

## Appendix E

### Draft Language: US Route 4 Corridor Management Overlay District

*This borrows heavily from VTran's Access Management Program Guidelines, state highway permit application requirements, and other references (noted below), and has been drafted as a separate article, following the format of Hartford's existing regulations. Many of the more technical standards included here could be adopted by reference, and/or regulated and applied under the town's highway ordinance for reference in its land use regulations. It's also important to note that, under 24 V.S.A. Chapter 117, an overlay district must conform the municipal plan – as such a proposed management overlay district should be specifically referenced in the adopted town plan.*

#### **ARTICLE \_\_** **US ROUTE 4 CORRIDOR MANAGEMENT OVERLAY DISTRICT**

##### **- 1 OBJECTIVE**

To manage the development of and access to properties along US Route 4 in a manner that protects public safety, preserves public investment in transportation infrastructure and services, and maintains or enhances the functional capacity and integrity of the highway corridor in accordance with the US Route 4 Corridor Management Plan. The US Route 4 corridor in Hartford is part of the National Highway System, a state highway and principal arterial which provides mobility between and access to businesses, residences and other land uses through the town, region, state and beyond. The management objectives and implementation strategies for this transportation network are described in the US Route 4 Corridor Management Plan (2008) [*adopted as an addendum to the Hartford Town Plan on \_\_\_\_ (date) \_\_\_\_\_*].

##### **-2 APPLICABILITY**

The overlay district shall apply to the development, redevelopment, subdivision, and re-subdivision of any parcel that has frontage on or requires access to US Route 4 within the Town of Hartford, between I-89 Exit 1 (Quechee Interchange) west to the Hartford town line. This district overlies other zoning districts. When the requirements of this district differ from those of an underlying zoning district, the more restrictive shall apply.

##### **-3 PERMITTED USES**

As listed for the underlying zoning district.

##### **-4 AREA AND DIMENSIONAL STANDARDS**

As listed for the underlying zoning district, except as specified below.

##### **- 5 APPLICATION REQUIREMENTS**

**-5.1 Application Materials.** In addition to other required application materials, applications for subdivision or development in this district shall include a corridor location map, drawn to scale and to an identified reference point (e.g., a bridge, intersection, mile marker, etc.) that shows the locations of:

**-5.1.1.** The US Route 4 highway corridor, including all existing and proposed highway rights-of-way, centerlines, travel lanes, turning lanes, shoulders, and highway intersections, interchange ramps and driveway accesses within at least 1000 feet in both directions, of the lot(s) to be subdivided or developed.

**-5.1.2.** The location of all other existing and planned pathways, utilities, drainage structures, transit stops and infrastructure improvements and associated easements along the corridor, including the location of any planned improvements identified in the US Route 4 Corridor Management Plan, the adopted Hartford Town Plan and capital improvement program, or the state transportation improvement program.

**-5.1.3.** Lot lines for all existing and proposed lots along the specified corridor segment.

**-5.1.4.** Road frontage, front setback and access spacing distances along the specified corridor segment.

**-5.1.5.** Existing and proposed speed limits, speed zones and traffic control devices.

**-5.1.6.** Existing and proposed traffic generation and circulation, including a calculation of existing and proposed traffic generation using available data and Institute of Transportation Engineers (ITE) standards.

**-5.1.7.** Other information as requested to determine conformance with the requirements of this district.

**-5.2** **Referral Requirements.** Access to the US Route 4 state highway is also subject to the approval of the Vermont Agency of Transportation and, for properties that also front on or access connecting town highways, the Hartford Highway Superintendent. As a condition of state or town highway access approval, compliance with these regulations is required. Accordingly:

**-5.2.1.** All applications for subdivision and development within this district shall be referred by the Zoning Administrator, within 30 days of receipt, to the Vermont Agency of Transportation and Town Highway Superintendent for review and comment [*as required under Section \_\_\_\_*]. No municipal permits or approvals under these regulations shall be issued until written comments from state and town officials have been received or 30 days have elapsed from the date of referral, whichever is sooner.

**-5.2.2.** All highway accesses and corridor improvements shall be designed in accordance with the requirements of this section, and other applicable state and municipal design standards. Where the requirements of this section differ from other municipal or state requirements, the more restrictive shall apply.

**-5.2.3.** A municipal or state highway access permit must be obtained prior to the issuance of a municipal zoning permit [*certificate of occupancy*]. The Zoning Administrator may consult with town or state officials in determining whether a proposed access meets all applicable access requirements prior to the issuance of a permit.

