



City of Winooski
Vermont's Opportunity City

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Planning Commission Agenda

Thursday, May 9th, 2019
6:30 PM - Winooski City Hall

- I. **Call to Order**
- II. **Public Comment**
- III. **Approve Previous Meeting Minutes**
- IV. **Review of Proposed Zoning Amendments:, Split Zoning, Permits & Exemptions, Applicability, Definitions, and Design Review**

Documents:

[Applicability - V.1 - 05.09.2019.pdf](#)
[Definitions - V.1 - 05.09.2019.pdf](#)
[Design Review - V.1 - 05.09.2019.pdf](#)
[Split Zoning - V.1 - 05.09.2019.pdf](#)
[Permits and Exemptions - V.1 - 05.09.2019.pdf](#)

- V. **Discussion of Future Zoning Amendments for Consideration**
- VI. **Discussion of Upcoming Agenda Items**
- VII. **Department and City Updates**
- VIII. **Other Business**
- IX. **Adjourn**

ARTICLE II - ZONING DISTRICTS

SECTION 2.1 - ZONING MAP

The official zoning map, 'City of Winooski Zoning Map' is hereby adopted as part of these Regulations and is on file with the City Clerk. The Zoning Map shall be amended in accordance with the Act [§ 4441, § 4442 and § 4444]. Zoning district boundaries have been established based on property boundaries. If errors in property boundaries are identified, zoning districts shall be adjusted by the Zoning Administrator to match surveyed property boundaries. Additionally, any uncertainty as to the location of a district, overlay, or flood hazard area boundary line on the zoning map shall be determined by the Zoning Administrator (ZA) with rights of appeal to the Development Review Board (DRB).

SECTION 2.2 - LIST OF ZONING DISTRICTS

The 'City of Winooski Zoning Map, 2016 and these Regulations divide the City into the following districts:

- A. Residential A, 'R-A' (formally referred to as R-1-A)
- B. Residential B, 'R-B' (formally referred to as R-1-B)
- C. Residential C, 'R-C' (formally referred to as R-2)
- D. Central Business District, 'C-1'
- E. General Commercial, 'C-2'
- F. Downtown Core, 'DC'
- G. Gateway, 'G'
- H. Industrial, 'I'
- I. Public, 'P'
- J. Flood Hazard Area, 'FHA'

SECTION 2.3 - APPLICABILITY

- A. Development of lots may only be permissible based on the uses and dimensional criteria defined in this Article, and in accordance with the review procedures defined in this regulation and all applicable local, state and federal ordinances and regulations.
- B. All lots created after the effective date of these regulations that are intended for development must meet minimum applicable frontage requirements along public road rights-of-way, and area and yard dimensional requirements for the district(s) in which they are located unless modified or waived by the DRB for planned unit development under [Section 6.3](#), or under [Section 6.8](#).
- C. For the Gateway Districts, no lot intended for development shall be so reduced that development cannot be established in accordance with the Building Form Standards in [Part 4](#) of Appendix B of these regulations.
- D. Any USE not specifically permitted or prohibited in this Ordinance may be considered as a Conditional Use by the DRB and reviewed in accordance with [Section 6.7](#) of these regulations.
- E. It is the intent of these regulations to designate only one zoning district for each existing or future parcel of land in the City of Winooski.
- F. Any property that has more than one zoning district at the time of the adoption of these regulations which proposes new development shall be subject to the conditional use approval process as outlined in [Section 6.7](#) and provide information consistent with [Section 6.6](#) regardless of the type(s) of use being proposed. Other information may also be required depending on the specific request being proposed.

ARTICLE IX - DEFINITIONS

In this Regulation, the following terms shall have the following meanings (Italicized terms and their permissible uses in zoning districts are found in [Table 2.4](#) - the Land Use Matrix). There are other definitions unique to the Downtown Core District, Gateway Districts and the Flood Hazard Area Districts that can be found in the respective appendices; and therefore these definitions do not apply to those districts unless expressly stated.

Abandonment: An intentional and absolute relinquishment and cessation of a use for 6 months without intention to resume said use.

Accessory: A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the lot.

Accessory Dwelling: An accessory dwelling is an independent efficiency or one bedroom dwelling unit that is located within or appurtenant to an owner-occupied single-unit dwelling, that is clearly subordinate to that dwelling.

Addition: New construction performed on a building which increases the outside dimensions of the structure. An addition increases floor area of a structure.

Adult establishment: An establishment that utilizes five percent (5%) or more of its retail selling area for the purpose of sale, rental or viewing of printed and visual materials which are distinguished by their emphasis on creating sexual interest through sight, sound or touch.

