

ARTICLE IV - GENERAL USE REGULATIONS

SECTION 4.1 - ABANDONMENT, STABILIZATION & DEMOLITION

- A. No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health or safety, or to adjoining properties, structures or uses; nor for the timely repair or reconstruction of damaged structures to the extent of their prior condition and use. Rebuilding that results in changes in density, dimension or use under applicable provisions of these regulations shall require a zoning permit. If rebuilding a nonconforming structure, see [Section 4.9.D.E.](#) of these regulations.
- B. Within 6 months after the abandonment of a permanent or temporary structure that has been demolished, destroyed, or substantially damaged, or upon the expiration of a zoning permit for a structure not substantially completed, the owner shall either:
1. Apply for a zoning permit under [Section 6.10](#) of these regulations to resume repair, reconstruction or construction, thus confirming the intent not to abandon the structure.
 2. Remove all improvements and materials from the site, restore the site to a normal grade and establish ground cover sufficient to prevent erosion.
- C. The demolition of ~~structures listed on the National or State Registers of Historic Places shall~~ [buildings or structures shall comply with the standards outlined in Section 4.4 if applicable.](#) ~~be prohibited unless prior approval is received from the Vermont Division for Historic Preservation or a letter from a qualified Historic Preservation consultant documents that the historical significance has been compromised and is no longer relevant.~~

SECTION 4.2 - ACCESS, DRIVEWAYS, ROADS AND CIRCULATION

- A. **Intent.** Access and circulation elements of a site must be unencumbered to create a safe entry free of hazards. Circulation areas should be designed to ensure ease of mobility, ample clearance, and safety. Pedestrian circulation areas must be convenient to use. Suitable landscaping and drainage shall be installed to enhance the utility and function of parking and circulation, minimize the amount of impervious cover and shall be used to manage stormwater onsite.
- B. **Applicability.** This section shall apply to all Zoning Districts with the exception of the Gateways Districts.
- C. **Frontage.** No land development may be permitted on lots that do not have frontage on a public road or public waters. For lots that have access on both a public road and public waters, only the access on a public road shall be considered for the frontage required under this ordinance. Rights of way for new public roads shall be 60 feet in width, however this may be reduced to 40 feet in width with approval from the Winooski City Engineer and DRB.
- D. **Access.** Access onto public roads is subject to approval by the City of Winooski or, in the case of state highways, approval by the Vermont Agency of Transportation. Access permits shall be obtained prior to the issuance of a zoning permit. In the event approval by the DRB is required for the development, the access permit shall be obtained after DRB approval. In addition, the following provisions shall apply:
1. No lot may be served by more than 1 curb cut in residential districts, and up to two curb cuts in other districts, by approval from the DRB provided that:
 - a. The additional access is deemed necessary to ensure vehicular and pedestrian safety.
 - b. The additional access will improve vehicular and pedestrian safety and result in a traffic circulation and parking arrangement within the site that better achieves the purposes of these regulations than would be possible with a single access.

- c. The lot(s) is occupied by a mixed-used development and the additional access would result in better traffic circulation and safety than a single access~~;-of.~~.
 - d. The strict compliance with this provision would, due to the presence of one or more physical features (e.g., rivers and streams, steep slopes, wetlands), result in a less desirable site layout and design than would be possible with the allowance of an additional access~~;-.~~.
 - e. The additional access would facilitate emergency vehicle access, as determined by the Winooski Fire Marshall or ZA.
2. Where a property occupies a corner of two intersecting roads, access shall be on the less traveled road. This provision may be waived by the DRB only if the applicant can demonstrate that access on the more heavily traveled road would be safer.
 3. Access to properties located along state highways may be limited to secondary roads or a common drive. In the event that a common drive is planned (i.e., identified in the Winooski Municipal Development Plan, or any adopted Official Map and/or Capital Budget), but is not yet constructed, temporary access may be permitted upon approval from the DRB. In granting temporary access, the DRB may place appropriate conditions that the access be relocated within a reasonable time after construction of the common drive.
 4. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by heavy traffic, congestion and frequent and/or unsafe turning movements, or lots having direct access to state highways, the DRB may require provision for shared access between adjoining properties. Construction of shared access may be required at the time of project development if similar provision has been made on contiguous parcels, or may be required at a later time contingent upon future development of neighboring properties.
 5. Applicants for a zoning permit for any lot with more than one access shall eliminate or combine accesses in order to meet the provisions of this section, unless otherwise approved by the ZA or DRB.
 6. Subdivision of a parcel after the effective date of these regulations shall not create a right to construct more than one access unless otherwise approved by the DRB.
 7. In the case of excessively wide pre-existing driveways or uncontrolled access that extends along most of a property's frontage, the DRB shall require the reduction in access width as a condition of approval, unless the applicant can demonstrate that such reduction would place an undue burden on the continued operation of a pre-existing land use.
 8. Access shall be established approximately perpendicular to the street.
 9. Access shall be available for fire, ambulance, and police vehicles within 100 feet of the principal entrance to dwellings, commercial, or industrial establishments and institutions, or as required by an authority having jurisdiction.
 10. Existing structures which do not meet these standards because of pre-existing site conditions may be required to make improvements necessary to bring the property into greater compliance with the provisions of this section as a condition of approval in accordance with the provisions of [Article VI](#).

