Williston Development Bylaw List of Proposed Changes, October 2012

Chapter, Section Number and Title	Issue to be Addressed	Proposed Change
Entire Document	Pagination is for the entire document, requiring repagination of the entire document when changes are made.	Re-paginate document by chapter.
	Typographical Errors, misspellings, etc. (e.g. "Tafts Corners", "Town Plan")	Change to read "Taft Corners", and "Comprehensive Plan."
2. Vested Rights, Nonconforming Lots, Uses, and Structures		
2.4.1 What is a nonconforming lot?	Reference to 24 V.S.A. §4293(13) is incorrect.	Chance citation to 24 V.S.A. §4303(13)
2.5.1 What is a nonconforming use?	Reference to 24 V.S.A. §4293(14) is incorrect.	Chance citation to 24 V.S.A. §4303(15)
2.6.1 What is a nonconforming structure?	Reference to 24 V.S.A §4293 (14) is incorrect	Chance citation to 24 V.S.A. §4303(14)
2.6.1 What is a nonconforming structure?	Ordinance (singular) is not in agreement with other plural words in this sentence	Change "ordinance" to "ordinances"
2.6.3 Can a nonconforming structure be replaced?	No time limit following the removal or destruction of a nonconforming structure is given- this should be clarified	Add a time limit or other metric for determining whether a nonconforming structure can be replaced (% destroyed, time abandoned, etc.) – one year
3. Actors in the Administration of this Bylaw		
3.1 Appointment of the Zoning Administrator	Town Charter was changed in 2009	Change from appointment by the Selectboard to a term of three years to appointment by the manager without a definite term.
3.4	typo	Change "at" to "in"
4. Permits- Exemptions		
4.2.2.2 Partial Exemptions Under state law	Section deleted by mistake	Add section back into bylaw
4.3.5.1 Accessory structures	Permit required for greater than 120 sq. ft.	Change to 120 sq. ft. or greater
5. Administrative Permit Procedures		
5.3.2 What must I do during the appeal period?	No state law citation about posting the Z-card prior to and for 15 days following the issuance of a permit.	Add a citation to V.S.A. §4449(b)
6. Discretionary Permit Procedures		
6.7 Final Plans	Extension of time for filing Final Plans	Add an additional six-month extension of time with DRB approval for filing Final Plans
6.7.4 Expiration of nonresidential Discretionary Permits	Do discretionary permits for nonresidential developments expire?	Add language to make it clear that discretionary permits for nonresidential developments expire after one year.

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8. Variances and Amendments		
8.1.3 "What finding Are…"	Grammatical error	Change to "What finding**s a**re"
11. Growth Management		
11.2.3 Applicability	Reference previous version of growth management	Add Section 11.2.3 stating that lots created and receiving allocation under previous versions of the town's growth management system will continue to reside under the allocation rules applied at the time of subdivision approval.
11.3.2.5 Shift to certain developments in the ARZD	Reference to WDB 31.9 is incorrect.	Change reference to WDB 31.11, "Invisible Development"
11.9.6 Minimize Visual Impact	Definition of where visibility is assessed from is unclear	Change text to read "…will not be visible from public roads except from any road built to provide access to the site."
12. Subdivisions and Final Plans		
12.1.3.1	Split parcels	A survey may be required with an application for an administrative permit for development on a split parcel.
12.3.1 Are there standards for accuracy and contents of subdivision plans?	Cites 27 V.S.A. §§1701-1706, VBA 2602	Change to statutory citation to 27 V.S.A. §§ 1401-1406
13. Access Connectivity Studies		
13.2.6.7	word "sing" is supposed to be "sign"	make the change
13.5.2 How many dwellings may be served by a road that ends in a loop or cul-de-sac?	Inconsistency in using the term "dwellings" and "units"	Change "units" to "dwellings"
13.5.3 Is there a limit on the length of access drives or roads that end in a loop or cul-de-sac?	Typo "re"	Replace "re" with "for."
13.5.4	Typo "apply"	Change to "applies."
13.8.1 Info Box: Traffic Studies	Information is out of date	Delete info box completely
17. Accessory Uses and Structures …		
Preamble	First sentence is awkward Section title is ambiguous	Reword and simplify Add term Non-Residential to the title
19. Density Transfer of Development Rights		
19.1.3.1 Accessory Dwellings.	The word "when" should not be underlined	Remove underline

