Chapter 3

Actors in the Administration of this Bylaw

This chapter lists the actors in the administration of this bylaw and explains their roles. It also addresses conflicts of interest and ex parte contacts.

3.1 Administrator. The Administrator is the town employee or contractor charged with the administration of this bylaw. As required by 24 V.S.A. App. § 156-16h(3)(J) (Section 16h(3)(J) of the Williston Town Charter), he or she is appointed by the Town Manager based on merit and fitness without a definite term. He or she may be removed for cause by the Town Manager, at any time. The Town Manager may also appoint Deputy Administrators.

3.2 Conservation Commission. The Conservation Commission is created by § 15(b)(2)(C) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4501, et seq. Its role in the administration of this bylaw is to review developments for which a discretionary permit is required and advise the DRB regarding their compliance with this bylaw. The Conservation Commission reviews all developments that implement open space, including all neighborhood parks and watershed protection buffers, and/or recreation paths or trails. The Administrator may also refer other developments to the Conservation Commission.

Town Charter? Williston's charter may be found at the Town's website or in Title 24, Appendix Chapter 156 of the Vermont Statutes Annotated.

3.3 Development Review Board. The Development Review Board (DRB) is created by § 15(b)(2)(B) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4460 and 4461 (in Williston, the DRB is the AMP, appropriate municipal panel referred to in those statutes). The powers of the DRB are established by this bylaw. The DRB hears appeals from decisions of the Administrator, as provided by WDB 5.4 and reviews and acts on applications for discretionary permits, as described in Chapter 6 of this bylaw. The DRB's rules of procedure are generally established in this bylaw. See WDB 3.10 and 3.11, below, and Chapters 4-12. Rules for the organization of the DRB, including the election of officers, are established in Appendix A of this bylaw.

3.4 Director of Public Works. The Director of Public Works (DPW) is the town employee or contractor charged with the overall supervision of the town's infrastructure. The DPW promulgates the *Public Works Standards* that are referred to in many places in this bylaw and assists the Administrator and DRB in the review of proposed developments.

3.5 Historic and Design Advisory Committee (HDAC). The Historic and Design Advisory Committee is a five-member advisory committee, appointed by the Selectboard under the authority of 24 V.S.A § 4433. Its role in the administration of this bylaw is:

3.5.1 … to review proposed developments, including major additions, in the design review districts established in Chapter 22 of this bylaw and advise the DRB regarding their compliance with the design review standards adopted in that and other chapters of this bylaw;

3.5.2 … to review proposed development for which a discretionary permit is required by this bylaw in the VZD and advise the DRB regarding its compliance with the standards established in Chapter 42 of this bylaw, including the standards of the *Williston Village Historic District Design Review Guide*; and

3.5.3 … review applications for administrative permits on referral from the Administrator, as provided by WDB 42.2.2.

3.6 Planning Commission. The Planning Commission is created by § 15(b)(2)(A) of the Town Charter, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4321, et seq. It prepared this bylaw, as provided by 24 V.S.A. 4441, and is responsible for the preparation of any amendments. The Planning Commission may also be asked to advise the Administrator and/or the DRB on the interpretation of this bylaw.

3.7 Project Review Committee. The Project Review Committee (PRC) is established to provide a coordinated and centralized technical review process to advise the Zoning Administrator and to ensure conformity with the requirements of the Taft Corners Form-Based Code Overlay District (TCFBC). The PRC is comprised of the Zoning Administrator, the Director of Public Works, and the Fire Chief. See TCFBC Section 8 for the PRC powers, duties, and operational procedures.

3.8 Selectboard. The five Selectboard members are Williston's chief elected officials. The Selectboard adopted this bylaw, as provided by 24 V.S.A § 4442 and must make any amendments. The Selectboard also appoints the Administrator and the members of the other bodies described in this chapter.

3.9 Town Clerk. This bylaw, as adopted, and some documents produced in its administration must be filed with the Town Clerk.

3.10 Town Manager. The Town Manager is the chief executive officer retained by the Selectboard. The Town Manager signs contracts on behalf of the town, including the development agreements required by Chapter 7 of this bylaw.

3.11 Conflicts of Interest

3.11.1 What is a conflict of interest? Conflicts of interest are defined by Williston's *Conflict of Interest Ordinance*, which is appended to this bylaw as Appendix B.

3.11.2 What is the proper response to a conflict of interest? Any actor in the administration of this bylaw, including staff or any member of the town boards listed in this chapter, who has a conflict of interest in the review of any application for a permit, or in any other proceeding authorized by this bylaw, shall declare that conflict and refrain from any participation in the proceedings.

3.12 Ex Parte Contacts

3.12.1 What is an ex parte contact? An ex parte contact occurs when a member of the DRB or either of the advisory boards (Conservation Commission, HDAC) discusses an application for a permit with the applicant, the applicant's representative, or any of the potentially affected neighbors outside a public meeting or their representatives. Ex parte contacts are defined in the town's *Conflict of Interest Ordinance*: see Appendix B.

3.12.2 What is the proper response to an ex parte contact? Members should avoid ex parte contacts whenever possible. When such a contact is unavoidable, members must disclose ex parte contacts for the record of the hearing.

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 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 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 BPZD, GZDS, GZDW, MUCZD, MURZD, TCZD, 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) the on-site storage, preparation and sale of agricultural products principally produced on the farm; and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides. F**arm 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 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 4.2.2.9.

4.2.2.9 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. 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 Overlay 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 Overlay 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 4.3.3 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 Overlay District, a discretionary permit is not applicable, and projects must receive a Certificate of Conformity (see 4.3.6 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 Overlay District. The Certificate of Conformity replaces the Discretionary Permit and Administrative Permit procedures. See Form-Based Code Section 8 at Appendix F.

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 Overlay 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 (¼) or more acres of land, excluding agricultural and forestry practices exempted by WDB 4.2.1.2; and

4.4.1.3 … all multi-unit residential (> 2 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 4.3.5.

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 Overlay District, where a Certificate of Conformity is required instead.

4.4.2.2. … the construction of one- and two-household dwellings on existing or approved lots,;

Existing? Approved? For the purposes of the exemption established by WDB 4.3.3.2, an existing lot is one that is: a) zoned for residential use, b) is presently unoccupied by a dwelling, c) 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 d) 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 (>2 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 HAAC. 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 HAAC will provide advisory recommendations to the DRB. Where the development activity requires an administrative permit, the Administrator may seek advice of the HAAC and/or DRB.

4.5.4.3 Determination of Contributing Structure Status**.** A letter issued by the Zoning Administrator, with the advice of the HAAC, that specifics 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 Applications for Administrative Permits for developments involving excavation in Class IV groundwater zones must include documentation of compliance with the Rule.

Chapter 11

Including Affordable Homes and Residential Growth Management

This chapter requires the inclusion of affordable homes in most new residential developments and establishes a competitive growth management system for those residential developments that will not provide a sufficient amount of affordable homes. The policy basis for this system appears in Section 5.1 of the town's *Comprehensive Plan*. Readers are encouraged to read that material first, as background for understanding the procedure established here.

11.1 Purpose - Authority

11.1.1 Why does Williston limit the pace of residential development and require the provision of affordable homes in most new developments? The purposes of this chapter are to:

11.1.1.1 … ensure that residential growth meets the town's needs for additional workforce and affordable homes, does not exceed the capacity of the town's existing infrastructure and supports planning for the expansion of municipal facilities and services; and

11.1.1.2 … given the limited capacity of the town's infrastructure, encourage residential developments that successfully implement the goals of the *Town Plan*, with a specific focus on meeting the town's need for more affordable homes.

11.1.1.3 … support the development of a compact, affordable pedestrian-friendly mixed-use center in the Taft Corners Form-based Code Overlay District (TCFBC) by encouraging housing, while also rewarding the protection of open space resources, the provision of trails, energy conservation, and other actions residential developers can take to help implement the *Town Plan*.

11.1.2 What gives the town the authority to limit the rate of development? Limiting the pace of development "to avoid or mitigate any undue impact on existing or planned community facilities or services" is specifically authorized by 24 V.S.A. § 4422.

11.1.3 What gives the town the authority to require the inclusion of affordable homes in new residential projects? In February of 2023, the Planning Commission prepared a Housing Needs Assessment, which is required by 24 V.S.A. 4414(7)(B) prior to the adoption of inclusionary zoning provisions. 4417(A) also requires that any inclusionary zoning be in conformance with the Housing Element of the town's comprehensive plan, which is found in Chapter 5 of the *2016-2024 Williston Comprehensive Plan*. 24 V.S.A 4417(C) requires that any inclusionary zoning provisions "include development incentives that contribute to the economic feasibility of providing affordable housing units." These incentives are provided in part in this chapter in the form of exemptions from its growth management requirements, which will otherwise apply.

11.2 Applicability

11.2.1 Which developments are subject to growth management review? Except as exempted in 11.2.2, below, growth management review and approval is required before a proposed residential development or the residential portion of a proposed mixed-use development may apply for a discretionary permit, or in the case of areas covered by the Taft Corners Form Based Code Overlay District (TCFBC), as a part of the review and approval of a Certificate of Conformity.

11.2.2 Are there any exceptions to growth management review?

11.2.2.1 Existing Lots. The construction of up to four dwellings on any parcel where dwellings are permitted by this bylaw pursuant to allowed uses and density requirements is not subject to the provisions of WDB 11.4-11.9, below.

11.2.2.2 Inclusionary Zoning. New residential developments, buildings, or mixed-use projects that meet the inclusionary zoning requirements of this chapter are exempt from the provisions of WDB 11.4-11.9, below, but must instead meet all requirements of WDB 11.3, *Inclusionary Zoning*, in this chapter.

11.2.2.3 Adaptive Reuse to Residential. The adaptive reuse of any building, that was built more than ten years before the date a permit for the adaptive reuse is submitted, to add dwellings to that building is not subject to the provisions of WDB 11.4-11.9, below, provided the adaptive reuse does not involve any addition to the building exceeding 20% of the existing floor area. The adaptive reuse of former hotel/motel buildings is not covered by this provision but may be exempted under the provisions of 11.2.2.2, above.

11.3 Inclusionary Zoning The following requirements for the inclusion of affordable dwellings must be met by all developments that will create ~~ten (10)~~ five (5) or more new dwellings in Williston. Multiple developments or projects within a 5-year period by the same applicant, landowner, responsible party or "person" as defined by Title 10 VSA 6001(14) that do not individually trigger Inclusionary Zoning but, in aggregate, equal or exceed 5 new dwelling units within any single zoning district shall be subject to the requirements of Inclusionary Zoning. Said 5-year period shall be measured from the final DRB approval of a prior project (not including amendments resulting in no additional units) to the date of the receipt of the application for the subsequent project. Applicable developments that will not meet the inclusionary zoning requirements of this section must follow the Residential Growth Management Allocation procedures and scoring criteria outlined in WDB 11.4-11.9 and must meet the payment in-lieu requirements of 11.3.5, below.

11.3.1 What are affordable dwellings? Affordable dwellings, as defined in WDB 46.3.9 means dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than 100% of the median household income for The Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development, household without spending more than thirty (30) percent of their incomes on housing costs. The median income shall be determined on the basis of the data which is most recent to the time that the units are ready for occupancy.

Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, homeowner's association fees, and property insurance. To qualify as 'affordable,' the future rent or resale price of a unit must be perpetually restricted to the same affordability standards discussed in this definition at the time of sale or rent, as discussed under WDB 11.3.5.

11.3.2 What percentage of dwelling units is required to be affordable? Developments with 5-9 dwellings must provide at least 1 dwelling affordable at 100% AMI or below. Developments with 10 or more dwellings must include affordable dwellings at percentages meeting one of the following criteria:

- At least 10% of the proposed dwelling units (rounded to the nearest whole number) shall meet the definition of perpetually affordable at or below 80% of the area median income level, **or**
- At least 15% of the proposed dwelling units (rounded to the nearest whole number) shall meet the definition of perpetually affordable at or below 100% of the area median income level, **or**
- A percentage of proposed dwelling units (rounded to the nearest whole number) acceptable to the DRB and/or Zoning Administrator shall be affordable at a combination of different levels of affordability below 100% of the area median income.

11.3.3 Are there any specific requirements for affordable units?

11.3.3.1 Integration with Overall Project. The project application shall identify the dwelling units proposed to be affordable. Affordable dwelling units shall be integrated with the rest of the development and shall be compatible to the extent practicable in exterior design and appearance with other units with the exception of garages (attached or unattached) or other accessory structures. Affordable dwelling units constructed on site may be in less desirable locations than market-rate units in the development, but shall, on average, be no less accessible to public amenities, such as open space or community facilities, as the market-rate units.

11.3.3.2 Allowable Differences from Market Rate Units. Affordable units may differ from the market units with regard to interior amenities and floor area; provided that these differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units, and these differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units.

11.3.3.3 Construction Phasing Schedule. Affordable units shall be made available for occupancy on approximately the same schedule as the project's market units, except that certificates of occupancy for the last 10% of the market units (rounded to nearest whole number) shall be withheld until certificates of occupancy have been issued for all of the affordable units.

11.3.4 Is there a density bonus or any other development incentives for providing affordable homes? In order to contribute to the economic feasibility of providing affordable housing units, all projects covered by Inclusionary Zoning are entitled by right to density bonuses as described in Chapter 19 and other incentives described below, at the discretion of the applicant.

11.3.4.1 Exemption from Growth Management. Projects meeting the requirements of 11.3 Inclusionary Zoning are exempt from the provisions of WDB 11.4-11.9.

11.3.4.2 Expedited review. Projects under this section, and with a complete application, will be scheduled ahead of projects with no affordable units to the extent practicable.

11.3.4.3 Fee Waivers. A waiver of certain permit fees and impact fees for qualified projects as determined by the Selectboard.

11.3.5 How will perpetual affordability of the dwellings be ensured? Affordable units shall be subject to covenants or restrictions that preserve their affordability in perpetuity.

11.3.5.1 Deed Restrictions acceptable to the Town shall be placed on the appropriate property to ensure that affordable units created under this section shall remain affordable in perpetuity, or for as long a period as is allowed by law.

11.3.5.2. Resale Restrictions. Provisions to ensure continued affordability of affordable units offered for sale shall include a formula for calculating the maximum sales price based on the applicable affordability level (80% or 100% of Area Median Income). The developer of the dwelling unit shall be considered the first seller and must sell the unit at a price no greater than the maximum sales price meeting the definition of affordability under 11.3.1. For subsequent sales of the dwelling, the maximum sales price shall be the greater of: (a) the maximum sales price as described above, or (b) the unit owner's original purchase price adjusted for the actual documented costs of any capital improvements to the affordable unit during the unit owner's period of ownership.

11.3.5.3. Rent Increases. Provisions for continued affordability of affordable rental units shall limit annual rent increases to the percentage increase in the median household income within the Burlington-South Burlington Metropolitan Statistical Area (MSA). No rent increase may take effect until it has received the approval of the town.

11.3.6 Are affordable dwellings required to be sold/rented to income-qualified buyers/renters? Yes. Affordable dwellings shall be marketed for rent/lease to households within the same income bracket as the dwelling was intended for. For example, if the development includes dwellings affordable to those earning 80% of the Burlington-South Burlington median income, those dwellings must be sold to households meeting the respective income qualifications of earning less than or equal to 80% of the Burlington-South Burlington median income.

11.3.7 What if my project does not include affordable dwellings? Residential developments that do not qualify for exemptions listed under 11.2.2 are required to obtain growth management allocation. Additionally, residential developments consisting of ten (10) or more new dwellings not exempt under 11.2.2 must contribute a payment in-lieu fee to Williston's Affordable Housing Trust Fund as follows:

Project Size	Required Payment in Lieu Per Unit
>= 20 DUs	$3,500
21-50 DUs	$7,000
> 50 DUs	$8,500

A marginal fee approach shall be used in payment of the in-lieu fees.

> Example: Fee in-lieu calculated for a 25-unit project, as follows: 20 x $3,500 = $70,000 for the first 20 units; 5 x 7,000 = $35,000 for the additional 5 units; Total fee in-lieu = $105,000.

The payment in lieu fee may be adjusted from time to time by the Selectboard similarly to other permitting fees. Adjusted fees shall be updated in this bylaw accordingly.

11.4 Residential Growth Target

11.4.1 What is the town's annual residential growth target? Section 5.1.2 of the *Town Plan* sets a residential growth target of 80 dwelling unit equivalents, as defined in WDB 46.3.46, per fiscal year.

11.4.2 How will the town achieve its growth target? By setting high standards for new development, including the inclusionary zoning requirements in this chapter, by setting appropriate development standards for different geographic areas of the town, and by setting limits on the number of dwellings that do not meet the inclusionary zoning requirements, the town will maintain its growth target as discussed in 11.3.3, below.

11.4.3 How is a dwelling unit equivalent defined? For the purposes of this chapter and for calculating density under WDB Chapter 19, one dwelling equivalent is defined as a dwelling unit containing 2 or more bedrooms. A dwelling containing only one bedroom or less (studio) is counted as 0.5 of a dwelling unit equivalent. Accessory dwellings permitted by WDB 20.1 are not dwelling unit equivalents for the purposes of this chapter.

11.4.4 Is there a geographic component to the growth target? Yes. Section 5.1.3 of the *Town Plan* provides for 80 dwelling unit equivalents per year. While most dwelling unit equivalents are expected to be created in projects covered by the inclusionary zoning provisions of 11.3, some limited allocation for projects that do not meet these requirements is available through a yearly allocation schedule as follows:

11.4.4.1 … in the sewer service area, in the designated growth center, 50 dwelling unit equivalents,

11.4.4.2 … in the sewer service area, outside the designated growth center, 20 dwelling unit equivalents, and

11.4.4.3 … outside the sewer service area, 10 dwelling unit equivalents.

11.4.4.4 Shift to the Growth Center. The DRB or Administrator may shift available units from areas outside the growth center to proposed residential and mixed-use developments within the designated growth center.

11.5 Growth Management Procedure

11.5.1 At what point in the development review process does growth management review occur? Growth management review follows pre-application review. All proposed residential developments that are not exempt pursuant to WDB 11.2.2 that have cleared pre-application review on or before December 31 of any year shall be subject to growth management review in the following year except as otherwise exempted. If a proposed residential development has not cleared pre-application review by December 31 of a given year, it will not be reviewed during the following year. For applicable projects in the Taft Corners Form-Based Code Overlay District (TCFBC), allocation will be assigned by the Zoning Administrator at the time of the issuance of a Certificate of Conformity.

11.5.2 How is growth management review conducted outside TCFBC?

11.5.2.1 Notice to Eligible Applicants. All applicants whose proposed developments qualify for growth management review shall be notified of the date of the DRB's growth management hearing (see WDB 11.5.2.3) and provided with a *Growth Management Questionnaire* by January 15.

11.5.2.2 Growth Management Questionnaires. Applicants must return their completed growth management questionnaires by March 1. All representations made on a *Growth Management Questionnaire* are binding and must be reflected in the application for a discretionary permit if the proposed residential development receives an allocation of dwelling units.

11.5.2.3 Public Hearing. The DRB shall, in March of each year, hold a public hearing at which it reviews all proposed residential development that cleared pre-application review during the preceding calendar year. This hearing shall follow the procedures prescribed in Chapter 6 for the review of applications for discretionary permits.

11.5.2.4 Evaluation and Ranking. Following the public hearing required by WDB 11.5.2.3, the DRB shall evaluate and rank the proposed residential development using the evaluation criteria established in this chapter. These criteria guide the DRB in awarding points to proposed residential development based on their implementation of specific goals and objectives of the *Comprehensive Plan.*

11.5.2.5 Allocation of the Growth Target. The DRB shall allocate the available portion (see WDB 11.6.1.2) of the growth target established in the *Comprehensive Plan* to the proposed residential developments according to their ranking and the rules established in WDB 11.6, below.

11.5.2.6 Notification of Allocation. Notice of the DRB's decision and the approved allocation schedule shall be provided in the form of a letter from the Administrator and sent to each applicant by certified mail. Documentation of approved allocation must be presented by the applicant with the application for the administrative permit to build the dwelling(s).

11.5.2.7 Allocation of the Growth Target Allocation in the Taft Corners Form Based Code Overlay District is assigned by the Zoning Administrator at the time of issuance of a Certificate of Conformity, which is the permit to build in this Overlay District. Projects in the Taft Corners Form Based Code Overlay District do not apply for hearing review at the DRB under the provisions of 11.5.2.1-11.5.2.6 above and are not subject to the scoring criteria in 11.7, below. The design criteria in the Taft Corners Form Based Code Overlay District mandate much of what is incentivized under these criteria.

11.5.2.8 Notification of Allocation in the Taft Corners Form Based Code Overlay District Notification of allocation in the Taft Corners Form Based Code Overlay District is in the form of the Certificate of Conformity for the project issued by the Zoning Administrator.

11.5.2.9 Subsequent Growth Management Allocation. Proposed developments that have obtained an initial allocation of dwelling units and approval of final plans for a discretionary permit but require additional allocation to complete the entire development as proposed, shall first obtain the additional allocation through growth management review, but shall not be required to submit a preapplication during the prior calendar year. Should additional allocation

be granted, an amendment to the discretionary permit shall be filed to document the revised phasing schedule. Such an amendment shall be considered a minor change.

11.6 Allocation Rules

11.6.1 Are there rules the DRB, or Administrator in the case of projects in the Taft Corners Form Based Code Overlay District, must follow in making the allocations authorized by WDB 11.5.2.5, above? Yes.

11.6.1.1 Minimum Score. No proposed development that is awarded fewer than 40 points shall receive an allocation. In the Taft Corners Form Based Code Overlay District, the Administrator, using the criteria for the Growth Center in 11.7, may deny a Certificate of Conformity for a project that will not meet the minimum score.

11.6.1.2 Number of Units. The DRB or Administrator may allocate only the number of dwelling unit equivalents allowed by the residential growth target adopted in the *Comprehensive Plan*. This does not mean that the DRB or Administrator allocates 80 dwelling unit equivalents each fiscal year. They do not. The number of dwelling unit equivalents previously allocated is deducted from the growth target for each fiscal year in which those allocations were made, ensuring that an average of no more than 80 dwelling units per fiscal year are allocated.

What's Left? A chart showing the number of allocations that remain available in each fiscal year may be obtained from Williston Planning.

11.6.1.3 "Rolling Allocation" The DRB or Administrator will make allocations based on a 10-year timeframe that begins with the upcoming fiscal year. Any allocation that was not awarded in past fiscal years is void and no longer available for allocation to future projects. The DRB or Administrator will have a consistent 10-year "horizon" over which they can make allocations, within the rules of WDB 11.6.1.5 and within the limits of sewer treatment capacity as discussed in WDB 11.6.1.6.

