbance of more than 10,000 square feet of slopes twenty-five percent (25%) or greater shall require Conditional Use Review by the DRB. In addition to the Conditional Use Standards in Section 10.9, applicants shall meet the following standards:

(a) All standards required under Section 11.5.2.2 above; and

(b) There are no practical alternatives, or all practical alternatives will result in greater negative impacts than the slope disturbance proposed by the applicant. Such negative impacts may include but are not limited to erosion hazards and/or stormwater runoff during and after construction, site disturbance, habitat fragmentation and/or removal of vegetation, disturbance of wetlands or surface waters, and/or hazardous access for residents and serve/emergency vehicles.

11.5.3. At ridgelines, development shall be located to protect an unbroken forested backdrop. Development, including road and utility corridors, shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development. The DRB may impose conditions including but not limited to building envelopes, clearing limits, and/or landscaping and screening to achieve the goals of this section.

11.5.4. *Removal of Topsoil, Sand and Gravel:*

11.5.4.1. No topsoil, sand or gravel shall be removed from the development for any purpose other than to meet construction needs of that particular development unless conditional use approval is obtained from the Development Review Board in accordance with Section 7.4 of these regulations.

11.5.4.2. Topsoil removed in the process of grading the development site shall be replaced to a minimum depth of four [4] inches and the site seeded in accordance with Natural Resources Conservation Service recommendations. No stumps, wood, roots, pieces of concrete or asphalt chunks, fibrous material, or

other refuse shall be used as fill in areas to be used as building sites. Stump dumps shall be located above the water table.

11.6. **Recreation/Open Space/Common Land**

11.6.1. As a condition to the approval of any plan relating to a residential subdivision or residential development, the Development Review Board may require that up to fifteen percent [15%] of the areas on the plat be dedicated for the purpose of a public park, playground or other outdoor recreation purpose. The Development Review Board may require dedication of recreation land to the Town, land trust or other non-profit association, establishment of a homeowners association, or other means to ensure the long term ownership and maintenance of the recreation land. The Development Review Board shall consider the following in determining whether such recreation area is appropriate:

11.6.1.1. The size of the proposed subdivision and the resulting area proposed for outdoor recreation purposes,

11.6.1.2. The physical suitability of the site for recreational use,

11.6.1.3. Whether use of the applicant's land for such purposes would conform with the Jericho Comprehensive Town Plan and the Chittenden County Open Space Plan, and

11.6.1.4. The site's proximity to other recreation land.

11.6.2. Upon approval from the Selectboard, if a suitable park, playground, or outdoor recreation site is provided under Section 11.6.1 above, the Development Review Board may exempt the applicant from payment of municipal impact fees relating to recreation and open space.

11.6.3. All developments approved as Planned Unit Developments shall provide open space/common land in accordance with Section 10.10.4. Recreation land required by Section 11.6.1 above shall be in addition to any provision of open space/common land in conformity with the provisions of Section 10.10.4.

11.7. **Water Supply and Sewage Disposal**

11.7.1. No zoning permit shall be issued for any structure requiring facilities for water supply or sewage disposal, including a mobile home, in any district, unless applicable approvals have been obtained from the Vermont Agency of Natural Resources and/or the appropriate Water District.

11.7.2. The above provisions of this section shall not apply to a connection with a public sewer made as provided in 10 VSA Section 2607.

11.7.3. *Water Supply:*

11.7.3.1. If the development will be supplied by an existing public water system, a letter shall be submitted by the applicant from the governing body of the water district stating that the water district has adequate capacity to serve the development and approving the design and construction details prior to final approval by the Development Review Board.

11.7.3.2. If the development is to be served by a public water supply system, the applicant shall install a complete public water system, including mains, valves, services to the property lines

and all other appurtenances. Design and construction procedures, materials and location of improvements shall conform with all applicable standards required by the commissioners of the water district in which the development is located and shall be subject to the approval of the water district's engineer.

11.7.3.3. If the development will not be served by a public water system, a community system, a system consisting of individual wells, or other means of providing water to the proposed development shall be designed and installed in accordance with all applicable State regulations and standards. Community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system.