**-5.2.4.** In the event that subdivision, site plan or conditional use review is required, a state or town highway access permit shall be obtained following the issuance of such approval(s) by the appropriate municipal panel, and shall comply with any conditions of approval.

## **-6** **CORRIDOR PRESERVATION REQUIREMENTS**

The preservation and protection of the US Route 4 Corridor, and planned corridor improvements as identified in the US Route Corridor Management Plan [*and adopted municipal capital and state transportation improvement programs*], are necessary to achieve coordinated land and transportation system development, to provide for future growth, and to ensure that US Route 4 is adequate to meet future needs. Accordingly:

**- 6.1 Conformance.** All development in this district shall conform to and incorporate, to the extent feasible, planned corridor improvements identified in the US Route 4 Corridor Management Plan [Hartford Town Plan]. Municipal approvals shall include related findings regarding project conformance with the management plan and potential impacts to planned corridor improvements, and, where alignments have been established, may require as a condition of approval that the project be modified as necessary to conform to the management plan or associated project engineering studies or designs.

**-6.2 Dedications.**

**-6.2.1.** Proposed projects adjacent to a segment of the US Route 4 highway corridor for which right-of-way acquisitions are needed as identified in US Route 4 Corridor Management Plan [*and the town's adopted capital improvement program or state transportation improvement program*] shall, as a condition of approval, dedicate land within the project site to accommodate planned corridor improvements. The land to be dedicated shall be only that shown by an engineering study or design to be necessary to accommodate planned improvements and shall not exceed the amount that is roughly proportionate to the transportation impacts to be generated by the proposed development. [*The value of this land shall be credited against any transportation impact fees.*] Such dedication shall occur by recordation on the face of the site development plan, subdivision plat, deed, grant of easement, or other method acceptable to the town.

**6.2.2.** The Planning Commission may allow for the clustering of development and the transfer of density from that portion of the site to be dedicated for planned corridor improvements to another developable portion of the site, or allow an increase in the overall density of development in accordance with Section 4-3 (Planned Development) for the voluntary dedication of land in excess of the minimum required under -6.2.1 [*or to accommodate planned improvements not yet included in an adopted capital or transportation improvement program*].

**Note:** *If the town adopts an official map, the dedication of such improvements also can be required or the approval may be denied, however the town (or state) must then take measures to acquire the land or interests in land (e.g., easements, rights-of-way, development rights) or reconsider the application without the dedication requirement.*

**-6.3 Encroachments.** The US Route 4 corridor through Hartford shall be protected from encroachments by structures, parking areas, and drainage facilities, except as otherwise allowed, in consultation with the Agency of Transportation, under these regulations. Accordingly:

**-6.3.1.** The following types of construction and activity are not permitted within existing or planned state highway rights-of-way:

(A) Construction or installation of above ground structures including buildings, fences, and pipelines and excluding poles and repeaters.

(B) Construction or installation of underground structures, including storage tanks and pumping stations. Utility manholes, vaults, pull boxes, pits and appurtenances are permissible if flush with the finished grade and/or can support vehicular loads.

(C) Storage or parking of motor vehicles.

(D) Filling, grading or placing materials in such a way as to obstruct a stream or direct the flow of water onto the highway right-of-way.

(E) Erection of signs or other traffic control devices that do not conform to the MUTCD and any previously approved traffic control plans.

(D) Any utility facility within an area needed for probably highway expansion.

(E) Any other facility as may be prohibited by the Vermont Agency of Transportation.

**-6.3.2.** For lots in this district, the Planning Commission or Zoning Board of Adjustment may require an increase in the minimum front setback distance from the highway right-of-way, as specified for the underlying zoning district, to accommodate planned corridor improvements identified in the US Route 4 Corridor Management Plan. Where a proposed alignment has not yet been established, the applicant may propose an approximate alignment, acceptable to the town and state, as the basis for applying underlying district setback requirements. Once a final alignment is established through an engineering study or design, the approved setback may be reduced, subject to administrative review and approval, by no more than 10.0%.

**-6.3.3.** The Planning Commission may allow for [*require*] the clustering of development under Section 4-3 (Planned Development) to avoid encroachments into the corridor that would adversely affect planned corridor improvements.

**6.4 Infrastructure Improvements.** . A proposed subdivision or development shall not result in an undue adverse impact on the functional capacity of US Route 4, connecting roads and intersections in the vicinity, or to existing and planned corridor improvements. Accordingly:

**-6.4.1.** A traffic impact assessment shall be required for major subdivisions, for development at intersections or segments of the corridor having a 2008 Level of Service D or less as identified in the US 4 Corridor Management Plan, or for development that results in an increase of 75 or more peak hour trips. The study will provide sufficient information to assess potential impacts to the highway corridor (including intersections, connecting roads, bridges, and other transportation and pedestrian facilities in the vicinity of the project) and existing and planned levels of service, and to identify infrastructure and traffic control improvements needed to address identified impacts.

