



Town of Jericho

JERICHO PLANNING COMMISSION

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SUMMARY AND DESCRIPTION OF THE PROPOSED AMENDMENTS, INCLUDING THOSE MADE FOR THE NOVEMBER 3, 2016 PUBLIC HEARING

A description of proposed amendments and revisions to the Jericho Land Use and Development Regulations is provided below. Text shown in **RED** is proposed text. Text ~~crossed-out~~ is deleted text.

1. Section 2, Definitions

- a. The following definitions underwent slight technical wording changes, which did not significantly change their original meaning or intent:

ACCESSORY APARTMENT

LOW IMPACT DEVELOPMENT

- b. The following definition was added to clarify other definitions and/or to describe terminology used elsewhere in the document. The new definition is shown below:

GREEN STORMWATER INFRASTRUCTURE (GSI): A suite of systems and practices that restore and maintain natural hydrological processes in order to reduce the volume and water quality impacts of stormwater runoff. GSI is a structural approach to stormwater management that focuses on managing stormwater impacts using natural processes such as infiltration, evapotranspiration, and storage and reuse. In contrast to gray stormwater infrastructure, GSI is used in a decentralized fashion to treat stormwater as close to the source as possible.

2. Section 3, Zoning Districts

- a. The names of two zoning districts were change in this section and throughout the document to better reflect the permitted uses and development patterns and reflect the change in names in the 2016 Town Plan. The Zoning Map was also updated to include the renamed districts.

- The name of **Agriculture District** was changed to the **Rural/Agriculture Residential District**.
- The name of the **Rural Residential District** was changed to the **Low Density Residential District**.

- b. Section 3.2 *Purpose of Districts* - The description of the purpose of each of the Zoning Districts was changed to reflect the revised district descriptions in the 2016 Town Plan.

- 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, **which is designated for public recreational use, natural resource management or conservation. The Open Space District currently includes the Ethan Allen Firing Range, the University of Vermont Research Forest, Mobbs Farm, Mills Riverside Park, Old Mill Park, and the Wolfrun Natural Area, and the privately owned Barber Farm.**

- *The Ethan Allen Firing Range is currently owned by the Federal Government and is also included in the Open Space District; however there is no public access to this property. ~~Some areas~~ Portions 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~~ unless specific action to the contrary is taken, only after 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 **preserve productive forests as important parts of Jericho's local economy, and to** maintain the rural character of Jericho by preserving significant aesthetic, recreational, and natural resources. Some land in the district ~~may be~~ **is** 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 Rural/Agriculture Residential District** is to provide ~~dedicated~~ land **sufficient** for agriculture, ~~silviculture~~ **and forestry** 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. **Linkages to other district via trail and on road cycling are of particular importance in this district.**
- 3.2.4. The purpose of the **Rural-Low Density Residential District** is to provide for **a variety of** land uses that are compatible with rural areas. This district creates a transition between the denser Village, Commercial and Village Center Districts and the lower-density Open Space, Forestry and ~~Agricultural Rural/Agriculture Residential~~ Districts. **Additional breaks within this District should be considered to preserve the open countryside. Linkages to other Districts via trails and on road cycling are of particular importance in this District.**
- 3.2.5. The purpose of the **Village District** is to provide a moderate-density residential area as a transition from the Village Center Districts. The Village District is intended to provide a variety of housing options ~~for Jericho residents~~, including a mix of single and multi-family housing, near the amenities provided by the Village Center ~~District~~ and ~~the~~ Commercial District. Pedestrian linkages to surrounding neighborhoods and the Village Centers are of particular importance in this district. Small service-oriented commercial uses may be ~~approved~~ **appropriate** if they are compatible with the predominantly residential character of the district.
- 3.2.6. The **primary** purpose of the **Commercial District** is to **provide a location for minimum impact commercial enterprises that cannot or should not be located in the Village Center District. Generally this refers to employment opportunities and a location for commercial,** light industrial or commercial uses that rely on trucks and/or heavy equipment that would come into conflict with pedestrians and/or residential uses in the Village Center