Alterations: Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Alcohol Manufacturing Facility: A facility where alcoholic beverages can be manufactured, stored, bottled and sold at wholesale or at retail in sealed containers for consumption off premises. The facility may include a tasting or tap room as an accessory use.

Animal care provider/ Veterinarian: Any facility which provides medical care to animals, and may include facilities for keeping animals overnight as part of veterinary care. Also includes establishments which provide overnight boarding and caring for animals not part of veterinary care.

Assisted Living & Residential Care Homes: State-licensed facilities that provide rooms, meals, and personal care services in living arrangements designed to meet the needs of people who cannot live independently and usually do not require the type of care provided in a nursing home.

Association, fraternal organization, social club: A membership organization that holds regular meetings, has formal written membership requirements, and that may, subject to regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

Bar: A licensed establishment subject to State and municipal licensing and regulations in which the principal business is serving alcoholic beverages for consumption on the premises. Food may also be served as an accessory use subject to Vermont Health Regulations.

Bed-and-breakfast (B&B): A single-dwelling residence with four or fewer rooms for rent, accommodating a maximum of ten guests, for short-term overnight lodging by the day or by the week. The single-dwelling residence must be the primary residence of the owner or operator of the bed and breakfast. Employment shall not exceed one (1) full-time employee in addition to the owner. It may provide meals for compensation incidental to the provision of accommodation.

Brew pub: A restaurant where malt beverages can be manufactured, stored, bottled and sold to be consumed on the premises. Licensing for brew pubs are regulated by VSA Title 7 and other relevant State and municipal regulations.

Buffer: A strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another. An appropriate buffer may vary depending on uses, districts, size, and separations.

Building: A structure having a roof and used for the shelter, support, or enclosure of persons, animals or property of any kind.

Building height and location map: Only applicable to the Downtown Core Zoning District. The building height and location map is included in [Appendix C](#). The locations of the areas designated on the Building Height and Locations Map shall be determined by the distances designated on the Map; these shall be construed as distances are not applicable due to curving right of way lines or otherwise, or if the location of the Green Space Boundary shown on the Map is in question, the locations of the areas or location of the Green Space Boundary shall be determined from the scale of the official Building Height and Location Map in the office of the Administrative Officer.

Certificate of Fitness: The written approval, signed by the Code Enforcement Officer, or duly authorized municipal official, setting forth that the building, structure and premises comply with the Municipal & State Codes, this Certificate of Fitness is required prior to a dwelling unit, and or a public building, to be occupied.

Certificate of Occupancy: The written approval of the ZA certifying that a newly constructed structure, addition and or alterations to an existing structure, or an existing structure undergoing a change in use is in full compliance with the zoning provisions of Municipal By-laws, Ordinances and Codes adopted under the authority of the City Charter.

Crematorium: A facility containing properly installed, certified apparatus intended for use in the act of cremation.

Cultural facility: A public or non-profit establishment open to the public providing for the documentation, display, performance, or gathering space for the enjoyment of heritage, culture, history, science or the arts, such as a library, museum, performance venue or community center. May include the occasional sale or provision of refreshments, souvenirs, or other articles as related to and accessory to the activities occurring at the center.

Curb cut: A legally designated vehicular point of access from a street to a driveway.

Daycare facility: An establishment providing care for children, the elderly or individuals with disabilities in a protective setting for a portion of a 24-hour day. This use includes a state registered or licensed child care provider serving more than six full-time and four part-time children.

Demolition permit: A permit that gives the applicant/owner the right to demolish a building and to ensure that no unsafe condition exists on the site when the demolition is complete.

Detached Cottage: A detached building or structure containing only one dwelling unit, which shall not exceed 1,000 square feet of finished habitable floor area. In the R-A and R-B zoning districts a detached cottage shall take the place of the permitted accessory dwelling unit.

DRB: City of Winooski Development Review Board

Dwelling, Multi-Unit (or Multi-family): A building or structure or portion thereof containing three or more dwelling units.

Dwelling, Single-Unit (or Single Family Dwelling): A detached building or structure containing only one dwelling unit.

Dwelling, Two-Unit (or Two Family Dwelling): A detached building or structure containing only two dwelling units.

Dwelling Unit: A building or entirely self-contained portion thereof contain complete house-keeping facilities for only one family, and having no enclosed space other than vestibules, entrances, or other hallways, in common with any other dwelling unit. A boarding house, rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home or similar structure shall not be deemed to constitute a dwelling unit.

Education Facility: An establishment providing instruction to students and including accessory structures and uses traditionally associated with a program of study, which is operated under state licensing and/or professional accreditation.

