

## Section 8. Administration, Application Process & Appeals

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

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

### **8. Administration**

### A. Applicability

All development proposals within Taft Corners shall be subject to the provisions of this Code and shall be required to obtain approval via a Certificate of Conformity. This review process replaces the Administrative Permit process (Section 5 of the Williston Unified Development Bylaw) and the Discretionary Permit process (Section 6 of the Williston Unified Development Bylaw) for all land development, except subdivisions (including boundary line adjustments), in the Taft Corners District.

### B. Zoning Administrator

#### 1. Authority

The Zoning Administrator is authorized to administratively review all development applications for Certificates of Conformity and Administrative Adjustments in the Taft Corners District. This authority is derived from 24 V.S.A. 4464(c). The Zoning Administrator has the sole authority to define a project as a “major” or “minor” project as defined in subsection. The Zoning Administrator shall not be authorized to waive or vary requirements of the Code, the Williston Unified Development Bylaw, or any other applicable ordinance of the Town of Williston unless specifically allowed.

#### 2. Delegation of Authority

The Zoning Administrator may designate any member of the Town Staff to represent the Zoning Administrator in any function assigned by this Code. The Zoning Administrator, however, shall remain responsible for any final action taken under this Section.

### C. 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 Code. The Project Review Committee is comprised of the Zoning Administrator, the Director of Public Works, and the Fire Chief.

#### 1. Powers and Duties

- a. The Project Review Committee shall be responsible for the review of Major Certificate of Conformity applications required by the Code. The Project Review Committee may also be responsible for the review of Minor Certificate of Conformity applications upon request of the Zoning Administrator. In all reviews, the Project Review Committee shall operate in an advisory role to support the Zoning Administrator regarding the interpretation of the standards and requirements of the Code.
- b. The Project Review Committee may require the applicant to submit additional information not otherwise specifically required by the Code, which is reasonably necessary to review and determine whether the proposed development complies with the requirements of the Code.

### D. Operational Procedures

The Project Review Committee shall meet as necessary to review Major Certificate of Conformity applications and Minor Certificate of Conformity applications if requested by the Zoning Administrator. It shall be the responsibility of the Zoning Administrator to:

1. Set a Project Review Committee meeting when an application for a Certificate of Conformity is submitted. PRC meetings shall not constitute a “public hearing” 24 V.S.A. 4464 or Section 6.5 of the Williston Unified Development Bylaw.
2. Provide applicant and abutting landowners with a 7-day notice of the Project Review Committee meeting.

3. Prepare a written staff analysis of the outstanding issues related to each application for Project Review Committee members, and applicant, prior to the PRC meeting. Within thirty (30) business days of receiving a complete application, the Zoning Administrator shall issue a decision on the application.

### **E. Certificate of Conformity**

An application for approval of a Certificate of Conformity, demonstrating conformity with the provisions contained in this Code and the REGULATING PLAN shall be submitted to the Zoning Administrator. “Minor” projects shall be reviewed and approved solely by the Zoning Administrator. “Major” projects shall be reviewed by the Project Review Committee, but are approved solely by the Zoning Administrator.

#### 1. Classification of Projects

For the purposes of review,

- a. A “minor project” in the Taft Corners District shall include:
  - (i) A change of use on a property;
  - (ii) Interior changes to the size of a use within a structure or size a commercial or residential unit within a structure;
  - (iii) Additions to a structure that equal 20% or less of the square footage of the existing structure;
  - (iv) New structures less than 500 square feet in size; and
  - (v) All signs.
- b. A “major project” in the Taft Corners District shall include:
  - (i) New structures greater than 500 square feet in size
  - (ii) Additions to a structure that equal greater than 20% of the square footage of the existing structure;
  - (iii) All other projects

#### 2. Certificate of Conformity Application Requirements

The application for a Certificate of Conformity shall include:

