Zoning Regulations
for the
Town of Windsor, VT

(These regulations and map also available online at **http://vermont-towns.org/windsor/**)
(navigate to bottom of Government Directory page)

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Town of Windsor, Vermont
Zoning Regulations

Approved by Windsor Planning Commission January 22, 2001
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ARTICLE 1. AUTHORITY AND PURPOSE

Section 1.0 Enactment

In accordance with the Vermont Planning and Development Act (hereinafter referred to as the "Act") 24 V.S.A., Chapter 117, Subchapter ~~6~~ 7, Section §4411, there are hereby established Zoning Regulations for the Town of Windsor which are set forth in the following text and maps. These regulations shall be known as the "Town of Windsor Zoning Regulations", as amended through Sept. 25, 2007.

Section 1.1 Purpose

The general purposes and goals set forth in the Act [§4302] ("...to encourage appropriate development of all lands in this state..." etc.) are hereby adopted by reference.

The specific purpose of these regulations is the implementation of the Windsor Town Plan by providing for the preservation of the historic development pattern of the mixed-use village surrounded by open land, agriculture, forest and low-density residential uses. These regulations seek to guide the development of Windsor for the protection of community health, safety, welfare, and quality of life, in conformance with the Windsor Town Plan.

Section 1.2 Application of Regulations

A zoning permit issued by the Administrative Officer shall be required for any land development as defined in the Act [§4303] except for development which is specifically exempted from these regulations under Article 6, Section 6.0 (B). Such permit may be issued only in conformance with these regulations and other Town ordinances, as provided in the Act [§ 4446]. Any use not permitted by these regulations shall be deemed prohibited.

"**Land development"** means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure or land, or extension of use of land." [§4303]

Section 1.3 Interpretation

The adoption of these regulations shall not repeal any permit previously issued. Where these regulations impose a greater restraint or restriction than is provided under any other statute, bylaw, ordinance, rule or regulation, then these regulations shall govern.

Section 1.4 Adoption and Amendments; Effective Date

In accordance with the Act [§§4441 and 4412], these regulations shall take effect 21 days after adoption and may be amended according to the requirements and procedures established in the Act. The zoning regulations heretofore in effect ("Town of Windsor Zoning Bylaws, 1997") shall be deemed repealed upon the effective date of these regulations. Any mandatory changes enacted by the state shall automatically become part of these regulations.

Section 1.5 Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS AND DISTRICT STANDARDS

Section 2.0 Establishment of Zoning Districts

For the purpose of these Regulations, the Town of Windsor is divided into the following zoning districts:

Resource -	RES	Village Mixed Use	VMU
Rural -	RUR	Roadside Business -	RB
Low Density Residential -	LDR	Industrial -	IND
Medium Density Residential -	MDR	Flood Hazard Overlay District -	FLD
High Density Residential -	HDR	Downtown Design Review Overlay District-	DDR
Central Business -	CB		

Section 2.1 Zoning Map

(A) The location and boundaries of these districts are hereby established as shown on the official Zoning Maps of the Town of Windsor entitled "Town Zoning Map" and "Village Zoning Map". Flood Hazard Overlay District boundaries are shown on National Flood Insurance Maps for the Town of Windsor, which are adopted by reference to be part of these regulations. These maps are hereby declared to be a part of these regulations. Regardless of the existence of copies of the maps which may be made or published, the Official Zoning Maps located in the Town Office shall be the final authority as to current status of zoning district boundaries.

(B) The signatures of the Selectboard, as attested to by the Town Clerk, shall identify the official zoning maps. No changes of any nature shall be made on the official maps except in conformance with zoning amendment procedures and requirements set forth in the Act [§§4441-4442].

Section 2.2 Density and Lot Size Classification

In certain districts created by these Regulations, the lot size and/or density requirements vary depending on the availability of certain essential services. In the MDR and HDR districts, whether a lot is class "1", "2", or "3" depends on the availability of municipal water and sewer services to that lot. In the RUR district, whether the maximum density is Class "A" or "B" depends upon whether or not the parcel is part of a Planned Residential Development (PRD see Section 5.5). The classification system hereby established is as follows:

Lot Classification	Provision for Water & Sewer Service
Class 1	Municipal Sewer and Municipal or Public Water
Class 2	Municipal Sewer and Individual water (on parcel source)
Class 3	Individual sewer and Individual, Public or Municipal Water
Class A	PRD Lot (Section 5.5)
Class B	Conventional Lot

The purpose of Class A is to allow for higher density development in outlying areas where it is suitable, if it is designed to conserve open spaces, cluster units and minimize the need for new capital improvements.

Section 2.3 Interpretation of Zoning District Boundaries

(A) Using the following guidelines, the Administrative Officer shall determine the boundaries of the Zoning Districts:

(1) Where district boundaries are indicated as approximately following streets or highways, the centerlines of such street or highway rights-of-way shall be construed to be the boundary.

(2) Where two district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be the boundary.

(3) Where district boundaries are shown as paralleling streets or highways, such boundaries shall be construed as running parallel to the center lines of the rights-of-ways of such streets or highways at such distance therefrom as is indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

(4) Where the boundary of a district follows a railroad line, such boundary shall be construed to be the middle of the main track of the railroad line.

(5) Where the boundary of a district follows a river, stream, lake, or pond, the boundary shall be construed to be the normal high water mark of the river, stream, lake, or pond.

(B) When the Administrative Officer cannot definitely determine the location of a district boundary by the scale or dimensions given on the official zoning map or by the above rules, the Planning Commission may be consulted prior to making the final determination. Upon appeal from the decision of the Administrative Officer as to a boundary location, the Development Review Board shall make the necessary interpretation under Section 6.1.

Section 2.4 Application of District Standards

(A) The standards for each district apply uniformly to each class of use and/or structure, unless otherwise specified in these regulations. All uses and structures must comply with all prescribed standards for the district in which they are located as set forth in Tables 2.1 - 2.10, unless otherwise permitted under Planned Residential Development (PRD) or Planned Unit Development (PUD) pursuant to Section 5.5. Nonconforming uses and structures shall be regulated in accordance with Section 4.8.

(B) Additional Overlay Districts shall be applied concurrently with the standards for underlying districts. Where overlay districts impose more restrictive standards on the use of a structure or land, the standards of the overlay district shall apply.

(C) Uses for each district are classified as **"permitted,"** to be reviewed in accordance with Section 6.0, or **"conditional"** to be reviewed in accordance with Section 5.3.

Section 2.5 Zoning District Objectives, Uses and Specific Standards

Tables 2.1–2.10 set forth the stated purpose, allowable uses and specific standards for each zoning district.

Table 2.1 Resource District (RES - 10 & 25)

(A) Purpose: The purpose of the Resource District is to limit development on certain lands which, due to severe physical limitations and the presence of sensitive natural features, significant potential for productive agricultural or forestry use, and special recreational and scenic qualities, should be protected. Although very low intensity uses are permitted, they should still be preceded by careful site inspection and thorough site planning.

(B) Permitted Uses: (Requires Permit) (See Section 6.0) (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Agriculture
5. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
6. Forestry
7. Group Home (see Section 4.4)
8. Home Occupation (see Section 3.11)
9. Single Family Dwelling
10. Two-Family dwelling

(C) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1)
2. Correctional Facility (see Section 3.17)
3. Day Care Facility (more than 6 children full-time – see Section 3.7)
4. Garden Center
5. Home Business (see Section 3.11)
6. Outdoor Recreation
7. Public Facility (Closed) (see Section 3.17)
8. Telecommunications Facility (see Section 3.19)

(D) Dimensional Standards (unless otherwise specified by use type):

	RES-25	RES-10
Minimum Lot Size	25 acres	10 acres
Minimum Frontage	500 ft	400 ft
Minimum Front Setback	50 ft	50 ft
Minimum Side Setback	50 ft	50 ft
Minimum Rear Setback	75 ft	75 ft
Maximum Height	40 ft	40 ft

Table 2.2 Rural District (RUR)

(A) Purpose: The purpose of the Rural District is to allow low density development in a rural setting while protecting the natural resource value of land which is essentially undeveloped in areas of town serviced by unimproved public roads, while protecting and maintaining important wildlife habitat, significant natural resources and traditional land uses including agriculture and forestry. Within the Rural District, clustered residential development is permitted in appropriate locations in a manner that preserves open spaces and associated natural resources.

(B) Permitted Uses: (Requires Permit) (See Section 6.0). (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Agriculture
5. Cemetery**
6. Forestry
7. Group Home (see Section 4.4)
8. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
9. Home Occupation (see Section 3.11)
10. Single Family Dwelling
11. Two-Family Dwelling

(C) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1)
2. Campground (see Section 3.6)
3. Day Care Facility (more than 6 children full-time –see Section 3.7)
4. Extraction of Earth Resources (see Section 3.8)
5. Garden Center
6. Home Business (see Section 3.11)
7. Kennel (see Section 3.13)
8. Outdoor Recreation
9. Public Facility (closed) (see Section 3.17)
10. Veterinary Hospital

(D) Dimensional Standards (unless otherwise specified by use type):
Class A – PRD Lot (See Section 5.5)
Class B – Conventional Lot

	Class A	**Class B**
Minimum Lot Size	20,000 ft^2	5 acres
Maximum Density	1unit/2acres	1 unit/5acres
Minimum Frontage	--	300 ft
Minimum Front Setback	--	50 ft
Minimum Side Setback	--	50 ft
Minimum Rear Setback	--	75 ft
Maximum Height	40 ft	40 ft

Table 2.3 Low Density Residential District (LDR)

(A) Purpose: The purpose of the Low Density Residential District is to provide moderate density residential development and limited commercial activities outside of the village on lands generally suitable for on-site sewage disposal and serviced by improved public roads. Although single lot development is expected in this district, cluster development is also encouraged.

(B) Permitted Uses: (Requires Permit) (See Section 6.0). (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Agriculture
5. Bed and Breakfast **
6. Forestry
7. Group Home (see Section 4.4)
8. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
9. Home Occupation (see Section 3.11)
10. Single Family Dwelling
11. Two-Family Dwelling

(C) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1)
2. Cemetery
3. Cottage Industry (see Section 3.11)
4. Day Care Facility (more than 6 children full-time– see Section 3.7)
5. Extraction of Earth Resources (see Section 3.8)
6. Garden Center
7. Health Care Facility (see Section 3.17)
8. Home Business (see Section 3.11)
9. Inn
10. Kennel (see Section 3.13)
11. Outdoor Recreation
12. Public Facility (closed) (see Section 3.17)
13. Retail-Recreational
14. Rooming House

(D) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Size	40,000 ft^2
Minimum Frontage	150 ft
Minimum Front Setback	40 ft
Minimum Side Setback	30 ft
Minimum Rear Setback	40 ft
Maximum Height	40 ft
Maximum Structure Coverage	15 %

Table 2.4 Medium Density Residential District (MDR)

(A) Purpose: The purpose of this District is to provide for medium density residential development in a compact, neighborhood setting in areas near municipal services and which are serviced or proposed to be serviced by public water and sewer facilities.

(B) Permitted Uses: (Requires Permit) (See Section 6.0). (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Agriculture
5. Bed & Breakfast **
6. Forestry
7. Group Home (see Section 4.4)
8. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
9. Home Occupation (see Section 3.11)
10. Single Family Dwelling
11. Two-Family Dwelling

(C) Conditional Uses (see Section 5.3):

1. Accessory Dwelling[1] (see Section 3.1)
2. Cemetery
3. Cultural Facility
4. Day Care Facility (more than 6 children full-time – see Section 3.7)
5. Funeral Home
6. Health Care Facility (see Section 3.17)
7. Home Business (see Section 3.11)
8. Inn
9. Multi-Family Dwelling
10. Outdoor Recreation
11. Place of Worship (see Section 3.17)
12. Public Facilities (open) (see Section 3.17)
13. Residential Care Facility
14. Rooming House

(D) Dimensional Standards (unless otherwise specified by use type):

	Class 1	Class 2	Class 3
Minimum Lot Size	12,000 ft^2	20,000 ft^2	40,000 ft^2
Minimum Lot Size per Family Unit	6,000 ft^2	10,000 ft^2	20,000 ft^2
Minimum Frontage	75 ft	100 ft	150 ft
Minimum Front Setback	30 ft	40 ft	40 ft
Minimum Side Setback	12 ft	20 ft	30 ft
Minimum Rear Setback	30 ft	30 ft	40 ft
Maximum Height	40 ft	40 ft	40 ft
Maximum Structure Coverage	30%	20%	15%

Class 1 – Municipal Sewer and Municipal or Public Water
Class 2 – Municipal Sewer and Individual water
Class 3 – Individual Sewer and Individual, Public or Municipal Water

Table 2.5 High Density Residential District (HDR)

(A) Purpose: The purpose of this District is to provide for high density residential development in an area which is centrally located, with municipal and community services nearby, and ample public sewer and water facilities.

(B) Permitted Uses: (Requires Permit) (See Section 6.0). (** Requires Site Plan Review)

1. Accessory Dwelling (Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
5. Group Home (see Section 4.4)
6. Home Occupation (see Section 3.11)
7. Single Family Dwelling
8. Two-Family Dwelling

(C) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1)
2. Bed & Breakfast
3. Community Center
4. Cultural Facility
5. Day Care Facility (more than 6 children full-time – see Section 3.7)
6. Funeral Home
7. Health Care Facility (see Section 3.17)
8. Home Business (see Section 3.11)
9. Mixed Use (see Section 3.14)
10. Multi-Family Dwelling
11. Outdoor Recreational Use
12. Place of Worship (see Section 3.17)
13. Private Clubhouse
14. Public Facility (open) (see Section 3.17)
15. Residential Care Facility
16. Rooming House
17. School (see Section 3.17)

(D) Dimensional Standards (unless otherwise specified by use type):

	Class 1
Minimum Lot Size	7,000 ft^2
Minimum Lot Size per Family Unit	2,000 ft^2
Minimum Frontage	75 ft
Minimum Front Setback	25 ft
Minimum Side Setback	10 ft
Minimum Rear Setback	20 ft
Maximum Height	60 ft
Maximum Structure Coverage	40 %

Class 1 - Municipal Sewer and Municipal or Public Water

Table 2.6 Central Business District (CB)

(A) Purpose: The purpose of the Central Business District is to promote a mix of retail, personal, professional, civic and residential uses at high densities in Windsor's traditional downtown in a manner that maintains and enhances the area's historic character and economic vitality.

(B) Permitted Uses: (Requires Permit) (See Section 6.0). (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Bed and Breakfast **
5. Bank **
6. Community Center **
7. Cultural Facility **
8. Group Home (see Section 4.4)
9. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
10. Home Occupation (see Section 3.11)
11. Home Business (see Section 3.11) **
12. Indoor Recreational Facility **
13. Multi-Family Dwelling **
14. Passenger Transportation Terminal **
15. Personal Service **
16. Place of Worship (see Section 3.17) **
17. Printing Service **
18. Private Clubhouse **
19. Professional/Business Office **
20. Public Facility (open) (see Section 3.17) **
21. Restaurant **
22. Retail Store/Service **
23. School (see Section 3.17) **
24. Self-Service Laundry **
25. Single Family Dwelling
26. Two-Family Dwelling

(C) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1)
2. Bar
3. Car Wash/Detailing
4. Day Care Facility (more than 6 children full-time – see Section 3.7)
5. Enclosed Manufacturing Business
6. Gasoline Station (see Section 3.10)
7. Health Care Facility (see Section 3.17)
8. Inn
9. Mixed Use (see Section 3.14)
10. Parking Area
11. Professional School
12. Research and Development Business
13. Residential Care Facility
14. Restaurant, Drive-through
15. Temporary Shelter

(D) Dimensional Standards (unless otherwise specified by use type):

	Class 1
Minimum Lot Size	5,000 ft^2
Minimum Lot Size per Family Unit	1,000 ft^2
Minimum Frontage	50 ft
Minimum Front Setback	0 ft
Minimum Side Setback	0 ft
Minimum Rear Setback	0 ft
Maximum Height	60 ft
Maximum Structure Coverage	90 %

Class 1 - Municipal Sewer and Municipal or Public Water

Table 2.7 Village Mixed Use District (VMU)

(1) Purpose: The purpose of the Village Mixed Use District is to provide for the re-development of historic, industrial and residential structures; to promote light manufacturing in an area where industry has historically been intermixed with commercial and residential uses; and to encourage a mix of commercial, civic and residential uses that will enhance and expand upon the historic character and economic vitality of the downtown.

(2) Permitted Uses: (Requires Permit) (See Section 6.0). (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Home Business (see Section 3.11)**
5. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
6. Home Occupation (see Section 3.11)

(3) Conditional Uses (see Section 5.3):

1. Bank
2. Bar
3. Bed and Breakfast
4. Community Center
5. Conference Center
6. Cultural Facility
7. Day Care Facility (more than 6 children, see Section 3.7)
8. Enclosed Manufacturing Business
9. Enclosed Self Storage Facility*
10. Health Care Facility
11. Indoor Recreational Facility
12. Industrial Supply Business*
13. Inn
14. Machinery and Equipment Sales and Service*
15. Mixed Use (see Section 3.14)
16. Multi-Family Dwelling
17. Outdoor Recreational Facility
18. Personal Service
19. Place of Worship
20. Printing Business
21. Private Clubhouse
22. Professional/Business Office
23. Professional School
24. Public Facility (open) (see Section 3.17)
25. Public Parking Facility
26. Research and Development Business
27. Residential Care Facility
28. Restaurant
29. Retail Store/Service
30. Rooming House
31. School
32. Self-Service Laundry
33. Single Family Dwelling
34. Temporary Shelter
35. Two-Family Dwelling
36. Warehouse/Distribution*

(4) Dimensional Standards (unless otherwise specified by use type):

	Class 1
Minimum Lot Size	**5,000** ft^2
Minimum Lot Size per Family Unit	1,000 ft^2
Minimum Frontage	50 ft
Minimum Front Setback	10 ft
Minimum Side Setback	10 ft
Minimum Rear Setback	20 ft
Maximum Height	60 ft
Maximum Structure Coverage	75%

Class 1 - Municipal Sewer and Municipal or Public Water

Supplemental District Standards

(1) **Additional Uses**. In addition to the uses set forth as permitted and conditional uses within the R2R District, other uses which the Development Review Board finds to be similar to uses allowed in the District in character, intensity and impact on the surrounding area may be allowed.

(2) **Use Restrictions (*):** Uses marked with an asterisk (*) may occur in the VMU district as long as the use occurs within a structure constructed before 2006.

(3) **Retail** establishments occupying any building constructed after the effective date of these regulations shall not exceed 2,400 square feet of retail floor space on any floor, nor 7,200 square feet in any single building. Drive-through windows serving retail establishments are prohibited.

(4) **Front Yard Treatment and Front Yard Setbacks:** Within the VMU district, use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g. street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a pre-existing building and that no other practical alternative exists. The Board may require the installation of curbing or other suitable edge treatment along the street line and to define driveway entrances. The Board may impose a maximum and/or minimum setback, relative to other buildings in the district, to achieve a consistent streetscape.

(5) **Building Orientation:** Buildings shall front toward and relate to streets, both functionally and visually, and not be oriented toward parking lots. The front façade should include a main entry-way and pedestrian access to the street. Buildings located on corner lots shall either be oriented toward the major street or include a corner entrance.

(6) **Screening and Buffers:** All uses other than dwelling shall provide a year-round screen adjacent to residential uses. In addition, the DRB may require a buffer of up to 65 feet between manufacturing buildings and residential uses.

(7) **Traffic Analysis:** The DRB shall consider the impact of traffic resulting from the proposed development on the capacity, safety, and efficiency of town roads and bridges, and on the impact of the character of the existing neighborhood. The DRB will rely upon the town's Traffic Impact Study Guidelines (Appendix A) to make their determination. The guidelines will consider existing conditions, average daily traffic, peak hour trips, levels of service, parking, and other considerations to make their determination.

Table 2.8 Roadside Business District (RB)

(A) Purpose: The purpose of the Roadside Business District is to allow limited automobile-oriented businesses and other uses along major travel corridors contiguous to the Village center, while maintaining safe and efficient traffic flow and preserving the scenic character of the corridor.

(B) Permitted Uses: (Requires Permit) (See Section 6.0). (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Agriculture
5. Group Home (see Section 4.4)
6. Home Business (see Section 3.11) **
7. Home Child Care Facility (6 or fewer children, full-time – see Section 3.12)
8. Home Occupation (see Section 3.11)
9. Rooming House **
10. Single Family Dwelling
11. Two-Family Dwelling

(C) Conditional Uses (see Section 5.3):

1. Accessory Dwelling (see Section 3.1)
2. Conference Center
3. Contractor's Yard
4. Cottage Industry (see Section 3.11)
5. Day Care Facility (more than 6 children full-time – see Section 3.7)
6. Enclosed Manufacturing Business
7. Enclosed Self-Storage Facility
8. Gasoline Station (see Section 3.10)
9. Indoor Recreational Facility
10. Inn
11. Kennel (see Section 3.13)
12. Mixed Use (see Section 3.14)
13. Mobile Home Park (see Section 3.16)
14. Personal Service
15. Professional/Business Office
16. Public Facility (closed) (see Section 3.17)
17. Restaurant
18. Retail Store/Service
19. Self-Service Laundry
20. Trucking Terminal
21. Veterinary Hospital
22. Warehouse/Wholesale Distribution

(D) Dimensional Standards (unless otherwise specified by use type):

	Permitted	Conditional
Minimum Lot Size	20,000 ft^2	40,000 ft^2
Minimum Lot Size per Family Unit	10,000 ft^2	--
Minimum Frontage	100 ft	300 ft
Minimum Front Setback	60 ft	50 ft
Minimum Side Setback	20 ft	50 ft
Minimum Rear Setback	40 ft	75 ft
Maximum Structure Coverage	20 %	50 %
Maximum Height	60 ft	60 ft

Table 2.9 Industrial District (Ind)

(A) Purpose: The purpose of the Industrial District is to reserve areas to be used exclusively for high-intensity manufacturing, wholesaling or processing activities in areas with good highway access, and to protect such areas from intrusion of incompatible residential and commercial uses.