Family Child Care Home: A state registered or licensed child care home or facility serving six or fewer children considered by right in 24 V.S.A. Section 4412(5) as a permitted single-family residential use of property; and a state registered or licensed child care home or facility serving no more than six full-time and four part-time children.

Floor area: The total area of all floors of the building or buildings on a lot as measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. The floor area shall include halls, stairways, elevator shafts, porches, balconies, garages, and accessory use. The floor area shall not include cellars, basements and attics.

Floor area, gross: The total floor area of a building or structure designed for occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. This excludes stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for internal use.

Frontage: That lot line or property line or lines which is coincident with a public right-of-way. Corner lots with frontage on two or more roads must meet frontage on primary road right-of-way and lot depth on secondary road right-of-way as determined by the ZA.

Funeral home: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns, and other related funeral supplies; and (c) the storage of funeral vehicles.

Garage sale: A short term sale of household goods from a residence which shall include similar terms such as porch, lawn, or cellar sales. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales.

Garage, parking: A garage, other than a private or storage garage, which is used for the short-term parking of vehicles.

Government facility: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

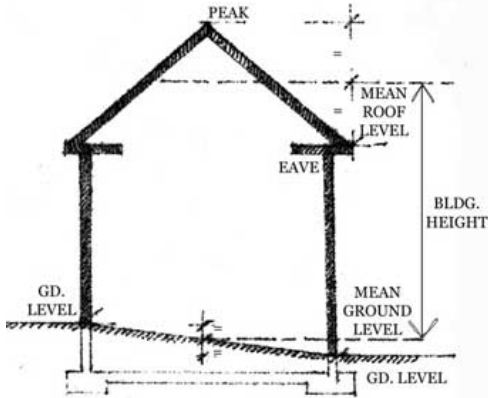
Group Home: A residential establishment operated under state licensing or registration, serving not more than eight persons who have a disability as defined in [9 V.S.A. § 4501](#). Group homes are considered by right a permitted single-family residential use of property, except shall be considered a Conditional Use when such home is located within 1,000 feet of another existing or permitted group home.

Healthcare facility: Any facility maintained and operated to provide licensed medical care, including, but not limited to hospitals, nursing homes, clinics and private healthcare provider offices.

Height: The vertical distance measured from the average (or mean) elevation of the finished grade immediately adjacent to the structure to:

- a) the highest point of a flat roof, mansard roof, stepped building or terraced building OR
- b) the mean height level between eaves and peak for all other roof types.

Height calculation of a building shall not include rooftop apparatus such as chimneys, solar collectors, heating & cooling equipment, antennas or similar projections, unless the projections are greater than 10 vertical feet. See the following illustration for guidance in defining building height:



Source: http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-fbc-lowell.html

Home Occupation: An occupation, profession, activity or use that a) is clearly a customary, secondary, and incidental use of a dwelling unit, b) is carried on for gain by a resident of the dwelling, and c) does not alter the exterior of the property or affect the character of the area. Home occupation considered a permitted right in VSA 24 Chap 117 §4412(4) as a permitted residential use of property.

Household: One (1) or more persons living together in a single dwelling unit, provided that a household other than an extended household may not contain more than five (5) persons who are not related by blood or marriage.

Household, extended: A household that contains at least six (6) persons who are not related by blood or marriage, but does not contain more than eight (8) persons who are not related by blood or marriage.

Industry: A business use or activity at a scale greater than home occupation involving processing, manufacturing, fabrication, assembly, finishing, warehousing, and/or storage. Finished or semi-finished products may be temporarily stored outdoors pending shipment.

Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Land development: Means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining operation, excavation or landfill, and any change in the use of any building or other structure, land or extension of use of land. Also see "Development" as defined for purposes of flood hazard area management and regulation in Appendix A.

Loading space: An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging establishment: A facility, other than a bed and breakfast, offering transient lodging accommodations for a fee to the general public which may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Lot: Land whose boundary lines have been established by a duly recorded conveyance.

Lot, corner: A lot at the junction of an abutting two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees; on a curved street the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot coverage: This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of pavement. In all districts, the following shall not be counted as lot coverage: Lawns, gardens and unpaved landscaped areas; Open play structure without roofs and not located on a paved surface; Fountains; Swimming pools (Note: aprons, decks and walks adjacent to swimming pools shall be considered as lot coverage); Fences; and, Ramps for the disabled, for which the sole purpose is to provide access for the disabled, and which have no more than the minimum dimensions required to meet accessibility standards. Pervious applications such as asphalt, concrete, pavers, or similar treatments will be counted towards overall lot coverage.