11.7.3.4. Evidence of the location and availability of potable water in adequate quantities shall be provided. The DRB may require the applicant to submit well yield information or provide other evidence that sufficient groundwater to serve the development is available. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, floodwater levels, aquifer protection areas, and other factors affecting the potability of water supplies.

11.7.4. *Sewage Disposal:*

11.7.4.1. All wastewater disposal systems shall conform with the Environmental Protection Rules, Chapter 1, Waste Water and Potable Water Supply Rules published by the Agency of Natural Resources, as most recently amended.

11.7.4.2. The DRB may defer sewage disposal requirements for a new lot if said lot is greater in size than twenty-five [25] acres, or if the DRB determines that the lot is suitable for agricultural or open space purposes. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed.

11.8. Landscaping

11.8.1. *Preservation of Landscape:* Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties. Removal of vegetation shall be limited to the minimum necessary for safe construction. Areas disturbed through construction shall be revegetated by the applicant. Where development occurs in a forested or partially forested area, the applicant may be required to submit recommendations from a professional forester regarding placement of improvements and removal of trees. Where tree coverage does not exist or has been removed, new plantings may be required.

11.8.2. *Landscaping Budget Requirement:* For all site plans, the Development Review Board ~~shall~~ may require minimum planting costs of ~~approximately~~ up to three percent [3%] of total construction/improvement costs. ~~In evaluating landscaping requirements, credit may be granted for existing tree cover or for site improvements other than plantings as long as the objectives of this section are not reduced.~~

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 Rural Residential, Agriculture or Forestry district. Screening shall include a mixture of vegetation that creates a visual buffer (not necessarily an impervious "wall"). The introduction of attractive fencing, integrated with the vegetation, can also be used to define the buffer. The amount and type of plantings required will be determined by the Development Review Board based on

(a) the location and context of the site,

(b) the type of use,

(c) proximity to neighbors, and

(d) the pattern and extent of existing vegetation (on-site and in the immediate area).

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

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

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

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

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

11.8.5. *Internal Parking Lot Landscaping:* All off-street parking lots containing twenty [20] or more spaces shall be landscaped with trees, shrubs, and other plants. At least one deciduous tree per ten [10] spaces shall be planted in a bed of not less than forty [40] square feet. The Development Review Board may require fewer trees if the required landscaping results in an undue loss of parking. In lieu of this requirement, the Development Review Board may ~~allow~~ approve uncurbed planting areas in order to provide for stormwater run-off into vegetated areas for treatment.

11.8.6. In lieu of other landscaping requirements above, the Development Review Board may approve landscaping of equivalent value for the purpose of improving or restoring wildlife habitat, wetlands restoration and protection, stream bank stabilization and restoration, or similar improvement. Plans for such improvements shall be developed by an appropriate professional.

11.8.7. *Planting Specifications:* Plants shall be hardy for the climatic and other conditions in which they will be used (salt, air pollution, etc.). Trees shall preferably be of a type indigenous to the neighborhood. At its discretion, the Development Review Board may refer to "Recommended Trees for Vermont Communities: A guide to Selecting and Purchasing Street, Park, and Landscape Trees", published by the Vermont Urban and Community Forestry program. Trees shall be nursery grown or otherwise of healthy stock. Trees of similar species and function shall be of substantially uniform size and shape. At the time of planting, canopy-forming deciduous trees shall be at least two [2] inches in diameter, measured at a point four [4] feet above finished grade, and evergreen species shall be at least four [4] feet in height.

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

11.9. Site Layout and Design

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

11.9.1. *Village Center District:* Site layout and design shall reinforce a compact village settlement pattern of buildings lining public roads or central greens and shall enable building sites and setbacks to be consistent with village patterns. Buildings shall be sited so as to encourage use by pedestrians and to create a well-defined streetscape.

11.9.2. *Rural Residential, Village, and Agriculture and Forestry Districts:* Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas.

