

# Chapter 1

## Authorities Purposes - Basic Principles

This chapter cites the statutory authorities for the adoption of this bylaw and states its purposes. It also adopts basic principles that guide the administration of this bylaw.

### 1.1 Authority

**1.1.1 What is the legal authority for adoption of this bylaw?** Vermont law provides abundant authority for the adoption of this bylaw. 24 V.S.A. § 4401, 4402, and 4410 authorize the regulatory implementation of municipal plans. 24 V.S.A § 4402 and 4419 specifically authorize the adoption of a unified development bylaw. 24 V.S.A. § 4419 states:

Any bylaws authorized under this chapter may be integrated into a unified land development bylaw that combines the separate requirements into a consolidated review and permitting process.

**1.1.2 What is a unified development bylaw?** This unified development bylaw integrates zoning, as authorized by 24 V.S.A. §§ 4411-4414; site plan review, as authorized by 24 V.S.A. § 4416; planned unit development regulations, as authorized by 24 V.S.A § 4417, subdivision regulations, as authorized by 24 V.S.A. § 4418; requirements for adequate public facilities and growth management, as provided by 24 V.S.A. § 4423; the transfer of development rights, as authorized by 24 V.S.A. § 4423; and the regulation of shorelands and flood hazard areas, as authorized by 24 V.S.A. § 4424. Citations of authority for specific portions of this bylaw are given where needed.

**1.2 Purposes.** This bylaw is adopted for the purposes established by 24 V.S.A. § 4302 and to implement the regulatory policies of Williston's *Town Plan*. Policy 14.1 of that plan states:

The Town of Williston will revise its bylaws to be consistent with the policies adopted in this plan. These revisions will take the form of a unified development bylaw.

The requirements of this bylaw are the minimum necessary to ensure that individual land use decisions are consistent with the *Town Plan*, as required by 24 V.S.A. § 4410.

**1.3 Basic Principles Applicants Should Understand.** Your signature on an application for a permit is an acknowledgement of the following basic principles.

**1.3.1 State and federal regulations may apply.** Applicants should understand that state and federal regulations apply to many projects. Where those regulations are not as restrictive as this bylaw, this bylaw applies. State and federal regulations may also be more restrictive than this bylaw, in which case both the requirements of this bylaw and the state or federal regulation apply. You should not submit an application for a permit to the town until you have a clear understanding of how state and federal regulations affect your project. If you obtain a permit from the town, then make a substantial change in the approved final plans to comply with state or federal regulations, you must apply for and obtain a new or amended town permit.

**1.3.2 Private agreements may apply.** Applicants should be aware that covenants, deed restrictions, easements, and similar private agreements affect many projects. Those agreements may be more restrictive than this bylaw. You should not submit an application for a permit to the town until you have a clear understanding of how private agreements affect your project. If you obtain a permit from

the town, then make a substantial change in the approved final plans to comply with a private agreement, you must apply for and obtain a new or amended town permit.

**1.3.3 Burden of proof.** Applicants should understand that the burden of demonstrating compliance with this bylaw rests with them. Be sure you understand the relevant requirements of this bylaw before submitting an application for a permit. It is important to submit a clear, complete application. The town provides application forms and checklists, but most applicants will need to retain qualified professional help to prepare their application.

**1.3.4 Representations are binding.** All representations made on application forms and checklists, and in the drawings and other materials that accompany an application, are binding. What does ‘binding’ mean? It means that the applicant must build the project as it is described and depicted in the materials approved by the Administrator or the DRB. Minor changes in approved final plans may be permitted by WDB 5.6. Substantial changes require a new administrative permit and may require the amendment of a discretionary permit or, possibly, a new discretionary permit

**1.4 Severability.** If any provision of this bylaw or the application of this bylaw in specific circumstances is held invalid by any court, the remainder of the bylaw and/or its application in other circumstances shall be unaffected.

**1.5 Disclaimer of Liability.** These regulations do not create any liability on the part of the Town of Williston, its officials, agents, employees, or representatives for alleged damages that result from reliance on these regulations or any lawful administrative action or decision taken under these regulations.

**1.6 Effective Date.** These regulations became effective on June 22, 2009.

**1.7 Title and Citation.** This bylaw should be referred to as the *Williston Development Bylaw*. Sections should be cited as “WDB, (chapter number), (section number), (subsection number), (sub-subsection number).

**1.8 About Text Boxes.** The text boxes provide information that supplements this bylaw. They are not part of the bylaw, however, and the Administrator may edit them as necessary.

~~**1.9 Temporary Filing Deadline Extensions due to the COVID-19 Pandemic.** This bylaw contains a number of filing deadlines and expirations that apply to permits as well as to various elements of the Town’s development review and approval process. Any of these deadlines or expirations that fall between January 1, 2020 and December 31, 2020 are hereby extended for a period of one year.~~

- ~~• Deadlines to act on an administrative Permit pursuant to WDB 5.5.1 or an extended administrative permit pursuant to WDB 5.5.2~~
- ~~• Deadlines to file a Discretionary Permit following the issuance of recommendations on a pre-application by the DRB pursuant to~~
- ~~• Deadlines associated with Growth Management pursuant to WDB 11~~
- ~~• Deadlines to file final plans following the issuance of a discretionary permit approval by the DRB pursuant to WDB 6.7.2 or deadlines to file final plans pursuant to an extension granted pursuant to 6.7.3 or 6.7.4.~~

~~**1.9.1 Are there deadlines this provision does not apply to?** Yes. This extension language does not apply to any procedural deadlines established by Vermont Statute. For example, appeals of decisions by the Zoning Administrator to the DRB and appeals of DRB decisions to the Environmental~~

~~Division of the Vermont Superior Court are not set by this Bylaw and are therefore not extended by this provision.~~

## Chapter 4

### Permits Thresholds and Exemptions

This chapter requires a permit for most development activity. It also allows some complete and partial exemptions from that requirement and establishes the two types of permits used in the administration of this bylaw. Permit application, review, and appeal procedures are found in Chapters 5 and 6 of this bylaw.

#### 4.1 Permit Requirements

**4.1.1 Is a permit required for development?** Yes. Permits are required for all development that is not specifically exempted by WDB 4.2. Failure to obtain a permit before beginning development is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**4.1.2 What is development?** 24 V.S.A. § 4303(10) defines “land development” as “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 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.” This bylaw uses the term ‘development’ rather than land development, but they are synonymous.

**4.1.3 Are land boundary adjustments development?** See Chapter 10 of this bylaw, which establishes the review procedure for proposed boundary adjustments that create no significant potential for future ~~subdivision, but~~ subdivision but must be reviewed for content and form. Proposed boundary adjustments that present some potential for future subdivision will ordinarily be treated as development for which a discretionary permit is required, but WDB 10.1.3 does provide two possible exceptions to this rule.

**4.1.4. Are outdoor sales and storage development?** Yes. Outdoor sales and storage are ~~development,~~ ~~and development~~ and are regulated by this bylaw. Outdoor sales and storage are not permitted in all zoning districts. Where they are permitted, outdoor sales and storage areas must be specifically delineated on the plans submitted with an application for a permit. If approved, outdoor sales and storage will be confined to the delineated areas. Specific standards for outdoor sales and storage appear in the chapters establishing each zoning district.

**4.1.5 Are exterior changes that do not change a building’s dimensions development?** They may be. 24 V.S.A. § 4414(e) specifically authorizes Williston to regulate such changes in design review districts and several zoning districts are designated as design review districts, including the ~~BPZDTCFBC~~, GZDS, GZDW, MUCZD, ~~MURZD, TCMRZD~~, and VZD. Development on lots in the IZDW that adjoin Marshall Avenue and Route 2 are also subject to design review.

**4.1.6 Is the posting or placement of a sign development?** Yes. The installation, posting, or placement of any sign, including temporary and portable signs, is development regulated by this bylaw. 24 V.S.A. § 2291(7) also gives the Town independent authority to regulate signs.

**4.1.7 Is a change of use development?** Yes. A ‘change of use’ for which a permit is required by this bylaw occurs when the use of a building, a space within a building, or a lot is changed and the new

use is not in the same four-digit North America Industry Classification System (NAICS) category as the old use.

**4.1.8 When is a permit required for development?** Before ANY land division or work begins. Permits must be obtained before lots are created or before a site is cleared of vegetation or any earth is moved. Clearing or grading a site before applying for the required permits is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Restoration of the site to its original condition may be required.

## 4.2 Exemptions from the Requirements of this Bylaw

**4.2.1 Are there exemptions from this bylaw?** There are a few, which are listed below. There are also some partial exemptions, which are listed in WDB 4.2.2

4.2.1.1 State-Regulated Utilities. As provided by 24 V.S.A § 4413(b), this bylaw does not apply to public utility power generating plants and transmission facilities.

4.2.1.2 Agricultural and Silvicultural Practices. As provided by 24 V.S.A § 4413(d), this bylaw does not apply to specific Required Agricultural Practices and Accepted Management Practices in forestry defined by the secretary of agriculture, food, and markets or the commissioner of parks, forests, and recreation, respectively. Farmers must notify the Administrator in writing of the proposed construction activity. This notification must include a sketch of the proposed structure including how it meets local setbacks from adjoining property lines and road rights-of-way.

**What are Required Agricultural Practices?** Agricultural practices that are governed by these regulations [regulations promulgated by the Vermont Agency of Agriculture Food and Markets] include, but are not limited to, the following: (a) the confinement, feeding, fencing, and watering of livestock; (b) the handling of livestock wastes and by-products; (c) the collection of maple sap and production of maple syrup; (d) the preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops; (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds; (f) the stabilization of farm field streambanks constructed in accordance with the USDA-Natural Resources Conservation Service standards and specifications or other standards approved by the Commissioner; (g) the construction and maintenance of farm structures in accordance with Federal Flood Insurance Management Program standards, the construction and maintenance of farm ponds, farm roads, walls, fences, structures to control the grade and head cutting in natural or artificial channels, and an irrigation, drainage or other water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation; (h) the on-site production of fuel or power from agricultural products produced on the farm; (i) accessory on-farm business, comprising the on-site storage, preparation and sale of agricultural products principally produced on the farm; and/or the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods. and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.

**Farm Structure** means 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, including a silo, as "farming" is defined in subdivision 6001(23) of Title 10, but excludes a dwelling for human habitation.

4.2.1.3 Temporary Events. Temporary Events are land development but are not regulated by this bylaw. They are defined and regulated by the town's Temporary Events Ordinance.

4.2.1.4 Pre-emption by State Statute. Where a provision of the Williston Development Bylaw is not consistent with State statute, State statute shall prevail or "pre-empt" that specific provision of the bylaw.

**4.2.2 Are there partial exemptions from this bylaw?** As provided by 24 V.S.A § 4413(a), this bylaw applies to the following developments only to the extent that it does not have the effect of interfering with their intended functional use:

4.2.2.1 ... institutions and facilities owned and operated by the state or a municipality;

4.2.2.2 ... public and private schools and other educational institutions certified by the state department of education;

4.2.2.3 ... churches and other places of worship, convents, and parish houses;

4.2.2.4 ... public and private hospitals;

4.2.2.5 ... regional solid waste management facilities certified under 10 V.S.A. Chapter 159;  
~~and~~

4.2.2.6 ... hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A § 6606a~~;~~

4.2.2.7... emergency shelters;

4.2.2.8... Accessibility modifications; and

4.2.2.9... hotels and motels converted to permanently affordable housing developments.-

4.2.2.~~108~~ Permit Requirement for Partially Exempted Developments. Permits are required for the uses listed above. The town is specifically authorized to regulate the “location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening” of these developments. However, the statute then states that the town may not interfere with the intended functional use, and that regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use. In order to clarify the local application of this language, the town adopts the policy stated in WDB 4.2.2.~~119~~.

4.2.2.~~119~~ Policy on the Regulation of Partially Exempted Developments. The town strongly discourages partially exempted development on sites that are not zoned for the proposed use. In compliance with the statute cited above, however, the town will accept an application for a discretionary permit for a partially exempted development in any zoning district. Proposals for partially exempted developments that would normally be reviewed and approved under the Administrative Major Certificate of Conformity process outlined in WDB 32 will be reviewed by the DRB using the hearing procedures for a Discretionary Permit. The DRB will then apply all standards of this bylaw to the proposed development and impose any conditions it finds necessary to maximize compliance. The burden of demonstrating that a condition imposed on a partially exempted development interferes with the intended functional use rests with the applicant.

**4.2.3. Are there exemptions from the requirement for a permit, but not from the requirements of this bylaw?** Yes. As explained below, permits are not required for some minor development activity that is

still subject to all requirements of this bylaw. For development within the Taft Corners Form-Based Code Zoning district, see TCFBC Section 8.

4.2.3.1 Accessory Structures on Residential Properties. No permit is required for detached residential accessory structures, including decks, patios, play structures, and portable structures that are less than 10 feet in height and have a footprint of less than 120 square feet. Accessory structures on residential properties must, however, comply with the requirements of this bylaw. For example, placing a 100 square foot play structure within 5 feet of a side property line in the RZD would not require a permit, but would be a violation of the 10-foot minimum side setback required in that zoning district, subject to enforcement as provided in WDB 7.4-7.6. This exemption does not apply to accessory structures located in the Special Flood Hazard Area.

4.2.3.2 Boundary Adjustments. Boundary adjustments must be reviewed and approved by the Administrator, as required by Chapter 10 of this bylaw, but do not require a permit.

4.2.3.3 Outdoor Lighting of Residential Properties. No permit is required for outdoor lighting associated with one- and two-household dwellings, but that lighting must comply with the requirements of Chapter 24. For example, installing more lighting than is permitted by WDB 24.2.3.2, would not require a permit, but would be a violation, subject to enforcement as provided in WDB 7.4-7.6.

4.2.3.4 Signs. All signs must comply with the requirements of this bylaw, but no permit is required for the placement or posting of certain signs, including directional signs. For example, no permit is required for directional signs, but placing one in a public right-of-way would be a violation, subject to enforcement as provided in WDB 7.4-7.6.

### 4.3 Types of Permits. This bylaw establishes two types of permits: administrative and discretionary.

**4.3.1 What is an administrative permit?** An administrative permit is required for all development outside the Taft Corners Form-Based Code Zoning District that is not specifically exempted by WDB 4.2.1. Applications for administrative permits are reviewed and approved or denied by the Administrator following the procedures of Chapter 5 of this bylaw. Approval of an administrative permit authorizes development to begin. **Approval of a discretionary permit may be required before an application for an administrative permit is submitted.**

**4.3.2 What is a discretionary permit?** Discretionary permits are required for the developments listed in WDB ~~4.4.13.3 and 4.3.4~~. Applications for discretionary permits are reviewed and approved or denied by the DRB, following the procedures established in Chapter 6. Approval of a discretionary permit does NOT authorize development to begin but allows the developer to apply for one or more administrative permits. For example, approval of the discretionary permit for a subdivision does not allow the developer to begin grading streets or building homes. An administrative permit must be obtained before grading or building construction begins. In the Taft Corners Form-Based Code Zoning District, a discretionary permit is not applicable, and projects must receive a Certificate of Conformity (see 4.3.56 and FBC Section 8).

**4.3.3 What is a Certificate of Conformity?** A Certificate of Conformity is required in the Taft Corners Form-Based Code Zoning District. The Certificate of Conformity replaces the Discretionary Permit and Administrative Permit procedures. See Form-Based Code Section 8 in WDB 32.

**4.3.4 What is a Certificate of Appropriateness?** A Certificate of Appropriateness may be required for properties in the Village Zoning District. See WDB 4.5 below.

**4.3.5 Where do I obtain administrative forms?** The Administrator is authorized to prepare permit applications and other administrative forms, and to update those forms as experience and amendments to this bylaw necessitate. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or online at the town's website.

**4.4 Permit Thresholds.** Permit requirements vary depending on the type of development proposed, the type of property (ex. residential vs. commercial), and other factors. See WDB 4.5 for permit threshold in the Village Zoning District (VZD).

**4.4.1 What types of development activity require a discretionary permit prior to administrative permit(s)?**

4.4.1.1 ... the subdivision of land, including subdivisions in the Taft Corners Form-Based Code Zoning District,

4.4.1.2 ... boundary line adjustments that cannot be approved administratively as provided by Chapter 10 of this bylaw;

4.4.1.2 ... clearing, grading, or excavation that disturbs one-quarter (1/4) or more acres of land, excluding agricultural and forestry practices exempted by WDB 4.2.1.2, and excluding state-required stormwater treatment practices and systems; and

4.4.1.3 ... all multi-unit residential (> ~~42~~ units), commercial, institutional, and industrial development, including both site improvements and structures, and including both new structures and additions, except 'minor work,' which is defined by WDB ~~4.4.2.94.3.5~~.

4.4.1.4 ... the establishment of a medical cannabis dispensary or retail cannabis operation requires a discretionary permit.

**4.4.2 What types of development activity only require an administrative permit? ?** Meaning, the development activity does NOT require a discretionary permit prior to administrative permit(s).

4.4.2.1 ... development within the Taft Corners Form-Based Code Zoning District, where a Certificate of Conformity is required instead;

4.4.2.2. ... the construction of ~~one and two household~~ multiunit dwellings with four or fewer units on existing or approved lots;

**Existing? Approved?** For the purposes of the exemption established by WDB ~~4.4.2.3.2~~, an existing lot is one that is: a) zoned for residential use, ~~b) is presently unoccupied by a dwelling, eb)~~ is separate from all adjoining parcels because it is in separate ownership and control or is a split parcel, as defined by WDB 12.1.3.1; and ~~dc)~~ was not made separate from adjoining parcels that are in the same ownership by a violation of the town's subdivision regulations. In determining whether a parcel is 'existing,' please refer to the requirements of WDB 2.4. An approved lot is part of a residential subdivision for which a final plan has been recorded, as provided by this or previous bylaws.

4.4.2.3 ... accessory dwellings that comply with WDB 20;



4.4.2.4 ... accessory structures, decks, patios, pools, and certain other improvements on residential properties, as provided in Chapter 20 of this bylaw and that are not exempted by 4.2.3;

4.4.2.5 ... certain boundary adjustments, as provided by Chapter 10 of this bylaw;

4.4.2.6 ... certain signs, as provided by WDB 4.2.3.4;

4.4.2.7 ... demolition, except in the VZD where a Determination of Contributing Structure Status and/or Certificate of Appropriateness (COA) is required for the demolition of a contributing structure-; and

4.4.2.8 ... clearing, grading, or excavation that disturbs less than one-quarter (1/4) acre of land and is not undertaken in anticipation of a development for which a discretionary permit will be required. For more on the requirements for clearing, grading, or excavation see Chapter 29 of this bylaw.

4.4.2.9 “Minor work” on commercial, industrial, institutional, and multi-unit (>~~42~~ units) residential properties as follows:

- 4.4.2.9.1 Accessory Structures. To be ‘minor,’ accessory structures must be less than 10 feet in height and have a footprint of less than 120 square feet
- 4.4.2.9.2 Additions. To be minor, additions must be architectural extensions of the existing building, using identical or essentially identical exterior materials, and include less than 1000 square feet.
- 4.4.2.9.3 Exterior Remodels. To be minor, exterior remodels must be architectural extensions of the existing building, using identical or essentially identical exterior materials. An example would be the addition of windows or a door using a fully consistent spacing, rhythm, scale, and materials.
- 4.4.2.9.4 Site Work. To be minor, site work must affect less than 1,000 square feet.
- 4.4.2.9.5 Outdoor Lighting. To be minor, outdoor lighting work must involve only changes in materials that may be approved by the Administrator or involve the installation of no more than eight (8) luminaires.
- 4.4.2.9.6 Mobile Vendors. To be minor the mobile vendor must occupy less than 1,000 square feet including temporary outdoor seating.

**4.5 Permits in the Village Zoning District.** Administrative and discretionary permit thresholds, and permit exemptions, are the same in the VZD as elsewhere in town. However, depending on the type of property and location within the Village, a Certificate of Appropriateness may be required.

**4.5.1 What is a Certificate of Appropriateness?** A Certificate of Appropriateness (COA) is a determination that the proposed development activity meets the historic and design standards of this

bylaw, and/or that the proposed development complies with the National Park Service Historic Preservation Standards and Guidelines for parcels within the National Register Historic District. A COA is issued by the Development Review Board with recommendations of the HDAC. In the National Register Historic District, the DRB is an appropriate municipal panel acting as the historic preservation commission on behalf of the National Park Service when reviewing a Certificate of Appropriateness as required by 36 CFR Part 61 and 24 V.S.A. § 4414(1)(F). A Certificate of Appropriateness is required for Contributing Structures throughout the VZD, and all structures in the National Register Historic District.

**4.5.2 What types of development are exempt from a Certificate of Appropriateness (COA)?** A Certificate of Appropriateness is not required for the following development activities:

- Repair, maintenance, or identical replacement of exterior materials
- Interior renovations, floor plan changes, or expansion of finished space that does not require exterior modifications
- Accessory structures less than 120 SF or 10' height
- Site plan modifications to landscaping, access, driveways, parking areas
- Boundary line adjustments or subdivisions of land
- Portable structures per WDB 20.14
- At-grade patios
- Decks that are minimally visible or invisible from the street
- Fences
- Solar installations on a property with a non-contributing structure in the NRHD

**4.5.3 Permit requirements for all properties in the National Register Historic District (NRHD):**

4.5.3.1 Below threshold for Administrative Permit: The COA will be issued on its own where the development is below the threshold for an administrative permit. No COA is required if the development is listed as exempted by WDB 4.5.2.

4.5.3.2. Administrative Permit: Where an administrative permit is required by this bylaw, the COA will be issued prior to or in conjunction with the administrative permit.

4.5.3.3. Discretionary Permit: Where a discretionary permit is required, the COA will be incorporated into the discretionary permit approval and apply to subsequent administrative permits associated with the discretionary permit.

**4.5.4 Permits requirements for properties in the Village Zoning District, but outside the National Register Historic District:**

4.5.4.1 Properties with a Contributing Structure: Same as the National Register Historic District, see 4.5.3 above.

4.5.4.2 Parcel without a Contributing Structure: A Certificate of Appropriateness is not required. Where the development activity requires a discretionary permit, the HDAC will provide advisory recommendations to the DRB. Where the development activity requires an administrative permit, the Administrator may seek advice of the HDAC and/or DRB.

4.5.4.3 Determination of Contributing Structure Status. A letter issued by the Zoning Administrator, with the advice of the HDAC, that specifies which structure(s) on a property

are contributing or non-contributing for the purposes of applying the standards of Chapter 42. See WDB 42 for definitions and procedures.

**4.6 Other Permits.** State and federal regulations may apply. Applicants should understand that state and federal regulations apply to many projects. Where those regulations are not as restrictive as this bylaw, this bylaw applies. Private agreements may apply. Applicants should be aware that covenants, deed restrictions, easements, and similar private agreements affect many projects. Those agreements may be more restrictive than this bylaw.

**4.6.1 FAA Compliance near the Burlington Airport.** What other permits might be required? Given the elevation of some areas within Williston and their proximity to the approach path for BTV Runway 15-33, The Federal Aviation Administration has requested that a form 7460-1 be submitted for any construction or alteration that is more than 100 feet above ground level at its site. The form contains instructions and information to be filled out, including the location of the project, the duration of construction, the height of the permanent structure, and the tallest of any construction equipment to be used.

**4.6.2 Class IV Groundwater.** The Vermont Department of Environmental Conservation (VTDEC) has designated certain areas in Williston in the Commerce Street, Kirby Lane, and South Brownell Road areas, as containing Class IV groundwater. Developments that require excavation, such as: building foundations with basements, swimming pools, and underground utility work within areas designated as containing Class IV groundwater must be performed under a work plan consistent with VTDEC's Investigation and Remediation of Contaminated Properties Rule (the "Rule"), and under the supervision of "environmental professional," as defined under Section 35-2019(19) of the Rule. The Rule can be found at [https://dec.vermont.gov/sites/dec/files/wmp/Sites/0706.IRULE\\_.pdf](https://dec.vermont.gov/sites/dec/files/wmp/Sites/0706.IRULE_.pdf) Applications for Administrative Permits for developments involving excavation in Class IV groundwater zones must include documentation of compliance with the Rule.

## Chapter 6 Discretionary Permit Procedures

This chapter establishes the application, review, and appeal procedures for discretionary permits.

### 6.1 Overview

**6.1.1 What are the steps in the discretionary permit procedure?** The principal steps in the review of a development for which a discretionary permit is required are:

- pre-application;
- for residential subdivisions only: growth management review;
- submission of an application, including a filing conference;
- public hearing notice;
- the public hearing;
- DRB action;
- submission of final plans;
- final plan review; and
- obtaining an administrative permit/s to authorize work.

Minor exceptions to some of these steps are explained below. **REMEMBER THAT APPROVAL OF A DISCRETIONARY PERMIT AND FINAL PLAN DOES NOT AUTHORIZE DEVELOPMENT ACTIVITY. IT AUTHORIZES THE APPLICANT TO OBTAIN AN ADMINISTRATIVE PERMIT(S)**

**6.1.2 What if I have questions before applying for a permit?** The town's staff can explain the requirements of this bylaw. Staff can also discuss proposed developments and make suggestions prior to the filing of an application. Staff cannot design your project or provide drawings. If you need that type of assistance, retain a qualified professional.

**Please Make an Appointment!** People who drop in to Williston's Planning Department are often disappointed to find that the entire staff has other commitments. Making an appointment guarantees that a staff person can spend time with you.

