

Chapter 39

Residential Zoning District

This chapter establishes the Residential Zoning District (RZD) and the standards that are specifically applicable within that district.

39.1 Boundaries – Purpose – Uses Permitted

39.1.1 What are the boundaries of the RZD? The boundaries of the Residential Zoning District are shown on the official zoning map that accompanies this bylaw.

39.1.2 What is the purpose of the RZD? This zoning district includes Williston’s suburban residential neighborhoods. Its purpose has long been to ensure that incompatible uses do not appear in those neighborhoods. These standards add another important goal: to encourage a somewhat more compact, diverse, and pedestrian-friendly pattern of residential development that also protects important open space resources. To help achieve this goal, the standards adopted here increase the density of development permitted in the RZD. This increase in density also recognizes the fact that some of Williston’s most pleasant residential neighborhoods – Meadow Brook and Williston Hills, for example – were developed at higher densities and are now nonconforming. Permitting a somewhat higher density will also encourage the provision of more affordable housing.

39.1.3 What uses are permitted in the RZD? This is a residential zoning district. Very few other uses are permitted.

39.1.3.1 Residential Patterns: Development in the RZD must use a pattern that protects open space resources and results in a pedestrian-friendly neighborhood that is organized around one or more focal points wherever practicable. Focal points will usually take the form of a neighborhood green or park, but other focal points, like a community center, may be proposed.

39.1.3.2 Nonresidential. The only nonresidential uses permitted in this zoning district are child care centers, churches, elementary and middle schools, and parks. Home businesses are also permitted (see WDB 20.4), but they are, by definition a residential use.

39.1.3.3 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw. See also Chapter 20 – Residential Improvements - for standards governing accessory structures and uses in the RZD.

<p>Where’s the use table? No use table is provided for this zoning district. The only uses allowed in the RZD are listed in WDB 39.1.3 above.</p>
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39.2 Permits. Permit requirements are explained in Chapters 4-6 of this bylaw. The creation of new residential lots and nonresidential uses in this zoning district always requires a discretionary permit.

39.3 Dimensional Standards

39.3.1 Is there a maximum building height in the RZD? Yes. Building height in this zoning district is limited to 36 feet.

39.3.2 Must development in the RZD be set back from property lines? Yes. Setbacks from rear and side property lines may be controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where a landscaped buffer is not required, a minimum setback of 10 feet from the side and 15 feet from the rear property lines is required.

Buffer Requirements? Chapter 23 of this bylaw requires landscaped buffers between potentially incompatible uses. So, a buffer that complies with Chapter 23 must be provided where residential development adjoins other uses, including the nonresidential uses permitted in the RZD. 10 and 15-foot setbacks will be required between residential uses.

39.3.3 Must development in the RZD be set back from roads? Yes. Except where WDB 39.3.3.4 applies, the minimum setbacks from roads in the RZD shall be:

39.3.3.1 From the Right-of-Way of I-89: 150 feet;

39.3.3.2 From the Right-of-Way of an Arterial Road, 50 feet; and

39.3.3.3 From Other Roads, Public or Private: 25 feet.

39.3.3.4 Average Setback Exception. Residential infill on lots in neighborhoods where the typical setback from the road varies from the standards of WDB 39.3.3.1-3 may meet the average setback of the existing dwellings. In determining that average setback, the Administrator will consider all existing dwellings that are along the same road as and within 300 of the proposed dwelling.

How Are Setbacks Measured? Required setbacks are ordinarily measured at grade from the nearest point on the property or right-of-way line to the outside foundation wall of the structure or, where the setback is to a parking area or similar surface, to the outer edge of that surface. This method of measurement will not be used for structures that have an above-grade projection (bay window, deck, eaves, etc.) that extends more than three feet toward the property line.

39.3.4 What uses are permitted in the required setbacks? The required setbacks in the RZD must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23 of this bylaw, but access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle ($\pm 10^\circ$). Pedestrian ways may also run parallel to and within a required setback. Outdoor storage may also be permitted. See WDB 20.12 re outdoor storage in side and rear setbacks.