11.6.1.4 Partial Allocations. The DRB or Administrator may make partial allocations to help create an equitable division of the dwelling units available among proposed residential developments that have equal or essentially equal rankings. The DRB may also, due to the limited availability of dwelling units and the rules adopted here, including WDB 11.6.1.5's limit on allocations to any one proposed residential development, allocate fewer units to a proposed residential development than were requested in its pre-application or on its growth management checklist.

11.6.1.5 Maximum Allocation. There are limits on the number of market-rate units of allocation that may be allocated in any of the allocation years. No more than 75% of the market-rate units available in a given fiscal year and in any of the three 'allocation areas' established by WDB 11.4.3 may be allocated to any one proposed residential development. In addition, no more than 50% of the number of market-rate allocation units in any of the allocation areas outside the TCFBC may be allocated two or more years prior to the fiscal year the allocation becomes available, and no more than 75% of the number of allocation units in any of the allocation areas outside the TCFBC may be allocated one year prior to the fiscal year the allocation becomes available.

11.6.1.6 Changes in Capacity. Sewage treatment plant capacity may change due to changing regulations, the failure of plant components, and other causes. The DRB or Administrator shall not allocate units for which adequate sewage treatment plant capacity is not available regardless of the growth target established in the *Williston Comprehensive Plan*. Any decision not to allocate units on this basis shall be based on a written finding by the Selectboard that changing conditions have resulted in inadequate capacity.

11.6.2 Do allocations made by the DRB or Administrator expire? Yes. Applicants who received allocation under the provisions of 11.6.1 must meet two deadlines, one for the submission of an application for a discretionary permit for the proposed residential development and one for the subsequent submission of final plans.

A development will receive an allocation schedule based on the town's residential growth target. Allocations are available beginning on July 1 of a particular year (the start of the town's fiscal year). Once the first year of the allocation schedule is reached, any of the units within the allocation schedule of the development may be constructed within the time frame of the allocation schedule.

11.6.2.1 Submission of Discretionary Permit Application. An application for a discretionary permit for the proposed residential development must be filed within one year of the date of the record of decision for the DRB meeting at which the initial allocation of dwelling units to that development was made. If an application is not filed within one year, the allocation becomes void and the units of allocation included will be made available for allocation to another proposed residential development.

11.6.2.2 Submission of Final Plans. Final Plans must be submitted for approval following the issuance of a Discretionary Permit by the DRB within the timeframes required in WDB 6. If Final Plans are not submitted, the allocation becomes void and the allocation is returned to the system.

11.7 Evaluation Criteria for Proposed Residential Development in the Growth Center, outside of the Taft Corners Form Based Code Overlay District. The criteria the DRB will use to evaluate and rank proposed residential development or the residential portion of proposed mixed-use developments in the Growth Center are summarized to create a 100-point scoring scale. They are explained in detail below.

11.7.1 Conserve Energy **(0-30 points)** All new dwellings must meet the required Vermont Residential Energy Standards. This criterion encourages additional energy conservation in accord with Policy 11.4 of the *2016-2024 Williston Comprehensive Plan*. Scoring will be based on the percentage of total dwelling units that either meet enhanced energy efficiency standards or that generate renewable energy as part of the proposed development.

- 100% of all units incorporate at least **two** of the following elements – 30 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- 100% of all units incorporate at least **one** of the following elements – 20 points:
  - meet Efficiency Vermont High Performance Level,

- use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
- generate at least 50% of their estimated energy demand through onsite renewable sources,
- store at least two days of typical energy demand on-site.

- 50% of all units incorporate at least **one** of the following elements – 10 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- all units meet Vermont Residential Energy Standards – 0 points

11.7.3 Offer Housing Choices (0-20 points). Consistent with Policy 5.2.3 of the *2016-2024 Williston Comprehensive Plan*, this criterion encourages each development to include housing options for a broad spectrum of household incomes and types, and for both owners and renters. The goal is not merely to promote affordability as WDB 11.6.2 does, but to ensure that limited housing choices do not result in a community with limited cultural and social diversity.

- Proposed residential development should include a mix of dwelling types and sizes that will result in a mix of different housing costs and tenures. Where the proposed residential development is part of a mixed-use development, it must include units that are demonstrably affordable to the typical employee who will be working there in order to be awarded any points for this criterion. 1-20 points depending on the range of housing options proposed

- The proposed residential development does not contribute to housing diversity. – 0 points.

11.7.4 Provide Neighborhood Space (0-20 points). This criterion encourages the provision of urban and/or neighborhood parks, and/or of indoor space for neighborhood activities. Points will be awarded for the construction of an urban or neighborhood park, as defined in Policies 4.4 and 4.5 of the *2016-2024 Williston Comprehensive Plan*, and/or for the construction of a building space that can be used as a meeting room, fitness center, day care center, or other neighborhood_space acceptable to the DRB. The developer must commit to equip the space provided for its purpose to earn points. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness but need not be maintained by the town.

- The proposed development provides developed neighborhood space that is easily accessible and useful to its inhabitants – 1-20 points, depending on the size, diversity of functions, and other characteristics of the space/s provided.

- The proposed residential development provides no such space, or inadequate space – 0 points.

11.7.5 Build Paths and Trails (0-10 points). This criterion favors proposed residential development that build their portion of the paths and trails called for by the *2016-2024 Williston Comprehensive Plan* (see Policy 9.5.3).

- The majority of the proposed dwelling units are served by the town's path and trail system, with the developer building all on-site segments – 1-10 points, depending on the length of the path or trail segment/s.

- no path or trail connection is built – 0 points

11.7.6 Conserve Open Space (0-10 points). While there are limited opportunities for open space conservation within the growth center, this criterion encourages the permanent conservation of any remaining lands identified in the Chapter 13 of the *2016-2024 Williston Comprehensive Plan* or another open space asset acceptable to the Conservation Commission via dedication or conservation easement.

- the proposed development will protect open space lands identified in Chapter 13 of the *2016-2024 Williston Comprehensive Plan* or another open space asset acceptable to the Conservation Commission via dedication to the town or another public agency, or via a conservation easement – 1-10 points depending on the extent and the importance of the open space protected

- the proposed development will not provide permanent open space protection – 0 points

11.7.8 Sustainable Transportation **(0-10 points).** Developments that will support transportation sustainability by providing publicly available facilities that allow for transit use, carpooling, electric vehicle charging, car-sharing, or secure, covered bicycle storage will receive 1-10 points in addition to the points available for energy efficiency above.

A minimum of one covered carpool or transit shelter, one carpool parking space, one electric vehicle charging port and space, one carshare space, or two secure covered bicycle storage lockers per 25 Dwelling Unit equivalents (DUe) in the project is required for points to be scored for any of these facilities. Developments may also meet one of the scoring criteria elements by showing that the project will be part of a Transportation Management Association that provides programming and incentives to the residents of the project and any onsite employees to reduce single-occupant vehicle trips.

- The proposed development will provide five of the elements listed in 11.7.8- 10 points

- The proposed development will provide four of the elements listed in 11.7.8- 8 points

- The proposed development will provide three of the elements listed in 11.7.8- 6 points

- The proposed development will provide two of the elements listed in 11.7.8- 4 points

- The proposed development will provide one of the elements listed in 11.7.8- 2 points

- The proposed development will not provide any sustainable transportation facilities- 0 points

11.8 Evaluation Criteria for Proposed Residential Development that Have Sewerage but Are Not Within the Growth Center. The criteria the DRB will use to evaluate and rank proposed residential development in the Residential and Village zoning districts are summarized and weighted to create a 100-point scoring scale in the Growth Management Checklists. They are explained in detail below.

11.8.1 Conserve Energy **(0-30 points).** All new dwellings must meet the required Vermont Residential Energy Standards. This criterion encourages additional energy conservation in accord with Policy 11.4 of the *2016-2024 Williston Comprehensive Plan*. Scoring will be based on the percentage of total dwelling units that either meet enhanced energy efficiency standards or that generate renewable energy as part of the proposed development.

- 100% of all units incorporate at least **two** of the following elements – 30 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- 100% of all units incorporate at least **one** of the following elements – 20 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- 50% of all units incorporate at least **one** of the following elements – 10 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- all units meet Vermont Residential Energy Standards – 0 points

11.8.2 Offer Housing Choices (0-20 points)**.** Consistent with Policy 5.2.3 of the *2016-2024 Williston Comprehensive Plan*, this criterion encourages each development to include housing options for a broad spectrum of household incomes and types, and for both owners and renters. The goal is not merely to promote affordability as WDB 11.6.2 does, but to ensure that limited housing choices do not result in a community with limited cultural and social diversity.

- Proposed residential development should include a mix of dwelling types and sizes that will result in a mix of different housing costs and tenures. Where the proposed residential

development is part of a mixed-use development, it must include units that are demonstrably affordable to the typical employee who will be working there in order to be awarded any points for this criterion. 1-20 points depending on the range of housing options proposed

- The proposed residential development does not contribute to housing diversity. – 0 points.

11.8.3 Provide Neighborhood Space (0-20 points). This criterion encourages the provision of urban and/or neighborhood parks, and/or of indoor space for neighborhood activities. Points will be awarded for the construction of an urban or neighborhood park, as defined in Policies 4.4 and 4.5 of the *2016-2024 Williston Comprehensive Plan*, and/or for the construction of a building space that can be used as a meeting room, fitness center, day care center, or other neighborhood_space acceptable to the DRB. The developer must commit to equip the space provided for its purpose to earn points. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness, but need not be maintained by the town.

- The proposed development provides developed neighborhood space that is easily accessible and useful to its inhabitants – 1-20 points, depending on the size, diversity of functions, and other characteristics of the space/s provided.

- The proposed residential development provides no such space, or inadequate space – 0 points.

11.8.4 Build Paths and Trails (0-10 points). This criterion favors proposed residential development that build their portion of the paths and trails called for by the *2016-2024 Williston Comprehensive Plan* (see Policy 9.5.3).

- The majority of the proposed dwelling units are served by the town's path and trail system, with the developer building all on-site path segments and dedicating all on-site trail segments – 1-10 points, depending on the length of the path or trail segment/s.

- no path or trail connection is built or dedicated – 0 points

11.8.5 Neighborhood Design (0-10 points). This criterion does not include architectural design or the details of landscape design. Those subjects are addressed after an application for a discretionary permit is filed. Proposed residential development will be scored based their use of open space to both buffer and integrate the neighborhood, as well to manage stormwater, and on the siting of homes to encourage walking and social interaction among neighbors.

- Open space is used both creatively and to serve functional needs like buffering and stormwater management, while homes are sited so as to encourage walking and social interaction among neighbors – 0-15 points depending on how well this goal is implemented.

- Permanent protection of open space identified in the *Chapter 13 of the 2016-2024 Williston Comprehensive Plan* will result in the award of 1-5 additional points on this criterion, depending on the extent and quality of the open space resource being protected.

- Open space is not used creatively and/or site planning techniques do not encourage walking and social interaction – 0 points

11.8.6 Sustainable Transportation (0-10 points). Developments that will support transportation sustainability by providing publicly available facilities that allow for transit use, carpooling, electric vehicle charging, car-sharing, or secure, covered bicycle storage will receive 1-10 points in addition to the points available for energy efficiency above.

A minimum of one covered carpool or transit shelter, one carpool parking space, one electric vehicle charging port and space, one carshare space, or two secure covered bicycle storage lockers per 25 Dwelling Unit equivalents (DUe) in the project is required for points to be scored for any of these facilities. Developments may also meet one of the scoring criteria elements by showing that the project will be part of a Transportation Management Association that provides programming and incentives to the residents of the project and any onsite employees to reduce single-occupant vehicle trips.

- The proposed development will provide five of the elements listed in 11.8.8- 10 points
- The proposed development will provide four of the elements listed in 11.8.8- 8 points
- The proposed development will provide three of the elements listed in 11.8.8- 6 points
- The proposed development will provide two of the elements listed in 11.8.8- 4 points
- The proposed development will provide one of the elements listed in 11.8.8- 2 points
- The proposed development will not provide any sustainable transportation facilities- 0 points

11.9 Evaluation Criteria for Proposed Residential Development Outside the Sewer Service Area. The criteria the DRB will use to evaluate and rank proposed residential development outside the sewer service area are summarized and weighted to create a 100-point scoring scale in the growth management checklists. They are explained in detail below.

11.9.1 Conserve Energy **(0-30 points).** All new dwellings must meet the required Vermont Residential Energy Standards. This criterion encourages additional energy conservation in accord with Policy 11.4 of the *Town Plan*. Scoring will be based on the percentage of total dwelling units that either meet enhanced energy efficiency standards or that generate renewable energy as part of the proposed development.

- 100% of all units incorporate at least **two** of the following elements – 30 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- 100% of all units incorporate at least **one** of the following elements – 20 points:
  - meet Efficiency Vermont High Performance Level,

- use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
- generate at least 50% of their estimated energy demand through onsite renewable sources,
- store at least two days of typical energy demand on-site.

- 50% of all units incorporate at least **one** of the following elements – 10 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- all units meet Vermont Residential Energy Standards – 0 points

11.9.2 Provide for Paths and Trails (0-20 points). This criterion favors proposed residential development that provide easements for primitive trails or build their portion of the paths called for by the *2016-2024 Williston Comprehensive Plan* (see Policy 9.5.3).

- The majority of the proposed dwelling units are served by the town's path and trail system, with the developer building all on-site segments – 1-20 points, depending on the length of the path or trail segment/s.

- no path is built or trail easement is provided – 0 points

11.9.3 Conserve Open Space (0-30 points). This criterion encourages the long-term protection of the open spaces identified in Chapter 13 of the *2016-2024 Williston Comprehensive Plan*. It awards points for the protection of lands identified there by dedication or conservation easement.

- the proposed development will protect open space lands identified in Chapter 13 of the *2016-2024 Williston Comprehensive Plan* or another open space asset acceptable to the Conservation Commission via dedication to the town or another public agency, or via a conservation easement – 1-30 points depending on the extent and the importance of the open space protected

- the proposed development will not provide permanent open space protection – 0 points

11.9.4 Minimize Visual Impact (0-20 points). This criterion encourages "rural" developments that are sited so as to disappear into the landscape.

- the proposed project will not be visible from public roads, except any new road built to provide direct access to the site – 20 points

  the proposed project will be minimally visible from public roads, except any road directly serving the site –10 points

- The proposed project will be visible from public roads – 0 points

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 Overlay 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** *The DRB may permit an exception to the bicycle parking requirements as provided by WDB 14.8.5*	
	Off-Street Motor	**Total Bicycle**	**Long Term Bicycle**
	Vehicle Spaces	**Parking Spaces**	**Parking Spaces**
	per 1000 SF gross floor area, unless otherwise specified	***per maximum motor vehicle spaces, unless otherwise specified***	***per minimum required bicycle spaces, unless otherwise specified***
Industrial Uses	1.00	5% of vehicular; minimum 4	75%
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.			
Residential Uses *Parking spaces inside a garage, count toward this maximum.*			
One- and Two-Family 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%
Lodging Uses	1.00 per room	7% of vehicular; minimum 4	50%
Conference space and restaurants should be accounted for separately.			
Recreational Uses			
Health Club	5.00	10% of vehicular; minimum 4	50%
Other Recreational Uses	*Too diverse to list. Will require individual analysis*		
Theaters, Places of Assembly	0.25 per seat	7% of vehicular; minimum 4	none
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.			
Educational and Health Care Uses			
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
Office Uses			
Office Building	3.50	7% of vehicular	50% of bicycle spaces
Offices w/ High Turnover	5.00	10% of vehicular	50% of bicycle spaces
Retail Uses			

Table 14.A – Parking Requirements			
Land Use	**Maximum Off-Street Motor Vehicle Parking Permitted**	**Minimum Bicycle Parking Required** *The DRB may permit an exception to the bicycle parking requirements as provided by WDB 14.8.5*	
	Off-Street Motor	**Total Bicycle**	**Long Term Bicycle**
	Vehicle Spaces	**Parking Spaces**	**Parking Spaces**
	per 1000 SF gross floor area, unless otherwise specified	***per maximum motor vehicle spaces, unless otherwise specified***	***per minimum required bicycle spaces, unless otherwise specified***
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
Services			
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% 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% 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 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 a 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 2 per Dwelling 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.

14.2.6 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’	20.0’	12.7’	20.5’	15.0’
60° Angle	9.0’	20.0’	10.4’	21.8’	18.0’
90° Angle	9.0’	20.0’	9.0’	20.0’	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’	18.3’	13.0’
60° Angle	8.0’	18.0’	9.2’	14.8’	15.0’
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.

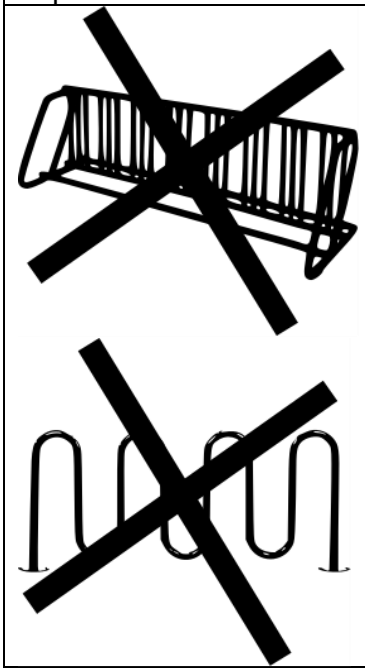
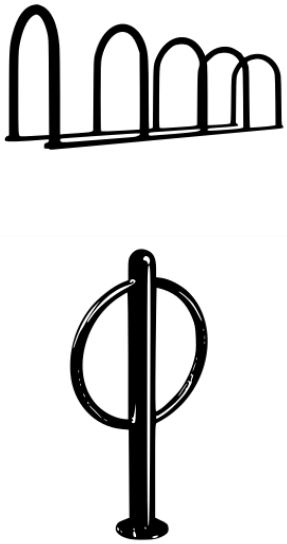
14.7.3.2 To. Accessible routes must be provided from parking areas to the building/s of other destinations they serve. WDB 14.3 provides standards for accessible routes.

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 **do not meet** the requirements of WDB 14.8.2	Racks like this **meet** 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-or 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-tip 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 17

Non-Residential Accessory Uses and Structures Temporary Uses and Structures

This chapter provides standards for some common nonresidential accessory uses. Customary accessory structures and uses are permitted in all zoning districts. Residential accessory uses are addressed in Chapter 20. Temporary uses and structures are also addressed here because they are often accessory to another use. These standards apply to all temporary uses, however, whether they are appurtenant to another use or not. Remember that compliance with the standards of this chapter is in addition to all other requirements of this bylaw.

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

17.1 Accessory Dwellings

17.1.1 Are accessory dwellings permitted by state law? Yes. Accessory dwellings that are appurtenant to owner-occupied dwellings are permitted by 24 V.S.A. § 4412(1)(E). See WDB 20.1 for the standards governing accessory dwellings associated with an owner-occupied dwelling.

17.1.2 Are accessory dwellings permitted for any other uses? Yes. Residential uses are permitted in most of Williston's commercial zoning districts. In those commercial districts where dwellings are not permitted and in the industrial zoning districts, one accessory dwelling for the use of the owner or for use as housing by an employee will be permitted on each lot, provided that the following standards are met.

17.1.2.1 Owner or Employee Only. To ensure that occupants are aware of any nuisances or hazards associated with living on commercial or industrial premises, accessory dwellings in the districts (GZDN, IZDE, IZDW) where dwellings are not otherwise permitted may not be made available to the general public.

17.1.2.2 Maximum Size. Accessory dwellings may be attached or detached. They are limited to 1,500 SF in size.

17.1.2.3 Access/Parking. Accessory dwellings must have separate ingress/egress to the outside and two reserved parking spaces.

17.1.2.4 Fire Code. Accessory dwellings shall have the separations required by the National Fire Codes from commercial and industrial operations.

National Fire Codes? Williston has not adopted the National Fire Codes. However, those codes are occasionally referred to in this bylaw in order to establish a detailed standard for specific types of development. Compliance will generally come as a result of the plan reviews and inspections conducted by the Vermont Division of Fire Safety, but this bylaw adopts certain critical code requirements in order to have an independent basis for action. For information on the state's building inspection program see: http://www.dps.state.vt.us/fire/

17.1.2.5 Home Business. No home business shall be permitted in an accessory dwelling that is appurtenant to a commercial or industrial use.

17.1.2.6 Permit Required. Where a discretionary permit is required, proposed accessory dwellings must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the addition of a new accessory dwelling to an existing commercial or industrial use.

17.2 Accessory Sales. Accessory sales are a type of accessory use. This bylaw permits the incidental retail sale of convenience items and products used or produced by the principal use. Sales must take place within the same building or associated set of buildings as the principal use. The questions answered below are intended to provide specific standards that will guide the Administrator and DRB in their review of other proposed accessory sales.

17.2.1 **What limitations apply to accessory sales?** The accessory sales must be usual and customary, and clearly subordinate to the primary use. When determining compliance with this standard, the DRB or administrator may ask for information on floor plan layout, product sales records. There must be a clear relationship between primary-accessory use when the accessory use is not located within the same building as the primary use. The DRB or Administrator may as for information on floor plan, product sales records, or other documentation when determining compliance with this standard.

17.2.2 Can I sell goods as an accessory use to a warehouse or distribution facility in the industrial zoning districts? Yes, but only on a limited basis. See WDB 17.2.3.

17.2.3 Are there specific limitations on accessory sales in the industrial zoning districts? Yes.

17.2.3.1 Limited Area. Accessory sales in the industrial zoning districts (GZDN, IZDE, IZDW) shall not occupy more than 10% of the floor area not to exceed 1,000 sq. ft., whichever is less, of the portion of the building occupied by the tenant of the space in which they are located. When combined with a limited service eating place, the accessory sales area must be included within, and not in addition to, the 50%/5,000 sq. ft size limitation.

17.2.3.2 Limited Goods. Accessory sales in the industrial zoning districts shall be limited to goods that are distributed from, produced on, or repaired on-site. To put it another way, goods may not be brought to the site solely to be sold there.

Can you provide examples of accessory sales? Yes. Incidental retail sales of convenience items, artwork and handicrafts are permitted in lodging places such as hotels or bed and breakfasts. A smoothie or snack bar at the gym.