**6.1.3 Do the definitions and procedures adopted here apply in the Taft Corners Form-Based Code Zoning District?** *No. The TCFBC has its own administration procedures, see TCFBC Section 8 for details.*

### 6.2 Pre-Application

**6.2.1 When is pre-application review required?** Pre-application review is required for all subdivisions and all other new development for which a discretionary permit is required by Chapter 4 of this bylaw, except for subdivisions that create no new development potential and changes in existing developments, including accessory structures, additions, and remodels of multi-household, commercial, institutional, and industrial properties. For these developments, an application for a discretionary permit may simply be filed as provided by WDB 6.4. Applicants are, however, strongly encouraged to review plans with the Administrator before filing an application.

**6.2.2 What is the purpose of pre-application review?** The purpose of pre-application review is to acquaint the DRB and its advisors with a proposed development site and its possibilities without requiring the presentation of extensive surveying, engineering, or design data. At this step in the review process, plans for complex projects should be presented in an informal way that invites comment and the discussion of alternatives.

**6.2.3 How do I schedule a pre-application review?** Pre-application review shall be scheduled by filing the appropriate form provided by the Administrator and all additional information required by the *Pre-Application Checklist*. Payment of a pre-application fee will also be required. Upon determining that it is complete, the Administrator will place the pre-application on the agenda of the next regularly scheduled DRB meeting at which time will allow its consideration.

**6.2.4 Will my neighbors be notified about the pre-application?** Yes. Notice will be provided to adjoining property owners and the general public in the same way as required for a hearing on an application for a discretionary permit: see WDB 6.5.3.

**6.2.5 How will my pre-application be reviewed?** Pre-applications will be referred to the Conservation Commission and/or HDAC, as relevant, before they are reviewed by the DRB. The Administrator may also provide comments.

**6.2.6 Will site visits be required?** Yes. The Administrator and members of the Conservation Commission, HDAC, and DRB often need to visit the site of a proposed development. The filing of a pre-application constitutes permission for a site visit at any time during regular business hours or as otherwise arranged with the applicant. Applicants must provide notice of hazardous conditions on a site and arrange a safe site visit at the Administrator's request.

**6.2.7 I only want to develop a portion of my land. Why does the Pre-Application Checklist require me to cover it all?** Town planning tries to ensure that the decisions individuals make in their own interest are consistent with the community's interests, as expressed in the *Town Plan*. This means looking at how development proposals implement goals like connectivity and watershed health. The requirement that concept plans present a proposed pattern of development for the entire contiguous holdings of the owner is necessary if the town is to do this well. The *Pre-Application Checklist* allows the level of detail presented in a concept plan to vary, and requires little more than a "bubble diagram" for areas that the applicant does not intend to include in the application for a discretionary permit. Actual development may proceed in phases, as provided in WDB 6.4.4 and 7.1.4

**6.2.8 What type of action is taken on a pre-application?** A pre-application is a basis for discussion. It is neither approved nor rejected and creates no vested rights. The DRB will adopt written recommendations that should be reflected in the application for a discretionary permit. The DRB may also require that certain information be included in the application for a discretionary permit, including:

6.2.8.1 ... the wetlands delineation and/or functional assessment that may be required by WDB 29.8.1;

6.2.8.2 ... the shared parking study that may be required by WDB 14.2.2; and/or

6.2.8.3 ... a traffic study, where it is determined that existing studies do not provide sufficient information (see WDB 13.8).

6.2.8.4 Other Determinations. Pre-application review is also the time at which the DRB may:

- exempt proposed infill developments in the RZD from open space development requirements; and/or
- authorize the transfer of development rights in a discretionary permit application.
- The DRB may also recommend that the applicant prepare a specific plan before an application for a discretionary permit is filed.

**6.2.9 How will I be notified of the action taken on my pre-application?** The DRB's recommendations will be sent to the applicant and other interested parties by first class mail.

**6.2.10 How soon after pre-application review must an application be filed?**

6.2.10.1 For Residential Subdivisions. Certain residential subdivisions are subject to growth management review in the year following their pre-application review. See WDB 6.3 and Chapter 11 of this bylaw. Residential subdivisions exempt from growth management review must file an application for a discretionary permit within one year after pre-application review or repeat the pre-application process.

6.2.10.2 For Other Developments. All other proposed developments must file an application for a discretionary permit within one year after pre-application review or repeat the pre-application process.

**6.3 Growth Management Review.** All applications for discretionary permits must go through the process described in WDB 6.4. Certain proposed residential developments must undergo growth management review established in Chapter 11 of this bylaw. Exceptions to growth management review are described under WDB 11.2.2.

**6.4 Filing an Application for a Discretionary Permit.** Where required by WDB 6.2, a pre-application must have been submitted and reviewed before an application for a discretionary permit is filed. For proposed residential developments, the growth management review required by WDB 6.3, must also have been completed before an application for a discretionary permit is filed.

**6.4.1 Who can apply for a permit?** All applications for permits must be signed by the owner of the land on which the development is proposed or by a trustee or guardian of the owner. The owner may appoint a representative to prepare and file the application, but his or her signature is required on the application form. If the proposed development will involve more than one property, the owners of all lots or parcels involved must sign the application for a discretionary permit.

**6.4.2 Is there an application form?** Applications for discretionary permits must be submitted on the forms provided by the Administrator, as authorized by WDB 4.3.6. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or, with some exceptions, on-line at the town's website. Please be sure you have the most current version. Applications made on outdated forms will not be reviewed.

**6.4.3 What plans and documents must accompany the application form?** A preliminary plan, which may be presented on one or multiple sheets, and includes all items listed in the *Discretionary Permit Application Checklist* must be submitted.

**6.4.4 Am I allowed to propose developing in phases?** Yes. Where development in phases is proposed, the proposed development agreement that accompanies the application for a discretionary permit must show which parts of the proposed development will be constructed in each phase. A map showing the phases is also required. If the application for a discretionary permit is approved, final plans will be filed and reviewed for each phase.

**6.4.5 How much does it cost to apply for a discretionary permit?** Application fees are set by resolution of the Selectboard, which may revise the fees at any time. A copy of the current fee schedule is available from the Administrator or on-line at the town's website.

**6.4.6 Can I just hand an application for a discretionary permit across the counter?** Only if pre-application review was not required. All other applications for a discretionary permit must be filed at a filing conference.

6.4.6.1 Completeness When a Filing Conference is Not Required. The Administrator has 15 working days to determine whether an application for a discretionary permit that was not subject to pre-application review is complete and, if it is complete, to schedule a hearing before the DRB. Incomplete applications will be returned with a checklist indicating what is needed to make the application complete.

6.4.6.2 When a Filing Conference is Required. A filing conference is required for applications for proposed developments that were subject to pre-application review. The applicant must schedule this conference with the Administrator. Its purpose is to review the application materials and determine whether the application is complete. If the application is found to be complete, the Administrator has 15 working days to schedule a hearing before the DRB. If the application is not complete it may be withdrawn, a schedule for the submission of additional materials before a hearing is scheduled may be established by agreement of the applicant and the Administrator, or the applicant may appeal the Administrator's determination that the application is incomplete to the DRB, as provided by WDB 5.4.

**6.4.7 Who may communicate with the town about an application for a discretionary permit?** Applicants for a discretionary permit must designate a single representative who is responsible for communication with the town.

**6.4.8 May I make changes in my application after it is filed, but before the DRB's hearing?** Not after the hearing date has been noticed. Due process requires that the DRB's hearing be on the application that was noticed and made available for public review. You may ask the Administrator for time to make changes in response to recommendations of the Conservation Commission or HDAC before a hearing date is set, but must submit a set of plans that is complete and will remain unchanged **BEFORE** the Administrator schedules a hearing before the DRB.

## 6.5 Review of Applications for Discretionary Permits

**6.5.1 Who reviews applications for discretionary permits?** Your application will be reviewed by the DRB. In most cases, however, the Administrator will first refer your application to the Conservation Commission and/or HDAC and to potentially affected departments of town government. Your application will not be placed on a DRB agenda until the Administrator is sure that review by the Conservation Commission and/or HDAC and by town departments will be complete before the hearing.

**6.5.1.1 What is the Conservation Commission's role in the review of applications for discretionary permits?** The Conservation Commission conducts an informal, but thorough, review of most applications for discretionary permits and makes written recommendations to the DRB. You may be required to arrange and participate in a site visit with the Conservation Commission.

**6.5.1.2 What is the HDAC's role in the review of applications for discretionary permits?** The HDAC conducts an informal, but thorough, review of applications for permits within the VZD and of applications for discretionary permits for proposed multiple household residential, commercial, industrial, and institutional developments, including major additions, and then makes written recommendations to the DRB. The specific responsibilities of the HDAC are described in WDB 3.5. Applicants may be required to arrange and participate in a site visit with the HDAC.

**6.5.1.3 What role do town departments play in the review of applications for discretionary permits?** Department heads review applications for discretionary permits and may make written recommendations to the DRB. The Administrator may also convene a project review committee consisting of department heads to provide input to the DRB. Applicants may be required to arrange and participate in meetings and/or site visits with department heads or their designees.

**6.5.1.4 Are other agencies involved in development review?** The Williston schools will be provided with notice of applications for discretionary permits for proposed residential developments. This notice will be provided in the same way as for an adjoining property owner. The town may also consult with potentially affected state and federal agencies.

**6.5.2 Is a public hearing required for all applications for discretionary permits?** Yes. The DRB holds a formal public hearing on all applications for discretionary permits.

**6.5.3 What type of hearing notice is required?** As required by 24 V.S.A. §4464(a)(1) and 24 V.S.A. §4464 (b), notice of a hearing on an application for a discretionary permit must be given within 120 days of the submittal of a complete application and at least 15 days before the hearing, by the following means:

6.5.3.1 ... publication of the date, place, and purpose of the hearing in a newspaper in general circulation in Williston;

6.5.3.2 ... posting of the same information in three or more public places within the town, including an on-site posting within view from the public right-of-way most nearly adjacent to the property for which development review is required; and



6.5.3.3 ... written notification to the applicant and the owners and tenants of all properties adjoining the property for which development review is required. This notice shall include:

- a brief description of the proposed development;
- an explanation of how and where the recipient may obtain additional information about the proposed development; and
- a statement that participation in the hearing is required to become an interested party, as defined by WDB 6.5.5.

6.5.3.4 Roles in Providing Notice. The Town will provide the text of the newspaper, posted, and written notices. The developer will provide stamped envelopes addressed to every owner and tenant of adjoining property for the Town to use in its mailings, as required by the *Discretionary Permit Checklist*. The developer will also post the notice on the development site and provide the Town with a dated photograph showing that sign, as seen from the nearest public right-of-way.

6.5.3.5 All letters should be addressed to owner or “current resident” If the property owner mailing address is different than the abutting property address, both addresses should be sent written notice. If a property contains multiple tenancies/E-911 addresses, then each must receive a letter addressed to current resident/tenant. This applies to both commercial and residential projects.

**6.5.4 *Must I be present at the hearing?*** Yes. The applicant or a representative must be present at the hearing. If the applicant or a representative fails to appear, the hearing will be re-scheduled once. If the applicant fails to appear at the re-scheduled hearing, the application for a discretionary permit will be considered void.

**6.5.5 *Who may speak at the hearing?*** All persons are free to offer oral or written testimony at hearings conducted by the DRB, ~~but state law provides that only interested parties may appeal decisions. Consistent with 24 V.S.A. § 4465(b), interested parties include:~~

~~6.5.5.1 ... the owner of the property for which the permit is required by this bylaw;~~

~~6.5.5.2 ... any municipality or solid waste district that is empowered to condemn such a property, or an interest in it;~~

~~6.5.5.3 ... the town or any adjoining municipality; and~~

~~6.5.5.4 ... any person owning or occupying property in the immediate neighborhood of a property for which a permit or other approval required by the town's bylaws is requested who can show that approval of the permit would result in a physical or environmental impact on his or her interests; and alleges that approval of the permit would not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw.~~

~~6.5.5.5 Petitioners. Interested parties also include any ten persons who are owners of real property and/or voters in the town who submit a signed petition alleging that the reversal or modification of the Administrator's decision will not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw. The petition must designate one person as the group's representative.~~

~~6.5.5.6 State Agencies. Interested parties also include any department or administrative subdivision of the state that owns property, or an interest in property, in the town, and the Agency of Commerce and Community Development.~~

~~6.5.5.7 Interested Parties Must Participate. In order to file an appeal of a DRB decision, a party must meet the criteria adopted above and show that it participated in the hearing before the DRB. Participation is defined as having offered, through oral or written testimony, evidence or a statement of concern.~~

### **6.5.6 What is the hearing procedure?**

6.5.6.1 Opening Statements. The presiding member shall state the purpose of the hearing;

- ask whether any member wishes to be excused on account of a conflict of interest, as defined at WDB 3.10, or report an ex parte contact, as defined at WDB 3.11, and excuse any member declaring a conflict-of-interest; and
- advise participants that there are specific statutory requirements for becoming an interested party who can appeal a decision. The chair need not review those requirements, but shall refer the participants to the requirements of this bylaw and state law. The chair shall also state that anyone wishing to be considered an interested party must sign the register specifically provided for that purpose.

6.5.6.2 Questions and Answers. The purpose of a hearing is to take statements for consideration by the DRB. Once the hearing is opened, the DRB will not answer questions nor will it permit questions or discussion among members of the audience. For this reason, the hearing will be preceded by a staff report, which may be followed by questions and answers from the audience.

6.5.6.3 Staff Report. The Administrator or a staff person assigned by the Administrator will present a report that summarizes the findings of fact and conclusions of law included in the written report from the staff. This may be followed by questions from the audience, which shall be directed through the presiding member. No statements of position or opinion will be taken at this time. The purpose of the question and answer session is to help participants understand the development process and to establish the facts.

6.5.6.4 Testimony. Before taking testimony, the presiding member shall remind those who wish to speak to first state their name and address, and that statements are to address the merits of the proposed development, as demonstrated by its compliance or failure to comply with specific requirements of this bylaw. The presiding member shall then ask for testimony, which will begin with the statement of the applicant. Commission members may ask questions following any statement, with questions and responses being directed through the presiding member.

6.5.6.5 Time Limits. The DRB may set and enforce a time limit on oral statements.

## **6.6 DRB Action**

**6.6.1 On what basis will the DRB make its decision?** The DRB's decision will be based on the proposed development's compliance or failure to comply with the requirements of this bylaw. Where it is considering a proposed development that is subject to a previously approved permit, it will also

determine whether or not that proposed development is consistent with all applicable conditions imposed on the previous approval.

**6.6.2 Will I be able to listen to the DRB discuss my application?** Not necessarily. The DRB may enter a closed deliberative session to discuss any application.

**6.6.3 What options does the DRB have after the hearing?**

6.6.3.1 Recess. The DRB may recess any hearing to a date certain pending the submission of further information. This is a recess for the purpose of obtaining information only. The 45 days permitted for a decision by WDB 6.6.4 does not begin until the DRB has received the requested information, closed the hearing, and commenced its deliberations.

6.6.3.2 Approve. The DRB may find that the proposed development complies with the requirements of this bylaw and approve the application for a permit. Conditions may be imposed on the approval of a permit, as provided by WDB 6.6.5.

6.6.3.3 Deny. The DRB may find that the proposed development fails to comply with the requirements of this bylaw and reject the application for a permit.

**6.6.4 How long does the DRB have to make a decision?** No hearing may be recessed for more than 45 days, except at the request of the applicant, and all decisions must be made and reported within 45 days after the close of a hearing. If a decision is not made within 45 days after a hearing, the proposed development will be deemed approved.

**6.6.5 May conditions be imposed on the approval of a discretionary permit?** Yes. Conditions designed to ensure compliance with the requirements of this bylaw may be imposed on any approval, as specifically authorized by 24 V.S.A. § 4464(b)(2).

**6.6.6 How will the DRB's decision be reported?** Within 45 days after the DRB's decision, the administrator shall prepare a record of decision that conveys the DRB's findings of fact and conclusions of law. Copies of the record of decision shall be sent to all agencies or persons who submitted testimony, verbally or in writing, at the hearing. A copy shall also be filed with the Town Clerk. The applicant's copy shall be sent by certified mail.

## 6.7 Expiration

**6.7.1 Do approvals of discretionary permits expire?** Yes. Final plans or, where phased development has been approved, final plans for the first phase must be submitted for review within one year of the day the record of decision was issued. If final plans are not filed within the specified time frame set forth in this bylaw, the approval of the discretionary permit shall become null and void.

**6.7.2 Is it possible to extend the deadline for filing final plans?** Yes. One extension of six months will automatically be granted upon written application to the Administrator.

**6.7.3 Are there any additional extensions to the deadline for filing final plans?** Yes. The DRB may grant one additional six-month extension for the filing of final plans.

**6.7.4 Do approvals of discretionary permits expire after final plans are signed?** In some case, yes. Discretionary permits approved for non-residential development shall have one year from the date the

final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.

**6.8 Appeals.** Appeals from decisions of the DRB may be taken to Environmental Court, as provided by 24 V.S.A. § 4471.

**6.8.1 Who can appeal a DRB decision? Only interested parties may appeal decisions. Consistent with 24 V.S.A. § 4465(b), interested parties include:**

6.8.1.1 ... the owner of the property for which the permit is required by this bylaw;

6.8.1.2 ... any municipality or solid waste district that is empowered to condemn such a property, or an interest in it;

6.8.1.3 ... the town or any adjoining municipality;

6.8.1.4 ... any person owning or occupying property in the immediate neighborhood of a property for which a permit or other approval required by the town's bylaws is requested who can show that approval of the permit would result in a physical or environmental impact on his or her interests; and alleges that approval of the permit would not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw;

6.8.1.5... any department or administrative subdivision of the state that owns property, or an interest in property, in the town, and the Agency of Commerce and Community Development; and

6.8.1.5 ... any 20 persons who are residents, owners of real property and/or voters in the town who submit a signed petition alleging that the reversal or modification of the Administrator's decision will not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw. The petition must designate one person as the group's representative.

**6.8.2 What is required for an appeal?**

6.8.2.1. Interested Parties Must Participate. In order to file an appeal of a DRB decision, a party must meet the criteria adopted above and show that it participated in the hearing before the DRB. Participation is defined as having offered, through oral or written testimony, evidence or a statement of concern.

6.8.2.2 Notice. Notice of the appeal shall be filed by certified mail to the Environmental Division, to the municipal clerk or the Zoning Administrator, who shall supply a list of interested persons to the appellant within five 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.

6.8.2.3. Character of the Area Appeals. An appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.

## **6.9 Final Plans**

**6.9.1 How soon after approval of the discretionary permit must final plans be filed?** As established by WDB 6.7.1, within one year, unless an extension is granted as provided by WDB 6.7.2. Appeals to the Environmental Court must be filed within 30 days after the DRB's decision.

**6.9.2 What must be included in final plans?** Everything required by the *Final Plan Checklist*.

**6.9.3 How are final plans evaluated?** The purpose of final plan review is to demonstrate compliance with all conditions imposed on the approval of the discretionary permit and to file final paper-work, including a development agreement.

6.9.3.1 Review by Administrator. The DRB may, in its record of decision, delegate review of the final plans of any proposed development to the Administrator.

6.9.3.2 Are the Plans Complete? The Administrator has 15 working days after the filing of a final plan to determine whether it is complete. Upon determining that it is complete the Administrator shall, if authorized as provided by WDB -6.9.3.1, review it, or schedule its review at the next regular DRB meeting at which time permits its consideration.

6.9.3.3 Basis of Review. Compliance with this bylaw was determined when the application was approved by the DRB. The Administrator or the DRB review final plans to ensure that they are in full compliance with the DRB's action, including all conditions of approval imposed in the record of decision.

6.9.3.4 Signatures. Approval of the final plan is indicated by the signature of the Chair of the DRB, or where this authority has been delegated as provided by WDB 6.9.3.1, the Administrator, in the signature block provided on the final plan, and by the signature of the Town Manager on the development agreement, where one is required.

6.9.3.5 Notice of Decision. One copy of the signed plan and development agreement will be provided to the applicant by hand delivery or certified mail. A copy will also be provided to the DPW and any other department head who requests one. Copies will be made available to any other interested party for the cost of copying.

6.9.3.6 Recording. Final plans for subdivisions must be recorded in the town's land records. WDB 6.9.5 sets a deadline on the recording of subdivision plans. Other final plans are not recorded.

**6.9.4 Can conditions be imposed on the approval of a final plan?** No. A final plan is complete and ready to build by definition. It must be either approved or denied. The approved development agreement and the other means of enforcement adopted in Chapter 7 of this bylaw will ensure compliance with all conditions of approval.

**6.9.5 When must a final subdivision plan be recorded?** If the final plan of a proposed subdivision or phase of a subdivision is not recorded within 180 days after the approval of the final plans for that subdivision, its approval becomes null and void. The Administrator may, upon written request, extend this deadline by up to 90 days if other local or state approvals are pending.

## 6.10 Amendments

**6.10.1 What if I want to change the approved plan before, or during, construction?** Final plans are binding, as approved. No administrative permit will be approved for development that is not consistent with the approved final plans. WDB 5.6 does allow some exceptions for minor changes.

**6.10.2 Is making a change without a permit a violation of this bylaw?** Yes. Making a substantial change from approved final plans without obtaining a new permit is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

**6.10.3 What if a substantial change is necessary?** The approved final plans must be amended. Final plan amendments are made using the discretionary permit procedure of this chapter, but skipping the pre-application step, and subject to the additional rules established here.

6.10.3.1 Limited Scope. The scope of the hearing and DRB action will be limited to determining whether the proposed amendment complies or fails to comply with this bylaw.

6.10.3.2 Exception to Limited Scope. The scope of review may be expanded when an amendment to the approved final plans is proposed on a property that is not in full compliance with those plans or this bylaw.

6.10.3.3 Conditions. The DRB may impose conditions designed to ensure compliance with specific, cited requirements of this bylaw on the approval of a proposed amendment.

6.10.3.4 Depiction. The plans submitted with the proposed amendment must show the proposed changes from the approved final plans using color or another technique that makes it easy for reviewers to identify the changes.

## Chapter 14

### Off-Street Parking and Loading

This chapter sets standards for off-street parking and loading. Its intent, consistent with Policy 4.2.4 and other guidance from the *Town Plan*, is to minimize the area devoted to surface parking while still ensuring that there is a reasonable supply of parking, including spaces that can be safely used by those whose mobility or vision is impaired.

Minimizing the area devoted to surface parking will:

- protect watershed health, which may be adversely impacted by accelerated runoff from new impervious surfaces;
- conserve energy and make outdoor spaces more useable by moderating microclimatic extremes on intensively developed sites; and
- make it more pleasant to walk or cycle in Williston by contributing to streetscapes that are both comfortable and lively.

It is also specifically the intent of these standards to encourage shared parking arrangements, the use of parking structures, and the use of porous pavements.

#### 14.1 Applicability

**14.1.1 Do these standards apply to all development?** Yes. The standards adopted in this chapter apply to all development for which an administrative or discretionary permit is required by this bylaw. Existing and proposed parking and loading areas must be clearly shown on the plans submitted with any application for a permit.

**14.1.2 Do other requirements of this bylaw apply to off-street parking and loading areas?** Yes. Off-street parking and loading areas must comply with all relevant standards of this bylaw. Some particularly relevant standards are cited below.

14.1.2.1 Drainage/Stormwater. Chapter 29 of this bylaw sets standards for stormwater management that apply to off-street parking and loading areas.

14.1.2.2 Landscaping. See Chapter 23 and specifically WDB 23.5 for the landscaping requirements that apply to off-street parking and loading areas.

14.1.2.3 Snow Removal/Storage. WDB 16.6 sets standards for snow removal and storage that apply to off-street parking and loading areas.

**14.1.3 Do the motor vehicle parking minimums and maximums adopted here apply in the Taft Corners Form-Based Code Zoning District?** No. Refer to TCFBC Section 6 for required motor vehicle parking minimums and maximums in the TCFBC. All other provisions of this chapter, including parking area design, required bicycle and ADA parking, and adjustments to required parking minimums and maximums apply everywhere in Williston.

## 14.2 Off-Street Parking Requirements

**14.2.1 How many off-street parking spaces are permitted for a given use?** Table 14.A establishes the maximum number of off-street vehicle parking spaces that are allowed for typical land uses. The maximum allowed number of off-street parking spaces may be increased only on the basis of the criteria in 14.2.4, which allows adjustments for porous pavement, structured parking, additional accessible spaces, and special spaces for electric vehicle charging, shared vehicles, and carpool vehicles.

The minimum number of indoor and outdoor bicycle parking spaces and end-of-trip facilities is also established in Table 14.A. For uses that are not listed in the table, see WDB 14.2.3.

**14.2.2 Can parking be shared by uses that have different peak hours of operation?** Yes. In fact, this may be required. Different uses of land generate widely varying demand for parking at different times of day, days of the week, and months of the year. Retail, residential, office, institutional and entertainment uses are expected to share off-street parking spaces wherever possible.

14.2.2.1 Calculations. The DRB may, when reviewing a pre-application, require that shared parking calculations be made for any development that includes uses with potentially different peak periods of parking demand. Shared parking analyses may also be voluntarily submitted by adjoining landowners. In either case, the analysis shall be conducted using the shared parking methodology described in appendix J of this bylaw. In the review of an administrative permit that changes parking demand but does not otherwise call for a discretionary permit, like a change of use, the Zoning Administrator may require the submission of shared parking calculations before approving the permit.