~~District and similar uses that are not compatible in a village setting due to noise, dust, heavy truck traffic and similar nuisances. While roadside visibility is important for the viability of some businesses. The rural character of the VT Route 15 corridor will be enhanced by carefully planned development and suburban strip development is prohibited in the district. Strip development is defined as linear commercial development along VT Route 15 that includes three or more of the following characteristics: has broad road frontage, predominance of single-story buildings, lack of two or more stories over the entire footprint, and a limited reliance on shared access to VT Route 15, lack of connection to an existing settlement except by VT Route 15, lack of connection with surrounding land uses, and limited accessibility for pedestrians. Access and traffic between VT Route 15, town and private roads, and developed parcels shall be carefully managed. Curb cuts shall be limited to avoid impeding circulation on Route 15, and interior circulation roads shall be required on larger parcels with three or more buildings. Green space, landscaping to screen parking from VT Route 15, and other “character of the neighborhood” criteria, must be met in order to preserve the rural character of the community and the views of the mountains and other visual treatments shall be required.~~

- 3.2.7. The purpose of the **Village Center District** is to encourage the concentration of people and community-focused activities in traditional centers. As noted in the Jericho Comprehensive Town Plan, Jericho Center, Jericho Corners, and Riverside ~~have been the center of commerce, culture, and community for the town. Each of these three locations is~~ are listed as an historic district on the State Historical Register. ~~These areas~~ Village Centers 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. ~~Pedestrian-scale development should be encouraged within the Village Center District. With attention to the location of buildings and connections between buildings, multiple use patterns within a village setting will be able to continue. The layout of new buildings should reflect traditional patterns and encourage use by pedestrians.~~ The orientation of new building should encourage walkability and reflect traditional patterns. Spaces within development to encourage community interaction should be encouraged. Even small spaces for benches, tables, or green space will enhance the Village Centers’ roles as hubs. Connectivity, for vehicles, cyclists, and pedestrians is important. Sufficient parking is necessary for commercial viability. However, parking shall not be allowed to dominate the visual appearance of a parcel. 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. ~~Particularly along VT Route 15, parking lots should not be permitted in front of buildings. In general, on-site parking should be encouraged at the side and rear of buildings.~~
- In Jericho Corners, additional pedestrian connections should continue to be encouraged. Any commercial use or residential growth should be modest in scope and should be compatible with the historic Village character and neighboring parcels.

- Development in Jericho Center should be mindful of impacts on groundwater quality and availability and of existing historic features such as the Village Green. Pedestrian connectivity and safety throughout the Village and with nearby neighborhoods should continue to be encouraged. Traffic calming and pedestrian circulation is of particular importance as development occurs along Browns Trace. Pedestrian connectivity and safety throughout the Village and with nearby neighborhoods should continue to be encouraged.
- Section 13 of the Regulations contains the “Character Based Zoning Ordinance” for much of the Riverside Village Center and is intended to foster growth on existing large parcels in a way that preserves and expands on the traditional village center type development. As further explained in Section 13, development review should pay particular attention to bulk, setbacks, and relationship of buildings to parking and pedestrian amenities. Larger buildings can be successfully incorporated into the Riverside Village through proper siting and the use of landscaping and architectural treatments to interrupt building bulk. The portion of this Village Center located outside of the Character district, any commercial use or residential growth should be modest in scope and should be compatible with the historic Village character and neighboring parcels. Traffic calming and pedestrian circulation is of particular importance as development occurs along VT Route 15 and River Road.
- ~~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. Section 4.7, Zoning Uses

a. *Section 4.4 Table of Uses:*

- 1) A revision to foot note (3) at the end of the table has been made to include collector and private roads. The revision would include all types of roads in the footnote.

