Memorandum

To: Williston Planning Commission
From: Melinda Scott, Senior Planner and Emily Heymann, Senior Planner
Cc: Matt Boulanger, Planning Director
Date: November 15, 2024
Re: **Informational Session to Consider Unified Development Bylaw Amendments**

OVERVIEW
This memo discusses proposed amendments to the Williston Development Bylaw, 1) amendments as required by Act 181 (The BE HOME Act), and 2) changes to development standards in the Village and other "clean-up" items. Staff is proposing these be noticed as separate items by the Planning Commission for a public hearing on a date to be determined.

The purpose of this memo is to provide an overview of the amendments in both proposed tracks so that if it so chooses, the Planning Commission can direct staff to warn the public hearing(s)

1) BE HOME ACT AMENDMENTS:
Act 181, the "BE HOME Act," became law on June 17, 2024. Similar to its predecessor, Act 47 (HOME Act), the BE HOME Act's general goal is to increase the supply of housing in Vermont. This Act made significant changes to Act 250 and 24 V.S.A. §4412, 4413, 4414, and 4428 of Vermont law, under which municipalities are now constrained in the extent to which they can limit residential development, including:

- **Parking:** Municipalities may not require a parking space to be larger than 9' x 18', except for ADA spaces. Municipalities must permit existing nonconforming parking spaces to count towards the number of spaces required for an existing residential building if new residential units are added to the building.
- **Dwelling types:** Municipalities must allow duplexes everywhere that residential uses are allowed, and multiunit dwellings up to 4 units wherever land is zoned for residential use and water and sewer are provided. Dimensional requirements (setbacks, density and lot sizes) for multiunit dwellings up to 4 units must be no more restrictive than dimensional standards for single-unit dwellings. Multiunit dwellings up to 4 units must be allowed on the same size lot as a single unit dwelling.
- **Unrelated occupants:** Bylaw cannot prohibit unrelated persons from residing in the same dwelling unit (WDB currently does not prohibit)
- **Decisions:** A public hearing must be warned within 120 days of receiving a completed application for development.
- **Appeals:** Increased the threshold for appeals from 10 to 20 petitioners in a municipality and disallowed appeals based on character of the area if the project includes affordable housing.
- **Partially Exempted Development:** Added hotels and motels converted to permanently affordable housing.
- **Zoning Bylaw Amendments:** Municipalities are required to amend their bylaws to meet these new limitations on their zoning authority.

These and other provisions of the BE HOME Act became effective upon June 17, 2024 and municipalities must operate as if their zoning has already been modified as described. Developments proposed today

must be reviewed under the Williston Development Bylaw *as if these amendments have already taken place.*

Most of the proposed amendments are designed to meet the minimum requirements of the above new provisions in state law and to add clarity and consistency to the way these new provisions are addressed in the bylaw. Additional amendments are proposed to support goals related to housing and open space, and to correct errors and inconsistencies. Proposed amendments are summarized as follows:

Chapter 1 - Authorities, Purposes, Basic Principles:

- Deleted 1.9 Temporary filing extensions due to COVID 19 pandemic.

Chapter 4 - Permits, Thresholds and Exemptions:

- Changed definition of accessory on-farm business to be consistent with State law. Now includes the sale of agricultural products produced on any farm, not just the farm to which the business is accessory.
- Added to the list of partially exempted development: 1) accessibility modifications and 2) hotels and motels converted to permanently affordable housing.
- Construction of multi-unit dwellings with 4 or fewer units is permitted administratively.

Chapter 6 – Discretionary Permit Procedures:

- Hearing notice required within 120 days of complete application submittal
- Language clarifying what is required for an appeal, including rules about "character of the area" appeals.

Chapter 14 – Off-street Parking and Loading

- Added language about existing nonconforming parking spaces (with respect to dimension) counting towards the required number of spaces for an existing residential building if new residential units are added to the building.
- Changed the minimum required number of parking spaces from 80% of maximum to 75% of maximum, to ensure consistency with State law regarding required minimum parking spaces for residential uses.
- Changed the minimum required parking space dimensions to be consistent with State law.

Chapter 15 – On-Site Infrastructure

- Added text to explain what the Sewer Service Area is.

Chapter 19 – Density/Transfer of Development Rights

- Added definition of household as including related and unrelated persons and adding affirmative statement that the bylaw does not prohibit unrelated persons from occupying the same dwelling.
- Deleted the acreage exceptions for calculating density. Wetlands and steep slopes would no longer be subtracted from total acreage for the purposes of calculating density.
- Density calculations are rounded up, not down, to the nearest whole number. (Under State law, density calculations for affordable housing developments are required to be rounded up)
- Added provisions as required by Act 181 that multiunit dwellings of 4 or fewer units are treated the same as single unit dwellings with respect to density and lot size.
- Clarify that an open space development is recommended, not approved, at pre-application

Chapter 32 – Taft Corners Form Based Code

- Amended parking minimums to be consistent with Act 181

Chapter 39 – Residential Zoning District

- Deleted redundant text explaining density standards and left the reference to Chapter 19 – Density.

VILLAGE (AND OTHER ASSOCIATED) BYLAW AMENDMENTS:

Chapter 4 - Permits, Thresholds and Exemptions:

- Add "entryway accessibility modifications (ex. ramp) to an entryway at a non-residential or mixed-use building" to minor work per 4.4.2.9
- In the VZD, exempt "accessibility accommodations such as a ramp at a residential building, provided that the modification does not compromise or remove character-defining features" from the requirement of a Certificate of Appropriateness

Chapter 13 – Access, Connectivity, Traffic Studies

- In the VZD, allow up to nine (9) dwellings to be served by a private driveway where elsewhere in town only five (5) dwellings are permitted. If proposed, the driveway shall be paved.

