

Chapter 9

Specific Plans

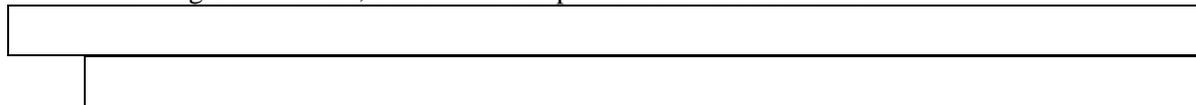
This chapter provides for the creative evolution of development in Williston, consistent with the vision and objectives of the *Town Plan*, and as specifically called for by 3.3.6 of that plan. To do this, it sets up a procedure by which landowners work cooperatively with the Planning Commission and public to draft and propose amendments to the *Town Plan* and this bylaw.

9.1 Purpose – Definition - Authority

9.1.1 What is the purpose of the specific plan option? The 2016-2024 *Town Plan* called for the use of the specific plan as a tool that replaces the PUD/PRD provisions of the bylaws as they then existed. The availability of this tool will encourage and permit the creative redesign and redevelopment of commercial areas. The specific plan option may also be used in other areas where it would help realize the objectives of the *Town Plan*. The two principal advantages of the specific plan option are explained below.

9.1.1.1 A Specific Commitment. Conventional zoning makes it impossible for a community to change zoning for a specific use that provides substantial public benefits without the risk that the desirable use will not materialize and the zoning change will permit less desirable ones. A ‘specific’ plan remedies this by providing detailed performance standards for development in the area it includes. Its adoption permits only the **specific** types of changes proposed by the applicant/s. If the specific changes proposed by the applicants are not made, the standards will continue to apply until changed by another specific plan or an amendment proposed by the Planning Commission and adopted as provided in Chapter 8 of this bylaw.

9.1.1.2 But Not Spot Zoning. The specific plan avoids claims of “spot” zoning because it is not a “deal” between a community and an individual landowner. A specific plan must go through the same process required for adoption of the *Town Plan* and bylaws. This ensures that, while it will (as all land use changes do) serve private interests, it will also provide substantial public benefits. The specific plan process cannot begin without a finding, by the Planning Commission, that substantial public benefits could result.



9.1.2 What is a specific plan? A specific plan is a set of amendments to the *town’s Comprehensive Plan* and this bylaw that has been developed by one or more landowners working with the Planning Commission and the public, at the landowners’ expense. The contents of a specific plan will vary with the type and complexity of the development or redevelopment it would permit: see WDB 9.3.5

9.1.3 Is the specific plan option permitted by Vermont law? Yes. Because a specific plan is a set of amendments to the *Town Plan* and bylaws, it is adopted using the procedures set forth in 24 V.S.A. § 4384-4385 for the amendment of plans and 24 V.S.A § 4441-4442 for the amendment of bylaws, as well as the additional procedures established here.

9.1.4 Could a specific plan also be a master plan, as permitted by Vermont's growth centers law? Possibly. 24 V.S.A. § 2793c(i)(5) provides for master plan applications to district environmental commissions.

9.2 Use of the Specific Plan Option

9.2.1 When is use of the specific plan option permitted? The specific plan option may be used only where the Planning Commission determines that a substantial benefit to the town could result.

9.2.2 What is a substantial benefit? A substantial benefit is an action or actions, to be taken by the applicant/s at their expense, which implements the ~~Town~~ town's *Comprehensive Plan* by:

9.2.2.1 **Open Space.** Conserving one or more open space assets identified in the town's *Comprehensive Plan*, or another open space asset acceptable to the Conservation and Planning Commissions.

Open Space Assets? Potential open space acquisitions are identified in Chapter 13 - Open Space & Working Landscapes.

9.2.2.2 **Housing.** Providing a substantial number of perpetually affordable, entry-level, or employee housing units, as called for by the town's *Comprehensive Plan*.

Affordable Housing? The need for more affordable housing is addressed in Chapter 5 of the 2016-2024 Town Plan. See 5.2 – Housing Opportunities.

9.2.2.3 **Infrastructure.** Providing a major infrastructure asset, the need for which is identified in the town's *Comprehensive Plan*.

Major Infrastructure Assets? Major infrastructure assets that could be provided as part of a specific plan include development of the park north of the Allen Brook School, as described in the *Open Space Plan*, any of the major transportation improvements listed in Chapter 6 of the *2016-2024 Town Plan*; and/or any of the improvements listed in Chapter 7 of that plan, including construction of a new town shop in a suitable location and major sewer and water system improvements.

9.2.2.4 **Town Center.** Making a major contribution to the public infrastructure required for the development of a pedestrian-friendly, design-conscious, mixed-use town center, consistent with the vision and objectives of the town's *Comprehensive Plan*.

Town Center Development? See Chapters 3 and 4 of the 2016-2024 Town Plan, specifically 3.3 Taft Corners, 4.2 Commercial Design, and 4.3 Mixed Use. See also the vision presented in Williston's successful application for growth center designation.

