

Chapter 42

Village Zoning District

This chapter establishes the Village Zoning District and the standards that apply within that district.

42.1 Boundaries – Purpose – Uses Permitted

42.1.1 What are the boundaries of the VZD? The boundaries of the VZD are shown on the official zoning map that accompanies this bylaw.

42.1.2 What is the purpose of the VZD? The village is the focus of Williston’s identity as a place. It is the seat of local government, a center of education and recreation, and home to a number of the town’s residents. The VZD is established to maintain the village as a point of stability and a reminder of history in a town that is, otherwise, changing quite rapidly. Policy 3.6 of the *Comprehensive Plan* states:

The Town of Williston will continue to maintain and protect the historic character of its village center.

Policy 4.1 goes on to say:

The Town of Williston will continue to use design review to protect the historic character of the Village Zoning District (VZD). The town will also consider ways to protect historic resources outside the VZD.

42.1.3 Does the town have specific authority to create and regulate an historic district? Yes. 24 V.S.A. 4414(1)(F)(i) gives Vermont municipalities the authority to create historic districts and require design review within those districts.

42.1.4 What uses are permitted in the VZD? The VZD is predominantly residential in character, with a mix of lot sizes and housing types. Small-scale commercial uses, including home businesses and institutional uses are also permitted, subject to standards that ensure compatibility with both neighboring residential uses and the historic character of the village. See Table 42.A and the notes below.

42.1.4.1 Village Character. The VZD is a true mixed-use zoning district that permits single household homes, apartments, small businesses, and institutions, including churches, schools, and local government. The common tie here is not use (although industrial uses are prohibited), but a modest scale; spacious lots with trees and other landscaping; and a pedestrian orientation. All new buildings and uses must perpetuate these characteristics.

42.1.4.2 Scale of Enterprises. WDB 42.9.1 explicitly limits the size of commercial uses to ensure that they are consistent with the historic character of the VZD.

42.2 Permit Requirements. Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district must have a permit. **Be informed, however, that permit requirements in this zoning district are different.**

42.2.1 How are permit requirements different in the VZD? All exterior changes in the VZD are subject to design review. As explained below, some proposed exterior changes may be approved by

the Administrator, who may seek the advice of the HDAC before making a decision, but some developments that would not require a discretionary permit outside the VZD must be reviewed by the DRB.

42.2.2 Which proposed developments in the VZD can be reviewed by the Administrator? The Administrator may review applications for permits for proposed developments that would only require an administrative permit outside the VZD on lots that are not in the Williston Village National Register Historic District and that are not in the additional review area established by Map 5 of the *Town Plan*. The Administrator may seek the advice of the HDAC before making a decision on any such application, and the HDAC may, upon finding that the proposed use could have a significant impact on the character of the village, require that the proposed application be submitted to the DRB.

42.2.3 Which proposed developments in the VZD must be reviewed by the DRB? The DRB must issue a Certificate of Appropriateness (COA) for any development in the Williston Village National Register Historic District, that is in the additional review area established by Map 6 of the *Town Plan* or that is referred to it by the HDAC.

42.2.3.1 With an Administrative Permit. Where the proposed work would otherwise require only an administrative permit, the DRB will review the proposed development for compliance with the requirements of this chapter. If the proposed development complies, the DRB will approve the application for a COA, imposing any conditions it finds necessary to ensure compliance. If the proposed development fails to comply, the DRB will reject the application for a COA.

42.2.3.2 With a Discretionary Permit. Where a discretionary permit is required for the proposed development, the COA will be combined with the discretionary permit.

42.3 Dimensional Standards

42.3.1 Is there a maximum building height in the VZD? Yes. Building height in this zoning district is limited to 36 feet.

42.3.2 Must development in the VZD 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 the requirements of Chapter 23 do not apply, the minimum setback from both side and rear property lines is 10 feet.

Buffer Requirements? A buffer that complies with Chapter 23 must be provided where residential development adjoins other uses, including the nonresidential uses permitted in the VZD. 15-foot setbacks will be required between residential uses.

42.3.3 Must development in the VZD be set back from roads? Yes. Except where WDB 42.3.3.4 applies, the minimum setbacks from roads in the VZD shall be:

42.3.3.1 From the Right-of-Way of I-89: 150 feet;

42.3.3.2 From the Right-of-Way of Route 2, where it is town policy to maintain a wide, landscaped “greenbelt,” 50 feet; and

42.3.3.3 From Any Other Road, public or private, 25 feet.

42.3.3.4 Average Setback Exception. Residential infill on lots in parts of the Village where the typical setback from the road varies from the standards of WDB 42.3.3.1-3 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 feet of the proposed dwelling.

42.3.3.5 What uses are permitted in the required setbacks? The required setbacks in the VZD must be landscaped as a Type I, III, or IV buffer 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 ($\pm 10^\circ$). 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.

42.3.3.6 Route 2 Setback. New parking and loading areas may not be placed within required setback along Route 2. Existing parking and loading areas that are within the required setback along Route 2 are nonconforming and must be removed as part of any proposal for a change in use, new building, or major addition to an existing building. The DRB may, upon finding that full compliance with this standard is not feasible, permit an exception, provided that the proposed development will result in a reasonable (given the site) addition to the landscaped space within the setback.