Chapter 14 – Off-street Parking and Loading

- In the VZD, the DRB may allow or require the minimum number of spaces necessary for the use and/or feasible for the site to reduce impervious surface and to support the historic village character with customized parking requirements per WDB 14.2 and Table 14.A.
- In the VZD, up to 50% of the off-street parking spaces may be sized and designated for compact cars (compared to 25% in all other district) per 14.2.6
- In the VZD, parking lot pedestrian access standards may be exempted by the DRB for parking lots with 12 or fewer spaces
- In the VZD, bicycle parking serving residential dwellings shall be located to the side or rear per WDB 14.8.3.

Chapter 16 – Maintenance

- Added clarity to the placement and screening of solid waste containers, including their allowed location near a pedestrian way that serves as circulation in an off-street parking lot per WDB 16.7
- In the VZD, add sound mitigation requirements for solid waste containers sized 1-yard or larger

Chapter 19 – Density/Transfer of Development Rights

- In the VZD, clarify that the density metric is not expressed as dwellings per acre for parcels less than 2 acres, and density is limited to 6 dwellings per acre on parcels larger than 6 acres per Table 19.A.
- In the VZD, clarify that the minimum area per dwelling is not applicable in Table 19.A
- In the VZD, minimum lot size for nonresidential uses is not 20,000 SF per WDB 19.3.1, but rather controlled by the dimensional and design standards of Chapter 42

Chapter 20 – Residential Improvements

- Delete the submission requirements for a fence application in VZD because it handled by WDB 42

Chapter 23 – Landscaping

- In the VZD, clarify that additional standards apply in in WDB 42 in the applicability statement per WDB 23.1
- In the VZD, parking lot landscaping threshold for 5% landscaping area and rank length is 12 space, as compared to 24 spaces in other zoning districts per WDB 23.5

Chapter 24 – Outdoor Lighting

- Adopt the color temperature standards of Form-Based Code (2600K to 6100K) to the entire town to prevent outdoor lighting that is too orange/warm or blue/harsh
- Adopt the light fixture illustration from the VZD to illustrate the town-wide standard for full cutoff light fixtures per WDB 24.4.
- Limit mounting height of outdoor light fixtures to 15 feet above finished grade, where before and elsewhere in town the limit was/is 25 feet per WDB 24.6.2.
- In the VZD, clarify that parking lot lighting shall be limited to pedestrian bollard located along the parking lot perimeter and pedestrian pathways, except for partially exempted uses per WDB 24.7.3). (I.E. schools, state or municipal institutions, town library, and churches may continue to use post-mounted fixtures 15 feet tall).
- In the VZD, clarify that façade lighting to accentuate architectural features is prohibited and only allowed where adjacent to a building entry.

Chapter 25 – Signs and Public Art

- Town-wide, master sign plans can be approved administratively by the zoning administrator and the zoning administrator has the discretion to refer a master sign plan to the DRB.
- Allow portable signs (i.e. sandwich boards) without a permit, with limitations on number and placement depending on single- vs. multi-tenant commercial occupancies, customer entry location, and daily duration.
- For the VZD, adopt the Village design standards for signage into the sign chapter with diagrams and illustrations.

Chapter 46 – Definitions

- Applicable town-wide and written mainly for the VZD, add definition for “minimally visible” per WDB 46.6.3
- Applicable town-wide and written mainly for the VZD, add a definition for “primary or principal” structure per WDB 46.6.16
- Clarify the definition of ‘public way’ when the term is used in the VZD
- Note: Other VZD-specific definitions are self-contained within Chapter 42, such as “Determination of Contributing Structure Status,” “Contributing Structure,” and “Non-Contributing Structure.”

Chapter 42 – Village Zoning District

- Adopt a new intent and applicability statement
- Adopt a process for determining if a structure is contributing or non-contributing to the historic village character, which has subsequent implications for the demolition and design standards of the Chapter
- Adopt standards and process for demolition of contributing structures
- Adopt standards and process for demolition by neglect enforcement and resolution
- Adopt standards for density, dimensional standards, development pattern and setbacks

- Adopt a list of prohibited uses and prohibited components of uses
- Adopt standards for non-residential (i.e. commercial uses) based on a tiered-system: major uses along Williston Road, Old Stage Road, North Williston Road, and Oak Hill Road; minor uses throughout the district
- Adopt standards for new development and addition massing and scale, window placement, roofing design
- Adopt standards for side and rear yard parking, and required private open area
- Adopt standards for materials, design, and modifications for all structures in the National Register Historic District and Contributing Structures elsewhere in the VZD, including greater flexibility for non-contributing structures in the NRHD and rear-façade facades
- Adopt specific replacement standards for windows, roofing, siding, architectural detailing including the requirement that existing slate be replaced with slate
- Establish a priority order for repairs and replacement of building components
- Establish a prohibited materials list and non-regulatory guidance for exterior color
- Establish screening and landscape buffer requirements specific to the Village context where protecting residential homes and backyard privacy from visual nuisances
- Establish mechanical equipment and utility standards
- Adopt standards and guidelines for solar and on-site energy generation

Appendix H – Historic and Design Review Guidelines

- Eliminated. This document is inoperative with adoption of comprehensive dimensional and design standard in Chapter 42

PROCESS

If the Planning Commission directs staff to schedule public hearings on the above-mentioned items, staff will warn the public hearing within the timelines required by Vermont Law and prepare hearing packages.

Attachments:

Draft BE HOME (and assorted other) Amendments

Draft Village Bylaw Amendments

Act 181 Complete Text