



**UNIFIED  
DEVELOPMENT  
BYLAW**

**FOR THE  
TOWN OF WILLISTON,  
VERMONT**

**ADOPTED: JUNE 1, 2009  
LAST AMENDED: JUNE 4, 2024**

## Credits

This bylaw was prepared in 2008 and 2009 by former Town Planner, Lee Nellis, AICP and former members of the Williston Planning Commission, including Kevin Batson, Steve Bradish, Jon Eddy, Ron Herath, Debbie Ingram, Joel Klein, Paula LeBlanc, Jake Mathon, Cathy O'Brien (sitting as an alternate from the Development Review Board), George Osol, Nicole Senecal, and Dave Yandell, who chaired the commission throughout the process. Members of Williston's Development Review Board, Conservation Commission, and Historic and Architectural Advisory Committee contributed many helpful suggestions. Since 2009, members of the above boards and committees and Williston Planning staff have prepared numerous amendments, which are noted in the table of revisions.

In 2022 the town adopted the Taft Corners Form Based Code Overlay District., the implementation of a 2+ year planning and outreach effort culminating in a Vision Plan for Taft Corners. The Vision Plan was created by the Residents of Williston led by the Planning Commission, with the assistance of the Consultant Team, Town Staff, and Chittenden County Regional Planning Commission (CCRPC). The principal author of the Form Based Code is Geoff Ferrell. The consultant team included Keith Covington, Justin Falango, Anita Morrison, Rick Chellman, Paul Dreher, Peter Hudson, and Steve Price. The town especially acknowledges the assistance of CCRPC Senior Planner Taylor Newton, who shepherded the project from initial planning to adoption. Planning Director Matt Boulanger, AICP and Senior Planner Emily Heymann, AICP led the planning staff efforts on the Vision Plan and Draft Code. Other town staff including Senior Planner Melinda Scott, AICP; Director of Public Works Bruce Hoar; Stormwater Coordinator Christine Dougherty, and Town Manager Erik Wells had valuable contributions. Members of the Williston Planning Commission including Chapin Kaynor, Meghan Cope, Alex Daley, Cate Lamar, Shayla Livingston, Jill Pardini, Ron Bomer and Ellie Beckett all contributed immensely to the development of the Form Based Code through many months of meetings, careful review of the Code and thoughtful discussion. Members of the Selectboard including Chair Terry McCaig, Ted Kenney, Jeff Fehrs, Gordon St Hilaire and Greta D'Agnostino, spent much time reading, reviewing, and discussing the Code. Their leadership was invaluable.

*Note to the reader: Beginning with the version adopted on January 21, 2013, this bylaw has been paginated by chapter to facilitate more efficient updating and revision. The pages in Chapter 1, for example, are labeled 1-2, 1-2, 1-3... If you are unsure if you have the most current version of this document, please contact the staff at Williston Planning.*

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### **--- Administrative Forms ---**

Administrative forms are not adopted. They are prepared by the Administrator, as authorized by WDB 4.3.6. A complete set is provided with copies of this bylaw, but please be certain you have the current version before filing any of these forms.

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### **--- Application Checklists ---**

Application checklists are not adopted. They are prepared by the Administrator, as authorized by WDB 4.3.6. A complete set is provided with copies of this bylaw, but please be certain you have the current version before using the checklists.

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
March 22, 2010	Ch. 28 Special Flood Hazard Areas	-Minor Changes to insure FEMA approval of SFHR
	Ch. 2 Vested rights, Nonconforming Lots, uses and Structures	-Update to include nonconformities in Special Flood Hazard Areas
August 23, 2010	Ch. 11 Growth Management	-Allow extension of time for developments underway
	Ch. 37 Mixed Commercial	-Allow Industrial and Warehouse Uses
June 18, 2012	Ch. 45 Transportation Impact Fees	-Provided alternate method of calculating fee -Amended List of Projects -Provided Additional Credits for Construction of facilities
January 22, 2013	Overall Document	-General bylaw clean-up of various minor corrections, re-pagination, and revisions to the Table of Contents
	Ch. 32 Business Park Zoning District	-Change street setback from 50 feet to 25 feet
	Ch. 42 Village Zoning District	-Change side yard setback from 15 feet to 10 feet
February 18, 2014	Ch. 43 Recreation Impact Fee	-Revise fee schedule
	Ch. 44 School Impact Fee	-Revise fee schedule, added School impact fees to Bylaw, repealed School Impact fee ordinance
	Ch. 45 Transportation Impact Fees	-Revise fee schedule, added construction of Zephyr Road and the US2/Industrial Avenue Intersection to the list of eligible projects
	Ch. 36 Industrial Zoning District West	-Allow Medical Marijuana Dispensaries
April 21, 2014	Ch. 27 Conservation Areas	-Created provisions for conservation and wildlife habitat protection as a component of all levels of development review.
	Ch. 31 Agricultural/ Rural Residential Zone	-Add references to Ch. 27
	Ch. 39 Residential Zoning District	-Add references to Ch. 27
	Ch. 46 Definitions	-Added a definition of "Conservation Areas"
	Maps	-Adopted new maps: "1988 LESA Farmland," "Significant Wildlife Habitat," "Unique Natural Communities," Uncommon, Threatened and Endangered Species," and "Visual Assessment" for use with Ch. 27

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
January 26, 2015	Ch. 11 Growth Management	<ul style="list-style-type: none"> <li>-Sets the new growth management criteria to run through FY 2025</li> <li>-Changed the use of the term “dwelling unit” for growth management purposes to count a one-bedroom unit as .5 of a dwelling unit</li> <li>-Reserves 25% of available dwelling units in each growth management area for affordable housing</li> <li>-Limits the number of units that can be allocated to any one project in any one year</li> <li>-Limits the number of units that can be allocated in future years to ensure units are available throughout the 10-year cycle.</li> <li>-Extends expiration of allocation from four to five years</li> <li>-Extends available extensions from two to five years</li> <li>-Adjusts scoring criteria for the provision of affordable housing</li> </ul>
	Ch. 24 Outdoor Lighting	<ul style="list-style-type: none"> <li>-Prohibits “bands of light” on buildings</li> <li>-Requires outdoor lighting to be turned off at 10:00Pm or within ½ hour of close of business</li> <li>-Limits façade-mounted lights to a height of 15 feet</li> </ul>
	Ch. 25 Signs	<ul style="list-style-type: none"> <li>-Allowed for some off-site signs for agricultural businesses</li> <li>-Requires signs with internal illumination to be eliminated in 2025</li> </ul>
	Ch. 29 Watershed Health	<ul style="list-style-type: none"> <li>-Creates the Lake Iroquois Shoreland Protection Area (LISPA)</li> <li>-Requires a 100 foot setback for new structures from Lake Iroquois</li> </ul>
	Ch. 31 Agricultural/Rural Residential Zoning District	<ul style="list-style-type: none"> <li>-Reduces allowed building height within the LISPA from 36 to 30 feet.</li> <li>-Adds standards and requirements for new development in the LISPA.</li> </ul>
May 4, 2015	Ch. 33 Gateway Zoning District North	<ul style="list-style-type: none"> <li>-Adds “Professional and Technical Services (NAICS 541), Admin and Support Services (NAICS 561-5616), and Civic and Professional Organizations (NAICS 813) to the list of allowed uses in the Gateway Zoning District North.</li> </ul>
	Ch. 31 Agricultural/Rural Residential Zoning District	<ul style="list-style-type: none"> <li>-Allows “Banquet Facilities” to be established in historic barns with approval of a discretionary permit.</li> </ul>
August 18, 2015	Ch. 17 Non Residential Accessory Uses and Structures	<ul style="list-style-type: none"> <li>-Allows food sales in conjunction with accessory sales</li> <li>-Restricts size of food sales areas to 10% of floor area, not to exceed 1500 square feet.</li> <li>-Removes prohibition on advertising of limited service eating places allowed under the chapter</li> <li>-Specifically allows mobile food vendors as an accessory use to commercial properties with a discretionary permit.</li> </ul>
	Ch. 40 Gateway Zoning District West	<ul style="list-style-type: none"> <li>-Establishes a new mixed-use zoning district in the area of the intersection of South Brownell Road and Williston Road.</li> <li>-Allows for greater residential density than the RZD</li> <li>-Allows for limited commercial uses of properties in the zone.</li> </ul>
	Ch. 22 Design Review	<ul style="list-style-type: none"> <li>-Adds a reference to the new GZDW as a zone included within the Design Review District</li> </ul>
	Ch. 32 Business Park Zoning District	<ul style="list-style-type: none"> <li>-Extends the building height incentives for structured parking and affordable housing available in the Taft Corners Zoning district and elsewhere to properties within the Business Park Zoning District</li> </ul>

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
December 7, 2015	Ch. 37 Mixed Use Commercial Zoning District	<ul style="list-style-type: none"> <li>-Allows required design elements for new development in the district to be provided cumulatively (as opposed to on each building) under a site plan approval, where previously approval of a specific plan was required.</li> <li>-Replaces the “ice rink” required design element with “on-site renewable energy generation.”</li> </ul>
	Ch. 41 Taft Corners Zoning District	<ul style="list-style-type: none"> <li>-Allows required design elements for new development in the district to be provided cumulatively (as opposed to on each building) under a site plan approval, where previously approval of a specific plan was required.</li> <li>-Replaces the “ice rink” required design element with “on-site renewable energy generation.”</li> <li>-Clarifies that “multiple stories” required design element must involve a second story that is 60% or greater the area of the first story.</li> </ul>
May 1, 2018	Ch. 31 Agricultural/Rural Residential Zoning District	Approval of the use of a portion of the former Pine ridge School property for use as a theological seminary under a Specific Plan
May 1, 2018 (cont'd)	Ch. 1, 2, 4, 7, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 23, 25, 27, 28, 29, 30, 31, 32, 34, 35, 36, 38, 40, 41, 42, 43, 45, 46; Appendix G	General updates to reference the new 2016 Williston Comprehensive Plan, changes in statute, and corrections of errors in cross-referencing.
	Ch. 14 Parking	<ul style="list-style-type: none"> <li>- Add language allowing EV charging spaces to be a portion of required spaces up to 5%.</li> <li>- allow carpool spaces, EV spaces, etc. to be counted as part of required parking.</li> <li>- Increase number of parking spaces generating ADA requirements in line with federal requirements.</li> <li>- There is a conflict between minimum backup distance and minimum aisle width. Make minimum aisle width 24 feet for consistency with backup distance requirement.</li> </ul>
	Ch. 17 Accessory Uses and Structures	<ul style="list-style-type: none"> <li>- Create provision expanding accessory sales of food and drink for food and drink manufacturers only: 30% of tenancy not to exceed 2,000 square feet with a contiguous outdoor seating area not to exceed 500 square feet.</li> <li>- Make it clear that accessory structures must be accessory to a primary structure.</li> </ul>
	Ch. 20 Residential Improvements	<ul style="list-style-type: none"> <li>- Change to allow the owner to live in either the primary or the accessory unit.</li> <li>- Remove requirement for DRB review of ALL home businesses in tow-or-more- family homes. Require DRB review of proposed home businesses in a two or multi-family building that involve overnight parking of large work vehicles.</li> </ul>
May 1, 2018 (cont'd)	Ch. 25 Signs	<ul style="list-style-type: none"> <li>- Make it clearer which standards can be adjusted or waived under an approved master Sign Plan. Add clarification that internal illumination cannot be approved as part of a Master Sign Plan.</li> <li>- Allow for temporary “information centers” at active, permitted construction sites.</li> </ul>

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
	Ch. 31 Agricultural Rural Residential District	<ul style="list-style-type: none"> <li>- Added a statement that unless no other suitable lands area is available, creation of a building lot on 15%-19% slopes is not allowed.</li> <li>- Added guiding language to help the DRB determine if protected open space is “contiguous” as required by this chapter.</li> <li>- Require protected open space to be platted as a separate lot.</li> <li>- Remove provisions related to “Invisible Development.”</li> <li>- Require historic barns to be restored for banquet facilities or multifamily housing to be on the state or national registers of historic places. Remove DRB discretion to determine that other barns not on one of those lists are “historic.”</li> </ul>
February 19, 2019	Ch. 11, Growth Management	<ul style="list-style-type: none"> <li>-changes allocation tracking and permitting procedures</li> <li>-replaces allocation expiration provisions with “slow build”</li> <li>-replaces 10-year fixed allocation schedule with 10-year “rolling” allocation window.</li> <li>-adjusts allocation scoring criteria and adds sustainable transportation criteria</li> <li>-exempts dwelling units that will be affordable at 80% Area Median Income entirely from allocation requirements.</li> <li>-allows for projects scoring 70 or more points in the growth management process to proceed without allocation and in excess of the 80 unit per year “cap” on new residential growth.</li> </ul>
	Ch. 36, Industrial Zoning District West	<ul style="list-style-type: none"> <li>- Added Financial Advisors” to the list of allowed uses in table 36.A for the IZDW.</li> </ul>
October 15, 2019	Ch. 45, Transportation Impact Fee	<ul style="list-style-type: none"> <li>- fee increase from \$750.00 per trip to \$1943.00 per trip.</li> <li>- definition of trips has been broadened to include all types of trips: walking, transit, bicycling, and driving.</li> <li>- prediction of new trips has been adjusted to account for the transportation benefits of compact, mixed-use development.</li> <li>- Clarify how developers who build projects or portions of projects on the project list will be credited for their contribution to the Town’s infrastructure.</li> <li>- Provide an exemption from the fee for affordable housing and childcare.</li> </ul>

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
November 16, 2021	Ch. 1-46; Appendices A-I	General bylaw “cleanup” edits for clarification, correction of cross-references and typographical errors, and other non-substantive changes.
	Ch. 4 Class IV Groundwater	Amend the Permits and Exemptions standards (WDB 4) to identify an area of Class IV groundwater around the Commerce Street Superfund Site and to state the EPA rules under which excavation work in this area must comply and that documentation of compliance is required prior to issuance of a local permit.
	Ch. 14 Parking and Appendix J	<ul style="list-style-type: none"> <li>- Reduce parking minimums by 20%.</li> <li>- Reduce parking requirements for Accessory Dwelling Units and multifamily residential developments</li> <li>- Allow further reduction in parking minimums through shared parking arrangements</li> <li>- New shared parking tool (Appendix J)</li> </ul>
	Ch. 4, 17, 32, 33, 36, 37, 41, 46 Retail Cannabis	Allow the retail sale of medical or recreational cannabis in Gateway Zoning District North and Mixed-Use Commercial Zoning District, subject to certain procedures and restrictions.
	Ch. 29 Watershed Health	Allow flexibility for existing nonconforming residential properties that were constructed prior to the 2009 adoption of watershed protection standards.
	Ch. 43, 44, 45 Waivers for Impact Fees	<ul style="list-style-type: none"> <li>- Add a citation to 24 V.S.A. Chapter 117, Section 4302 (a)(E) Goal 1 and 24 V.S.A. Chapter 131, Section 5205, identifying that the Selectboard may waive school, recreation, and transportation impact fees for certain affordable housing developments.</li> <li>- Establish criteria for affordable housing fee waivers.</li> </ul>
October 4, 2022	Ch. 1-46, Appendix F	<ul style="list-style-type: none"> <li>- Establish the Taft Corners Form-Based Code Overlay District</li> <li>- Adopt a new Appendix F Taft Corners Form-Based Code</li> <li>- Adopt a town-wide Official Map</li> <li>- Amend other bylaw chapters to ensure consistency with Form Based Code</li> </ul>
October 3, 2023	Official Map, Taft Corners Form-Based Code Regulating Plan Map, and Taft Corners Form-Based Code Street Specifications Map	<ul style="list-style-type: none"> <li>- Reconfigure the location of a proposed new street, Trader Lane, within the Taft Corners Form-Based Code Overlay District.</li> <li>- Shift the location of a proposed Public Facility, the Trader Lane Green, to the north along the proposed reconfigured Trader Lane.</li> </ul>
October 17, 2023	Ch. 3 Actors in the Administration of this Bylaw	<ul style="list-style-type: none"> <li>- Change the name of Historic and Architectural Advisory Committee to Historic and Design Advisory Committee. Reduce members from 7 to 5.</li> </ul>
	Ch. 4 Permit Thresholds and Exemptions	<ul style="list-style-type: none"> <li>- Remove temporary events from regulation by the WDB (now regulated by the Town’s Temporary Events Ordinance).</li> <li>- Provide clearer statements on the types of permits that the WDB requires and their thresholds.</li> <li>- Administrative threshold for mobile vendors changed from “...affect less than 1,000 square feet...” to “... occupy less than 1,000 square feet...” (WDB 4.4.2.9.6)</li> </ul>

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
		<ul style="list-style-type: none"> <li>- Add emergency shelters to the list of partial exemptions to permit requirements.</li> <li>- Add language stating that where any bylaw provision is not consistent with state regulations, state regulations shall prevail. This currently applies to the recently adopted HOME Act (S 100) related to opportunities for the creation of housing.</li> </ul>
	Ch. 11 Growth Management	<ul style="list-style-type: none"> <li>- Allow exemptions to growth management for small, low-impact infill projects.</li> <li>- Allow exemption to growth management for projects that include a certain percentage of affordable homes.</li> <li>- Amendments to language about residential growth targets to reflect Inclusionary Zoning.</li> <li>- Minor amendments to growth management procedure and allocation rules.</li> <li>- Set required percentage of affordable for Inclusionary projects.</li> </ul>
	Ch. 14 Off Street Parking and Loading	<ul style="list-style-type: none"> <li>- Solar canopies over parking are allowed without a permit and can be located within setbacks.</li> </ul>
	Ch. 17 Non-Residential Accessory Uses and Structures	<ul style="list-style-type: none"> <li>- Increase the limit for accessory limited service eating places in the GZDN, IZDE and IZDW from 30% or 2,000sf to 50% or 5,000sf (whichever is less). Increase the limit for outdoor seating areas for accessory limited service eating places from 500sf to 1,500sf.</li> <li>- Allow EV charging stations / equipment in any zoning district with an administrative permit. (WDB 17.6)</li> <li>- Remove temporary events from regulation by the WDB.</li> <li>- Require demolition sites to be secured and erosion control measures implemented.</li> <li>- Mobile vendors allowed as an accessory use in non-residential parking lots including senior housing. Require an administrative permit where they occupy less than 1,000sf and a discretionary permit where they affect more. Mobile Vendor Checklist required.</li> </ul>
	Ch. 18 Compatibility Potential Hazards, Potential Nuisances	<ul style="list-style-type: none"> <li>- Demolition sites to be secured by fencing.</li> </ul>
	Ch. 19 Density and Transfer of Development Rights	<ul style="list-style-type: none"> <li>- Adaptive reuse projects converting commercial use to residential are exempt from residential density requirements.</li> <li>- Added a density bonus for mixed-use residential projects that include &gt;30% of affordable dwellings.</li> <li>- Clarify that Transfer of Development Rights applies only to transfers of development rights from lands in the ARZD to lands within the Growth Center outside of the Taft Corners Form Based Code District.</li> </ul>
	Ch. 20 Residential Improvements	<ul style="list-style-type: none"> <li>- EV charging stations are allowed outside setbacks without a permit.</li> <li>- Allows automated swimming pool covers instead of barriers.</li> </ul>
	Ch. 25 Signs	<ul style="list-style-type: none"> <li>- Allows signage for temporary events permitted under the Temporary Events Ordinance without an administrative permit. This exclusion is</li> </ul>

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
January 16, 2024		limited to one 24sf wall sign, one 16sf freestanding sign and four small directional signs. Additional or off-premises signs require a permit.
	Ch. 27 Conservation Areas	- Amend the requirements for Habitat Disturbance Assessments for development in Significant Wildlife Habitat Areas during discretionary review. The biologist is now contracted by the town at the developer's expense to allow a more objective assessment to be made of a development's impacts.
	Ch. 39 Residential Zoning District	- <b>WDB 39.10.2 and 39.10.3</b> – Delete these sections as they repeat information related to requirement of affordable housing and bonus density as stated in Chapters 11 and 19.
	Ch. 46 Definitions	- Amended definition of dwelling. - Added definition of emergency shelter
March 19, 2024	Ch. 5, 6, 9, 24, 31, 41, 42, and 46	- Amend name of HAAC to HADC
	Ch. 11, 26, 39, Appendix K	- Adoption of the Glaser Specific Plan, in accordance with the provisions of WDB Chapter 9 - Amend WDB Chapter 11 to include a scoring and phasing schedule for the residential subdivision - Amend WDB Chapter 26 to clarify that the exemption from street trees is applicable - Amend WDB Chapter 39 to recognize the existence of the Specific Plan, including the substantial benefit: the donation of open space to the town
June 4, 2024	Ch. 3,4,6, 9, 11, 17, 18, 20, 22, 23, 24, 25, 26, 43	- Change the name of the Taft Corners Form-Based Code Overlay District to the Taft Corners Form-Based Code Zoning District.
	Ch. 4	- Clarify how partially exempted developments will be reviewed by the DRB in the TCFBC. - Change the name of the Taft Corners Form-Based Code Overlay District to the Taft Corners Form-Based Code Zoning District.
	Ch. 11	- remove "Dwelling-Unit Equivalent," and replace such with "Dwelling" throughout. All Dwellings are now counted the same for purposes of density, Growth Management, Inclusionary Zoning Calculations, and all other metrics and requirements of the Williston Unified Development Bylaw. - Change the name of the Taft Corners Form-Based Code Overlay District to the Taft Corners Form-Based Code Zoning District.
	Ch. 14	- Reduce minimum parking requirements for residential projects to one space per dwelling in the Sewer Service Area where there is public parking within 0.25 mile or 1.5 spaces per dwelling where there is no public parking within 0.25 mile or outside the Sewer Service Area.

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
		<ul style="list-style-type: none"> <li>- Change the name of the Taft Corners Form-Based Code Overlay District to the Taft Corners Form-Based Code Zoning District.</li> </ul>
	Ch. 15	<ul style="list-style-type: none"> <li>- clarify that for proposed new developments, sidewalks or recreation paths must be provided along both sides of all <i>existing</i> and proposed roads, where past WDB required this only for proposed new roads.</li> </ul>
	Ch. 19	<ul style="list-style-type: none"> <li>- Change “Dwelling Unit Equivalent” to “Dwelling” throughout. Allowed Residential Density and Transfer of Development Rights measured as Dwellings per Acre.</li> <li>- Allow density at 5 Dwellings per acre in the RZD and VZD, and ARZD that is within the Sewer Service Area.</li> <li>- Add 40% density bonus for “Affordable Housing Developments” incentive to all maximum densities.</li> <li>- Delete previous density bonus in RZD.</li> <li>- Add “one additional floor for “Affordable Housing Developments” incentive to all maximum building heights.</li> <li>- Add reference to Affordable Housing Developments needing to meet certain elements of Williston’s Inclusionary Zoning requirements.</li> <li>- Change the name of the Taft Corners Form-Based Code Overlay District to the Taft Corners Form-Based Code Zoning District.</li> </ul>
	Ch. 30	<ul style="list-style-type: none"> <li>- Remove reference to Business Park Zoning District and establish Taft Corners Form-Based Code Zoning District.</li> <li>- Official Zoning Map Amended to show this change from TCFBC Overlay to TCFBC zoning district.</li> </ul>
	Ch. 31	<ul style="list-style-type: none"> <li>- Allow multi-household buildings with four or fewer dwellings in portions of the Agricultural Rural Residential Zoning District (ARZD) within the Sewer Service Area (SSA).</li> <li>- Allow a minimum lot size of 8,710 SF in portions of the ARZD within the SSA.</li> </ul>
	Ch. 32	<ul style="list-style-type: none"> <li>- Eliminate BPZD and replace with Taft Corners Form-Based Code. Strike all text of Chapter 32, the Business Park Zoning District (BPZD). Replace text with Taft Corners Form-Based Code (formerly Appendix F) as a new zoning district, the extent of which includes the entirety of the eliminated BPZD.</li> <li>- Amend TCFBC to add prohibited uses -cannabis retail and wholesale and retail fuel sales (gas stations).</li> <li>- Amend TCFBC to adjust base maximum heights in Building Form Areas as follows to accommodate “extra story” allowed by new provisions proposed in WDB 19: Town Center and Shopfront: Flat Roof: 5 stories maximum reduced to 4 stories. Flat roofed Affordable Housing Developments may have 5 stories; Pitched roof (attic story): 6 stories maximum reduced to 5 stories. Pitched-roofed Affordable Housing Developments may have 6 stories.</li> </ul>
	Ch. 34	<ul style="list-style-type: none"> <li>- Restate density bonus for Affordable Housing Developments, change reference of “Dwelling Unit Equivalent” to “Dwelling,” and remove references to TCFBC as an overlay district.</li> </ul>

Williston Development Bylaw History of Amendments:		
Date of Approval	Bylaw Section	Nature of Amendment
	Ch. 37	- Restate density bonus for Affordable Housing Developments, change reference of "Dwelling Unit Equivalent" to "Dwelling," and remove references to TCFBC as an overlay district.
	Ch. 38	- Restate density bonus for Affordable Housing Developments, change reference of "Dwelling Unit Equivalent" to "Dwelling," and remove references to TCFBC as an overlay district.
	Ch. 39	- State allowed density at 5 Dwellings per acre, restate density bonus for Affordable Housing Developments, change reference of "Dwelling Unit Equivalent" to "Dwelling," and remove references to TCFBC as an overlay district.
	Ch. 41	- Remove references to TCFBC as an overlay district.
	Ch. 42	- Delete statement on density requirements which are duplicated with Chapter 19 Density.
	Ch. 46	- Remove "Dwelling Unit Equivalent" from abbreviations list (Dwelling is already defined), amended in the Definition of Certificate of Conformity, to change the name of the Taft Corners Form-Based Code Overlay District to the Taft Corners Form-Based Code Zoning District and to cross reference to new Chapter 32. - Remove "focal point" definition and add a definition of "Footprint Lot" and clarify that small lots created to support condominium ownership of buildings do not convey the same rights or create the same responsibilities under the WDB that conventional lots platted under its standards do.

# **Chapter 1**

## **Authorities Purposes - Basic Principles**

This chapter cites the statutory authorities for the adoption of this bylaw and states its purposes. It also adopts basic principles that guide the administration of this bylaw.

### **1.1 Authority**

**1.1.1 What is the legal authority for adoption of this bylaw?** Vermont law provides abundant authority for the adoption of this bylaw. 24 V.S.A. § 4401, 4402, and 4410 authorize the regulatory implementation of municipal plans. 24 V.S.A. § 4402 and 4419 specifically authorize the adoption of a unified development bylaw. 24 V.S.A. § 4419 states:

Any bylaws authorized under this chapter may be integrated into a unified land development bylaw that combines the separate requirements into a consolidated review and permitting process.

**1.1.2 What is a unified development bylaw?** This unified development bylaw integrates zoning, as authorized by 24 V.S.A. §§ 4411-4414; site plan review, as authorized by 24 V.S.A. § 4416; planned unit development regulations, as authorized by 24 V.S.A. § 4417, subdivision regulations, as authorized by 24 V.S.A. § 4418; requirements for adequate public facilities and growth management, as provided by 24 V.S.A. § 4423; the transfer of development rights, as authorized by 24 V.S.A. § 4423; and the regulation of shorelands and flood hazard areas, as authorized by 24 V.S.A. § 4424. Citations of authority for specific portions of this bylaw are given where needed.

**1.2 Purposes.** This bylaw is adopted for the purposes established by 24 V.S.A. § 4302 and to implement the regulatory policies of Williston's *Town Plan*. Policy 14.1 of that plan states:

The Town of Williston will revise its bylaws to be consistent with the policies adopted in this plan. These revisions will take the form of a unified development bylaw.

The requirements of this bylaw are the minimum necessary to ensure that individual land use decisions are consistent with the *Town Plan*, as required by 24 V.S.A. § 4410.

**1.3 Basic Principles Applicants Should Understand.** Your signature on an application for a permit is an acknowledgement of the following basic principles.

**1.3.1 State and federal regulations may apply.** Applicants should understand that state and federal regulations apply to many projects. Where those regulations are not as restrictive as this bylaw, this bylaw applies. State and federal regulations may also be more restrictive than this bylaw, in which case both the requirements of this bylaw and the state or federal regulation apply. You should not submit an application for a permit to the town until you have a clear understanding of how state and federal regulations affect your project. If you obtain a permit from the town, then make a substantial change in the approved final plans to comply with state or federal regulations, you must apply for and obtain a new or amended town permit.

**1.3.2 Private agreements may apply.** Applicants should be aware that covenants, deed restrictions, easements, and similar private agreements affect many projects. Those agreements may be more restrictive than this bylaw. You should not submit an application for a permit to the town until you have a clear understanding of how private agreements affect your project. If you obtain a permit from

the town, then make a substantial change in the approved final plans to comply with a private agreement, you must apply for and obtain a new or amended town permit.

**1.3.3 Burden of proof.** Applicants should understand that the burden of demonstrating compliance with this bylaw rests with them. Be sure you understand the relevant requirements of this bylaw before submitting an application for a permit. It is important to submit a clear, complete application. The town provides application forms and checklists, but most applicants will need to retain qualified professional help to prepare their application.

**1.3.4 Representations are binding.** All representations made on application forms and checklists, and in the drawings and other materials that accompany an application, are binding. What does ‘binding’ mean? It means that the applicant must build the project as it is described and depicted in the materials approved by the Administrator or the DRB. Minor changes in approved final plans may be permitted by WDB 5.6. Substantial changes require a new administrative permit and may require the amendment of a discretionary permit or, possibly, a new discretionary permit

**1.4 Severability.** If any provision of this bylaw or the application of this bylaw in specific circumstances is held invalid by any court, the remainder of the bylaw and/or its application in other circumstances shall be unaffected.

**1.5 Disclaimer of Liability.** These regulations do not create any liability on the part of the Town of Williston, its officials, agents, employees, or representatives for alleged damages that result from reliance on these regulations or any lawful administrative action or decision taken under these regulations.

**1.6 Effective Date.** These regulations became effective on June 22, 2009.

**1.7 Title and Citation.** This bylaw should be referred to as the *Williston Development Bylaw*. Sections should be cited as “WDB, (chapter number), (section number), (subsection number), (sub-subsection number).

**1.8 About Text Boxes.** The text boxes provide information that supplements this bylaw. They are not part of the bylaw, however, and the Administrator may edit them as necessary.

**1.9 Temporary Filing Deadline Extensions due to the COVID-19 Pandemic.** This bylaw contains a number of filing deadlines and expirations that apply to permits as well as to various elements of the Town’s development review and approval process. Any of these deadlines or expirations that fall between January 1, 2020 and December 31, 2020 are hereby extended for a period of one year.

- Deadlines to act on an administrative Permit pursuant to WDB 5.5.1 or an extended administrative permit pursuant to WDB 5.5.2
- Deadlines to file a Discretionary Permit following the issuance of recommendations on a pre-application by the DRB pursuant to
- Deadlines associated with Growth Management pursuant to WDB 11
- Deadlines to file final plans following the issuance of a discretionary permit approval by the DRB pursuant to WDB 6.7.2 or deadlines to file final plans pursuant to an extension granted pursuant to 6.7.3 or 6.7.4.

**1.9.1 Are there deadlines this provision does not apply to?** Yes. This extension language does not apply to any procedural deadlines established by Vermont Statute. For example, appeals of decisions by the Zoning Administrator to the DRB and appeals of DRB decisions to the Environmental

Division of the Vermont Superior Court are not set by this Bylaw and are therefore not extended by this provision.

## **Chapter 2**

### **Vested Rights Nonconforming Lots, Uses, and Structures**

This chapter provides for the transition from the previous bylaws to this one. It repeals the previous bylaws, while protecting the rights of projects that are underway to proceed in compliance with those bylaws. It also establishes the rights of nonconforming lots, uses, and structures.

**2.1 Previous Bylaws.** All bylaws authorized by Chapter 117, Title 24 of the Vermont Statutes that existed on the effective date of this bylaw are hereby repealed to the extent of their inconsistency with this bylaw.

**2.2 Vested Rights.** It is important to understand the difference between these provisions for vested rights and the provisions this bylaw makes for existing, but nonconforming, lots, uses, and structures in WDB 2.3-2.6. This section applies only to developments for which a complete application had been filed or a permit approved, but that were not completed, and thus not ‘existing,’ on the effective date of the current version of this bylaw.

**2.2.1 *What is a vested right?*** A vested right is the right for a development to be completed in compliance with the rules that were in effect on the date the application for a permit for that development was deemed complete.

**Complete? Completed?** A ‘complete’ application is one that has been accepted as such by the Administrator, as provided by WDB 5.1.6 or 6.4.6. A ‘completed’ development is one for which a certificate of occupancy (CO) has been issued, as provided by WDB 7.3, or where a CC is not required, one on which all work has been completed, as permitted.

#### **2.2.2 *How is a vested right established?***

**2.2.2.1 For Residential Subdivisions.** Obtaining approval of a residential subdivision in Williston is a competitive process. Subdivisions are evaluated and ranked on the basis of their consistency with the town’s goals, as stated in the town plan and this bylaw. Development rights do not vest until a residential subdivision has been through pre-application review as required by WDB 6.2; obtained an allocation from the town’s residential growth target as provided by Chapter 11 of this bylaw; and submitted a timely and complete application for a discretionary permit following the procedures established in WDB 6.4, et seq.

**2.2.2.2 For Other Developments.** A vested right can be established only by having filed a complete application for a discretionary permit or an administrative permit, whichever is the appropriate first step in the proposed development’s review. Vested rights cannot be established by filing a request for pre-application review.

#### **2.2.3 *What is the extent of a vested right?***

**2.2.3.1 For Subdivisions.** Lots in subdivisions that are completed in reliance on a vested right may be conveyed, even if they have become nonconforming. Development of the lots must, however, comply with this bylaw or obtain a variance, as provided by WDB 8.1.3.6.

**2.2.3.2 For Uses and Structures.** Uses and structures that are completed in reliance on a vested right may be occupied, even if they become nonconforming. See WDB 2.5 and 2.6 regarding nonconforming uses and structures.

**2.2.4 Can vested rights expire?** Yes. Both this bylaw and the previous bylaws provide for the expiration of permits or approvals. Vested rights expire with the permit or approval.

**2.2.5 Can a plan with vested rights be revised?** Any substantial change in the approved final plans for a development voids its vested rights. Minor changes may be allowed, with the approval of the Administrator, as provided at WDB 5.6.

**2.3 Specific Authority.** The provisions of WDB 2.4, 2.5, and 2.6 are specifically authorized by 24 V.S.A § 4412(7), which requires all bylaws to “define how nonconformities will be addressed, including standards for nonconforming uses, nonconforming structures, and nonconforming lots.” These provisions are also consistent with 24 V.S.A § 4412(2), which limits municipal regulation of “existing small lots.”

## **2.4 Nonconforming Lots**

**2.4.1 What is a nonconforming lot?** Per 24 V.S.A. § 4303 (13), nonconforming “lots or parcels do not conform to the present bylaws covering dimensional requirements, but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.” Usually a lot is nonconforming because it is too small to accommodate any use that is permitted in its zoning district. Lots may also be nonconforming for other reasons, including the lack of legal or safe access.

**2.4.2 Must nonconforming lots be merged?** Contiguous, nonconforming lots that are under the same ownership are considered merged, except as provided below.

**2.4.2.1 Exception to Merger.** Contiguous, nonconforming lots may be conveyed in their pre-existing, nonconforming configuration where, on the effective date of this bylaw, each lot:

- was connected to central water and sewer systems or developed with a water supply and wastewater disposal system that is functioning in an acceptable manner, as verified in the field by a licensed designer, or
- had an allocation for a dwelling unit approved under any of the previous versions of the growth management system that is embodied in Chapter 11 of this bylaw.

**2.4.2.2 Easements Required.** The instruments of conveyance for contiguous, nonconforming lots that are not merged must create easements sufficient for the replacement and maintenance of water and wastewater systems on all lots involved.

**What does it mean to “merge” lots?** Lots are merged for the purposes of this bylaw only. They may still appear as separate in the land records or be subject to separate property tax bills. Merger means only that the lots are treated as one for the purposes of determining compliance with the standards of this bylaw.

**2.4.3 How can a nonconforming lot be used?** A nonconforming lot that is not subject to merger as required by WDB 2.4.2; is in individual, separate, and nonaffiliated ownership from surrounding properties; and was in existence on the effective date of this bylaw, may be used as provided here.

2.4.3.1 Boundary Adjustment. Nonconforming lots may be divided and added to adjoining lots using the boundary adjustment procedure established by Chapter 10 of this bylaw.

2.4.3.2 Development. A nonconforming lot may be developed for any of the uses permitted in the zoning district in which it is located, provided that the proposed development complies with all other requirements of this bylaw. If full compliance is not possible, a variance may be approved using the nonconformity as a basis for the findings required by WDB 8.1.3.

## 2.5 Nonconforming Uses

**2.5.1 What is a nonconforming use?** Per 24 V.S.A. § 4303(15), a nonconforming use is “a use of land that does not conform to the present bylaws, but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.”

**2.5.2 Can nonconforming uses continue?** Yes, but only with the limitations described in WDB 2.5.3 and 2.5.4.

**2.5.3 Can a nonconforming use be changed?** No. Any change in use, or in the nature or extent of use, is subject to the requirements of this bylaw.

**2.5.4 What happens if a nonconforming use ceases to operate?** If a nonconforming use ceases operation for more than one year (twelve months) it may be replaced only with a conforming use.

## 2.6 Nonconforming Structures

**2.6.1 What is a nonconforming structure?** Per 24 V.S.A. § 4303(14), a nonconforming structure is “a structure or part of a structure that does not conform to the present bylaws, but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.”

**2.6.2 Can a nonconforming structure continue?** Yes. Nonconforming structures can continue indefinitely in their present form, unless they are determined to be dangerous buildings, in accord with WDB 18.2. Routine maintenance and repair of nonconforming structures is permitted.

**2.6.3 Can a nonconforming structure be replaced?** Yes, with some limitations. A nonconforming structure may be replaced with a new one as long as there is no change in the nature or extent of any nonconforming use if present, and the degree of the structure’s nonconformity is not increased. A nonconforming structure that is demolished or destroyed may only be replaced if a permit to replace the nonconforming structure is obtained no later than one year (12 months) from the date when the nonconforming structure was destroyed.

**2.6.4 Can a nonconforming structure be modified?** Yes, with some limitations. A nonconforming structure may be modified or expanded as long as there is no change in the nature or extent of any nonconforming use if present, and the degree of the structure’s nonconformity is not increased.

WDB 31.3.4.4 contains specific restrictions on the expansion of nonconforming structures in the Lake Iroquois Shoreline Protection Area (LISPA).

**Is allowing the replacement or enlargement of a nonconforming structure good policy?** First, remember that a conforming use can be housed in a nonconforming structure. This means that the replacement or enlargement of a nonconforming structure may not result in a change in the nature or extent of a nonconforming use. Second, refusing to allow the replacement of nonconforming structures often results in blight, as these structures are not maintained. Allowing replacement may result in an improvement. Finally, most nonconforming structures are not nonconforming in every dimension. Consider a building that is too close to a stream or a property line. The side nearest the stream or property line is nonconforming, but as long as that side doesn't change, it may be possible to expand the building in another direction in full compliance with this bylaw. This possibility gives the owner an asset instead of a building there is little incentive to maintain.

## **2.7 Nonconforming Signs.** See WDB 25.9.

**2.8 Correction of Nonconformities.** The DRB may require that nonconformities be corrected as a condition of approval of a discretionary permit for additional development on the same lot or on adjacent lots in the same ownership. This power is limited to requiring work that is reasonably proportional to the scale of the proposed development.

## **2.9 Additional Regulations for Nonconformities**

### **2.9.1 What if a nonconforming lot, use, or structure is in a watershed protection buffer?**

2.9.1.1 Within SFHA's. As provided by WDB 28.16 and the requirements of the National Flood Insurance Program, nonconformities located in watershed protection buffers that are also Special Flood Hazard Areas may not be maintained, repaired, replaced, or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses conducted in accordance with standard engineering practices and certified by a registered professional engineer that the proposed work will result in no increase in flood levels during the occurrence of the base flood.

2.9.1.2 Outside SFHAs. Nonconformities located in watershed protection buffers that are not also Special Flood Hazards Areas may be maintained, repaired, replaced, and enlarged provided that the degree of nonconformity is not increased, and that all exterior work is subject to the runoff and erosion control requirements of Chapter 29 of this bylaw, but no change that permits or expands the processing, manufacture, storage, or handling of regulated hazardous materials or materials that could float and be dispersed downstream during a flood may be permitted.

**2.9.2 What if a nonconforming lot, use, or structure is in the Village Zoning District?** All exterior changes in the Village Zoning District must comply with the *Williston Village Historic District Design Review Guide*.

## Chapter 3

### Actors in the Administration of this Bylaw

This chapter lists the actors in the administration of this bylaw and explains their roles. It also addresses conflicts of interest and ex parte contacts.

**3.1 Administrator.** The Administrator is the town employee or contractor charged with the administration of this bylaw. As required by 24 V.S.A. App. § 156-16h(3)(J) (Section 16h(3)(J) of the Williston Town Charter), he or she is appointed by the Town Manager based on merit and fitness without a definite term. He or she may be removed for cause by the Town Manager, at any time. The Town Manager may also appoint Deputy Administrators.

**3.2 Conservation Commission.** The Conservation Commission is created by § 15(b)(2)(C) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4501, et seq. Its role in the administration of this bylaw is to review developments for which a discretionary permit is required and advise the DRB regarding their compliance with this bylaw. The Conservation Commission reviews all developments that implement open space, including all neighborhood parks and watershed protection buffers, and/or recreation paths or trails. The Administrator may also refer other developments to the Conservation Commission.

**Town Charter?** Williston's charter may be found at the Town's website or in Title 24, Appendix Chapter 156 of the Vermont Statutes Annotated.

**3.3 Development Review Board.** The Development Review Board (DRB) is created by § 15(b)(2)(B) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4460 and 4461 (in Williston, the DRB is the AMP, appropriate municipal panel referred to in those statutes). The powers of the DRB are established by this bylaw. The DRB hears appeals from decisions of the Administrator, as provided by WDB 5.4 and reviews and acts on applications for discretionary permits, as described in Chapter 6 of this bylaw. The DRB's rules of procedure are generally established in this bylaw. See WDB 3.10 and 3.11, below, and Chapters 4-12. Rules for the organization of the DRB, including the election of officers, are established in Appendix A of this bylaw.

**3.4 Director of Public Works.** The Director of Public Works (DPW) is the town employee or contractor charged with the overall supervision of the town's infrastructure. The DPW promulgates the *Public Works Standards* that are referred to in many places in this bylaw and assists the Administrator and DRB in the review of proposed developments.

**3.5 Historic and Design Advisory Committee (HDAC).** The Historic and Design Advisory Committee is a five-member advisory committee, appointed by the Selectboard under the authority of 24 V.S.A. § 4433. Its role in the administration of this bylaw is:

3.5.1 ... to review proposed developments, including major additions, in the design review districts established in Chapter 22 of this bylaw and advise the DRB regarding their compliance with the design review standards adopted in that and other chapters of this bylaw;

3.5.2 ... to review proposed development for which a discretionary permit is required by this bylaw in the VZD and advise the DRB regarding its compliance with the standards established in Chapter 42 of this bylaw, including the standards of the *Williston Village Historic District Design Review Guide*; and

3.5.3 ... review applications for administrative permits on referral from the Administrator, as provided by WDB 42.2.2.

**3.6 Planning Commission.** The Planning Commission is created by § 15(b)(2)(A) of the Town Charter, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4321, et seq. It prepared this bylaw, as provided by 24 V.S.A. 4441, and is responsible for the preparation of any amendments. The Planning Commission may also be asked to advise the Administrator and/or the DRB on the interpretation of this bylaw.

**3.7 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 Taft Corners Form-Based Code Zoning District (TCFBC). The PRC is comprised of the Zoning Administrator, the Director of Public Works, and the Fire Chief. See TCFBC Section 8 for the PRC powers, duties, and operational procedures.

**3.8 Selectboard.** The five Selectboard members are Williston's chief elected officials. The Selectboard adopted this bylaw, as provided by 24 V.S.A § 4442 and must make any amendments. The Selectboard also appoints the Administrator and the members of the other bodies described in this chapter.

**3.9 Town Clerk.** This bylaw, as adopted, and some documents produced in its administration must be filed with the Town Clerk.

**3.10 Town Manager.** The Town Manager is the chief executive officer retained by the Selectboard. The Town Manager signs contracts on behalf of the town, including the development agreements required by Chapter 7 of this bylaw.

### **3.11 Conflicts of Interest**

**3.11.1 What is a conflict of interest?** Conflicts of interest are defined by Williston's *Conflict of Interest Ordinance*, which is appended to this bylaw as Appendix B.

**3.11.2 What is the proper response to a conflict of interest?** Any actor in the administration of this bylaw, including staff or any member of the town boards listed in this chapter, who has a conflict of interest in the review of any application for a permit, or in any other proceeding authorized by this bylaw, shall declare that conflict and refrain from any participation in the proceedings.

### **3.12 Ex Parte Contacts**

**3.12.1 What is an ex parte contact?** An ex parte contact occurs when a member of the DRB or either of the advisory boards (Conservation Commission, HDAC) discusses an application for a permit with the applicant, the applicant's representative, or any of the potentially affected neighbors outside a public meeting or their representatives. Ex parte contacts are defined in the town's *Conflict of Interest Ordinance*: see Appendix B.

**3.12.2 What is the proper response to an ex parte contact?** Members should avoid ex parte contacts whenever possible. When such a contact is unavoidable, members must disclose ex parte contacts for the record of the hearing.

## **Chapter 4**

### **Permits Thresholds and Exemptions**

This chapter requires a permit for most development activity. It also allows some complete and partial exemptions from that requirement and establishes the two types of permits used in the administration of this bylaw. Permit application, review, and appeal procedures are found in Chapters 5 and 6 of this bylaw.

#### **4.1 Permit Requirements**

**4.1.1 Is a permit required for development?** Yes. Permits are required for all development that is not specifically exempted by WDB 4.2. Failure to obtain a permit before beginning development is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**4.1.2 What is development?** 24 V.S.A. § 4303(10) defines “land development” as “the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.” This bylaw uses the term ‘development’ rather than land development, but they are synonymous.

**4.1.3 Are land boundary adjustments development?** See Chapter 10 of this bylaw, which establishes the review procedure for proposed boundary adjustments that create no significant potential for future subdivision, but must be reviewed for content and form. Proposed boundary adjustments that present some potential for future subdivision will ordinarily be treated as development for which a discretionary permit is required, but WDB 10.1.3 does provide two possible exceptions to this rule.

**4.1.4. Are outdoor sales and storage development?** Yes. Outdoor sales and storage are development, and are regulated by this bylaw. Outdoor sales and storage are not permitted in all zoning districts. Where they are permitted, outdoor sales and storage areas must be specifically delineated on the plans submitted with an application for a permit. If approved, outdoor sales and storage will be confined to the delineated areas. Specific standards for outdoor sales and storage appear in the chapters establishing each zoning district.

**4.1.5 Are exterior changes that do not change a building’s dimensions development?** They may be. 24 V.S.A. § 4414(e) specifically authorizes Williston to regulate such changes in design review districts and several zoning districts are designated as design review districts, including the BPZD, GZDS, GZDW, MUCZD, MURZD, TCZD, and VZD. Development on lots in the IZDW that adjoin Marshall Avenue and Route 2 are also subject to design review.

**4.1.6 Is the posting or placement of a sign development?** Yes. The installation, posting, or placement of any sign, including temporary and portable signs, is development regulated by this bylaw. 24 V.S.A. § 2291(7) also gives the Town independent authority to regulate signs.

**4.1.7 Is a change of use development?** Yes. A ‘change of use’ for which a permit is required by this bylaw occurs when the use of a building, a space within a building, or a lot is changed and the new use is not in the same four-digit North America Industry Classification System (NAICS) category as the old use.

**4.1.8 When is a permit required for development?** Before ANY land division or work begins. Permits must be obtained before lots are created or before a site is cleared of vegetation or any earth is moved. Clearing or grading a site before applying for the required permits is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Restoration of the site to its original condition may be required.

## 4.2 Exemptions from the Requirements of this Bylaw

**4.2.1 Are there exemptions from this bylaw?** There are a few, which are listed below. There are also some partial exemptions, which are listed in WDB 4.2.2

4.2.1.1 State-Regulated Utilities. As provided by 24 V.S.A § 4413(b), this bylaw does not apply to public utility power generating plants and transmission facilities.

4.2.1.2 Agricultural and Silvicultural Practices. As provided by 24 V.S.A § 4413(d), this bylaw does not apply to specific Required Agricultural Practices and Accepted Management Practices in forestry defined by the secretary of agriculture, food, and markets or the commissioner of parks, forests, and recreation, respectively. Farmers must notify the Administrator in writing of the proposed construction activity. This notification must include a sketch of the proposed structure including how it meets local setbacks from adjoining property lines and road rights-of-way.

**What are Required Agricultural Practices?** Agricultural practices that are governed by these regulations [regulations promulgated by the Vermont Agency of Agriculture Food and Markets] include, but are not limited to, the following: (a) the confinement, feeding, fencing, and watering of livestock; (b) the handling of livestock wastes and by-products; (c) the collection of maple sap and production of maple syrup; (d) the preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops; (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds; (f) the stabilization of farm field streambanks constructed in accordance with the USDA-Natural Resources Conservation Service standards and specifications or other standards approved by the Commissioner; (g) the construction and maintenance of farm structures in accordance with Federal Flood Insurance Management Program standards, the construction and maintenance of farm ponds, farm roads, walls, fences, structures to control the grade and head cutting in natural or artificial channels, and an irrigation, drainage or other water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation; (h) the on-site production of fuel or power from agricultural products produced on the farm; (i) the on-site storage, preparation and sale of agricultural products principally produced on the farm; and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides. **Farm Structure** means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as "farming" is defined in subdivision 6001(23) of Title 10, but excludes a dwelling for human habitation.

4.2.1.3 **Temporary Events.** Temporary Events are land development but are not regulated by this bylaw. They are defined and regulated by the town's Temporary Events Ordinance.

4.2.1.4 Pre-emption by State Statute. Where a provision of the Williston Development Bylaw is not consistent with State statute, State statute shall prevail or "pre-empt" that specific provision of the bylaw.

**4.2.2 Are there partial exemptions from this bylaw?** As provided by 24 V.S.A § 4413(a), this bylaw applies to the following developments only to the extent that it does not have the effect of interfering with their intended functional use:

4.2.2.1 ... institutions and facilities owned and operated by the state or a municipality;

4.2.2.2 ... public and private schools and other educational institutions certified by the state department of education;

4.2.2.3 ... churches and other places of worship, convents, and parish houses;

4.2.2.4 ... public and private hospitals;

4.2.2.5 ... regional solid waste management facilities certified under 10 V.S.A. Chapter 159; and

4.2.2.6 ... hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

4.2.2.7... emergency shelters.

**4.2.2.8 Permit Requirement for Partially Exempted Developments.** Permits are required for the uses listed above. The town is specifically authorized to regulate the “location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening” of these developments. However, the statute then states that the town may not interfere with the intended functional use, and that regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use. In order to clarify the local application of this language, the town adopts the policy stated in WDB 4.2.2.9.

**4.2.2.9 Policy on the Regulation of Partially Exempted Developments.** The town strongly discourages partially exempted development on sites that are not zoned for the proposed use. In compliance with the statute cited above, however, the town will accept an application for a discretionary permit for a partially exempted development in any zoning district. Proposals for partially exempted developments that would normally be reviewed and approved under the Administrative Major Certificate of Conformity process outlined in WDB 32 will be reviewed by the DRB using the hearing procedures for a Discretionary Permit. The DRB will then apply all standards of this bylaw to the proposed development and impose any conditions it finds necessary to maximize compliance. The burden of demonstrating that a condition imposed on a partially exempted development interferes with the intended functional use rests with the applicant.

**4.2.3. Are there exemptions from the requirement for a permit, but not from the requirements of this bylaw?** Yes. As explained below, permits are not required for some minor development activity that is still subject to all requirements of this bylaw. For development within the Taft Corners Form-Based Code Zoning district, see TCFBC Section 8.

**4.2.3.1 Accessory Structures on Residential Properties.** No permit is required for detached residential accessory structures, including decks, patios, play structures, and portable structures that are less than 10 feet in height and have a footprint of less than 120 square feet. Accessory structures on residential properties must, however, comply with the requirements of this bylaw. For example, placing a 100 square foot play structure within 5 feet of a side property line in the RZD would not require a permit, but would be a violation of the 10-foot minimum side setback required in that zoning district, subject to enforcement as provided in

WDB 7.4-7.6. This exemption does not apply to accessory structures located in the Special Flood Hazard Area.

**4.2.3.2 Boundary Adjustments.** Boundary adjustments must be reviewed and approved by the Administrator, as required by Chapter 10 of this bylaw, but do not require a permit.

**4.2.3.3 Outdoor Lighting of Residential Properties.** No permit is required for outdoor lighting associated with one- and two-household dwellings, but that lighting must comply with the requirements of Chapter 24. For example, installing more lighting than is permitted by WDB 24.2.3.2, would not require a permit, but would be a violation, subject to enforcement as provided in WDB 7.4-7.6.

**4.2.3.4 Signs.** All signs must comply with the requirements of this bylaw, but no permit is required for the placement or posting of certain signs, including directional signs. For example, no permit is required for directional signs, but placing one in a public right-of-way would be a violation, subject to enforcement as provided in WDB 7.4-7.6.

**4.3 Types of Permits.** This bylaw establishes two types of permits: administrative and discretionary.

**4.3.1 *What is an administrative permit?*** An administrative permit is required for all development outside the Taft Corners Form-Based Code Zoning District that is not specifically exempted by WDB 4.2.1. Applications for administrative permits are reviewed and approved or denied by the Administrator following the procedures of Chapter 5 of this bylaw. Approval of an administrative permit authorizes development to begin. **Approval of a discretionary permit may be required before an application for an administrative permit is submitted.**

**4.3.2 *What is a discretionary permit?*** Discretionary permits are required for the developments listed in WDB 4.3.3 and 4.3.4. Applications for discretionary permits are reviewed and approved or denied by the DRB, following the procedures established in Chapter 6. Approval of a discretionary permit does NOT authorize development to begin but allows the developer to apply for one or more administrative permits. For example, approval of the discretionary permit for a subdivision does not allow the developer to begin grading streets or building homes. An administrative permit must be obtained before grading or building construction begins. In the Taft Corners Form-Based Code Zoning District, a discretionary permit is not applicable, and projects must receive a Certificate of Conformity (see 4.3.6 and FBC Section 8).

**4.3.3 *What is a Certificate of Conformity?*** A Certificate of Conformity is required in the Taft Corners Form-Based Code Zoning District. The Certificate of Conformity replaces the Discretionary Permit and Administrative Permit procedures. See Form-Based Code Section 8 in WDB 32.

**4.3.4 *What is a Certificate of Appropriateness?*** A Certificate of Appropriateness may be required for properties in the Village Zoning District. See WDB 4.5 below.

**4.3.5 *Where do I obtain administrative forms?*** The Administrator is authorized to prepare permit applications and other administrative forms, and to update those forms as experience and amendments to this bylaw necessitate. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or online at the town's website.

**4.4 Permit Thresholds.** Permit requirements vary depending on the type of development proposed, the type of property (ex. residential vs. commercial), and other factors. See WDB 4.5 for permit threshold in the Village Zoning District (VZD).

**4.4.1 *What types of development activity require a discretionary permit prior to administrative permit(s)?***

4.4.1.1 ... the subdivision of land, including subdivisions in the Taft Corners Form-Based Code Zoning District,

4.4.1.2 ... boundary line adjustments that cannot be approved administratively as provided by Chapter 10 of this bylaw;

4.4.1.2 ... clearing, grading, or excavation that disturbs one-quarter ( $\frac{1}{4}$ ) or more acres of land, excluding agricultural and forestry practices exempted by WDB 4.2.1.2; and

4.4.1.3 ... all multi-unit residential (> 2 units), commercial, institutional, and industrial development, including both site improvements and structures, and including both new structures and additions, except ‘minor work,’ which is defined by WDB 4.3.5.

4.4.1.4 ... the establishment of a medical cannabis dispensary or retail cannabis operation requires a discretionary permit.

**4.4.2 *What types of development activity only require an administrative permit? ?*** Meaning, the development activity does NOT require a discretionary permit prior to administrative permit(s).

4.4.2.1 ... development within the Taft Corners Form-Based Code Zoning District, where a Certificate of Conformity is required instead.

4.4.2.2. ... the construction of one- and two-household dwellings on existing or approved lots,;

**Existing? Approved?** For the purposes of the exemption established by WDB 4.3.3.2, an existing lot is one that is: a) zoned for residential use, b) is presently unoccupied by a dwelling, c) is separate from all adjoining parcels because it is in separate ownership and control or is a split parcel, as defined by WDB 12.1.3.1; and d) was not made separate from adjoining parcels that are in the same ownership by a violation of the town’s subdivision regulations. In determining whether a parcel is ‘existing,’ please refer to the requirements of WDB 2.4. An approved lot is part of a residential subdivision for which a final plan has been recorded, as provided by this or previous bylaws.

4.4.2.3 ... accessory dwellings that comply with WDB 20;

4.4.2.4 ... accessory structures, decks, patios, pools, and certain other improvements on residential properties, as provided in Chapter 20 of this bylaw and that are not exempted by 4.2.3;

4.4.2.5 ... certain boundary adjustments, as provided by Chapter 10 of this bylaw;

4.4.2.6 ... certain signs, as provided by WDB 4.2.3.4;

4.4.2.7 ... demolition, except in the VZD where a Determination of Contributing Structure Status and/or Certificate of Appropriateness (COA) is required for the demolition of a contributing structure ; and

4.4.2.8 ... clearing, grading, or excavation that disturbs less than one-quarter (1/4) acre of land and is not undertaken in anticipation of a development for which a discretionary permit will be required. For more on the requirements for clearing, grading, or excavation see Chapter 29 of this bylaw.

4.4.2.9 “Minor work” on commercial, industrial, institutional, and multi-unit (>2 units) residential properties as follows:

- 4.4.2.9.1 Accessory Structures. To be ‘minor,’ accessory structures must be less than 10 feet in height and have a footprint of less than 120 square feet
- 4.4.2.9.2 Additions. To be minor, additions must be architectural extensions of the existing building, using identical or essentially identical exterior materials, and include less than 1000 square feet.
- 4.4.2.9.3 Exterior Remodels. To be minor, exterior remodels must be architectural extensions of the existing building, using identical or essentially identical exterior materials. An example would be the addition of windows or a door using a fully consistent spacing, rhythm, scale, and materials.
- 4.4.2.9.4 Site Work. To be minor, site work must affect less than 1,000 square feet.
- 4.4.2.9.5 Outdoor Lighting. To be minor, outdoor lighting work must involve only changes in materials that may be approved by the Administrator or involve the installation of no more than eight (8) luminaires.
- 4.4.2.9.6 Mobile Vendors. To be minor the mobile vendor must occupy less than 1,000 square feet including temporary outdoor seating.

**4.5 Permits in the Village Zoning District.** Administrative and discretionary permit thresholds, and permit exemptions, are the same in the VZD as elsewhere in town. However, depending on the type of property and location within the Village, a Certificate of Appropriateness may be required.

**4.5.1 What is a Certificate of Appropriateness?** A Certificate of Appropriateness (COA) is a determination that the proposed development activity meets the historic and design standards of this bylaw, and/or that the proposed development complies with the National Park Service Historic Preservation Standards and Guidelines for parcels within the National Register Historic District. A COA is issued by the Development Review Board with recommendations of the HDAC. In the National Register Historic District, the DRB is an appropriate municipal panel acting as the historic preservation commission on behalf of the National Park Service when reviewing a Certificate of Appropriateness as required by 36 CFR Part 61 and 24 V.S.A. § 4414(1)(F). A Certificate of Appropriateness is required for Contributing Structures throughout the VZD, and all structures in the National Register Historic District.

**4.5.2 What types of development are exempt from a Certificate of Appropriateness (COA)?** A Certificate of Appropriateness is not required for the following development activities:

- Repair, maintenance, or identical replacement of exterior materials
- Interior renovations, floor plan changes, or expansion of finished space that does not require exterior modifications
- Accessory structures less than 120 SF or 10' height
- Site plan modifications to landscaping, access, driveways, parking areas
- Boundary line adjustments or subdivisions of land
- Portable structures per WDB 20.14
- At-grade patios
- Decks that are minimally visible or invisible from the street
- Fences
- Solar installations on a property with a non-contributing structure in the NRHD

**4.5.3 Permit requirements for all properties in the National Register Historic District (NRHD):**

**4.5.3.1 Below threshold for Administrative Permit:** The COA will be issued on its own where the development is below the threshold for an administrative permit. No COA is required if the development is listed as exempted by WDB 4.5.2.

**4.5.3.2. Administrative Permit:** Where an administrative permit is required by this bylaw, the COA will be issued prior to or in conjunction with the administrative permit.

**4.5.3.3. Discretionary Permit:** Where a discretionary permit is required, the COA will be incorporated into the discretionary permit approval and apply to subsequent administrative permits associated with the discretionary permit.

**4.5.4 Permits requirements for properties in the Village Zoning District, but outside the National Register Historic District:**

**4.5.4.1 Properties with a Contributing Structure:** Same as the National Register Historic District, see 4.5.3 above.

**4.5.4.2 Parcel without a Contributing Structure:** A Certificate of Appropriateness is not required. Where the development activity requires a discretionary permit, the HDAC will provide advisory recommendations to the DRB. Where the development activity requires an administrative permit, the Administrator may seek advice of the HDAC and/or DRB.

**4.5.4.3 Determination of Contributing Structure Status.** A letter issued by the Zoning Administrator, with the advice of the HDAC, that specifies which structure(s) on a property are contributing or non-contributing for the purposes of applying the standards of Chapter 42. See WDB 42 for definitions and procedures.

**4.6 Other Permits.** State and federal regulations may apply. Applicants should understand that state and federal regulations apply to many projects. Where those regulations are not as restrictive as this bylaw, this bylaw applies. Private agreements may apply. Applicants should be aware that covenants, deed restrictions, easements, and similar private agreements affect many projects. Those agreements may be more restrictive than this bylaw.

**4.6.1 FAA Compliance near the Burlington Airport.** What other permits might be required? Given the elevation of some areas within Williston and their proximity to the approach path for BTV Runway 15-33, The Federal Aviation Administration has requested that a form 7460-1 be submitted for any construction or alteration that is more than 100 feet above ground level at its site. The form contains instructions and information to be filled out, including the location of the project, the duration of construction, the height of the permanent structure, and the tallest of any construction equipment to be used.

**4.6.2 Class IV Groundwater.** The Vermont Department of Environmental Conservation (VTDEC) has designated certain areas in Williston in the Commerce Street, Kirby Lane, and South Brownell Road areas, as containing Class IV groundwater. Developments that require excavation, such as: building foundations with basements, swimming pools, and underground utility work within areas designated as containing Class IV groundwater must be performed under a work plan consistent with VTDEC's Investigation and Remediation of Contaminated Properties Rule (the "Rule"), and under the supervision of "environmental professional," as defined under Section 35-2019(19) of the Rule. The Rule can be found at

[https://dec.vermont.gov/sites/dec/files/wmp/Sites/0706.IRULE\\_.pdf](https://dec.vermont.gov/sites/dec/files/wmp/Sites/0706.IRULE_.pdf) Applications for Administrative Permits for developments involving excavation in Class IV groundwater zones must include documentation of compliance with the Rule.

## **Chapter 5**

### **Administrative Permit Procedures**

This chapter establishes application, review, and appeal procedures for administrative permits. All development that is not specifically exempted by WDB 4.2 must obtain an administrative permit following these procedures.

#### **5.1 Filing an Application for an Administrative Permit**

**5.1.1 Who can apply for a permit?** All applications for permits must be signed by the owner of the land on which the development is proposed or by a trustee or guardian of the owner. The owner may appoint a representative to prepare and file the application, but his or her signature is required on the application form. If the proposed development will involve more than one property, the owners of all lots or parcels involved must sign the application for a permit.

**5.1.2 What if I have questions before applying for a permit?** The town staff can explain the requirements of this bylaw. Staff can also discuss proposed developments and make suggestions prior to the filing of an application. Staff cannot design your project or provide drawings. If you need that type of assistance, retain a qualified professional.

**Please Make an Appointment!** People who drop in to Williston's Planning Department are often disappointed to find that the entire staff has other commitments. Making an appointment guarantees that a staff person can spend time with you.

**5.1.3 Is there an application form?** Applications for administrative permits must be submitted on the forms provided by the Administrator, as authorized by WDB 4.3.6. There is a separate form for applications for administrative permits for signs. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or, with some exceptions, on-line at the town's website. Please be sure you have the most current version. Applications made on outdated forms will not be reviewed.

**5.1.4 What type of plans must accompany the application form?** The plans required will vary with the complexity of the proposed development.

5.1.4.1 Where a Discretionary Permit Was Required. The approved final plans must be submitted with the application for an Administrative Permit.

5.1.4.2 Where No Discretionary Permit was Required. The plans submitted must be accepted by the Administrator as sufficient to demonstrate compliance with this bylaw. Meeting this standard will ordinarily require submission of scaled, dimensioned drawings of the proposed development. For very simple projects, like the addition of a deck by a homeowner, a simple sketch and/or photographs illustrating existing conditions may be accepted.

**5.1.5 How much does it cost to apply?** Application fees are set by resolution of the Selectboard, which may revise the fees at any time. A copy of the current fee schedule is available from the Administrator or on-line at the town's website.

**5.1.6 What happens if my application is incomplete?** Incomplete applications will be returned with a list of what is needed to make the application complete.

## **5.2. Administrator's Review and Decision**

**5.2.1 How long will it take to review my application?** 24 V.S.A. § 4448(d) gives the Administrator 30 days from the date a complete application is filed to review that application and make a decision.

**Will it really take a month for my application for a permit to be reviewed?** Williston Planning makes every effort to process administrative permits promptly. Some permits may be issued on the day the application is filed, but normally there is a short review period. The time required will vary with the workload and the complexity of the permit, however, and applicants are reminded that state law allows 30 days.

### **5.2.2 How will my application be evaluated?**

**5.2.2.1 Compliance.** The Administrator will review the proposed development for compliance with all applicable requirements of this bylaw.

**5.2.2.2 Consistency.** The Administrator will review the proposed development for compliance with all applicable conditions of approval.

**Conditions of Approval?** Many proposed developments will be subject to conditions of approval imposed on previous permit approvals. For example, a subdivision may have been approved with the condition that no more than  $\frac{1}{2}$  acre of vegetation be cleared from each lot. The Administrator must review the development of each lot to ensure compliance with this condition.

**5.2.2.3 Site Visits.** The Administrator often needs to visit the site of a proposed development to assess compliance and consistency, as required by WDB 5.2.2.1 and 5.2.2.2. The filing of an application constitutes permission for a site visit at any time during regular business hours or as otherwise arranged with the applicant. Applicants must provide notice of hazardous conditions on a site and arrange a safe site visit at the Administrator's request.

**5.2.2.4 Referrals.** The Administrator may refer any application for an administrative permit to Conservation Commission or HDAC, for review and advice. Referrals must take place within the 30 days allowed for permit review by WDB 5.2.1.

**5.2.2.5 Decision.** If the proposed development complies with all applicable requirements of this bylaw and all applicable conditions imposed on previous permit approvals, the application will be approved and a permit issued. If the proposed development fails to comply, the application will be rejected and the applicant will receive a written explanation listing the requirements and/or conditions with which the proposed development did not comply.

**5.2.3 Can conditions be imposed on my permit?** Yes. The Administrator may impose conditions on the approval of administrative permits. All such conditions must be provided in writing with the approved permit and designed to ensure compliance with specifically cited requirements of this bylaw or of previous permit approvals.

**5.2.4 How will I be notified of the administrator's decision?** Some applications for permits may be reviewed while the applicant waits, but usually there is a short review period. In all other cases, the Administrator's decision will be mailed to the applicant via first class mail.

**5.2.5 Must I keep a copy of the approved permit on the site while construction is underway?** Yes. A legible copy of the approved administrative permit and the approved final plans must be maintained on the site and readily accessible to Town staff or contractors who are conducting inspections at all times until a certificate of occupancy is issued or, where no certificate of occupancy is required, until work is complete.

**5.3 When Permits Take Effect.** As explained in WDB 5.4, any decision of the Administrator may be appealed to the DRB. This means that an appeal period must run before permit approval takes effect.

**5.3.1 How long is the appeal period?** The appeal period begins on the day after the application for a permit is approved or rejected and runs for 15 days.

**5.3.2 What must I do during the appeal period?** Upon submitting your application, you should post the notice provided by the town in a location on your property that is prominently visible from the nearest public road. You must leave that notice in place for 15 days after receiving your approved permit [24 V.S.A. 4449(b)].

**5.3.3 When can I begin work?** Work on the development should not begin during the appeal period. **ANY WORK DONE DURING AN APPEAL PERIOD IS A VIOLATION OF THIS BYLAW SUBJECT TO ENFORCEMENT AS PROVIDED IN CHAPTER 7 AND IS UNDERTAKEN ENTIRELY AT THE OWNER'S RISK.** You could be required to remove the work done and restore the site to its original condition.

**5.3.4 What happens if an appeal of my permit approval is filed?** If an appeal is filed, the permit is suspended until the DRB has heard and made a final decision on that appeal, as provided in WDB 5.4. and the time for taking an appeal of the DRB's decision to the Environmental Court has passed.

**5.4 Appeals.** 24 V.S.A §4465, et seq. provide that any decision of the Administrator may be appealed to the DRB.

**5.4.1 Who may file an appeal?** Any interested party. This term is defined at WDB 6.5.5.

**5.4.2 How long do interested parties have to file an appeal?** 15 days, starting on the day after the permit is approved. A notice of appeal must be filed with the Administrator within 15 days of the day after the decision that is being appealed was made.

**5.4.3 What contents are required for a notice of appeal?** A notice of appeal must be submitted on the form provided by the town and accompanied by all materials required by the *Appeal Checklist*.

**5.4.4 When will the appeal be heard?** Upon receiving a notice of appeal, the Administrator will set a date and time for the hearing of the appeal at the next regular meeting of the DRB for which the notice requirements for DRB hearings can be met.

**5.4.5 How will the appeal be heard?** Appeals hearings will follow the master hearing procedure established at WDB 6.5.6, except that no hearing will be held in the case of successive appeals where the DRB, acting under the authority of 24 V.S.A. § 4470(a), determines that the issues raised and/or facts presented have been decided in an earlier appeal. In such cases, the DRB may reject the appeal and give notice of its action as provided by WDB 6.6.6.

**5.4.6 What action can the DRB take on an appeal?** Following its hearing of an appeal, the DRB may uphold, modify, or overturn the decision of the Administrator. In every case the DRB shall adopt written findings and conclusions supporting its action.

**5.4.7 How will notice of the DRB's decision be given?** Notice of the DRB's decision on the appeal will be provided as required by WDB 6.6.6.

**5.4.8 Can I appeal the DRB's decision on an appeal?** Yes. Appeals of DRB decisions go to the Environmental Court, as provided 24 V.S.A. § 4471.

## **5.5. Expiration of Administrative Permits**

**5.5.1 Do administrative permits expire?** Yes. An administrative permit expires two (2) years after the date of its approval. Note that any time during which a permit is under appeal, either before the DRB or in court, the appeal time will not be counted toward the two (2) year deadline established here.

**5.5.2 Can an administrative permit be renewed?** Once. An administrative permit will be renewed for one (1) year from the date of its expiration upon written request to the Administrator. Such requests must be received before the permit expires. No further renewals are permitted.