Deleted: A measure of intensity of land use that represents the portion of a site that is impervious (i.e. does not absorb water).

Lot depth: The minimum distance from the street line of a lot to the rear lot line of such lot.

Lot line: A boundary of a lot other than a street line.

Lot line, rear: The lot line generally opposite the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be that line as nearly parallel to the frontage as possible and lying farthest from the frontage, having a length of not less than 10 feet.

Master plan: The master plan for the Winooski Falls Riverfront Downtown Project which the City created with an intent to recreate a traditional urban environment in the downtown core and riverfront of the City, with a high density mix of uses, including offices, basic retail and services and a range of housing options. The Master Plan was approved by the State of Vermont District Environmental Commission in Land Use Permit 4C1065 (Revised) July 6, 2001 and Land Use Permit 4C1065-1 (Corrected) dated November 1, 2002, and which may be further revised by the City.

Municipal development plan: The comprehensive long-range plan intended to guide the growth and development of the City of Winooski; included are analyses, recommendations and proposals for the community's population, economy, housing, transportation, community facilities, and land use.

Nonconforming lots or parcels: Means lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming structure: Means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Nonconforming use: Means use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

Nonconformity: Means a nonconforming use, structure, or lot.

Office: Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Person: Means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated organization or group.

Personal service establishment: A business that provides services of a personal nature including but not limited to: beauty salons, apparel cleaning or repair, banks, and pet grooming shops. Sales of products must be clearly incidental to the services provided.

Planned unit development: Means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with the exception of density, lot coverage and height.

Principal structure: A building or structure which contains the main or principal use of the lot on which said building on structure is located.

Recreation and entertainment, Commercial: Recreation and entertainment facilities operated for profit including, but not limited to, health clubs, instructional studios, and theaters. Excludes adult establishments.

Recreation and entertainment, Non-commercial: Recreation and entertainment facilities owned or operated by a public or non-profit entity including, but not limited to, sports fields, parks and trails, playgrounds, recreation centers and farmers markets.

Religious facility: Places of worship, such as churches, chapels, mosques, synagogues, and temples, including facilities customarily related to a place of worship, such as: rectory or convent, parsonage, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

Restaurant: A licensed commercial establishment subject to Vermont Health Regulations where food and beverages are prepared, served and consumed primarily within the principal building and adjacent street-space, and where a minimum of 60% of gross sales must be created by the sale of food. See also RESTAURANT, café and RESTAURANT, with drive-thru.

Restaurant, café: A licensed commercial establishment subject to Vermont Health Regulations containing less than or equal to 2,000 gross square feet where food and non-alcoholic beverages are prepared, served and consumed either on or off premises.

Restaurant, with drive-thru: A licensed commercial establishment subject to Vermont Health Regulations where customers order and are served food and non-alcoholic beverages at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

Retail Sales, Neighborhood commercial: Non-residential establishments intended to serve or accommodate the needs of a limited geographic segment of a community or area. Such uses include but are not limited to: neighborhood convenience stores, hardware and general merchandise; pharmacies, and cafes.

Retail sales: Establishments engaged in selling an assortment of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Setback: The distance between the nearest portion of a building projection on a lot and the right-of-way of the street or property line. Corner lots with frontage on two or more roads must meet front setback requirements for each adjoining road right-of-way. Above grade projections from a building such as roof overhangs, balconies, sills, cornices or similar architectural features may be permitted to extend up to 30 inches into required setbacks, except that no projection shall extend over a public or private right-of-way unless otherwise specified in these regulations.

Storage, outdoor: The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.

Structure: Means an assembly of materials for occupancy or use, including a building, mobile home or trailer, sign, wall, or fence.

Structure, temporary: An assembly of material for occupancy or use which lacks a permanent foundation and can be easily removed.

Subdivision: The division of any lot, parcel, or tract of land into two or more lots, plots, sites, parcels of other division for any purpose. See [Section 6.2](#) for exemptions.

Technical deficiency: Means a defect in a proposed plan or bylaw, or any amendment or repeal thereof, correction of which does not involve substantive change to the proposal, including corrections to grammar, spelling, and punctuation as well as the numbering of sections.

Vehicle Repair & Sales: A building or establishment where the following activities may occur: selling or leasing vehicles, general repair, engine rebuilding, reconditioning of vehicles, collision repair, painting, and general maintenance. No abandoned vehicles shall be stored on the premises.