**-6.4.2.** The Planning Commission or Board of Adjustment may require the phasing of development in relation to the available capacity of existing or planned corridor infrastructure that is scheduled for improvement under the town's adopted capital improvement program, or the state's transportation improvement program.

**-6.4.3.** Corridor infrastructure improvements and traffic control devices specifically required to serve a proposed development shall be installed and paid for by the developer. The applicant also may be required to fund a proportional share of the cost of needed intersection or other corridor improvements identified in the US Route 4 Corridor Management Plan affected by the development. [*Note: there a number of ways to determine proportional share. Typically this is tied at least in part to existing/proposed trip generation rates. At present this is enabled under state law primarily through a local impact fee ordinance, tied to a CIP-project, in which fees are collected in a reserve account and must be spent within 6 years, though it may also be negotiated under a development agreement.*] In addition:

- (A) Where road widening or reconstruction is required, roadway design specifications shall be no less than those necessary to meet either the minimum posted speed limit for, or constructed design speed of that section of highway, whichever is greater.
- (B) Where necessary to remove, relocate or repair traffic control devices or public or private utilities for the construction of a permitted access, the relocation or removal shall be the responsibility of the applicant, without cost to the town or state.
- (C) Installation of any traffic control device necessary for the safe and proper operation and control of the access shall be required pursuant to the U.S. Department of Transportation's *Manual on Uniform*

*Traffic Control Devices* (as revised). Where the access may warrant signalization in the future, phasing of the installation (turn lane work and signal work) may be required.

**-6.4.4.** The town, in consultation with the state, may require a three-year performance bond, or other form of security acceptable to the Selectboard, in an amount sufficient to cover the full cost of required improvements, to ensure that such improvements are properly installed and adequately maintained for a period of two years after installation, in accordance with Section \_\_\_\_\_. The terms of the bond, with the consent of the owner, may be extended for an additional three-year period. If any required improvements have not been installed or maintained as provided in the bond, the bond shall be forfeited to the municipality and, upon receipt of the proceeds, the municipality shall install or maintain covered improvements.

**-7 ACCESS MANAGEMENT REQUIREMENTS**

**-7.1 Access Management Categories.** US Route 4 corridor in Hartford is a principal arterial (Access Management Category 3) as defined by the Vermont Agency of Transportation, but which also includes the Quechee Interchange (I-89, Exit 1), more developed (village) and less developed (rural) sections. For purposes of these regulations, within this overlay district the following access management categories are established as shown on the accompanying US Route 4 Corridor Access Management Overlay District Map (e.g., the “Proposed Access Management Zones” map included in the corridor management plan).

**Note:** Under this alternative, the entire corridor – except for the interchange area– remains Category 3 (as presently classified – but recognizes that design standards will vary based on posted or designed speeds, traffic, distance from interchange ramps, and whether or not the segment of road is located within urbanized/signalized or undeveloped areas (see applicable AMP Guidelines...))

Access Category	Sections	Function/Purpose	Access Control
<b>2 – Limited Access Interchange Area</b>	Quechee Interchange (I-89, Exit 1)	Provides access to I-89 for interstate travel; direct access is subordinate to through traffic	Controlled; direct private access is not allowed unless access rights exist
<b>3 – “Village” Arterial [Red Segments]</b>	Quechee Village, Quechee Gorge	Balance access and mobility. Capacity for low to moderate travel speeds and moderate to high traffic volumes; serves local as well as through traffic.	Direct private access may be restricted or denied if other reasonable access is available.
<b>3 – “Rural” Arterial [Blue Segments]</b>	US 4 outside of village areas	Emphasis on mobility. Capacity for medium to high speeds and volumes of traffic; primarily serves through traffic	Direct private access may be restricted or denied if other reasonable access is available

**-7.2 Access Management Guidelines.** Access to US Route 4 shall be designed and constructed in accordance with applicable Vermont Agency of Transportation *Access Management Program Guidelines* in effect at the time of application, incorporated herein by reference, in relation to the highway segment’s assigned functional class, access management category, and projected traffic volumes and conditions; as well as other applicable requirements of these regulations [*Class I town highway segments,*] Connecting town highways, development roads and driveways shall be designed and constructed in accordance with the Hartford Town Highway Ordinance.

**Note:** In adopting state and town highway standards by reference (in part for consistency), this assumes that the town will actively refer to, use and apply state guidelines and town highway standards in its review of proposed development along the corridor.