## **5.6 Changes in Development Plans after a Permit is Approved**

**5.6.1 What happens if I change a project after an administrative permit is approved?** Failure to build in accord with the approved final plans is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. A fine may be imposed and you may be required to remove all work that is not in accord with the approved final plans.

**5.6.2 Aren't minor changes inevitable in any development?** The town recognizes that small changes may be necessary as construction proceeds. The Administrator may permit minor revisions or changes to approved final plans as provided here. For substantial changes see WDB 5.6.3.

**5.6.2.1 Revised Plans.** The applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**5.6.2.2 Dimensional Changes.** The Administrator may permit small dimensional changes provided that they do not result in a violation of this bylaw or conditions imposed on previous permit approvals, or in a substantial change, as defined by WDB 5.6.3. For example, the Administrator could permit a builder to shift a door, and the sidewalk leading from the parking area to that door, by a few feet in order to accommodate a change in a proposed building's floor plan.

**5.6.2.3 Materials Changes.** The Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same appearance and performance as the approved material. For example, the Administrator could allow a builder to change the brand of outdoor light fixtures proposed for a parking area, if (and only if) the proposed substitute brand was the same height, had the same cutoff, and produced the same level of illumination.

**5.6.2.4 Public Works Changes.** Minor changes in the location and specifications of required improvements may be permitted. They must be referred to and approved by the DPW before being permitted by the Administrator.

**5.6.2.5 Referral.** The Administrator may refer proposals for minor changes or revisions to approved developments to the Conservation Commission or HDAC for review and comment before making a decision. Conservation Commission or HDAC reviews must be completed within the time allowed for review of the application by WDB 5.2.1.

**5.6.3 *What if the change I propose is substantial?*** If you are going to make a substantial change in a development for which plans have been approved you must apply for a new permit, as required by this bylaw. A substantial change changes:

5.6.3.1 ... the approved use (more specifically, a change in use is from one three-digit NAICS classification to another);

5.6.3.2 ... the location or extent of a proposed open space;

5.6.3.3 ... the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 1,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed is a minor dimensional change, as provided for by WDB 5.6.2.2);

5.6.3.4 ... the location, extent, or design of any required improvements, public or private, including, but not limited to, proposed runoff and erosion control measures, utilities, parking areas, driveways, roads, trails, sidewalks, street trees, and landscaped buffers, except where a minor change is approved by the DPW, as provided by WDB 5.6.2.4;

5.6.3.5 ... the approved number of lots, buildings, structures, units, or bedrooms;

5.6.3.6 ... the approved location, number, type, and size of signs, excepting signs that would be exempt from the requirement for a permit; and/or

5.6.3.7 ... any other architectural or landscape feature that is not “minor work,” as defined by WDB 4.3.5.

Making a substantial change from approved final plans without obtaining a new permit is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

## **Chapter 6**

### **Discretionary Permit Procedures**

This chapter establishes the application, review, and appeal procedures for discretionary permits.

#### **6.1 Overview**

**6.1.1 What are the steps in the discretionary permit procedure?** The principal steps in the review of a development for which a discretionary permit is required are:

- pre-application;
- for residential subdivisions only: growth management review;
- submission of an application, including a filing conference;
- public hearing notice;
- the public hearing;
- DRB action;
- submission of final plans;
- final plan review; and
- obtaining an administrative permit/s to authorize work.

Minor exceptions to some of these steps are explained below. **REMEMBER THAT APPROVAL OF A DISCRETIONARY PERMIT AND FINAL PLAN DOES NOT AUTHORIZE DEVELOPMENT ACTIVITY. IT AUTHORIZES THE APPLICANT TO OBTAIN AN ADMINISTRATIVE PERMIT(S)**

**6.1.2 What if I have questions before applying for a permit?** The town's staff can explain the requirements of this bylaw. Staff can also discuss proposed developments and make suggestions prior to the filing of an application. Staff cannot design your project or provide drawings. If you need that type of assistance, retain a qualified professional.

**Please Make an Appointment!** People who drop in to Williston's Planning Department are often disappointed to find that the entire staff has other commitments. Making an appointment guarantees that a staff person can spend time with you.

**6.1.3 Do the definitions and procedures adopted here apply in the Taft Corners Form-Based Code Zoning District? No. The TCFBC has its own administration procedures, see TCFBC Section 8 for details.**

#### **6.2 Pre-Application**

**6.2.1 When is pre-application review required?** Pre-application review is required for all subdivisions and all other new development for which a discretionary permit is required by Chapter 4 of this bylaw, except for subdivisions that create no new development potential and changes in existing developments, including accessory structures, additions, and remodels of multi-household, commercial, institutional, and industrial properties. For these developments, an application for a discretionary permit may simply be filed as provided by WDB 6.4. Applicants are, however, strongly encouraged to review plans with the Administrator before filing an application.

**6.2.2 What is the purpose of pre-application review?** The purpose of pre-application review is to acquaint the DRB and its advisors with a proposed development site and its possibilities without requiring the presentation of extensive surveying, engineering, or design data. At this step in the review process, plans for complex projects should be presented in an informal way that invites comment and the discussion of alternatives.

**6.2.3 How do I schedule a pre-application review?** Pre-application review shall be scheduled by filing the appropriate form provided by the Administrator and all additional information required by the *Pre-Application Checklist*. Payment of a pre-application fee will also be required. Upon determining that it is complete, the Administrator will place the pre-application on the agenda of the next regularly scheduled DRB meeting at which time will allow its consideration.

**6.2.4 Will my neighbors be notified about the pre-application?** Yes. Notice will be provided to adjoining property owners and the general public in the same way as required for a hearing on an application for a discretionary permit: see WDB 6.5.3.

**6.2.5 How will my pre-application be reviewed?** Pre-applications will be referred to the Conservation Commission and/or HDAC, as relevant, before they are reviewed by the DRB. The Administrator may also provide comments.

**6.2.6 Will site visits be required?** Yes. The Administrator and members of the Conservation Commission, HDAC, and DRB often need to visit the site of a proposed development. The filing of a pre-application constitutes permission for a site visit at any time during regular business hours or as otherwise arranged with the applicant. Applicants must provide notice of hazardous conditions on a site and arrange a safe site visit at the Administrator's request.

**6.2.7 I only want to develop a portion of my land. Why does the Pre-Application Checklist require me to cover it all?** Town planning tries to ensure that the decisions individuals make in their own interest are consistent with the community's interests, as expressed in the *Town Plan*. This means looking at how development proposals implement goals like connectivity and watershed health. The requirement that concept plans present a proposed pattern of development for the entire contiguous holdings of the owner is necessary if the town is to do this well. The *Pre-Application Checklist* allows the level of detail presented in a concept plan to vary, and requires little more than a "bubble diagram" for areas that the applicant does not intend to include in the application for a discretionary permit. Actual development may proceed in phases, as provided in WDB 6.4.4 and 7.1.4

**6.2.8 What type of action is taken on a pre-application?** A pre-application is a basis for discussion. It is neither approved nor rejected and creates no vested rights. The DRB will adopt written recommendations that should be reflected in the application for a discretionary permit. The DRB may also require that certain information be included in the application for a discretionary permit, including:

6.2.8.1 ... the wetlands delineation and/or functional assessment that may be required by WDB 29.8.1;

6.2.8.2 ... the shared parking study that may be required by WDB 14.2.2; and/or

6.2.8.3 ... a traffic study, where it is determined that existing studies do not provide sufficient information (see WDB 13.8).

6.2.8.4 Other Determinations. Pre-application review is also the time at which the DRB may:

- exempt proposed infill developments in the RZD from open space development requirements; and/or
- authorize the transfer of development rights in a discretionary permit application.
- The DRB may also recommend that the applicant prepare a specific plan before an application for a discretionary permit is filed.

**6.2.9 How will I be notified of the action taken on my pre-application?** The DRB's recommendations will be sent to the applicant and other interested parties by first class mail.

**6.2.10 How soon after pre-application review must an application be filed?**

6.2.10.1 For Residential Subdivisions. Certain residential subdivisions are subject to growth management review in the year following their pre-application review. See WDB 6.3 and Chapter 11 of this bylaw. Residential subdivisions exempt from growth management review must file an application for a discretionary permit within one year after pre-application review or repeat the pre-application process.

6.2.10.2 For Other Developments. All other proposed developments must file an application for a discretionary permit within one year after pre-application review or repeat the pre-application process.

**6.3 Growth Management Review.** All applications for discretionary permits must go through the process described in WDB 6.4. Certain proposed residential developments must undergo growth management review established in Chapter 11 of this bylaw. Exceptions to growth management review are described under WDB 11.2.2.

**6.4 Filing an Application for a Discretionary Permit.** Where required by WDB 6.2, a pre-application must have been submitted and reviewed before an application for a discretionary permit is filed. For proposed residential developments, the growth management review required by WDB 6.3, must also have been completed before an application for a discretionary permit is filed.

**6.4.1 Who can apply for a permit?** All applications for permits must be signed by the owner of the land on which the development is proposed or by a trustee or guardian of the owner. The owner may appoint a representative to prepare and file the application, but his or her signature is required on the application form. If the proposed development will involve more than one property, the owners of all lots or parcels involved must sign the application for a discretionary permit.

**6.4.2 Is there an application form?** Applications for discretionary permits must be submitted on the forms provided by the Administrator, as authorized by WDB 4.3.6. These forms may be obtained at Williston Planning, which is located in the Town Hall Annex at 7878 Williston Road or, with some exceptions, on-line at the town's website. Please be sure you have the most current version. Applications made on outdated forms will not be reviewed.

**6.4.3 What plans and documents must accompany the application form?** A preliminary plan, which may be presented on one or multiple sheets, and includes all items listed in the *Discretionary Permit Application Checklist* must be submitted.

**6.4.4 Am I allowed to propose developing in phases?** Yes. Where development in phases is proposed, the proposed development agreement that accompanies the application for a discretionary permit must show which parts of the proposed development will be constructed in each phase. A map showing the phases is also required. If the application for a discretionary permit is approved, final plans will be filed and reviewed for each phase.

**6.4.5 How much does it cost to apply for a discretionary permit?** Application fees are set by resolution of the Selectboard, which may revise the fees at any time. A copy of the current fee schedule is available from the Administrator or on-line at the town's website.

**6.4.6 Can I just hand an application for a discretionary permit across the counter?** Only if pre-application review was not required. All other applications for a discretionary permit must be filed at a filing conference.

6.4.6.1 Completeness When a Filing Conference is Not Required. The Administrator has 15 working days to determine whether an application for a discretionary permit that was not subject to pre-application review is complete and, if it is complete, to schedule a hearing before the DRB. Incomplete applications will be returned with a checklist indicating what is needed to make the application complete.

6.4.6.2 When a Filing Conference is Required. A filing conference is required for applications for proposed developments that were subject to pre-application review. The applicant must schedule this conference with the Administrator. Its purpose is to review the application materials and determine whether the application is complete. If the application is found to be complete, the Administrator has 15 working days to schedule a hearing before the DRB. If the application is not complete it may be withdrawn, a schedule for the submission of additional materials before a hearing is scheduled may be established by agreement of the applicant and the Administrator, or the applicant may appeal the Administrator's determination that the application is incomplete to the DRB, as provided by WDB 5.4.

**6.4.7 Who may communicate with the town about an application for a discretionary permit?** Applicants for a discretionary permit must designate a single representative who is responsible for communication with the town.

**6.4.8 May I make changes in my application after it is filed, but before the DRB's hearing?** Not after the hearing date has been noticed. Due process requires that the DRB's hearing be on the application that was noticed and made available for public review. You may ask the Administrator for time to make changes in response to recommendations of the Conservation Commission or HDAC before a hearing date is set, but must submit a set of plans that is complete and will remain unchanged **BEFORE** the Administrator schedules a hearing before the DRB.

## **6.5 Review of Applications for Discretionary Permits**

**6.5.1 Who reviews applications for discretionary permits?** Your application will be reviewed by the DRB. In most cases, however, the Administrator will first refer your application to the Conservation Commission and/or HDAC and to potentially affected departments of town government. Your application will not be placed on a DRB agenda until the Administrator is sure that review by the Conservation Commission and/or HDAC and by town departments will be complete before the hearing.

**6.5.1.1 What is the Conservation Commission's role in the review of applications for discretionary permits?** The Conservation Commission conducts an informal, but thorough, review of most applications for discretionary permits and makes written recommendations to the DRB. You may be required to arrange and participate in a site visit with the Conservation Commission.

**6.5.1.2 What is the HDAC's role in the review of applications for discretionary permits?** The HDAC conducts an informal, but thorough, review of applications for permits within the VZD and of applications for discretionary permits for proposed multiple household residential, commercial, industrial, and institutional developments, including major additions, and then makes written recommendations to the DRB. The specific responsibilities of the HDAC are described in WDB 3.5. Applicants may be required to arrange and participate in a site visit with the HDAC.

**6.5.1.3 What role do town departments play in the review of applications for discretionary permits?** Department heads review applications for discretionary permits and may make written recommendations to the DRB. The Administrator may also convene a project review committee consisting of department heads to provide input to the DRB. Applicants may be required to arrange and participate in meetings and/or site visits with department heads or their designees.

**6.5.1.4 Are other agencies involved in development review?** The Williston schools will be provided with notice of applications for discretionary permits for proposed residential developments. This notice will be provided in the same way as for an adjoining property owner. The town may also consult with potentially affected state and federal agencies.

**6.5.2 Is a public hearing required for all applications for discretionary permits?** Yes. The DRB holds a formal public hearing on all applications for discretionary permits.

**6.5.3 What type of hearing notice is required?** As required by 24 V.S.A. §4464(a)(1), notice of a hearing on an application for a discretionary permit must be given at least 15 days before the hearing, by the following means:

6.5.3.1 ... publication of the date, place, and purpose of the hearing in a newspaper in general circulation in Williston;

6.5.3.2 ... posting of the same information in three or more public places within the town, including an on-site posting within view from the public right-of-way most nearly adjacent to the property for which development review is required; and

6.5.3.3 ... written notification to the applicant and the owners and tenants of all properties adjoining the property for which development review is required. This notice shall include:

- a brief description of the proposed development;
- an explanation of how and where the recipient may obtain additional information about the proposed development; and
- a statement that participation in the hearing is required to become an interested party, as defined by WDB 6.5.5.

6.5.3.4 Roles in Providing Notice. The Town will provide the text of the newspaper, posted, and written notices. The developer will provide stamped envelopes addressed to every owner and tenant of adjoining property for the Town to use in its mailings, as required by the *Discretionary Permit Checklist*. The developer will also post the notice on the development site and provide the Town with a dated photograph showing that sign, as seen from the nearest public right-of-way.

6.5.3.5 All letters should be addressed to owner or “current resident” If the property owner mailing address is different than the abutting property address, both addresses should be sent written notice. If a property contains multiple tenancies/E-911 addresses, then each must receive a letter addressed to current resident/tenant. This applies to both commercial and residential projects.

**6.5.4 Must I be present at the hearing?** Yes. The applicant or a representative must be present at the hearing. If the applicant or a representative fails to appear, the hearing will be re-scheduled once. If the applicant fails to appear at the re-scheduled hearing, the application for a discretionary permit will be considered void.

**6.5.5 Who may speak at the hearing?** All persons are free to offer oral or written testimony at hearings conducted by the DRB, but state law provides that only interested parties may appeal decisions. Consistent with 24 V.S.A. § 4465(b), interested parties include:

6.5.5.1 ... the owner of the property for which the permit is required by this bylaw;

6.5.5.2 ... any municipality or solid waste district that is empowered to condemn such a property, or an interest in it;

6.5.5.3 ... the town or any adjoining municipality; and

6.5.5.4 ... any person owning or occupying property in the immediate neighborhood of a property for which a permit or other approval required by the town’s bylaws is requested who can show that approval of the permit would result in a physical or environmental impact on his or her interests; and alleges that approval of the permit would not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw.

**6.5.5.5 Petitioners.** Interested parties also include any ten persons who are owners of real property and/or voters in the town who submit a signed petition alleging that the reversal or modification of the Administrator’s decision will not be in accord with goals and policies of the *Town Plan* or the requirements of this bylaw. The petition must designate one person as the group’s representative.

**6.5.5.6 State Agencies.** Interested parties also include any department or administrative subdivision of the state that owns property, or an interest in property, in the town, and the Agency of Commerce and Community Development.

**6.5.5.7 Interested Parties Must Participate.** In order to file an appeal of a DRB decision, a party must meet the criteria adopted above and show that it participated in the hearing before the DRB. Participation is defined as having offered, through oral or written testimony, evidence or a statement of concern.

### **6.5.6 What is the hearing procedure?**

**6.5.6.1 Opening Statements.** The presiding member shall state the purpose of the hearing;

- ask whether any member wishes to be excused on account of a conflict of interest, as defined at WDB 3.10, or report an ex parte contact, as defined at WDB 3.11, and excuse any member declaring a conflict-of-interest; and
- advise participants that there are specific statutory requirements for becoming an interested party who can appeal a decision. The chair need not review those requirements, but shall refer the participants to the requirements of this bylaw and state law. The chair shall also state that anyone wishing to be considered an interested party must sign the register specifically provided for that purpose.

**6.5.6.2 Questions and Answers.** The purpose of a hearing is to take statements for consideration by the DRB. Once the hearing is opened, the DRB will not answer questions nor will it permit questions or discussion among members of the audience. For this reason, the hearing will be preceded by a staff report, which may be followed by questions and answers from the audience.

**6.5.6.3 Staff Report.** The Administrator or a staff person assigned by the Administrator will present a report that summarizes the findings of fact and conclusions of law included in the written report from the staff. This may be followed by questions from the audience, which shall be directed through the presiding member. No statements of position or opinion will be taken at this time. The purpose of the question and answer session is to help participants understand the development process and to establish the facts.

**6.5.6.4 Testimony.** Before taking testimony, the presiding member shall remind those who wish to speak to first state their name and address, and that statements are to address the merits of the proposed development, as demonstrated by its compliance or failure to comply with specific requirements of this bylaw. The presiding member shall then ask for testimony, which will begin with the statement of the applicant. Commission members may ask questions following any statement, with questions and responses being directed through the presiding member.

**6.5.6.5 Time Limits.** The DRB may set and enforce a time limit on oral statements.

## **6.6 DRB Action**

**6.6.1 On what basis will the DRB make its decision?** The DRB's decision will be based on the proposed development's compliance or failure to comply with the requirements of this bylaw. Where it is

considering a proposed development that is subject to a previously approved permit, it will also determine whether or not that proposed development is consistent with all applicable conditions imposed on the previous approval.

**6.6.2 Will I be able to listen to the DRB discuss my application?** Not necessarily. The DRB may enter a closed deliberative session to discuss any application.

**6.6.3 What options does the DRB have after the hearing?**

6.6.3.1 Recess. The DRB may recess any hearing to a date certain pending the submission of further information. This is a recess for the purpose of obtaining information only. The 45 days permitted for a decision by WDB 6.6.4 does not begin until the DRB has received the requested information, closed the hearing, and commenced its deliberations.

6.6.3.2 Approve. The DRB may find that the proposed development complies with the requirements of this bylaw and approve the application for a permit. Conditions may be imposed on the approval of a permit, as provided by WDB 6.6.5.

6.6.3.3 Deny. The DRB may find that the proposed development fails to comply with the requirements of this bylaw and reject the application for a permit.

**6.6.4 How long does the DRB have to make a decision?** No hearing may be recessed for more than 45 days, except at the request of the applicant, and all decisions must be made and reported within 45 days after the close of a hearing. If a decision is not made within 45 days after a hearing, the proposed development will be deemed approved.

**6.6.5 May conditions be imposed on the approval of a discretionary permit?** Yes. Conditions designed to ensure compliance with the requirements of this bylaw may be imposed on any approval, as specifically authorized by 24 V.S.A. § 4464(b)(2).

**6.6.6 How will the DRB's decision be reported?** Within 45 days after the DRB's decision, the administrator shall prepare a record of decision that conveys the DRB's findings of fact and conclusions of law. Copies of the record of decision shall be sent to all agencies or persons who submitted testimony, verbally or in writing, at the hearing. A copy shall also be filed with the Town Clerk. The applicant's copy shall be sent by certified mail.

**6.7 Expiration**

**6.7.1 Do approvals of discretionary permits expire?** Yes. Final plans or, where phased development has been approved, final plans for the first phase must be submitted for review within one year of the day the record of decision was issued. If final plans are not filed within the specified time frame set forth in this bylaw, the approval of the discretionary permit shall become null and void.

**6.7.2 Is it possible to extend the deadline for filing final plans?** Yes. One extension of six months will automatically be granted upon written application to the Administrator.

**6.7.3 Are there any additional extensions to the deadline for filing final plans?** Yes. The DRB may grant one additional six-month extension for the filing of final plans.

**6.7.4 Do approvals of discretionary permits expire after final plans are signed?** In some case, yes. Discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.

**6.8 Appeals.** Appeals from decisions of the DRB may be taken to Environmental Court, as provided by 24 V.S.A. § 4471.

## 6.9 Final Plans

**6.9.1 How soon after approval of the discretionary permit must final plans be filed?** As established by WDB 6.7.1, within one year, unless an extension is granted as provided by WDB 6.7.2. Appeals to the Environmental Court must be filed within 30 days after the DRB's decision.

**6.9.2 What must be included in final plans?** Everything required by the *Final Plan Checklist*.

**6.9.3 How are final plans evaluated?** The purpose of final plan review is to demonstrate compliance with all conditions imposed on the approval of the discretionary permit and to file final paper work, including a development agreement.

6.9.3.1 Review by Administrator. The DRB may, in its record of decision, delegate review of the final plans of any proposed development to the Administrator.

6.9.3.2 Are the Plans Complete? The Administrator has 15 working days after the filing of a final plan to determine whether it is complete. Upon determining that it is complete the Administrator shall, if authorized as provided by WDB 6.9.3.1, review it, or schedule its review at the next regular DRB meeting at which time permits its consideration.

6.9.3.3 Basis of Review. Compliance with this bylaw was determined when the application was approved by the DRB. The Administrator or the DRB review final plans to ensure that they are in full compliance with the DRB's action, including all conditions of approval imposed in the record of decision.

6.9.3.4 Signatures. Approval of the final plan is indicated by the signature of the Chair of the DRB, or where this authority has been delegated as provided by WDB 6.9.3.1, the Administrator, in the signature block provided on the final plan, and by the signature of the Town Manager on the development agreement, where one is required.

6.9.3.5 Notice of Decision. One copy of the signed plan and development agreement will be provided to the applicant by hand delivery or certified mail. A copy will also be provided to the DPW and any other department head who requests one. Copies will be made available to any other interested party for the cost of copying.

6.9.3.6 Recording. Final plans for subdivisions must be recorded in the town's land records. WDB 6.9.5 sets a deadline on the recording of subdivision plans. Other final plans are not recorded.

**6.9.4 Can conditions be imposed on the approval of a final plan?** No. A final plan is complete and ready to build by definition. It must be either approved or denied. The approved development agreement and the other means of enforcement adopted in Chapter 7 of this bylaw will ensure compliance with all conditions of approval.

**6.9.5 When must a final subdivision plan be recorded?** If the final plan of a proposed subdivision or phase of a subdivision is not recorded within 180 days after the approval of the final plans for that subdivision, its approval becomes null and void. The Administrator may, upon written request, extend this deadline by up to 90 days if other local or state approvals are pending.

## **6.10 Amendments**

**6.10.1 What if I want to change the approved plan before, or during, construction?** Final plans are binding, as approved. No administrative permit will be approved for development that is not consistent with the approved final plans. WDB 5.6 does allow some exceptions for minor changes.

**6.10.2 Is making a change without a permit a violation of this bylaw?** Yes. Making a substantial change from approved final plans without obtaining a new permit is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

**6.10.3 What if a substantial change is necessary?** The approved final plans must be amended. Final plan amendments are made using the discretionary permit procedure of this chapter, but skipping the pre-application step, and subject to the additional rules established here.

6.10.3.1 Limited Scope. The scope of the hearing and DRB action will be limited to determining whether the proposed amendment complies or fails to comply with this bylaw.

6.10.3.2 Exception to Limited Scope. The scope of review may be expanded when an amendment to the approved final plans is proposed on a property that is not in full compliance with those plans or this bylaw.

6.10.3.3 Conditions. The DRB may impose conditions designed to ensure compliance with specific, cited requirements of this bylaw on the approval of a proposed amendment.

6.10.3.4 Depiction. The plans submitted with the proposed amendment must show the proposed changes from the approved final plans using color or another technique that makes it easy for reviewers to identify the changes.

## **Chapter 7**

### **Enforcement and Guarantees**

This chapter provides for the enforcement of this bylaw. It requires developers to provide adequate guarantees that required improvements will be installed as proposed and requires that a certificate of occupancy be issued before most developments or phases of developments may be occupied or used. This chapter also establishes the procedures by which violations of this bylaw may be addressed, including civil penalties.

#### **7.1 Required Improvements**

**7.1.1 *What is a required improvement?*** A required improvement is any improvement, public or private, required for compliance with this bylaw. Required improvements – not all of which are required in every development - include the following, as shown on the final plans approved by the DRB:

7.1.1.1 ... roads, public or private, including bridges, culverts, curbs, gutters, sidewalks, streetlights, signs, signals, street trees, and other associated improvements;

7.1.1.2 ... access driveways, off-street parking and loading areas, and associated improvements;

7.1.1.3 ... paths, trails, urban parks, neighborhood parks and other open spaces, and associated improvements;

7.1.1.4 ... water and sewer mains, community sewerage systems, storage reservoirs, pump stations, and associated improvements;

7.1.1.5 ... runoff, erosion control, and stormwater management measures, including plantings;

7.1.1.6 ... landscaping, including landscaped buffers, landscaping in required setbacks, parking area landscaping, and all other required and/or approved landscaping, screening or buffering; and

7.1.1.7 ... all other improvements required by this bylaw to protect public safety or mitigate the potential impacts of the development.

**7.1.2 *Who pays for the installation of required improvements?*** Installation of required improvements shall be at the developer's expense. An exception may be made where it is prudent for the town to participate in the installation of improvements in order to correct existing deficiencies in service to other properties or to anticipate future needs. The town's participation shall be negotiated by the DPW before final plans are reviewed and included in the signed development agreement.

**7.1.3 *Are there standards for required improvements?*** Yes. Required improvements shall be installed in compliance with this bylaw and the *Public Works Standards*.

**7.1.4 When must required improvements be installed?** All required improvements must be in place and accepted before a certificate of occupancy- which permits a development, or a phase of a development, to be occupied - can be issued by the town, as provided by WDB 7.3. Certificates of occupancy may be issued for all improvements at once or by phase. Either way, the installation, inspection, acceptance, and warranty of required improvement shall proceed as provided by a development agreement.

**7.1.5 What is a development agreement?** A development agreement is a contract between the applicant and the town, signed by both. A development agreement is required for all developments that include required improvements. It:

7.1.5.1 ... incorporates by reference the approved final plans of the entire development or, where phased development of required improvements has been approved, detailed plans of the initial phase;

7.1.5.2 ... sets a schedule for the completion of the required improvements in the entire project or the initial phase, and, where applicable, provides an anticipated schedule for the submission of final plans, cost estimates, and guarantees of improvements in future phases;

7.1.5.3 ... lists all required improvements, either for the entire project or the initial phase, and their estimated cost;

7.1.5.4 ... guarantees completion of all required improvements using one of the methods listed at WDB 7.1.6;

7.1.5.5 ... establishes a schedule for the inspection of required improvements as work progresses;

7.1.5.6 ... provides a process by which the town may, if necessary, complete required improvements using the guarantees provided;

7.1.5.7 ... provides a process by which either party may request renegotiation of the development agreement,

7.1.5.8 ... provides a process by which the development agreement may be transferred, with notice to the town, to the developer's successors; and

7.1.5.9 ... provides that the development agreement and any vested rights created by approval of the final plan become void if the town is required to use a guarantee to complete required improvements or if the anticipated schedule of improvements required above is not met or renegotiated. The anticipated schedule may be renegotiated without losing vested rights, provided that such negotiations are initiated within 180 days after failure to initiate or complete a phase as scheduled.

7.1.5.10 Maintenance. A development agreement may also include a contract for town plowing of roads or other routine maintenance to be performed by the town during the warranty period required by WDB 7.2.1.

A draft development agreement must be submitted with the preliminary plans, as required by the Discretionary Permit Application Checklist.

**Model Development Agreement.** Development agreements can be complex. The town provides a model, which is attached as Appendix C. but each agreement will require careful thought and drafting.

**7.1.6 How will the installation of required improvements be guaranteed?** Completion of the improvements identified in a development agreement must be guaranteed by one of the following methods:

7.1.6.1 For Required Improvements that Will Come into Public Ownership. This may include arterial and collector roads, and associated improvements; local roads that will become town roads, and associated improvements; water and sewer mains and associated improvements; certain paths and trails and associated improvements; and other required improvements specified as public in the approved final plans and the development agreement. The applicant must place an amount equal to 110% of the estimated cost of installing the required improvements in escrow for the town before an administrative permit for work on the required improvements will be approved. The development agreement will specify the location and terms of the escrow account, including the phased return of portions of the funds taken in escrow as work proceeds, provided that at least one-third (33%) of the funds taken shall be retained until a certificate of occupancy has been issued.

7.1.6.2 For Required Improvements that Will Not Come into Public Ownership. Many required improvements, parking areas and landscaping, for example, will remain in private ownership, maintained by the applicant, the applicant's successors, or an owner's association. These improvements are still necessary for compliance with this bylaw and must be in place before a certificate of occupancy is issued. The town will seek to ensure timely completion of these improvements by requiring the applicant to provide an irrevocable letter of credit or place money in escrow, in the amount of 10% of the estimated cost of the required private improvements before any administrative permit for work on the project is approved. The letter of credit will be surrendered or the amount taken in escrow returned when a certificate of occupancy has been issued. The development agreement will specify the terms of the letter or credit or escrow account, including the phased return of portions of the funds taken in escrow as work proceeds, provided that at least one-third (33%) of the credit offered shall be retained until a certificate of occupancy has been issued.

7.1.6.3 In Case of Default. If any of the required improvements are not completed as provided by the development agreement, the town shall use as much as necessary of the money held in escrow or the credit offered to complete those improvements. Any balance remaining in the escrow account will be returned to the applicant.

7.1.6.4 Disposition of Interest. Interest earned on escrow accounts established to comply with WDB 7.1.6.1 and 7.1.6.2 shall be added to the account to reflect the inflating cost of making the improvements in the event of default.

**7.1.7 Will required improvements be inspected?** Yes.

7.1.7.1 By the Town. Required improvements must be inspected by the Administrator and/or the DPW or their designees before a certificate of occupancy is issued and the guarantees required by WDB 7.1.6 are returned. As provided by WDB 7.1.5.5, a proposed schedule of inspections must be included in the draft development agreement. A final schedule will be included in the approved development agreement.

**7.1.7.2 By the Applicant.** Applicants may be required to provide reports of inspections made by their own architects, engineers, landscape architects, or other appropriate professionals during the construction or installation of required improvements. The frequency of these reports may vary with complexity and extent of the work. A schedule will be determined by the Administrator, with the advice of the DPW and included in the development agreement.

**7.1.8 Are there inspection fees?** Yes. Fees for the inspection of required improvements are established in the *Public Works Standards*. Inspection fees must be paid at the pre-construction meeting.

**7.1.9 Are as-built drawings of required improvements required?** Yes. Reproducible as-built drawings of all required improvements must be provided to the town in the format specified by the DPW, at the applicant's expense.

## **7.2 Maintenance of Required Improvements**

**7.2.1 Is continuing maintenance of required improvements required?** Yes. Continuing maintenance of required improvements that will not come into ownership of the town or another public agency is required. Failure to maintain a required improvement is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**7.2.2 Must there be a warranty for required improvements?** Yes. The applicant is responsible for the maintenance of all required improvements that have been dedicated to the town for three years after the certificate of occupancy is issued. This includes correcting defects in materials and workmanship and repairing damage to required improvements caused by construction. This warranty will be secured by keeping 10% of the funds placed in escrow and/or made available via an irrevocable letter of credit to comply with WDB 7.1.6 available to the town. As provided by WDB 7.1.6.3, the town may use those funds where an applicant fails to make good on the warranty required here.

**7.2.3 How will maintenance of required improvements be guaranteed when the developer is gone?** Continuing maintenance of improvements that will not come into ownership of the town or another public agency is the responsibility of the owner. Any development that results, or may reasonably be expected to result, in the creation of multiple ownerships, including subdivisions and condominiums, shall create an owner's association or similar mechanism that is responsible for continuing maintenance of required improvements. Drafts of the declaration of covenants, articles of incorporation, and bylaws for that association shall be submitted with the application for a discretionary permit. The final version of these documents must be approved with the final plan, and recorded before an administrative permit is issued for any work on the project.

**7.2.4 What does maintenance include?** Standards for the maintenance required by WDB 7.2.3 are set in Chapter 16 of this bylaw.

## **7.3 Certificates of Compliance**

**7.3.1 When is a certificate of occupancy required?** 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 as provided by WDB 7.4-7.6.

**7.3.2 How do I get a certificate of occupancy?** The applicant must file a written request for a CO before the final inspection scheduled in the development agreement or as a condition of approval. If all required improvements have been completed in accord with the approved final plans and the development agreement, a CO will be issued within 15 working days following that final inspection.

**7.3.3 Winter is coming! Is it possible to get a temporary certificate of occupancy?** Yes. The Administrator may, upon written application, and after consulting with the DPW, issue temporary certificates of compliance (TCO) for periods of up to 365 days. TCO's shall expire on a date certain and shall specifically list all work that must be completed before a CO will be issued. Failure to complete work as scheduled when a TCO has been issued is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**7.4 Enforcement I.** The town has access to two different enforcement procedures. The first is established by the state's planning enabling legislation. It is explained in this section. The second enforcement procedure is the same as for ordinances. It is explained in WDB 7.5. Either procedure may be used to address any violation of this bylaw. Generally, the procedure established here, in WDB 7.4, will be used for major violations, while the procedure established in WDB 7.5 will be used for minor violations, like the posting of a temporary sign without a permit.

**7.4.1 How is this bylaw enforced?** As provided by 24 V.S.A. § 4452, the administrator may, in the name of the town, institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate a violation of this bylaw.

**7.4.2 Must the owner be notified before enforcement?** Yes, but only for the first offense. As required by 24 V.S.A. § 4451, alleged offenders will be given seven (7) days warning, via certified mail, and an opportunity to correct the violation before the Administrator institutes an action. The seven-day warning and opportunity to correct the violation need not be provided for a second offense that occurs within 12 months of a warning being provided.

**7.4.3 What is the penalty for a violation?** Any person who violates this bylaw may be fined not more than \$200 for each offense. Each day that a violation continues is a separate offense.

**Can I submit a complaint?** Yes. Violations are addressed on a complaint basis and at the discretion of the Zoning Administrator (ZA). The *Zoning Violation Complaint Form* can be found on the website and in the office. A letter will be issued to the property owner if the ZA determines that a property is in violation of the bylaw. Violations are often corrected by a retroactive administrative permit. Structures, signs, or uses may have to be modified, removed, or reviewed by the DRB in order to comply with the bylaw. Complaints regarding noise, public safety, or trespassing can be directed to the Williston Police Department. The ZA does not enforce homeowner's association covenants or bylaws. The ZA does not handle disputes regarding property line boundaries.

## 7.5 Enforcement II

**7.5.1 Can the administrator issue tickets for violations of this bylaw?** Yes. As authorized by 24 V.S.A. § 1974a, the Administrator may issue a Vermont Civil Violation Complaint for any violation of this bylaw.

**7.5.2 How do I respond to a civil violation complaint?** Violations of this bylaw are civil matters, supervised by the Judicial Bureau. You have 20 days to respond to a complaint issued by the

Administrator. You may respond by admitting the violation or pleading “no contest” and paying the waiver fee. You may also deny the violation, in which case a hearing will be scheduled before the Judicial Bureau.

**What is the Judicial Bureau?** See <https://www.vermontjudiciary.org/judicial-bureau>

**7.5.3 What is the penalty for a civil violation?** First, you should understand that each day in which a violation continues is a separate violation, subject to a separate complaint and penalty.

7.5.3.1 First Offense. The penalty for a first offense shall be \$250.00, but the waiver fee for those who admit the violation or plead no contest shall be \$150.00.

7.5.3.2 Subsequent Offenses. The penalty for each subsequent offense shall be \$500.00, but the waiver fee for those who admit the violation or plead no contest shall be \$400.00.

**7.6 An Additional Means of Enforcement.** No permit, administrative or discretionary, may be approved for development on a parcel on which there is an outstanding violation of this bylaw.

## **Chapter 8**

### **Variances and Amendments**

This chapter establishes a variance procedure that provides for relief from the strict application of this bylaw when certain findings can be made. It also explains how this bylaw can be amended.

#### **8.1 Variances**

**8.1.1 Is it possible to obtain a variance from the requirements of this bylaw?** Yes, but not easily. A variance may be granted only where the DRB can make the findings required by WDB 8.1.3 or, if applicable, WDB 8.1.4.

**8.1.2. How would I apply for a variance?** An application for a variance is treated as an application for a discretionary permit. It will be combined with such an application where the variance would permit development for which a discretionary permit is required. Where only an administrative permit would ordinarily be required, a development for which a variance is needed will be treated as if a discretionary permit was required.

**8.1.3 What findings are required for the DRB to approve a variance?** The DRB must, as required by 24 V.S.A. §4469, make the following findings:

8.1.3.1. ...there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of this bylaw in the neighborhood or district in which the property is located.

8.1.3.2. ...because of these physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

**The “Bottom Line” on Variances.** If the property has been, or can be, developed for a conforming use, the town cannot allow a variance. See WDB 8.1.4 for a narrow exception to this rule for renewable energy resource structures.

8.1.3.3. ... the unnecessary hardship has not been created by the appellant or his/her predecessors in interest.

8.1.3.4 ... the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare, and

8.1.3.5. ... the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and the *Town Plan*.

8.1.3.6 **For Nonconformities**. A variance may be approved to permit the reasonable use of a nonconforming lot, but only in the limited situations that are made possible by WDB 2.2.3.1 and 2.4.3.2,

**8.1.4 Isn't it easier to obtain a variance for renewable energy resource structures?** A little. As provided by 24 V.S.A. § 4469(b), a variance for a proposed renewable energy resource structure may be approved where the DRB finds that it is unusually difficult or unduly expensive for the applicant to build a suitable renewable energy resource structure in conformance with this bylaw and can also make the findings of WDB 8.1.3.3 through 8.1.3.5.

**8.2 Amendments.** This section is based on 24 V.S.A. § 4441 which provides the statutory requirements for bylaw adoption, amendments, and repeal.

**8.2.1 Who may propose an amendment of this bylaw?** Amendments may be proposed by the planning commission or any other person or body. Proposed amendments that are not prepared by the planning commission must be submitted in writing, along with supporting materials, at least 30 days before the regularly scheduled planning commission meeting at which their consideration is requested. Requests for consideration of an amendment may be accompanied by a petition, as explained in WDB 8.2.2.

**8.2.2 Can the planning commission be compelled to conduct a hearing on a proposed amendment?** The planning commission may find that an amendment proposed by another person or body would be consistent with the *Town Plan* and proceed as if it had prepared that proposal. If the planning commission declines to consider a proposed amendment, it may be compelled to do so by a petition signed by not less than five percent (5%) of the town's registered voters.

**8.2.3 Can the planning commission change proposed amendments that are submitted via petition?** The planning commission may correct technical deficiencies in proposed amendments submitted via petition, but may make no other changes before preparing the report required by WDB 8.2.4, and scheduling a hearing.

**8.2.4 How will proposed amendments be explained to the public?** The planning commission must prepare a report on all proposed amendments. That report is required to explain the proposed amendment and its purpose, and address the following:

8.2.4.1 ... how it conforms with or furthers the goals and policies contained in the *Town Plan*, including the effect of the proposal on the availability of safe and affordable housing;

8.2.4.2 ... how it is compatible with the proposed future land uses and densities of the *Town Plan*; and

8.2.4.3 ... how it, as applicable, carries out any specific proposals for planned community facilities.

**8.2.5 How will notice of the hearing be given?** Upon completion of the report required by WDB 8.2.4, above, the planning commission shall schedule at least one public hearing on the proposed amendment. Notice of that hearing shall be given as provided here.

8.2.5.1 **Publication**. The hearing, the date, time, place, and purpose of the hearing shall be published in a newspaper of general circulation within the town at least 15 days before the hearing.

**8.2.5.2 Posting.** The date, time, place, and purpose of the hearing shall be posted in three or more public places within the town, including the offices of the town clerk, at least 15 days before the hearing.

**8.2.5.3 Additional Contents.** The hearing notice shall also include:

- a statement of purpose for the proposed amendment, which shall be same as the statement of purpose included in the report required by WDB 8.2.4;
- a map or description of the area that will be affected by adoption of the proposed amendment;
- a table of contents or list of section headings, and
- an explanation of how a copy of the full text may be obtained.

**8.2.5.4 Notice to Agencies.** At least 15 days before the hearing, a copy of both the proposed amendment and the report required by WDB 8.2.4, above, shall be delivered, with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following: the chairperson of the planning commission of each adjoining municipality, or in the absence of a planning commission, the clerk of the municipality; the Executive Director of the Chittenden County Regional Planning Commission; and the Vermont Department of Housing and Community Affairs.

## ***8.2.6 What is the hearing procedure?***

**8.2.6.1 Opening Statements.** The presiding member shall state the purpose of the hearing, and if the hearing concerns a zoning map amendment or another change that affects the interests of a particular landowners or owners (as opposed to a change that affects the entire town):

- ask whether any member wishes to be excused on account of a conflict of interest, as defined at WDB 3.11 or report an ex parte contact, as defined at WDB 3.11, and excuse any member declaring a conflict of interest; and
- advise participants that there are specific statutory requirements for becoming an interested party who can appeal a decision. The chair need not review those requirements but shall refer the participants to the requirements of this bylaw and state law. The chair shall also state that anyone wishing to be considered an interested party must sign the register specifically provided for that purpose.

**8.2.6.2 Questions and Answers.** The purpose of a hearing is to take statements for consideration by the planning commission. Once the hearing is opened, the commission will not answer questions, nor will it permit questions or discussion among members of the audience. For this reason, the hearing will be preceded by a staff report, which may be followed by questions and answers from the audience.

**8.2.6.3 Staff Report.** The staff will summarize the written report required by WDB 8.2.4 and present additional information regarding the proposed amendment. This report may be followed by questions from the audience, which shall be directed through the presiding member. No

statements of position or opinion will be taken at this time. The purpose of the question-and-answer session is to help participants understand the amendment process and to establish the facts.

**8.2.6.4 Testimony.** Before taking testimony, the presiding member shall remind those who wish to speak to first state their name and address, and that statements are to address the merits of the proposed amendment. The presiding member shall then ask for testimony. Members may ask questions following any statement, with questions and responses being directed through the presiding member.

**8.2.6.5 Time Limits.** The Planning Commission may set and enforce a time limit on oral statements.

**8.2.7 What actions can the planning commission take?** After considering all statements taken at the hearing, the Planning Commission may decide that no further action on the proposed amendment is justified or revise the proposed amendment and the accompanying report as it deems necessary, then submit them to the Selectboard for consideration.

**8.2.8 Can the Planning Commission be compelled to send a proposed amendment to the Selectboard?** Yes. Upon written request of the Selectboard or where the proposal was accompanied by a petition signed by not less than five percent (5%) of the town's registered voters, the Planning Commission shall correct any technical deficiencies and promptly submit the proposal, together with its recommendation, to the Selectboard.

**8.2.9 Must the Selectboard hold a hearing on a proposed amendment?** Yes. Within 120 days of receiving a proposed amendment from the Planning Commission, the Selectboard shall schedule one or more public hearings on that proposal. Notice shall be given in the same way as provided for planning commission hearings. The Selectboard may make minor revisions to the proposed amendment, but these shall be complete and available for public review at least 14 days before the scheduled hearing.

**8.2.10 What actions can the Selectboard take?** The Selectboard may, at any meeting after the final public hearing, decide not to adopt the proposed amendment, adopt the proposed amendment as presented, or make revisions. If the Selectboard makes substantial revisions in the proposal, it shall schedule and give notice of new hearings. Proposed revisions shall also be filed with the Town Clerk and the Planning Commission at least 10 days before the scheduled hearing. Upon receipt of such changes, the Planning Commission shall amend the report required by WDB 8.2.4, and submit that report and its recommendation to the Selectboard at, or before, the hearing.

**8.2.11 When does an amendment or repeal become effective?** Upon adoption by the Selectboard, an amendment becomes effective in 21 days.

**8.2.12 Is the public allowed to vote on amendments to this bylaw?** A petition calling for a popular vote may be filed with the Town Clerk within 20 days following the adoption of an amendment by the Selectboard. If the petition is signed by not less than five percent (5%) of the town's registered voters, the amendment shall not take effect, and a town meeting shall be warned for the purpose of voting upon the proposed amendment by Australian ballot.

## **Chapter 9**

### **Specific Plans**

This chapter provides for the creative evolution of development in Williston, consistent with the vision and objectives of the *Williston Comprehensive 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 2006 Town Plan called for the use of the specific plan as a tool that replaces the Planned Unit Development/Planned Residential Development (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 current *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.

### **9.1.5 Do the standards adopted here apply in the Taft Corners Form-Based Code Zoning District?**

No. Development within the TCFBC is not eligible for Specific Plan. The provisions of Specific Plan are geared towards large-scale, master planned style of development whereas the Form-Based Code *IS* the new master plan as it prescribes a human-scale, incremental style of development within the Zoning District.

## **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'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 employee 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. Within the Taft Corners Form-Based Code Zoning District, Specific Plans are not allowed. Amendments to the TCFBC are discussed in TCFBC Section 8.

**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.

## **Chapter 10**

### **Boundary Adjustments**

This chapter provides for the administrative approval of boundary adjustments where no new building lots are created and there is no adverse impact on roads, other public facilities, or neighboring uses.

#### **10.1 Definition – Authority - Limitations**

**10.1.1 What is a boundary adjustment?** A boundary adjustment is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

**10.1.2 What gives the Administrator the authority to approve boundary adjustments?** This power is delegated to the Administrator, as authorized by 24 V.S.A. § 4464(c).

**10.1.3 Are there any limitations on administrative boundary adjustments?** If the total acreage that would be transferred from one lot or parcel to another as a result of the boundary adjustment would be large enough to subdivide (based on the average density permitted in its zoning district, which will be taken as a minimum lot size for this purpose) the proposed boundary adjustment will be treated as a subdivision for which a discretionary permit is required. There are two possible exceptions to this rule.

10.1.3.1 DRB Waiver. The Administrator may ask the DRB to authorize administrative approval of a larger boundary adjustment where an absence of public road access, difficult terrain, or other physical characteristics of the land involved allow the DRB to find that there is no significant potential for future subdivision.

10.1.3.2 Land Conservation. Boundary adjustments that expand the holdings of the town or other public agencies for land conservation purposes may be of any size.

**10.2 Administrative Boundary Adjustment Procedure.** The boundary adjustment procedure begins with the submission of a preliminary sketch for review by the Administrator. If the Administrator finds that the proposed boundary adjustment complies with this bylaw, an application form, checklist, fee, and plat must be filed.

**10.2.1. How does the boundary adjustment process begin?** The applicant should, having first made an appointment, visit the Administrator's office with a preliminary sketch of the proposed boundary adjustment for the Administrator's review. This sketch need not be professionally drawn.

**10.2.2. What will the administrator look for?** Before authorizing a proposed boundary adjustment, the Administrator shall determine that:

10.2.2.1 ... no new lot is being created;

10.2.2.2 ... no lot will made nonconforming or more nonconforming; and

10.2.2.3 ... the proposed boundary adjustment will have no adverse impact on access, the provision of public services and utilities, or neighboring uses.

**10.2.3 What happens next if the administrator approves my proposed boundary adjustment?** You must prepare a plat of the proposed boundary adjustment and submit it to the Administrator for recording in the town's land records. A plat is a legal drawing made by a registered land surveyor. It must include all information required by the *Boundary Adjustment Application Checklist* and be accompanied by the *Boundary Adjustment Application* form provided by the Administrator. Plats of boundary adjustments must also comply with the surveying standards established by Chapter 12 of this bylaw. The application must also be accompanied by draft deed documents that include language reflecting the proposed boundary line change(s) to the affected properties.

**10.2.4 How do I get the plat of my proposed boundary adjustment recorded?** The Administrator will act on the plat within 15 working days of its receipt. If it complies with all requirements of the Boundary Adjustment Application Checklist, the Administrator will sign the plat and submit it for recording in the land records. If the plat fails to comply, the Administrator will return it to the applicant with a list of deficiencies that must be corrected before it can be recorded.

**10.2.5 Can the administrator's decision on a proposed boundary adjustment be appealed?** Yes. An appeal may be made using the procedure provided by WDB 5.4.

## **Chapter 11**

### **Including Affordable Homes and Residential Growth Management**

This chapter requires the inclusion of affordable homes in most new residential developments and establishes a competitive growth management system for those residential developments that will not provide a sufficient amount of affordable homes. The policy basis for this system appears in Section 5.1 of the town's *Comprehensive Plan*. Readers are encouraged to read that material first, as background for understanding the procedure established here.

#### **11.1 Purpose - Authority**

**11.1.1 Why does Williston limit the pace of residential development and require the provision of affordable homes in most new developments?** The purposes of this chapter are to:

11.1.1.1 ... ensure that residential growth meets the town's needs for additional workforce and affordable homes, does not exceed the capacity of the town's existing infrastructure and supports planning for the expansion of municipal facilities and services; and

11.1.1.2 ... given the limited capacity of the town's infrastructure, encourage residential developments that successfully implement the goals of the *Town Plan*, with a specific focus on meeting the town's need for more affordable homes.

11.1.1.3 ... support the development of a compact, affordable pedestrian-friendly mixed-use center in the Taft Corners Form-based Code Zoning District (TCFBC) by encouraging housing, while also rewarding the protection of open space resources, the provision of trails, energy conservation, and other actions residential developers can take to help implement the *Town Plan*.

**11.1.2 What gives the town the authority to limit the rate of development?** Limiting the pace of development "to avoid or mitigate any undue impact on existing or planned community facilities or services" is specifically authorized by 24 V.S.A. § 4422.

**11.1.3 What gives the town the authority to require the inclusion of affordable homes in new residential projects?** In February of 2023, the Planning Commission prepared a Housing Needs Assessment, which is required by 24 V.S.A. 4414(7)(B) prior to the adoption of inclusionary zoning provisions. 4417(A) also requires that any inclusionary zoning be in conformance with the Housing Element of the town's comprehensive plan, which is found in Chapter 5 of the *2016-2024 Williston Comprehensive Plan*. 24 V.S.A 4417(C) requires that any inclusionary zoning provisions "include development incentives that contribute to the economic feasibility of providing affordable housing units." These incentives are provided in part in this chapter in the form of exemptions from its growth management requirements, which will otherwise apply.

#### **11.2 Applicability**

**11.2.1 Which developments are subject to growth management review?** Except as exempted in 11.2.2, below, growth management review and approval is required before a proposed residential development or the residential portion of a proposed mixed-use development may apply for a discretionary permit, or in the case of areas covered by the Taft Corners Form Based Code Zoning District (TCFBC), as a part of the review and approval of a Certificate of Conformity.

**11.2.2 Are there any exceptions to growth management review?**

11.2.2.1 Existing Lots. The construction of up to four dwellings on any parcel where dwellings are permitted by this bylaw pursuant to allowed uses and density requirements is not subject to the provisions of WDB 11.4-11.9, below.

11.2.2.2 Inclusionary Zoning. New residential developments, buildings, or mixed-use projects that meet the inclusionary zoning requirements of this chapter are exempt from the provisions of WDB 11.4-11.9, below, but must instead meet all requirements of WDB 11.3, *Inclusionary Zoning*, in this chapter.

11.2.2.3 Adaptive Reuse to Residential. The adaptive reuse of any building existing more than ten years before the date a permit for the adaptive reuse is submitted, to add dwellings to that building, is not subject to the provisions of WDB 11.4-11.9 below, provided the adaptive reuse does not involve any addition to the building exceeding 20% of the existing floor area. The adaptive reuse of former hotel/motel buildings is not covered by this provision but may be exempted under the provisions of 11.2.2.2, above.

**11.2.3 Glaser Specific Plan, SP 23-01.** The Glaser Specific Plan can proceed from pre-application to discretionary permit. The DRB must make findings that the discretionary permit application upholds a Growth Management score of at least 50 points based upon the criteria of WDB Chapter 11 as amended October 4, 2022, except WDB 11.7.1 and 11.7.9 which can be based upon the Energy Efficiency or Sustainable Transportation criteria of Chapter 11 as amended October 17, 2023 or any future version of the WDB. Following discretionary permit approval and final plans approval, the applicant may receive administrative permits for new dwellings up to a maximum of 18 dwellings per fiscal year until project completion. The rules of 11.2.3 shall supersede all other rules of WDB 11.

**11.3 Inclusionary Zoning** The following requirements for the inclusion of affordable dwellings must be met by all developments that will create five (5) or more new dwellings in Williston. Multiple developments or projects within a 5-year period by the same applicant, landowner, responsible party or "person" as defined by Title 10 VSA 6001(14) that do not individually trigger Inclusionary Zoning but, in aggregate, equal or exceed 5 new dwellings within any single zoning district shall be subject to the requirements of Inclusionary Zoning. Said 5-year period shall be measured from the final DRB approval of a prior project (not including amendments resulting in no additional dwellings) to the date of the receipt of the application for the subsequent project. Applicable developments that will not meet the inclusionary zoning requirements of this section must follow the Residential Growth Management Allocation procedures and scoring criteria outlined in WDB 11.4-11.9 and must meet the payment in-lieu requirements of 11.3.5, below.

**11.3.1 What are affordable dwellings?** Affordable dwellings, as defined in WDB 46.3.9 means dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than 100% of the median household income for The Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined

by the United States Department of Housing and Urban Development, household without spending more than thirty (30) percent of their incomes on housing costs. The median income shall be determined on the basis of the data which is most recent to the time that the units are ready for occupancy.

Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, homeowner's association fees, and property insurance. To qualify as 'affordable,' the future rent or resale price of a dwelling must be perpetually restricted to the same affordability standards discussed in this definition at the time of sale or rent, as discussed under WDB 11.3.5.

**11.3.2 What percentage of dwellings is required to be affordable?** Developments with 5-9 dwellings must provide at least 1 dwelling affordable at 100% AMI or below. Developments with 10 or more dwellings must include affordable dwellings at percentages meeting one of the following criteria:

- At least 10% of the proposed dwellings (rounded up to the nearest whole number) shall meet the definition of perpetually affordable at or below 80% of the area median income level, **or**
- At least 15% of the proposed dwellings (rounded up to the nearest whole number) shall meet the definition of perpetually affordable at or below 100% of the area median income level, **or**
- A combination of dwellings affordable at 80% and 100% area median income, such that 1.5 times the number of dwellings (rounded up to the nearest whole number) required at 80% area median income and not provided shall be required to be provided at 100% area median income.

Example: A 60-dwelling project can provide:

- 54 market rate homes and 6 homes affordable at 80% AMI, or
- 51 market rate homes and 9 homes affordable at 100% AMI, or
- 53 market rate homes, 4 homes affordable at 80% AMI and 3 homes affordable at 100% AMI.

For the combined affordability levels of 80% and 100% AMI, 6 homes are required at 80% AMI. 4 homes are provided at 80% AMI, leaving 2 required and not provided. Multiply 2 by 1.5 to get 3 homes required at 100% AMI.

### **11.3.3 Are there any specific requirements for affordable dwellings?**

**11.3.3.1 Integration with Overall Project.** The project application shall identify the dwellings proposed to be affordable. Affordable dwellings shall be integrated with the rest of the development and shall be compatible to the extent practicable in exterior design and appearance with other dwellings with the exception of garages (attached or unattached) or other accessory structures. Affordable dwellings constructed on site may be in less desirable locations than market-rate dwellings in the development, but shall, on average, be no less accessible to public amenities, such as open space or community facilities, as the market-rate dwellings.

**11.3.3.2 Allowable Differences from Market Rate Dwellings.** Affordable dwellings may differ from the market dwellings with regard to interior amenities and floor area; provided that these differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's dwellings, and these differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units.

**11.3.3.3 Construction Phasing Schedule.** Affordable dwellings shall be made available for occupancy on approximately the same schedule as the project's market dwellings, except that certificate of occupancy for the last 10% of the market dwellings (rounded up to nearest whole number) shall be withheld until certificates of occupancy have been issued for all of the affordable dwellings.

***11.3.4 Is there a density bonus or any other development incentives for providing affordable homes?*** In order to contribute to the economic feasibility of providing affordable dwellings, all projects covered by Inclusionary Zoning are entitled by right to density bonuses as described in Chapter 19 and other incentives described below, at the discretion of the applicant.

**11.3.4.1 Exemption from Growth Management.** Projects meeting the requirements of 11.3 Inclusionary Zoning are exempt from the provisions of WDB 11.4-11.9.

**11.3.4.2 Expedited review.** Projects under this section, and with a complete application, will be scheduled ahead of projects with no affordable dwellings to the extent practicable.

**11.3.4.3 Fee Waivers.** A waiver of certain permit fees and impact fees for qualified projects as determined by the Selectboard.

***11.3.5 How will perpetual affordability of the dwellings be ensured?*** Affordable dwellings shall be subject to covenants or restrictions that preserve their affordability in perpetuity.

**11.3.5.1 Deed Restrictions** acceptable to the Town shall be placed on the appropriate property to ensure that affordable dwellings created under this section shall remain affordable in perpetuity, or for as long a period as is allowed by law.

**11.3.5.2. Resale Restrictions.** Provisions to ensure continued affordability of affordable dwellings offered for sale shall include a formula for calculating the maximum sales price based on the applicable affordability level (80% or 100% of Area Median Income). The developer of the dwelling shall be considered the first seller and must sell the dwelling at a price no greater than the maximum sales price meeting the definition of affordability under 11.3.1. For subsequent sales of the dwelling, the maximum sales price shall be the greater of: (a) the maximum sales price as described above, or (b) the dwelling owner's original purchase price adjusted for the actual documented costs of any capital improvements to the affordable dwelling during the dwelling owner's period of ownership.

**11.3.5.3. Rent Increases.** Provisions for continued affordability of affordable rental dwellings shall limit annual rent increases to the percentage increase in the median household income within the Burlington-South Burlington Metropolitan Statistical

Area (MSA). Rental dwellings designated as affordable shall be monitored annually by the town for compliance with this provision.

**11.3.6 Are affordable dwellings required to be sold/rented to income-qualified buyers/renters?**

Yes. Affordable dwellings shall be marketed for rent/lease to households within the same income bracket as the dwelling was intended for. For example, if the development includes dwellings affordable to those earning 80% of the Burlington-South Burlington median income, those dwellings must be sold to households meeting the respective income qualifications of earning less than or equal to 80% of the Burlington-South Burlington median income.

**11.3.7 What if my project does not include affordable dwellings?** Residential developments that do not qualify for exemptions listed under 11.2.2 are required to obtain growth management allocation. Additionally, residential developments consisting of ten (10) or more new dwellings not exempt under 11.2.2 must contribute a payment in-lieu fee to Williston's Affordable Housing Trust Fund as follows:

Project Size	Required Payment in Lieu Per Unit
>= 20 Ds	\$3,500
21-50 Ds	\$7,000
> 50 Ds	\$8,500

A marginal fee approach shall be used in payment of the in-lieu fees.

Example: Fee in-lieu calculated for a 25-dwelling project, as follows:  $20 \times \$3,500 = \$70,000$  for the first 20 dwellings;  $5 \times 7,000 = \$35,000$  for the additional 5 dwellings; Total fee in-lieu = \$105,000.

The payment in lieu fee may be adjusted from time to time by the Selectboard similarly to other permitting fees. Adjusted fees shall be updated in this bylaw accordingly.

## 11.4 Residential Growth Target

**11.4.1 What is the town's annual residential growth target?** Section 5.1.2 of the *Town Plan* sets a residential growth target of 80 dwellings per fiscal year.

**11.4.2 How will the town achieve its growth target?** By setting high standards for new development, including the inclusionary zoning requirements in this chapter, by setting appropriate development standards for different geographic areas of the town, and by setting limits on the number of dwellings that do not meet the inclusionary zoning requirements, the town will maintain its growth target as discussed in 11.3.3, below.

**11.4.3 How is a dwelling defined?** WDB 46.3.50 defines a dwelling. Accessory dwellings permitted by WDB 20.1 are not dwellings for the purposes of this chapter.

**What is a dwelling?** A dwelling is a building (typically a single-household home) or a separate space within a larger building (typically an apartment, townhouse, or the like) that contains complete housekeeping facilities for one household.

**11.4.4 Is there a geographic component to the growth target?** Yes. Section 5.1.3 of the *Town Plan* provides for 80 dwellings per year. While most dwellings are expected to be created in projects covered by the inclusionary zoning provisions of 11.3, some limited allocation for projects that do not meet these requirements is available through a yearly allocation schedule as follows:

11.4.4.1 ... in the sewer service area, in the designated growth center, 50 dwellings ,

11.4.4.2 ... in the sewer service area, outside the designated growth center, 20 dwellings , and

11.4.4.3 ... outside the sewer service area, 10 dwellings .

**11.4.4 Shift to the Growth Center.** The DRB or Administrator may shift available dwellings from areas outside the growth center to proposed residential and mixed-use developments within the designated growth center.

## **11.5 Growth Management Procedure**

**11.5.1 At what point in the development review process does growth management review occur?** Growth management review follows pre-application review. All proposed residential developments that are not exempt pursuant to WDB 11.2.2 that have cleared pre-application review on or before December 31 of any year shall be subject to growth management review in the following year except as otherwise exempted. If a proposed residential development has not cleared pre-application review by December 31 of a given year, it will not be reviewed during the following year. For applicable projects in the Taft Corners Form-Based Code Zoning District (TCFBC), allocation will be assigned by the Zoning Administrator at the time of the issuance of a Certificate of Conformity.

### **11.5.2 How is growth management review conducted outside TCFBC?**

11.5.2.1 Notice to Eligible Applicants. All applicants whose proposed developments qualify for growth management review shall be notified of the date of the DRB's growth management hearing (see WDB 11.5.2.3) and provided with a *Growth Management Questionnaire* by January 15.

11.5.2.2 Growth Management Questionnaires. Applicants must return their completed growth management questionnaires by March 1. All representations made on a *Growth Management Questionnaire* are binding and must be reflected in the application for a discretionary permit if the proposed residential development receives an allocation of dwellings.

11.5.2.3 Public Hearing. The DRB shall, in March of each year, hold a public hearing at which it reviews all proposed residential development that cleared pre-application review during the preceding calendar year. This hearing shall follow the procedures prescribed in Chapter 6 for the review of applications for discretionary permits.

11.5.2.4 Evaluation and Ranking. Following the public hearing required by WDB 11.5.2.3, the DRB shall evaluate and rank the proposed residential development using the evaluation

criteria established in this chapter. These criteria guide the DRB in awarding points to proposed residential development based on their implementation of specific goals and objectives of the *Comprehensive Plan*.

**11.5.2.5 Allocation of the Growth Target.** The DRB shall allocate the available portion (see WDB 11.6.1.2) of the growth target established in the *Comprehensive Plan* to the proposed residential developments according to their ranking and the rules established in WDB 11.6, below.

**11.5.2.6 Notification of Allocation.** Notice of the DRB's decision and the approved allocation schedule shall be provided in the form of a letter from the Administrator and sent to each applicant by certified mail. Documentation of approved allocation must be presented by the applicant with the application for the administrative permit to build the dwelling(s).

**11.5.2.7 Allocation of the Growth Target Allocation in the Taft Corners Form Based Code Zoning District** is assigned by the Zoning Administrator at the time of issuance of a Certificate of Conformity, which is the permit to build in this Zoning District. Projects in the Taft Corners Form Based Code Zoning District do not apply for hearing review at the DRB under the provisions of 11.5.2.1-11.5.2.6 above and are not subject to the scoring criteria in 11.7, below. The design criteria in the Taft Corners Form Based Code Zoning District mandate much of what is incentivized under these criteria.

**11.5.2.8 Notification of Allocation in the Taft Corners Form Based Code Zoning District** Notification of allocation in the Taft Corners Form Based Code Zoning District is in the form of the Certificate of Conformity for the project issued by the Zoning Administrator.

**11.5.2.9 Subsequent Growth Management Allocation.** Proposed developments that have obtained an initial allocation of dwellings and approval of final plans for a discretionary permit but require additional allocation to complete the entire development as proposed, shall first obtain the additional allocation through growth management review, but shall not be required to submit a preapplication during the prior calendar year. Should additional allocation be granted, an amendment to the discretionary permit shall be filed to document the revised phasing schedule. Such an amendment shall be considered a minor change.

## **11.6 Allocation Rules**

**11.6.1 Are there rules the DRB, or Administrator in the case of projects in the Taft Corners Form Based Code Zoning District, must follow in making the allocations authorized by WDB 11.5.2.5, above?** Yes.

**11.6.1.1 Minimum Score.** No proposed development that is awarded fewer than 40 points shall receive an allocation. In the Taft Corners Form Based Code Zoning District, the Administrator, using the criteria for the Growth Center in 11.7, may deny a Certificate of Conformity for a project that will not meet the minimum score.

**11.6.1.2 Number of Dwellings.** The DRB or Administrator may allocate only the number of dwellings allowed by the residential growth target adopted in the *Comprehensive Plan*. This does not mean that the DRB or Administrator allocates 80 dwellings each fiscal year. They do not. The number of dwellings previously allocated is deducted from the growth

target for each fiscal year in which those allocations were made, ensuring that an average of no more than 80 dwellings per fiscal year are allocated.

**What's Left?** A chart showing the number of allocations that remain available in each fiscal year may be obtained from Williston Planning.

11.6.1.3 **“Rolling Allocation”** The DRB or Administrator will make allocations based on a 10-year timeframe that begins with the upcoming fiscal year. Any allocation that was not awarded in past fiscal years is void and no longer available for allocation to future projects. The DRB or Administrator will have a consistent 10-year “horizon” over which they can make allocations, within the rules of WDB 11.6.1.5 and within the limits of sewer treatment capacity as discussed in WDB 11.6.1.6.

11.6.1.4 **Partial Allocations**. The DRB or Administrator may make partial allocations to help create an equitable division of the dwelling units available among proposed residential developments that have equal or essentially equal rankings. The DRB may also, due to the limited availability of dwellings and the rules adopted here, including WDB 11.6.1.5’s limit on allocations to any one proposed residential development, allocate fewer dwellings to a proposed residential development than were requested in its pre-application or on its growth management checklist.

11.6.1.5 **Maximum Allocation**. There are limits on the number of market-rate dwellings of allocation that may be allocated in any of the allocation years. No more than 75% of the market-rate dwellings available in a given fiscal year and in any of the three ‘allocation areas’ established by WDB 11.4.3 may be allocated to any one proposed residential development. In addition, no more than 50% of the number of market-rate allocation dwellings in any of the allocation areas outside the TCFBC may be allocated two or more years prior to the fiscal year the allocation becomes available, and no more than 75% of the number of allocation dwellings in any of the allocation areas outside the TCFBC may be allocated one year prior to the fiscal year the allocation becomes available.

11.6.1.6 **Changes in Capacity**. Sewage treatment plant capacity may change due to changing regulations, the failure of plant components, and other causes. The DRB or Administrator shall not allocate dwellings for which adequate sewage treatment plant capacity is not available regardless of the growth target established in the *Williston Comprehensive Plan*. Any decision not to allocate dwellings on this basis shall be based on a written finding by the Selectboard that changing conditions have resulted in inadequate capacity.

**11.6.2 Do allocations made by the DRB or Administrator expire?** Yes. Applicants who received allocation under the provisions of 11.6.1 must meet two deadlines, one for the submission of an application for a discretionary permit for the proposed residential development and one for the subsequent submission of final plans.

A development will receive an allocation schedule based on the town’s residential growth target. Allocations are available beginning on July 1 of a particular year (the start of the town’s fiscal year). Once the first year of the allocation schedule is reached, any of the dwellings within the allocation schedule of the development may be constructed within the time frame of the allocation schedule.

11.6.2.1 Submission of Discretionary Permit Application. An application for a discretionary permit for the proposed residential development must be filed within one year of the date of the record of decision for the DRB meeting at which the initial allocation of dwelling units to that development was made. If an application is not filed within one year, the allocation becomes void and the units of allocation included will be made available for allocation to another proposed residential development.

11.6.2.2 Submission of Final Plans. Final Plans must be submitted for approval following the issuance of a Discretionary Permit by the DRB within the timeframes required in WDB 6. If Final Plans are not submitted, the allocation becomes void and the allocation is returned to the system.

**11.7 Evaluation Criteria for Proposed Residential Development in the Growth Center, outside of the Taft Corners Form Based Code Zoning District.** The criteria the DRB will use to evaluate and rank proposed residential development or the residential portion of proposed mixed-use developments in the Growth Center are summarized to create a 100-point scoring scale. They are explained in detail below.

**11.7.1 Conserve Energy (0-30 points)** All new dwellings must meet the required Vermont Residential Energy Standards. This criterion encourages additional energy conservation in accord with Policy 11.4 of the *2016-2024 Williston Comprehensive Plan*. Scoring will be based on the percentage of total dwellings that either meet enhanced energy efficiency standards or that generate renewable energy as part of the proposed development.

- 100% of all dwellings incorporate at least two of the following elements – 30 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- 100% of all dwellings incorporate at least one of the following elements – 20 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- 50% of all dwellings incorporate at least one of the following elements – 10 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.

- all dwellings meet Vermont Residential Energy Standards – 0 points

**11.7.3 Offer Housing Choices (0-20 points).** Consistent with Policy 5.2.3 of the *2016-2024 Williston Comprehensive Plan*, this criterion encourages each development to include housing options for a broad spectrum of household incomes and types, and for both owners and renters. The goal is not merely to promote affordability as WDB 11.6.2 does, but to ensure that limited housing choices do not result in a community with limited cultural and social diversity.

- Proposed residential development should include a mix of dwelling types and sizes that will result in a mix of different housing costs and tenures. Where the proposed residential development is part of a mixed-use development, it must include dwellings that are demonstrably affordable to the typical employee who will be working there in order to be awarded any points for this criterion. 1-20 points depending on the range of housing options proposed
- The proposed residential development does not contribute to housing diversity. – 0 points.

**11.7.4 Provide Neighborhood Space (0-20 points).** This criterion encourages the provision of urban and/or neighborhood parks, and/or of indoor space for neighborhood activities. Points will be awarded for the construction of an urban or neighborhood park, as defined in Policies 4.4 and 4.5 of the *2016-2024 Williston Comprehensive Plan*, and/or for the construction of a building space that can be used as a meeting room, fitness center, day care center, or other neighborhood space acceptable to the DRB. The developer must commit to equip the space provided for its purpose to earn points. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness but need not be maintained by the town.

- The proposed development provides developed neighborhood space that is easily accessible and useful to its inhabitants – 1-20 points, depending on the size, diversity of functions, and other characteristics of the space/s provided.
- The proposed residential development provides no such space, or inadequate space – 0 points.

**11.7.5 Build Paths and Trails (0-10 points).** This criterion favors proposed residential development that build their portion of the paths and trails called for by the *2016-2024 Williston Comprehensive Plan* (see Policy 9.5.3).

- The majority of the proposed dwellings are served by the town's path and trail system, with the developer building all on-site segments – 1-10 points, depending on the length of the path or trail segment/s.
- no path or trail connection is built – 0 points

**11.7.6 Conserve Open Space (0-10 points).** While there are limited opportunities for open space conservation within the growth center, this criterion encourages the permanent conservation of any remaining lands identified in the Chapter 13 of the *2016-2024 Williston Comprehensive Plan*

or another open space asset acceptable to the Conservation Commission via dedication or conservation easement.