11.9.3. *Commercial District:* Site Layout and design shall minimize the appearance of strip development. Site layout and design shall incorporate green space, landscaping and other visual treatments that soften the appearance of development. Curb cuts should be limited to avoid impeding circulation on Route 15, and interior circulation roads may be required on larger parcels.

11.9.4. *Energy Conservation:* 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 4.6.16, 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 ~~two [2]~~ three [3] unregistered and/or uninspected motor vehicles or major part or portion of a motor vehicle to remain for more than thirty [30] consecutive days on premises owned, occupied, or controlled by him if the vehicle or parts are within view from any public way or abutting property, unless the vehicle is regularly operated on the premises, or unless the premises constitute a working farm or a permitted motor vehicle dealership. Any motor vehicle, or portion thereof (such as a trailer), used as a storage structure shall meet all applicable district setbacks.

11.10.4. *Underground Storage Tanks:* All new underground tanks for the storage, sale, or distribution of petroleum products shall be protected from internal and external corrosion such as by all Fiberglass construction, steel with bonded Fiberglass and internal lining, or the Steel Tank Institute 3-Way Protection System. Such tanks shall conform with the requirements of current applicable state and/or federal law.

11.10.5. *Above Ground Storage Tanks:* The storage of any highly flammable or hazardous liquid in an above ground tank with a storage capacity greater than 500 gallons shall meet all applicable state and federal standards, and the setback requirements and other standards of National Fire Protection Association (NFPA) Code 58 (or the most recent NFPA Code).

11.11. **Outdoor Lighting**

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

11.11.1. The maximum height of lighting fixtures or supporting structures shall not exceed twenty [20] feet from grade. Excluded from this height calculation are solar collectors or wind turbines on top of the supporting structure, which shall not exceed ten [10] additional feet in height.

11.11.2. The maximum permitted average lighting level on the surface to be lighted shall be one [1.0] foot-candle, or as otherwise specified in the Public Works Specifications.

11.11.3. Lighting of areas around gasoline pump islands and under canopies sheltering pump islands shall not exceed a maximum illumination level of twenty [20.0] foot-candles.

11.11.4. The height and shielding of light standards shall provide proper lighting without hazard to drivers or nuisance to residents. Fixtures, poles, and lamps shall conform with the Public Works Specifications. Lamps shall have a minimum color temperature of 2500 Kelvin ~~not be high- or low-pressure sodium; halide is preferred, whenever possible~~.

11.11.5. *Security Lighting:* Security lighting shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. Lighting shall not be directed above the horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source from being visible from adjacent properties and roadways. The average lighting level of an area illuminated by security lighting shall not exceed one [1.0] foot-candle.

11.11.6. *Lighting of Building Facades:* The maximum permitted average lighting level on any building façade or angular roof shall not exceed five [5.0] foot-candles. Building façade lighting shall be reduced to one [1.0] foot-candle after 11pm. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade. To the extent practicable, lighting fixtures shall be directed downward rather than upward. Lighting fixtures shall not be directed toward adjacent streets or roads.

11.11.7. *Lighting of Outdoor Recreation Areas:* Where playing fields or other outdoor recreation areas are to be illuminated, lighting fixtures shall be mounted and 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.

11.12. **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 ~~allowing~~ 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 Development techniques and practices into the stormwater management system.

11.13.1.4. All development requiring Development Review Board approval resulting in more than one-half [0.5] acres of new impervious surface and all major subdivisions shall at minimum meet the Recharge (Rev) criteria and the Water Quality Volume (WQv) criteria, as defined in the Vermont Stormwater Management Manual. Applicants are strongly encouraged to utilize non-structural practices such as the Voluntary Stormwater Management Credits provided for in the most recent version of the Vermont Stormwater Management Manual in order to satisfy this requirement.

11.13.1.5. The interest of the owner of each lot served by the stormwater management system shall be protected by an easement recorded in the deed of each lot involved.

11.13.1.6. Uses defined as “stormwater hotspots” in the Vermont Stormwater Management Manual, including those creating less than one acre of impervious surface, shall comply with all applicable requirements of the Vermont Agency of Natural Resources. Stormwater runoff from a stormwater hotspot shall not ~~be allowed to~~ infiltrate into groundwater unless an individual stormwater permit from the Vermont Agency of Natural Resources is obtained.