17.2.4 Are there specific limitations for on-site consumption of food and beverages? Yes, limited service eating places may be allowed in conjunction with accessory sales for food and beverage manufacturers and only with the approval of a discretionary permit. In keeping with Policy 3.3.2 of the Williston Comprehensive Plan calling for an ongoing evaluation and amendment of industrially-zoned lands and in balance with Objective 3.1 of the Town Plan encouraging the most intense development in the Growth Center surrounding Taft Corners, some limited-service eating places are permitted as part of industrial development outside of the Growth Center. The following standards apply:

17.2.4.1 Limited Area. The gross floor area of the eating place, including all sales, food preparation and storage areas shall not occupy more than 50% of the floor area not to exceed 5,000 sq. ft., whichever is less, of the portion of the building occupied by the tenant of the space in which they are located.

17.2.4.2 Additional Outdoor Seating. Where an indoor seating area is allowed under 17.2.4, an outdoor seating area may be approved as part of a discretionary permit, provided that the outdoor seating area:

17.2.4.2.1 …is no more than 1,500 square feet in area. This area is in addition to indoor area as allowed above.
17.2.4.2.2 …is contiguous to the limited service eating place and is contained by a physical barrier in compliance with applicable state law.

17.2.5 Is the retail sale of cannabis allowed as an accessory use? No. The retail sale of cannabis and/or cannabis products as defined in 7 V.S.A. §863(2) shall not be permitted as an accessory use under this chapter. The retail sale of cannabis shall not be permitted as an accessory to the manufacture, growing, wholesaling, or warehousing of cannabis, or to other non-retail operations related to cannabis permitted in Vermont by 7 V.S.A. §863.

17.3 Accessory Services. This bylaw permits the provision of on-site services to employees and customers or clients. The questions answered below are intended to provide specific examples of accessory services and standards that will guide the Administrator and DRB in their review of other proposed accessory services.

17.3.1 Can I provide childcare for my employees and/or customers? Yes. Childcare is a permitted use in most zoning districts, anyway, but it will always be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed childcare facilities must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of childcare facilities to an existing commercial, industrial, or institutional use.

17.3.2 Can I provide a cafeteria or other food service for my employees? Yes. An employee cafeteria or food service may be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed food services must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of a food service to an existing commercial, industrial, or institutional use.

17.3.3 Are there specific limitations on accessory services? Yes.

17.3.4.1 Same Building. Accessory services must be within the same building, or associated set of buildings as the principal use.

17.3.4.2 Additional Parking. No accessory use shall require the addition of parking beyond that permitted for the principal use.

17.4 Accessory Structures. Except where specifically exempted or made subject to a different standard, accessory structures are subject to the same requirements of this bylaw as all other structures. For accessory structures on residential premises, see Chapter 20 of this bylaw.

17.4.1 Can I build a shed on a vacant residential lot? No. An accessory structure must be accessory to a primary structure, such as a house. An accessory structured is defined in Chapter 46 of this bylaw.

17.4.2 Can I install a sharing box? Yes. A sharing box is a small, post-mounted box or cabinet where any person can drop off or pick up free books, non-perishable food items, toys, and/or other small necessities. Sharing boxes are permitted in any zoning district with an administrative permit; provided that, all such structures meet the following placement requirements:

- Shall not be located within or overhang the public street right-of-way or any public easement, except with written approval from the Department of Public Works;
- Shall not obstruct vehicular, bicycle or pedestrian traffic, either physically, or by a person utilizing the sharing box;
- Shall not obstruct access aisles or paths utilized by persons in wheelchairs or for ADA accessibility;
- May be placed in a required front yard setback (area between the front wall of a building and the public street right-of-way);
- Enclosures shall be sized and arranged such that no person or child is able to enter the structure and shall be animal-proof if intended to store non-perishable food items;
- Shall be anchored to the ground or otherwise securely attached to something having a permanent location on the ground.

17.5 Antennae. Local regulation of telecommunications antennae is limited by state and federal law. See Chapter 21 of this bylaw.

17.6 Electric Vehicle Charging Stations. Electric vehicle charging stations and above-ground electric vehicle supply equipment are permitted as an accessory structure in any zoning district subject to the provisions of this chapter.

17.6.1 Is a permit required to install EV charging stations? An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1.

17.6.2 Do EV Charging Stations impact the minimum required parking spaces? No, EV Charging Stations do not impact the number of minimum or maximum vehicle spaces required, as provided by WDB 14.2.

17.6.3 Do other requirements of this bylaw apply to EV Charging Stations? Yes. EV Charging Stations must comply with all relevant standards of this bylaw. Some particularly relevant standards are cited below.

17.6.3.2. Outdoor Lighting. Chapter 24 of this bylaw sets standards for outdoor lighting that apply to EV Charging Stations.

17.6.3.1 Signs/Public Art. Chapter 25 of this bylaw sets standards for signs and public art that apply to EV Charging Stations.

17.7 Energy Generation. On-site energy generation is a permitted accessory use. This includes cogeneration in the industrial zoning districts, photovoltaic installations and wind turbines in all zoning

districts, and the production of energy from wastes that are otherwise permitted on the site in the industrial zoning districts and ARZD.

State Pre-Emption. Municipal regulation of energy generation in Vermont is largely pre-empted by the state. See WDB 4.2.1.1.

17.8. Parking. Off-street parking that complies with Chapter 14 of this bylaw is a customary accessory use in all zoning districts.

17.9 Scoreboards. Scoreboards are permitted as accessory structures on the same lot as and appurtenant to athletic fields.

17.9.1 Is a permit required to erect a scoreboard? Yes. An administrative permit must be obtained for the installation of a scoreboard, including the regular use of a portable scoreboard.

17.9.2 What may be displayed on a scoreboard? The only information that may be displayed or shown on a scoreboard when a game is not being played is a title stating the name of the facility (for example, "Allen Brook Park") and the name of the association, conference, or league that uses the facility (for example, "Williston Little League"). Where donor plaque display is not provided, a donor plaque may be attached to the scoreboard, as provided by Chapter 25 of this bylaw.

17.10 Signs. Signs fit the definition of an accessory structure provided in Chapter 46, but they are treated separately in Chapter 25 of this bylaw.

17.11 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. See Chapter 4 of this bylaw.

17.12 Temporary Real Estate Sales. Temporary real estate sales offices are permitted in residential developments, but only when housed in an approved dwelling. A separate temporary structure is not permitted.

17.13 Temporary Signs. See Chapter 25 of this bylaw.

17.14 Temporary Structures. Unless specifically exempted, temporary structures are subject to the same standards as permanent structures.

17.15 Temporary Uses Associated with Construction. Construction can occur in any zoning district.

17.15.1 Do I need a permit to store construction equipment and materials on a job site? You do not need a separate permit, but construction equipment and materials may not be moved onto a site until an application for an administrative permit authorizing the work has been approved.

17.15.2 Are there standards for the storage of construction equipment and materials on a job site? Yes. Storage of construction equipment and/or materials that is not in compliance with the standards adopted here is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

17.15.2.1 Removal. Construction equipment and materials must be removed within five (5) working days after a certificate of occupancy is issued.

17.15.2.2 Access. Construction equipment and materials must not be stored so that they obstruct or interfere with access to a site or to a structure unless alternative access is temporarily provided. Temporary access must comply with the National Fire Codes.

17.15.2.3 Site Maintenance. Construction equipment and materials must not be stored so that they obstruct or interfere with site maintenance functions, including the removal of solid waste and snow storage between October 15 and April 15.

17.15.2.4 Security. Construction equipment and materials must not be stored so that they constitute an attractive nuisance. The Administrator or the DRB may require that security fencing or other measures be used to prevent entry onto construction sites or access to stored equipment and materials.

17.15.2.5 Parking. Construction equipment and materials may be stored in required parking spaces but must not impede circulation through the remainder of the parking area. The Administrator or DRB may require any applicant who proposes to store construction equipment or materials in a parking area to provide a plan showing where and how overflow parking will be provided.

17.15.2.6 Landscaping. Construction equipment and materials may be stored in landscaped areas only where:

- … the landscaped area is not part of a watershed protection buffer or of a required buffer between residential and other uses. and
- … the landscaped area will be fully restored to its appearance and function before a certificate of occupancy is issued.

17.15.3 Are on-site construction offices permitted? A mobile construction office may be temporarily placed on a job site, but only after approval of the administrative permit authorizing the work. The mobile construction office must be removed within five (5) working days after a certificate of occupancy is issued.

17.15.4 Are there any requirements during demolition? Yes. During demolition the site must be secured as required by WDB 18.16 and erosion control measures and site stabilization measures must be undertaken as required by WDB 29.5 and a completed Runoff and Erosion Control Checklist submitted.

17.16 Utilities and Telecommunications

17.16.1 Are underground utilities permitted accessory uses? Yes. Underground utilities, including cable television, electric power, and natural gas distribution lines and the associated surface installations are permitted accessory uses and structures in all zoning districts.

17.16.2 Are overhead utilities permitted accessory uses and structures? Yes. Overhead utilities, including cable television and electric power lines are permitted accessory uses in all zoning districts. Note, however, that overhead utilities are generally not permitted in new developments in Williston.

17.16.3 Are telecommunications facilities permitted accessory uses and structures? See Chapter 21. Telecommunications facilities that are attached to existing farm structures are permitted accessory uses, as are the types of antennae listed in WDB 21.2.2. Other new telecommunications facilities are not accessory uses.

17.17 Mobile Vendors A mobile vendor is a business that provides goods or services to the public and is capable of being driven or towed off-premises. Mobile vendors are allowed as an accessory use within non-residential parking lots including senior housing. Mobile vendors that occupy less than 1,000 square feet require an administrative permit except where permitted under the town's Temporary Event Ordinance. Mobile vendors that affect more than 1,000 square feet require a discretionary permit.

17.17.1 Are there any parking lots where I can't set up? Yes. Mobile vendors are not permitted in parking lots that serve residential or a mixed use development that includes residential.

17.17.2 Are there standards for mobile vendors? A mobile vendor shall be approved by the Administrator where it complies with all applicable requirements of this bylaw. A Mobile Vendor Checklist must be submitted with the administrative permit application which documents the information an applicant must provide to meet the requirements of this bylaw.

17.17.3 Do the requirements of the requirements of the Taft Corners Form Based Code Overlay District apply to mobile vendors? No.

17.17.4 Am I allowed to put up signs? Signage for mobile vendors is limited to signs attached or painted to the exterior of the mobile vendor and to one temporary sandwich board. The permit application for a mobile vendor shall provide information on signage that meets the requirements set out at 17.16.4

17.17.4.1 Projection. Signage must not project more than three inches from the exterior of the mobile vendor other than one flag that may be mounted on the wall to the mobile vendor below roof level.

17.17.4.2 Size and Coverage. Signs located on the exterior of the mobile vendor must not cumulatively exceed 30% of the side of the vehicle or trailer on which they are displayed. The flag must not exceed 15sf in size and does not count against the 30% cumulative limit.

17.17.4.3 Sandwich Board. This must be no more than 42" in height, must not exceed 6sf on each face, must not be located within the public right of way and must be removed when the mobile vendor is closed.

17.17.4.4 Illumination. Signage must comply with the requirements on illumination of signage in WDB 25.6.7.

Chapter 18

Compatibility
Potential Hazards
Potential Nuisances

The standards adopted in this chapter help ensure land use compatibility by adopting standards that prevent hazards and nuisances. Compatibility is also a goal of many other requirements of this bylaw, including the prohibition of certain uses in certain zoning districts and Chapter 23's standards for landscaped buffers.

18.1 Basic Requirement - Applicability

18.1.1 What is the basic requirement of the chapter? The basic requirement of this chapter is that no development should present a hazard to or constitute a nuisance for the occupants of adjoining lands.

18.1.2 Does the town have the authority to address existing or continuing nuisances that may not be "development?" Yes. 24 V.S.A. § 2291(12-17) provide clear authority for the town to define and regulate nuisances.

18.1.3 Do the standards adopted here apply to all development? Yes. The only exceptions from these standards are those explicitly noted in this chapter or those permitted by variance.

18.1.4 Can the Administrator refer uses that would otherwise be permitted with only an administrative permit, but that have the potential to become a nuisance to the DRB? Yes. The Administrator may refer uses that will generate smoke, odor, or other potential nuisances to the DRB, which may require that the application for an administrative permit be converted to an application for a discretionary permit.

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

18.2 Dangerous Buildings

18.2.1 Does this bylaw regulate dangerous buildings? Yes. Buildings that meet the criteria established in WDB 18.2.2 are public nuisances. As such, they are violations of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

18.2.2 What constitutes a dangerous building? The intent here is to define buildings that pose a hazard to public safety personnel - including fire fighters, emergency medical technicians, police officers, and others who may be required to enter these buildings if they are flooded or on fire, to perform a search or rescue, or to enforce the law - as dangerous, and therefore, as public nuisances. There is no intent to declare a building dangerous on aesthetic grounds, due to a temporary lack of maintenance, or due to the fact that it is awaiting renovations for which an application for a permit has been submitted. The criteria the Administrator will use to determine whether a building is dangerous are listed below. A building need not meet all of these criteria to be considered dangerous.

18.2.2.1 … the presence of charred or burnt surfaces and/or structural members, like framing or girders, remaining from an explosion or fire;

18.2.2.2 … the presence of exposed structural members, like framing or girders, that were not intended to be exposed when the building was built;

18.2.2.3 … the absence of window glass, or the presence of broken windows, and glass litter on the floors or the surrounding ground;

18.2.2.4 … the presence of a roof, stairs, or a floor that will not reliably support the weight of a fire fighter, or of open pits, shafts, or wells;

18.2.2.5 … the presence or suspected presence of abandoned hazardous materials or wastes; and

18.2.2.6 … that the building is open to unauthorized entry via a door, window, or other opening.

18.2.2.7 The Administrator will consult with the Williston Fire and Police departments and with the town's Public Health Officer before determining that a building is dangerous.

18.2.3 Will I get some warning before being required to fix or demolish a dangerous building? Yes. The town will begin enforcement of these standards for dangerous buildings using the procedure established at WDB 7.4. This procedure gives a property owner seven days to respond to a notice of violation.

18.3 Air Quality. Air quality in Williston is regulated by the State of Vermont. The standards adopted here seek to prevent some common air quality problems by anticipating the impacts of proposed developments.

Where can I learn about state air quality regulations? The Air Pollution Control Division of the Vermont Department of Environmental Conservation is on-line at: **https://dec.vermont.gov/air-quality**

18.3.1 Are there standards for dust suppression? Yes.

18.3.1.1 During Construction. Dust suppression shall be provided at construction sites in accord with the *Public Works Standards.*

18.3.1.2 After Construction. Generally sites will be stabilized with buildings, paving, and landscaping, and produce only incidental dust. Some industrial and mining processes are expected to produce dust, however, and so are recreational uses that use dirt trails or roads. These uses are confined to the ARZD and the industrial zoning districts. Within those districts, the DRB may require applicants to provide dust suppression and/or additional landscaped buffering to protect adjoining properties and/or prevent dust blowing across public ways.

18.3.2 What about uses that generate smoke? No development shall generate smoke that could adversely affect occupants or users of adjoining properties. Where the DRB finds that smoke will not ordinarily be confined on the property where it is generated or at least within an industrial

zoning district, it may simply prohibit the proposed use. The DRB may also, consistent with state air pollution laws, require measures that would mitigate the anticipated nuisance.

18.3.3 Are there standards for the placement of exhaust fans, stacks, vents, and similar equipment? Yes. The plans submitted with applications for administrative or discretionary permits for uses that will have these types of equipment or installations must demonstrate that proposed exhaust vents, stacks, fans, and similar equipment will not direct cooking odors, gases, hot air, smoke, steam, or vapor onto adjacent properties or public ways.

18.3.4 What if my development will stink? Are there standards for odors? Different people experience odors in different ways, making regulation difficult. Industrial processes or other uses that may reasonably be expected to produce odors that some people will find offensive shall be confined to the Industrial Zoning District West. Where the DRB finds that the anticipated odor will not or cannot ordinarily be confined on the property where it is generated, or at least within an industrial zoning district, it may simply prohibit the proposed use. The DRB may also, consistent with state air pollution laws, require measures that would mitigate the anticipated nuisance.

Do the standards adopted here apply to landfill odor? No. State law protects regional landfills from local regulations that would interfere with their intended function. See WDB 4.2.2). **Do these standards apply to odors generated by farming operations?** No. Accepted agricultural practices are exempted by WDB 4.2.1.2 and protected by Vermont's Right-To-Farm law, 12 V.S.A. § 5751. et seq)

18.4 Buffering. See Chapter 23 for this bylaw's standards for landscaped buffers between uses.

18.5 Hazardous Materials. Hazardous materials will be as defined by the *Uniform Fire Code* (UFC).

Fire Code Definition. Here are the basic definitions of "hazardous material" from the *Uniform Fire Code*. More details may be found in that code. It is important to have a clear understanding of the fire code and of the applicable state and federal regulations when proposing a use that will involve the storage, handling, or disposal of hazardous materials.

3.3.186.3 Hazardous Material. A chemical or substance that is classified as a physical hazard material or a health hazard material, whether the chemical or substance is in usable or waste condition. (See also 3.3.186.5, Health Hazard Material, and 3.3.186.10, Physical Hazard Material.) [5000, 2006]

3.3.186.5 Health Hazard Material. A chemical or substance classified as a toxic, highly toxic, or corrosive material in accordance with the definitions set forth in this Code. [5000, 2006]

3.3.186.10 Physical Hazard Material. A chemical or substance classified as a combustible liquid, explosive, flammable cryogen, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, oxidizing cryogen, pyrophoric, unstable (reactive), or water-reactive material. [5000, 2006]

18.5.1 Will the Williston Fire Department review my plans for a development that involves hazardous materials? Yes. Proposed developments that may reasonably be expected to involve the storage, handling, or disposal of hazardous materials will be referred to the Williston Fire Department for review.

18.5.2 What standards will be used in reviewing my plans for a development that involves hazardous materials? The town will rely on Chapter 60 of the *Uniform Fire Code*, which is hereby adopted by reference. Plans submitted with an application for an administrative or discretionary permit for a proposed development that involves the storage, handling, or disposal of hazardous materials must clearly show how that development complies with Chapter 60 and supporting requirements of the UFC.

18.5.3 Will I be required to submit a Hazardous Materials Management Plan? Possibly. The DRB, with the advice of the Williston Fire Department, may require submission of a hazardous materials management plan.

18.5.4 Must I maintain the measures required by Chapter 60 of the Uniform Fire Code? Yes. Failure to maintain the hazardous materials management measures required by Chapter 60 of the UFC is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

18.6 Hours of Operation. The DRB may limit the hours of operation of commercial, industrial, and institutional uses to protect the residents of nearby dwellings and/or or the residents of mixed-use buildings. These limits may set the hours when deliveries and solid waste collection are permitted, as well as the hours when the use is open.

18.7 Light/Glare. Standards for outdoor lighting are found in Chapter 24 of this bylaw. The standards adopted here address glare from other sources.

18.7.1 Must welding equipment or other sources of intense light be screened from public view? Yes. Intense sources of light, like welding equipment, must be fully screened from view from adjoining properties and public ways by enclosure in a building or by an opaque screening fence or wall.

18.7.2 What about building materials that shine or reflect? Designers should choose building materials that do not generate glare. The DRB may require that roof, wall, or other materials be non-reflective. The DRB may also limit the glass area presented by a building to minimize glare. WDB 31.9.8.3 provides additional authority to limit the use of reflective materials in the ARZD.

18.8 Litter

18.8.1 Is litter removal a continuing condition of approval? Yes. Litter removal is part of the continuing maintenance required by Chapter 7 of this bylaw.

18.8.2 Must areas where solid waste or other materials that may become windborne be fenced or screened to suppress blowing litter? Yes. See WDB 18.12.2.3.

18.9 Livestock. As explained by WDB 4.2.1.2, Vermont municipalities cannot regulate accepted agricultural practices, including the keeping of livestock. See WDB 20.10 re the keeping of livestock on residential premises.

18.10 Noise

18.10.1 Doesn't Williston already have a noise ordinance? Yes. That ordinance, which is attached as Appendix F, regulates all sources of noise, including existing land uses. These standards do not take the place of that ordinance. Their purpose is to provide a basis for the DRB's review of proposed developments, with the goal of ensuring that new uses will not generate excessive levels of sound.

18.10.2 What are the limits on the level of sound generated by proposed developments? No development that can reasonably be expected to generate sound exceeding the maximum levels set in Table 18.A shall be permitted.

18.10.3 Can I be required to present a study of potential sound levels? Yes. Where there is a question about compliance with this standard, the DRB may require the applicant to provide evidence in the form of a report prepared by a qualified firm whose qualifications are acceptable to the Administrator. Such reports shall show projected noise contours around the proposed source, extending as far out as the 50 dBA_{L10} contour. Such a report may also be required to show the sound transmission coefficient of the proposed building materials.

18.10.4 Can the DRB require noise mitigation measures? Yes.

18.10.4.1 Mitigation Measures. The DRB may require the construction or installation of noise mitigation measures including landscaped berms, walls, and the use of sound-proofing architectural techniques. This requirement may be imposed both on new noise sources and on proposed developments that will be exposed to noise from existing sources.

18.10.4.2 Operating Hours. The DRB may also limit operating hours of commercial, industrial, and institutional uses in order to mitigate potential noise conflicts. See also WDB 18.6.

18.10.4.3 Where Uses are Mixed. Compliance with this standard is particularly important in buildings where different intensities of use will be mixed. As provided in Chapter 22 of this bylaw, the DRB may require an applicant to demonstrate that night-time interior sound levels in the residential portions of mixed-use developments will not exceed 40 dBA_{L10}.

Table 18.A - Maximum Anticipated Sound Levels

The maximum sound levels given in this table are measured in A-weighted decibels (dBA). Maximum sound levels may briefly exceed these levels, but for no more than 10 minutes out of an hour, making these levels dBA^{L10}. For enforcement purposes, maximum sound levels are measured on the property line of the receiving use at the point nearest the use generating the sound.

receiving zoning district	**maximum sound level dBA_{L10}**
ARZD	
daytime	60
nighttime	50
Business Park	70
Gateway North	75
Gateway South	70
Industrial East	75
Industrial West	75
Residential and Gateway West	
daytime	60
nighttime	50
Mixed Use Commercial	70
Mixed Use Residential	
daytime	60
nighttime	50

Taft Corners	65
Village	
daytime	60
nighttime	50

18.11 Outdoor Sales and Storage. Where they are permitted, outdoor sales and storage may take place only within areas specifically delineated on the approved final plan and in compliance with the standards for outdoor sales and storage in the applicable zoning district.