E. **Residential Driveways.** New driveways serving not more than 3 dwellings shall meet the following standards:

1. Driveways shall be constructed to [the Standards and Specifications as identified by the City of Winooski's Department of Public Works, Standards and Specifications, Section 5.6.2.](#)
2. Driveways shall be set back a minimum of 5 feet from adjoining property lines unless providing shared access to contiguous properties.

3. ~~**Encroachment for Existing Residential Driveways.** For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two side by side parking spaces from the street, driveways may encroach into the required 5 foot setback up to 4 feet from the property line with ZA approval, and additional encroachment with DRB approval.~~

~~a. Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, and conditional use criteria and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air.~~

~~b. The maximum relief from the 5 foot minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot.~~

~~c. With such approval, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.~~

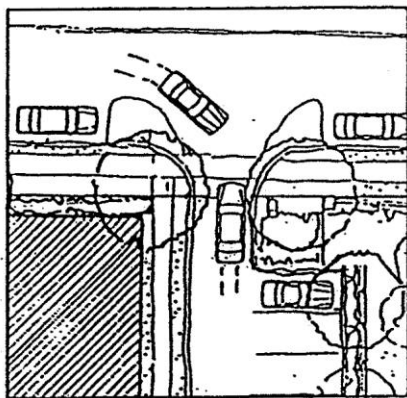
~~d. Under no circumstances shall parking spaces be allowed within the front setback of the Zoning District.~~

F. **Multi-Family and Non-Residential Driveways.** New driveways serving more than 3 residential dwellings units, non-residential lot(s) and parking garages shall meet the following standards:

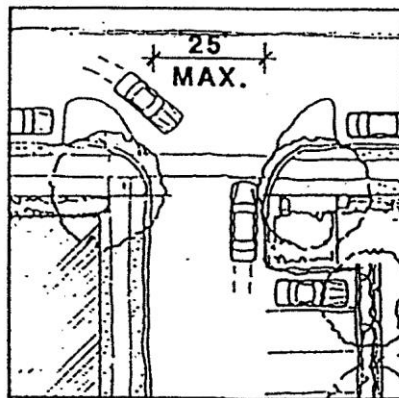
1. Driveways shall be constructed to [the Standards and Specifications as identified by the City of Winooski's Department of Public Works Standards and Specifications, Section 5.6.2](#) unless otherwise approved by the DRB.

2. Excessively wide curb cuts shall not be permitted as they lack definition and direction, cause erratic maneuvers and increase the number and angle of conflict points between vehicles. See Figure 1 – Access Drive Width:

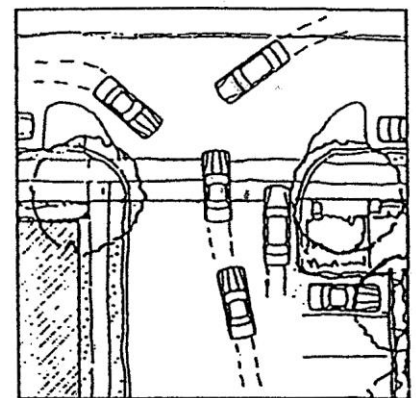
FIGURE 1 – Access Drive Width



■ **ENTRY TOO NARROW
CONFLICTS POSSIBLE**



■ **ADDITIONAL WIDTH
AVOIDS CONFLICTS**



■ **EXCESSIVE WIDTH
CONFLICTS POSSIBLE**

3. Locate access points so as to neither obstruct the free flow of traffic on public streets nor from the site. Provide adequate separation between intersections and access drives for adequate stacking space, ease of mobility, and vehicle and pedestrian safety. See Figure 2 – Corner Clearance and Figure 3 – Intersection Stacking Space:

FIGURE 2 – Corner Clearance

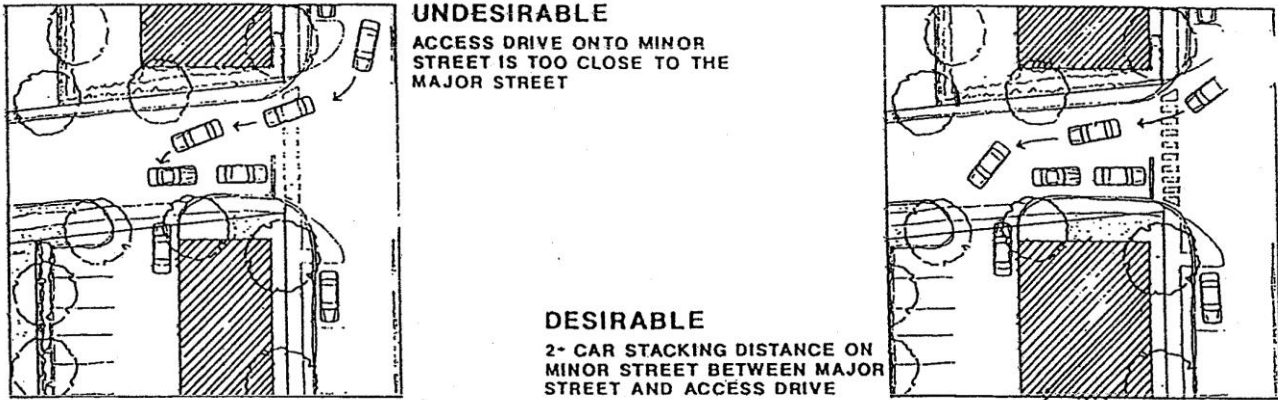
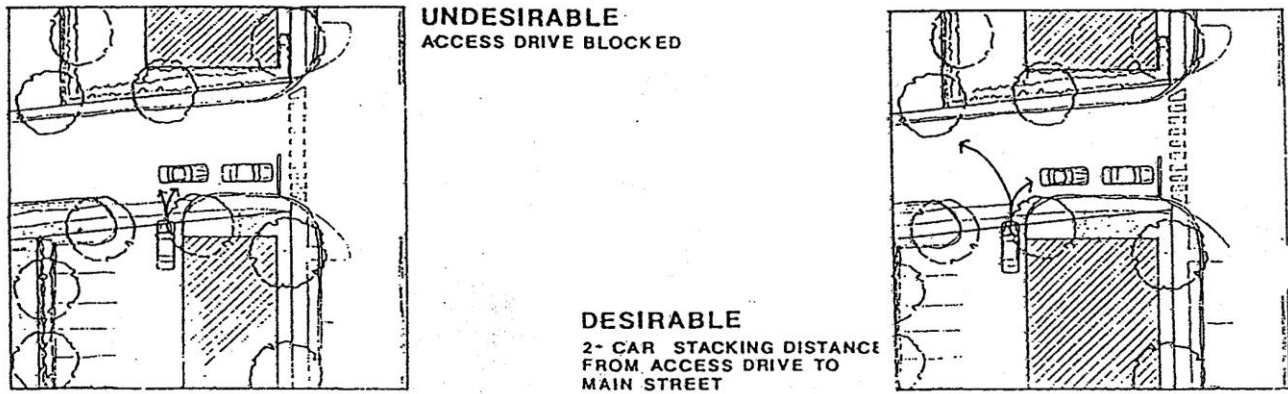


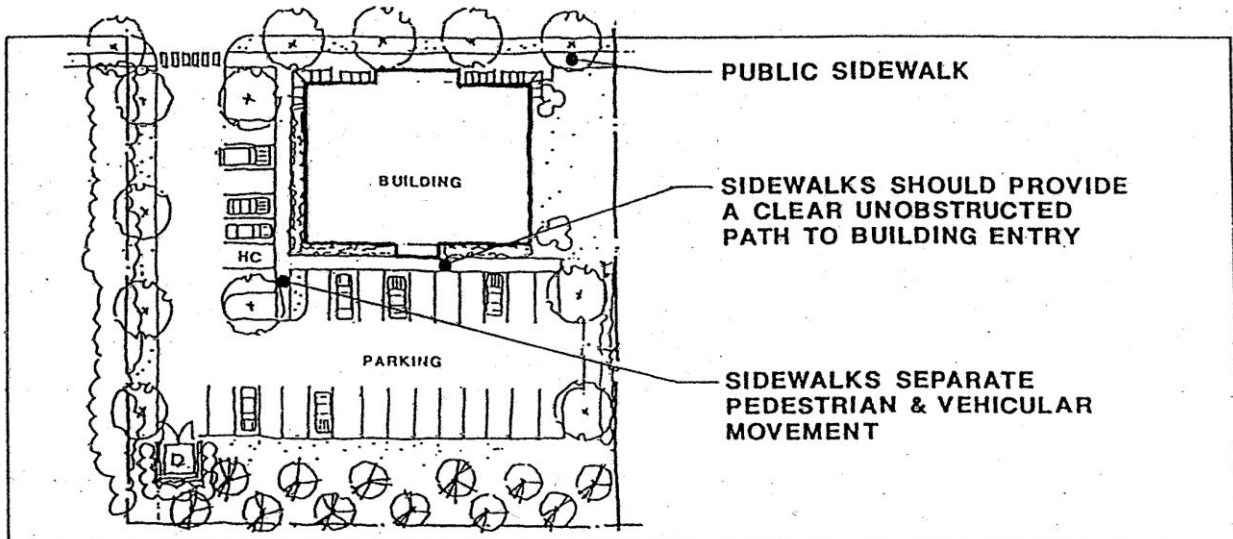
FIGURE 3 – Intersection Stacking space



4. Driveways shall be set back a minimum of 25 feet from adjoining property lines unless providing shared access to contiguous properties.

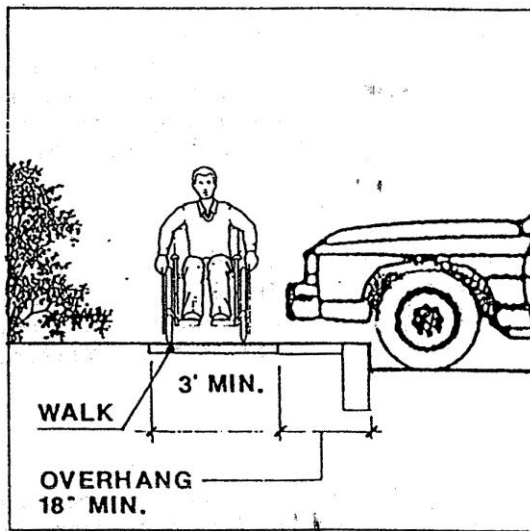
G. **Pedestrian Circulation.** Sidewalks shall be provided between site circulation drives, parking areas, and buildings to separate vehicular and pedestrian traffic. See Figure 4 – Sidewalks as a Component of the Site Design:

FIGURE 4 – Sidewalks as a Component of the Site Design



1. Increase walkway width when parking stalls directly abut a sidewalk to accommodate vehicle overhangs and reduce conflicts. See Figure 5 – Avoid Conflicts – Provide Adequate Walkway Width in Parking Areas:

FIGURE 5 – Avoid Conflicts – Provide Adequate Walkway Width in Parking Areas



PARKING ABUTTING A SIDE WALK

2. Alternative paving materials shall be used to designate walkway areas and building entrances, and add visual interest and sense of pedestrian scale to sites. Alternatives to asphalt include, but are not limited to, textured and exposed aggregate concrete, paver blocks, and bricks.

H. Evaluation of Traffic Impacts. The DRB may require an evaluation, and mitigation as needed, of traffic on existing roadways.

1. A traffic impact analysis, prepared by a qualified transportation professional, using commonly accepted transportation standards (e.g., Vermont Agency of Transportation, Institute of Transportation Engineers), shall be used to identify trip generation rates and to evaluate traffic impacts, for any project that generates 75 or more peak hour trips, or as otherwise deemed necessary by the DRB to address existing or proposed site, road and traffic conditions. The study shall include directional distributions, levels of service, design considerations and capacity determinations, and recommend appropriate traffic mitigation measures (including transportation demand management strategies) and road improvements.
2. Proposed development shall incorporate planned highway improvements, including planned right-of-way improvements or realignments, in site design and traffic analyses.

I. Encroachment for Existing Driveways. For purposes of allowing existing, developed, nonconforming lots to create a driveway and provide a maximum of two side by side parking spaces from the street, driveways may encroach into the required 5-foot setback up to 4 feet from the property line with ZA approval, and additional encroachment with DRB approval.

- a1. Such approval shall be based on demonstrated necessity on the part of the property owner as well as unique physical circumstances of the lot, and conditional use criteria and findings that there shall be no undue adverse impact on all of the following items of concern: drainage, safety, protection of neighboring side yard, light and air.
- b2. The maximum relief from the 5 foot minimum setback shall be the minimum necessary for the purposes of creating such a driveway and parking spaces and shall be allowed only after a finding that driveway and parking configuration cannot be otherwise located on the lot.
- c3. With such approval, the lot shall not be considered nonconforming due to the decreased setback for the creation of the driveway and parking spaces.

d4. Under no circumstances shall parking spaces be allowed within the front setback of the Zoning District.

SECTION 4.3 - CONVERSION OR CHANGE OF USE

- A. The conversion or change in use of land or structures to another use is subject to the provisions of these regulations as follows:
1. The proposed use shall be subject to all the requirements of these regulations pertaining to such use, as well as any other applicable municipal, state or federal regulations currently in effect unless otherwise noted in these regulations.
 2. A conversion or change of use from one permitted use to another permitted use, or from a conditional use to a permitted use as identified in Section 2.4, may require a Site Plan approval from the DRB or ZA under Article VI of these regulations as outlined in Section 6.6.B. and requires a zoning permit issued by the ZA under Article VI of these regulations.
 3. A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval from the DRB under Article VI, and may require site plan approval from the DRB under Article VI, followed by a zoning permit issued by the ZA under Article VI of these regulations.

SECTION 4.4 - DESIGN REVIEW ADAPTIVE REUSE INCENTIVES

~~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.~~

A. **Intent.** The intent of these standards is to provide incentives for the adaptive reuse or preservation of all or parts of buildings or structures that have been identified as having historic, architectural, cultural, or archeological significance to the City.

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: **and shall apply to any building, in full or in part that is or has been occupied for residential or non-residential purposes. These regulations shall not apply to garages, sheds, or similar structures that have no facilities for heating, sleeping, or cooking. Specific attention shall be applied to buildings or structures that are included in:**

1. **A national, state, or local historic register;**
2. **A national, state, or local historic district;**
3. **The Cultural and Historic Resources Map included in the City's Master Plan**

- ~~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 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.~~

C. **Incentives.** In order to provide incentives for the adaptive reuse of buildings or structures; and protect, preserve, or maintain the historic character of the City, the following incentives may be utilized for redevelopment projects.

1. Proposed developments in the Gateway Zoning District, that incorporate 25% or more of an existing building or structure, inclusive of the façade, can apply the following:
 - a. The Required Building Line may be moved to the front of the existing building or structure, provided it is no more than 15 feet from the location of the Required Building Line.
 - b. Up to 25% of the gross square footage of the preserved building footprint that is incorporated into the development may be used towards the requirement for private open area.
2. Proposed developments in the Downtown Core Zoning District that preserve 50% or more of an existing building or structure shall be exempt from the High Density Requirements as outlined in **Section 3.3.D.**
3. Proposed developments in the Central Business Zoning District or General Commercial Zoning District that preserve 75% of the existing building or structure including the façade; and propose a non-residential use or mixed-use project will be exempt from the minimum parking requirements as outlined in **Section 4.12.C.** related to any non-residential use occupying the first floor.
4. Proposed developments in the Residential A, Residential B, or Residential C Zoning Districts that preserve 100% of an existing building or structure can increase the maximum lot coverage as outlined in **Section 2.5** for the district where it is located by 10%.