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19.1.3.2 Acreage exemp.	There are three exemptions, not two	Change "two" to "three"
19.2.2 What is an open space development?	Reference to MDRZD is incorrect	Change reference to RZD
19.2.4 Density	The term "average" density is confusing	Change "average" to "net."
19.A & B Permitted Residential Densities	No explanation of why there is no minimum area per DU in an infill development in the RZD.	Add an explanation that infill developments are not allowed in the RZD.
20. Residential Improvements		
Preamble	Language is cumbersome to read	simplify
20.2.2.1 Location.	Missing the word "be"	Add the word "be"
20.4.2 Can I park a commercial vehicle at my home?	References MDRZD Currently up to 6,000 lbs. GVW	Change to RZD Change to 10,000 lbs. GVW
20.4.4 What standards apply to home businesses?	Incorrectly references Appendix F	Change to reference Appendix G
20.5	Clarify decks and patios	Deck is above grade, patios are at grade
20.7.2 Is a permit needed to establish a family child care home?	The answer should be 'yes' for family child care homes with more than 6 children.	Revise language or delete this section altogether and combine with the language in WDB 20.7
20.8.2.3 allows for higher fences than 6 feet for privacy enclosures but stated that they must be "within setbacks"	"Within" is ambiguous.	Suggest changing language to state that fences higher than 6 feet are subject to setback requirements for structures.
20.10.1 and 20.10.2	No space between these sections	Add a space
20.13.1.1 Is a permit required for a pool?	Information box references Appendix G- which is the Home business rules. The pool appendix was drafted but omitted from the adopted Bylaw and needs to be included. Also there are state wastewater disposal guidelines for the draining of pools which should be added, perhaps in a non-policy "box."	Reincorporate the Pool rules and fix the reference in the box
20.16.1.3 outside the VZD and 20.17.1 contradict each other	Contradiction as to when a permit is needed w/repairs and maintenance	Reword WDB 20.16.1.3 – exterior changes
22. Design Review		
22.3	"aa part" is a typo	change to "as a part."
23. Landscaping		
Chapter Header	Header is not formatted like other chapters	Fix formatting
23.2.4 to 23.2.5	No space between sections	Add a space
23.7	Change reference guide for tree selection	Change *Recommended Trees for Vermont Communities* to *Vermont Tree Selection Guide*
24. Outdoor Lighting		
Table 24.A	Table 24.A references MDR	Change to RZD

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Table 24 B	MDR	Change to RZD
Table 24 C	MDR	Change to RZD
25. Signs Public Art		
25.9.7 Can a nonconforming sign be altered?	Discusses reducing the "degree of conformity" by 25%	Change the word "conformity" to "nonconformity."
26. Street Trees		
26.5.2 Are there landscaping maintenance requirements?	References a two-year period for the guarantee of landscaping materials. Public works standards will require three years.	Change "two years" to "three years" where it appears in this section.
26.2	Change reference guide for tree selection	Change *Recommended Trees for Vermont Communities* to *Vermont Tree Selection Guide*
29. Watershed Health		
29.2.2 Are there any exceptions from these standards?	Existing language exempts all project <1/4 acre from chapter 29 when the intent was to exempt those small project from runoff and erosion control standards of sections 29.3-29.6. Standards related to watershed protection buffers, etc should still apply.	Revise language to make this clarification.
31. Agricultural/Rural Residential Zoning District		
31.3.3.4 & .5	Average setback exemption in Porterwood and Williston Woods	Allow average setback exemption by the Administrator
31.A Allowed Uses	B&B are not allowed	Add B&B to allowed uses
31.A Outdoor Recreation	Incorrect reference WDB 31.3.5	Change reference to WDB 31.1.3.5
32. Business Park Zoning District		
32.3.3	Reduce street setback from 50 ft. to 25. Ft.	Change street setbacks from 50 feet to 25 feet
35. Industrial Zoning District East		
35.A	no "computer services" NAICS code in allowed uses	Add NAICS 5415 to the use table.
36. Industrial Zoning District West		
Table 36.A Allowed Uses	Table lists Professional; and Technical/Scientific Services as an allowed use but does not include the NAICS number	Add NAICS #54 to the third column of the use table.
Table 36.A Allowed Uses	Lists food service as 724 but should be 722	Change NAICS listing
37. Mixed Use Commercial Zoning District		
Table 37A	Table does not list the NAICS number for Profession, Scientific, and Technical Services.	Insert NAICS number 54.
38. Mixed Use Residential Zoning District		
Table 38A	Table lists Profession, Scientific, and Technical Services as NAICS number 51.	Change NAICS from 51 to 54.

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39. Residential Zoning District		
39.1.3.3 Accessory Uses	References Chapter 14, should be Chapter 17.	Change Chapter from “14” to “17.”
41. Taft Corners Zoning District		
41.3.1.3 Must development in the TCZD be set back from roads?	Typo and Incorrect references	Change Type “II” to Type “III” and change Chapter “18” to Chapter “23”
41.5.3	“Multiple retail uses” is overly restrictive	Change to “multiple uses, including one retail and at least one retail, office, or residential use.”
Table 41A	NAICS reference number for retail uses (42-45)	Should read NAICS 44-45.
42.Village Zoning District		
42.4.3 Is there a requirement that lot sizes be mixed in the VZD?	Underscore after the word “Yes.”	Remove underscore.
42.3.2	Side yard setbacks for residential uses	Change required residential setbacks from 15 feet to 10 feet as in the previous bylaw.
46. Definitions		
46.6.5 Nonconforming lots or parcels	The use of the word “density” in this definition is not consistent with the VT state law definition or the definition used in Chapter 2.	Remove the word “density.”
Appendix G Home Businesses		
Allowable vehicle weight	6,000 lbs. GVW is too low to be practical	Change to 10,000 lbs. GVW.