18.12 Screening

18.12.1 What must be screened? The plans submitted with applications for administrative or discretionary permits must clearly show how utility installations, mechanical equipment, solid waste containers, and the like will be effectively screened from view from neighboring properties and public ways.

18.12.2 How should ground level screening be provided?

18.12.2.1 Hedge. Screening for utility installations, mechanical equipment, solid waste containers, and the like must include a dense evergreen hedge and other plant materials that are at least five (5) feet deep. The DRB may permit an exception to this standard where space or technical limitations make landscaped screening infeasible. Where the DRB permits an exception, a screening fence or wall shall be provided, in compliance with WDB 18.12.2.2.

18.12.2.2 Berm, Fence, or Wall. The DRB may require that a berm, fence, or wall be used to supplement the landscaped screening. Fence or wall materials, patterns, and colors must match or complement the materials, architectural details, and colors used on buildings on the site.

18.12.2.3 Blowing Litter. The DRB will require a fence or wall where necessary to trap blowing litter or other debris.

18.12.3 Must roof-mounted equipment be screened? Yes. Roof-mounted utility installations, mechanical equipment, and the like must be fully screened from view from neighboring properties and public views using location on the roof or parapets or other architectural extensions of the building. This standard does not require that roof-mounted equipment be screened from views from a taller building or higher ground. For the purposes of this standard, visibility will be determined from ground level from the centerline of the adjoining public way/s. Note that telecommunications equipment is generally exempt from this requirement, but see Chapter 21 of this bylaw.

18.13 Vibration

18.13.1 What are the limits on vibrations generated by a proposed development? No use that may reasonably be expected to generate vibrations that may be sensed at the property line without instruments shall be permitted. The DRB may permit exceptions to this standard in the industrial zoning districts, but only where a vibration study, as required by WDB 18.13.2, clearly demonstrates that there will be no adverse impact on neighboring properties or public ways.

18.13.2 Can I be required to present a study of potential vibrations? Yes. Where there is a question about compliance with this standard, the DRB may require the applicant to provide evidence in the form of a report prepared by a qualified firm whose qualifications are acceptable to the Administrator. Such reports shall show the projected levels of vibration generated by the proposed development along all property lines.

18.14 Water Quality. Water quality in Williston is regulated by the State of Vermont and Chapter 29 of this bylaw.

Where can I learn about state water quality regulations? Visit the Watershed Management Division of Vermont's Department of Environmental Quality at http://www.vtwaterquality.org.

18.15 Weeds. The required maintenance of landscaped and open space areas includes the suppression of invasive species and other weeds. See WDB 7.2.3.

18.16 Demolition of Buildings and Structures. A safety zone shall be provided around all demolition areas to prevent persons other than workers from entering. The safety zone shall be secured from unauthorized access for the duration of demolition by a barrier of at least 6 feet in height. Where mechanical demolition equipment, other than handheld devices, is to be used for the full demolition of a building the safety zone shall be equal to or greater than half the height of the building to be demolished; such safety zone may be reduced by the same ratio as the building is being demolished.

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

19.1.1Where in Williston are these definitions and standards applicable? These standards do not apply within the Taft Corners Form-Based Code Overlay District (TCFBC). These standards are applicable outside the TCFBC, including portions of the Mixed-Use Commercial, Mixed-Use Residential, Taft Corners, and Gateway South Zoning Districts. The TCFBC, where it is applicable, naturally limits the maximum number of residential units and 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? Per WDB 11.3.2, one dwelling unit is defined as a dwelling unit containing 2 or more bedrooms. A dwelling containing only one bedroom or less (studio) is counted as 0.5 of a dwelling unit. The density of residential development in Williston is measured in the number of dwelling unit equivalents 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.

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 unit for every 10 acres in the ARZD (see WDB 31.7.2.6) and one dwelling unit per acre in the RZD and VZD zoning districts (see WDB 39.4.2.2 and WDB 42.4.1).

19.1.3.3 Rounding. Residential density calculations often result in fractions. For example, a 17-acre parcel in the ARZD is permitted to have 7.62 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 unit. 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 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 unit. These standards are shown in Table 19.A.

19.2.4.1 Net Density. The average 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% of more, Table 19.A shows that you can build 22 dwelling units. 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 unit 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

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
ARZD	1 dwelling per 80,000 SF (.55 DUe/A)	15,000 SF (.344 A)	80,000 SF (1.84 A)
RZD	open space developments: 3.00 DUe/A developments with minimum 30% affordable housing as specified in WDB 46.3.9 - 5.00 DUe/A	5,445 SF (0.125 A)	14,520 (.33 A)
VZD	2.00 DUe/A	6,534 SF (0.15 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 average densities established in WDB 19.1.3.2. Slopes of 30% of more are not included in the acreage base for development.			

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 unit comes in. The combination of an average density with a minimum area per dwelling unit 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 unit 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 unit. Do note, however, that WDB 31.8.3 prohibits developments with uniform lot sizes.

Imagine, **for example**, a 40-acre parcel in the ARZD. This parcel has no slopes or watershed protection buffers, so 22 dwelling units 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 80-acre parcel in the RZD that includes extensive (30 acres) wetlands and a rare plant community (10 acres). Table 19.A permits 240 dwelling units on that site (80 X 3). 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 unit of 5,445 SF, this bylaw would permit all 240 units to be placed on less than 40 acres. This leaves ample space for a development that could take the form of flats, town homes, or other attached housing types. Placing 240 units on, say, 37.5 acres results in roughly the same density as many of Williston's existing condominium developments: 6.4 DU/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.

19.3 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 dwelling units 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 dwelling units 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 DU/A with the transfer of development rights. The transfer of development rights is explained in WDB 19.5.

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 DUe/A

zoning district	residential/commercial mix	net density	density with TDR or with minimum 30% affordable housing[4]	minimum density[1]
GZDS[2]	Residential uses are permitted, but not required.	7.5	10	5
MUCZD[2]	Residential uses are encouraged, but not required.	7.5	15	5
MURZD[2]	Must be predominantly[3] residential.	7.5	15	5
TCZD[2]	Residential uses may be required.	7.5	15	5
GZDW	Residential uses are permitted, but not required.	7.5	10	5

[1] Where provided. This does not mean that residential uses have to be built where they are not required.
[2] Only applicable in the portions of TCZD, MUCZD and MURZD outside the TCFBC.
[3] 'Predominantly residential' is defined at WDB 38.1.3.1.
[4] As specified in WDB 46.3.9

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 TDR's and Growth Management. A TDR does not exempt the proposed dwelling units from growth management review, as required by Chapter 11 of this bylaw.

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

19.5.4.4 TDR's 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 Tafts 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 du/A, or 75 total units. With a transfer, however, it can have as many as 150 units (15 du/A). The developer could, if you name a reasonable price, purchase your 21 development rights and build 96 of the 150 units 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 20

Residential Improvements

This chapter consolidates the definitions and standards for minor improvements to residentially developed property. The standards adopted here apply to all dwellings in all zoning districts. Requirements that may or may not apply, depending on a dwelling's location, are cross-referenced.

20.1 Accessory Dwellings. 24 V.S.A. § 4412(1)(E) states that "no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-household dwelling."

20.1.1 What is an accessory dwelling? For the purposes of this chapter, an 'accessory dwelling' is an independent efficiency or one- or two-bedroom dwelling that is located within or on the same lot as an owner-occupied single-household dwelling, and that complies with the standards established below.

20.1.2 Is a permit needed for an accessory dwelling? Yes. An administrative permit is required for any accessory dwelling.

20.1.3 What standards apply to accessory dwellings? An administrative permit for a proposed accessory dwelling shall be approved if the Administrator finds that it complies with the following standards.

20.1.3.1 Owner-Occupied. Either the single-household dwelling or the proposed accessory dwelling must be owner-occupied.

> ***What Does 'Owner-Occupied' Mean?*** The dwelling or proposed accessory dwelling must be the principal residence of at least one of the owners named on the grand list.

20.1.3.2 Floor Area. There is no minimum floor area. Units larger than 900 square feet shall not exceed 50 percent of the total habitable floor area of the primary dwelling. The maximum floor area of any accessory unit shall not exceed 1,500 square feet. The floor area calculation is based on finished space, garages and unfinished basements are not included. Applicants must provide a floor and/or site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard." The floor area calculation is based on finished space, garages and unfinished basements are not included. Applicants must provide a floor and/or site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

Table 20.A – ADU Maximum Floor Area Examples

Primary Dwelling Finished Floor Area (SF)	1,800 or less	2,000	2,200	2,500	2,800	2,900	3,000 or larger
Accessory Dwelling Finished Floor Area (SF)	900	1000	1,100	1,250	1,400	1,450	1,500

20.1.3.3 Using an Existing Dwelling as an Accessory to a New Dwelling. These standards present the possibility that an existing two-bedroom dwelling of 1,500 SF or less could be used as an accessory dwelling by an owner who proposes to build a new home of up to 3,000 SF. This is not prohibited, but will require a discretionary permit.

20.1.3.4 Shared Driveway. Approval of an accessory dwelling must not result in a new point of access to a public road. The Administrator may, with the advice of the DPW, waive this requirement where the terrain or other physical characteristics of the site make it safer for an accessory dwelling to have a separate point of access.

20.1.3.5 Off-Street Parking. There must be sufficient off-street parking for the proposed accessory dwelling. One off-street parking space is required for each efficiency or one-bedroom accessory dwelling and two off-street parking spaces are required for each two-bedroom accessory dwelling. Applicants must provide a site plan that is drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.1.3.6 Wastewater. Wastewater treatment capacity for the proposed accessory dwelling is available as part of an allocation of sewage treatment plant capacity or as part of the capacity of an existing or proposed on-site wastewater treatment system.

- Where the proposed accessory dwelling would be served by the town's sewerage system, the applicant must submit an allocation form signed by the DPW.

- Where the proposed accessory dwelling would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity for the proposed accessory dwelling.

> ***What is a Licensed Designer?*** See http://www.anr.state.vt.us/dec/ww/sitetech.htm for an explanation of this state program.

20.1.3.7 Dimensional Standards. Addition of the proposed accessory dwelling shall not result in a violation of the applicable dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

> ***What is a Dimensional Standard?*** A dimensional standard controls the location of a structure or use on a lot and/or the dimensions of a structure. These standards include, but are not limited to, buffers, setbacks, coverage, and clear vision triangles.

20.1.3.8 In the Village. Detached accessory dwellings in the VZD must comply with the design standards of Chapter 42 Applicants who wish to place a detached accessory dwelling in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.2 Accessory Structures. For the purposes of this chapter, an accessory structure is located on the same lot or parcel as a dwelling and serves a purpose that supports and is clearly subordinate to the

residential use of the property. Accessory structures that are permitted for dwellings include detached garages, play structures, sheds.

20.2.1 Is a permit needed for an accessory structure? Usually. An administrative permit is required for all accessory structures that are more than 10 feet in height or have a footprint of more than 120 square feet. Smaller structures are NOT exempt from the requirements of this bylaw. Placing a 100 square foot play structure within a side yard setback would be a violation of this bylaw, subject to enforcement provided by WDB 7.4-7.6, but would not require a permit.

What is a Garage? A garage is a building, or a part of a building, that houses, or at least is designed to house, one or more motor vehicles, watercraft, snow machines, farm implements, or other vehicles. ***What is Play Structure?*** A play structure is designed for children's play. Play equipment that does not have a footing or foundation is not a structure. ***What is a Shed?*** This term includes all roofed structures, including tool sheds, greenhouses, etc., that are accessory to a dwelling, except detached garages and accessory dwellings, which are separately defined.

20.2.2 What standards apply to accessory structures? An administrative permit for a proposed accessory structure shall be approved where the Administrator finds that it complies with the following standards.

20.2.2.1 Location. Accessory structures must be placed in a side or rear yard, except in the ARZD, where they may be placed in a front yard, if that front yard is at least twice as deep as the required setback.

20.2.2.2 Dimensional Standards. Accessory structures must comply with the applicable dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.2.3.3 In the Village. Accessory structures that are larger than 120 SF or taller than 10' in the VZD must comply with Chapter 42 and may be subject to review by the HAAC and DRB. Applicants who wish to place an accessory structure in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with that standard.

20.3 Additions. An addition is any expansion of an existing structure in any dimension, including height, width, depth, or length.

20.3.1 Is a permit required for an addition? Yes. An administrative permit is required for all residential additions.

20.3.2 What standards apply to additions? An administrative permit for a proposed addition shall be approved where the Administrator finds that it complies with the following standards.

20.3.2.1 Dimensional Standards. Additions must comply with the dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.3.2.2 Adding Bedrooms. The addition of a bedroom requires additional wastewater treatment capacity, either as part of an existing or new allocation of sewage treatment plant capacity, or as part of the existing or proposed capacity of an on-site wastewater treatment system.

- Where the proposed bedroom/s would be served by the town sewerage system, the applicant must submit an allocation form approved by the DPW.

- Where the proposed bedroom/s would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity.

20.3.2.3 In the Village. Additions in the VZD must comply with Chapter 42 and may be subject to review by the HAAC and DRB. Applicants who wish to build an addition in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.4 Businesses. 24 V.S.A. § 4412(4) states that "No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an adverse effect upon the character of the residential area in which the dwelling is located."

20.4.1 What is a home business? A home business is any commercial activity conducted in a one- or two-household dwelling by the resident/s of that dwelling, whether for profit or not, and that meets the standards established here. Conducting any other business in a dwelling is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

20.4.2 Can I park a commercial vehicle at my home? The overnight parking of commercial vehicles of 10,000 pounds gross vehicle weight or more is a commercial activity, and will be regulated as such in the MURZD, RZD, and VZD.

20.4.3 Is a permit required to establish a home business? Yes. The type of permit required varies with the type of business proposed and the type of dwelling.

A discretionary permit is required for any home business proposed in a two-household dwelling that will include the overnight parking of a commercial vehicle or any customer or client traffic.

A discretionary permit is required for all home businesses that propose to have more than one non-resident employee on site or generate more than one P.M. peak hour trip. An administrative permit is required for all other home businesses.

20.4.4 What standards apply to home businesses? The Administrator or the DRB, as appropriate, shall approve a permit for a home business that complies with the standards of Appendix G. See also WDB 20.7 for standards that apply to at-home childcare facilities.

20.5 Decks and Patios. A deck is an above-grade outdoor living space that is open to the sky, although it may be temporarily covered by an awning or partially covered by a pergola. A patio is an at-grade outdoor living space that is open to the sky. If one of these spaces is covered by a roof, it becomes an addition or, if detached from the dwelling, an accessory structure.

20.5.1 Is a permit required for a deck or patio? Yes. An administrative permit is required for any deck or for any patio that covers more than 120 square feet. Smaller patios are NOT exempt from

the requirements of this bylaw. Placing a 100 square foot patio within a side yard setback would be a violation, subject to enforcement, as provided by WDB 7.4-7.6, but would not require a permit.

20.5.2 What standards apply to decks and patios. An administrative permit for a proposed deck or patio shall be approved where the Administrator finds that it complies with the following standards.

20.5.2.1 Dimensional Standards. Decks and patios must comply with the dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.5.2.2 In the Village. Decks in the VZD must comply with Chapter 42and may be subject to review by the HAAC and DRB. Applicants who wish to build a deck in the VZD must provide architectural drawings, including elevations drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.6 Driveways. A permit is required for new driveways, or for any change in a driveway's width or location. For access to town roads, this permit is obtained from the town. For access to state roads, permits must be obtained from both the town and the Vermont Agency of Transportation. For more on access to public roads, see Chapter 13 of this bylaw.

20.7 Electric Vehicle Charging Stations. An electric vehicle charging station is equipment that connects an electric or hybrid vehicle to a source of electricity.

20.7.1 Is a permit required to install EV charging stations? An administrative permit is required for any electric vehicle charging station that covers more than 120 square feet or is more than 10 feet in height. Smaller electric charging stations do not require a permit but are NOT exempt from the requirements of this bylaw. Placing an electric vehicle charging station in the setbacks would be a violation of this bylaw, subject to enforcement provided by WDB 7.4-7.6, but would not require a permit.

20.7.2 Do other requirements of this bylaw apply to EV Charging Stations? Yes. EV Charging Stations must comply with all relevant standards of this bylaw such as Chapter 24 on Outdoor Lighting.

20.7.3 In the Village. Electric vehicle charging stations in the VZD must comply with Chapter 42 and may be subject to review by the HAAC and DRB.

20.8 At-Home Childcare Business. 24 V.S.A. § 4412(5) makes at-home childcare serving six or fewer children a permitted use for single-household dwellings. An at-home childcare business that serves six or more children full-time and four or more part-time is also permitted, but a discretionary permit will be required.

20.8.1 What is an at-home childcare business? An at-home childcare business that meets the definition of a "family child care home or facility" as defined by 24 V.S.A §4412(5) where the owner or operator is registered or licensed for child care as required by 33 V.S.A. § 3502(a) is an "at-home childcare business" for the purposes of this bylaw.

20.9 Residential Care Homes or Group Homes. 24 V.S.A. § 4412(G) specifies that a residential care home or group home operated under state licensing or registration, and serving not more than eight persons

who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-household residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

20.10 Fences. A fence is a structure that serves as an enclosure, physical or visual barrier, and/or to mark a boundary. Freestanding walls serving these purposes are fences. Living shrubs, trees, or other vegetation, including hedges, are not fences.

20.10.1 Is a permit required to erect a fence? Yes, an administrative permit is required to erect a fence. Before applying for a permit, the town strongly recommends that you talk to neighboring property owner/s.

> ***Planting a Hedge?*** If you plan to plant a hedge as a property boundary, the town strongly encourages you to communicate with your neighbors before planting.

20.10.2 Are there standards for fences? An administrative permit for a proposed fence shall be approved where the Administrator finds that it complies with the following standards.

2010.2.1 Height. No fence on a residential property may exceed six (6) feet in height above grade, except as provided in WDB 20.8.2.3 and 20.8.2.4. Front yard fences are limited to 48 inches in height. See WDB 13.2.4 for additional height restrictions at intersections.

20.10.2.2 At Intersections. Fences within clear vision triangles must not obstruct drivers' vision. Solid or opaque fences must not exceed 29 inches in height above the grade of the adjoining road.

20.10.2.3 Privacy Enclosures and Kennels. Privacy enclosures (for example, around an outdoor spa) and the fencing of kennels may exceed the height limit established in WDB 20.8.2.1, above, but only within areas outside of the required setbacks for structures. The portion of the enclosure or fence that is over six (6) feet in height must not be solid. It may be a lattice or similar decorative work, screen, or wire.

20.10.2.4 Screening and Sound Barriers along Major Roads and Trails. Fences erected as screens and/or sound barriers along the right-of-way of an arterial or major collector may exceed six (6) feet in height. The Administrator shall, however, refer all such fences to the HAAC for review before acting on the application for an administrative permit. Screening and sound barriers are prohibited in the Village Zoning District (VZD).

20.10.2.5 Location. No fence shall extend into a public right-of-way or an easement held or used by the town without the written permission of the DPW, who may prohibit any such fence, or permit it with conditions that provide for its easy removal and replacement at the owner's expense. The DPW's written approval must be presented with the application for an administrative permit to erect the fence.

20.10.2.6 Materials/Color. The Administrator may require the submission of material samples for any proposed fence.

- No fence shall be made of scrap metal.

- No plain galvanized or slatted chain link fencing is permitted on residential properties. Vinyl-coated black or green chain link fencing is permitted.

- The structural elements of fences must be on the inward side (the side facing the dwelling to which the fence is accessory), if the adjoining property is in, or is platted for, residential use.

- Front yard fencing on residential properties must be at least 40% open. Traditional stone walls are exempt.

20.10.2.7 In the Village. Fences in the VZD must comply with the Chapter 42. Applicants who wish to erect a fence in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.11 Kennels. A kennel is any space used to confine dogs.

20.11.1 Is a permit needed for a kennel? No. Kennels, when accessory to a residential use for purposes of the owner/tenant, are allowed without a permit and must comply with setbacks. Placing a kennel in a front yard or setback would be a violation, subject to enforcement as provided by WDB 7.4-7.6, but would not require a permit. Kennels used for commercial purposes, including boarding and breeding, may be permitted as part of a home business, and are subject to all the standards and requirements for a home business. See WDB 20.4 and Appendix G

20.11.2 Are there standards for kennels? Yes. Kennels, like accessory structures, must comply with the applicable dimensional standards of this bylaw. Kennels must be in a side or rear yard and located outside the property line setbacks.

20.12 Livestock. For the purposes of this chapter livestock includes horses, cattle, sheep, llamas, poultry, and other animals, other than domestic dogs and cats, kept outdoors for the personal consumption or enjoyment of the residents of a residential property. The keeping of livestock on residential properties is not always "agriculture," as it is exempted by WDB 4.2.1.2.

20.12.1 Is a permit needed to keep livestock on a residential lot? No, but the keeping of livestock on residential premises is subject to the standards adopted in WDB 20.10.2.

20.12.2 Are there standards for the keeping of livestock on residential lots? While no permit is required, the town will enforce the following standards on a complaint basis.

20.12.2.1. Minimum Lot Size. The minimum lot size for the keeping of livestock, excluding poultry, shall be one acre. Poultry may be kept on a parcel of any size but are limited to a maximum flock size of twelve (12) on parcels less than one acre.

20.12.2.2 Additional Setbacks. In the Village and Residential Zoning Districts, no structure in which livestock is kept or confined shall be closer than fifteen (15) feet to any property line. No bedding or feed shall be stored within twenty (20) feet of any property line.

20.12.2.3 Watershed Protection. No structure in which livestock is kept or confined shall be located within a watershed protection buffer established by Chapter 29 of this bylaw.

20.12.2.4 Maintenance. All premises on which livestock is kept shall be maintained so as to ensure that dust, noise, and odor generated by livestock do not have an adverse impact on adjoining properties. This includes regular the removal of manure and other wastes, dust suppression, and insect control.

20.13 Outdoor Lighting. Preventing light trespass and protecting the night sky are important town goals. See Objective 4.6 of the *Comprehensive Plan*.

International Dark-Sky Association. For information about light pollution, light trespass, and appropriate lighting choices, visit: http://www.darksky.org/

20.13.1 What is outdoor lighting? Outdoor lighting includes any outdoor illuminating device lamp, light, reflective surface, luminous tube, or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. On residential properties, such devices include, but are not limited to path, pool, porch, and yard lights.

20.13.2 Do I have to get a permit to install an outdoor light fixture at my house? No permit is required for outdoor lighting at one- or two-household dwellings that meets the standard that is set by WDB 24.2.3.2 and repeated in WDB 20.11.3. A permit is required for any other outdoor lighting.