(B) Permitted Uses: (Requires Permit) (See Section 6.0) (** Requires Site Plan Review)

1. Accessory Dwelling (see Section 3.1)
2. Accessory Use/Structure (residential)
3. Accessory Use/Structure (non-residential)**
4. Agriculture

(C) Conditional Uses (see Section 5.3):

1. Bulk Fuel Storage and Distribution
2. Contractor's Yard
3. Enclosed Manufacturing Business
4. Enclosed Self-Storage Facility
5. Extraction of Earth Resources (see Section3.8)
6. Hazardous Waste Management Facility (see Section 3.17)
7. Indoor Recreational Facility
8. Industrial Supply Business
9. Machinery or Equipment Sales and Services
10. Mixed Use (see Section 3.14)
11. Outdoor Recreation
12. Printing Business
13. Professional/Business Office
14. Public Facility (closed) (see Section 3.17)
15. Research and Development Business
16. Restaurant
17. Retail Store/Service [ancillary to manufacturing]
18. Solid Waste Management Facility (see Section 3.17)
19. Trucking Terminal
20. Warehouse/Wholesale Distribution

(D) Dimensional Standards (unless otherwise specified by use type):

	IND
Minimum Lot Size	40,000 ft^2
Minimum Frontage	150 ft
Minimum Front Setback	60 ft
Minimum Side Setback	30 ft
Minimum Rear Setback	40 ft
Maximum Structure Coverage	75 %
Maximum Height	60 ft

Table 2.10 Flood Hazard Overlay District (Fld)

(A) Purpose: The purpose of the Flood Hazard Overlay District is to promote public health, safety and welfare by preventing or minimizing hazards to life of property due to flooding. It is also the intent of Windsor to regulate development within identified Special Flood Hazard Areas (SFHAs) in accordance with state and federal law in order to ensure that private property owners are eligible for flood insurance through the National Flood Insurance Program (NFIP) (see also Article 5).

(B) Applicability (see Section 5.6)

1. Uses specifically permitted within the Flood Hazard Area Overlay specifically include agriculture and forestry; unimproved open space, recreational and educational uses; and those uses generally permitted within existing single family dwellings.

2. All other uses and structures, including but not limited to new or expanded single family dwellings, shall be subject to flood hazard review under Article 5, as well as all other applicable municipal and state regulations.

3. The Flood Hazard Area Overlay District is co-terminus with all areas identified as areas of special flood hazard, also referred to as Special Flood Hazard Areas (SFHAs), in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. §753 which are hereby adopted by reference and declared to be part of these regulations.

(C) Dimensional Standards:

1. Standards as set forth for the underlying district unless otherwise specified under Article 3 and or Article 5.

2. Where this overlay imposes more restrictive standards on the construction and use of structures or land, the more restrictive standards shall apply.

NOTE: ALL development within the Flood Hazard Overlay District, including interior and exterior construction, reconstruction, renovation, conversion or structural alteration shall require a permit.

Table 2.11 Downtown Design Review Overlay District (DDR)

(A) Purpose: The purpose of the Design Review Overlay District is to preserve and enhance the community's historic resources within Windsor's designated downtown, and to encourage new construction that will reinforce the best qualities of the architectural character of the area.

(B) Applicability (see Section 5.4)

All development except for signs, fences and changes to the exterior that do not alter the building footprint or roof planes in the underlying zoning district shall be subject to review and approval of the Development Review Board in accordance with Section 5.4.

Applications for signs, fences and changes to the exterior that do not alter the building footprint or roof planes in the underlying zoning district may be issued by the Administrative Officer if they are in conformance with the recommendations of the Design Review Commission and compliance with Article 4. All other applications must be approved by the Development Review Board in accordance with Section 5.4.

(C) Dimensional Standards:

Standards as set forth for the underlying district unless otherwise specified under Article 3 and/or Article 5.

ARTICLE 3. SPECIFIC USE STANDARDS

Section 3.0 Specific Standards for Designated Uses

The following standards shall apply to the designated use in all zoning districts in which the respective uses are allowed. Such uses may be subject to conditional use review in accordance with Section 5.3. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive standard shall apply.

Section 3.1 Accessory Dwelling

(A) In accordance with the Act [§4412(1)(E)], one accessory dwelling that is located within or appurtenant to a principal, single-family dwelling may be allowed as a permitted use, subject to the issuance of a zoning permit by the Administrative Officer under Section 6.0, in accordance with the following:

(1) The accessory dwelling shall meet all setback~~s,~~ coverage and other dimensional requirements for the district in which it is located; or, for an existing non-conforming structure, the accessory dwelling shall in no way increase the degree of non-compliance under Section 4.8.

(2) The floor area of the accessory dwelling shall not exceed 30 percent of the total habitable floor area of the principal single family dwelling.

(3) It shall be demonstrated to the satisfaction of the Administrative Officer or Development Review Board that adequate water supply, septic system, and off-street parking capacity exist to accommodate residents of the accessory dwelling, in accordance with Section 4.9.

(4) Either the principal single-family dwelling or the accessory dwelling shall be occupied by the owner of the property.

(B) The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single-family residence and shall be retained in common ownership. An accessory dwelling may only be subdivided and/or converted for sale or use as a single or multi-family dwelling if it meets all current local and state regulations applying to such dwellings, including all density, dimensional and other requirements for the district in which it is located. A separate zoning permit shall be required prior to sale and/or conversion.

Section 3.2 Accessory Structures

Accessory structures, other than fences and signs, shall be included in determinations of structure coverage, and conform to the district setback requirements. **See Section 6.0 (B) for exemptions.**

Section 3.3 Adaptive Reuse

(A) The purpose of this category of use is to enable the continued viability of historic barns in the Town of Windsor that have outlived their original agricultural function, including non--conforming structures, by permitting additional uses within the current dimensions of such structures, subject to conditional use review under Section 5.3 and the provisions of this Section.

(B) Structures which shall be considered appropriate for adaptive reuse include historic barns, carriage houses and related buildings which:

(1) have historical or architectural significance to the town, as determined by the Development Review Board from application information, listing on federal or state historic site registers or surveys, and/or evidence provided in hearing;

(2) are no less than 50 years old; and

(3) have a minimum floor area of 800 square feet.

(C) Structures determined to be appropriate for adaptive reuse may be put to one or more of the following uses in any zoning district subject to conditional use approval under Section 5.3:

(1) any use permitted within the district in which the structure is located;

(2) multi-family dwelling;

(3) enclosed storage facility;

(4) enterprises whose principal use is the processing and/or sale of agricultural or forest products (e.g., farm produce stores, food cooperatives, woodworking and furniture shops);

(5) uses associated with local arts, crafts and culture (e.g., museum, craft shop, gallery, antique shop, cultural center);

(6) other use as determined by the Development Review Board to meet the intent of this Section and conditional use criteria under Section 5.3.

(D) It also shall be demonstrated to the satisfaction of the Development Review Board that:

(1) adequate water supply, septic system, and off-street parking capacity exist to accommodate proposed use; and

(2) any proposed exterior renovations conform to guidelines set forth in the most recent edition of *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* [36 CFR 67].

Section 3.4 Agricultural Product Sales

(A) In designated zoning districts, agricultural produce may be sold in connection with an on-premise agricultural use including nurseries, greenhouses, and orchards provided that:

(1) Seasonal stands are located twenty (20) feet from streets and lot lines;

(2) Other buildings comply with the setback requirements of the district; and

(3) Adequate provision is made for off-street parking.

Section 3.5 Campers/Recreational Vehicles

(A) Campers (travel trailers, recreation vehicles) shall be parked in an approved campground or on an approved sales lot, with the exception that not more than one (1) camper may be located on a residential or undeveloped lot subject to the following:

(1) Campers that are temporarily occupied, in accordance with this Section, shall be located in a side or rear yard and may not be located within required setbacks for the district.

(2) It is not occupied for dwelling purposes for more than thirty (30) days within any one calendar year.

(3) It is not hooked up to a water system, septic system or other utilities.

(4) Any sewage generated shall be disposed of in accordance with all applicable local, state and federal regulations.

(B) Nothing shall prohibit a property owner from parking his/her camper, travel trailer or recreation vehicle on his/her property.

Section 3.6 Campground

(A) A new or expanded travel trailer, recreational vehicle, or primitive campground may be permitted in designated zoning districts subject to conditional use review under Section 5.3 and site plan approval under Section 5.2, and the following additional provisions:

(1) The campground shall be located on a lot of no less than five (5) acres in area, with at least 20 percent of the total campground area set aside for recreation and open space.

(2) The campground shall operate for a period not to exceed six (6) months (180 days) during any calendar year. Recreational vehicles may only be stored on the property provided they are registered for highway use and not occupied when the campground is not in operation.

(3) All campgrounds shall meet minimum setback requirements for the districts in which they are located. Buffer areas of at least 50 feet in width along property boundaries, and 100 feet in width along public rights-of-way and waters, shall be maintained. Buffer areas shall not be included in the calculation of open space under Subsection (1). No building, campsite, parking or service area shall be located in buffer areas. The Development Review Board may reduce or eliminate buffer requirements if such modification will serve to preserve a scenic view, provided that privacy for adjoining property owners can be maintained.

(4) Landscaping and/or fencing along property boundaries shall be required as appropriate for screening, security, and privacy.

(5) Campgrounds shall provide lavatory, shower, and toilet facilities sufficient to serve all campsites. Wastewater disposal systems must be designed and installed in accordance with applicable municipal and state regulations.

(6) A campground shall provide sufficient access and parking for each campsite. Each campsite shall be at least 2,000 square feet in area.

(B) For substantially undeveloped, primitive camping areas (e.g., tenting areas), the Development Review Board may waive any or all of the requirements under subsection (A) if it is demonstrated to the Board's satisfaction that access, total lot area, campsite area, and setback distances are sufficient to:

(1) support the proposed level of use, and

(2) avoid any adverse impacts to water quality, natural areas, and adjoining properties and uses.

Section 3.7 Day Care Facilities

Day care facilities operated in a residence involving the care of seven (7) or more children full-time and non-residential day care facilities may be permitted in designated zoning districts subject to conditional use review under Section 5.3. See Section 3.12 Home Child Care Facility for in-home care of less than seven (7) children.

Section 3.8 Extraction of Earth Resources

(A) The following standards for operation and rehabilitation of earth removal operations shall apply to new, and extension of extraction operations in existence prior to the adoption of these regulations. The removal of soil, sand, rock, stone or gravel, except when incidental to the construction of a building on the same premises, may be permitted in designated zoning districts subject to conditional use review in accordance with Section 5.3 and findings that the proposed activity meets the standards below in addition to any other applicable standards contained in these regulations.

(B) **Application Requirements**. In addition to application requirements under Sections 6.0 (C) and 5.1, the applicant shall submit two (2) copies of proposed erosion control and site restoration plans showing: existing grades, drainage and depth to water table; the extent and magnitude of the proposed operation including proposed project phasing; and finished grades at the conclusion of the operation.

(C) In granting approval, the Development Review Board shall find that the proposed activity will not cause a hazard to public health or safety, or otherwise have an undue adverse effect on:

(1) neighboring properties and uses;

(2) public facilities and services;

(3) surface and ground water; or

(4) the scenic or natural beauty of the area, other aesthetic values, historic sites or rare or irreplaceable natural resources or areas.

(D) In granting approval, the Development Review Board may consider and impose conditions with respect to the following factors, as it deems appropriate:

(1) depth of excavation or quarrying above the water table;

(2) slopes created by removal;

(3) effects on surface drainage on and off-site;

(4) storage of equipment and stockpiling of materials on-site;

(5) hours of operation for blasting, trucking, and processing operations;

(6) effects on neighboring properties due to blasting, excavation or crushing activities, or other noise, dust, or vibration;

(7) creation of nuisances or safety hazards;

(8) effects on traffic and road conditions, including potential physical damage to public highways;

(9) the rate of extraction and number and frequency of truck trips;

(10) temporary and permanent erosion control;

(11) effect on ground and surface water quality, and drinking water supplies;

(12) effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;

(13) effect on agricultural land; and

(14) site reclamation.

(E) **Surety Requirement**. In accordance with the Act [§4464(b)(2)(4),(6)] a performance bond, escrow account, or other surety acceptable to the Selectboard, may be required to ensure site reclamation upon completion of excavation projects, to include any regrading, reseeding, reforestation or other activities that may be required.

Section 3.9 Filling of Land (see also Section 6.0 (B)(3)

Filling of land with loam, rock, gravel, sand or other such material with a maximum of ten (10) cu. yds. and/or maximum thirty (30") inch grade change within a one year period is allowed in all districts as a permitted use provided that:

(1) Finish contours are graded and measures taken to prevent erosion; and

(2) Natural drainage flows are not obstructed or diverted onto adjacent properties.

Filling of land greater than the above shall require a site plan review in accordance with Section 5.2.

Section 3.10 Gasoline Stations

(A) A gasoline station may be permitted in designated zoning districts subject to conditional use review under Section 5.3 and site plan review under Section 5.2, and the following additional provisions:

(1) All buildings, equipment and storage areas shall be set back at least 100 feet from all streams, surface waters and wetlands. The setback area shall be maintained as an undisturbed, vegetated buffer strip. The required setback may be increased as appropriate to protect water quality, based on local site and drainage conditions.

(2) Pumps, lubricating and other service equipment shall be located at least 50 feet from front, side and rear lot lines. All fuel and oil shall be stored at least 35 feet from all property lines.

(3) There shall be no more than two (2) access driveways. No access shall exceed 40 feet in width.

(4) Canopies shall be limited to the minimum area required for adequate pump and apron coverage, and the minimum height required to meet applicable state and federal safety requirements. Canopy design, including materials and roof pitch, shall be compatible with surrounding buildings. Canopies are not to be used for advertising and the top (roof) and fascias (sides) shall not be illuminated. Lighting shall be located under the canopy in recessed, flush-mounted light system, and shall be directed only on the pump and apron area. Lighting levels on station aprons, under canopies and in associated parking areas shall be the minimum required for activities.

(5) Signs shall meet all requirements of Section 4.12. Gasoline stations, in addition to the signs allowed for businesses, are allowed to have either one pricing sign which does not exceed 12 square feet in area, or pump-top pricing signs, each not to exceed two (2) square feet in area. No signs shall extend beyond the pumps.

(6) Gasoline station siting, design and layout should be compatible with the character of the neighborhood. A suitably curbed, landscaped area shall be maintained at least 20 feet in depth along all street frontages not included in the access area. Additional landscaping and screening, and pedestrian walkways may be required as appropriate.

(7) Retail use shall be limited to the sale of gasoline, other petroleum products, and other products associated with automobile service, maintenance and repair. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., car rentals, restaurant seating) shall be subject to conditional use review as a mixed use in designated zoning districts, and as such shall be required to meet applicable standards pertaining to each use.

Section 3.11 Home-Based Businesses

(A) For the purposes of these regulations, three categories of home-based business are permitted within designated zoning districts, in accordance with the following standards.

(B) **Home Occupations:** In accordance with the Act [§4412(4)], nothing in these Regulations shall infringe upon the right of any resident from using a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. A home occupation shall require a zoning permit and shall:

(1) Be carried on only by residents of the premises,

(2) Involve only a service provided or a product produced by those residents,

(3) Be operated entirely within a principal structure and in no case shall the home occupation occupy greater than 50% of the floor area of the primary dwelling.

(4) Result in no exterior displays of goods and wares, or exterior storage of materials that are not customarily associated with a residential use, nor other exterior indications of the home occupation except for signs permitted in accordance with Section 4.12.

(5) Be clearly secondary to the use of the premises for dwelling purposes.

(6) Not result in traffic volumes substantially above that which would normally be expected from a residential use in the neighborhood.

(7) A home occupation shall be considered an accessory use.

(C) **Home Business:** In designated zoning districts, home businesses are allowed as conditional uses with the approval of the Development Review Board in accordance with Section 5.3 and the following provisions. A home business shall:

(1) Be carried on by residents of the premises and not more than two (2) additional on-premise employees who are not residents,

(2) Be carried on primarily within a principal or accessory structure.

(3) No exterior storage or display of materials or goods that are not customarily associated with a residential use is permitted, except for outdoor parking of two business vehicles.

(4) Provide off-street parking located in side or rear areas except for the first two vehicles

(5) Not result in hazards to public safety and welfare or to neighboring properties, and shall comply with the performance standards set forth in Section 4.10.

(6) Not result in traffic volumes, including but not limited to delivery truck traffic, in excess of volumes that are characteristic of the neighborhood.

(7) On-site wholesale and/or retail sales shall be limited to products produced on the premises and/or to products incidental and accessory to the home business.

(8) Be secondary to the use of the premises for dwelling purposes.

(9) The permit shall clearly state that the business is a home-based business that is accessory to the principal residential use, and shall be retained in common ownership and management. A home based business may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations and bylaws pertaining to such use, including all density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

(D) **Cottage Industries.** In designated zoning districts, cottage industries are allowed as conditional uses with the approval of the Development Review Board in accordance with Section 5.3 and the following provisions. A cottage industry shall:

(1) Be carried on by residents of the premises and not more than six (6) additional on-premise employees who are not residents,

(2) Be carried on primarily within a principal or accessory structure and may have exterior storage of supplies and equipment if properly screened from any adjacent highway or dwelling unit.

(3) Meet the requirements of subsection (C)(3)-(7), above.

(4) The permit shall clearly state that the cottage industry is a home-based business that is accessory to the principal residential use, and shall be retained in common ownership and management. A home based business may be subdivided and/or converted for sale or use apart from the residential use only if it meets all current municipal and state regulations and bylaws pertaining to such use, including all density, dimensional, and other requirements for the district in which it is located. Separate permits shall be required as appropriate prior to subdivision, sale and/or conversion.

Section 3.12 Home Child Care Facilities

In accordance with the Act [§44412(5)], a home child care facility serving six (6) or fewer children on a full-time basis and an additional four (4) or fewer children on a part-time basis that is conducted within a single-family dwelling by a resident of that dwelling who is licensed or registered by the state for child care, shall constitute a permitted single-family residential use of the property. A zoning permit shall be required. See Section 3.7 Day Care Facility for care of more than six (6) children full-time in the home and nonresidential facilities.

Section 3.13 Kennels

(A) Within designated zoning districts, commercial kennels for the raising and/or boarding of dogs and/or small house pets is permitted with conditional use approval of the Development Review Board in accordance with Section 5.3, and with the following:

(1) All dogs/pets must be provided with enclosed shelters designed and constructed to minimize sound as measured at the property boundaries.

(2) The operation of the kennel shall meet all performance standards set forth in Section 4.10, including those related to noise and odor.

(3) Additional setbacks and/or lot area may be required to minimize the impact to neighboring properties.

Section 3.14 Mixed Uses

(A) In designated districts, more than one use may be permitted within a single building or on a single property subject to conditional use review in accordance with Section 5.3 and the following provisions:

(1) Each of the proposed uses is otherwise allowed as permitted or conditional uses in the district in which the mixed use is proposed.

(2) The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum setbacks and frontage, maximum lot coverage and minimum lot size.

(3) The mixed use meets all applicable dimensional standards set forth in Article 2, and all general provisions contained in Article 4, including parking requirements under Section 4.9 based on the cumulative parking demand for the various proposed uses.

Section 3.15 Mobile Homes

In all districts mobile homes are allowed on lots as single family dwelling units if they are secured to a permanent foundation. This foundation shall be constructed of stone, concrete or other such materials and may be a full basement, sunken piles enclosed with block facing, or some other permanent construction.

Section 3.16 Mobile Home Parks

(A) In designated zoning districts, Mobile Home Parks may be allowed with conditional use approval of the Development Review Board pursuant to Section 5.3, and in accordance with applicable state requirements [10 V.S.A. §153].

(B) In designated zoning districts, Mobile Home Parks may only be permitted in accordance with Subsection (A) above, and with approval of the Development Review Board as a Planned Residential Development in accordance with Section 5.5, and in accordance with applicable state requirements.

(C) In accordance with the Act [§4412(1),(7)], no standards under these regulations shall have the effect of prohibiting the replacement of a mobile home on an existing lot within a mobile home park. In the event that an existing mobile home park is determined to be a nonconformity under these regulations, that determination shall apply to the park in its entirety, and not to individual mobile home lots within the park. An individual mobile home lot that is vacated shall not be considered a discontinuance or abandonment of a nonconformity.

Section 3.17 Public Facilities

(A) In accordance with the Act [§ 4413(a)], the Development Review Board may regulate or condition the following uses only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(1) State or community owned and operated institutions and facilities.
(2) Public and private schools and other educational institutions certified by the Vermont Department of Education.
(3) Churches and other places of worship, convents and parish houses.
(4) Public and private hospitals.
(5) Regional solid waste management facilities certified by the state (under 10 V.S.A. chapter 159).
(6) Hazardous waste management facilities for which a notice of intent to construct has been received by the state (under 10 V.S.A. § 6606a).

(B) Public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board under 30 V.S.A. § 248 are exempted from municipal review under these regulations, in accordance with the Act [§4413(b)]. This includes wind generators and solar collectors that are connected (net metered) to the power grid.

Section 3.18 Swimming Pools

Swimming pools with a water surface in excess of one hundred fifty (150) square feet, including both above ground and in-ground pools, shall be considered an accessory structure. Swimming pools shall be located no less than 20 feet from property lines or the setback set forth in Article 2 for the district in which the parcel is located, whichever is greater.