§4.4. Table of Uses, footnote

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

- 1) See Section 5.6; Density
- 2) See Section 4.7.3
- 3) Uses with frontage on major roads are permitted (P). Uses with frontage on ~~minor~~ **all other roads types** are conditional (C).
- 4) Conditional use approval by the Development Review Board required for permanent structures.

- #### b. *Section 4.7.3. Accessory Apartment* – Revisions are proposed which clarify that an accessory apartment is appurtenant to and subordinate to a primary dwelling. Additionally, language and a table have been added to clarify the allowed square footage of an accessory apartment. The numbering of §4.7.3.2 has been revised to §4.7.3.3 to accommodate a new §4.7.3.2.

§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~~ **appurtenant** to the single family dwelling, may be 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:

§Accessory apartments are designed to be livable spaces which are appurtenant to and clearly subordinate to primary dwellings. In order to be subordinate, the accessory apartment must share the same driveway and wastewater system

as the primary dwelling and be located no more than 200 feet from the primary dwelling.

§4.7.3.23. The allowable floor area varies with the floor area of the primary dwelling as the chart below illustrates. Dwellings with floor areas larger than 2,500 square feet can have accessory apartments that are 30% of their size with an upper limit of 1,000 square feet. Dwellings between 1,000 and 2,500 square feet of floor area can have apartments of up to 750 square feet and primary dwellings smaller than 1,000 square feet of floor area can have accessory apartments which are 75% of their size. ~~The accessory apartment's floor area shall be up to thirty percent [30%] of the floor area of the single family dwelling, or 750 square feet, whichever is greater; not to exceed seventy five percent [75%] of the floor area of the primary dwelling or 1000 square feet.~~

Primary House Floor Area	Accessory Apartment Floor Area Limit	Reason
0 – 1,000 sq. ft.	75% of the primary dwelling	No matter how small the primary dwelling is, the accessory apartment can't be more than 75% of the primary dwelling to ensure that it is a subordinate structure.
1,000 – 2,500 sq. ft.	750 sq. ft.	750 sq. ft. is more than 30% because the primary dwelling is small, but less than the maximum limit of 75%
2,501 – 3,333 sq. ft.	30% of primary dwelling	30% of these dwelling is more than 750 sq. ft. but less than the maximum limit of 1,000 sq. ft.
Greater than 3,333 sq. ft.	1,000 sq. ft.	1,000 sq. ft. is the largest accessory apartment allowed

4. Section 5, Dimensional Standards, Section 7, General Provisions, Section 10, Permit and Review Procedures

- a. Section 5.6. *Density* – The term “**elderly**” was changed to “**senior**” here and throughout the document.

§5.6. ...Affordable housing and ~~elderly~~ **senior** housing located within a Planned Unit Development...

§7.2.3.13. ... affordable or ~~elderly~~ **senior** housing shall be...

§10.13.7.This procedure shall not apply to affordable or **senior** ~~elderly~~ housing in the Village Center District....

- b. Section 5.9. *Additional Dimensional Standards* – The maximum building size was changed to reflect the desire for new buildings to match the existing character of buildings in town.

§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.~~ In all zoning districts, no single structure shall exceed a 12,000 square foot footprint of gross floor area. This section shall not apply to the following:

- §5.9.2.1 Structures located in the Character Based Zoning District, where structures are limited by lot width, lot coverage, building height, and block perimeter standards, in accordance Section 13.

- §5.9.2.2 Agricultural and forestry structures, in accordance with sections 4.7.4 and 4.7.5.
- §5.9.2.3 Structures located in the Commercial District, where structures shall be limited to 30,000 square feet of gross floor area.

5. Section 7, General Provisions

- a. Section 7.3.2. Non-conforming Structures – Two sections were added to clarify the ability to perform certain improvements and maintenance in the Character Based Zoning District as stated and also clarified and revised in Section 13.4.2.1.5(b).