20.13.3 Are there standards for outdoor lighting? As provided by WDB 24.2.3.2, no permit is required for outdoor lights that are installed at one- or two-household dwellings and that are rated at 1,200 initial lumens or less per lamp, as long as the maximum lumen output per residential unit set by Table 24.A (5,500 initial lumens) is not exceeded.

20.13.4 Are floodlights permitted? Floodlights rated less than 1,200 initial lumens are permitted by WDB 20.11.3; however, floodlights or spot lamps must be aimed no higher than 45° above straight down (half way between straight down and straight to the side) and floodlight lamps must not be directly visible from adjacent parcels or public ways.

20.13.5 What about holiday lighting? Temporary, seasonal holiday lighting is not subject to review or compliance with this bylaw, if (and only if) the following conditions are met:

20.13.5.1 Seasonal holiday lighting must not create a hazardous distraction passing cyclists or drivers

20.13.5.2 Seasonal holiday lighting may be displayed for no more than 60 days surrounding the event those lights celebrate.

20.14 Outdoor Storage

20.14.1 Is outdoor storage permitted on residential premises? Yes. There are different standards for outdoor storage in different zoning districts.

20.14.1.1 In the ARZD. Outdoor storage is permitted and must meet the required setbacks in side and rear yards, but note that Appendix G sets a stricter standard for outdoor storage associated with home businesses. Note also that this does not include the outdoor storage of recyclables or solid waste, including compost, the storage of which must be effectively screened from neighboring properties and public ways.

20.14.1.2 In Other Zoning Districts. Outdoor storage is permitted within the required setbacks in side and rear when it is effectively screened from neighboring properties. but note that Appendix F sets a stricter standard for outdoor storage associated with home businesses.

20.14.1.3 During Construction. The temporary storage of construction equipment and materials is permitted by WDB 17.14.

20.14.2 What constitutes 'effective screening?' Effective screening of outdoor storage may be provided by buildings; by a fence or wall that complies with WDB 20.8; or by landscaping, including dense hedges or similar planting, or on larger properties by a forested or wooded buffer that complies with the requirements of Chapter 23 for a Type I buffer. Small (less than one cubic yard) compost piles will be considered to be effectively screened if they are confined within a composting barrel or bin.

20.14.3 May I stack firewood outside without providing screening? Yes, an exception to the standards of WDB 20.12.1 is allowed for firewood. Firewood may be stacked on residential premises without screening if it is confined to the side or rear yard and within the required setbacks. Firewood may be stacked within the setback with the permission of the neighboring landowner.

20.15 Pools. A pool is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and at-grade swimming pools.

20.15.1 Is a permit required for a pool? Yes. An administrative permit is required to install a pool.

> ***Pool and Spa Safety.*** The Consumer Products Safety Commission offers information on pool and spa safety at: http://www.cpsc.gov/cpscpub/pubs/chdrown.html.

20.15.1.1 Barrier. Outdoor pools, whether in-ground, above-ground, or at grade, in which water can be more than two (2) feet in depth must be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. American Society for Testing and Materials certified automatic pool safety covers can be provided in lieu of a fence or barrier. mechanism

- The wall of an above-ground pool may form the required barrier provided that access to the pool, whether from a deck or via a ladder is gated in compliance with this standard.

- Gates and doors in such barriers shall always be closed. Release mechanisms shall be located on the pool side of the gate.

- Self-closing and self-latching gates shall be maintained so that the gate will positively close and latch when released from an open position of six (6) inches from the gatepost.

20.16. Portable Structures. Portable structures enclose space, but are designed to be easily moved. They do not have footings or a foundation. Common examples include "pop-up" carports or canopies and play structures that are not tied to footings or some other foundation.

20.16.1 Is a Permit Required for a Portable Structure? No permit is required for portable structures, but they must comply with the standards of WDB 20.14.2, below.

20.16.2 Are there Standards for Portable Structures? While no permit is required, the following standards will be enforced on a complaint basis.

20.16.2.1 Dimensional Standards. Portable structures are subject to same dimensional standards as other structures.

20.16.2.2 Portable Toilets. Portable toilets are permitted on residential properties only during construction/remodeling projects. They must be removed upon completion of the work.

20.17. Recreational Vehicles as Living Quarters. A recreational vehicle is a motor home or a trailer coach, as defined by state law.

20.17.1 Is a permit required to park an RV on my property? No. Recreational vehicles may be stored on residential premises without a permit, but see WDB 20.15.2, below.

20.17.2 Is there a limitation on the use of RV's parked on residential properties? Yes. A recreational vehicle may be used as guest quarters on a residential property for no more than 17 consecutive days, and for no more than 28 days cumulatively during a calendar year. Recreational vehicles may be used as temporary living quarters for the resident household during the construction or remodeling of a dwelling. This use must cease when a certificate of compliance is issued or the work is completed.

20.18 Remodeling. For the purposes of this chapter, remodeling is a change in the interior or exterior of an existing dwelling that does not change its exterior dimensions.

20.18.1 Is a permit required for remodeling? Possibly.

20.18.1.1 Adding Rooms. A permit is required for remodels that create or eliminate a room. Addition of a bedroom requires an allocation of sewage treatment plant capacity, approved by the DPW.

20.18.1.2 Other Interior Changes. New wall coverings, tile, carpet, counters, light fixtures, plumbing fixtures, trim, and similar interior changes do not require a permit.

20.18.1.3 Exterior Changes. Changes in roofing, siding, trim, windows and other architectural features and materials require a permit if your home is located in the VZD.. Outside the VZD, exterior changes require a permit only if they change the exterior dimensions of the home or an accessory building.

20.18.2 Are there standards for remodeling? An administrative permit for a proposed remodel shall be approved where ***the*** Administrator finds that it complies with the following standards.

20.18.2.1 Adding Rooms. Williston does not enforce a building code. Interior changes that add rooms are tracked solely to monitor the creation of additional bedrooms.

20.18.2.2 Adding Bedrooms. The addition of a bedroom requires additional wastewater treatment capacity, either as part of an existing or new allocation of sewage treatment plant capacity, or as part of the existing or proposed capacity of an on-site wastewater treatment system.

- Where the proposed bedroom/s would be served by the town sewerage system, the applicant must submit an allocation form approved by the DPW.

- Where the proposed bedroom/s would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity.

20.18.2.3 In the Village. A permit is required for exterior remodels in the VZD where they must comply with the *Williston Village Historic District Design Review Guide* and may be subject to review by the HAAC and DRB.

20.19 Repair and Maintenance

20.19.1 What is repair and maintenance? Repair and maintenance involves no clearing, grading, excavation, or fill; no change in the exterior dimensions of a structure, deck, dwelling, fence, patio, or pool.

20.19.2 Is a permit needed for repair and maintenance? Not if it is truly repair and maintenance. For example, patching your roof with new flashing or shingles of the same type and color is repair.

20.20 Residential Care and Group Homes. 24 V.S.A. § 4412(1)(G) provides that a residential care home or group home operated under state licensing or registration and serving not more than eight persons who have a handicap or disability as defined by 9 V.S.A. § 4501, shall be treated as a single-household dwelling, except where it is within 1,000 feet of another such home.

20.21 Sale of Household Goods

20.21.1 May I have a vehicle for sale on my residential property? Yes. A "for sale" sign may be placed in the window of one currently registered, noncommercial vehicle that is parked on and owned by the owner or current occupant of a residential property.

20.21.2 May I have a "garage sale?" Yes. The occasional sale of household goods is permitted, without a permit, but subject to the following standards.

25.21.2.1 Frequency. Household goods may be offered for sale no more than twice a year.

25.21.2.2 Duration. Household goods may be offered for sale for no more than 72 hours.

25.21.2.3 Signs. The sign permitted by WDB 20.20 may be used to advertise the occasional sale of household goods. In addition, two directional signs of no more than three (3) square feet may be posted.

25.21.2.4 Parking. The owner is liable for any traffic hazard created by the sale of household goods. Before holding such a sale you should be sure that there is ample, safe parking available. Sales that create a traffic hazard are violations of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

20.22 Signs

20.22.1 Must I have building numbers for my home? Yes. The posting of building numbers is required by Williston's *Road Name and Road Location Numbering Ordinance,* which is attached to this bylaw as Appendix D. Building number signs may also display the name of the resident household and have a decorative framework or border. They are limited to three (3) SF.

20.22.2 May other signs be placed or posted on residential properties? Besides political signs, which are subject to the same standards everywhere in Williston, residential properties are limited to one sign with an area of no more than four (4) SF. That sign may be used for any noncommercial message, including, but not limited to, "for sale" or "for rent," to advertise the sale of household goods, or to identify a home business.

Chapter 25

Signs and Public Art

This chapter establishes standards for signs. It begins with a statement of purposes and principles for sign regulation in Williston. A list prohibited types of signs and an explanation of permit requirements, including the requirement for master sign plans, follows. Standards for the permitted type, number, size, and illumination of permanent signs in each zoning district are presented in a table and WDB 25.6 and 25.7. WDB 25.8 addresses temporary signs. The chapter ends with standards for continuing use of nonconforming signs and definitions of 'community information center' and 'public art.'

25.1 Purpose – Principles –Authority

25.1.1 What role do signs play in Williston's landscape? Williston permits signs that serve the public by identifying local businesses, providing directions, making people aware of regulations and possible safety hazards, making people aware of community events and political messages, and assisting town residents in the occasional sale or lease of homes and household goods.

What is a sign? For the purposes of this bylaw, a "sign" is anything that is intended to attract attention that is not specifically excluded from this definition. This includes what people typically think of as signs, ranging from small "No Parking" signs to large billboards. It also includes other attention getting devices or displays, including vending machines that are visible from a public way; pennants and pinwheels that bear no message; and similar devices or displays. Community information centers and public art, both of which are defined later in this chapter, are excluded. So are scoreboards installed as provided by WDB 17.8.

25.1.2 What principles guide sign regulation in Williston?

25.1.2.1 Signs are Important. Signs that effectively serve the purposes listed above are an important feature of the town's landscape. They help people navigate through the community and make people aware of local businesses, homes for sale or rent, the sale of household goods, and community events. They also help make people aware of regulations and safety hazards and provide a means of political expression.

25.1.2.2 Freedom of Speech. Federal courts have made it clear that signs are a legitimate medium for political expression. The owner of any sign which is otherwise allowed by these standards may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

25.1.2.3 Signs Have Impacts. Despite their importance in the town's life, signs that are too numerous, too large, poorly placed, improperly illuminated, or out of scale or character with

their surroundings will seriously detract from Williston's landscape and economy. They can block or diminish scenic views, obstruct views at driveways and intersections; distract motorists; block pedestrian ways; hide architectural or landscape details that contribute to the character of buildings, neighborhoods, and the town; create light trespass and pollution; and project a sense of clutter and haste that is not consistent with either a healthy economy or a healthy community life.

25.1.2.4 A Positive Contribution. Well-designed signs in the right locations can make a positive contribution to Williston's landscape, economy, and community life. Compliance with these standards will ensure that they do so.

25.1.2.5 Location Matters. Different types, numbers, and sizes of signs are appropriate in different parts of Williston and the standards adopted here vary accordingly.

25.1.2.6 Signs Require the Same Level of Planning and Design as Buildings. The need for signs must be anticipated at the beginning of every project. A master sign plan is required for all developments that could have multiple occupancies. Whether a master sign plan is required or not, all new buildings and major additions to existing buildings must be designed with a sign band or other definite locations for the placement of permitted signs. An application for a discretionary permit is not complete if it fails to show how signs will be placed or posted.

Placement of Signs v Design of Signs. To be clear, WDB 25.1.2.6 does not require applicants to include a specific number, type, or size of signs, or the design of individual signs in applications for discretionary permits. It simply requires that the applicant show where signs may be placed on the site or on proposed buildings or additions. The individual signs that fill those "blanks" will be separately permitted.

25.1.3 Under what authority does the town regulate signs? 25 V.S.A. § 2291(7) gives Vermont municipalities the authority to:

> To regulate or prohibit the erection, size, structure, contents and location of signs, posters or displays on or above any public highway, sidewalk, lane or alleyway of the municipality and to regulate the use, size, structure, contents and location of signs on private buildings or structures.

Note also that signs are "structures" within the meaning of 25 V.S.A. § 4411, which provides the general authority for local zoning.

25.2 Sign Regulation by Zoning District. Because signs must be consistent with the purpose of each zoning district, the type, number, height, and size of signs allowed varies among the districts. See Table 25.A for specific requirements for signs in each zoning district. Signs in VZD must also comply with the *Williston Village Historic District Design Review Guide*. WDB 25.6 provides an explanation of Table 25.A. Signs within the Taft Corners Form -Based Code Overlay District are not subject to the requirements and standards of this chapter and are instead subject to the requirements contained within the Code.

25.3 Prohibited Signs. Some types of signs simply may not be placed or posted in Williston. Those types of signs are listed below. Also, any sign that does not comply with the standards established in this chapter, with any other requirement of this bylaw, or with an applicable, approved master sign plan is prohibited. The placement or posting of a prohibited sign is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

25.3.1 Are animated signs permitted? No. Animated, blinking, flashing, and moving signs or signs that appear to move are prohibited. This includes any sign that interferes with, imitates, or resembles

an official traffic control sign, signal, or device, or attempts or appears to direct the movement of traffic with motion or the appearance of motion. Holiday displays that comply with WDB 25.4.2.11 are exempt from this prohibition.

25.3.2 Are illuminated signs permitted? Illuminated signs are permitted in compliance with WDB 25.6.7 and Chapter 24 of the bylaw, but three types of illuminated signs are simply prohibited.

25.3.2.1 Beacons. The use of spotlights, searchlights, beacons, or similar lights that are projected toward the sky to attract attention is prohibited.

25.3.2.2 Glaring. Any sign with lighting that interferes with the safe operation of motor vehicles or bicycles or that unnecessarily trespasses on neighboring properties is prohibited.

25.3.2.3 Internally Illuminated. With the exception of the limited use of illuminated window signs, internally illuminated signs are prohibited. This prohibition includes "LED readerboard" signs that are often used to display changeable copy like announcements and gasoline prices.

25.3.3 Are off-premises signs permitted? An off-premise sign is a sign that advertises a commercial enterprise or event that is placed on a parcel of land that is not the same parcel where the enterprise or event is located. Off-premises signs are generally prohibited, but there are three minor exceptions to this standard.

25.3.3.1 Directional Signs. Off-premises directional signs may be permitted where a temporary event is permitted under the provisions of the town's Temporary Events Ordinance.

25.3.3.2 Product Advertising. Product advertising signs are "off-premise" signs and, thus, prohibited. A limited exception for product advertising using temporary signs is provided by WDB 25.8.

25.3.3.3 Off-premise agricultural signs. Signs placed in in the ARZD, VZD and RZD advertising the sale of agricultural products in the ARZD, VZD and RZD. While state law generally prohibits off-site signage, 24 V.S.A Section 494 (12) provides an exception as follows:

Directional signs, subject to regulations adopted by the Federal Highway Administration, with a total surface area not to exceed six square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place, or to farmers' markets that are members of the Vermont farmers market association selling Vermont agricultural products.

Signs advertising farms, farmstands, and farmer's markets that are members of the Vermont farmers market association and that are located in the RZD, VZD and ARZD may be placed off-premise, only in the ARZD, VZD and RZD, under the following conditions:

- Only one off-premise agricultural sign may be placed on any one parcel of land.
- Off-premise agricultural signs may not exceed four feet in height
- Off-premise agricultural signs may not exceed six feet in area and may be double-sided.
- Off premise agricultural signs must not be permanently anchored to the ground

- Off premise agricultural signs may not be placed more than 10 days prior to the commencement of the sales activity they advertise and must be removed no more than 10 days following the cessation of such activity.
- Off premise agricultural signs must be set back a minimum of five feet from the edge of any public or private right-of-way.
- No permit is required for the placing of such signs, but the property owner where the sign is placed must give his or her permission for the sign.

25.3.4 Is product advertising permitted? Only in the limited way permitted by WDB 25.8.

25.3.5 Are pennants and similar attention-getting displays permitted? No. Pennants, strings of flags, and other serial signs are prohibited.

25.3.6 May I place a sign in the public right-of-way? No sign shall be placed in a public right-of-way except for the official signs permitted by WDB 25.4.4.8. Any other sign placed in a public right-of-way is subject to immediate removal by the town or state and the enforcement procedures of WDB 7.4-7.6.

25.3.7 May I hang a sign on a lamp post or other streetscape feature? Complying official and regulatory signs may be attached to light standards, bridges, and other functional features of the streetscape, public or private, but only where doing so is consistent with WDB 25.3.6.

25.3.8 Are roof signs permitted? No sign shall be mounted on the roof of a building. Further, no sign that is attached to a building may extend above the roofline. The DRB may permit an exception to this prohibition for signs mounted on the sloping sides of gambrel or mansard roofs. Where such an exception is allowed the resulting sign/s will be treated as wall signs, and as part of the development's overall sign area.

What is the roofline? For the purposes of sign regulation, this bylaw defines the "roofline" as the lowest point defined by the eaves or, where there are no eaves or similar overhangs, the top of the wall.

25.3.9 May I hang a sign on a tree? No. Signs may not be painted on or attached to cliffs, boulders, trees, or any other naturally occurring feature of the landscape. The administrator may, however, permit an exception to this standard for building numbers and/or home business signs when no reasonable alternative exists or the placement of a freestanding sign would result in the unnecessary clearing of trees.

25.3.10 May I place as sign on an antenna or tower? No. Signs may not be attached to antennae or towers that are regulated by Chapter 21 of this bylaw. See WDB 21.3.5.3.

25.3.11 May I use a parked vehicle to advertise my business? The use of an unregistered vehicle or trailer as a sign is prohibited. The use of signs affixed to registered vehicles or trailers is also prohibited. This prohibition is not intended prevent a business from painting vehicles that are routinely used in the conduct of that business, but the administrator may require that existing parking areas where such vehicles are routinely parked be brought into compliance with the landscaped buffer requirements for parking areas that are adopted in this bylaw.

25.3.12 Unsafe Signs. The following types of signs are unsafe, by definition, and constitute a violation of this bylaw that must be removed upon receipt of a notice of violation sent under the authority of WDB 7.4:

25.3.12.1 … any sign that interferes with drivers' or cyclists clear and unobstructed view of official traffic control signs and approaching or merging traffic;

25.3.12.2 … any sign that prevents drivers or cyclists from seeing approved signs on neighboring properties;

25.3.12.3. … any sign with lighting that interferes with the safe operation of motor vehicles or bicycles or that unnecessarily trespasses on neighboring properties; and

25.3.12.4 … any sign that obstructs a pedestrian way. At least 70% of the width of the pedestrian way must be left open to passage when placing portable sign approved in compliance with WDB 25.7.2.3.

25.3.12.5 Any sign that is determined to be structurally unsound or to present a hazard of electrical shock will also be considered unsafe and subject to immediate repair or removal. The Administrator will use the most recent edition of the *Uniform* or *International Sign Code* as the basis for the enforcement of this standard.

25.4 Permit Requirements for Signs

25.4.1 Is a permit required for a sign? Usually, but it depends on the type of sign. WDB 25.4.4 exempts some types of signs from the need for a permit, but NOT from compliance with this bylaw. An administrative permit is required for the placement or posting of all other signs.

25.4.2 Is there a special application form for sign permits? Yes. Applicants must use the *Sign Permit Application* and *Sign Permit Checklist* provided by the town in preparing their applications.

25.4.3 Is there a fee for the placement or posting of a sign? The application fee set by the Selectboard must accompany all applications for permits for signs.

25.4.4 What type of signs may be placed or posted without a permit? No review is required for the placement or posting of non-illuminated signs of the types listed below or for the routine maintenance and repair of existing signs. This exemption from the requirement for a permit does not, however, exempt any sign from compliance with all other requirements of this chapter and this bylaw. Exempt signs do not count as part of the total number or area of signs permitted by this chapter.

25.4.4.1 Building Numbers. No permit is required for building numbers required by Williston's *Road Name and Road Location Numbering Ordinance*. The relevant portions of that ordinance appear as Appendix F of this bylaw. The placement of building numbers must comply with the standards set by Table 25.A.

25.4.4.2 Changes in Copy. No permit is required for changes in copy that use the originally approved font, size, and color of lettering or for copy changes to approved kiosks, bulletin boards, or other community information centers on which the messages posted are expected to change on a regular basis.

25.4.4.3 Directional Signs. No permit is required for the placement or posting of up to 4 directional signs that have an area of less than two (2) SF each and do not include a logo larger

than one-half (0.5) SF or a commercial message. See WDB 25.7.9 for additional restrictions on directional signs.

25.4.2.4 Donor or Recognition Plaques. No permit is required for the placement or posting of a donor or recognition plaque not exceeding two (2) SF on a permitted structure or sign.

25.4.4.5 Flags. No permit is required for the display of flags provided that:

- Each flag does not exceed 25 SF in size, and
- no more than four (4) are flown at any one time.

Proposed freestanding flagpoles must be included on the plans submitted for permit approval.

25.4.4.6 Holidays.

- No permit is required for seasonal holiday displays that include no commercial message or logo, that are not permanently attached to the ground or a structure, that are removed after 30 days, that are comprised of parts which do not individually exceed four (4) SF each.
- Signs that are temporarily displayed on town property for Williston's Independence Day (4th of July) celebration need not obtain a permit.

25.4.4.7 Memorial Signs. No permit is necessary for cornerstones or similar displays of the names of buildings and their date of erection or for messages in memory of individuals or groups that do not exceed six (6) SF in size, that are cut into a stone or masonry surface or that are cast in bronze or a similar material, and that permanently affixed to an approved building.

25.4.4.8 Regulatory Signs. No permit is required for the placement or posting of a regulatory sign placed by the town or the state. Regulatory signs may be placed in the public right-of-way in accord with the *Uniform Manual for Traffic Control Devices*.

25.4.4.9 Temporary Events. An additional permit is not required for the placement or posting of the following signs for a Temporary Event that has been permitted under the town's Temporary Events Ordinance. The signs may only be displayed for a maximum of 30 days and must be removed within 2 days following conclusion of the event. The signs are not allowed to be placed in the public right of way. Any other signs require an administrative permit.

- One (1) on-premises wall sign of 24 square feet or less; and
- One (1) on-premises freestanding sign of 16 square feet or less in size and 8 feet or less in height and set back 5' from the property line and that does not obstruct visibility splays near driveways and intersections; and
- Four (4) on-premises or off-premises directional signs that have an area of less than 2 square feet each and do not contain a logo larger and one-half square foot or a commercial message.