Section 3.19 Telecommunications Facilities

(A) New or expanded telecommunication facilities, including but not limited to towers and accessory structures; may be permitted in designated zoning districts subject to conditional use review under Section 5.3 and the following provisions:

(1) A proposal for a new tower shall not be permitted unless it is determined by the Development Review Board that the equipment planned for the proposed tower cannot be accommodated on an existing approved tower, building or structure.

(2) All new towers shall be designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user if the tower is less than or equal to 75 feet in height, and two additional users if it exceeds 75 feet in height. Towers must be designed to allow future rearrangement of antennas, and to accept antennas mounted at varying heights.

(3) All towers, including antennae, shall be less than 150 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component, and shall not exceed a height 20 feet greater than the average height of the adjacent tree canopy measured from a distance of 300 feet from the base of the tower. A management plan shall be prepared and submitted to the Board to ensure that the adjacent tree cover will be maintained to create the visual impression of the tower and/or associated equipment emerging from a largely unbroken tree canopy and protruding no more than 20 feet above that canopy. Towers located on cleared (un-forested) sites shall not exceed a height of 80 feet unless the Development Review Board determines that the tower will have a minimal visual impact on the landscape through careful siting to avoid prominent locations (e.g., ridges and hilltops) and through camouflaging techniques approved under subsection (8), below.

(4) Notwithstanding the height standards set forth in subsection (3), above, all towers, including antennae, located on the summit of Mt. Ascutney shall be less than 200 feet in height as measured from the lowest grade at ground level to the top of the highest structure or component.

(5) No wireless telecommunication site shall be located within 500 feet of an existing residence.

(6) Towers shall be set back from all property lines and public rights of-way for a distance equaling their total height, including attached antennas, unless otherwise permitted by the Development Review Board:

(a) If tower design and construction guarantees that it will collapse inwardly upon itself, and no liability or risk to adjoining or public property shall be assumed by the municipality; or

(b) To allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, utility pole, or similar structure, to the extent that no hazard to public health, safety or welfare results.

(7) Tower construction and wiring shall meet all state and federal requirements, including but not limited to Federal Communication Commission requirements for transmissions, emissions and interference. No telecommunication facility shall be located or operated in such a manner that it poses a potential threat to public health or safety.

(8) New towers shall be located to minimize their visibility. New or modified towers and antennae shall be designed to blend into the surrounding environment to the greatest extent feasible through the use of vegetation, landscaping and screening, the use of compatible materials and colors, or other camouflaging techniques. Commercial wireless towers shall be of a monopole design unless the Board determines that an alternative design would better blend into the surrounding environment.

(9) Towers shall be enclosed by security fencing at least six (6) feet in height, and shall be equipped with appropriate anti-climbing devices.

(10) Towers shall not be illuminated by artificial means and shall not display strobe lights unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting.

(11) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(12) Access roads, and all utility buildings and structures accessory to a tower shall be designed to aesthetically blend in with the surrounding environment and meet all other minimum requirements for the district in which they are located. Ground-mounted equipment shall be screened from view. Setback, landscaping and screening requirements may be increased as appropriate to site conditions, and to protect neighboring properties and uses. All utilities proposed to serve a telecommunications site shall be installed under ground.

(13) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, and the site shall be restored to its original appearance. A copy of the relevant portions of any signed lease, which requires the applicant to remove the tower and associated facilities, shall be submitted at the time of application. A bond or other acceptable form of surety shall be required to ensure tower removal and site reclamation as determined by the DRB.

(14) All telecommunications facilities and associated devices (e.g., cooling units, emergency power generators) shall meet the performance standards set forth in Section 4,10, including standards related to noise.

(B) In addition to the site development plan required under Section 5.2, applications for new towers shall also include:

(1) A report from a qualified and Vermont licensed professional engineer which describes tower height, construction design and capacity, including cross-sections, elevations, potential mounting locations, and fall zones;

(2) Information regarding the availability of existing towers and buildings located within the site search ring for the proposed site, including written documentation from other tower owners within the search ring that no suitable sites are available;

(3) A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use;

(4) Written documentation that the proposed tower shall comply with all requirements of the Federal Communications Commission, and the Federal Aviation Administration; and,

(5) Any additional information needed to determine compliance with these regulations.

(C) Notwithstanding the requirements of Subsection (A), wireless telecommunications equipment to be mounted on existing towers, utility poles, or other structures may be permitted by the zoning administrator in any zoning district without conditional use approval provided that:

(1) no changes are made to height or appearance of such structure except as required for mounting;

(2) the height of the antenna as mounted does not exceed height requirements under Section 4.6;

(3) no panel antenna shall exceed 72 inches in height or 24 inches in width;

(4) no dish antenna shall exceed 3 feet in diameter;

(5) any accompanying equipment shall be screened from view.

(D) Telecommunications facility constructed, owned and maintained by the Town of Windsor are subject to the requirements of this section, however such municipal facilities may be located in any zoning district with conditional use approval, and shall be exempted from standards set forth in subsections (A)(3), (A)(5), and (A)(6).

(E) The following are specifically exempted from the provisions of these regulations:

(1) A single ground or building mounted radio or television antenna or satellite dish not exceeding 72 inches in diameter which is intended solely for residential use, and does not, as mounted, exceed 35 feet in height above the lowest grade at ground level.

(2) All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator which do not exceed a height of 50 feet above the grade level, whether free standing or mounted, and which meet all setback requirements for the district in which they are located.

ARTICLE 4. GENERAL REGULATIONS

Section 4.0 Applicability

The following general standards, including provisions required under the Act [§4406, §4409], apply to all uses and structures as specified within the Town of Windsor.

Section 4.1 Access & Frontage Requirements

(A) In accordance with the Act [§4412(3)], land development may be permitted on lots which do not have frontage either on a public road or public waters only with the approval of the Development Review Board. Access to such a road or waters shall be provided by a permanent easement or right-of-way at least twenty (20) feet in width.

(B) Lots created after the effective date of this bylaw are subject to all access and frontage requirements contained herein, as well as applicable provisions of the Windsor Subdivision Regulations, except as allowed as a Planned Unit Development or Planned Residential Development under Section 5.5.

(C) For access subject to review by the Development Review Board under Subsection (A), access may be considered concurrently with other applicable review requirements, including site plan or conditional use review, or subdivision review if the subdivision of land is proposed. If no other type of Development Review Board review is required, access approval under Subsection (A) shall be subject to site plan review under Section 5.2. The Development Review Board may consider intended use, safety, traffic, and road and site conditions in granting or denying such approval.

(D) Access onto public roads is also subject to the approval of the Windsor Selectboard, and for state highways, the Vermont Agency of Transportation. As a condition of access approval, compliance with all municipal land use regulations is required.

(E) With the exception of parcels in agricultural or forestry use, no lot created after the effective date of this bylaw shall be served by more than one (1) access (curb cut) or driveway unless otherwise approved under site plan, conditional use and/or subdivision review. The consolidation of existing accesses (curb cuts), and/or shared access between adjoining lots is encouraged and may be required as a condition of such approval. Access or curb cut widths shall be limited to that approved, and not extend along the length of road frontage.

(F) No driveway or highway access point shall be located within fifty (50) feet of a street line intersection.

(G) Driveways and private roads shall not, in any 50 foot section, exceed an average grade of 12%.

(H) No driveway shall exceed a slope of 3% within 50 feet of an intersection with the travel-way of a public or private road, or shall intersect with a road at an angle of less than 70°.

(I) Driveways and development roads exceeding five hundred (500) feet in length shall include, at a minimum, one ten (10) foot by thirty (30) foot pull-off area.

(J) Lot frontage requirements apply to lots served by private development roads as well lots served by public roads

Section 4.2 Conversions and Changes of Use

Conversions or changes in the use of land, existing buildings, or other structures are subject to the provisions of this bylaw as follows:

(A) The proposed use shall be subject to all the requirements of this bylaw pertaining to such use, including but not limited to any district, general or specific requirements, as well as subdivision regulations and all other municipal regulations currently in effect.

(B) An accessory structure such as a garage or barn may be converted to a principal use allowed within the district in which it is located only if the structure is located on a subdivided lot which conforms to the lot size, setback, parking and other requirements applicable to the relevant district and proposed use.

(C) A conversion or change of use from one permitted use to another permitted use which involves the creation of new floor space or outdoor storage space, requires additional on-site parking, or has different minimum lot size or dimensional requirements, will require a zoning permit issued by the Administrative Officer under Section 6.0. Site plan review under Section 5.2 may also be required.

(D) A conversion or change from a permitted use to a conditional use may be approved by the Development Review Board subject to conditional use review under Section 5.3.

(E) A conversion or change of use involving a nonconforming use and/or structure is also subject to review under Section 4.8.

Section 4.3 Dangerous Structures

(A) No zoning permit shall be required for the stabilization of damaged structures to prevent hazards to public health and safety, and to adjoining properties; nor for the repair, restoration, or reconstruction of a damaged structure to the extent of its prior condition and use. Rebuilding that results in density, dimensional, or use changes under the provisions of this bylaw shall require a zoning permit.

(B) All structures that are not stabilized within one (1) year of damage must obtain a zoning permit and shall abide by and be subject to the Town of Windsor Dangerous Buildings Structures Ordinance [Title 4, Chapter 1].

(C) All buildings within the Downtown Design Review Overlay District shall be reviewed in accordance with the Downtown Design Review Standards, Section 5.4 (D) (6).

Section 4.4 Equal Treatment of Housing

In accordance with the Act [§4412 (1)], no provision of this bylaw shall have the effect of excluding the following from the Town of Windsor:

(A) Housing to meet the needs of the population, as determined in the housing element of the Windsor Town Plan.

(B) Mobile homes, modular housing, or other forms of prefabricated housing except upon the same terms and conditions as conventional housing is excluded (see Section 3.15).

(C) Mobile home parks as defined in 10 V.S.A. Chapter 153 (see Section 3.16) as allowed within designated zoning districts under these regulations.

(D) Multi-unit or multi-family dwellings, as allowed within designated zoning districts under these regulations.

(E) One accessory dwelling as a permitted use that is located within or appurtenant to a principal single family dwelling (see Section 3.1).

(F) A residential care home or group home, to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined by the state [9 V.S.A. § 4501], which shall be considered by right to constitute a permitted single family residential use of a property unless located within 1,000 feet of another such existing or permitted group home.

Section 4.5 Fences

(A) Fences shall be considered accessory structures if they are six feet four inches (6'-4") high or less. Fences over that height shall be conditional uses in all districts and shall be designed and built in a manner consistent with considerations of public safety and the character of the neighborhood. See Section 5.4 for fence standards in the Downtown Design Review Overlay District.

(B) For all fences located along or within five (5) feet of property boundaries, structural supports shall face the interior of the lot.

Section 4.6 Height and Setback Requirements

(A) The maximum height of structures in all districts shall not exceed the district maximum, except as permitted under Subsection (B), or for the following which are specifically exempted from the height requirements of this bylaw:

(1) agricultural structures in accordance with the Act [§4413(d)];

(2) steeples, spires, belfries, bell and clock towers;

(3) accessory structures which are less than 50 feet in height above the lowest grade at ground level, including antennas, flag poles, ornamental cupolas, chimneys, wind generators with blades less than 20 feet in diameter, and rooftop solar collectors.

(4) telecommunication towers shall meet standards set forth in section 3.19.

(B) The Development Review Board may permit structures in excess of the district standard subject to conditional use review under Section 5.3, upon finding that:

(1) the structure does not constitute a hazard to public safety, or to adjoining properties;

(2) that portion of the structure above the district maximum height shall remain unoccupied except for normal maintenance;

(3) the structure is not to be used for advertising purposes;

(4) lighting, if deemed necessary by the Board in accordance with state and federal regulations, shall be restricted to the minimum required for security and safe operation; and,

(5) the proposed building height and scale are consistent with the character of the immediate surroundings.

(C) Applications for structures within two thousand (2,000) feet of an aircraft landing strip shall be referred under Section 6.0(C)(3) to the Vermont Agency of Transportation for review. State recommendations regarding height and related restrictions will be incorporated as a condition of the zoning permit.

(D) Notwithstanding the minimum setback standards for front yards (setback from highway right-of-way) and side and rear yards (setback from parcel boundaries) for various zoning districts set forth in Article 2, Tables 2.1 through 2.10, in accordance with the Act [§4414(8)] the Development Review Board may allow the modification of building setbacks as a conditional use reviewed in accordance with Section 5.3 and subject to the following provisions: . **(See also Section 6.0 (B))**

(1) The Board may allow for a reduction of the front, side and rear setback of up to 40% of the setback distance set forth in Article 2 (e.g., a 40 ft. setback may be reduced by up to 16 ft.), providing the reduction meets all conditional use standards set forth in Article 5. As a condition of approval, the Board may require the mitigation of impacts to adjoining properties and uses through building design, layout, landscaping or screening.

(2) Any reduction of setback standards beyond 40% may only be granted in accordance with variance standards under Section 6.2.

This section does not apply to setbacks from surface waters set forth in Section 4.11 which shall be maintained at 50 ft.

Section 4.7 Lot and Yard Requirements

(A) **Existing Small Lots**. In accordance with the Act [§4412(2)(A)] , any lot in individual and non-affiliated ownership from surrounding properties in existence on the effective date of this bylaw may be developed for the purpose permitted in the district in which it is located, if such lot is not less than one-eighth (1/8) of an acre with a minimum width or depth dimension of not less than forty (40) feet.

(B) **Merger of Small Lots**. In accordance with the Act [§4412(2)(B)], pre-existing, contiguous undeveloped small lots in common or affiliated ownership, or such lots which subsequently come under common or affiliated ownership with one or more contiguous lots, shall be deemed merged with the contiguous lots for the purposes of this bylaw. However, such lots shall not be deemed merged, and may be separately conveyed, if *all* of the following conditions are met:

(1) the lots are conveyed in their pre-existing, non-conforming configuration; and

(2) on the effective date of this bylaw, each lot had been developed with a water supply and wastewater disposal system; and

(3) at the time of transfer, each water supply and wastewater system is functioning in an acceptable manner; and

(4) the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case a wastewater system or water supply system fails as defined by the state (10 V.S.A. Chapter 64).

(C) **Reduction in Lot Area**. No lot shall be so reduced in area that the area, yard, lot width, frontage, coverage or other requirements of this bylaw are less than the minimum herein prescribed for each district, except as permitted for Planned Unit or Planned Residential Development under Section 5.5.

(D) **Required Lot and Yard Areas**. In calculating the required area, width or depth of a lot, the area of existing and proposed road rights-of-way shall be excluded. Space required under this bylaw to satisfy yard, area, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

(E) **Principal Structures/Uses**. There shall only be one principal structure and/or use on a lot unless otherwise permitted as a Planned Unit Development or a Mixed Use in the relevant district.

(F) **Corner Lots.** Lots at an intersection of streets shall have the required frontage on one street and the yard adjoining this street shall be considered a front yard and shall meet minimum front yard requirements.

(G) **Setbacks.** The shortest distance between the exterior of a building, including covered terraces and projections thereof but excluding steps, uncovered patios and terraces, and the nearest adjacent boundary of the building lot. On public rights-of-way fifty (50) feet or more wide, the front setback shall be measured from the edge of the right-of-way. On public rights-of-way of less than fifty (50) feet the front setback shall be measured from the edge of the right-of-way On public rights-of-way of undetermined width, the front setback shall be measured from a line twenty-five (25) feet away from the centerline of the traveled portion of the roadway

(H) **Interior Lots**. The lot frontage requirement for the district shall serve as the lot width requirement for non-frontage lots. Any interior lot which does not have frontage on a public or private development road must meet minimum setback requirements for all yards equal to the side yard setback distance for that district.

(I) **Lot/Building Coverage**. In determining the percentage of lot or building coverage, porches, carports and other similar structures which are open at the sides but roofed, all principal and accessory buildings, and, for lot coverage only, all other impervious services such as parking areas, shall be included.

Section 4.8 Nonconforming Uses and Structures

(A) **Nonconforming Uses**. Any nonconforming use of land, buildings or premises lawfully existing as of the effective date of this bylaw or of any pertinent amendment thereto, may be continued subject to the following conditions:

(1) No nonconforming use may be changed except to a conforming use, or with conditional use approval from the Development Review Board, to another non-conforming use no more objectionable in character.

(2) No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

(3) No nonconforming use which has been discontinued for a period of one (1) year shall thereafter be resumed without conditional use approval from the Development Review Board.

(4) No nonconforming use shall be extended or expanded except with conditional use approval from the Development Review Board, which shall have determined that no greater detrimental effect upon the community or neighborhood will result.

(B) **Non-conforming Structures**. Nothing in this bylaw shall prevent the maintenance or improvement of a non-conforming structure provided such action does not increase the degree of non-conformance. Any non-conforming structure lawfully existing as of the effective date of this bylaw or of any pertinent amendment thereto, may be maintained indefinitely subject to the following conditions:

(1) No non-conforming structure shall be enlarged unless such enlarged portion conforms to the building requirements of this bylaw.

(2) No non-conforming structure which has been substantially damaged or destroyed to an extent more than 75% of its value as assessed by the town shall be reconstructed or replaced by another non-conforming structure except with conditional use approval from the Development Review Board, which shall have determined that no greater detrimental effect upon the community or neighborhood will result.

(C) **Degree of Non-conformance**. For the purposes of these regulations, an extension of the degree of non-conformance shall be interpreted as a further encroachment of the non-complying feature/element beyond that point which constitutes the greatest pre-existing (pre-zoning regulations) encroachment. An enlargement of the volume or area of a structure which does not comply with a building setback does not constitute an increase in the degree of non-conformance unless the enlargement encroaches further upon the non-conforming setback. For example, if a house encroaches ten (10) feet into a setback and an attached porch encroaches fifteen (15) feet into the same setback, the degree of noncompliance will only be increased by an encroachment of greater than 15 feet into the setback. Thus, a porch could be increased in size along the length of the house, or the living space of the house expanded to a 15 feet encroachment, without increasing the degree of non-conformance.

Section 4.9 Parking and Loading Requirements

(A) Off-street parking spaces shall be provided in accordance with this section when any use is established or enlarged unless otherwise approved by the Development Review Board or waived under Subsection (C).

(1) All required parking spaces shall have a minimum width of nine (9) feet, and a minimum length of eighteen (18) feet, excluding access and maneuvering room.

(2) In the CB District, off-street parking will be required only for employees, on the basis of one (1) space per two (2) employees per shift, and for dwelling or lodging units as provided for in Table 4.1. In all other districts, off-street parking shall be required to accommodate business-owned vehicles and the vehicles of all owners, occupants, employees, customers or other persons expected to be on the premises in accordance with Table 4.1. (also see 4.9 (C)(5))

(3) In addition to the requirements listed in Table 4.1, all multi-family, commercial and industrial development must provide adequate, clearly marked handicapped parking spaces in accordance with state and federal requirements.

(4) Parking may be allowed within setback areas, unless specifically prohibited under other provisions of this bylaw, or otherwise required under site plan or conditional use review.

Table 4.1 Minimum Off-Street Parking Requirements

Use	Parking Spaces
Dwelling Unit/ Single Family	2 per unit
Dwelling Unit/ Accessory	1 per unit
Dwelling Unit/ Two- or Multi-Family	1.5 per unit
Home Occupation/Home-Based Business/Day Care	2 per unit, and 1 per additional employee
Bed & Breakfast	2 per unit, and 1 per guest room
Lodging Facility (Inn, Motel, Boarding House)	1 per lodging unit (and 1 per employee on largest shift)
Office/Service/Retail	1 per 300 sq. ft. of gross floor area
Restaurant/Bar	1 per 3 seats, and one per employee on largest shift
Public Assembly (Church, Theater, etc.)	1 per 4 seats
Warehouse/Manufacturer/Processor	1 per 2 employees on the largest shift
Other	As determined under site plan or conditional use review

(5) Non-residential parking areas shall be located to the side or rear of buildings unless otherwise approved under site plan or conditional use review, and shall be screened from adjoining residential properties.

(6) All off-street parking lots in excess of eight (8) parking spaces shall provide landscaped areas equal to at least ten (10) percent of the total parking area which are integrated into the lot.

(7) The Development Review Board may require shared parking in appropriate instances.

(B) **Loading and Service Areas**. In all zoning districts other than the Central Business District, off-street loading space shall be provided for commercial, industrial or institutional uses which will receive shipments in vehicles too large for a standard parking space. Space provided shall be specifically for off-street loading and shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time. Service areas also may be required for development subject to site plan or conditional use review to accommodate emergency vehicles, waste collection and disposal areas, transit service, or other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct access or sight visibility at intersections.

(C) On-site parking, loading, and/or service area requirements may be reduced or waived by the Development Review Board under site plan or conditional use review, based on a determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary:

(1) green areas are to be set aside and maintained as open space for future conversion to parking, loading or services area in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need; or

(2) shared use of parking, loading and/or service areas on the same or contiguous lots by two or more establishments is proposed; or

(3) sufficient off-site parking has been procured (e.g., through lease agreements) in a private or municipal parking lot; or

(4) the proposal is specifically for the development of multi-family, elderly or affordable housing.

(5) In the CB district for any permitted or conditional use (except any dwelling unit or establishment that provides overnight accommodations) that is within three hundred (300) feet of a municipal parking facility.

Section 4.10 Performance Standards

In accordance with the Act [§4414(5)] the following standards of performance are to be met and maintained by all uses in all districts. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns.

(A) No land or structure in any zoning district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.

(B) The following standards apply to all uses, with the exception of agriculture and forestry. In determining ongoing compliance, the burden of proof shall fall on the applicant and/or all successors and assigns. No use, under normal conditions, shall cause, create or result in:

(1) **noise** in excess of seventy (70) decibels or which is excessive at the property line, or represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; and, between the hours of 9 p.m. and 8 a.m., **noise** that is in excess of fifty (50) decibels based on a one-hour average measure at the property line where it abuts a property used for residential purposes.

