**Detailed Report on Changes to Windham’s Zoning Regulations**

**March 10, 2025**

Note: Proposed new language is in red font.

I. Changes Needed to Comply with the HOME Act (Act 47; S.100) signed into law on 6/5/23).

A. Make two family homes a permitted use in all districts which allow single family homes.

B. Revise the definition of an Accessory Dwelling Unit as follows:

1. Eliminate language about an ADU having only 1 bedroom

2. Add language saying an ADU “...may not exceed 30% of the total habitable floor area of the main dwelling, or 900 square feet, whichever is greater.”

II. Adopt the following new language about Uses and Density Standards (Approved by PC at our 11/11/ 24 and 12/19/24 meetings)

Section 201.1 Recreational Commercial (RC)

Density:~~One unit per lot~~ 1 Dwelling Unit (Single-Family, Two-Family or Multi-Family) per lot. Or, 1 business or professional building per lot (including a Bed and Breakfast, Country Inn, or PUD). An Accessory Dwelling Unit may accompany a Single-Family Dwelling. A business may be located in a dwelling unit or in an ~~existing~~ accessory structure.

Section 201.2 Hamlet (H)

Density: ~~one principal structure per lot~~ **1** Dwelling Unit (Single Family, Two-Family or Multi-Family) per lot. Or, 1 business or professional building per lot (including a Bed and Breakfast, Country Inn, or PUD). An Accessory Dwelling Unit may accompany a Single Family Dwelling. A business may be located in a dwelling unit or in an ~~existing~~ accessory structure.

Section 201.3 Forest Districts (F)

Permitted Uses on land below 2000 feet elevation:

1. Agricultural, including: maple sugaring, pasturing livestock, raising crops, and building accessory to and necessary for such uses.

2. Commercial forestry

3. Forestry for research, demonstration, education and related uses

4. Private camp, consisting of a building used occasionally or seasonally for temporary shelter in connection with hunting, fishing or a recreational activity…(continue language on page 9 in current zoning regs)

5. Accessory uses customarily incidental to a permitted or conditional use on the same lot. Accessory ~~buildings~~ structures shall not be used for dwelling purposes.

Conditional Uses on land below 2000 feet elevation:

1. Single family dwelling with state approved septic system.

2. Two-Family Dwelling with state approved septic system.

3. A recreational camp for seasonal or occasional use for non-commercial, limited outdoor recreation…(continue language on pp. 9-10 of current zoning regs)

4. Extraction of Earth Resources (must comply with Section 504).

5. Solar arrays and individual wind energy systems.

Density on land below 2000 feet: ~~1 dwelling unit per lot.~~ 1 Dwelling Unit (Single-Family or Two-Family) per lot, Or 1 camp (private or recreational) per lot.

Density on land 2000 feet or more in elevation: 1private camp per lot. (Camps above 2500 feet are prohibited unless they are approved through an Act 250 Hearing.)

Section 201.4 Rural Residential (RR)

Conditional Uses: Multi-Family Dwelling, Home industry/business, Personal Service, Professional Office, ~~Accessory Use~~ Bed and Breakfast, Country Inn, Education, Commercial Garage, Government/Community Services, Planned Unit Development (PUD), Repair Shop, Retail Store, Extraction of Earth Resources (must comply with Section 504), Restaurant, and Recreational Facilities, wind energy system, solar array.

Density: ~~one dwelling per lot~~1 Dwelling Unit (Single Family, Two-Family or Multi-Family) per lot. Or, 1 business or professional building per lot (including a Bed and Breakfast, Country Inn, or PUD). An Accessory Dwelling Unit may accompany a Single Family Dwelling. A business may be located in a dwelling unit or in an ~~existing~~ accessory structure.

Section 201.6 Historic District Overlay (HD)

##### **Permitted uses: Single family dwelling ~~s with Accessory Structures,~~ Two Family Dwelling, Accessory Dwelling Unit**

Conditional Uses: Multifamily Dwellings, Home industries/Businesses, Personal Services, Professional Office, ~~Accessory Use~~ Bed and Breakfast, Country Inn, Education, Residential Garage, Government/community Services, solar array, in-ground swimming pools, sports courts (tennis, pickleball, basketball etc.).

Density: ~~One Dwelling with Accessory Structures per lot.~~ 1 Dwelling Unit (Single Family, Two-Family or Multi-Family) per lot. Or, 1 business or professional building per lot (including a Bed and Breakfast, Country Inn, or PUD). An Accessory Dwelling Unit may accompany a Single Family Dwelling. A business may be located in a dwelling unit or in an ~~existing~~ accessory structure.

III. Adopt the following changes to Definitions in our Zoning Regulations:

1.) Add the following new definitions for a Principal Structure and an Accessory Structure:

Structure, Principal: Any dwelling (including Accessory Dwelling Units and camps) or any building used as an office, business or for other commercial purposes (including Mobile Home Parks and Planned Unit Developments).

Structure, Accessory: Any minor structure or secondary feature, which has been or intends to be added to a site, such as barns, sheds, chicken coops, wood storage bins, swimming pools (in ground), dog kennels, tennis courts, etc. See the Town Zoning Permit Application for additional examples.

2.) Eliminate the current definitions for Accessory Structure, Appurtenant Structure and Structure.

3.) Add the following definition of a recreational vehicle in Section 712 (p. 59) to Appendix A in the Zoning Regulations:

Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

4.) Modify the definition of a to read as fellows:

Dwelling Unit: A room or rooms connected together containing cooking, sanitary and sleeping facilities that constitute a separate, independent housekeeping establishment for residents. It shall include prefabricated modular units, and mobile homes, as well as recreational vehicles which are occupied more than 3 consecutive weeks or more than 60 days a year. It shall not includerecreational vehicles that are unoccupied or occupied fewer than 3 consecutive weeks or fewer than 60 days a year, ora motel, hotel, boarding house, tourist home, camps or similar structures.

IV. Add the following Section about Recreational Vehicles

Section 500 Recreational Vehicles

A recreational vehicle (RV) that is occupied for more than 3 consecutive weeks, or for more than 60 days a year, shall be considered a dwelling unit and therefore:

● Must have state approved wastewater and potable water permits.

● Must conform to all zoning regulations, including all setback requirements, in the zoning district where it is located.

A recreational vehicle that is able to be driven or towed and is unoccupied, or occupied fewer than three consecutive weeks or 60 days a year, shall be not be considered a dwelling unit or an accessory structure and therefore:

● It does not need state approved wastewater and potable water permits.

● It does not have to conform to the zoning regulations, including setback requirements, in the zoning district where it is located.

A recreational vehicle that cannot be driven or towed and is unoccupied, or occupied fewer than three consecutive weeks or 60 days a year, shall be considered an accessory structure and therefore:

● Must conform to all zoning regulations, including all setback requirements, in the zoning district where it is located.

The owner of a recreational vehicle may apply for a conditional use permit to allow the RV to be occupied more than three consecutive weeks, or for more than 60 days a year, without it being considered a dwelling unit under special circumstances which might include:

● Occupation while constructing a dwelling unit or accessory dwelling unit on that site

● A limited health or housing crisis