- the proposed development will protect open space lands identified in Chapter 13 of the *2016-2024 Williston Comprehensive Plan* or another open space asset acceptable to the Conservation Commission via dedication to the town or another public agency, or via a conservation easement – 1-10 points depending on the extent and the importance of the open space protected
- the proposed development will not provide permanent open space protection – 0 points

**11.7.8 Sustainable Transportation (0-10 points).** Developments that will support transportation sustainability by providing publicly available facilities that allow for transit use, carpooling, electric vehicle charging, car-sharing, or secure, covered bicycle storage will receive 1-10 points in addition to the points available for energy efficiency above.

A minimum of one covered carpool or transit shelter, one carpool parking space, one electric vehicle charging port and space, one carshare space, or two secure covered bicycle storage lockers per 25 Dwellings in the project is required for points to be scored for any of these facilities. Developments may also meet one of the scoring criteria elements by showing that the project will be part of a Transportation Management Association that provides programming and incentives to the residents of the project and any onsite employees to reduce single-occupant vehicle trips.

- The proposed development will provide five of the elements listed in 11.7.8- 10 points
- The proposed development will provide four of the elements listed in 11.7.8- 8 points
- The proposed development will provide three of the elements listed in 11.7.8- 6 points
- The proposed development will provide two of the elements listed in 11.7.8- 4 points
- The proposed development will provide one of the elements listed in 11.7.8- 2 points
- The proposed development will not provide any sustainable transportation facilities- 0 points

**11.8 Evaluation Criteria for Proposed Residential Development that Have Sewerage but Are Not Within the Growth Center.** The criteria the DRB will use to evaluate and rank proposed residential development in the Residential and Village zoning districts are summarized and weighted to create a 100-point scoring scale in the Growth Management Checklists. They are explained in detail below.

**11.8.1 Conserve Energy (0-30 points).** All new dwellings must meet the required Vermont Residential Energy Standards. This criterion encourages additional energy conservation in accord with Policy 11.4 of the *2016-2024 Williston Comprehensive Plan*. Scoring will be based on the percentage of total dwellings that either meet enhanced energy efficiency standards or that generate renewable energy as part of the proposed development.

- 100% of all dwellings incorporate at least two of the following elements – 30 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- 100% of all dwellings incorporate at least one of the following elements – 20 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- 50% of all dwellings incorporate at least one of the following elements – 10 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- all dwellings meet Vermont Residential Energy Standards – 0 points

**11.8.2 Offer Housing Choices (0-20 points).** Consistent with Policy 5.2.3 of the *2016-2024 Williston Comprehensive Plan*, this criterion encourages each development to include housing options for a broad spectrum of household incomes and types, and for both owners and renters. The goal is not merely to promote affordability as WDB 11.6.2 does, but to ensure that limited housing choices do not result in a community with limited cultural and social diversity.

- Proposed residential development should include a mix of dwelling types and sizes that will result in a mix of different housing costs and tenures. Where the proposed residential development is part of a mixed-use development, it must include dwellings that are demonstrably affordable to the typical employee who will be working there in order to be awarded any points for this criterion. 1-20 points depending on the range of housing options proposed
- The proposed residential development does not contribute to housing diversity. – 0 points.

**11.8.3 Provide Neighborhood Space (0-20 points).** This criterion encourages the provision of urban and/or neighborhood parks, and/or of indoor space for neighborhood activities. Points will be awarded for the construction of an urban or neighborhood park, as defined in Policies 4.4 and 4.5 of the *2016-2024 Williston Comprehensive Plan*, and/or for the construction of a building space that can be used as a meeting room, fitness center, day care center, or other neighborhood space acceptable to the DRB. The developer must commit to equip the space provided for its purpose to earn points. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness, but need not be maintained by the town.

- The proposed development provides developed neighborhood space that is easily accessible and useful to its inhabitants – 1-20 points, depending on the size, diversity of functions, and other characteristics of the space/s provided.
- The proposed residential development provides no such space, or inadequate space – 0 points.

**11.8.4 Build Paths and Trails (0-10 points).** This criterion favors proposed residential development that build their portion of the paths and trails called for by the *2016-2024 Williston Comprehensive Plan* (see Policy 9.5.3).

- The majority of the proposed dwellings are served by the town's path and trail system, with the developer building all on-site path segments and dedicating all on-site trail segments – 1-10 points, depending on the length of the path or trail segment/s.
- no path or trail connection is built or dedicated – 0 points

**11.8.5 Neighborhood Design (0-10 points).** This criterion does not include architectural design or the details of landscape design. Those subjects are addressed after an application for a discretionary permit is filed. Proposed residential development will be scored based their use of open space to both buffer and integrate the neighborhood, as well to manage stormwater, and on the siting of homes to encourage walking and social interaction among neighbors.

- Open space is used both creatively and to serve functional needs like buffering and stormwater management, while homes are sited so as to encourage walking and social interaction among neighbors – 0-15 points depending on how well this goal is implemented.
- Permanent protection of open space identified in the *Chapter 13 of the 2016-2024 Williston Comprehensive Plan* will result in the award of 1-5 additional points on this criterion, depending on the extent and quality of the open space resource being protected.
- Open space is not used creatively and/or site planning techniques do not encourage walking and social interaction – 0 points

**11.8.6 Sustainable Transportation (0-10 points).** Developments that will support transportation sustainability by providing publicly available facilities that allow for transit use, carpooling,

electric vehicle charging, car-sharing, or secure, covered bicycle storage will receive 1-10 points in addition to the points available for energy efficiency above.

A minimum of one covered carpool or transit shelter, one carpool parking space, one electric vehicle charging port and space, one carshare space, or two secure covered bicycle storage lockers per 25 Dwellings in the project is required for points to be scored for any of these facilities. Developments may also meet one of the scoring criteria elements by showing that the project will be part of a Transportation Management Association that provides programming and incentives to the residents of the project and any onsite employees to reduce single-occupant vehicle trips.

- The proposed development will provide five of the elements listed in 11.8.8- 10 points
- The proposed development will provide four of the elements listed in 11.8.8- 8 points
- The proposed development will provide three of the elements listed in 11.8.8- 6 points
- The proposed development will provide two of the elements listed in 11.8.8- 4 points
- The proposed development will provide one of the elements listed in 11.8.8- 2 points
- The proposed development will not provide any sustainable transportation facilities- 0 points

## **11.9 Evaluation Criteria for Proposed Residential Development Outside the Sewer Service Area.**

The criteria the DRB will use to evaluate and rank proposed residential development outside the sewer service area are summarized and weighted to create a 100-point scoring scale in the growth management checklists. They are explained in detail below.

**11.9.1 Conserve Energy (0-30 points).** All new dwellings must meet the required Vermont Residential Energy Standards. This criterion encourages additional energy conservation in accord with Policy 11.4 of the *Town Plan*. Scoring will be based on the percentage of total dwelling units that either meet enhanced energy efficiency standards or that generate renewable energy as part of the proposed development.

- 100% of all dwellings incorporate at least two of the following elements – 30 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- 100% of all dwellings incorporate at least one of the following elements – 20 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,

- generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- 50% of all dwellings incorporate at least one of the following elements – 10 points:
  - meet Efficiency Vermont High Performance Level,
  - use cold-climate heat pumps (CCHPs), ground source heat pumps, or geothermal heat pumps,
  - generate at least 50% of their estimated energy demand through onsite renewable sources,
  - store at least two days of typical energy demand on-site.
- all dwellings meet Vermont Residential Energy Standards – 0 points

**11.9.2 Provide for Paths and Trails (0-20 points).** This criterion favors proposed residential development that provide easements for primitive trails or build their portion of the paths called for by the *2016-2024 Williston Comprehensive Plan* (see Policy 9.5.3).

- The majority of the proposed dwellings are served by the town's path and trail system, with the developer building all on-site segments – 1-20 points, depending on the length of the path or trail segment/s.
- no path is built or trail easement is provided – 0 points

**11.9.3 Conserve Open Space (0-30 points).** This criterion encourages the long-term protection of the open spaces identified in Chapter 13 of the *2016-2024 Williston Comprehensive Plan*. It awards points for the protection of lands identified there by dedication or conservation easement.

- the proposed development will protect open space lands identified in Chapter 13 of the *2016-2024 Williston Comprehensive Plan* or another open space asset acceptable to the Conservation Commission via dedication to the town or another public agency, or via a conservation easement – 1-30 points depending on the extent and the importance of the open space protected
- the proposed development will not provide permanent open space protection – 0 points

**11.9.4 Minimize Visual Impact (0-20 points).** This criterion encourages “rural” developments that are sited so as to disappear into the landscape.

- the proposed project will not be visible from public roads, except any new road built to provide direct access to the site – 20 points
- the proposed project will be minimally visible from public roads, except any road directly serving the site – 10 points
- The proposed project will be visible from public roads – 0 points

## Chapter 12

### Subdivisions Final Plans

This chapter establishes definitions and additional application requirements that are specific to the division of land, including standards for the setting of survey monuments. Some of these standards also apply to final plans for other developments.

#### **12.1 Authority – Definitions**

**12.1.1 Does the town have specific authority to regulate the division of land?** Yes. 24 V.S.A § 4418 authorizes Vermont towns to regulate subdivisions.

**12.1.2 What is a subdivision?** The “division of a parcel into two or more parcels” is land development, as defined by 24 V.S.A § 4303(10). This definition is repeated in 24 V.S.A § 4418. WDB 12.1.3 and 12.1.4 clarify this definition.

**12.1.3 What is a “parcel?”** For the purposes of this bylaw, a ‘parcel’ is any contiguous area of land that is owned or effectively controlled by the same person, family, partners, or shareholders. The key to this definition is effective control. How the land is described on the town’s tax map or in the land records, how the land was assembled from smaller parcels, or how the land is affected by rights-of-way or easements, is relevant only as provided by WDB 12.1.3.1-3.

12.1.3.1 Split Parcels. Where a parcel is split by a public road right-of-way or a railroad right-of-way it will be treated as two parcels for the purposes of this bylaw. Easements will not ordinarily be considered to split a parcel, but the Administrator may determine that an easement for a high-voltage power line or major pipeline has the same impact on the use of a parcel as a public road or railroad right-of-way and permit that parcel to be ‘split’ for the purposes of determining compliance with this bylaw. The Administrator may require that a survey defining the limit and extent of the split parcel be prepared and recorded in the town’s land records as part of an application for an administrative permit on split parcels. The Administrator’s decision is subject to appeal, as provided by WDB 5.4.

12.1.3.2 Approved Lots. Where a parcel consists of more than one approved subdivision lot, the lots may be sold and/or used separately, consistent with all conditions of approval imposed on the subdivision and the requirements of this bylaw. An approved subdivision lot is one that is shown on a recorded plat approved as provided by this bylaw or the town’s previous subdivision regulations.

12.1.3.3 Homesteads. The Administrator may permit a homestead site that is part of a larger parcel, that has a surveyed legal description, and that is occupied by an existing dwelling to be conveyed separately, without being reviewed as a subdivision, but only where that conveyance will not adversely affect the potential subdivision of the remainder of the property by impeding access (via road or trail, or for utilities).

12.1.3.4 Non-Conforming Lots. This bylaw includes specific provisions for the use of non-conforming lots. See WDB 2.4.

**12.1.4 What is a “division?”** A ‘division’ occurs whenever any part of a parcel that does not qualify for one of the exceptions established by WDB 12.1.3, is sold or otherwise conveyed (for example, by gift or court order), leased, or developed.

**12.2 Permit Requirements.** As provided by WDB 4.3.4.1, a discretionary permit is required for most subdivisions. The only exception to this requirement is for boundary adjustments. See Chapter 6 of this bylaw for the discretionary permit procedure. See Chapter 10 for the boundary adjustment procedure.

### **12.3 Final Plans and Plats**

**12.3.1 Are there standards for the accuracy and contents of subdivision plans?** Yes. Final plans and plats must include everything on the *Final Plan Checklist* established by WDB 6.9.2. They must also comply with the requirements of state law, specifically including 26 V.S.A. § 2602 and 27 V.S.A. §§ 1401-1406.

**12.3.2 Are there examples of the certificates and signature blocks that must appear on the final plans?** Yes.

12.3.2.1 Certificate of Dedication. All final plans and plats showing any improvements that will become public must include a Certificate of Dedication, as required by WDB 15.13.

12.3.2.2 Approval Signature Block. All final plans and plats must include an approval signature block.

#### SAMPLE APPROVAL SIGNATURE BLOCK

##### APPROVAL SIGNATURE BLOCK

Upon finding that the final plans complied with all requirements of the *Williston Development Bylaw* and all conditions imposed on the approval of Discretionary Permit \_\_\_\_ - \_\_\_\_, the Williston Development Review Board/Administrator approved the final plans for the (name Subdivision) on the \_\_\_\_ day of (month), 20 \_\_\_\_.

(presiding member’s signature)

NOTE: This signature block should be prepared for the signature of Administrator on boundary adjustments and where the DRB has delegated final approval of final plans to the Administrator. For all subdivisions, it should be prepared for the signature of the presiding member of the DRB.

### **12.4 Survey Monuments**

**12.4.1 Where must survey monuments be placed?** Survey monuments shall be set at the following locations:

12.4.1.1 ... at each corner and angle point of all lots, blocks and parcels of land shown on the final plans.

12.4.1.2 ... at every point where the outer boundary of a subdivision intersects with an existing or approved road right-of-way; and

12.4.1.3 ... at every point of curve, point of tangency, point of reversed curve, point of compounded curve, and point of intersection on each existing road or trail right-of-way that is not already a line created by the development.

12.4.1.4 A monument must also be set wherever a meander line used to delineate watershed protection buffers or other irregular features shown on the approved final plans intersects any of the lot, block, parcel, or right-of-way boundaries established by the survey.

12.4.1.5 Open space areas required by WDB 31.7 and/or any other area required to be permanently delineated by this bylaw or conditions of approval imposed by the DRB must also be monumented but may be allowed to be monumented on a more limited basis as determined by the DRB, depending on physical features of the site and the nature of the area being delineated. Vermont state grid coordinates depicted on the final plans may also be required at critical points along the perimeter of important areas.

**12.4.2 What if it is not possible to set one of the required survey monuments?** A properly documented reference monument may be set instead. Where the need for a reference monument was not anticipated in the approved final plans, the surveyor who sets the reference monument shall record a Certificate of Survey showing the correction to the approved final plans. A copy of that Certificate of Survey must also be filed with the Administrator. Simply documenting a reference monument does not necessitate an amendment to the final plans.

**12.4.3 When must survey monuments be in place?** As many of the required monuments as possible shall be set before the final plans are recorded. The Administrator may, however, permit monuments that could be destroyed or inadvertently moved during construction to be set after the work is complete, but before a certificate of occupancy is issued.

# **Chapter 13**

## **Access - Connectivity Traffic Studies**

This chapter implements policies 6.2 and 6.3 of the *Town Plan*. These standards are intended to maximize the capacity of existing highways; improve traffic safety; limit the potential for conflict between vehicles, pedestrians, and cyclists; and reduce congestion, while providing safe access to private properties. These standards also promote connectivity for vehicles, cyclists, and pedestrians, and to provide emergency access, facilitate movement, and foster a sense of community.

### **13.1 Basic Requirement - Applicability**

**13.1.1 What is the basic requirement of this chapter?** That all developments and all lots, uses, and structures within developments have safe, adequate, legal access to a public or private road. The standards adopted in this chapter define ‘safe’ and ‘adequate.’

**13.1.2 Do these standards apply to points of access to state highways?** Yes. Access to state highways is regulated by the Vermont Agency of Transportation (AOT), but 19 V.S.A § 1111 and 24 V.S.A. § 4302 provide a basis for this bylaw to apply to points of access to state highways.

**Need to Obtain Access to a State Road?** Contact District 5 of the Vermont Agency of Transportation at (802) 655-1580.

**13.1.3 Will I be required to provide my access permits?** Yes. Access permits for town roads are issued by the Williston Department of Public Works. Access to state highways is regulated as discussed above. Applicants proposing access to state highways will be required to submit a letter of intent from Vermont AOT as part of their application for a discretionary permit. Applicants proposing access to private roads or across private property will have to submit evidence that they have legal rights to that access for the development they propose.

**13.1.4 Do these standards apply to points of access to private roads?** Yes. Points of access to private roads are ‘required improvements,’ regulated by this bylaw.

**13.1.5 Do the standards adopted here apply in the Taft Corners Form-Based Code Overlay District?** It depends. The standards of 13.2-13.5 do not apply in the TCFBC and are superseded by the standards of the TCFBC. The standards of WDB 13.6-13.8 apply in all zoning districts and the TCFBC.

**13.2 Access Management.** The plans submitted with applications for permits must clearly demonstrate compliance with these standards.

**13.2.1 How may access be provided?** The type and number of points of access permitted will depend on the functional classification of the road being accessed.

13.2.1.1 Arterials and Collectors. Access to arterial and collector roads must be from local roads, not directly from adjoining properties. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make compliance infeasible. Where an exception is permitted, the applicant is responsible for all improvements needed to ensure that permitting direct access does not result in undue congestion or safety hazards.

13.2.1.2 Local Roads. Adjoining properties may have direct access to local roads in compliance with the standards adopted in this chapter and the other requirements of this bylaw. The DRB may require that shared driveways be used for access to local roads in order to reduce the number of points of access.

13.2.1.3 Parking Areas. Parking areas must not rely on adjoining public roads as part of their internal circulation pattern. Specifically, parking areas on private property (this chapter does not apply to on-street parking) must be designed so that vehicles do not back directly onto a public road. Standards for the location, size, and design of parking lots are adopted in Chapter 14 of this bylaw.

**13.2.2 *Can I keep all of my existing points of access?*** No. Multiple points of access to arterials or collectors and continuous curb cuts along any road must be consolidated to the minimum number needed to serve the existing and proposed uses on the property as a condition of approval for a permit. The required consolidation shall include:

13.2.2.1 ... eliminating access to arterials and shifting it to a local roads or collectors, and/or

13.2.2.2 ... eliminating points of access that do not have adequate corner clearances, as required by WDB 13.2.4.

13.2.2.3 Exceptions. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make the consolidation of points of access infeasible.

**13.2.3 *Are there design standards for points of access?*** Yes.

13.2.3.1 Alignment. Proposed points of access shall be aligned at a 90° angle ( $\pm 5^\circ$ ). The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make compliance infeasible. Where an exception is permitted, the applicant is responsible for all improvements needed to ensure that the proposed point of access does not result in safety hazards.

13.2.3.2 Grade. The grade approaching a proposed point of access to a local road shall be less than three percent (3%) for at least 50 feet before the intersection. The grade of proposed approaches to collector and arterial roads shall be as determined by the DRB, with the advice of the DPW. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make compliance infeasible. Where an exception is permitted, the applicant is responsible for all improvements needed to ensure that the proposed approach does not result in a safety hazard.

13.2.3.3 Sight Distance. Sight lines and sight distance calculations for all proposed access drives shall be shown on the plans submitted with applications for discretionary permits. The

sight distance required for a point of access varies with conditions. The minimum necessary shall be as provided by the Vermont AOT's *Access Management Program Guidelines*. There will be no exceptions to this standard. The applicant must provide the level of traffic control needed to attain compliance.

**13.2.3.4 Clearance.** Proposed access drives must be placed far enough from existing driveways and intersections to minimize congestion and safety hazards. The minimum separation shall be as provided by the Vermont AOT's *Access Management Program Guidelines*. The DRB may permit an exception to this standard to provide access to properties that have no reasonable alternative point-of-access. Where an exception is permitted, the applicant is responsible for any improvements needed to mitigate the congestion and safety impacts of the proposed point of access.

**13.2.3.5 Additional Standards.** Additional standards for the design and construction of residential driveways that serve more than one dwelling are established by WDB 13.2.6. All other proposed points of access must be designed by a licensed professional engineer in compliance with the Vermont AOT's *Access Management Program Guidelines*, the *Uniform Manual of Traffic Control Devices*, and Williston's *Public Works Standards*.

**13.2.4 Do the sight distance standards adopted in 13.2.3.3 affect land use?** Yes. The areas needed to provide the sight distances required by WDB 13.2.3.3 must be kept open and free of visual obstructions. There shall be no structures that rise above grade in these areas except for required regulatory signs and landscaping will be limited to turf or another ground cover and ornamental plantings that attain a height of no more than 32". Existing trees may be permitted to remain if they are pruned to a single stem up to eight (8) feet above grade.

**13.2.5 Who must provide turning lanes, medians, and other access management improvements?** Applicants must provide acceleration, deceleration, and turning lanes; medians, and all other improvements, including signs, signals, and lighting, that are required to provide safe access to their development. The need for these improvements may be established by the *Town Plan*; corridor plans; or traffic studies prepared by the town, the CCMPO, or the Vermont AOT; or by a traffic study required by WDB 13.8. Chapter 7 establishes procedures that guarantee the completion of required improvements, including points of access.

**13.2.6 What are the additional standards for the construction of residential driveways?** These standards apply to driveways that serve more than one dwelling.

**13.2.6.1 Grade.** The grade of a residential drive shall not exceed 10%.

**13.2.6.2 Width.** Residential drives shall be no less than 12 feet in width, and no more than 16. Where the drive travels through brush, woods, or forest, there shall be a cleared area of four feet on either side of the drive.

**13.2.6.3 Length.** No private driveway shall be longer than 1,320 feet. The DRB may permit an exception to this standard where physical barriers, including property ownership or difficult terrain, make provision of another point of access infeasible. Where an exception is permitted, the density of development served by the private driveway shall average 1 dwelling per 10 ten acres or less.

13.2.6.4 **Construction**. Residential drives shall consist of a minimum four-inch finish course of gravel or, alternatively of asphalt or concrete paving, a minimum eight (8) inch base course, and a geotextile layer. The first 30 feet back from a paved public road shall be paved. Specifications for these materials are found in the *Public Works Standards*. Drainage shall be provided in the form of a swale, or swale, and culverts. Runoff and erosion control shall be provided as required by Chapter 29 of this bylaw.

13.2.6.5 **Pull-Outs**. A pull-out permitting vehicles to pass shall be provided for every 400 feet of residential drive.

13.2.6.6 **Natural Hazards**. Residential drives shall not be permitted where they would be subject to regular seasonal flooding, slope failure, or other natural hazards.

13.2.6.7 **Addresses**. Where the building and required building numbers are not visible from the road, dwellings served by a residential driveway must be identified with a freestanding sign displaying the address number or numbers as required by Williston's *Road Name and Road Location Addressing Ordinance*, which is attached as Appendix D.

**13.3 Bicycle and Pedestrian Access.** WDB 13.2 sets standards for vehicular access. Developments must also be safely accessible to bicyclists and pedestrians.

**13.3.1 Must all development have bicycle and pedestrian access?** Yes. The plans submitted with applications for discretionary permits must show how bicyclists and pedestrians can safely reach at least one employee or customer entrance. See also Chapter 14 of this bylaw's requirements for bicycle parking. More specific standards for bicycle and pedestrian access may apply in some zoning districts.

**13.3.2 What constitutes “safe” bicycle and pedestrian access?** Potential conflicts between pedestrians, cyclists, and vehicles must be minimized by the use of sidewalks or paths, pavement markings and textures; signs; and similar techniques approved by the DRB. Certain uses must also provide safe pedestrian drop-offs, as required by WDB 13.3.3.

**13.3.3 Where must a safe pedestrian drop-off be provided?**

**13.3.3.1 Required.** Safe off-street pedestrian drop-offs must be provided for all childcare uses, except for at-home childcare in residential zoning districts; for all places of public assembly; and for all schools. The DRB may permit an exception to this standard, but only where it finds that safe on-street pedestrian drop-off is possible.

**13.3.3.2 At the DRB’s Discretion.** The DRB may also require safe pedestrian drop-offs for hotels and other lodging places, multi-household residences, neighborhood parks, and in shopping areas where considerable pedestrian traffic is anticipated.

**13.4 Access for the Disabled.** All development in Williston must be fully accessible, as required by the Americans with Disabilities Act. Parking for people with disabilities is addressed in Chapter 14 of this bylaw.

**Accessibility?** Because the town does not administer a building code its role in ensuring access for people with disabilities is quite limited. The principal responsibility for this function lies with the Vermont Division of Fire Safety, which enforces a state building code. The Division's web site is at: <https://firesafety.vermont.gov/>

**13.5 Multiple Points of Access.** These standards limit the number of homes that may be served by a single point of road access.

**13.5.1 How many dwellings may be served by a private driveway?** Where a new private driveway is being established in compliance with WDB 13.2, the maximum number of dwellings it may serve is limited to five (5). There are two exceptions to this standard.

13.5.1.1 Existing Driveways. Where an existing private driveway serves more than five (5) parcels, and offers the only access to one or more undeveloped parcels, it may serve one dwelling per parcel, but must be upgraded to meet the standards of WDB 13.2.6 before a sixth dwelling is permitted.

13.5.1.2 Lower Density. The DRB may permit an exception to this standard where doing so will preserve landscape features and neighborhood character that would be adversely impacted by requiring construction of a private or public road, where the existing driveway meets or will be improved to meet the standards of WDB 13.2.6, and where the average density of the development served will be one unit per 10 acres or less.

**13.5.2 How many dwellings may be served by a road that ends in a loop or cul-de-sac?** No more than 40 dwellings may be served by a single point of access. Where an existing dead-end road already serves 40 dwellings, further development served by that road will be limited to one dwelling for each lot or parcel that is currently vacant.

**13.5.3 Is there a limit on the length of access drives or roads that end in a loop or cul-de-sac?** Yes. See WDB 13.2.6.3 for the length of private driveways. The length of a dead-end road, private or public, is limited to 2,640 feet. The DRB may permit an exception to this standard, but only where physical barriers, including property ownership or difficult terrain, make provision of a second point of access infeasible. Where such an exception is permitted, the density of the development served shall be limited to one dwelling per 10 acres.

**13.5.4 Can access be provided by an emergency access road that does not meet the standards for a private or public road?** Where two points of access are required, both must meet Williston's standards for a private or public road, whichever applies. The DRB may permit an exception to this standard for an emergency access for a nonresidential development, like an industrial plant, where control of public access is an operational necessity. Any emergency access permitted by the DRB must be kept passable to ambulances and fire engines at all times. Failure to maintain an emergency access, including failure to promptly remove snow, will be a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

**13.6 Drive-Throughs.** Consistent with the *Town Plan* vision of pedestrian-friendly development, Williston permits drive-through service only for bulky, heavy objects (feed, lumber) and financial institutions, where drive-through service preserves privacy and where a prohibition would result in several nonconforming uses.

**13.7 Connectivity.** Consistent with Policy 6.3 of the *Town Plan*, developments should have safe, functional connections with adjoining developments for vehicles, bicyclists, and pedestrians. Interconnected street and trail systems, shared points of access, and shared parking will be required wherever they are not precluded by physical barriers, including property ownership, historic land use patterns, and difficult terrain.

**13.8 Traffic Studies.** The town's review of proposed developments, including determinations about compliance with this and other chapters of this bylaw, will be based in part on traffic and transportation studies.

**13.8.1 Is it possible to use existing information to evaluate transportation impacts?** In many cases, yes. All proposed developments for which a discretionary permit is required must submit estimated traffic generation data based on the most current edition of the Institute of Transportation Engineers *Trip Generation*. Beyond that, a traffic study will be required only where the DRB, with the advice of the DPW, determines that existing studies do not provide sufficient information on which to base a decision. This determination will be made during pre-application review so that the traffic study can accompany the application for a discretionary permit.

**13.8.2 Are there standards for traffic studies when they are required?** Yes. Where a traffic study is required it must be conducted in accord with the most current edition of the Institute of Transportation Engineers' *Transportation Impact Analyses for Site Development: an ITE Recommended Practice*. Further, all traffic studies must be consistent with the assumptions and modeling used in Appendix I Transportation Impact Fee Report.



## **Chapter 14**

### **Off-Street Parking and Loading**

This chapter sets standards for off-street parking and loading. Its intent, consistent with Policy 4.2.4 and other guidance from the *Town Plan*, is to minimize the area devoted to surface parking while still ensuring that there is a reasonable supply of parking, including spaces that can be safely used by those whose mobility or vision is impaired.

Minimizing the area devoted to surface parking will:

- protect watershed health, which may be adversely impacted by accelerated runoff from new impervious surfaces;
- conserve energy and make outdoor spaces more useable by moderating microclimatic extremes on intensively developed sites; and
- make it more pleasant to walk or cycle in Williston by contributing to streetscapes that are both comfortable and lively.

It is also specifically the intent of these standards to encourage shared parking arrangements, the use of parking structures, and the use of porous pavements.

#### **14.1 Applicability**

**14.1.1 Do these standards apply to all development?** Yes. The standards adopted in this chapter apply to all development for which an administrative or discretionary permit is required by this bylaw. Existing and proposed parking and loading areas must be clearly shown on the plans submitted with any application for a permit.

**14.1.2 Do other requirements of this bylaw apply to off-street parking and loading areas?** Yes. Off-street parking and loading areas must comply with all relevant standards of this bylaw. Some particularly relevant standards are cited below.

14.1.2.1 Drainage/Stormwater. Chapter 29 of this bylaw sets standards for stormwater management that apply to off-street parking and loading areas.

14.1.2.2 Landscaping. See Chapter 23 and specifically WDB 23.5 for the landscaping requirements that apply to off-street parking and loading areas.

14.1.2.3 Snow Removal/Storage. WDB 16.6 sets standards for snow removal and storage that apply to off-street parking and loading areas.

**14.1.3 Do the motor vehicle parking minimums and maximums adopted here apply in the Taft Corners Form-Based Code Zoning District?** No. Refer to TCFBC Section 6 for required motor vehicle parking minimums and maximums in the TCFBC. All other provisions of this chapter, including parking area design, required bicycle and ADA parking, and adjustments to required parking minimums and maximums apply everywhere in Williston.

## **14.2 Off-Street Parking Requirements**

**14.2.1 How many off-street parking spaces are permitted for a given use?** Table 14.A establishes the maximum number of off-street vehicle parking spaces that are allowed for typical land uses. The maximum allowed number of off-street parking spaces may be increased only on the basis of the criteria in 14.2.4, which allows adjustments for porous pavement, structured parking, additional accessible spaces, and special spaces for electric vehicle charging, shared vehicles, and carpool vehicles.

The minimum number of indoor and outdoor bicycle parking spaces and end-of-trip facilities is also established in Table 14.A. For uses that are not listed in the table, see WDB 14.2.3.

**14.2.2 Can parking be shared by uses that have different peak hours of operation?** Yes. In fact, this may be required. Different uses of land generate widely varying demand for parking at different times of day, days of the week, and months of the year. Retail, residential, office, institutional and entertainment uses are expected to share off-street parking spaces wherever possible.

14.2.2.1 Calculations. The DRB may, when reviewing a pre-application, require that shared parking calculations be made for any development that includes uses with potentially different peak periods of parking demand. Shared parking analyses may also be voluntarily submitted by adjoining landowners. In either case, the analysis shall be conducted using the shared parking methodology described in appendix J of this bylaw. In the review of an administrative permit that changes parking demand but does not otherwise call for a discretionary permit, like a change of use, the Zoning Administrator may require the submission of shared parking calculations before approving the permit.

14.2.2.2 Distance To. Shared off-street parking spaces shall be no more than 600 feet from a main entrance for customer parking and no more than 1000 feet from an employee entrance for employee parking.

14.2.2.3 Easement. Shared parking arrangements run with the land and must be honored by successors in interest. Failure to do so will be a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Where different owners are involved in a shared parking arrangement, a draft easement providing for shared parking, including the number and location of the proposed shared spaces, must be submitted for review with the application for a discretionary permit. The signed easement, which must also specifically indicate how the costs of maintenance of the shared parking spaces will be shared, must be submitted with the final plans and recorded before a certificate of occupancy may be issued, as provided by WDB 7.3.

14.2.2.4 Accessible Spaces. Given the need for proximity to the use served, the accessible parking spaces required by Table 14.B may not be shared.

**14.2.3 What if a use is not listed in Table 14.A?** The maximum allowed number of off-street parking spaces shall be determined by the DRB or Administrator based on the similarity of the proposed use to one or more uses listed in Table 14.A and the Institute of Transportation Engineer's *Parking Generation*. The Administrator's determination of how many spaces are permitted is subject to appeal using the procedure for the appeal administrative permits provided by WDB 5.4 of this bylaw.

**Table 14.A – Parking Requirements**

Land Use	Maximum Off-Street Motor Vehicle Parking Permitted	Minimum Bicycle Parking Required <i>The DRB may permit an exception to the bicycle parking requirements as provided by WDB 14.8.5</i>	
	Off-Street Motor Vehicle Spaces <i>per 1000 SF gross floor area, unless otherwise specified</i>	Total Bicycle Parking Spaces <i>per maximum motor vehicle spaces, unless otherwise specified</i>	Long Term Bicycle Parking Spaces <i>per minimum required bicycle spaces, unless otherwise specified</i>
<b>Industrial Uses</b>	1.00	5% of vehicular; minimum 4	75%
<i>Industrial uses are very diverse. Use 1.00 spaces per 1000 SF GFA as a starting point. The actual requirement will be set by the Administrator or DRB.</i>			
<b>Residential Uses</b>			
<i>Parking spaces inside a garage, count toward this maximum.</i>			
One- and Two-Family Dwellings	no maximum	none	none
Accessory Dwellings	1-2.00 spaces; See WDB 17.1 and WDB 20.1	none	none
Multiple-Family Dwellings	2.00 per dwelling	10% of vehicular; minimum 4	1 per 4 units
Senior Housing (independent living)	1.00 per dwelling	5% of vehicular; minimum 4	1 per 8 units
Senior Housing (assisted living)	0.35 per dwelling	5% of vehicular; minimum 4	75%
<b>Lodging Uses</b>	1.00 per room	7% of vehicular; minimum 4	50%
<i>Conference space and restaurants should be accounted for separately.</i>			
<b>Recreational Uses</b>			
Health Club	5.00	10% of vehicular; minimum 4	50%
Other Recreational Uses	<i>Too diverse to list. Will require individual analysis</i>		
<b>Theaters, Places of Assembly</b>	0.25 per seat	7% of vehicular; minimum 4	none
<i>Includes churches, live and movie theaters, and similar gathering places. Associated offices and other spaces should be accounted for separately. Church schools should be accounted for separately.</i>			
<b>Educational and Health Care Uses</b>			
Child Care Centers, Pre-School	0.35 per student	10% of vehicular	75% of bicycle spaces
Schools, K-8	0.35 per student	30% of vehicular	20% of bicycle spaces
Schools, 9-12	0.35 per student	30% of vehicular	20% of bicycle spaces
Community Colleges	0.35 per student	30% of vehicular	20% of bicycle spaces
Libraries	4.25	30% of vehicular	20% of bicycle spaces
Hospitals, Clinics, Medical Offices	5.00	7% of vehicular	75% of bicycle spaces
Nursing Homes	1.50	5% of vehicular	75% of bicycle spaces
Veterinary Clinics	2.00	5% of vehicular	75% of bicycle spaces
<b>Office Uses</b>			
Office Building	3.50	7% of vehicular	50% of bicycle spaces
Offices w/ High Turnover	5.00	10% of vehicular	50% of bicycle spaces
<b>Retail Uses</b>			

**Table 14.A – Parking Requirements**

<b>Land Use</b>	<b>Maximum Off-Street Motor Vehicle Parking Permitted</b>	<b>Minimum Bicycle Parking Required</b> <i>The DRB may permit an exception to the bicycle parking requirements as provided by WDB 14.8.5</i>	
	<b>Off-Street Motor Vehicle Spaces</b>	<b>Total Bicycle Parking Spaces</b>	<b>Long Term Bicycle Parking Spaces</b>
	<i>per 1000 SF gross floor area, unless otherwise specified</i>	<i>per maximum motor vehicle spaces, unless otherwise specified</i>	<i>per minimum required bicycle spaces, unless otherwise specified</i>
Convenience Stores	4.00	7% of vehicular	20% of bicycle spaces
Supermarket/Groceries	5.00	7% of vehicular	20% of bicycle spaces
Drugs	2.50	7% of vehicular	20% of bicycle spaces
Bulky Retail (furniture, lawn and garden)	3.00	7% of vehicular	20% of bicycle spaces
General Retail, Shopping Centers	4.00	7% of vehicular	20% of bicycle spaces
<b>Services</b>			
Banks	4.75	7% of vehicular	50% of bicycle spaces
Quality Restaurant	20.00	7% of vehicular	20% of bicycle spaces
Fast Food Restaurant (no drive-through)	15.00	7% of vehicular	20% of bicycle spaces

#### ***14.2.4 How could I increase the number of permitted off-street parking spaces?***

14.2.4.1 Build a Parking Structure or Solar Canopy. Consistent with Policy 4.2.3 of the *Comprehensive Plan* (which encourages the reduction of surface parking) developments may increase the number of permitted off-street parking spaces by 25% by providing a parking structure or energy-generating solar canopy. This incentive is available only where at least 30% of the off-street parking spaces required by Table 14.A are in the structure/s or solar canopy. All of the additional parking spaces permitted must be in the structure/s or solar canopy. Note also that there is a building height incentive for the provision of structured parking in the MUCZD, MURZD, BPZD, and TCZD.

14.2.4.2 Use Porous Pavement. Developments may increase the number of permitted off-street parking spaces by 15% by using porous pavement for a majority of all vehicular parking spaces required by Column A of Table 14.A. Porous pavement specifications must be approved by the Administrator, with the advice of the DPW.

14.2.4.3 Provide Spaces for Alternate Fuel Vehicles and Carpools. Off-street parking spaces that are dedicated to vehicles that operate primarily on alternative fuels (electric, hydrogen, natural gas, biodiesel) or that are dedicated to vehicles participating in a carpooling program may be permitted in addition to the maximum allowed parking or may be integrated into the total required number of parking spaces. These spaces must be clearly identified with a placard reserving their use for vehicles that operate primarily on alternative fuels or that are participating in a carpooling program.

14.2.4.4 Provide Documentation of Additional Parking Demand The DRB may, at its discretion, consider a study using the shared parking methodology in Appendix J of this bylaw showing that existing shared parking resources cannot serve demand created by the new development.

14.2.4.5 Provide Additional Accessible Spaces Some uses may require additional accessible (ADA) parking spaces. At the discretion of the DRB and based on testimony provided by the applicant, additional accessible spaces beyond the minimum required in Table 14.B may be added to a site without counting toward the allowable maximum number of parking spaces in Table 14.A.

***14.2.5 What if I propose fewer motor vehicle spaces than the maximum allowed in Table 14.A?***  
The stated intent of this chapter is “to minimize the area devoted to surface parking while still ensuring that there is a reasonable supply of parking.” At least 80% of the maximum number of parking spaces allowed in Table 14.A are required. When an application for an administrative or discretionary permit is made where the proposed amount of parking is less than 80% of the maximums allowed in Table 14.A, the DRB or Administrator will, before approving such an application, make written findings of fact that the proposal includes adequate parking based on one or more of the following criteria:

14.2.5.1 Be Close to Public Transit. The DRB or Administrator may permit a development that is within 2,500 feet of a bus stop to reduce the required number of off-street parking spaces to as little as 60% of the maximums in Table 14.A the major employer in the proposed development commits to active participation in a transportation management association.

14.2.5.2 Have On-Street Parking. The DRB or Administrator may permit a one-to-one (on-street for off-street) reduction in the required number of off-street parking spaces for on-street

parking that is available within 600 feet of a main entrance of the proposed development. This reduction of the number of off-street parking spaces may not, however, reduce the number of off-street parking spaces to fewer than 2 per Dwelling Unit Equivalent (DUe) as defined in WDB 19. In considering the offset for nearby public parking, the DRB or Administrator shall require a shared parking analysis of the street spaces following the method described in appendix J of this bylaw.

**14.2.5.3 Shared Parking.** The number of off-street parking spaces required for a particular use may be reduced by a shared parking study required by WDB 14.2.2 and described in Appendix J of this bylaw.

**14.2.5.4 Residential Development.** Pursuant to 24 V.S.A. §4414 (4) No more than 1.5 parking spaces per dwelling for duplexes and multiunit dwellings may be required in areas that are either outside the Sewer Service Area or more than one-quarter mile from public parking. Within the Sewer Service Area and within one-quarter mile of public parking for all residential development, no more than one parking space per dwelling may be required.

**14.2.6 *Can I reduce the area used for parking by using smaller spaces for compact cars?*** Yes. The DRB may permit compact car spaces (see Table 14.C for the dimensions) to comprise as many as 25% of the off-street parking spaces required by Table 14.A. These spaces shall be clearly identified by a sign and/or pavement marking that says “Compact Car Only.”

**14.2.7 *Where must off-street parking spaces be located?***

**14.2.7.1 Ownership.** Off-street parking spaces shall be provided on the same lot or parcel and under the same ownership as the use they serve, except where a shared parking arrangement is required or permitted by WDB 14.2.2.

**14.2.7.2 Distance: Nonresidential.** The off-street parking spaces serving nonresidential developments must be within 600 feet of a main entrance for uses requiring customer parking and within 1,000 feet of an employee entrance for employee parking.

**14.2.7.3 Distance: Residential.** The off-street parking space/s serving a dwelling must be within 100 feet of the principal entrance to that dwelling. The DRB may allow a longer distance between parking and a dwelling in mixed-use developments.

**14.2.8 *Can I install a solar canopy?*** Yes. The use of solar canopy (covered structure over parking area mounted with a solar array) is allowed and is supported by the Williston Energy Plan.

**14.2.8.2 Permit requirements.** An administrative permit is not required for solar canopies.

**14.2.8.1 Setback relief.** Solar canopies are allowed within setbacks but must be setback 3 feet from the property line to allow for maintenance without going onto an adjoining parcel.

**14.2.8.2 Design Review.** A solar canopy is not subject to design review standards.

**14.3 Accessible Parking.** Note that these requirements are more demanding in some ways than those of the Americans with Disabilities Act (ADA).

**14.3.1 What is the minimum required number of accessible off-street parking spaces?** See Table 14.B:

Table 14.B – Required Number of Accessible Off-Street Parking Spaces	
Total Number of Spaces	Minimum Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
greater than 200 spaces	6+ 2% of the spaces greater than 100 rounded to the nearest whole number

**14.3.2 Don't some uses need more or fewer accessible off-street parking spaces?** The DRB may find that a development needs more or fewer accessible off-street parking spaces than are required by Table 14.B and modify the requirements of that table accordingly. The DRB's action must still be consistent with the ADA. Examples of developments for which a modification may be appropriate include:

14.3.2.1 Hospitals and Medical Offices: at least 10% of the off-street parking spaces serving visitors and patients must be accessible. Specialty medical offices serving persons with mobility impairments may need as many as 20% accessible spaces.

14.3.2.2 Developments with Valet Parking: No accessible off-street spaces are required in parking areas used for valet parking. An accessible passenger loading zone is required.

14.3.2.3 Industrial Uses. Industrial uses may be permitted to meet the ADA standards – which are somewhat lower - for the required numbers of accessible off-street parking spaces.

**14.3.3 Where should accessible off-street parking spaces be located?** Accessible off-street parking spaces and the routes between those spaces and the buildings or other destinations they serve must be clearly identified on the plans submitted with applications for permits.

14.3.3.1 Location of Accessible Routes. There must be a clearly marked accessible route that meets all ADA standards between the accessible off-street parking space required by Table 14.B and an accessible building entrance or other destination. Where a development has multiple accessible entrances or destinations, the required accessible off-street parking spaces should be dispersed and located near each accessible entrance.

14.3.3.2 Design of Accessible Routes. Accessible routes must be as short as reasonably possible, safe and convenient for people with mobility and visual impairments. Accessible routes should not cross aisles, driveways, or any other part of the vehicular circulation system on the site. The DRB may, however, permit an exception to this standard where physical constraints like difficult terrain or existing development make compliance infeasible.

## 14.4 Dimensional Standards

**14.4.1 What are the minimum required dimensions of off-street parking spaces?** The dimensional standards for off-street parking spaces appear in Table 14.C.

Table 14.C - Minimum Parking Space Dimensions					
Angle of Parking Space	Width of Space	Length of Space	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
<b>STANDARD SPACES</b>					
Parallel Parking	9.0'	22.0'	-	-	-
45° Angle	9.0'	20.0'	12.7'	20.5'	15.0'
60° Angle	9.0'	20.0'	10.4'	21.8'	18.0'
90° Angle	9.0'	20.0'	9.0'	20.0'	20.0'
Minimum aisle width (one-way)		10'			
Minimum aisle width (two-way)		20'			
<b>COMPACT SPACES</b>					
Parallel Parking	8.0'	20.0'	-	-	-
45° Angle	8.0'	18.0'	11.2'	18.3'	13.0'
60° Angle	8.0'	18.0'	9.2'	14.8'	15.0'
90° Angle	8.0'	18.0'	8.0'	18.0'	20.0'

**14.4.2 What are the minimum required dimensions for accessible off-street parking spaces and the associated aisles?** Accessible off-street parking spaces must be designed to accommodate vans. They shall be at least nine feet (9') wide with an adjacent aisle at least eight feet (8') wide. A sidewalk may be used as an access aisle for end spaces.

**14.4.2.1 Shared Aisles.** Accessible off-street parking spaces may share an access aisle by using front-in and back-in parking.

**14.4.2.2 Obstructions.** Planters, curbs, wheel stops, and similar installations, including cars overhanging a sidewalk, must not obstruct accessible routes. There shall be no snow storage along accessible routes.

**14.4.2.3 Grade.** The aisle serving an accessible off-street parking space must be level with that space, with a grade that does not exceed 1:50 (2%) in any direction.

**14.4.2.4 Curb Ramps.** Curb ramps must be located outside the aisle and parking space. To put it another way, accessible parking spaces and the adjacent aisles must be level and on the same grade. Grade changes (ramps) must be built into the adjacent sidewalk.

**14.4.2.5 Signs/Pavement Markings.** Accessible off-street parking spaces must be marked by a sign showing the standard symbol of accessibility. This sign must be affixed to a post or a

building where it will be clearly visible from a vehicle searching for accessible parking spaces. Aisles must be marked with contrasting stripes or hatching on the pavement.

## **14.5 Off-Street Loading**

**14.5.1 Where are off-street passenger loading areas required?** Off-street passenger loading areas shall be provided as explained below.

14.5.1.1 Institutional and Entertainment Uses. Day care centers, theaters, schools, and other places for public assembly must provide at least one safe off-street passenger loading area. The DRB may require additional off-street loading passenger loading areas for institutional and entertainment uses that have more than one principal entrance.

14.5.1.2 Other Uses. The DRB may require that any other use which adjoins an arterial or collector road provide a safe, off-street passenger loading area.

**14.5.2 Where are off-street freight loading areas required?** Safe off-street freight loading areas must be provided for commercial and industrial development buildings that include more than 10,000 SF GFA. At least one off-street freight loading area of at least 600 square feet shall be provided, along with one additional off-street freight loading area for each additional 20,000 square feet of GFA.

**14.6 Access to Off-Street Parking and Loading Areas.** Chapter 13 of this bylaw establishes standards for all points of access, including those to parking and loading areas.

**14.7 Circulation within Off-Street Parking Areas.** The pattern of circulation in off-street parking areas shall provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to adjoining roads.

**14.7.1 Are there minimum aisle widths for parking areas?** Yes. The minimum aisle widths are included in Table 14.C, which also provides dimensional standards for parking spaces.

**14.7.2 Must directional signs and/or pavement markings be provided in parking areas?** Yes. Directional signs and pavement markings shall be used to guide traffic through parking areas and structures.

**14.7.3 How must pedestrian access around, through, and to parking areas be provided?**

14.7.3.1 Around. There shall be safe pedestrian access in the form of sidewalks around all parking and loading areas. The DRB may permit the use of a recreation path or other pedestrian way as an alternative to a sidewalk.

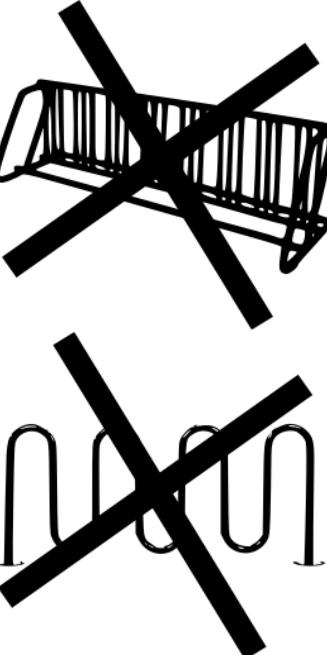
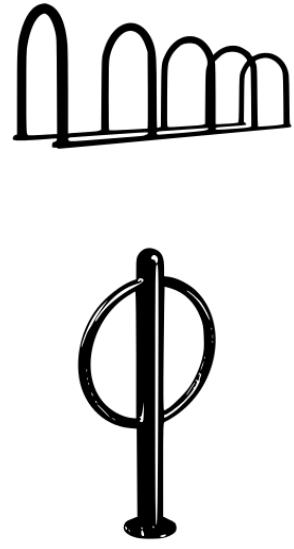
14.7.3.2 To. Accessible routes must be provided from parking areas to the building/s of other destinations they serve. WDB 14.3 provides standards for accessible routes.

14.7.3.3 Through. The DRB will require that safe pedestrian access be provided through large parking areas.

**14.8 Bicycle Parking.** Proposed bicycle parking must be shown on the plans submitted with an application for a permit.

**14.8.1 How many bicycle parking spaces are required?** Table 14.A gives the minimum number of required total and long-term bicycle parking spaces for typical uses. There is no maximum.

**14.8.2 What is a short-term bicycle parking space?** A short-term bicycle parking space is a space in a bicycle rack that is large enough to accommodate a bicycle (approximately two by six feet), permits the locking of the bicycle frame and one wheel to the rack, and supports the bicycle in a stable position without damage.

Racks like this <b>do not meet</b> the requirements of WDB 14.8.2	Racks like this <b>meet</b> the requirements of WDB 14.8.2
	

**14.8.3 Are there design standards for short-term bicycle parking?** Yes. Short term bicycle parking must be as visible, as well lit, and as convenient for cyclists as the vehicular parking on the site is for drivers.

14.8.3.1 **Visibility.** Short-term bicycle parking or a directional sign leading to it shall be visible from the principal entrance of the building it serves. Short term bicycle parking serving buildings with multiple entrances shall be dispersed so that it serves every principal entrance. Short term bicycle parking will ideally be within 50 feet of the building entrance.

14.8.3.2 **Security.** Bicycle racks shall be securely anchored to the ground, allow the bicycle wheel and frame to be locked to the rack with a U-lock, and be in a well-lit, highly visible location.

14.8.3.3 **Paving.** Short-term bicycle parking shall be on a paved surface.

**14.8.4 What is a long-term bicycle parking space?** A long-term bicycle parking space provides secure storage in a bicycle locker or a bicycle storage room or enclosure. These facilities must protect the entire bicycle, including its components and accessories against theft and the weather. They must also include a clothes storage locker that has a minimum size of 12" wide, 18" deep, and 36" high. Lockers do not need to be in the same location as the long-term bicycle parking space. The required

number of long-term bicycle parking spaces is given as a percentage of the required number of total bicycle parking spaces and is listed in Table 14.A.

**14.8.5 Can the number of required bicycle parking spaces be reduced?** The DRB or Administrator may reduce the bicycle parking requirements adopted in this chapter when they make a finding, based on testimony and evidence presented by the applicant, that the location and/or nature of the proposed development make the use of bicycles highly unlikely.

## 14.9 End-of-Trip Facilities

**14.9.1 Why are end-of-trip facilities required?** End-of-trip facilities are an important element in long range strategies to reduce energy consumption and dependence on nonrenewable energy resources. Few people can ride a bicycle even a modest distance to work if there is not a place to shower and change.

**14.9.2 What end-of-trip facilities are required for developments?** End-of-trip facilities include showers and a changing area. Facilities must be provided on-site or via an agreement with a nearby (within 300 feet) use. Table 14.D outlines the minimum number of required end-of-trip facilities based on the number of long-term bicycle parking spaces required.

Table 14.D - Shower and Changing Facilities	
Required Long Term Bike Parking Spaces	Minimum Number of Required Shower and Changing Facilities
1-3	1
4- 17	2
18-30	4
30+	6

**14.9.3 When are end-of-trip facilities required?** Many developments in Williston were constructed before bicycle parking and end-of-trip facilities were required. In addition to being required whenever vehicle parking areas are proposed to be constructed as part of new development or expanded when existing development is modified, end-of-trip facilities may be required by the DRB or Administrator as part of extensive interior fit-ups or remodels of existing commercial spaces. In making this determination, the DRB or Administrator will consider the estimated cost of the modifications and the relative cost of adding the end-of-trip facility. Where the estimated additional cost of adding an end-of-trip facility exceeds 5% of the estimated total project cost, the DRB may waive the end-of-trip facility requirement, after making findings regarding the relative difficulty of adding an end-of-trip facility and in consideration of the overall project size.

## **Chapter 15**

### **On-Site Infrastructure**

This chapter establishes standards for the provision of on-site infrastructure, including private and public roads, utilities, and associated improvements. These standards are supported by Chapter 7 of this bylaw, which establishes the procedures needed to ensure that the improvements required here are actually built. On-site infrastructure may also be subject to the continuing maintenance standards of Chapters 7 and 16.

#### **15.1 Basic Requirement – Applicability**

**15.1.1 What is the basic requirement of this chapter?** The basic requirement of this chapter is that developments will be served by adequate on-site infrastructure installed by the developer.

**15.1.2 What does ‘on-site’ mean?** On-site infrastructure is on the land that is proposed for development or in a public right-of-way immediately adjoining that land. This term may also include necessary extensions of roads or utilities to a development across other lands.

**15.1.3 Do the standards adopted here apply to all development?** These standards apply to all development for which a discretionary permit is required. The plans submitted with applications for discretionary permits must clearly demonstrate compliance with these standards.

**Relationship to Impact Fees.** Williston requires development to contribute to the continuing improvement of its infrastructure in two major ways. The first is through the provision of on-site infrastructure, as required by this bylaw. While on-site infrastructure may incidentally benefit others, it primarily serves the occupants/users of the development where it is installed. The second contribution is through the payment of impact fees. Impact fees are used to help cover the costs of off-site infrastructure, improvements that are, in part, necessitated by a development, but that serve a larger public and may be located miles away.

**15.1.4 Do the standards adopted here apply in the Taft Corners Form-Based Code Zoning District?** Yes. Both the standards of this chapter and the Taft Corners Form-Based Code apply within the zoning district. Where there is a conflict between this chapter and the Form-Based Code, the standards of the Form-Based Code shall prevail.

**15.2 Circulation.** Many developments will be served by existing roads, with access to those roads governed by Chapter 13 of this bylaw. These standards apply where new roads must be built.

**15.2.1 Will all roads built to serve new development be public?** No. Applicants may be required to build public or private roads as explained here.

**15.2.2 Where will public roads be required?** Where a development includes a proposed arterial or collector road, that road will be public, and designed and built to the appropriate standards of the American Association of State Highway and Transportation Official’s (AASHTO) *Policy on the Geometric Design of Highways and Streets* and Williston’s *Public Works Standards*.

**15.2.3 What about local roads? Are they to be public or private?** That depends. Proposed local roads that serve a single development and/or that will serve 40 or fewer dwellings and/or that provide no connection to other lands shall be dedicated to public use, but privately maintained by the owner or an owner's association, as provided by WDB 7.2. The town may accept some local roads as provided by WDB 15.2.3.3

**15.2.3.1 Very Low-Volume Roads.** Where a private road will serve 40 or fewer dwellings or a projected traffic volume of 400 ADT or less it shall be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Guide for the Geometric Design of Very Low Volume Local Roads* and Williston's *Public Works Standards*.

**15.2.3.2 Other Private Roads.** Private roads that will serve more than 40 dwellings or carry more than 400 ADT traffic must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

**15.2.3.3 Town Acceptance of Local Roads.** The town may choose to accept a new local road that provides access to a municipal or other public facility or where the connectivity required by the *Town Plan* and Chapter 13 of this bylaw is not provided by an existing road. Where the town will accept a local road, it must be designed and built to comply with the current edition of the American Association of State Highway and Transportation Official's *Policy on the Geometric Design of Highways and Streets* and Williston's *Public Works Standards*.

**15.2.4 Must sidewalks or recreation paths be provided along roads?** Sidewalks that are designed and built to comply with Williston's *Public Works Standards* must be provided along both sides of all existing and proposed roads except:

15.2.4.1 ... where the *Town Plan* calls for the provision of a recreation path along the existing or proposed road, which must be provided instead; or

15.2.4.2 ... where the DRB finds that the type and/or density of development served by the existing or proposed road does not necessitate a sidewalk or recreation path, or at least a sidewalk or recreation path on both sides of the road. In making this determination, the DRB shall be guided by these principles.

- The DRB may limit the requirement for a sidewalk to only one side of a proposed road in areas of low intensity commercial or industrial development. Where it does so, it may require the provision of signed and/or striped crosswalks to properties on the side of the road that has no sidewalk.
- The DRB may modify or eliminate the requirement for a sidewalk where safe adequate bicycle and pedestrian circulation is provided by an off-street system of paths.
- Sidewalks will not ordinarily be required in the ARZD due to the low density of development permitted in that zoning district. Recreation paths and primitive trails will be required as shown in the *Town Plan* and may also be required to create or enhance connectivity in open space developments, as provided by WDB 31.7.5.

**Where can I find the map of proposed trails in the *Town Plan*?** Existing and proposed trails are shown on Map 11 and Map 17 of the *Town Plan*.

**15.2.4.3 Crosswalks.** Signed and/or striped crosswalks must be provided at all intersections. The DRB may also require mid-block crossings to serve specific destinations and additional measures to ensure the safety of cyclists and pedestrians, including textured crosswalks and other streetscape design features, signs, and traffic calming. The DRB may permit an exception to this standard where an applicant would otherwise be required to install a crosswalk that does not connect to a pedestrian way on the other side of a street.

**15.2.5 Are there standards for the drainage of roads?** All roads shall be properly drained, as required by the *Public Works Standards* and in compliance with Chapter 29 of this bylaw, which regulates runoff from roads and other impervious surfaces.

**15.2.6 Are there standards for signs, streetlights, etc?** Improvements associated with roads, including signs required by the *Uniform Manual of Traffic Control Devices*, streetlights, and similar facilities shall be provided as required by the *Public Works Standards*.

**15.2.7 Are street trees required?** Street trees must be planted as required by Chapter 26.

**15.2.8 What about bus stops?** Applicants whose projects will benefit from transit service may be required to provide or contribute to the provision of bus stop pull-outs, shelters, and signage.

**15.3 Neighborhood Parks.** Like the other on-site infrastructure required by this chapter, neighborhood parks are ‘required improvements’ subject to all applicable requirements of Chapter 7 and the maintenance requirements of Chapter 16.

**15.3.1 Are developers required to provide neighborhood parks?** Section 4.5 of the *Williston Comprehensive Plan* provides detailed guidance for the provision of neighborhood parks in residential developments. The DRB must find that all proposed residential developments comply with that guidance. Note also that the growth management review standards adopted in Chapter 11 of this bylaw encourage the provision of neighborhood recreational space.

**15.3.2 Are neighborhood parks open space?** Neighborhood parks come in different forms, depending on the character of the neighborhood they serve. Some may be quite urban, including lots of hard surfaces. They are not automatically included in “open space” where it is required by this bylaw but may be included where the DRB finds that they serve open space functions.

**15.3.3 When does access to an existing park fulfill the Open Space Plan’s guidance for neighborhood parks?** Section 4.5.1 of the *Williston Comprehensive Plan* provides that small subdivisions, in which the provision of a park is not feasible, and subdivisions that have good pedestrian access to an existing park may be served by an existing community park rather than providing a new neighborhood park. This will be permitted where the existing park is within 1/4-mile walking distance of the majority of dwellings in the proposed residential development, where the walk to the existing park does not involve crossing an arterial road, and where the proposed development makes a cash contribution to the continuing development of community parks via an increased impact fee.

**15.3.4 When is a proposed residential development too small to provide a neighborhood park?** The applicant may propose to provide a neighborhood park in a residential development of any size. Consistent with Section 4.5.1 of the *Williston Comprehensive Plan*, however, a neighborhood park will not be required in any proposed residential development that has fewer than 15 dwellings.

**Increased Impact Fee.** The upcoming revision of the parks and recreation impact fee will require a higher fee from dwellings in developments that rely on existing parks rather than providing a neighborhood park.

**15.3.5 Must neighborhood park space be developed?** Consistent with 4.5.1 of the *Williston Comprehensive Plan* only basic development of neighborhood parks, consisting of grading, the installation of turf and other ground covers, and the planting of trees is required. Further development and maintenance of the park will be the responsibility of the owners' association. Note, however, that in order to receive a point award on the growth management review standards of Chapter 11 of this bylaw, the applicant must provide additional facilities or a park development fund that may be used by the owners' association.

## 15.4 Private Utilities

**15.4.1 Must the plans I submit show utilities that are not provided by the town?** Yes. Cable television, electric power, and natural gas may be provided as available and in accord with the requirements of each service provider. The plans submitted with the application for a discretionary permit must show where and how these utilities will be installed and clearly demonstrate that they will not conflict or interfere with the construction and maintenance of roads or the installation and maintenance of municipal utilities.

**15.4.2 Must private utilities be placed underground?** Yes. The DRB may permit an exception to this standard where placing utilities underground is physically infeasible.

## 15.5 Sewage Disposal: Municipal

**15.5.1 Is access to Williston's municipal sewerage system limited?** Yes. All proposed development must have or obtain an allocation of sewage treatment plant capacity as provided by Williston's *Sewer Allocation Ordinance* and, for residential developments, the growth management review system established by Chapter 11 of this bylaw. An allocation certificate signed by the DPW must accompany all applications for permits for development that requires sewage treatment plant capacity.

**15.5.2 Which developments must connect to the town's sewerage system?** Development within the sewer service area established in the *Town Plan* and the *Sewer Allocation Ordinance* must be connected to the municipal sewerage system via a collection system that includes all necessary pump stations or pump station improvements and that meets the design and construction standards established by Williston's *Public Works Standards* and state law. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.6 exists or can be installed.

**What are the boundaries of the Sewer Service Area?** See Map 8 of the *Williston Comprehensive Plan*.

**15.5.3 Does this mean that existing development may have to connect?** Yes. The requirement of WDB 15.6.2 applies not only to new lots and structures, but also to existing structures that are within 150 feet of a sewer main that has adequate capacity. Existing structures must connect in order to obtain an administrative permit to proceed with a change of use or an addition of more than 600 square feet. The DPW may permit an exception to this standard where physical barriers, including property ownership or the terrain, make connection to the municipal sewerage system infeasible and where an on-site wastewater disposal system that complies with WDB 15.7 exists or can be installed.

**15.5.4 Are there any other limitations on municipal sewerage service?** Pretreatment of certain kinds of waste may be required by Williston's *Sewer Use Ordinance*. Contact the DPW for more on this.

## **15.6 Sewage Disposal: On-Site**

**15.6.1 What are the standards for the installation of on-site sewage disposal systems?** Where a proposed development will not be served by the town's sewerage system, plans for an on-site wastewater disposal system that meets all standards established by the Vermont Department of Environmental Conservation shall accompany the application for a discretionary or administrative permit, whichever is required. These plans must be prepared and certified by a licensed designer.

**What is a licensed designer?** See <https://dec.vermont.gov/water/licensed-designers> for an explanation of this state program.

**15.6.2 How does the town know that an on-site sewage disposal system has been installed as designed?** No certificate of occupancy shall be issued and no development occupied until as-built plans for the on-site sewage disposal system have been filed with the Administrator.

**15.6.3 Are community wastewater disposal systems permitted?** Yes, but only in specific situations, in the ARZD. See WDB 31.10.

**15.7 Solid Waste.** Solid waste collection in Williston is provided by the private sector. This bylaw does include standards intended to ensure that all developments have adequate facilities for the handling and storage of solid waste before it leaves the site. See Chapter 16.

**15.8 Stormwater.** Stormwater collection and treatment must be provided in compliance with Chapter 29 of this bylaw.

## **15.9 Water: Municipal**

**15.9.1 Are there standards for water systems that will be installed by developers?** Yes. Where municipal water service is available, the applicant shall install a water system that meets the standards of Williston's *Public Works Standards* and state law.

**15.9.2 Are there limitations on the extension of municipal water service?** Yes. Water service may not be extended into the ARZD and may be extended in other zoning districts only where adequate water pressure can be provided by gravity flow from existing town reservoirs.

**15.10 Water: On-Site.** This standard is adopted to protect the town and its utility rate payers from the necessity of extending municipal water service over long distances to serve areas where the groundwater supply is limited.

**15.10.1 Will development that is not served by the municipal water system be permitted?** Yes, but where the use of an on-site water supply is proposed, the applicant must demonstrate that groundwater sufficient to support the development is available. This must be done by conducting on-site well tests under the supervision of a registered engineer or a groundwater hydrologist.

**15.10.2 How should well tests be conducted? And is this requirement ever waived?** Well tests shall be conducted in accord with the current requirements of the Vermont Water Supply Rule for long-term yield testing. The DRB may waive the requirement of WDB 15.11.1 for an on-site well test where the average density of the proposed development is one dwelling per 10 acres or less and the geologic mapping available to the town suggests that the groundwater supply will be sufficient for very low density residential development.

**15.10.3 Must wells be tested for water quality?** Whenever a well test is required by WDB 15.11.1, the water yielded shall also be tested for basic drinking water quality parameters and radon.

## **15.11 Extensions of Service**

**15.11.1 Are there geographic limits on the extension of town infrastructure?** Yes. See WDB 15.6 and WDB 15.10.2. Sewerage may not be extended outside the sewer service area established in the *Williston Comprehensive Plan* except in response to a public health emergency. Additional water service may not be extended into the ARZD except where necessary to address a public health emergency. Nor may water service be extended into areas that cannot be served by gravity flow.

**15.11.2 Will the town ever participate in extensions of service needed to support development?** The DPW may, with the approval of the Selectboard, choose to provide partial funding for the extension of town roads or utilities to a development where doing so will help correct a deficiency in the existing circulation or utilities systems or where the proposed extension will provide capacity for the anticipated development of other lands.

**15.11.3 Can the town recoup the costs it incurs in extending service?** Yes, at least in part. Where the town funds an extension of service that benefits undeveloped properties, it shall collect a proportional share of the costs it incurred before a permit for the development of those properties is approved.

**15.12 Certificate of Dedication.** Infrastructure that will be owned by the Town of Williston shall be dedicated to the town via a certificate on the cover sheet of the recorded final plans. This certificate shall be signed and dated in the presence of a notary public by all owners or by a guardian or trustee who is entitled to sign for the owner/s and shall be acknowledged as the only instrument of conveyance needed to transfer ownership of the listed facilities to the town.

**15.13 Acceptance of Roads.** Roads that will be dedicated to and maintained by the town will be accepted by the Selectboard, but only after the inspections and warranty period required by Chapter 7 of this bylaw are complete.

## SAMPLE CERTIFICATE OF DEDICATION

We, the undersigned, certify that we are the legal owners of the property described by the recorded plans on which this certificate appears, and that we hereby dedicate the public roads and pedestrian ways, including all associated improvements, rights-of-way, and easements; the public utilities, including all associated improvements and right-of-way; and all other public improvements [these should be specifically listed] shown on these plans for the (name of development), as it was approved by the Williston Development Review Board on (date) to the Town of Williston. We understand that our signatures below result in the transfer of ownership of the lands and facilities described here unconditionally and forever to the town. We also understand that, while ownership shifts to the town upon the recording of these plans, we may be responsible for the continuing maintenance of some or all of these lands and facilities until a warranty period expires.

---

\_\_\_\_\_, \_\_\_\_\_  
(date)

---

\_\_\_\_\_, \_\_\_\_\_  
(date)

At Williston, Vermont this \_\_\_\_ the day of \_\_\_\_\_, A.D. \_\_\_\_\_, \_\_\_\_\_  
(date) (month) (year) (name/s)  
personally appeared and acknowledged the dedication made by the above certificate as his/her/their free  
and deed.

Before Me: \_\_\_\_\_  
(notary public)

Insert this additional language where needed:

We further dedicate the private roads shown on these plans to public use. It is understood that these roads will be privately maintained by ourselves or our successors in ownership, but that guaranteed public access is necessary to provide for emergency services.

## **Chapter 16**

### **Maintenance**

This chapter expands on the maintenance requirement of WDB 7.2. It provides detailed definitions of the term “maintenance” as it applies to specific improvements required by this bylaw. It also requires that applications for discretionary permits show how important operational aspects of developments, including snow storage and solid waste disposal, will be handled.

#### **16.1 Basic Requirement – Applicability**

**16.1.1 What is the basic requirement of this chapter?** The basic requirement of this chapter is that required improvements must be properly maintained.

**16.1.2 Do the standards adopted here apply to all development?** The standards adopted here apply to all developments that include improvements required by this bylaw. The plans submitted with applications for discretionary permits must clearly demonstrate compliance with these standards.

**16.1.3 How can the maintenance standards adopted here be enforced?** As stated at WDB 7.2.1, failure to maintain required improvements is a violation of this bylaw, subject to the as provided by WDB 7.4-6.

#### **16.2 Community Sewerage Systems.** Community sewerage systems are permitted in compliance with WDB 31.10.2.

**16.2.1 Are there specific standards for the continuing maintenance of community sewerage systems?** Yes. The type maintenance that is needed will depend on the type of system that is installed, but in every case, it must include annual submission of a maintenance contract with a firm that is acceptable to the Administrator by the owner or owners’ association and annual submission of an annual report by the maintainer to the Administrator. This report shall list all preventive maintenance measures taken and all repairs made.

**16.2.2 What happens if a community sewerage system is not being maintained?** As provided by WDB 16.1.3, failure to maintain a community sewerage system is a violation of this bylaw. Additionally, because failure to maintain a community sewerage system is assumed to pose a threat to public health, the town may - after providing 24 hours’ notice to the owner or owners’ association that it intends to do so - undertake or contract for the necessary maintenance. The town shall cover its expenses by placing a lien on all properties served by the community sewerage system it was compelled to maintain.

#### **16.3 Landscaping, Neighborhood and Urban Parks, and Open Space**

**16.3.1 Are there specific requirements for the continuing maintenance of landscaping?** Yes. Landscaping maintenance includes timely irrigation; the control of invasive species, pests, and weeds; pruning; mowing; the regular removal of litter; the regular removal and composting of dead

plants, replacement plantings; trimmings and leaves; and all other activities required to maintain the approved appearance and function of the landscaped area. More detailed landscaping maintenance standards are adopted in Chapter 23 of this bylaw.

**16.3.2 Are there specific requirements for the continuing maintenance of neighborhood and urban parks?** Yes. Parks that will remain in private ownership are subject to the landscaping maintenance standard of WDB 16.3.1 and the litter removal standards of WDB 16.4. Other features of parks must be kept in safe, functional working order. Where a public bulletin board is provided, the owner is responsible for the prompt, timely removal of dated items and ensuring that posted items do not become litter.

**16.3.3 Are there specific requirements for the continuing maintenance of open spaces?** Yes. Open space maintenance includes the regular repair of fences, stiles, private trails, and other structures; the control of listed weeds; litter removal; and wildfire suppression. Mowing may also be required in some cases. These maintenance activities must not diminish the open space values (wetlands, views, etc.) that are being protected. Those who are responsible for the maintenance of open space should also be aware of WDB 29.9.5, which limits the removal of vegetation from watershed protection buffers.

## **16.4 Litter**

**16.4.1 Is litter removal required?** Yes. Regular removal of litter from landscaped and open space areas, neighborhood and urban parks, parking and loading areas, pedestrian ways, and all other outdoor spaces is required, as is the regular removal of trash from receptacles provided in compliance with WDB 16.4.2.

**16.4.2 Can I be required to provide trash receptacles?** Yes. The DRB may require the provision of outdoor trash receptacles to serve the users of a development.