25.4.4.10 Temporary Signs. There are different standards for temporary window signs and all other temporary signs.

- No permit is necessary for the posting of temporary window signs that do not, cumulatively, exceed 25% of the total window area, that are each less than four (4) SF each in size, and that are removed or changed within 30 days of their posting.

- No permit is required for the placement or posting of other temporary signs that have an area of six (6) square feet or less and are displayed for a maximum of 90 days per calendar year. The number of allowed temporary signs, whether or not they are exempt from the requirement of having to file an Administrative Permit, is regulated by WDB 25.8.3 Portable signs that are used on a regular basis in the same location are not temporary signs. See WDB 25.7.2.3.

- Grand Opening Banner. Any business opening in a new location may place one banner on the property where the business is situated for a period of up to 30 days, provided that the size of the banner does not exceed 24 square feet.

- See WDB 25.8 for additional restrictions on temporary signs.

25.4.5 What type of permit is required for signs that are not exempt? You must have an administrative permit to place or post any sign that is not explicitly made exempt by WDB 25.4.4. Some common questions about permit requirements for signs are clarified below.

25.4.5.1 Temporary Signs. A permit is required for the placement or posting of temporary signs that are over six (6) SF in size or, in windows, over four (4) SF in size. This includes temporary signs advertising a business while a permanent sign is being prepared.

25.4.5.2 Illuminated Signs. With the exception of regulatory signs posted by a public agency, the placement or posting of illuminated signs is never exempt from the requirement for a permit.

25.4.5.3 Master Sign Plans. Posting a sign in compliance with an approved master sign plan requires an administrative permit, except for the posting of temporary signs approved by an approved Master Sign Plan.

25.4.6 Are there signs for which discretionary review is required? Yes.

25.4.6.1 In the VZD. A Certificate of Appropriateness is required for the placement or posting of any non-exempt sign in the Village Zoning District.

25.4.4.2 Developments with Multiple Occupancies. While the sign itself will not require a discretionary permit, the placement or posting of a new sign in an existing development that has, or reasonably could have, multiple occupancies will not be permitted until a master sign plan has been approved for that development, as provided by WDB 25.5. The administrator may permit the temporary placement or posting of a single sign of no more than 16 SF in size for a new tenant pending the approval of a master sign plan, with no such permit running for more than 180 days. Failure to obtain approval of a master sign plan within 180 days will void that permit and immediate

removal of the sign will be required. The replacement of an existing sign with a sign of the same size or smaller in the same location will not trigger the requirement for a master sign plan.

25.5 Master Sign Plans

25.5.1 Are master sign plans required for new developments? A proposed master sign plan must be submitted with the application for a discretionary permit for any development that will, or may reasonably be expected to, have multiple occupancies.

25.5.2 Are master sign plans required for existing developments? A proposed master sign plan must be submitted and approved by the DRB before any new sign for which a permit is required may be posted in any existing development that has, or may reasonably be expected to have, multiple occupancies.

25.5.3 What should be included in a proposed master sign plan? Everything required by the *Master Sign Plan Checklist*. Master sign plans must anticipate all permanent and temporary signs, including seasonal banners and portable signs like sandwich boards, except for signs that are exempt under WDB 25.4

25.5.4 How are master sign plans reviewed? Review of a proposed master sign plan will ordinarily be combined with the review of an application for a discretionary permit. Existing uses may, however, need to secure approval of a master sign plan to permit new signs. In such cases, the DRB will review the proposed master sign plan following the procedure for the review of an application for a discretionary permit.

25.5.5 Can a master sign plan permit more or larger signs on my property? Possibly. An applicant may propose, and the DRB may approve, a master sign plan that permits some variation from these standards. Where such a variation is permitted, the DRB must make a specific written finding that the variation is consistent with the comprehensive plan and the purpose and principles for sign regulation established in this chapter. While a Master Sign Plan that includes more or larger signs than are allowed by these standards can be approved by the DRB, signs proposed under a Master Sign Plan must adhere to all other standards of this chapter, including but not limited to maximum height, setbacks, and illumination.

25.6 Basic Sign Standards. Basic standards for the permitted types of signs are set in Table 25.A. Additional explanations and more detailed standards are provided here and in WDB 25.7.

25.6.1 Is the number of signs that may be placed or posted on a site limited? Yes. See Table 25.A for limitations on the number of permanent signs. In some cases, that table specifies the maximum number of signs permitted on a lot. In other cases, it specifies a number of signs permitted per point of access or a number of signs permitted per building entrance or occupancy. No maximum number is specified for permanent wall or window signs, the extent of which is limited by the total sign area requirement of Table 25.A.

25.6.1.1 Signs Per Building. For the purposes of this chapter, the term “building entrance” includes only principal entrances to a building or to parts of a building that has multiple occupancies. It does not include emergency exits, loading doors, or any entrance to which public access is restricted.

25.6.1.2 Signs Per Point of Access. For the purposes of this chapter, the term "point of access" includes only widely spaced principal entrances from a road or path to a development. It does not include emergency or service drives, nor does it include points-of-access that are less than 330 feet apart.

25.6.2 Is the total area of signs that may be placed or posted on a property limited? Yes. The combined area of all signs, excluding the signs that are exempted by WDB 25.4, must fall within the total sign area indicated for the zoning district in Table 25.A.

25.6.3 Is the area of individual signs limited? Yes. Table 25.A sets maximum areas for most individual signs.

25.6.4 How is sign area measured? The area of a sign is measured in square feet (SF) as the area within the smallest regular geometric shape - circle, rectangle, square, or triangle - that can be drawn around the copy of the sign, including logos, graphics, and all other contents, and the background on which that copy is displayed. The area of a freestanding, projecting, or suspended size is measured for one face of the sign only. This means that if, for example, a freestanding sign can have an area of 16 SF, it can have two faces, one facing each direction, that are 16 SF each.

25.6.5 Are the dimensions of signs limited? Yes.

25.6.5.1 Height: Freestanding. Table 25.A limits the height of freestanding signs. The height of a freestanding sign is measured from the highest point of the sign structure to the average grade of the ground on which the sign is based.

25.6.5.2 Height: Other Signs: Signs that are attached to a building may not extend above the roofline of that building.

25.6.5.3 Width. The total width of that portion of a sign structure that is more than three (3) feet tall shall not be more than double the width of the sign itself.

25.6.6 Must sign structures conform to a construction code? Sign structures must comply with the requirements of the most recent edition of the *Uniform* or *International Sign Code*.

25.6.7 Are there standards for the illumination of signs? Yes. In addition to the standards adopted here, the lighting of signs must comply with the standards of Chapter 25 of this bylaw. Note specifically that signs may not be uplit. External illumination must be directed downward onto the face of the sign.

25.6.7.1 Internal Illumination. With the exception of the illuminated window signs permitted by WDB 25.7.7, the internal illumination of signs is not permitted

25.6.7.2 External Illumination. External light sources must be fully shielded so as to direct light only onto the sign face.

25.6.7.3 Backlit Illumination. Backlit signs must take the form of individually illuminated channel letters or symbols. Again, the light sources must be fully shielded so as to direct light only into the channels.

25.6.7.4 Time Illuminated. Signs associated with a specific use may be illuminated only from one hour before that use opens until one hour after it closes. Other signs may be illuminated between 7:00 AM and 11 P.M.

25.7 Standards by Sign Type. The standards adopted here are in addition to those of Table 25.A and apply where the type of sign for which the standard is set is permitted in the zoning district.

25.7.1 What are the standards for signs on awnings? The lowest point on any awning must be at least 7 feet, 6 inches above the sidewalk or other surface above which it extends. Temporary signs hung from awnings must maintain this clearance. Awning signs count toward the total number and area of signs allowed.

25.7.2 What are the standards for freestanding signs? Freestanding signs are placed or posted on their own structures. They are not attached to a building or any other structure and may be portable. Different types of freestanding signs may be described in different ways, such as ground signs, monument signs, pole signs, portable signs, etc., but they are all subject to the same standards, except where this bylaw explicitly provides otherwise. Freestanding signs count toward the total number and area of signs allowed.

25.7.2.1 Landscaping. Except as provided by Table 25.A for the VZD and for portable signs regulated by 25.7.2.3, the base of all permanent freestanding signs shall be landscaped with perennial and/or annual plantings. This landscaping shall be part of the landscaping plan required by Chapter 23 – Landscaping, and is subject to all standards adopted in that chapter.

25.7.2.2 Type/Design. The DRB may require that a specific type of freestanding sign be used in the village or – at the time it is reviewing a proposed master sign plan - in any development, in accordance with the principles of WDB 25.1.

25.7.2.3 Portable Signs. Portable signs, such as sandwich board signs, are designed for easy placement, but given their usual use, they are considered permanent and included in the total sign number and area.

- Portable signs may not exceed 12 SF on each face and must be removed when the business they advertise is closed.

- Sandwich boards may take up no more than 30% of a pedestrian walkway and may not be placed in a public right-of-way. Sandwich boards must be brought inside when the business with which they are associated is closed.

25.7.2.4 Vending Machines. Outdoor vending machines and other sales displays function as and are regulated as freestanding signs.

25.7.3 What are the standards for projecting signs? A projecting sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides. Projecting signs count toward the total number and area of signs allowed.

25.7.3.1 Distance from Building. No projecting sign may extended more than four (4) feet beyond the building wall from which it projects.

25.7.3.2 Clearance above Grade. The lowest point on a projecting sign must be at least 7 feet, 6 inches above grade.

25.7.4 What are the standards for suspended signs? A suspended sign is hung under the ceiling of an arcade or other overhanging structure, more or less perpendicular to the building. Its message is intended to be read primarily by people approaching along the arcade. Suspended signs count toward the total number and area of signs allowed.

25.7.4.1 Clearance above Grade. The lowest point on a suspended sign must be at least 7 feet, 6 inches above the floor of the arcade, porch, or other pedestrian way over which it hangs.

25.7.4.2 Under a Ceiling Only. A suspended sign may not project outward beyond the ceiling of the arcade, porch, or other pedestrian space in which it hangs.

25.7.5 What are the standards for wall signs? A wall sign is painted on or attached to a wall and runs parallel to that wall. Its message is intended to be read primarily by people facing the building. Wall signs count toward the total number and area allowed.

25.7.5.1 Newer Buildings. Wall signs must be placed within the sign band or other space specifically designated for signs.

25.7.5.2 All Buildings. Wall signs must be placed so as not to block emergency exits, fire escapes, or windows, or to obscure architectural features.

25.7.6 What are the standards for window signs? Window signs may be posted within the glass area of a window. Table 25.A sets a limit on how much of each window signs may cover. That total area includes both permanent and temporary window signs.

25.7.7 May some window signs be illuminated? Yes, but only in the commercial and mixed-use zoning districts. Illuminated window signs may be illuminated by LED, neon or another noble gas, or any other form of illumination approved by the administrator. Only one illuminated window sign per window, not to exceed two (2) per business establishment is permitted. No illuminated window sign shall exceed two (2) square feet in area.

25.7.8 What are the standards for directory signs? Directory signs are used when more than one business shares a site or structure. A directory sign may be of any of the sign types allowed in the zoning district in which it is located and must adhere to the size limit for an individual sign. One directory sign is allowed at each point of access from a collector or arterial. Directory signs must be approved as part of a master sign plan, as provided by WDB 25.5 and may be exempted from the total area or number of signs allowed by the DRB in order to encourage good attention to wayfinding.

25.7.9 What are the standards for directional signs? Directional signs may be of any permitted type. They convey directions (RESTROOMS →), regulations (NO PARKING), and similar information. No permit is required for the placement or posting of up to 4 directional signs that have an area of less than two (2) square feet and do not include a logo larger than one-half (0.5) SF or a commercial message. These smaller directional signs are not counted against the permitted number or area of signs, but must comply with the individual sign standards of Table 25.A. More than four (4) smaller directional signs may be allowed by an administrative permit at the discretion of the Administrator. Larger directional signs or directional signs featuring a larger logo or other commercial message may

be placed or posted only with an administrative permit. Larger directional signs are included in the total number and area of signs allowed.

25.7.10 What are the standards for banners? Banners are signs whose message is painted or printed on a flexible material. They are regulated as freestanding, suspended, or wall signs depending on how they are used. Banners are generally temporary, but their regular use (on lamppost standards, for example) may be approved as part of a master sign plan.

25.7.11 What are the standards for recognition and donor signs? Recognition and donor signs do not count against the overall permitted number or area of signs, but must comply with the individual sign standards of Table 25.A.

25.8 Temporary Signs. Temporary signs usually announce events, like elections, meetings, or sales that have a limited duration, but may be used for any lawful message. Portable signs that are used on a regular basis in roughly the same location are not temporary signs.

25.8.1 Is a permit required to post a temporary sign? Maybe. As provided by WDB 25.4.4.10, no permit is required for the placement or posting of a temporary sign that has an area of six (6) SF or less or signs for a Temporary Event that comply with WDB 25.4.4.9. An administrative permit is required for the placement or posting of any other temporary sign.

25.8.2 What are the standards for the dimensions, height, and location of temporary signs?

25.8.2.1 How Table 25.A Applies. Temporary signs may be any of the types allowed in the zoning district in which they are located and while they do not – with the exception of temporary window signs - count toward the total number or area of signs permitted, they must comply with the limits that Table 25.A places on individual signs of their type. Temporary window signs are counted as part of the total area of window signs permitted.

25.8.2.2 Product Advertising. Temporary signs, including temporary window signs, may provide information regarding product names, logos, prices, and names and/or logos of financial sponsors. This information may comprise no more than 50% of the total area of each temporary sign.

25.8.2.3 A Reminder. Temporary signs may never be placed in a public right-of-way or otherwise violate the prohibitions of WDB 25.3.

25.8.2.4 Held Signs. Signs held or waved by a person are temporary signs, subject to all requirements of this bylaw.

25.8.3 What are the standards for the number of temporary signs? Temporary signs are limited to:

- One (1) sign per public road frontage for parcels with fewer than ten (10) commercial occupancies, credit will be given for no more than two (2) road frontages OR
- Two (2) signs per public road frontage for parcels with ten (10) or more commercial occupancies, credit will be given for no more than two (2) road frontages.

25.8.4 What are the standards for the duration of temporary signs? Temporary signs as permitted by 25.8.3 may be posted for no more 90 days in any one calendar year. Signs that will be posted for more than 90 days (a subdivision sale sign, for example) are considered permanent and may be placed or posted only with a permit.

Event? An event may include an election, a fund-raising campaign, a game, a meeting, or any other activity that has a limited duration.

25.9 Abandoned and Nonconforming Signs

25.9.1 What is an abandoned sign? A sign is 'abandoned' when the use with which it was associated ceases to exist.

25.9.2 Must abandoned signs be removed? Yes. An abandoned sign must be removed within 90 days after the use with which it was associated ceases to exist.

25.9.3 What is a nonconforming sign? A nonconforming sign is an existing sign that would not be permitted if submitted for approval under this bylaw.

25.9.4 May nonconforming signs be maintained and repaired? Yes. Routine maintenance and repair of nonconforming signs is permitted.

25.9.5 When must nonconforming signs be replaced with conforming signs? A nonconforming sign may be used indefinitely, but must be removed, as required here, when circumstances change.

25.9.5.1 When Abandoned. As provided by WDB 25.9.1, any sign, conforming or not, must be removed within 90 days of when the use it identified ceases. New signs must comply with this bylaw.

25.9.5.2 Before a New Sign. No permit may be issued for a new permanent sign on a lot where there is a nonconforming sign.

25.9.5.3 When Damaged. A nonconforming sign must be removed or brought into compliance with this bylaw if it is damaged or destroyed and the cost of replacement or repair is 51% or more of the sign's value at the time it was damaged or destroyed.

25.9.5.4 Change in Use. A nonconforming sign must be removed and, if replaced, replaced with a conforming sign when the use of the lot on which it is located changes.

25.9.6 Can a nonconforming sign be relocated? Yes, but only if the move is involuntary. Involuntary relocation may be caused by street widening or another town, state, federal, or utility action that is beyond the control of the sign's owner.

25.9.7 Can a nonconforming sign be altered? Yes, but only if the change brings the sign into, or at least closer to, compliance with this bylaw. A nonconforming sign that will not be brought into full compliance may be altered only if its degree of nonconformity is reduced by at least 25%. Signs that are nonconforming due to their internal illumination must be brought into full compliance with the sign illumination requirements of this chapter when they are altered in any way that requires a permit. This means that a permit to change the panel or copy on an internally-

illuminated sign will not be issued unless the internal illumination of the sign is eliminated. By January 1, 2025, all internally illuminated signs must either be removed, discontinued, or brought into compliance with the town's regulations for the illumination of signs.

What does that mean? The degree of nonconformity is the extent to which a use is nonconforming. So, a sign that is 20 feet high instead of the permitted 12 feet, would have to be lowered by at least two feet (25% of 8 feet) for an alteration to be permitted.

25.10 Community Information Centers

25.10.1 What is a community information center? Permanent community information centers that allow the posting of information may be placed at municipal buildings and schools or on privately owned properties such as a green, park, or plaza, or other publicly visible locations. They do not count against the number or area of signs permitted by the bylaw if they bear only a small - maximum one SF - logo of the development, business, or institution.

25.10.2 Are there standards for community information centers? Yes. Community information centers may be provided in the form of bulletin boards, kiosks, or similar installations that are installed in accord with the standards this bylaw sets for accessory structures.

25.11 Public Art

25.11.1 What is public art? Public art includes sculptures, monuments, murals, and other objects of art that are not enclosed in a building or other structure and that will be visible from a public way. Public art may also be incorporated into functional objects like fountains, benches, lamp posts, and other streetscape features. Public art is often used to commemorate a person or event, but may also serve no purpose other than public enjoyment. While public art can and should help attract people to a place, it bears no commercial message, explicit or implicit.

25.11.2 Is public art regulated by the bylaw? It is not the intent of this bylaw to limit freedom of expression, but the town does need an opportunity to enforce the distinction between public art and signs. The town also needs to ensure that proposed public art does not constitute a hazard to drivers, cyclists, or pedestrians. For this reason, proposed public art must be included in all applications for discretionary permits and an administrative permit will be required for the addition of public art to an approved development.

Table 25.A Basic Standards for Permanent Signs for Nonresidential Uses. For temporary signs see WDB 25.4.4.10. For signs associated with residential uses, see WDB 20.20.				
	ARRZD	**RZD**	**VZD**	**MURZD**
	for nonresidential uses permitted by WDB 31.1.3 and 31.A	for nonresidential uses permitted by WDB 39.1.3.2	for nonresidential uses permitted by WDB 42.A	for nonresidential uses permitted by WDB 38.1.3.2 and 38.1.3.3.
Maximum Sign Area as a Percentage of the Area of the Street-Facing Wall of the Structure				
	5%	**5%**	**5%**	**8%**
Awnings	permitted only as approved in a master	not permitted	not permitted	permitted only as approved in a master sign plan.
Building Numbers	The building numbers required by Williston's *Road Name and Road Location Numbering Ordinance* are permitted in all zoning districts.			
maximum number	1	1	1	1
maximum size	2 SF	2 SF	2 SF	2 SF
maximum height	as for freestanding signs	as for freestanding signs	as for freestanding signs	as for freestanding signs
Directional	permitted	permitted	permitted	permitted
maximum number	see WDB 25.7.9	see WDB 25.7.9	see WDB 25.7.9	see WDB 25.7.9
maximum size	2 SF	2 SF	2 SF	2 SF
maximum height	8 ft	8 ft	8 ft	8 ft
Freestanding	permitted	permitted	permitted	permitted
maximum number	1 permanent	1 permanent	1 permanent	1 per permanent per point of access
maximum height	8 ft.	8 ft	8 ft	8 ft
maximum size	16 SF	16 SF	16 SF	24 SF
*setback**	10 feet	10 feet	5 feet	5 feet
landscaping	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	permanent freestanding signs will be placed in greenbelt, additional landscaping optional	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1
Projecting	not permitted	not permitted	not permitted	permitted
maximum number				1 per building entrance, as per WDB 25.7.3
maximum size				6 SF
Recognition	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, WDB 25.4.2.4
Regulatory	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8
Special Events	permitted only as approved by a special events permit, see WDB 25.4.4.9			
Suspended	not permitted	not permitted	permitted	permitted
maximum number			1 per building entrance, as per WDB 25.7.4	1 per building entrance, as per WDB 25.7.4
maximum size			3 SF	3 SF
Wall	permitted	permitted	permitted	permitted
maximum number	*limited by maximum area*	*limited by maximum area*	*limited by maximum area*	*limited by maximum area*
maximum size	24 SF	24 SF	16 SF	32 SF
Window	10% coverage of the glass area facing public ways, including both permanent and temporary window signs	not permitted	10% coverage of the glass area facing public ways, including both permanent and temporary window signs	20% coverage of the glass area facing public ways, incldluing both permanent and temporary window signs.

Table 25.A, continued

	IZDE, IZDW	all other commercial zoning districts		
	for nonresidential uses permitted by WDB	for nonresidential uses permitted by WDB 33.A, 34.A, 37.A and 41.A		
Maximum Sign Area as a Percentage of the Area of the Street-Facing Wall of the Structure	**8%**	**8%**		
Awnings	permitted only as approved in a master sign p	permitted only as approved in a master sign plan.		
Building Numbers	The building numbers required by Williston's *Road Name and Road Location Numbering Ordinance* are permitted in all zoning districts.			
maximum number	1	1		
maximum size	4 SF	4 SF		
maximum height	as for freestanding signs	as for freestanding signs		
Directional	permitted	permitted		
maximum number	see WDB 25.7.9	see WDB 25.7.9		
maximum size	2 SF	2 SF		
maximum height	8 ft	8 ft		
Freestanding	permitted	permitted		
maximum number	1 per point of access	1 per point of access		
maximum height	12 ft	12 ft		
maximum size	32 SF	32 SF		
*setback**	5 feet	5 feet		
landscaping	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1		
Projecting	permitted	permitted		
maximum number	1	1 per building entrance, as per WDB 25.7.3		
maximum size	12 SF	12 SF		
Recognition	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, WDB 25.4.2.4
Regulatory	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8		
Special Events	permitted only as approved by a special events permit, see WDB 25.4.4.9			
Suspended	permitted	permitted		
maximum number	1 per building entrance, as per WDB 25.7.4	1 per building entrance, as per WDB 25.7.4		
maximum size	3 SF	3 SF		
Wall				
maximum number	*limited by maximum area*	*limited by maximum area*		
maximum size	24 SF	24 SF		
Window	20% coverage of the glass area facing public ways, including both permanent and temporary window signs	25% coverage of the glass area facing public ways, including both permanent and temporary window signs		

* A greater setback may be required for signs near driveways and intersections. Signs may not be placed in a clear vision triangle.