Wetlands: Means those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake

overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

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SECTION 4.4 - DESIGN REVIEW

- A. **Intent.** The intent of these Design Review standards is to protect, preserve, develop and use Winooski's historic, cultural, architectural and natural resources to stimulate a more meaningful environment for its citizens and the region; to maintain the architectural and historical integrity of existing buildings or features; and to ensure the compatibility of new construction or usage to adjacent properties.
- B. **Applicability.** This section is applicable in all Zoning Districts in the City with the exception of the Downtown Core, and any residential use of three or fewer units. This section is applicable to any alterations or improvements to structures within the Gateway Districts that fall under the thresholds for conformance with the Form Based Code as defined in [Section 209: Non-Conformities of Appendix B](#). The following types of development are subject to these standards:
1. Demolition of a building;
 2. Movement of a building;
 3. Any new construction of a structure subject to view from a public street;
 4. Exterior remodeling or renovation of an existing structure;
 5. Change in existing walls and fences, or construction of new walls and fences along the public right-of-way;
 6. Change in exterior color or material;
 7. Exterior lighting;
 8. Exterior signage.
- C. **Standards for Review.** Development subject to design review will be subject to the following standards:
1. Height. The height of a proposed building and its visual compatibility with adjacent buildings;
 2. Setback. The building setback of new or remodeled construction in relationship to that of existing structures;
 3. Rhythm. The relationship of solids to voids in the front facades of a building;
 4. Proportion of Building's Front Façade. The relationship of the width of building to the height of the front elevation;
 5. Relationship of Materials, Texture, and Color. The compatibility of these facets of a building with the predominant materials used in the buildings to which it is visually related;
 6. Scale of a Building. The size of a building and the mass of a building in relation to open spaces, windows, door openings, porches and balconies;
 7. Proportion of Openings within the Building. The relationship of the width of the windows to the height of the windows;
 8. Roof Shapes. The compatibility of the roof shape of a building with the buildings to which it is visually related;
 9. Grading and Planting. Grade changes and landscape plantings incorporated so as to enhance the existing scale and character of the site, and their relationship to adjacent areas;

10. Open Space. Open space designed as to add to the visual amenities of the area.

D. **Historic & Cultural Resources.** Adaptive reuse is intended to allow for the continued, economically viable use of historic structures that have outlived their original purpose but contribute to the historic, architectural and/or cultural fabric of the community. Accordingly, an alternative use may be allowed within the current dimensions of a historic structure, subject to the above general design review standards, conditional use review under **Section 6.7**, and any recommendations from **Section 4.4.D** above. In addition:

1. Methods shall be used to avoid undue adverse impacts on the National or State Registers of Historic Places and those listed in the Municipal Development Plan as Local Historic and Architecturally Significant Buildings. The demolition of structures listed on the National or State Registers of Historic Places shall be prohibited unless prior approval is received from the Vermont Division of Historic Preservation or a letter from a qualified Historic Preservation consultant documents that the historical significance has been compromised and is no longer relevant.
2. Methods shall be used to minimize undue adverse impacts to the historic and cultural resources listed on the Vermont Historic Sites and Structures Survey for the City of Winooski and still considered eligible for listing on the National or State Register of Historic Places according to the Vermont Division of Historic Preservation.

Deleted: ~~D. Vermont Division of Historic Preservation Review.~~ The City of Winooski requires applicants of properties listed on the National and State historic registers to seek advice for their development proposal. Documentation of the request and feedback from the Vermont Division for Historic Preservation shall be submitted to the City. Recommendations from the Division for Historic Preservation shall be required by the City of Winooski. ↴

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SECTION 6.4 - REVISIONS TO EXISTING LOT LINES