**16.4.3 Are trash receptacles subject to design review?** Yes. Where outdoor trash receptacles will be provided, the applicant must provide specifications and drawings or photographs demonstrating that the proposed outdoor trash receptacles will be consistent with the architectural and landscape design themes of the development.

**16.5 Runoff and Erosion Control Measures.** Continuing maintenance of runoff and erosion control measures is required by WDB 29.5.11.

## **16.6 Snow Removal and Storage**

**16.6.1 Is snow removal required?** Yes. The owner or owner's association is responsible for the removal of snow from fire lanes and from roads, sidewalks, trails, and other required improvements that remain in private ownership. EXCEPTIONS: This standard does not require that snow be removed from a facility, like a tennis court, that is not used during the winter, nor does it require that snow be removed from a pedestrian way that is groomed as a ski trail. This standard also does not prohibit a residential owner's association from requiring that individuals remove snow from sidewalks serving their homes.

**16.6.2 Is a plan for snow storage required?** Yes. Proposed snow storage areas adequate for the use of the proposed development must be clearly shown on the plans accompanying an application for a discretionary permit.

### **16.6.3 Are there limitations on where snow may be stored?** Yes.

16.6.3.1 Impact on Water Quality. Areas proposed for snow storage must drain to an approved stormwater system. The DRB may permit an exception to this standard only where the applicant clearly demonstrates that melt water from a proposed snow storage area that is not served by an approved stormwater system will receive adequate treatment before entering a watercourse or reaching the water table. For the purposes of this sub-section, adequate treatment shall mean that melt water must flow across at least 100 feet of heavily vegetated land or infiltrate through at least four (4) feet of unconsolidated, Type A or Type B (highly to moderately permeable) soil before reaching the water table.

16.6.3.2 Impact on Landscaping. Snow may be stored on landscaped areas, but the plans submitted must demonstrate that the plant materials proposed for snow storage areas comply with the standards of Chapter 18 of this bylaw, specifically including WDB 23.5.3.

16.6.3.3 Impact on Parking Areas. Proposed snow storage areas may not include or obstruct access to required parking spaces. This standard does not apply for the first 48 hours after a snow event, during which time snow may be temporarily stored in parking spaces.

16.6.3.4 Impact on Pedestrian Ways. Snow storage may not obstruct sidewalks or other pedestrian ways.

## **16.7 Solid Waste**

**16.7.1 How do I show that I have made adequate provision for solid waste disposal?** Solid waste containers, including trash receptacles, recycling receptables food and organic matter waste receptables, on-site composting, compactors, dumpsters, and similar installations must be shown on the plans accompanying an application for a discretionary permit.

**Are there standards for waste and recycling collection?** Residences and businesses in Williston are members of the Chittenden Solid Waste District (CSWD) and subject to requirements in CSWD's [Ordinance](#). Please note: As of July 1, 2020, any food residuals must be separated out from other waste in accordance with 10 V.S.A. §6605k.

**16.7.2 Are there standards for the placement and screening of solid waste containers?** Yes. Solid waste disposal containers must be accessible to haulers, but must also be fully screened from public view. This may be accomplished by architectural and/or landscape design.

16.7.2.1 Access for Haulers. The plans submitted must clearly demonstrate that proposed solid waste containers will be accessible to haulers. The DRB may require the applicant to provide a letter from the proposed hauler stating that access is adequate.

16.7.2.2 Preferred Location. The preferred way to screen solid waste containers is by placing them in the structure they serve, accessible via loading doors, or to use walls that are an architectural extension of the structure served by the containers.

16.7.2.3 Landscape Screening. The DRB may permit the placement of solid waste containers away from a structure. Where it does so, the containers shall be fully screened from public

view by a fence or wall of at least six (6) feet in height. Additional standards for landscaped screening are adopted in Chapter 23 of this bylaw.

16.7.2.4 Location. Unless placed inside a building, behind a loading door, solid waste containers must not be located on or along a pedestrian way or at a building's principal entrance/s.

16.6.2.5 Exception. The location and screening requirements of WDB 16.7.2.1-4 do not apply to trash receptacles placed on a site for the convenience of employees, shoppers, or the general public in compliance with WDB 16.4.2-3.

16.6.2.6 Litter. As required by WDB 16.4.1, areas surrounding solid waste containers must be kept free of litter.

16.6.2.7 Concrete Pad. Solid waste containers shall be placed on a concrete pad.

## **Chapter 17**

### **Non-Residential Accessory Uses and Structures Temporary Uses and Structures**

This chapter provides standards for some common nonresidential accessory uses. Customary accessory structures and uses are permitted in all zoning districts. Residential accessory uses are addressed in Chapter 20. Temporary uses and structures are also addressed here because they are often accessory to another use. These standards apply to all temporary uses, however, whether they are appurtenant to another use or not. Remember that compliance with the standards of this chapter is in addition to all other requirements of this bylaw.

**17.0 Applicability Statement. *Do the standards adopted here apply in the Taft Corners Form-Based Code Zoning District?*** Yes. Both the standards of this chapter and the Taft Corners Form-Based Code apply within the zoning district. Where there is a conflict between this chapter and the Form-Based Code, the standards of the Form-Based Code shall prevail.

#### **17.1 Accessory Dwellings**

**17.1.1 Are accessory dwellings permitted by state law?** Yes. Accessory dwellings that are appurtenant to owner-occupied dwellings are permitted by 24 V.S.A. § 4412(1)(E). See WDB 20.1 for the standards governing accessory dwellings associated with an owner-occupied dwelling.

**17.1.2 Are accessory dwellings permitted for any other uses?** Yes. Residential uses are permitted in most of Williston's commercial zoning districts. In those commercial districts where dwellings are not permitted and in the industrial zoning districts, one accessory dwelling for the use of the owner or for use as housing by an employee will be permitted on each lot, provided that the following standards are met.

17.1.2.1 Owner or Employee Only. To ensure that occupants are aware of any nuisances or hazards associated with living on commercial or industrial premises, accessory dwellings in the districts (GZDN, IZDE, IZDW) where dwellings are not otherwise permitted may not be made available to the general public.

17.1.2.2 Maximum Size. Accessory dwellings may be attached or detached. They are limited to 1,500 SF in size.

17.1.2.3 Access/Parking. Accessory dwellings must have separate ingress/egress to the outside and two reserved parking spaces.

17.1.2.4 Fire Code. Accessory dwellings shall have the separations required by the National Fire Codes from commercial and industrial operations.

**National Fire Codes?** Williston has not adopted the National Fire Codes. However, those codes are occasionally referred to in this bylaw in order to establish a detailed standard for specific types of development. Compliance will generally come as a result of the plan reviews and inspections conducted by the Vermont Division of Fire Safety, but this bylaw adopts certain critical code requirements in order to have an independent basis for action. For information on the state's building inspection program see: <http://www.dps.state.vt.us/fire/>

17.1.2.5 **Home Business**. No home business shall be permitted in an accessory dwelling that is appurtenant to a commercial or industrial use.

17.1.2.6 **Permit Required**. Where a discretionary permit is required, proposed accessory dwellings must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the addition of a new accessory dwelling to an existing commercial or industrial use.

**17.2 Accessory Sales.** Accessory sales are a type of accessory use. This bylaw permits the incidental retail sale of convenience items and products used or produced by the principal use. Sales must take place within the same building or associated set of buildings as the principal use. The questions answered below are intended to provide specific standards that will guide the Administrator and DRB in their review of other proposed accessory sales.

**17.2.1 What limitations apply to accessory sales?** The accessory sales must be usual and customary, and clearly subordinate to the primary use. When determining compliance with this standard, the DRB or administrator may ask for information on floor plan layout, product sales records. There must be a clear relationship between primary-accessory use when the accessory use is not located within the same building as the primary use. The DRB or Administrator may ask for information on floor plan, product sales records, or other documentation when determining compliance with this standard.

**17.2.2 Can I sell goods as an accessory use to a warehouse or distribution facility in the industrial zoning districts?** Yes, but only on a limited basis. See WDB 17.2.3.

**17.2.3 Are there specific limitations on accessory sales in the industrial zoning districts?** Yes.

17.2.3.1 **Limited Area**. Accessory sales in the industrial zoning districts (GZDN, IZDE, IZDW) shall not occupy more than 10% of the floor area not to exceed 1,000 sq. ft., whichever is less, of the portion of the building occupied by the tenant of the space in which they are located. When combined with a limited service eating place, the accessory sales area must be included within, and not in addition to, the 50%/5,000 sq. ft size limitation.

17.2.3.2 **Limited Goods**. Accessory sales in the industrial zoning districts shall be limited to goods that are distributed from, produced on, or repaired on-site. To put it another way, goods may not be brought to the site solely to be sold there.

***Can you provide examples of accessory sales?*** Yes. Incidental retail sales of convenience items, artwork and handicrafts are permitted in lodging places such as hotels or bed and breakfasts. A smoothie or snack bar at the gym.

**17.2.4 Are there specific limitations for on-site consumption of food and beverages?** Yes, limited service eating places may be allowed in conjunction with accessory sales for food and beverage manufacturers and only with the approval of a discretionary permit. In keeping with Policy 3.3.2 of the Williston Comprehensive Plan calling for an ongoing evaluation and amendment of industrially-zoned lands and in balance with Objective 3.1 of the Town Plan encouraging the most intense development in the Growth Center surrounding Taft Corners, some limited-service eating places are permitted as part of industrial development outside of the Growth Center. The following standards apply:

17.2.4.1 Limited Area. The gross floor area of the eating place, including all sales, food preparation and storage areas shall not occupy more than 50% of the floor area not to exceed 5,000 sq. ft., whichever is less, of the portion of the building occupied by the tenant of the space in which they are located.

17.2.4.2 Additional Outdoor Seating. Where an indoor seating area is allowed under 17.2.4, an outdoor seating area may be approved as part of a discretionary permit, provided that the outdoor seating area:

17.2.4.2.1 ...is no more than 1,500 square feet in area. This area is in addition to indoor area as allowed above.

17.2.4.2.2 ...is contiguous to the limited service eating place and is contained by a physical barrier in compliance with applicable state law.

**17.2.5 Is the retail sale of cannabis allowed as an accessory use?** No. The retail sale of cannabis and/or cannabis products as defined in 7 V.S.A. §863(2) shall not be permitted as an accessory use under this chapter. The retail sale of cannabis shall not be permitted as an accessory to the manufacture, growing, wholesaling, or warehousing of cannabis, or to other non-retail operations related to cannabis permitted in Vermont by 7 V.S.A. §863.

**17.3 Accessory Services.** This bylaw permits the provision of on-site services to employees and customers or clients. The questions answered below are intended to provide specific examples of accessory services and standards that will guide the Administrator and DRB in their review of other proposed accessory services.

**17.3.1 Can I provide childcare for my employees and/or customers?** Yes. Childcare is a permitted use in most zoning districts, anyway, but it will always be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed childcare facilities must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of childcare facilities to an existing commercial, industrial, or institutional use.

**17.3.2 Can I provide a cafeteria or other food service for my employees?** Yes. An employee cafeteria or food service may be permitted as an accessory to commercial, industrial, and institutional uses. Where a discretionary permit is required, proposed food services must be included in the plans submitted with the application for that permit. A discretionary permit is also required for the later addition of a food service to an existing commercial, industrial, or institutional use.

**17.3.3 Are there specific limitations on accessory services?** Yes.

17.3.4.1 Same Building. Accessory services must be within the same building, or associated set of buildings as the principal use.

17.3.4.2 Additional Parking. No accessory use shall require the addition of parking beyond that permitted for the principal use.

**17.4 Accessory Structures.** Except where specifically exempted or made subject to a different standard, accessory structures are subject to the same requirements of this bylaw as all other structures. For accessory structures on residential premises, see Chapter 20 of this bylaw.

**17.4.1 Can I build a shed on a vacant residential lot?** No. An accessory structure must be accessory to a primary structure, such as a house. An accessory structure is defined in Chapter 46 of this bylaw.

**17.4.2 Can I install a sharing box?** Yes. A sharing box is a small, post-mounted box or cabinet where any person can drop off or pick up free books, non-perishable food items, toys, and/or other small necessities. Sharing boxes are permitted in any zoning district with an administrative permit; provided that, all such structures meet the following placement requirements:

- Shall not be located within or overhang the public street right-of-way or any public easement, except with written approval from the Department of Public Works;
- Shall not obstruct vehicular, bicycle or pedestrian traffic, either physically, or by a person utilizing the sharing box;
- Shall not obstruct access aisles or paths utilized by persons in wheelchairs or for ADA accessibility;
- May be placed in a required front yard setback (area between the front wall of a building and the public street right-of-way);
- Enclosures shall be sized and arranged such that no person or child is able to enter the structure and shall be animal-proof if intended to store non-perishable food items;
- Shall be anchored to the ground or otherwise securely attached to something having a permanent location on the ground.

**17.5 Antennae.** Local regulation of telecommunications antennae is limited by state and federal law. See Chapter 21 of this bylaw.

**17.6 Electric Vehicle Charging Stations.** Electric vehicle charging stations and above-ground electric vehicle supply equipment are permitted as an accessory structure in any zoning district subject to the provisions of this chapter.

**17.6.1 Is a permit required to install EV charging stations?** An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1.

**17.6.2 Do EV Charging Stations impact the minimum required parking spaces?** No, EV Charging Stations do not impact the number of minimum or maximum vehicle spaces required, as provided by WDB 14.2.

**17.6.3 Do other requirements of this bylaw apply to EV Charging Stations?** Yes. EV Charging Stations must comply with all relevant standards of this bylaw. Some particularly relevant standards are cited below.

17.6.3.1. Outdoor Lighting. Chapter 24 of this bylaw sets standards for outdoor lighting that apply to EV Charging Stations.

17.6.3.2 Signs/Public Art. Chapter 25 of this bylaw sets standards for signs and public art that apply to EV Charging Stations.

**17.7 Energy Generation.** On-site energy generation is a permitted accessory use. This includes cogeneration in the industrial zoning districts, photovoltaic installations and wind turbines in all zoning districts, and the production of energy from wastes that are otherwise permitted on the site in the industrial zoning districts and ARZD.

**State Pre-Emption.** Municipal regulation of energy generation in Vermont is largely pre-empted by the state. See WDB 4.2.1.1.

**17.8. Parking.** Off-street parking that complies with Chapter 14 of this bylaw is a customary accessory use in all zoning districts.

**17.9 Scoreboards.** Scoreboards are permitted as accessory structures on the same lot as and appurtenant to athletic fields.

**17.9.1 Is a permit required to erect a scoreboard?** Yes. An administrative permit must be obtained for the installation of a scoreboard, including the regular use of a portable scoreboard.

**17.9.2 What may be displayed on a scoreboard?** The only information that may be displayed or shown on a scoreboard when a game is not being played is a title stating the name of the facility (for example, “Allen Brook Park”) and the name of the association, conference, or league that uses the facility (for example, “Williston Little League”). Where donor plaque display is not provided, a donor plaque may be attached to the scoreboard, as provided by Chapter 25 of this bylaw.

**17.10 Signs.** Signs fit the definition of an accessory structure provided in Chapter 46, but they are treated separately in Chapter 25 of this bylaw.

**17.11 Temporary Events.** Temporary Events are land development but are not regulated by this bylaw. They are defined and regulated by the town’s Temporary Events Ordinance. See Chapter 4 of this bylaw.

**17.12 Temporary Real Estate Sales.** Temporary real estate sales offices are permitted in residential developments, but only when housed in an approved dwelling. A separate temporary structure is not permitted.

**17.13 Temporary Signs.** See Chapter 25 of this bylaw.

**17.14 Temporary Structures.** Unless specifically exempted, temporary structures are subject to the same standards as permanent structures.

**17.15 Temporary Uses Associated with Construction.** Construction can occur in any zoning district.

**17.15.1 Do I need a permit to store construction equipment and materials on a job site?** You do not need a separate permit, but construction equipment and materials may not be moved onto a site until an application for an administrative permit authorizing the work has been approved.

**17.15.2 Are there standards for the storage of construction equipment and materials on a job site?** Yes. Storage of construction equipment and/or materials that is not in compliance with the standards adopted here is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

17.15.2.1 Removal. Construction equipment and materials must be removed within five (5) working days after a certificate of occupancy is issued.

17.15.2.2 Access. Construction equipment and materials must not be stored so that they obstruct or interfere with access to a site or to a structure unless alternative access is temporarily provided. Temporary access must comply with the National Fire Codes.

17.15.2.3 **Site Maintenance**. Construction equipment and materials must not be stored so that they obstruct or interfere with site maintenance functions, including the removal of solid waste and snow storage between October 15 and April 15.

17.15.2.4 **Security**. Construction equipment and materials must not be stored so that they constitute an attractive nuisance. The Administrator or the DRB may require that security fencing or other measures be used to prevent entry onto construction sites or access to stored equipment and materials.

17.15.2.5 **Parking**. Construction equipment and materials may be stored in required parking spaces but must not impede circulation through the remainder of the parking area. The Administrator or DRB may require any applicant who proposes to store construction equipment or materials in a parking area to provide a plan showing where and how overflow parking will be provided.

17.15.2.6 **Landscapeing**. Construction equipment and materials may be stored in landscaped areas only where:

- ... the landscaped area is not part of a watershed protection buffer or of a required buffer between residential and other uses. and
- ... the landscaped area will be fully restored to its appearance and function before a certificate of occupancy is issued.

**17.15.3 Are on-site construction offices permitted?** A mobile construction office may be temporarily placed on a job site, but only after approval of the administrative permit authorizing the work. The mobile construction office must be removed within five (5) working days after a certificate of occupancy is issued.

**17.15.4 Are there any requirements during demolition?** Yes. During demolition the site must be secured as required by WDB 18.16 and erosion control measures and site stabilization measures must be undertaken as required by WDB 29.5 and a completed Runoff and Erosion Control Checklist submitted.

## **17.16 Utilities and Telecommunications**

**17.16.1 Are underground utilities permitted accessory uses?** Yes. Underground utilities, including cable television, electric power, and natural gas distribution lines and the associated surface installations are permitted accessory uses and structures in all zoning districts.

**17.16.2 Are overhead utilities permitted accessory uses and structures?** Yes. Overhead utilities, including cable television and electric power lines are permitted accessory uses in all zoning districts. Note, however, that overhead utilities are generally not permitted in new developments in Williston.

**17.16.3 Are telecommunications facilities permitted accessory uses and structures?** See Chapter 21. Telecommunications facilities that are attached to existing farm structures are permitted accessory uses, as are the types of antennae listed in WDB 21.2.2. Other new telecommunications facilities are not accessory uses.

**17.17 Mobile Vendors** A mobile vendor is a business that provides goods or services to the public and is capable of being driven or towed off-premises. Mobile vendors are allowed as an accessory use within non-residential parking lots including senior housing. Mobile vendors that occupy less than 1,000 square feet require an administrative permit except where permitted under the town's Temporary Event Ordinance. Mobile vendors that affect more than 1,000 square feet require a discretionary permit.

**17.17.1 Are there any parking lots where I can't set up?** Yes. Mobile vendors are not permitted in parking lots that serve residential or a mixed use development that includes residential.

**17.17.2 Are there standards for mobile vendors?** A mobile vendor shall be approved by the Administrator where it complies with all applicable requirements of this bylaw. A Mobile Vendor Checklist must be submitted with the administrative permit application which documents the information an applicant must provide to meet the requirements of this bylaw.

**17.17.3 Do the requirements of the requirements of the Taft Corners Form Based Code Zoning District apply to mobile vendors?** No.

**17.17.4 Am I allowed to put up signs?** Signage for mobile vendors is limited to signs attached or painted to the exterior of the mobile vendor and to one temporary sandwich board. The permit application for a mobile vendor shall provide information on signage that meets the requirements set out at 17.16.4

17.17.4.1 Projection. Signage must not project more than three inches from the exterior of the mobile vendor other than one flag that may be mounted on the wall to the mobile vendor below roof level.

17.17.4.2 Size and Coverage. Signs located on the exterior of the mobile vendor must not cumulatively exceed 30% of the side of the vehicle or trailer on which they are displayed. The flag must not exceed 15sf in size and does not count against the 30% cumulative limit.

17.17.4.3 Sandwich Board. This must be no more than 42" in height, must not exceed 6sf on each face, must not be located within the public right of way and must be removed when the mobile vendor is closed.

17.17.4.4 Illumination. Signage must comply with the requirements on illumination of signage in WDB 25.6.7.

<h2><b>Chapter 18</b></h2> <p style="text-align: center;"><b>Compatibility Potential Hazards Potential Nuisances</b></p>	<p>The standards adopted in this chapter help ensure land use compatibility by adopting standards that prevent hazards and nuisances. Compatibility is also a goal of many other requirements of this bylaw, including the prohibition of certain uses in certain zoning districts and Chapter 23's standards for landscaped buffers.</p>
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### **18.1 Basic Requirement - Applicability**

**18.1.1 What is the basic requirement of the chapter?** The basic requirement of this chapter is that no development should present a hazard to or constitute a nuisance for the occupants of adjoining lands.

**18.1.2 Does the town have the authority to address existing or continuing nuisances that may not be “development?”** Yes. 24 V.S.A. § 2291(12-17) provide clear authority for the town to define and regulate nuisances.

**18.1.3 Do the standards adopted here apply to all development?** Yes. The only exceptions from these standards are those explicitly noted in this chapter or those permitted by variance.

**18.1.4 Can the Administrator refer uses that would otherwise be permitted with only an administrative permit, but that have the potential to become a nuisance to the DRB?** Yes. The Administrator may refer uses that will generate smoke, odor, or other potential nuisances to the DRB, which may require that the application for an administrative permit be converted to an application for a discretionary permit.

**18.1.5 Do the standards adopted here apply in the Taft Corners Form-Based Code Zoning District?** Yes. Both the standards of this chapter and the Taft Corners Form-Based Code apply within the zoning district. Where there is a conflict between this chapter and the Form-Based Code, the standards of the Form-Based Code shall prevail.

### **18.2 Dangerous Buildings**

**18.2.1 Does this bylaw regulate dangerous buildings?** Yes. Buildings that meet the criteria established in WDB 18.2.2 are public nuisances. As such, they are violations of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

**18.2.2 What constitutes a dangerous building?** The intent here is to define buildings that pose a hazard to public safety personnel - including fire fighters, emergency medical technicians, police officers, and others who may be required to enter these buildings if they are flooded or on fire, to perform a search or rescue, or to enforce the law - as dangerous, and therefore, as public nuisances. There is no intent to declare a building dangerous on aesthetic grounds, due to a temporary lack of maintenance, or due to the fact that it is awaiting renovations for which an application for a permit has been submitted. The criteria the Administrator will use to determine whether a building is dangerous are listed below. A building need not meet all of these criteria to be considered dangerous.

18.2.2.1 ... the presence of charred or burnt surfaces and/or structural members, like framing or girders, remaining from an explosion or fire;

18.2.2.2 ... the presence of exposed structural members, like framing or girders, that were not intended to be exposed when the building was built;

18.2.2.3 ... the absence of window glass, or the presence of broken windows, and glass litter on the floors or the surrounding ground;

18.2.2.4 ... the presence of a roof, stairs, or a floor that will not reliably support the weight of a fire fighter, or of open pits, shafts, or wells;

18.2.2.5 ... the presence or suspected presence of abandoned hazardous materials or wastes; and

18.2.2.6 ... that the building is open to unauthorized entry via a door, window, or other opening.

18.2.2.7 The Administrator will consult with the Williston Fire and Police departments and with the town's Public Health Officer before determining that a building is dangerous.

**18.2.3 Will I get some warning before being required to fix or demolish a dangerous building?**  
Yes. The town will begin enforcement of these standards for dangerous buildings using the procedure established at WDB 7.4. This procedure gives a property owner seven days to respond to a notice of violation.

**18.3 Air Quality.** Air quality in Williston is regulated by the State of Vermont. The standards adopted here seek to prevent some common air quality problems by anticipating the impacts of proposed developments.

**Where can I learn about state air quality regulations?** The Air Pollution Control Division of the Vermont Department of Environmental Conservation is on-line at: <https://dec.vermont.gov/air-quality>

**18.3.1 Are there standards for dust suppression?** Yes.

18.3.1.1 During Construction. Dust suppression shall be provided at construction sites in accord with the *Public Works Standards*.

18.3.1.2 After Construction. Generally sites will be stabilized with buildings, paving, and landscaping, and produce only incidental dust. Some industrial and mining processes are expected to produce dust, however, and so are recreational uses that use dirt trails or roads. These uses are confined to the ARZD and the industrial zoning districts. Within those districts, the DRB may require applicants to provide dust suppression and/or additional landscaped buffering to protect adjoining properties and/or prevent dust blowing across public ways.

**18.3.2 What about uses that generate smoke?** No development shall generate smoke that could adversely affect occupants or users of adjoining properties. Where the DRB finds that smoke will not ordinarily be confined on the property where it is generated or at least within an industrial zoning district, it may simply prohibit the proposed use. The DRB may also, consistent with state air pollution laws, require measures that would mitigate the anticipated nuisance.

**18.3.3 Are there standards for the placement of exhaust fans, stacks, vents, and similar equipment?** Yes. The plans submitted with applications for administrative or discretionary permits for uses that will have these types of equipment or installations must demonstrate that proposed exhaust vents, stacks, fans, and similar equipment will not direct cooking odors, gases, hot air, smoke, steam, or vapor onto adjacent properties or public ways.

**18.3.4 What if my development will stink? Are there standards for odors?** Different people experience odors in different ways, making regulation difficult. Industrial processes or other uses that may reasonably be expected to produce odors that some people will find offensive shall be confined to the Industrial Zoning District West. Where the DRB finds that the anticipated odor will not or cannot ordinarily be confined on the property where it is generated, or at least within an industrial zoning district, it may simply prohibit the proposed use. The DRB may also, consistent with state air pollution laws, require measures that would mitigate the anticipated nuisance.

**Do the standards adopted here apply to landfill odor?** No. State law protects regional landfills from local regulations that would interfere with their intended function. See WDB 4.2.2). **Do these standards apply to odors generated by farming operations?** No. Accepted agricultural practices are exempted by WDB 4.2.1.2 and protected by Vermont's Right-To-Farm law, 12 V.S.A. § 5751. et seq)

**18.4 Buffering.** See Chapter 23 for this bylaw's standards for landscaped buffers between uses.

**18.5 Hazardous Materials.** Hazardous materials will be as defined by the *Uniform Fire Code* (UFC).

**Fire Code Definition.** Here are the basic definitions of "hazardous material" from the *Uniform Fire Code*. More details may be found in that code. It is important to have a clear understanding of the fire code and of the applicable state and federal regulations when proposing a use that will involve the storage, handling, or disposal of hazardous materials.

3.3.186.3 Hazardous Material. A chemical or substance that is classified as a physical hazard material or a health hazard material, whether the chemical or substance is in usable or waste condition. (See also 3.3.186.5, Health Hazard Material, and 3.3.186.10, Physical Hazard Material.) [5000, 2006]

3.3.186.5 Health Hazard Material. A chemical or substance classified as a toxic, highly toxic, or corrosive material in accordance with the definitions set forth in this Code. [5000, 2006]

3.3.186.10 Physical Hazard Material. A chemical or substance classified as a combustible liquid, explosive, flammable cryogen, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, oxidizing cryogen, pyrophoric, unstable (reactive), or water-reactive material. [5000, 2006]

**18.5.1 Will the Williston Fire Department review my plans for a development that involves hazardous materials?** Yes. Proposed developments that may reasonably be expected to involve the storage, handling, or disposal of hazardous materials will be referred to the Williston Fire Department for review.

**18.5.2 What standards will be used in reviewing my plans for a development that involves hazardous materials?** The town will rely on Chapter 60 of the *Uniform Fire Code*, which is hereby adopted by reference. Plans submitted with an application for an administrative or discretionary permit for a proposed development that involves the storage, handling, or disposal of hazardous materials must clearly show how that development complies with Chapter 60 and supporting requirements of the UFC.

**18.5.3 Will I be required to submit a Hazardous Materials Management Plan?** Possibly. The DRB, with the advice of the Williston Fire Department, may require submission of a hazardous materials management plan.

**18.5.4 Must I maintain the measures required by Chapter 60 of the Uniform Fire Code?** Yes. Failure to maintain the hazardous materials management measures required by Chapter 60 of the UFC is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**18.6 Hours of Operation.** The DRB may limit the hours of operation of commercial, industrial, and institutional uses to protect the residents of nearby dwellings and/or or the residents of mixed-use buildings. These limits may set the hours when deliveries and solid waste collection are permitted, as well as the hours when the use is open.

**18.7 Light/Glare.** Standards for outdoor lighting are found in Chapter 24 of this bylaw. The standards adopted here address glare from other sources.

**18.7.1 Must welding equipment or other sources of intense light be screened from public view?**

Yes. Intense sources of light, like welding equipment, must be fully screened from view from adjoining properties and public ways by enclosure in a building or by an opaque screening fence or wall.

**18.7.2 What about building materials that shine or reflect?** Designers should choose building materials that do not generate glare. The DRB may require that roof, wall, or other materials be non-reflective. The DRB may also limit the glass area presented by a building to minimize glare. WDB 31.9.8.3 provides additional authority to limit the use of reflective materials in the ARZD.

## 18.8 Litter

**18.8.1 Is litter removal a continuing condition of approval?** Yes. Litter removal is part of the continuing maintenance required by Chapter 7 of this bylaw.

**18.8.2 Must areas where solid waste or other materials that may become windborne be fenced or screened to suppress blowing litter?** Yes. See WDB 18.12.2.3.

**18.9 Livestock.** As explained by WDB 4.2.1.2, Vermont municipalities cannot regulate accepted agricultural practices, including the keeping of livestock. See WDB 20.10 re the keeping of livestock on residential premises.

## 18.10 Noise

**18.10.1 Doesn't Williston already have a noise ordinance?** Yes. That ordinance, which is attached as Appendix E, regulates all sources of noise, including existing land uses. These standards do not take the place of that ordinance. Their purpose is to provide a basis for the DRB's review of proposed developments, with the goal of ensuring that new uses will not generate excessive levels of sound.

**18.10.2 What are the limits on the level of sound generated by proposed developments?** No development that can reasonably be expected to generate sound exceeding the maximum levels set in Table 18.A shall be permitted.

**18.10.3 Can I be required to present a study of potential sound levels?** Yes. Where there is a question about compliance with this standard, the DRB may require the applicant to provide evidence in the form of a report prepared by a qualified firm whose qualifications are acceptable to the Administrator. Such reports shall show projected noise contours around the proposed source, extending as far out as the 50 dBA<sub>L10</sub> contour. Such a report may also be required to show the sound transmission coefficient of the proposed building materials.

**18.10.4 Can the DRB require noise mitigation measures?** Yes.

18.10.4.1 Mitigation Measures. The DRB may require the construction or installation of noise mitigation measures including landscaped berms, walls, and the use of sound-proofing architectural techniques. This requirement may be imposed both on new noise sources and on proposed developments that will be exposed to noise from existing sources.

18.10.4.2 Operating Hours. The DRB may also limit operating hours of commercial, industrial, and institutional uses in order to mitigate potential noise conflicts. See also WDB 18.6.

18.10.4.3 Where Uses are Mixed. Compliance with this standard is particularly important in buildings where different intensities of use will be mixed. As provided in Chapter 22 of this bylaw, the DRB may require an applicant to demonstrate that night-time interior sound levels in the residential portions of mixed-use developments will not exceed 40 dBA<sub>L10</sub>.

**Table 18.A - Maximum Anticipated Sound Levels**

The maximum sound levels given in this table are measured in A-weighted decibels (dBA). Maximum sound levels may briefly exceed these levels, but for no more than 10 minutes out of an hour, making these levels dBA<sup>L10</sup>. For enforcement purposes, maximum sound levels are measured on the property line of the receiving use at the point nearest the use generating the sound.

receiving zoning district	maximum sound level dBA <sub>L10</sub>
ARZD	
daytime	60
nighttime	50
Business Park	70
Gateway North	75
Gateway South	70
Industrial East	75
Industrial West	75
Residential and Gateway West	
daytime	60
nighttime	50
Mixed Use Commercial	70
Mixed Use Residential	
daytime	60
nighttime	50
Taft Corners	65

Village	
daytime	60
nighttime	50

**18.11 Outdoor Sales and Storage.** Where they are permitted, outdoor sales and storage may take place only within areas specifically delineated on the approved final plan and in compliance with the standards for outdoor sales and storage in the applicable zoning district.

## 18.12 Screening

**18.12.1 What must be screened?** The plans submitted with applications for administrative or discretionary permits must clearly show how utility installations, mechanical equipment, solid waste containers, and the like will be effectively screened from view from neighboring properties and public ways.

### 18.12.2 How should ground level screening be provided?

18.12.2.1 Hedge. Screening for utility installations, mechanical equipment, solid waste containers, and the like must include a dense evergreen hedge and other plant materials that are at least five (5) feet deep. The DRB may permit an exception to this standard where space or technical limitations make landscaped screening infeasible. Where the DRB permits an exception, a screening fence or wall shall be provided, in compliance with WDB 18.12.2.2.

18.12.2.2 Berm, Fence, or Wall. The DRB may require that a berm, fence, or wall be used to supplement the landscaped screening. Fence or wall materials, patterns, and colors must match or complement the materials, architectural details, and colors used on buildings on the site.

18.12.2.3 Blowing Litter. The DRB will require a fence or wall where necessary to trap blowing litter or other debris.

**18.12.3 Must roof-mounted equipment be screened?** Yes. Roof-mounted utility installations, mechanical equipment, and the like must be fully screened from view from neighboring properties and public views using location on the roof or parapets or other architectural extensions of the building. This standard does not require that roof-mounted equipment be screened from views from a taller building or higher ground. For the purposes of this standard, visibility will be determined from ground level from the centerline of the adjoining public way/s. Note that telecommunications equipment is generally exempt from this requirement, but see Chapter 21 of this bylaw.

## 18.13 Vibration

**18.13.1 What are the limits on vibrations generated by a proposed development?** No use that may reasonably be expected to generate vibrations that may be sensed at the property line without instruments shall be permitted. The DRB may permit exceptions to this standard in the industrial zoning districts, but only where a vibration study, as required by WDB 18.13.2, clearly demonstrates that there will be no adverse impact on neighboring properties or public ways.

**18.13.2 Can I be required to present a study of potential vibrations?** Yes. Where there is a question about compliance with this standard, the DRB may require the applicant to provide evidence in the form of a report prepared by a qualified firm whose qualifications are acceptable to the

Administrator. Such reports shall show the projected levels of vibration generated by the proposed development along all property lines.

**18.14 Water Quality.** Water quality in Williston is regulated by the State of Vermont and Chapter 29 of this bylaw.

**Where can I learn about state water quality regulations?** Visit the Watershed Management Division of Vermont's Department of Environmental Quality at <http://www.vtwaterquality.org>.

**18.15 Weeds.** The required maintenance of landscaped and open space areas includes the suppression of invasive species and other weeds. See WDB 7.2.3.

**18.16 Demolition of Buildings and Structures.** A safety zone shall be provided around all demolition areas to prevent persons other than workers from entering. The safety zone shall be secured from unauthorized access for the duration of demolition by a barrier of at least 6 feet in height. Where mechanical demolition equipment, other than handheld devices, is to be used for the full demolition of a building the safety zone shall be equal to or greater than half the height of the building to be demolished; such safety zone may be reduced by the same ratio as the building is being demolished.

# **Chapter 19**

## **Density Transfer of Development Rights**

This chapter provides background information for the zoning districts created in this bylaw by explaining how the density or intensity of development is defined, measured, and regulated. This chapter also establishes a voluntary transfer of development rights program.

### **19.1 Applicability – Definitions**

**19.1.1 Where in Williston are these definitions and standards applicable?** These standards do not apply within the Taft Corners Form-Based Code Zoning District (TCFBC). The TCFBC limits the maximum number of dwellings and square feet of commercial floor area through building form standards (footprint size, building height, block size, etc.).

**19.1.2 What is “density”?** Density is the general term used to describe how intensively a parcel of land is, or may be, used. Density is measured differently for different uses and in different situations.

**19.1.3 How is density measured?** WDB 46.3.50 defines a dwelling. The density of residential development in Williston is measured in the number of dwellings per acre. Acreage encompasses everything within the platted boundaries of the development. It includes buildings, streets, sidewalks, stormwater detention ponds, all other improvements, and most types of open space. There are some exceptions, which are explained in WDB 19.1.3.1 and 2.

**What is a dwelling?** A dwelling is a building (typically a single-household home) or a separate space within a larger building (typically an apartment, townhouse, or the like) that contains complete housekeeping facilities for one household.

**19.1.3.1 Accessory Dwellings.** Accessory dwellings permitted by WDB 20.1 are not counted as dwellings when calculating density.

**19.1.3.2 Acreage Exceptions.** There are three exceptions from the acreage used as a basis for calculating density and one partial exception. These exceptions apply in all zoning districts.

- The acreage on a proposed development site that is included within the watershed protection buffers required by Chapter 29 of this bylaw will not be included in the gross acreage of that site for the purposes of calculating the permitted density.
- The acreage on a proposed development site that has an average slope of 30% or more will not be included in the gross acreage of that site for the purposes of calculating the permitted density.
- The acreage on a proposed development site that has an average slope of 15-30% will be included in the gross acreage of that site, but only at the rate established for development on slopes in the applicable zoning district. That rate is one dwelling for every 10 acres in the ARZD (see WDB 31.7.2.6) and one dwelling per acre in the RZD and VZD zoning districts (see WDB 39.4.2.2 and WDB 42.4.1).

**19.1.3.3 Rounding.** Residential density calculations often result in fractions. For example, a 17-acre parcel in the ARZD is permitted to have 7.62 dwellings. Does that mean it can have eight? No. Conventional mathematical rounding rules are not used for the density calculations required by this bylaw. A parcel must contain ALL of the acreage required for an additional dwelling. In the ARZD, a parcel has to contain at least 17.69 acres to be permitted eight dwellings.

**19.1.4 How is density measured for nonresidential developments?** There is no universally useful measure of the density or intensity of nonresidential developments. The density of nonresidential developments is limited and determined by the standards of this bylaw. There IS a practical minimum area for any given nonresidential development, but that area must be determined case-by-case, based on what is required to comply with the applicable standards. See WDB 19.3.

**19.2 Residential Densities.** Policies 3.2 and 3.4 of the *Town Plan* provide background materials that you might want to read before going on to the rest of this chapter.

**19.2.1 What is the purpose of these residential density standards?** The definitions and standards adopted in this chapter are intended to:

- ... implement the open space policies adopted in the *Comprehensive Plan*, especially Policies 3.2 and 3.4 and *Chapter 13 – Natural and Cultural Resources*;
- ... help implement the affordable housing policies adopted in the *Comprehensive Plan* (see Chapter 5); and
- ... give landowners and developers the flexibility needed to protect open space while creating compact and amenable neighborhoods.

To achieve these purposes, Williston requires open space residential development, which is defined in WDB 19.2.2. Because it can be difficult to design an open space development on smaller parcels, Williston also permits infill development, which is defined at WDB 19.2.3.

**19.2.2 What is an open space development?** An open space development is a residential subdivision in which a specified area of open space is protected as a condition of approval. How much open space is required varies with the zoning district. Open space development is required on parcels larger than 10.5 acres in the ARZD and RZD. Parcels in the VZD and smaller parcels in the ARZD and RZD may also be developed using an open space pattern, but where this is proposed, it must be approved by the DRB during pre-application review.

**19.2.3 What is an infill development?** Some parcels of land are too small to effectively use for open space development. Specifically, all residential developments that include 10.5 or fewer acres and all residential developments within the VZD will be treated as infill developments for the purposes of this bylaw, except where an exception is permitted by the DRB, as provided in WDB 19.2.2. All other residential developments must be open space developments.

**19.2.4 So, how do I know how many homes I can build on my land?** Each residential zoning district has both a permitted net density and a minimum area per dwelling. These standards are shown in Table 19.A.

19.2.4.1 Net Density. The net density column in Table 19.A tells you the maximum number of homes that can be built. It applies to both open space and infill developments. Applicants may make choices that reduce the average density permitted (see, for example, WDB 15.2.3.1), but the standards of Table 19.A. are the starting point.

**For example**, if you have a 40-acre parcel in the ARZD that includes no watershed protection buffers and no slopes of 15% or more, Table 19.A shows that you can build 22 dwellings. See WDB 19.1.3.2 for an explanation of how having watershed protection buffers or slopes on your property affects the permitted density.

19.2.4.2 Minimum Area. The minimum area per dwelling may be different for open space and infill developments and is applied in different ways to different types of development. See WDB 19.2.5

**Table 19.A - Permitted Residential Densities**

Zoning District	Net* density	minimum area per dwelling in an open space development	minimum area per dwelling in an infill development
ARZD outside the Sewer Service Area**	1 dwelling per 80,000 SF .55 D/A	15,000 SF (.344 A)	80,000 SF (1.84 A)
ARZD inside the Sewer Service Area**	open space developments: 5.00 D/A  developments that meet the density bonus requirements of WDB 19.2.6: 7.00 D/A	5,445 SF (0.125 A)	8,712 SF (0.2 A)
RZD	open space developments: 5.00 D/A  developments that meet the density bonus requirements of WDB 19.2.6: 7.00 D/A	5,445 SF (0.125 A)	8,712 SF (0.2 A)
VZD	5.00 D/A developments that meet the density bonus requirements of WDB 19.2.6: 7.00 D/A	5,445 SF (0.125 A)	6,534 SF (0.15 A)
*The net density given here is for development on slopes of less than 15%. Development on slopes of 15-29% is permitted only at the lower densities established in WDB 19.1.3.2. Slopes of 30% or more are not included in the acreage base for development.			

\*\* The boundaries of the Sewer Service Area are established in the Town Plan and Sewer Allocation Ordinance. See Map 8 of the Williston Comprehensive Plan.

**19.2.5 But how can I build that many homes if I am required to protect buffers along streams, conservation areas, slopes, wetlands, and other resources?** This is where the minimum area per dwelling comes in. The combination of an average density with a minimum area per dwelling gives landowners and developers the flexibility to protect open space while meeting the demand for housing. It will also help make new residential neighborhoods more compact, and thus more affordable and pedestrian friendly.

**Is this “cluster” development?** Yes. The approach the town is taking toward most residential development has been called “cluster” development. ‘Open space development’ is used in the *Town Plan* and this bylaw because it emphasizes the goal of open space protection.

**19.2.5.1 Minimum Area, Individual Lots.** The minimum area per dwelling can be interpreted as a minimum lot size in developments where buyers will get a lot. No lot can be smaller than the minimum area per dwelling. Do note, however, that WDB 31.8.3 prohibits developments with uniform lot sizes.

Imagine, **for example**, a 40-acre parcel in the ARZD. This parcel has no slopes or watershed protection buffers, so 22 dwellings are permitted. But WDB 31.4.1 requires that 75% remain in open space. Can the owner still plat 22 lots? If he or she is willing (and the site is favorable) to install community sewerage systems for each cluster of lots (there is generally a limit of seven home sites per cluster), 22 lots could be approved on the 10 acres that are not set aside as open space. The shape and size of the lots must vary with the terrain, but the smallest lot/s can be as small as 15,000 SF, allowing some flexibility in the proposed subdivision’s design.

**19.2.5.2 Minimum Area Without Lots.** Where the proposed development will be an apartment building or complex that will remain in one ownership or a condominium where the land will be held in common by the homeowners, the minimum area per dwelling unit determines the **smallest** area that can be used for buildings, parking, and other improvements.

Imagine, **for example**, an 80-acre parcel in the RZD that includes extensive (30 acres) wetlands and a rare plant community (10 acres). Table 19.A permits 250 dwellings on that site (50 X 5). But given the natural constraints, it would be difficult to plat even that many conventional residential lots. Further, unless the wetlands and rare plants happen to be located in one corner of the parcel, adjacent to another open space) conventional development will have a fragmenting impact on those resources. Better resource protection and better utilization of land and infrastructure, can be achieved by shrinking the footprint of the housing. Using the minimum area per dwelling of 5,445 SF, this bylaw would permit all 250 dwellings to be placed on less than 40 acres. This leaves ample space for a development that could take the form of flats, town homes, or other attached housing types. Placing 250 units on, say, 37.5 acres results in roughly the same density as many of Williston’s existing condominium developments:

**6.4 D/A. How does all this really work?** Landowners who are unsure about how to comply with the open space development requirements of this bylaw are encouraged to make an appointment with a staff person at Williston Planning. You may also want to seek the advice of an experienced design professional.

**19.2.6 Is there a density bonus for building affordable housing?** Yes, where affordable housing is being provided the residential density limitations can be exceeded in some zoning districts.

**19.2.6.1 Which zoning districts have the density bonus?** The density bonus can only be used in zoning districts where residential is an allowed use and that are within the Sewer Service Area. This means it cannot be used in the most of the ARZD or the industrial zoning districts or the Gateway Zoning District North.

19.2.6.2 What do I have to provide for the bonus? The development proposed must include at least 20% of the dwellings or a minimum of 5 dwellings, whichever is greater, as affordable dwellings. An affordable dwelling for the purposes of the density bonus is defined in 24 V.S.A. § 4303. Williston also requires affordable dwellings under the inclusionary zoning requirements of WDB Chapter 11, which are defined differently.

19.2.6.3 How much is the bonus? Those developments that meet the requirement are allowed to exceed the residential density limitations in the zoning district by 40%. This can include exceeding the maximum height limit in the zoning district by one (1) floor.

19.2.6.5 How does the town define 1 floor for the density bonus? Where the WDB defines building height in feet, a building is allowed to exceed the allowed height in the zoning district by 13'. Where the WDB measures building height in stories, as in the Taft Corners Form-Based Code Zoning District, the definition of STORY in the TCFBC shall be used to define 1 floor.

19.2.6.6 How long do the dwellings have to stay affordable? Affordable dwellings shall be subject to covenants or restrictions that preserve their affordability in perpetuity. They shall meet the perpetual affordability requirements of WDB 11.3.5.

19.2.6.7 Are there any other requirements for the affordable dwellings? Yes, they must meet the specific requirements on integration, allowable differences and phasing set out in WDB 11.3.3 and the sale and rental requirements of WDB 11.3.6.

### **19.3 Nonresidential Densities**

***19.3.1 Are minimum lot sizes required for the nonresidential uses that are permitted in the ARZD, RZD, and VZD? Yes.***

19.3.1.1 In the ARZD. A minimum lot size of 80,000 SF is required for nonresidential uses in the ARZD.

19.3.1.2 In the RZD and VZD. A minimum lot size of 20,000 SF is required for nonresidential uses in the RZD and VZD.

***19.3.2 Are there minimum lot sizes for nonresidential development in the other zoning districts?*** There is no minimum lot size for nonresidential uses in the other zoning districts. The density or intensity of nonresidential development that is permitted in those districts will be a function of the standards of this bylaw, as applicable.

**19.4 Mixed-Use Densities.** Williston's *Comprehensive Plan* emphasizes the desirability of mixed-use development in the growth center, and mixed-use development is permitted, or even required, in the BPZD, GZDS, GZDW, MUCZD, MURZD, and TCZD. Each zoning district has its own standards for which uses may be mixed and how. Those standards are summarized in Table 19.B. Mixed uses are also permitted in the VZD, in compliance with the standards established in Chapter 42 of this bylaw.

**19.4.1. Is the mix of uses regulated?** The mix of residential and nonresidential space may be limited. See the first column in Table 19.B for a summary of the standards adopted in the chapters establishing each zoning district.

**19.4.2 How many dwellings are permitted in a mixed-use development?** The net permitted density of the residential component of a mixed-use development is shown in Table 19.B. That table also imposes a minimum density of five dwellings per acre on residential development in most of the mixed-use zoning districts and shows that the net permitted density may rise to 10 or 15 D/A with the transfer of development rights. The transfer of development rights is explained in WDB 19.5.

**19.4.2.1 Adaptive Reuse Developments.** Dwellings created through the adaptive reuse of an existing non-residential structure, for example, conversion of a hotel to apartments or conversion of office space to apartments, provided that those developments comply with all other applicable provisions of the Williston Development Bylaw, shall not be counted in calculating the residential density of the sites they are located on.

**19.4.3 How much nonresidential development is permitted in a mixed-use development?** The density of the nonresidential component of a mixed-use development will be a function of the limit, if any, on the mix of uses in the zoning district, the space that remains after the residential component is established, and the standards of this bylaw.

**Table 19.B - Mixed Use Residential Densities**

All numbers are D/A

zoning district	residential/commercial mix	net density	density with TDR or with minimum 20affordable dwellings <sup>4</sup>	minimum density <sup>1</sup>
GZDS <sup>2</sup>	Residential uses are permitted, but not required.	7.5	11	5
MUCZD <sup>2</sup>	Residential uses are encouraged, but not required.	7.5	15	5
MURZD <sup>2</sup>	Must be predominantly <sup>3</sup> residential.	7.5	15	5
TCZD <sup>2</sup>	Residential uses may be required.	7.5	15	5
GZDW	Residential uses are permitted, but not required.	7.5	11	5

<sup>1</sup> Where provided. This does not mean that residential uses have to be built where they are not required.

<sup>2</sup> Only applicable in the portions of TCZD, MUCZD and MURZD outside the TCFBC.

<sup>3</sup> ‘Predominantly residential’ is defined at WDB 38.1.3.1.

<sup>4</sup> As specified in WDB 19.2.6.2

## 19.5 Transfer of Development Rights

**19.5.1 What is the transfer of development rights?** A transfer of development rights occurs when the right to develop on one parcel of land is used on a noncontiguous parcel. The parcels involved may be in the same or different ownerships.

**19.5.2 Is the transfer of development rights permitted in Williston?** Yes. Residential development rights may be voluntarily transferred from lands in the ARZD or from conservation areas shown in the *Open Space Plan* in other zoning districts to lands within the growth center outside of the Taft

Corners Form Based Code. Development rights may be transferred one-to-one up to the maximum density permitted in the receiving zoning district by Tables 19.A and 19.B.

**19.5.3 Is special permission required for a transfer of development rights?** No. Transfers are permitted within the density limits established in Tables 19.A. and 19.B. The resulting development must, of course, comply with all requirements of this bylaw.

**19.5.4 What are the mechanics of a transfer of development rights?** A transfer of development rights is a private transaction. While it is enabled and encouraged by this bylaw, the town does not require TDRs.

19.5.4.1 TDRs at Pre-Application. An applicant who proposes to use TDRs in a development must make this clear in the pre-application materials.

19.5.4.2 TDR's and Growth Management. A TDR does not exempt the proposed dwellings from growth management review, as required by Chapter 11 of this bylaw.

19.5.4.3 TDR's at Permit Review. Drafts of the instruments of conveyance for the TDR must accompany the application for a discretionary permit.

19.5.4.4 TDR's in Final Plans. The signed instruments of conveyance for the TDR must accompany the final plans. They must be recorded after approval of the final plans and before an administrative permit for any work on the site is approved.

**Can you give me an example of how the transfer of development rights works?** Yes. Suppose that you have a small farm in the ARZD. You could, if able to comply with all requirements of this bylaw, create 22 home sites on 40 acres. But really, you only want to build a home for yourself. Can you use the other 21 development rights in another way? Possibly. Suppose that a developer in the Tafts Corners area wants to build a mixed-used project on 10 acres. Without a transfer of development rights, Table 19.B says that this project can have 7.5 D/A, or 75 total dwellings. With a transfer, however, it can have as many as 150 dwellings (15 D/A). The developer could, if you name a reasonable price, purchase your 21 development rights and build 96 of the 150 dwellings permitted with a TDR. This moves development into the growth center in accord with town policy, while helping protect the character of rural Williston.

## **Chapter 20**

### **Residential Improvements**

This chapter consolidates the definitions and standards for minor improvements to residentially developed property. The standards adopted here apply to all dwellings in all zoning districts. Requirements that may or may not apply, depending on a dwelling's location, are cross-referenced.

**20.1 Accessory Dwellings.** 24 V.S.A. § 4412(1)(E) states that “no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-household dwelling.”

**20.1.1 What is an accessory dwelling?** For the purposes of this chapter, an ‘accessory dwelling’ is an independent efficiency or one- or two-bedroom dwelling that is located within or on the same lot as an owner-occupied single-household dwelling, and that complies with the standards established below.

**20.1.2 Is a permit needed for an accessory dwelling?** Yes. An administrative permit is required for any accessory dwelling.

**20.1.3 What standards apply to accessory dwellings?** An administrative permit for a proposed accessory dwelling shall be approved if the Administrator finds that it complies with the following standards.

20.1.3.1 Owner-Occupied. Either the single-household dwelling or the proposed accessory dwelling must be owner-occupied.

**What Does ‘Owner-Occupied’ Mean?** The dwelling or proposed accessory dwelling must be the principal residence of at least one of the owners named on the grand list.

20.1.3.2 Floor Area. There is no minimum floor area. Accessory dwellings larger than 900 square feet shall not exceed 50 percent of the total habitable floor area of the primary dwelling. The maximum floor area of any accessory unit shall not exceed 1,500 square feet. The floor area calculation is based on finished space, garages and unfinished basements are not included. Applicants must provide a floor and/or site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

<b>Table 20.A – ADU Maximum Floor Area Examples</b>							
Primary Dwelling Finished Floor Area (SF)	1,800 or less	2,000	2,200	2,500	2,800	2,900	3,000 or larger
Accessory Dwelling Finished Floor Area (SF)	900	1000	1,100	1,250	1,400	1,450	1,500

20.1.3.3 Using an Existing Dwelling as an Accessory to a New Dwelling. These standards present the possibility that an existing two-bedroom dwelling of 1,500 SF or less could be

used as an accessory dwelling by an owner who proposes to build a new home of up to 3,000 SF. This is not prohibited but will require a discretionary permit.

**20.1.3.4 Shared Driveway.** Approval of an accessory dwelling must not result in a new point of access to a public road. The Administrator may, with the advice of the DPW, waive this requirement where the terrain or other physical characteristics of the site make it safer for an accessory dwelling to have a separate point of access.

**20.1.3.5 Off-Street Parking.** There must be sufficient off-street parking for the proposed accessory dwelling. One off-street parking space is required for each efficiency or one-bedroom accessory dwelling and two off-street parking spaces are required for each two-bedroom accessory dwelling. Applicants must provide a site plan that is drawn to scale and in sufficient detail to demonstrate compliance with this standard.

**20.1.3.6 Wastewater.** Wastewater treatment capacity for the proposed accessory dwelling is available as part of an allocation of sewage treatment plant capacity or as part of the capacity of an existing or proposed on-site wastewater treatment system.

- Where the proposed accessory dwelling would be served by the town's sewerage system, the applicant must submit an allocation form signed by the DPW.
- Where the proposed accessory dwelling would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity for the proposed accessory dwelling.

**What is a Licensed Designer?** See <http://www.anr.state.vt.us/dec/ww/sitetech.htm> for an explanation of this state program.

**20.1.3.7 Dimensional Standards.** Addition of the proposed accessory dwelling shall not result in a violation of the applicable dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

**What is a Dimensional Standard?** A dimensional standard controls the location of a structure or use on a lot and/or the dimensions of a structure. These standards include, but are not limited to, buffers, setbacks, coverage, and clear vision triangles.

**20.1.3.8 In the Village.** Detached accessory dwellings in the VZD must comply with the design standards of Chapter 42. Applicants who wish to place a detached accessory dwelling in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

**20.2 Accessory Structures.** For the purposes of this chapter, an accessory structure is located on the same lot or parcel as a dwelling and serves a purpose that supports and is clearly subordinate to the residential use of the property. Accessory structures that are permitted for dwellings include detached garages, play structures, sheds.

**20.2.1 Is a permit needed for an accessory structure?** Usually. An administrative permit is required for all accessory structures that are more than 10 feet in height or have a footprint of more than 120 square feet. Smaller structures are NOT exempt from the requirements of this bylaw. Placing a 100 square foot play structure within a side yard setback would be a violation of this bylaw, subject to enforcement provided by WDB 7.4-7.6, but would not require a permit.

**What is a Garage?** A garage is a building, or a part of a building, that houses, or at least is designed to house, one or more motor vehicles, watercraft, snow machines, farm implements, or other vehicles. **What is Play Structure?** A play structure is designed for children's play. Play equipment that does not have a footing or foundation is not a structure. **What is a Shed?** This term includes all roofed structures, including tool sheds, greenhouses, etc., that are accessory to a dwelling, except detached garages and accessory dwellings, which are separately defined.

**20.2.2 What standards apply to accessory structures?** An administrative permit for a proposed accessory structure shall be approved where the Administrator finds that it complies with the following standards.

20.2.2.1 Location. Accessory structures must be placed in a side or rear yard, except in the ARZD, where they may be placed in a front yard, if that front yard is at least twice as deep as the required setback.

20.2.2.2 Dimensional Standards. Accessory structures must comply with the applicable dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.2.3.3 In the Village. Accessory structures that are larger than 120 SF or taller than 10' in the VZD must comply with Chapter 42 and may be subject to review by the HDAC and DRB. Applicants who wish to place an accessory structure in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with that standard.

**20.3 Additions.** An addition is any expansion of an existing structure in any dimension, including height, width, depth, or length.

**20.3.1 Is a permit required for an addition?** Yes. An administrative permit is required for all residential additions.

**20.3.2 What standards apply to additions?** An administrative permit for a proposed addition shall be approved where the Administrator finds that it complies with the following standards.

20.3.2.1 Dimensional Standards. Additions must comply with the dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.3.2.2 Adding Bedrooms. The addition of a bedroom requires additional wastewater treatment capacity, either as part of an existing or new allocation of sewage treatment plant capacity, or as part of the existing or proposed capacity of an on-site wastewater treatment system.

- Where the proposed bedroom/s would be served by the town sewerage system, the applicant must submit an allocation form approved by the DPW.
- Where the proposed bedroom/s would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity.

**20.3.2.3 In the Village.** Additions in the VZD must comply with Chapter 42 and may be subject to review by the HDAC and DRB. Applicants who wish to build an addition in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

**20.4 Businesses.** 24 V.S.A. § 4412(4) states that “No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an adverse effect upon the character of the residential area in which the dwelling is located.”

**20.4.1 *What is a home business?*** A home business is any commercial activity conducted in a one- or two-household dwelling by the resident/s of that dwelling, whether for profit or not, and that meets the standards established here. Conducting any other business in a dwelling is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

**20.4.2 *Can I park a commercial vehicle at my home?*** The overnight parking of commercial vehicles of 10,000 pounds gross vehicle weight or more is a commercial activity, and will be regulated as such in the MURZD, RZD, and VZD.

**20.4.3 *Is a permit required to establish a home business?*** Yes. The type of permit required varies with the type of business proposed and the type of dwelling.

A discretionary permit is required for any home business proposed in a two-household dwelling that will include the overnight parking of a commercial vehicle or any customer or client traffic.

A discretionary permit is required for all home businesses that propose to have more than one non-resident employee on site or generate more than one P.M. peak hour trip. An administrative permit is required for all other home businesses.

**20.4.4 *What standards apply to home businesses?*** The Administrator or the DRB, as appropriate, shall approve a permit for a home business that complies with the standards of Appendix G. See also WDB 20.7 for standards that apply to at-home childcare facilities.

**20.5 Decks and Patios.** A deck is an above-grade outdoor living space that is open to the sky, although it may be temporarily covered by an awning or partially covered by a pergola. A patio is an at-grade outdoor living space that is open to the sky. If one of these spaces is covered by a roof, it becomes an addition or, if detached from the dwelling, an accessory structure.

**20.5.1 *Is a permit required for a deck or patio?*** Yes. An administrative permit is required for any deck or for any patio that covers more than 120 square feet. Smaller patios are NOT exempt from

the requirements of this bylaw. Placing a 100 square foot patio within a side yard setback would be a violation, subject to enforcement, as provided by WDB 7.4-7.6, but would not require a permit.

**20.5.2 What standards apply to decks and patios.** An administrative permit for a proposed deck or patio shall be approved where the Administrator finds that it complies with the following standards.

20.5.2.1 Dimensional Standards. Decks and patios must comply with the dimensional standards of this bylaw. Applicants must provide a site plan drawn to scale and in sufficient detail to demonstrate compliance with this standard.

20.5.2.2 In the Village. Decks in the VZD must comply with Chapter 42 and may be subject to review by the HDAC and DRB. Applicants who wish to build a deck in the VZD must provide architectural drawings, including elevations drawn to scale and in sufficient detail to demonstrate compliance with this standard.

**20.6 Driveways.** A permit is required for new driveways, or for any change in a driveway's width or location. For access to town roads, this permit is obtained from the town. For access to state roads, permits must be obtained from both the town and the Vermont Agency of Transportation. For more on access to public roads, see Chapter 13 of this bylaw.

**20.7 Electric Vehicle Charging Stations.** An electric vehicle charging station is equipment that connects an electric or hybrid vehicle to a source of electricity.

20.7.1 Is a permit required to install EV charging stations? An administrative permit is required for any electric vehicle charging station that covers more than 120 square feet or is more than 10 feet in height. Smaller electric charging stations do not require a permit but are NOT exempt from the requirements of this bylaw. Placing an electric vehicle charging station in the setbacks would be a violation of this bylaw, subject to enforcement provided by WDB 7.4-7.6, but would not require a permit.

20.7.2 Do other requirements of this bylaw apply to EV Charging Stations? Yes. EV Charging Stations must comply with all relevant standards of this bylaw such as Chapter 24 on Outdoor Lighting.

20.7.3 In the Village. Electric vehicle charging stations in the VZD must comply with Chapter 42 and may be subject to review by the HDAC and DRB.

**20.8 At-Home Childcare Business.** 24 V.S.A. § 4412(5) makes at-home childcare serving six or fewer children a permitted use for single-household dwellings. An at-home childcare business that serves six or more children full-time and four or more part-time is also permitted, but a discretionary permit will be required.

20.8.1 What is an at-home childcare business? An at-home childcare business that meets the definition of a "family child care home or facility" as defined by 24 V.S.A. § 4412(5) where the owner or operator is registered or licensed for child care as required by 33 V.S.A. § 3502(a) is an "at-home childcare business" for the purposes of this bylaw.

**20.9 Residential Care Homes or Group Homes.** 24 V.S.A. § 4412(G) specifies that a residential care home or group home operated under state licensing or registration, and serving not more than eight persons

who have a handicap or disability as defined in 9 V.S.A. § 4501, shall be considered by right to constitute a permitted single-household residential use of property, except that no such home shall be so considered if it is located within 1,000 feet of another existing or permitted such home.

**20.10 Fences.** A fence is a structure that serves as an enclosure, physical or visual barrier, and/or to mark a boundary. Freestanding walls serving these purposes are fences. Living shrubs, trees, or other vegetation, including hedges, are not fences.

**20.10.1 Is a permit required to erect a fence?** Yes, an administrative permit is required to erect a fence. Before applying for a permit, the town strongly recommends that you talk to neighboring property owner/s.

**Planting a Hedge?** If you plan to plant a hedge as a property boundary, the town strongly encourages you to communicate with your neighbors before planting.

**20.10.2 Are there standards for fences?** An administrative permit for a proposed fence shall be approved where the Administrator finds that it complies with the following standards.

2010.2.1 Height. No fence on a residential property may exceed six (6) feet in height above grade, except as provided in WDB 20.10.2.3 and 20.10.2.4. Front yard fences are limited to 48 inches in height. See WDB 13.2.4 for additional height restrictions at intersections.

2010.2.2 At Intersections. Fences within clear vision triangles must not obstruct drivers' vision. Solid or opaque fences must not exceed 29 inches in height above the grade of the adjoining road.

2010.2.3 Privacy Enclosures and Kennels. Privacy enclosures (for example, around an outdoor spa) and the fencing of kennels may exceed the height limit established in WDB 20.8.2.1, above, but only within areas outside of the required setbacks for structures. The portion of the enclosure or fence that is over six (6) feet in height must not be solid. It may be a lattice or similar decorative work, screen, or wire.

2010.2.4 Screening and Sound Barriers along Major Roads and Trails. Fences erected as screens and/or sound barriers along the right-of-way of an arterial or major collector may exceed six (6) feet in height. The Administrator shall, however, refer all such fences to the HDAC for review before acting on the application for an administrative permit. Screening and sound barriers are prohibited in the Village Zoning District (VZD).

2010.2.5 Location. No fence shall extend into a public right-of-way or an easement held or used by the town without the written permission of the DPW, who may prohibit any such fence, or permit it with conditions that provide for its easy removal and replacement at the owner's expense. The DPW's written approval must be presented with the application for an administrative permit to erect the fence.

2010.2.6 Materials/Color. The Administrator may require the submission of material samples for any proposed fence.

- No fence shall be made of scrap metal.

- No plain galvanized or slatted chain link fencing is permitted on residential properties. Vinyl-coated black or green chain link fencing is permitted.
- The structural elements of fences must be on the inward side (the side facing the dwelling to which the fence is accessory), if the adjoining property is in, or is platted for, residential use.
- Front yard fencing on residential properties must be at least 40% open. Traditional stone walls are exempt.

**20.10.2.7 In the Village**. Fences in the VZD must comply with the Chapter 42. Applicants who wish to erect a fence in the VZD must provide architectural drawings, including elevations, drawn to scale and in sufficient detail to demonstrate compliance with this standard.

**20.11 Kennels.** A kennel is any space used to confine dogs.

**20.11.1 *Is a permit needed for a kennel?*** Yes. An administrative permit is required for a kennel for the resident's dogs. Kennels used for commercial purposes, including boarding and breeding, may be permitted as a home business. See WDB 20.4.

**20.11.2 *Are there standards for kennels?*** An administrative permit for a proposed kennel shall be approved where the Administrator finds that it complies with the standards of WDB 20.2 for accessory structures and of WDB 20.8 for fences.

**20.12 Livestock.** For the purposes of this chapter livestock includes horses, cattle, sheep, llamas, poultry, and other animals, other than domestic dogs and cats, kept outdoors for the personal consumption or enjoyment of the residents of a residential property. The keeping of livestock on residential properties is not always "agriculture," as it is exempted by WDB 4.2.1.2.

**20.12.1 *Is a permit needed to keep livestock on a residential lot?*** No, but the keeping of livestock on residential premises is subject to the standards adopted in WDB 20.10.2.

**20.12.2 *Are there standards for the keeping of livestock on residential lots?*** While no permit is required, the town will enforce the following standards on a complaint basis.

20.12.2.1. **Minimum Lot Size**. The minimum lot size for the keeping of livestock shall be one acre.

20.12.2.2 **Additional Setbacks**. In the Village and Residential Zoning Districts, no structure in which livestock is kept or confined shall be closer than fifty (50) feet to any property line. No bedding or feed shall be stored within seventy-five (75) feet of any property line.

20.12.2.3 **Watershed Protection**. No structure in which livestock is kept or confined shall be located within a watershed protection buffer established by Chapter 29 of this bylaw.

20.12.2.4 **Maintenance**. All premises on which livestock is kept shall be maintained so as to ensure that dust, noise, and odor generated by livestock do not have an adverse impact on adjoining properties. This includes regular the removal of manure and other wastes, dust suppression, and insect control.

**20.13 Outdoor Lighting.** Preventing light trespass and protecting the night sky are important town goals. See Objective 4.6 of the *Comprehensive Plan*.

***International Dark-Sky Association.*** For information about light pollution, light trespass, and appropriate lighting choices, visit: <http://www.darksky.org/>

**20.13.1 What is outdoor lighting?** Outdoor lighting includes any outdoor illuminating device lamp, light, reflective surface, luminous tube, or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. On residential properties, such devices include, but are not limited to path, pool, porch, and yard lights.

**20.13.2 Do I have to get a permit to install an outdoor light fixture at my house?** No permit is required for outdoor lighting at one- or two-household dwellings that meets the standard that is set by WDB 24.2.3.2 and repeated in WDB 20.11.3. A permit is required for any other outdoor lighting.

**20.13.3 Are there standards for outdoor lighting?** As provided by WDB 24.2.3.2, no permit is required for outdoor lights that are installed at one- or two-household dwellings and that are rated at 1,200 initial lumens or less per lamp, as long as the maximum lumen output per residential unit set by Table 24.A (5,500 initial lumens) is not exceeded.

**20.13.4 Are floodlights permitted?** Floodlights rated less than 1,200 initial lumens are permitted by WDB 20.11.3; however, floodlights or spot lamps must be aimed no higher than 45° above straight down (half way between straight down and straight to the side) and floodlight lamps must not be directly visible from adjacent parcels or public ways.

**20.13.5 What about holiday lighting?** Temporary, seasonal holiday lighting is not subject to review or compliance with this bylaw, if (and only if) the following conditions are met:

20.13.5.1 Seasonal holiday lighting must not create a hazardous distraction passing cyclists or drivers

20.13.5.2 Seasonal holiday lighting may be displayed for no more than 60 days surrounding the event those lights celebrate.

## 20.14 Outdoor Storage

**20.14.1 Is outdoor storage permitted on residential premises?** Yes. There are different standards for outdoor storage in different zoning districts.

20.14.1.1 In the ARZD. Outdoor storage is permitted and must meet the required setbacks in side and rear yards, but note that Appendix G sets a stricter standard for outdoor storage associated with home businesses. Note also that this does not include the outdoor storage of recyclables or solid waste, including compost, the storage of which must be effectively screened from neighboring properties and public ways.

20.14.1.2 In Other Zoning Districts. Outdoor storage is permitted within the required setbacks in side and rear when it is effectively screened from neighboring properties. but note that Appendix E sets a stricter standard for outdoor storage associated with home businesses.

20.14.1.3 **During Construction.** The temporary storage of construction equipment and materials is permitted by WDB 17.14.

**20.14.2 What constitutes ‘effective screening?’** Effective screening of outdoor storage may be provided by buildings; by a fence or wall that complies with WDB 20.8; or by landscaping, including dense hedges or similar planting, or on larger properties by a forested or wooded buffer that complies with the requirements of Chapter 23 for a Type I buffer. Small (less than one cubic yard) compost piles will be considered to be effectively screened if they are confined within a composting barrel or bin.

**20.14.3 May I stack firewood outside without providing screening?** Yes, an exception to the standards of WDB 20.12.1 is allowed for firewood. Firewood may be stacked on residential premises without screening if it is confined to the side or rear yard and within the required setbacks. Firewood may be stacked within the setback with the permission of the neighboring landowner.

**20.15 Pools.** A pool is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and at-grade swimming pools.

**20.15.1 Is a permit required for a pool?** Yes. An administrative permit is required to install a pool.

**Pool and Spa Safety.** The Consumer Products Safety Commission offers information on pool and spa safety at: <http://www.cpsc.gov/cpscpub/pubs/chdrown.html>.

20.15.1.1 **Barrier.** Outdoor pools, whether in-ground, above-ground, or at grade, in which water can be more than two (2) feet in depth must be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. American Society for Testing and Materials certified automatic pool safety covers can be provided in lieu of a fence or barrier. mechanism

- The wall of an above-ground pool may form the required barrier provided that access to the pool, whether from a deck or via a ladder is gated in compliance with this standard.
- Gates and doors in such barriers shall always be closed. Release mechanisms shall be located on the pool side of the gate.
- Self-closing and self-latching gates shall be maintained so that the gate will positively close and latch when released from an open position of six (6) inches from the gatepost.

**20.16. Portable Structures.** Portable structures enclose space, but are designed to be easily moved. They do not have footings or a foundation. Common examples include “pop-up” carports or canopies and play structures that are not tied to footings or some other foundation.

**20.16.1 Is a Permit Required for a Portable Structure?** No permit is required for portable structures, but they must comply with the standards of WDB 20.14.2, below.

**20.16.2 Are there Standards for Portable Structures?** While no permit is required, the following standards will be enforced on a complaint basis.

20.16.2.1 **Dimensional Standards**. Portable structures are subject to same dimensional standards as other structures.

20.16.2.2 **Portable Toilets**. Portable toilets are permitted on residential properties only during construction/remodeling projects. They must be removed upon completion of the work.