SECTION 4.5 - EQUAL TREATMENT OF HOUSING

- A. These regulations shall not have the effect of excluding the following from the City of Winooski:
1. Mobile homes, modular housing, or other forms of prefabricated housing, except upon the same terms and conditions as conventional housing is excluded.
 2. Housing necessary to meet the needs of the population, as identified in the housing element section of the Winooski Municipal Development Plan or Master Plan.
 3. Mobile home parks within any zoning district where it is an allowed use and where it meets all applicable requirements for such use (see **Section 5.8**).
 4. ~~Multi-unit or multifamily~~ dwellings entirely from the City.
 5. One accessory dwelling per principal single ~~family-unit~~ dwelling, as a permitted use, if it meets the requirements of ~~these regulations~~ (see **Section 5.1**).
 6. A state licensed or registered care home or group home that serves no more than eight persons who have a handicap or disability.
- B. Provisions have been made for each of the above types of housing within designated zoning districts.

SECTION 4.6 - FENCES & WALLS

- A. Fences and walls are permitted in all districts provided they conform to the following requirements, however, fences and walls in the Gateway Districts are exempt from this Section and shall conform to the standards of **Section 605 of Appendix B**:
1. Fences or walls shall not exceed a height of ~~six (6)~~ feet above finished grade, except those parcels that abut a common lot line with an Urban General or Urban Storefront Gateway District

may construct a privacy fence or wall that shall not exceed a height of ~~eight (8)~~ feet above finished grade.

2. Walls proposed to retain or hold back earth shall require a zoning permit if:
 - a. The wall exceeds three feet in height as measured from the finished grade where the wall will be located; or
 - b. The wall is proposed adjacent to a public right-of-way; or
 - c. The wall is proposed adjacent to a public sidewalk or public walkway.
3. Fences or walls may be located up to the property line but shall not be located on the property line.
- 4.3. No part of any fence or wall shall be placed in such manner as to visually obstruct vehicular or pedestrian traffic. Fences or walls located on a corner lot shall either be placed outside the vision clearance angle or shall not exceed a height of ~~three (3) and one-half (1/2)~~ 3.5 feet above finished grade. The vision clearance angle is defined as the triangular area enclosed by the centerline of two intersecting streets and a line joining the points on such centerlines at distances of 75 feet from their intersections.

SECTION 4.7 - LANDSCAPING & SCREENING

- A. **Intent.** Landscaping shall be provided to enhance the overall appearance of the site and to maintain or establish physical and visual compatibility with neighboring properties. Landscaping and natural screening shall be provided in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads as necessary to lessen and mitigate the physical and visual impacts of development.
- B. **Applicability.** This section shall apply only to use and buildings newly constructed, changed, extended or restored and shall not apply to those uses in and buildings lawfully repaired and improved where no increase in floor area or no change of use is made. 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 ~~less~~ fewer dwelling units on the same lot in the Residential A, Residential B, or Residential C Zoning Districts unless configured as a Planned Unit Development. 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.
- C. **Buffer Areas for More Intense Land Uses.** In order to minimize the impact of one land use upon a less intense land use, buffer areas are required with the following provisions:
 1. **Material.** Buffer areas shall consist of a strip of land on which a fence or plantings have been installed.
 - a. **Height.** The fence or plantings shall have a minimum height of 5 feet.
 - b. **Screening.** The fence or plantings shall provide adequate privacy to the surrounding and less intense land uses.
 - c. **Maintenance.** It shall be the responsibility of the owner of the use for which the buffer is required to maintain and replace, when necessary, such plantings or fences.
 2. **District Requirements.** Buffer widths are as follows:

Zoning District	Width of Land Abutting a Less Intense District
Central Business District (C1)	10 feet
General Commercial District (C2)	20 feet
Industrial District (I)	50 feet

- D. **General On-site Landscaping Requirements.** Shade trees, shrubs and planting beds are to be used to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality—e.g., for wildlife habitat, soil stabilization, storm water retention, air quality, and energy conservation.
1. Existing vegetation shall be incorporated in site design when physically feasible. Protect established vegetation during construction; when possible, transplant and stockpile shrubs or trees which must be relocated to accommodate construction. Preserve topsoil from the site for reuse in lawns, open space and buffer areas.
 2. New landscaping shall be suited to USDA Zone 4 and the particular site. Trees recommended by Vermont Urban and Community Forestry are preferred. The use of native species is recommended and may be required as necessary to avoid the introduction and spread of nuisance or exotic species.
 3. Landscaped areas shall be installed in the front and side yard areas, to include a mix of deciduous and coniferous trees, shrubs and ground cover. Landscaped areas should enhance the general appearance of the site, define planting strips and buffers, and reduce the amount of grass or lawn area.
 4. Shade trees shall be a minimum of 2.5" caliper (trunk diameter), measured at a height of five feet, or, in the case of coniferous trees, be a minimum of eight feet in height.
 5. Install landscaping, as best as possible, during Vermont's optimal planting seasons: between April 15th and June 15th, and September 1st and October 30th.
 6. It shall be the responsibility of the owner of the property to maintain and replace, when necessary, such plantings.
 7. The DRB or ZA may require the submission of a landscaping plan, to be prepared by a certified landscape architect, as required to determine conformance with these regulations.
- E. **Parking lot landscaping requirements.** See [Section 4.12.E.8](#) of these regulations for the required landscaping for parking lots.
- F. **Street Tree Requirements.** Street trees shall be required along any street, and along any existing public street. In the event that the City has adopted a street tree plan for a district or road segment, the DRB may require tree plantings that are consistent with that plan, or payment in lieu of trees to ensure plantings are done consistently with City parking, utility and other street-scape improvement projects. Street trees shall be planted to [the Standards and Specifications as identified by the City of Winooski's Department of Public Works](#) ~~Standards and Specifications~~.