39.3.5 Is a minimum lot frontage required in the RZD? Yes. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

39.4 Density Standards. See Chapter 19 of this bylaw for an explanation of how density is measured and a summary of the density standards in all zoning districts.

39.4.1 What density of development is permitted in open space developments in the RZD? The average density of open space developments in the RZD may not exceed three (3.0) DU/A, except where:

39.4.1.1 ... a bonus for the provision of affordable housing is permitted, as provided by WDB 39.10.3

39.4.1.2 ... where development takes place on slopes of 15-30%, where the average density of development will be limited to one dwelling per acre.

39.4.1.3 Minimum Area Per Dwelling: Open Space Development. The minimum area per dwelling, where dwellings are placed on individual lots, in an open space development in the RZD shall be 5,445 SF.

39.5 General Standards Development in the RZD must, unless specifically exempted, comply with all standards established in Chapters 13 through 29 of this bylaw. See specifically the standards adopted in Chapter 20. Those standards regulate the typical use and improvement of all residential properties.

39.6 Specific Standards Standards that apply only within this zoning district are presented in WDB 39.6.7-10.

39.7 Outdoor Sales and Storage. Other than the occasional sale of household goods (garage or yard sales) outdoor sales are not permitted in the RZD. Outdoor storage may be permitted. See Chapter 20 of this bylaw on both topics.

39.8 Open Space Development

39.8.1 Is there a requirement for the provision of open space in residential developments in the RZD? Yes. As noted in WDB 39.1.2, proposed developments in the RZD must generally be consistent with Williston's goal of creating a compact, walk-able neighborhoods while conserving open space.

39.8.2 How much open space must be conserved? Unlike the ARZD, there is no quantitative minimum requirement for open space conservation in the RZD. Every site will be different. The goal is to conserve as much as possible of the lands listed below, while permitting residential development at the density permitted by WDB 39.4.

39.8.2.1 Watershed Protection. The protected open space must include all lands within the watershed protection buffers established by Chapter 29 of this bylaw.

39.8.2.2 Significant Wildlife Habitat Areas. The protected open space must include all significant wildlife habitat areas identified in WDB Chapter 27 to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only significant wildlife habitat areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 19 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

39.8.2.3 Uncommon, Rare, Threatened, or Endangered Species. The protected open space must include all uncommon, rare, threatened, or endangered species as identified in WDB Chapter 27.

39.8.2.4 Unique Natural Communities. The protected open space must include all unique natural communities identified in WDB Chapter 27 to the extent consistent with the

landowner's right to beneficial use of his or her property. This means that if a landowner has only unique natural communities or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

39.8.2.5 Scenic Viewsheds. The protected open space should include scenic viewsheds that are identified in WDB Chapter 27 or by the Conservation Commission. It is acknowledged, however, that the mapping of scenic viewsheds is not precise. It is also acknowledged that partial protection of a viewshed may be combined with development through good site planning. Landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified view/s.

39.8.2.6 Minimizing Visual Impacts. People should expect to have views that include residential neighborhoods in the RZD, but the DRB may, with the advice of the Conservation Commission, require any of the mitigating measures listed in WDB 31.7 in order to protect a specific view.

39.8.2.7. Farmlands of Local Importance. Protecting farmland is not a primary goal in the RZD. It is assumed that residential development is desirable in this zoning district. The Conservation Commission and DRB will still evaluate the possibilities for protecting important farmlands, as identified in WDB Chapter 27, where they adjoin farms in the ARZD or where they may be used for community gardens.

39.8.2.8 Community Gardens. The provision of community gardens may be required where gardens associated with individual dwellings are not feasible.

39.8.2.9 Slopes: 30% or More. The protected open space must include all slopes of 30% or more, except where a variance can be justified, as provided by Chapter 8 of this bylaw.

39.8.2.10 Slopes: 15%-30%. The protected open space should include all slopes of 15%-30% to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only slopes or has no other lands physically suitable for development, the Conservation Commission and DRB will work with that landowner to effect a transfer of development rights (see Chapter 19 of this bylaw) or to create an open space development that minimizes consumption of lands that should be protected. Where development is permitted on slopes of 15-30%, its density shall be reduced to one dwelling unit per acre.