42.3.4 *Is a minimum lot frontage required in the VZD?* 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.

42.4 Density Standards. See Chapter 19 of this bylaw for an explanation of how density is measured and the allowed density in the Village Zoning District.

42.4.1 *Is there a requirement that lot sizes be mixed in the VZD?* Yes. The VZD is generally characterized by varying lot sizes in close proximity. This pattern, which has evolved over the last 200 years, should continue. Proposed developments with a uniform, “cookie-cutter” pattern of lots will not be approved.

42.5 General Standards Development in this zoning district must, unless specifically exempted, comply with all standards adopted in Chapters 13-29 of this bylaw.

42.6 Specific Standards Standards that apply only within this zoning district are presented in WDB 42.7-42.9

42.7 Outdoor Sales and Storage. Outdoor sales and storage associated with residential premises is regulated by Chapter 20 of this bylaw. The standards adopted here apply to the permitted commercial and institutional uses.

42.7.1 *Are outdoor sales permitted in the VZD?* Permanent outdoor sales areas and displays are prohibited in the VZD. The occasional, temporary outdoor display of goods for sale will be permitted, provided that the extent of the area occupied by outdoor sales is less than 1,000 SF.

42.7.2 Is outdoor storage permitted in the VZD? The temporary outdoor storage of construction equipment and materials is permitted in all zoning districts by Chapter 17. No other outdoor storage is permitted for commercial and institutional uses in the VZD.

42.8 Historic Design Review

42.8.1 Must all development in the VZD be consistent with the Williston Village Historic District Design Review Guide? Yes. Development in the VZD must be consistent with the *Williston Village Historic Design Review Guide (Guide)*, which is attached to this bylaw as Appendix H.

42.8.2 If the Guide only says “should,” do I really have to comply? Yes, to the extent feasible. The use of ‘should’ and similar formulations of standards in this chapter does not exempt anyone from compliance. This language is, instead, an acknowledgement of the difficulties that are sometimes encountered in maintaining the historic appearance of existing buildings as they age, as well as of the fact that not all existing buildings in the VZD have historic character. ‘Should’ provides some flexibility for the Administrator or DRB to accept practical solutions that are in the spirit of the *Guide*. The designers of new buildings should read the *Guide* as mandatory.

42.8.3 Does this bylaw add anything to the Guide? Yes.

42.8.3.1 Color. The *Guide* does not make it clear that color is among the legitimate considerations in design review in the VZD. It is. The HDAC and DRB may consider the compatibility of proposed colors with those on surrounding buildings and the overall character of the Village.

42.8.3.2 Fences. The color and material of front yard fences in the VZD are subject to approval by the Administrator with the advice of the HDAC.

42.8.3.3 Siding. Vinyl siding is not permitted on historic structures. Cementitious fiberboard may be acceptable instead of clapboard outside the Williston Village National Register Historic District. Replacement siding must comply with this standard to the extent of the change being made.

42.8.3.4 Signs. Signs must comply with both the *Guide* and the standards adopted in Chapter 25 of this bylaw.

42.8.3.5 Skylights. Skylights are permitted, but they must not be visible from a public way.

42.9 Standards for Commercial Uses. See also WDB 42.4.

42.9.1 Is there a maximum size for commercial uses in the VZD? Yes. No more than 4,000 SF on any lot may be devoted to permitted (see Table 42.A) commercial uses, with no more than 2,500 SF of that space being on any one floor.

42.9.2 Do the off-street parking and loading requirements of this bylaw apply in the tight spaces of the VZD? The requirements of Chapter 14 do apply, but the DRB may permit the provision of less parking than is required by that chapter where doing so will better maintain the historic character of the village, while not creating parking conflicts with neighboring uses.

Table 42.A - Village Residential Zoning District	NAICS	Notes
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Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district. Accessory uses may not be listed separately. See Chapter 17 of this bylaw re accessory structures and uses.

Residential (multiple or single household dwellings)		
Retail Trade, but only as listed below		
Furniture and Home Furnishings Stores	442	The key to appropriate retail in the VZD is scale, which is explicitly limited by WDB 42.9.1.
Food and Beverage Stores	445	
Health and Personal Care Stores	446	
Clothing and Clothing Accessories Stores	448	
Hobby, Toy, and Game Stores	45112	
Sewing, Needlework, and Piece Goods Stores	45113	
Musical Instrument and Music Stores	45117	
Book, Periodical, and Music Stores	4512	
Florists	4531	
Office Supplies, Stationery, and Gift Stores	4532	
Information	51	
Finance & Insurance	52	
Real Estate	529	
Professional, Scientific, and Technical Services , but specifically not 54164, Veterinary Services as noted	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
Management of Companies & Enterprises	55	
Administrative Support Services	561	
Educational Services	61	
Health Care and Social Assistance	62	
Arts, Entertainment, and Recreation	71	
Bed and Breakfast Inns	721191	
Full Service Restaurants	7221	No drive-through food service is permitted
Personal Care Services	8121	
Religious, Grantmaking, Civic, Professional, and Similar Organizations	813	
Public Administration	92	Parks are permitted in all zoning districts