SECTION 4.8 - NATURAL RESOURCE AND OPEN SPACE

- A. **Intent.** All development proposals throughout the City shall be designed to avoid and minimize undue adverse impacts to significant natural resources with the ultimate goal of preserving and enhancing the Winooski River corridor ecosystem, and public health. When feasible common open space areas to be used for parks, trails, urban forestry and urban agriculture shall be provided in development proposals.
- B. **Applicability.** All applications for development shall identify and conserve Winooski's significant natural and scenic features in accordance with these regulations.
- C. **Standards.** Site layout and design, to the extent physically feasible, shall incorporate and avoid undue adverse impacts to significant natural and scenic resources identified in the Winooski Municipal Development Plan, maps and related inventories, or through site investigation. These include but may not be limited to:
1. **Steep Slopes.** Development areas shall be located and configured to the extent physically feasible to minimize the adverse impacts of development on steep slopes (15% or more); and to

avoid site disturbance on very steep slopes (25% or more). Methods to avoid or mitigate adverse impacts include but are not limited to the following:

- a. Development shall be sized and configured to minimize the extent of clearing, site disturbance and development in areas of steep slope (15% or more). The applicant shall submit a stormwater and erosion control plan in accordance with **Section 4.15**.
 - b. Driveways, access roads and utility corridors, to the greatest extent feasible shall share access and rights-of-way, follow existing contours to achieve angled ascents, and be located and designed to minimize surface runoff and erosion, especially in areas of steep slope (15% or more).
 - c. Development shall be sited, to the greatest extent physically feasible, to avoid site disturbance and development on very steep slopes (25% or more).
 - d. The DRB may require permanent protection of these resource areas as designated open space.
 - e. The DRB may require preparation and implementation of management plans for identified resources.
2. **Surface Waters, Wetlands & Floodplains.** Development areas shall be located and configured to avoid adverse impacts to naturally occurring surface waters, wetlands, and special flood hazard areas (SFHAs), and setback or undisturbed buffer areas shall be established between proposed development and identified resources. Methods to avoid or mitigate undue adverse impacts include but are not limited to the following:
- a. Setback and buffer areas of sufficient width to protect surface waters and wetlands from accelerated surface runoff, soil erosion and sedimentation, and to preserve wildlife habitats, shall be designated and identified on site plans and subdivision plats. The DRB may require larger setbacks or buffers, and/or buffer management plans as necessary to minimize impacts resulting from site-specific slope and soil conditions. Setbacks and buffer areas shall be:
 - i. 50 feet from Class II wetlands in accordance with the Vermont Wetland Rules.
 - ii. 50 feet setback from top of bank for streams with a watershed area less than 2 square miles.
 - b. Roads, driveways and utility corridors shall be located, to the extent physically feasible, to minimize the number and extent of surface water and wetland crossings and associated areas of site disturbance.
 - c. Any development within Special Flood Hazard Areas shall be subject to review under Appendix A: Inundation Hazard Area Regulations.
 - d. The DRB may require permanent protection of these resource areas as designated open space.
 - e. The DRB may require preparation and implementation of management plans for identified resources.
3. **Natural Vegetative Cover.** Existing vegetative cover shall be preserved on the site to the greatest extent practicable.
4. The applicant, ZA and DRB may consult with state officials, and/or other qualified professionals to determine the likely impact of a development on one or more of these resources, and appropriate mitigation measures.

D. **Common Open Space Areas.** The location, size and shape of lands set aside to be preserved and managed as common open space areas shall be suitable for their intended purpose and use and approved by the DRB, in accordance with the following:

1. Common open space areas may include significant natural and cultural features identified and designated for protection in accordance with **Section 4.8.C.**
2. For common open space areas that are not designated for protection in accordance with **Section 4.8.C.**, provisions shall be made to allow common open space areas to be used for parks, trails, urban forestry and urban agriculture. Management plans for parks, urban forestry and urban agriculture may be required by the DRB as necessary to ensure their long-term management. The DRB may require installation of facilities or equipment such as, but not limited to, benches, picnic tables, and playground equipment, as necessary to ensure proper use of common open space areas.
3. Designated common open space areas may include a portion of a single lot, or extend over several contiguous lots; however to the extent physically feasible, site layout and design shall minimize the subdivision and fragmentation of contiguous common open space areas.
4. Utility and road rights-of-way or easements, and access and parking areas shall not be included within designated common open space areas, unless the applicant can demonstrate to the satisfaction of the DRB that they will in no way disrupt or detract from the purposes or values for which the common open space area is to be protected or used.