- a. A brief narrative describing the Development Proposal;
- b. Five (5) sets of completed plans for the Development Proposal to scale [Site Plans at 1”= 20’ to 1”= 50’, Building Plans and Elevations (not including FACADES) at 1”= 8’, FACADES drawn at 1”= 4’, and details as necessary to demonstrate form-based code (“FBC”) conformity at 1”= 4’ to 1”=1’] prepared by a registered professional engineer, architect, or landscape architect, as appropriate, and including the following information, which shall be submitted on the above listed or additional sheets:
  - (i) A site plan, incorporating the complete STREET-SPACES surrounding the BLOCK; showing the lot within its BLOCK, the complete alley configuration, and any existing lots within the BLOCK.
  - (ii) Lot dimensions;
  - (iii) Location and dimensions of all proposed buildings and other development;
  - (iv) A mid-block access/ALLEY plan, showing any internal driveways, streets and/or STREET-SPACES, common access easements, and access ways to adjacent properties and public roadways;
  - (v) Location and dimensions of all parking areas;
  - (vi) Utility plan;
  - (vii) A completed Form-Based District Review Checklist, the form of which shall be developed, maintained, and made available by the Zoning Administrator, demonstrating conformity with the provisions of the Code;
  - (viii) A completed project review checklist the Department of Public Works;
  - (ix) A completed project review checklist from the Fire Department; and
  - (x) Any other documents and/or materials required by the Zoning Administrator or Project Review Committee to determine conformity with the Code; and
  - (xi) Growth management related-materials; and

(xii) Impact fee-related materials.

### 3. Certificate of Conformity Review

- a. Pre-application. A pre-application conference with the Zoning Administrator is required prior to the submission of an application for a Certificate of Conformity. The -pre-application conference allows the applicant to informally discuss a development application, review any relevant standards that will apply to the project, and review the Form-Based District Review Checklist.. Any discussions at a pre-application conference are not binding on any party thereto. The applicant is also encouraged to conduct a pre-application conference with the Department of Public Works, the Fire Department, or other relevant Town staff.
- b. Minor Project Review. Upon application submittal for a “minor” project, the Zoning Administrator shall review the application to determine if it is complete. The Zoning Administrator may administratively require materials and studies required in support of any application for a Certificate of Conformity. The Zoning Administrator may also seek input from other Town department staff when reviewing a minor project.
- c. Major Project Review. Upon application submittal for a “major” project, the Zoning Administrator shall convene a meeting of the Project Review Committee per procedures in subsection (3)(b). The Project Review Committee shall advise the Zoning Administrator regarding the application’s conformance with the standards.
- d. Upon review of a complete application, the Zoning Administrator shall take one of the following actions within 30 days:
  - (i) Issue a Certificate of Conformity; or
  - (ii) Deny the application for a Certificate of Conformity.
- e. Issuance of a Certificate of Conformity shall have the same effects as the issuance of an Administrative Permit under Section 5 of the Williston Unified Development Bylaw. The Zoning Administrator shall complete all administrative actions required for Administrative Permits as required by the Unified Development Bylaw. Other State or local permits may be required in addition to a Certificate of Conformity.
- f. An applicant, or other “interested person” as defined under the Act [04465] and Section 6.5.5 of the Williston Unified Development Bylaw, may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Clerk of the Development Review Board, and by filing a copy of the notice with the Zoning Administrator.

## **F. Effect of Certificate of Conformity Issuance and Certificate of Occupancy Requirement**

### 1. Certificate of Conformity Amendment

After the Zoning Administrator has issued a Certificate of Conformity, any change in the Development Proposal from the plans submitted to the Zoning Administrator, other than those permitted under Administrative Adjustments below, will be considered to be an amendment and shall be subject to the procedures in subsection (4).

### 2. Certificate of Conformity Expiration and Renewal

A Certificate of Conformity is subject to the same standards related to expiration and renewal as other Administrative Permits as outlined in Section 5.5 of the Williston Unified Development Bylaw.

### 3. Certificate of Occupancy Requirement

- a. As required in Section 7.3 of the Williston Unified Development Bylaw, a Certificate of Occupancy (CO) is required upon the completion, inspection, and acceptance of required improvements and/or when any new structure is connected to town utilities. CO’s are not required for other developments. Failure to obtain a CO where one is required is a violation of this bylaw, subject to enforcement.
- b. As-built drawings of building utilities and building elevations shall be submitted before a Certificate of Occupancy application can be issued for any development in the Taft Corners District subject to the Certificate of Occupancy requirement.