14.2.2.2 Distance To. Shared off-street parking spaces shall be no more than 600 feet from a main entrance for customer parking and no more than 1000 feet from an employee entrance for employee parking.

14.2.2.3 Easement. Shared parking arrangements run with the land and must be honored by successors in interest. Failure to do so will be a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Where different owners are involved in a shared parking arrangement, a draft easement providing for shared parking, including the number and location of the proposed shared spaces, must be submitted for review with the application for a discretionary permit. The signed easement, which must also specifically indicate how the costs of maintenance of the shared parking spaces will be shared, must be submitted with the final plans and recorded before a certificate of occupancy may be issued, as provided by WDB 7.3.

14.2.2.4 Accessible Spaces. Given the need for proximity to the use served, the accessible parking spaces required by Table 14.B may not be shared.

**14.2.3 What if a use is not listed in Table 14.A?** The maximum allowed number of off-street parking spaces shall be determined by the DRB or Administrator based on the similarity of the proposed use to one or more uses listed in Table 14.A and the Institute of Transportation Engineer's *Parking Generation*. The Administrator's determination of how many spaces are permitted is subject to appeal using the procedure for the appeal administrative permits provided by WDB 5.4 of this bylaw.



**Table 14.A – Parking Requirements**

Land Use	Maximum Off-Street Motor Vehicle Parking Permitted		Minimum Bicycle Parking Required <i>The DRB may permit an exception to the bicycle parking requirements as provided by WDB 14.8.5</i>	
	Off-Street Motor Vehicle Spaces <i>per 1000 SF gross floor area, unless otherwise specified</i>		Total Bicycle Parking Spaces <i>per maximum motor vehicle spaces, unless otherwise specified</i>	Long Term Bicycle Parking Spaces <i>per minimum required bicycle spaces, unless otherwise specified</i>
<b>Industrial Uses</b>	1.00		5% of vehicular; minimum 4	75%
<i>Industrial uses are very diverse. Use 1.00 spaces per 1000 SF GFA as a starting point. The actual requirement will be set by the Administrator or DRB.</i>				
<b>Residential Uses*</b> <i>Parking spaces inside a garage, count toward this maximum.</i>				
One- and Two- <del>Household Family</del> Dwellings	no maximum		none	none
Accessory Dwellings	1-2.00 spaces; See WDB 17.1 and WDB 20.1		none	none
Multiple-Family Dwellings	2.00 per dwelling		10% of vehicular; minimum 4	1 per 4 units
Senior Housing (independent living)	1.00 per dwelling		5% of vehicular; minimum 4	1 per 8 units
Senior Housing (assisted living)	0.35 per dwelling		5% of vehicular; minimum 4	75%
<b>Lodging Uses</b>	1.00 per room		7% of vehicular; minimum 4	50%
<i>Conference space and restaurants should be accounted for separately.</i>				
<i>* Existing nonconforming parking spaces (with respect to dimension) shall count towards the required number of spaces for an existing residential building if new residential units are added to the building.</i>				
<b>Recreational Uses</b>				
Health Club	5.00		10% of vehicular; minimum 4	50%
Other Recreational Uses	<i>Too diverse to list. Will require individual analysis</i>			
<b>Theaters, Places of Assembly</b>	0.25 per seat		7% of vehicular; minimum 4	none
<i>Includes churches, live and movie theaters, and similar gathering places. Associated offices and other spaces should be accounted for separately. Church schools should be accounted for separately.</i>				
<b>Educational and Health Care Uses</b>				
Child Care Centers, Pre-School	0.35 per student		10% of vehicular	75% of bicycle spaces
Schools, K-8	0.35 per student		30% of vehicular	20% of bicycle spaces
Schools, 9-12	0.35 per student		30% of vehicular	20% of bicycle spaces
Community Colleges	0.35 per student		30% of vehicular	20% of bicycle spaces
Libraries	4.25		30% of vehicular	20% of bicycle spaces
Hospitals, Clinics, Medical Offices	5.00		7% of vehicular	75% of bicycle spaces
Nursing Homes	1.50		5% of vehicular	75% of bicycle spaces
Veterinary Clinics	2.00		5% of vehicular	75% of bicycle spaces
<b>Office Uses</b>				
Office Building	3.50		7% of vehicular	50% of bicycle spaces
Offices w/ High Turnover	5.00		10% of vehicular	50% of bicycle spaces

**Table 14.A – Parking Requirements**

Land Use	Maximum Off-Street Motor Vehicle Parking Permitted	Minimum Bicycle Parking Required	
		<i>The DRB may permit an exception to the bicycle parking requirements as provided by WDB 14.8.5</i>	
	<b>Off-Street Motor Vehicle Spaces</b>	<b>Total Bicycle Parking Spaces</b>	<b>Long Term Bicycle Parking Spaces</b>
	<i>per 1000 SF gross floor area, unless otherwise specified</i>	<i>per maximum motor vehicle spaces, unless otherwise specified</i>	<i>per minimum required bicycle spaces, unless otherwise specified</i>
<b>Retail Uses</b>			
Convenience Stores	4.00	7% of vehicular	20% of bicycle spaces
Supermarket/Groceries	5.00	7% of vehicular	20% of bicycle spaces
Drugs	2.50	7% of vehicular	20% of bicycle spaces
Bulky Retail (furniture, lawn and garden)	3.00	7% of vehicular	20% of bicycle spaces
General Retail, Shopping Centers	4.00	7% of vehicular	20% of bicycle spaces
<b>Services</b>			
Banks	4.75	7% of vehicular	50% of bicycle spaces
Quality Restaurant	20.00	7% of vehicular	20% of bicycle spaces
Fast Food Restaurant (no drive-through)	15.00	7% of vehicular	20% of bicycle spaces

#### **14.2.4 How could I increase the number of permitted off-street parking spaces?**

14.2.4.1 Build a Parking Structure or Solar Canopy. Consistent with Policy 4.2.3 of the *Comprehensive Plan* (which encourages the reduction of surface parking) developments may increase the number of permitted off-street parking spaces by 25% by providing a parking structure or energy-generating solar canopy. This incentive is available only where at least 30% of the off-street parking spaces required by Table 14.A are in the structure/s or solar canopy. All of the additional parking spaces permitted must be in the structure/s or solar canopy. Note also that there is a building height incentive for the provision of structured parking in the MUCZD, MURZD, BPZD, and TCZD.

14.2.4.2 Use Porous Pavement. Developments may increase the number of permitted off-street parking spaces by 15% by using porous pavement for a majority of all vehicular parking spaces required by Column A of Table 14.A. Porous pavement specifications must be approved by the Administrator, with the advice of the DPW.

14.2.4.3 Provide Spaces for Alternate Fuel Vehicles and Carpools. Off-street parking spaces that are dedicated to vehicles that operate primarily on alternative fuels (electric, hydrogen, natural gas, biodiesel) or that are dedicated to vehicles participating in a carpooling program may be permitted in addition to the maximum allowed parking or may be integrated into the total required number of parking spaces. These spaces must be clearly identified with a placard reserving their use for vehicles that operate primarily on alternative fuels or that are participating in a carpooling program.

14.2.4.4 Provide Documentation of Additional Parking Demand The DRB may, at its discretion, consider a study using the shared parking methodology in Appendix J of this bylaw showing that existing shared parking resources cannot serve demand created by the new development.

14.2.4.5 Provide Additional Accessible Spaces Some uses may require additional accessible (ADA) parking spaces. At the discretion of the DRB and based on testimony provided by the applicant, additional accessible spaces beyond the minimum required in Table 14.B may be added to a site without counting toward the allowable maximum number of parking spaces in Table 14.A.

#### **14.2.5 What if I propose fewer motor vehicle spaces than the maximum allowed in Table 14.A?**

The stated intent of this chapter is “to minimize the area devoted to surface parking while still ensuring that there is a reasonable supply of parking.” At least ~~80~~75% of the maximum number of parking spaces allowed in Table 14.A are required. When an application for an administrative or discretionary permit is made where the proposed amount of parking is less than ~~80~~75% of the maximums allowed in Table 14.A, the DRB or Administrator will, before approving such an application, make written findings of fact that the proposal includes adequate parking based on one or more of the following criteria:

14.2.5.1 Be Close to Public Transit. The DRB or Administrator may permit a development that is within 2,500 feet of a bus stop to reduce the required number of off-street parking spaces to as little as 60% of the maximums in Table 14.A if the major employer in the proposed development commits to active participation in a transportation management association.

14.2.5.2 Have On-Street Parking. The DRB or Administrator may permit a one-to-one (on-street for off-street) reduction in the required number of off-street parking spaces for on-street

parking that is available within 600 feet of ~~the~~ main entrance of the proposed development. This reduction of the number of off-street parking spaces may not, however, reduce the number of off-street parking spaces to fewer than 12 per Dwellingg-Unit Equivalent (DUe) as defined in WDB 19. In considering the offset for nearby public parking, the DRB or Administrator shall require a shared parking analysis of the street spaces following the method described in appendix J of this bylaw.

14.2.5.3 Shared Parking. The number of off-street parking spaces required for a particular use may be reduced by a shared parking study required by WDB 14.2.2 and described in Appendix J of this bylaw.

14.2.5.4 Residential Development. Pursuant to 24 V.S.A. §4414 (4) No more than 1.5 parking spaces per dwelling for duplexes and multiunit dwellings ~~shall~~ may be required in areas that are either outside the Sewer Service Area or more than one-quarter mile from public parking. Within the Sewer Service Area and within one-quarter mile of public parking ~~for all residential development~~, no more than one parking space per dwelling ~~may~~ shall be required.

**14.2.6 Can I reduce the area used for parking by using smaller spaces for compact cars?** Yes. The DRB may permit compact car spaces (see Table 14.C for the dimensions) to comprise as many as 25% of the off-street parking spaces required by Table 14.A. These spaces shall be clearly identified by a sign and/or pavement marking that says “Compact Car Only.”

#### **14.2.7 Where must off-street parking spaces be located?**

14.2.7.1 Ownership. Off-street parking spaces shall be provided on the same lot or parcel and under the same ownership as the use they serve, except where a shared parking arrangement is required or permitted by WDB 14.2.2.

14.2.7.2 Distance: Nonresidential. The off-street parking spaces serving nonresidential developments must be within 600 feet of a main entrance for uses requiring customer parking and within 1,000 feet of an employee entrance for employee parking.

14.2.7.3 Distance: Residential. The off-street parking space/s serving a dwelling must be within 100 feet of the principal entrance to that dwelling. The DRB may allow a longer distance between parking and a dwelling in mixed-use developments.

**14.2.8 Can I install a solar canopy?** Yes. The use of solar canopy (covered structure over parking area mounted with a solar array) is allowed and is supported by the Williston Energy Plan.

14.2.8.2 Permit requirements. An administrative permit is not required for solar canopies.

14.2.8.1 Setback relief. Solar canopies are allowed within setbacks but must be setback 3 feet from the property line to allow for maintenance without going onto an adjoining parcel.

14.2.8.2 Design Review. A solar canopy is not subject to design review standards.

**14.3 Accessible Parking.** Note that these requirements are more demanding in some ways than those of the Americans with Disabilities Act (ADA).

**14.3.1** *What is the minimum required number of accessible off-street parking spaces?* See Table 14.B:

Table 14.B – Required Number of Accessible Off-Street Parking Spaces	
Total Number of Spaces	Minimum Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
greater than 200 spaces	6+ 2% of the spaces greater than 100 rounded to the nearest whole number

**14.3.2** *Don't some uses need more or fewer accessible off-street parking spaces?* The DRB may find that a development needs more or fewer accessible off-street parking spaces than are required by Table 14.B and modify the requirements of that table accordingly. The DRB's action must still be consistent with the ADA. Examples of developments for which a modification may be appropriate include:

14.3.2.1 Hospitals and Medical Offices: at least 10% of the off-street parking spaces serving visitors and patients must be accessible. Specialty medical offices serving persons with mobility impairments may need as many as 20% accessible spaces.

14.3.2.2 Developments with Valet Parking: No accessible off-street spaces are required in parking areas used for valet parking. An accessible passenger loading zone is required.

14.3.2.3 Industrial Uses. Industrial uses may be permitted to meet the ADA standards – which are somewhat lower - for the required numbers of accessible off-street parking spaces.

**14.3.3** *Where should accessible off-street parking spaces be located?* Accessible off-street parking spaces and the routes between those spaces and the buildings or other destinations they serve must be clearly identified on the plans submitted with applications for permits.

14.3.3.1 Location of Accessible Routes. There must be a clearly marked accessible route that meets all ADA standards between the accessible off-street parking space required by Table 14.B and an accessible building entrance or other destination. Where a development has multiple accessible entrances or destinations, the required accessible off-street parking spaces should be dispersed and located near each accessible entrance.

14.3.3.2 Design of Accessible Routes. Accessible routes must be as short as reasonably possible, safe and convenient for people with mobility and visual impairments. Accessible routes should not cross aisles, driveways, or any other part of the vehicular circulation system on the site. The DRB may, however, permit an exception to this standard where physical constraints like difficult terrain or existing development make compliance infeasible.

## 14.4 Dimensional Standards

**14.4.1 What are the minimum required dimensions of off-street parking spaces?** The dimensional standards for off-street parking spaces appear in Table 14.C.

Table 14.C - Minimum Parking Space Dimensions					
Angle of Parking Space	Width of Space	Length of Space	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
STANDARD SPACES					
Parallel Parking	9.0'	22.0'	-	-	-
45° Angle	9.0'	<del>20</del> 18.0'	12.7'	<del>20.5</del> 19'	<del>12</del> 5.0'
60° Angle	9.0'	<del>20</del> 18.0'	10.4'	<del>21</del> 0.18'	<del>18</del> 4.05'
90° Angle	9.0'	<del>20</del> 18.0'	9.0'	<del>20</del> 18.0'	20.0'
Minimum aisle width (one-way)			10'		
Minimum aisle width (two-way)			20'		
COMPACT SPACES					
Parallel Parking	8.0'	20.0'	-	-	-
45° Angle	8.0'	18.0'	11.2'	<del>19</del> 8.3'	<del>12</del> 3.0'
60° Angle	8.0'	18.0'	9.2'	<del>14</del> 20.18'	<del>14</del> 5.50'
90° Angle	8.0'	18.0'	8.0'	18.0'	20.0'

**14.4.2 What are the minimum required dimensions for accessible off-street parking spaces and the associated aisles?** Accessible off-street parking spaces must be designed to accommodate vans. They shall be at least nine feet (9') wide with an adjacent aisle at least eight feet (8') wide. A sidewalk may be used as an access aisle for end spaces.

14.4.2.1 Shared Aisles. Accessible off-street parking spaces may share an access aisle by using front-in and back-in parking.

14.4.2.2 Obstructions. Planters, curbs, wheel stops, and similar installations, including cars overhanging a sidewalk, must not obstruct accessible routes. There shall be no snow storage along accessible routes.

14.4.2.3 Grade. The aisle serving an accessible off-street parking space must be level with that space, with a grade that does not exceed 1:50 (2%) in any direction.

14.4.2.4 Curb Ramps. Curb ramps must be located outside the aisle and parking space. To put it another way, accessible parking spaces and the adjacent aisles must be level and on the same grade. Grade changes (ramps) must be built into the adjacent sidewalk.

14.4.2.5 Signs/Pavement Markings. Accessible off-street parking spaces must be marked by a sign showing the standard symbol of accessibility. This sign must be affixed to a post or a

building where it will be clearly visible from a vehicle searching for accessible parking spaces. Aisles must be marked with contrasting stripes or hatching on the pavement.

## **14.5 Off-Street Loading**

***14.5.1 Where are off-street passenger loading areas required?*** Off-street passenger loading areas shall be provided as explained below.

14.5.1.1 Institutional and Entertainment Uses. Day care centers, theaters, schools, and other places for public assembly must provide at least one safe off-street passenger loading area. The DRB may require additional off-street loading passenger loading areas for institutional and entertainment uses that have more than one principal entrance.

14.5.1.2 Other Uses. The DRB may require that any other use which adjoins an arterial or collector road provide a safe, off-street passenger loading area.

***14.5.2 Where are off-street freight loading areas required?*** Safe off-street freight loading areas must be provided for commercial and industrial development buildings that include more than 10,000 SF GFA. At least one off-street freight loading area of at least 600 square feet shall be provided, along with one additional off-street freight loading area for each additional 20,000 square feet of GFA.

**14.6 Access to Off-Street Parking and Loading Areas.** Chapter 13 of this bylaw establishes standards for all points of access, including those to parking and loading areas.

**14.7 Circulation within Off-Street Parking Areas.** The pattern of circulation in off-street parking areas shall provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to adjoining roads.

***14.7.1 Are there minimum aisle widths for parking areas?*** Yes. The minimum aisle widths are included in Table 14.C, which also provides dimensional standards for parking spaces.

***14.7.2 Must directional signs and/or pavement markings be provided in parking areas?*** Yes. Directional signs and pavement markings shall be used to guide traffic through parking areas and structures.

***14.7.3 How must pedestrian access around, through, and to parking areas be provided?***

14.7.3.1 Around. There shall be safe pedestrian access in the form of sidewalks around all parking and loading areas. The DRB may permit the use of a recreation path or other pedestrian way as an alternative to a sidewalk.

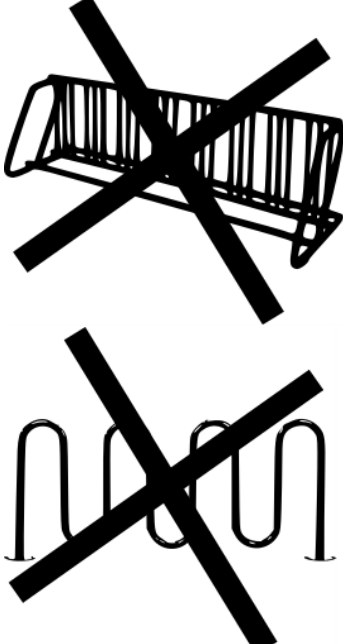
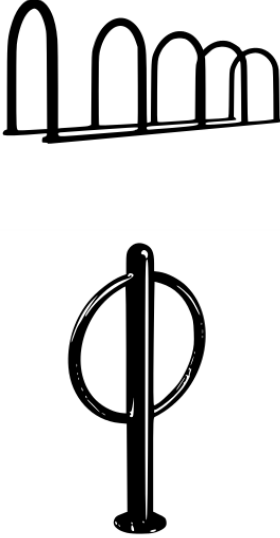
14.7.3.2 To. Accessible routes must be provided from parking areas to the building/s of other destinations they serve. WDB 14.3 provides standards for accessible routes.

14.7.3.3 Through. The DRB will require that safe pedestrian access be provided through large parking areas.

**14.8 Bicycle Parking.** Proposed bicycle parking must be shown on the plans submitted with an application for a permit.

**14.8.1 How many bicycle parking spaces are required?** Table 14.A gives the minimum number of required total and long-term bicycle parking spaces for typical uses. There is no maximum.

**14.8.2 What is a short-term bicycle parking space?** A short-term bicycle parking space is a space in a bicycle rack that is large enough to accommodate a bicycle (approximately two by six feet), permits the locking of the bicycle frame and one wheel to the rack, and supports the bicycle in a stable position without damage.

Racks like this <b>do not meet</b> the requirements of WDB 14.8.2	Racks like this <b>meet</b> the requirements of WDB 14.8.2
	

**14.8.3 Are there design standards for short-term bicycle parking?** Yes. Short term bicycle parking must be as visible, as well lit, and as convenient for cyclists as the vehicular parking on the site is for drivers.

14.8.3.1 Visibility. Short-term bicycle parking or a directional sign leading to it shall be visible from the principal entrance of the building it serves. Short term bicycle parking serving buildings with multiple entrances shall be dispersed so that it serves every principal entrance. Short term bicycle parking will ideally be within 50 feet of the building entrance.

14.8.3.2 Security. Bicycle racks shall be securely anchored to the ground, allow the bicycle wheel and frame to be locked to the rack with a U-lock, and be in a well-lit, highly visible location.

14.8.3.3 Paving. Short-term bicycle parking shall be on a paved surface.

**14.8.4 What is a long-term bicycle parking space?** A long-term bicycle parking space provides secure storage in a bicycle locker or a bicycle storage room or enclosure. These facilities must protect the entire bicycle, including its components and accessories against theft and the weather. They must also include a clothes storage locker that has a minimum size of 12” wide, 18” deep, and 36” high. Lockers do not need to be in the same location as the long-term bicycle parking space. The required



number of long-term bicycle parking spaces is given as a percentage of the required number of total bicycle parking spaces and is listed in of Table 14.A.

**14.8.5 Can the number of required bicycle parking spaces be reduced?** The DRB or Administrator may reduce the bicycle parking requirements adopted in this chapter when they make a finding, based on testimony and evidence presented by the applicant, that the location and/or nature of the proposed development make the use of bicycles highly unlikely.

## 14.9 End-of-Trip Facilities

**14.9.1 Why are end-of-trip facilities required?** End-of-trip facilities are an important element in long range strategies to reduce energy consumption and dependence on nonrenewable energy resources. Few people can ride a bicycle even a modest distance to work if there is not a place to shower and change.

**14.9.2 What end-of-trip facilities are required for developments?** End-of-trip facilities include showers and a changing area. Facilities must be provided on-site or via an agreement with a nearby (within 300 feet) use. Table 14.D outlines the minimum number of required end-of-trip facilities based on the number of long-term bicycle parking spaces required.

Table 14.D - Shower and Changing Facilities	
Required Long Term Bike Parking Spaces	Minimum Number of Required Shower and Changing Facilities
1-3	1
4- 17	2
18-30	4
30+	6

**14.9.3 When are end-of-trip facilities required?** Many developments in Williston were constructed before bicycle parking and end-of-trip facilities were required. In addition to being required whenever vehicle parking areas are proposed to be constructed as part of new development or expanded when existing development is modified, end-of-trip facilities may be required by the DRB or Administrator as part of extensive interior fit-ups or remodels of existing commercial spaces. In making this determination, the DRB or Administrator will consider the estimated cost of the modifications and the relative cost of adding the end-of-trip facility. Where the estimated additional cost of adding an end-of-trip facility exceeds 5% of the estimated total project cost, the DRB may waive the end-of-trip facility requirement, after making findings regarding the relative difficulty of adding an end-of -trip facility and in consideration of the overall project size.

## Chapter 15

### On-Site Infrastructure

This chapter establishes standards for the provision of on-site infrastructure, including private and public roads, utilities, and associated improvements. These standards are supported by Chapter 7 of this bylaw, which establishes the procedures needed to ensure that the improvements required here are actually built. On-site infrastructure may also be subject to the continuing maintenance standards of Chapters 7 and 16.

#### 15.1 Basic Requirement – Applicability

**15.1.1 What is the basic requirement of this chapter?** The basic requirement of this chapter is that developments will be served by adequate on-site infrastructure installed by the developer.

**15.1.2 What does ‘on-site’ mean?** On-site infrastructure is on the land that is proposed for development or in a public right-of-way immediately adjoining that land. This term may also include necessary extensions of roads or utilities to a development across other lands.

**15.1.3 Do the standards adopted here apply to all development?** These standards apply to all development for which a discretionary permit is required. The plans submitted with applications for discretionary permits must clearly demonstrate compliance with these standards.

**Relationship to Impact Fees.** Williston requires development to contribute to the continuing improvement of its infrastructure in two major ways. The first is through the provision of on-site infrastructure, as required by this bylaw. While on-site infrastructure may incidentally benefit others, it primarily serves the occupants/users of the development where it is installed. The second contribution is through the payment of impact fees. Impact fees are used to help cover the costs of off-site infrastructure, improvements that are, in part, necessitated by a development, but that serve a larger public and may be located miles away.

**15.1.4 Do the standards adopted here apply in the Taft Corners Form-Based Code Zoning District?** Yes. Both the standards of this chapter and the Taft Corners Form-Based Code apply within the zoning district. Where there is a conflict between this chapter and the Form-Based Code, the standards of the Form-Based Code shall prevail.

**15.2 Circulation.** Many developments will be served by existing roads, with access to those roads governed by Chapter 13 of this bylaw. These standards apply where new roads must be built.

**15.2.1 Will all roads built to serve new development be public?** No. Applicants may be required to build public or private roads as explained here.

**15.2.2 Where will public roads be required?** Where a development includes a proposed arterial or collector road, that road will be public, and designed and built to the appropriate standards of the American Association of State Highway and Transportation Officials (AASHTO) *Policy on the Geometric Design of Highways and Streets* and Williston’s *Public Works Standards*.

**15.2.3 What about local roads? Are they to be public or private?** That depends. Proposed local roads that serve a single development and/or that will serve 40 or fewer dwellings and/or that provide no connection to other lands shall be dedicated to public use, but privately maintained by the owner or an owner's association, as provided by WDB 7.2. The town may accept some local roads as provided by WDB 15.2.3.3

15.2.3.1 Very Low-Volume Roads. Where a private road will serve 40 or fewer dwellings or a projected traffic volume of 400 ADT or less it shall be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Guide for the Geometric Design of Very Low Volume Local Roads* and Williston's *Public Works Standards*.