§7.3.2. *Nonconforming Structures*

§7.3.2.3. Certain Improvements in the Riverside Character Based Zoning District, in accordance with Section 13.4.2.1.4(b) - Construction, re-construction, change, alteration, or restoration of any improvement within the Third Lot Layer on the Lot on which a nonconforming structure is situated which does not result in a violation of any standard applicable under these regulations.

§7.3.2.4. Maintenance in the Riverside Character Based Zoning District, in accordance with Section 13.4.2.1.4(b) – A nonconforming structure may be maintained without losing its status as an allowed nonconforming structure.

6. Section 9, Regulation of Telecommunication Towers and Facilities

- a. Section 9.4. Exemptions - A revision is proposed, which would correct an error in the way the exemptions are written. The Television antennae and satellite are recognized and individual exemptions and not subsets of amateur radio, etc. The remainder of the section was renumbered accordingly.

§9.4. *Exemptions*

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

§9.4.1.3. ~~(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.

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

7. Section 10, Permit and Review Procedures

- a. Section 10.4.1. *Access Permits, Roads and Driveways* – A revision is proposed to change the limit on curb cuts from one per residential property to lot. The term “property” isn’t defined in the regulations, where “lot” is a defined term.

§10.4.1. Access permits - Roads and Driveways

§10.4.1. Curb cuts shall be limited to one per residential ~~property~~ lot.

- b. Section 10.12.10. *Recording of Final Plat and Other Document* - Add provision for an extension of the recording of a final plat, as permitted by state statute if additional permits are still pending.

§10.6. *Recording of Final Plat and Other Documents*

§10.6.4. 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)], **the Zoning Administrator may grant a 90-day extension if final local or state permits or approvals are still pending.** After an approved plat is filed, no expiration of that approval shall be applicable.

- a. Section 10.13. *Planned Unit Development Review* – proposing several revisions to clarify the regulations and encourage better PUD design. Language was added to exempt development in the Riverside Character-Based District. This language, an omission from the originally approved Riverside Character-Based District, was also added in Section 13.1.3.2. As the maximum size new structure was changed in Section 5.9.2 to 8,000 square feet, a PUD is no longer required for a structure as large at 10,000 square feet. The new language clarifies how to acquire a density bonus as well as adds additional eligible bonus criteria. Additionally, the method to calculate a density bonus was unclear.

§10.13. *Planned Unit Development Review*

§10.13.2. *Applicability:* PUDs are encouraged for all development in Jericho, **except in the Riverside Character-Based District, pursuant to Section 13.1.3.2. PUD review shall be required in the** Development must occur as a PUD **when any** following circumstances **apply:**

~~§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.~~

§10.13.8 Density Bonus: At the request of the applicant, the Development Review Board may increase the total number of approved dwelling units **or total allowable lot coverage, according to the applicable criteria below, which is also summarized in Table 10.13.1. 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.**

§10.13.8.1 **~~In determining if a~~ An applicant is eligible to apply for a PUD ~~if a~~ Density ~~Bonus is warranted,~~ if the Development Review Board ~~shall consider~~ **determines** the **overall overlay** layout of the PUD, **compatibility** **complies** with the **goals, objectives, and purposes of a PUD as prescribed in Section 10.13.1, the development is compatible with the** Jericho Comprehensive Town Plan, and if **the ability of** if the site is **able** to support additional units.**

§10.13.8.2 A Density Bonus may be warranted only if the Development Review Board determines an eligible PUD complies with the applicable Zoning District's Density Bonus criteria.

§10.13.8.3 The maximum available Density Bonus is calculated as a percent of the Permitted Density.

- (a) First, calculate the Permitted Density for the development according to Section 10.13.7 and its subsections.
- (b) Next, identify the maximum Density Bonus allowed in the relevant District using Table 10.13.8.
- (c) Calculate the maximum number of additional dwelling units allowed by the maximum Density Bonus. In the case of fractions, round down.
- (d) For example, if the conventional Permitted Density calculates 4 single family dwellings are allowed, in a District with 25% Maximum Density Bonus then the maximum Density Bonus available for the PUD is 1 additional dwelling, for a total Density of up to 5 single family dwellings (4 + 25% of 4).