## G. Administrative Adjustments

### 1. Purpose and Intent

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Taft Corners Form-Based Code. These adjustments are intended to provide relief for minor construction/survey issues; they are not intended for designed or intentional variances from the FBC, like those governed by Section 8(8) below. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

### 2. Administrative Adjustment Application and Review Procedure

- a. An application for approval of an Administrative Adjustment shall include:
  - (i) A brief narrative describing the Administrative Adjustment sought, including the specific issue that the Administrative Adjustment is intended to address, describing the construction error or unanticipated site contingency site leading to the request, and how the Administrative Adjustment will resolve that issue.
  - (ii) A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Zoning Administrator, demonstrating that the adjustment sought is limited to the standards set forth below; and
  - (iii) Any other documents and/or materials required by the Zoning Administrator to determine that the adjustment sought is limited to the standards set forth below.
- b. The Zoning Administrator may review an Administrative Adjustment application only after a Certificate of Conformity application has been approved for the subject development. The Zoning Administrator may seek assistance from the Project Review Committee in making a determination under this Section.
- c. Within thirty (30) days of receipt of a complete application, the Zoning Administrator shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:
  - (i) Approve the application as submitted; or
  - (ii) Deny the application.

### 3. Administrative Adjustment Standards

The Zoning Administrator is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

- a. Height
  - (i) Minimum and maximum height – up to five percent (5%) for any cumulative increase or decrease in building height.
  - (ii) STREET WALL/fence requirements – up to ten percent (10%).
  - (iii) Finished floor elevation – up to five percent (5%).
- b. Siting
  - (i) REQUIRED BUILDING LINE – move up to twelve (12”) inches (but not into the public ROW).
  - (ii) REQUIRED BUILDING LINE minimum percentage build-to – reduction of up to five percent (5%) of required length.
  - (iii) PARKING SETBACK LINE – move forward up to four (4’) feet.
  - (iv) Mezzanine floor area – up to ten percent (10%) additional area.
  - (v) STREET WALL requirements – up to ten percent (10%) of the height/FENESTRATION/access gate requirements.
  - (vi) Entrances (maximum average spacing) – up to ten percent (10%) increase in spacing.

- c. Elements
  - (i) FENESTRATION (minimum and maximum percent) – up to five percent (5%).
  - (ii) Elements (minimum and maximum projections) – up to five percent (5%).
- d. Architectural Standards
  - (i) Primary and Secondary materials – up to five percent (5%).
  - (ii) Window and pane dimensions – up to ten percent (10%).
  - (iii) SHOPFRONT entry geometry – up to ten percent (10%).

## H. Amendments to the Form-Based Code

### 1. Text Amendments

Any proposed change to the Code text shall be considered a bylaw amendment to the Williston Unified Development Bylaw and shall be subject to the procedures in 24 V.S.A. 4441 and 24 V.S.A. 4442. All bylaw amendment shall be in conformance with the Williston Town Plan.

### 2. Regulating Plan Amendments

Any proposed change to the REGULATING PLAN shall be considered a bylaw amendment and shall be subject to the procedures in 24 V.S.A. 4441 and 24 V.S.A. 4442. In addition to required statutory notice provisions, notification shall be made directly, via mail or email, to all landowners of properties within 400 feet of the proposed change. All bylaw amendment shall be in conformance with the Williston Town Plan.

In addition, any bylaw amendment to the REGULATING PLAN shall conform to the following requirements.

#### a. Application, Building Form Standards (BFS)

In determining the allocation and, thereby, the form and mixed-use character of the district, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When amending a REGULATING PLAN, the standards of *Section 301* shall apply. CIVIC BUILDINGS (those designated on the REGULATING PLAN) are not restricted by these standards.

#### b. Amending Regulating Plans

- (i) The intent of these rules is the maintenance and protection of the interconnected and walkable network of streets, BLOCKS, and public open spaces.
- (ii) Certain minor reconfigurations to the street alignments shown on the REGULATING PLAN may be allowed, subject to re-platting and the design standards in *Section 2.B.3.c and d*, without triggering a rezoning. Any other changes to the REGULATING PLAN shall meet all the criteria of this chapter and will require a rezoning.
- (iii) Certain minor adjustments to the frontage designation shown on the REGULATING PLAN are permitted within the parameters of *Section 3. Building Form Standards D.5 Frontage Designation Flexibility*, without triggering a rezoning.
- (iv) REQUIRED BUILDING LINE location or new street alignments may be reconfigured by the Zoning Administrator, without triggering a rezoning, if the presence of a flood plain or wetland on the parcel prohibits development envisioned by the code.
- (v) Where the REGULATING PLAN is being amended, the following standards apply:
  - (1.) No BLOCK FACE shall have a length greater than 360'; and
  - (2.) The average perimeter of the BLOCKS within the re-developed area shall not exceed 1,500'.