(2) **noticeable, or clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;

(3) **smoke dust, odors, noxious gases, or other forms of air pollution** which constitute a nuisance to other landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; which cause damage to property, business, or vegetation; or which are offensive or uncharacteristic of the area;

(4) **releases of heat, cold, moisture, mist, fog, precipitation or condensation** beyond the property lines of the property on which it is located, or to a height likely to be detrimental to the public safety, health, or welfare;

(5) **any electromagnetic disturbances, or any electronic emissions** or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located;.

(6) **glare, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is detrimental to the public health, safety, or welfare;

(7) **liquid or solid wastes or refuse** in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare; or

(8) **undue fire, safety, explosive or other hazard** which endangers neighboring properties, or the general public or which results in a significantly increased burden on municipal facilities and services.

(C) Agricultural operations shall at minimum observe Accepted Agricultural Practices (AAPs) as defined and administered by the Vermont Agency of Agriculture.

(D) Forestry operations shall at minimum observe Accepted Management Practices (AMPs) as defined and administered by the Vermont Department of Forests, Parks and Recreation.

Section 4.11 Protection of Ground and Surface Waters

(A) **Surface Waters and Wetlands.** To prevent soil erosion and sedimentation of surface waters, maintain water quality and protect wildlife habitat, an undisturbed, vegetated buffer strip shall be maintained for a minimum of fifty (50) feet from all wetlands, streams and rivers, and public ponds. The fifty-foot buffer strip shall be measured from the mean water mark or delineated wetland boundary. No development, excavation, filling, clearing or grading shall occur within the buffer strip, with the exception of clearing and associated site development necessary to accommodate the following:

(1) Road, driveway and utility crossings.
(2) Stream bank stabilization and restoration projects, in accordance with applicable state and federal regulations
(3) Bicycles and pedestrian paths and trails.
(4) Recreation facilities, including structures, and improved lake or pond accesses.

(B) **Non-conforming Structures**. The expansion or enlargement of any structure in existence prior to the effective date of ordinance and not in conformance with Subsection (A), above, is permitted with approval of the Development Review Board pursuant to Section 4.8.

(C) **Source Protection Areas**. In order to protect community water supplies, the following potential sources of contamination are specifically prohibited within designated Source Protection Areas, unless it is demonstrated to the satisfaction of the Development Review Board under conditional use review (Section 5.3) that no potential for contamination of a water supply exists:

(1) gasoline and motor vehicle service and repair facilities;
(2) machine and body shops;
(3) car washes;
(4) the outdoor storage of road salt and other de-icing chemicals;
(5) public or community wastewater treatment facilities;
(6) fuel storage except for agricultural or residential use;

(7) underground storage tanks;
(8) solid waste disposal facilities and sanitary landfills;
(9) dry cleaning, furniture stripping, metal plating, and photographic processing activities;
(10) junk and salvage yards;
(11) extraction and quarrying activities;
(12) cemeteries;
(13) lawn and garden stores;
(14) power plants and substations; and/or
(15) any other use which involves the generation, use, storage, treatment, transportation or disposal of potential contaminants greater than normal household use.

An application for development within delineated source protection areas which is subject to conditional use review shall also be forwarded for review by the local fire or water district having jurisdiction prior to the issuance of a permit. Development within a source protection area shall be managed in accordance with the adopted source protection plan for that area. Conditions may be attached as appropriate, in consultation with the local district and/or state.

Section 4.12 Signs

(A) **Applicability**. No sign shall be erected, enlarged, redesigned, reworded, substantially rebuilt, or altered in any way without a permit issued by the Administrative Officer, with the exception of those signs specifically exempted under Subsection (C). Permits shall be issued only for signs in conformance with this bylaw. Application shall be made on the designated form, specifying legend, size, shape, colors, location, materials, height, supporting structures, lighting, and other information as may be necessary to determine conformance with these regulations.

(B) **General Sign Standards.** All on-premise signs within any District shall meet the following standards:

(1) Signs should be located where they will be most easily read to reduce the size needed for legibility. The Zoning Administrator may require the adjustment or relocation of any sign to help ensure vehicular or pedestrian safety.

(2) All lighted signs shall meet applicable performance standards (Section 4.10).

(3) A constant, shielded light source may be used for indirect lighting, provided that the lighting is directed only on the sign surface, preferably from above, and does not adversely affect neighboring properties, rights-of-way, or vehicular traffic. The light source shall not be visible from adjacent properties or roads.

(4) No sign shall contain pennants or similar attention gathering devices, nor may they contain or support any device capable of emitting noise.

(5) Wall signs and projecting signs shall be securely fixed to the wall of a principal structure, and shall not obscure architectural features of the building.

(6) All signs shall be constructed of wood masonry, stone or metal, although the Development Review Board may approve signs constructed of alternative materials with similar visual characteristics in accordance with site plan review under Section 5.2. In approving alternative materials, the Board shall find that the proposed sign is not incompatible with other signs located

within the surrounding area or district, that alternative materials are necessary to achieve an attractive and unique design which would not be practical if constructed of wood or metal, and that such sign meets all other applicable standards under this section.

(7) Signs shall be repaired and maintained in good condition.

(8) All signs located within the designated Downtown Design Review Overlay District also shall be subject to design review under Section 5.4 or may be issued a permit by the Administrative Officer according in accordance with Table 2.11 (B).

(9) The number of on-premise signs permitted on an individual parcel, and the maximum area (size) of signs permitted for specific uses within each zoning district, is set forth in Table 4.2.

(10) In addition to other signs permitted under Table 4.2, gasoline stations are permitted (1) pump affixed pricing sign per pump, each not to exceed two (2) square feet in area, in addition to Subsections 1 through 9 above.

(11) In addition to other signs permitted under Table 4.2, not more than one (1) sandwich board, not to exceed six (6) square feet per business, may be placed in the Roadside and Central Business District. Such sandwich board shall be located on the premises being advertised and shall not interfere with pedestrian or vehicular access.

(12) In addition to signs permitted under Table 4.2, for buildings in the Central Business and Roadside Business Districts, are permitted building signs applied to one (1) facade of the building in accordance with the following standards:

(a) one (1) square foot of graphic or sign area for every two (2) lineal feet of building frontage along a public street
(b) buildings in the Central Business District and Village Mixed Use District are limited to a maximum of twenty five (25) square feet of building sign area and letter height shall not exceed fifteen (15) inches.
(c) letter height in the Roadside Business District shall not exceed twenty four (24) inches.
(d) in computing the area of a building sign the area shall be the area of the smallest rectangle with a level base line which can contain the sign including the lettering, graphics, panel and frame, if any.

Table 4.2 On- Premise Sign Standards

Use	Zoning District															
	RES		RUR		LDR		MDR		HDR		CB/VMU		RB		IND	
	#	ft^2	#	ft^2	#	ft^2	#	ft^2	#	ft^2	#	ft^2	#	ft^2	#	ft^2
Agricultural	1	10	1	10	1	10	-	-	-	-	-	-	1	10	1	10
Construction (Temporary)	1	16	1	16	1	16	1	16	1	16	1	20	1	36	1	36
Directional (e.g., “Entrance”)	-	2	-	2	-	2	-	2	-	2	-	2	-	2	-	2
Gasoline Stations (see B(10))	-	-	-	-	-	-	-	-	-	-	1	12	1	12	-	-
Home Occupation/Business	1	6	1	6	1	6	1	6	1	6	1	6	1	6	1	6
Mixed Uses	-	-	-	-	1	18	1	18	1	24	2	36	2	36	2	36
Nonresidential Uses	1	12	1	12	1	12	1	12	1	12	1	20	1	36	1	36
Real Estate (Temporary)	2	6	2	6	2	6	2	6	2	6	2	6	2	6	2	6

Legend: (#) – the maximum number of signs allowed for a particular use within a specific district, excluding gasoline pricing signs allowed under subsection (B)(10), sandwich boards allowed under subsection (B)(11) and wall graphics allowed under subsection (B)(12);
(ft^2) – the maximum total area of allowed sign(s), in square feet ,as measured under Section (D)

(C) **Exceptions**. The following signs do not require a permit when located on the immediate property and are within the size specifications set out below, provided they meet the general sign standards listed above.

(1) Signs on public roads which are erected, maintained and administered by the Town or the State of Vermont under Title 10 V.S.A., Chapter 21.

(2) Unlit signs not exceeding one (1) square foot in area or smaller, including those bearing property numbers, post box numbers, or names of occupants of the premises.

(3) Temporary real estate sign not exceeding six (6) square feet in total area.

(4) On-premise historic or landmark signs, not to exceed one (1) in number or six (6) square feet in area.

(5) Wall murals intended solely for artistic, non-advertising purposes.

(6) Window signs which do not exceed thirty percent (30%) of each glass window pane area of windows facing a street.

(7) Non-advertising signs placed for directional, safety or public service purposes which do not exceed 2 square feet in area provided such signs are located on the premises of the activity being served by the sign.

(8) Informational signs erected in accordance with the Connecticut River Byway Signage Program.

(9) Signs related to trespassing or hunting, each not to exceed two (2) square feet in area.

(10) Temporary signs to be maintained for not more than two (2) weeks erected by fairs or expositions, or signs announcing a garage sale, yard sale or auction, or an event of a civic, political, or philanthropic service, or religious organization, not exceeding four (4) square feet in area. All signs are to be removed promptly by the owner following the event.

(11) Temporary election signs to be posted and removed in accordance with state law.

(12) Temporary signs or banners advertising public community events, to be displayed in designated locations on town property with the permission of the Selectboard, which shall be removed immediately following the event.

(13) One (1) temporary construction sign, not to exceed the allowable square footage specified in Table 4.2and ten (10) feet in height, placed on any construction site providing such sign is promptly removed immediately following completion of construction. Additional and/or larger temporary construction signs mandated by local, state or federal statute may also be permitted.

(14) Signs or bulletin boards incidental to places of worship, schools, libraries or public facilities, not to exceed one (1) per establishment, sixteen (16) square feet in total area, or six (6) feet in height above the ground, provided such signs meet the general standards under subsection (B).

(15) Public schools, emergency shelters and emergency response providers (e.g., police, fire department, hospitals) may install internally illuminated signs no larger than 36 sq. ft.

(16) Banner signs not exceeding twenty four (24) square feet and not displayed for more than fifteen (15) consecutive days or more than three (3) times per year.

(D) **Measurements**. When computing the total number of signs or permissible sign area for any use, the following shall apply:

(1) The total number of signs, except for those specifically exempted under Subsection (B), shall include any pre-existing signs as of the effective date of this bylaw.

(2) The size of signs permitted herein will be considered the square footage of one face of the sign or sign(s), excluding supporting structures. The total permitted sign area shall include the area of all on-premise signs. Signs consisting of freestanding letters or numerals shall include any intervening spaces (the entire message area), in the calculation of total sign area.

(3) If one sign is requested for a group of uses it shall be considered one of the signs permitted for each of those uses and shall not exceed the maximum area (i.e., square footage) identified for mixed-use signs in the applicable district in Table 4.2.

(E) **Prohibited Signs**. The following signs shall not be permitted in any District:

(1) Advertising billboards.

(2) Flashing, oscillating, revolving, neon, animated, digitally-altered (pizio) or illuminated-from-within signs. [However, public schools, emergency shelters and emergency response providers (e.g., police, fire department, hospitals) may install internally illuminated signs per Section C sub-paragraph (15)]

(3) Freestanding signs or sign structures which extend higher than eighteen (18) feet in RB or IND districts or higher than ten (10) feet in all other districts. Any sign or sign structure attached to a building that extends higher than the roof or parapet of that building.

(4) Signs which impair public safety or are a nuisance to adjacent residential uses.

(5) Signs which hang less than ten (10) feet above a public walkway.

(6) Portable signs (see Section (C) (11)).

(7) Signs which are attached to trees or utility poles.

(8) Signs advertising a business or use which has been discontinued or abandoned.

(9) Off-premise sign except as provided in 10 V.S.A., Chapter 21.

Section 4.13 Storage of Flammable Materials

The storage of flammable fluids and the equipment in which they are stored are controlled under the Fire Code of Vermont (NFPA Code) as administered by the State Fire Marshal. Storage of flammable fluids (other than bulk storage for commercial distribution) which is accessory to another use and is consistent with this Code is permitted in any district, but will require a zoning permit if the storage capacity is over five hundred gallons. Bulk storage for commercial distribution is only permitted in RB and IND districts and must also comply with the Code. Procedures for abandoning storage tanks for flammable fluids must also be approved by the Fire Marshal's Office. Any proposal involving the storage of flammable materials on-site shall include with the application under Section 6.0 a letter from the Windsor Fire Chief.

Section 4.14 Temporary Uses and Structures

A permit may be issued by the Administrative Officer for non-conforming uses or structures incidental to construction projects, providing the non-conforming use or structure shall be discontinued and removed within six months from the date of the permit. Such permits may be renewed for three additional periods not to exceed six months, upon application to the Administrative Officer.

ARTICLE 5. DEVELOPMENT REVIEW

Section 5.0 Applicability and Coordination of Review Processes

(A) **Site Plan Review,** pursuant to Section 5.2 and the Act [§4416], shall apply to all permitted uses as designated in Article 2, excluding single and two family dwellings, residential accessory uses or structures (including accessory dwellings, home occupations within a dwelling unit, home child care facilities, and group homes occupied by eight (8) or fewer clients/residents), signs, agriculture and/or forestry. Uses designated as conditional uses in Article II are not subject to site plan review procedures. Within the Central Business District (CBD), all uses and changes of use that do not involve new exterior construction and/or the expansion of existing structures resulting in an increase in interior floor space are specifically exempted from site plan review.

(B) **Conditional Use Review,** pursuant to Section 5.3 and the Act [§4414(3)], shall apply to all conditional uses as designated in Article 2 or as otherwise specified under Article 3 or Article 4.

(C) **Downtown Design Review**, pursuant to Section 5.4 and the Act [§4414(1)(E)], shall apply to all development, including but not limited to fencing, lighting, signage, alterations, rehabilitation, reconstruction, new construction and demolition within the Downtown Design Review Overlay District as designated in Article 2. Specifically exempted from downtown design review is any change of use or type of occupancy that does not result in any alteration to the exterior facade of a building.

(D) **Planned Residential Development (PRD) and Planned Unit Development (PUD) Review**, pursuant to Section 5.5 and the Act [§4417], may be applied at the request of the applicant, or as required under Article 2 or Section 5.5, to any size parcel in designated zoning districts.

(E) **Flood Hazard Review**, pursuant to Section 5.6, the Act [§4424] and 10 V.S.A. §753, shall apply to all development including but not limited to new or expanded single family dwellings as designated in Article 2. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with Section 5.6. See Section 6.0 and Table 6.1.

Section 5.1 Application Submission Requirements

(A) **Site Plan, Conditional Uses and Downtown Design**. Applications for Site Plan, Conditional Use and Downtown Design review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 5.1.

(B) **Planned Unit Developments (PUDs) and Planned Residential Developments (PRDs)**. Applications for PUDs and PRDs shall include:

(1) All information required for Major Subdivision, as set forth in the Table 2.2 of the Windsor Subdivision Regulations.

(2) On a map of the scale required by the Subdivision Regulations, detail showing the location, height and spacing of building sites, parking areas and property to be held in common.

(3) A narrative statement by the applicant describing the character of the development and the reasons for the particular approach proposed. Such statement shall also describe the nature of all proposed modifications, changes or additions from the existing zoning regulations, and the proposed standards and criteria for the development, including standards for the design, dimensions and spacing of buildings and sizes of lots and open spaces.

(4) If residential units are proposed, a calculation of the number of units or lots which could be permitted if the land were subdivided in strict conformance with the minimum lot size for dwelling units in the district in which the land is situated, together with a brief narrative outlining the methodology which was used in making the calculation. For the purposes of this calculation, the applicant shall exclude at least all land greater than 25% in slope, all land which lies under water, the amount of land required by these Regulations for all commercial or industrial uses proposed and land held within a designated floodway. The total number of residential units allowed may be increased by up to 25% of the total allowed under zoning district standards in accordance with Section 5.5.

(C) **Flood Hazard.** Applications for Flood Hazard Review shall include a completed application form provided by the town, all required fees, and a development plan and associated materials that includes the information described in Table 5.1. The application also shall include:

(1) Where base flood elevation (BFE) data is available per Section 5.6(E) from the Flood Insurance Rate Map (FIRM) or other available data, an Elevation Certificate showing the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures;

(2) The methods and levels to which any structure will be flood proofed and certification by the applicant's Vermont licensed engineer or architect that the design and proposed methods of construction are in accordance with the flood proofing requirements of these regulations;

(3) The relationship of the above to the channel, floodway and base flood elevations;

(4) A description of the extent to which any water courses will be altered or relocated as a result of the proposed development;

(5) Base flood elevation data for all new subdivisions proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, including existing and proposed contours, at one foot intervals, for any proposed building sites and/or building envelopes located within the flood hazard area (see Windsor Subdivision Regulations);

(6) All permits required for the proposed development by municipal law.

(7) The applicant shall contact a permit specialist at ANR and request the specialist to complete a permit review for the project. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the Town permit application;

and

(6) Such other information deemed necessary by the Development Review Board for determining the suitability of the site for the proposed development.

Table 5.1 Application Requirements				
Required Application Information:	**SPR**	**CUR**	**DDR**	**FHA**
1. Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different than the owner(s) of record; name and address of the person or firm preparing the application and plans; date of the application and related plans.	Y	Y	Y	Y
2. Proof of written notification to all adjoining property owners, regardless of rights-of-way, in accordance with Section 6.4(C)(1)	Y	Y	Y	Y
3 A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following: a. north arrow and scale; b. legal property boundaries for the property; c. a general indication of existing and proposed site conditions and features, including topography, land use, vegetation, natural and critical habitat areas, floodplains and wetlands; zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, and utilities. d. traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity.	Y	Y	Y	Y
4. Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries.	Y	Y	N/A	Y
5. Proposed landscaping and screening plan, including plant details (size, location, species).	Y	Y	N/A	N/A
6. Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management).	Y	Y	N/A	Y
7. Description of proposed water supply and wastewater disposal.	Y	Y	N/A	Y
8. Proposed lighting plan, including the design and location of all exterior lighting.	Y	Y	Y	N/A
9. Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials.	Y	Y	Y	N/A
10. Phasing schedule for completion of all proposed development and site improvements.	N/A	Y	N/A	N/A
11. Estimate of traffic to be generated by the project & the impact of such traffic on area roads.	N/A	Y	N/A	N/A
The Development Review Board may require additional information depending upon the scope and location of the proposed project, including but not limited to the following:				
1. Forest management, tree removal and vegetation management plans.				
2. Storm water management and erosion control plans.				
3. Visual impact analysis (photographs or drawings of site).				
4. Community service impact assessments (analysis of fiscal costs and benefits to the town).				
5. Traffic impact analysis (See Traffic Impact Analysis Guidelines in Appendix A).				
6. Open space management plan.				
7. Site reclamation plan (for proposed projects involving extraction).				
8. Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures).				
9. Other information or studies necessary for the Board to conduct a comprehensive review.				
SPR=Site Plan; CUR= Conditional Use; DDR=Downtown Design; FHA= Flood Hazard; Y = required; N/A = Not Applicable				

Section 5.2 Site Plan Review Standards and Procedures

(A) **Application**. An application for site plan review, including a site development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board.

(B) **Review Procedure.** The Administrative Officer shall refer a complete application for site plan review to the Development Review Board and schedule a public hearing of the Development Review Board, to be warned and held in accordance with Sections 6.4(C)(2) and (D), to review the application and to determine whether the proposed use or structure conforms to the site plan review standards set forth below. The Development Review Board shall act to approve, approve with conditions, or disapprove any application within 45 days of the date of final hearing adjournment, and shall issue a written decision, to include findings, any conditions, and provisions for appeal in accordance with Section 6.4(E). Failure to act within the 45 day period shall be deemed approval on the 46th day. In approving a project with conditions, the Development Review Board may require specific modifications to the design, layout, scale and/or configuration of the project.

(C) **General Standards**. The Development Review Board may consider and impose appropriate safeguards, modifications and conditions relative to the following standards:

(1) **Safety and efficiency of traffic access.** Vehicular access and intersections with roads shall meet all applicable Town and State design standards, including those set forth in Section 4.1. The Board may limit the number and size of curb cuts to a single access. In instances involving pre-existing curb cuts not in compliance with these standards, the Board may require the reduction, consolidation or elimination of non-complying curb cuts. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one road, the Board may require shared access between adjoining properties or may limit access to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on contiguous parcels, or contingent upon future development of neighboring properties. Shared access shall not be required in instances in which it is not practical due to site conditions and/or incompatible adjacent uses.

(2) **Adequacy of circulation, parking and loading facilities**. Parking and loading facilities shall be provided per the requirements of Section 4.9 of these regulations, and in accordance with the following:

(a) Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.

(b) Driveway connections to parking areas on adjacent properties, or provision for future connection, shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 4.9 (C).

(c) Adequate parking facilities for people with disabilities shall be required.

(d) Loading and delivery areas within the site shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.

(3) **Bicycle & Pedestrian Access**. Pedestrian circulation within the site, and access through the site to adjacent properties and along public roads, shall be provided. Such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities. Bicycle racks may be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

(4) **Landscaping and Screening**. Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening. Landscaping plans shall emphasize the following:

(a) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.

(b) The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed 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., wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints.

(c) The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such plantings practical, and are required for properties outside of the Central Business District (CBD) that front upon Route 5 or Route 44. Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be an indigenous, deciduous species tolerant of road-salt, soil compaction and drought.

A three-year plan for all proposed landscaping shall be prepared and bonding or other surety may be required to ensure installation and maintenance in accordance with Section 6.4(E).

(5) **Storm Water and Drainage.** Adequate provisions shall be made for the management of erosion, sedimentation and storm water runoff. Surface water runoff shall be minimized and if possible, detained on site. The Development Review Board may require a storm water management and erosion control plan prepared by a professional engineer licensed by the State of Vermont. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The Board may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.