- A. Modifications or revisions to an approved subdivision plan, plat or the conditions of subdivision approval require a subdivision amendment approved by the ZA or DRB. Any modifications or revisions made to an approved plat without such approval shall be considered null and void, and subject to municipal enforcement as a violation under [Article VII](#).
- B. Modifications or revisions to existing lot lines legally in existence as of the effective date of these regulations require approval by the ZA or DRB. Any modifications or revisions made to an approved plat without such approval shall be considered null and void, and subject to municipal enforcement as a violation under Article VII.
- C. Administrative Amendments.
 - 1. The following are eligible for review and administrative approval by the ZA, unless the ZA determines that the request may not meet these criteria and should instead be referred to the DRB for review under Subsection C.
 - a. Boundary (lot line) adjustments between two or more adjoining parcels that do not result in the creation of new or nonconforming lots and do not materially or substantially alter the findings and conditions of a previous subdivision approval. The adjustments must be prepared and surveyed by a licensed surveyor.
 - b. Merging of two or more lots into one that does not result in the creation of nonconforming lots and do not materially or substantially alter the findings and conditions of a previous subdivision approval. The adjustments must be prepared and surveyed by a licensed surveyor.
 - c. The relocation, modification or expansion of building footprints, parking areas and site improvements within approved building envelopes, as long as such relocations, modifications or expansions comply with the conditions of subdivision approval and other applicable requirements of these regulations.
 - d. The relocation or modification of roadways, utilities and related improvements within approved rights-of-way or utility corridors that otherwise comply with the findings and conditions of subdivision approval and other applicable requirements of these regulations.
 - e. Approval of as-built plans that deviate from approved plans to the extent that such deviations do not substantially or materially alter the findings and conditions of subdivision approval.
 - f. Modifications to approved landscaping and screening requirements to allow for the substitution of materials, provided the substitutions meet the conditions of subdivision approval.
 - g. Modifications specifically authorized for administrative review and approval by the DRB in its written decision and conditions of final subdivision approval.
 - 2. The ZA shall issue, post and record administrative amendments in the same manner that zoning permits are issued under [Section 6.10](#), mail a copy of the amendment to all adjoining owners of record and interested parties to the original subdivision proceedings, and forward a copy to the DRB. An administrative subdivision amendment may be appealed within 15 days of the date of issuance to the DRB under [Section 6.9.A](#).
 - 3. Any boundary adjustments or mergers (as noted under items a. or b. above) that result in a new lot (or lots) consisting of more than one zoning district shall include a request to change the zoning as noted in [Section 1.4](#) in order to identify a single zoning district that will encompass the new lot (or lots).

- a. If the boundary adjustment or lot merger is proposed to support new development, the rezoning request shall occur prior to the submission of a zoning application for the development.
- b. If a rezoning request is not approved, any development proposal for a property with multiple zoning districts will be considered a conditional use and follow the process outlined in Section 6.7 and, at a minimum, provide information to meet the requirements of Section 6.6 regardless of the proposed use(s). Other information may also be required depending on the specific request being proposed.

D. All other subdivision amendment applications shall be classified by the ZA under Section 6.2, and referred to the DRB for review.

SECTION 6.10 - ZONING PERMITS

- A. **Applicability.** No land development subject to these regulations shall commence in the City of Winooski until a zoning permit has been issued by the ZA, in accordance with the Act [§ 4449].
1. Uses listed under Section 6.13 shall be required to complete a zoning permit application, including associated fees, to ensure the use qualifies as being exempt.
 2. If the proposed use meets the standards for exemptions under Section 6.13, the Zoning Administrator will issue a zoning permit indicating the proposed use is consistent with the City's Unified Land Use and Development Regulations as amended.
- B. **Application Requirements.** The application for a zoning permit must be submitted to the ZA on forms provided by the city, along with any application fees as established by the Winooski City Council. In addition, the following will be required as applicable:
1. Applications for permitted uses shall include a statement describing the existing and intended use of the land and structures and/or any proposed structural changes, and be accompanied by a copy of a sketch plan, no smaller than 8.5" x 11", drawn to scale, that accurately depicts the following:
 - a. the dimensions of the lot, including existing and proposed property boundaries;
 - b. the location, footprint, and height of existing and proposed structures and additions;
 - c. the location and dimensions of existing and proposed accesses (curb cuts), driveways and parking areas;
 - d. the location of existing and proposed easements, rights-of-way and utilities;
 - e. setbacks from property boundaries, road rights-of-way, surface waters, and wetlands;
 - f. the location of existing and proposed water and wastewater connections; and
 - g. such other information as may be needed to determine compliance with these regulations as specified by the ZA.
 2. For development requiring one or more approvals from the DRB and/or City Council prior to the issuance of a zoning permit, application information and fees shall be submitted concurrently with the application for a zoning permit. The ZA shall refer the application to the appropriate board or municipal official following submission.
 3. Additional copies of applications for development within Special Flood Hazard Areas under Appendix A, as provided by the applicant, must be forwarded by the ZA to the State Floodplain Coordinator within 10 business days of receipt of the application. All other applications that require referral to a state agency shall be done by the applicant with evidence of that submission provided to the ZA prior to the issuance of any zoning permit.
 4. The ZA or DRB may reject an application that misrepresents any material fact, in accordance with the Act [§ 4470a].
- C. **Issuance of Zoning Permits.** A zoning permit shall be issued by the ZA only in accord with the following provisions:
1. No zoning permit shall be issued by the ZA for any use or structure that requires approval of the DRB until DRB approval has been obtained. DRB decisions, including approvals, may be appealed under Section 6.9.B; however, administrative zoning permits issued by the ZA for DRB-approved development cannot be separately appealed under Section 6.9.B.