(vi) Street Connectivity

- (1.) Any proposals to reconfigure the street network in the REGULATING PLAN shall be configured such that:
  - Street connectivity is maintained; cul-de-sacs and other dead-end streets are not permitted except as specified here; and
  - No street intersection occurs within 150' of another street intersection; and
  - The BLOCK configuration meets the standards defined in Section B, Blocks above.
- (2.) Streets that do not connect to other streets, as part of an interconnected network, are not permitted except:
  - Where less than 130' long and configured as a stub-out designed for connection to future streets/development (see Diagram F);
  - Where less than 130' long and connected to an ALLEY, providing rear lot access, and ending at designated conservation lands. (see Diagram G).

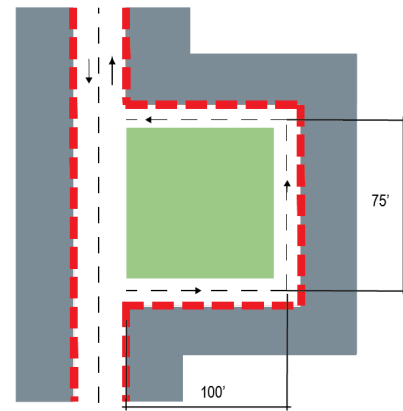


Diagram E.

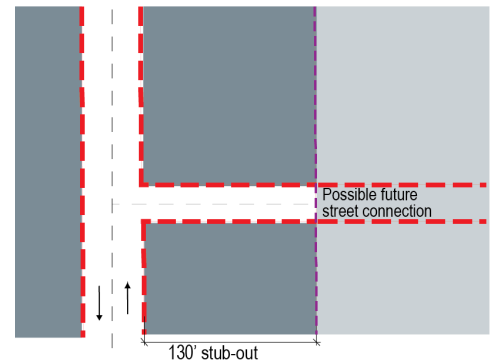


Diagram F.

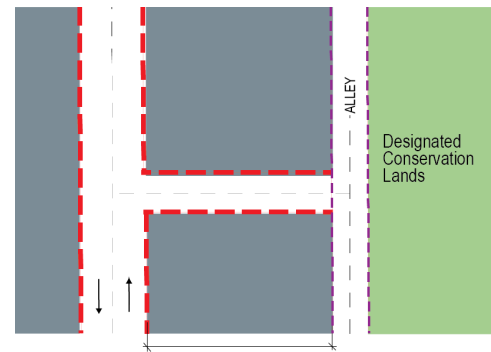


Diagram G.

## I. Variances

Any person seeking a variance from the provisions of the FBC shall follow the variance procedures outlined in *Chapter 8* of the Williston Unified Development Bylaw.

## J. Non-Conformities

The standards for non-conformities in this Code shall take precedence over the non-conforming standards in *Chapter 2* of the Williston Unified Development Bylaw. Non-conforming structures within the Taft Corners Form-Based Code may be altered or repaired according to the following standards:

3. Non-conforming Structures:
  - a. Additions of up to 20% of the square footage of a non-conforming structure (existing as of the adoption of the Taft Corners Form-Based Code) may be made subject to conformance with *Section 3. Architectural Standards* of the Taft Corners Form-Based Code relative to the new addition only.
  - b. Additions greater than 20% but equal to or less than 50% of the square footage of a non-conforming structure may be made subject to conformance with *Section 3. Architectural Standards* and *Section 3. Building Form Standards* relative to the new addition only.
  - c. Additions greater than 50% of the square footage of a non-conforming structure require full compliance with the Taft Corners Form-Based Code.
  - d. Existing structures destroyed by fire, explosion, act of God, or the public enemy may be replaced with a structure of comparable height and gross floor area that otherwise meets the requirements of the code.
4. Non-conforming Uses:
  - a. A non-conforming use may be extended throughout any portion of a completed building that, when the use was made non-conforming by this Code, was manifestly designed or arranged to accommodate such use.
  - b. A non-conforming use may not be extended to additional buildings or to land outside the original building.
5. Non-conforming Signs
  - a. A non-conforming sign on an existing structure may be replaced with a sign of equal or smaller size.
  - b. A non-conforming sign on an existing structure that is undergoing an addition greater than 50% of the square footage of the existing structure shall be replaced with a conforming sign.
6. Historic Structures  
Historically-designated structures may be specified as a CIVIC BUILDING by the Planning Commission and Select Board if they effectively serve the community as CIVIC BUILDINGS. If so designated, they may be added to the REGULATING PLAN.

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