

## 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:** A distinct dwelling unit that is located within or appurtenant to an owner-occupied single-unit dwelling, and is clearly subordinate to that dwelling. An accessory dwelling unit has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory dwellings are regulated under [Section 5.1](#).

**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.

**Affordable Housing:** Affordable Housing shall mean housing that is owned or rented by inhabitants whose gross annual household income is not more than 100% of the HUD Area Median Family Income (HAMFI) for the Burlington-South Burlington Metropolitan Statistical Area (MSA) as defined by the U.S. Department of Housing and Urban Development and the total cost of the housing, including principal, interest, taxes, insurance, and condominium association fees, if owned housing; or the total cost of housing, including rent, utilities, and condominium association fees, if rental housing, is not more than 30% of the gross annual income.

**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 Article III. 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.

**Deck:** An above ground outdoor living space that is open to the sky, but may be temporarily covered by an awning or partially covered by a pergola. When attached to the primary structure, a deck will be considered part of the primary structure and subject to the dimensional standards of [Table 2.5](#).

**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:** A building or structure or portion thereof containing three or more dwelling units.

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

**Dwelling, Two-Unit:** 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 household, 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.

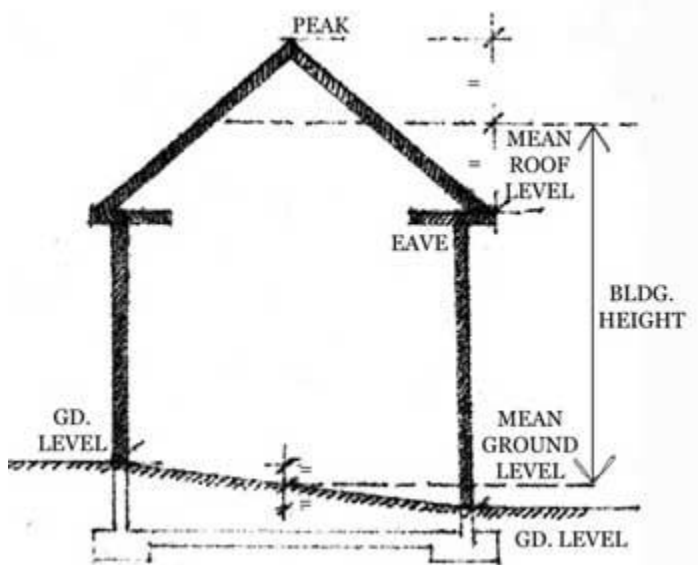
**Group Home:** A residential establishment operated under state licensing or registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501. Group homes are considered by right a permitted single-family residential use of property, except shall be considered a 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](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.

**HUD Area Median Family Income (HAMFI):** HAMFI is the median family income calculated by HUD for each jurisdiction, in order to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.

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

**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.

**Owner:** The person or persons holding legal title to the property as recorded in the City's Land Records. In the event a trust, estate, or other ownership interest holds title, the controlling person or persons of said entity shall be considered the owner.

**Owner-Occupied:** Where owner occupancy is required by these regulations it shall mean the owner (as defined herein) maintaining principal residency at a property or premise year-round.

**Patio:** A patio is an improved at-grade living space that is open to the sky.

**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 or structure is located.

**Priority Housing:** For the purposes of these regulations, priority housing shall mean dwelling units that have been identified by the City of Winooski that are desired for development due to their size, bedroom count, configuration, or similar elements. The desired housing may change from time-to-time based on the policies and priorities of the City Council which may necessitate amendments to these regulations.

**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.

**Supporting Use:** A use that is clearly subordinate to the primary use on a lot. A supporting use may be considered on a conditional basis by the DRB if the use is not otherwise permitted in the zoning district where it is proposed and the property is in conformance (or could be made conforming) with these regulations.

**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.