**-7.3 Nonconforming Access.** Any access to US Route 4 or a connecting road within the corridor which is legally in existence as of the effective date of these regulations [date] and does not conform to these standards shall be considered a “nonconforming access.” A nonconforming access may continue to be used indefinitely, but shall be retrofitted or otherwise brought into conformance with all applicable requirements of these regulations when:

**-7.3.1.** The lot is subdivided, re-subdivided, developed, or redeveloped,

**-7.3.2.** A new or relocated access is requested,

**-7.3.3.** There is a substantial enlargement, improvement, or change in the use of the property,

**-7.3.4.** The principal use of the property is discontinued or abandoned for a consecutive period of more than 180 days,

**-7.3.5.** Trip generation will increase by 25% or more and at least 100 trips per day, as calculated from traffic data or the current Institute of Transportation Engineers (ITE) “Trip Generation Manual,” or as

**-7.3.6.** US Route 4 roadway, intersection and other corridor improvements allow.

**-7.4 Nonconforming Lot.** Pursuant to the Act [§4412(3)], no development shall be permitted on a lot within the US Route 4 Corridor Management Overlay District that does not have the minimum required lot frontage [width] on US Route 4, unless access through a permanent easement or right-of-way has been approved by the Planning Commission in accordance with Section 3-3.1 of these regulations. For purposes of these regulations:

**-7.4.1.** No direct access shall be provided to any lot having less than 40 feet of frontage on US Route 4.

**-7.4.2.** Access approval under this section shall be limited to a pre-existing nonconforming lot which does not meet the minimum frontage [width] requirement for the zoning district(s) in which it is located. Lots created after the effective date of these regulations within the US Route 4 Corridor Management Overlay District shall meet all applicable access and frontage requirements, unless modified or waived by the Planning Commission, in consultation with the state, under Section 4-3 (Planned Development).

**-7.4.3.** The decision to approve an access to a nonconforming lot shall be based on written findings and determinations that:

(A) No reasonable access to the lot from a highway other than US Route 4 is available.

(B) The lot cannot share an existing access to US Route 4 on the same lot or an adjoining lot for reasons of ownership, adequacy, safety, or physical site limitations that require a separate access.

(C) Any permanent easement or right-of-way providing access to the lot shall be at least 20 feet in width. Pursuant to Section 3-3.1, the Planning Commission may require a wider easement or right-of-way width as necessary to accommodate a driveway that meets access and driveway width standards applicable to the proposed use. No subdivision or further development of the lot shall be allowed unless the access to existing and proposed lots is provided by means of a 50-foot road right-of-way.

(D) The access, driveway or road serving the lot shall meet all other applicable requirements of these regulations.

**Note:** The above section pertaining to nonconformities is intended to reflect existing bylaw requirements for related types of nonconformities, as allowed under Chapter 117, but these subsections could be deleted, if considered adequately covered under 7.5 below.

**-7.5 Access Management Standards:**

**-7.5.1.** [All lots legally in existence in separate ownership as of the effective date of these regulations are entitled to one driveway connection to US Route 4, subject to these regulations.] Direct access to US Route 4 shall be allowed only if it is determined that the property or development in question has no other reasonable access to the road network via access to an adjoining property, a secondary development road or a town highway. Temporary access to US 4 may be permitted until such time that reasonable access to a side street or collector road, or through an adjoining property, becomes available.

**-7.5.2.** No additional access rights to US Route 4 shall accrue upon the subdivision or re-subdivision of existing parcels, nor for the development or redevelopment of contiguous parcels under common ownership and control.

(A) Notwithstanding district lot frontage [*width*] requirements, the minimum frontage distance for lots created after the effective date of these regulations that front on US Route 4 shall be no less than the minimum connection (access, intersection) spacing distance required for that corridor segment under the Vermont Agency of Transportation's *Access Management Program Guidelines*.

**-7.5.3.** Where direct access to US Route 4 is allowed, only one access shall be permitted to serve an individual lot or contiguous lots under common ownership or control unless it is determined, in consultation with the Vermont Agency of Transportation and Town Highway Superintendent, that:

- (A) Because of physical site constraints, traffic circulation patterns, subdivision requirements, or to better accommodate emergency vehicles or transit, pedestrian or bicycle facilities, an additional access is necessary for the safe and efficient use of the property, and
- (B) The additional access will meet access spacing requirements, and not be detrimental to the safety and operation of US Route 4, and
- (C) The additional access will not knowingly result in a hardship to an adjacent or facing property.
- (D) The town, in consultation with the state, may further limit the use of secondary accesses, (e.g., to one-way traffic, emergency vehicle access, etc.) as specified in the conditions of approval.