Chapter 27

Conservation Areas

This chapter establishes standards that protect and preserve significant natural, scenic, and fragile areas.

27.1 Purpose – Authority

27.1.1 What are Conservation Areas? There are seven distinct Conservation Areas in Williston: 1) significant wildlife habitat areas; 2) areas containing uncommon, rare, threatened, or endangered species; 3) unique natural communities; 4) farmlands of local importance, 5) scenic viewsheds, 6) special flood hazard areas (see WDB Chapter 28), and 7) streams, wetlands, lakes, and ponds (see WDB Chapter 29).

27.1.2 What is the purpose of these standards? The protection of Conservation Areas will provide significant benefits for soil conservation, water quality, groundwater recharge, biological diversity, and the visual character that defines Williston. These standards will prevent incompatible development from impairing the ecological functions of these areas and reducing the benefits they naturally provide to humans and wildlife. This chapter establishes permit requirements and development standards designed to minimize and avoid undo adverse impacts to these resources. Development may be acceptable in Conservation Areas to the extent that it is compatible with the goal of protecting the physical features, ecological functions, and biodiversity they provide.

27.1.3 Under what authority does the town adopt these standards? These standards are adopted under the authority of 24 V.S.A. § 4302(c)(5), § 4382(a)(5), § 4411(b)(3)(F), and § 4418(1)(D), which allow for the protection and preservation of significant natural, scenic, and fragile areas.

27.2 Applicability

27.2.1 What activities are subject to these standards? These standards apply to any development that is located within the boundaries of one or more designated Conservation Areas and for which a permit is required by this bylaw. The Administrator may refer any projects that require a permit to the Conservation Commission for review and comment under these standards.

27.3 Permitted Uses and Exemptions

27.3.1 What uses are permitted in Conservation Areas? The allowed land uses are as provided for in the underlying zoning district but are subject to review procedures and development standards provided in this chapter.

27.3.2 What activities are exempt from these standards? All development activities identified as exempt under WDB Chapter 4 are exempt from review requirements and standards of this chapter. Additional exemptions specific to each type of Conservation Area are presented in WDB 27.5 - 27.9 below.

27.4 General Standards. These general standards apply to all Conservation Areas. Additional standards specific to each type of Conservation Area are presented in WDB 27.5 - 27.9.

27.4.1 Do the general standards of this bylaw apply to development in Conservation Areas? Yes. Development in Conservation Areas must, unless specifically exempted, comply with all

standards established in Chapters 13-29. In addition, development in Conservation Areas must comply with all standards specific to the underlying zoning district where the property is located. Where the standards adopted in this chapter and other standards established by this bylaw differ, the most restrictive standard applies.

27.4.2 Landowners Right. Conservation Areas must be protected to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a property 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 19 of this bylaw, or to reconfigure the development and/or designate open space in a way that minimizes consumption of lands that should be protected.

27.4.3 Designate Open Space. Open space designation may be required for any development for which a discretionary permit is required. Open space shall be designated and configured so that the open space encompasses, to the maximum extent possible, Conservation Areas that are contiguous to Conservation Areas on adjoining properties and serves to limit encroachment into the Conservation Area. Open space must be permanently protected using any of the three methods listed in WDB 31.7.6.

27.4.4 Avoid Undue Adverse Impact. Alternative site designs may be required, alternative locations for the development may be required, and the minimum amount of land required to be set aside as open space may be increased, if necessary, to avoid undue adverse impacts to Conservation Areas.

27.5 Significant Wildlife Habitat Areas (SWHA)

27.5.1 What are Significant Wildlife Habitat Areas (SWHA)? Those natural features that contribute to the survival and/or reproduction of the wildlife of Williston and surrounding communities. This shall include: (1) core habitat; and (2) wildlife connectivity corridors.

27.5.2 What is Core Habitat? A combination of several different wildlife habitat types combined to form a unit of relatively continuous wildlife habitat. Areas characterized as Core Habitat generally consist of relatively large forested areas that might contain a combination of early succession habitats; forested riparian areas; wetlands and vernal pools; deer wintering areas (i.e. deeryards); mast stands; ledge, talus, or cliff habitats; and habitat identified by the Vermont Department of Fish and Wildlife as either significant wildlife habitat or necessary wildlife habitat in accordance with 10 V.S.A. Sec. 6086(a)(8)(A).

27.5.3 What is a Wildlife Connectivity Corridor? A route that permits the direct travel or spread of animals or plants from one area or region to another, either by the gradual spread of a species' population along the route or by the movement of individual members of the species. Generally, such areas are characterized by undeveloped forested and riparian corridors, including forest cover reaching to road rights-of-way, which serve to link large tracks of unfragmented core habitat. In Williston, the corridor was designed to accommodate bobcat, fisher, mink, four-toed salamander, wood frog, smooth green snake, and wood turtle.

27.5.4 What are the boundaries of the SWHAs? The boundaries of SWHAs are shown on the official map titled "*Significant Wildlife Habitat Areas*," which is available for review at the Williston Planning and Zoning Office.

27.5.5 What is the purpose of protecting Significant Wildlife Habitat Areas? This section establishes development standards designed to: guide development in a manner that maintains large blocks of forest and areas of contiguous habitat; protect distinct types of habitat required for specific wildlife species; and, ensure the continued movement of wildlife species between unfragmented blocks of forest and core habitat within the town and surrounding region.

27.5.6 What uses are exempted from these standards? Site work, structures, and/or impervious surfaces shall not encroach upon designated SWHAs except:

27.5.6.1 Expansion of Existing Structures. The expansion of an existing structure provided that the expansion, or the cumulative total of multiple expansions, does not exceed a total footprint of 100% of the footprint of the existing structure.

27.5.6.2 Accessory Structures. Accessory structures to an existing permitted structure or use shall be permitted within 150 feet of such existing permitted structure or use or placed on existing maintained lawns or impervious surfaces, or within building envelopes and roads and driveways, whichever is greater.

27.5.6.3 Fences. Construction of fences (i) used within cleared areas, or that enclose existing cleared areas (e.g., clearings for lawns and gardens immediately surrounding existing structures), provided the clearing occurred prior to [effective date of this provision] or (ii) lower than 4-1/2 feet and that have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground, or (iii) that have minimum 16" x 16" gaps.

27.5.6.4 Alternative Energy. Any alternative and renewable energy installations.

27.5.6.5 Low Impact Clearing, Thinning, Grading, and Excavation. Low impact means less than 1/2 acre.

27.5.6.6 Documentation of No Undue Adverse Effect. Other activities not listed here may be exempted from these standards if a Habitat Disturbance Assessment in conformance to WDB 27.5.7 indicates that the proposed site work, new structures, or impervious surfaces will, because of mitigating factors, not result in undue adverse impact on the significant wildlife habitat area.

27.5.7 Review Procedures.

27.5.7.1 Who determines if my project will impact a SWHA? All development located within the SWHA, which is not exempted by section 27.5.6 or WDB Chapter 4, will require a Habitat Disturbance Assessment (HDA) to be prepared by a qualified wildlife biologist or other professional contracted by the town prior to Discretionary Permit or Administrative Permit review.

27.5.7.2 Who pays for the preparation of the HDA and how much does it cost? The applicant pays the town a fee to cover the cost for preparation of the HDA. A copy of the current fee schedule is available from the Administrator or on-line at the town's website.

27.5.7.3 When does the HDA have to be done? Discretionary Permit applications and Administrative Permit applications shall not be considered complete until the HDA has been submitted along with other required application materials. Applicants for discretionary

permits should remember to factor this into their development program. Waiting to complete the HDA until you are ready to file may result in delays to your application being heard by the DRB and may affect the development's site plan. Applicants are encouraged to contact town staff to contract preparation of the HDA well before filing their application.

27.5.7.4 What must be included in a Habitat Disturbance Assessment? The Williston Conservation Commission shall review each HDA and make recommendations to the DRB or Administrator. Unless waived by the DRB or the Administrator, the HDA shall include the following:

- ***Habitat Inventory:*** An inventory of existing (pre-development) wildlife habitat found on the parcel of land where the development is proposed, including the presence of significant wildlife habitat, the specific types of habitat found on the parcel and their relative importance to the various wildlife species that rely on that habitat for one or more life-cycle function;

- ***Habitat Assessment:*** An assessment of the relationship of the habitat found on the on the parcel of land where the development is proposed relative to other significant wildlife habitat present in the town (e.g., does habitat found on the parcel provide for connectivity between core habitat blocks; is the parcel located contiguous to other significant wildlife habitat, or part of a core habitat block);

- ***Site Design:*** Identification of the distance of all proposed development activities, including designated homesites and associated clearing, driveways and infrastructure (e.g., septic systems) and areas of disturbance, from the significant habitat and, if significant habitat is proposed to be disturbed, the total area of disturbance and the total area of the remaining (undisturbed) habitat;

- ***Impact Assessment:*** An assessment of the likely impact of the proposed development, including associated activities (e.g., introduction of domestic pets, operation of vehicles and equipment, exterior lighting, introduction of non-native species for landscaping) on the ecological function of the significant wildlife habitat found on the site. This shall include an assessment of whether travel between areas of core habitat will be disrupted; and

- ***Recommendations:*** Specific measures that would avoid or minimize the proposed development's impact on the habitat, including alternative site designs considered for the project, alternative locations for the development on the parcel, and possible mitigation.

27.5.8 SWHA General Standards. All development within SWHAs shall be designed to:

27.5.8.1 Minimize the fragmentation of forest cover and other relevant habitat characteristics. All development in SWHAs shall be designed so that lots and building sites are located to avoid, to the greatest extent practicable given site conditions and development options on the site, impacts to significant wildlife habitat. Therefore, if a site on a parcel is capable of meeting all the standards of this section, then that site will be given precedence over other sites that do not conform.

27.5.8.2 Cluster development. Lots and building sites should be clustered to minimize impacts to, and avoid encroachment and associated fragmentation of, SWHAs.

27.5.9 Core Habitat Standards. All development within an area identified as Core Habitat shall be designed to:

27.5.9.1 Minimize the encroachment of development into core habitat. Site disturbances, the placement of buildings, and the extension of roads, driveways and utilities shall be located as close to existing roads as is practical, given development options for the site, to avoid encroachment into core habitat.

27.5.10 Habitat Connectivity Corridor Standards. All development within an area identified as a Habitat Connectivity Corridor shall be designed to:

27.5.10.1 Minimize disruption and fragmentation of the identified corridor. Ensure that the development will not prevent the continued use by wildlife species identified as being dependent on the corridor (bobcat, fisher, mink, four-toed salamander, wood frog, smooth green snake, and wood turtle) to travel between areas of core habitat.

27.5.10.2 Avoid Barriers. Avoid any placement of fences, walls, or substantial changes in grade that would disrupt the movement of wildlife within the corridor.

27.5.10.3 Mitigate impacts. If the requirements of 27.5.10.1 cannot be met, then the applicant shall mitigate impacts by restoring or enhancing woody vegetation cover in portions of the mapped corridor that have been previously disturbed by clearing or similar disturbance. Restoration and enhancement proposals must be approved by the Administrator, and the restored or enhanced acreage must be included in a designated open space area as described in 27.4.3.

27.6 Uncommon, Rare, Threatened, and Endangered Species (URTES) and Communities

27.6.1 What are Uncommon Species? These vulnerable species are at moderate risk of extinction\extirpation due to restricted range, relatively few populations or occurrences (often 80 or fewer), recent and widespread declines, or other factors.

27.6.2 What are Rare Species? These imperiled species are at high risk of extinction or extirpation due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors. Rare species face threats from development of their habitat, harassment, collection, and suppression of natural processes, such as fire.

27.6.3 What are Threatened, and Endangered Species? Endangered and threatened species are defined by both state and federal law. State law defines endangered species as a species listed on the state endangered species list under 10 V.S.A. Chapter 123 section 5401 or determined to be an endangered species under the federal Endangered Species Act. The term generally refers to species whose continued existence as a viable component of the state's wild fauna or flora is in jeopardy. Threatened species are defined in 10 V.S.A. Chap. 123 section 5402 as a species whose numbers are significantly declining because of loss of habitat or human disturbance, and unless protected will become an endangered species.

27.6.4 Are URTES located on my property? Known locations of URTES are shown on the official

map titled "*Uncommon, Rare, Threatened, and Endangered Species and Communities*," which is available for review at the Williston Planning and Zoning Office. The location of URTES may also be identified by the Vermont Fish and Wildlife Department or through site investigation.

27.6.5 What is the purpose of protecting URTES? These standards are designed to maintain, restore, provide stewardship for, and conserve habitats and natural communities that support URTES.

27.6.6 Review Procedures

27.6.6.1 Who determines if my project will impact a URTES? All development located within a designated URTES habitat and which is not exempted by WDB Chapter 4 will require a written opinion issued by the Vermont Fish and Wildlife Department (VFWD) confirming the presence or absence of URTES. The applicant must provide the VFWD with a map and site plan showing the location of the URTES in relation to the proposed development.

27.6.6.2 What if a URTES is present? If a URTES is present, the applicant must obtain a written opinion from the VFWD indicating what measures must be taken to assure that the proposed development will not result in undue adverse impact the URTES. Recommendations from the VFWD may require additional work from the applicant. The presence of an Endangered or Threatened species may require an Endangered and Threatened Species Permit from the State of Vermont.

27.7 Unique Natural Communities (UNC)

27.7.1 What are Unique Natural Communities? These communities are composed of a unique natural assembly of physical and biological conditions that occur together to form a functionally distinct portion of the landscape. These special features could include bogs, cliffs, vernal pools, or special kinds of forest.

27.7.2 What are the boundaries of Unique Natural Communities? The boundaries of Unique Natural Communities are shown on the official map titled "*Unique Natural Communities*," which is available for review at the Williston Planning and Zoning Office.

27.7.3 What is the purpose of protecting Unique Natural Communities? The purpose is to protect unique natural communities that enhance the diversity and beauty of Williston's landscape.

27.7.4 Review Requirements

27.7.4.1 Who determines if my project will impact a Unique Natural Community? Many of Williston's UNCs have been inventoried by the town and so the significant resources have been documented. For all development proposed within the UNC and which is not exempted by WDB Chapter 4, the impact to the UNC shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission who will identify the significant resources in the targeted UNC and make recommendations to assure that the proposed development will not conflict with the UNCs special features. The significant resources in each UNC are provided in the table 27.A below:

Table 27.A

Unique Natural Community	Significant Resources to Protect
Bur Oak Knoll	uncommon Bur Oak natural community
Johnson Falls	wildlife habitat, water quality
Gramma Ridge	forested uplands, vernal pools, wildlife habitat
Glacial Spillway	wildlife habitat, water quality
Brownell Mountain	forested uplands, wildlife habitat
Mud Pond	wildlife habitat, water quality, forested uplands
Lower Allen Brook Watershed	water quality, riparian forests, wildlife habitat
Winooski River Floodplain	water quality, riparian forests, wildlife habitat
Red Maple/Blueberry Swamp	wildlife habitat, water quality
Allen Brook Tributary Confluence	wildlife habitat, water quality
Hemlock woodland/wetland	wildlife habitat, water quality
Upper Lake Iroquois Watershed	wildlife habitat, water quality
Former Burnett Property	forested uplands, wildlife habitat

27.8 Farmlands of Local Importance.

27.8.1 What are Farmlands of Local Importance? Farmlands of Local Importance are classified by the Land Evaluation/Site Assessment (LESA) system. All properties that received a LESA Farmland Score are Farmlands of Local Importance. The LESA system is a framework for combining multiple factors into an integrated assessment of the importance of a particular site for continued agricultural use. Such factors as soil quality, agricultural productivity, development pressure, and measures of other public values are combined into a single score that allows the town to identify and protect important agricultural land and plan growth accordingly.

> The State of Vermont uses a definition of agricultural lands that is based solely in the important farmlands definitions adopted by the Natural Resources Conservation Service (see 10 V.SA. § 6001(15)). Those definitions, which include "prime farmland" and "farmlands of statewide importance," reflect the inherent characteristics and management of a parcel, but ignore its context. Their use in Williston has been counterproductive, making it more difficult to promote a compact pattern of development because the state is "protecting" isolated parcels of productive soils that are surrounded by development and urban infrastructure. Williston focuses its farmland protection efforts on working farms (which may include soils that are not as productive) rather than on soil bodies.

27.8.2 Is my property considered a Farmland of Local Importance? Farmlands of Local Importance are shown on the official map titled "*1988 LESA Farmland*," which is available for review at the Williston Planning and Zoning Office.

27.8.3 What is the purpose of protecting important farmlands? Williston has lost a sizeable area of productive farmland to development. The purpose is to preserve to the greatest extent practicable the working landscapes support locally grown products and that many residents and visitors see as the classic image of Vermont.

27.8.4 What uses are exempted from these standards? Site work, structures, and/or impervious surfaces shall not encroach upon designated Farmlands of Local Importance except:

27.8.4.1 Growth Center. All lands that are included in Williston's designated growth

center.

27.8.4.2 Residential Improvements. All residential improvements listed in WDB Chapter 20.

27.8.5 Review Procedures.

27.8.5.1 Who determines if my project will impact a Farmland of Local Importance? For all development proposed within a Farmland of Local Importance and which is not exempted by section 27.8.4 or WDB Chapter 4, the impact to the farmland shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission.

27.8.6 Farmland of Local Importance Protection Standards

27.8.6.1 Minimize the encroachment of development into Farmlands of Local Importance. Site disturbances, the placement of buildings, and the extension of roads, driveways and utilities shall be located as close to existing roads as is practical, given development options for the site, to avoid encroachment into the important farmland. Development should be situated on the least productive soils.

27.8.6.2 Cluster development. Lots and building sites should be clustered to minimize impacts to, and avoid encroachment and associated fragmentation of, important farmlands.

27.9 Scenic Viewshed

27.9.1 What is a Scenic Viewshed? Williston's scenic viewshed includes the open fields and meadows, wooded slopes and ridgelines, and scenic viewpoints that make up the visual character of the town. Each viewshed category is described below. These categories are further broken down into "primary" and "secondary" designations. Places where different components overlap are judged to be more significant.

- ***Vantage Point.*** It is via accessible vantage points that a typical citizen "takes in" visual information about the landscape. For most people, these vantage points are found largely along the public roads daily travelled. Vantage points are public viewing points from roads and other places throughout town that provide access to views of high quality. The lands comprising these views have been analyzed and evaluated with respect to four major components, foreground, middleground, background and focal points.

- ***Foreground.*** These lands, generally consisting of cleared land adjacent to public roads, serve essentially as the community's "window" into the landscape. Since they provide access to the rest of the landscape they are the most important component of a scenic landscape (without them even the best middleground or background is lost to the viewer). They are most effective when they are framed by a woodland or hedgerow edge that creates a distinct first layer of a multi-layered view. In certain high quality short-range views, they can also consist of wooded land. Yet, because they tend to be visually uncluttered, prominent and easily accessed, they also are highly vulnerable to degradation by development.

- ***Middleground.*** These lands are generally a more complex composition of layered wooded and open lands and man-made features. Because of their inherent complexity they are able to absorb only limited and well-sited development without damaging their basic character. Middlegrounds often are important in the visual transition between foreground and background.

- ***Background.*** These lands now predominantly consist of forested hillsides that rise up behind the middleground. To the east and west the far horizon lines are the Green Mountains and the Adirondacks, seen from many vantage points in the town. With discretionary clearing of building sites, hillsides below the horizon may sometimes absorb a limited amount of development (soils and slopes permitting) without significant intrusion. At other times any development irrevocably compromises the view. The horizon line itself, due to its highly contrasted nature, is very sensitive to intrusion by man-made development. Publicly acceptable encroachments are generally limited to certain public structures such as church steeples and the rooflines of government buildings or the collective composition of a settlement.

- ***Focal Points.*** Most high-quality views feature some kind of accent or focal point within the composition. The focal point draws the eye. These are typically provided by prominent man-made features such as farmstead clusters or church steeples or unique natural features such as rock outcroppings, great trees, or mountain peaks. Because the strength of focal points lie in their contrast to the surrounding landscape, they need to be protected from competing elements (i.e., adjacent buildings or trees should not obliterate a village church steeple).

27.9.2 What are the boundaries of the Scenic Viewshed? The boundaries of the Scenic Viewshed are shown on the official map titled "*Visual Assessment*," which is available for review at the Williston Planning and Zoning Office.

27.9.3 What is the purpose of protecting the Scenic Viewshed? The purpose is to maintain the visual character of Williston.

27.9.4 What uses are exempted from these standards? Site work, structures, and/or impervious surfaces shall not encroach upon the designated Scenic Viewshed except:

27.9.4.1 Growth Center. All lands that are included in Williston's designated growth center.

27.9.4.2 Residential Improvements. All residential improvements listed in WDB Chapter 20.

27.9.5 Review Requirements

27.9.5.1 Who determines if my project will impact a Scenic Viewshed? For all development proposed within a Scenic Viewshed and which is not exempted by section 27.9.4 or WDB Chapter 4, the impact to the viewshed shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission.

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.

Where's the use table? No use table is provided for this zoning district. The only uses allowed in the RZD are listed in WDB 39.1.3 above.

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 (±10°). Pedestrian ways may also run parallel to and within a required setback. Outdoor storage may also be permitted. See WDB 20.12 re outdoor storage in side and rear setbacks.

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

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

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

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

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

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

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

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

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

39.8 Open Space Development

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

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

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

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

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

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

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

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

39.8.2.6 Minimizing Visual Impacts. People should expect to have views that include residential neighborhoods in the RZD, but the DRB may, with the advice of the Conservation Commission, require any of the mitigating measures listed in WDB 31.9.7 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 unit per acre.

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

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

39.8.3 Must the protected open space be contiguous? The protected open space on a site should be contiguous wherever possible. It is acknowledged, however that complete contiguity may not be possible on every site in the RZD. Applicants will work with the Conservation Commission and

DRB to maximize the contiguity of protected open spaces, while still attaining the permitted number of dwellings.

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

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

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

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

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

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

39.9 Pedestrian-Friendly Development

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

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

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

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

39.9.2.3 Connectivity. As required, by WDB 13.7, connectivity shall be maximized within and between residential neighborhoods. This does not preclude the use of 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 46
Definitions

This chapter defines important terms used in this bylaw. It also presents a table of abbreviations and acronyms that are used in this bylaw.