(6) **Lighting**. Exterior lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood in which it is located. Permanent outdoor lighting fixtures shall not direct light onto adjacent properties, roads, or public waters; and shall minimize glare. Such fixtures shall be cutoff fixtures and/or low

luminance lamps (e.g., maximum of 150 watts or 2,000 lumens). The Board may restrict the height and/or location of fixtures and the maximum level of illumination on all or a portion of the property.

(7) **Outdoor Storage and Display.** The storage or display of outside materials, goods, supplies, vehicles, machinery or other materials shall be prohibited unless specifically approved by the Board. Secured, covered areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving such outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and may require appropriate screening.

(D) **District Standards**. In addition to the General Standards set forth in Subsection (C), proposed development subject to site plan review located in the following designated districts shall meet the following standards:

(1) **Roadside Business and Industrial Districts**. Within the Roadside Business District and Industrial District, development with frontage on Route 5 shall be designed in a manner that meets the following standards:

(a) Building facades shall be designed with appropriate window and door treatment to visually relate to Route 5. The Board may impose a maximum setback to achieve a consistent streetscape; drive-through lanes and drive-up windows are prohibited.

(b) A landscaped strip of at least twenty (20) feet shall be provided parallel to the road. Driveways and sidewalks are exempt. Form, location, and composition of the landscaped strip shall be shown on the site plan and approved by the Development Review Board.

(2) **Rural District Standards.** Within the Resource District and Rural District, development shall be designed in a manner that meets the following standards:

(a) Development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the Town.

(b) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features to the extent feasible in order to minimize the loss of productive agricultural and forest land, and to avoid physical and visual impacts.

Section 5.3 Conditional Use Review Standards and Procedures

(A) **Application**. An application for conditional use review, including a development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Development Review Board.

(B) **Review Procedure.** The Administrative Officer shall refer a complete application to the Development Review Board and schedule a public hearing of the Board, to be warned and held in accordance with Sections 6.4(C)(1) and (D), for the Board's the next available meeting date. The Board will consider whether the proposed use or structure conforms to the conditional use standards set forth below. The Board shall act to approve, approve with conditions, or disapprove any application for conditional use review within 45 days after the date of ~~the~~ final adjournment of the public hearing held under this section, and shall issue a written decision, in accordance with Section 6.4(E), to include findings, any conditions, and provisions for appeal. Failure to act within 45 days

shall be deemed approval, effective the 46th day. In approving a project with conditions, the Board may require specific modifications to the scale, layout and/or design of the project, or place restrictions on its operation and/or intensity to ensure compliance with this section.

(C) **General Standards**. Conditional use approval shall be granted by the Board upon their determination that the proposed use or structure shall not have an undue adverse affect on any of the following:

(1) **The capacity of existing or planned community facilities or services.** The Board shall consider the demand for community services and facilities which will result from the proposed development, and determine whether that demand will exceed the capacity of existing facilities or services. In making such a determination, the Board will consider any capital program or budget in effect at the time of application. Conditions may be imposed regarding the timing and phasing of development to minimize the impact on schools and other community facilities and services.

(2) **The character of the area affected, as defined by the purpose(s) of the zoning district within which the project is located, and specifically stated policies and standards of the Windsor Town Plan**. The Board shall consider the location, scale and intensity of the proposed development relative to the use and character of adjoining properties and other properties likely to be affected by the proposed use. The Board also shall consider the proposed development's compatibility with the purpose and character of the affected district as defined by these regulations, the Town Plan, and the testimony of affected property owners and other interested persons. Proposed activities that would adversely affect the character of the neighborhood, area or district shall not be approved unless the adverse impacts can be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use.

(3) **Traffic on roads and highways in the vicinity**. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians or motorists or unacceptable levels of service for local roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies.

(4) **Bylaws and ordinances then in effect**. A conditional use must comply with all municipal bylaws and regulations in effect at the time of submission of the application, including conformance with the policies of the Windsor Town Plan and compliance with conditions of prior permits or approvals, including subdivision approval.

(5) **The utilization of renewable energy resources**. The Development Review Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources either through use of those resources or on the proposed project's impact on the future availability of such resources.

(D) **Specific Standards**. In addition to the General Standards set forth in Subsection (C) above, the following shall apply to all conditional uses:

(1) **Site Plan Review General Standards** set forth in subsection 5.2 (C) shall apply to all conditional uses reviewed under this Section.

(2) **Site Plan Review District Standards** set forth in subsection 5.2 (D) shall apply to all conditional uses located within the designated district and reviewed under this section.

(3) **Building Design.** The design and location of structures will be compatible with their proposed setting and context, as determined in relation to zoning district objectives and requirements, existing site conditions and features, and adjoining structures and uses. Conditions may be imposed with regard to siting, density, setbacks, height, type and pitch of roofs, massing and/or orientation, to ensure compatibility.

(4) **Protection of Natural Resources.** Proposed development shall not have an adverse impact on important natural resources or fragile features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, and/or floodplains identified in the town plan or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and fragile features:

(a) The establishment of buffer areas;

(b) Permanent protection through conservation easements or other deed restrictions in accordance with Subsection 5.5(D)(5);

(c) The designation of established building locations and/or building envelopes to ensure that activities incidental to the operation of the conditional use, including clearing and yard area, do not adversely impact identified resources; and/or

(d) The preparation and implementation of management plans for protected resources and associated buffers.

(5) **Performance Standards.** All conditional uses shall meet the standards set forth in Section 4.10.

(6) **Protection of Water Quality.** The proposed development shall not result in any direct or indirect discharge of waste, contaminants or storm water, or any in-ground disposal of wastewater, in a manner that would adversely impact existing or planned, public or private, water supplies (including both ground and surface waters). See Section 4.11.

(E) **Waivers for Minor Projects**. The Development Review Board may waive one or more of the standards set forth in Subsections (C) or (D), above, should the Board determine that the proposed use:

(1) Will not result in an exterior change to an existing building; and

(2) Will not require alterations to an existing site (e.g., will not result in additional parking requirements, existing landscaping is adequate, etc.).

Section 5.4 Downtown Design Review Standards and Procedures

(A) **Application**. An application for downtown design review, including a development plan prepared in accordance with Section 5.1 above, and associated fee, shall be submitted to the Administrative Officer for consideration at the next available regularly scheduled meeting of the Design Review Commission.

(B) **Review by the Design Review Commission.** The Design Review Commission shall meet within twenty-one (21) days after a completed application is filed. The applicant shall meet with the Design Review Commission to present and review a design that meets the Standards in Subsection (F). Said

meeting may be continued upon mutual consent by the Design Review Commission and applicant. The Design Review Commission shall mail to the applicant, a copy of the board's recommendation within 15 days of the last meeting and transmit a copy to the Development Review Board. The Administrative Officer shall notify the applicant by first class mail at least fifteen (15) days before the date of the Development Review Board's review of the proposal.

(C) **Review by the Administrative Officer.** Applications for signs, fences and changes to the exterior that do not alter the building footprint or roof planes in the underlying zoning district may be issued by the Administrative Officer if they are in conformance with the recommendations of the Design Review Commission and compliance with Article 4. All other applications must be approved by the Development Review Board in accordance with Section 5.4.

(D) **Review by the Development Review Board.** The Development Review Board shall review complete applications concurrently with site plan or conditional use review, whichever is applicable. In the event the proposed development does not require site plan review or conditional use review, the proposal shall be scheduled in accordance with the procedures set forth in Section 5.2 (B), although application materials shall be limited to those described in 5.1. In reviewing applications, the Development Review Board shall consider the recommendations of the Design Review Commission to determine whether the proposed development conforms to the Standards set forth below (Subsection E). A decision on the application shall be made by the Development Review Board no more than 45 days after the adjournment of the public hearing on the project.

(E) **Review Limitations**. In administering these provisions, the Development Review Board shall focus their review upon the compatibility of a proposed change, the location, anticipated use of the structure and other relevant standards as set forth below. The Development Review Board shall not:

(1) Require that new construction or alterations copy existing architectural styles or existing decorative details; or

(2) Adopt or impose any specific architectural style in the administration of this regulation.

(F) **Design Review Subdistricts**. Within the Design Review District, there are two subdistricts: 1) the Main Street district includes all of the parcels that border Main Street and those directly to the west within the area of the Designated Downtown, as well as properties on Depot Street, River Street, and Railroad Avenue. The Rails to Riverfront district includes all of the properties on Central Street and Bridge Street, and properties east of the railroad tracks. The design elements for review will differ slightly in these two districts. Although property owners are encouraged to comply with all of the standards outlined in this section of the Zoning Bylaws, Table 5.2 shows the design standards and elements that are required for the different districts. Within these districts, different standards will be reviewed for commercial, industrial, and residential development. For examples of the standards listed below, see the Windsor Design Guidelines (2005).

(G) **Standards.** Downtown design review approval shall be granted by the Board upon their determination that the proposed development conforms substantially to the following design standards.

(1) **Height.** The height of a building or alterations shall be considered in relation to the varied heights of existing adjacent buildings. New construction shall not exceed 40 feet in the Rails to River Industrial Subdistrict.

(2) **Proportion.** The relationship between the width and height of the facades of buildings shall be considered in the construction or alterations of a building. The relationship of width to height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building.

(3) **Rhythm.** The visual patterns established by the alternation of solids (walls) and openings (windows and doors) in the facade of buildings create a rhythm. These patterns of solids and

openings shall be considered in the construction or alteration of a building. Variation of spacing between the buildings in the immediate area shall be considered in the construction or alteration of a building. Particularly on large industrial or manufacturing buildings, proportional architectural details, a sense of rhythm, and scale and massing shall present a variety in their composition. Continuous unbroken masses of more than 25 feet are unacceptable.

Table 5.2
Review Standards for Deisgn Review Subdistricts

		Main Street Business & Res.	Rails to River Business, Multifamily & New 1-&2 Family Res.	Rails to River Res.	Rails to River Industrial
Design Guidelines	Height, proportion & rhythm	Y	Y		Y
	Character & Articulation of Front Facade	Y	Y		Y
	Scale and Massing	Y	Y		Y
	Orientation	Y			
	Continuity	Y	Y		
	Demolition	Y	Y	Y	(8C ONLY)
	Signage*	Y	Y	Y	
	Lighting*	Y	Y	Y	Y
	Landscaping & Screening*		Y		Y
Architectural Features	Materials	Y	Y	Y	Y
	Roof Shape	Y			
	Porches & Stairs	Y	Y		
	Doors & entrances	Y	Y		
	Windows	Y	Y		
	Chimneys	Y	Y		
	Cornices, Gutters & Flashing	Y	Y		

*These elements are regulated elsewhere in the Zoning Bylaws, but have additional review in Design Review District.

(4) **Building façade.** Structural shape, placement of openings and architectural features gives a predominantly vertical, horizontal or angular character to the building's front facade and shall be considered in the construction or alteration of a building.

(5) **Scale and Massing**. The scale and massing of new buildings shall be compatible and harmonious with surrounding historic structures.

(6) **Orientation.** New buildings should be oriented toward, and relate both functionally and visually to, public streets and/or common greens, parks or plazas. Consideration shall be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district**.**

(7) **Continuity.** Physical elements such as yards, fences, evergreen masses, or building facades may combine to form lines of continuity along a street. These elements shall be considered in the construction or alteration of a building.

(a) **Fences.** Not withstanding Section 4.5, fences in the downtown design district shall be a maximum height of four (4) feet, except when required for vehicular screening, then a maximum height shall be five (5) feet and shall be compatible with the architectural style/period of building. The structural supports of the fence shall face the interior of the lot and no chain link fences shall be allowed, unless other state guidelines supercede.

(b) **Setback.** The front, side and rear setbacks shall be considered in relation to the prevailing setback existing in the immediate area.

(8) **Demolition.** To prevent the destruction of significant historic properties, as defined by the Town Architectural surveys, the following standards apply:

(a) Any demolition or removal of a building or structure shall require approval from the Development Review Board.

(b) Before a building or other structure is demolished or moved, the applicant shall in good faith, prepare a detailed plan for the re-use and/or restoration of the vacated site, which the Development Review Board determines will meet the criteria established.

(c)`The demolition and site restoration plan shall, at minimum, describe the intended use of the site; and the manner in which the site is to be restored to grade, surfaced, landscaped and/or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties. This plan shall be executed not later than six (6) months after a permanent or temporary building or structure has been damaged, destroyed, demolished or abandoned. All scrap, damaged or unsafe materials shall be removed from the site. Any excavation thus remaining shall be covered over or filled to the normal grade by the owner until such time that the final landscaping or surfacing action can be completed per the site restoration plan.

(d) If a structure for which demolition has been proposed has been damaged in excess of seventy (70) percent of its assessed value due to flood, fire, wind, or other act of nature, permission for the demolition may be granted by the Administrative Officer without prior review by the Development Review Board.

(9) **Signage.** In addition to conforming to the Sign Standards in Section 4.12, the size location, design, color, texture, lighting, and material of all exterior signs shall be complimentary to buildings and structures on the site and surrounding properties.

(10) **Lighting**. In addition to conforming to the Performance Standards in Section 4.10, the following standards apply:

(a) **Residential Lighting**. Lighting fixture design, when possible, shall be compatible with and sensitive to the architectural style and period of the related building. Rather than mounting floodlights on a house or building, it is recommended they be mounted away from the building with the light directed toward the building/house. Floodlights shall not be aimed at the street.

(b) **Commercial/Public Building Lighting**. Excessively bright lighting within a building or excessive lighting of signs, buildings, structures, parking areas, or other features shall be prohibited.

(c) **Municipal and Street Lighting**. General levels of illumination shall be consistent with

guidelines published by the Illuminating Engineering Society of North America (IESNA), provided that the average illumination level may not exceed that specified in those guidelines by more that 0.2 foot-candles. The maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).Mounting heights of such fixtures shall not exceed twenty (20) feet, retained (and/or extended) mounting height shall be that of the existing fixtures and every effort shall be made to use brackets that match existing brackets. Streetlights shall be located in the public right-of-way. If the street has a sidewalk along one side, the streetlights shall generally be located on the sidewalk side of the street. Street lighting should be pedestrian friendly, i.e., glare should be minimized, and illumination maximized at the street and sidewalk levels.

(11) **Landscaping & Screening.** In the Rails to Riverfront Industrial Subdistrict, landscaping should include screening with trees, shrubs, and other plantings. Refer to Section 5.2 for additional landscaping requirements.

(12) **Materials.** The similarity or compatibility of existing materials on the exterior walls or roofs of buildings in the immediate area shall be considered in the construction or alteration of a building **where possible**. A building or alteration shall be considered to be compatible if the building materials used possess a kind or type which are appropriate to that building. In the Rails to Riverfront Industrial Subdistrict, all traditional materials, new or synthetic materials, concrete block and steel structures may be used with articulation of facades (see Section 5.4 (F) 3 and 4, above).

(13) **Roof Shape.** The similarity or compatibility of roof shapes in the immediate area shall be considered in the construction or alteration of a building.

(14) **Architectural Features**. Architectural features including but not limited to cornices, windows, shutters, fanlights, and entablature prevailing in the immediate area shall be considered in the construction or alteration of a building. It is not intended that the details of old buildings be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations. Distinctive materials, features, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

Section 5.5 Planned Unit Developments (PUDs) and Planned Residential Developments

(A) **Purpose**. In accordance with the Act [§4417], Planned Unit Developments (PUDs), and Planned Residential Developments (PRDs), which for purposes of these regulations are considered a type of Planned Unit Development, are permitted in all zoning districts to allow for innovative and flexible design and development that will promote the most appropriate use of land, and specifically achieve one or more of the following objectives, in conformance with the municipal plan and these regulations:

(1) increase density, reduce lot size and/or facilitate the adequate and economical provision of streets and utilities to and to provide housing in a cost effective manner;

(2) cluster residential development to encourage compact, pedestrian-oriented development and to preserve and maintain open space, including but not limited to important resource or conservation lands;

(3) protect significant natural, cultural or scenic features as identified in the Windsor Town Plan, or through site investigation; and/or,

(4) allow for creative design and layout of development, an efficient use of land, and to provide for the integrated mix of uses.

(B) **Review Procedure**. A PUD or PRD shall be reviewed concurrently with a Major Subdivision Review procedure as set forth in Town of Windsor Subdivision Regulations. In addition to the applications requirements of Section 5.1 (B), an application for PUD or PRD approval shall include a statement describing all proposed modifications, changes or supplements to existing bylaw requirements. Modifications of this bylaw approved by the Development Review Board shall be noted in writing and appended to a plat depicting the project to be filed in the Windsor Land Records. All other provisions of this bylaw not specifically modified shall remain in effect and be applicable to the project.

(C) **Coordination with Conditional Use Review.** Review and approval of a PUD or PRD involving the development of one or more conditional uses under this Section shall not exempt the proposed development from review in accordance with Section 5.3. The Development Review Board may review and approve one or more conditional uses concurrently with granting final PUD or PRD approval, or may require the submission of a conditional use application in accordance with Section 5.3 and the terms and conditions of the PUD approval, including any modifications of this bylaw granted in accordance with Section 5.5, at a latter date.

(D) **General Standards**. The modification of zoning regulations by the Development Review Board may be permitted in accordance with the following standards:

(1) The PUD or PRD shall meet all applicable standards set forth in Section 5.3, and shall conform to the Windsor Town Plan and all other applicable municipal regulations and ordinances currently in effect. The PUD or PRD shall also meet all local and state regulations for sewage disposal and the protection of water quality.

(3) The PUD or PRD shall represent an effective and unified treatment of the development site, including provisions as appropriate for the preservation or protection of surface and ground waters; wetland, stream bank, floodplain and lake shore areas; significant topographic features, including hilltops and ridgelines; areas of steep slope or shallow soil; significant resource lands, including agricultural and forest land; historic or archaeological sites and structures; natural and critical habitat areas; and open spaces, including scenic views and vistas.

(4) The Development Review Board may allow for a greater concentration or intensity of development within some section(s) of the development than in others, on individual lots which are smaller than the minimum lot size for the district within which the PUD or PRD is located, provided that there is an offset by a lesser concentration in other sections, including the reservation of no less than 50% of the remaining land as open space.

(5) The minimum front, side and rear yard setbacks at the periphery of the PUD or PRD shall be as dictated for the particular district unless otherwise specified by the Development Review Board. The Board may allow other setback standards, such as zero lot lines, as part of PUD or PRD approval.

(6) Provision shall be made for the preservation of open space. Preserved open space shall be dedicated, either in fee or through a conservation easement to the Town, a community association comprising all of the present and future owners of lots or dwellings in the project, or a non-profit land conservation organization. The Development Review Board shall approve such easement. Land held in common shall be subject to appropriate deed restrictions

stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long-term stewardship. The Board shall approve the location, size and shape of lands set aside to be preserved for open space in accordance with the following:

(a) Open space land shall provide for the protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, historic and archaeological sites, and scenic views and vistas;

(b) Designated open space may include the portion of a single lot which is characterized by one or more of the above referenced features, or may encompass the contiguous boundaries of the above referenced feature located on multiple lots;

(c) The location, shape, size and character of the open space shall be suitable for its intended use. Generally, open space shall be at least 50% of the total area for projects involving a parcel(s) of twenty-five (25) acres or more. For smaller parcels, open space should be in proportion to the size and scope of the project, and its intended use;

(d) Open space shall be suitably improved and/or maintained for its intended use, except for open space containing natural or cultural resources worthy of preservation that may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and forestry to be used for these purposes. The Board as appropriate may require management plans for forests and/or wildlife habitat. Areas preserved for agricultural use should be of a size that retains their eligibility for state and town tax abatement programs;

(e) Open space land shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels; and

(f) Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove to the satisfaction of the Board that they will in no way disrupt or detract from the values for which the open space is to be protected.

(6) Where a district boundary line divides a parcel, the Development Review Board may allow the development of a single PUD or PRD with a total density based on the combined allowable density of each district.

(7) Two (2) or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD or PRD. The permitted density on one parcel may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted, in the Development Review Board's judgment, if the land were subdivided into lots in conformance with district regulations.

(8) For projects which include affordable housing, as defined under Section 7.1, associated management plans and legal agreements that ensure the long-term affordability of such units which, at minimum, shall be for 15 years from the date of construction.

(E) **Standards Specific to Planned Residential Developments**. In addition to the general standards under Subsection (D), PRDs shall also meet the following specific standards:

(1) The total number of dwelling units shall not exceed that which would be permitted in the Development Review Board's judgment if the parcel were subdivided into buildable lots in conformance with the district minimum lot area required for single family dwellings. The

number of dwelling units allowed in a PRD may, at the discretion of the Development Review Board, be increased in accordance with the following:

(a) The Board my grant a density increase of up to 25% of the allowable number of units in instances in which a significant portion (50% or greater) of the site is preserved as open space and/or the Board determines that the PRD reflects an exceptional site design that will result in the preservation of important natural resources and the creation such amenities as pedestrian paths, parkland and/or playgrounds; ***or***

(b) The Board my grant a density increase of up to 50% of the allowable number of units in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Article 7.

(2) A PRD shall include only residential uses and associated accessory structures and uses allowed within the district in which the PRD is located. The dwelling units permitted may, at the discretion of the Development Review Board, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached.

(F) **Standards Specific to Planned Unit Developments**. In addition to the general standards under Subsection (D), PUDs shall also meet the following specific standards:

(1) The total number of allowable residential units and/or commercial or industrial space within the PUD shall not exceed the number which could be permitted in the Development Review Board's judgment, if the land were subdivided into lots in conformance with the zoning regulation for the district in which the project is located.

(2) A PUD may include any permitted or conditional uses allowed in the district in which it is located. Multiple principal structures and/or uses on a lot, or multiple ownership of a single structure may be permitted.