**20.17. Recreational Vehicles as Living Quarters.** A recreational vehicle is a motor home or a trailer coach, as defined by state law.

**20.17.1 *Is a permit required to park an RV on my property?*** No. Recreational vehicles may be stored on residential premises without a permit, but see WDB 20.15.2, below.

**20.17.2 *Is there a limitation on the use of RV's parked on residential properties?*** Yes. A recreational vehicle may be used as guest quarters on a residential property for no more than 17 consecutive days, and for no more than 28 days cumulatively during a calendar year. Recreational vehicles may be used as temporary living quarters for the resident household during the construction or remodeling of a dwelling. This use must cease when a certificate of compliance is issued or the work is completed.

**20.18 Remodeling.** For the purposes of this chapter, remodeling is a change in the interior or exterior of an existing dwelling that does not change its exterior dimensions.

**20.18.1 *Is a permit required for remodeling?*** Possibly.

20.18.1.1 **Adding Rooms**. A permit is required for remodels that create or eliminate a room. Addition of a bedroom requires an allocation of sewage treatment plant capacity, approved by the DPW.

20.18.1.2 **Other Interior Changes**. New wall coverings, tile, carpet, counters, light fixtures, plumbing fixtures, trim, and similar interior changes do not require a permit.

20.18.1.3 **Exterior Changes**. Changes in roofing, siding, trim, windows and other architectural features and materials require a permit if your home is located in the VZD.. Outside the VZD, exterior changes require a permit only if they change the exterior dimensions of the home or an accessory building.

**20.18.2 *Are there standards for remodeling?*** An administrative permit for a proposed remodel shall be approved where *the* Administrator finds that it complies with the following standards.

20.18.2.1 **Adding Rooms**. Williston does not enforce a building code. Interior changes that add rooms are tracked solely to monitor the creation of additional bedrooms.

20.18.2.2 **Adding Bedrooms**. The addition of a bedroom requires additional wastewater treatment capacity, either as part of an existing or new allocation of sewage treatment plant capacity, or as part of the existing or proposed capacity of an on-site wastewater treatment system.

- Where the proposed bedroom/s would be served by the town sewerage system, the applicant must submit an allocation form approved by the DPW.

- Where the proposed bedroom/s would be served by an on-site wastewater treatment system the applicant must submit: i) approved final plans showing that an existing system has sufficient capacity, ii) plans for a new system prepared by a licensed designer, or iii) a licensed designer's certification, based on a field investigation, that an existing system for which approved final plans are not available, has sufficient capacity.

**20.18.2.3 In the Village.** A permit is required for exterior remodels in the VZD where they must comply with the *Williston Village Historic District Design Review Guide* and may be subject to review by the HDAC and DRB.

## **20.19 Repair and Maintenance**

**20.19.1 What is repair and maintenance?** Repair and maintenance involves no clearing, grading, excavation, or fill; no change in the exterior dimensions of a structure, deck, dwelling, fence, patio, or pool.

**20.19.2 Is a permit needed for repair and maintenance?** Not if it is truly repair and maintenance. For example, patching your roof with new flashing or shingles of the same type and color is repair.

**20.20 Residential Care and Group Homes.** 24 V.S.A. § 4412(1)(G) provides that a residential care home or group home operated under state licensing or registration and serving not more than eight persons who have a handicap or disability as defined by 9 V.S.A. § 4501, shall be treated as a single-household dwelling, except where it is within 1,000 feet of another such home.

## **20.21 Sale of Household Goods**

**20.21.1 May I have a vehicle for sale on my residential property?** Yes. A “for sale” sign may be placed in the window of one currently registered, noncommercial vehicle that is parked on and owned by the owner or current occupant of a residential property.

**20.21.2 May I have a “garage sale?”** Yes. The occasional sale of household goods is permitted, without a permit, but subject to the following standards.

25.21.2.1 Frequency. Household goods may be offered for sale no more than twice a year.

25.21.2.2 Duration. Household goods may be offered for sale for no more than 72 hours.

25.21.2.3 Signs. The sign permitted by WDB 20.20 may be used to advertise the occasional sale of household goods. In addition, two directional signs of no more than three (3) square feet may be posted.

25.21.2.4 Parking. The owner is liable for any traffic hazard created by the sale of household goods. Before holding such a sale you should be sure that there is ample, safe parking available. Sales that create a traffic hazard are violations of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

## **20.22 Signs**

**20.22.1 Must I have building numbers for my home?** Yes. The posting of building numbers is required by Williston's *Road Name and Road Location Numbering Ordinance*, which is attached to this bylaw as Appendix D. Building number signs may also display the name of the resident household and have a decorative framework or border. They are limited to three (3) SF.

**20.22.2 May other signs be placed or posted on residential properties?** Besides political signs, which are subject to the same standards everywhere in Williston, residential properties are limited to one sign with an area of no more than four (4) SF. That sign may be used for any noncommercial message, including, but not limited to, "for sale" or "for rent," to advertise the sale of household goods, or to identify a home business.

## **Chapter 21**

### **Telecommunications Facilities**

This chapter establishes standards for the installation of telecommunications facilities, including antennae, towers, and associated equipment. Remember that these facilities are also subject to all other applicable requirements of this bylaw.

#### **21.1 Authority - Purpose**

**21.1.1 What is the legal authority for the adoption of these standards?** 24 V.S.A. § 4417(12) specifically authorizes Vermont towns to regulate the construction, alteration, and development, decommissioning, and dismantling of wireless telecommunication facilities.

**21.1.2 Doesn't the federal government regulate telecommunications?** The Telecommunications Act of 1996 (see 47 USC 332(c)(7)) specifically allows local governments to regulate telecommunications for aesthetic and safety purposes.

**21.1.3 For what purposes is this bylaw regulating telecommunications facilities?** The standards adopted here are designed to ensure that the placement, design, construction, removal, and modification of wireless communication facilities preserves the character and appearance of Williston and protects scenic, historic, cultural, and natural resources, while accommodating the telecommunication needs of the public and businesses. The goal is to minimize the number of towers while still allowing for adequate coverage. New facilities must co-locate with existing facilities whenever possible.

#### **21.2 Permit Requirements**

**21.2.1 Do I need a permit to erect a telecommunication facility?** Yes.

21.2.1.1 Discretionary Permits. Any new telecommunication facility that is not exempt from this bylaw (see WDB 21.2.2, below) must obtain a discretionary permit. Substantial changes in existing facilities, including any change in the height or location of an existing tower, must also obtain a discretionary permit.

21.2.1.2 Administrative Permits. Antennae that are co-locating on an existing telecommunication facility or that are accessory to an existing farm structure need not obtain a discretionary permit but must obtain an administrative permit.

**21.2.2 Are any telecommunication facilities exempt from the requirement for a permit?** Yes. Telecommunications facilities used solely for amateur (ham) radio activities are exempt from this bylaw. Antennae for police, fire, ambulance, and other emergency dispatch, citizen's band radio, single-use local business radio dispatch, and television antennae for home use are also exempt, if:

21.2.2.1 On-Site. they are located on the site of the business or home being served, and

21.2.2.2 Height. they are no more than thirty-six (36) feet in height, measured from grade.

No other telecommunications facility is exempt, even if that facility would share a tower or other structure with exempt uses.

**21.2.3 Do I need to submit anything besides what is required in the discretionary permit application checklist adopted in Chapter 6?** Yes. There is a supplemental application checklist for telecommunications facilities. You must submit everything required by that checklist.

## **21.3 Location and Construction**

**21.3.1 Is co-location of telecommunication facilities required?** Yes, this is the heart of Williston's regulation of telecommunications, the goal of which is to minimize the number and visual impacts of towers.

21.3.1.1 Design for Co-Location. Telecommunications facilities must be designed to allow for the future rearrangement of antennae and to accept antennae mounted at varying heights, within the overall permitted height. Telecommunications facilities shall also be designed with the structural and electrical capacity to accommodate both the applicant's antennae and any additional antennae that the overall permitted height will allow.

21.3.1.2 Commitment to Share Space. The owner of a telecommunications facility must permit shared use of that facility where it is technically feasible and the additional user/s agrees to meet reasonable terms and conditions for shared use. A binding letter of commitment to share space must accompany the application for a permit for the facility. See the *Telecommunications Application Checklist*.

**21.3.2 Are there standards for the design and color of telecommunications structures?** Yes. The goal of these standards is to minimize the visual impact of telecommunications facilities.

21.3.2.1 Monopole Construction. Telecommunications towers shall be unstayed monopoles. The DRB may permit an alternative design where it is clearly demonstrated that site conditions make this infeasible and the proposed alternative design complies with all standards of this bylaw.

21.3.2.2 Glare and Color. Exterior materials must be of a type, color, and style that minimizes glare and contrast with the surrounding environment. The DRB may permit an exception to this standard only where the Federal Aviation Administration or other state or federal authorities require a specific material or color scheme for safety purposes.

**21.3.3 Is a fall zone for telecommunications towers required?** Yes. Telecommunications facilities must be set back from any property line or any unrelated structure on the same property a distance that is at least equal to 110% of the facility's height above grade. This standard does not apply where an existing structure, such as a barn, silo, church steeple, or utility pole is proposed as a mounting for a telecommunications facility.

**21.3.4 Must telecommunications facilities have security fences?** Yes. The outdoor operating area around a telecommunications tower and its accessory structures and equipment shall have gated access only, with a security fence that is at least six (6) feet in height. The DRB may permit an exception to this standard where reasonable security for the facility is provided by another means.

21.3.4.1 Razor Wire. The use of razor wire on fences required by this standard is prohibited.

21.3.4.2 Fencing Material. Where a telecommunications facility is located in a developed area, the DRB may require the use of fencing that is an architectural extension of an adjoining or

nearby building or that is identical or compatible with the exterior materials used on nearby buildings. The DRB may also require the use of vinyl-coated wire and slats where chain link fencing is appropriate.

**21.3.5 Are signs permitted at telecommunications facilities?** No advertising signs are permitted. An emergency contact sign is required.

21.3.5.1 Emergency Contact. One sign no greater than two (2) square feet stating the name of the facility's owner and a 24-hour emergency telephone number shall be posted adjacent to the gate. A separate administrative permit is not ordinarily required for such a sign: See WDB 25.4.4.3.

21.3.5.2 Permitted Signs. "No Trespassing" or other warning signs and the federal tower registration plate may be posted as required to comply with federal regulations. A separate administrative permit is not ordinarily required for such signs or for the sign required by WDB 21.3.5.1: See WDB 25.4.4.

21.3.5.3 Prohibited Signs. No other sign or lettering shall be placed on a tower or its accessory structures or fences.

**21.3.6 What standards apply to the construction of access roads or utility lines serving telecommunications facilities?** Telecommunications facilities may require construction or improvement of access roads and/or the construction or improvement of utility lines. All such work is subject to requirements of this bylaw that are intended to protect watershed health and the visual character of the town. See specifically the watershed health standards of Chapter 29.

**21.3.7 Do I need to prove that my telecommunication facility will not interfere with public safety telecommunications?** Yes. All applications for new telecommunications facilities shall be accompanied by an intermodulation study that predicts no likely interference, and certification that the study has been provided to potentially affected public safety agencies, including the Williston Fire and Police departments. Before testing or operating new service or changes in existing service, telecommunications providers shall notify the potentially affected agencies at least 10 calendar days in advance of such changes and allow them to monitor interference levels during that testing process.

## 21.4 Minimizing Visual Impacts

**21.4.1 Can telecommunications facilities be illuminated?** The standards this bylaw adopts for outdoor lighting do not preclude beacons or lighting required by the FAA or another federal or state authority because of a tower's height.

**21.4.2 Must landscaping or screening be provided for telecommunications facilities?** Yes. Telecommunications facilities are subject to the landscaping standards of Chapter 23 of this bylaw and to the watershed protection standards of Chapter 29. Taken together those standards will ensure that clearing for the installation of a telecommunications facility is minimized and that landscaped buffers are provided where necessary. An exception to compliance with the buffering requirements of Chapter 23 will be automatically permitted where the telecommunications facility is installed on an existing structure, like a barn, silo, or church steeple.

**21.4.3 Are there preferred locations for telecommunications facilities?** Yes.

21.4.3.1 Watershed Protection Buffers. Telecommunications facilities must not be located within the watershed protection buffers or special flood hazard areas established by this bylaw.

21.4.3.2 Open Fields and Meadows. Telecommunications facilities must not be based in open fields, meadows, or clearings where there will be no visual absorption of the facility.

21.4.3.3 Habitat Conservation Areas. Telecommunications facilities may be permitted in habitat conservation areas where they can serve as an economically productive use that is preferable to developments that would disturb more land. A discretionary permit for a telecommunications facility in a habitat conservation area shall be approved only where the DRB, with the advice of the Conservation Commission, finds that, in addition to compliance with the other standards of this bylaw:

- land and habitat disturbance are minimized by the siting and design of the facility, and
- installation of the facility will result in conservation of the remainder of the habitat conservation area that is within the same ownership.

21.4.3.4 Woodland and Forest Areas. Telecommunications facilities may be based in wooded areas that do not fall into one of the other classifications listed here.

21.4.3.5 Developed Areas. Telecommunications facilities may be located in developed areas where their visual impact is mitigated by landscaped buffers and screening, as required by Chapter 23, and/or placement near or on existing buildings. The screening requirements of WDB 18.12 may also apply.

21.4.3.6 View from Public Spaces and Ways. Telecommunications facilities shall not intrude on the view from identified viewpoints from public parks or ways.

**21.4.4 Is the height of telecommunication towers limited?** Yes. The height limit for antennae, towers, and similar facilities shall not exceed:

21.4.4.1 ...twenty-five (25) feet above the average height of the trees within fifty (50) feet of the base of the tower in wooded or forested areas; or

21.4.4.2 ... twenty-five (25) feet above the average height of surrounding buildings within five hundred (500) feet of the base of the tower.

**21.5 Temporary Wireless Communication Facilities.** Telecommunications facilities that are set up for temporary use at a special event are exempt from the standards of this chapter, but may be erected only after the owner has obtained a special events permit as provided by Williston's *Special Events Ordinance*.

**21.5.1 How long is "temporary?"** Such a permit shall be valid for no more than five (5) consecutive days and for no more than five (5) days in a year.

**21.5.2 Are there any other restrictions on temporary telecommunications facilities?** Yes. The maximum height of any temporary facility is fifty (50) feet above grade.

## **21.6 Abandoned Telecommunications Facilities**

**21.6.1 When is a telecommunication facility considered abandoned?** Like any other use, a telecommunications facility is abandoned if it has ceased operation for 12 or more consecutive months.

**21.6.2 Is removal of an abandoned telecommunications facility required?** Yes.

21.6.2.1 Removal. The owner shall remove an abandoned telecommunications facility within 180 days and reclaim the site. Failure to do so is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

21.6.2.2 Reclamation. Applications for discretionary permits for telecommunications facilities shall be accompanied by a plan for the decommissioning and removal of the facility upon its abandonment, at the owner's expense. Such plans shall include both the removal of all structures and equipment and reclamation of the site, including re-vegetation consistent with the surrounding landscape.

## Chapter 22

### Design Review

This chapter establishes a design review overlay district and some broadly applicable standards for architectural and site design in that overlay. Additionally, more specific architectural and site design standards also apply in many zoning districts. Landscape design is addressed in Chapter 23.

#### 22.1 Purpose

##### **22.1.1 What is the purpose of the design review districts and standards adopted in this chapter?**

Design review is intended to help ensure that new buildings and major additions to existing buildings along Williston's major roads make a positive contribution to the visual character of the community, and thus to its continued success as a place to live, learn, play, work, and conduct business.

##### **22.1.2 Does the town have the authority to regulate design?** Yes. 24 V.S.A. 4414(1)(E) authorizes Vermont municipalities to create design review districts and require a detailed review of the design features of development within those districts. Policy 4.2 of the *Comprehensive Plan* states:

The Town of Williston will continue to promote commercial site planning and architectural design that responds to the vision stated in Chapter 2. This will be accomplished via the existing design review process, with some additions and revisions.

##### **22.1.3 Isn't design just a matter of preference or taste?** No. While most design review standards cannot be made quantitative like the dimensional standards adopted in this bylaw, the standards adopted here address definite, easily identified elements of proposed developments and call for levels of performance with which compliance can be assessed in a way that is consistent and fair.

#### 22.2 Design Review District

##### **22.2.1 What are the boundaries of the design review district?** The design review district that is established in this chapter is not a separate zoning district (the zoning established in Chapters 31-42 of this bylaw applies everywhere in Williston). It is an overlay that includes the portions of the ~~BPZD~~, GZDS, GZDN, GZDW, MUCZD, MURZD, and TCZD, and all lots in the IZDW that abut Marshall Avenue or Route 2. ~~Areas within these districts within~~ ~~T~~he Taft Corners Form Based Code ~~Overlay Zoning~~ District, which has its own design standards ([Appendix FWDB 32](#)), are not in the design review district regulated by this chapter.

**Isn't there also design review in the Village?** Yes, but the VZD is a separate zoning district, in which design review is established under a different authority in Chapter 42 of this bylaw.

##### **22.2.2 Is all development in the design review district subject to the standards adopted here?** No. The design review standards adopted in this chapter apply broadly: all new commercial, industrial, and institutional buildings and multiple-household dwellings, and major additions to those buildings are covered. The design review standards adopted in this chapter do not apply to one- and two-household dwellings or to accessory structures that are not visible from a public way.

##### **22.2.3 If these standards only say "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 wide range of building and site types, and contexts, and of the difficulty of writing design review standards that can address this diversity. ‘Should’ provides some flexibility for the DRB to accept practical solutions that are in the spirit of the *Comprehensive Plan* and these standards.

**22.3 Architectural Design: Form, Color and Materials.** The form (shape), colors, and materials used in the surrounding buildings are, after signs, the most noticeable feature of a streetscape. How well they are designed will be a major determinant of the success – both commercially and as a part of the community – of a development.

**22.3.1 Respect the Context.** The choice of building form, colors, and materials should be compatible with the surrounding landscape and built environment. It is especially important that the bulk and proportions (height, width, depth) not be a radical departure from the context, except in redeveloping areas where larger buildings are consistent with the *Comprehensive Plan* or an applicable specific plan.

**22.3.2 Form Should Follow Function.** Building facades should reflect true building form or to say it another way, the building’s functions. False fronts are generally inappropriate.

**22.3.3 Provide Enclosure.** Streets and outdoor spaces like urban parks (greens, plazas, squares, whatever you call them) function best if the surrounding buildings are tall enough to provide a sense of enclosure. Construction of multiple story buildings is strongly encouraged in some zoning districts (BPZD, MUCZD, MURZD, TCZD), but this principle applies everywhere.

**22.3.4 Size Outdoor Spaces Properly.** Urban parks (the generic term for greens, plazas, squares, and similar outdoor spaces) are not comfortable for users if they are too large. These spaces should be sized appropriately so that a sense of enclosure is provided by the surrounding buildings and landscaping.

**How Big is Too Big?** A rule-of thumb is that the width of an urban park (the distance between the surrounding buildings, including sidewalks and streets, if any are present, as well as the urban park) should be no more than about twice (2X) the height of the surrounding buildings. So, the maximum width of an urban park where there is a 36-foot height limit should not be much more than 72 feet. The performance standard adopted above provides designers and the DRB with some flexibility by not stating a number.

**22.3.5 Use a Variety of Colors and Materials, but With Restraint.** A variety of colors and materials with different textures should be used to create visual interest in buildings, but the variation in color and materials should not be simply for variety’s sake. It should reflect the functions that must be served. For example, the sign band on a building or group of buildings could be used to introduce a different color and material. Likewise, different materials could be used to mark entrances, as required by WDB 22.4.1.

**22.3.6 Avoid Dead Walls.** Dead walls are prohibited in the most pedestrian-oriented zoning districts (MUCZD, MURZD, TCZD), but should be avoided in many other situations. At the least architectural features, including doors, windows, and detailing should offer some horizontal and/or vertical relief from monotonous walls.

**22.3.7 Do Not Use Reflective Materials.** Designers should choose building materials that do not generate glare. The DRB may require that roof, wall, or other materials be non-reflective. The DRB may also limit the glass area presented by a building to minimize glare. WDB 31.9.8.3 provides additional authority to limit the use of reflective materials in the ARZD and GZDS.

**22.4 Architectural Design: Doors and Windows.** Doors and windows connect a building to the community. How they are placed and spaced is an important element of the streetscape.

#### **22.4.1 Mark Building Entrances**

22.4.1.1 Entrances and Architecture. Principal building entrances should be marked by architectural features that make their location readily visible from the parking areas, pedestrian ways, and streets that serve the building.

22.4.1.2 Entrances and the Site Plan. Wayfinding to the principal entrances of the building should be reinforced by the site plan, including the placement of sidewalks, landscaping, outdoor lighting, signage, and the location of functional outdoor areas, which may relate to, but not obscure the entrance.

22.4.1.3 Relationship to the Street. A strong, direct relationship between principal building entrances and the street is required in some zoning districts. See the BPZD, MUCZD, MURZD, and TCZD.

#### **22.4.2 Protect Building Entrances**

22.4.2.1 From the Climate. Principal building entrances must be provided with permanent overhead protection from the elements, including ice and snow falling from the roof.

22.4.2.2 From Conflicts. Service areas, including dumpster and utility enclosures, must be separated from principal building entrances.

**Isn't that obvious?** Williston actually has some particularly egregious violations of this standard. People who want to dine at the Ponderosa walk right by the dumpster enclosure. Depending on where they park, office workers in Building C of Maple Tree Place must pass between dumpsters and loading doors.

**22.4.3 Provide Airlocks.** Principal entrances to buildings must incorporate an airlock. This standard does not apply to entrances for vehicles, to loading doors, or to emergency exits used for that purpose only. The DRB may permit other exceptions to this standard for minor entrances.

**22.4.4 Use Doors and Windows to Provide a Strong, but Compatible Visual Pattern or Rhythm.** The placement and spacing of doors and windows should create a consistent rhythm and the size and design of doors and windows must be compatible with the building's overall size and bulk, and with the pattern of entrances and fenestration of neighboring buildings.

**22.4.5 Shield Light Spill from Windows.** Where the terrain does not provide it, landscaping shall be used to screen and diffuse the light emanating from large banks of windows. Compliance with this standard is especially important for proposed buildings on slopes. For the application of this standard in the GZDS see WDB 34.8.5.5.

### **22.5 Architectural Design: Roofs**

**22.5.1 Use Pitched Roofs.** Pitched roofs are preferred over flat, but it is acknowledged that a flat roof may be most practical for some types of building, especially in the IZDW. Pitched roofs are required

wherever a height incentive is claimed under WDB 37.5.4, 38.5.4, or 41.5.4.

**22.5.2 Consider Sliding Ice and Snow.** Building entrances (see WDB 22.4.2.1), parking areas, and pedestrian ways must be protected from ice and snow sliding off roofs. This may be accomplished by a roof plan that directs ice and snow away from these areas and/or by structural protection.

**22.5.3 Use Compatible Colors, Forms, and Materials.** Roof colors, forms, and materials should be compatible with the colors, detailing, and materials used on the building and on neighboring buildings. Variations in roof form should reflect the building's function, reinforce the architectural detailing (for example, roof form could be used to help mark entrances, as required by WDB 22.4.1.1), and not be overly complicated.

**22.5.4 Hide Roof Drains.** Roof drains must be integrated into the design of the facade on which they are mounted, not added as an afterthought.

**22.5.5 Consider the View from Above.** There are a few places in Williston's design review district where a roof may be viewed from above. New development in those places must provide a rendering of the view of the roof in its application for a discretionary permit and the DRB may require modifications of the plans submitted (switching from roof-mounted to ground-mounted mechanical equipment for example) to minimize the impact on the view.

**22.6 Mixed Use Buildings.** Williston's *Comprehensive Plan* encourages mixed-use development, with the goal of making it possible for people to live near commercial services and places of employment. There is, however, a higher potential for conflict among uses are mixed, and especially where they are mixed in the same building.

**22.6.1 What must mixed-use developments do to ensure compatibility?** First, the plans submitted for a proposed mixed-use development must clearly demonstrate compliance with the standards adopted in this chapter. In particular, the applicant should anticipate the need for soundproofing and show how that has been provided in compliance with Chapter 18 of this bylaw.

**22.6.2 Are there additional standards for buildings that house both residential and commercial uses?** Yes.

#### 22.6.2.1 Entrances

- Different uses may share an entrance, but the principal entrance/s to the dwellings shall not pass directly by solid waste containers or other equipment or installations that must be screened or located away from neighboring uses, as required by Chapter 23 of this bylaw.
- The principal entrance to the dwellings should be from/through a pedestrian-scale space, not directly from a parking lot that is also used for commercial purposes. This could mean entry from a pedestrian-friendly commercial streetscape or entry via a private courtyard or similar space.

#### 22.6.2.2 Hours of Operation

- As provided in Chapter 18 of this bylaw, the DRB may impose limits on the hours of operation of businesses in mixed-use developments to help maintain use compatibility.
- The DRB may also impose limits on the hours during which deliveries may be accepted and/or trash collection may be scheduled.

**22.6.2.3 Outdoor Space.** Residents of mixed-use buildings shall have reasonable access to an outdoor space. This could be in the form of a private courtyard or door yard garden, but can also be in the form of an urban or neighborhood park that is within a five-minute walk.

**22.6.2.4 Signs and Lighting.** The location and design of signs and outdoor lighting is even more important than usual in mixed-use developments. The DRB may impose limits on signs and outdoor lighting that are more stringent than those established elsewhere in this bylaw to ensure use compatibility in mixed-use developments.

**22.6.2.5 Soundproofing.** The DRB will require applicants to demonstrate that night-time interior sound levels in the residential portions of proposed mixed-use developments will not exceed 40 dBA<sub>L10</sub>.

**22.6.2.6 Views.** Dwellings in proposed mixed-use buildings must be designed to provide their residents with views to the mountains, nearby open spaces, or attractive streetscapes. Designs that feature views primarily of rooftops, parking areas, or service spaces will be rejected.

**22.7 Outdoor Lighting.** Chapter 24 of this bylaw regulates the intensity and type of outdoor illumination that may be provided. Beyond those standards, design review will consider the choice of luminaires, pole, pole bases, and other elements of the outdoor lighting system, which should complement and be compatible with the other design features of the building and the site.

**22.8 Signs.** Architectural and site design must anticipate the need for signs as required by Chapter 25 of this bylaw.

**22.9 Site Planning.** The functional aspects of site planning are covered in other chapters of this bylaw and additional site design standards apply in many zoning districts.

**22.9.1 *Respect the Terrain*.** Consistent with the watershed protection standards of Chapter 29 and the specific standards adopted in some districts, buildings, parking areas, and other site improvements should fit the terrain, rather than the land being fit to the building.

**22.9.2 *Build a Strong Street Line, as Appropriate for the Area*.** Buildings, not parking areas, should dominate streetscapes in the commercial and mixed-use zoning districts, while an ample green planting strip and buffer should be provided in the industrial zoning districts.

**22.9.3 *Leave Front Yards Open*.** Front yard (along the street) fencing is generally not permitted for commercial, industrial, institutional, or multi-household developments. The DRB may allow an exception to this standard for industrial developments where it finds that the presence of hazards or need for security outweigh the aesthetic value of an open streetscape.

**22.9.4 *Fencing and Screening*.** Where fencing is provided, it shall be of a type that is compatible with the surrounding landscape and uses. Traditional fencing patterns, like stone walls or picket

fences, will be preferred. The DRB may permit security fencing of side and back yards where it is necessary to prevent public access.

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Adopted by the Selectboard: 6/1/2009 Amended: 6/10/2017/2024 3

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## **Chapter 23**

### **Landscaping**

This chapter provides performance standards for the landscaping of all development for which a discretionary permit is required, including higher density residential, mixed-use, commercial, industrial, and institutional developments.

These standards seek to:

- protect functional existing vegetation as development occurs;
- protect water quality by integrating landscaping with measures to control stormwater runoff and erosion;
- limit runoff and allow for groundwater and wetlands recharge by maintaining vegetated spaces in developing areas;
- protect urban wildlife habitat by requiring species diversity and vertical structure in most landscaped spaces;
- ensure land use compatibility by requiring effective landscaped buffers between potentially incompatible uses;
- create favorable microclimates and reduce energy consumption in developed spaces;
- complement other requirements of this bylaw, including the requirements for erosion and runoff control, watershed protection buffers, the provision of neighborhood parks, the provision of trails; and site maintenance; and
- maintain and enhance the appearance and character of individual developments and the community.

#### **23.1 Applicability – Landscape Plans**

**23.1.1 Do these standards apply to my project?** These standards apply to all development for which a Discretionary or Administrative permit is required. Within the Taft Corners Form-Based Code Zoning District (TCFBC), only the standards of WDB 23.7 Plant Materials and 23.8 Installation and Maintenance are applicable, however the TCFBC shall prevail where there is a conflict between these standards and the code.

**23.1.2 How do these requirements interact with other requirements of this bylaw?** Virtually every development in Williston is required to provide open space. Some of that open space must be left in its existing condition and some of it must be landscaped, as required by this chapter. Both types of requirements may apply to the same development. Areas in which existing vegetation generally must be retained are listed below. This chapter applies to all other open areas, including landscaped buffers and setbacks.

**23.1.2.1 Open Fields and Meadows**. The annual mowing of open field and meadows may be required by the DRB to preserve scenic views. Where mowing is required, the DRB may impose a requirement that mowing take place after June 15 in order to protect nesting birds

**23.1.2.2 Open Space Development**.

- Residential subdivisions in the ARZD are generally (there is an exception for parcels under 10.5 acres) required to provide substantial open space, not all of which will necessarily fall into one of the other categories listed here. This required open space is generally to be left in the existing vegetation, but certain exceptions may be required or permitted by Chapter 31, which may also require the enhancement of existing vegetation.
- Residential subdivisions in the RZD and VZD may be required to provide substantial open space, not all of which will necessarily fall into one of the other categories listed here. This required open space is generally to be left in the existing vegetation, but certain exceptions may be permitted by the DRB.

**23.1.2.3 Watershed Protection**. Existing riparian and wetlands vegetation is to be retained within the watershed protection buffers required by Chapter 29 of this bylaw.

**23.1.2.4 Wildlife Habitat**. Existing vegetation is to be retained in habitat conservation areas that are protected from development.

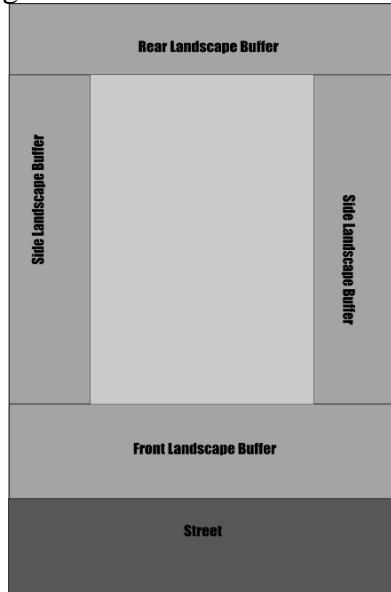
**23.1.2.5 Woodland and Forest**. Existing woodland and forest vegetation must be retained outside any clearing limits imposed by the DRB.

**23.1.2.6 Forest Management**. None of the above preclude pruning, thinning, or the selective harvest of trees in accordance with a forest management plan.

**23.1.3 *Must I submit a landscaping plan?*** Yes. All applications for a discretionary permit must be accompanied by a landscaping plan, the required contents of which are listed in the *Landscaping Plan Checklist*. This requirement does not apply to proposed developments in which no new landscaping is required by this or other chapters of this bylaw.

**23.1.4 *Which landscape buffer requirements apply to which parts of my site?*** Front yard landscape buffers are measured from the property line adjacent to the street and extend from one side property line to the other side property line and cover the entire land area between the side property lines. Front yard landscape buffer requirements and design standards supersede side landscape buffers where they overlap. Side and rear yard buffers are measured from the side and rear property lines.

## Landscape Buffer Requirement Diagram



### 23.2 Existing Vegetation

**23.2.1 Can I clear an entire site of existing vegetation?** The clearing of an entire site of more than one-half (1/2) acre at one time is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6. Vegetation must be removed from larger sites in phases. This may eventually lead to removal of vegetation from an entire site, but note that WDB 23.2.2 requires functional existing vegetation to be retained wherever possible.

**23.2.2 Can I replace all existing vegetation?** Existing vegetation that can effectively serve the landscaping functions listed in the introduction to this chapter shall be retained to the extent possible, while accommodating the permitted level of development. An application for a permit may be rejected solely on the grounds that it fails to retain existing vegetation where that vegetation can fulfill the functions listed in the introduction to this chapter.

**23.2.3 Must I protect existing vegetation during construction?** Yes. Existing vegetation that is to be retained must be protected from damage during construction, as required by the *Public Works Standards*. The landscaping plan must include a schedule showing that all measures required to protect existing vegetation will be put in place before other construction activities begin. This schedule may apply to the entire site or to sequential phases of construction.

### 23.3 Landscaped Buffers

**23.3.1 Must a development provide landscaped buffers for adjoining uses?** Table 23.A shows where landscaped buffers are required. It also summarizes the principal standards for the design of those buffers, which are set forth in detail below.

**23.3.2 How wide must the required landscaped buffers be?** Table 23.A establishes a minimum width for landscaped buffers of different types in different situations. This minimum width may, in some cases, be reduced by the inclusion of an earthen berm or screening fence, as provided by WDB 23.3.3. The types of landscaped buffers are described below. The landscaping plan must show the dimensions of the proposed buffer/s, including all crossings and inclusions; a planting design and schedule appropriate for the proposed buffer type; and one or more typical cross-sections. Plant selection is subject to the requirements of WDB 23.7.

**23.3.2.1 Watershed Protection Buffers.** A watershed protection buffer required by Chapter 29 may be used as a landscaped buffer required by Table 23.A. Where the watershed protection buffer consists primarily of marsh or open water, it shall be supplemented by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least eight (8) feet in width.

**DRB Discretion.** ‘Context’ simply means the surroundings. Determining what type of landscaped buffer will be appropriate in a particular context is an important exercise of discretion for the DRB, with the advice of the advisory boards. The DRB and the advisory boards also have the discretion to determine whether or not a berm and/or a screening fence are needed in a landscaped buffer, and to review the design of berms and fences.

**23.3.2.2 Type I - Existing Vegetation.** A landscaped buffer composed primarily of existing woodland or forest that must be of sufficient height and density to provide an effective visual buffer. Where this type of buffer is proposed, the landscaping plan shall include photographic documentation of the buffer’s effectiveness. The landscaping plan shall also propose supplemental new plantings where the existing vegetation is too thin to be an effective visual buffer. This type of buffer must be relatively wide to sustain its habitat value and to function as a woodland or forest that needs only minimal maintenance. Other types of buffers may be narrower but are assumed to require regular maintenance.

**23.3.2.3 Type II - Dense Plantings.** A Type II landscaped buffer must be composed primarily of continuous dense screening vegetation that will grow to at least six (6) feet in height. The screening vegetation or hedge must be supplemented, on the exterior side, by a Type III or IV landscaped buffer, whichever is most appropriate to the context, of at least (8) feet in width. This type of buffer is most appropriate in re-development projects where space is limited. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

**23.3.2.4 Type III – Informal Plantings.** A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting. This type of buffer can be used in many circumstances. The DRB may require an earthen berm, a screening fence or wall, and/or additional plant materials where the uses being separated are substantially different in intensity. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

**23.3.2.5 Type IV – Formal Plantings.** A Type IV landscaped buffer is a park-like landscaped area that includes a ground cover of turf and major trees. It may also include ornamental trees, shrubs, flowers, and planters. Plantings are usually evenly distributed, although an artistic departure from pattern may be permitted. The minimum density of planting per 100 feet of buffer shall be: a full ground cover of turf and three major trees. This type of buffer is most appropriate between uses of similar intensity or along public ways. It does not include a berm or a fence.

**23.3.3 Will screening berms or fences be required? Can a screening berm or fence be used to reduce the width of a required buffer?** In some cases.

**23.3.3.1 Earthen Berms.** An earthen berm may be required to increase the effectiveness of a landscaped buffer for outdoor storage and/or work areas, including areas where trucks or heavy machinery will be parked. The landscaping plan shall show the contours of the proposed berm and one or more cross-sections detailing its construction. The required buffer width may be reduced by the height of the berm, but not by more than 25%.

- Berms should not ordinarily be more than six feet in height. The DRB may, however, permit a higher berm where physical characteristics of the site, like grade changes, warrant it.
- No berm shall have a slope greater than 3:1, except where a retaining wall is used.
- Retaining walls shall be constructed of, or faced with timber, native or cast stone, or masonry that matches or complements buildings on the site.
- Retaining walls should ordinarily face inward, away from public ways. The DRB may, however, permit an exception where an outward-facing retaining wall results in less grading.
- Plans calling for retaining walls that are four feet or more in height shall be accompanied by engineering specifications demonstrating that the proposed retaining walls are capable of bearing the anticipated load.

**23.3.3.2 Screening Fences.** An opaque fence may be required to increase the effectiveness of a landscaped buffer for outdoor storage and/or work areas, including areas where trucks or heavy machinery will be parked. The landscaping plan shall show the location of the screening fence and provide one or more elevations detailing its construction. The buffer's width may be reduced by the height of the fence, but not by more than 25%. The height and design of a screening fence is subject to design review and approval by the DRB. Fence materials, patterns, and colors should match or complement the materials, architectural details, and colors used on buildings on the site.

**23.3.4 Are any impervious surfaces permitted in landscaped buffers?** Yes.

**23.3.4.1 Crossings.** Landscaped buffers may be crossed by driveways, roads, sidewalks, trails, and utility lines, including necessary risers and boxes, serving the development. The width of

these crossings will necessarily vary with the scale and nature of the development, but should be minimized.

23.3.4.2 Sidewalks/Trails. Sidewalks and trails may run within and parallel to a landscaped buffer. The width of the sidewalk or trail shall not, however, be counted as part of the width of the buffer.

23.3.4.3 Light Standards. The bases of standards for approved outdoor lighting may be placed in a landscaped buffer.

23.3.4.4 Miscellaneous. The base of a permitted free-standing or directional sign may be placed in a landscaped buffer. Landscaped buffers may also include retaining walls, planters, minor impervious surfaces that are part of runoff and erosion control works; and sculptures or other works of art.

**23.3.5 Do landscaped buffer requirements eliminate setback requirements?** Where they are required, they eliminate side and rear setbacks, but do not eliminate front setbacks. Landscaped buffers replace rear and side yard requirements for uses other than one- and two-household dwellings. Front setback requirements vary with the type of street and may be found in the chapters establishing the individual zoning districts.

**23.3.6 Should landscaped buffers be used as part of development's stormwater management system?** Required landscaped buffers must function as part of the development's stormwater management system wherever feasible. See WDB 29.5 and other provisions of Chapter 29 of this bylaw concerning the role of vegetation in stormwater management.

**23.4 Landscaped Screening** Utility installations, mechanical equipment, solid waste containers, and the like must be fully screened from view from neighboring properties and public ways.

**23.4.1. How should screening be provided?** Screening for utility installations, mechanical equipment, solid waste containers, and the like must include a dense evergreen hedge and other plant materials that are at least five (5) feet deep. The DRB may permit an exception to this standard where space constraints prevent provision of an adequate hedge. Where such an exception is made, screening must be accomplished using a fence or wall that complies with WDB 23.4.2.

**23.4.2 Will more screening ever be required?** Possibly. The DRB may require that a berm, fence, or wall be used supplement the landscaped screening. Fence or wall materials, patterns, and colors must match or complement the materials, architectural details, and colors used on buildings on the site.

**Table 23.A - Landscaped Buffer Matrix**

use providing buffer	adjoining use	Minimum Buffer Width			
		Type I(1)	Type II(2)	Type III(3)	Type IV(3)
open space residential, ARZD	Any other use	<i>Open space developments must provide ample buffers. See Chapters 31 and 39 of this bylaw.</i>			
other residential subdivisions, One- and two-household dwellings	agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	9 feet	not permitted
	other residential subdivisions	50 feet	not permitted	9 feet	9 feet
	higher density residential	50 feet	13 feet	23 feet	23 feet
	mixed use, including residential	50 feet	13 feet	23 feet	27 feet
	retail/service commercial	50 feet	13 feet	27 feet	36 feet
	heavy commercial/industrial (4) public ways	50 feet	13 feet	36 feet	not permitted
<i>See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.</i>					
higher density residential in the RZD or VZD	agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	9 feet	not permitted
	other residential subdivisions	50 feet	13 feet	23 feet	27 feet
	higher density residential	50 feet	13 feet	9 feet	23 feet
	mixed use, including residential	50 feet	13 feet	9 feet	23 feet
	retail/service commercial	50 feet	13 feet	23 feet	27 feet
	heavy commercial/industrial (4) public way	50 feet	13 feet	36 feet	36 feet
<i>See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.</i>					
mixed use including residential	agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	23 feet	not permitted
	other residential subdivisions	50 feet	13 feet	23 feet	27 feet
	higher density residential	50 feet	13 feet	9 feet	23 feet
	mixed use, including residential	50 feet	13 feet	9 feet	23 feet

**Table 23.A, continued**

		Minimum Buffer Width			
		Type I(1)	Type II(2)	Type III(3)	Type IV(3)
	neighbor				
	retail/service commercial	50 feet	13 feet	23 feet	27 feet
	heavy commercial/industrial (4)	50 feet	13 feet	27 feet	36 feet
	public way				
		<i>See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.</i>			
retail/service commercial	Agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential	50 feet	not permitted	23 feet	not permitted
	other residential subdivisions	50 feet	13 feet	27 feet	36 feet
	higher density residential	50 feet	13 feet	23 feet	27 feet
	mixed use, including residential	50 feet	13 feet	23 feet	27 feet
	retail/service commercial	50 feet	13 feet	9 feet	23 feet
	heavy commercial/industrial (4)	50 feet	13 feet	23 feet	27 feet
	public way				
		<i>See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.</i>			
heavy commercial/industrial	Agriculture/conserved lands	50 feet	not permitted	36 feet	not permitted
	open space residential		<i>Open space developments must provide ample buffers. See Chapters 31 and 39 of this bylaw.</i>		
	other residential subdivisions	50 feet	23 feet	36 feet	48 feet
	higher density residential	50 feet	23 feet	27 feet	36 feet
	mixed use, including residential	50 feet	23 feet	27 feet	36 feet
	retail/service commercial	50 feet	13 feet	23 feet	27 feet
	heavy commercial/industrial (4)	50 feet	13 feet	9 feet	23 feet
	public way				
		<i>See the dimensional standards for your zoning district. See also Chapter 26 - Street Trees.</i>			

(1) Minimum 50 feet width for Type I is based on typical tree height and reflects the protection of habitat values and low maintenance needs of remnant woodland or forest.

(2) Type II buffer heights are based on the width of a hedge plus an 8-foot planting strip. Type II is permitted only where space limitations preclude use of the other types.

(3) Type III and IV buffer heights are based on the maximum building height, or fractions thereof.

(4) All outdoor storage and work areas are to be treated as heavy commercial/industrial.

**23.5 Landscaping Parking Lots** Parking lots are subject to the same buffering requirements as the uses they serve. These standards call for additional landscaping within larger parking lots.

**23.5.1 Is landscaping required within parking areas?** Yes.

23.5.1.1 5% Landscaping. Parking areas that include more than 24 spaces shall be broken up by landscaped islands or medians that occupy a minimum of five percent (5%) of the parking area.

23.5.1.2 Rank Length No single rank of parking spaces shall include more than 24 spaces without being broken up by one or more landscaped islands or medians.

23.5.1.3 Shade Trees. Parking lot landscaping shall include large high branching deciduous shade trees that will help keep paved surfaces cool by creating a canopy that is as continuous as possible over the parking area.

23.5.1.4 Soil Volume. Landscaped islands and medians must have an uncompacted soil volume sufficient to support long-term health of the proposed plant materials. The DRB may require the use of porous pavement and/or structural soils to help ensure the success of plantings.

**23.5.2 Should parking lot landscaping be integrated into the stormwater system?** Yes. Wherever feasible, parking lot landscaping should be designed to function as part of the stormwater management system required by Chapter 29 of this bylaw.

**23.5.3 What about snow storage and landscaping? Aren't they incompatible?** Landscaping and snow storage can co-exist. Salt-tolerant plant materials must be used in and around parking areas and in the snow storage areas required by WDB 16.6. Plant materials selected for these areas must also have a growth form that is not subject to, or that resists, the physical damage that can be caused by snow moving equipment and the stacking of snow. See WDB 16.6 for more on snow storage.

## 23.6 Landscaping Setbacks from Roads

**23.6.1 Is landscaping required along public and private roads?** Almost always. Chapter 26 of this bylaw requires street trees along both sides of new roads, public or private, and along the existing road frontage of redevelopment projects. A landscaped front setback area is also required in most zoning districts.

**23.6.2 Are there additional landscaping requirements in the VZD?** Landscaping must be consistent with the historic character of the Village. See Chapter 42 of this bylaw.

## 23.7 Plant Materials

**23.7.1 What criteria should be used in selecting plant materials?** Plant materials should include a variety of species (see WDB 23.7.3), that are:

- native to Vermont, where possible;
- exhibit Vermont fall foliage, where possible;

- well-adapted (hardy) for the site;
- suitable for the functions the landscaping must perform; and
- that provide color throughout the growing season and into winter.
- Salt-tolerant species must be used near roads, parking areas, and pedestrian ways.

**Which tree should I use?** A useful guide to the selection of trees that appropriate for different functions and sites is the *Vermont Tree Selection Guide*, a copy of which is available for review at Williston Planning.

**23.7.2 Are the plants that may be used limited?** Yes. The species listed in Table 23.B must not be used.

**Table 23.B – Prohibited Species**

Common Name(s)	Scientific Name
<b>TREES</b>	
Norway Maple	<i>Acer platanoides</i>
Amur Maple	<i>Acer ginnala</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Black Locust	<i>Robinia pseudoacacia</i>
<b>SHRUBS</b>	
Japanese barberry	<i>Berberis thunbergii</i>
Common Barberry	<i>Berberis vulgaris</i>
Bush Honeysuckles (many varieties)	<i>Lonicera, spp.</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Multiflora Rose	<i>Rosa multiflora</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Burning Bush	<i>Euonymous alata</i>
<b>HERBACEOUS</b>	
Celandine	<i>Chelidonium majus</i>
Oriental Bittersweet	<i>Celastrus orbiculatus</i>
Flowering Rush	<i>Butomus umbellatus</i>
Common Reed	<i>Phragmites australis</i>
Goutweed	<i>Aegopodium podagraria</i>
Garlic Mustard	<i>Alliaria petiolata</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Pale Swallow-wort	<i>Vincetoxicum hirundinaria</i>
Japanese knotweed	<i>Polygonum cuspidatum</i>
Wild Chervil	<i>Anthriscus sylvestris</i>

Yellow-flag iris	<i>Iris pseudacorus</i>
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**23.7.3 What does a ‘variety’ of species mean?** Species diversity must be maintained to ensure that landscaping continues to function when one or more plant species are affected by a pest or disease. No more than 15% of the plants (excepting turf grass and other ground covers) used on a site may be from the same genus.

**23.7.3.1 Green Ash.** The use of green ash - which currently accounts for over 40% of all new tree plantings in Williston – in required plantings is banned. The DRB may permit an exception to this prohibition to support a particular landscape design concept.

**23.7.3.2 Departures.** The DRB may approve departures from this standard to support a particular landscape design concept.

**23.7.4 Are there specifications for plant materials and their installation?** Yes.

**23.7.4.1 American Standard.** Plant materials shall conform to ANSI Z60.1 the *American Standard for Nursery Stock*.

**23.7.4.2 Size of Materials.** The minimum size of new plant materials installed in required plantings shall be as follows:

- large trees – 2 ½ inch caliper
- medium and small trees – 2 inch caliper
- shrubs, ornamentals – 2 gallon

Departures from these standards may be proposed, and approved by the DRB, for mass plantings.

**23.7.4.3. Soil Volume.** The landscaping plan must demonstrate that there is an un-compacted soil volume sufficient to support the long-term health of all plant materials. This standard is especially important in urban parks and plazas, and in narrow planting strips. The DRB may require the use of porous pavement and/or structural soils under adjoining paved surfaces to help ensure the success of plantings.

**Soil Volume?** Recommended un-compacted soil volumes for trees are listed in *Recommended Trees for Vermont Communities*.

**Structural Soil?** Structural soil is designed to provide adequate support for paved surfaces like parking lots and sidewalks, while also serving as a suitable medium, for tree growth and health. Specifications for structural soil are included in the *Public Works Standards*. For more information about structural soil, visit the Cornell University web site: <http://www.hort.cornell.edu/department/faculty/bassuk/uhi/>

**23.7.4.4 In Snow Storage Areas.** Salt-tolerant plant materials must be used in and around paved areas and in the snow storage areas required by WDB 16.6. Plant materials selected for these

areas must also have a growth form that is not subject to, or that resists, the physical damage that can be caused by snow moving equipment and the stacking of snow.

## **23.8 Landscaping Installation and Maintenance**

### ***23.8.1 Are there requirements for the installation of landscaping?*** Yes

23.8.1.1 Supervision. Installation of landscaping in development containing more than 20,000 square feet of landscaping must be supervised by a landscape architect, a certified arborist, or a certified horticulturist.

23.8.1.2 ANSI Standard. Trees and shrubs shall be installed in compliance with the current edition of *ANSI A290 – Best Management Practices – Tree Planting*,

23.8.1.3 Distance from Curb. No tree may be planted closer to any curb or sidewalk than the following: small trees – 3 feet; medium trees – 4 feet; large trees – 5 feet (tree species are identified as small, medium or large in *Recommended Trees for Vermont Communities*).

23.8.1.4 Other Utilities. Tree location must be coordinated with the location of light standards and other overhead utilities.

23.8.1.5 Inspection. Landscaping is subject to the inspection requirements of WDB 7.1.7.

**23.8.2 Are there landscaping maintenance requirements?** Yes. Landscaping is a ‘required improvement,’ as defined in Chapter 7 of this bylaw, subject to all requirements that chapter imposes. See also the maintenance requirements of WDB 16.3.1.

**23.8.3 Must new landscaping be watered?** Landscaping plans required by WDB 23.1.3 shall include provisions for the timely irrigation whenever it will be necessary to support newly installed plant materials. ‘Timely’ irrigation is once a week in any week during the growing season when natural precipitation has totaled less than one (1) inch.

**23.8.4 Must a maintenance manual be provided?** Where there will be more than 20,000 square feet of landscaping, the landscaping plan shall include a maintenance manual.

## Chapter 24

### Outdoor Lighting

This chapter establishes standards for outdoor illumination.

#### 24.1 Scope and Purpose

**24.1.1 What is “outdoor lighting”?** Outdoor lighting includes any outdoor illuminating device, lamp, light, reflective surface, luminous tube, or similar device, permanently installed or portable, used for illumination, decoration, or as part of a sign.

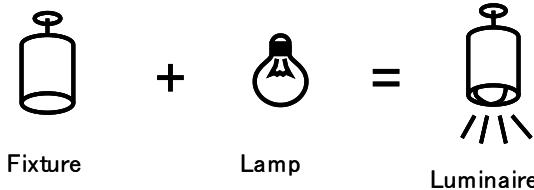
**24.1.2 What is the purpose of these standards?** The purpose of this chapter is to allow for outdoor lighting that enhances the safety, security, and nighttime use of property while minimizing the obtrusive effects of outdoor lighting on neighboring parcels, public ways, and the night sky. These standards seek to direct appropriate amounts of light to where it is needed, when it is needed; to increase the use of energy-efficient light sources; and to reduce the waste of light and glare from over lighting and poorly shielded or inappropriately directed lighting fixtures.

#### Lighting Terminology

A **fixture** is the assembly that houses a lamp or lamps. It may include mounting brackets; a ballast; lamp socket; a reflector, mirror, or refractor; lens, and/or a shield.

A **lamp** is the component of a luminaire that produces the actual light. One example is an incandescent light bulb.

A **luminaire** is a complete lighting system, including the lamp or lamps and fixture.



A **lumen** is a unit used to measure the amount of light emitted by lamps. For example, a basic 60-watt incandescent bulb and a 15-watt compact fluorescent bulb both emit approximately 900 lumens when new. For the purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

A **foot-candle** is a unit of light intensity equal to one lumen per square foot. Foot-candles can be measured using a light meter. Unless otherwise specified in this bylaw, foot-candles shall be measured horizontally at grade level.

A **pole** is a more or less vertical support that holds a luminaire at a specified mounting height.

#### 24.2 Applicability

**24.2.1 Does my outdoor lighting have to meet the requirements of this chapter?** Yes. Unless it is specifically exempted by WDB 24.2.3, new and replacement outdoor lighting must comply with the standards of this chapter. Where lighting standards in the Taft Corners Form-Based Code Zoning District conflict with the requirements of this chapter, the standards of the Taft Corners Form-Based Code Zoning District shall prevail.

**24.2.2 Do I have to get a permit to install outdoor lighting?** An administrative permit is required to install outdoor lighting that is not exempted by WDB 24.2.3. The installation of outdoor lighting without a permit is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6. Outdoor lighting must also be shown on applications for discretionary permits, as required by WDB 24.3.

**24.2.3 Are there types of outdoor lighting for which no permit is required?** Yes.

24.2.3.1 Emergency Lighting. No permit is required for temporary emergency lighting used by the fire, police, and public works departments or other emergency service agencies.

24.2.3.2 Residential Lighting. No permit is required for outdoor lights that are installed at one- and two-household dwellings and that are rated at 1,200 initial lumens or less per lamp, as long as the maximum lumen output per dwelling set by Table 24.A (5,500 initial lumens) is not exceeded. Floodlights rated less than 1,200 initial lumens are included in this exception; however, all floodlights must adhere to the installation guidelines of WDB 24.5.1.

**What does 1,200 initial lumens actually mean?** 1,200 lumens initial output is approximately equivalent to one 75-watt incandescent bulb or one 20-watt compact fluorescent bulb.

24.2.3.3 Holiday Lighting. Temporary, seasonal holiday lighting is not subject to review or compliance with this chapter, if (and only if) the following conditions are met:

- Seasonal holiday lighting must not constitute a traffic hazard or a nuisance to neighboring properties.
- Seasonal holiday lighting may be displayed for no more than 60 days.

**24.2.4 Are some types of outdoor lighting prohibited?** Yes.

24.2.4.1 Uplighting. Lighting directed upwards (above horizontal) to illuminate flags, buildings, signs or landscaping is prohibited. The only exception to this standard is that one U.S. flag per parcel may be uplit with luminaires of less than 2,500 lumens total (all lamps).

24.2.4.2 Laser and Search Lights. Laser-source lights and search lights, sweeping or stationary, are prohibited for all but emergency purposes.

24.2.4.3 Moving Lights. Flashing, flickering, moving, or otherwise animated lighting (other than seasonal holiday lighting meeting the requirements of WDB 24.2.3.3) is prohibited.

24.2.4.4 Mercury Vapor. The use of mercury vapor lighting is prohibited.

24.2.4.5 Bands of Light. Lighting fixtures containing lighting elements that form a band of light are not allowed. The use of internally illuminated bands of color and/or light on building exteriors is prohibited.

**24.2.5 Must existing outdoor lighting be brought into compliance when I apply for a permit?** Yes. Existing outdoor lighting that does not comply with the standards established in this chapter has a right to continue as a nonconforming use. As provided by WDB 2.8, however, the DRB may condition approval of a permit required by this bylaw on the removal of nonconforming outdoor lighting.

## **24.3 Lighting Plans**

**24.3.1 What must be submitted with my Discretionary Permit, Administrative Permit, or Sign Permit application in order to approve my outdoor lighting?** The lighting plans called for by the Discretionary Permit Checklist must include a lighting plan that presents the information listed here. Applications for administrative permits, including sign permits, that propose outdoor lighting must include as much of the information listed here as is necessary to demonstrate compliance with the standards of this chapter.

24.3.1.1 Lighting Levels. All applications must show the total lumens per acre or lumens per dwelling in all areas that will be illuminated, including both existing and proposed outdoor lighting. Lighting plans that are part of applications for discretionary permits must include a point-by-point analysis of anticipated illumination levels in all areas that would be illuminated. This lighting grid must be based on the proposed luminaires and their mounting heights. The proposed maximum, minimum, and average illumination levels, and uniformity ratios shall be calculated for each area proposed to be illuminated.

24.3.1.2 Lighting Locations. The lighting plan must outline the area(s) to be illuminated (thus documenting the basis of the calculations called for by WDB 24.3.1.1), and show the locations and mounting heights of all proposed luminaires.

24.3.1.3 Lighting Specifications. The lighting plan include the manufacturer's specifications for all proposed luminaires. There must be sufficient detail to demonstrate compliance with the standards of this chapter, including shielding details and initial lumen outputs.

**24.3.2 May the Administrator refer lighting plans that accompany applications for administrative permits to the HDAC for review?** Yes. Where the proposed lighting has not been reviewed as part of an application for a discretionary permit, the Administrator may refer that proposed lighting to the HDAC for a review of its impacts on neighboring properties, public ways, and the night sky before taking action on the application for an administrative permit.

## **24.4 Lamp and Fixture Types - Shielding**

**24.4.1 What types of lamps are allowed for outdoor lighting in Williston?** The types of lamp allowed include incandescent, compact fluorescent, metal halide, light-emitting diode (LED), and high and low pressure sodium. As per WDB 24.2.4.4, the use of mercury vapor lamps is prohibited. The use of other types of lamps may be approved by the DRB where it finds that they will comply with the standards established in this chapter.

**24.4.2 What types of lighting fixtures are allowed?** Except where specifically exempted in this bylaw, all lighting fixtures must be fully shielded. This means that the fixture is constructed so that all the light emitted by the lamp (including indirect reflection off reflectors) is projected below horizontal. Only low lumen lighting (less than 1,200 lumens per lamp) may be unshielded and Table 24.A sets a stringent limit on the total amount of light that can be generated by unshielded fixtures.

**Where can I find fully shielded lighting fixtures?** The International Dark-Sky Association ([www.darksky.org](http://www.darksky.org)) maintains lists of manufacturers and distributors of fully-shielded lighting fixtures.

## **24.5 Lighting Zones and Cumulative Light Output**

**24.5.1 Are there different lighting standards for different parts of Williston?** Yes. This chapter establishes somewhat different lighting standards for each of the four Lighting Zones listed below.

24.5.1.1 Lighting Zoning 1, which consists of the Agricultural/Rural Zoning District (ARZD);

24.5.1.2 Lighting Zone 2, which consists of the Residential Zoning District (RZD);

24.5.1.3 Lighting Zone 3, which consists of the Village Zoning District (VZD); and

24.5.1.4 Lighting Zone 4 – which encompasses all other zoning districts established in this bylaw.

**24.5.2 Are there limits on the total amount of outdoor light any one parcel can generate?** Yes. Maximum light outputs, as measured in initial lumens per acre of surface to be lit or lumens per residential unit, are specified in Table 24.A.

24.5.2.1 Nonresidential All non-residential uses of lighting must adhere to the lumen/acre maxima of Table 24.A

24.5.2.2 Residential uses are allowed up to 5,500 lumens/residential unit, or the lumen/acre maximum, whichever is less. Of the total allowable lumen output per parcel, only that portion specified in the third column of Table 24.A may originate from luminaires that do not have fully shielded fixtures.

**Table 24.A Maximum Total Lumen Output from Outdoor Lighting**

<b>Lighting Zone</b>	<b>Maximum Allowable Total Lumen Output</b>	<b>Maximum Allowable Unshielded Lumens</b>
1 – ARZD	50,000 lumens/acre or 5,500 lumens/residential unit	4,000 lumens/acre of surface to be lit
2 – RZD	100,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit
3 – VC	100,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit
4 - All Other	200,000 lumens/acre or 5,500 lumens/residential unit	10,000 lumens/acre of surface to be lit

**24.5.3 Are there any types of lighting that are exempt from total lumen/acre maximums?** Yes. Outdoor recreational facility lighting, temporary lighting for special events, and seasonal holiday lighting are exempt from lumen/acre maxima, but this chapter establishes specific requirements for those types of lighting.

**24.5.4 Are there limits to how long my outdoor lights can be on?** Yes, this is another way of limiting light output. Unless otherwise specified in this bylaw - the hours of illumination for some specific

uses are addressed in WDB 24.7 - businesses must turn off outdoor lights, including those illuminating signs, within one half hour after the close of business or 10:00PM whichever is later. Outdoor lights may be turned on one half hour prior to opening. There are some exceptions to this standard.

24.5.4.1 Event Lighting. Recreational or social events requiring outdoor lighting may utilize exterior lighting during the event or activity, but it must be turned off after the event ends.

24.5.4.2 Motion-Activated Lighting. Motion-activated lighting is allowed to be on at all times, provided the lights are programmed to turn off no more than five (5) minutes following the last detectable motion.

## **24.6 Luminaire Orientation and Mounting Height**

**24.6.1 Are there limitations on how and where I can place or orient outdoor lighting on my property?** Yes.

24.6.1.1 Shielding Must be Maintained. Luminaires must be installed so that the full shielding of the fixture is maintained. A fixture cannot be angled so that light is directed above horizontal.

24.6.1.2 Interior Orientation is Required. Light from outdoor luminaires may not be directed beyond the parcel boundaries onto adjacent properties or public ways.

24.6.1.3 Floodlights. Floodlights or spot lamps must be aimed no higher than 45 degrees above straight down (half way between straight down and straight to the side). Floodlight lamps may not be directly visible from adjacent parcels or public ways.

**24.6.2 Are there limitations on the mounting height of outdoor lighting?** Yes. The mounting height of outdoor lighting fixtures may not exceed 25 feet above finished grade. Except outdoor lighting fixtures mounted on the façade of buildings described in WDB 24.7.4 may not exceed 15 feet above finished grade, from which the DRB may allow an exception to this standard where the pole and luminaire assemblies are more than 250' from the nearest parcel boundary, even in the case of an exception; however, no fixture may be mounted at a height greater than that of the tallest building on the site.

## **24.7 Specific Outdoor Lighting Standards**

**24.7.1 Are there specific standards for the lighting of convenience store and gas station canopies?** Yes.

24.7.1.1 Lighting Level. Areas around pump islands and under canopies shall be illuminated so that the minimum light level at finished grade is at least 1.0 foot-candle, but no more than 5.5 footcandles. Areas on the apron away from the canopy shall be considered parking lots, and must meet the lighting standards for parking lots set by WDB 24.7.3. Where there are no gasoline pumps, the entire apron shall be treated as a parking lot.

24.7.1.2 Canopy Lighting. No light fixtures shall be mounted on the top or sides of a canopy, which shall be opaque and not illuminated. Lighting under canopies shall utilize flat lenses and be fully recessed into the lower surface of the canopy or otherwise fully shielded.

24.7.1.3 **Light Output**. All lighting around pump islands and under canopies shall be included in the total lumen/acre output cap set by Table 24.A.

24.7.1.4 **Fleet Fueling Facilities**. Fleet fueling facilities should provide motion sensitive canopy and/or pump island lighting that does not exceed 5.5 footcandles, while otherwise maintaining the same light level as a parking lot after business hours (see WDB 24.7.3.4).

**24.7.2. Are there specific standards for the lighting of outdoor recreational facilities?** Yes. A variety of outdoor recreation facilities may be illuminated to allow nighttime use, including tennis courts, ball fields, driving ranges, swimming pools, outdoor skating rinks, and ski areas. The regulations in this section are intended to allow the necessary illumination of such facilities while minimizing adverse impacts such as glare, skyglow, and light trespass on nearby properties.

24.7.2.1 **Lighting Levels**. The lighting plan for an outdoor recreation facility must demonstrate that only the minimum level of illumination required for the proposed activity or activities will be provided. The DRB may independently determine the minimum illumination level required for any activity and impose that level as a condition of approval.

24.7.2.2 **Internal Orientation**. Fixtures must be mounted and aimed so that their beams fall within the primary playing area and its immediate surroundings. the visibility of light sources from nearby properties and public ways must be minimized. No direct illumination may be aimed off the site.

24.7.2.3 **Hours of Illumination**. Lights on outdoor recreational facilities shall be turned off except when the facilities are in use or being maintained.

**24.7.3 *Parking Lot Lighting*.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and safety, and to prevent glare or direct illumination onto adjacent properties or public ways.

24.7.3.1 **Lighting Levels**. Illumination levels in parking areas must meet the requirements set forth for each Lighting Zone in Table 24.B. Parking areas in the ARZD shall not be illuminated unless the DRB finds that specific conditions exist which make that illumination necessary. In such cases, the lighting shall meet the standards for parking areas in the RZD.

**Table 24.B. Maximum Average Illumination and Uniformity Ratios Required for Parking Lots in each Lighting Zone**

Lighting Zone	Average Illumination* shall not exceed:	Uniformity Ratio^ shall not exceed	Maximum Illumination of any point shall not exceed
ARZD	Parking lot illumination discouraged	Parking lot illumination discouraged	Parking lot illumination discouraged
RZD	1.0 footcandles	20:1	5.0 footcandles
VC	1.0 footcandles	20:1	5.0 footcandles
All Other	1.2 footcandles	20:1	5.0 footcandles

\* Average illumination shall be measured horizontally at grade level, computed over the area of the parking lot.

<sup>^</sup> Uniformity ratio is a measure of the consistency of light levels across a given area. It is expressed as maximum: minimum illumination levels.

**24.7.3.2 Shielding.** All lighting serving parking lots must be fully shielded. The DRB may permit a limited exception to this standard in the VZD, as provided by WDB 24.7.3.3.

**24.7.3.3 In the VZD.** Alternatives to fully shielded lighting fixtures may be permitted in the VZD in order to accommodate fixtures of a particular “period” design or architectural style, but those alternatives must comply with this standard.

- If alternative fixtures are not fully shielded, the maximum initial lumens generated by each fixture shall not exceed 1,200 (equivalent to a 75-watt incandescent bulb).
- The mounting height of such fixtures shall not exceed 20 feet.

**24.7.3.4 Hours of Illumination.** Parking area illumination must be reduced by at least 75% within ½ hour of the close of the business(es) the parking area serves. This reduced lighting level can be achieved by turning off at least 75% of the parking lot lighting fixtures or by dimming lighting levels by 75%. This standard does not require that lighting levels be reduced below 0.2 footcandles as measured horizontally at finished grade level.

**24.7.4 *Building Façade Lighting*.** The lighting of building facades shall be designed to accentuate the architectural features of the building and the building entry or entries. Lighting fixtures must be located, aimed and shielded so that the light is directed downward towards the ground and not onto adjacent roads, sidewalks or properties. Lighting fixtures on building facades shall not be mounted at a height exceeding 15 feet above average finished grade.

**24.7.5 *Pedestrian Ways*.** The lighting standards for pedestrian ways will generally be the same as for parking lots. The DRB may, however, permit elevated lighting levels to highlight the entrances to buildings or particular pedestrian spaces. The DRB may also permit elevated lighting levels in areas, like passenger loading areas, where pedestrians and cars will be in close proximity.

**24.7.6 *Security Lighting*.** All night lighting for security surveillance will be minimized. The use of motion-activated lights and alarms will be encouraged as an alternative. All applications for discretionary permits that propose security lighting shall include a security plan which delineates the area/s to be illuminated for security purposes and outlines the need for and purposes of the security lighting.

**24.7.6.1 Referral.** The Administrator may refer security lighting plans to the Williston Police Department for comment.

**24.7.6.2 Light Levels.** Security lighting must not exceed the light levels established in Table 24.C.

**24.7.6.3 Standards.** Security lighting is subject to all standards, including shielding, light orientation, etc. established in this chapter.

**Table 24.C. Maximum average illumination levels for security lighting on horizontal (grade level) and vertical surfaces**

<b>Lighting Zone</b>	<b>Average* Horizontal Illumination Level at Grade</b>	<b>Average** Vertical Illumination at 5' Above Grade</b>
ARZD	Discouraged	Discouraged
RZD	Shall not exceed 1.0 footcandles	Shall not exceed 1.0 footcandles
VC	Shall not exceed 1.0 footcandles	Shall not exceed 1.0 footcandles
All Other	Shall not exceed 1.5 footcandles	Shall not exceed 1.5 footcandles

\* The average illumination of ground level areas shall be measured horizontally at grade level and computed only over the area designated as being illuminated in the security plan. Average illumination shall not exceed maximums listed in Table 24.C for each lighting zone.

\*\* The average illumination level of vertical surfaces shall be measured at a height of 5 feet above grade and computed over the area of surface designated to be illuminated in the security plan. Average illumination shall not exceed maximums listed in Table 24.C for each lighting zone.

**24.7.6.4 Perimeter Lighting.** Security lighting designed to illuminate a perimeter of a property (such as along a fence) must include motion sensors designed to stay off unless triggered by an intruder located within 5 feet of the perimeter. Pole-mounted security lighting must be installed no more than 10 feet from the perimeter of the designated area being illuminated, and poles cannot be located outside the parcel boundaries.

**24.7.7 Sign Illumination.** See Chapter 25 of this bylaw.

**24.7.8 Street Lighting.** Street lights must comply with the *Williston Public Works Standards*.

## **Chapter 25**

### **Signs and Public Art**

This chapter establishes standards for signs. It begins with a statement of purposes and principles for sign regulation in Williston. A list prohibited types of signs and an explanation of permit requirements, including the requirement for master sign plans, follows. Standards for the permitted type, number, size, and illumination of permanent signs in each zoning district are presented in a table and WDB 25.6 and 25.7. WDB 25.8 addresses temporary signs. The chapter ends with standards for continuing use of nonconforming signs and definitions of ‘community information center’ and ‘public art.’

#### **25.1 Purpose – Principles –Authority**

**25.1.1 What role do signs play in Williston’s landscape?** Williston permits signs that serve the public by identifying local businesses, providing directions, making people aware of regulations and possible safety hazards, making people aware of community events and political messages, and assisting town residents in the occasional sale or lease of homes and household goods.

**What is a sign?** For the purposes of this bylaw, a “sign” is anything that is intended to attract attention that is not specifically excluded from this definition. This includes what people typically think of as signs, ranging from small “No Parking” signs to large billboards. It also includes other attention getting devices or displays, including vending machines that are visible from a public way; pennants and pinwheels that bear no message; and similar devices or displays. Community information centers and public art, both of which are defined later in this chapter, are excluded. So are scoreboards installed as provided by WDB 17.8.

#### **25.1.2 What principles guide sign regulation in Williston?**

**25.1.2.1 Signs are Important.** Signs that effectively serve the purposes listed above are an important feature of the town’s landscape. They help people navigate through the community and make people aware of local businesses, homes for sale or rent, the sale of household goods, and community events. They also help make people aware of regulations and safety hazards and provide a means of political expression.

**25.1.2.2 Freedom of Speech.** Federal courts have made it clear that signs are a legitimate medium for political expression. The owner of any sign which is otherwise allowed by these standards may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

**25.1.2.3 Signs Have Impacts.** Despite their importance in the town’s life, signs that are too numerous, too large, poorly placed, improperly illuminated, or out of scale or character with

their surroundings will seriously detract from Williston's landscape and economy. They can block or diminish scenic views, obstruct views at driveways and intersections; distract motorists; block pedestrian ways; hide architectural or landscape details that contribute to the character of buildings, neighborhoods, and the town; create light trespass and pollution; and project a sense of clutter and haste that is not consistent with either a healthy economy or a healthy community life.

**25.1.2.4 A Positive Contribution.** Well-designed signs in the right locations can make a positive contribution to Williston's landscape, economy, and community life. Compliance with these standards will ensure that they do so.

**25.1.2.5 Location Matters.** Different types, numbers, and sizes of signs are appropriate in different parts of Williston and the standards adopted here vary accordingly.