**-7.5.4.** For the subdivision, re-subdivision, development or redevelopment of lots within this district, one or more of the following may be required in consultation with the Vermont Agency of Transportation and, for intersecting town highways, the Town Highway Superintendent as appropriate:

- (A) The elimination, consolidation or relocation of existing, nonconforming accesses and driveways.
- (B) The upgrade or redesign of an existing access or driveway as necessary to meet applicable design standards, or as identified in the US 4 Corridor Management Plan.
- (C) Shared access or cross connections with adjoining properties which are currently under common ownership or control, or which also are subject to a shared access requirement in accordance with Section 7.5.5 below.

**-7.5.5.** Provision shall be made in subdivision and site design wherever feasible for shared (joint) access to US Route 4 and for shared parking and cross connections between adjoining lots. Accordingly:

- (A) Shared driveways or access roads and cross connections between adjoining lots shall be established wherever feasible along the US Route 4 corridor.
- (B) For through or corner lots fronting on both US Route 4 and a proposed development road, access and frontage shall be provided along the development road, and access rights along US Route 4 shall be dedicated to the town or state, and recorded with the deed.
- (C) To the extent feasible, parking, loading and service areas shall be located to the side or rear of buildings to allow for cross connections and shared parking between adjoining lots.
- (D) Access points to adjoining lots shall be coordinated with existing and planned development on the remainder of the lot and on adjoining lots.
- (E) Requirements for shared access, parking and/or cross connections between lots shall be made either at the time of approval if similar provision has been made on adjoining lots, or contingent upon the future subdivision, development or redevelopment of an adjoining lot.
- (F) Connections shall be provided through the dedication of easements or rights-of-way as identified on the site plan or subdivision plat and recorded in town land records.

**-7.5.6.** In the interest of promoting unified access and circulation systems, access to multiple properties along the US Route 4 corridor that are under common ownership or being consolidated for purposes of development, and are to include more than one lot, building or use, shall not be considered separate properties in relation to required access standards. Accordingly:

- (A) The number of connections permitted to existing or subdivided lots shall be the minimum necessary to provide reasonable access to the site from US Route 4, and not the maximum available based on total road frontage.
- (B) Direct connections to US Route 4 shall be limited to shared driveways or service roads. The right of direct access to US Route 4 for lots with frontage along US Route 4 shall be dedicated to the town or state, and recorded with the deed.
- (C) Access shall be provided to all lots, buildings and uses on the proposed development site, including frontage lots (out parcels) through an internal, shared site circulation system, which shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking areas and driving aisles.
- (D) All necessary easements, agreements and stipulations for shared access, parking and cross connections shall be met.

**-7.5.7.** In order to protect the safety and operational efficiency of the Quechee interstate interchange area, no new connection to US Route 4 will be permitted within the Quechee Interstate Interchange (QII) District [*within ¼ mile of an interchange ramp*] unless it conforms to an access management plan for the district [*interchange area*], as approved by the town and the Vermont Agency of Transportation. The access management plan shall:

- (A) Address access to multiple properties within the district [under common ownership or control].
- (B) Address existing and anticipated deficiencies and recommended infrastructure improvements identified in the US Route 4 Corridor Management Plan [*town plan, capital improvement program or state transportation improvement program*], and

(C) Identify current and proposed connections and openings within ¼ mile of the interchange area which meet minimum access and road intersection spacing requirements.

**Note:** *This section assumes that either the state, region and town will develop an interchange and access management plan in association with affected landowners, as recommended in the study; or that affected landowner(s) will be required to prepare an access management plan – which reasonably would include only their property(ies), and may otherwise be covered under \_-7.5.6 above.*

**-7.6 Site Improvements.** The following site improvements may be required as a condition of approval where applicable:

**\_-7.6.1.** Clearly marked travel lanes, pedestrian crossings, and pedestrian paths connecting buildings and parking areas shall be incorporated into subdivision and site and design as necessary to ensure vehicular and pedestrian safety and convenience.

**\_-7.6.2.** An access or connection that crosses or otherwise affects an existing or planned pedestrian, bicycle or handicapped facility shall incorporate necessary modifications to ensure safe crossing and use of those facilities.

**\_-7.6.3.** Bicycle racks or lockers shall be required for all multi-family dwellings and nonresidential uses intended for general public access [that are located along existing or planned bicycle paths].

**\_-7.6.4.** Transit facilities (e.g., turn outs, shelters) may be required for school bussing or for development on existing or proposed transit routes.