(3) Principal buildings and mixed uses shall be arranged to be compatible, and buffered as appropriate to ensure visual and acoustical privacy for the residents of the development and for adjacent properties.

Section 5.6 Flood Hazard Review

(A) Statutory Authorization. To affect the purposes of 10 VSA Chapter 32, and in accordance with 24 VSA Section 4424, there is hereby established Flood Hazard Review within these Regulations for areas of special flood hazard in the Town of Windsor.

(B) Lands to which Flood Hazard Review Regulations Apply. These regulations shall apply to all areas in the Town of Windsor, Vermont identified as areas of special flood hazard, also referred to as Special Flood Hazard Areas (SFHAs) and as the Flood Hazard Overlay District (See Table 2.10), described in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

(C) Development Permit Required. A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the appropriate municipal panel is required for

(1) New buildings,

(2) Substantial improvement of existing buildings, and

(3) Development in a floodway

prior to being permitted by the administrative officer. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

(D) **Purpose**. The purpose of the Flood Hazard Review is to promote public health, safety and welfare by:

(1) Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and

(2) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and

(3) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and

(4) Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

(E) **Base Flood Elevations and Floodway Limits**

(1) Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, referred to in Section 5.6 (B), shall be used to administer and enforce these regulations.

(2) In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, the Administrative Officer shall obtain and reasonably utilize base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, including data developed pursuant to Section 8C3 or 4., to administer and enforce these regulations. "Available" base flood elevations and floodway data means existing and readily available from State or Federal agencies or from data previously obtained pursuant to 8C3 or 4. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation," dated July 1995.

(3) In special hazard areas with base flood elevations (Zones AE and A1 – A30) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles.

(F) **Administration**

(1) Designation of the Administrative Officer for These Flood Damage Prevention Regulations. The Selectboard of the Town of Windsor hereby appoints the Windsor Zoning Administrator to administer and implement the provisions of these regulations and is herein referred to as the Administrative Officer.

(2) Duties and Responsibilities of the Administrative Officer. The Administrative Officer is hereby authorized and directed to enforce the provisions of this ordinance. The Administrative Officer is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties of the Administrative Officer shall include, but not be limited to:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(b) Advise permit applicant that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. Require permit applicant to obtain a Permit Review Sheet from the Agency of Natural Resources and attach it to the permit application. (See Section 6A2e)

(c) Notify adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Where base flood elevation (BFE) data in relation to mean seal level are available per Section 5.6(E) from the Flood Insurance Rate Map (FIRM) or other available data, verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, and verify that actual elevation of the lowest floor is in compliance with Section 5.6(H).

(f) When no elevation data is available as provided in Section 5.6(E), in AO Zones and A Zones without elevations, verify and record the elevation of the lowest floor of the proposed structure in relation to highest adjacent grade and verify that the elevation of the lowest floor exceeds by one foot the elevation determined pursuant to Section 5.6(F)(2)(j), below.

(g) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 5.6(H), except as provided in Section 5.6(H)(3)(c).

(h) Review certified plans and specifications for compliance.

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (determination of the horizontal limits only, not vertical) the Administrative Officer shall make the necessary interpretation. The person contesting the location of the boundary may appeal the interpretation to the DRB.

(j) When base flood elevation data or floodway data have not been provided in accordance with

Section 5.6(B), then the Administrative Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data that is available from a federal, state or other source, as provided in Section 5.6(E), in order to administer the provisions of Section5.6(H).

(k) When an application for a permit for development in a SFHA is received by the Administrative Officer, the Administrative Officer shall submit a copy of the application and supporting information to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424(2)(D). A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

(l) Provide information, testimony, or other evidence, as needed, during variance request hearings.

(m) When damage occurs to a building or buildings, the following actions shall be conducted:

(i) Determine whether damaged structures are located within the Special Flood Hazard Area;

(ii) Conduct damage assessments for those damaged structures located in the SFHA, and;

(iii) Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit / floodplain development permit prior to repair, rehabilitation, or reconstruction.

(n) The Administrative Officer shall maintain a record of:

(i) All permits issued for development in areas of special flood hazard;

(ii) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) in relation to mean sea level, or where base flood elevation data is not available, in relation to the highest adjacent grade, of the lowest floor, including basement, of all new or substantially improved buildings;

(iii) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) in relation to mean sea level to which buildings have been floodproofed;

(iv) All floodproofing certifications required under this regulation; and

(v) All variance actions as required under Section 5.6(I).

(G) Permit Application and Review Procedure.

(1) An application for flood hazard review, including a site development plan prepared in accordance with Section 5.1 above, information and data as needed to demonstrate that the development standards in Section 5.6(H), all permits required for the proposed development by municipal law, and a review sheet obtained by the applicant from the Agency of Natural Resources, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the Town permit application. The Administrative Officer shall refer a complete application to the Board within 30 days of receipt.

(2) Application Submission Requirements - Applications for Flood Hazard Review shall be submitted to the Administrative Officer on the approved blank available from the Town office and shall be accompanied by:

(a) Two (2) copies of a map drawn to scale showing:

(i) The dimensions of the lot;

(ii) The location of existing and proposed structures;

(iii) The elevation of the lowest floor, including basement, either

[1] in relation to mean sea level where base flood elevation data in relation to mean sea level is available, or

[2] in relation to the elevation determined pursuant to Section 5.6(E)(2), or

[3] if neither (a) or (b) apply for lack of a determined elevation, in relation to highest adjacent grade

of all new or substantially improved structures and notations as to whether or not such structures contain a basement; and

(iv) The relationship of the above to the streambank and, based upon the best information available (including Federal Insurance Administration data, if issued), the elevation and limits of the SFHA.

(b) If any portion of the proposed development is within a designated Floodway, the application must show that the development standards in Section 5.6(H)(1) and (2) are met.

(c) If the proposed development is in the Floodway Fringe Area(s), the application must show that the development standards in Section 5.6(H)(1) and (3) are met.

(d) All permits required for the proposed development by municipal law.

(e) The applicant shall contact a permit specialist at ANR and request the specialist to complete a permit review for the project. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the Town permit application.

(3) The Development Review Board shall schedule a public hearing, to be warned and held in accordance with Sections 6.4(C)(1) and (D), to consider the application to determine whether the proposed use or structure conforms to the flood hazard review standards set forth below. The Development Review Board shall act to approve, approve with conditions, or disapprove any application within 45 days of the date of final hearing adjournment, and shall issue a written decision, to include findings, any conditions, and provisions for appeal in accordance with Section 6.4(E). Failure to act within 45 days of final hearing adjournment shall be deemed approval. In approving a project with conditions, the Development Review Board may require specific modifications to the design, layout, scale and/or configuration of the project. In addition:

(a) The DRB shall review the application, comments from the State National Floodplain Insurance Program Coordinator at the Vermont Department of Environmental Conservation, River Management Section, if available, and other pertinent information available to insure compliance with the development standards set forth in Section 5.6(H) Development Standards, below.

(b) If the DRB approves the proposed project, among other conditions, the DRB shall, in its decision, make the approval contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the ANR project review sheet.

(c) The permit issued by the Administrative Officer after the DRB approval shall contain, among other conditions, a statement that the validity of the permit is contingent on the applicant obtaining all permits required by federal or state agencies, as shown on the ANR permit review sheet

(d) Applicant is required to obtain the legally required permits from the entity indicated on the permit review sheet, or, if it is determined by that agency that a permit is not required, a letter so stating from the agency, and as received provide copies of the permit or letter to the Administrative Officer for the applicant's file

(H) Development Standards. The Development Review Board may consider and impose appropriate safeguards, modifications and conditions for development within the Flood Hazard Area Overlay District in accordance with the following standards:

(1) All Development within SFHAs

All development within the areas of special flood hazard shall be reasonably safe from flooding and:

(a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;

(b) constructed with materials resistant to flood damage;

(c) constructed by methods and practices that minimize flood damage; and

(d) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(2) <u>Floodway Areas:</u>

(a) Development within the regulatory floodway, as determined by Section 5.6(E), is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a Vermont licensed registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are specifically prohibited within the floodway.

(b) All development and subdivisions shall be reviewed to assure that proposal minimize potential flood damage, public facilities such as sewer, gas electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards and shall comply with the standards for the Floodway Fringe Areas as set forth in Section 5.6 (H) (3), below.

(3) <u>Floodway Fringe Areas</u> (i.e., special flood hazard areas outside of the floodway)

(a) Residential Development:

(i) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.

(ii) Manufactured homes to be placed and existing manufactured home to be substantially improved that are:

[1] located outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood. The required elevation and adequate anchoring must be certified in writing by a Vermont licensed registered professional engineer.

[2] located in an existing manufactured home park, where elevating a lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement. The required elevation and adequate anchoring must be certified in writing by a Vermont licensed registered professional engineer.

(iii) Residential construction located within Zones AH shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

(b) Nonresidential Development

(i) New construction located in Zones A1-30, AE, and AH (all of which have a determined BFE) shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.

(ii) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above one foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(iii) A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(iv) Nonresidential construction located within Zones AH shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

(c) Residential and Nonresidential Development in SFHA where BFE or floodway data is not available.

When base flood elevation data or floodway data are not available in accordance with Section 5.6(B) and (E), Special Flood Hazard Areas without Base Flood Elevation Data, new construction or substantial improvements of residential structures and new construction of nonresidential structures shall be elevated, and substantially improved nonresidential development shall be elevated or floodproofed, to elevations adopted / established by the community. If floodproofed as provided in the previous sentence, the floodproofing shall be to the standards of (3)(b)(ii) and (iii) of this Section 5.6 (H). The Administrator Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this Section 5.6. The reference for this action is to be FEMA 265 "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation", dated July 1995.

(d) Subdivisions:

(i) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

(ii) Subdivisions (including manufactured home parks) shall be designed to assure:

[1] such proposals minimize flood damage within the flood-prone area,

[2] public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

[3] adequate drainage is provided to reduce exposure to flood hazards.

(e) Enclosed Areas Below the Lowest Floor:

(i) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

(ii) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(iii)Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(f) Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:

(i) be on the site for fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in (3)(b) of this Section 5.6 (G).

(g) Accessory Structures. A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building meets the following requirements:

(i) The structure must only be used for parking or storage,

(ii) The structure must have the required openings to allow floodwaters in and out,

(iii)The structure must be constructed using flood resistant materials below the Base Flood Elevation,

(iv) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and

(v)all building utility equipment including electrical and heating must be elevated or floodproofed.

(h) Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(i) Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(j) On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (k) Watercourse Carrying Capacity: The flood carrying capacity within any altered relocated portion of a watercourse shall be maintained.

(l) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of one foot above the Base Flood Elevation;

(m) Bulk or individual fuel storage tanks. All fuel storage tanks shall be located a minimum of one foot above the Base Flood Elevation and be tied down to prevent flotation. No underground fuel storage tanks are allowed.

(n) All development. Until a regulatory floodway is designated, in Zones A1-30 and AE the requirements of Section 5.6 (E)(3) shall be met.

(I) Variances to the Development Standards:

Variances shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

(1) Matters to be Considered in Variance Procedures. In passing upon such applications, in addition to the requirements of said § 4469, the DRB shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger of life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(l) Upon consideration of factors listed above, and the purpose of these regulations, the DRB may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

(2) Procedures for Variance Hearings. In addition to the requirements of 24 VSA § 4469, in considering variances to these flood hazard area regulations, the DRB shall follow the following procedures, which include the procedures for the granting of variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations:

(a) No-Impact Certification within the Floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result. A No-Impact Certification within the Floodway from a Vermont licensed registered professional engineer is required to satisfy this prohibition set forth in 44 CFR, Section 60.6(a)(1).

(b) Variances may be issued for new construction and substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures set forth in this I(2)(c) - (f) herein.

(c) Variances shall only be issued when there is:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(iii) A determination that the granting of a variance will not result in increased flood

heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(e) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(i) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and,

(iii) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Administrative Officer in the Office of the Town Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(f) The Administrative Officer will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's annual or biennial report submission to the Federal Emergency Management Agency or State NFIP Coordinator upon request.

(g) Historic Structures. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

(h) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) The criteria of paragraphs I(2) (a) – (d) of this section, above, are met, and

(ii) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(J) Warning of Disclaimer of Liability

This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Windsor or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(K) Enforcement and Penalties

It shall be the duty of the Administrative Officer to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard area regulations, the Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the

violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

If the structure is still noncompliant after the opportunity to cure has passed, the Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(L) <u>Precedence of Flood Regulations</u>

The provisions of these regulations in Section 5.6 shall not in any way impair or remove the necessity of compliance with any other applicable ordinances. Where these regulations in Section 5.6 impose a greater restriction, the provisions of these regulations shall take precedence.

ARTICLE 6. ADMINISTRATION AND ENFORCEMENT

Section 6.0 Permit Requirements

(A) **Zoning Permit**. In accordance with the Act [§4449], the application for and receipt of a zoning permit issued by the Administrative Officer shall precede any initiation of development as defined herein, except for development which is specifically exempted from these regulations under Subsection (B). Additionally, according to Town ordinance and policy, any development may require a Town permit for a driveway, a new or altered on site waste disposal system or connection to Town water or sewer. Renovations or alterations of any commercial, retail, or rental unit may also require a construction permit from the State to be obtained from the Division of Fire Safety (contact a Permit Specialist at 802 885 8850). Compliance with any property specific restrictions or covenants is the responsibility of the applicant or property owner. For other business licenses contact the Town Clerk.

(B) **Exemptions**. In accordance with the Act [§4446], no zoning permit shall be required for the following, which have been determined by the Town to impose no impact, or merely a de minimus impact on the surrounding land area and overall pattern of land development, or which are by law otherwise exempted from municipal review:

(1) Any structure for which construction began prior to the effective date of these regulations, providing such construction complied with all applicable local regulations in effect when construction commenced.

(2) Normal maintenance and repair of an existing structure that does not result in any change to the footprint, roof plane, height of the structure, or a change in use. (**see exemption (12)**)

(3) Minor grading and excavation associated with road and driveway maintenance (including culvert replacement and re-surfacing) and yard improvements associated with accessory uses to existing principle uses (contouring yards, establishing garden and landscape areas).

(4) Accepted agricultural practices (AAPs), including farm structures, as defined by the Secretary of Agriculture, Food and Markets in accordance with the Act [§4413(d)]; however written notification, including a sketch plan of the structure showing setback distances from road rights-of-way, property lines, and surface waters, shall be submitted to the Administrative Officer prior to any construction, as required under the AAPs.

(5) Accepted management practices (AMPs) as defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)].

(6) Uncovered entry stairs and handicap ramps for access to the first floor above grade which do not extend into or obstruct public rights-of-way.

(7) Garage sales, yard sales and auctions which do not exceed three (3) consecutive days per sale, nor more than twelve (12) total days per calendar year.

(8) Residential accessory structures that are less than or equal to 120 square feet in size, 14 feet in height, detached from the primary structure and are located at least five (5) feet set back from property lines, and no more than one (1) per lot.

(9) Swimming pools with total water surface of less than one hundred fifty (150) square feet.

(10) Public utility power generation and transmission facilities regulated by the Vermont Public

Service Board under 30 V.S.A. §248, including wind generators and solar collectors that are net metered or connected to the power grid [§4413(b)].

(11) Hunting, fishing and trapping activities as defined by the state [24 V.S.A. §2295].

(12) Except in the Design Review Overlay Districts or Flood Hazard Overlay District, any alteration that does not result in a change in the footprint or roof planes of the structure or a change in use. (**Note: ALL development in the Flood Hazard Overlay District DOES require a permit, see Table 2.10**)

(13) In the Design Review Overlay Districts, any alteration that is not visible from the exterior or results in a change of use.

(14) Less than one hundred twenty (120) square feet of landscaping stair connecting different levels of the parcel.

(15) Except in the Design Review Overlay Districts, retractable awnings or shading devices that are retracted daily.

(C) **Application Requirements**. Applications for zoning permits shall be submitted to the Administrative Officer on approved application forms available at the Town Offices, with the correct application fee as established by the Selectboard. In addition, the following information will be required as applicable:

(1) **Permitted Uses**. The application for a permitted use shall include a sketch of the lot, drawn to scale, which clearly and accurately depicts:

- the dimensions of the lot, including existing and proposed lot lines;
- the location, footprint and height of existing and proposed structures and additions;
- the location of existing and proposed easements, rights-of-way, and utilities;
- setback distances from property lines, rights-of-way, surface waters and wetlands; and
- additional information as requested to determine project conformance with these regulations.

(2) **Other Uses**. In addition to the above permit application requirements, the application for development requiring approval under conditional use, site plan, downtown design review, flood hazard area, and/or planned unit or planned residential development review shall include a site development plan prepared in accordance with Article 5.

(D) **Issuance of Zoning Permits.** No zoning permit shall be issued by the Administrative Officer until a complete application, including all forms, materials, and fees, have been received, and all applicable approvals have been obtained in accordance with the following provisions:

(1) No zoning permit shall be issued by the Administrative Officer for any use or structure which requires approval of the Development Review Board, Selectboard and/or Health Officer until such approval has been obtained.

(2) For uses within the Flood Hazard Area Overlay District requiring state agency referral , no zoning permit shall be issued until the expiration of 30 days following the submission of a report to the the Vermont Department of Environmental Conservation in accordance with the Act §4424(2)(D).

(3) If public notice is issued with respect to amendment of these regulations, the Administrative Officer shall continue to issue any zoning permit for a development affected by the amendment, until the effective date of adoption of the amendment.

(4) Within 30 days of receipt of a completed application, including all application materials, fees and approvals, the Administrative Officer shall act to either issue or deny a permit in writing, or to refer the complete application to the Development Review Board, pursuant to the Act [§§4448, 4449]. If the Administrative Officer fails to act within the 30-day period, a permit shall be deemed issued on the 31st day. Decisions shall be sent by registered mail to the applicant explaining any conditions of approval or reasons for denial, and include a statement of the time in which an appeal may be made under Section 6.2.

(5) Each permit issued shall require the applicant to post a notice of permit, on a form prescribed by the Town, within view from the public right-of-way nearest to the subject property until the time for appeal has passed.

(6) Within three (3) days of issuance, the Administrative Officer shall deliver a copy of the permit to the Listers, and post, for a period of 15 days from issuance, a copy at the Town Office.

(E) **Effective Dates**. No zoning permit shall take effect until the time for appeal under Section 6.1 has passed or, in the event that a notice of appeal has been properly filed, until final adjudication of the appeal. A zoning permit shall remain in effect for a period of one (1) year from the date of issuance. If the work described therein is not commenced and diligently prosecuted within this one-year period, the zoning permit shall become void. All associated approvals (conditional use, site plan, etc.) shall expire with the zoning permit

(F) **Administrative Review.** In accordance with the Act [§ 4464] the Administrative Officer may review and approve new development and amendments to previously approved development.

(1) The Administrative Officer may approve amendments to previously approved development providing it shall not have the effect of substantively altering any impact under any of the standards set forth in the bylaw nor have the effect of substantively altering any of the findings of fact or conditions of the most recent approval. In the Design Review Overlay District such approval may only be granted after review by the Design Review Commission.

(2) The Administrative Officer may approve a one year extension of the permit expiration date after written request and explanation of the reason for the extension by the applicant and signed by the property owner.

(3) In the Design Review Overlay District the Administrative Officer may approve development that does not alter the building footprint or roof plane, signs and fences that comply with the recommendations of the Design Review Commission and are in compliance with all other requirements of the Zoning Regulation.

Section 6.1 Appeals

(A) **Decisions of the Administrative Officer.** In accordance with the Act [§§4465, 4466], any **interested person** may appeal a decision or act of the Administrative Officer by filing a notice of appeal with the Secretary of the Development Review Board, or the Town Clerk if no Secretary has been elected, within fifteen (15) days of the date of such decision or act. A copy of the notice of appeal shall also be filed with the Administrative Officer.

Interested Person. In accordance with the Act [§4465], the definition of an interested person includes the following:

(1) A person owning title to a property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by this bylaw, who alleges that this bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The Town of Windsor or an adjoining municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of a decision or act taken under this bylaw, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or bylaw of the Town.

(4) Any ten persons who may be any combination of voters or real property owners within the Town or an adjoining municipality who, by signed petition to the Development Review Board, allege that any relief requested by a person under this section, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of the Town. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.

(5) Any department or administrative subdivision of the State owning property or any interest therein within the Town or adjoining municipality, and the Vermont Agency of Commerce and Community Development.

(1) The notice of appeal shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, and the alleged grounds why the relief is believed proper under the circumstances.

(2) Pursuant to the Act [§4468], the Development Review Board shall hold a public hearing on a notice of appeal within sixty (60) days of its filing. The Board shall give public notice of the hearing under Section 6.4(C) and mail a copy of the hearing notice to the appellant at least fifteen (15) days prior to the hearing date. Any hearing held under this section may be adjourned from time to time, provided that the date and place of the adjourned hearing shall be announced at the hearing.

(3) Any interested person empowered to take an appeal with respect to the property at issue may appear and be heard in person or represented by an agent or attorney at the hearing.

(4) The rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. 810.

(5) In accordance with the Act [§4470], the Development Review Board may reject an appeal without hearing, and render a decision within ten (10) days of the filing of a notice of appeal, if the Board determines that the issues raised by the appellant have been decided in an earlier appeal, or are based on substantially or materially the same facts, by or on behalf of the appellant.

(6) A decision on appeal, to include written findings of fact, shall be rendered within 45 days of the date of final hearing adjournment in accordance with Section 6.4 and the Act [§4464]. Failure to issue a decision within the 45-day period shall be deemed approval, effective on the 46th day. Copies of the decision shall be mailed to the appellant and hearing participants, and filed with the Administrative Officer and Town Clerk in accordance with the Act.