39.8.2.11 Neighborhood Parks. Neighborhood parks are generally required in residential developments. See WDB 15.4.

39.8.2.12 Other Lands. Other lands within a proposed development may be included as protected open space in order to comply with the contiguity standard of WDB 39.8.3 and/or to provide a landscaped buffer required by Chapter 23 of this bylaw.

39.8.3 *Must the protected open space be contiguous?* The protected open space on a site should be contiguous wherever possible. It is acknowledged, however that complete contiguity may not be

possible on every site in the RZD. Applicants will work with the Conservation Commission and DRB to maximize the contiguity of protected open spaces, while still attaining the permitted number of dwellings.

39.8.4 Are there limitations on the use of protected open space? Yes.

39.8.4.1 Agriculture and Forestry. Protected open space may be used for agriculture, forestry, community gardens, and landscaping.

39.8.4.2 Neighborhood Parks. Neighborhood parks may be sited on former farmlands or 'other lands' and may include incidental areas of other protected lands, like watershed protection buffers.

39.8.4.3 Crossings. Crossings of protected open space for roads, trails, and utility lines are permitted, but only where these crossings are consolidated to the maximum extent practical; the width and length of the crossing/s are minimized; and all areas disturbed during construction of the crossing are restored to their natural functions or appropriately landscaped. Plans for the restoration of disturbed areas must be included in the runoff and erosion control measures required by Chapter 29.

39.8.4.4 Trails. Trails may run through protected open space and no hedge, planting, or fence shall block such a trail. Fences are permitted for agricultural purposes, but where a fence crosses a trail, a gate or stile shall be provided. Depending on the area disturbed by trail construction, runoff and erosion control measures may be required by Chapter 29 of this bylaw.

39.8.4.5 Landscaped Buffers. Protected open space may be used as a landscaped buffer required by Chapter 23 of this bylaw.

39.9 Pedestrian-Friendly Development

39.9.1 Must sidewalks and/or trails be provided? Yes. See WDB 15.2.4.

39.9.2 How else will development be made more pedestrian-friendly?

39.9.2.1 Pedestrian Connections. All principal building entrances must face the street and there must be a direct pedestrian connection between the principal building entrance and the adjoining sidewalk or trail.

39.9.2.2 Focal Points. New residential developments shall be organized around one or more focal points. Focal points may take the form of a neighborhood or community park or a village green or square. A larger project might also have a community center or a pool as one of its focal points. Ideally, every dwelling unit will be within a 1,320 foot walk of a focal point, but the DRB may permit minor exceptions to this distance standard.

39.9.2.3 Connectivity. As required, by WDB 13.7, connectivity shall be maximized within and between residential neighborhoods. This does not preclude the use of culs-de-sac where the terrain imposes a physical obstacle to connectivity. It does preclude gated neighborhoods and the use of culs-de-sac or other dead-end streets where the terrain permits a reasonable connection.

39.10 Housing Choice

39.10.1 Is a diversity of housing types required? The provision of a diversity of housing types in each residential neighborhood is not required, but it is strongly encouraged by the residential growth management system established by Chapter 11 of this bylaw.

39.10.2 Is affordable housing required? No. The provision of affordable housing in each residential neighborhood is not required, but it is strongly encouraged by the residential growth management system established by Chapter 11 of this bylaw and the density bonus established in WDB 39.10.3.

39.10.3 Is there a density bonus for the provision of affordable housing? Yes. The average density of residential development in the RZD may be increased to five dwelling units per acre (5 DU/A) in any proposed development in which at least 30% of the proposed dwellings will be perpetually affordable.

39.10.4 Are affordable neighborhoods protected from “scrape-offs?” Yes. Infill development in the RZD with homes that have a significantly greater size and/or bulk than those surrounding them is limited. Infill housing shall have an FAR (floor area ratio) of no more than 2.5 times the average FAR of the eight nearest dwellings.

<p>What is a “scrape-off?” A scrape-off occurs when an existing home of modest size is demolished and replaced with a larger and more expensive home. Scrape-offs can eventually destroy both the affordability and character of a neighborhood.</p>
