

Town of Jericho



# Land Use and Development Regulations

ADOPTED 18 April 2019  
EFFECTIVE 9 May 2019

[Draft 5-29-20](#)

**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** unit only.

**ELECTRIC CHARGING STATION:** An **ACCESSORY STRUCTURE**, that consists of public or private parking space(s) served by electric vehicle supply equipment (EVSE), including all signs, information, pavement, surfaces, surface markings, fee collections systems, and protective equipment in which a vehicle is recharged.

**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, 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 **STRUCTUREs** used for the 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.

**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 **BASEMENTS**.

**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 timber or other forest products; the cultivation, maintenance, or preservation of forest cover for watershed protection or wildlife habitat.

**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 automotive

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	EP	P/C <sup>3</sup>
5.8 Club >3000 sq.ft.				C	C	C	C
5.9 Fish and game club		C	C	C			
5.10 Funeral home					C	C	C
5.11 Cemetery			C	C	C		C
5.12 Post Office							P
5.13 Municipal facility, Office							P
5.14 Municipal facility, Other			C	C	C	C	
5.15 Dormitory/Hostel	P	P	P	P	P	PC	P
<b>6.0 Accessory Structures and Uses</b>							
6.1 Accessory structures	C	P	P	P	P	P	P
6.1.1 Electric Vehicle Charging Station		A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>
6.2 Accessory uses							
6.2.1 Home Occupation		P	P	P	P	P	P
6.2.2. Recreation, Accessory Use		A	A	A	A	A	A
6.2.3. Electric Vehicle Charging Station		A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>	A <sup>5</sup>

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

1) See Section 5.6; Density

2) See Section 4.7.3

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

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

4/5) If provided within existing or new parking areas.

#### 4.5. Uses/Structures Per Lot

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

#### 4.6. Special Uses

4.6.1. Pursuant to State statute (VSA Title 24, Chapter 117, Section 4413a), certain special uses (listed below) may only be regulated by municipalities with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, landscaping, lighting, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- State- or community-owned and operated institutions and facilities;
- Public and private schools and other educational institutions certified by the state department of education;

7.2.4. *Standards and Procedures:* An application for adaptive use shall be reviewed as a conditional use in accordance with Section 10.9. After a public hearing the Development Review Board may approve an application for adaptive use only upon finding the following:

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

### 7.3. Nonconformities

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

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

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

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

twelve [12] consecutive months, notwithstanding any intention to resume such use.

~~7.3.1.4~~ **7.3.1.3. 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.~~ Additions to nonconforming structures which result in coverage of additional ground area but do not extend the structure any closer to the roadway or property line are not to be considered an increase in the degree of non-conformity, 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.

7.3.2.3. **Certain Improvements.** In the Riverside Character Based Zoning District, in accordance with Section 13.4.2.1(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, provided certain improvements do 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(b), a

~~side or rear yard setbacks.~~

- (c) Parking for two [2] or more abutting uses may be constructed across any common side or rear lot line. Such parking may be served by a common driveway, either on the common boundary, or entirely within the frontage of one lot. Where such common access is entirely within one lot, an access easement shall be duly recorded.
- (d) Tandem or 'stacked' parking may be approved for residential uses and dedicated employee-only parking, provided that such parking does not create unsafe circulation on the site. If tandem parking is approved, the first space shall have unobstructed access while the second space may be accessed through the first space.

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

**11.2.3.2. Dimensions:**

- (a) Each parking space shall have a minimum width of nine [9] feet and a minimum length of eighteen [18] feet. These dimensions may be modified based on accepted engineering standards if angled parking is proposed.
- (b) Parking spaces reserved for handicapped use shall have a minimum width of twelve [12] feet.
- (c) Parking aisles shall have a minimum width of twenty [20] feet. The Development Review Board may require wider aisles if necessary to allow for adequate circulation or emergency access. The Development Review Board may reduce the minimum width if it can be show that the required widths are excessive to the functional needs of the site.
- (d) Pedestrian ways should be separated from parked cars by grade changes, difference in materials, and/or landscaped islands.

**11.2.3.3. Front Yard Parking:**

In order to enhance and maintain village character, parking to serve non-residential uses shall not be permitted between the front building line and the street in the Village and Village Center Districts. In order to enhance pedestrian access and an attractive streetscape in the Commercial District, parking may be permitted between the front building line and the front yard setback, provided the parking is located to the side of the building and does not overlap the building's front facade. The Development Review Board may consider exceptions to this requirement when strict conformity cannot be achieved due to site specific constraints and where the overall site layout otherwise conforms with the purpose of the district. Such exceptions shall only be granted when additional measures are taken to ensure safe pedestrian circulation and access to the