15.2.3.2 Other Private Roads. Private roads that will serve more than 40 dwellings or carry more than 400 ADT traffic must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

15.2.3.3 Town Acceptance of Local Roads. The town may choose to accept a new local road that provides access to a municipal or other public facility or where the connectivity required by the *Town Plan* and Chapter 13 of this bylaw is not provided by an existing road. Where the town will accept a local road, it must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

**15.2.4 Must sidewalks or recreation paths be provided along roads?** Sidewalks that are designed and built to comply with Williston's *Public Works Standards* must be provided along both sides of all existing and proposed roads except:

15.2.4.1 ... where the *Town Plan* calls for the provision of a recreation path along the existing or proposed road, which must be provided instead; or

15.2.4.2 ... where the DRB finds that the type and/or density of development served by the existing or proposed road does not necessitate a sidewalk or recreation path, or at least a sidewalk or recreation path on both sides of the road. In making this determination, the DRB shall be guided by these principles.

- The DRB may limit the requirement for a sidewalk to only one side of a proposed road in areas of low intensity commercial or industrial development. Where it does so, it may require the provision of signed and/or striped crosswalks to properties on the side of the road that has no sidewalk.
- The DRB may modify or eliminate the requirement for a sidewalk where safe adequate bicycle and pedestrian circulation is provided by an off-street system of paths.
- Sidewalks will not ordinarily be required in the ARZD due to the low density of development permitted in that zoning district. Recreation paths and primitive trails will be required as shown in the *Town Plan* and may also be required to create or enhance connectivity in open space developments, as provided by WDB 31.7.5.

**Where can I find the map of proposed trails in the *Town Plan*?** Existing and proposed trails are shown on Map 11 and Map 17 of the *Town Plan*.

**15.2.4.3 Crosswalks.** Signed and/or striped crosswalks must be provided at all intersections. The DRB may also require mid-block crossings to serve specific destinations and additional measures to ensure the safety of cyclists and pedestrians, including textured crosswalks and other streetscape design features, signs, and traffic calming. The DRB may permit an exception to this standard where an applicant would otherwise be required to install a crosswalk that does not connect to a pedestrian way on the other side of a street.

**15.2.5 Are there standards for the drainage of roads?** All roads shall be properly drained, as required by the *Public Works Standards* and in compliance with Chapter 29 of this bylaw, which regulates runoff from roads and other impervious surfaces.

**15.2.6 Are there standards for signs, streetlights, etc?** Improvements associated with roads, including signs required by the *Uniform Manual of Traffic Control Devices*, streetlights, and similar facilities shall be provided as required by the *Public Works Standards*.

**15.2.7 Are street trees required?** Street trees must be planted as required by Chapter 26.

**15.2.8 What about bus stops?** Applicants whose projects will benefit from transit service may be required to provide or contribute to the provision of bus stop pull-outs, shelters, and signage.

**15.3 Neighborhood Parks.** Like the other on-site infrastructure required by this chapter, neighborhood parks are ‘required improvements’ subject to all applicable requirements of Chapter 7 and the maintenance requirements of Chapter 16.

**15.3.1 Are developers required to provide neighborhood parks?** Section 4.5 of the *Williston Comprehensive Plan* provides detailed guidance for the provision of neighborhood parks in residential developments. The DRB must find that all proposed residential developments comply with that guidance. Note also that the growth management review standards adopted in Chapter 11 of this bylaw encourage the provision of neighborhood recreational space.

**15.3.2 Are neighborhood parks open space?** Neighborhood parks come in different forms, depending on the character of the neighborhood they serve. Some may be quite urban, including lots of hard surfaces. They are not automatically included in “open space” where it is required by this bylaw but may be included where the DRB finds that they serve open space functions.

**15.3.3 When does access to an existing park fulfill the Open Space Plan’s guidance for neighborhood parks?** Section 4.5.1 of the *Williston Comprehensive Plan* provides that small subdivisions, in which the provision of a park is not feasible, and subdivisions that have good pedestrian access to an existing park may be served by an existing community park rather than providing a new neighborhood park. This will be permitted where the existing park is within 1/4-mile walking distance of the majority of dwellings in the proposed residential development, where the walk to the existing park does not involve crossing an arterial road, and where the proposed development makes a cash contribution to the continuing development of community parks via an increased impact fee.

**15.3.4 When is a proposed residential development too small to provide a neighborhood park?** The applicant may propose to provide a neighborhood park in a residential development of any size. Consistent with Section 4.5.1 of the *Williston Comprehensive Plan*, however, a neighborhood park will not be required in any proposed residential development that has fewer than 15 dwellings.

**Increased Impact Fee.** The upcoming revision of the parks and recreation impact fee will require a higher fee from dwellings in developments that rely on existing parks rather than providing a neighborhood park.

**15.3.5 Must neighborhood park space be developed?** Consistent with 4.5.1 of the *Williston Comprehensive Plan* only basic development of neighborhood parks, consisting of grading, the installation of turf and other ground covers, and the planting of trees is required. Further development and maintenance of the park will be the responsibility of the owners' association. Note, however, that in order to receive a point award on the growth management review standards of Chapter 11 of this bylaw, the applicant must provide additional facilities or a park development fund that may be used by the owners' association.

## 15.4 Private Utilities

**15.4.1 Must the plans I submit show utilities that are not provided by the town?** Yes. Cable television, electric power, and natural gas may be provided as available and in accord with the requirements of each service provider. The plans submitted with the application for a discretionary permit must show where and how these utilities will be installed and clearly demonstrate that they will not conflict or interfere with the construction and maintenance of roads or the installation and maintenance of municipal utilities.

**15.4.2 Must private utilities be placed underground?** Yes. The DRB may permit an exception to this standard where placing utilities underground is physically infeasible.

## 15.5 Sewage Disposal: Municipal

**15.5.1 Is access to Williston's municipal sewerage system limited?** Yes. All proposed development must have or obtain an allocation of sewage treatment plant capacity as provided by Williston's *Sewer Allocation Ordinance* and, for residential developments, the growth management review system established by Chapter 11 of this bylaw. An allocation certificate signed by the DPW must accompany all applications for permits for development that requires sewage treatment plant capacity.

**15.5.2 Which developments must connect to the town's sewerage system?** Development within the sewer service area established in the *Town Plan* and the *Sewer Allocation Ordinance* must be connected to the municipal sewerage system via a collection system that includes all necessary pump stations or pump station improvements and that meets the design and construction standards established by Williston's *Public Works Standards* and state law. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.6 exists or can be installed.

**What are the boundaries of the Sewer Service Area?** See Map 8 of the *Williston Comprehensive Plan*.

**15.5.3 Does this mean that existing development may have to connect?** Yes. The requirement of WDB 15.6.2 applies not only to new lots and structures, but also to existing structures that are within 150 feet of a sewer main that has adequate capacity. Existing structures must connect in order to obtain an administrative permit to proceed with a change of use or an addition of more than 600 square feet. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.7 exists or can be installed.

**15.5.4 Are there any other limitations on municipal sewerage service?** Pretreatment of certain kinds of waste may be required by Williston's *Sewer Use Ordinance*. Contact the DPW for more on this.

## 15.6 Sewage Disposal: On-Site

**15.6.1 What are the standards for the installation of on-site sewage disposal systems?** Where a proposed development will not be served by the town's sewerage system, plans for an on-site wastewater disposal system that meets all standards established by the Vermont Department of Environmental Conservation shall accompany the application for a discretionary or administrative permit, whichever is required. These plans must be prepared and certified by a licensed designer.

**What is a licensed designer?** See <https://dec.vermont.gov/water/licensed-designers> for an explanation of this state program.

**15.6.2 How does the town know that an on-site sewage disposal system has been installed as designed?** No certificate of occupancy shall be issued and no development occupied until as-built plans for the on-site sewage disposal system have been filed with the Administrator.

**15.6.3 Are community wastewater disposal systems permitted?** Yes, but only in specific situations, in the ARZD. See WDB 31.10.

**15.7 Solid Waste.** Solid waste collection in Williston is provided by the private sector. This bylaw does include standards intended to ensure that all developments have adequate facilities for the handling and storage of solid waste before it leaves the site. See Chapter 16.

**15.8 Stormwater.** Stormwater collection and treatment must be provided in compliance with Chapter 29 of this bylaw.

## 15.9 Water: Municipal

**15.9.1 Are there standards for water systems that will be installed by developers?** Yes. Where municipal water service is available, the applicant shall install a water system that meets the standards of Williston's *Public Works Standards* and state law.

**15.9.2 Are there limitations on the extension of municipal water service?** Yes. Water service may not be extended into the ARZD and may be extended in other zoning districts only where adequate water pressure can be provided by gravity flow from existing town reservoirs.

**15.10 Water: On-Site.** This standard is adopted to protect the town and its utility rate payers from the necessity of extending municipal water service over long distances to serve areas where the groundwater supply is limited.

**15.10.1 Will development that is not served by the municipal water system be permitted?** Yes, but where the use of an on-site water supply is proposed, the applicant must demonstrate that groundwater sufficient to support the development is available. This must be done by conducting on-site well tests under the supervision of a registered engineer or a groundwater hydrologist.

**15.10.2 How should well tests be conducted? And is this requirement ever waived?** Well tests shall be conducted in accord with the current requirements of the Vermont Water Supply Rule for long-term yield testing. The DRB may waive the requirement of WDB 15.11.1 for an on-site well test where the average density of the proposed development is one dwelling per 10 acres or less and the geologic mapping available to the town suggests that the groundwater supply will be sufficient for very low-density residential development.

**15.10.3 Must wells be tested for water quality?** Whenever a well test is required by WDB 15.11.1, the water yielded shall also be tested for basic drinking water quality parameters and radon.

**15.11 Extensions of Service.** This standard is adopted to reserve the town's limited resources, such as wastewater capacity, to serve areas planned for growth.

**15.11.1 Are there geographic limits on the extension of town infrastructure?** Yes. ~~See WDB 15.6 and WDB 15.10.2.~~ Sewerage may not be extended outside the sewer service area established in the *Williston Comprehensive Plan* except in response to a public health emergency. Additional water service may not be extended into the ARZD except where necessary to address a public health emergency. Nor may water service be extended into areas that cannot be served by gravity flow.

Sewer Service Area. 24 V.S.A. § 4303 (42)(A) defines an "area served by municipal sewer and water infrastructure" as an area established by the municipality by ordinance or bylaw where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and which may exclude areas with identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements.

Williston's Sewer Service Area was established by reference in the Town of Williston Sewer Allocation Ordinance. The Sewer Service Area is shown in Map 8 of the Comprehensive Plan.

**15.11.2 Will the town ever participate in extensions of service needed to support development?** The ~~DPW~~town may, ~~with the approval at the discretion~~ of the Selectboard, choose to provide partial funding for the extension of town roads or utilities to a development where doing so will help correct a deficiency in the existing circulation or utilities systems or where the proposed extension will provide capacity for the anticipated development of other lands.

**15.11.3 Can the town recoup the costs it incurs in extending service?** Yes, at least in part. Where the town funds an extension of service that benefits undeveloped properties, it shall collect a proportional share of the costs it incurred before a permit for the development of those properties is approved.

**15.12 Certificate of Dedication.** Infrastructure that will be owned by the Town of Williston shall be dedicated to the town via a certificate on the cover sheet of the recorded final plans. This certificate shall be signed and dated in the presence of a notary public by all owners or by a guardian or trustee who is entitled to sign for the owner/s and shall be acknowledged as the only instrument of conveyance needed to transfer ownership of the listed facilities to the town.

**15.13 Acceptance of Roads.** Roads that will be dedicated to and maintained by the town will be accepted by the Selectboard, but only after the inspections and warranty period required by Chapter 7 of this bylaw are complete.



**SAMPLE CERTIFICATE OF DEDICATION**

We, the undersigned, certify that we are the legal owners of the property described by the recorded plans on which this certificate appears, and that we hereby dedicate the public roads and pedestrian ways, including all associated improvements, rights-of-way, and easements; the public utilities, including all associated improvements and right-of-way; and all other public improvements [these should be specifically listed] shown on these plans for the (name of development), as it was approved by the Williston Development Review Board on (date) to the Town of Williston. We understand that our signatures below result in the transfer of ownership of the lands and facilities described here unconditionally and forever to the town. We also understand that, while ownership shifts to the town upon the recording of these plans, we may be responsible for the continuing maintenance of some or all of these lands and facilities until a warranty period expires.

\_\_\_\_\_, \_\_\_\_\_  
(date)

\_\_\_\_\_, \_\_\_\_\_  
(date)

At Williston, Vermont this \_\_\_\_ the day of \_\_\_\_\_, A.D. \_\_\_\_\_,  
(date) (month) (year) (name/s)

personally appeared and acknowledged the dedication made by the above certificate as his/her/their free and deed.

Before Me: \_\_\_\_\_  
(notary public)

Insert this additional language where needed:

We further dedicate the private roads shown on these plans to public use. It is understood that these roads will be privately maintained by ourselves or our successors in ownership, but that guaranteed public access is necessary to provide for emergency services.

# Chapter 19

## Density Transfer of Development Rights

This chapter provides background information for the zoning districts created in this bylaw by explaining how the density or intensity of development is defined, measured, and regulated. This chapter also establishes a voluntary transfer of development rights program.

### 19.1 Applicability – Definitions

**19.1.1 Where in Williston are these definitions and standards applicable?** These standards do not apply within the Taft Corners Form-Based Code Zoning District (TCFBC). The TCFBC limits the maximum number of dwellings and square feet of commercial floor area through building form standards (footprint size, building height, block size, etc.).

**19.1.2 What is “density?”** Density is the general term used to describe how intensively a parcel of land is, or may be, used. Density is measured differently for different uses and in different situations.

**19.1.3 How is density measured?** WDB 46.3.50 defines a dwelling. The density of residential development in Williston is measured in the number of dwellings per acre. Acreage encompasses everything within the platted boundaries of the development. It includes buildings, streets, sidewalks, stormwater detention ponds, all other improvements, and ~~most types of~~ open space. ~~There are some exceptions, which are explained in WDB 19.1.3.1 and 2.~~

**What is a dwelling?** A dwelling is a building (typically a single-household home) or a separate space within a larger building (typically an apartment, townhouse, or the like) that contains complete housekeeping facilities for one household.

**What is a household?** A household comprises persons, related or not, who are living or have lived together, are sharing or have shared occupancy of a dwelling for any period of time. The Williston Development Bylaw recognizes this definition of a household and does not prohibit unrelated persons from residing in the same dwelling.

19.1.3.1 Accessory Dwellings. Accessory dwellings permitted by WDB 20.1 are not counted as dwellings when calculating density.

~~19.1.3.2 Acreage Exceptions. There are three exceptions from the acreage used as a basis for calculating density and one partial exception. These exceptions apply in all zoning districts.~~

- ~~• The acreage on a proposed development site that is included within the watershed protection buffers required by Chapter 29 of this bylaw will not be included in the gross acreage of that site for the purposes of calculating the permitted density.~~
- ~~• The acreage on a proposed development site that has an average slope of 30% or more will not be included in the gross acreage of that site for the purposes of calculating the permitted density.~~
- ~~• The acreage on a proposed development site that has an average slope of 15-30% will be included in the gross acreage of that site, but only at the rate established for development~~

~~on slopes in the applicable zoning district. That rate is one dwelling for every 10 acres in the ARZD (see WDB 31.7.2.6) and one dwelling per acre in the RZD and VZD zoning districts (see WDB 39.4.2.2 and WDB 42.4.1).~~

~~19.1.3.23 **Rounding.** Where Residential density calculations ~~often~~ result in a fractions, the number shall be rounded up to the nearest whole number to obtain the total allowable density. For ~~example, a~~ example, a 17-acre parcel in the ARZD is permitted to have ~~7.6230.9~~ 30.9 dwellings; rounded up, the parcel is permitted to have 31 dwellings. ~~Does that mean it can have eight? No. Conventional mathematical rounding rules are not used for the density calculations required by this bylaw. A parcel must contain ALL of the acreage required for an additional dwelling. In the ARZD, a parcel has to contain at least 17.69 acres to be permitted eight dwellings.~~~~

**19.1.4 How is density measured for nonresidential developments?** There is no universally useful measure of the density or intensity of nonresidential developments. The density of nonresidential developments is limited and determined by the standards of this bylaw. There IS a practical minimum area for any given nonresidential development, but that area must be determined case-by-case, based on what is required to comply with the applicable standards. See WDB 19.3.

**19.2 Residential Densities.** Policies 3.2 and 3.4 of the *Town Plan* provide background materials that you might want to read before going on to the rest of this chapter.

**19.2.1 What is the purpose of these residential density standards?** The definitions and standards adopted in this chapter are intended to:

- ... implement the open space policies adopted in the *Comprehensive Plan*, especially Policies 3.2 and 3.4 and *Chapter 13 – Natural and Cultural Resources*;
- ... help implement the affordable housing policies adopted in the *Comprehensive Plan* (see Chapter 5); and
- ... give landowners and developers the flexibility needed to protect open space while creating compact and amenable neighborhoods.

To achieve these purposes, Williston requires open space residential development, which is defined in WDB 19.2.2. Because it can be difficult to design an open space development on smaller parcels, Williston also permits infill development, which is defined at WDB 19.2.3.

**19.2.2 What is an open space development?** An open space development is a residential subdivision in which a specified area of open space is protected as a condition of approval. How much open space is required varies with the zoning district. Open space development is required on parcels larger than 10.5 acres in the ARZD and RZD. Parcels in the VZD and smaller parcels in the ARZD and RZD may also be developed using an open space pattern, but where this is proposed, it must be approved~~recommended~~ by the DRB during pre-application review.

**19.2.3 What is an infill development?** Some parcels of land are too small to effectively use for open space development. Specifically, all residential developments that include 10.5 or fewer acres and all residential developments within the VZD will be treated as infill developments for the purposes

of this bylaw, except where an exception is permitted by the DRB, as provided in WDB 19.2.2. All other residential developments must be open space developments.

**19.2.4 So, how do I know how many homes I can build on my land?** Each residential zoning district has both a permitted net density and a minimum area per dwelling. These standards are shown in Table 19.A.

19.2.4.1 Net Density. The net density column in Table 19.A tells you the maximum number of homes that can be built. It applies to both open space and infill developments. Applicants may make choices that reduce the average density permitted (see, for example, WDB 15.2.3.1), but the standards of Table 19.A. are the starting point.

~~For example, if you have a 40-acre parcel in the ARZD that includes no watershed protection buffers and no slopes of 15% or more, Table 19.A shows that you can build 22 dwellings. See WDB 19.1.3.2 for an explanation of how having watershed protection buffers or slopes on your property affects the permitted density.~~

19.2.4.2 Minimum Area. The minimum area per dwelling may be different for open space and infill developments and is applied in different ways to different types of development. See WDB 19.2.5.

19.2.4.3 Equal Treatment of Housing and Required Provisions for Affordable Housing. As provided by 24 V.S.A § 4412 (1) (D):

19.2.4.3.1. Duplexes. In any district that allows residential uses, duplexes and single-unit dwellings are treated the same with respect to net density and minimum lot area requirements. A duplex is allowed on any lot where a single-unit dwelling would be allowed per the density requirements specified in this chapter, with no additional land or lot area than is required for a single-unit dwelling. A duplex must comply with all other dimensional standards applicable to a single-unit dwelling.

19.2.4.3.2. Multiunit Dwellings with Four or Fewer Units. Within the Sewer Service Area, multiunit dwellings with 4 or fewer units are treated the same as single-unit dwellings with respect to net density and minimum lot area requirements. In the Sewer Service Area, a multiunit dwelling with 4 or fewer units is allowed on any lot where a single-unit dwelling would be allowed per the density requirements specified in this chapter, with no additional land or lot area than is required for a single-unit dwelling. A multiunit dwelling must comply with all other dimensional standards applicable to a single-unit dwelling.

~~For example, if you have a 3-acre parcel in the ARZD outside the Sewer Service Area, Table 19.A shows that you can build 2 single-unit dwellings or 2 duplexes ( $3 \times .55 \text{ D/A} = 1.65$ , rounded up = 2, where dwelling can be single-unit or duplex). If you have a 1-acre parcel in the RZD, you can build up to five 4-unit dwellings ( $5 \text{ D/A}$ , where dwellings can be single-unit or multiunit up to 4 units).~~

**Table 19.A - Permitted Residential Densities**

Zoning District	Net density	minimum area per dwelling in an open space development	minimum area per dwelling in an infill development
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ARZD outside the Sewer Service Area*	1 dwelling** per 80,000 SF (.55 D/A)	15,000 SF (.344 A)	80,000 SF (1.84 A)
ARZD inside the Sewer Service Area*	open space developments: 5.00 D/A developments that meet the density bonus requirements of WDB 19.2.6: 7.00 D/A	5,445 SF (0.125 A)	8,712 SF (0.2 A)
RZD	open space developments: 5.00 D/A developments that meet the density bonus requirements of WDB 19.2.6: 7.00 D/A	5,445 SF (0.125 A)	8,712 SF (0.2 A)
VZD	5.00 D/A developments that meet the density bonus requirements of WDB 19.2.6: 7.00 D/A	5,445 SF (0.125 A)	6,534 SF (0.15 A)
*The net density given here is for development on slopes of less than 15%. Development on slopes of 15-29% is permitted only at the lower densities established in WDB 19.1.3.2. Slopes of 30% or more are not included in the acreage base for development.			
*The boundaries of the Sewer Service Area are established in the Town Plan and Sewer Allocation Ordinance. See Map 8 of the Williston Comprehensive Plan.			
**With respect to density requirements, outside the Sewer Service Area, a dwelling can be either single-unit or duplex. Within the Sewer Service Area, a dwelling can be single-unit or multiunit with four or fewer units.			

**19.2.5 But how can I build that many homes if I am required to protect buffers along streams, conservation areas, slopes, wetlands, and other resources?** This is where the minimum area per dwelling comes in. The combination of an average density with a minimum area per dwelling gives landowners and developers the flexibility to protect open space while meeting the demand for housing. It will also help make new residential neighborhoods more compact, and thus more affordable and pedestrian friendly.

**Is this “cluster” development?** Yes. The approach the town is taking toward most residential development has been called “cluster” development. ‘Open space development’ is used in the *Town Plan* and this bylaw because it emphasizes the goal of open space protection.

**19.2.5.1 Minimum Area, Individual Lots.** The minimum area per dwelling can be interpreted as a minimum lot size in developments where buyers will get a lot. No lot can be smaller than the minimum area per dwelling. Do note, however, that WDB 31.8.3 prohibits developments with uniform lot sizes.

Imagine, **for example**, a 40-acre parcel in the ARZD, ~~where 22 dwellings are permitted. This parcel has no slopes or watershed protection buffers, so 22 dwellings are permitted.~~ But WDB 31.4.1 requires that 75% remain in open space. Can the owner still plat 22 lots? If he or she is willing (and the site is favorable) to install community sewerage systems for each cluster of lots (there is generally a limit of seven home sites per cluster), 22 lots could be approved on the 10 acres that are not set aside as open space. The shape and size of the lots must vary with the terrain, but the smallest lot/s can be as small as 15,000 SF, allowing some flexibility in the proposed subdivision’s design.

19.2.5.2 Minimum Area Without Lots. Where the proposed development will be an apartment building or complex that will remain in one ownership or a condominium where the land will be held in common by the homeowners, the minimum area per dwelling ~~unit~~ determines the smallest area that can be used for buildings, parking, and other improvements.

Imagine, **for example**, an ~~850~~-acre parcel in the RZD that includes extensive (~~1530~~ acres) wetlands ~~and a rare plant community (10 acres)~~. Table 19.A permits 250 dwellings on that site (50 X 5). But given the natural constraints, it would be difficult to plat even that many conventional residential lots. Further, unless the wetlands ~~and rare plants~~ happen to be located in one corner of the parcel, adjacent to another open space) conventional development will have a fragmenting impact on those resources. Better resource protection and better utilization of land and infrastructure, can be achieved by shrinking the footprint of the housing. Using the minimum area per dwelling of 5,445 SF, this bylaw would permit all 250 dwellings to be placed on less than ~~3540~~ acres. This leaves ample space for a development that could take the form of flats, town homes, or other attached housing types. Placing 250 units on, say, ~~31,2537.5~~ acres results in roughly the same density as many of Williston's existing condominium developments: 6.4 D/A. **How does all this really work?** Landowners who are unsure about how to comply with the open space development requirements of this bylaw are encouraged to make an appointment with a staff person at Williston Planning. You may also want to seek the advice of an experienced design professional.

**19.2.6 *Is there a density bonus for building affordable housing?*** Yes, where affordable housing is being provided the residential density limitations can be exceeded in some zoning districts.

19.2.6.1 Which zoning districts have the density bonus? The density bonus can only be used in zoning districts where residential is an allowed use and that are within the Sewer Service Area. This means it cannot be used in ~~the~~ most of the ARZD or the industrial zoning districts or the Gateway Zoning District North.

19.2.6.2 What do I have to provide for the bonus? The development proposed must include at least 20% of the dwellings or a minimum of 5 dwellings, whichever is greater, as affordable dwellings. An affordable dwelling for the purposes of the density bonus is defined in 24 V.S.A. § 4303. Williston also requires affordable dwellings under the inclusionary zoning requirements of WDB Chapter 11, which are defined differently.

19.2.6.3 How much is the bonus? Those developments that meet the requirement are allowed to exceed the residential density limitations in the zoning district by 40%. This can include exceeding the maximum height limit in the zoning district by one (1) floor.

19.2.6.4 How does the town define 1 floor for the density bonus? Where the WDB defines building height in feet, a building is allowed to exceed the allowed height in the zoning district by 13'. Where the WDB measures building height in stories, as in the Taft Corners Form-Based Code Zoning District, the definition of STORY in the TCFBC shall be used to define 1 floor.