**25.1.2.6 Signs Require the Same Level of Planning and Design as Buildings.** The need for signs must be anticipated at the beginning of every project. A master sign plan is required for all developments that could have multiple occupancies. Whether a master sign plan is required or not, all new buildings and major additions to existing buildings must be designed with a sign band or other definite locations for the placement of permitted signs. An application for a discretionary permit is not complete if it fails to show how signs will be placed or posted.

**Placement of Signs v Design of Signs.** To be clear, WDB 25.1.2.6 does not require applicants to include a specific number, type, or size of signs, or the design of individual signs in applications for discretionary permits. It simply requires that the applicant show where signs may be placed on the site or on proposed buildings or additions. The individual signs that fill those "blanks" will be separately permitted.

**25.1.3 Under what authority does the town regulate signs?** 24 V.S.A. § 2291(7) gives Vermont municipalities the authority to:

To regulate or prohibit the erection, size, structure, contents and location of signs, posters or displays on or above any public highway, sidewalk, lane or alleyway of the municipality and to regulate the use, size, structure, contents and location of signs on private buildings or structures.

Note also that signs are "structures" within the meaning of 24 V.S.A. § 4411, which provides the general authority for local zoning.

**25.2 Sign Regulation by Zoning District.** Because signs must be consistent with the purpose of each zoning district, the type, number, height, and size of signs allowed varies among the districts. See Table 25.A for specific requirements for signs in each zoning district. Signs in VZD must also comply with the *Williston Village Historic District Design Review Guide*. WDB 25.6 provides an explanation of Table 25.A. Signs within the Taft Corners Form -Based Code Zoning District are not subject to the requirements and standards of this chapter and are instead subject to the requirements contained within the Code.

**25.3 Prohibited Signs.** Some types of signs simply may not be placed or posted in Williston. Those types of signs are listed below. Also, any sign that does not comply with the standards established in this chapter, with any other requirement of this bylaw, or with an applicable, approved master sign plan is prohibited. The placement or posting of a prohibited sign is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

**25.3.1 Are animated signs permitted?** No. Animated, blinking, flashing, and moving signs or signs that appear to move are prohibited. This includes any sign that interferes with, imitates, or resembles

an official traffic control sign, signal, or device, or attempts or appears to direct the movement of traffic with motion or the appearance of motion. Holiday displays that comply with WDB 25.4.2.11 are exempt from this prohibition.

**25.3.2 Are illuminated signs permitted?** Illuminated signs are permitted in compliance with WDB 25.6.7 and Chapter 24 of the bylaw, but three types of illuminated signs are simply prohibited.

25.3.2.1 Beacons. The use of spotlights, searchlights, beacons, or similar lights that are projected toward the sky to attract attention is prohibited.

25.3.2.2 Glaring. Any sign with lighting that interferes with the safe operation of motor vehicles or bicycles or that unnecessarily trespasses on neighboring properties is prohibited.

25.3.2.3 Internally Illuminated. With the exception of the limited use of illuminated window signs, internally illuminated signs are prohibited. This prohibition includes “LED readerboard” signs that are often used to display changeable copy like announcements and gasoline prices.

**25.3.3 Are off-premises signs permitted?** An off-premise sign is a sign that advertises a commercial enterprise or event that is placed on a parcel of land that is not the same parcel where the enterprise or event is located. Off-premises signs are generally prohibited, but there are three minor exceptions to this standard.

25.3.3.1 Directional Signs. Off-premises directional signs may be permitted where a temporary event is permitted under the provisions of the town’s Temporary Events Ordinance.

25.3.3.2 Product Advertising. Product advertising signs are “off-premise” signs and, thus, prohibited. A limited exception for product advertising using temporary signs is provided by WDB 25.8.

25.3.3.3 Off-premise agricultural signs. Signs placed in in the ARZD, VZD and RZD advertising the sale of agricultural products in the ARZD, VZD and RZD. While state law generally prohibits off-site signage, 24 V.S.A Section 494 (12) provides an exception as follows:

*Directional signs, subject to regulations adopted by the Federal Highway Administration, with a total surface area not to exceed six square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place, or to farmers' markets that are members of the Vermont farmers market association selling Vermont agricultural products.*

Signs advertising farms, farmstands, and farmer's markets that are members of the Vermont farmers market association and that are located in the RZD, VZD and ARZD may be placed off-premise, only in the ARZD, VZD and RZD, under the following conditions:

- Only one off-premise agricultural sign may be placed on any one parcel of land.
- Off-premise agricultural signs may not exceed four feet in height
- Off-premise agricultural signs may not exceed six feet in area and may be double-sided.
- Off premise agricultural signs must not be permanently anchored to the ground

- Off premise agricultural signs may not be placed more than 10 days prior to the commencement of the sales activity they advertise and must be removed no more than 10 days following the cessation of such activity.
- Off premise agricultural signs must be set back a minimum of five feet from the edge of any public or private right-of-way.
- No permit is required for the placing of such signs, but the property owner where the sign is placed must give his or her permission for the sign.

**25.3.4 Is product advertising permitted?** Only in the limited way permitted by WDB 25.8.

**25.3.5 Are pennants and similar attention-getting displays permitted?** No. Pennants, strings of flags, and other serial signs are prohibited.

**25.3.6 May I place a sign in the public right-of-way?** No sign shall be placed in a public right-of-way except for the official signs permitted by WDB 25.4.4.8. Any other sign placed in a public right-of-way is subject to immediate removal by the town or state and the enforcement procedures of WDB 7.4-7.6.

**25.3.7 May I hang a sign on a lamp post or other streetscape feature?** Complying official and regulatory signs may be attached to light standards, bridges, and other functional features of the streetscape, public or private, but only where doing so is consistent with WDB 25.3.6.

**25.3.8 Are roof signs permitted?** No sign shall be mounted on the roof of a building. Further, no sign that is attached to a building may extend above the roofline. The DRB may permit an exception to this prohibition for signs mounted on the sloping sides of gambrel or mansard roofs. Where such an exception is allowed the resulting sign/s will be treated as wall signs, and as part of the development's overall sign area.

**What is the roofline?** For the purposes of sign regulation, this bylaw defines the "roofline" as the lowest point defined by the eaves or, where there are no eaves or similar overhangs, the top of the wall.

**25.3.9 May I hang a sign on a tree?** No. Signs may not be painted on or attached to cliffs, boulders, trees, or any other naturally occurring feature of the landscape. The administrator may, however, permit an exception to this standard for building numbers and/or home business signs when no reasonable alternative exists or the placement of a freestanding sign would result in the unnecessary clearing of trees.

**25.3.10 May I place a sign on an antenna or tower?** No. Signs may not be attached to antennae or towers that are regulated by Chapter 21 of this bylaw. See WDB 21.3.5.3.

**25.3.11 May I use a parked vehicle to advertise my business?** The use of an unregistered vehicle or trailer as a sign is prohibited. The use of signs affixed to registered vehicles or trailers is also prohibited. This prohibition is not intended prevent a business from painting vehicles that are routinely used in the conduct of that business, but the administrator may require that existing parking areas where such vehicles are routinely parked be brought into compliance with the landscaped buffer requirements for parking areas that are adopted in this bylaw.

**25.3.12 Unsafe Signs.** The following types of signs are unsafe, by definition, and constitute a violation of this bylaw that must be removed upon receipt of a notice of violation sent under the authority of WDB 7.4:

25.3.12.1 ... any sign that interferes with drivers' or cyclists clear and unobstructed view of official traffic control signs and approaching or merging traffic;

25.3.12.2 ... any sign that prevents drivers or cyclists from seeing approved signs on neighboring properties;

25.3.12.3. ... any sign with lighting that interferes with the safe operation of motor vehicles or bicycles or that unnecessarily trespasses on neighboring properties; and

25.3.12.4 ... any sign that obstructs a pedestrian way. At least 70% of the width of the pedestrian way must be left open to passage when placing portable sign approved in compliance with WDB 25.7.2.3.

25.3.12.5 Any sign that is determined to be structurally unsound or to present a hazard of electrical shock will also be considered unsafe and subject to immediate repair or removal. The Administrator will use the most recent edition of the *Uniform or International Sign Code* as the basis for the enforcement of this standard.

## **25.4 Permit Requirements for Signs**

**25.4.1 Is a permit required for a sign?** Usually, but it depends on the type of sign. WDB 25.4.4 exempts some types of signs from the need for a permit, but NOT from compliance with this bylaw. An administrative permit is required for the placement or posting of all other signs.

**25.4.2 Is there a special application form for sign permits?** Yes. Applicants must use the *Sign Permit Application* and *Sign Permit Checklist* provided by the town in preparing their applications.

**25.4.3 Is there a fee for the placement or posting of a sign?** The application fee set by the Selectboard must accompany all applications for permits for signs.

**25.4.4 What type of signs may be placed or posted without a permit?** No review is required for the placement or posting of non-illuminated signs of the types listed below or for the routine maintenance and repair of existing signs. This exemption from the requirement for a permit does not, however, exempt any sign from compliance with all other requirements of this chapter and this bylaw. Exempt signs do not count as part of the total number or area of signs permitted by this chapter.

**25.4.4.1 Building Numbers.** No permit is required for building numbers required by Williston's *Road Name and Road Location Numbering Ordinance*. The relevant portions of that ordinance appear as Appendix D of this bylaw. The placement of building numbers must comply with the standards set by Table 25.A.

**25.4.4.2 Changes in Copy.** No permit is required for changes in copy that use the originally approved font, size, and color of lettering or for copy changes to approved kiosks, bulletin boards, or other community information centers on which the messages posted are expected to change on a regular basis.

**25.4.4.3 Directional Signs.** No permit is required for the placement or posting of up to 4 directional signs that have an area of less than two (2) SF each and do not include a logo larger

than one-half (0.5) SF or a commercial message. See WDB 25.7.9 for additional restrictions on directional signs.

**25.4.2.4 Donor or Recognition Plaques.** No permit is required for the placement or posting of a donor or recognition plaque not exceeding two (2) SF on a permitted structure or sign.

**25.4.4.5 Flags.** No permit is required for the display of flags provided that:

- Each flag does not exceed 25 SF in size, and
- no more than four (4) are flown at any one time.

Proposed freestanding flagpoles must be included on the plans submitted for permit approval.

**25.4.4.6 Holidays.**

- No permit is required for seasonal holiday displays that include no commercial message or logo, that are not permanently attached to the ground or a structure, that are removed after 30 days, that are comprised of parts which do not individually exceed four (4) SF each.
- Signs that are temporarily displayed on town property for Williston's Independence Day (4<sup>th</sup> of July) celebration need not obtain a permit.

**25.4.4.7 Memorial Signs.** No permit is necessary for cornerstones or similar displays of the names of buildings and their date of erection or for messages in memory of individuals or groups that do not exceed six (6) SF in size, that are cut into a stone or masonry surface or that are cast in bronze or a similar material, and that permanently affixed to an approved building.

**25.4.4.8 Regulatory Signs.** No permit is required for the placement or posting of a regulatory sign placed by the town or the state. Regulatory signs may be placed in the public right-of-way in accord with the *Uniform Manual for Traffic Control Devices*.

**25.4.4.9 Temporary Events.** An additional permit is not required for the placement or posting of the following signs for a Temporary Event that has been permitted under the town's Temporary Events Ordinance. The signs may only be displayed for a maximum of 30 days and must be removed within 2 days following conclusion of the event. The signs are not allowed to be placed in the public right of way. Any other signs require an administrative permit.

- One (1) on-premises wall sign of 24 square feet or less; and
- One (1) on-premises freestanding sign of 16 square feet or less in size and 8 feet or less in height and set back 5' from the property line and that does not obstruct visibility splays near driveways and intersections; and
- Four (4) on-premises or off-premises directional signs that have an area of less than 2 square feet each and do not contain a logo larger and one-half square foot or a commercial message.

**25.4.4.10 Temporary Signs.** There are different standards for temporary window signs and all other temporary signs.

- No permit is necessary for the posting of temporary window signs that do not, cumulatively, exceed 25% of the total window area, that are each less than four (4) SF each in size, and that are removed or changed within 30 days of their posting.
- No permit is required for the placement or posting of other temporary signs that have an area of six (6) square feet or less and are displayed for a maximum of 90 days per calendar year. The number of allowed temporary signs, whether or not they are exempt from the requirement of having to file an Administrative Permit, is regulated by WDB 25.8.3 Portable signs that are used on a regular basis in the same location are not temporary signs. See WDB 25.7.2.3.
- Grand Opening Banner. Any business opening in a new location may place one banner on the property where the business is situated for a period of up to 30 days, provided that the size of the banner does not exceed 24 square feet.
- See WDB 25.8 for additional restrictions on temporary signs.

**25.4.5 *What type of permit is required for signs that are not exempt?*** You must have an administrative permit to place or post any sign that is not explicitly made exempt by WDB 25.4.4. Some common questions about permit requirements for signs are clarified below.

**25.4.5.1 Temporary Signs.** A permit is required for the placement or posting of temporary signs that are over six (6) SF in size or, in windows, over four (4) SF in size. This includes temporary signs advertising a business while a permanent sign is being prepared.

**25.4.5.2 Illuminated Signs.** With the exception of regulatory signs posted by a public agency, the placement or posting of illuminated signs is never exempt from the requirement for a permit.

**25.4.5.3 Master Sign Plans.** Posting a sign in compliance with an approved master sign plan requires an administrative permit, except for the posting of temporary signs approved by an approved Master Sign Plan.

**25.4.6 *Are there signs for which discretionary review is required?*** Yes.

**25.4.6.1 In the VZD.** A Certificate of Appropriateness is required for the placement or posting of any non-exempt sign in the Village Zoning District.

**25.4.4.2 Developments with Multiple Occupancies.** While the sign itself will not require a discretionary permit, the placement or posting of a new sign in an existing development that has, or reasonably could have, multiple occupancies will not be permitted until a master sign plan has been approved for that development, as provided by WDB 25.5. The administrator may permit the temporary placement or posting of a single sign of no more than 16 SF in size for a new tenant pending the approval of a master sign plan, with no such permit running for more than 180 days. Failure to obtain approval of a master sign plan within 180 days will void that permit and immediate

removal of the sign will be required. The replacement of an existing sign with a sign of the same size or smaller in the same location will not trigger the requirement for a master sign plan.

## 25.5 Master Sign Plans

**25.5.1 Are master sign plans required for new developments?** A proposed master sign plan must be submitted with the application for a discretionary permit for any development that will, or may reasonably be expected to, have multiple occupancies.

**25.5.2 Are master sign plans required for existing developments?** A proposed master sign plan must be submitted and approved by the DRB before any new sign for which a permit is required may be posted in any existing development that has, or may reasonably be expected to have, multiple occupancies.

**25.5.3 What should be included in a proposed master sign plan?** Everything required by the *Master Sign Plan Checklist*. Master sign plans must anticipate all permanent and temporary signs, including seasonal banners and portable signs like sandwich boards, except for signs that are exempt under WDB 25.4

**25.5.4 How are master sign plans reviewed?** Review of a proposed master sign plan will ordinarily be combined with the review of an application for a discretionary permit. Existing uses may, however, need to secure approval of a master sign plan to permit new signs. In such cases, the DRB will review the proposed master sign plan following the procedure for the review of an application for a discretionary permit.

**25.5.5 Can a master sign plan permit more or larger signs on my property?** Possibly. An applicant may propose, and the DRB may approve, a master sign plan that permits some variation from these standards. Where such a variation is permitted, the DRB must make a specific written finding that the variation is consistent with the comprehensive plan and the purpose and principles for sign regulation established in this chapter. While a Master Sign Plan that includes more or larger signs than are allowed by these standards can be approved by the DRB, signs proposed under a Master Sign Plan must adhere to all other standards of this chapter, including but not limited to maximum height, setbacks, and illumination.

**25.6 Basic Sign Standards.** Basic standards for the permitted types of signs are set in Table 25.A. Additional explanations and more detailed standards are provided here and in WDB 25.7.

**25.6.1 Is the number of signs that may be placed or posted on a site limited?** Yes. See Table 25.A for limitations on the number of permanent signs. In some cases, that table specifies the maximum number of signs permitted on a lot. In other cases, it specifies a number of signs permitted per point of access or a number of signs permitted per building entrance or occupancy. No maximum number is specified for permanent wall or window signs, the extent of which is limited by the total sign area requirement of Table 25.A.

**25.6.1.1 Signs Per Building.** For the purposes of this chapter, the term “building entrance” includes only principal entrances to a building or to parts of a building that has multiple occupancies. It does not include emergency exits, loading doors, or any entrance to which public access is restricted.

**25.6.1.2 Signs Per Point of Access.** For the purposes of this chapter, the term “point of access” includes only widely spaced principal entrances from a road or path to a development. It does not include emergency or service drives, nor does it include points-of-access that are less than 330 feet apart.

**25.6.2 Is the total area of signs that may be placed or posted on a property limited?** Yes. The combined area of all signs, excluding the signs that are exempted by WDB 25.4, must fall within the total sign area indicated for the zoning district in Table 25.A.

**25.6.3 Is the area of individual signs limited?** Yes. Table 25.A sets maximum areas for most individual signs.

**25.6.4 How is sign area measured?** The area of a sign is measured in square feet (SF) as the area within the smallest regular geometric shape - circle, rectangle, square, or triangle - that can be drawn around the copy of the sign, including logos, graphics, and all other contents, and the background on which that copy is displayed. The area of a freestanding, projecting, or suspended sign is measured for one face of the sign only. This means that if, for example, a freestanding sign can have an area of 16 SF, it can have two faces, one facing each direction, that are 16 SF each.

**25.6.5 Are the dimensions of signs limited?** Yes.

**25.6.5.1 Height: Freestanding.** Table 25.A limits the height of freestanding signs. The height of a freestanding sign is measured from the highest point of the sign structure to the average grade of the ground on which the sign is based.

**25.6.5.2 Height: Other Signs:** Signs that are attached to a building may not extend above the roofline of that building.

**25.6.5.3 Width.** The total width of that portion of a sign structure that is more than three (3) feet tall shall not be more than double the width of the sign itself.

**25.6.6 Must sign structures conform to a construction code?** Sign structures must comply with the requirements of the most recent edition of the *Uniform or International Sign Code*.

**25.6.7 Are there standards for the illumination of signs?** Yes. In addition to the standards adopted here, the lighting of signs must comply with the standards of Chapter 25 of this bylaw. Note specifically that signs may not be uplit. External illumination must be directed downward onto the face of the sign.

**25.6.7.1 Internal Illumination.** With the exception of the illuminated window signs permitted by WDB 25.7.7, the internal illumination of signs is not permitted

**25.6.7.2 External Illumination.** External light sources must be fully shielded so as to direct light only onto the sign face.

**25.6.7.3 Backlit Illumination.** Backlit signs must take the form of individually illuminated channel letters or symbols. Again, the light sources must be fully shielded so as to direct light only into the channels.

**25.6.7.4 Time Illuminated.** Signs associated with a specific use may be illuminated only from one hour before that use opens until one hour after it closes. Other signs may be illuminated between 7:00 AM and 11 P.M.

**25.7 Standards by Sign Type.** The standards adopted here are in addition to those of Table 25.A and apply where the type of sign for which the standard is set is permitted in the zoning district.

**25.7.1 What are the standards for signs on awnings?** The lowest point on any awning must be at least 7 feet, 6 inches above the sidewalk or other surface above which it extends. Temporary signs hung from awnings must maintain this clearance. Awning signs count toward the total number and area of signs allowed.

**25.7.2 What are the standards for freestanding signs?** Freestanding signs are placed or posted on their own structures. They are not attached to a building or any other structure and may be portable. Different types of freestanding signs may be described in different ways, such as ground signs, monument signs, pole signs, portable signs, etc., but they are all subject to the same standards, except where this bylaw explicitly provides otherwise. Freestanding signs count toward the total number and area of signs allowed.

**25.7.2.1 Landscaping.** Except as provided by Table 25.A for the VZD and for portable signs regulated by 25.7.2.3, the base of all permanent freestanding signs shall be landscaped with perennial and/or annual plantings. This landscaping shall be part of the landscaping plan required by Chapter 23 – Landscaping, and is subject to all standards adopted in that chapter.

**25.7.2.2 Type/Design.** The DRB may require that a specific type of freestanding sign be used in the village or – at the time it is reviewing a proposed master sign plan - in any development, in accordance with the principles of WDB 25.1.

**25.7.2.3 Portable Signs.** Portable signs, such as sandwich board signs, are designed for easy placement, but given their usual use, they are considered permanent and included in the total sign number and area.

- Portable signs may not exceed 12 SF on each face and must be removed when the business they advertise is closed.
- Sandwich boards may take up no more than 30% of a pedestrian walkway and may not be placed in a public right-of-way. Sandwich boards must be brought inside when the business with which they are associated is closed.

**25.7.2.4 Vending Machines.** Outdoor vending machines and other sales displays function as and are regulated as freestanding signs.

**25.7.3 What are the standards for projecting signs?** A projecting sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides. Projecting signs count toward the total number and area of signs allowed.

**25.7.3.1 Distance from Building.** No projecting sign may extend more than four (4) feet beyond the building wall from which it projects.

**25.7.3.2 Clearance above Grade**. The lowest point on a projecting sign must be at least 7 feet, 6 inches above grade.

**25.7.4 *What are the standards for suspended signs?*** A suspended sign is hung under the ceiling of an arcade or other overhanging structure, more or less perpendicular to the building. Its message is intended to be read primarily by people approaching along the arcade. Suspended signs count toward the total number and area of signs allowed.

**25.7.4.1 Clearance above Grade**. The lowest point on a suspended sign must be at least 7 feet, 6 inches above the floor of the arcade, porch, or other pedestrian way over which it hangs.

**25.7.4.2 Under a Ceiling Only**. A suspended sign may not project outward beyond the ceiling of the arcade, porch, or other pedestrian space in which it hangs.

**25.7.5 *What are the standards for wall signs?*** A wall sign is painted on or attached to a wall and runs parallel to that wall. Its message is intended to be read primarily by people facing the building. Wall signs count toward the total number and area allowed.

**25.7.5.1 Newer Buildings**. Wall signs must be placed within the sign band or other space specifically designated for signs.

**25.7.5.2 All Buildings**. Wall signs must be placed so as not to block emergency exits, fire escapes, or windows, or to obscure architectural features.

**25.7.6 *What are the standards for window signs?*** Window signs may be posted within the glass area of a window. Table 25.A sets a limit on how much of each window signs may cover. That total area includes both permanent and temporary window signs.

**25.7.7 *May some window signs be illuminated?*** Yes, but only in the commercial and mixed-use zoning districts. Illuminated window signs may be illuminated by LED, neon or another noble gas, or any other form of illumination approved by the administrator. Only one illuminated window sign per window, not to exceed two (2) per business establishment is permitted. No illuminated window sign shall exceed two (2) square feet in area.

**25.7.8 *What are the standards for directory signs?*** Directory signs are used when more than one business shares a site or structure. A directory sign may be of any of the sign types allowed in the zoning district in which it is located and must adhere to the size limit for an individual sign. One directory sign is allowed at each point of access from a collector or arterial. Directory signs must be approved as part of a master sign plan, as provided by WDB 25.5 and may be exempted from the total area or number of signs allowed by the DRB in order to encourage good attention to wayfinding.

**25.7.9 *What are the standards for directional signs?*** Directional signs may be of any permitted type. They convey directions (RESTROOMS →), regulations (NO PARKING), and similar information. No permit is required for the placement or posting of up to 4 directional signs that have an area of less than two (2) square feet and do not include a logo larger than one-half (0.5) SF or a commercial message. These smaller directional signs are not counted against the permitted number or area of signs, but must comply with the individual sign standards of Table 25.A. More than four (4) smaller directional signs may be allowed by an administrative permit at the discretion of the Administrator. Larger directional signs or directional signs featuring a larger logo or other commercial message may

be placed or posted only with an administrative permit. Larger directional signs are included in the total number and area of signs allowed.

**25.7.10 What are the standards for banners?** Banners are signs whose message is painted or printed on a flexible material. They are regulated as freestanding, suspended, or wall signs depending on how they are used. Banners are generally temporary, but their regular use (on lamppost standards, for example) may be approved as part of a master sign plan.

**25.7.11 What are the standards for recognition and donor signs?** Recognition and donor signs do not count against the overall permitted number or area of signs, but must comply with the individual sign standards of Table 25.A.

**25.8 Temporary Signs.** Temporary signs usually announce events, like elections, meetings, or sales that have a limited duration, but may be used for any lawful message. Portable signs that are used on a regular basis in roughly the same location are not temporary signs.

**25.8.1 Is a permit required to post a temporary sign?** Maybe. As provided by WDB 25.4.4.10, no permit is required for the placement or posting of a temporary sign that has an area of six (6) SF or less or signs for a Temporary Event that comply with WDB 25.4.4.9. An administrative permit is required for the placement or posting of any other temporary sign.

**25.8.2 What are the standards for the dimensions, height, and location of temporary signs?**

25.8.2.1 How Table 25.A Applies. Temporary signs may be any of the types allowed in the zoning district in which they are located and while they do not – with the exception of temporary window signs - count toward the total number or area of signs permitted, they must comply with the limits that Table 25.A places on individual signs of their type. Temporary window signs are counted as part of the total area of window signs permitted.

25.8.2.2 Product Advertising. Temporary signs, including temporary window signs, may provide information regarding product names, logos, prices, and names and/or logos of financial sponsors. This information may comprise no more than 50% of the total area of each temporary sign.

25.8.2.3 A Reminder. Temporary signs may never be placed in a public right-of-way or otherwise violate the prohibitions of WDB 25.3.

25.8.2.4 Held Signs. Signs held or waved by a person are temporary signs, subject to all requirements of this bylaw.

**25.8.3 What are the standards for the number of temporary signs?** Temporary signs are limited to:

- One (1) sign per public road frontage for parcels with fewer than ten (10) commercial occupancies, credit will be given for no more than two (2) road frontages OR
- Two (2) signs per public road frontage for parcels with ten (10) or more commercial occupancies, credit will be given for no more than two (2) road frontages.

**25.8.4 What are the standards for the duration of temporary signs?** Temporary signs as permitted by 25.8.3 may be posted for no more than 90 days in any one calendar year. Signs that will be posted for more than 90 days (a subdivision sale sign, for example) are considered permanent and may be placed or posted only with a permit.

**Event?** An event may include an election, a fund-raising campaign, a game, a meeting, or any other activity that has a limited duration.

## 25.9 Abandoned and Nonconforming Signs

**25.9.1 What is an abandoned sign?** A sign is ‘abandoned’ when the use with which it was associated ceases to exist.

**25.9.2 Must abandoned signs be removed?** Yes. An abandoned sign must be removed within 90 days after the use with which it was associated ceases to exist.

**25.9.3 What is a nonconforming sign?** A nonconforming sign is an existing sign that would not be permitted if submitted for approval under this bylaw.

**25.9.4 May nonconforming signs be maintained and repaired?** Yes. Routine maintenance and repair of nonconforming signs is permitted.

**25.9.5 When must nonconforming signs be replaced with conforming signs?** A nonconforming sign may be used indefinitely, but must be removed, as required here, when circumstances change.

25.9.5.1 When Abandoned. As provided by WDB 25.9.1, any sign, conforming or not, must be removed within 90 days of when the use it identified ceases. New signs must comply with this bylaw.

25.9.5.2 Before a New Sign. No permit may be issued for a new permanent sign on a lot where there is a nonconforming sign.

25.9.5.3 When Damaged. A nonconforming sign must be removed or brought into compliance with this bylaw if it is damaged or destroyed and the cost of replacement or repair is 51% or more of the sign’s value at the time it was damaged or destroyed.

25.9.5.4 Change in Use. A nonconforming sign must be removed and, if replaced, replaced with a conforming sign when the use of the lot on which it is located changes.

**25.9.6 Can a nonconforming sign be relocated?** Yes, but only if the move is involuntary. Involuntary relocation may be caused by street widening or another town, state, federal, or utility action that is beyond the control of the sign’s owner.

**25.9.7 Can a nonconforming sign be altered?** Yes, but only if the change brings the sign into, or at least closer to, compliance with this bylaw. A nonconforming sign that will not be brought into full compliance may be altered only if its degree of nonconformity is reduced by at least 25%. Signs that are nonconforming due to their internal illumination must be brought into full compliance with the sign illumination requirements of this chapter when they are altered in any way that requires a permit. This means that a permit to change the panel or copy on an internally-

illuminated sign will not be issued unless the internal illumination of the sign is eliminated. By January 1, 2025, all internally illuminated signs must either be removed, discontinued, or brought into compliance with the town's regulations for the illumination of signs.

**What does that mean?** The degree of nonconformity is the extent to which a use is nonconforming. So, a sign that is 20 feet high instead of the permitted 12 feet, would have to be lowered by at least two feet (25% of 8 feet) for an alteration to be permitted.

## 25.10 Community Information Centers

**25.10.1 What is a community information center?** Permanent community information centers that allow the posting of information may be placed at municipal buildings and schools or on privately owned properties such as a green, park, or plaza, or other publicly visible locations. They do not count against the number or area of signs permitted by the bylaw if they bear only a small - maximum one SF - logo of the development, business, or institution.

**25.10.2 Are there standards for community information centers?** Yes. Community information centers may be provided in the form of bulletin boards, kiosks, or similar installations that are installed in accord with the standards this bylaw sets for accessory structures.

## 25.11 Public Art

**25.11.1 What is public art?** Public art includes sculptures, monuments, murals, and other objects of art that are not enclosed in a building or other structure and that will be visible from a public way. Public art may also be incorporated into functional objects like fountains, benches, lamp posts, and other streetscape features. Public art is often used to commemorate a person or event, but may also serve no purpose other than public enjoyment. While public art can and should help attract people to a place, it bears no commercial message, explicit or implicit.

**25.11.2 Is public art regulated by the bylaw?** It is not the intent of this bylaw to limit freedom of expression, but the town does need an opportunity to enforce the distinction between public art and signs. The town also needs to ensure that proposed public art does not constitute a hazard to drivers, cyclists, or pedestrians. For this reason, proposed public art must be included in all applications for discretionary permits and an administrative permit will be required for the addition of public art to an approved development.

**Table 25.A Basic Standards for Permanent Signs for Nonresidential Uses. For temporary signs see WDB 25.4.4.10. For signs associated with residential uses, see WDB 20.20.**

	<b>ARRZD</b> for nonresidential uses permitted by WDB 31.1.3 and 31.A	<b>RZD</b> for nonresidential uses permitted by WDB 39.1.3.2	<b>VZD</b> for nonresidential uses permitted by WDB 42.	<b>MURZD</b> for nonresidential uses permitted by WDB 38.1.3.2 and 38.1.3.3.
<b>Maximum Sign Area as a Percentage of the Area of the Street-Facing Wall of the Structure</b>				
	5%	5%	5%	8%
Awnings	permitted only as approved in a master	not permitted	not permitted	permitted only as approved in a master sign plan
Building Numbers The building numbers required by Williston's <i>Road Name and Road Location Numbering Ordinance</i> are permitted in all zoning districts.				
maximum number	1	1	1	1
maximum size	2 SF	2 SF	2 SF	2 SF
maximum height	as for freestanding signs	as for freestanding signs	as for freestanding signs	as for freestanding signs
Directional	permitted	permitted	permitted	permitted
maximum number	see WDB 25.7.9	see WDB 25.7.9	see WDB 25.7.9	see WDB 25.7.9
maximum size	2 SF	2 SF	2 SF	2 SF
maximum height	8 ft	8 ft	8 ft	8 ft
Freestanding	permitted	permitted	permitted	permitted
maximum number	1 permanent	1 permanent	1 permanent	1 per permanent per point of access
maximum height	8 ft.	8 ft	8 ft	8 ft
maximum size	16 SF	16 SF	16 SF	24 SF
setback*	10 feet	10 feet	5 feet	5 feet
landscaping	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	permanent freestanding signs will be placed in greenbelt, additional landscaping optional	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1
Projecting	not permitted	not permitted	not permitted	permitted
maximum number				1 per building entrance, as per WDB 25.7.3
maximum size				6 SF
Recognition	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, WDB 25.4.2.4
Regulatory	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8
Special Events permitted only as approved by a special events permit, see WDB 25.4.4.9				
Suspended	not permitted	not permitted	permitted	permitted
maximum number			1 per building entrance, as per WDB 25.7.4	1 per building entrance, as per WDB 25.7.4
maximum size			3 SF	3 SF
Wall	permitted	permitted	permitted	permitted
maximum number	limited by maximum area	limited by maximum area	limited by maximum area	limited by maximum area
maximum size	24 SF	24 SF	16 SF	32 SF
Window	10% coverage of the glass area facing public ways, including both permanent and temporary window signs	not permitted	10% coverage of the glass area facing public ways, including both permanent and temporary window signs	20% coverage of the glass area facing public ways, including both permanent and temporary window signs.

**Table 25.A, continued**

	<b>IZDE, IZDW</b> for nonresidential uses permitted by WDB	<b>all other commercial zoning districts</b> for nonresidential uses permitted by WDB 33.A, 34.A, 37.A and 41.A	
<b>Maximum Sign Area as a Percentage of the Area of the Street-Facing Wall of the Structure</b>			
Awnings	8%	8%	
Building Numbers	The building numbers required by Williston's <i>Road Name and Road Location Numbering Ordinance</i> are permitted in all zoning districts.		
maximum number	1	1	
maximum size	4 SF	4 SF	
maximum height	as for freestanding signs	as for freestanding signs	
Directional	permitted	permitted	
maximum number	see WDB 25.7.9	see WDB 25.7.9	
maximum size	2 SF	2 SF	
maximum height	8 ft	8 ft	
Freestanding	permitted	permitted	
maximum number	1 per point of access	1 per point of access	
maximum height	12 ft	12 ft	
maximum size	32 SF	32 SF	
setback*	5 feet	5 feet	
landscaping	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	base of permanent freestanding signs must be landscaped as required by WDB 25.7.2.1	
Projecting	permitted	permitted	
maximum number	1	1 per building entrance, as per WDB 25.7.3	
maximum size	12 SF	12 SF	
Recognition	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4	permitted, see WDB 25.4.2.4
Regulatory	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8	permitted, see WDB 25.4.4.8
Special Events	permitted only as approved by a special events permit, see WDB 25.4.4.9		
Suspended	permitted	permitted	
maximum number	1 per building entrance, as per WDB 25.7.4	1 per building entrance, as per WDB 25.7.4	
maximum size	3 SF	3 SF	
Wall			
maximum number	<i>limited by maximum area</i>		<i>limited by maximum area</i>
maximum size	24 SF		24 SF
Window	20% coverage of the glass area facing public ways, including both permanent and temporary window signs	25% coverage of the glass area facing public ways, including both permanent and temporary window signs	

\* A greater setback may be required for signs near driveways and intersections. Signs may not be placed in a clear vision triangle.

## **Chapter 26**

### **Street Trees**

Street trees are required along most new roads and for many re-development projects. This chapter sets standards for their installation.

#### **26.1 Purpose - Applicability**

**26.1.1 What is the purpose of these standards?** Street trees provide urban forestry benefits including improved air quality, reduced energy costs due to shading and cooling, traffic calming, reduced stormwater runoff and soil erosion, enhanced wildlife habitat, and increased property values. Beyond promoting these benefits, these standards will:

- increase and maintain species diversity in Williston's street tree population;
- ensure that the trees selected are appropriate to site conditions, taking into account soil type, drainage, rooting space, salt exposure, and the location of utilities;
- ensure that the installation of street trees is done in a manner that ensures their long-term health;
- provide for the maintenance of street trees following their installation;
- protect existing street trees as development occurs; and
- maintain and enhance the appearance and character of neighborhoods and the community.

**26.1.2 Must street trees be provided in my project?** Probably. These standards apply to all development for which a discretionary permit is required. Street trees are required along both sides of new roads, public or private. They are also required along the existing road frontage of re-development projects. There are two possible exceptions to this requirement.

26.1.2.1 Existing Woods. The DRB may waive this chapter's requirement for street trees where a road passes through existing woods and for open space developments in which formal planting plans are inappropriate.

26.1.2.2 Scenic Vistas. The DRB may also, with the advice of the Conservation Commission, waive the requirement for street trees to preserve a scenic vista.

26.1.2.2.1 SP 23-01 Glaser Specific Plan. Street trees shall not be required along Mountain View Road and Old Stage Road in order to preserve the scenic vista looking east.

**26.1.3 How do these requirements interact with other requirements of this bylaw?** Street tree plantings may be considered a Type IV Buffer as described in WDB 23.3 and may, therefore, fulfill a portion of a development's overall landscaping requirements. Street trees must be shown on the landscaping plan required in WDB 23.1.3 and on the runoff and erosion control plans required by WDB 29.4.1. Street Tree requirements in the Taft Corners Form-Based Code Zoning District are contained within the Form-Based Code.

## **26.2 Planting Strip Design**

**26.2.1 Are there standards for design of the planting strip in which trees are to be installed?** Yes. The following standards must be met when planning for installation of new street trees. Sample cross sections of planting strips are provided in the *Public Works Standards*.

26.2.1.1 Location of Planting Strip. Along public roads, the planting strip will be in the right-of-way, as shown in the *Public Works Standards*. Along private roads, the planting strip shall parallel the road. The DRB, with the advice of the DPW, may permit or require an exception to this standard where the terrain, the location of utilities, or other physical constraints necessitate a separation of the road and the planting strip.

26.2.1.2 Planting Strip Width/Depth. Street trees shall be planted in a planting strip that is at least eight (8) feet in width and has at least three (3) feet of un-compacted soil depth. Planting strips shall be continuous wherever possible. Tree pits or wells are allowed only in areas of intensive commercial and mixed-use development where the *Comprehensive Plan* encourages wide sidewalks or where there is no reasonable alternative. Standards for the use of tree pits appear in WDB 26.3.

*Vermont Tree Selection Guide* is a publication of the Vermont Urban and Community Forestry Program that provides town guidance in selecting appropriate street and landscape trees. Copies of the guide can be reviewed at Williston Planning.

26.2.1.3 Spacing: Residential Developments. In residential developments, street trees are to be planted so that there is at least one tree on the frontage of each lot, or at least one tree every 40 feet along the road, whichever results in the greater number of trees.

26.2.1.4 Spacing: Other Developments. In nonresidential developments, street trees must be planted at least every 40 feet along the road.

26.2.1.5 Distance from Curb. No tree may be planted closer to any curb or sidewalk than the following: small trees – 3 feet; medium trees – 4 feet; large trees – 5 feet (tree species are identified as small, medium or large in *Vermont Tree Selection Guide*).

26.2.1.6 Utilities. No street tree shall be planted under or within 20 lateral feet of any overhead utility wire, or over or within eight (8) lateral feet of any underground water line, sewer line, transmission line, or other utility. No trees shall be planted without prior notification of Dig Safe.

26.2.1.7 Corners and Intersections. No trees shall be planted within the clear vision triangles required by this bylaw.

## **26.3 Tree Pit Design**

**26.3.1 Are there standards for design of the tree pits?** Yes. As provided by WDB 26.2, tree pits or wells may be used in areas of intensive commercial or mixed-use development or where a continuous

planting strip is not feasible. Tree pits or wells can be placed at grade or incorporated into raised planters. See the *Public Works Standards* for typical installations.

**26.3.2 How much soil must be provided in tree pits or wells?** Individual trees must be planted in at least the minimum volume of un-compacted soil called for in *Recommended Trees for Vermont Communities*. Where possible, individual tree pits or wells must also be connected to a continuous channel of structural soil under the adjoining pavement.

**26.3.3 What is structural soil? Are there any exceptions to its use?** Structural soil is designed to provide adequate support for paved surfaces like parking lots and sidewalks, while also serving as a suitable medium, for tree growth and health. Specifications for structural soil are included in the *Public Works Standards*. An exception to the requirement for the use of structural soils may be permitted where all of the surrounding paved surfaces are porous.

**Structural Soils.** For more information, see the structural Soil specifications on the Cornell University web site (<http://www.hort.cornell.edu/department/faculty/bassuk/uhi/>).

**26.3.4 Are there standards for tree grates?** Yes. Where tree pits or wells are placed at grade, tree grates shall be provided as specified in the *Public Works Standards*. Tree grates must be installed flush with the adjoining surface so as to not limit accessibility or create a safety hazard.

## 26.4 Street Tree Selection

### 26.4.1 Are there requirements for tree selection in terms of species, size, quality and diversity?

Yes, the following standards must be met when selecting street trees for installation.

26.4.1.1 **Permitted Species.** Street trees will ordinarily be hardwood shade trees, selected from those listed in *Recommended Trees for Vermont Communities*. The DRB may approve smaller ornamental trees for use near intersections or at other locations where a large tree is inappropriate. Coniferous trees should be avoided, but may be permitted by the DRB where they support a particular design theme or contribute to required buffering or screening.

26.4.1.2 **Prohibited Species.** The following tree species are not permitted as street trees due to their invasive tendencies: Black Locust (*Robinia pseudoacacia*), Amur Maple (*Acer ginnala*), Norway Maple (*Acer platanoides*), Tree of Heaven (*Ailanthus altissima*) and Amur Corktree (*Phellodendron amurense*). The use of Green Ash (*Fraxinus pennsylvanica*) is not permitted without an exception from the DRB due to an existing overabundance of this species in Williston.

26.4.1.3 **Species Selection.** The following factors should be taken into consideration when selecting appropriate tree species for individual sites: available soil volume or rooting space; exposure to salt; soil type, pH, and drainage; and the distance to intersections and utilities.

26.4.1.4 **Species Diversity.** If more than 35 street trees are required, no more than 15% shall be from the same genus. If fewer than 35 street trees are required, no more than 5 trees shall be of the same genus.

26.4.1.5 **Size of Stock.** Street trees shall be of the following minimum sizes at the time of planting: large trees- 2 ½" caliper; medium and small trees- 2" caliper.

26.4.1.6 **Quality of Stock.** All trees to be planted shall be well rooted, balled and burlapped or containerized nursery-grown stock, free of injury, harmful insects, and disease. All trees to be planted shall conform to the ANSI Z60.1 *American Standard for Nursery Stock*.

## **26.5 Street Tree Installation and Maintenance**

**26.5.1 Are there requirements for the installation of street trees?** Yes. Street trees shall be planted in accordance with the ANSI A300 *Best Management Practices for Tree Planting*. Planting specifications are also provided in the *Public Works Standards*.

26.5.1.1 **Supervision.** If more than 10 street trees are required in a development, installation must be supervised by a Certified Arborist. The Certified Arborist will provide a report, including a completed *Street Tree Post-Construction Checklist*, to Williston Planning verifying that trees have been installed correctly and as specified on the approved landscaping plan.

26.51.2 **Inspection.** Installed street trees are subject to the inspection requirements of 7.1.7.

**26.5.2 Are there landscaping maintenance requirements?** Yes. Street trees are a ‘required improvement,’ as defined in Chapter 7 of this bylaw, subject to all requirements that chapter imposes. Street trees must be maintained (including irrigation) by the developer for a period of three years following their installation. During this three-year period, any trees determined by the DPW to be dead, dying, or in poor health shall be replaced by the applicant/owner at his/her expense.

## **26.6 Protection of Existing Street Trees**

**26.6.1 Must I retain existing street trees?** Yes. Existing street trees shall be retained wherever possible.

26.6.1.1 **Protection during Construction.** Existing street trees must be protected from damage during construction, as required by the *Public Works Standards*. The landscaping plan required by WDB 23.1.3 must show all proposed tree protection measures and include a schedule showing that these measures will be put into place before other construction activities begin. This information must also be shown on a runoff and erosion control plan, where one is required by WDB 29.4.1.

26.6.1.2 **Documentation.** The condition of existing street trees shall be documented with photographs before an administrative permit is approved and construction begins. The number of photographs the applicant must provide will be determined by the Administrator.

**26.6.2 Can I transplant an existing street tree to a new location?** Existing street trees may be transplanted to new locations if they cannot be retained in their current location(s). Transplantation of existing street trees shall be carried out when the trees are dormant (early spring or fall) and must be supervised by a Certified Arborist. Transplanted street trees are subject to the same two-year maintenance period described for new street trees in WDB 26.5.2.

## **Chapter 27**

### **Conservation Areas**

This chapter establishes standards that protect and preserve significant natural, scenic, and fragile areas.

#### **27.1 Purpose – Authority**

**27.1.1 What are Conservation Areas?** There are seven distinct Conservation Areas in Williston: 1) significant wildlife habitat areas; 2) areas containing uncommon, rare, threatened, or endangered species; 3) unique natural communities; 4) farmlands of local importance, 5) scenic viewsheds, 6) special flood hazard areas (see WDB Chapter 28), and 7) streams, wetlands, lakes, and ponds (see WDB Chapter 29).

**27.1.2 What is the purpose of these standards?** The protection of Conservation Areas will provide significant benefits for soil conservation, water quality, groundwater recharge, biological diversity, and the visual character that defines Williston. These standards will prevent incompatible development from impairing the ecological functions of these areas and reducing the benefits they naturally provide to humans and wildlife. This chapter establishes permit requirements and development standards designed to minimize and avoid undo adverse impacts to these resources. Development may be acceptable in Conservation Areas to the extent that it is compatible with the goal of protecting the physical features, ecological functions, and biodiversity they provide.

**27.1.3 Under what authority does the town adopt these standards?** These standards are adopted under the authority of 24 V.S.A. § 4302(c)(5), § 4382(a)(5), § 4411(b)(3)(F), and § 4418(1)(D), which allow for the protection and preservation of significant natural, scenic, and fragile areas.

#### **27.2 Applicability**

**27.2.1 What activities are subject to these standards?** These standards apply to any development that is located within the boundaries of one or more designated Conservation Areas and for which a permit is required by this bylaw. The Administrator may refer any projects that require a permit to the Conservation Commission for review and comment under these standards.

#### **27.3 Permitted Uses and Exemptions**

**27.3.1 What uses are permitted in Conservation Areas?** The allowed land uses are as provided for in the underlying zoning district but are subject to review procedures and development standards provided in this chapter.

**27.3.2 What activities are exempt from these standards?** All development activities identified as exempt under WDB Chapter 4 are exempt from review requirements and standards of this chapter. Additional exemptions specific to each type of Conservation Area are presented in WDB 27.5 - 27.9 below.

**27.4 General Standards.** These general standards apply to all Conservation Areas. Additional standards specific to each type of Conservation Area are presented in WDB 27.5 - 27.9.

**27.4.1 Do the general standards of this bylaw apply to development in Conservation Areas?**  
Yes. Development in Conservation Areas must, unless specifically exempted, comply with all

standards established in Chapters 13-29. In addition, development in Conservation Areas must comply with all standards specific to the underlying zoning district where the property is located. Where the standards adopted in this chapter and other standards established by this bylaw differ, the most restrictive standard applies.

**27.4.2 Landowners Right.** Conservation Areas must be protected to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a property has only Conservation Areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 19 of this bylaw, or to reconfigure the development and/or designate open space in a way that minimizes consumption of lands that should be protected.

**27.4.3 Designate Open Space.** Open space designation may be required for any development for which a discretionary permit is required. Open space shall be designated and configured so that the open space encompasses, to the maximum extent possible, Conservation Areas that are contiguous to Conservation Areas on adjoining properties and serves to limit encroachment into the Conservation Area. Open space must be permanently protected using any of the three methods listed in WDB 31.7.6.

**27.4.4 Avoid Undue Adverse Impact.** Alternative site designs may be required, alternative locations for the development may be required, and the minimum amount of land required to be set aside as open space may be increased, if necessary, to avoid undue adverse impacts to Conservation Areas.

## 27.5 Significant Wildlife Habitat Areas (SWHA)

**27.5.1 What are Significant Wildlife Habitat Areas (SWHA)?** Those natural features that contribute to the survival and/or reproduction of the wildlife of Williston and surrounding communities. This shall include: (1) core habitat; and (2) wildlife connectivity corridors.

**27.5.2 What is Core Habitat?** A combination of several different wildlife habitat types combined to form a unit of relatively continuous wildlife habitat. Areas characterized as Core Habitat generally consist of relatively large forested areas that might contain a combination of early succession habitats; forested riparian areas; wetlands and vernal pools; deer wintering areas (i.e. deeryards); mast stands; ledge, talus, or cliff habitats; and habitat identified by the Vermont Department of Fish and Wildlife as either significant wildlife habitat or necessary wildlife habitat in accordance with 10 V.S.A. Sec. 6086(a)(8)(A).

**27.5.3 What is a Wildlife Connectivity Corridor?** A route that permits the direct travel or spread of animals or plants from one area or region to another, either by the gradual spread of a species' population along the route or by the movement of individual members of the species. Generally, such areas are characterized by undeveloped forested and riparian corridors, including forest cover reaching to road rights-of-way, which serve to link large tracts of unfragmented core habitat. In Williston, the corridor was designed to accommodate bobcat, fisher, mink, four-toed salamander, wood frog, smooth green snake, and wood turtle.

**27.5.4 What are the boundaries of the SWHAs?** The boundaries of SWHAs are shown on the official map titled "Significant Wildlife Habitat Areas," which is available for review at the Williston Planning and Zoning Office.

**27.5.5 What is the purpose of protecting Significant Wildlife Habitat Areas?** This section establishes development standards designed to: guide development in a manner that maintains large blocks of forest and areas of contiguous habitat; protect distinct types of habitat required for specific wildlife species; and, ensure the continued movement of wildlife species between unfragmented blocks of forest and core habitat within the town and surrounding region.

**27.5.6 What uses are exempted from these standards?** Site work, structures, and/or impervious surfaces shall not encroach upon designated SWHAs except:

27.5.6.1 Expansion of Existing Structures. The expansion of an existing structure provided that the expansion, or the cumulative total of multiple expansions, does not exceed a total footprint of 100% of the footprint of the existing structure.

27.5.6.2 Accessory Structures. Accessory structures to an existing permitted structure or use shall be permitted within 150 feet of such existing permitted structure or use or placed on existing maintained lawns or impervious surfaces, or within building envelopes and roads and driveways, whichever is greater.

27.5.6.3 Fences. Construction of fences (i) used within cleared areas, or that enclose existing cleared areas (e.g., clearings for lawns and gardens immediately surrounding existing structures), provided the clearing occurred prior to [effective date of this provision] or (ii) lower than 4-1/2 feet and that have at least 16 inches of clearance between the lowest horizontal part of the fence and the ground, or (iii) that have minimum 16" x 16" gaps.

27.5.6.4 Alternative Energy. Any alternative and renewable energy installations.

27.5.6.5 Low Impact Clearing, Thinning, Grading, and Excavation. Low impact means less than 1/2 acre.

27.5.6.6 Documentation of No Undue Adverse Effect. Other activities not listed here may be exempted from these standards if a Habitat Disturbance Assessment in conformance to WDB 27.5.7 indicates that the proposed site work, new structures, or impervious surfaces will, because of mitigating factors, not result in undue adverse impact on the significant wildlife habitat area.

## **27.5.7 Review Procedures.**

**27.5.7.1 Who determines if my project will impact a SWHA?** All development located within the SWHA, which is not exempted by section 27.5.6 or WDB Chapter 4, will require a Habitat Disturbance Assessment (HDA) to be prepared by a qualified wildlife biologist or other professional contracted by the town prior to Discretionary Permit or Administrative Permit review.

**27.5.7.2 Who pays for the preparation of the HDA and how much does it cost?** The applicant pays the town a fee to cover the cost for preparation of the HDA. A copy of the current fee schedule is available from the Administrator or on-line at the town's website.

**27.5.7.3 When does the HDA have to be done?** Discretionary Permit applications and Administrative Permit applications shall not be considered complete until the HDA has been submitted along with other required application materials. Applicants for discretionary

permits should remember to factor this into their development program. Waiting to complete the HDA until you are ready to file may result in delays to your application being heard by the DRB and may affect the development's site plan. Applicants are encouraged to contact town staff to contract preparation of the HDA well before filing their application.

**27.5.7.4 What must be included in a Habitat Disturbance Assessment?** The Williston Conservation Commission shall review each HDA and make recommendations to the DRB or Administrator. Unless waived by the DRB or the Administrator, the HDA shall include the following:

- **Habitat Inventory:** An inventory of existing (pre-development) wildlife habitat found on the parcel of land where the development is proposed, including the presence of significant wildlife habitat, the specific types of habitat found on the parcel and their relative importance to the various wildlife species that rely on that habitat for one or more life-cycle function;
- **Habitat Assessment:** An assessment of the relationship of the habitat found on the parcel of land where the development is proposed relative to other significant wildlife habitat present in the town (e.g., does habitat found on the parcel provide for connectivity between core habitat blocks; is the parcel located contiguous to other significant wildlife habitat, or part of a core habitat block);
- **Site Design:** Identification of the distance of all proposed development activities, including designated homesites and associated clearing, driveways and infrastructure (e.g., septic systems) and areas of disturbance, from the significant habitat and, if significant habitat is proposed to be disturbed, the total area of disturbance and the total area of the remaining (undisturbed) habitat;
- **Impact Assessment:** An assessment of the likely impact of the proposed development, including associated activities (e.g., introduction of domestic pets, operation of vehicles and equipment, exterior lighting, introduction of non-native species for landscaping) on the ecological function of the significant wildlife habitat found on the site. This shall include an assessment of whether travel between areas of core habitat will be disrupted; and
- **Recommendations:** Specific measures that would avoid or minimize the proposed development's impact on the habitat, including alternative site designs considered for the project, alternative locations for the development on the parcel, and possible mitigation.

**27.5.8 SWHA General Standards.** All development within SWHAs shall be designed to:

**27.5.8.1 Minimize the fragmentation of forest cover and other relevant habitat characteristics.** All development in SWHAs shall be designed so that lots and building sites are located to avoid, to the greatest extent practicable given site conditions and development options on the site, impacts to significant wildlife habitat. Therefore, if a site on a parcel is capable of meeting all the standards of this section, then that site will be given precedence over other sites that do not conform.

**27.5.8.2 Cluster development.** Lots and building sites should be clustered to minimize impacts to, and avoid encroachment and associated fragmentation of, SWHAs.

**27.5.9 Core Habitat Standards.** All development within an area identified as Core Habitat shall be designed to:

**27.5.9.1 Minimize the encroachment of development into core habitat.** Site disturbances, the placement of buildings, and the extension of roads, driveways and utilities shall be located as close to existing roads as is practical, given development options for the site, to avoid encroachment into core habitat.

**27.5.10 Habitat Connectivity Corridor Standards.** All development within an area identified as a Habitat Connectivity Corridor shall be designed to:

**27.5.10.1 Minimize disruption and fragmentation of the identified corridor.** Ensure that the development will not prevent the continued use by wildlife species identified as being dependent on the corridor (bobcat, fisher, mink, four-toed salamander, wood frog, smooth green snake, and wood turtle) to travel between areas of core habitat.

**27.5.10.2 Avoid Barriers.** Avoid any placement of fences, walls, or substantial changes in grade that would disrupt the movement of wildlife within the corridor.

**27.5.10.3 Mitigate impacts.** If the requirements of 27.5.10.1 cannot be met, then the applicant shall mitigate impacts by restoring or enhancing woody vegetation cover in portions of the mapped corridor that have been previously disturbed by clearing or similar disturbance. Restoration and enhancement proposals must be approved by the Administrator, and the restored or enhanced acreage must be included in a designated open space area as described in 27.4.3.

## **27.6 Uncommon, Rare, Threatened, and Endangered Species (URTES) and Communities**

**27.6.1 What are Uncommon Species?** These vulnerable species are at moderate risk of extinction\extirpation due to restricted range, relatively few populations or occurrences (often 80 or fewer), recent and widespread declines, or other factors.

**27.6.2 What are Rare Species?** These imperiled species are at high risk of extinction or extirpation due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors. Rare species face threats from development of their habitat, harassment, collection, and suppression of natural processes, such as fire.

**27.6.3 What are Threatened, and Endangered Species?** Endangered and threatened species are defined by both state and federal law. State law defines endangered species as a species listed on the state endangered species list under 10 V.S.A. Chapter 123 section 5401 or determined to be an endangered species under the federal Endangered Species Act. The term generally refers to species whose continued existence as a viable component of the state's wild fauna or flora is in jeopardy. Threatened species are defined in 10 V.S.A. Chap. 123 section 5402 as a species whose numbers are significantly declining because of loss of habitat or human disturbance, and unless protected will become an endangered species.

**27.6.4 Are URTES located on my property?** Known locations of URTES are shown on the official

map titled “*Uncommon, Rare, Threatened, and Endangered Species and Communities*,” which is available for review at the Williston Planning and Zoning Office. The location of URTES may also be identified by the Vermont Fish and Wildlife Department or through site investigation.

**27.6.5 What is the purpose of protecting URTES?** These standards are designed to maintain, restore, provide stewardship for, and conserve habitats and natural communities that support URTES.

#### **27.6.6 Review Procedures**

**27.6.6.1 Who determines if my project will impact a URTES?** All development located within a designated URTES habitat and which is not exempted by WDB Chapter 4 will require a written opinion issued by the Vermont Fish and Wildlife Department (VFWD) confirming the presence or absence of URTES. The applicant must provide the VFWD with a map and site plan showing the location of the URTES in relation to the proposed development.

**27.6.6.2 What if a URTES is present?** If a URTES is present, the applicant must obtain a written opinion from the VFWD indicating what measures must be taken to assure that the proposed development will not result in undue adverse impact the URTES.

Recommendations from the VFWD may require additional work from the applicant. The presence of an Endangered or Threatened species may require an Endangered and Threatened Species Permit from the State of Vermont.

#### **27.7 Unique Natural Communities (UNC)**

**27.7.1 What are Unique Natural Communities?** These communities are composed of a unique natural assembly of physical and biological conditions that occur together to form a functionally distinct portion of the landscape. These special features could include bogs, cliffs, vernal pools, or special kinds of forest.

**27.7.2 What are the boundaries of Unique Natural Communities?** The boundaries of Unique Natural Communities are shown on the official map titled “*Unique Natural Communities*,” which is available for review at the Williston Planning and Zoning Office.

**27.7.3 What is the purpose of protecting Unique Natural Communities?** The purpose is to protect unique natural communities that enhance the diversity and beauty of Williston’s landscape.

#### **27.7.4 Review Requirements**

**27.7.4.1 Who determines if my project will impact a Unique Natural Community?** Many of Williston’s UNC’s have been inventoried by the town and so the significant resources have been documented. For all development proposed within the UNC and which is not exempted by WDB Chapter 4, the impact to the UNC shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission who will identify the significant resources in the targeted UNC and make recommendations to assure that the proposed development will not conflict with the UNC’s special features.

The significant resources in each UNC are provided in the table 27.A below:

**Table 27.A**

<b>Unique Natural Community</b>	<b>Significant Resources to Protect</b>
Bur Oak Knoll	uncommon Bur Oak natural community
Johnson Falls	wildlife habitat, water quality
Gramma Ridge	forested uplands, vernal pools, wildlife habitat
Glacial Spillway	wildlife habitat, water quality
Brownell Mountain	forested uplands, wildlife habitat
Mud Pond	wildlife habitat, water quality, forested uplands
Lower Allen Brook Watershed	water quality, riparian forests, wildlife habitat
Winooski River Floodplain	water quality, riparian forests, wildlife habitat
Red Maple/Blueberry Swamp	wildlife habitat, water quality
Allen Brook Tributary Confluence	wildlife habitat, water quality
Hemlock woodland/wetland	wildlife habitat, water quality
Upper Lake Iroquois Watershed	wildlife habitat, water quality
Former Burnett Property	forested uplands, wildlife habitat

## 27.8 Farmlands of Local Importance.

**27.8.1 What are Farmlands of Local Importance?** Farmlands of Local Importance are classified by the Land Evaluation/Site Assessment (LESA) system. All properties that received a LESA Farmland Score are Farmlands of Local Importance. The LESA system is a framework for combining multiple factors into an integrated assessment of the importance of a particular site for continued agricultural use. Such factors as soil quality, agricultural productivity, development pressure, and measures of other public values are combined into a single score that allows the town to identify and protect important agricultural land and plan growth accordingly.

The State of Vermont uses a definition of agricultural lands that is based solely in the important farmlands definitions adopted by the Natural Resources Conservation Service (see 10 V.S.A. § 6001(15)). Those definitions, which include “prime farmland” and “farmlands of statewide importance,” reflect the inherent characteristics and management of a parcel, but ignore its context. Their use in Williston has been counterproductive, making it more difficult to promote a compact pattern of development because the state is “protecting” isolated parcels of productive soils that are surrounded by development and urban infrastructure. Williston focuses its farmland protection efforts on working farms (which may include soils that are not as productive) rather than on soil bodies.

**27.8.2 Is my property considered a Farmland of Local Importance?** Farmlands of Local Importance are shown on the official map titled “1988 LESA Farmland,” which is available for review at the Williston Planning and Zoning Office.

**27.8.3 What is the purpose of protecting important farmlands?** Williston has lost a sizeable area of productive farmland to development. The purpose is to preserve to the greatest extent practicable the working landscapes support locally grown products and that many residents and visitors see as the classic image of Vermont.

**27.8.4 What uses are exempted from these standards?** Site work, structures, and/or impervious surfaces shall not encroach upon designated Farmlands of Local Importance except:

27.8.4.1 Growth Center. All lands that are included in Williston’s designated growth

center.

27.8.4.2 Residential Improvements. All residential improvements listed in WDB Chapter 20.

### **27.8.5 Review Procedures.**

**27.8.5.1 Who determines if my project will impact a Farmland of Local Importance?** For all development proposed within a Farmland of Local Importance and which is not exempted by section 27.8.4 or WDB Chapter 4, the impact to the farmland shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission.

### **27.8.6 Farmland of Local Importance Protection Standards**

**27.8.6.1 Minimize the encroachment of development into Farmlands of Local Importance.** Site disturbances, the placement of buildings, and the extension of roads, driveways and utilities shall be located as close to existing roads as is practical, given development options for the site, to avoid encroachment into the important farmland. Development should be situated on the least productive soils.

**27.8.6.2 Cluster development.** Lots and building sites should be clustered to minimize impacts to, and avoid encroachment and associated fragmentation of, important farmlands.

## **27.9 Scenic Viewshed**

**27.9.1 What is a Scenic Viewshed?** Williston's scenic viewshed includes the open fields and meadows, wooded slopes and ridgelines, and scenic viewpoints that make up the visual character of the town. Each viewshed category is described below. These categories are further broken down into "primary" and "secondary" designations. Places where different components overlap are judged to be more significant.

- **Vantage Point.** It is via accessible vantage points that a typical citizen "takes in" visual information about the landscape. For most people, these vantage points are found largely along the public roads daily travelled. Vantage points are public viewing points from roads and other places throughout town that provide access to views of high quality. The lands comprising these views have been analyzed and evaluated with respect to four major components, foreground, middleground, background and focal points.
- **Foreground.** These lands, generally consisting of cleared land adjacent to public roads, serve essentially as the community's "window" into the landscape. Since they provide access to the rest of the landscape they are the most important component of a scenic landscape (without them even the best middleground or background is lost to the viewer). They are most effective when they are framed by a woodland or hedgerow edge that creates a distinct first layer of a multi-layered view. In certain high quality short-range views, they can also consist of wooded land. Yet, because they tend to be visually uncluttered, prominent and easily accessed, they also are highly vulnerable to degradation by development.

- **Middleground.** These lands are generally a more complex composition of layered wooded and open lands and man-made features. Because of their inherent complexity they are able to absorb only limited and well-sited development without damaging their basic character. Middlegrounds often are important in the visual transition between foreground and background.
- **Background.** These lands now predominantly consist of forested hillsides that rise up behind the middleground. To the east and west the far horizon lines are the Green Mountains and the Adirondacks, seen from many vantage points in the town. With discretionary clearing of building sites, hillsides below the horizon may sometimes absorb a limited amount of development (soils and slopes permitting) without significant intrusion. At other times any development irrevocably compromises the view. The horizon line itself, due to its highly contrasted nature, is very sensitive to intrusion by man-made development. Publicly acceptable encroachments are generally limited to certain public structures such as church steeples and the rooflines of government buildings or the collective composition of a settlement.
- **Focal Points.** Most high-quality views feature some kind of accent or focal point within the composition. The focal point draws the eye. These are typically provided by prominent man-made features such as farmstead clusters or church steeples or unique natural features such as rock outcroppings, great trees, or mountain peaks. Because the strength of focal points lie in their contrast to the surrounding landscape, they need to be protected from competing elements (i.e., adjacent buildings or trees should not obliterate a village church steeple).

**27.9.2 What are the boundaries of the Scenic Viewshed?** The boundaries of the Scenic Viewshed are shown on the official map titled “Visual Assessment,” which is available for review at the Williston Planning and Zoning Office.

**27.9.3 What is the purpose of protecting the Scenic Viewshed?** The purpose is to maintain the visual character of Williston.

**27.9.4 What uses are exempted from these standards?** Site work, structures, and/or impervious surfaces shall not encroach upon the designated Scenic Viewshed except:

27.9.4.1 Growth Center. All lands that are included in Williston’s designated growth center.

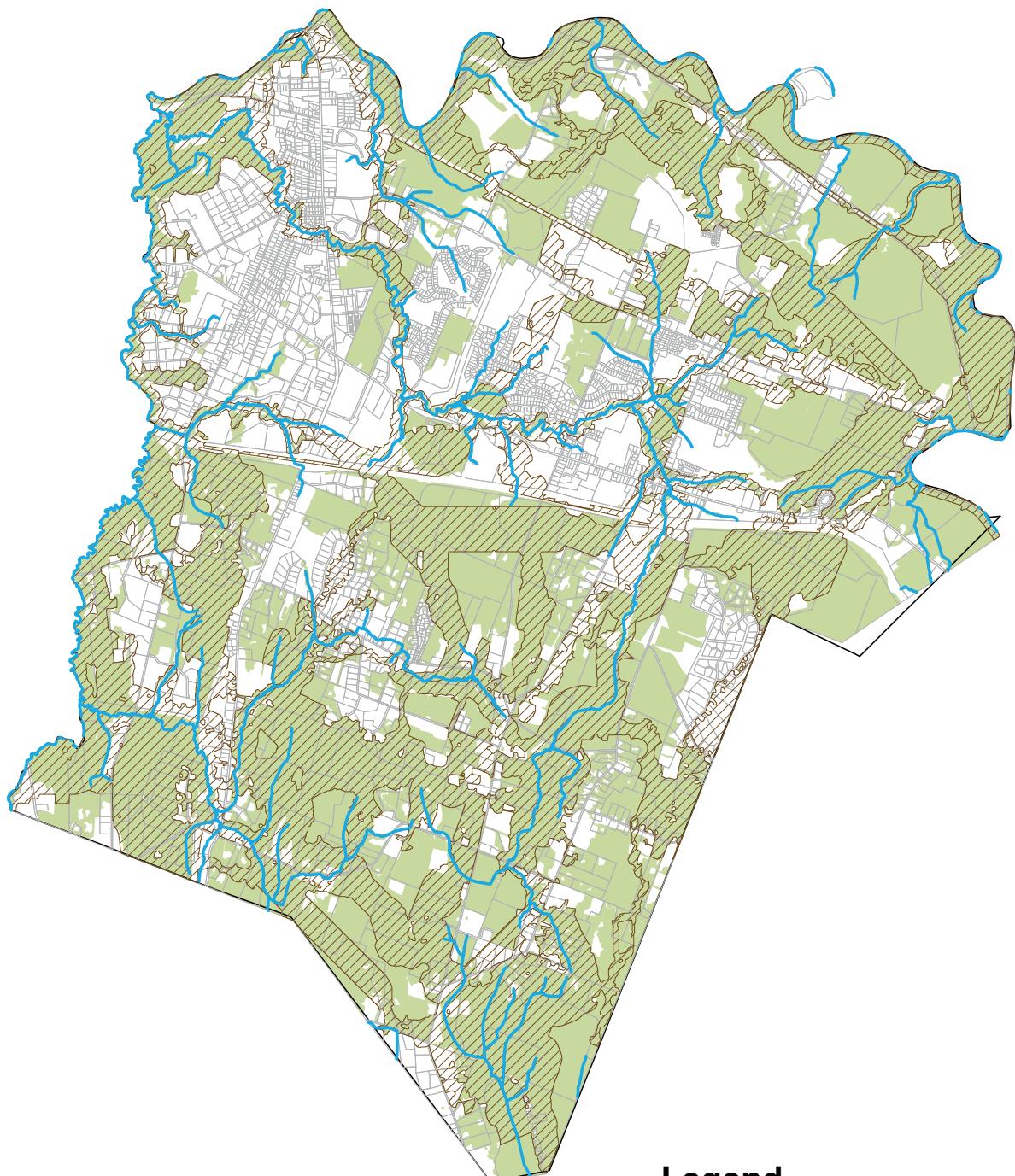
27.9.4.2 Residential Improvements. All residential improvements listed in WDB Chapter 20.

#### **27.9.5 Review Requirements**

**27.9.5.1 Who determines if my project will impact a Scenic Viewshed?** For all development proposed within a Scenic Viewshed and which is not exempted by section 27.9.4 or WDB Chapter 4, the impact to the viewshed shall be determined by the Zoning Administrator or the DRB. Prior to Discretionary Permit or Administrative Permit review, the Administrator may request recommendations from the Williston Conservation Commission.