E. **Legal Requirements.** At a minimum, unless waived by the DRB:

1. Designated common open space areas shall be indicated on the final site plan or subdivision plat.
2. Common open space areas shall be subject to deed restrictions and owner agreements that stipulate the permitted and restricted use of such land, and establish the person(s) or entity responsible for its maintenance and long term stewardship.
3. Designated common open space areas shall be subject to management agreements that include terms for administration, maintenance, and cost sharing. A draft management agreement shall be submitted with the application for final subdivision approval.
4. Nothing in these regulations shall be construed as indicating that the public has a right to access or recreate on private property without permission of the landowner.

SECTION 4.9 - NONCONFORMING LOTS, STRUCTURES, RIGHT OF WAY OR DRIVE, AND USES

A. **Purpose.** Any lot, structure, part of a structure or use that is not in compliance with the provisions of these regulations, but was lawfully established prior to the effective date of these regulations, shall be deemed a nonconformity. It is the goal of the City of Winooski that nonconformities shall over time cease to exist, become conforming or at a minimum continue to be used in a manner that does not increase their degree of nonconformity. Nonconformities shall be regulated and only allowed to continue indefinitely as outlined in this section. Stabilization or repairs to any nonconforming structures intended to prevent hazards to public health or safety; or to adjoining properties, structures, or uses shall comply with **Section 4.1** of these regulations.

B. **Development of Preexisting Nonconforming Lots.** An undeveloped preexisting nonconforming lot may be developed in accordance with the standards of the district in which it is located if the lot:

1. Was in existence on or before the effective date of these regulations; and
2. ~~Is at least 1/8 acre in area; and~~
3. ~~Is at least 40 feet wide and deep.~~

2. Has direct frontage on a public road or street; and

3. Has access to public water and wastewater at the fronting public road or street; and

4. Has a clear chain of title documenting the lot has been maintained in its existing configuration

C. **Use of Nonconforming Lots.** A lawfully developed nonconforming lot:

1. May continue in its current use and configuration.
2. May, after receiving all applicable approvals and permits, be further developed and used in accordance with the standards of the district in which it is located.

D. **Nonconforming Right of Way or Drive.** Pre-existing, lawfully established, nonconforming Right of Way or drive that was in existence on or before the effective date of these regulations:

1. Shall Conform with Public Works material and construction standards for public or private right-of-way.
2. May be used, expanded or improved in accordance with fire department, police department, and public works approval.
3. May, after receiving all applicable approvals and permits, be further development and used in accordance with the standards of the district in which it is located.

E. **Nonconforming Structures.** A nonconforming structure:

1. May undergo normal repair and maintenance without a permit provided that such action does not increase the structure's degree of nonconformity.
2. May be restored or reconstructed after damage from any cause provided that the reconstruction does not increase the degree of nonconformity that existed prior to the damage, and provided that a permit is obtained within 6 months of the date the damage occurred.
3. May be structurally enlarged, expanded or moved, after receiving a permit from the ZA, provided that the degree of nonconformity is not increased. The following exceptions may apply: an increase in a structural nonconformity may be permitted, after receiving a permit from the ZA, for an alteration or expansion in height above existing gross floor area so long as the alteration or expansion does not result in any new structure located closer than 5' feet from the property line or exceed the maximum height requirement of the zoning district. The DRB may grant a waiver to dimensional requirements that may allow increases in a structure's degree of nonconformity subject to conditional use approval by the DRB in accordance with the provisions of Section 6.7 of these regulations.
4. May, subject to conditional use approval by the DRB in accordance with the provisions of Section 6.7 of these regulations, be structurally altered or expanded in a manner that would increase the degree of nonconformity for the sole purpose of meeting mandated state or federal environmental, health, accessibility, safety or energy regulations that would allow for the continued use of the structure.

F. **Nonconforming Uses.** A nonconforming use:

1. Shall not be moved from one lot to another where it is also a nonconforming use.
2. Shall not be re-established if the use has been changed to or replaced by a conforming use for a period greater than 6 months.
3. Shall not be re-established if the use has been discontinued for a period greater than 6 months.
4. Shall not be intensified by any means whatsoever, except with the approval of the DRB subject to conditional use review in accordance with the provisions of Section 6.7 of these regulations.
5. Shall not be extended to displace a conforming use.

- G. **Nonconforming Non-residential Uses in the R-A, R-B and R-C Zoning Districts.** The conversion of nonconforming, non-residential uses in existence on January 1, 2012 in the R-A, R-B and R-C zoning districts to residential uses are incentivized through an increased level of residential density than otherwise would be allowed. An applicant may request approval under this provision if a minimum of 40% of the gross floor area of the structure is in active non-residential use. Conversion is subject to the following provisions:
1. Total, maximum residential density shall be:
 - a. 16 units per acre in the R-A and R-B districts; ~~and~~
 - b. 24 units per acre in the R-C district.
 2. Minimum habitable floor area shall be:
 - a. 600 square feet for each studio or efficiency unit; ~~and~~
 - b. 800 square feet for a 1-bedroom unit, plus, a minimum of 200 square feet for each additional bedroom.
 3. A maximum of 4 bedrooms is allowed in each unit.
 4. Each application for this conversion shall be subject to approval under the following provisions:
 - a. Conditional Use and Site Plan approval as specified in **Articles VI and VII**; ~~and~~
 - b. Design Review as specified in **Section 4.4 for qualifying projects**.
 5. The conversion shall not result in any nonconformance or further nonconformance of the existing structure with regards to setbacks, lot coverage and building height. The maximum height limit of the zoning district shall apply. Any floor area(s) above the maximum height shall not be expanded beyond the pre-existing extent.
 6. Parking shall be provided at the rate of 1 space per residential unit; all lot area in a vegetated condition without hardscape improvements in place on January 1, 2012 shall not be reduced to accommodate parking, drives or site circulation.
 7. Non-residential uses will be considered abandoned upon conversion and shall not be re-established.
- H. **Nonconforming Uses and Noncomplying Structures in the Downtown Core Zoning District.** Within the Downtown Core Zoning District, a noncomplying structure or a nonconforming use shall not be enlarged or extended nor all or any part of a noncomplying structure replaced if voluntarily demolished, unless the resulting building complies with the minimum floor requirements of **Section 3.3.D**.