19.2.6.5 How long do the dwellings have to stay affordable? Affordable dwellings shall be subject to covenants or restrictions that preserve their affordability in perpetuity. They shall meet the perpetual affordability requirements of WDB 11.3.5.

19.2.6.6 Are there any other requirements for the affordable dwellings? Yes, they must meet the specific requirements on integration, allowable differences and phasing set out in WDB 11.3.3 and the sale and rental requirements of WDB 11.3.6.

### 19.3 Nonresidential Densities

**19.3.1 Are minimum lot sizes required for the nonresidential uses that are permitted in the ARZD, RZD, and VZD?** Yes.

19.3.1.1 In the ARZD. A minimum lot size of 80,000 SF is required for nonresidential uses in the ARZD.

19.3.1.2 In the RZD and VZD. A minimum lot size of 20,000 SF is required for nonresidential uses in the RZD and VZD.

**19.3.2 Are there minimum lot sizes for nonresidential development in the other zoning districts?**

There is no minimum lot size for nonresidential uses in the other zoning districts. The density or intensity of nonresidential development that is permitted in those districts will be a function of the standards of this bylaw, as applicable.

**19.4 Mixed-Use Densities.** Williston’s *Comprehensive Plan* emphasizes the desirability of mixed-use development in the growth center, and mixed-use development is permitted, or even required, in the BPZD, GZDS, GZDW, MUCZD, MURZD, and TCZD. Each zoning district has its own standards for which uses may be mixed and how. Those standards are summarized in Table 19.B. Mixed uses are also permitted in the VZD, in compliance with the standards established in Chapter 42 of this bylaw.

**19.4.1. Is the mix of uses regulated?** The mix of residential and nonresidential space may be limited. See the first column in Table 19.B for a summary of the standards adopted in the chapters establishing each zoning district.

**19.4.2 How many dwellings are permitted in a mixed-use development?** The net permitted density of the residential component of a mixed-use development is shown in Table 19.B. That table also imposes a minimum density of five dwellings per acre on residential development in most of the mixed-use zoning districts and shows that the net permitted density may rise to 10 or 15 D/A with the transfer of development rights. The transfer of development rights is explained in WDB 19.5. With respect to density requirements, dwelling is defined as single-unit or multiunit up to 4 units (see WDB 19.2.4.1.2).

19.4.2.1 Adaptive Reuse Developments. Dwellings created through the adaptive reuse of an existing non-residential structure, for example, conversion of a hotel to apartments or conversion of office space to apartments, provided that those developments comply with all other applicable provisions of the Williston Development Bylaw, shall not be counted in calculating the residential density of the sites they are located on.

**19.4.3 How much nonresidential development is permitted in a mixed-use development?** The density of the nonresidential component of a mixed-use development will be a function of the limit, if any, on the mix of uses in the zoning district, the space that remains after the residential component is established, and the standards of this bylaw.

**Table 19.B - Mixed Use Residential Densities**

All numbers are D/A

zoning district	residential/commercial mix	net density	density with TDR or with 20% affordable dwellings <sup>4</sup>	minimum density <sup>1</sup>
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GZDS <sup>2</sup>	Residential uses are permitted, but not required.	7.5 <u>D/A</u>	11 <u>D/A</u>	5 <u>D/A</u>
MUCZD <sup>2</sup>	Residential uses are encouraged, but not required.	7.5 <u>D/A</u>	15 <u>D/A</u>	5 <u>D/A</u>
<del>MURZD<sup>2</sup></del>	<del>Must be predominantly<sup>3</sup> residential.</del>	<del>7.5</del>	<del>15</del>	<del>5</del>
<del>TCMRZD<sup>2</sup></del>	Residential uses may be required.	7.5 <u>D/A</u> <del>107.5</del>	15 <u>D/A</u>	5 <u>D/A</u>
GZDW	Residential uses are permitted, but not required.	<u>D/A</u>	<del>154</del> <u>D/A</u>	5 <u>D/A</u>

<sup>1</sup> Where provided. This does not mean that residential uses have to be built where they are not required.

<sup>2</sup> Only applicable in the portions of TCZD, MUCZD and MURZD outside the TCFBC.

<sup>3</sup> 'Predominantly residential' is defined at WDB 38.1.3.1.

<sup>4</sup> As specified in WDB 19.2.6.2

## 19.5 Transfer of Development Rights

**19.5.1 What is the transfer of development rights?** A transfer of development rights occurs when the right to develop on one parcel of land is used on a noncontiguous parcel. The parcels involved may be in the same or different ownerships.

**19.5.2 Is the transfer of development rights permitted in Williston?** Yes. Residential development rights may be voluntarily transferred from lands in the ARZD or from conservation areas shown in the *Open Space Plan* in other zoning districts to lands within the growth center outside of the Taft Corners Form Based Code. Development rights may be transferred one-to-one up to the maximum density permitted in the receiving zoning district by Tables 19.A and 19.B.

**19.5.3 Is special permission required for a transfer of development rights?** No. Transfers are permitted within the density limits established in Tables 19.A. and 19.B. The resulting development must, of course, comply with all requirements of this bylaw.

**19.5.4 What are the mechanics of a transfer of development rights?** A transfer of development rights is a private transaction. While it is enabled and encouraged by this bylaw, the town does not require TDRs.

19.5.4.1 TDRs at Pre-Application. An applicant who proposes to use TDRs in a development must make this clear in the pre-application materials.

19.5.4.2 TDRs and Growth Management. A TDR does not exempt the proposed dwellings from growth management review, as required by Chapter 11 of this bylaw.

19.5.4.3 TDRs at Permit Review. Drafts of the instruments of conveyance for the TDR must accompany the application for a discretionary permit.

19.5.4.4 TDRs in Final Plans. The signed instruments of conveyance for the TDR must accompany the final plans. They must be recorded after approval of the final plans and before an administrative permit for any work on the site is approved.

**Can you give me an example of how the transfer of development rights works?** Yes. Suppose that you have a small farm in the ARZD. You could, if able to comply with all requirements of this bylaw, create 22 home sites on 40 acres. But really, you only want to build a home for yourself. Can you use the other 21 development rights in another way? Possibly. Suppose that a developer in the Taft Corners area wants to build a mixed-used project on 10 acres. Without a transfer of development rights, Table 19.B says that this project can have 7.5 D/A, or 75 total dwellings. With a transfer, however, it



can have as many as 150 dwellings (15 D/A). The developer could, if you name a reasonable price, purchase your 21 development rights and build 96 of the 150 dwellings permitted with a TDR. This moves development into the growth center in accord with town policy, while helping protect the character of rural Williston.

**Chapter 30**  
**Official Zoning Map and Other Regulatory Maps**

This chapter establishes the Official Zoning Map and provides rules for its use and interpretation and establishes other regulatory maps such as overlay districts and the Official Map.

**30.1 Zoning Map.** The *Official Zoning Map of the Town of Williston* is available for review at the Williston Planning and Zoning Office. The Town makes every effort to provide accurate copies, but questions about the exact location of a zoning district may be resolved only by reference to the official zoning map.

**30.2 Zoning District Boundaries**

**30.2.1 How do I know exactly where the zoning district boundaries are?** Zoning district boundaries generally follow property lines, as they were shown on the 2014 tax map, but there are exceptions to this rule.

30.2.1.1 Streams. Where a zoning district boundary is shown along a stream, that boundary follows the centerline of the stream unless otherwise clearly indicated by a note on the official zoning map. Zoning boundaries and the extent of the watershed protection buffers established by this bylaw shift as the course of the stream shifts.

30.2.1.2 Roads. Where a zoning district boundary is shown along a road, that boundary follows the centerline of that road unless otherwise clearly indicated by a note on the official zoning map.

30.2.1.3 Utility Lines. Where a zoning district boundary is shown along a power line or other utility easement or right-of-way, that boundary follows the centerline of that easement or right-of-way unless otherwise clearly indicated by a note on the official zoning map.

30.2.1.4 Other Boundaries. Notes on the official zoning map describe boundaries that do not follow a stream, road, utility line, or property line.

30.2.1.5 Parcel Merger. If a property line that was also used as a zoning district boundary line on the official zoning map is eliminated by re-platting, the zoning district boundary line shall remain where it was.

**30.2.2 What if I disagree with the Town about a zoning district boundary?** If there is a question about the location of a zoning district boundary, the Administrator will determine where the boundary is. The Administrator’s decision may be appealed to the DRB using the procedure established in Chapter 5 of this bylaw.

**30.2.3 Is it possible to change a zoning district boundary?** Yes, but it is not a simple process. The boundaries of Williston’s zoning districts are generally consistent with the future land use map adopted in the *Comprehensive Plan*. This means that changing a zoning district boundary will usually require two amendments: one to the *Comprehensive Plan* and one to the official zoning district map adopted in this chapter. The process required to amend the official zoning map is explained in Chapter 8 of this bylaw. The process of amending a *Comprehensive Plan* is established by 24 V.S.A. § 4385.

**30.3 About the Zoning Districts.** Each zoning district chapter begins with the adoption of a boundary, a statement of purposes, and a list of permitted uses.

**30.3.1 How are uses defined and listed?** Uses are listed by name and NAICS classification. NAICS stands for the North American Industrial Classification System, which is an all-inclusive hierarchical system for describing economic activities. NAICS classifications include as many as six digits, for the finest level of detail, but for most purposes of this bylaw less detailed classifications are adequate. Smaller classifications include all of the more detailed classifications that begin with the same numbers. For example, NAICS 11 – Agriculture, Forestry, Fishing, and Hunting – includes NAICS 111 – Crop Production, and NAICS 1111 – Soybean Farming. Only those uses listed as permitted for each zoning district are allowed unless otherwise exempted.

**30.3.2 What types of standards apply in each zoning district?** Four types of standards apply in the zoning districts created by this bylaw: dimensional, density, general, and specific. Dimensional standards help determine the location and size of development on a site. Density standards help determine the total extent of development on a site. The general standards adopted in Chapters 13-29 regulate access, the provision of infrastructure, outdoor lighting, potential nuisances, and many other aspects of development. More specific standards are also adopted – in the relevant chapter – to ensure that each zoning district fulfills its purpose.

**30.4 Overlay Districts.** All overlay districts named and described below are available at the Planning Office and town website and are incorporated herein by reference.

**30.4.1 Conservation Areas.** The Conservation Area overlay maps include Significant Wildlife Habitat Areas; Unique Natural Communities; Unique, Rare, Threatened, and Endangered Species and Communities; 1988 Lesa Farmland; and Visual Assessment Official Maps. Collectively these overlays identify conservation areas throughout the town that are subject to the regulations and standards set forth in Chapter 27.

**30.4.2 Design Review District.** The Design Review District overlay identifies the area that includes the, GZDS, GZDN, GZDW, MUCZD, ~~MURZD~~, and ~~TCMRZD~~, and all lots in the IZDW that abut Marshall Avenue or Route 2, which is subject to the regulations and standards set forth in Chapter 22.

**30.4.3 Williston Village National Register Historic District and Additional Review Area.** The Williston Village National Register Historic District and Additional Review overlay identifies the area subject to the development standards and regulations in WDB 42.2.3, which requires the issuance of a Certificate of Appropriateness (COA) as a condition to all permitted development.

**30.5. Official Map.** The Official Map of the Town of Williston is adopted pursuant to subsection 3 of section 4401, Title 24 VSA Chapter 117, as amended, filed in the office of the Town Clerk, and incorporated herein by reference. Within the Taft Corners Form Based Code Overlay District, the Regulating Plan of the Taft Corners Form Based Code provides the highest degree of precision for planned public facilities and shall stand as the Official Map

**30.5.1 What is an Official Map?** According to the Vermont Planning Information Center (VPIC), an Official Map “is a powerful tool available to Vermont municipalities to control community design by identifying the locations of future public facilities.” Official Maps show future municipal infrastructure (street, rails, sites reserved for public buildings, areas reserved for stormwater and

flood control, etc.) planned for by the municipality. The intent of the Official Map is to provide a “clear picture to property owners, developers, and the public of the municipality’s intentions with regard to its future physical form and design.” The Official Map ensures that the municipality’s expectations are transparently provided to developers and that landowners are treated fairly by the municipality through the acquisition process.

**30.5.2 What kind of infrastructure is on the Official Map?** The Williston Official Map shows the following types of infrastructure: streets, multi-use paths, sidewalks, bike lanes, trails, desired connections, park and rides, and bus shelters. Desired connections identify two approximate locations in the community that the Town would like to connect via transportation infrastructure. The specific transportation infrastructure (e.g. primitive path, multi-use pathway, street) to connect the two locations has not been identified at present. Much of the infrastructure identified on the Williston Official Map has been long planned for by the Town. Some infrastructure has been included as written objectives or shown on maps in the Williston Town

**30.5.3 How is the Official Map used by the Town of Williston?** In Williston, the Official Map shall be considered by an applicant (property owner) as a part of any development application that is required to be submitted and reviewed by the Williston Development Review Board. This includes all residential and commercial subdivision, site plan, and variance applications. The Official Map shall also be considered if the subject infrastructure shown on the Official Map has been included in the Williston Capital Improvement Fund and Program. For properties that include infrastructure shown on the Official Map, landowners must demonstrate in their development application that the “proposed development will accommodate the planned public facility.” This may mean showing planned right-of-way on a subdivision plat, providing an easement to the Town for the future infrastructure on a site plan, or any other action that enables the Town to implement the Official Map. If the Town finds that the development shown on the Official Map is accommodated, then the development proposal can be approved by the Town provided that the application meets all other applicable regulations in the Williston Development Regulations.

**30.5.4 What if a landowner refuses to accommodate infrastructure shown on the Official Map in their development proposal?** If a proposed development does not accommodate the planned public facility, the application will be denied. After an application denial, the Town of Williston has 120 days from the date of the denial to institute proceedings to acquire the property. Acquisition may be done voluntarily through a legal agreement and property transaction between the property owner and the town. Acquisition can also be done involuntarily through eminent domain. If Williston does not take action within 120 days, the application must be reviewed again with no regard to official map designation. At any point during that process, the Town of Williston can choose not to acquire property and allow the proposed development to proceed.

**Chapter 31**  
**Agricultural/Rural Residential Zoning**  
**District**

This chapter establishes the Agricultural/Rural Residential Zoning District (ARZD) and the standards that are specifically applicable within that district.

**31.1 Boundaries – Purpose – Permitted Uses**

**31.1.1 What are the boundaries of the ARZD?** The boundaries of the ARZD are shown on the official zoning map that accompanies this bylaw.

**31.1.2 What is the purpose of the ARZD?** The ARZD implements the vision of Williston’s 2016-2024 *Town Plan*, which begins:

Williston will strive to balance responsible, livable suburban growth with rural character and conservation. To do this, the town will ... sustain rural landscapes by requiring an open space pattern for subdivisions, conserving lands identified in Chapter 13 - Natural and Cultural Resources through acquisitions or easements; and finding ways to help the owners of working lands continue their stewardship;

Additional policy support for this zoning district is found at 3.2 of the *Comprehensive Plan* and in Chapter 13.

**31.1.3 What uses are permitted in the ARZD?** See Table 31.A and the notes below.

31.1.3.1 Focus on Farming and Forestry. Consistent with the purpose stated above and in the *Town Plan*, the uses permitted in the ARZD are limited to agriculture, the production of forest products, the mining or quarrying of nonmetallic minerals, outdoor education and recreation, and residential development that results in substantial open space conservation. Uses that can help support continuing agriculture are also allowed, as required by Policy of the *Comprehensive Plan Chapter 13*.

31.1.3.2 Defining Agriculture and Forestry. Agriculture and forestry include all accepted agricultural and forestry practices. Supporting uses, like boarding stables, farm stands, sugar houses, and the production of energy from agricultural wastes are also permitted. The processing, distribution, and sale of products raised primarily on the farm or products fashioned primarily from timber harvested on the land is generally permitted, but manufacturing and wholesale and retail trade are NOT accepted agricultural or forestry practices. A discretionary permit is required for such uses, which are subject to all requirements of this bylaw.

**Accepted Practices?** Accepted agricultural and forestry practices are defined by the State of Vermont. See WDB 4.2.1.2.

31.1.3.3 Rural Residential. Rural residential development must comply with the open space development standards of this chapter. It is generally limited to one- and two-household dwellings. More than two dwellings may be permitted in a structure where creation of a multi-household project will result in the preservation and restoration of an historic barn. In the part

of the ARZD that is also within the Sewer Service Area multi-household buildings with four or fewer dwellings may be permitted. Accessory dwellings and home businesses are also permitted in the ARZD.

31.1.3.4 Right to Farm. Agricultural and forestry activities in the ARZD are protected by Vermont's right-to-farm law. See 12 V.S.A. § 5751, et seq. Beyond the state right-to-farm law, nonagricultural uses proposed in this zoning district must show that they will have no direct adverse impact on continuing agriculture on adjoining or nearby lands.

31.1.3.5 Outdoor Recreation. Outdoor education and recreation includes for-fee trails for biking, hiking, horseback riding, or skiing, and similar activities. Accessory structures - like an office, shop, or storage building - that support these activities are also permitted. Indoor educational or recreational facilities may be permitted only where a specific plan for the property has been adopted following the procedure established in Chapter 9 of this bylaw.

31.1.3.6 Adaptive Reuse of Historic Barns. The reuse of historic barns for multi-dwelling residential uses, home businesses and banquet facilities is permitted as provided for by 31.12.

31.1.3.7 Residential Educational and Training Facilities. A specific plan was approved by the Selectboard on December 7, 2015 for Tax Parcel 16:104:270 and 16:104:300 under the provisions of WDB Chapter 9. This specific plan allows a portion of the former Pine Ridge School property on Williston Road to be used as a residential educational and training facility upon the approval of a discretionary permit by the DRB within the area designated for development. The specific plan authorizes the use of the property as a residential educational and training facility for students enrolled in a program that is accredited by a recognized accrediting agency or affiliated with a program accredited by a recognized accrediting agency.

The specific plan authorizes the use of the property as an educational facility including residential dormitories for students and their families, apartment units, office, conference room, libraries, dining facilities, recreational facilities, and classrooms, and related educational use such as seminars and retreats.

The designated open space areas approved by SP 15-01 shall be excluded from future development. Selective forestry to preserve the health of the forest and hiking trails shall be allowed, and the open space shall be protected by a conservation easement.

31.1.3.8 Accessory Uses and Structures. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**31.2 Permit Requirements.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district must have a permit.

### **31.3 Dimensional Standards**

**31.3.1 Is there a maximum building height?** Yes. Building height in the ARZD is limited to 36 feet but be aware that WDB 31.9.8.1 permits the DRB to impose a lower height limit where doing so is necessary to help maintain the visual character of rural Williston. Building height within 250 feet from the mean highwater mark of Lake Iroquois (within the Lake Iroquois Shoreland Protection Area) is limited to 30 feet.

**31.3.2 Must development in the ARZD 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 the requirements of Chapter 23 do not apply, the minimum setback from both side and rear property lines in the ARZD is 15 feet.

**31.3.3 Must development in the ARZD be set back from roads?** Yes. The minimum setbacks from roads in the ARZD shall be:

31.3.3.1 ... from the right-of-way of I-89, 150 feet;

31.3.3.2 ... from the right-of-way of any other road, except a private road serving a residential development, 50 feet; and

31.3.3.3 ... from a private road serving a residential development, 25 feet.

31.3.3.4 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback as part of a request for a discretionary permit. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

31.3.3.5 Average Setback Exception – Williston Woods and Porterwood development. Williston Woods and Porterwood are two existing mobile home developments, served by private streets, developed with setbacks vastly different from the standards of this bylaw. Within these two developments, the Administrator may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed.

**31.3.4 Lake Iroquois Shoreland Protection Area Development Standards.** Properties within the Lake Iroquois Shoreland Protection Area (LISPA) as provided by WDB 29.9.2 are subject to the following development standards:

31.3.4.1. State Permits Required. All new development and the expansion of the footprint of any existing structures within the LISPA shall require evidence of a permit or statement of exemption from the Vermont Department of Environmental Conservation demonstrating compliance with the Vermont Lakeshore Protection standards.

31.3.4.2 New Structures. All new structures must be set back a minimum of 100 feet from the mean water level of the lake.

31.3.4.3 Nonconforming Structures. Nonconforming habitable structures in the LISPA may be expanded or altered under limited conditions. Expansions of nonconforming habitable structures must demonstrate compliance with the Vermont Lakeshore Protection standards.

31.3.4.4 Limitation of Expansion. Expansions of nonconforming habitable structures is limited to increasing the footprint of the existing habitable structure by no greater than 20% of the existing structure over a five-year period of time. Expansion of the footprint of

nonconforming habitable structures may only take place on the side of the structure away from the lakeshore.

**31.3.4.5 Septic Systems.** Expansions of nonconforming habitable structures, either by increasing the floor area of the structure or by increasing the number of bedrooms must demonstrate compliance with the state's current wastewater regulations (septic regulations).

**31.3.4.6 Nonconforming Structures.** Nonconforming structures may be moved but only to the extent that the existing structure is made less nonconforming by moving the footprint of the structure away from the lake, and best practices for stormwater management are employed on the property.

**31.3.5 *What uses are permitted in required setbacks?*** Required setbacks must be landscaped as required by Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.

**31.3.6 *Are there minimum lot dimensions?*** Just one. Lots must have a frontage of at least 40 feet on an existing or proposed public or private road or drive.

**31.4 Density Standards.** See Chapter 19 for a summary of the density standards of this bylaw.

**31.4.1 *Is there a minimum lot size in the ARZD?*** Only for development on lots created before Williston adopted interim open space development regulations on September 20, 2004 and for new lots created from existing parcels of less than 10.5 acres after that date. For those lots that are outside the Sewer Service Area, the minimum lot size is 80,000 square feet. For those lots that are inside the Sewer Service Area the minimum lot size is 8,710SF. However, a project on a parcel of less than 10.5 acres may adopt an open space pattern to develop using smaller lot sizes if approved by the DRB per WDB 19.2.2.

**31.4.2 *What density is permitted on other lots?*** The density of all other development in the ARZD is controlled by the specific standards adopted in this chapter, beginning with WDB 31.7.

**31.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**31.6 Specific Standards** are presented in WDB 31.7 through WDB 31.13.

**31.7 Open Space Development.** An open space development is a residential subdivision in which a specified area of open space is protected as a condition of approval.

**31.7.1 *How much open space must be conserved?*** All developments that involve more than 10.5 acres in this zoning district must protect at least 75% of their total area as open space. The proposed protected open space must be clearly delineated on the concept plan submitted with the pre-application, on all plans submitted with the application for a discretionary permit, and on the approved final plan.

**31.7.2 *Must certain lands be included in the open space?*** Yes. Protected open space must meet the following requirements, as applicable.



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

31.7.2.2 Conservation Areas. The protected open space must include all conservation areas identified in the *Comprehensive Plan Chapter 13* 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 conservation 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 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

**An Alternative to Development?** Landowners whose holdings include conservation areas and other resources, like productive farmland, that are identified in the *Comprehensive Plan Chapter 13* may find it more profitable to propose a sale of development rights to the Town. Williston's Environmental Reserve Fund and funding that is sometimes available from the Vermont Housing and Conservation Board may make it possible for a landowner to realize a reasonable return without enduring the development approval process or assuming the risks of becoming a developer.

31.7.2.3 Scenic Viewsheds. The protected open space should include scenic viewsheds that are identified in the *Comprehensive Plan Chapter 13* 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 effective when combined with the design techniques that may be required for compliance with WDB 31.7. Landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified view.

31.7.2.4. Important Farmlands. The protected open space must include important farmlands identified in the *Comprehensive Plan Chapter 13* 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 important farmlands or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to 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.

31.7.2.5 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.

31.7.2.6 Slopes: 15%-29%. The protected open space should include all slopes of 15%-29% 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 the DRB will work with that landowner to 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. . Unless there are no other lands physically suitable for development, creation of a building lot or any other development on 15%-29% slopes is not allowed. Where development is permitted on slopes of 15-29%, its density shall be reduced to one dwelling per 10 acres

31.7.2.7 Other Lands. Other lands within the proposed development may be included as protected open space in order to provide the minimum 75% open space required by WDB 31.7.1, and to comply with the contiguity standard of WDB 31.7.3, below.

**31.7.3 Must the protected open space be contiguous?** Yes. The protected open space must be contiguous, except as provided here. It must also be contiguous with any open space on adjoining lots or parcels that is currently protected or is identified for protection in the *Town Plan*. The DRB may allow exceptions to this standard where:

31.7.3.1 ... a small area that is isolated from the rest of the open space on the site is within a watershed protection buffer required by Chapter 29 of this bylaw; or

31.7.3.2 ... the only home sites that comply with the standards of this chapter are adjacent to protected open space on an adjoining lot or parcel.

**31.7.4 How is contiguity defined?** Contiguous open space is generally defined as an area of forest and/or other natural community that is unfragmented by development and remains in a natural state. In establishing standards for contiguity, the Conservation Commission and DRB will consider the context of the proposed development, including the type and relative value of resources as identified in WDB 27, 28, and 29 to be protected, and the configuration of open space that will best ensure the protection of those resources.

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

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

31.7.5.2 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. Plans for the restoration of disturbed areas must be included in the runoff and erosion control measures required by Chapter 29 of this bylaw.

31.7.5.3 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.

