

MEMO

TO: Planning Commission, Public
 From: Planning Staff (Matt, Emily, Melinda)
 Date: January 13, 2022

Re: Form-Based Code: Public Hearing for Adoption February 1, 2022
Summary of Changes to the Williston Unified Development Bylaws (WDB) for the purpose of integrating the Form-Based Code

[- Amendments to Existing WDB Chapters](#) (Link to view-only cloud folder, no password)

Overview: Planning staff has prepared this table to demonstrate how the Form-Based Code will integrate into the Williston Unified Development Bylaws (WDB). Greyed out rows mean no changes were made to that chapter.

	Chapter	Proposed Amendments for Form-Based Code
ADMINISTRATION		
1	Authorities, Basic Principles	N/A – statutory authority for municipal zoning remains unchanged
2	Nonconforming Lots, Structures, Uses	Superseded by FBC Section 8 Administration, subsection 9
3	Actors in the Administration of this bylaw	Add reference to Project Review Committee
4	Permit Exemptions	Add reference to “Certificate of Conformity” and Section 8
5	Administrative Permit Procedures	Superseded by permitting process in FBC Section 8. Also, changing final close out certificate name from “Certificate of Compliance” to “Certificate of Occupancy.” This is to avoid confusion with “Certificate of Conformity” and “Zoning Compliance Certification.”
6	Discretionary Permit Procedures	
7	Enforcement, including guarantees that improvements will be made	Applies as written. Change “Certificate of Compliance” to “Certificate of Occupancy” for consistency and avoid confusion.
8	Variances and Amendments	Variances are still applicable as written. Amendments follow same bylaw/statute procedures with additional requirements for amending the regulating plan to ensure character and context of the district is not undermined.
9	Specific Plans	Not allowed in the Overlay District. The provisions of Specific Plan are geared towards large-scale, master planned style of development whereas the Form-Based Code <i>IS</i> the new master plan.
10	Boundary Adjustments	N/A – still applicable in Overlay District as written
11	Growth Management	Projects within the Overlay District, allocation is assigned by the Zoning Administrator with the Certificate of Conformity. ZA can deny allocation if a project fails to meet a minimum score. Projects are still eligible for High-Flyer exemption (incentivizes solar/on-site energy, Stretch Code for building energy efficiency) awarded by DRB.
12	Subdivisions, Final Plans	N/A – same process for subdivision, plats, survey monuments
STANDARDS THAT APPLY TO ALL ZONING DISTRICTS		
13	Access, Connectivity, Traffic Studies	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.
14	Off-Street Parking and Loading	Within Overlay District, superseded by FBC.
15	On-Site Infrastructure	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.
16	Maintenance	
17	Non-Residential Accessory Uses and Structures	
18	Compatibility, Potential Hazards & Nuisances	
19	Density, Transfer of Development Rights (TDR)	Density is not applicable in Overlay District. Density is naturally limited by dimensional standards and requirements of the Form-Based Code. Therefore, TDR is no longer applicable. Without a “bank,” TDR is rare and has only occurred twice where the landowner had properties in both the sending and receiving zones.

20	Residential Improvements	Refer to FBC for new ADU provision in Overlay District
21	Telecommunication Facilities	N/A – still applicable in Overlay District as written
22	Design Review	Superseded by Form-Based Code for the Overlay District. This chapter will remain as-is and apply to portions of the Mixed-Use Commercial District, Gateway South, and other zoning districts outside the Overlay District.
23	Landscaping	Plant Materials (species) and Installation/maintenance standards apply except where there is conflict between bylaw and code, the FBC shall supersede.
24	Outdoor Lighting	Applies. FBC shall prevail where there is conflict between lighting standards and the form-based code.
25	Signs and Public Art	Superseded by FBC within Overlay District.
26	Street Trees	
27	Conservation Areas	N/A
28	Special Flood Hazard Areas	N/A - still applicable in Overlay District as written
29	Watershed Health	TBD. No changes currently proposed. Could amend this chapter to provide flexibility and mitigation options for Class II and III wetlands and buffers in the Overlay District. With the Chapter as-is, only roads and sidewalks can cross wetlands and buffers.
30	Official Zoning Map (and Other Regulatory Maps)	Adopt “Taft Corners Form-Based Code Overlay District” and “Official Map.” Existing zoning districts will remain underneath the overlay district for the purpose of Cannabis Retail allowed/prohibited.
ZONING DISTRICTS		
31	Agricultural/ Rural Residential	N/A – not located in Growth Center or FBC Overlay District
32	Business Park	Fully contained within Form-Based Code Overlay District. Retain district to prohibit cannabis retail
33	Gateway North	N/A – not located in Growth Center or FBC Overlay District
34	Gateway South	Partially contained within Form-Based Code Overlay District. Existing State Police Barracks within Overlay District. Land south of proposed Depot Street, including land south of I-89 Exit 12 (Hurricane Lane) are still subject to standards of WDB 34 and 22.
35	Industrial East	N/A – not located in Growth Center or FBC Overlay District
36	Industrial West	N/A – not located in Growth Center or FBC Overlay District
37	Mixed-Use Commercial	Partially contained within Form-Based Code Overlay District. Properties outside the Overlay District (particularly Home Depot, Walmart, Food Science) will be subject to existing zoning standards of WDB 37 and design review of WDB 22. Retain district to ALLOW cannabis retail as recently adopted.
38	Mixed-Use Residential	Partially contained within Form-Based Code Overlay District. Retain district to prohibit cannabis retail. Residential condos east of Allen Brook and West of Talcott Road (Kirsten Ct, Reed Ct, Seth Cir) are still subject to existing zoning standards of WDB 38.
39	Residential	N/A – portion of RZD in Growth Center is not in FBC Overlay District
40	Gateway West	N/A – not located in Growth Center or FBC Overlay District
41	Taft Corners	Fully contained within Form-Based Code Overlay District. Retain zoning district to prohibit cannabis retail
42	Village	N/A – not located in Growth Center or FBC Overlay District
IMPACT FEES		
43	School Impact Fee	N/A
44	Parks and Recreation Impact Fee	Constructing and dedicating public parks and greens shown on the Regulating Plan Map can be offset against this impact fee
45	Transportation Impact Fees	Constructing streets shown on Regulating Plan and Streets Map can be offset against this impact fee
46	Definitions	Add Certificate of Conformity.
A	Appendices A-J, various	Adopt Form-Based Code as Appendix F (move Noise Ordinance to Appendix E which has been empty since WDB adoption in 2009)