46.1 Abbreviations. Abbreviations and acronyms used in this bylaw are defined in Table 46.A.

Table 46.A – Abbreviations & Acronyms

AICP	American Institute of Certified Planners
ARZD	Agricultural/Rural Residential Zoning District
BPZD	Business Park Zoning District
CO	Certificate of Occupancy
COA	Certificate of Appropriateness
TCO	Temporary Certificate of Occupancy
dbh	diameter, at breast height
DRB	Development Review Board
DUe	Dwelling Unit Equivalent
DPW	Department of Public Works
FBC	Form-Based Code
GZDN	Gateway Zoning District North
GZDS	Gateway Zoning District South
HAAC	Historic and Architectural Advisory Committee
IZDE	Industrial Zoning District East
IZDW	Industrial Zoning District West
MUCZD	Mixed Use Commercial Zoning District
MURZD	Mixed Use Residential Zoning District
NAICS	North American Industrial Classification System
RZD	Residential Zoning District
SF	square feet
SFHA	Special Flood Hazard Area
TCZD	Taft Corners Zoning District
VSA	*Vermont Statutes, Annotated*
VZD	Village Zoning District
WDB	*Williston Development Bylaw*

46.2 Use of the Definitions

46.2.1 Are there rules of construction for the terms used in this bylaw? Yes. Unless it is otherwise clearly indicated by the context, the singular of any term defined here includes the plural and vice versa.

46.2.2 What if I disagree with the Administrator's use of a definition? Definitions may become controversial. Williston has, for example, had a dispute about what is "customarily accessory" to a golf course. The Administrator's application of any of the definitions adopted here may be appealed to the DRB using the appeal procedure established in Chapter 5 of this bylaw.

46.3 Definitions A-D

46.3.1 Absorption. See 'Visual Absorption" at WDB 46.8.4.

46.3.2 Accepted Agricultural Practices are defined by the Vermont Agency of Agriculture Food and Markets as including, but not limited to: (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) the on-site storage, preparation and sale of agricultural products principally produced on the farm; and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.

46.3.3 Accessory structures and uses are found in association with the principal use of a lot, which they support in some way. A detached garage is a typical example of an accessory structure. The incidental sale of local craft items at a bed-and-breakfast is a typical example of an accessory use. Chapter 17 of this bylaw provides standards that help define common nonresidential accessory structures and uses. Chapter 20 provides standards that help define common residential accessory structures and uses.

46.3.4 Accessory Dwelling. An 'accessory dwelling' is an independent efficiency or one- or two-bedroom dwelling that is located within or appurtenant to and on the same lot as an owner-occupied single-household dwelling and that complies with the standards of WDB 20.1.

46.3.5 Acre. One acre equals 43,560 square feet.

46.3.6 Addition. An 'addition' is new space added to an existing building. Making an addition may involve remodeling or repair, but these terms have different specific meanings.

46.3.7 Adjoining. An 'adjoining' property is one that is directly contiguous to a property on which development review is required, or one that is separated from that property only by a public or utility right-of-way, or by a stream.

46.3.8 Administrative Permit. An administrative permit is required for all development 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.**

46.3.9 Affordable Housing consists of dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than

100% of the median household income for The Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development, household without spending more than thirty (30) percent of their incomes on housing costs. Under the provisions of Chapter 11, an applicant may also commit to providing dwellings that to be rented or acquired by households having incomes of no more than 80% of the median household income for The Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development without spending more than thirty (30) percent of their incomes on housing costs.

Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, homeowner's association fees, and property insurance. To qualify as 'affordable,' the future rent or price of resell of a unit must be perpetually restricted to the same affordability standards discussed in this definition at the time of sale or rent. The enforcement of this price limitation must be established by agreement with a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610.

46.3.10 Agriculture consists of the "accepted agricultural practices" listed by the State of Vermont. See WDB 46.3.2. Agriculture is NAICS Code 11.

46.3.11 Allocation. An 'allocation' is the right to build one or more dwelling units within the residential growth target set by the *Town Plan* (see Chapter 5) and the growth management review system established by Chapter 11 of this bylaw.

46.3.12 Applicant. The applicant for a permit is, by definition, the owner or owners of the property on which the development is proposed. Owners need not appear in the proceedings required by this bylaw. They may appoint representatives, but the owner or owners must sign the required application form.

46.3.13 Arterial Road. The arterial roads in Williston are identified in Chapter 6 of the *Town Plan*.

46.3.14 At-Home Child Care as a Home Business. A family childcare home is a facility that provides childcare (see WDB 46.3.24) on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, no more than six children may be provided care on a full-time basis. The remainder must be school-age children who are cared for on a part-time basis only. These limits do not include children who reside in the residence of the caregiver. Also, the part-time school-age children may be cared for on a full-day basis on school closing days, snow days, vacation days during the school year, and during the school summer vacation. This limit is expanded to 12 children if at least six of them are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six.

46.3.15 Banner. Banners are signs whose message is painted or printed on a flexible material. They are regulated as freestanding, suspended, or wall signs depending on how they are used.

46.3.16 Base Flood. For the purposes of Chapter 28 of this bylaw, the 'base flood' is the flood having a one percent chance of being equaled or exceeded in any given year. The ***base flood elevation (BFE)*** is the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

46.3.17 Basement. For the purposes of Chapter 28 of this bylaw, a 'basement' is any area of a building having its floor elevation subgrade (below ground level) on all sides.

46.3.18 Bedroom. A 'bedroom' is a room of 80 or more SF (excluding the closet), with minimum dimensions of eight (8) and 10 feet, a window, a closet, and a door, and that is not fitted out as a bathroom, laundry or mechanical room, or as a kitchen. A room does not have to be used as a bedroom to be considered a bedroom for the purposes of determining how much wastewater treatment capacity is needed.

46.3.19 Boundary Adjustment. A 'boundary adjustment' is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

46.3.20 Building. A 'building' is a structure that is permanently tied to the ground by footings or a foundation and that has a roof.

46.3.21 Building Bulk. See 'Building Mass" at WDB 46.3.23. These terms are synonymous for the purposes of this bylaw.

46.3.22 Building Envelope. A 'building envelope' is the space on a lot within which development may occur. All development, including land clearing, but with the exception of driveways and utility lines that serve development within the building envelope, is confined to the building envelope. Where they are required by this bylaw, building envelopes will be shown on approved plans and marked on the lot by permanent survey monuments.

46.3.23 Building Height is the vertical distance measured from the average elevation of the finished grade immediately adjacent to the building to the highest point of the roof. The height of antennae, wind turbines with blades less than 20 feet in diameter, and rooftop solar collectors that rise less than 10 feet above the roofline is not included in 'building height.' Those structures may be regulated by this bylaw, but they are not counted when calculating building height.

46.3.24 Building Mass is the perceived scale of a building or a group of buildings, considered in three dimensions (height, depth, and width), and as seen from a given perspective. Building mass includes the entire area within a building or group of buildings that is above grade. Building mass cannot be readily quantified, but it has important physical and visual impacts that can be mitigated using standards like those adopted wherever this bylaw addresses 'building bulk' (which is synonymous) or mass.

46.3.25 Cannabis. Cannabis and "Cannabis Products" are defined in 7 V.S.A. §863(2) and this bylaw uses the same definition.

46.3.26 Certificate of Conformity. A Certificate of Conformity is the permit required in the Taft Corners Form-Based Code Overlay District for all development that is not specifically exempted by WDB 4.2.1. Applications for Certificate of Conformity are reviewed and approved or denied by the Administrator following the procedures of Appendix F, Section 8 of this bylaw.

46.3.27 Certificate of Occupancy. A certificate is required upon the completion, inspection, and acceptance of required improvements and/or when any new structure is connected to town utilities. The certificate usually correlates to an administrative permit or Certificate of Conformity for a development or phase of development. Formerly known as "Certificate of Compliance." This document is issued by the Zoning Administrator at the completion of a development testifying to that development's compliance with the permit upon which it was approved.

46.3.28 Change in Use. 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 NAICS category as the old use.

46.3.29 Child Care is occurring at any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than the children's own parents, guardians, or relatives. Child Care is NAICS Code 6244. This bylaw recognizes two types of child day care facilities: 1) at-home childcare business, which are further defined in WDB 46.4.1 and 2) all other childcare facilities. While childcare is permitted in most zoning districts in Williston, this distinction is important because at-home childcare is a statutory use-by-right wherever dwellings are permitted, while all other childcare facilities require a discretionary permit.

46.3.30 Clearing is the cutting and/or removal of vegetation by chemical, mechanical, or any other means that results in the exposure of bare rock or soil.

46.3.31 Cluster. A cluster is a group of lots in an open space development. If large enough, open space developments may include more than one cluster.

46.3.32 Collector Road. The collector roads in Williston are identified in Chapter 6 of the *Town Plan*.

46.3.33 Commercial is the generic term this bylaw uses to refer to the conduct of business, including, but not limited to, retail sales and the provision of services. By itself, however, this term tells one nothing about what uses either or are not permitted in a given zoning district. Please refer to the table of uses allowed in the relevant zoning district to determine whether a particular commercial use may be permitted.

46.3.34 Community Sewerage. A 'community sewerage' system is an on-site wastewater treatment system that is installed by the developer to serve a cluster of homes in an open space or "invisible" development permitted by Chapter 31 of this bylaw. Following its installation and the required warranty period, a community sewerage system is owned and operated by an owners' association. Community sewerage systems must be sited, designed, constructed, and maintained in compliance with a permit issued by the Vermont Department of Environmental Conservation, as well as in compliance with this bylaw.

46.3.35 Complete Application. A 'complete' application is one that has been accepted as such by the Administrator, as provided by WDB 5.1.6 or 6.4.6.

46.3.36 Completed. A 'completed' development is one for which a certificate of occupancy (CC) has been issued, as provided by WDB 7.2, or where a CO is not required, one on which all work has been completed, as permitted.

46.3.37 Country parks are delineated in 2016-2024 Comprehensive Plan Chapter 9 – Recreation and Park Resources

46.3.38 Conservation areas are described in WDB Chapter 27 and include: 1) significant wildlife habitat areas; 2) areas containing uncommon, rare, threatened, or endangered species; 3) unique natural communities; 4) farmlands of local importance, 5) scenic viewsheds, 6) special flood hazard areas (see WDB Chapter 28), and 7) streams, wetlands, lakes, and ponds (see WDB Chapter 29).

46.3.39 Cumulative Substantial Improvement. This term means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure, during any five (5) year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the state or local code enforcement official and which are the minimum necessary to ensure safe conditions.

46.3.40 Customary. This adjective applies to accessory structures and uses that are typically or commonly found in association with or appurtenant to a principal use. Where there is some question about whether a proposed accessory use is 'customary,' the burden of proof rests with the applicant, who must provide documentation that the proposed accessory use is, in fact, found appurtenant to the principal use in multiple other locations in Vermont or, where the principal use is unique (or nearly so) in Vermont, in multiple other locations in New England.

46.3.41 Days. For the purposes of this bylaw, 'days' refers to calendar days unless it is preceded by 'working,' in which case it refers to the regular business days of the Town of Williston.

46.3.42 Degree of Nonconformity. The 'degree of nonconformity' is the extent to which a use is nonconforming. For example, the degree of nonconformity of a sign that is 20 feet high instead of the permitted 12 feet, is eight (8) feet.

46.3.43 Density is the general term used to describe how intensively a parcel of land is, or may be, used. See Chapter 19 of this bylaw for an explanation of how density is calculated and regulated.

46.3.44 Development. 24 V.S.A. § 4293(10) and WDB 4.1.2 define "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. For the purposes of Chapter 28 of this bylaw, the definition of 'development' is expanded to cover any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Still have a question about the definition of development? WDB 4.1.3-6 answer some specific 'is _____ development?' questions.

46.3.45 Dimensional Standard. A dimensional standard controls the location of a structure or use on a lot and/or the dimensions of a structure. These standards include, but are not limited to, buffers, setbacks, coverage, and clear vision triangles.

46.3.46 Directional Sign. Directional signs may be of any permitted type. They convey directions (RESTROOMS →), regulations (NO PARKING), and similar information.

46.3.47 Directory Sign. Directory signs are used when more than one business shares a site or structure. A directory sign may be of any of the sign types allowed in the zoning district in which it is located.

46.3.48 Discretionary Permit. Discretionary permits are required for the developments listed in WDB 4.3.3 and 4.3.4: basically, all developments that may have a significant impact on the environment, the Town's infrastructure, or neighboring uses. 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.

46.3.49 Disturbance, or 'land disturbance,' includes all clearing, grading, and excavation. ***Disturbed areas*** include all staging areas, materials stockpiles, and other areas affected by construction and use of the site.

46.3.50 Dwelling. A 'dwelling' or dwelling unit is a building (typically a single-family home) or a separate space within a larger building (typically an apartment, town home, or the like) that contains complete housekeeping facilities for one household. A dwelling shall contain at least 300 SF of usable space. Hallways and stairwells are not counted towards usable space. Living areas, excluding bathrooms, shall have no dimension smaller than 8 feet. Housekeeping facilities must be self-contained within the unit (for example, the kitchen or bathroom cannot be located across a common hallway or shared amongst units). Dwelling units shall contain regular room shapes and floor plan layout (for example, demising walls should not render a window non-functional, or the primary entrance or bedroom entrance should not be through a bathroom or closet).

46.4 Definitions: E-H

46.4.1 Emergency Shelter is any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

46.4.2 Farming is the conduct of agriculture. See WDB 46.3.2.

46.4.3 Farm Structure. A 'farm structure' that is exempt from the requirements of this bylaw (see WDB 4.2.1.2) is any structure on a farm, including fences, which will be used to house livestock, to raise plants, or to carry out other accepted agricultural practices. Dwellings are not farm structures nor are commercial or industrial structures that are proposed on a farm.

46.4.4 Fiscal Year. July 1 through June 30.

46.4.5 Flood means (a) a general and temporary condition of partial or complete inundation of normally dry land from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding

and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

46.4.6 Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to that community.

46.4.7 Flood Insurance Study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

46.4.8 Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flood").

46.4.9 Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

46.4.10 Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

46.4.11 Floor Area includes the entire building, all floors and all rooms. Different measures are used for different purposes by others involved in real estate, but for the purpose of this bylaw it is Gross Floor Area.

46.4.12 Focal Point. A focal point serves as a community gathering place. It may be indoors – Town Hall or the library would be examples – or outdoors, in the form of a green, a park or a similar space.

46.4.13 Forest. A 'forest' is a plant community dominated by trees, which has a canopy cover of ≥60% at the peak of the growing season

46.4.14 Freestanding Sign. Freestanding signs are placed or posted on their own structures. They are not attached to a building or any other structure and may be portable. Different types of freestanding signs may be described in different ways, such as ground signs, monument signs, pole signs, portable signs, etc., but they are all subject to the same standards, except where this bylaw explicitly provides otherwise.

46.4.15 Garage. A garage is a building or a part of a building that houses, or at least is designed to house, one or more motor vehicles, watercraft, snow machines, farm implements, or other vehicles.

46.4.16 Growth Target. The 'growth target is the total number of new dwelling units that may be approved by the Town of Williston for construction in any given fiscal year. The growth target is established in Chapter 5 of the *Town Plan* and Chapter 11 of this bylaw.

46.4.17 Hazardous Tree refers to a tree that possesses a *structural defect* which poses an imminent risk if the tree or part of the tree would fall on a *target*.

- Structural defect means any structural weakness or deformity of a tree or its parts. A tree with a structural defect can be verified to be hazardous by the Administrator. A recommendation from the County Forester may be required at the Administrators discretion. If the tree has been determined to be hazardous, removal of the tree is permitted by WDB Chapter 29.9.5.1.

- A 'target' means a structure of an approved use. A tree may not be a hazard if a 'target' is absent within the falling distance of the tree or its parts (e.g., a substandard tree in an area away from approved structures may not be considered a hazard).

46.4.18 Historic Structure means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

46.4.19 Home Business. A 'home business' is an industrial or commercial activity that is conducted in a dwelling or in an accessory structure that is appurtenant to a dwelling, and that complies with the standards of Appendix G of this bylaw. See 46.4.1 for childcare as a home business.

46.4.20 Homestead. For the purposes of WDB 12.1.3.3, a homestead is an area that is part of, but distinguished from a larger parcel of land by the presence of a home and related improvements.

46.5 Definitions: I-L

46.5.1 Land Development. See definition under ***46.3.41 Development.***

46.5.2 Licensed Designer. A 'licensed designer' is a person authorized by the Vermont Department of Environmental Conservation to design wastewater disposal systems.

46.5.3 Local. A 'local' product is one that is grown or crafted in Vermont or the adjoining portions of the Champlain Basin.

46.5.5 Lot Frontage is the length, given in feet, of that portion of a lot that is directly adjacent to a road (public or private).

46.5.6 Lowest Floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

46.6 Definitions: M-P

46.6.1 Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

46.6.2 Marginally Suitable. This term refers to soils that have been designated as marginally suitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

46.6.3 Natural Function. This bylaw uses this term to indicate the state to which a disturbed area must be restored or reclaimed. The 'natural function' of a disturbed area is not its pre-existing condition, which may be difficult or even undesirable (if noxious weeds are present, for example) to restore. Requiring the site to be restored to its 'natural function,' requires that a wetland be restored as a functional wetland, that a woodland be restored as a functional woodland, a field or meadow be restored as a field or meadow, etc.

46.6.4 New Construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

46.6.5 Nonconforming Lots or Parcels are lots or parcels that do not conform to the dimensional standards of the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a lot or parcel improperly authorized as a result of error by the administrator.

46.6.6 Nonconforming Structures are structures or parts of structures that do not conform to the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a structure improperly authorized as a result of error by the administrator.

46.6.7 Nonconforming Uses are uses of land that do not conform to the current bylaws, but did conform to all applicable regulations prior to the enactment of the current bylaws, including a use improperly authorized as a result of error by the administrator.

46.6.8 Nonconformity. This generic term includes nonconforming uses, structures and, lots.

46.6.9 Official Map. The legally adopted Official Map of the Town of Williston pursuant to subsection 3 of section 4401 Title 24 VSA Chapter 117, as amended.

46.6.10 Outdoor Sales includes the outdoor (not under a roof and within at least three walls) display of merchandise or any other item or service for sale. Typical 'outdoor sales' include automobiles and other vehicles and nursery plants and other landscaping materials.

46.6.11 Outdoor Storage is the outdoor (not under a roof and within at least three walls) placement, stacking, or stockpiling of materials. Outdoor storage ranges from firewood stacked on residential premises to the stockpiling of gravel, sand, and other quarry products.

46.6.12 Owners Association. An owners' association is a nonprofit organization established by a developer to fulfill certain functions that are specified in its articles of incorporation and a set of covenants, including functions required of such associations by the town. Where one is required, continuing membership in the homeowners association is mandatory upon purchase of a lot in the subdivision.

46.6.13 Owner-Occupied. To be 'owner-occupied,' a dwelling must be the principal residence of at least one of the owners listed on the current grand list.

46.6.14 Play Structure. A 'play structure' is designed for children's play. It is distinguished from play equipment by having footings or some other type of foundation. Play equipment is not a building or structure for which a permit is required this bylaw. A permit is required to install most play structures.

46.6.15 Portable Signs, such as sandwich board signs, are designed for easy placement, but given their usual use, they are considered permanent and included in the total sign number and area permitted by this bylaw.

46.6.16 Projecting Sign. A projecting sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides.

46.6.17 Public Way. A 'public way' is any public road or trail.

***46.6.18 Public Works Standards*.** This book of standards and specifications may be obtained from Williston's Department of Public Works.

46.7 Definitions: Q-T

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

46.7.2 Scoreboard. A scoreboard is a structure on the same lot as and appurtenant to an athletic field on which the score and other information regarding the progress of a game being played is electronically or manually displayed. A scoreboard the complies with the standards WDB 17.7 is not a sign.

46.7.3 Screening. This bylaw sometimes requires that development be effectively screened from view from public ways. This does not mean that the development has to be completely invisible: brief views of a part of a structure through the branches of screening vegetation or a break in screening terrain are acceptable.

46.7.4 Setback. 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 four (4) feet toward the property line.

46.7.5 Shed. This term includes all roofed accessory structures, including tool sheds, greenhouses, etc., except detached garages and accessory dwellings, which are separately defined.

46.7.6 Special Flood Hazard Area is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

46.7.7 Start of Construction includes substantial improvement, and means the date the administrative permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

46.7.8 Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) a manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and bylaws. For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

46.7.9 Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

46.7.10 Subdivision. A 'subdivision' is land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, sites, plots, units, or interests for the purpose of conveyance, transfer, offer for sale, lease, or development.

46.7.11 Suspended Sign. A suspended sign is hung under the ceiling of an arcade or other overhanging structure, more or less perpendicular to the building. Its message is intended to be read primarily by people approaching along the arcade.

46.7.12 Swimming Pool. A 'swimming pool' is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

46.7.13 Town. This term refers to the Town of Williston, Vermont unless the context clearly indicates otherwise.

46.7.14 Town Plan. This term refers to the *2016 Williston Comprehensive Plan*, as adopted on August 22, 2017.

46.7.15 Tree. A 'tree; is any self-supporting perennial woody plant that is ordinarily characterized by a single main stem or trunk of at least 6" diameter at breast height (4.5 feet above ground level).

46.8 Definitions: U-X

46.8.1 Unsuitable. As used in this bylaw, this term refers to soils that have been designated as unsuitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

46.8.2 Vested Rights. A 'vested right' is the right for a development to be completed in compliance with the rules that were in effect on the date the application for a permit for that development was deemed complete.

46.8.3 Violation. A 'violation' is the failure of a development to comply with any provision of this bylaw. For the purposes of Chapter 28 of this bylaw, structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

46.8.4 Visual Absorption. These regulations sometimes require visual "absorption." This means that a 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.

46.8.5 Wall Sign. A wall sign is painted on or attached to a wall and runs parallel to that wall. Its message is intended to be read primarily by people facing the building.

46.8.6 Wastewater Treatment Capacity. For a two-bedroom dwelling, this is the capacity to treat 135 gallons of sewage per day. For a three-bedroom dwelling, this is the capacity to treat 230 gallons of sewage per day. For all other uses, 'wastewater treatment capacity' is determined by the DPW.

46.8.7 Window Sign. Window signs are posted within the glass area of a window.

46.8.8 Woodland. A 'woodland' is a plant community dominated by trees, but with an open canopy of 20-60% cover at the height of the growing season.

46.8.9 Working Days refers to the regular business days maintained by the Town of Williston. It excludes weekends and official holidays.

46.9 Definitions: Y-Z

46.9.1 Year. January 1 through December 31. Fiscal years as defined by 46.4.4 are always referred to as such.