31.7.5.4 Sewerage. Any component of an individual or community sewerage system that is entirely underground may be placed in protected open space that is not dedicated to the town or another agency. All areas disturbed during the construction of such a system shall be restored to meadow or pasture runoff and erosion control measures must be provided during construction as required by Chapter 29 of this bylaw. Where the protected open space used for the underground components of an individual sewerage system is owned by a homeowner's association, the application for a permit for construction of that system must be accompanied by an easement from that homeowner's association.

**31.7.6 How can open space be legally protected?** The open space required by WDB 31.4.1 may be protected using any of the three methods listed here. The method/s to be used must be clearly established at the time a concept plan is filed for pre-application review.

31.7.6.1 Dedication for Public Use. The open space created by an open space development may be dedicated to the town or to another public agency designated by the town, but only where it would be part of a country park or conservation area identified in the *Town Plan*.

31.7.6.2 Private Land Conservation. The open space created by an open space development may be retained in a block placed under a conservation easement to which the town or another public agency designated by the town is a party. This block of open space may be retained by the developer for agricultural or other purposes or deeded to an owner's association. Where protected open space is deeded to an owner's association, the owners are responsible for the maintenance of that open space, as required by Chapter 7 of this bylaw.

31.7.6.3 Designated Open Space. The open space created by an open space development may also be protected simply by designation. Where open space is protected by designation alone, no permit for a use that is not permitted by WDB 31.4.4 shall be issued within the designated open space nor shall any amendment of the final plans or boundary adjustments that change the boundaries of the designated open space be approved. Applicants should note that the protection of open space via designation alone will not result in the award of points in growth management review. See WDB 11.8.5.

**31.7.7 *Must the protected open space be platted as a separate lot?*** Yes, the protected open space required by this chapter must be platted as a separate lot.

**31.7.8 *Must the protected open space be surveyed?*** Yes. The protected open space required by this chapter must be shown on the final plans and must be monumented in accordance with the requirements of 12.4.1.5 with the same degree of accuracy as a building lot. Open space areas must also be marked and the applicant will provide latitude and longitude coordinates from the Vermont state grid so that the town can easily find the open space boundaries in the field should the monuments be insufficient.

**31.8 Housing Design in Open Space Developments.** The 75% open space requirement that is detailed above means that housing (or other) development may take place on no more than 25% of any site of more than 10.5 acres.

**31.8.1 *Must specific home sites be designated within the 25% (or less) area that is available for development?*** Yes.

31.8.1.1 Designated Homesites. Proposed home sites that comply with all requirements of this bylaw, specifically including WDB 31.9, must be shown within that portion of a proposed open space development (25% or less) where development will be permitted.

31.8.1.2 Maximum Size of Designated Home Sites. Designated home sites may not exceed the one-half acre clearing limit of WDB 31.9.6.1. All construction on the site except access driveways, utility lines, and the underground components of on-site wastewater disposal systems shall be confined to the designated home site.

**31.8.2 *How many home sites (what density) are permitted in open space developments?*** Open space developments may have an average density of no more than one dwelling for every 80,000 square feet. 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. ~~except that:~~

~~31.8.2.1 ... land included in watershed protection buffers and slopes of 30% or more shall not be included in the parcel size for the purposes of calculating the number of home sites permitted, and~~

~~31.8.2.2 ... that areas with a slope of 15% or more may have an average density of only one home site for every 10 acres.~~

~~31.8.2.3 Incentives for Lower Densities. Voluntary reductions in density are encouraged by WDB 15.2.3.1 and WDB 15.11.2.~~

**31.8.3 What is the minimum lot size in an open space development?** The minimum lot size shall be 15,000 square feet, but lot sizes shall vary with the terrain. Uniform lot sizing that contributes to a suburban character will not be approved.

**31.8.4 Is there a maximum cluster size?** Yes. No cluster shall include more than seven lots, except as provided by WDB 31.11, below.

**31.8.5 Are there requirements for access and connectivity beyond those established elsewhere in this bylaw?** Yes.

31.8.5.1 Internal Circulation. Open space developments that include more than one cluster shall minimize the number of points of access to public roads by relying on internal roads that link the clusters. Such roads may cross protected open space, in compliance with WDB 31.7.4.2. Where the terrain will not allow a road connecting clusters, a connecting trail shall be provided.

31.8.5.2 Connectivity. Where the terrain allows, the DRB may require road or trail connections to other properties through protected open space where necessary to provide emergency access or improve neighborhood circulation. All crossings of protected open space must comply with the standards of WDB 31.7.4.2.

**31.8.6 Are there minimum distances between clusters of home sites?** Yes. Clusters of lots must be effectively separated from neighboring properties, public ways, and each other by open space. The following criteria will be used in determining compliance with this standard.

31.8.6.1 Using the Terrain. Terrain features, including existing woods, fields that remain in agricultural use, ridgelines, steep slopes, streams, wetlands, and the watershed protection buffers required by the Chapter 29 of this bylaw should be used to separate clusters, and to buffer home sites from adjoining properties and public ways whenever possible.

31.8.6.2 Buffer Width. The width of the buffers between clusters shall vary with the terrain and the presence of screening vegetation. The DRB may require that the minimum buffer be anywhere from 100 to 500 feet. In making its determination of the minimum required buffer between clusters, the DRB shall consider the advice of the Conservation Commission and the following factors:

- the presence of vegetation and its effectiveness in providing visual screening between clusters, and between clusters and public ways;

- the presence of terrain features, including slopes, ridges, and valleys, and their effectiveness in visually separating clusters and separating clusters and public ways; and
- the orientation of the proposed cluster to public ways.

31.8.6.3 Enhancing Buffers. The developer may propose, and the DRB may approve, the use of earthen berms and plantings to increase the effectiveness of buffers between clusters, and between clusters and public ways.

31.8.6.4 Adjoining Open Space. The applicant may propose, and the DRB may find, that a narrower buffer is adequate along a property boundary where there is protected open space or terrain that is unsuitable for building on the adjoining property.

**31.9 Lots and Home Sites.** Each lot created shall contain a home site that meets the criteria adopted here. The concept plan submitted with the pre-application shall show how home sites are individually placed so as to best maintain environmental quality, accessibility, compatibility with neighboring uses, and the rural character this zoning district protects. The following criteria will be used in determining compliance with this standard.

***31.9.1 Provide for Adequate Wastewater Treatment*** Each lot shall provide for adequate wastewater treatment, either through an onsite septic system or a community sewerage system as permitted by WDB 31.

***31.9.2 Ensure an Adequate Water Supply.*** The developer shall demonstrate that each dwelling can reasonably expect to obtain an adequate domestic water supply. Wherever the proposed average density will exceed one dwelling for each 10 acres, this shall be accomplished by actual on-site well testing supervised by a registered engineer or a groundwater hydrologist.

***31.9.3 Provide Safe Road Access.*** Each home site shall have safe access to an existing or proposed public or private road.

***31.9.4 Respect the Terrain.*** Home sites and the access drives and roads serving them shall be placed along the contours of the land in a way that minimizes grading and the visual impact of the development.

***31.9.5 Provide Trail Connections.*** Home sites shall, where possible, be connected to the Town's trail system – existing or proposed - via the adjoining open space.

***31.9.6 Minimize Visual Impacts Using Existing Vegetation and Terrain.*** Where possible, homes and accessory buildings shall be effectively screened from view from public ways by existing woodland or forest vegetation or the terrain. This does not mean that the development has to be invisible: brief views of structures through the branches of screening vegetation or a break in screening terrain are acceptable. It does mean that homes must be carefully sited and that the clearing of existing screening vegetation must be strictly limited.

31.9.6.1 Clearing Limit. Clearing existing woodland or forest vegetation for a home site, including the yard and the space occupied by any accessory structure shall be limited to a half-acre. This does not include access driveways, utility lines, or areas cleared for the underground

components of on-site wastewater disposal systems but does include on-site circulation and parking areas.

31.9.6.2 Breaks in Slope: Forested. Existing woodland and forest vegetation shall be left in place, forming a wooded or forested buffer of at least 50 feet in width, at the top of any distinct break in any slope of more than 8%. These buffers may be thinned (the canopy cover within the view corridor must still be at least 25%) to provide one view corridor of no more than 25 feet in width for each dwelling. The DRB may, with the advice of the Conservation Commission, permit additional view corridors where the required thinning will not have an adverse visual impact.

31.9.6.3 Breaks in Slope: Not Forested. Where there is no existing woodland and forest vegetation to be left in place, a forest buffer of at least 50 feet in width must be planted at the top of any distinct break in any slope of more than 8%. These buffers may include view corridors that are no more than 25 feet in width.

**31.9.7 Minimize Visual Impacts in Open Areas.** Where homes and accessory buildings cannot be effectively screened by existing vegetation or the terrain, they should be sited where they will be visually absorbed by a slope and or woods. This means that the structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is “absorbed” is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.

**31.9.8 Supplement Screening or Absorption, as Necessary.** To augment visual screening or absorption, a developer may also propose, and the DRB, with the advice of the Conservation Commission, may approve:

31.9.8.1 ... a building height limit of less than 36 feet;

31.9.8.2 ... the installation and maintenance of screening vegetation and berms;

31.9.8.3 ... limiting the area of glass and other reflective surfaces and specifying exterior colors that do not contrast with the landscape; and/or

31.9.8.4 ... limiting building bulk or arranging building mass to reduce the visual impact of a dwelling or accessory structures. This may include placing buildings along rather than across a slope and/or “stepping” a building into the slope to minimize grading.

**31.9.9 Demonstrate Compliance.** Applicants may be required to place brightly-colored balloons, erect story poles, or provide three-dimensional visual simulations to demonstrate that a typical home and outbuildings would be absorbed by the vegetation or terrain, or that the installation of berms and plantings, and architectural techniques would result in visual absorption of the home.

**31.10 Community Sewerage Systems.** Community sewerage systems serving a single cluster of lots may be used to help protect open space where the use of individual on-site systems is limited by terrain conditions.

**31.10.1 Can a community sewerage system be installed anywhere?** No. Community sewerage systems may not be used where the soils at the proposed site are unsuitable or only marginally suitable for the use of such systems.

**31.10.2 What measures are required to obtain approval of a community sewerage system?** Community sewerage systems are required improvements subject to all requirements of Chapter 7 of this bylaw, specifically including the continuing maintenance requirements of WDB 7.2.

**31.11 Barn Restoration.** As provided by 3.2.4 of the *Town Plan*, preservation and restoration of historic barns will be encouraged by permitting residential uses of such structures that include more than two dwellings.

**31.11.1 What makes a barn historic?** An historic barn is one that is listed on the national or state registers of historic places.

**31.11.2 What about the density standard?** Relaxation of the use standard in this zoning district does not constitute a relaxation of the density requirements. A landowner who wishes to place, for example, four apartments in an historic barn must still have a parcel of at least 320,000 square feet.

**31.11.3 How will the plans for restoration of an historic barn be reviewed?** Restoration of an historic barn requires a discretionary permit, with review by the HDAC preceding review by the DRB.

**31.11.4 What standards will the HDAC and DRB use in their review?** Barn restoration plans will be evaluated and approved or rejected based on how well they maintain the original, agricultural appearance and context of the structure while providing a reasonable housing choice. The Secretary of Interior's Standards for Rehabilitation (<https://www.nps.gov/tps/standards/rehabilitation.htm>) shall be utilized in the review of barn restoration plans.

**31.11.5 Are any other nonagricultural uses of restored barns permitted?** Yes. Restored barns may be used for home businesses with the approval of an Administrative Permit, and for use as banquet facilities with the approval of a Discretionary Permit by the DRB.

**31.12 Standards for Nonresidential/Nonagricultural Uses.** As Table 31.A indicates, a few nonagricultural, nonresidential uses may be permitted in this zoning district. These include nonmetallic mining and quarrying, limited manufacturing using local farm or forest products, and veterinary services. All require a discretionary permit. All must comply with the standards established here.

**31.12.1 Is the scale of commercial operations in the ARZD limited?** Yes. Those commercial enterprises that are not defined as accepted agricultural or forestry practices or home businesses shall be limited in scale to help maintain the rural character of this zoning district. No such use shall require more than 16 parking spaces.

**31.12.2 Are outdoor sales permitted for nonresidential/nonagricultural uses in the ARZD?** Yes, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**31.12.3 Is outdoor storage permitted for nonresidential/nonagricultural uses in the ARZD?** Yes, but only within side and rear yards that are designated for that purpose on an approved site plan.

Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

31.12.3.1 Outdoor Storage. Outdoor storage areas must be buffered from public ways and adjoining properties, as required by Chapter 23 of this bylaw.

32.12.3.2 Screening Fences. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 23.3.2, may be required by the DRB. Where such a requirement is imposed, the screening fence or wall shall be:

- ... an architectural extension of any building to which it is attached, with similar colors and detailing, or
- ... a classic rural fence pattern, like stone or split rail.
- Security fencing may be proposed. Where the DRB finds that security fencing is compatible with the rural landscape, it may require that such fencing be on the interior side of a wider than ordinarily required landscaped, forested, or wooded buffer.

31.12.3.3 Temporary Storage. The temporary outdoor storage of construction equipment and materials outside designated areas is permitted in compliance with Chapter 17 of this bylaw.



<b>Table 31.A – Agricultural/Rural Residential Zoning District</b>	<b>NAICS</b>	<b>Notes</b>
Uses that are not specifically listed in this table are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
<b>Residential (dwellings)</b>		As described in WDB 31.1.3.3 and WDB 31.4.
<b>Agriculture, Forestry, Fishing &amp; Hunting</b>	11	Including the processing, distribution, and sale of products primarily from the farm or woodlot.
Support Activities	115	Specifically includes the maintenance and repair of farm and forestry equipment.
<b>Nonmetallic Mineral Mining &amp; Quarrying</b>	2120	
Support Activities for Mining	213	But only as an accessory to 2120.
<b>Utilities</b>	20	Regulation of utilities is generally at the state level in VT.
Electric Power Generation	2491	Specifically includes power generation from farm wastes
<b>Manufacturing, but only as listed below</b>		In compliance with WDB 31.13 only.
Food Manufacturing	291	Made primarily with local products only.
Wineries	29213	Using primarily local grapes only.
Textiles	293-17	Made primarily with local products only.
Apparel, Leather Products	295-16	As a home business only.
Sawmills	3111	Using primarily local timber only
Furniture manufacturing	337	As a home business only
<b>Wholesale Trade</b>	42	Permitted only as an accessory to other uses
<b>Retail Trade, as per the note</b>	43-44	Sale of local farm and forest products is permitted, otherwise retail trade is permitted as a home business only.
<b>Transportation and Warehousing</b>	48-49	As an accessory use only.
<b>Professional, Scientific, and Technical Services</b>		As a home business only, except as below.
Veterinary Services	541940	
Residential Educational and Training Programs	611	Tax Parcels 16:104:270 and 300 only. Requires approval of a Discretionary Permit
<b>Accommodations and Food Services, but only as listed</b>		
Bed and Breakfast Inns	721191	Requires approval of a Discretionary Permit
<b>Other Services</b>	81	As a home business only, except as below.
Auto Repair and Maintenance	81111	As a home business or incidentally as part of the repair and maintenance of farm and forest equipment and in compliance with WDB 31.13
<b>Outdoor Recreation</b>		Public parks are permitted in all zoning districts. Private outdoor recreation is permitted as described in WDB 31.1.3.5
<b>Public Administration</b>	92	

## Section 6. Parking and Loading

### A. Intent

1. Promote a “park once” environment within Taft Corners that will enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in a pedestrian friendly environment.
2. Reduce uncoordinated, inefficient, reserved single-purpose parking.
3. Utilize on-street parking.
4. Provide flexibility for redevelopment of small sites.
5. Insure the visibility and accessibility of publicly available parking.
6. Support and encourage a multi-modal, bicycle and pedestrian-friendly and transit supportive environment.

### B. Minimum Parking Requirements

1. The parking requirements include reserved parking and SHARED PARKING.
2. There is no minimum parking requirement for the re-use or renovation of an existing structure in which there is no gross floor area expansion.
3. There is no minimum parking requirement for ground floor commercial uses with a footprint under 5,000 square feet.
4. Minimum Reserved Parking  
Reserved parking includes all parking that is not SHARED PARKING.
  - a. Civic uses: There is no minimum requirement for reserved parking.
  - b. Non Residential uses: There is no minimum requirement for reserved parking.
  - c. Residential uses—minimum reserved parking spaces per dwelling unit:
 

(i) Efficiency/1-bedroom	.5 space/unit
(ii) 2 bedroom units	1 space/unit
(iii) 3 or more bedroom units	1 space/unit

*Note: In calculating the total number of minimum reserved spaces per building, any partial spaces .5 or above are rounded to the next whole number.*
5. Minimum SHARED PARKING:
  - a. Commercial
    - (i) Under 5,000 square feet non-residential gross floor area (GFA) has no minimum SHARED PARKING requirements.
    - (ii) 5,000 square feet or greater, non-residential GFA must provide a minimum of 1.25 spaces per 1,000 square feet as SHARED PARKING.
  - b. Residential uses
    - (i) .5 parking spaces per bedroom for up to 2 bedroom units;
    - (ii) no more than 1.5 parking spaces total per unit are required for combined Shared and Reserved parking.

#### Taft Corners Form-Based Code: Sections 1 to 8

1. Introduction & Definitions
2. Regulating Plans
3. Building Form Standards
4. Architectural Standards
5. Public Realm Standards
- 6. Parking & Loading**
7. Building Functions
8. Administration



Illustration  
On-street Parallel Parking



Illustration  
Solar Canopy over mid-BLOCK Parking



Illustration  
Parking in the BLOCK interior

- 6. SHARED PARKING must be accessible to the public and designated by appropriate signage and markings as determined by the Zoning Administrator in consultation with the PRC.
- 7. Bicycle Parking:
  - a. For commercial uses, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of commercial floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of commercial floor area. The employee and visitor racks may be co-located.
  - b. Bicycle parking racks are allowed in the DOORYARD in front of a SHOPFRONT (whether a designated Storefront frontage or an Town Center frontage being used for retail).
  - c. For RESIDENTIAL uses, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 5 units and 1 visitor bicycle parking rack (2-bike capacity) per 10 units. Projects under 5 units have no requirement.
  - d. Required minimum tenant or employee parking may be located within the building (but not within individual units) or in an otherwise secure location on-site.
  - e. Bicycle parking facilities must be visible to, or clearly identified for, intended users. The bicycle parking facilities must not encroach on the CLEAR SIDEWALK nor must they encroach on any required fire egress.
  - f. The Town may place additional public bicycle parking in a single dedicated on-street parking space (maximum 20' frontage) per BLOCK FACE. See Figure A.)
- 8. Permissive parking and loading facilities. Nothing in this bylaw shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

*Note: In calculating the total number of minimum reserved spaces per building, any partial spaces .5 or above are rounded to the next whole number.*

**C. Maximum Parking Requirements**

- 1. Reserved Parking  
Maximum reserved parking requirements do not apply to structure parking. Surface parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

Use	Reserved Spaces (non-shared maximum)
<b>Residential</b>	2.0 per ROWHOUSE
	1.0 per one-bedroom multifamily unit
	2.0 per two or more-bedroom multifamily unit
<b>Nonresidential</b>	1.0 per 1,000 non-residential Gross Floor Area



Figure A. Consolidated public bicycle parking



Illustration B. Bikeshare and EBike use is encouraged.

## 2. Maximum Surface Parking

- a. Within TCFBC, the total reserved surface parking, must not exceed 2.0 spaces per 1000 square feet of gross floor area.
- b. Maximum surface parking standards do not apply to structured, basement (under/within a building), on-street, or underground parking
- c. There are no maximum limits on the amount of SHARED PARKING.

### D. Special Parking Standards, Joint Parking

Sites abutting one another must physically connect their surface parking areas at the lot line to create connecting drive aisles. Site configurations existing prior to the adoption of the Taft Corners Form Based Code are exempt from this requirement.

### E. Special Parking Standards, On-Street Parking

- a. A parking space located on a public street may be included in the calculation of SHARED PARKING requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the development parcel).
- b. Each on-street parking space may only be counted once.

### F. Special Parking Standards, Tandem Parking

- a. Tandem parking is only allowed for residential uses.
- b. Two parking spaces in tandem must have a combined minimum dimension of 9' in width by 34' in length.
- c. Up to 50% of the total required off-street parking spaces provided may incorporate tandem parking.
- d. Tandem spaces must be assigned to the same dwelling unit. Tandem parking must not be used to provide guest/SHARED PARKING.

**G. Surface Parking Lot Planting.** For any surface parking lot not separated from the STREET-SPACE by a building, the space between the REQUIRED BUILDING LINE and the PARKING SETBACK LINE must be planted with canopy shade trees from the Tree Lists in *Section 5. Public Realm Standards*. Trees must be planted at a distance not to exceed 30' on-center within an area, 3 to 7' behind the REQUIRED BUILDING LINE and STREET WALL.

### H. Achieving parking requirements:

- a. Parking must be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the Taft Corners REGULATING PLAN and/OR BUILDING FORM STANDARD. (*See Section 3.*)
- b. Required reserved parking spaces may only be approved on-site or on an adjacent parcel or a parcel directly across an ALLEY from the development it is serving, if that parcel has a long-term agreement acceptable to the Zoning Administrator.
- c. Minimum SHARED PARKING requirements may be met either on-site or within a 600' walking distance of the development.
- d. Any time or hour of the day restrictions on SHARED PARKING is subject to approval by the Zoning Administrator in consultation with the Design Review Board (DRB). The Zoning Administrator may give approval based on a finding that:
  - (i) the parking is visibly designated and accessible to the public;
  - (ii) at least 12 hours of public parking are provided in any 24-hour period; and that at least 8 of those hours are provided during either business or evening hours depending on whether the Zoning Administrator determines which A. best serves the overall Taft Corners interests. B. the primary use will be for COMMERCIAL OR RESIDENTIAL uses.

### I. Loading Facilities

Where loading facilities are provided, they must be located to, and accessed from, the rear and/or ALLEY side of buildings.

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## Chapter 34

### Gateway Zoning District South

This chapter establishes the Gateway Zoning District South (GZDS) and the standards that are specifically applicable within that district

#### 34.1 Boundaries – Purpose – Uses Permitted

**34.1.1 What are the boundaries of the GZDS?** The GZDS is shown on the official zoning map that accompanies this bylaw.

**34.1.2 What is the purpose of the GZDS?** The area around Exit 12 is a “gateway,” in which many people form their first impression of Williston. The high level of accessibility and visibility make this an appropriate location for uses that serve travelers on I-89 and shoppers, as well as for offices that attract commuters from throughout the region. Pedestrians will not be forgotten, however, nor will pavement, steel, and chrome be allowed to dominate the view from the road. Special care will be taken to protect the wooded hillsides south of I-89 and safe access to Route 2A will be a major consideration.

**34.1.3 What uses are permitted in the Gateway Zoning District South?** Two principal types of development are anticipated in the GZDS: traveler services and offices. This bylaw also allows residential uses to be mixed with offices south of I-89 and provides limited opportunities for industrial uses in existing and approved buildings. Allowed uses are as follows:

34.1.3.1 Traveler Services. Parcels fronting Route 2A will continue to be developed for services to travelers and commuters. The uses that may be approved are shown in Table 34.A. Park-and-ride lots are also permitted.

34.1.3.2 Office Parks. Off Route 2A, this area is suitable for offices that attract employees and clients from throughout the region. The types of office use that may be permitted are listed in Table 34.A.

34.1.3.3 Residential. Residential uses may be mixed with offices at a minimum average density of five dwellings per acre (5 D/A) and a maximum average density of 7.5 D per acre (7.5 D/A). That maximum may be increased to as many as 11 D per acre with a transfer of development rights, as permitted by WDB 19.5, or with the development of perpetually affordable housing a density bonus, as permitted provided by WDB 19.2.6.

34.1.5.4 Light Industrial and Warehousing Uses. Industrial uses that do not generate large volumes of truck traffic may be permitted in existing or approved buildings that are designed for that purpose. WDB 34.9 and 34.10 set standards for such uses.

**Approved?** The term ‘approved’ is important in WDB 34.1.5.4 because it honors the possibility for one additional building that was approved in the specific plan adopted for the Hillside East area. That building could be used for an industrial use that provides all of the public benefits listed in the specific plan.

34.1.3.5 Accessory Structures and Uses. Accessory structures and uses are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**34.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

**34.3 Standards.** Development standards are contained in 37.3.1 through 37.7.2.3. below.

**34.3.1 *Is there a maximum building height in the GZDS?*** Yes. Building height in the GZDS is limited to 36 feet, except where it is reduced to comply with WDB 34.8.5, below. The maximum building height may be increased to 49 feet with the development of perpetually affordable housing as provided by 19.2.6.

**34.3.2 *Must development in the GZDS be set back from property lines?*** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

**34.3.3 *Must development in the GZDS be set back from roads?*** Yes. Setbacks from roads in this zoning district shall be:

34.3.3.1 From the Right-of-Way of I-89, 150 feet, except for public park-and-ride lots, which may be within 50 feet of I-89;

34.3.3.2 From the Right-of-Way of Route 2A, 75 feet; and

34.3.3.3 From the Right-of-Way of Any Other Road, public or private, 50 feet.

34.3.3.4 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

**34.3.4 *What uses are permitted in the required setbacks?*** Setbacks must be landscaped in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within the required setbacks.

