Memorandum

TO: **Erik Wells, Town Manager**

FROM: **Matt Boulanger, AICP, Planning Director**

DATE: **July 27, 2023**

SUBJECT: **Proposed Collected Amendments to the *Williston Unified Development Bylaw***

Introduction

The Planning Commission is transmitting a collection of draft proposed amendments to the *Williston Unified Development Bylaw* to the Selectboard for consideration, summarized as follows:

Chapter 3 - Actors in the Administration of this Bylaw

- Change the name of Historic and Architectural Advisory Committee to Historic and Design Advisory Committee. Reduce members from 7 to 5.

Chapter 4 - Permit Thresholds and Exemptions

- Remove temporary events from regulation by the WDB (now regulated by the Town's Temporary Events Ordinance).
- Provide clearer statements on the types of permits that the WDB requires and their thresholds.
- Administrative threshold for mobile vendors changed from "…affect less than 1,000 square feet…" to "… occupy less than 1,000 square feet…" (WDB 4.4.2.9.6)
- Added emergency shelters to the list of partial exemptions to permit requirements.
- Added language stating that where any bylaw provision is not consistent with state regulations, state regulations shall prevail. This currently applies to the recently adopted HOME Act (S 100) related to opportunities for the creation of housing.

Chapter 11 - Growth Management

- Allow exemptions to growth management for small, low-impact infill projects:
    - Adaptive reuse of nonresidential structures to residential
    - Up to 4 total dwelling units on an existing parcel
- Allow exemption to growth management for projects that include a certain percentage of affordable homes. Details on:
    - Required percentage of affordable homes
    - Requirements for affordable units
    - Incentives for including affordable homes
    - Means of ensuring perpetual affordability
    - Payment in-lieu provisions.
- Amendments to language about residential growth targets to reflect Inclusionary Zoning
- Minor amendments to growth management procedure and allocation rules.
- Set required percentage of affordable for Inclusionary projects:
    - 5-9 dwelling projects must provide 1 affordable unit at 100% AMI

    - 10+ dwelling projects must provide 10% affordable at 80% AMI or 15% affordable at 100% AMI, or a combination of levels of affordability acceptable to the Zoning Administrator and/or DRB.
- Clarified payment in lieu provisions and state that fees will be adjusted from time to time. Projects under 10 dwellings do not have to pay in lieu but must go through growth management if 1 affordable unit is not provided.
- Amend the criteria for scoring points on Conserve Energy across all three allocation areas.
    - Increase the points allocated to energy criteria from 10 to 30.
    - Provide more flexibility for achievement of energy conservation points – added the option of using renewable sources of heat and hot water such as cold climate heat pumps (*but not advanced wood heating systems*) and reduced the requirement for energy storage from 4 to 2 days (WDB 11.7.1, 11.8.1, 11.9.1)

Chapter 14 Off-Street Parking and Loading

- Solar canopies over parking are allowed without a permit and can be located within setbacks.

Chapter 17 - Non-Residential Accessory Uses and Structures, Temporary Uses and Structures

- Increase the limit for accessory limited service eating places in the GZDN, IZDE and IZDW from 30% or 2,000sf to 50% or 5,000sf (whichever is less). Increase the limit for outdoor seating areas for accessory limited service eating places from 500sf to 1,500sf.
- Allows EV charging stations / equipment in any zoning district with an administrative permit. (WDB 17.6)
- Remove temporary events from regulation by the WDB.
- Require demolition sites to be secured and erosion control measures implemented.
- Mobile vendors. Previously always required a discretionary permit. Allowed as an accessory use in non-residential parking lots including senior housing. They will require an administrative permit where they occupy less than 1,000sf and a discretionary permit where they affect more. They must demonstrate compliance with the WDB by submitting a Mobile Vendor Checklist with the administrative permit application documenting provision of their food license (if they are a food vendor), wastewater, an allowance for temporary outdoor seating (16 people), adequate parking being available, pedestrian and traffic safety being maintained, hours of operation (6.30am to 9.00pm) trash and recycling provision, and limits on amplified sound. They are also given a signage allowance. (WDB 17.7)

Chapter 18 - Compatibility Potential Hazards, Potential Nuisances

- Demolition sites to be secured by fencing.

Chapter 19 – Density and Transfer of Development Rights

- Added an exemption from residential density requirements for adaptive reuse projects.
- Added a density bonus for mixed-use residential projects that include >30% of affordable dwellings.
- Clarify that Transfer of Development Rights applies only to transfers of development rights from lands in the ARZD to lands within the Growth Center outside of the Taft Corners Form Based Code District.