# Significant Wildlife Habitat Official Map, Williston, Vermont



## Legend

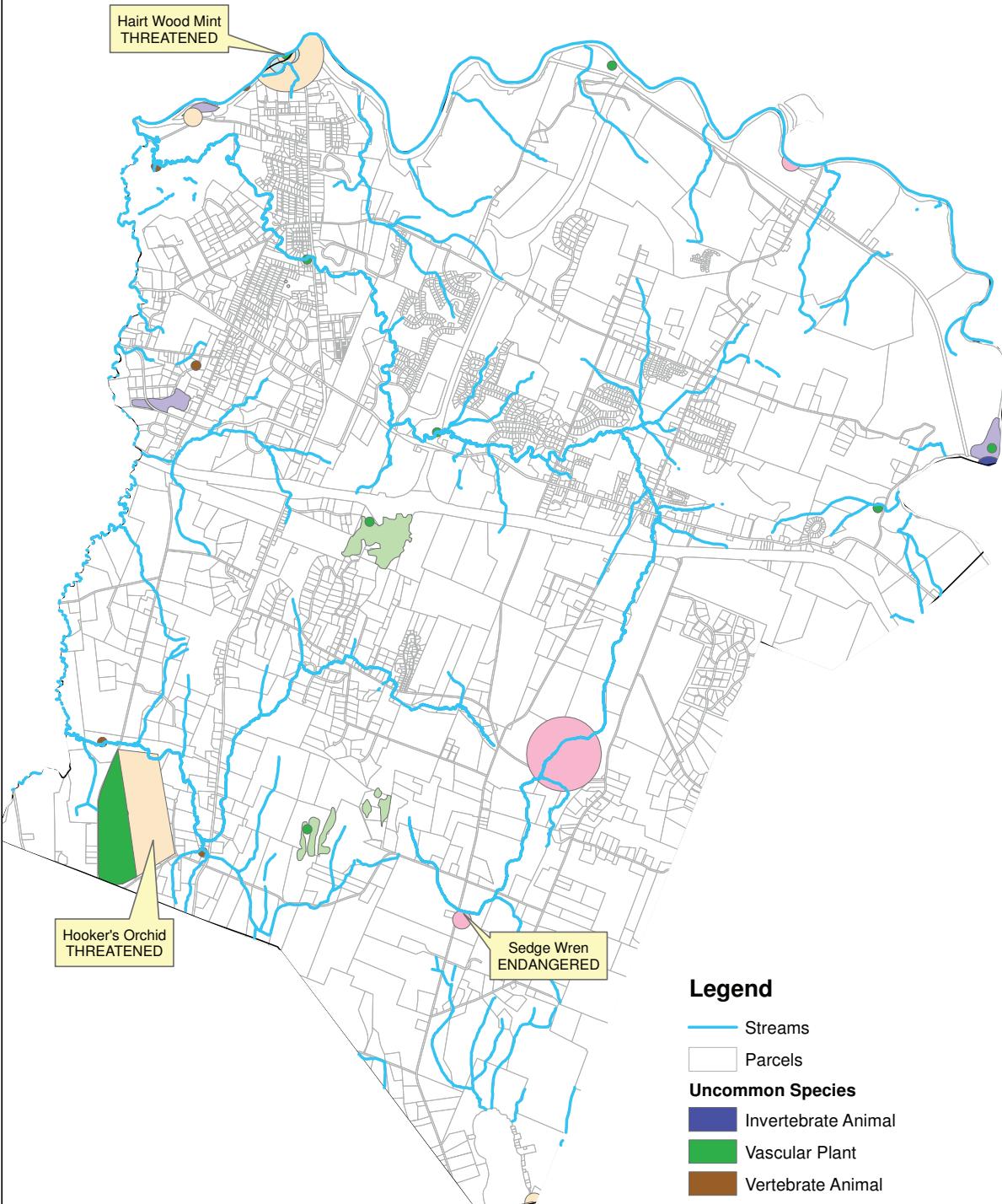
- Wildlife Travel Corridors
- Core Habitat
- Streams
- Parcels



0 0.5 1 2 Miles



# Unique, Rare, Threatened, and Endangered Species and Communities Official Map, Williston, Vermont



## Legend

Streams

Parcels

### Uncommon Species

Invertebrate Animal

Vascular Plant

Vertebrate Animal

### R/T/E Species & Communities

Nonvascular Plant

Palustrine Natural Community

Terrestrial Natural Community

Vascular Plant

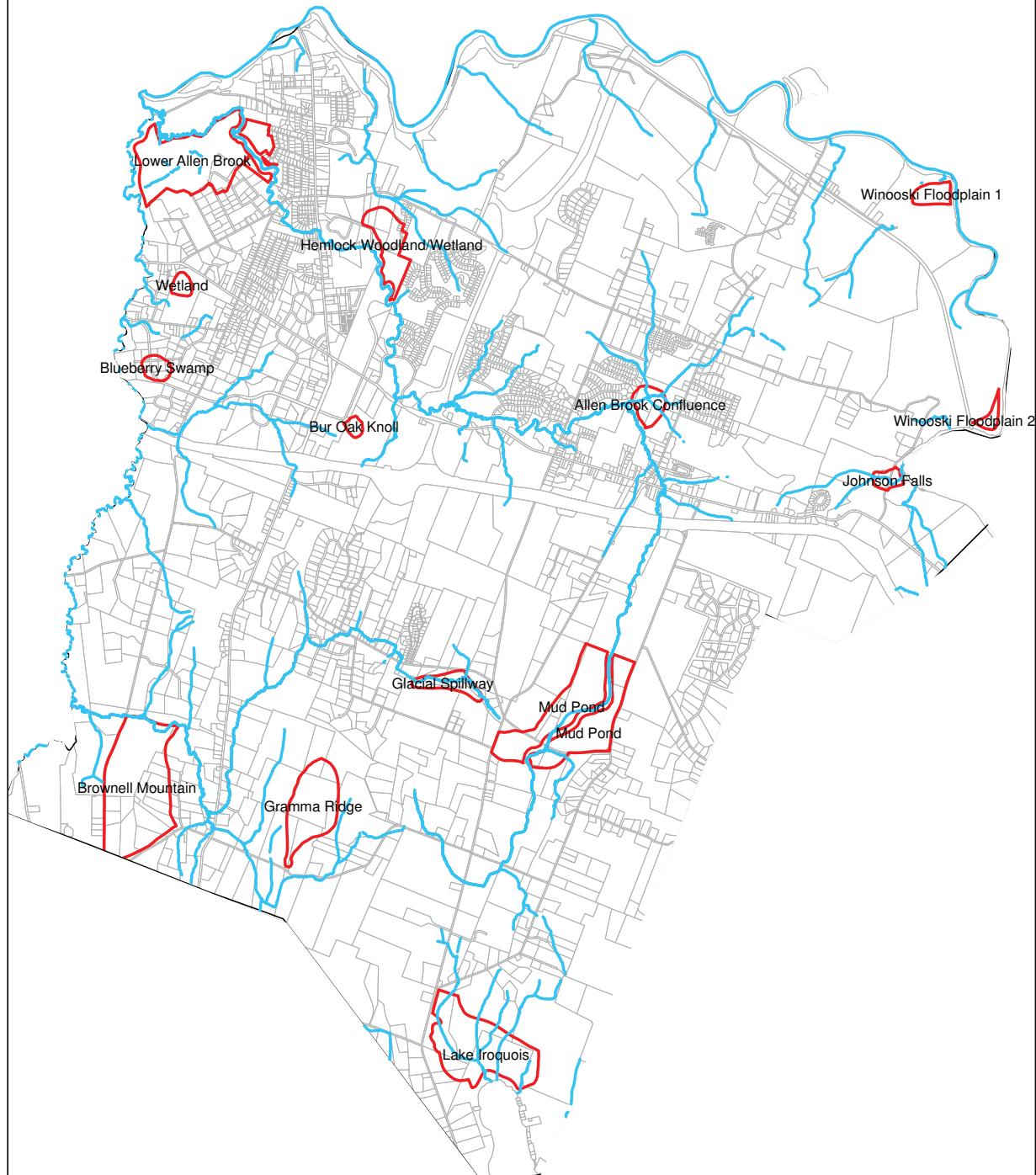
Vertebrate Animal



0 0.5 1 2 Miles



# Unique Natural Communities Official Map, Williston, Vermont



## Legend



NORTH

0    0.5    1    2 Miles

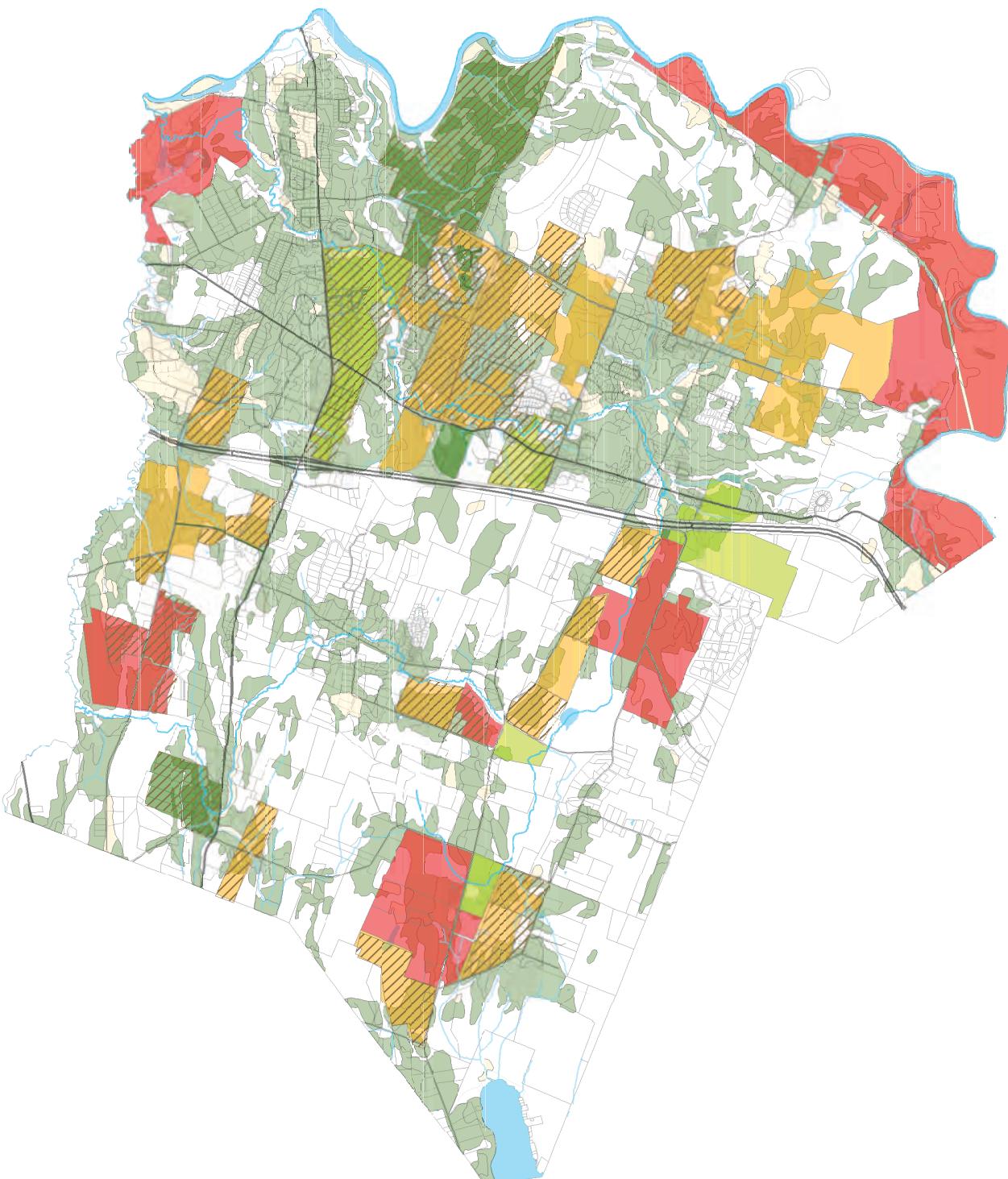
Streams

Unique Natural Communities

Parcels



# 1988 LESA Farmland Official Map, Williston, Vermont



## Legend

### Farmlands That Have Been Developed

or Are No Longer in Production

### 1988 LESA Farmland Scores

0 - 41
42 - 118
119 - 162
163 - 235

### Important Farmland Classification Ratings for Vermont Soil Map Units- June 2005

Prime Farmland

Farmland of Statewide Importance

Named Streams

Unnamed Streams and Tributaries

Water Body

Parcels

### Roads Centerline

Interstate

US or State Route

Class 2 - 4

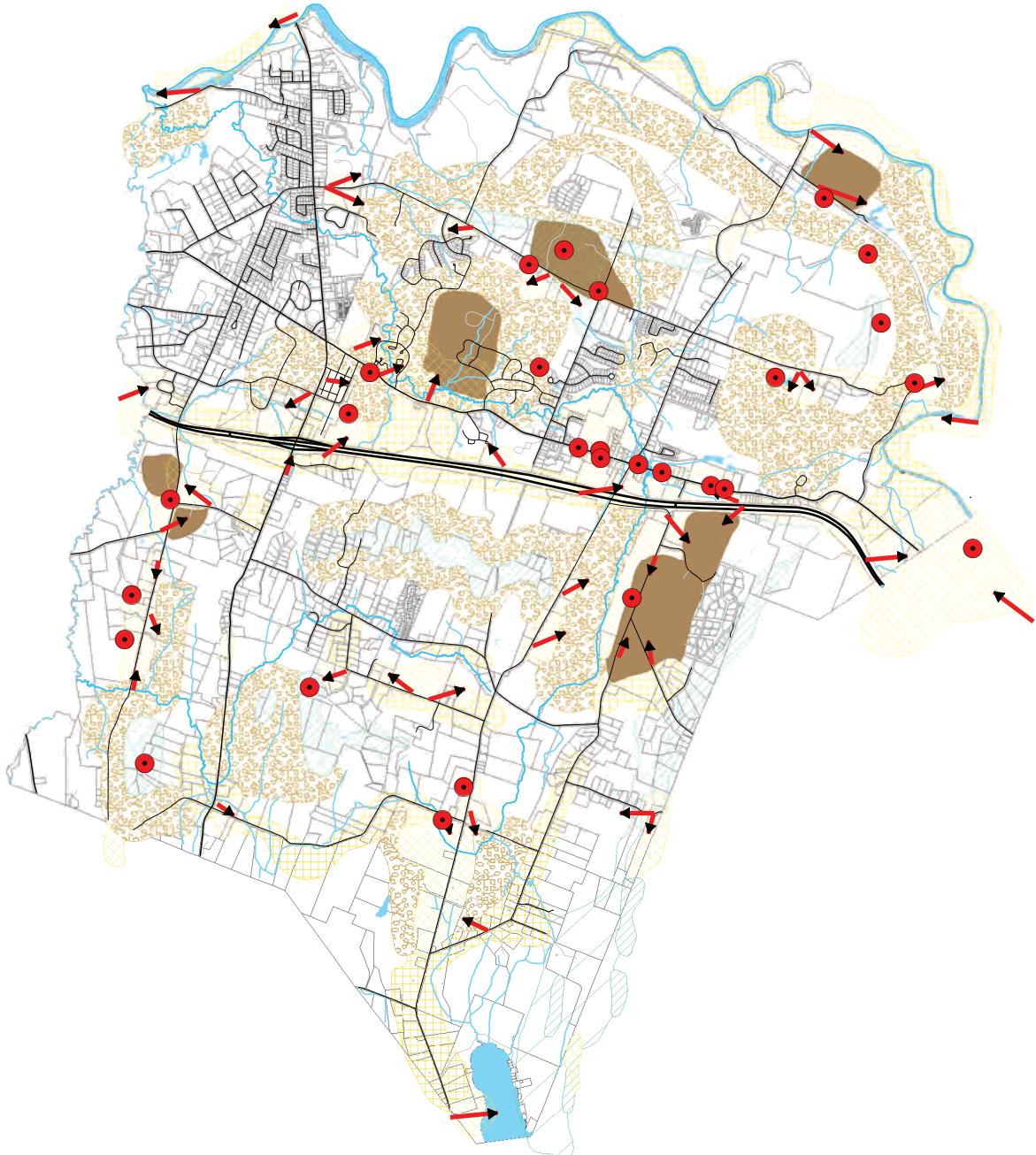
Private



0 0.5 1 Miles



# Visual Assessment Official Map, Williston, Vermont



## Legend

Visual Assessment	
	Primary Foreground
	Secondary Foreground
	Primary Middleground
	Secondary Middleground
	Primary Background/Horizon
	Secondary Background/Horizon
Road Centerline	
	Interstate
	US or State Route
	Class 2 - 4
	Private
	Parcels
	Focal Point
	Public Vantage Point



0 0.5 1 2 Miles

## **Chapter 28**

### **Special Flood Hazard Areas**

This chapter establishes standards for development in Special Flood Hazard Areas (SFHAs). It should be understood that these standards have very limited applicability. Because the watershed protection buffers required by Chapter 29 of this bylaw essentially prohibit new structures in SFHAs, these standards will apply primarily to existing nonconforming uses.

#### **28.1 Authority – Purpose - Boundaries**

**28.1.1 What is the legal authority for regulation of Special Flood Hazard Areas?** These standards are adopted to affect the purposes of 10 V.S.A. Chapter 32, and as specifically authorized by 24 V.S.A. § 4424.

**28.1.2 What is the purpose of these regulations for Special Flood Hazard Areas?** These standards for SFHA's are adopted to:

- minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and flood-related hazards;
- ensure that the design and construction of development in SFHA's are accomplished in a manner that minimizes or eliminates the potential for flood loss or damage to life and property; and
- ensure that the state, municipalities, and individuals are eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds.

**28.1.3 What are the boundaries of the Special Flood Hazard Areas?** The SFHA's include all lands within the Town of Williston identified as SFHA's on the most current flood insurance maps and studies published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), or its successor, and as provided by the Secretary of the Vermont Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753. These maps are adopted by reference as part of this bylaw.

**28.1.4 Who determines if a property is located within a Special Flood Hazard Area?** The location of the boundary shall be determined by the Administrator based upon the most current information provided by the NFIP listed in WDB 28.1.3.

**28.1.4 What if I believe my property has been incorrectly shown in a Special Flood Hazard Area?** A property owner who believes that their property has been incorrectly shown in a SFHA may submit a request for a Letter of Map Amendment to FEMA in order to request a change in the SFHA classification for their property.

**Where I can see a map of the SFHAs?** The most current National Flood Insurance Program maps are available for review at Williston Planning, in the Town Hall Annex at 7900 Williston Road.

## **28.2 Definitions Specific to this Chapter**

**28.2.1 What is a Special Flood Hazard Area?** Special Flood Hazard Areas include the area of floodplain that is subject to a one percent (1%) or greater chance of flooding in any given year. In some cases, the NFIP has determined base flood elevations for watercourses and further classified the SFHA into areas of Regulatory Floodway and Floodway Fringe, as described in WDB 28.2.2 and 28.2.3. In other cases, the NFIP has not yet classified the SFHA.

**28.2.2 What is the Regulatory Floodway?** The Regulatory Floodway includes the channel of a river or stream and the adjacent land areas that must be reserved in order to discharge the base flood - the flood having a one percent (1%) chance of being equaled or exceeded in a given year - without cumulatively increasing the water surface elevation more than one foot at any point.

**28.2.3 What is the Floodway Fringe?** The Floodway Fringe is the area of SFHA outside of the Regulatory Floodway, in areas where the Regulatory Floodway has been designated.

**28.3 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw. All development within SFHA's with the exception of accessory structures, decks, patios, pools, and improvements that do not constitute a substantial improvement of existing dwellings will require a discretionary permit before an administrative permit can be approved.

**What is a Substantial Improvement?** A 'substantial improvement' of an existing residential structure means any reconstruction, rehabilitation, addition, or other improvement, the cost of which over three years or improvements by way of a common plan of development, equals or exceeds 50% of the market value of the original structure before the start of construction.

**28.3.1 Can an administrative permit be issued immediately once a discretionary permit has been approved or if no discretionary permit is necessary?** No.

28.3.1.1 Referral to State. The town must submit a copy of the application for an administrative permit for development within an SFHA to the Regional Floodplain Manager at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued only following the receipt of comments from the Agency or the passage of 30 days from the date the application was mailed to the Agency, whichever comes first.

28.3.1.2 Other Permits. The Administrator will not approve an administrative permit for development within an SFHA before determining that any state and/or federal permits which may be required have been issued.

28.3.1.3 Alteration or Relocation of a Watercourse. Applications for the alteration or relocation of watercourses must be referred to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, as provided in WDB 28.3.1.1, and to the River Management Section of that same agency, and to the Army Corps of Engineers. Applicants must also notify any adjacent communities. These referrals must be made at least 30 days before an administrative permit is approved. See also WDB 28.5.

**28.3.2 What records must be maintained when development is permitted in an SFHA?** The Administrator must maintain a separate record of all permits issued for development in SFHAs, including the elevation (consistent with the datum of the elevation on the NFIP maps for Williston) of the lowest floor, including basements, of all replacement or substantially improved buildings; the

elevation (consistent with the datum of the elevation on the NFIP maps for Williston) to which buildings have been floodproofed; all floodproofing certifications required by these standards; and a record of all variances approved.

## **28.4 Standards**

**28.4.1 Do the general standards of this bylaw apply to development in the SFHAs?** Yes. Development in SFHA's must, unless specifically exempted, comply with all standards established in Chapters 13-29. In addition, development in the SFHA must comply with all standards specific to the underlying zoning district. Where the standards adopted in this chapter and other standards established by this bylaw differ, the most restrictive standard applies.

**28.4.2 Are there additional standards specific to SFHAs?** Yes. They are presented in WDB 28.5 through 28.8.

**28.5 Alteration of Streams.** The alteration of watercourses is regulated by 10 V.S.A. § 1021, et seq. No administrative permit will be approved for development that involves the alteration of a stream until the applicant submits a copy of the approved permit from the Vermont Agency of Natural Resources for that alteration. The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

**Where can I learn more about state regulation of stream alterations?** The River Management Section of the Agency of Natural Resource's web page maybe found at: [http://www.vtwaterquality.org/permits/htm/pm\\_streamalt.htm](http://www.vtwaterquality.org/permits/htm/pm_streamalt.htm).

## **28.6 Regulatory Floodway**

**28.6.1 What are the additional restrictions on development within a Regulatory Floodway?** Most new development is prohibited in areas that have been designated as a Regulatory Floodway. Only utility and road crossings, trails and trail crossings, with minor related facilities like signs and benches, and runoff and erosion control measures are permitted. Even these developments are permitted only after hydrologic and hydraulic analyses conducted in accord with standard engineering practice by a registered professional engineer demonstrate that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

**28.6.2 What about changes in nonconforming uses that are located within a Regulatory Floodway?** First, any such changes must comply with Chapter 2 of this bylaw. Changes that would be permitted by Chapter 2 are further limited to those for which hydrologic and hydraulic analyses conducted in accordance with standard engineering practice by a registered professional engineer demonstrate that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

**28.6.3 Is outdoor storage, including the parking or storage of recreational vehicles, permitted within a Regulatory Floodway?** No.

## **28.7 Floodway Fringe**

**28.7.1 What are the additional restrictions on development within the Floodway Fringe?**

28.7.1.1 **Most Development is Prohibited.** All new development in areas that have been designated Floodway Fringe Areas by the NFIP is prohibited with the exception of utility and road crossings, trails and trail crossings, with minor related facilities like signs and benches, and runoff and erosion control measures.

28.7.1.2 **Construction Standards.** All development, including subdivision developments, planned unit developments, manufactured home or manufactured home parks, that is permitted must be reasonably safe from flooding and designed and adequately anchored to prevent floatation, collapse or lateral movement during the occurrence of the base flood. Any development proposed to be located in a SFHA must include base flood elevation data. Development must be adequately drained to reduce exposure to flood hazards, constructed with materials that are resistant to flood damage and using construction methods and practices that minimize flood damage. Utility and service facilities must be located\_designed, and constructed to prevent water entry and accumulation and to minimize or eliminate flood damage. Subdivisions and Planned Unit Developments located in part in the SFHA must be accessible by dry land access outside the special flood hazard area.

***28.7.2 What about changes or additions to nonconforming uses and structures currently located within the Floodway Fringe?*** First, any such changes must comply with Chapter 2 of this bylaw. Changes that would be permitted by Chapter 2 are further limited to those which comply with the standards established by WDB 28.7.2.1 through 28.7.2.9.

28.7.2.1 **Prevent Movement.** All development must be reasonably safe from flooding, and designed and adequately anchored to prevent flotation, collapse, or lateral movement during the occurrence of the base flood.

28.7.2.2 **Minimize Damage.** All development must be constructed with materials that are resistant to flood damage and using construction methods and practices that minimize flood damage.

28.7.2.3 **Protect Utilities.** All development must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

28.7.2.4 **Below the Lowest Floor.** Enclosed areas below the lowest floor which are subject to flooding shall be used solely for the parking of vehicles, building access, or storage, and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum standards.

- Fully enclosed areas below grade on all sides (including below grade crawl spaces and basements) are prohibited.
- There shall be a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding.
- The bottom of all openings shall be no higher than one foot above grade.

- Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**28.7.2.5 Lowest Floor: Residential**. Residential development that is located in SFHA Zones A1-A29 shall have the lowest floor, including the basement if there is one, elevated to one foot or above the base flood elevation.

**28.7.2.6 Nonresidential Development**. Nonresidential development located in SFHA Zones A1-A29 shall have the lowest floor, including basement, elevated to one foot or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that the structure is watertight up to two feet above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Nonresidential development must be reviewed by a registered professional engineer or architect who certifies that the design and proposed methods of construction.

**28.7.2.7 Accessory Structures**. Small accessory structures that are used for parking or storage (and not for human habitation) need not be elevated above the base flood elevation, but ALL structures, including accessory structures, must comply with elevation and development requirements listed in WDB 28.7.1.2, 28.7.2.1, 28.7.2.2, 28.7.2.3, and 28.7.2.4.

**28.7.2.8 Water Supply and Sanitary Sewer Systems**. Compliance with these standards must be certified by a registered professional engineer and, where applicable, approval by the Vermont Department of Environmental Conservation.

- New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**28.7.3 *Can recreational vehicles be placed within the Floodway Fringe?*** Parking or storing recreational vehicles within the Floodway Fringe is prohibited unless the vehicle(s) is/are fully licensed and ready for highway use.

**28.7.4 *Is outdoor storage permitted within the Floodway Fringe?*** No.

## **28.8 SFHA not yet classified as Regulatory Floodway or Floodway Fringe**

**28.8.1 *What if the SFHA on my property has not yet been classified by the NFIP as Regulatory Floodway or Floodway Fringe?*** In areas where base flood elevations and regulatory floodway limits have not been provided by the NFIP, base flood elevations and floodway data provided by FEMA, the Vermont Agency of Natural Resources, or other sources may be obtained and used by to designate areas of Regulatory Floodway and Floodway Fringe. This research and mapping must be undertaken at the expense of the applicant.

**28.8.2 What if there is no base flood elevation data available?** Until a regulatory floodway has been designated, no new construction, substantial improvements, encroachment, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point. Any requests for new construction, substantial improvements, encroachment, or other development under this section must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

## **28.9 Variances - Enforcement**

**28.9.1 Is it possible to obtain a variance from the requirements of this chapter?** Yes, though it is very unlikely. In addition to meeting the requirements for variances detailed in WDB 8.1, variances may only be granted for development within an SFHA if they meet the criteria found in 44 CFR, Section 60.6. Any variance(s) issued in the SFHA shall not increase flood heights. Applicants should also be aware that the issuance of a variance to construct a structure below the base flood elevation increases the risk to life and property and will result in increased flood insurance premiums to amounts as high as \$25 for \$100 of coverage. A copy of any variance obtained under this provision shall be affixed to the deed of the property on file in the town's land records.

**28.9.2 What will happen if I do not comply with this bylaw?** Whenever development occurs contrary to the provisions of this bylaw, enforcement shall proceed as provided by WDB 7.4-6. If development in an SFHA is still not in compliance after the opportunity to correct the violation has passed, the Administrator shall, in addition to taking any enforcement action authorized in Chapter 7, submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: the name of the property owner and address or legal description of the property sufficient to confirm its identity or location; a clear and unequivocal declaration that the property is in violation of this bylaw; a clear statement that the public body making the declaration has authority to do so and a citation to that authority; evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and a clear statement that the declaration is being submitted pursuant to Section 1296 of the National Flood Insurance Act of 1968, as amended.

**28.10 Disclaimer of Liability.** This bylaw does not imply that land outside the mapped SFHAs or any development permitted within an SFHA will be free from flooding or flood damages nor does it create a liability on the part of the town or any town official or employee for any flood damages that result from reliance on this bylaw or a decision lawfully made as this bylaw provides.

## **Chapter 29**

### **Watershed Health**

These standards help protect water quality and watershed health in Williston by regulating construction site erosion and stormwater management in new developments and on redevelopment sites. This chapter also establishes standards for the provision and protection of watershed protection buffers along streams and around wetlands and lakes.

#### **29.1 Purpose - Authority**

**29.1.1 What is the purpose of these standards?** In adopting these standards the Selectboard makes the following findings:

- it is well documented that land development - which alters the volume, velocity, and quality of surface runoff – is likely to adversely affect nearby streams, including the capacity and stability of their channels, their physical and chemical characteristics, and the health of the biological communities they support;
- federal law (see 33 U.S.C. 1313(d)) requires the State of Vermont to maintain a list of streams that are impaired, that is, that do not fully support certain functions due to poor water quality;
- the Allen Brook, Williston's principal stream, appears on that list because scientific surveys have shown it to be impaired for aquatic life support and contact recreation due to land development and the accompanying stormwater runoff and erosion;
- the Muddy Brook, Williston's natural boundary with South Burlington, also appears on Vermont's list of impaired waters because it fails to provide aquatic life support due to a lack of riparian buffers, land development, and erosion;

A list of impaired waters and background information on the Winooski watershed is available at [Basin 8 - Winooski River Watershed Water Quality and Aquatic Habitat Assessment Report](#) by Vermont Agency of Natural Resources Department of Environmental Conservation, Watershed Management Division, Monitoring Assessment and Planning Program.

- the Town of Williston is subject to state and federal permitting requirements as a municipal small separate storm sewer (MS4) operator;
- the general permit (3-9017, as amended) under which Williston operates as an MS4 requires the town to adopt “minimum control measures,” including programs for the reduction of pollutants from construction sites and for the post-construction management of stormwater runoff from new developments and redevelopment sites;

- while the town has actively worked on watershed health through its investments in stream restoration and the application of its regulations, restoring the health of the Allen Brook, preventing the addition of other local streams to the list of impaired waters, and complying with the requirements imposed by the MS4 permit make it necessary to adopt these standards.

**29.1.2 Under what authority does the town adopt these standards?** These standards are adopted under the authority of 24 V.S.A. § 4414(2), (8), (9). As noted in WDB 29.1.1, above, their adoption is also specifically required by 6.2.4 and 6.2.5 of General Permit 3-9014 (as amended July 27, 2018), as issued by Vermont Agency of Natural Resources, Department of Environmental Conservation.

## 29.2 Applicability

**29.2.1 What activities are subject to these standards?** These standards apply to any development for which a permit is required by this bylaw.

**29.2.2 Are there any exceptions from these standards?** As provided by WDB 4.2.1.2., accepted agricultural and forestry practices are exempt from the standards adopted in this chapter. Developments in which the total cumulative land disturbance including all clearing, grading, and excavation, is less than ¼ (one-quarter) acre are exempt from the runoff and erosion control standards provided in sections WDB 29.3 – 29.6 in this chapter, but are encouraged to monitor and minimize runoff and erosion, taking whatever measures are needed to protect neighboring properties and water quality.

**29.2.3 What about small projects?** These standards recognize that the level of runoff and erosion control required to protect water quality varies with the size and location of the proposed development.

29.2.3.1 Low Risk Development. WDB 29.3 sets relatively simple runoff and erosion control standards for smaller developments that pose a relatively low risk of accelerated runoff, erosion, and sedimentation.

29.2.3.2 All Other Development. WDB 29.4 establishes runoff and erosion control standards for larger developments and development in vulnerable areas.

**29.2.4 What about routine maintenance? What about emergencies?** These standards do not apply to the routine maintenance of public and private roads or utilities, including stormwater management works, nor do they apply to emergency repairs required by flooding, slope failures, or other natural hazards or civil emergencies, like a bridge failure. It is understood, however, that runoff and erosion control measures will be incorporated into maintenance activities where necessary, as part of the “good housekeeping” practices required by the town’s MS4 permit.

## 29.3 Low Risk Development

**29.3.1 What is a Low Risk Development?** A low risk development is one in which the cumulative land disturbance is greater than ¼ (one-quarter) acre, but less than two (2) acres, in which all land that will be disturbed is outside the watershed protection buffers established by this chapter, and in which all land that will be disturbed has a slope of less than eight percent (8%).

**29.3.2 What runoff and erosion control standards apply to Low Risk Development?**

**29.3.2.1 State Handbook.** Applications for permits for low risk developments shall be accompanied by a completed Runoff and Erosion Control Checklist that shows how the applicant will comply with the guidance provided in the current edition of Vermont's *Low Risk Site Handbook for Erosion Prevention and Erosion Control*.

**Where can I find the Low Risk Site Handbook for Erosion Prevention and Erosion Control?** On-line at: [http://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/StormwaterConstructionDischargePermits/sw\\_low\\_risk\\_site\\_handbook.pdf](http://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/StormwaterConstructionDischargePermits/sw_low_risk_site_handbook.pdf)

**29.3.2.2 Additional Standards.** Low risk developments must also comply with WDB 29.5.1 and 29.5.9-12.

## **29.4 Runoff and Erosion Control Plans for Other Developments**

**29.4.1 When must a runoff and erosion control plan be submitted?** All applications for permits for developments that are not exempted by WDB 29.2.3.1, or defined as 'low risk' by WDB 29.3.1, above, shall be accompanied by a professionally-prepared runoff and erosion control plan that shows how compliance with the performance standards of WDB 29.5 will be attained both during the construction of the proposed development and the continuing use of the site.

**29.4.2 What must be included in a runoff and erosion control plan?** Runoff and erosion control plans shall be based on a grading plan of the site and its immediate environs, showing existing and proposed contours at intervals of no more than two feet and all information required by the Erosion and Runoff Control Plan Checklist. EXCEPTION: Detailed contour mapping is not required for portions of a site that will not be disturbed, but sufficient information must be provided to show how the transition from disturbed to undisturbed areas will be made.

**29.4.3 How will a proposed runoff and erosion control plan be reviewed?** The town's review of a proposed runoff and erosion control plan will begin with a meeting between the Administrator and the DPW or their designees and the applicant's designer. This meeting will ordinarily be on-site. If the application for a permit is approved, there will also be a pre-construction meeting, as required by WDB 29.5.3.

**29.5 Runoff and Erosion Control Standards.** Because these performance standards recognize that there is a different solution for every site, they sometimes use permissive terms, like 'should.' The use of permissive terms does not constitute an exception to a performance standard. It indicates only that the town is willing to review a variety of possible ways of achieving compliance.

**29.5.1 Design to minimize runoff and erosion.** The proposed site plan should fit the site, with the area to be disturbed, cut and fill, and impervious surfaces being minimized.

**29.5.1.1 Avoid Slopes.** Development should be directed away from slopes. This bylaw calls for reduced densities on slopes over 15% (see Chapter 19 and the various zoning districts). Development is prohibited (except where a variance can be justified) on slopes of 30% or more.

**29.5.1.2 Fit the Terrain.** Architectural forms and site improvements should fit the terrain. Access drives and roads, parking and loading areas, utility lines, and the long axes of buildings should run more or less parallel to, not more or less perpendicular to slopes. Where buildings

cross slopes, floors should be staggered with the slope. Additional site planning and design standards designed to ensure that development fits the terrain are imposed in some zoning districts, including the ARZD, GZDN, GZDS, and RZD.

**29.5.1.3 Phase Construction.** The area disturbed at any one time shall be minimized in both time and space. The runoff and erosion control plan shall show how clearing, grading, excavation, and fill will be phased so that disturbance is promptly followed by revegetation, and/or structural stabilization of the site, including temporary stabilization where areas will remain disturbed for more than 15 days. A copy of the phasing schedule and a checklist on which the installation of measures by phases is recorded shall be maintained on the site for review by the town when inspections are made.

**29.5.1.4 Minimize Impervious Surfaces.** The extent of paving and other impervious surfaces should be minimized by thoughtful site planning that keeps roads as narrow and as short as possible, and that keeps surface parking areas small. The use of porous pavements where site conditions permit is also strongly encouraged, and may be required of uses that propose to place extensive parking areas in impaired watersheds.

**29.5.2 *Mark disturbance limits*.** Land disturbance (clearing, grading, excavation, and fill) shall be confined within limits that are clearly marked on the site during construction. Disturbance limits must be shown on the runoff and erosion control plan, then established in the field, subject to inspection before any clearing, grading, excavation, or fill begins. Disturbance limits must be marked with a fence or other barrier sufficiently durable to last through the anticipated construction period. This fence or barrier should be supplemented with brightly colored flagging or tape. Work outside the approved disturbance limits is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

**29.5.3 *Hold a pre-construction meeting*.** Before any work for which a runoff and erosion control plan is required is begun, the disturbance limits shall be marked on the site and the applicant shall arrange an on-site preconstruction meeting between the town staff and all design professionals, contractors, and subcontractors who will be responsible for the observance of those limits. The purpose of this meeting shall be to review the runoff and erosion control plan for construction, including the sequence and schedule for the installation of runoff and erosion control measures, and the importance of maintaining those measures during the construction period.

**29.5.4 *Divert runoff from disturbed areas*.** Disturbed areas shall be protected from surface runoff by diversion dikes or channels, silt barriers, filter strips, or other measures until they are revegetated or otherwise stabilized.

**29.5.5 *Stockpile and replace topsoil*.** All topsoil removed shall be stockpiled and used in the revegetation of the site. To put it another way, the topsoil from the site shall be used there, and not replaced with an inferior material.

**29.5.5.1 Silt Fence.** Topsoil stockpiles shall be surrounded by a silt fence or an equally effective sediment control measure that also protects the stockpile from damage during construction activity.

**29.5.5.2 Temporary Cover.** Topsoil stockpiles shall be stabilized with mulch that is renewed weekly or, if the stockpile will not be worked for more than a week, by a mulch followed by a temporary cover crop.

**29.5.6 Protect retained vegetation.** Existing vegetation that is to be retained must be protected from damage during construction, as required here and, in more detail, by the *Public Works Standards*. The runoff and erosion control plan must include a schedule (see the *Runoff and Erosion Control Plan Checklist*) showing that all measures required to protect existing vegetation will be put in place before other construction activities begin. This schedule may apply to the entire site or to sequential phases of construction.

29.5.6.1 Earthwork Within the Dripline. There should be no clearing, grading, excavation, or other construction activity, including the placement of underground utilities, within the drip line of trees that are to be retained. The Administrator may permit minor exceptions to this standard where the terrain or the location of existing utilities and/or buildings make compliance infeasible.

29.5.6.2 Storage Within the Dripline. There shall be no storage or parking of construction equipment, materials, vehicles, or waste on or around trees and roots or other vegetation that is to be retained. This specifically prohibits the dumping of paint, petroleum products, concrete or stucco mix, dirty water, or any other material that may be deleterious to vegetation that is to be retained.

29.5.6.3 Use of Trees. The use of trees as a winch supports or anchorages, as temporary power poles, as sign posts, or for other similar functions is prohibited.

29.5.6.4 Pruning. Trees and shrubs that are to be retained should be properly pruned before construction begins. This will maximize their ability to withstand damage.

29.5.6.5 Porous Pavement. See WDB 29.5.1.4, above. The use of porous pavements protects existing root systems.

### **29.5.7 Anticipate and limit accelerated runoff**

29.5.7.1 Channel Design. All filter strips, swales, grassed waterways, other channels, and outlets shall be designed and constructed to handle the anticipated increase in the volume and velocity of runoff without flooding or channel erosion.

29.5.7.2 Pre-Construction Rate. Runoff shall be retained on site and infiltrated and/or released at a rate not exceeding the pre-development rate of release.

**29.5.8 Trap sediment on-site.** Sediment resulting from accelerated soil erosion shall be retained on the site, with proposed provisions for regular maintenance and sediment disposal included in the construction schedule and in the maintenance manual and schedule required by the *Runoff and Erosion Control Plan Checklist*.

**29.5.9 Make runoff and erosion control measures an asset.** Filter strips, swales, grassed waterways and others channels, stormwater ponds, and other erosion and runoff structures shall be integrated into the landscaping plan for a site, contributing to the appearance and marketability of the proposed development and the community, as well as to watershed protection.

29.5.9.1 Lower Density Development. In lower density developments, erosion and runoff control measures should blend in with the topography and vegetation of surrounding woods

and fields. As much runoff retention and sediment trapping as possible shall occur on the surface or in shallow structures that mimic the vegetative composition and structure of natural wetlands and riparian areas.

**29.5.9.2 Higher Density Development.** Landscaped areas in higher density developments, including those required by Chapter 18 of this bylaw, should also, to the extent possible, be used for stormwater management. Given the higher impervious coverage, underground storage and mechanical treatment may also be used to comply with these performance standards.

**29.5.10 Use appropriate plant materials.** Proposed plant materials and planting mixes shall be suitable for the site and the intended application. The requirements of WDB 23.7 apply to all plant materials specified in runoff and erosion control plans.

**29.5.11 Maintain runoff and erosion control measures.** Runoff and erosion control measures must be installed as designed and properly maintained. Failure to maintain the required measures is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**29.5.12 Schedule inspections during construction.** In order to ensure proper functioning and maintenance of required erosion and runoff control measures during the construction period, the applicant shall provide for regular inspections of all runoff and erosion control measures by a qualified professional during the construction period. An inspection and the repair or restoration of all measures is required after any precipitation event exceeding one inch. Reports on routine inspections shall be provided to the Administrator and DPW within five working days after each inspection is made.

**29.5.13 Winter Construction.** It is best to avoid winter construction, but Williston recognizes that this is not always possible. Where it is not, additional runoff and erosion control measures may be required. These measures are established in the state handbooks that are adopted by reference in WDB 29.5.14.

**29.5.14 Where can I find more specific guidance for complying with these performance standards?**

**29.5.14.1 State Handbook: Construction.** All construction site erosion control measures shall comply with the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*, Special Publication No. 3, Vermont Geological Survey, or its successors, and with the current edition of the *Town of Williston Public Works Standards*.

**29.5.14.2 State Handbook: Permanent.** All long-term runoff and erosion control measures shall comply with *The Vermont Stormwater Management Manual for Watershed Improvement Permits, Volumes I and II*, Vermont Agency of Natural Resources, April and August, 2002 or their successors, and with the current edition of the *Town of Williston Public Works Standards*.

**Additional Resources.** The Vermont Agency of Natural Resources provides resources about low impact design to minimize stormwater runoff at  
[https://anrweb.vt.gov/PubDocs/DEC/WSMD/stormwater/docs/sw\\_LID%20Guide.pdf](https://anrweb.vt.gov/PubDocs/DEC/WSMD/stormwater/docs/sw_LID%20Guide.pdf)

**29.6 Required Improvements.** All runoff and erosion control measures required for compliance with the standards established in this chapter are required improvements, subject to the requirements of Chapter 7 of this bylaw.

**29.7 Discharge of Non-Stormwater Waste.** Discharging non-stormwater wastes into any stormwater or street drainage system, public or private is a violation of this bylaw, subject to enforcement, as provided by WDB 7.4-7.6.

**29.7.1 May I connect footing, foundation, or roof drains, or sump pumps to stormwater systems?**

Footing, foundation, and roof drains, and sump pumps should ordinarily be daylighted or infiltrated. They may be connected directly to a stormwater system only with the written permission of the DPW.

**29.7.2 Must existing connections to stormwater systems be disconnected from stormwater systems?**

Whenever possible. Approval of any permit may be conditioned on the disconnection of existing footing, foundation, and/or roof drains or sump pumps.

## 29.8 Wetlands Protection

**29.8.1 How will I know if I have wetlands on the site of my proposed development?** A wetlands delineation prepared by a professional wetlands scientist in accord with the current guidelines of the Army Corps of Engineers must accompany all applications for discretionary permits for development on sites where wetlands are known or suspected to exist. The need for a wetlands delineation will be determined during pre-application review.

**What is a wetland?** Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year."

**29.8.2 Are Class II wetlands protected in Williston?** Class II wetlands are protected by state law and this bylaw. They must generally remain in their natural vegetation, but may be crossed by roads, trail, or utility lines where there is no feasible alternative to such a crossing and where all work is conducted in compliance with an approved runoff and erosion control plan and a Conditional Use Permit approved by the Agency of Natural Resources.

**29.8.3 Are Class III wetlands protected in Williston?** Class III wetlands generally are not protected by state law, but may be protected by this bylaw and are definitely regulated by the Army Corps of Engineers. The DRB may, upon the recommendation of the Conservation Commission, require that Class III wetlands with significant functional values remain in their natural vegetation. The Conservation Commission may also recommend, and the DRB require, that a functional assessment of the Class III wetlands on the proposed development site be provided along with the delineation.

**Wetlands Classes? State and Federal Wetland Regulations.** There are no Class I wetlands in Williston. Class II wetlands appear on, or are contiguous to wetlands that appear on, the *Vermont Significant Wetlands Inventory Maps* prepared by the Agency of Natural Resources. Class III includes all other wetlands. Information on Vermont's state wetlands regulations may be found on-line at: <http://dec.vermont.gov/watershed/wetlands>. Information on the Army Corps of Engineers regulation of wetlands may be found at <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>

**29.9 Watershed Protection Buffers.** This section establishes watershed protection buffers for all streams, ponds, and lakes, and for certain wetlands.

**29.9.1 Are buffers required around lakes and ponds?** Yes. There shall be a buffer of at least 150 feet above the ordinary high water mark of all ponds or lakes that have more than a half-acre (21,780 SF) of water surface, except for properties in the Lake Iroquois Shoreland Protection Area defined in WDB 29.9.2;

**29.9.2 Lake Iroquois Shoreland Protection Area.** The Lake Iroquois Shoreland Protection Area (LISPA) means all land located within 250 of the mean water level of Lake Iroquois. All development within this area must comply with the Vermont Lake Shoreland Protection Standards as provided by 10 V.S.A. § 1441-1454. All applications for an administrative permit will be required to provide documentation that the proposed development will be in conformance with these standards.

29.9.2.1 New structures. New structures in the LISPA must be set back a minimum of 100 feet from the mean water level of Lake Iroquois.

29.9.2.2 Existing structures. Existing, non-conforming structures within the LISPA may be expanded under limited circumstances as provided by WDB 31.3.4.

**29.9.3 Are buffers required along streams?** Yes.

29.9.3.1 Named Streams. There shall be a buffer of at least 150 feet above the ordinary high water mark of the Allen Brook, the Muddy Brook, the Sucker Brook, and the Winooski River.

29.9.3.2 Other Streams. There shall be a buffer of at least 50 feet above the ordinary high water mark of all unnamed streams – perennial or intermittent - identified on the 7.5' U.S. Geological Survey quadrangles covering the town, or on the Williston Field Stream Survey maps of the Allen and Muddy Brook watersheds prepared by the Vermont Department of Environmental Conservation.

**29.9.4 Are buffers required around wetlands?** Yes.

29.9.4.1 Class II Wetlands. There shall be a buffer of at least 50 feet above the delineated boundary of any Class II wetland.

29.9.4.2 Class III Wetlands. The DRB may, upon the recommendation of the Conservation Commission, require a buffer above Class III wetlands that have important functional values.

**29.9.5 What is the relationship of watershed protection buffers and special flood hazard areas?** The watershed protection buffers required by WDB 29.9 shall be expanded, where necessary, to include special flood hazard areas.

**Special Flood Hazard Areas.** These areas are mapped for the National Flood Insurance Program and may sometimes include more area than the watershed protection buffers required by WDB 29.9. The official maps are on file with Williston Planning. See Chapter 28 of this bylaw for additional regulations applicable to Special Flood Hazard Areas.

**29.9.6 Can any use be made of the land in watershed protection buffers?** Watershed protection buffers shall remain undeveloped, except as provided here.

29.9.6.1 Vegetation. Watershed protection buffers shall remain in native or cultivated vegetation that serves as an effective filter for surface runoff. Where effective filtering

vegetation is not present, the buffer shall be restored to a combination of wetland, riparian, forest, and/or meadow vegetation appropriate to the site. Removal or cutting of live or dead vegetation from a watershed protection buffer is prohibited except where the buffer is used for accepted agricultural or forestry practices, where a hazardous tree is present, or where it is necessary to control invasive species. All native vegetation cut within the buffer should be left in place whenever possible.

29.9.6.2 Lawns. Conventional turf grass lawns do not provide an effective filter for surface runoff and shall not be included in the watershed protection buffers required by this section.

29.9.6.3 Impervious Surfaces. Development within watershed protection buffers shall be limited to utility and road crossings; trails and trail crossings, with minor related facilities like signs and benches; and runoff and erosion control measures.

- All work within a watershed protection buffer shall proceed in accordance with the runoff and erosion control standards of this chapter.
- Utility and road crossings of watershed protection buffers shall be consolidated wherever possible, and both the width and length of such crossings minimized. Minimum disturbance trenching may be required for utility lines.
- The runoff and erosion control measures permitted in watershed protection buffers shall be limited to outfall structures or other measures whose function requires such a location. Permanent stormwater works, including above or below ground detention and treatment, shall be permitted only where no alternative, upland location is feasible.

29.9.6.4 Outdoor Storage. Outdoor storage is not permitted in watershed protection buffers.

29.9.6.5 Lawn Chemicals. No lawn chemicals, including fertilizers, herbicides, and pesticides may be used in watershed protection buffers. The Administrator may permit an exception to this standard for the control of invasive plants by, or under the direction, of a public agency. This prohibition does not apply to accepted farm and forest practices, which are exempt, nor does it prohibit the use of compost or another organic fertilizer in conservation plantings.

29.9.6.6 Owners' Responsibilities. The covenants for developments that include watershed protection buffers shall include a reference to the standards adopted in WDB 29.9.6. In developments where an owner's association is required, that association is responsible for the protection of the watershed protection buffers.

**29.9.7 How will people know where watershed protection buffers are?** Watershed protection buffers must be marked on the ground as well as on the final plans. This may be accomplished using plantings, fences, or other landscape features, like a line of boulders. The DRB may permit an exception to this standard where a watershed protection buffer is marked by a definite change in the terrain.

**29.9.8 If my entire property, or the vast majority is in a watershed protection buffer, what am I allowed to do? Are there any exceptions to these standards?**

**29.9.8.1 Waiver.** For properties with development that pre-dates the 2009 adoption of standards under WDB 29.8 and 29.9 (nonconforming properties), additional development within the 150ft watershed protection buffer of Named Streams and/or Ponds may be permitted via waiver. Such development is limited to accessory structure(s) to an existing residential development, such as a backyard shed, garage, carport, parking area, addition, deck or patio. Proposed accessory structure shall be limited to a total area of 900 square feet or less. A structure that has a footprint of 120 square feet or less may be approved by the Zoning Administrator, upon recommendation of the Conservation Commission. A structure with a footprint greater than 120 square feet requires a Discretionary Permit obtained through the DRB hearing process. To approve such a waiver, the DRB/Administrator must make all of the findings required by WDB 29.9.8.1.1-6, as follows:

**29.9.8.1.1 Feasible Location.** No other feasible location on the property exists for the proposed improvement, as determined by the Administrator/DRB.

**29.9.8.1.2 Slopes.** The project site has slopes not exceeding 15%.

**29.9.8.1.3 Buffer Width.** The development permitted by waiver will leave the largest buffer possible consistent with the need to allow a permitted use. In no case shall a 150-foot buffer be reduced to less than 50 feet.

**29.9.8.1.4 Buffer Enhancement.** Proposed development within watershed protection buffers must be compensated for by one or more buffer enhancement measures, such as the establishment of a no-mow area and/or riparian plantings, or the implementation of best stormwater management practices. Such enhancements shall be done in coordination with the Conservation Commission and Stormwater Program.

**29.9.8.2 Variance** Additional development within watershed protection buffers may be made possible by variance, as provided by Chapter 8 of this bylaw. To approve such a variance, the DRB must make all of the findings required by WDB 8.1.

## **29.9.9 What about nonconforming uses and structures in watershed protection buffers?**

**29.9.9.1 Within SFHA's.** As provided by WDB 28.16 and the requirements of the National Flood Insurance Program, nonconformities located in watershed protection buffers that are also Special Flood Hazard Areas may not be maintained, repaired, replaced, or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses conducted in accordance with standard engineering practices and certified by a registered professional engineer that the proposed work will result in no increase in flood levels during the occurrence of the base flood.

**29.9.9.2 Outside SFHAs.** Nonconformities located in watershed protection buffers that are not also Special Flood Hazards Areas may be maintained, repaired, replaced, and enlarged provided that the degree of nonconformity is not increased, and that all exterior work is subject to the runoff and erosion control requirements of Chapter 29 of this bylaw, but no change that permits or expands the processing, manufacture, storage, or handling of regulated hazardous materials or materials that could float and be dispersed downstream during a flood may be permitted.

## **29.10 Source Water Protection Areas**

**29.10.1 What is a source water protection area?** Source water protection areas contribute, or at least potentially contribute, ground or surface water to drinking water supplies.

**Source Water Protection?** Williston currently includes two source water protection areas. One surrounds the well that serves the Porterwood development on Old Creamery Road. The other is the watershed of Lake Iroquois, which is part of the larger watershed of Shelburne Bay. Shelburne Bay is the source for the Champlain Water District, which supplies water to Williston and other communities.

**29.10.2 What additional standards apply to development in source water areas?** No specific standards apply, but the administrator may refer any proposed development in a source water protection area to the water provider for comment.

## **Chapter 30**

### **Official Zoning Map and Other Regulatory Maps**

This chapter establishes the Official Zoning Map and provides rules for its use and interpretation and establishes other regulatory maps such as overlay districts and the Official Map.

**30.1 Zoning Map.** The *Official Zoning Map of the Town of Williston* is available for review at the Williston Planning and Zoning Office. The Town makes every effort to provide accurate copies, but questions about the exact location of a zoning district may be resolved only by reference to the official zoning map.

#### **30.2 Zoning District Boundaries**

**30.2.1 How do I know exactly where the zoning district boundaries are?** Zoning district boundaries generally follow property lines, as they were shown on the 2014 tax map, but there are exceptions to this rule.

30.2.1.1 Streams. Where a zoning district boundary is shown along a stream, that boundary follows the centerline of the stream unless otherwise clearly indicated by a note on the official zoning map. Zoning boundaries and the extent of the watershed protection buffers established by this bylaw shift as the course of the stream shifts.

30.2.1.2 Roads. Where a zoning district boundary is shown along a road, that boundary follows the centerline of that road unless otherwise clearly indicated by a note on the official zoning map.

30.2.1.3 Utility Lines. Where a zoning district boundary is shown along a power line or other utility easement or right-of-way, that boundary follows the centerline of that easement or right-of-way unless otherwise clearly indicated by a note on the official zoning map.

30.2.1.4 Other Boundaries. Notes on the official zoning map describe boundaries that do not follow a stream, road, utility line, or property line.

30.2.1.5 Parcel Merger. If a property line that was also used as a zoning district boundary line on the official zoning map is eliminated by re-platting, the zoning district boundary line shall remain where it was.

**30.2.2 What if I disagree with the Town about a zoning district boundary?** If there is a question about the location of a zoning district boundary, the Administrator will determine where the boundary is. The Administrator's decision may be appealed to the DRB using the procedure established in Chapter 5 of this bylaw.

**30.2.3 Is it possible to change a zoning district boundary?** Yes, but it is not a simple process. The boundaries of Williston's zoning districts are generally consistent with the future land use map adopted in the *Comprehensive Plan*. This means that changing a zoning district boundary will usually require two amendments: one to the *Comprehensive Plan* and one to the official zoning district map adopted in this chapter. The process required to amend the official zoning map is explained in Chapter 8 of this bylaw. The process of amending a *Comprehensive Plan* is established by 24 V.S.A. § 4385.

**30.3 About the Zoning Districts.** Each zoning district chapter begins with the adoption of a boundary, a statement of purposes, and a list of permitted uses.

**30.3.1 How are uses defined and listed?** Uses are listed by name and NAICS classification. NAICS stands for the North American Industrial Classification System, which is an all-inclusive hierarchical system for describing economic activities. NAICS classifications include as many as six digits, for the finest level of detail, but for most purposes of this bylaw less detailed classifications are adequate. Smaller classifications include all of the more detailed classifications that begin with the same numbers. For example, NAICS 11 – Agriculture, Forestry, Fishing, and Hunting – includes NAICS 111 – Crop Production, and NAICS 1111 – Soybean Farming. Only those uses listed as permitted for each zoning district are allowed unless otherwise exempted.

**30.3.2 What types of standards apply in each zoning district?** Four types of standards apply in the zoning districts created by this bylaw: dimensional, density, general, and specific. Dimensional standards help determine the location and size of development on a site. Density standards help determine the total extent of development on a site. The general standards adopted in Chapters 13-29 regulate access, the provision of infrastructure, outdoor lighting, potential nuisances, and many other aspects of development. More specific standards are also adopted – in the relevant chapter – to ensure that each zoning district fulfills its purpose.

**30.4 Overlay Districts.** All overlay districts named and described below are available at the Planning Office and town website and are incorporated herein by reference.

**30.4.1 Conservation Areas.** The Conservation Area overlay maps include Significant Wildlife Habitat Areas; Unique Natural Communities; Unique, Rare, Threatened, and Endangered Species and Communities; 1988 Lesa Farmland; and Visual Assessment Official Maps. Collectively these overlays identify conservation areas throughout the town that are subject to the regulations and standards set forth in Chapter 27.

**30.4.2 Design Review District.** The Design Review District overlay identifies the area that includes the, GZDS, GZDN, GZDW, MUCZD, MURZD, and TCZD, and all lots in the IZDW that abut Marshall Avenue or Route 2, which is subject to the regulations and standards set forth in Chapter 22.

**30.4.3 Williston Village National Register Historic District and Additional Review Area.** The Williston Village National Register Historic District and Additional Review overlay identifies the area subject to the development standards and regulations in WDB 42.2.3, which requires the issuance of a Certificate of Appropriateness (COA) as a condition to all permitted development.

**30.5. Official Map.** The Official Map of the Town of Williston is adopted pursuant to subsection 3 of section 4401, Title 24 VSA Chapter 117, as amended, filed in the office of the Town Clerk, and incorporated herein by reference. Within the Taft Corners Form Based Code Overlay District, the Regulating Plan of the Taft Corners Form Based Code provides the highest degree of precision for planned public facilities and shall stand as the Official Map

**30.5.1 What is an Official Map?** According to the Vermont Planning Information Center (VPIC), an Official Map “is a powerful tool available to Vermont municipalities to control community design by identifying the locations of future public facilities.” Official Maps show future municipal infrastructure (street, rails, sites reserved for public buildings, areas reserved for stormwater and

flood control, etc.) planned for by the municipality. The intent of the Official Map is to provide a “clear picture to property owners, developers, and the public of the municipality’s intentions with regard to its future physical form and design.”. The Official Map ensures that the municipality’s expectations are transparently provided to developers and that landowners are treated fairly by the municipality through the acquisition process.

**30.5.2 What kind of infrastructure is on the Official Map?** The Williston Official Map shows the following types of infrastructure: streets, multi-use paths, sidewalks, bike lanes, trails, desired connections, park and rides, and bus shelters. Desired connections identify two approximate locations in the community that the Town would like to connect via transportation infrastructure. The specific transportation infrastructure (e.g. primitive path, multi-use pathway, street) to connect the two locations has not been identified at present. Much of the infrastructure identified on the Williston Official Map has been long planned for by the Town. Some infrastructure has been included as written objectives or shown on maps in the Williston Town

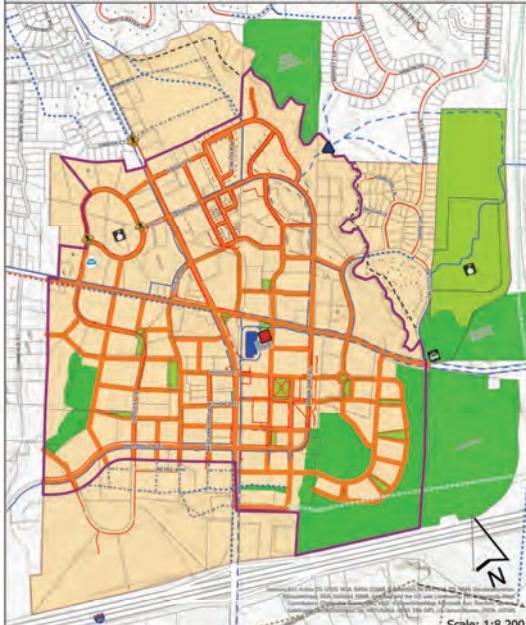
**30.5.3 How is the Official Map used by the Town of Williston?** In Williston, the Official Map shall be considered by an applicant (property owner) as a part of any development application that is required to be submitted and reviewed by the Williston Development Review Board. This includes all residential and commercial subdivision, site plan, and variance applications. The Official Map shall also be considered if the subject infrastructure shown on the Official Map has been included in the Williston Capital Improvement Fund and Program. For properties that include infrastructure shown on the Official Map, landowners must demonstrate in their development application that the “proposed development will accommodate the planned public facility.” This may mean showing planned right-of-way on a subdivision plat, providing an easement to the Town for the future infrastructure on a site plan, or any other action that enables the Town to implement the Official Map. If the Town finds that the development shown on the Official Map is accommodated, then the development proposal can be approved by the Town provided that the application meets all other applicable regulations in the Williston Development Regulations.

**30.5.4 What if a landowner refuses to accommodate infrastructure shown on the Official Map in their development proposal?** If a proposed development does not accommodate the planned public facility, the application will be denied. After an application denial, the Town of Williston has 120 days from the date of the denial to institute proceedings to acquire the property. Acquisition may be done voluntarily through a legal agreement and property transaction between the property owner and the town. Acquisition can also be done involuntarily through eminent domain. If Williston does not take action within 120 days, the application must be reviewed again with no regard to official map designation. At any point during that process, the Town of Williston can choose not to acquire property and allow the proposed development to proceed.

# Official Map Williston, Vermont



## Growth Center



Adopted 10/4/2022, amended 6/4/2024.

## Williston Official Map

Per 24 V.S.A. §4421, the intent of an Official Map is to identify the following:

Future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements, as determined by the appropriate agency to serve the community for public improvements prior to development, for either use or to identify the location of proposed public facilities for new subdivisions or other developments by the municipality.

The Town of Williston Official Map is divided into two tiers in order to provide the "most accurate data available as to the location and extent of planned and proposed streets and easements and the location of all existing and proposed parks, schools, and other public facilities" as required by statute. The Town of Williston may need to acquire a right-of-way or easement to accommodate construction of both tiers of infrastructure.

Tier 1 includes projects for which a zoning study has been completed by the Town of Williston and all projects specifically identified on the Taft Corners Form-Based Code Regulation Plan. Projects on the Taft Corners Form-Based Code Regulation Plan are subject to the specific rules regarding placement of infrastructure identified in Section 2 and Section 3 of the Taft Corners Form-Based Code Regulation Plan.

Tier 2 includes projects that have not been subject to a zoning study and are not located in the area subject to the Taft Corners Form-Based Code. This Official Map shows approximate locations of Tier 2 infrastructure between two terminus locations. The minimum right-of-way or easement needed for a project is dependent upon the infrastructure, existing right-of-way, topography, and existing natural features. For Tier 2 projects, please see the guidance regarding the placement of proposed infrastructure.

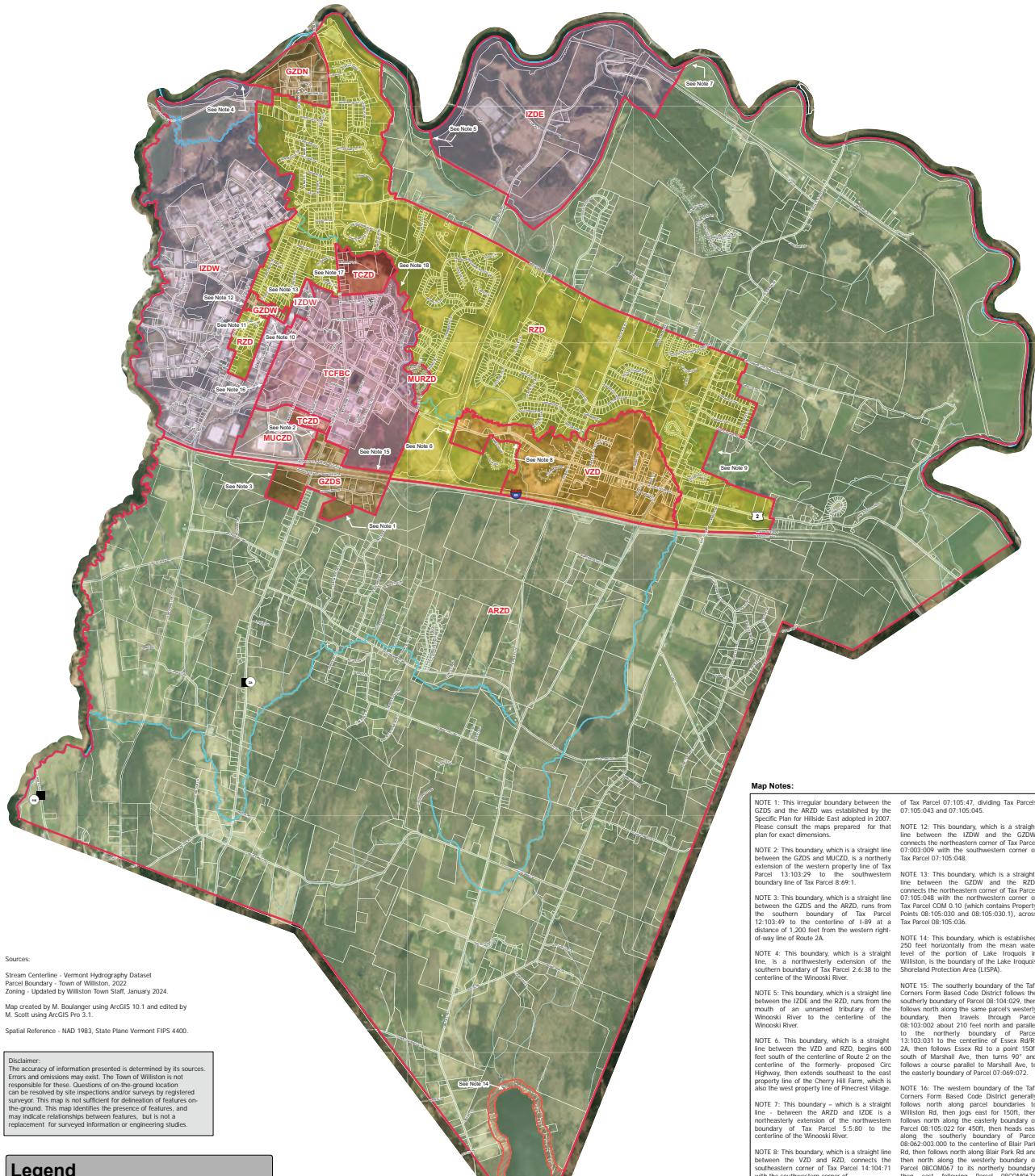
The following table provides the minimum right-of-way or easement width for each tier of infrastructure.

Infrastructure	Tier 1 Right-of-Way or Easement Width	Tier 2 Minimum Right-of-Way or Easement Width
Streets	40 feet	30 feet
Multimodal Path	30 feet	20 feet
Bike Lanes	10 feet	8 feet
sidewalks	8 feet	6 feet
Trails	10 feet	8 feet
Overall Connection	Determined by Planning Director	Determined by Planning Director
Streets, Blocks, Squares, Boulevards, Alleys, and Taft Corners FBC District	Determined by Planning Director	See Taft Corners Form-Based Code Regulation Plan
For infrastructure that is determined to meet the requirements for the Administrative small lot size adopted by the Town of Williston Public Works Department, please refer to the applicable section of the Vermont Small Lot Size Manual.		
*The Director of Planning shall seek written confirmation from the Town of Williston Public Works Department to verify the size of a proposed lot, or, if necessary, to determine the size of a proposed lot, and shall be responsible for determining the size and the specific location of the proposed lot.		
**The Director of Parks, Permits, and Recreation List of Trial Resources: Trial Standards/Guidelines (revised August 29, 2016). Infrastructure shall be developed in accordance with the applicable standards and guidelines for the proposed infrastructure. The design transportation infrastructure (e.g., proposed paths, multimodal paths, pedestrian paths) to connect the four locations has not been previously planned.		
The approximate location of proposed facilities is shown on the Official Map. Specific dimensions are detailed on the Taft Corners Form-Based Code Regulation Plan.		

# Official Zoning Map: Williston, Vermont

**Adopted June 1, 2009**

**Amended June 4, 2024**



0 0.5 1 2 3 4 Miles

1:20,000

## **Chapter 31**

### **Agricultural/Rural Residential Zoning District**

This chapter establishes the Agricultural/Rural Residential Zoning District (ARZD) and the standards that are specifically applicable within that district.

#### **31.1 Boundaries – Purpose – Permitted Uses**

**31.1.1 What are the boundaries of the ARZD?** The boundaries of the ARZD are shown on the official zoning map that accompanies this bylaw.

**31.1.2 What is the purpose of the ARZD?** The ARZD implements the vision of Williston's 2016-2024 *Town Plan*, which begins:

Williston will strive to balance responsible, livable suburban growth with rural character and conservation. To do this, the town will ... sustain rural landscapes by requiring an open space pattern for subdivisions, conserving lands identified in Chapter 13 - Natural and Cultural Resources through acquisitions or easements; and finding ways to help the owners of working lands continue their stewardship;

Additional policy support for this zoning district is found at 3.2 of the *Comprehensive Plan* and in Chapter 13.

**31.1.3 What uses are permitted in the ARZD?** See Table 31.A and the notes below.

31.1.3.1 Focus on Farming and Forestry. Consistent with the purpose stated above and in the *Town Plan*, the uses permitted in the ARZD are limited to agriculture, the production of forest products, the mining or quarrying of nonmetallic minerals, outdoor education and recreation, and residential development that results in substantial open space conservation. Uses that can help support continuing agriculture are also allowed, as required by Policy of the *Comprehensive Plan Chapter 13*.

31.1.3.2 Defining Agriculture and Forestry. Agriculture and forestry include all accepted agricultural and forestry practices. Supporting uses, like boarding stables, farm stands, sugar houses, and the production of energy from agricultural wastes are also permitted. The processing, distribution, and sale of products raised primarily on the farm or products fashioned primarily from timber harvested on the land is generally permitted, but manufacturing and wholesale and retail trade are NOT accepted agricultural or forestry practices. A discretionary permit is required for such uses, which are subject to all requirements of this bylaw.

**Accepted Practices?** Accepted agricultural and forestry practices are defined by the State of Vermont. See WDB 4.2.1.2.

31.1.3.3 Rural Residential. Rural residential development must comply with the open space development standards of this chapter. It is generally limited to one- and two-household dwellings. More than two dwellings may be permitted in a structure where creation of a multi-household project will result in the preservation and restoration of an historic barn. In the part

of the ARZD that is also within the Sewer Service Area multi-household buildings with four or fewer dwellings may be permitted. Accessory dwellings and home businesses are also permitted in the ARZD.

31.1.3.4 Right to Farm. Agricultural and forestry activities in the ARZD are protected by Vermont's right-to-farm law. See 12 V.S.A. § 5751, et seq. Beyond the state right-to-farm law, nonagricultural uses proposed in this zoning district must show that they will have no direct adverse impact on continuing agriculture on adjoining or nearby lands.

31.1.3.5 Outdoor Recreation. Outdoor education and recreation includes for-fee trails for biking, hiking, horseback riding, or skiing, and similar activities. Accessory structures - like an office, shop, or storage building - that support these activities are also permitted. Indoor educational or recreational facilities may be permitted only where a specific plan for the property has been adopted following the procedure established in Chapter 9 of this bylaw.

31.1.3.6 Adaptive Reuse of Historic Barns. The reuse of historic barns for multi-dwelling residential uses, home businesses and banquet facilities is permitted as provided for by 31.12.

31.1.3.7 Residential Educational and Training Facilities. A specific plan was approved by the Selectboard on December 7, 2015 for Tax Parcel 16:104:270 and 16:104:300 under the provisions of WDB Chapter 9. This specific plan allows a portion of the former Pine Ridge School property on Williston Road to be used as a residential educational and training facility upon the approval of a discretionary permit by the DRB within the area designated for development. The specific plan authorizes the use of the property as a residential educational and training facility for students enrolled in a program that is accredited by a recognized accrediting agency or affiliated with a program accredited by a recognized accrediting agency.

The specific plan authorizes the use of the property as an educational facility including residential dormitories for students and their families, apartment units, office, conference room, libraries, dining facilities, recreational facilities, and classrooms, and related educational use such as seminars and retreats.

The designated open space areas approved by SP 15-01 shall be excluded from future development. Selective forestry to preserve the health of the forest and hiking trails shall be allowed, and the open space shall be protected by a conservation easement.

31.1.3.8 Accessory Uses and Structures. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**31.2 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.

### **31.3 Dimensional Standards**

**31.3.1 Is there a maximum building height?** Yes. Building height in the ARZD is limited to 36 feet but be aware that WDB 31.9.8.1 permits the DRB to impose a lower height limit where doing so is necessary to help maintain the visual character of rural Williston. Building height within 250 feet from the mean highwater mark of Lake Iroquois (within the Lake Iroquois Shoreland Protection Area) is limited to 30 feet.

**31.3.2 Must development in the ARZD 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 in the ARZD is 15 feet.

**31.3.3 Must development in the ARZD be set back from roads?** Yes. The minimum setbacks from roads in the ARZD shall be:

31.3.3.1 ... from the right-of-way of I-89, 150 feet;

31.3.3.2 ... from the right-of-way of any other road, except a private road serving a residential development, 50 feet; and

31.3.3.3 ... from a private road serving a residential development, 25 feet.

31.3.3.4 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback as part of a request for a discretionary permit. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

31.3.3.5 Average Setback Exception – Williston Woods and Porterwood development. Williston Woods and Porterwood are two existing mobile home developments, served by private streets, developed with setbacks vastly different from the standards of this bylaw. Within these two developments, the Administrator may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed.