**34.3.5 *Is a minimum lot frontage required in the GZDS?*** Yes. All lots in this zoning district 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.

**34.4 Density Standards.** There is no minimum lot size in this zoning district. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

**34.5 General Standards.** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29 of this bylaw.

**34.6 Specific Standards.** Standards that apply only in this zoning district are presented in WDB 34.7 and 34.8.

### **34.7. Outdoor Sales and Storage**

**34.7.1 Are outdoor sales permitted in the GZDS?** With the exception of gas pumps, outdoor sales are prohibited in this zoning district.

**34.7.2 Is outdoor storage permitted in the GZDS?** Outdoor storage is prohibited in this zoning district, except as provided here.

34.7.2.1 During Construction. Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

34.7.2.2 Solid Waste. Solid waste storage that is sited and screened in compliance with this bylaw is permitted.

34.7.2.3 Storage Parking. Service vehicles and vehicles awaiting repair and pick up may be kept in parking areas that are:

- in a side or rear yard (behind the front building line);
- buffered as required by Chapter 23 of this bylaw;
- in compliance with Chapter 14 of this bylaw.

### **34.8 Hillside Development**

**34.8.1 Is the clearing of woodland or forest limited?** Clearing of wooded or forested sites with an average slope of more than three percent (3%) will be limited to 35% of the area of the parcel that is within the GZDS. The remainder of each site must remain in woodland or forest vegetation, except as specifically provided by WDB 34.8.3. This clearing limit includes access roads and utility lines.

**34.8.2 Is pruning of the existing forest or woodland vegetation allowed?** Trees may be pruned and brush cleared to create sight lines that enhance security. Pruning shall not extend more than 10 feet above the ground surface.

**34.8.3 Is replacement of the existing forest or woodland vegetation with another type of landscaping allowed?** The intent of this chapter is to maintain the appearance of a wooded hillside south of I-89. The existing forest or woodland vegetation may be managed, as provided by WDB 34.5.2, but may be thinned or replaced with conventional landscaping only as permitted here.

34.8.3.1 Park-and-Ride Lot. The setback for a park-and-ride lot along I-89 may be converted to a Type III or IV landscaped buffer (see Chapter 23 for landscaped buffer types) to help provide site security.

34.8.3.2 Conventional Lawns. Small areas of lawn or other conventional landscaping may be proposed on the south-facing sides of buildings to highlight entryways and provide a place for employees or residents to recreate. Conventional landscaping is also permitted in parking lot islands or the central hub of a roundabout. These areas will be counted as part of the total



cleared area permitted by WDB 34.8.1. They must include major shade and/or coniferous trees that have an expected mature height taller than the building.

34.8.3.3 North Sides. In order to protect views from the north, the existing scrub forest shall be removed from the north side of each building and replaced with a minimum 75-foot-wide buffer that mimics the mature (climax) mixed hardwood and evergreen forest vegetation expected on this site. In order to protect views while this required buffer matures, an additional buffer of at least 75 feet of the existing scrub forest shall be retained to the north of the planted buffer.

34.8.3.4 Defensible Space. Conventional landscaping shall be permitted only as provided in WDB 34.8.3.2. The existing forest or woodland vegetation on the east and west sides of buildings may be thinned, but not cleared, to provide a wildfire defense space no more than 30 feet in width.

**34.8.4 *Is there a limit on impervious surfaces in the GZDS?*** The total area of impervious surfaces permitted in this zoning district is not directly limited, but the use of structured parking and porous pavement to help minimize impervious surfaces is required wherever feasible.

34.8.4.1 Structured Parking. Structured parking must be used to provide at least 1/3 of the required parking for any building larger than 10,000 square feet or any combination of buildings totaling 40,000 square feet or more. The DRB may permit a partial exception to this requirement if the applicant can show that it is not physically feasible to comply.

34.8.4.2 Porous Pavement. Porous pavements must be used for surface parking, walks, and other flatwork. The DRB may permit a partial exception to this requirement if the applicant can show that it is not physically feasible to comply.

**34.8.5 *Are there specific design standards for building on hillsides in the GZDS?*** Yes.

34.8.5.1 Minimize cut and fill. Grading should be minimized by careful attention to the siting of access drives and roads, parking and loading areas, buildings, and other improvements, all of which should parallel the contours of the slope. Monolithic buildings should be avoided, and larger buildings should be terraced or stepped along the slope to help minimize both grading and apparent building mass. Retaining walls may also be required to help minimize cut and fill.

34.8.5.2 Minimize contrast. While color and vitality are encouraged in most of Williston's commercial areas, building design on the hillsides of the GZDS should minimize contrast with the slope and its forest cover. Building orientation and height; building bulk or mass; building materials and colors; the extent of glass (especially west-facing glass); and the location and design of signs will all be reviewed for compliance with this principle.

34.8.5.3 Terrace parking and loading areas. Surface parking and loading areas should be terraced or stepped along the slopes, with distinct level areas divided by ample areas of retained forest or landscaping.

34.8.5.4 Visual Absorption. No building shall be silhouetted against the sky, as viewed from any public way, except roads, sidewalks, and paths on the same parcel. To state this in another

way, all buildings shall be fully visually absorbed by the slope and its woodland or forest cover.

34.8.5.5 Lighting. Careful attention must be paid to the impact of both outdoor and interior lighting, as seen through windows, on views across the property. Illumination should be subdued to the maximum extent consistent with the development's use. Large expanses of windows must not be placed on the north sides of buildings.

### **34.9 Industrial Uses.**

**34.9.1** *Are "light" industrial uses permitted in the GZDS?* Table 34.A permits manufacturing uses in existing buildings, but only in compliance with WDB 34.9.2. New industrial buildings will not be permitted in this zoning district, except where they are consistent with an approved specific plan.

#### **34.9.2** *What standards apply to industrial uses in the GZDS?*

34.9.2.1 Outdoor Sales and Storage are strictly limited. See WDB 34.7.

34.9.2.2 Suitability of Buildings and Property. Industrial uses shall only be allowed in existing and approved buildings on sites that have already been designed for and are suitable for industrial uses. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

34.9.2.3 Environmental Impacts. Proposed industrial uses must not require permits from the State of Vermont for discharges to the air or water, or use hazardous materials in quantities that would trigger WDB 18.5.3's requirement for a Hazardous Materials Management Plan, with the exception of a stormwater discharge permit.

34.9.2.4 Compatibility with Permitted Uses. Industrial uses may be permitted in existing and approved buildings in the GZDS only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

### **34.10 Wholesale Trade, Warehousing and Distribution.**

**34.10.1** *Are wholesale trade, warehousing, and distribution uses permitted in the GZDS?* Table 34.A permits wholesale trade and warehousing uses in existing buildings, but only in compliance with WDB 34.10.2. New warehousing and distribution buildings will not be permitted, except where they are consistent with an approved specific plan.

#### **34.10.2** *What standards apply to industrial uses in the GZDS?*

34.10.2.1 Outdoor Sales and Storage are strictly limited. See WDB 34.7.

34.10.2.2 Suitability of Buildings. Warehousing, wholesale trade, and distribution uses shall only be allowed in existing and approved buildings that have already been designed for and are suitable for warehousing, wholesale trade and distribution. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

34.10.2.3 Compatibility with Permitted Uses. Warehousing and distribution uses may be permitted in existing and approved buildings in the GZDS only where their impacts on the environment, the town’s infrastructure, and neighboring land uses are determined to be compatible with each other.

<b>Table 34.A - Gateway Zoning District South NAICS</b>		<b>Notes</b>
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and the purpose statement for this zoning district.		
<b><i>on parcels adjoining Route 2A ONLY</i></b>		
<b>Retail Trade, as below</b>		
Gasoline Stations, with convenience stores	44711	
<b>Accommodation &amp; Food Services, as below</b>		<b>No drive-through food service is permitted in Williston.</b>
Hotels and Motels, except Casino Hotels	72111	
RV Parks and Recreational Camps	72121	
Full Service Restaurants	72411	
Limited Service Eating Places (cafeterias, snack bars)	72421	
Caterers	72402	As an accessory to other permitted uses
Mobile Food Services (vendors, kiosks)	72403	As an accessory to other permitted uses
Drinking Places	72421	As an accessory to other permitted uses
<b><i>offices on all parcels</i></b>		
<b>Information</b> , but specifically not 51213, Theaters	<b>51</b>	Theaters are confined to the TCZD.
<b>Finance &amp; Insurance</b>	<b>52</b>	No drive-through banking is permitted in the GZDS.
<b>Professional, Scientific, and Technical Services</b> , but specifically not 54194, Veterinary Services that involve livestock	<b>54</b>	Vets for livestock are permitted only in the ARZD.
<b>Management of Companies &amp; Enterprises</b>	<b>55</b>	
<b>Administrative and Support Services</b> , but specifically not 5617, Services to Buildings	<b>561</b>	5617 is permitted in the IZDW
<b>Educational Services</b>	<b>61</b>	
<b>Health Care and Social Assistance</b>	<b>62</b>	
<b>Promoters of Performing Arts, Sports, Similar Events</b>	<b>7113</b>	
<b>Religious, Grantmaking, Civic, Professional Org</b>	<b>813</b>	
<b>Public Administration</b>	<b>92</b>	Public parks are permitted in all zoning districts.

*In existing and approved buildings ONLY*

<b>Manufacturing</b> , but specifically not 322, Paper, 324, Petroleum and Coal Products, 325, Chemicals, or 331, Primary Metals Manufacturing	<b>31-33</b>	<b>See WDB 34.9 for standards for these uses.</b>
Furniture and Home Furnishing Merchant Wholesalers	<b>4232</b>	
Prof and Commercial Equipment and Supplies Merchant Wholesalers	<b>4234</b>	
Electrical and Electronic Goods Merchant Wholesalers	<b>4236</b>	
Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	<b>4237</b>	
Miscellaneous Durable Goods Merchant Wholesalers	<b>4239</b>	
Merchant Wholesalers, Nondurable Goods	<b>424</b>	
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	<b>4248</b>	
Miscellaneous Non Durable Goods Merchant Wholesalers	<b>4249</b>	
Wholesale Electronics Markets and Agents and Wholesalers	<b>425</b>	
Warehousing and Storage	<b>493</b>	

## Chapter 37

### Mixed Use Commercial Zoning District

The Mixed-Use Commercial Zoning District (MUCZD) contains lands generally 150' south of Marshall Avenue in The Designated Growth Center as shown on the Official Zoning Map.

#### 37.1 Purpose – Boundaries – Permitted Uses

**37.1.1 What are the boundaries of the MUCZD?** The boundaries of the Mixed-Use Commercial Zoning District are shown on the official zoning map that accompanies this bylaw.

**37.1.2 What is the purpose of the MUCZD?** Located between the Form-Based Code Overlay District and Interstate 89, the MUCZD will serve as a transitional area where existing commercial activity can remain in an automobile-oriented, less design-conscious layout than that contained within the Form-Based Code Overlay District

**37.1.3 What uses are permitted in the MUCZD?** See Table 37.A. and WDB 37.1.3.1-5.

37.1.3.1 Allowed and prohibited uses are described in Table 37.A. Retailing will be limited to uses that ordinarily require considerable space relative to the volume of sales and uses and that rely on outdoor sales and storage. Table 37.A imposes broad limits on retailing by type, but this purpose statement and the standards adopted below also limit the type of retailing that is appropriate in this zoning district. The retail uses that are permitted here must not detract from the concentration of pedestrian-oriented retailing in the TCFBC.

Other Uses. Beyond retail, a wide variety of uses are permitted by Table 37.A, all subject to standards that will, over time, add visual diversity and interest and make the area friendlier to pedestrians. This variety does not extend, however, to truly industrial uses.

37.1.3.3 Outdoor Sales and Storage. An important distinction between this and the adjoining commercial zoning districts is that outdoor sales and outdoor storage will be permitted.

37.1.3.4 Residential Uses. Residential uses are encouraged. ~~They should have at a minimum density of 5 dwellings-units per acre (5 D/A), an average density of 7.5 dwelling units per acre, and a maximum of 15 dwelling units per acre, and a maximum average density of 7.5 dwellings per acre (7.5 D/A). That maximum may be increased to as many as 15 dwellings per acre (15 D/A) with a transfer of development rights, as permitted by WDB 19.5, or with the development of perpetually affordable housing, as provided by WDB 19.2.6.~~

37.1.3.5 Light Industrial and Warehousing Uses. Industrial uses that do not generate large volumes of truck or vehicular traffic may be permitted in existing buildings that have been designed and built for these purposes. WDB 37.6 and 37.7 set standards for such uses. New buildings for industrial and/or warehousing uses are not permitted, and existing buildings not currently designed for these uses are not permitted.

37.1.3.5 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**37.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

**37.3 Standards** Development standards are contained in 37.3.1 through 37.7.2.3.

***37.3.1 What dimensional standards apply in this zoning district?***

37.3.1.1 Is there a maximum building height? Building height is limited to 36 feet, except where the incentives of WDB 37.5.4 or WDB 19.2.6 apply.

37.3.1.2 Are there property line setbacks? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

37.3.1.3 Are there setbacks from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

from the right-of-way of I-89, 150 feet;

from the right-of-way of any other road, 25 feet.

37.3.1.4 Use of Required Setbacks. The required setbacks must be landscaped in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.

37.3.1.5 Lot Size and Dimensions.

Lot Size. There is no minimum lot size in this zoning district.

Frontage. 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.

***37.3.2 Do the general standards of this bylaw apply to development in this zoning district?*** Yes. Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw.

***37.3.3 Are there additional standards specific to this zoning district?*** Yes. They are presented in the following sections.

**37.4. Outdoor Sales and Storage**

***37.4.1 Are outdoor sales permitted?*** Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

37.4.1.1 Buffers and Setbacks. Outdoor sales areas must not be within the landscaped buffers required by WDB 37.3.1.2 and Chapter 23 or within the setbacks established by WDB 37.3.1.3.

37.4.1.2 Buffer from Sidewalk. Outdoor sales areas must be separated from sidewalks or recreation paths by a landscaped buffer of at least six (6) feet.

37.4.1.3 Internal Landscaping. Outdoor sales areas that contain more than 4,000 square feet of paving must comply with the landscaping requirements for parking areas established in Chapter 23.

**37.4.2 *Is outdoor storage permitted?*** Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

37.4.2.1 Buffering and Setbacks. Outdoor storage areas must be buffered from all adjoining properties and public ways as required by Chapter 23 of this bylaw.

37.4.2.2 Screening. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 37.4.2.1, may be required by the DRB. Where such a requirement is imposed, the screening shall be an architectural extension of the building, with the same colors and detailing.

37.4.2.3 Temporary Storage. Temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

**37.5 Development Pattern.** There are currently a number of large, monolithic, single-story buildings in this zoning district, most of which have long dead walls and are surrounded by large expanses of pavement. These buildings will not be considered non-conforming so that they may be adapted to other uses, but the existing pattern will not be repeated in new development, which must comply with the following standards. Major additions to existing buildings must also comply with these standards to the extent determined to be feasible by the DRB.

**37.5.1 *How will development be made more pedestrian-friendly?*** Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

37.5.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is in contrast to the current situation in which the connection from the parking area is the principal connection.

37.5.1.2 Building Line to Street. New buildings must come to the setback from the street. This means that parking and outdoor sales must move to the side and/or rear of the building or, in the case of parking, into a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit an exception for accessible parking.

37.5.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarked entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

~~What is a Dead Wall? A dead wall is any uniform blank wall that is 29 or more feet long.~~

What is a Dead Wall? A dead wall is any uniform blank wall that is 29 or more feet long.

### **37.5.2 How will buildings be made more appealing?**

37.5.2.1 Building Mass. Apparent building mass must be broken up using clearly demarked doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may also be used to reinforce changes in massing. Changes in massing should not be merely cosmetic but should correspond to the arrangement of internal space in the building.

37.5.2.2 Building Facades. Building facades must feature:

- a clearly distinguished foundation or base;
- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) or, preferably, a sloping roof; and
- a clearly defined sign band or other set locations for signs.

37.5.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

**37.5.3 What other design elements are required?** New development in the MUCZD must offer at least three of the following elements: These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal.

37.5.3.1 ... mixed commercial uses of varied sizes, including uses in two or more major (two-digit) NAICS classifications and excepting accessory uses, like incidental retail sales associated with a service business, and including uses that vary in floor area by more than 20%;

37.5.3.2 ... a “wrap” of smaller shops around at least one street facing side of any retail space of more than 20,000 square feet;

37.5.3.3 ... lodging (a hotel) and/or residential uses, including affordable dwelling units;

37.5.3.4 ... structured parking that provides 30% or greater of the required parking;

37.5.3.5 ... multiple stories, and not just the appearance of multiple stories;

37.5.3.6 ... wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;



37.5.3.7 ... on-site renewable energy generation (solar panels or geo-thermal) generating 25% or more of the estimated energy demand of the development; and/or

37.5.3.8 ... an urban park, as discussed in 4.4 of the 2016-2024 Williston Comprehensive Plan defined in the Open Space Plan. Credit for compliance will be provided only where a proposed park is visible and accessible to the public so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

**37.5.4 Is there an incentive for *performance structured parking*?** Yes. The height limit will be increased from 36 to 52 feet where ~~perpetually affordable housing and/or~~ structured parking ~~are~~ provided. To qualify, the development must ~~create more than three (3) dwelling units, of which 30% or greater are perpetually affordable, and/or~~ providing 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

**37.5.5 Are there any limits on the use of the incentive offered by 37.5.4?** Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive sloping rooflines. Buildings with flat roofs are limited to 36 feet in height.

## **37.6 Industrial Uses.**

**37.6.1 Are “light” industrial uses permitted in the MUCZD?** Table 37.A permits manufacturing uses in existing buildings, but only in compliance with WDB 37.6.2. New industrial buildings will not be permitted in this zoning district, except where they are consistent with an approved specific plan.

### **37.6.2 What standards apply to industrial uses in the MUCZD?**

37.6.2.1 Outdoor Sales and Storage are strictly limited. See WDB 37.4.

37.6.2.2 Suitability of Buildings and Property. Industrial uses shall only be allowed in existing and approved buildings on sites that have already been designed for and are suitable for industrial uses. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

37.6.2.3 Environmental Impacts. Proposed industrial uses must not require permits from the State of Vermont for discharges to the air or water, or use hazardous materials in quantities that would trigger WDB 18.5.3’s requirement for a Hazardous Materials Management Plan, with the exception of a stormwater discharge permit.

37.6.2.4 Compatibility with Permitted Uses. Industrial uses may be permitted in existing and approved buildings in the MUCZD only where their impacts on the environment, the town’s infrastructure, and neighboring land uses are determined to be compatible with each other.

## **37.7 Wholesale Trade, Warehousing and Distribution.**

**37.7.1 Are wholesale trade, warehousing, and distribution uses permitted in the MUCZD?**

Table 37.A permits wholesale trade and warehousing uses in existing buildings, but only in compliance with WDB 37.7.2. New warehousing and distribution buildings will not be permitted, except where they are consistent with an approved specific plan.

**37.7.2 What standards apply to wholesale trade, warehousing, and distribution uses in the MUCZD?**

37.7.2.1 Outdoor Sales and Storage are strictly limited. See WDB 37.4.

37.7.2.2 Suitability of Buildings. Warehousing, wholesale trade, and distribution uses shall only be allowed in existing and approved buildings that have already been designed for and are suitable for warehousing, wholesale trade and distribution. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

37.7.2.3 Compatibility with Permitted Uses. Warehousing and distribution uses may be permitted in existing and approved buildings in the MUCZD only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

**37.8- Retail Sale of Medical and Recreational Cannabis** The retail sale of cannabis for medical or recreational purposes is allowed in this zoning district, subject to the following application procedures and restrictions.

**37.8.1 Discretionary Permit Required.** An Administrative Permit to establish a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may only be issued by the Zoning Administrator following the approval of a Discretionary Permit by the DRB, following all of the required procedures of WDB 6.

**37.8.2 Submission Requirements and Security Plan.** Applications for Medical Cannabis Dispensaries and Recreational Cannabis Retail Operations must include all of the information required by the Discretionary Permit Checklist and must also include a Security Plan that explains how the business will be secured including:

- A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured.
- A description of how all cannabis materials will be secured within the operation, and
- A description of what on-site security will be provided during hours of operation, and
- A description of all alarm systems and automatic lighting or other systems that will be used to provide security for the dispensary after hours.

**37.8.3 Hours of Operation.** A Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may operate between the hours of 9:00 AM and 9:00PM.

**37.8.4 Signage.** Signage for a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may only be approved as a part of the Discretionary Permit. Signage shall include text only and shall not incorporate any graphical elements including but not limited to pictures, icons or symbols. Signs for Medical Cannabis Dispensaries and Recreational Cannabis Retail Operations may only be placed on the wall of the building containing the main entrance of the business within OR on the ground within 50 feet of the business entrance. Signs are limited to

one (1) wall sign of 12 square feet in size OR one freestanding sign no more than six (6) feet in height of no more than eight (8) square feet in size.

**37.8.5 Location** No Medical Cannabis Dispensary or Recreational Cannabis Retail Operation shall be located:

- within 200 feet of the property line of a residential property, with the exception of a residential property across a state highway, or
- within 1000 feet of the property line of a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation in existence at the time a complete application for a Discretionary Permit is filed with the Zoning Administrator;
- Except a single business which functions as both a Medical Cannabis Dispensary and Recreational Cannabis Retail Operation shall not be required to separate the medical and recreational operations from one another as described above.

**37.9 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district where it is not part of the TCFBC. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, or a new structure or major addition will be approved.

<b>Table 37.A - Mixed Use Commercial Zoning District</b>	<b>NAICS</b>	<b>Notes</b>
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
<b>Residential, (multi-household dwellings)</b>		
<b>Retail Trade, but only as listed below</b>		
Motor Vehicle & Parts Dealers	441	
Furniture and Home Furnishings Stores	442	
Building Material & Garden Equipment & Supplies Dealers	444	
Convenience Stores	44512	But only as an accessory to other permitted uses,
Sporting Goods Stores	45111	
Hobby, Toy, and Game Stores	45112	
Gift, Novelty, and Souvenir Stores	45313	But only as an accessory to other permitted uses
Cannabis Retail		As allowed in 37.8
<b>Information</b> , but specifically not 51213, Theaters	51	Theaters should be in the TCFBC.
<b>Finance &amp; Insurance</b>	52	
<b>Real Estate</b>	529	
<b>Professional, Scientific, and Technical Services</b> , but specifically not 54194, Veterinary Services as noted	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
<b>Management of Companies &amp; Enterprises</b>	55	
<b>Administrative Support Services</b>	561	
<b>Educational Services</b>	61	

<b>Health Care and Social Assistance</b>	62	
<b>Arts, Entertainment, and Recreation</b> , but specifically not 71111 – Performing Arts Companies	71	Theaters should be in the TCFBC Zoning District
<b>Accommodation &amp; Food Services</b> , as listed below		No drive-through food service is permitted.
Hotels and Motels, except Casino Hotels	72111	
Full Service Restaurants	72491	But only as an accessory to other permitted uses.
Limited Service Eating Places (cafeterias, snack bars)	72011	But only as an accessory to other permitted uses
Food Service Contractors	72019	
Caterers	72031	
Mobile Food Services (vendors, kiosks)	72033	
Drinking Places	72041	But only as an accessory to other permitted uses.
<b>Other Services</b> , but only as listed below		
Personal & Laundry Services	812	
specifically except 81203 Linen & Uniform Supply	81203	
<b>Public Administration</b>	92	Parks are permitted in all zoning districts.
Medical and Recreational Retail Cannabis Sales	453998	In this category, only Medical and recreational Cannabis sales may be allowed, and only with the approval of a Discretionary Permit.

***In existing and approved buildings ONLY***

<b>Manufacturing</b> , but specifically not 322, Paper, 324, Petroleum and Coal Products, 325, Chemicals, or 331, Primary Metals Manufacturing	<b>31-33</b>	<b>See WDB 37.6 for standards for these uses.</b>
<b>Warehousing</b> , only as listed below		<b>See WDB 37.7 for standards for these uses.</b>
Furnishing and Home Furnishing Merchant Wholesalers	<b>4232</b>	
Prof and Commercial Equipment and Supplies Merchant Wholesalers	<b>4234</b>	
Electrical and Electronic Goods Merchant Wholesalers	<b>4236</b>	
Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	<b>4237</b>	
Miscellaneous Durable Goods Merchant Wholesalers	<b>4239</b>	
Merchant Wholesalers, Nondurable Goods	<b>424</b>	
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	<b>4248</b>	
Miscellaneous Non-Durable Goods Merchant Wholesalers	<b>4249</b>	
Wholesale Electronics Markets and Agents and Wholesalers	<b>425</b>	
Couriers and Messengers	<b>492</b>	
Warehousing and Storage	<b>493</b>	



## Chapter 38

### Mixed Use Residential Zoning District

The Mixed Use Residential Zoning District (MURZD) is contained within Williston's State Designated Growth Center

#### ENTIRE CHAPTER 38 – MIXED-USE RESIDENTIAL ZONING DISTRICT IS DELETED

##### 38.1 Purpose—Boundaries—Permitted Uses

~~38.1.1 What are the boundaries of the MURZD? The boundaries of the Mixed Use Residential Zoning District are shown on the official zoning map that accompanies this bylaw.~~

~~38.1.2 What is the purpose of MURZD? This zoning district is north and east of the Allen Brook and is developed with residential uses and is transitional between the Growth Center Form Based Code Zoning District and residential neighborhoods to the north and east.~~

##### ~~38.1.3 What uses are permitted in the MURZD?~~

~~38.1.3.1 Only Residential uses subject to all applicable standards in this bylaw, are allowed north of Allen Brook in this district.~~

~~38.2 Permits. Permit requirements are explained in Chapters 4-6 of this bylaw.~~

##### ~~38.3 Standards~~

~~38.3.1 What dimensional standards apply in this zoning district? The following standards in 38.3.1.1-38.3.1.5 apply:~~

~~38.3.1.1 Is there a maximum building height? Building height is limited to 36 feet.~~

~~38.3.1.2 Are there property line setbacks? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.~~

~~38.3.1.3 Are there setbacks from roads? Yes. The minimum setbacks from roads in this zoning district shall be:~~

- ~~• from the right of way of I-89, 150 feet; and~~
- ~~• from the right of way of an arterial road, 50 feet.~~
- ~~• There is no minimum setback from other roads. New buildings in this zoning district should have a direct and immediate relationship to the street. A sidewalk or recreation path must be provided along with street trees. Depending on the proposed character and intensity of the development the DRB may permit street trees to be installed in tree wells in a wide sidewalk or it may require a planting strip.~~

~~38.3.1.4 Use of Required Setbacks. The required setbacks must be in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.~~

~~38.3.1.5 Lot Size and Dimensions.~~

- ~~• Lot Size. There is no minimum lot size in this zoning district.~~
- ~~• Frontage. 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.~~

## 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 childcare 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><b>Where’s the use table?</b> 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 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 five (5.0) D/A, except where:~~

~~39.4.1.1 ... a bonus for the provision of affordable housing is permitted, as provided by WDB 19.2.6~~

~~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 31.9.7 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 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.