§10.13.8.4 The DRB may grant the PUD a Density Bonus less than the maximum Density Bonus in order to meet other PUD requirements and standards, such as adequate site capacity.

§10.13.8.25 Requests for a density bonus shall be made at sketch plan review. If the applicant elects not to participate in sketch plan review, the request shall be made at preliminary review for major PUDs or final review for minor PUDs.

§10.13.8.36 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.

§10.13.8.7 *Zoning District Density Bonus*

§10.13.8.7.1. *Village Center District* - A Density Bonus not to exceed 25% may be granted if the DRB determines the development complies with the standards in Section 10.13.1 and also with at least two of the criteria listed below. As set forth in Section 5.6, Affordable Housing and Senior Housing located within a PUD in the Village Center District is limited by lot coverage and not density and may be granted a 15% Lot Coverage Bonus, which shall be considered separately from the bonus density for all other eligible criteria in this district. In the case the PUD is eligible for a Density Bonus and a Lot Coverage Bonus the applicant shall choose to apply only one type of the two bonuses.

(a) Density Bonus (25% with at least two below):

- If at least 1/3 of the development is Affordable Housing, as defined Section 2, GENERAL DEFINITIONS.

- If at least 1/3 of the development is Senior Housing, with the seven design and construction accessible feature requirements. Senior housing shall be as defined in Section 2, GENERAL DEFINITIONS, and accessible features as prescribed by HUD's current Fair Housing Act, "Fair Housing Accessible Guidelines".
- If the development is Mixed Use, as defined by Section 2, GENERAL DEFINITIONS.
- If the development meets or exceeds the Efficiency Vermont Certified High Performance rating for residential development or if commercial, an Efficiency Vermont Advanced Performance Certification rating.
- If Low Impact Development site design approaches and Green Stormwater Infrastructure practices are used to treat stormwater runoff from existing and proposed development sites.

(b) Lot Coverage Bonus (15% with at least two below):

A Lot Coverage Bonus is available only if at least 1/3 of the development is Affordable Housing, as defined Section 2, GENERAL DEFINITIONS or if at least 1/3 of the development is Senior Housing, with the seven design and construction accessible feature requirements. Senior housing shall be as defined in Section 2, GENERAL DEFINITIONS, and accessible features as prescribed by HUD's current Fair Housing Act, "Fair Housing Accessible Guidelines".

- If the development is Mixed Use, as defined by Section 2, GENERAL DEFINITIONS.
- If the development meets or exceeds the Efficiency Vermont Certified High Performance rating for residential or if commercial, an Efficiency Vermont Advanced Performance Certification rating.
- If Low Impact Development site design approaches and Green Stormwater Infrastructure practices are used to treat stormwater runoff from existing and proposed development sites.

§10.13.8.7.2. *Village District* - A Density Bonus not to exceed 25% may be granted if the DRB determines the development complies with the standards in 10.13.1 and also with at least two of the criteria listed below:

- If at least 1/3 of the development is Affordable Housing, as defined Section 2, GENERAL DEFINITIONS.
- If at least 1/3 of the development is Senior Housing, with the seven design and construction

accessible feature requirements. Senior housing shall be as defined in Section 2, GENERAL DEFINITIONS, and accessible features as prescribed by HUD's Fair housing Act, "Fair Housing Accessible Guidelines".

- If the development is Mixed Use, as defined by Section 2, GENERAL DEFINITIONS.
- If the development meets or exceeds the Efficiency Vermont Certified High Performance rating for residential or if commercial, an Efficiency Vermont Advanced Performance Certification rating.
- If Low Impact Development site design approaches and Green Stormwater Infrastructure practices are used to treat stormwater runoff from existing and proposed development sites.
- If Open Space permanently allows public access and public access is reasonably provided and meets the standards of Section 10.13.4.