11.13.1.7. Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire upstream drainage area, whether inside or outside the Development. The Development Review Board shall approve the design and size of facilities based on anticipated run-off under conditions of total potential development and a twenty-

five [25] year storm. The applicant's engineer shall provide such information as the Development Review Board deems necessary to make the determination of the adequacy of the facilities.

11.13.1.8. The applicant's engineer shall provide such information as the Development Review Board deems necessary to determine the effect of the development on existing downstream drainage facilities outside of the area of development. Where anticipated discharge from the proposed development during a twenty-five [25] year storm will overload existing downstream drainage facilities, the Development Review Board may condition final approval upon improvement of the downstream facilities to prevent such an overload. Any construction required to prevent such overload and subsequent damage may be located on or off the applicant's site.

11.13.2. *Erosion and Sediment Control During Construction:*

11.13.2.1. At minimum, all construction shall comply with the erosion control practices detailed in the most recent version of the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control.

11.13.2.2. Plans meeting the guidelines of the latest edition of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, shall be submitted for all major subdivisions or when otherwise required by the Vermont Department of Environmental Conservation. The Development Review Board may also require erosion plans when development is proposed to occur on slopes greater than fifteen percent [15%], unvegetated areas or other areas with fragile soil conditions. In order to determine whether or not an erosion control plan is needed, the Development Review Board may require the applicant to provide a Risk Evaluation Checklist from the Vermont Department of Environmental Conservation

11.13.2.3. Where necessary, temporary vegetation and/or mulching and structural measures may be required by the Development Review Board to protect areas exposed during the development. Sediment basins (debris basins, desiltating basins, or silt traps) shall be installed and maintained during development to remove sediment from run-off water from land undergoing development. At minimum, these measures shall comply with the practices described in the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control.

11.13.2.4. Erosion prevention and sediment control practices for construction that occurs from October 15th to May 15th shall conform with Section 3.2 Winter Construction Limitations of the Vermont Standards and Specifications for Erosion Prevention and Sediment Control, or the most recent Vermont Agency of Natural Resources standards for winter construction.

11.13.3. *Protection of Natural Water Courses:*

11.13.3.1. No natural water course shall be piped, dammed or altered without the approval of the Town and, where applicable, the State Department of Environmental Conservation and/or the Army Corps of Engineers.

11.13.3.2. Land bordering on major water courses and drainage ways, or located in the 100 year Floodplain, which cannot be used safely for building purposes without danger to health or peril from flood, shall be set aside for such uses as are not endangered by periodic inundation.

11.13.3.3. Construction and site modifications shall be prohibited on banks adjacent to streams or other water courses, except where a road or utility must intersect said waters. During construction all necessary precautions shall be taken to minimize soil erosion and injection of soil into public waters. The disturbed bank and slopes shall be revegetated and stabilized according to Natural Resources Conservation Service recommendations.

11.14. Performance Standards

11.14.1. No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the **ACT** [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry.

No use, under normal circumstances, shall cause or result in:

11.14.1.1. Noise in excess of seventy decibels [70db] averaged using the RMS method over a continuous thirty [30] minute period that is not the result of occasional, customary activities associated with an allowed use (e.g., lawn mowing or garden cultivating).

11.14.1.2. Smoke, dust, noxious gases, or other forms of air pollution that constitute a nuisance or threat to neighboring landowner(s), business(es) or resident(s); which endanger or adversely affect public health, safety or welfare; or which cause damage to property or vegetation.

11.14.1.3. Electromagnetic disturbances or electronic transmissions or signals that will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which is otherwise detrimental to public health, safety and welfare (except from facilities which are specifically licensed and regulated through the Federal Communications Commission).

11.14.1.4. Glare, lumen, light, or reflection that impairs the vision of motor vehicle operators, which constitute a nuisance to another property owner(s) or tenant(s), or which is otherwise detrimental to public health, safety and welfare.

11.14.1.5. Liquid or solid waste or refuse that cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollute surface or ground

waters, or which is otherwise detrimental to public health, safety and welfare.