39.8.2.13 SP 23-01 Glaser Specific Plan. Parcel ID 09-012-082-000. The Glaser Specific Plan shall provide 50± acres of designated open space as substantial benefit for the purpose of upholding viewshed, working landscape, and conservation goals of the 2016-2024 Comprehensive Plan 13.2 and 13.3.3. The open space is two distinct areas: ±15-acres fronting on Mountain View Road with views of the Green Mountains and ±35-acres of pasture, wetland, and forest. The discretionary permit shall include irrevocable offer(s) of dedication

to the Town for the ownership of the open space area(s). Floating easement(s) for path connectivity towards the south and west may be required across minor sections of private land that may exist between the proposed the dedicated town open space and multi-use path that connects the two neighborhood clusters (see Appendix K site plan for notations). Other bylaw amendments for SP 23-01 can be found in WDB 11.2.3, 26.1.2.2.1. Refer to Appendix K for Specific Plan site plan and accompanying documents.

**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 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 cul-de-sacs where the terrain imposes a physical obstacle to connectivity. It does preclude gated neighborhoods and the use of cul-de-sacs 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.

**39.10.4 *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.

***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.

## Chapter 40

### Gateway Zoning District West

This chapter establishes the Gateway Zoning District West (GZDW) and the standards that are specifically applicable within that district.

#### 40.1 Boundaries – Purpose – Permitted Uses

**40.1.1 What are the boundaries of the GZDW?** The Gateway Zoning District West is shown on the official zoning map which accompanies this bylaw.

**40.1.2 What is the purpose of the GZDW?** This zoning district includes Williston’s western “gateway,” west of Taft Corners along Williston Road (U.S. 2); it is where many people form their first impression of Williston. It offers a potential location for the adaptive reuse of older single household dwellings with a mix of, office, commercial, and residential uses in a high visibility location along a major travel corridor into the town’s growth center.

**40.1.3 What uses are permitted in the GZDW?** See Table 40.A and WDB 40.1.3.1 and 2, below.

40.1.3.1. Office and Commercial. Commercial and office uses are permitted only on lots facing Williston Road. Office and commercial uses are limited to those that are most likely to be compatible with the existing residential neighborhoods to the north and south.

40.1.3.2 Residential. Residential uses may be mixed with offices at a minimum average density of five ~~units~~dwellings per acre (5 ~~du~~D/A) and a maximum average density of ~~7.5~~10 ~~dwelling~~units per acre (~~107.5~~15 ~~Ddu~~D/A). That maximum may be increased to as many as ~~10~~15 ~~dwellings~~units per acre (15 D/A) with a transfer of development rights, as permitted by WDB 19.5 or with the development of perpetually affordable housing as provided by WDB 19.2.6.

Properties developed with single household dwellings in existence on January 1, 2015 may continue to be used as such, and may be expanded by adding additional floor area and bedrooms.

40.1.3.3 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**40.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

#### 40.3 Dimensional Standards

**40.3.1 Is there a maximum building height in the GZDW?** Yes. The maximum building height in this zoning district is 36 feet. The maximum building height may be increased to 49 feet with the development of perpetually affordable housing as provided by 19.2.6.

**40.3.2 Must development in the GZDW be set back from property lines?** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

**40.3.3 Must development in the GZDW be set back from roads?** Yes. Setbacks from roads in this zoning district shall be:

40.3.3.1 ... from the right-of-way of U.S. 2, 25feet; and

40.3.3.2 ... from the right-of-way of any other road, 25 feet.

40.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Comprehensive Plan*, a multi-use path.

**40.3.4 What use can be made of the required setbacks?** The setbacks must be landscaped in compliance with Chapter 23. 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. Parking and loading areas may not be placed within required setbacks.

**40.3.5 Is a minimum frontage required in the GZDW?** Yes. All lots in this zoning district 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.

**40.4 Density Standards.** See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

**40.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**40.6 Specific Standards** Specific standards are presented in WDB 40.7 and 40.8.

**40.7 Design Review** All new commercial, industrial, and institutional buildings and multiple-household dwellings, and major additions to those buildings in this zoning district are subject to the design review standards of WDB Chapter 22.

#### **40.8 Outdoor Sales and Storage**

**40.8.1 Are outdoor sales permitted in the GZDW?** No.

**40.8.2 Is outdoor storage permitted?** No. However, temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

<b>Table 40.A - Gateway Zoning District West</b>	<b>NAICS</b>	<b>Notes</b>
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
<b>Residential (multi-household dwellings)</b>		
<b>Finance and Insurance</b>		
Investment Advisors	52393	
Insurance Agencies and Brokerages	52421	
<b>Real Estate And Rental and Leasing</b>		
Real Estate Offices	5312	
Real Estate, Related Activities	5313	Property managers and appraisers.
Rental & Leasing Services	5322	But not including outdoor sales and storage.
<b>Professional, Scientific, and Technical Services, but only as listed below</b>		
Profession and Technical Services	541	
Veterinary Services	541940	Only for small animals.
<b>Admin &amp; Support Services</b>	561-5616	
<b>Health Care and Social Assistance</b>	62	
<b>Other Services, but only as listed below</b>		
Death Care Services	8124	
Pet Care	81291	
<b>Civic and Professional Organizations</b>	813	
<b>Public Administration</b>	92	Public parks are permitted in all zoning districts.



# Chapter 41

## Taft Corners Midway Residential Zoning District

This chapter establishes the Taft Corners Midway Residential Zoning District (TCZDMRZD) and the standards that are specifically applicable within that district.

### 41.1 Purpose – Boundaries – Uses Permitted

**41.1.1 What are the boundaries of the TCMRZD?** The boundaries of the TCMRZD are shown on the official zoning map that accompanies this bylaw. The TCMRZD is located north of the has been largely replaced by the Taft Corners Form-Based Code Zoning District (TCFBC). This zoning district replaces the remainder of the former Taft Corners Zoning District that was largely replaced by the establishment of the , but a portion of lands in the northern part of Williston’s Growth Center remain in the TCZD and are not in the TCFBC Taft Corners Form Based Code District. .

**41.1.2 What is the purpose of the TCMRZD?** The ~~Town Plan (See Policy 3.1) calls for the development of a design-conscious, pedestrian-friendly, mixed-use town center in the heart of Williston’s growth center~~ MRZD is a design-conscious, pedestrian-friendly area that serves as a transition between the densely developed mixed-use Taft Corners Form Based Code Zoning District and the Residential Zoning District. The MRZD contains a single mixed-use development known as The Annex, which will contain 16 single family carriage homes, 20 duplex units, 40 townhome units, 132 multi-family apartment units in two buildings and 65 units of senior housing. This development also features new streets, stormwater infrastructure, a large public park, and a multiuse path connecting Route 2A with Finney Crossing in Taft Corners.

**Town Plan Excerpts that Provide the Policy Basis for this Chapter**

“The Town of Williston will encourage and support a design-conscious, pedestrian-friendly, mixed-use development and redevelopment pattern in the Taft Corners area. The town has worked toward this objective by successfully obtaining Growth Center Designation in 2008 and revising the Unified Development Bylaw in 2009. The town envisions the majority of new growth and development activity taking place in the Growth Center. The town will continue to support this objective by encouraging the construction of planned infrastructure in the Growth Center, concentrating new development in the Growth Center, and examining and monitoring the effectiveness of its bylaws”

from 3.1.3. Taft Corners—“The Taft Corners Zoning District is the core of Williston’s commercial area—the place where the town’s goal of creating a pedestrian-friendly, design-conscious, mixed-use commercial center can best be realized. Coupled with the construction of the grid streets, this will allow diverse, smaller-scale retail, office, and residential uses to be intermingled with the large retail stores and extensive parking areas that now dominate the area.”  
See also 4.2.4, 4.2.5, 4.2.6, 4.2.7, and 4.3.

**41.1.3 What uses are permitted in the TCMRZD?** See Table 41.A. and WDB 41.1.3.1-1-5.

**41.1.3.1 Retail Sales.** The ~~TCZD will evolve into an intensive retail center, with most new buildings coming to the sidewalk to help create amenable shopping streets along Trader Lane and other grid roads. Space consumptive retail uses, like auto dealers and building supplies, will be guided to the MUCZD or other locations.~~

~~41.1.3.2 Accommodations and Food Services. At least one hotel will be necessary for the long term success of the TCZD. Food services, including street vendors, will also be permitted.~~

~~41.1.3.3 Entertainment. Indoor arts, entertainment, and recreation uses will be encouraged to draw people to the area.~~

~~41.1.3.4 Other Uses. Beyond retailing, accommodations, and restaurants a wide variety of business and personal service uses are permitted by Table 41.A, all subject to standards that will, over time, add visual diversity and interest and make the area friendlier to pedestrians.~~

~~41.1.3.15 Residential Uses. MRZD is primarily residential. Residential uses are encouraged. As provided in Chapter 19 of this bylaw, residential uses must have a minimum density of 5 dwellings per acre, an average density of 7.5 dwellings per acre, and a maximum of density 15 dwellings per acre with a transfer of development rights from the ARZD or the provision of a minimum of 20% of the proposed units as perpetually affordable housing per WDB 19.2.6.~~

~~41.1.3.2 Other Uses. The one non-residential use planned for the MRZD is senior housing; however, other commercial uses are allowed.~~

41.1.3.16 Accessory -Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**41.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw.

### **41.3 Dimensional Standards**

**41.3.1 What are the allowed residential densities, building heights, setbacks, other dimensional standards in this district? Is there a maximum building height in this zoning district?** Building height in the ~~TCZD~~MRZD is limited to 36 feet, except where the incentives of WDB 41.5.4 apply.

**41.3.2 Must development in this zone be set back from property lines?** Setbacks from rear and side property lines in the ~~TCZD~~MRZD are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where landscaped buffers are not required, there are no setback requirements.

**41.3.3 Must development in the ~~TCZD~~MRZD be set back from roads?** Yes. The minimum setbacks from roads in this zoning district shall be:

from the right-of-way of I-89, 150 feet; and

from the right-of-way of Williston Road and Route 2A, 25 feet.

Along other roads, buildings will generally come to the sidewalk, with the exceptions provided by WDB 41.5.1.2.

These setbacks must be landscaped as a Type III or IV buffer in compliance with Chapter 23 of this bylaw.

**41.3.4 What Use may be made of the Required Setbacks?** The required setbacks must be landscaped in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, [stormwater features, on-site sewage disposal](#), 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. Parking and loading areas may not be placed within required setbacks.

**41.4 Density Standards. Lot Size.** There is no minimum lot size in this zoning district. See Chapter 19 of this bylaw for a summary of density standards in this district. ~~The density requirements in 41.4 and Chapter 19 only apply to portions of the TCZD that are NOT within the TCFBC.~~

**41.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw. ~~The general requirements in 41.5 only apply to portions of the TCZD that are NOT within the TCFBC.~~

**41.5.1 Specific Standards** Specific Standards are presented in WDB 41.7

**41.6 Outdoor Sales and Storage** ~~The outdoor sales and storage requirements in 41.6 only apply to portions of the TCZD that are NOT within the TCFBC.~~

**41.6.1 Are outdoor sales permitted?** Outdoor sales in the ~~TCZD~~[MRZD](#) will be limited to special events like a farmer's market or occasional "sidewalk" sales and sidewalk vendors.

**41.6.2 Is outdoor storage permitted?** Outdoor storage is not permitted in this zoning district, excepting the temporary outdoor storage of construction equipment and materials, which is permitted in compliance with Chapter 17 of this bylaw.

**41.7 Development Pattern.** ~~The development pattern requirements in 41.7 only apply to portions of the TCZD that are NOT within the TCFBC.~~

**41.7.1 How will development be made more pedestrian-friendly?** Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

41.7.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is in contrast to the current situation in which the connection from the parking area is the principal connection.

41.7.1.2 Building Line to Sidewalk. New buildings must come to the sidewalk. This means that parking and outdoor sales must move to the side and/or rear of the building or into a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit exceptions for accessible parking and where the terrain and necessary grading make bringing the building to the sidewalk impractical.

41.7.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly demarked entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

**What is a Dead Wall?** A dead wall is any uniform blank wall that is 30 or more feet long.

#### ***41.7.2 How will buildings be made more appealing?***

41.7.2.1 Building Mass. Apparent building mass must be broken up using clearly demarked doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may also be used to reinforce changes in massing. Changes in massing should not be merely cosmetic, but should correspond to the arrangement of internal space in the building.

41.7.2.2 Building Facades. Building facades must feature:

- a clearly distinguished foundation or base;
- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) and/or, preferably, a sloping roof; and
- a clearly defined sign band or other set locations for signs.

41.7.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

***41.7.3 What other design elements are required?*** New development in the TCZDMRZD must offer at least five (5) of the elements listed below. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal. The DRB may require fewer than 5 elements and/or may adjust the quantitative metrics of the required elements for redevelopment of parcels 2 acres or less.

41.7.3.1 ... multiple uses, containing a combination of one retail use and at least one of the following: retail, office or residential uses on the same property;

41.7.3.2 ... a “wrap” of smaller shops around at least one street facing side of any retail space of more than 20,000 square feet;

41.7.3.3 ... ~~lodging (a hotel) and/or~~ residential uses; ~~including affordable dwelling units;~~

41.7.3.4 ... structured parking that provides 30% or greater of the required parking;

41.7.3.5 ... multiple stories, not just the appearance of multiple stories where the floor area of upper-level stories must be at least 60% or more of the first story floor area;

41.7.3.6 ... wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

41.7.3.7 ... public artwork, the nature of which must be approved by the DRB, with the advice of the HDAC, public art must be proportionate in size and scale to the buildings in the proposed development, and be incorporated into the design of an urban park

41.7.3.8 ... on-site renewable energy generation, solar panels or geo-thermal, generating 25% or more of the estimated energy demand of the development; and/or

41.7.3.9 ... an urban park, as discussed in 4.4 of the *2016-2024 Williston Comprehensive Plan* Credit for compliance will be provided only where a proposed park is visible and accessible to the public so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

**41.7.4 Is there an incentive for *performance structured parking*?** Yes. The height limit will be increased from 36 to 52 feet where ~~perpetually affordable housing and/or~~ structured parking ~~are is~~ provided. To qualify, the development must ~~create more than three (3) dwellings, of which 30% or greater are perpetually affordable, and/or~~ provide 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

**41.7.5 Are there any limits on the use of the incentive offered by 41.7.4?** Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive rooflines.

**41.8 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of the ~~TCMRZD outside of the TCFBC. Specific Plans are not allowed within the TCFBC.t.~~ The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, or a new structure or major addition will be approved.

**41.9 Adirondack Views.** Much of this zoning district has great westward views to the Adirondacks. Every specific plan and every application for a discretionary permit in the ~~TCZDMRZD~~ must show how views to the Adirondacks (where they exist) will be used as a feature of the proposed development. This does not mean that views must be left unimpeded. It does mean that developments must find a way to use this natural asset. Compliance with this standard could take a variety of forms, including, but not limited to, an urban park (see WDB 41.5.3.9) with westward views, windows from indoor “public” spaces facing west; an outdoor dining area with an Adirondack view, etc.

**41.109 Allowed Uses**

**41.109.1 What uses are allowed in the *Taft-Corners Midway Residential Zoning District*?** Allowed and prohibited uses in the ~~TCZDMRZD~~ are identified in Table 41.A.

Table 41.A – <del>Taft-Corners Midway Residential Zoning District</del>	NAICS	Notes
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.		
<b>Residential</b>		At a density of at least 5 D/A.

<b>Retail Trade,</b> but excluding 441-12, Automobile and Motor Vehicle Dealers; 447, Gasoline Stations, including convenience stores with gas; 45383, Manufactured Home Dealers; 4542, Vending Machine Operators; and 45431, Fuel Dealers	44-45	Except the retail sale of medical or recreational cannabis, a subsection of NAICS code 453998, which is prohibited in this district.
Parts Dealers	4413	Only where ALL sales and service are indoors
Building Material and Garden Equipment and Supplies	444	Only small specialty stores, where ALL sales and service are indoors - indoor lighting fixture sales - would be an example, may be permitted.
<b>Information</b>	51	
<b>Finance &amp; Insurance</b>	52	
<b>Real Estate</b>	531	
<b>Professional, Scientific, and Technical Services,</b> but not 54194, Veterinary Services as noted	541	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
<b>Management of Companies &amp; Enterprises</b>	55	
<b>Administrative Support Services</b>	561	
<b>Educational Services</b>	61	
<b>Health Care and Social Assistance</b>	62	
<b>Arts, Entertainment, and Recreation</b>	71	Indoors only
<b>Accommodation &amp; Food Services,</b> but excluding 72319 - Food Service Contractors	72	No drive-through food service is permitted.
Caterers	72331	But only accessory to other permitted uses.
Mobile Food Services (vendors, kiosks)	72333	
Drinking Places	72341	But only accessory to other permitted uses
<b>Other Services, but only as listed below</b>		
Personal & Laundry Services	812	
excluding 81233 Linen & Uniform Supply	81233	
<b>Public Administration</b>	92	Public parks are permitted in all districts.

## Chapter 44

### School Impact Fees

This chapter establishes a school impact fee that must be paid by most residential development projects.

#### 44.1. Purpose—Authority—Repeal

~~44.1.1 Why does Williston charge a school impact fee? The 2016-2024 Comprehensive Plan (see Chapter 10) and other plans and studies prepared for the town make it clear that numerous improvements to both Williston Schools (K-8) and Williston's share of improvements to Champlain Valley Union High School (9-12) are needed to serve Williston's anticipated population growth. This chapter establishes a school impact fee to help pay for those improvements and, specifically, to ensure that new residents bear a fair portion of the costs of those improvements.~~

~~44.1.2 Does the town have the authority to impose impact fees? Yes. 24 V.S.A. § 5200, et seq. gives Vermont municipalities the authority to charge school (and other) impact fees.~~

~~44.1.3 Does this chapter replace the school impact fee Williston has been charging? Yes. Adoption of this chapter repeals Section 3-A and Table S-6 of the Williston Impact Fee Ordinance, which was first adopted on November 29, 2001, and last amended on July 17, 2003.~~

~~44.1.4 Can the Selectboard waive this impact fee for certain types of development? Yes. Pursuant to 24 V.S.A. Chapter 117, Section 4302 (a)(E) Goal 1 and 24 V.S.A. Chapter 131, Section 5205, the Selectboard may vote to grant a partial or total discount of this impact fee to new development provided the developer:~~

- ~~• Is a community land trust, housing trust, or other nonprofit that provides or will provide affordable housing AND~~
- ~~• Provides evidence and written guarantee that new development shall be perpetually affordable for owners or renters making 80% or less than the Area Median Income (AMI) for the Burlington South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size. AND~~
- ~~• To be "affordable", the proposed housing must meet the following criteria:
  - ~~○ Homes for sale must be sold to buyers whose total housing obligation (principal and interest repayments, taxes, hazard insurance, and mortgage insurance) does not exceed 30% of the buyer's household income. The buyer's total household income cannot exceed 80% of the area median income for the Burlington South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size.~~
  - ~~○ Rental units must be rented to households with incomes not exceeding 80% of the area median income for the Burlington South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size, and rents must not exceed 30% of household income.~~~~

## **44.2 Payment—Calculation**

~~44.2.1 Who must pay the school impact fee?~~ Any development that results in an increase in the number of dwelling units must pay a school impact fee.

~~44.2.2 When must the school impact fee be paid?~~ Payment of the school impact fee required by WDB 45.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed dwellings that will generate the additional population for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

~~44.2.3 Can one prepay school impact fees in order to avoid possible increases in these fees?~~ No. As provided in WDB 45.2.3, school impact fees may be paid only at the time an application for an administrative permit is filed.

~~44.2.4 How was the school impact fee calculated?~~ The school impact fee was calculated based on a study entitled *School Impact Fee Analysis, Williston Vermont* prepared by Michael J. Munson, June 1, 2012. See Appendix I for an explanation of how the school impact fee was established.

~~44.2.5 So, how much do I owe?~~ The school impact fees are:

~~44.2.5.1 Single Household Dwellings.~~ The combined net school impact fee for each single household dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

~~44.2.5.2 Multiple Household Dwellings/Condominiums.~~ The combined net school impact fee for each single family dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

~~44.2.6 Are there lower school impact fees for affordable housing?~~ As provided under WDB 44.1.4.

**44.3 Use of the Fees.** School impact fees will be used to pay for the bonds used to finance the construction of the Allen Brook School in 1997, and the bonds used to finance the renovations to the Champlain Valley Union High School in 2005/6. School impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

## **44.4 Management of the Fees**

~~44.4.1 How will I know that the school impact fees I paid were used for the projects listed in WDB 45.3?~~

~~44.4.1.1 Separate Account.~~ School impact fees will be placed in a separate interest bearing account: the "Williston School Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the school improvement projects listed in Table 44.A.

~~44.4.1.2 Annual Report.~~ Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston School Impact Fee Account. This report shall show the amount



~~collected and their source, the amounts expended, and the projects for which expenditures were made.~~

***44.4.2 What happens if the town does not use the impact fee I paid in a timely fashion?*** If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

***44.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated?*** As provided by 24 V.S.A. § 5302(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *School Impact Fee Analysis*, the town will, upon request by the then owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

***44.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund?*** Anyone who pays a school impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the school impact fee, will be required before any development activity is permitted on the site.

## **44.5 Appeals**

***44.5.1 Is it possible to appeal an impact fee?*** Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a school impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

***44.5.2 Will there be a hearing on an appeal?*** Yes. Within sixty (60) days after the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant, staff, and other interested parties.

***44.5.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund?*** The Selectboard's first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by other applicants, and not adequately foreseen in the town's determination of the school impact fees adopted in this chapter.

***44.5.4 How will notice of the Selectboard's decision be reported?*** The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

**TABLE 44.A  
COMBINED NET IMPACT FEES FOR EDUCATION FACILITIES  
Per Dwelling Unit**

Fiscal Year	-Net Fees for K-8 facilities		-Net Fees for 9-12 facilities		Combined Net Impact Fees	
	Single household	Multi-household	Single household	Multi-household	Single household	Multi-household
2015	\$7,148.21	\$2,473.14	\$4,061.18	\$1,381.45	<b>\$11,209.39</b>	<b>\$3,854.59</b>
2016	\$0.00	\$0.00	\$4,065.57	\$1,384.88	<b>\$4,065.57</b>	<b>\$1,384.88</b>
2017	\$0.00	\$0.00	\$4,069.56	\$1,388.00	<b>\$4,069.56</b>	<b>\$1,388.00</b>
2018	\$0.00	\$0.00	\$4,073.21	\$1,390.86	<b>\$4,073.21</b>	<b>\$1,390.86</b>
2019	\$0.00	\$0.00	\$4,076.56	\$1,393.48	<b>\$4,076.56</b>	<b>\$1,393.48</b>
2020	\$0.00	\$0.00	\$4,079.66	\$1,395.91	<b>\$4,079.66</b>	<b>\$1,395.91</b>
2021	\$0.00	\$0.00	\$4,082.78	\$1,398.35	<b>\$4,082.78</b>	<b>\$1,398.35</b>
2022	\$0.00	\$0.00	\$4,085.43	\$1,400.42	<b>\$4,085.43</b>	<b>\$1,400.42</b>
2023	\$0.00	\$0.00	\$4,087.90	\$1,402.35	<b>\$4,087.90</b>	<b>\$1,402.35</b>
2024	\$0.00	\$0.00	\$4,090.21	\$1,404.16	<b>\$4,090.21</b>	<b>\$1,404.16</b>
2025	\$0.00	\$0.00	\$4,090.21	\$1,404.16	<b>\$4,090.21</b>	<b>\$1,404.16</b>

ENTIRE CHAPTER 44 – SCHOOL IMPACT FEES IS DELETED