SECTION - 4.10 OUTDOOR LIGHTING

- A. **Intent.** It is the intent of these regulations to ensure adequate lighting for night-time visibility, crime deterrence, decoration, and to preserve the ambiance of the night; and to avoid lighting that is too bright, intense, creates glare, hinders night vision, and creates light pollution.
- B. **Applicability.** This section ~~is applicable with respect to (i)~~ shall apply to all Zoning Districts in the City with the exception of the Downtown Core Zoning District and the Gateway Zoning District; ~~(ii) any residential use of project with three or less fewer dwelling units in the Residential A, Residential B, or Residential C Zoning District unless configured as a Planned Unit Development;~~ and ~~(iii)~~ street lights.
- C. **Lighting Standards.**
1. Utilize lighting that is of a pedestrian scale and style appropriate to the development and the neighborhood.

2. Lighting elements shall be LED, metal halide, or halogen elements with a spectrum of light more perceptively "natural". Lighting elements that cast a perceptively unnatural spectrum of light such as low pressure sodium, HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) are not permitted. Alternative lighting elements may be permitted by the ZA as technologies advance and produce additional equivalent or better lighting elements.
3. Lighting fixtures shall be of a "cut-off" design, or be equipped with shields to avoid glare onto neighboring properties or public streets. Fixtures shall provide light without hazard to drivers or nuisance to residents from glare.
4. The maximum height of luminaires shall be 16 feet, with appropriate spacing on a site by site basis to avoid excessive fixtures. The maximum illumination at ground level shall not exceed 3 foot candles.
5. Site lighting shall be of a design, height and location so as to illuminate only the lot. An exterior lighting plan shall be submitted and it shall document a score of zero foot candles at the property lines.
6. Flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration.
7. Floodlights or directional lights (maximum 100-watt incandescent or equivalent) may be used to illuminate common drives, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, or public streets.
8. Flood or uplighting may not be used to illuminate private building walls. Accent lighting may be permitted on civic use buildings or monuments, to highlight architectural features (such as church steeples or courthouse domes).
9. The method of lighting operation shall be energy efficient and scheduled to minimize adverse impact on residential neighbors. All-night lighting shall be activated by photo-sensor and turned off by timers.
10. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) intent.
11. Temporary (per City regulations) Holiday Lighting is exempt from these regulations.
12. Streetlights shall be coordinated with the Department of Public Works.

SECTION 4.11 - OUTDOOR STORAGE, MECHANICAL AND UTILITY EQUIPMENT

- A. **Intent.** It is the intent of these regulations to minimize the location of mechanical and similar equipment, garbage cans, storage tanks, and similar elements in any public areas, be visible from the street, or detract/interfere with the pedestrian space.
- B. **Applicability.** This section is applicable in all Zoning Districts in the City with the exception of the Downtown Core Zoning District and Gateway Zoning District; and any residential use of project with three or less fewer units in the Residential A, Residential B, or Residential C Zoning Districts unless configured as a Planned Unit Development.
- C. Mechanical and utility equipment, and outdoor storage shall meet the following standards:
 1. The following shall be placed behind any buildings, may not be stored or located within any public street, and shall be screened from view from the public sidewalk and street and neighboring properties: exterior storage areas, air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment. Plantings, enclosures and other mitigation screening methods shall be coordinated with the design of the principal building and shall be

utilized to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable. Above ground utility structures associated with underground utilities may be allowed in front of a building if no alternative location exists, however the equipment must be enclosed with a vegetative buffer.

2. Onsite utilities shall be placed underground whenever practicable.
3. ~~Trash and recycling bins and dumpsters shall be located within, preferably, or behind buildings. They shall be enclosed on all 4 sides to prevent blowing trash, and screened from public view.~~
Locations for dumpsters and other refuse containers shall be identified on the site plan and located at the rear or side of the site out of the public view. Dumpsters shall be screened with walls, shelters, fencing, dense plantings or a combination thereof. Screening shall be a minimum of 6 feet tall and provide year-round coverage on all four sides.
4. Roof mounted equipment shall be placed away from the façade of the building and screened from view from the public sidewalk and street.
5. Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of **Section 4.13** Performance Standards.
6. Storage of junk shall not be permitted on any property within the City, unless permitted as a State and City licensed salvage yard facility. Junk includes but is not limited to rags, paper, rubbish, bottles, glassware, crockery, bags and used and unregistered motor vehicles and parts there-of, and items of a similar nature.