§10.13.8.7.3. *Low Density Residential District* – A Density Bonus not to exceed 25% may be granted if the DRB determines the development complies with the standards in 10.13.1 and also with at least three of the criteria listed below

- If at least 1/3 of the development is Affordable Housing, as defined Section 2, GENERAL DEFINITIONS.
- If the development meets or exceeds the Efficiency Vermont Certified High Performance rating for residential or if commercial, an Efficiency Vermont Advanced Performance Certification rating.
- If Low Impact Development site design approaches and Green Stormwater Infrastructure practices are used to treat stormwater runoff from existing and proposed development sites.
- If Open Space permanently allows public access and public access is reasonably provided and meets the standards of Section 10.13.4.

§10.13.8.7.4. *Rural/Agriculture Residential District, and Forestry District* – A Density Bonus not to exceed 25% may be granted if the DRB determines the development complies with the standards in 10.13.1 and also with at least three of the criteria listed below:

- If at least 1/3 of the development is Affordable Housing, as defined Section 2, GENERAL DEFINITIONS.
- If the development meets or exceeds the Efficiency Vermont Certified High Performance Rating.

- If Low Impact Development site design approaches and Green Stormwater Infrastructure practices are used to treat stormwater runoff from existing and proposed development sites.
- If Open Space permanently allows public access and public access is reasonably provided and meets the standards of Section 10.13.4.

§10.13.8.7.5. *Commercial District* – A Density Bonus not to exceed 25% may be granted if the DRB determines the development complies with the standards in 10.13.1 and also with at least two of the criteria listed below:

- If Low Impact Development site design approaches and Green Stormwater Infrastructure practices are used to treat stormwater runoff from existing and proposed development sites.
- If the development meets or exceeds Efficiency Vermont Certified High Performance rating for residential or if commercial, an Efficiency Vermont Advanced Performance Certification rating.
- If Open Space permanently allows public access and public access is reasonably provided and meets the standards of Section 10.13.4.

Table 10.13.1 Zoning District Density/Coverage Bonus

Zoning District								
Eligible for Density or Coverage Bonus (Y=Yes, N=No)	OS	FOR	RAR	LDR	VIL	COM	VCTR	
	0% Density Bonus	25% Density Bonus	15% Lot Coverage Bonus					
Affordable Housing	N	Y	N	Y	Y	Y	Y	*
Senior Housing	N	N	N	N	Y	N	Y	*
Mixed Use	N	N	N	N	Y	Y	Y	Y
High Performance Energy/Advanced Performance	N	Y	Y	Y	Y	Y	Y	Y
Low Impact Development	N	Y	Y	Y	Y	Y	Y	Y
Public Access to Open Space	N	Y	Y	Y	Y	Y	N	N

* This is a prerequisite to qualify for a lot coverage bonus

~~(a) The PUD contains designated affordable or elderly housing. Designated affordable or elderly housing units shall be indicated on the final plat. Affordable housing developments serving a very low income population (80% of area median household income) may be eligible to increase the total number of approved dwelling units by up to one hundred percent [100%] and/or increase maximum lot coverage by up to thirty percent [30%]. Such~~

~~lots or units shall be subject to appropriate restrictions to ensure that they meet the definition of affordable or elderly housing contained within these regulations in perpetuity.~~

- ~~(b) The PUD contains structures meeting recognized standards for enhanced energy efficiency. Energy efficiency standards eligible under this provision shall meet or exceed the Vermont ENERGY STAR[®] Homes Silver Rating. 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.~~

8. Section 11, General Development Standards

- a. Section 11.2.3. *Parking Standards*– The language for which Zoning Districts allow front yard parking was changed to remove confusing language, as it conflicts with Section 11.2.3.3 which prohibits parking in the front yard.