11.14.1.6. Undue fire, explosive, radioactive emissions, or other hazard that endangers the public, public facilities, or neighboring properties, or which results in a significant increased burden on municipal facilities and services.

In determining on-going compliance, the burden of proof shall fall on the applicant, ~~property~~ parcel owner, and/or all successors and assignors. In the event of a formal complaint, should the applicant, parcel owner, and/or successors and assignors, determine that assistance of an independent consultant or consultants to evaluate and/or document conditions is warranted, and the results of said evaluation confirm compliance, the reasonable costs of consultant services shall be paid for by the person or persons who initiated the complaint.

11.14.2. Agricultural operations should at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Agency of Agriculture.

11.14.3. Forestry operations should at minimum observe Accepted Management Practices (AMPs).

11.14.4. The Zoning Administrator or Development Review Board may consult with state and federal regulatory agencies in determining accepted performance standards for a particular use.

12. ADMINISTRATION AND ENFORCEMENT

12.1. Applicability of Vermont Planning and Development Act

The provisions of Chapter 117 of Title 24, Vermont Statutes Annotated, known as the Vermont Planning and Development Act (the **ACT**) shall govern all matters related to these regulations, including but not limited to the following:

- administration and enforcement of these regulations,
- the effect of the adoption of these regulations,
- the appointment and powers of the Zoning Administrator,
- the appointment and powers of the Development Review Board,
- requirements for Zoning Permits and other approvals,
- penalties and remedies,
- administration and finance,
- public notice, and
- appeals and granting of variances.

12.2. Zoning Administrator (Administrative Officer)

The Selectboard shall, from nominations submitted by the Planning Commission, appoint a Zoning Administrator for a term of three [3] years in accordance with the **ACT** [§4448]. In the absence of the Zoning Administrator, an acting Zoning Administrator may be appointed by the Selectboard, from nominations by the Planning Commission, who shall have the same duties and responsibilities of the Zoning Administrator in his or her absence.

The Zoning Administrator shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate. The Zoning Administrator shall be authorized to prepare town permit applications, development review checklists, and other administrative forms, and to update these forms as experience and amendments to these regulations dictate.

12.3. Development Review Board

A Development Review Board, consisting of not less than five [5)] nor more than nine [9] members shall be appointed by the Selectboard. The Selectboard also may assign alternate members to serve on the Development Review Board in situations where one [1] or more members are disqualified or otherwise unable to serve. Terms of appointment for permanent and alternate members shall be in accordance with the **ACT** [§4460].

The Development Review Board shall have all review functions specified in these regulations and in the **ACT** [§4460(e)]. It shall carry out review procedures, elect officers, adopt rules of procedure and otherwise conduct business as specified in the **ACT** [§4461].

12.4. Planning Commission

A Planning Commission, consisting of not less than three [3] nor more than nine [9] members shall be appointed by the Selectboard. Terms of appointment for members and operating procedures shall be in accordance with the **ACT** [§4323]. The Planning Commission shall carry out powers and duties as specified in the **ACT** [§4325].

12.5. **Appeals**

12.5.1. *Appeals of Zoning Administrator Decisions:* Any interested person as defined in Section 12.5.2 may appeal a decision or act of the Zoning Administrator within fifteen [15] days of the date of the decision or act by filing a Notice of Appeal with ~~the Secretary of the Development Review Board, or~~ the Planning & Zoning Office, the Jericho Town Clerk ~~if no Secretary has been elected, and by filing a copy of the Notice with the Zoning Administrator~~ or Town Administrator's office.

12.5.1.1. Notice must be delivered by hardcopy (not electronically), and signed by the appellant. Notice must include appellant's name and contact information, administrative decision being appealed, location/address of subject parcel, and names/addresses of owners of land adjacent to the subject parcel.

Notice **must** include payment in full at the time of filing.

Alternatively, an application for Appeal of Administrative Decision may be completed and submitted with payment in full by the appellant. Applications are available at Town Hall or off the Town website, www.jerichoVT.gov.