2. No zoning permit shall be issued by the ZA for the development of a lot for which subdivision approval is required until subdivision approval has been granted by the DRB.
3. For uses requiring state agency referral, no zoning permit shall be issued until a response has been received from the state, or the expiration of 30 days following the submission of the application to the state, whichever is sooner.
4. If public notice has been issued by the Winooski City Council for their first public hearing on a proposed amendment to these regulations, the ZA shall issue a zoning permit for development that is subject to the proposed amendment only in accordance with the requirements of the Act [§ 4449(d)].
5. Within 30 days of receipt of a complete application, including all application materials, fees and required approvals, the ZA shall act to either issue or deny a zoning permit in writing, or to refer the application to the DRB. If the ZA fails to act within the 30-day period, on appeal to the DRB a permit shall be deemed issued on the 31st day.
6. All zoning permits shall include a statement of time within which appeals may be taken under [Section 6.9.A](#); and shall require the posting of a notice of permit, on a form prescribed by the city, within view of the nearest public right-of-way most nearly adjacent to the subject property until the time for appeal has expired.
7. The ZA shall deliver a copy of the permit to the Assessor and post a copy of the permit at the city office within three days of the date that the permit is issued. The permit shall be posted for a period of 15 days from the date of issuance.

SECTION 6.11 - EFFECTIVE DATES AND PERMIT RENEWALS

- A. **Zoning Permits.** No zoning permit shall take effect until the time for appeal under [Section 6.9.A](#) has passed or, in the event that a notice of appeal is properly filed, until the appeal has been decided. Permits shall remain in effect for one year from the date of issuance, unless the permit specifies otherwise.
1. Development authorized by a zoning permit shall be substantially commenced within this period or the zoning permit shall become null and void, unless a permit extension is obtained by the permittee.
 2. A one-year administrative extension may be granted by the ZA if the extension is requested prior to the permit expiration date and the ZA determines that there was reasonable cause for delay in starting development. "Reasonable cause for delay" shall be based on a determination that:
 - a. The delay is the result of delays in a state or federal permitting process; or
 - b. The applicant has made a good faith effort to exercise his rights under the permit and, though the use or actual construction of structures authorized permit has not begun, the permittee is conducting work at the site in furtherance of the permitted project.
 3. Only recording fees shall be assessed for an administrative extension.
 4. A one-year permit extension granted under this subsection is not renewable. Should the permittee fail to substantially commence the project within the one-year extension period, he or she will be required to submit a new application for development.
- B. DRB Approvals. DRB approvals shall remain in effect as follows:
1. Subdivision Approval. Final subdivision approval by the DRB shall remain in effect and run with the land, and legally recorded subdivision plats, as approved by the DRB. For purposes of these regulations, any lot approved by the DRB as part of a planned unit development under [Section 6.3](#) is considered a conforming lot.

2. Site Plan and Conditional Use Approval. Site plan and conditional use approval by the DRB shall expire with the expiration of the zoning permit, and may be extended only in accordance with [Section 6.11.A.2](#) above; or as provided for abandoned structures under [Section 4.1](#). Once approved uses or structures are established, site plan and conditional use approvals shall remain in effect and run with the land.
3. Variance Approval. Variance approval expires with the expiration of a zoning permit. Variance approval shall remain in effect and run with the land for structures or structural alterations that are constructed in strict compliance with the conditions of variance approval.

SECTION 6.12 - CERTIFICATES OF OCCUPANCY/COMPLIANCE

A. Certificate of Occupancy/Compliance. A certificate of occupancy issued by the ZA is required prior to the use or occupancy of land, a principal structure, or part thereof, for which a zoning permit has been issued. The purpose of this certificate is to ensure that the use or structure, as established, conforms to these regulations and the conditions of approval.

Certificates of occupancy shall not be required for certain exterior residential accessory structures, unless those structures are located within a Flood Hazard Overlay District (Special Flood Hazard Areas). Those exterior residential accessory structures, outside of the Flood Hazard Overlay District (Special Flood Hazard Areas), which are exempt from obtaining a certificate of occupancy are: satellite dishes, play structures, tree houses, doghouses, and sheds under 100 sq. ft. All exterior residential accessory structures must, however, comply with all other requirements of these regulations and conditions of approval.