~~§11.2.3.1 *General Layout* (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. Parking is allowed in required side and rear yard setbacks within the Commercial District, Village District and Village Center District.~~
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 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.~~

- b. Section 11.2.3.3 *Parking Standards* – A prohibition in parking in the front yard of the Commercial District was added. Additionally, this section was relocated to be a part of the parking “General Layout” section, §11.2.3.1(c). Resulting in the re-lettering of current sections, §11.2.3.1(c) and (d) to (d) and (e) and the re-numbering of §11.2.3.4, *Landscaping*, to §11.2.3.3.

~~§11.2.3.3(c) *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 **Commercial**, 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.

9. Section 13, Riverside Character-Based Zoning

- a. Section 13.1.3.2 *Exclusive Zoning Regulation* – Added language to spell out that PUDs are not permitted in the Riverside Character-Based Zoning district.

§13.1.3.2 *Exclusive Zoning Regulation*

Except as may be otherwise specifically provided in Section 13.1.3.3, this Article 13, together with the other applicable provisions of the Jericho Land Use and Development Regulations and other local land use ordinances, rules and regulations to the extent provided in this Article 13, shall be the exclusive zoning and development regulation for the Riverside Flats Character-Based District. **Without limitation to the foregoing, no Planned Unit Development (PUD) shall be approved for property within the Riverside Flats Character- Based District.**

- b. Section 13.1.9.1 *Development Plans* – The changes clarify when development plans are required and simplify the existing language.

§13.1.9.1. *Development Plans*

§13.1.9.1.1. Development Plans shall be required and **submitted** as set forth in this Section 13.1.9 (Development Plan & Regulation Plan Amendment Submissions). ~~Except as otherwise provided herein and except for non-conformances allowed pursuant to Sections 5.10 (Pre Existing Lots) and 7.3 (Non-Conformities), and maintenance of an existing improvement, Building or Structure none of the following shall occur or be proposed except in compliance with this Article 13, the has been prepared, submitted and approved in accordance with this Section 13.1 and Section 13.4 and all standards and requirements applicable thereto:~~

§13.1.9.1.2 Development Plans shall **be required in accordance with and** meet the requirements of, ~~and be submitted in accordance with~~ Section 13.4 (Development Plans & Standards).

§13.1.9.1.4 Subject to any required subdivision review and approval, ~~such a~~ Development Plan and application for approval thereof **that proposes or involves any matter which does not require Site Plan Review under Section 10.10 (Site Plan Review) or Conditional Use approval under Section 10.9 (Conditional Use)** shall be subject to administrative review and action by the Planning Department in accordance with Section 13.1.10.1 hereof.

§13.1.9.1.5 For any Development, redevelopment, improvement, subdivision, re-subdivision, or construction which ~~not~~ requires Site Plan Review under Section 10.10 (Site Plan Review), or Conditional Use approval under Section 10.9 (Conditional Use), a Development Plan and application for approval thereof meeting all requirements of this Article 13 shall be submitted as part of the Site Plan or Conditional Use submission, as applicable.

- c. Section 13.1.10.2 *Development Plans for Proposal Not Subject to Site Plan Review* – This Title had an errant word “Not” that was removed.

§13.1.10.2 *Development Plans for Proposal ~~Not~~ Subject to Site Plan Review*

- d. Section 13.4.2.1 *Plan Required* – This addition helps clarify when development plans are required and not required in this district.

§13.4.2.1 *Plan Required*

(a) Except as otherwise provided in Section 13.4.2.1(b), a Development Plan is required for any of the following:

§Section 13.4.2.1.5 Any Regulating Plan amendment.

- (b) A Development Plan is not required for any of the following with respect to a lot and structure which lawfully existed on April 9, 2015:
 - (i) non-conformances allowed pursuant to Sections 5.10 (Pre-Existing Lots) or 7.3 (Nonconformities) and any enlargement, change, alteration, construction, reconstruction, or restoration which, if made, would not result in the loss of allowed nonconforming status under either such Section; or
 - (ii) maintenance; and
 - (iii) construction, re-construction, change, alteration, or restoration of any improvement to an existing structure within the Third Lot Layer which does not result in a violation of any standard applicable under this Section 13.