(B) **Decisions of the Development Review Board.** Any **interested person** who has participated in a hearing of the Development Review Board may appeal a decision rendered in that proceeding within thirty (30) days of such decision to the Vermont Environmental Court, in accordance with the Act [§§4471,4472

(1) "Participation" shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

(2) A notice of appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the Town Clerk or the Administrative Officer, if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person listed.

Section 6.2 Variances

(A) The Development Review Board is empowered to authorize a variance from the provisions of these regulations on appeal under Section 6.1, for specific cases where, owing to special conditions of a property, literal enforcement of these regulations will result in an unnecessary hardship. In accordance with the Act [§4469], however, the Board may approve a variance only if ***all*** of the following facts are found, and the findings are specified in its written decision:

(1) that there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulations in the neighborhood or district in which the property is located;

(2) that because of such physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulations and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

(3) that the unnecessary hardship has not been created by the appellant;

(4) that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and

(5) that the variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from the zoning regulations and from the plan.

(B) On an appeal for a variance from the provisions of these regulations that is requested for a structure that is primarily a renewable energy resource structure, the Board may grant such variance only if it finds that all of the facts listed in the Act [§4469(b)] are found in the affirmative and specified in its decision.

(C) Variances within the Flood Hazard Area Overlay District shall be granted by the Development Review Board only in accordance with the Act [§4424(E)] and the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations, and upon finding that:

(1) The repair, location or enlargement of the nonconforming structure is required for the continued economically feasible operation of a nonresidential enterprise.

(2) The repair, relocation, or enlargement of the nonconforming structure will not increase flood levels in the regulatory floodway, increase the risk of other hazard in the area, or threaten the health, safety and welfare of the public or other property owners.

(3) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(4) The permit granted states that the repaired, relocated, or enlarged nonconforming structure is located in a regulated flood hazard area, does not conform to the bylaws pertaining to that area, and will be maintained at the risk of the owner.

(D) In granting a variance, the Development Review Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of this bylaw and the municipal plan currently in effect. In no case shall the Development Review Board grant a variance for a use which is not permitted or conditionally permitted within the zoning district, or which results in an increase in allowable density.

Section 6.3 Violations and Enforcement

(A) **Violations**. The commencement or continuation of any development or use that is not in conformance with the provisions of this bylaw shall constitute a violation. All violations shall be pursued in accordance with the Act [§§4451, 4452]. The Administrative Officer shall initiate appropriate action in the name of the Town to enforce the provisions of this bylaw. All fines imposed and collected for violations shall be paid over to the Town.

(B) **Notice of Violation**. Pursuant to the Act [§4451], no action may be brought under this section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days. The issuance of a notice of violation may be appealed in accordance with Section 6.1. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the bylaw after the seven-day notice period and within the next succeeding twelve (12) months.

(C) **Limitations on Enforcement**. The Town shall observe the fifteen year limitation~~s~~ on enforcement proceedings relating to municipal land use permits as set forth in the Act [§4454].

Section 6.4 Municipal Administrative Requirements

(A) **Appointments**. The following appointments shall be made in association with the administration and enforcement of these regulations as provided for in the Act:

(1) **Administrative Officer**. The Selectboard shall appoint an Administrative Officer, from nominations received from the Planning Commission, for a term of one (1) year in accordance with the Act [§4448] and the Windsor Town Charter. In the absence of the Administrative Officer, the Selectboard may also appoint an Acting Administrative Officer from nominations submitted by the Planning Commission. The Administrative Officer shall administer these regulations literally, and shall not have the power to permit any development that is not in conformance with them. The Administrative Officer will also be responsible for providing

municipal permit information to applicants, coordinating associated permitting and approval processes, and maintaining permit records.

(2) **Development Review Board.** Members of the Development Review Board, which may consist of the members of the Planning Commission, shall be appointed by the Selectboard in accordance with the Act [§4460]. One or more alternates also may be appointed by the Selectboard to serve for members in the event of an absence or conflict of interest. The Board shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct in accordance with the requirements of the Act [§§4461, 4464] and Vermont's Open Meeting Law [1 V.S.A., §310-314]; and shall have powers and duties as set forth in the Act to administer the provisions of this bylaw, including but not limited to the power to hear and decide:

- appeals from any decision or act of the Administrative Officer under Section 6.2;
- variance requests under Section 6.3;
- applications for site plan approval under Section 5.2;
- applications for conditional use approval under Section 5.3;
- applications for design review under Section 5.4;
- applications for planned unit and planned residential development under Section 5.5;
- applications for flood hazard review under Section 5.6; and
- applications for subdivision review under the Windsor Subdivision Regulations.

(3) **Historic Preservation Commission.** For purposes of these regulations, the Windsor Historic Preservation Commission, established and appointed by the Selectboard in accordance with the Act [§4433, 4464(d)] shall have the authority under these regulations to hold meetings, subject to Vermont's Open Meeting Law [1 V.S.A., §310-314] and to:

- review applications and prepare recommendations on each of the review standards under Section 5.4 of these regulations that are within the Historic Preservation Commission's purview for consideration by the Development Review Board at a public hearing on the application
- meet with the applicant, interested parties, or both, conduct site visits, and perform other fact finding that will enable the preparation of Commission recommendations; and
- inform applicants of any negative recommendations prior to the public hearing, and suggest remedies to correct identified deficiencies in the application.

(4) **Planning Commission**. The Selectboard in accordance with the Act [§§4321, §4323] shall appoint members of the Planning Commission. The Planning Commission shall adopt rules of procedure to guide its official conduct in accordance with the requirements of the Act [§4323] and Vermont's Open Meeting Law [1 V.S.A., §310-314]; and shall have powers and duties as set forth in the Act [§§4325, 4441], including the powers to:

- prepare and review proposed amendments to these regulations;
- prepare reports documenting the conformance of proposed bylaw amendments to the Windsor Town Plan in effect;
- prepare and submit to the Selectboard a Capital Budget and Program;
- hold warned public hearings on proposed amendments to these regulations; and
- participate statutory party under Act 250 review procedures.

(B) **Fee Schedule**. In accordance with the Act [§4440], the Selectboard shall establish a schedule of fees to be charged in administering these regulations, with the intent of covering the town's administrative costs. The Selectboard may also establish procedures and standards for requiring an applicant to pay for the reasonable costs of an independent technical review of an application.

(C) **Hearing Notice Requirements**.

(1) Pursuant to the Act [§4464], a warned public hearing shall be required for conditional use review (Section 5.3), planned unit and planned residential development applications (Section 5.5), flood hazard review (Section 5.6) and appeals and variances (Sections 6.1 and 6.2). Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by *all* of the following:

(a) publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town,

(b) posting of the same information in three (3) or more public places within the municipality in conformance with the requirements of state statute [1 V.S.A., §312(c)(2)], including the posting of a hearing notice within view from the public right-of-way nearest to the property for which the application is being made;

(c) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal; and

(d) for hearings on Planned Unit or Planned Residential Development subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality (see Windsor Subdivision Regulations).

(2) Public notice of all other types of quasi-judicial development review proceedings, including downtown design review, site plan review hearings (Section 5.2), shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:

(a) posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality in conformance with the requirements of state statute [1 V.S.A., §312(c)(2)], and

(b) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(3) The applicant shall be required to bear the cost of public warning and the cost and responsibility of notifying adjoining landowners as required under Subsections (D)(1) and (D)(2), as determined from the current municipal grand list. The applicant also shall demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(4) No defect in the form or substance of any required public notice under this section shall invalidate the action of the Development Review Board where reasonable efforts have been

made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Development Review Board or the Environmental Court, the action shall be remanded to the Board to provide new posting and notice, hold a new hearing, and take a new action.

(5) Public hearings concerning proposed amendments to these regulations shall be noticed and warned in accordance with the Act [§§ 4441, 4444].

(D) **Meeting & Hearing Requirements.**

(1) **Development Review Board**. In accordance with the Act [§§4461, 4464], all meetings and hearings of the Development Review Board, except for deliberative and executive sessions, shall be open to the public. In addition:

(a) For the conduct of any meeting and the taking of any action a quorum shall be not less than a majority of the members of the Board, and any action shall be taken by a concurrence of the majority of the Board.

(b) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions which shall be filed immediately in the Town Office as public records.

(c) Public hearings shall be noticed and warned in accordance with Subsection (C). In any regulatory hearing of the Development Review Board there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under Section 6.1 to demonstrate that the criteria for achieving such status are met. The Board shall keep a written record of the name, address, and participation of each of these persons.

(d) The officers of the Board may administer oaths and compel the attendance of witnesses and the production of material germane to any issue under review.

(e) The Board may recess a public hearing on any application or appeal pending submission of additional information, but should close evidence promptly after all parties have submitted requested information.

(2) **Design Review Commission.** In accordance with the Act [§4464(d)], meetings of the Design Review Commission to review an application under these regulations shall comply with Vermont's Open Meeting Law and requirements of the Commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body. Commission recommendations may be presented in writing at or before the Development Review Board public hearing on the application, or may be presented orally at the public hearing.

(E) **Decisions.** In accordance with the Act [§4464(b)], the Development Review Board may recess proceedings on any application pending the submission of additional information. The Board will close evidence promptly after all parties have submitted requested information, and shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

(1) All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within

which appeals may be taken under Section 6.1.

(2) In rendering a decision in favor of the applicant, the Board may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the town plan currently in effect. This may include, as a condition of approval the submission of a three (3)-year performance bond, escrow account, or other form or surety acceptable to the Windsor Selectboard, which may be extended for an additional three (3)-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project.

(3) All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or to the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Town Clerk as part of the public record of the municipality, in accordance with Subsection (F).

(4) In accordance with the Act [§4464(c)], any decision issued by the Development Review Board may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the Administrative Officer, rather than Board review, in accordance with the following, which shall be specified in the Board's decision:

(a) The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.

(b) The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of these regulations, or any of the thresholds or conditions set forth in the decision.

(c) No amendment issued as an administrative review shall have the effect of substantially altering the findings of fact of any Board approval in effect.

(d) Any decision of the Administrative Officer authorized in this manner may be appealed to the Board in accordance with Section 6.1(A).

(F) **Recording Requirements**. The Administrative Officer shall maintain a complete record of all applications, reviews, decisions, appeals, and variances made under these regulations, and any administrative actions taken pursuant thereto.

(1) In accordance with the Act [§~~)~~ 4449(c)], within thirty (30) days after a municipal land use permit, including but not limited to a zoning permit and associated approvals, has been issued, or within thirty (30) days of the issuance of a notice of violation, the Administrative Officer shall deliver the original or a legible copy of the municipal land use permit or notice of violation, or a notice of the municipal land use permit generally in the form set forth in 24 V.S.A. subsection 1154(c), to the Town Clerk for recording as provided in 24 V.S.A. subsection~~s~~ 1154(a). The applicant may be charged the cost of recording fees.

(2) In addition to permit recording requirements under Section 6.5 (F)(1), for all development approved within the Flood Hazard Area Overlay District, the Administrative Officer shall maintain a record of:

(a) all zoning permits issued within the district;

(b) the elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;

(c) the elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been flood proofed;

(d) all flood proofing certifications required under this regulation; and

(e) all variance actions, including justification for their issuance.

(G) **Availability & Distribution of Documents**. In accordance with the Act [§4445], copies of these regulations, other related municipal regulations and ordinances, and the town plan shall be made available to the public during normal business hours in the Town Clerk's Office.

ARTICLE 7. DEFINITIONS

Section 7.0 Terms and Uses

(A) All words, phrases, and terms in these regulations shall have their usual and customary meanings except where specifically defined herein or in the Act or where the context clearly indicates a different meaning.

(B) The words and terms used, defined, interpreted or further described herein shall be construed as follows:
   (1) the particular controls the general;
   (2) the present tense includes the future tense;
   (3) words used in the singular include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary;
   (4) the word "lot" includes "plot" or "parcel;"
   (5) the word “structure” includes “building;”
   (6) the word "applicant" includes an individual, partnership, association, corporation or other organization;
   (7) the word "shall" is mandatory; the word "may" is permissive.

(C) For the purposes of flood hazard area regulation under Article 5.0, National flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.

(D) The Development Review Board shall clarify doubt as to the precise meaning of any word used in these regulations. In such cases, the Board shall base its ruling upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations.

Section 7.1 Definitions

Abandonment: To cease or discontinue a use of activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets (see exemptions under Section 9.2). See also Agriculture, Farm Structure.

Access Ramp: Structure built on the outside of a building to allow direct entry to the building by persons in wheelchairs.

Accessory Dwelling: A secondary dwelling unit, including an efficiency or one-bedroom apartment that has facilities and provisions for independent living (sleeping, food preparation, sanitation), that is established in conjunction with and clearly subordinate to a primary single-family dwelling. The accessory dwelling shall be retained in common ownership, located within, attached to or on the same lot as the primary dwelling unit, and shall otherwise meet applicable criteria of these regulations (see Section 3.1).

Accessory Structure: A structure which is customarily incidental and subordinate to the primary use or structure of a lot or parcel of land, is located on the same lot as the primary structure or use, and is clearly related to the primary use (see Section 3.2). Additions to principle structures which increase the habitable floor space, including decks, porches and sunrooms, shall not constitute accessory structures.

Accessory Use: A use which is customarily incidental and subordinate to the primary use of a lot or parcel of land is located on the same lot as the primary use and is clearly related to the primary use.

Act: Title 24 VSA, Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Adaptive Reuse: The rehabilitation or renovation of an existing historic building, as determined by the Development Review Board, for another use as specified in these regulations (see Section 3.3).

Adjoining Property Owner: Person who owns land outright (in fee simple) if that land shares a property boundary with a tract of land where a proposed or actual development or subdivision is located or is adjacent to such a tract of land and the two properties are separated only by a river, stream or public highway or other public right-of-way.

Affordable Housing: Housing that is either (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance and condominium association fees, is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development: A housing development of which at least 20 percent of the units or five (5) units, whichever is greater, are affordable units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years, or as otherwise provided in these zoning regulations.

Agriculture: The growing and harvesting of crops; raising of livestock, raising of horses, dairying, operation of orchards, including maple orchards or sugar bushes; and the sale of farm produce on the premises where it is produced (see also Section 3.4 Agricultural Product Sales).

Alteration: Structural change, change of location, or addition to a building, excluding normal maintenance and repair. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure in terms of its height, length, width, footprint, or gross floor area.

Antenna: Any system of wires, poles, rods reflecting discs, or similar devices used in transmitting and receiving electromagnetic waves and including the supporting structure: includes, but is not limited to, amateur radio antennas, television antennas, and satellite receiving dishes.

Aquifer: A geological unit of stratified drift capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of water to percolate into ground water.

Area of Shallow Flooding: A designated AO or AH Zone on the Town of Windsor Flood Insurance Rate

Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the flood plain within the community subject to a one percent of greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Banner: A flexible substrate on which copy or graphics may be displayed. The flags of a government or non-commercial institution such as a school, "Open" flags (limit of one (1) per business no larger than fifteen (15) square feet in size) or flags (no larger than fifteen (15) square feet) intended solely for artistic, non-advertising purposes shall NOT be considered banners.

Bank: An institution, usually incorporated, whose business it is to receive money on deposit, cash checks or drafts, discount commercial paper, make loans, and issue promissory notes payable to bearer, known as bank notes.

Bar: A room or establishment where the sale and consumption of alcoholic beverages are the primary activities.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement: Any area of the building having its floor elevation subgrade (below ground level) on all sides.

Bed and Breakfast (B&B): An owner-occupied residence, or portion thereof, in which no more than five short-term lodging rooms are rented and where only a morning meal is provided to guests.

Bedroom: Any room that may be used principally for sleeping, including but not limited to lofts, dens, or libraries.

Building: Structure designed for habitation, shelter, storage, trade, manufacture, religion, business, education, and the like. A structure or edifice enclosing a space within its walls, and usually covered with a roof.

Building Frontage: The horizontal length of the principal structure as projected onto a plane parallel to the street right of way. For corner lots, building frontage shall be the sum of the frontage on each street.

Bulk Fuel Storage and Distribution: A structure used for the safekeeping and containment of a mass or aggregate of fuel which is counted, weighed, or measured for subsequent sharing, parceling out, allotting, dispensing, or apportioning, excluding fuel storage for use by the owner or occupant of the property on which the fuel is stored.

Bylaws: Zoning regulations, subdivision regulations, or the official map adopted under authority of VSA Title 24.

Camper (Recreational Vehicle, Travel Trailer): A vehicle without permanent foundation which can be towed, hauled or driven and is designed as a temporary living accommodation for travel, recreational, and camping use. This includes but may not be limited to travel trailers, truck campers, camping trailers and self-propelled motor homes (see Section 3.5).

Campground: A parcel of land upon which three or more campsites are located for occupancy by a tent, lean-to, camper, recreational vehicle, or similar structure as temporary living quarters (see Section 3.6).

Car Wash/Detailing: An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, polishing, waxing or detailing of motor vehicles.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemeteries.

Church: see Place of Worship.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee.

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the population of the community or neighborhood in which it is located.

Conditional Use: A use that, owing to some special characteristics attendant to its operation or installation (e.g. potential danger, smoke, or noise), is permitted in a district subject to approval by the Development Review Board, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

Conference Center: An establishment used for the holding of conventions, seminars, workshops or similar activities, including dining and lodging facilities for the use of participants, as well as compatible accessory facilities such as recreation, administrative, maintenance, storage, and parking facilities.

Conformance with the Town Plan: A proposal that (1) makes progress toward attaining, or at least does not interfere with the goals and policies contained in the Windsor Town Plan, (2) provides for future proposed land uses, densities and intensities of development contained in the town plan; and (3) carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the town plan.

Conservation Area: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest.

Conservation Easement: A permanent legal recorded agreement between a landowner and a conservation group, land trust or government body, imposing limitation on future use and development for the purpose of protecting natural, scenic or open space values of said property, and/or maintaining its availability for agricultural, forest, recreational or open space uses.

Construction, New: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Construction, Start of: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Contractor's Yard: An enclosure, with or without buildings, devoted to some work or business which furnishes services for the construction of buildings or other projects.

Convenience Store: See "Mixed Use."

Correctional Facility: A prison or jail for the reformation and/or detention of criminal offender. See also Public Facility (Section 3.17).

Cottage Industry: An expanded home business that is conducted within a principal or accessory structure secondary to the use of the property for dwelling purpose by residents of the premises and has no more than six nonresident employees on-site at any one time (see Section 3.11; Home Business and Home Occupation).

Coverage: The percentage of the lot area covered by structures and other man-made improvements, including impervious parking and loading areas, access roads, service areas, and other impermeable surfaces, which prevent infiltration of stormwater.

Cultural Facility: A museum, theater, concert hall, or other establishment offering programs, performances or exhibits of cultural, educational, recreational, historical or scientific interest.

Curb Cut: The area of land adjacent to a public or private right of way used regularly for vehicular access; the intersection of a driveway access and the right of way.

Cut-off Fixture: A fixture which meets the standards for cut-off fixtures established by the Illuminating Engineering Society of North America (IESNA), in which the angle of illumination is restricted so that (1) a minimum of 90% of the total lamp lumens shines below an angle of 80° from the base of the fixture; (2) a maximum of 10% of the total lamp lumens shines above an angle of 80° from the base of the fixture; and (3) a maximum of 2.5% of the total lamp lumens shines above an angle of 90° from the base of the fixture.

Day Care Facility: Any place operated as a service on a regular or continuing basis, whether for compensation or not, the primary function of which is protection, care and supervision of children or elderly persons from more than two families by a person other than the children's or elders' parents, guardians or relatives (see definition of Home Child Care Facility, Section 3.7 and 3.12).

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or any mining, excavation or landfill, or any change in the use of any building or other structure, or land or extension of use of land (see also Subdivision).

Development: In the areas of special flood hazard, "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, minimg, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Diligently Prosecuted: Attentive and persistent in doing a thing; steadily applied; active; unremitting; untiring.

District: A mapped area to which a uniform set of regulations applies prescribing both the nature of land usage and the physical dimensions of uses including height setbacks and minimum area.

Drive-Through: A business establishment which includes a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building.

Dwelling Unit: A building or part thereof used as living quarters for one or more persons (family), containing cooking, sanitary and sleeping facilities built on a permanent foundation.

Dwelling Unit, Single-Family: A building with independent living quarters for one family.

Dwelling Unit, Two-Family: A building with independent living quarters for two families (Section 3.1).

Dwelling Unit, Multi-Family: A building with independent living quarters for three or more families.

Earth Resources: Substances obtained from the ground for human use such as sand, gravel, talc, granite or the like (see Section 3.8).

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Enclosed Self-Storage Facility: An enclosed structure consisting of individual, self-contained units of the same or varying sizes used for the storage of business or household goods or contractor's supplies.

Excavation: Any breaking of ground and extraction, movement or filling of earth or rock, or any alteration of existing drainage patterns which substantially affects adjacent properties. Common agricultural tillage, gardening and excavations in cemeteries are specifically excluded from this definition.

Extraction: A use involving the removal of surface and subsurface materials, including soil, sand, gravel, stone, rock, minerals or similar materials. Typical uses include sand, gravel pits and quarries, and related operations such as the crushing, screening, and temporary storage of materials on-site (Section 3.8).

Family: For the purpose of these Bylaws, a family shall consist of any group of two or more persons, either related or unrelated, residing in and sharing rooms of an individual dwelling unit in the same structure (i.e. persons related by blood, marriage, or adoption; house mates; persons sharing expenses).

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, as farming is defined in 10 V.S.A. §6001(22), including a silo but excluding a dwelling for human habitation.

Farming: Use of a tract of land cultivated for the purpose of agricultural production, growth of Christmas trees, production of maple syrup; or devoted to the raising, feeding or management of livestock, poultry, equines, fish or bees (see also Agriculture).

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Finished Grade: The average ground level of the land around the building after completion.