1. The applicant shall submit an application for a certificate of occupancy including as-built drawings where applicable, to the ZA upon substantial completion of required improvements, but prior to the use or occupancy of the land or structure.
 - a. Substantially Complete. A development shall be deemed substantially complete if it meets all applicable permit requirements and conditions, and is habitable or otherwise able to be occupied or used for its intended purpose.
 - b. Certificates of occupancy may be issued on a unit by unit basis.
2. A certificate of occupancy shall not be issued until:
 - a. The applicant documents that all necessary permits and approvals required by these regulations, including applicable state and federal permits, have been obtained.
 - b. The applicant provides certification from a professional engineer or site technician (designer) licensed by the state that wastewater and water supply systems have been installed and tested as approved by the state.
 - c. The applicant provides certification from a licensed engineer that all permitted road and driveway improvements have been completed in conformance with approved plans.
 - d. The ZA determines that the development has been completed in conformance with permits and approvals, from as-built drawings submitted by the applicant and/or site inspection.
3. The ZA shall inspect the premises to ensure that all work has been completed in conformance with the zoning permit and associated approvals prior to issuing a certificate.
4. A certificate of occupancy shall be issued or denied by the ZA within 14 business days of receipt of the complete application. If the ZA fails to either grant or deny the certificate of occupancy within 14 days of the submission of an application, the certificate, on appeal, shall be deemed issued on the 15th day.

5. Certificates of occupancy shall be posted, delivered and recorded in the Winooski land records and in the zoning file for the property in the same manner as zoning permits.
6. The ZA's decision to issue or deny a certificate of occupancy may be appealed to the DRB under [Section 6.9.A](#).

SECTION 6.13 - EXEMPTIONS

A. The following uses and structures have been determined to impose no impact or a de minimus impact on the surrounding area and the overall pattern of land development in the City in accordance with the Act [§ 4446] and, unless otherwise regulated under the Flood Hazard Area Overlay District (Article VI), are exempted from these regulations. Outside of Special Flood Hazard Areas, no municipal permits or approvals shall be required, however a zoning permit application and associated fees will be required to review the project and ensure it is consistent with the uses identified in this section. If the use qualifies for an exemption, the Zoning Administrator will issue a letter of consistency. Exemptions under this section include:

Deleted: for

1. The normal maintenance and repair of existing structures, utilities and infrastructure which does not result in any expansion or relocation, including any change to the footprint or height of a structure, or a change in use.
2. Residential entry stairs (excluding decks and porches), handicap ramps, walkways, and fences or walls in accordance with Section 4.6.
3. Exterior patios constructed without a permanent foundation.
4. Minor fill, grading or excavation that is incidental to regular driveway maintenance, and to residential lawn and yard maintenance and which does not change the existing elevation of land by more than two feet over a total area of no more than 2,000 square feet.
5. Resurfacing an existing driveway that does not result in driveway or road widening or relocation.
6. Recreational trails or paths located outside of required stream and wetland buffer areas under [Section 4.8](#) that do not involve or require the development, construction or use of structures or parking areas (e.g., walking, hiking, cross-country skiing and/or snow mobile trails).
7. One accessory structure per lot, with written notification to the ZA, provided that the structure does not exceed 100 square feet in floor area and 10 feet in height and meets all setback distances for the district in which it is located.
8. Transit or bus stop shelters approved by the Winooski City Council or the Vermont Agency of Transportation, which do not exceed 200 square feet in area and 12 feet in height, are set back at least five feet from edge of the travel lane, and do not otherwise interfere with corner visibility or sight distances for vehicular traffic.
9. Garage sales in accordance with [Section 5.4](#).
10. A home occupation in accordance with [Section 5.7](#).

B. The following uses are specifically exempted from local land use and development regulations in accordance with the Act [§§ 4412, 4413]. No zoning permit or approval shall be required for:

1. Accepted agricultural and best management practices (AAPs, BMPs) as those practices are defined by the Secretary of the Agency of Agriculture, Food and Markets, including farm structures as defined under the Act [§ 4413]. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the ZA prior to any construction, as required under AAPs. Such structures shall meet all setback requirements under these regulations, unless waived by the Secretary.

2. Accepted management practices (AMPs) for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation.
 3. Public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board under 30 V.S.A. § 248, including net metered renewable energy facilities (e.g., wind generators, solar panels).
 4. Telecommunications facilities as defined under 30 V.S.A. § 248a, when and to the extent that jurisdiction for such facilities are assumed by the Public Service Board.
 5. Hunting, fishing and trapping on public or private land as specified under 24 V.S.A. § 2295. This specifically does not include facilities that support such activities, such as firing ranges and rod and gun or fish and game clubs, which are subject to these regulations.
- C. Decisions of the ZA as to whether a use is exempt from permit requirements under this section may be appealed to the DRB under [Section 6.9](#).