9.2.2.5 **Jobs.** Providing significant job retention or expansion in a basic industry may also be considered a substantial benefit, but ONLY when combined with at least one of the other substantial public benefits listed above.

What is a "basic industry?" A basic industry is one that exports goods, services, and/or information from the region. While Williston is a regional shopping hub, retailing and personal services are not considered basic.

9.2.2.6 Transit. Where transit is available, any development permitted by a specific plan that will employ 100 or more people must provide discount bus passes to its employees and otherwise participate in the available transportation demand management programs.

9.2.2.7 Consultation. In making its determination of substantial benefit, the Planning Commission shall consult, as appropriate, with the Conservation Commission, the Historic and Architectural Advisory Committee, the DPW, and other town boards and officials.

9.2.2.8 Mere Compliance is NOT a Substantial Public Benefit. Compliance with the requirements of this bylaw is a minimum expectation, not a substantial benefit to the community. Substantial benefits must be actions above and beyond what an applicant would be required to take to comply with this bylaw.

9.3 Specific Plan Procedure

9.3.1. How does the specific plan process begin? Development of a specific plan begins with an application from one or more landowners to the Planning Commission. This application shall be submitted on the form provided by the Administrator and accompanied by all of the materials required on the Specific Plan Application Checklist.

9.3.2 How does the planning commission respond to an application to create a specific plan? The Planning Commission will review the application at a regularly scheduled meeting. If the Commission tentatively determines that a substantial benefit may result from adoption of the proposed specific plan, it will schedule public review of the application.

9.3.3 How will the public be involved in reviewing a proposed specific plan? The review process will always end with public hearings before the Planning Commission and the Selectboard, but will begin with a community meeting and, in most cases, the appointment of a citizen's advisory committee.

9.3.3.1 Community Meeting: Notice. The Planning Commission will schedule a community meeting regarding the proposed specific plan. This informal meeting will be preceded by at least 15 days' written notice to all owners of adjoining properties and potentially affected public service providers and agencies. Notice will also be published in a newspaper of general circulation in Williston and provided by such other means as the applicants and commission agree. Notice will be provided by the applicants, at their expense. Failure to provide timely notice will end the process.

9.3.3.2 Community Meeting: Procedure. The community meeting on a proposed specific plan will be informal. The applicants will present their proposal for discussion. Following that discussion, the Planning Commission will:

- decide not to continue the process, having determined that no substantial community benefit is likely result; or
- determine, in written findings, that substantial community benefits could result and appoint a citizen advisory committee to work with the applicant/s to develop the specific plan.

- The Planning Commission may also determine, again in written findings, that the proposed specific plan provides a substantial benefit/s without having the potential of adverse impacts on neighboring properties, the town's infrastructure, or the environment, and direct the applicants to work with staff to complete the specific plan and schedule a public hearing.

9.3.3.3 Advisory Committee Composition. Advisory committees will vary with the nature of the proposed plan, but should include:

- at least one Planning Commission member;
- one or more representatives of other town boards, as they may be affected or involved;
- one or more representatives of the affected neighborhood;
- representatives from adjoining municipalities and state agencies, as they may be affected or involved, or offer special expertise;
- members representing the community at large; and
- independent experts qualified to contribute to and evaluate the work of the applicants as the specific plan is developed, who may serve as *ex officio* members.

The goal is to create a committee that is both broadly representative of those whose interests may be affected by the proposed specific plan and well-qualified.

9.3.3.4 Deadline. The Planning Commission shall impose a reasonable deadline on the work of a specific plan advisory committee.

9.3.4 *How will the specific plan be developed?* The applicants will work with the advisory committee and/or staff to develop a specific plan within the deadline established by the Planning Commission. The applicants will be responsible for the costs of this process, including scheduling and conducting meetings, which must be public meetings, and providing the services of attorneys, designers, facilitators, and planners, as needed.

9.3.5 *What will the specific plan include?* A specific plan is a detailed guideline for the development or redevelopment of a given site, or sites, presented in the form of proposed amendments to the *town's Comprehensive Plan* and this bylaw. A specific plan also includes a plan for the provision of any major public infrastructure needed to serve the development or redevelopment it enables. See the *Specific Plan Contents Checklist* for details.

9.3.6 *What can a specific plan change?*

9.3.6.1 The Plan. A specific plan can refine and add detail to the objectives and policies of the *Town Plan*, provided that it is consistent with and implements the overall vision stated in the *Town Plan*.

9.3.6.2 The Bylaw. A specific plan can refine the standards adopted in this bylaw. It can also create new zoning districts, with their own standards. No specific plan can change the administrative procedures established in this bylaw or state statute.

9.3.7 Presentation of the specific plan. The advisory committee and applicants will, upon completing their work, present the proposed specific plan to the Planning Commission at the next regularly scheduled meeting at which time will allow its consideration.

9.4 Adoption of a Specific Plan. Adoption of a specific plan will follow the procedures established at 24 V.S.A. §§ 4384-4385 for the amendment of plans and the procedures established at 24 V.S.A §§ 4441-4442 and in Chapter 8 of this bylaw for the amendment of this bylaw.