Flood: (a) A general and temporary condition or partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding ad are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Hazard Boundary Map (FHBM): An official map of Windsor issued by the Flood Insurance Administrator, where the boundaries of the flood, mudslide (i.e. mud flow) related erosion areas having special flood hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): An official map of Windsor on which the Flood Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to Windsor.

Flood Insurance Study: (generic) An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

Flood Insurance Study (FIS): The official hydraulic & hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

Flood Plain or flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of "flood").

Floodproofing: Any combination of structural or nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floodway Fringe: The remaining portion of flood prone areas after exclusion of the floodway.

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Forestry: Any management, including logging, of a forest or woodland, including the maintenance, construction or alteration of woods, roads, skidways, landings, fences and forest drainage systems.

Frontage: Distance along the lot line dividing a lot and a street or private right-of-way.

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 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, but shall not include facilities for cremation.

Garden Center: The use of land, buildings, and/or structures for the purpose of selling materials, equipment, and supplies for use in gardening, landscaping and/or farming. This definition specifically does not include nurseries and greenhouses that are defined as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations.

Gasoline Station: Property used for the sale of motor fuel, oil and motor vehicle accessories and which may include facilities for lubricating, washing or servicing motor vehicles (see Section 3.9).

Group Home: A state licensed or community care dwelling shared by eight (8) or fewer persons who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide 24-hour supervision and care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. Such a home is treated as a single-family residential use under 24 V.S.A.§4412(1)(G) and Section 4.4(F).

Hazardous Waste Management Facility: A facility that stores processes, neutralizes, reclaims, treats or disposes of hazardous waste for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a]. See Public Facility (Section 3.17).

Hazardous Substances: Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such materials or substance.

Health Care Facility: A clinic, hospital, sanitarium or nursing home used by the medical profession for treatment and care of humans. See also Public Facility (Section 3.17).

Height: See "Structure Height".

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic District: An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Historic Site: Any site, structure, district or archeological landmark which has been officially included in the National Register of Historic Places and/or the state register of historic places or which is established by testimony of the Vermont Advisory Council on Historic Preservation as being historically significant.

Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or

preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Home Business: Any business that is carried on primarily within a principal or accessory structure secondary to the use of the property for dwelling purpose by residents of the premises and not more than two additional on-premise employees who are not residents (see Section 3.11 also cottage industry).

Home Child Care Facility: A child care facility operated within a dwelling in which the facility is operated by a resident of the dwelling and which involves the care of six (6) or fewer children on a full time basis and up to four (4) children on a part time basis (also see definition of Day Care Facility, Section 3.12 and 3.7).

Home Occupation: Any occupation that is conducted entirely within the living area of a residence or accessory structure, carried on only by residents of the premises, involving only a service provided or product produced by those residents, and is clearly secondary to the use of the residence as a dwelling (see Section 3.11).

Hotel/Motel: See "Inn."

Improvement: The reinforcement, repair or rehabilitation of an existing structure for the purpose of it's maintenance. Improvement shall **NOT** include replacement of an existing structure.

Indoor Recreation: A facility for such indoor activities as electronic and non-electronic games, game courts, exercise equipment, locker rooms, jacuzzi and/or sauna and pro shop.

Industrial Supply Business: An establishment whose purpose is to manufacture materials or products which are destined and designated to produce other goods.

Infrastructure: Public improvements such as roads, schools, municipal buildings, and sewer and water systems that support existing and future development in a community.

Inn: An establishment providing lodging and meals for travelers and so designed that normal building access and egress are from a central point.

Junkyard: A parcel of land with or without buildings on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

Kennel: Property used for boarding, breeding, raising, grooming, training or caring for four or more dogs, cats, or other household pets for commercial purposes (see Section 3.13).

Landscaping: All outdoor elements of a developed lot or developed portion of a lot, including, but not limited to, natural features, planting, grading, and lighting.

Library: A building devoted to a collection of books, manuscripts, etc., kept for use but not for sale.

Light Manufacturing: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emissions exceeding the

Town's performance standards (Section 4.10) or other regulations. The use includes assembly, treatment, packaging, incidental storage, sales and distribution of the manufactured products.

Lot: Land occupied by or capable of being occupied by one principal structure and the accessory structures or uses customarily incidental to it including such yard and other open spaces as are required herein.

Lot Coverage: See "Coverage".

Lot Line: The established division line between lots or between a lot and the right-of-way of a street.

Lowest Floor: The lowest floor of the lowest enclosed area (including any basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Machinery or Equipment Sales and Service: The use of a structure and/or lot for the wholesale or retail sales, and service, maintenance, repair, supply, installation, or distribution of automobiles, apparatus, furnishings, recreational vehicles, or related machinery.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured home park or subdivision, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Manufactured home park or subdivision, Expansion to an existing: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured home park or subdivision, New: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, and typical contour elevations are referenced. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on Windsor's FIRM are referred.

Minor Structure: Any structure that does not exceed five (5) feet in any dimension and that is not attached to a primary structure. Examples include birdhouses; pet doghouses (not kennels); and cold frames (see Section 6.0 (B)).

Mixed Use: A structure or land containing two or more uses which are otherwise allowed as permitted or conditional uses within the district in which the structure or land is located (see Section 3.12).

Mobile Home: A prefabricated dwelling unit intended for permanent residential use which is designed to be moved on wheels to a site complete and ready for occupancy except for incidental unpacking and assembly. A modular home which is constructed in two or more major sections that are transported to a site and permanently assembled there is not considered a mobile home.

Mobile Home Park: A parcel of land which contains, or is designed, laid out, or adapted to accommodate three or more mobile homes.

Municipal Land Use Permit: As defined in the Act [§4303] for purposes of recording and enforcement, a municipal land use permit includes the following as may be issued by the Town: (1) a zoning, subdivision, site plan or building permit or approval, any of which relate to subdivision and land development which has received final approval from the Administrative Officer, Development Review Board, or other applicable town official; (2) a wastewater system permit issued under a municipal wastewater ordinance; (3) final official minutes of a meeting which relate to the above listed permits or approvals and serve as the sole evidence of such permits or approvals; (4) a certificates of occupancy, compliance or similar certificate as required by the Town; and (5) any amendments to the previously listed, permits, approvals and/or certificates.

Nonconforming Lot (or Parcel): A lot or parcel that does not conform to these regulations regarding dimensional requirements, but was in conformance with all applicable laws, ordinances and regulations prior the enactment of these regulations, including a lot or parcel improperly authorized as a result of effort by the Administrative Officer.

Non-conforming Structure: A structure or part thereof not conforming to these regulations, but which conformed to all applicable laws, ordinances, and regulations prior to enactment of these regulations, including a structure improperly authorized as a result of error by the Administrative Officer (see Section 4.8 (B)).

Nonconforming Use: A use of land or a structure which does not conform to these regulations, but which conformed to all applicable laws, ordinances, and regulations prior to enactment of these regulations, including a use improperly authorized as a result of error by the Administrative Officer (see Section 4.8 (A)).

Open Space: An area that is not paved, roofed or occupied by structures intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes accessible to all users of the property or development.

Outdoor Recreation: A facility or area for such outdoor activities as game courts, ice skating, swimming, fishing, hiking, and other customary outdoor activities.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Area: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking (see Section 4.9).

Parking Facility: A separate, off-street parking area, garage or similar structure owned, leased, held, used and/or controlled exclusively for public use, and is the principle use of the lot.

Parking Space: An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

Passenger Transportation Terminal: A building or area for the departure or arrival of persons using a carrier line as a means of conveyance.

Permitted Use: Allows the property owner to use his property in a way which the zoning regulations expressly permit under the conditions specified in the regulations themselves after obtaining a certificate granting such authority.

Person: Any individual, corporation, partnership, association, trust, and any other incorporated or unincorporated organization or group.

Personal Service: The term includes barber, hairdresser, tailor, beauty salon, shoe shine, photographic studio and businesses providing similar services of a personal nature.

Place of Worship: A facility used for conducting organized religious services on a regular basis, including accessory uses customarily associated with such a primary use. Includes church, synagogue, temple mosque or other such place for worship and religious practice. See also Public Facility (Section 3.17).

Planned Residential Development: A type of Planned Unit Development consisting of an area of land, controlled by an applicant, to be developed as a single entity for a number of dwelling units; the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage, and required open space under these regulations except as a planned residential development (see Section 5.5; and Planned Unit Development).

Planned Unit Development: An area of land, controlled by an applicant to be developed as a single entity for a number of dwelling units and commercial and/or industrial uses, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets, utilities, buildings, open spaces, and other site features and improvements (see Section 5.5; and Planned Residential Development).

Plat: A map of a specific land area such as a town, section, or subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements etc. drawn to a scale.

Premises: The lot, building or set of related buildings comprising the location of one or more businesses or other venture.

Printing Business: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Private Clubhouse: A building or use catering to club members and their guests for recreational, educational and/or cultural purposes and not operated primarily for profit.

Professional/Business Office: A building or part thereof in which business, clerical or professional activities are conducted.

Professional School: An institution or place for instruction or education for artistic, commercial, mechanical, agricultural or the like occupations.

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by the Town of Windsor, or any other department or branch of government. Such a facility may be further characterized as "**open**" to the general public (e.g., town office, meeting hall,

school, library, post office) or "**closed**" to the general public (e.g., highway maintenance facility, utility substation, solid waste management facility). See Section 3.17.

Public water: A State approved public, community or multi-user potable water supply.

Recreational Vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. See Camper

Renewable Energy Resources: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels including wood~~,~~ and agricultural sources, waste heat and geothermal sources.

Research and Development Business: A facility whose purpose is research, investigation, testing or experimentation for the purpose of promoting growth, manufacture, and/or sale of products.

Residential Care Facility: A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate dwelling providing living and sleeping facilities where residents share common meals.

Restaurant: An establishment whose major activity is the preparation of food and service of meals for consumption on the premises and which may or may not provide entertainment.

Retail (Recreational): A commercial enterprise that provides goods and/or services directly to the consumer, where such goods/services relate to a specific outdoor recreational activity (e.g., cross-country skis at a cross-country ski touring facility).

Retail Store/Service: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-Way: An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians of both. When the boundary of ~~the~~ a road right of way is not known, it will be assumed to be 25 feet from the centerline of the traveled way.

Rooming House: Any dwelling with at least three but not more than eight sleeping rooms for rent.

School: A facility that provides a curriculum of academic instruction that is regulated or accredited by an appropriate authority. See also Public Facility (Section 3.17).

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Self-Service Laundry: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Self-Storage Facility: See “Enclosed Self-Storage Facility.”

Setback: The shortest distance between the exterior of a building, including covered terraces and projections thereof but excluding steps, uncovered patios and terraces, and the nearest adjacent boundary of the building lot. On public rights-of-way fifty (50) feet or more wide, the front setback shall be measured from the edge of the right-of-way. On public rights-of-way of less than fifty (50) feet or of

undetermined width, the front setback shall be measured from a line twenty-five (25) feet away from the centerline of the traveled portion of the roadway.

Shoreline: Land adjacent to the waters of lakes, ponds, reservoirs, rivers and other water courses. Shorelines shall include the land between the mean high water mark and mean low water mark of such surface waters.

Sign: Any structure, display, device or representation which is designed or used to advertise or call attention to or direct a person to any business, event, product, service, organization, person, or place (See Section 4.12).

Sign, Banner: A sign using a non-rigid banner as the display surface.

Sign, Building: A sign on or on a rigid substrate applied directly to the building or within six (6) inches of the building façade.

Sign, Freestanding: A sign supported by one or more poles, columns, posts or supports placed in or on the ground and not attached and or supported by any other building or structure. Freestanding signs shall be located on premises and be set back a minimum of five (5) feet from any property line. The support for a freestanding sign shall NOT be calculated in the allowable sign area provided all support and structure above the sign area is closer than eighteen (18) inches to the sign area and all support or structure directly adjacent to the sign area is closer than nine (9) inches. If any support or structure exceeds the previous limits, then the entire structure or support above and directly adjacent to the sides SHALL be included in the total sign area.

Sign, Portable: Any sign not permanently attached to the ground or to a building or structure attached permanently to the ground. (This shall NOT apply to temporary sign or sandwich boards).

Sign, Two sided: Any sign that has two parallel faces separated by no more than 12". The allowable sign area shall be calculated for one face only.

Sign, Window: Any sign affixed to the inside of a window, or a sign placed within a building so as to be plainly visible through a window or door. Small signs (5 or fewer) measuring less than 190 square inches shall not be considered window signs.

Site Plan: A plan prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Silviculture: See “Forestry”.

Solid Waste Management Facility: A place that receives, stores, processes and/or disposes of waste materials such as a recycling center or sanitary landfill as certified by the State [10 V.S.A., Chapter 159]. See Public Facility (Section 3.17).

Special Flood Hazard Area (SFHA): The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Story: The habitable portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level

directly above a basement or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 per cent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

Story, Full/Upper: A full upper story is a habitable portion of a building, which must have a ceiling a minimum of 7½ feet high above the floor, where the total floor area must be at least 80% of the total floor area directly beneath.

Story, Half: A half story is a habitable portion of a building, which must have a ceiling a minimum of 7½ feet high above the floor, where the total floor area must be at least 40% of the total floor area directly beneath.

Street: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Structure: A combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land. Includes, but not limited to, a building, mobile home or trailer, sign, wall or fence (see Section 6.0 (B)).

Structure: means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Structure Height: The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of the roof for flat or mansard roofs, and the average height between eaves and ridges of other roofs (see Section 4.6).

Subdivision: The division of land into two or more lots, parcels, plats, or sites or other divisions of land for the purpose of sale, lease, offer or development, whether immediate or future. The term "subdivision" includes resubdivision involving the adjustment of boundaries between two or more existing parcels.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purposes of determining "substantial improvement" value and exceptions in (a) only and for no other purpose, the Administrative Officer is "the local code enforcement official.

Substantially Completed: The completion of a permitted structure to the extent that it may be safely occupied for its intended use.

Swimming Pool: A structure intended for bathing, swimming or diving, made of concrete, masonry, metal, vinyl or other impervious material, provided with a recirculating or controlled water supply (see Section 3.16).

Telecommunications Facility: A structure that transmits or receives communication signals for commercial, industrial, municipal, county, state or other governmental purposes, to include antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar supporting structures; equipment buildings and parking areas; and other types of accessory development (see Section 3.19).

Temporary Shelter: A facility providing temporary housing for one or more individuals who are primarily indigent, needy, homeless or transient persons.

Transfer of Development Rights: The conveyance of development rights by deed, easement or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.

Trucking Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailer(s), including tractor and/or trailer unit(s) and other trucks, are parked or stored.

Undue Adverse Effect (Impact): An adverse effect or impact that cannot be avoided or mitigated through changes to the location, design, scale, operation, composition and/or intensity of the proposed development or use.

Use: The purpose for which a structure or parcel of land is designed, intended, occupied or used.

Variance: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property which because of unusual or unique circumstances, is denied by the terms of these regulations (see Section 6.2).

Veterinary Hospital: A facility used for the treatment of disease and injuries of animals, surgically or medically.

Violation: In the areas of special flood hazard, "violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Warehouse/Wholesale Distribution: The use of a structure for storage of goods or merchandise (i.e. manufactured products, supplies and equipment) in large quantities for resale by a retailer. This use does not include the storage and distribution of flammable or explosive substances (see Bulk Fuel Storage and Distribution).

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard: Space on a lot not occupied by a structure. Minimum yard dimensions are the minimum perpendicular set-back of a structure from a lot line (see Section 4.7).

Zone: See "District".

APPENDIX A: WINDSOR TRAFFIC IMPACT STUDY GUIDELINES

Introduction

The Town of Windsor may require a traffic impact study if one or more of the following factors applies based upon existing conditions: the proposed development increases peak hour trips by more than 30 trips on the adjacent street(s); or the amount of truck traffic increases by 20% on the adjacent street(s); or the proposed project increases traffic congestion outside the project area and other factors as determined by the Development Review Board. However, there may be situations where the Development Review Board sets a lower threshold depending on such factors as safety, directional distribution, and peak hour of the generator or existing traffic conditions.

Traffic Impact Study Elements

The following items are to be addressed in evaluating traffic related impacts. Traffic impact studies shall be performed in a manner consistent with generally accepted traffic engineering practices. The degree of emphasis placed on each may vary from project to project depending on its scope.

I. **Existing Conditions Inventory and Surveys**

A. Geometries of immediate access point(s) and any other highway segments / intersections, as well as traffic control devices that might be affected.

B. Speed Limit and related information of study area.

C. Sight distances (corner and stopping at access point(s)).

D. Traffic data (traffic counts by direction of travel and vehicle class, and intersection turning movement counts)

II. **Project Parameters**

A. General description of the project.

B. Site Plan.

C. Data regarding land use (type and intensity).

D. Trip generation rate(s) / land use unit, distribution and related parameters.

E. Parking requirements.

F. Identification of planned phasing of project.

III. **Traffic Projections**

A. Construction year no-build

B. Project generated traffic

C. Construction year build (combined year of construction background plus project generated traffic).

D. Planning year no-build (generally five (5) years after the construction year).

E. Planning year build (combined planning year background plus project generated traffic).

VI. **Capacity and Warrant Analyses**

A. Level of Service Analyses (construction year, planning year, and their build scenario projections for existing and proposed improvement conditions).

B. Geometric features (immediate access design, left / right turn lanes(s), exiting acceleration lane, associated signing, sight distance improvement, etc.).

C. Traffic signal warrants and demonstrated need or modification to existing system(s).

V. **Summary of Findings and Recommendations for Mitigation of Impacts or Denial of Project.**

A. Geometric improvements.

B. Signal installation or re-timing.

C. Access management.

D. Transportation Demand Management (vanpools, ridesharing, flextime, etc.).

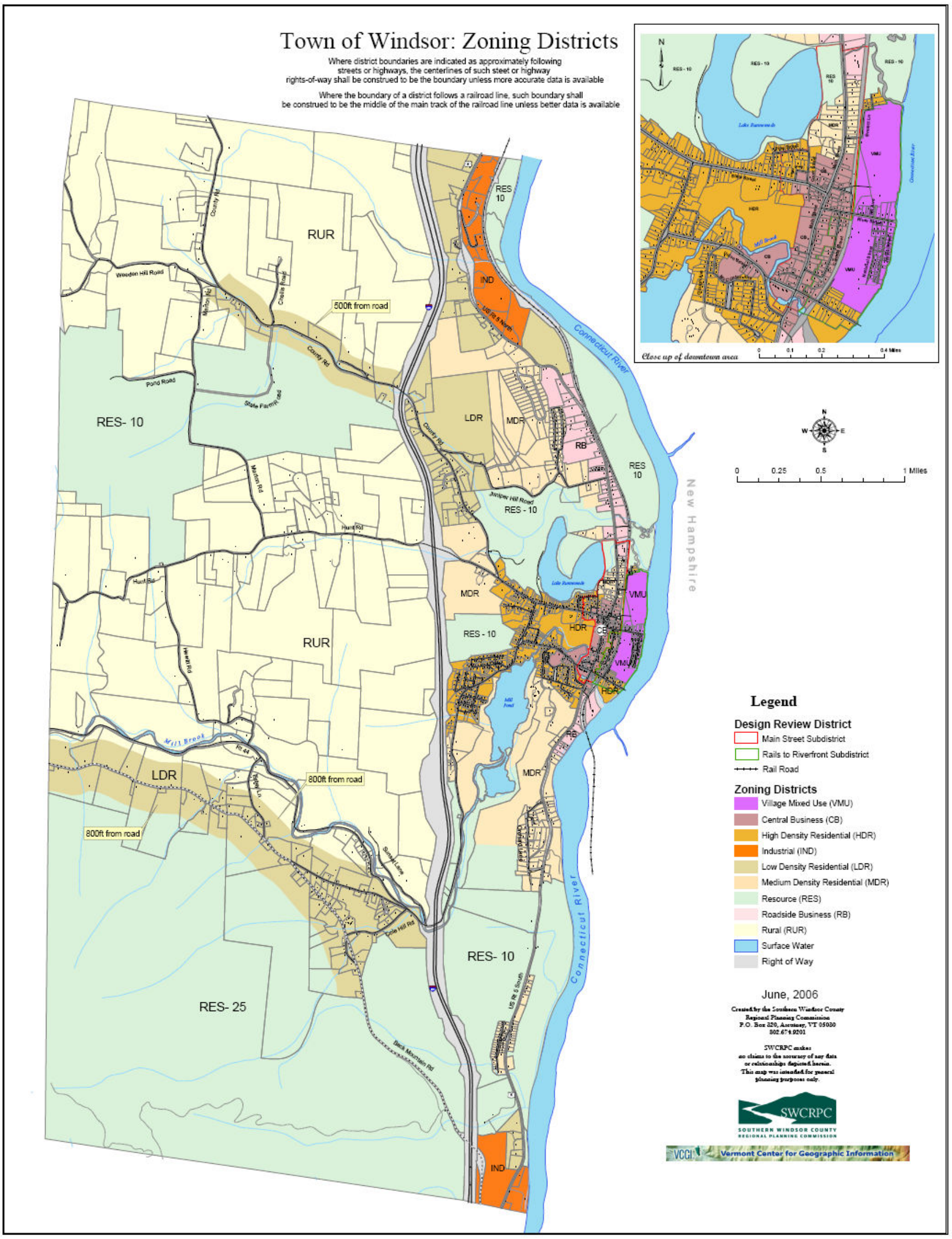
E. Findings for Denial of Recommendations and Mitigation Steps.

APPENDIX B: WINDSOR ZONING MAPS

Larger scale color map available online at:

http://vermont-towns.org/windsor/

(navigate to bottom of Government Directory page)

(hover cursor over lower right hand corner of picture to enlarge image)

(additionally one may utilize the toolbar icons to zoom into the image and/or cut and paste part of the image onto the clipboard and then into a word processing document)