12.5.1.2. The Development Review Board shall hold a public hearing on a notice of appeal within sixty [60] days of its filing, as required under the **ACT** [§4468]. The Board shall give public notice of the hearing under Section 12.5.3, and mail a copy of the hearing notice to the appellant not less than fifteen [15] days prior to the hearing date.

12.5.1.3. The Development Review Board may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within ten [10] days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant [§4470].

12.5.1.4. In accordance with the **ACT** [§4468], all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes [3 VSA §810]. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the Development Review Board from time to time, provided that the date and place adjourned hearing shall be announced at the hearing.

12.5.1.5. A decision on appeal shall be rendered within forty-five [45] days after the final adjournment of the hearing, as required under the **ACT** [§4464(b)]. The decision shall be sent by certified mail to the appellant within the forty-five [45] day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and the Municipal Clerk

as part of the public records of the municipality. Failure of the Development Review Board to issue a decision within this forty-five [45] day period shall be deemed approval and shall be effective on the forty-sixth [46th] day.

12.5.2. *Interested Persons:* In accordance with the **ACT** [§4465(b)], an interested person includes any of the following:

12.5.2.1. An individual or entity ~~person~~ owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;

12.5.2.2. The Town of Jericho or any adjoining municipality;

12.5.2.3. An individual or entity ~~person~~ owning or occupying property in the immediate neighborhood of a property which is the subject of a decision or act taken under these regulations, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of that municipality; or

12.5.2.4. Any ten [10] voters or property owners within the municipality who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in compliance with the policies, purposes or terms of the plan or regulations of the municipality. This petition must designate one [1] person to serve as a representative of the petitioners regarding all matters related to the appeal.

12.5.2.5. Any department or administrative subdivision of the state owning property or any interest therein within the municipality or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

12.5.3. *Notice of Appeal:* A notice of appeal filed under this section shall be in writing and include the following information, in accordance with the **ACT** [§4466]:

- the name and address of the appellant,
- a brief description of the property with respect to which the appeal is taken,
- a reference to applicable provisions of these regulations,
- the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
- the alleged grounds why such relief is believed proper under the circumstances.

12.5.4. *Appeals to Environmental Court:* In accordance with the **ACT** [§4471], an interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the Board

under Section 10.8 or 12.5 within thirty [30] days of such decision to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

12.5.4.1. "Participation" in a Development Review Board proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.

12.5.4.2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and by mailing a copy to the Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five [5] working days.

Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

12.6. Variances

The Development Review Board shall hear and decide requests for variances as required by the **ACT** [§4469]. In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect.

12.6.1. *Structures Not Primarily a Renewable Energy Resource Structure:*

In reviewing requests for variances relating to structures that are not primarily a renewable energy resource structure, the Development Review Board may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:

12.6.1.1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that any unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;

12.6.1.2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;

12.6.1.3. The unnecessary hardship has not been created by the appellant;

12.6.1.4. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to

renewable energy resources, or be detrimental to the public welfare; and

12.6.1.5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

12.6.2. *Renewable Energy Resource Structure:*

In reviewing requests for variances relating to structures that are primarily a renewable energy resource structure, the Development Review Board may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:

12.6.2.1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformity with these regulations;

12.6.2.2. The hardship was not created by the appellant;

12.6.2.3. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

12.6.2.4. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

12.7. Violations and Enforcement

12.7.1. *Violations:*

The commencement or continuation of any land development or subdivision that does not meet the requirements of these regulations shall constitute a violation. All violations shall be pursued in accordance with the **ACT** [§§4451, 4452]. Each day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute, in the name of the Town of Jericho, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected shall be paid over to the municipality.

12.7.2. *Notice of Violation:*

No action may be brought under this section unless the alleged offender has had at least seven [7] days' warning notice by certified mail that a violation exists, as required under the **ACT** [§4451]. The notice of violation also shall be recorded in the land records of the municipality. The notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven-day notice period, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven [7] -day notice period and within the next succeeding 12 months.

12.7.3. *Limitations on Enforcement:*

An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the **ACT** [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality.

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