Chapter 20 - Residential Improvements

- States that EV charging stations are allowed outside setbacks without a permit. (WDB 20.7)
- An administrative permit is no longer required for a residential kennel which must be in the side or rear yard. Clarify that kennels, when accessory to residential for purposes of the owner/tenant, are allowed without a permit must comply with setbacks. Kennels associated with a home business are managed separately.
- Allows keeping of chickens on residential parcels of any size. In the VZD and RZD livestock is allowed to be kept within 15 feet (previously 50) and bedding / feed within 20 feet (previously 75) of the property line. Limit the number of poultry on a parcel less than 1 acre to twelve (12) (WDB 20.12.2)
- Allows automated swimming pool covers instead of barriers.

Chapter 25 - Signs

- Allows signage for temporary events permitted under the Temporary Events Ordinance without an administrative permit. This exclusion is limited to one 24sf wall sign, one 16sf freestanding sign and four small directional signs. Additional or off-premises signs require a permit. Special events were previously allowed signage at the discretion of the Zoning Administrator with few guidelines.

Chapter 27 - Conservation Areas

- Amend the requirements for Habitat Disturbance Assessments for development in Strategic Wildlife Habitat Areas during discretionary review. The biologist would be contracted by the town at the developer's expense to allow a more objective assessment to be made of a development's impacts.

Chapter 39 – Residential Zoning District

- **WDB 39.10.2 and 39.10.3** – Delete these sections as they repeat information related to requirement of affordable housing and bonus density as stated in Chapters 11 and 19.

Chapter 46 – Definitions

- Change definition of affordable housing to be consistent with Inclusionary Zoning provisions
- Amended definition of dwelling.
- Added definition of emergency shelter

Chapters 5, 6, 9, 24, 31, 41, 42 and 46

- Amend name of HAAC to HADC

On Thursday, July 20,2023 the Planning Commission held a duly warned public hearing at which time they voted to recommend that these bylaw changes be considered for adoption by the Selectboard. Adoption of these changes requires the approval of the Selectboard after a warned public hearing.

A draft document with all the proposed changes has been prepared for consideration by the Selectboard.

Attachments: Planning Commission Report on the proposed bylaw
Proposed Changes to the *Williston Unified Development Bylaw*

Town of Williston, Vermont
7900 Williston Road
Williston, VT 05495

Planning Commission Reporting Form
for Municipal Bylaw Amendments

The Town of Williston, Vermont is proposing changes to the town's development regulations contained in the *Williston Unified Development Bylaw*. This report summarizes the proposed changes to the chapters of the *Unified Development Bylaw* being considered.

This report is in accordance with Title 24 of Chapter 117 of V.S.A. §4441 (c), which states:

"When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments….. The report shall provide (:)

a) brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section §4444 of this title.

The Town of Williston is considering revising portions of its development regulations related to permit thresholds and definitions, temporary events, inclusionary zoning, growth management, accessory limited service eating places, mobile vendors, site safety during demolition, residential improvements, density provisions and significant wildlife habitat areas. The purpose of these amendments is to 1) support increasing the supply of housing in general and to support the development of projects that include affordable homes, 2) make the bylaw consistent with the town's recently adopted Form Based Code, 3) support energy conservation measures by providing incentives and reducing permitting requirements, 4) support low-impact accessory uses for commercial and residential sites, and 5) clarify language where needed. These changes will:

- Amend the number of members and name of the Historic and Architectural Advisory Committee (WDB 3)
- Amend the permit thresholds and exemptions (WDB 4) to provide clearer statements on permit types and thresholds. Add emergency shelters to the list of partially exempted development.
- Add provisions for inclusionary zoning (WDB 11):
    - Establish an alternative path to growth management for inclusionary projects.
    - Require minimum percentage of affordable units for inclusionary zoning.
    - Establish fee-in-lieu provisions.
    - Establish requirements for affordable units.
    - Establish incentives for inclusionary projects.
- Add exemptions from growth management for low-impact projects (4 or less dwelling units on a parcel, adaptive reuse from commercial to residential).
- Amend growth management criteria to encourage applicants to commit to energy conservation measures in residential development.
- Encourage solar canopies in parking lots (WDB 14).
- Amend non-residential accessory uses and temporary uses (WDB 17) as follows:

    - Increase the spatial area limit on limited service eating places that are accessory to non-residential uses.
    - Allow electric vehicle charging infrastructure with an administrative permit.
    - Temporary events are no longer regulated by the bylaw and are instead regulated by the town's Temporary Event Ordinance.
    - Require demolition sites to be secured (also included under WDB 18) and erosion control measures.
    - Allow mobile vendors to be established in non-residential parking lots with those that occupy less than 1,000 square feet being approved administratively.
- Amend density provisions (WDB 19)
    - Adaptive reuse projects are exempt from residential density requirements.
    - Residential projects in mixed-use districts that include >30% of affordable dwellings qualify for a density bonus.
    - Clarify that Transfer of Development Rights applies only to receiving areas within the Growth Center outside of the Taft Corners Form Based Code District.
- Amend residential improvements (WDB 20) to allow dog kennels without administrative approval, allow EV charging infrastructure, allow poultry on all residential parcels, allow automated swimming pool covers.
- Amend signage requirements (WDB 25) to allow signage for temporary events approved under the Temporary Event Ordinance without administrative zoning approval.
- Amend the requirements for Habitat Disturbance Assessments (WDB 27) at discretionary review to be contracted by the town at the developer's expense.
- Amend definition of affordable housing to be consistent with Inclusionary Zoning provisions (WDB 46).
- Amend definition of dwelling.
- Add definition of emergency shelter.
- Correct errors and citations contained in the above WDB chapters.

b) and shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing, and sections 4412, 4413, and 4414 of **Act No. 47. An act relating to housing opportunities made for everyone**:

The proposed amendments further the goals of the Williston Comprehensive Plan:

- Industrial Lands - The Town of Williston will continue in its role as an industrial center and the site of the proposed regional landfill. The policies adopted here facilitate continuing industrial use with bylaw amendments and permitting of the landfill (Objective 3.3)
- Affordable Housing – The town will consider using Inclusionary Zoning to guarantee provision of affordable housing in appropriate locations, if it is determined that the incentive in the residential growth management system is not strong enough (Objective 5.2.2). The town will consider adding provisions to its development regulations to allow for the conversion of existing industrial and commercial buildings into affordable housing where appropriate (Objective 5.2.5). The town will implement the recommendations of the Affordable Housing Task Force. The town should continue to implement the recommendations of the task force and should explore the adoption of additional incentives to build additional affordable housing (Objective 5.2.7).

- Implement the Town's Land Use Plan – Chapter 3 Land Use identifies several land use objectives aimed at supporting the town's economic development. These include: 3.3 Industrial Lands. This objective maintaining the supply of industrially zoned land also calls for changes and refinement in the standards applied to uses of industrial lands to address the needs of an evolving economy (Objective 7.1)
- Renewable Energy Resources - The Town of Williston will encourage the development of renewable energy resources to support the diversification of Vermont's electric resources portfolio, as well as local and regional energy stability and independence (Objective 11.1.)
- Provide Electric Vehicle (E.V.) Charging Stations. The town shall develop standards for allowing and encouraging E.V. charging stations is both newly proposed and existing development (Objective 11.1.).
- Update Energy Efficiency Incentives in the town's Residential Growth Management System (Objective 11.1.6)
- Ensure that the Town Bylaws Permit a Reasonable Range of Uses in Working Landscapes. The town will periodically review its bylaws to ensure promotion of the development of diverse, innovative agricultural activities, including farm stands; cottage industries like cheese making or other value-added enterprises; farm waste recovery for energy generation; and fee-based recreation, hospitality, and educational activities (Objective 13.3.4)
- Protect Significant Wildlife Habitat Conservation Areas (Objective 13.1.6).

The proposed amendments conform with Sections 4412, 4413, and 4414 of Act No. 47. An act relating to housing opportunities made for everyone:

- The Williston Unified Development Bylaw currently conforms to section 4412, related to allowance of duplexes everywhere single-family dwellings are allowed, allowance of up to 4 dwellings in a single structure everywhere that is served by municipal water and wastewater, and equal treatment of accessory dwelling units. The proposed amendments further support section 4412 by streamlining the permitting process for small, low-impact residential projects.
- Amendments to WDB 4 *Permit Thresholds and Exemptions* conform with section 4413 by adding emergency shelters to the list of partially exempted development.
- Amendments to WDB 14 *Parking and Loading* conform with section 4414 as pertains to the number of required parking spaces for residential and nonresidential uses.

2. Is compatible with the proposed future land uses and densities of the municipal plan:
Staff Recommendation

The proposed changes do not alter any of the allowed land uses or densities of the municipal plan. The limited service eating places and mobile vendors are accessory to principal uses.

(3) Carries out, as applicable, any specific proposals for any planned community facilities.

This is not applicable, as these bylaw sections do not call for the construction of any community facilities.