**31.3.4 Lake Iroquois Shoreland Protection Area Development Standards.** Properties within the Lake Iroquois Shoreland Protection Area (LISPA) as provided by WDB 29.9.2 are subject to the following development standards:

31.3.4.1. State Permits Required. All new development and the expansion of the footprint of any existing structures within the LISPA shall require evidence of a permit or statement of exemption from the Vermont Department of Environmental Conservation demonstrating compliance with the Vermont Lakeshore Protection standards.

31.3.4.2 New Structures. All new structures must be set back a minimum of 100 feet from the mean water level of the lake.

31.3.4.3 Nonconforming Structures. Nonconforming habitable structures in the LISPA may be expanded or altered under limited conditions. Expansions of nonconforming habitable structures must demonstrate compliance with the Vermont Lakeshore Protection standards.

31.3.4.4 Limitation of Expansion. Expansions of nonconforming habitable structures is limited to increasing the footprint of the existing habitable structure by no greater than 20% of the existing structure over a five-year period of time. Expansion of the footprint of

nonconforming habitable structures may only take place on the side of the structure away from the lakeshore.

**31.3.4.5 Septic Systems.** Expansions of nonconforming habitable structures, either by increasing the floor area of the structure or by increasing the number of bedrooms must demonstrate compliance with the state's current wastewater regulations (septic regulations).

**31.3.4.6 Nonconforming Structures.** Nonconforming structures may be moved but only to the extent that the existing structure is made less nonconforming by moving the footprint of the structure away from the lake, and best practices for stormwater management are employed on the property.

**31.3.5 What uses are permitted in required setbacks?** Required setbacks must be landscaped as required by Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.

**31.3.6 Are there minimum lot dimensions?** Just one. Lots must have a frontage of at least 40 feet on an existing or proposed public or private road or drive.

**31.4 Density Standards.** See Chapter 19 for a summary of the density standards of this bylaw.

**31.4.1 Is there a minimum lot size in the ARZD?** Only for development on lots created before Williston adopted interim open space development regulations on September 20, 2004 and for new lots created from existing parcels of less than 10.5 acres after that date. For those lots that are outside the Sewer Service Area, the minimum lot size is 80,000 square feet. For those lots that are inside the Sewer Service Area the minimum lot size is 8,710SF. However, a project on a parcel of less than 10.5 acres may adopt an open space pattern to develop using smaller lot sizes if approved by the DRB per WDB 19.2.2.

**31.4.2 What density is permitted on other lots?** The density of all other development in the ARZD is controlled by the specific standards adopted in this chapter, beginning with WDB 31.7.

**31.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**31.6 Specific Standards** are presented in WDB 31.7 through WDB 31.13.

**31.7 Open Space Development.** An open space development is a residential subdivision in which a specified area of open space is protected as a condition of approval.

**31.7.1 How much open space must be conserved?** All developments that involve more than 10.5 acres in this zoning district must protect at least 75% of their total area as open space. The proposed protected open space must be clearly delineated on the concept plan submitted with the pre-application, on all plans submitted with the application for a discretionary permit, and on the approved final plan.

**31.7.2 Must certain lands be included in the open space?** Yes. Protected open space must meet the following requirements, as applicable.

31.7.2.1 Watershed Protection. The protected open space must include all lands within the watershed protection buffers established by Chapter 29 of this bylaw.

31.7.2.2 Conservation Areas. The protected open space must include all conservation areas identified in the *Comprehensive Plan Chapter 13* to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only conservation areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

**An Alternative to Development?** Landowners whose holdings include conservation areas and other resources, like productive farmland, that are identified in the *Comprehensive Plan Chapter 13* may find it more profitable to propose a sale of development rights to the Town. Williston's Environmental Reserve Fund and funding that is sometimes available from the Vermont Housing and Conservation Board may make it possible for a landowner to realize a reasonable return without enduring the development approval process or assuming the risks of becoming a developer.

31.7.2.3 Scenic Viewsheds. The protected open space should include scenic viewsheds that are identified in the *Comprehensive Plan Chapter 13* or by the Conservation Commission. It is acknowledged, however, that the mapping of scenic viewsheds is not precise. It is also acknowledged that partial protection of a viewshed may be effective when combined with the design techniques that may be required for compliance with WDB 31.7. Landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified view.

31.7.2.4. Important Farmlands. The protected open space must include important farmlands identified in the *Comprehensive Plan Chapter 13* to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only important farmlands or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to effect a transfer of development rights, as provided by Chapter 19 of this bylaw, or to create an open space development that minimizes consumption of lands that should be protected.

31.7.2.5 Slopes: 30% or More. The protected open space must include all slopes of 30% or more, except where a variance can be justified, as provided by Chapter 8 of this bylaw.

31.7.2.6 Slopes: 15%-29%. The protected open space should include all slopes of 15%-29% to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only slopes or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to effect a transfer of development rights, as provided by Chapter 19 of this bylaw, or to create an open space development that minimizes consumption of lands that should be protected. Unless there are no other lands physically suitable for development, creation of a building lot or any other development on 15%-29% slopes is not allowed. Where development is permitted on slopes of 15-29%, its density shall be reduced to one dwelling per 10 acres

31.7.2.7 Other Lands. Other lands within the proposed development may be included as protected open space in order to provide the minimum 75% open space required by WDB 31.7.1, and to comply with the contiguity standard of WDB 31.7.3, below.

**31.7.3 Must the protected open space be contiguous?** Yes. The protected open space must be contiguous, except as provided here. It must also be contiguous with any open space on adjoining lots or parcels that is currently protected or is identified for protection in the *Town Plan*. The DRB may allow exceptions to this standard where:

31.7.3.1 ... a small area that is isolated from the rest of the open space on the site is within a watershed protection buffer required by Chapter 29 of this bylaw; or

31.7.3.2 ... the only home sites that comply with the standards of this chapter are adjacent to protected open space on an adjoining lot or parcel.

**31.7.4 How is contiguity defined?** Contiguous open space is generally defined as an area of forest and/or other natural community that is unfragmented by development and remains in a natural state. In establishing standards for contiguity, the Conservation Commission and DRB will consider the context of the proposed development, including the type and relative value of resources as identified in WDB 27, 28, and 29 to be protected, and the configuration of open space that will best ensure the protection of those resources.

**31.7.5 Are there limitations on the use of protected open space?** Yes.

31.7.5.1 Agriculture and Forestry. Protected open space may be used for agriculture, forestry, community gardens, and landscaping.

31.7.5.2 Crossings. Crossings of protected open space for roads, trails, and utility lines are permitted, but only where these crossings are consolidated to the maximum extent practical; the width and length of the crossing/s are minimized; and all areas disturbed during construction of the crossing are restored to their natural functions. Plans for the restoration of disturbed areas must be included in the runoff and erosion control measures required by Chapter 29 of this bylaw.

31.7.5.3 Trails. Trails may run through protected open space and no hedge, planting, or fence shall block such a trail. Fences are permitted for agricultural purposes, but where a fence crosses a trail, a gate or stile shall be provided. Depending on the area disturbed by trail construction runoff and erosion control measures may be required by Chapter 29 of this bylaw.

31.7.5.4 Sewerage. Any component of an individual or community sewerage system that is entirely underground may be placed in protected open space that is not dedicated to the town or another agency. All areas disturbed during the construction of such a system shall be restored to meadow or pasture runoff and erosion control measures must be provided during construction as required by Chapter 29 of this bylaw. Where the protected open space used for the underground components of an individual sewerage system is owned by a homeowner's association, the application for a permit for construction of that system must be accompanied by an easement from that homeowner's association.

**31.7.6 How can open space be legally protected?** The open space required by WDB 31.4.1 may be protected using any of the three methods listed here. The method/s to be used must be clearly established at the time a concept plan is filed for pre-application review.

31.7.6.1 Dedication for Public Use. The open space created by an open space development may be dedicated to the town or to another public agency designated by the town, but only where it would be part of a country park or conservation area identified in the *Town Plan*.

31.7.6.2 Private Land Conservation. The open space created by an open space development may be retained in a block placed under a conservation easement to which the town or another public agency designated by the town is a party. This block of open space may be retained by the developer for agricultural or other purposes or deeded to an owner's association. Where protected open space is deeded to an owner's association, the owners are responsible for the maintenance of that open space, as required by Chapter 7 of this bylaw.

31.7.6.3 Designated Open Space. The open space created by an open space development may also be protected simply by designation. Where open space is protected by designation alone, no permit for a use that is not permitted by WDB 31.4.4 shall be issued within the designated open space nor shall any amendment of the final plans or boundary adjustments that change the boundaries of the designated open space be approved. Applicants should note that the protection of open space via designation alone will not result in the award of points in growth management review. See WDB 11.8.5.

**31.7.7 Must the protected open space be platted as a separate lot?** Yes, the protected open space required by this chapter must be platted as a separate lot.

**31.7.8 Must the protected open space be surveyed?** Yes. The protected open space required by this chapter must be shown on the final plans and must be monumented in accordance with the requirements of 12.4.1.5 with the same degree of accuracy as a building lot. Open space areas must also be marked and the applicant will provide latitude and longitude coordinates from the Vermont state grid so that the town can easily find the open space boundaries in the field should the monuments be insufficient.

**31.8 Housing Design in Open Space Developments.** The 75% open space requirement that is detailed above means that housing (or other) development may take place on no more than 25% of any site of more than 10.5 acres.

**31.8.1 Must specific home sites be designated within the 25% (or less) area that is available for development?** Yes.

31.8.1.1 Designated Homesites. Proposed home sites that comply with all requirements of this bylaw, specifically including WDB 31.9, must be shown within that portion of a proposed open space development (25% or less) where development will be permitted.

31.8.1.2 Maximum Size of Designated Home Sites. Designated home sites may not exceed the one-half acre clearing limit of WDB 31.9.6.1. All construction on the site except access driveways, utility lines, and the underground components of on-site wastewater disposal systems shall be confined to the designated home site.

**31.8.2 How many home sites (what density) are permitted in open space developments?** Open space developments may have an average density of no more than one dwelling for every 80,000 square feet, except that:

31.8.2.1 ... land included in watershed protection buffers and slopes of 30% or more shall not be included in the parcel size for the purposes of calculating the number of home sites permitted, and

31.8.2.2 ... that areas with a slope of 15% or more may have an average density of only one home site for every 10 acres.

31.8.2.3 Incentives for Lower Densities. Voluntary reductions in density are encouraged by WDB 15.2.3.1 and WDB 15.11.2.

**31.8.3 What is the minimum lot size in an open space development?** The minimum lot size shall be 15,000 square feet, but lot sizes shall vary with the terrain. Uniform lot sizing that contributes to a suburban character will not be approved.

**31.8.4 Is there a maximum cluster size?** Yes. No cluster shall include more than seven lots, except as provided by WDB 31.11, below.

**31.8.5 Are there requirements for access and connectivity beyond those established elsewhere in this bylaw?** Yes.

31.8.5.1 Internal Circulation. Open space developments that include more than one cluster shall minimize the number of points of access to public roads by relying on internal roads that link the clusters. Such roads may cross protected open space, in compliance with WDB 31.7.4.2. Where the terrain will not allow a road connecting clusters, a connecting trail shall be provided.

31.8.5.2 Connectivity. Where the terrain allows, the DRB may require road or trail connections to other properties through protected open space where necessary to provide emergency access or improve neighborhood circulation. All crossings of protected open space must comply with the standards of WDB 31.7.4.2.

**31.8.6 Are there minimum distances between clusters of home sites?** Yes. Clusters of lots must be effectively separated from neighboring properties, public ways, and each other by open space. The following criteria will be used in determining compliance with this standard.

31.8.6.1 Using the Terrain. Terrain features, including existing woods, fields that remain in agricultural use, ridgelines, steep slopes, streams, wetlands, and the watershed protection buffers required by the Chapter 29 of this bylaw should be used to separate clusters, and to buffer home sites from adjoining properties and public ways whenever possible.

31.8.6.2 Buffer Width. The width of the buffers between clusters shall vary with the terrain and the presence of screening vegetation. The DRB may require that the minimum buffer be anywhere from 100 to 500 feet. In making its determination of the minimum required buffer between clusters, the DRB shall consider the advice of the Conservation Commission and the following factors:

- the presence of vegetation and its effectiveness in providing visual screening between clusters, and between clusters and public ways;

- the presence of terrain features, including slopes, ridges, and valleys, and their effectiveness in visually separating clusters and separating clusters and public ways; and
- the orientation of the proposed cluster to public ways.

**31.8.6.3 Enhancing Buffers**. The developer may propose, and the DRB may approve, the use of earthen berms and plantings to increase the effectiveness of buffers between clusters, and between clusters and public ways.

**31.8.6.4 Adjoining Open Space**. The applicant may propose, and the DRB may find, that a narrower buffer is adequate along a property boundary where there is protected open space or terrain that is unsuitable for building on the adjoining property.

**31.9 Lots and Home Sites.** Each lot created shall contain a home site that meets the criteria adopted here. The concept plan submitted with the pre-application shall show how home sites are individually placed so as to best maintain environmental quality, accessibility, compatibility with neighboring uses, and the rural character this zoning district protects. The following criteria will be used in determining compliance with this standard.

**31.9.1 *Provide for Adequate Wastewater Treatment*** Each lot shall provide for adequate wastewater treatment, either through an onsite septic system or a community sewerage system as permitted by WDB 31.

**31.9.2 *Ensure an Adequate Water Supply***. The developer shall demonstrate that each dwelling can reasonably expect to obtain an adequate domestic water supply. Wherever the proposed average density will exceed one dwelling for each 10 acres, this shall be accomplished by actual on-site well testing supervised by a registered engineer or a groundwater hydrologist.

**31.9.3 *Provide Safe Road Access***. Each home site shall have safe access to an existing or proposed public or private road.

**31.9.4 *Respect the Terrain***. Home sites and the access drives and roads serving them shall be placed along the contours of the land in a way that minimizes grading and the visual impact of the development.

**31.9.5 *Provide Trail Connections***. Home sites shall, where possible, be connected to the Town's trail system – existing or proposed - via the adjoining open space.

**31.9.6 *Minimize Visual Impacts Using Existing Vegetation and Terrain***. Where possible, homes and accessory buildings shall be effectively screened from view from public ways by existing woodland or forest vegetation or the terrain. This does not mean that the development has to be invisible: brief views of structures through the branches of screening vegetation or a break in screening terrain are acceptable. It does mean that homes must be carefully sited and that the clearing of existing screening vegetation must be strictly limited.

**31.9.6.1 Clearing Limit**. Clearing existing woodland or forest vegetation for a home site, including the yard and the space occupied by any accessory structure shall be limited to a half-acre. This does not include access driveways, utility lines, or areas cleared for the underground

components of on-site wastewater disposal systems but does include on-site circulation and parking areas.

**31.9.6.2 Breaks in Slope: Forested**. Existing woodland and forest vegetation shall be left in place, forming a wooded or forested buffer of at least 50 feet in width, at the top of any distinct break in any slope of more than 8%. These buffers may be thinned (the canopy cover within the view corridor must still be at least 25%) to provide one view corridor of no more than 25 feet in width for each dwelling. The DRB may, with the advice of the Conservation Commission, permit additional view corridors where the required thinning will not have an adverse visual impact.

**31.9.6.3 Breaks in Slope: Not Forested**. Where there is no existing woodland and forest vegetation to be left in place, a forest buffer of at least 50 feet in width must be planted at the top of any distinct break in any slope of more than 8%. These buffers may include view corridors that are no more than 25 feet in width.

**31.9.7 *Minimize Visual Impacts in Open Areas***. Where homes and accessory buildings cannot be effectively screened by existing vegetation or the terrain, they should be sited where they will be visually absorbed by a slope and or woods. This means that the structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is “absorbed” is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.

**31.9.8 *Supplement Screening or Absorption, as Necessary***. To augment visual screening or absorption, a developer may also propose, and the DRB, with the advice of the Conservation Commission, may approve:

31.9.8.1 ... a building height limit of less than 36 feet;

31.9.8.2 ... the installation and maintenance of screening vegetation and berms;

31.9.8.3 ... limiting the area of glass and other reflective surfaces and specifying exterior colors that do not contrast with the landscape; and/or

31.9.8.4 ... limiting building bulk or arranging building mass to reduce the visual impact of a dwelling or accessory structures. This may include placing buildings along rather than across a slope and/or “stepping” a building into the slope to minimize grading.

**31.9.9 *Demonstrate Compliance***. Applicants may be required to place brightly-colored balloons, erect story poles, or provide three-dimensional visual simulations to demonstrate that a typical home and outbuildings would be absorbed by the vegetation or terrain, or that the installation of berms and plantings, and architectural techniques would result in visual absorption of the home.

**31.10 Community Sewerage Systems.** Community sewerage systems serving a single cluster of lots may be used to help protect open space where the use of individual on-site systems is limited by terrain conditions.

**31.10.1 Can a community sewerage system be installed anywhere?** No. Community sewerage systems may not be used where the soils at the proposed site are unsuitable or only marginally suitable for the use of such systems.

**31.10.2 What measures are required to obtain approval of a community sewerage system?** Community sewerage systems are required improvements subject to all requirements of Chapter 7 of this bylaw, specifically including the continuing maintenance requirements of WDB 7.2.

**31.11 Barn Restoration.** As provided by 3.2.4 of the *Town Plan*, preservation and restoration of historic barns will be encouraged by permitting residential uses of such structures that include more than two dwellings.

**31.11.1 What makes a barn historic?** An historic barn is one that is listed on the national or state registers of historic places.

**31.11.2 What about the density standard?** Relaxation of the use standard in this zoning district does not constitute a relaxation of the density requirements. A landowner who wishes to place, for example, four apartments in an historic barn must still have a parcel of at least 320,000 square feet.

**31.11.3 How will the plans for restoration of an historic barn be reviewed?** Restoration of an historic barn requires a discretionary permit, with review by the HDAC preceding review by the DRB.

**31.11.4 What standards will the HDAC and DRB use in their review?** Barn restoration plans will be evaluated and approved or rejected based on how well they maintain the original, agricultural appearance and context of the structure while providing a reasonable housing choice. The Secretary of Interior's Standards for Rehabilitation (<https://www.nps.gov/tps/standards/rehabilitation.htm>) shall be utilized in the review of barn restoration plans.

**31.11.5 Are any other nonagricultural uses of restored barns permitted?** Yes. Restored barns may be used for home businesses with the approval of an Administrative Permit, and for use as banquet facilities with the approval of a Discretionary Permit by the DRB.

**31.12 Standards for Nonresidential/Nonagricultural Uses.** As Table 31.A indicates, a few nonagricultural, nonresidential uses may be permitted in this zoning district. These include nonmetallic mining and quarrying, limited manufacturing using local farm or forest products, and veterinary services. All require a discretionary permit. All must comply with the standards established here.

**31.12.1 Is the scale of commercial operations in the ARZD limited?** Yes. Those commercial enterprises that are not defined as accepted agricultural or forestry practices or home businesses shall be limited in scale to help maintain the rural character of this zoning district. No such use shall require more than 16 parking spaces.

**31.12.2 Are outdoor sales permitted for nonresidential/nonagricultural uses in the ARZD?** Yes, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

**31.12.3 Is outdoor storage permitted for nonresidential/nonagricultural uses in the ARZD?** Yes, but only within side and rear yards that are designated for that purpose on an approved site plan.

Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

31.12.3.1 Outdoor Storage. Outdoor storage areas must be buffered from public ways and adjoining properties, as required by Chapter 23 of this bylaw.

32.12.3.2 Screening Fences. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 23.3.2, may be required by the DRB. Where such a requirement is imposed, the screening fence or wall shall be:

- ... an architectural extension of any building to which it is attached, with similar colors and detailing, or
- ... a classic rural fence pattern, like stone or split rail.
- Security fencing may be proposed. Where the DRB finds that security fencing is compatible with the rural landscape, it may require that such fencing be on the interior side of a wider than ordinarily required landscaped, forested, or wooded buffer.

31.12.3.3 Temporary Storage. The temporary outdoor storage of construction equipment and materials outside designated areas is permitted in compliance with Chapter 17 of this bylaw.

<b>Table 31.A – Agricultural/Rural Residential Zoning District</b>	<b>NAICS</b>	<b>Notes</b>
Uses that are not specifically listed in this table 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.		
<b>Residential (dwellings)</b>		As described in WDB 31.1.3.3 and WDB 31.4.
<b>Agriculture, Forestry, Fishing &amp; Hunting</b>	11	Including the processing, distribution, and sale of products primarily from the farm or woodlot.
Support Activities	115	Specifically includes the maintenance and repair of farm and forestry equipment.
<b>Nonmetallic Mineral Mining &amp; Quarrying</b>	2120	
Support Activities for Mining	213	But only as an accessory to 2120.
<b>Utilities</b>	20	Regulation of utilities is generally at the state level in VT.
Electric Power Generation	2491	Specifically includes power generation from farm wastes
<b>Manufacturing</b> , but only as listed below		In compliance with WDB 31.13 only.
Food Manufacturing	291	Made primarily with local products only.
Wineries	29213	Using primarily local grapes only.
Textiles	293-17	Made primarily with local products only.
Apparel, Leather Products	295-16	As a home business only.
Sawmills	3111	Using primarily local timber only
Furniture manufacturing	337	As a home business only
<b>Wholesale Trade</b>	42	Permitted only as an accessory to other uses
<b>Retail Trade</b> , as per the note	43-44	Sale of local farm and forest products is permitted, otherwise retail trade is permitted as a home business only.
<b>Transportation and Warehousing</b>	48-49	As an accessory use only.
<b>Professional, Scientific, and Technical Services</b>		As a home business only, except as below.
Veterinary Services	541940	
Residential Educational and Training Programs	611	Tax Parcels 16:104:270 and 300 only. Requires approval of a Discretionary Permit
<b>Accommodations and Food Services</b> , but only as listed		
Bed and Breakfast Inns	721191	Requires approval of a Discretionary Permit
<b>Other Services</b>	81	As a home business only, except as below.
Auto Repair and Maintenance	81111	As a home business or incidentally as part of the repair and maintenance of farm and forest equipment and in compliance with WDB 31.13
<b>Outdoor Recreation</b>		Public parks are permitted in all zoning districts. Private outdoor recreation is permitted as described in WDB 31.1.3.5
<b>Public Administration</b>	92	

## Section 1. Introduction & Definitions

### How to Use the TCFBC

Look at the REGULATING PLAN to determine if property is located within the Taft Corners Form-Based Code Overlay District (TCFBC).

**If no:**

These standards are not applicable.

**If yes:**

I want to know what I can do with my property:

- Find the specific property in question on the REGULATING PLAN. Identify the REQUIRED BUILDING LINE and the PARKING SETBACK LINE. The color of the fronting STREET-SPACE determines the applicable BUILDING FORM STANDARD (you will find these in the key located on the REGULATING PLAN).
- Find the applicable BUILDING FORM STANDARD in Section 3. Building Form Standards. The standards in Section 3.1 General Provisions that apply to all properties in the TCFBC. The BUILDING FORM STANDARD describes the parameters for development on the site in terms of placement, height, elements, and use.
- Additional regulations regarding architecture, streets and other public spaces, parking requirements, and building functions are found in Sections 4 to 7.
- See Section 8 for information on the development review process.

I want to modify an existing building:

Determine whether your intended changes would trigger a level of code compliance by looking at Section 3 Building Form Standards and in Section 8, Non-Conformities.

If yes, follow the process delineated therein (and the indicated portions of steps 2-4, above).

I want to establish a new use in an existing building:

Find the property on the REGULATING PLAN and determine the applicable BUILDING FORM STANDARD. Determine whether the use is allowed by looking at the Approved Use Table in Section 7. If the use is listed with a cross-reference in the right-hand column, refer to those specific performance standards.

I want to subdivide my property:

Development proposals require delimited lots. In many cases this will involve the subdivision of larger tracts.

Property may be subdivided in accordance with the procedures of the Williston Unified Development Bylaw Chapter 12 Subdivisions. Any subdivision of a property within Taft Corners must meet the applicable standards of Sections 2 to 7.

Note that:

Certain terms in this Code are used in specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult Section G. Key Concepts (below) or this Section G and H for its specific and limited meaning within Taft Corners.

In this Code, *illustrations convey intent and are not regulatory, diagrams are an integral part of the regulations.*

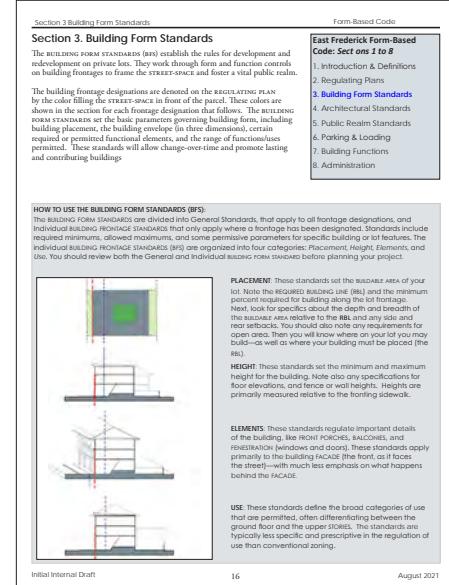
### Taft Corners Form-Based Code: Sections 1 to 8

- 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
- 9. Reserved



\* One-story allowed area. For more information contact the Town Planning Office.

### Regulating Plan Key



**Building Form Standards, page 1**

## A. Purpose & Intent

This section establishes the Taft Corners Form-Based Code Overlay District (TCFBC). *Sections 2 through 7* provide the rules for development in these districts.

This code is established to implement the Community Vision Plan. It focuses on community character, through an emphasis on development character, intensity, and physical form and patterns, rather than solely on land uses. This code emphasizes the relationship between private development and the public realm to promote an overall sense of place within Taft Corners while allowing a wide variety of land uses. Taft Corners is intended to be a model of sustainability, employing smart planning and technologies for solar gain and generation, storm-water management and enabling transportation alternatives to the automobile.

Taft Corners is a defined geographic area in a specific location that accommodates a mix of uses—either within the same building, on the same parcel, or within close proximity—in a pedestrian-oriented, transit-supportive, compact, walkable form. The TCFBC is intended to create traditional urban design.

The TCFBC regulations establish requirements related to form, character and design that will promote compatible redevelopment and create an environment where people can live, work, learn, worship, and relax within a compact walkable setting. The standards foster a system in which buildings are oriented toward the street or public realm, and organized around perimeter BLOCKS, ideally with rear lot service access via ALLEYS or shared drives.

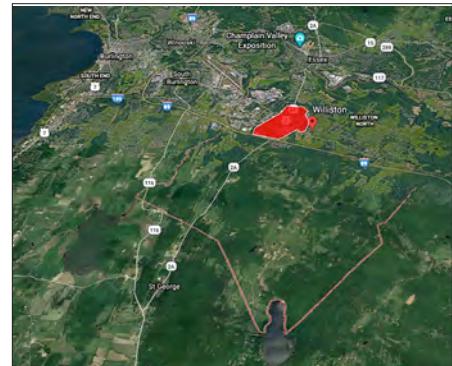
## B. Organization

The TCFBC is mapped by a REGULATING PLAN and divided into building frontages. Each building frontage is defined primarily by a common scale, character, and intensity, rather than land use category (although uses are broadly regulated).

The TCFBC regulations include a set of BUILDING FORM STANDARDS that establish a hierarchy of building forms, with a scale and intensity tailored for their location. The goal of the BUILDING FORM STANDARDS is to create a vital and coherent public realm through the definition and shape of the STREET-SPACE.

The regulations on building forms are applied at the parcel level and put primary emphasis on the building frontage—the relationship between the building and the STREET-SPACE. The regulations work together to frame the PUBLIC REALM.

The BUILDING FORM STANDARDS are tailored to the desired physical and functional context of each location, using a range of scales and intensities, as identified by the TCFBC REGULATING PLAN.



*Birds-Eye 2021: Taft Corners in Williston*



*Aerial photo Taft Corners*



Illustrative Plan, mixed-use core area.



Illustrative Plan, Taft Corners.



Vision, Bird's Eye View over 2A/Merchants Row (extended).

### C. Applicability and Intent

1. The REGULATING PLAN is the official zoning map for Taft Corners.
2. The Code is in effect for that part of the Town of Williston, Vermont, designated on the Official Zoning Map as the Taft Corners Form-Based Code Overlay District (TCFBC)
3. Where the REGULATING PLAN is shown on the zoning map, these standards immediately apply.
4. The process for developing or redeveloping within The TCFBC is explained in *Section 8*.
5. The REGULATING PLAN establishes and guarantees the interconnected network of small blocks and walkable/pedestrian oriented streets in accordance with the Town Plan.

### D. Other Applicable Regulations

Where apparent conflicts exist between the provisions of the TCFBC and the other sections of the Williston Unified Development Bylaw or other existing ordinances or approvals, these standards take preference unless in conflict with State or Federal law. Local wetland and resource rules are not overridden by the TCFBC

The regulations in the TCFBC is an appendix of the Williston Unified Development Bylaw. The regulations in each document shall apply to development on land included in the REGULATING PLAN. When conflicts exists between the provisions of the TCFBC and the other sections of the Williston Unified Development Bylaw, or other existing ordinances, the TCFBC standards shall take precedence when related to the building form standards, architectural standards, public realm standards, parking, and building functions.

### E. Minimum Requirements

In interpreting and applying the provisions of the TCFBC, these are the minimum requirements for development under this Code.

### F. Components

The Taft Corners standards are included in the following sections:

1. *Section 1 Introduction & Definitions* instructs on the use and organization of the TCFBC. The *Definitions* subsection includes those terms that are used in the regulations in specific ways, often excluding some of the meanings of common usage. Wherever a word is in SMALL CAPITALS format, consult *G. Key Concepts*, or *H. Definitions* for its specific and limited meaning. Words used but not defined in the TCFBC, but that are defined elsewhere in the Williston Unified Development Bylaw, have the meanings set forth therein.
2. *Section 2 Regulating Plans:* The REGULATING PLAN is the zoning map for the TCFBC. The REGULATING PLAN provides specific information on the rules for development within each parcel. The REGULATING PLAN makes the development standards place-specific by designating the BUILDING FORM STANDARD frontages and delineating the public spaces.

The REGULATING PLAN identifies: the boundaries for the TCFBC; existing and new streets; the REQUIRED BUILDING LINE; and the PARKING SETBACK LINE throughout the TCFBC; and may identify additional regulations and/or special circumstances for specific locations.

3. *Section 3 Building Form Standards* sets out the rules for building siting, scale, and massing that control how buildings frame and relate to the STREET-SPACE or public realm. The BUILDING FORM STANDARDS establish the parameters for development on each site in terms of building placement, height, elements, and uses.
4. *Section 4 Architectural Standards* provide parameters for a building's exterior elements, with an emphasis on FACADES. These standards govern materials, configurations, and techniques for development under all BUILDING FORM STANDARDS. They are established in order to ensure a coherent and high-quality building character that is complementary to the best traditions of Williston and the region.
5. *Section 5 Public Realm Standards* include standards for the public realm: streets and sidewalks, and SQUARES, CIVIC GREENS, and other public open spaces. They are established in order to ensure a vital and complete public realm/ STREET-SPACE with a high level of walkability.
6. *Section 6 Parking and Loading Standards* provide goals and requirements to promote a “park once” environment through shared parking and encourage a pedestrian-friendly, walkable Taft Corners.
7. *Section 7 Building Function Standards* define the uses allowed and/or required on ground floors and in upper floors, correlated with each BUILDING FORM STANDARD. Because the TCFBC emphasizes form more than use, these standards include fewer, broader categories than those provided elsewhere in the Williston Unified Development Bylaw.
8. *Section 8 Administration* covers the application and approval process for developing in the TCFBC. It also sets out the standards and procedures for amendments to the REGULATING PLAN and how development proposals will be reviewed.



Illustrative view of future Trader Lane at the Village Green.

## G. Taft Corners Intent and Key Concepts

The following list of concepts are important components of the TCFBC regulations and are provided here for quick reference. These and other terms in the TCFBC sections are used in specific ways, often excluding some of the meanings of common usage. Wherever a word is in **SMALL CAPITAL** format, consult *H. Definitions* for its complete specific and limited meaning.

### **ALLEY:**

**ALLEYS** provide efficient and coordinated rear access for service and parking to all users of a **BLOCK**. They are critical to the functioning of the interconnected network of streets.

### **BLOCK:**

**BLOCKS** are the foundation of a walkable, efficient, and vital Town Center/Urban Place. With their public frontages, private lots and interior service and parking areas, **BLOCKS** provide an efficient and workable system for private interests, large and small, to interact in a synergistic and democratic way. They are the building block of all the great American towns and cities.

### **BUILDABLE AREA:**

This area, described/set out in the Building Form Standards, is simply the area of the lot where buildings may be constructed.

### **CLEAR SIDEWALK:**

This is the continuous clear area of sidewalk for pedestrians. While the area that is available to pedestrians will often be wider, the **CLEAR SIDEWALK** area will never be encroached into or compromised.

### **CLEARLY VISIBLE FROM THE STREET-SPACE:**

The TCFBC most regulates things that directly shape the form and functioning of the **STREET-SPACE** - things that are **CLEARLY VISIBLE FROM THE STREET-SPACE**. Private actions and building forms beyond that, generally within or behind the buildings, are less regulated.

### **DOORYARD:**

The area between the building **FAÇADE** and the **SIDEWALK**. **DOORYARDS** vary with their context, some being paved areas in front of shops and others small front gardens or lawns.

### **FAÇADE:**

The building elevation facing and on the street is its public face - or **FAÇADE**. Because the building **FAÇADE** is the primary component of the **STREET-SPACE**, the form based code places careful parameters on it, with much less control on the rest of the building.

### **FENESTRATION:**

The doors, windows, and other openings in a building that provide views and communication between the private space within the building and the public realm of the **STREET-SPACE**. The FBC regulates **FENESTRATION** to support vital walkable streets and to maintain 'eyes on the street' for safety.

### **PARKING SETBACK LINE:**

The arrangement of cars parked off-street in the TCFBC is very lightly regulated. There is a simple setback line, generally 30' from the **STREET-SPACE**, that ensures that no pedestrian will have to walk alongside a parking lot.

### **PRIVATE OPEN AREA:**

**PRIVATE OPEN SPACE** is for residents. This is not public space, as in a **GREEN** or a park, but open area for individual families, and/or residents of individual buildings, out of the public hustle and bustle of living in a compact, walkable, downtown. The 19th Century city failed in this regard and the resulting inhumane conditions contributed to the 20th Century flight to the suburbs that so consumed our rural lands.

### **REGULATING PLAN:**

You might think of the **REGULATING PLAN** as a 21st Century Zoning Map. It lays out the Form and Function regulations for development and the interconnected network of streets, **BLOCKS**, **ALLEYS**, and public open spaces that are necessary for the pedestrian oriented, walkable downtown/town center called for in the Town Plan.

### **REQUIRED BUILDING LINE (RBL):**

The **REQUIRED BUILDING LINE** is the line, or arrow strip, that aligns buildings consistently along the street and sidewalk. The TCFBC requires a minimum percentage of all lot frontages to have a building **FAÇADE** built along it.

### **STREET-SPACE:**

The complete space between the building **FAÇADES**. The **STREET-SPACE** is a community's first and foremost public space. It includes the automobile travel and parking lanes, the **TREE LAWNS**, sidewalks, **DOORYARDS**, and any **GREENS** or **SQUARE**..

### **STREET TREES:**

"A street without canopy shade trees is like a room without a ceiling" Landscape Architect, Henry Arnold.

**STREET TREES** and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management. Good **STREET-SPACE**s promote sustainable transportation options such as walking and bicycling.

## H. Definitions

The following terms are defined for the purpose of the Taft Corners Form-Based Code Overlay District (TCFBC). Terms not defined here may be defined elsewhere in the Williston Unified Development Bylaw. In such case, the definition contained in the Williston Unified Development Bylaw must be used. Certain terms in these districts are used in very specific ways, often excluding some of the meanings of common usage. Where there is an apparent conflict or contradiction, the definition herein will take precedence.

**ALLEY.** The public right-of-way or public access easement, open to the sky, for vehicles and pedestrians within a **BLOCK** that provides service access to the rear or side of properties, vehicle parking (e.g., garages), loading docks, utility meters, recycling containers, and garbage bins. **ALLEYS** have a uniform width of 24 feet and contain easements for electric, telephone, gas and other utilities.

**ATTIC STORY.** Habitable space situated within the structure of a pitched roof and above the uppermost **STORY** that does not count against the ultimate building or **STORY** height if constructed within the prescribed standards.

**AWNING.** A fabric-on-frame roof-like element attached to the **FAÇADE** or **REQUIRED BUILDING LINE** side of a building to provide shelter or shade.

**BALCONY.** An exterior platform attached to the upper **STORIES** of the building **FAÇADE** (generally forward of the **REQUIRED BUILDING LINE**).

**BAY WINDOW.** Generally, a U-shaped enclosure extending the interior space of the building forward of the **FAÇADE**/ **REQUIRED BUILDING LINE** (along its **STREET-SPACE** side).

**BLOCK.** An increment of land comprised of lots, **ALLEYS**, and parcels circumscribed and not traversed by streets (**PEDESTRIAN PATHWAYS** excepted). **BLOCKS** are measured at the **REQUIRED BUILDING LINE** (RBL).

**BLOCK CORNER.** The outside corner of a **BLOCK** at the intersection of any two **REQUIRED BUILDING LINES**. Inside corners, where the resulting angle formed by the **BLOCK FACE** is less than 180 degrees (concave) are not considered **BLOCK CORNERS** for the purposes of the TCFBC. (see *Section 3 General Standards, Diagram 8*)

**BLOCK FACE.** The **REQUIRED BUILDING LINE** frontage between **BLOCK CORNERS**.

**BUILDING CORNER.** The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered **BUILDING CORNERS** for the purposes of the TCFBC. (see *Section 3 General Standards, Diagram 8*)

**BUILDABLE AREA.** The area of the lot that structure(s) may occupy, which generally includes the area of the lot behind the **REQUIRED BUILDING LINE** excluding any required setbacks, as designated in the individual **BUILDING FORM STANDARD**. Any building additions must be within the specified **BUILDABLE AREA**.

**BUILDING FORM STANDARDS (BFS).** The part of the TCFBC standards that establish basic parameters regulating building form, including: the envelope (in three dimensions); placement on the lot; certain approved and required building elements, such as **SHOPFRONTS**, **BALCONIES**, and **FENESTRATION**; and the allowed functions.

**CANOPY.** The solid-on-frame roof-like element, covering an entry door(s), attached to the **FAÇADE** or **REQUIRED BUILDING LINE** side of the building to provide shade or shelter.

**CIVIC BUILDINGS.** Those buildings designated on the **REGULATING PLAN** that are or were designed to house strictly civic or cultural assembly uses or are historically and urbanistically significant structures. These may include meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; courthouses; and other similar community uses. Public ownership alone does not constitute a **CIVIC BUILDING**. **CIVIC BUILDINGS** and publicly-owned public art are not subject to the **BUILDING FORM STANDARD** prescriptions of the TCFBC unless specifically noted otherwise.

**CLEAR HEIGHT.** The habitable distance between the floor and ceiling. For entrances and other external building features, the unobstructed distance from the ground/sidewalk to the lowest element above. **CLEAR HEIGHT** is not applicable to Structured Parking.

**CLEAR SIDEWALK.** The portion of a sidewalk that must remain clear of obstructions (furniture, signage, trees, lighting, etc.) to allow for unimpeded public passage

**CLEARLY VISIBLE FROM THE STREET-SPACE.** Some requirements of the TCFBC apply only where the subject is “CLEARLY VISIBLE FROM THE STREET-SPACE.” (Note the definition of STREET-SPACE below.) A building element more than 30 feet from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. Common or party walls are by definition not CLEARLY VISIBLE FROM THE STREET-SPACE.

**COMMON LOT LINES.** Lot lines shared by adjacent private lots.

**CORNER LOT.** A lot that has frontages on two intersecting STREET-SPACES. Special building placement, fencing and landscape requirements may apply.

**DOORYARD.** The area within the STREET-SPACE, extending across the entire frontage of the lot, between the building FAÇADE (the REQUIRED BUILDING LINE) and the CLEAR SIDEWALK/ROW. This area may be hard-surfaced or planted according to Section 5.2.A Public Realm Standards, General, Dooryards

**DORMER.** Roofed ancillary structures with windows providing light and air to habitable space within a pitched roof.

**EDGE LOT.** A Strollable Neighborhood frontage lot that is on the outer side of a street with Park/Natural Area, Class 2 Wetland, steep slopes, designated conservation lands, and/or property outside of the TCFBC, as shown on the REGULATING PLAN, behind it. Special curb cut, ALLEY, building placement, fencing and landscape requirements may apply.

**EQUIVALENT OR BETTER.** A building material or construction technique that has been determined, by the Zoning Administrator in consultation with the Project Review Committee (PRC), to be at least equal to, in appearance, durability, quality, and other similar characteristics, or surpassing those expressly approved herein.

**ENGLISH BASEMENT.** A habitable floor level in a ROWHOUSE that is below the first floor that is partially above and below grade. The ceiling of an ENGLISH BASEMENT is between 3 and 6 feet above the average fronting sidewalk grade with windows and an entry with direct STREET-SPACE access. ENGLISH BASEMENT units do not count against the STORY height limit but do count against the maximum height measurement. An ENGLISH BASEMENT unit is considered an accessory dwelling unit.

**FACADE (the building face):** The building elevation facing the STREET-SPACE or REQUIRED BUILDING LINE. Building walls facing private interior courts, COMMON LOT LINES, and ALLEYS are not FAÇADES, and are considered elevations..

**FACADE COMPOSITION.** The arrangement and proportion of materials and building elements (windows, doors, columns, pilasters, bays) on a given FAÇADE.

**FENESTRATION.** Openings in a wall, including windows and doors, allowing light and views between the building and/or lot interior (private realm) and exterior (public realm)

**FORECOURT.** A building FACADE configuration where a central portion of the FACADE is set back from the REQUIRED BUILDING LINES to form a space that is enclosed on 3 sides by building elevations, with the entry door on one of the three elevations. Forecourts are limited in size and must satisfy all their frontage standards.

**FIRST FLOOR.** See GROUND STORY.

**FRONT PORCH.** A GROUND STORY entry platform attached to the FACADE / REQUIRED BUILDING LINE side of the building.

**GREEN OR SQUARE.** A public open space designated on the REGULATING PLAN. The term GREEN is used to describe a small public lawn, playground, or other public open area that is primarily pervious-surfaced. The term SQUARE is generally used to describe spaces that have more impervious area. See *Section 5. Public Realm Standards* for the specific parameters for GREENS and SQUARES.

**GROUND STORY.** The first habitable level of a building at or above grade, not including ENGLISH BASEMENTS. The next STORY above the GROUND STORY is the second STORY or floor.

**LOT BUILDING LIMIT LINE.** A line that delineates the outer bounds of the developable area within a private parcel, generally along non-developable lands, GREENS or SQUARES, Park/Natural Areas, and/or Class 2 Wetlands, as shown on the REGULATING PLAN, behind it.

**MANSARD ROOF.** A roof with two angles of slope, the lower portion of which is steeper and is architecturally comparable to a building wall. Also a nearly vertical FAÇADE which imitates a roof. Mansard roofs are approved within the parameters in *Section 4.D*.

**MEZZANINE.** An internal intermediate level between the GROUND STORY and the second STORY that may be in the form of a platform, podium, or wide balcony.

**MUNTIN.** A strip of wood or metal separating and holding panes of glass in a window, less than 1" in thickness. Muntins divide a single window sash or casement into a smaller grid system of panes of glass.

**PARKING SETBACK LINE.** A line or plane, generally parallel to the REQUIRED BUILDING LINE, that extends vertically up from the ground STORY floor level (unless otherwise noted on the REGULATING PLAN), behind which parking may be located.

**PEDESTRIAN PATHWAY.** A publicly accessible interconnecting hard-surfaced way, open to the sky, providing pedestrian and bicycle passage through BLOCKS running from a STREET-SPACE to another STREET-SPACE, ALLEY, or an interior BLOCK parking area.

**PRIVACY FENCE.** An opaque fence generally along ALLEYS, PEDESTRIAN PATHWAYS, and COMMON LOT LINES. See the *Section 3 Building Form Standards* for height and placement specifications and *Section 4 Architecture* for material and configuration standards.

**PRIVATE OPEN AREA.** An occupiable area within the BUILDABLE AREA, generally only accessible to occupants of the particular building or site, and (primarily) open to the sky. The approved location(s) for PRIVATE OPEN AREA is designated in the individual BUILDING FORM STANDARD.

**PROJECT REVIEW COMMITTEE (PRC).** An internal staff committee established to provide a coordinated and centralized technical review process to advise the Zoning Administrator and to ensure conformity with the requirements of the TCFBC. The Project Review Committee is a work assignment for Town staff and is comprised of the Zoning Administrator, the Director of Public Works, and the Fire Chief.

**REGULATING PLAN.** The implementing plan for development within the TCFBC. The REGULATING PLAN designates the BUILDING FORM STANDARDS for private development and may provide additional specific information for the disposition of each building site. The REGULATING PLAN shows how each site relates to adjacent STREET-SPACES, and the overall district.

**REQUIRED BUILDING LINE (RBL).** A line or plane indicated on the REGULATING PLAN, defining the street frontage, that extends vertically and is generally parallel to the street, at which the building FAÇADE must be placed. This is a requirement, not a permissive minimum such as a setback. (The minimum length and height of FAÇADE that is required to be at the RBL is shown on the applicable BUILDING FORM STANDARD.)

**ROWHOUSE.** A single-unit multi-story attached building, sharing one or more common side walls with at least one other unit, and with a direct STREET-SPACE FAÇADE entry and no principal dwelling unit above another principal dwelling unit. ROWHOUSES are only approved in Strollable Neighborhood frontages.

**SHARED PARKING.** Automobile parking that is visible (this may be via signage) and accessible to the public for a minimum portion of each day.

**SHOPFRONT.** The area of the frontage running, vertically from the sidewalk up to the bottom of the second **STORY** floor structure and horizontally, the full width of the interior shop or store space. This is typically comprised of the various architectural elements including kneewalls, transoms, window panes, mullions, muntins, posts, pilasters, columns, and any roofs, cornices or eaves—all of which must comply with the standards of *Section 3.3 Building Form Standards, Storefront Frontages*, and *Section 4.4.F Architectural Standards, Shopfronts*.

**SIDEWING.** The portion of a building attached to and behind the primary structure extending along a **COMMON LOT LINE** toward the **ALLEY** or rear of the lot.

**SQUARE.** See **GREEN**.

**STOOP.** An entry platform on the **FACADE** of a building. (See the individual **BUILDING FORM STANDARDS** for specifications.)

**STORY.** That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above.

**STREET-SPACE.** The space between fronting **FAÇADES** or **REQUIRED BUILDING LINES**, including streets, **SQUARES**, **GREENS**, sidewalks, **DOORYARDS**, and parks—but not within **ALLEYS**.

**STREET-SPACE FRONTAGE.** That portion of the lot or building that is coincident with the **REQUIRED BUILDING LINE** as required by Taft Corners.

**STREET TREE.** A tree required in the TCFBC that is used to define the **STREET-SPACE** or public realm and listed in the Street Tree List in *Section 5 Public Realm Standards*. **STREET TREES** are large canopy shade trees that will form a shade canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

**STREET WALL.** A primarily masonry wall which assists in defining the **STREET-SPACE**, filling in the gaps between adjacent building **FAÇADES**.

**TREE LAWN.** (tree trench/planting strip): A continuous strip of soil area—typically covered with bridging pavement, tree grates, porous pavers, or grass and other vegetation—located between the back of curb and the **CLEAR SIDEWALK**, and used for planting street trees and configured to foster healthy street tree root systems. Tree lawn configurations are specified in the *Public Realm Standards, Section 5.5*.

**USES.** See *Section 7 Functions* for categories and definitions.

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## Section 2 Regulating Plan

### A. Purpose and Intent

The REGULATING PLAN is the controlling document and principal tool for identifying the applicable regulations in the Taft Corners Form-Based Code Overlay District (TCFBC). It lays out the interconnected network of streets, BLOCKS, ALLEYS, and public open spaces that are necessary for the pedestrian oriented, walkable downtown/town center called for in the Town Plan.

1. The REGULATING PLAN is the mandatory base zoning for the Taft Corners. FBC.
2. The REGULATING PLAN makes the TCFBC standards place-specific by:
  - a. Identifying the boundaries of the district;
  - b. Laying out a specific street and BLOCK configuration, including new streets;
  - c. Designating the building frontage for each STREET-SPACE (regulated in *Section 3, Building Form Standards*);
  - d. Identifying any CIVIC BUILDINGS; and
  - e. Delineating any new or existing GREENS, SQUARES or parks.
3. The REGULATING PLAN also specifies the REQUIRED BUILDING LINE and PARKING SETBACK LINE. *See also the Placement page in the individual building frontage in Section 3 Building Form Standards.*
4. The REGULATING PLAN may identify:
  - a. Specific characteristics assigned to a lot or a section of street frontage;
  - b. Additional regulations for frontages in specific locations;
  - c. Exceptions to the BUILDING FORM STANDARDS or other TCFBC standards related to unique context or urban design.
5. Changes to the REGULATING PLAN beyond those specifically allowed in this section will require a rezoning process. (*See Section 8.B.2 Amending Regulating Plans.*)

### B. REGULATING PLAN Configuration Standards

1. Building form frontages on the REGULATING PLAN
  - a. The applicable BUILDING FORM STANDARDS for private parcels are designated on the REGULATING PLAN by their street frontage.
  - b. The BUILDING FORM STANDARDS—which define the form and character of the district—are allocated based on the Vision Plan.
2. Streets
  - a. Generally, connectivity of the street grid throughout Taft Corners, specifically intersection alignments, is regulated by these standards. An interconnected street grid is fundamental to creating a compact, walkable, bikeable, and transit-supportive environment. These standards are intended to preserve and establish that connectivity, whether it is constructed immediately or in a phased manner.
  - b. The REGULATING PLAN delineates the street network that creates a pattern for growth while providing flexible opportunities for infill.

### Taft Corners 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

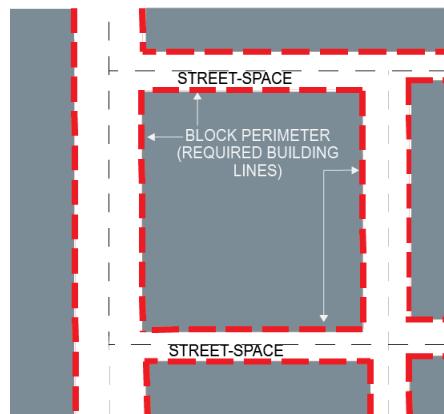


Diagram A.

- c. Streets on the REGULATING PLAN are considered mandatory.
  - d. No STREET-SPACE may be gated.
  - e. All lots must share a frontage line with, and all principal buildings must directly front, a STREET-SPACE and a REQUIRED BUILDING LINE - as designated on the approved REGULATING PLAN. Phased projects must meet this requirement for each phase of development, satisfying it in increments.
  - f. Where a new street or a street stub-out is shown on the REGULATING PLAN, no other curb cut and/or intersecting street is approved within 100 feet.
3. New Streets designated on the REGULATING PLAN
- a. Any new streets will require any and all steps necessary within the Town procedures. Consult the Zoning Administrator.
  - b. In addition to the street connectivity requirements in 2. *Streets* above, the following standards apply to those streets constructed after the adoption of the Taft Corners REGULATING PLAN.
    - (i) New streets designated on the REGULATING PLAN may or may not be immediately constructed.
    - (ii) Any new streets that create frontage on a parcel being developed must be constructed at the time of development, Level Two streets excepted.
    - (iii) Where a parcel has frontage on a Level Two street and another new street, construction of the Level Two street may be delayed until a time approved by the Zoning Administrator.
    - (iv) All new streets are intended to be public and must be publicly accessible. *See Section 5. Public Realm Standards.*
4. If constructed within 75' of the center line location in the REGULATING PLAN, the street repositioning will not require a rezoning, provided the resulting configuration meets these street configuration standards, there is no net loss of any SQUARE or GREEN area, and that any other properties with frontage are not adversely affected, and the Zoning Administrator agrees. All regulatory elements of the street, such as the REQUIRED BUILDING LINE, PARKING SETBACK LINE, and the BFS frontage designation, will move with any street repositioning. Submitting any application (subdivision application, Certificate of Conformity application, etc.) that includes the repositioning a street in a manner that impacts more than one property shall require a jointly submitted application by all impacted landowners.
5. A Mid-Block Pedestrian Crossing/Emergency Vehicle Staging Area is required for any BLOCK FACE greater than 300' in horizontal length. This must be sited within 60' of the mid-BLOCK point.
6. Additional new streets or ALLEYS
- a. May be added to the REGULATING PLAN by an applicant to create a smaller BLOCK pattern
  - b. No streets or ALLEYS may be deleted without being replaced
  - c. The resulting configurations must meet all the prescriptions of the TCFBC, *see 3.b immediately above.*
  - d. Such additions will be processed as an Administrative Adjustment and added to the REGULATING PLAN.
7. Street Adjustments. The Zoning Administrator, with the consent of the Project Review Committee, may make certain adjustments to:
- a. the REQUIRED BUILDING LINE position, where necessary due to conflicts with utility placement or the State Highway and/or municipal Right of Ways (*See Section 8.H Regulating Plan Adjustments Not Requiring a Zoning Bylaw Amendment*)
  - b. the construction timing of street elements in order to coordinate with municipal and/or private infrastructure construction projects. *See Section 8.H Regulating Plan Adjustments Not Requiring a Zoning Bylaw Amendment*)
  - c. the construction of grid streets that intersect with State Highways on the REGULATING PLAN, yet are unable to connect to the State Highway because the property owner has been denied a State Highway Access Permit (1111 Permit), may be terminated at the edge of the State right-of-way using any method enabled in the Williston Public Works Specifications. The intent is for the street, per the specifications of the TCFBC, to be connected to State Highway, by the property owner, if a State Highway becomes a Class 1 Town Highway in the future.

### C. Blocks

1. BLOCKS are measured at the REQUIRED BUILDING LINES or, where a REQUIRED BUILDING LINE is not present, along Lot Building Limit Lines, public rights-of-way, or other public, conservation, and/or property outside of Taft Corners. All lots and/or contiguous lots are considered to be part of a BLOCK for this purpose. (see Diagram A)
2. No BLOCK FACE may have a length greater than 360 feet without an ALLEY, public access easement or PEDESTRIAN PATHWAY of not less than 24 feet in width, providing through-access to another STREET-SPACE, or ALLEY. If a BLOCK does not meet this standard, then at the time of development, the following standards apply:
  - a. Individual lots with less than 150 feet of STREET-SPACE frontage are exempt from this requirement.
  - b. Lots from 150 through 200 feet in frontage must reserve a public access easement 12 feet in uniform width, establishing one half of a new future ALLEY, unless already satisfied within that BLOCK face.
  - c. Lots with over 200 feet of street frontage must meet the through-access requirement within their lot, unless already satisfied within that BLOCK FACE.
  - d. New lots may not be platted in order to avoid/circumvent the through-access requirement.
  - e. Where lots are subdivided, no new lot may be created that is less than 20 feet wide within 70 feet of its RBL, or that is too narrow or configured such that it is effectively not developable.

The Zoning Administrator in consultation with the Project Review Committee must determine which type of through-access must be implemented.

3. Curb Cuts: No new curb cuts are approved unless otherwise specified below. The creation and retention of curb cuts in the TCFBC is dependent on their providing access to, and circulation for, ALLEYS as per the following:
  - a. For lots with ALLEY access, existing or in a redevelopment plan, existing curb cuts other than those necessary for ALLEY circulation, must be eliminated or vacated at the time of redevelopment.
  - b. For lots without ALLEY access, existing curb cuts may be maintained or required to be relocated, subject to the standards of this section.
  - c. For lots without a curb cut or ALLEY access, new curb cuts for shared driveways have priority over those for single access. No new curb cut may be within 100 feet of another curb cut except where the new curb cut provides needed access for existing or planned ALLEY circulation.
  - d. All curb cuts are subject to approval by the Zoning Administrator in consultation with the PRC and DPW.
4. Where Structured Parking or surface lot with more than 30 spaces, existing or planned, is being provided with at least 40% of its spaces available to the general public, existing curb cuts that provide access to the public parking may be retained or relocated even if the lot has ALLEY access, subject to approval by the Zoning Administrator in consultation with the PRC and DPW. Such parking must meet the requirements of *Section 6.C.5* for SHARED PARKING.

### D. Alleys

ALLEYS provide required internal BLOCK circulation, utility easements and shared access to rear parking and service areas. They may also serve as emergency vehicle lanes.

1. ALLEYS, where shown on the REGULATING PLAN, indicate:
  - a. there must be vehicle and pedestrian passage through the BLOCK and,
  - b. the BLOCK FACE where the ALLEY must exit/enter.
2. The specific route through the BLOCK and exit locations in the BLOCK FACE shown in the REGULATING PLAN may be changed with the approval of the Zoning Administrator in consultation with the PRC and DPW.

3. ALLEYS or public access easements must, at the time of redevelopment, provide access to the rear of all lots. The Zoning Administrator may approve alternative access to parking and service areas where the absence of the ALLEY would not deprive an adjacent lot/neighbor of rear lot access, and:
  - a. A lot has streets on three sides and,
  - b. The lots are on a perimeter common to non-developable or conservation lands, or
  - c. No BLOCK FACE is greater than 300 feet.
4. ALLEYS may be incorporated into parking lots as standard drive aisles. Access from ALLEYS to all adjacent properties must be maintained.
5. In all frontages, except where constructed as ROWHOUSES, vehicular access between adjacent parking lots and across property lines is required. If not available at the time of redevelopment, accommodation for future vehicular cross-access must be provided.
6. ALLEYS for EDGE LOTS. Subject to approval by the Zoning Administrator in consultation with the PRC and DPW, special curb cut and ALLEY requirements may apply to enable efficient and shared use and minimize impermeable surface area. (See Section 3.A.7.)

#### E. Private Lots/Parcels

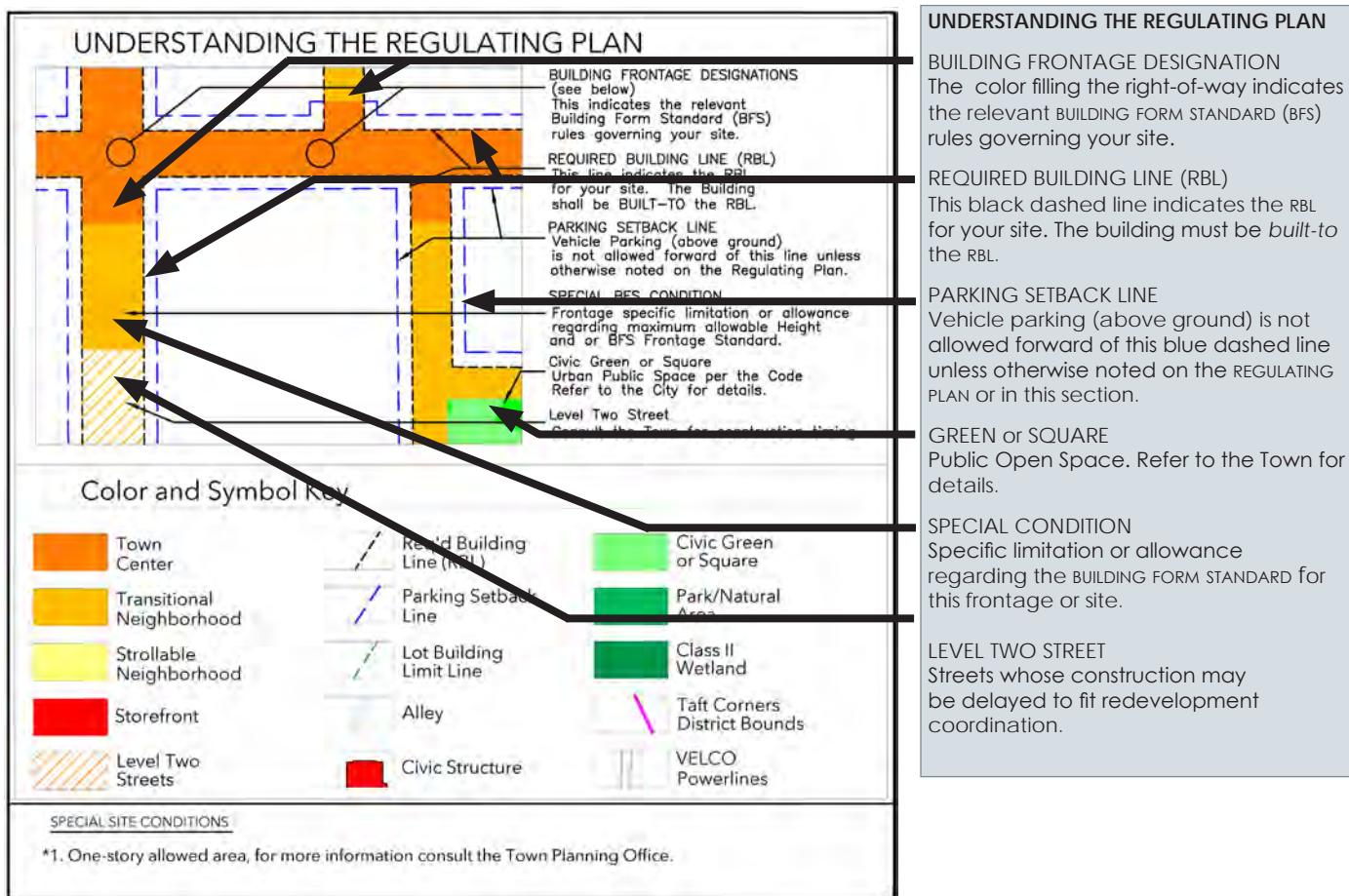
The right-of-way and front lot line for parcels created in the TCFBC is the line between the CLEAR SIDEWALK and the DOORYARD.

#### F. Public Open Space

Standards for structures and planting in public open spaces are provided in *Section 5 Public Realm Standards*.

#### G. Sample Regulating Plan Key

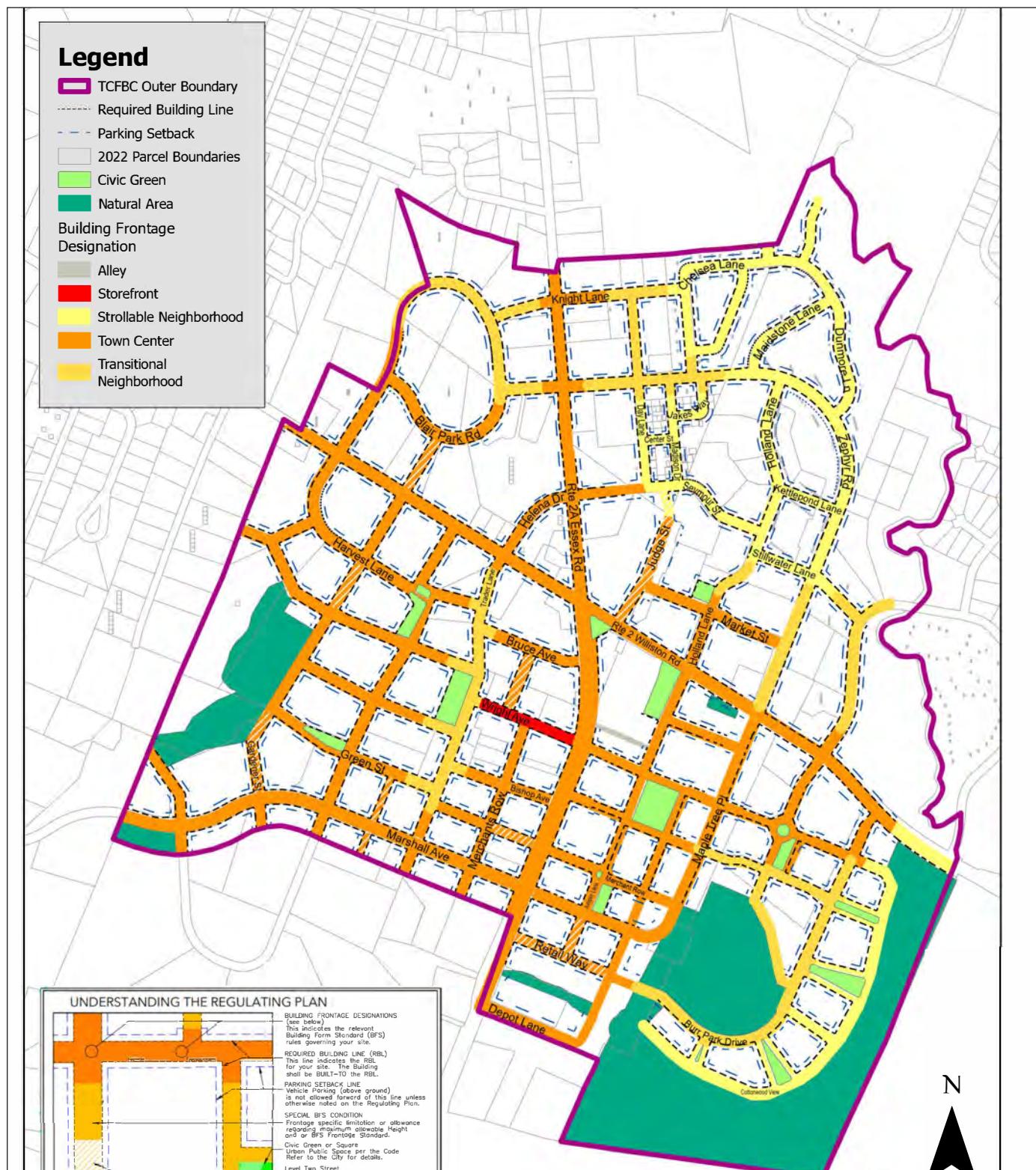
Each REGULATING PLAN contains a key explaining the plan designations. The key below, *Illustration B*, is provided as an example. See the Town for the official REGULATING PLAN.



*Illustration B.*

## H. Example Regulating Plan

The REGULATING PLAN facsimile below is provided as an example. See the Town for the official REGULATING PLAN and information for your site.



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## Section 3. Building Form Standards

The BUILDING FORM STANDARDS (BFS) establish the rules for development and redevelopment on private lots. They work through form and function controls on building frontages to frame the STREET-SPACE and foster a vital public realm.

The building frontage designations are denoted on the REGULATING PLAN by the color filling the STREET-SPACE in front of the parcel. These colors are shown in the section for each frontage designation that follows. The BUILDING FORM STANDARDS set the basic parameters governing building form, including building placement, the building envelope (in three dimensions), certain required or approved functional elements, and the range of functions/uses approved. These standards will allow the uses within a building to change-over-time and promote lasting and contributing buildings

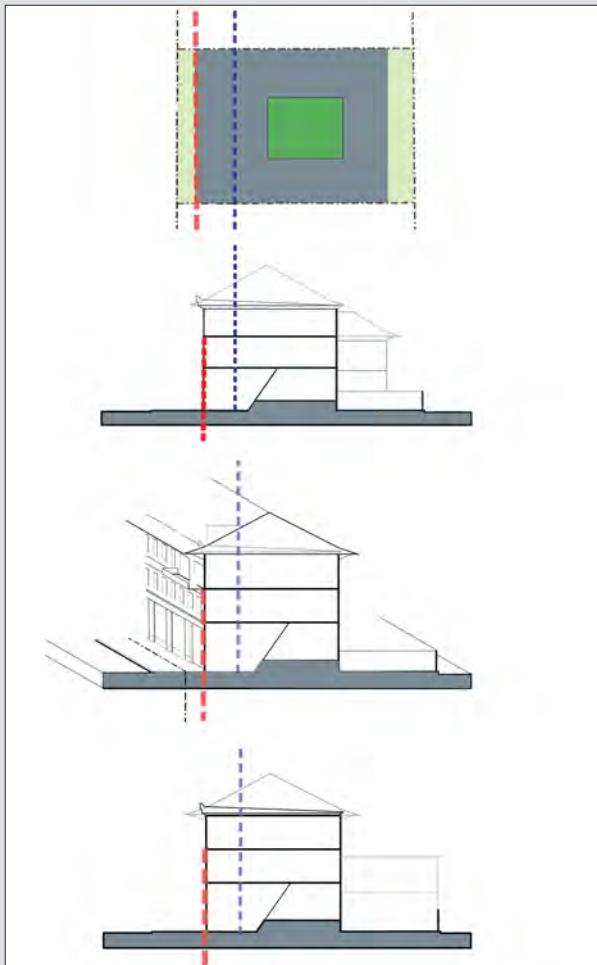
### Taft Corners Form-Based Code:

#### **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

### HOW TO USE THE BUILDING FORM STANDARDS (BFS):

The BUILDING FORM STANDARDS are divided into General Standards, that apply to all frontage designations, and Individual BUILDING FRONTAGE STANDARDS that only apply where a frontage has been designated. Standards include required minimums, allowed maximums, and some permissive parameters for specific building or lot features. The individual BUILDING FRONTAGE STANDARDS (BFS) are organized into four categories: *Placement, Height, Elements, and Use*. You should review both the General and Individual BUILDING FORM STANDARD before planning your project.



Informational Graphic - not regulatory

**PLACEMENT:** These standards set the BUILDABLE AREA of your lot. Note the REQUIRED BUILDING LINE (RBL) and the minimum percent required for building along the lot frontage. Next, look for specifics about the depth and breadth of the BUILDABLE AREA relative to the RBL and any side and rear setbacks. You should also note any requirements for open area. Then you will know where on your lot you may build—as well as where your building must be placed (the RBL).

**HEIGHT:** These standards set the minimum and maximum height for the building. Note also the specifications for floor elevations, fence, and wall heights. Height is primarily measured relative to the fronting sidewalk.

**ELEMENTS:** These standards regulate important details of the building, like FRONT PORCHES, BALCONIES, and FENESTRATION (windows and doors). These standards apply primarily to the building FACADE (the front, as it faces the street)—with much less emphasis on what happens behind the FACADE.

**USE:** These standards define the broad categories of use that are approved, and often differentiate between the ground floor and the upper STORIES. The standards are less specific and prescriptive in the regulation of use than conventional zoning.

## Summary Frontage Descriptions

The frontages are designated on the REGULATING PLAN by color filling the STREET-SPACE.

### Town Center Frontage

Town Center is the basic urban building form. These frontages produce multi-story buildings placed at the sidewalk or behind small DOORYARDS, with windows across the FAÇADE, and one or more entrances. The uses range from commercial to residential, institutional to GROUND STORY retail and restaurants—and combinations of all of the above.



*Illustration: TownCenter-example, Residential or Office, (here without Retail)*

### Storefront Frontage

Storefront is a subset of the Town Center frontage, with more specific requirements at the street level, that of the prototypical ground floor shopfront with large windows and frequent doors along the sidewalk. GROUND STORY uses are limited to retail or other active commercial uses along the frontage, creating a vibrant pedestrian realm. Upper STORY uses are flexible.



*Illustration: Storefront-example, typical frontage*

### Transitional Neighborhood Frontage

Transitional Neighborhood frontages produce multi-story buildings placed behind planted DOORYARDS, with windows across the FAÇADE, and one or more entrances. The uses are office and residential.



*Illustration: TransitionalNeighborhood-example, Multi-Unit Residential,*

### Strollable Neighborhood Frontage

Strollable Neighborhood frontages produce multi-story buildings, slightly reduced in scale relative to the Transitional Neighborhood frontage, placed behind planted DOORYARDS, with windows across the FAÇADE, and one or more entrances. The uses are office and residential.



*Illustration: StrollableNeighborhood-example, Smaller Scale Frontage, Rowhouses*

## 3.1 General Provisions

These provisions apply to all building frontage designations, unless expressly stated otherwise within the BUILDING FORM STANDARDS for an individual frontage designation or on the REGULATING PLAN.

### A. Placement

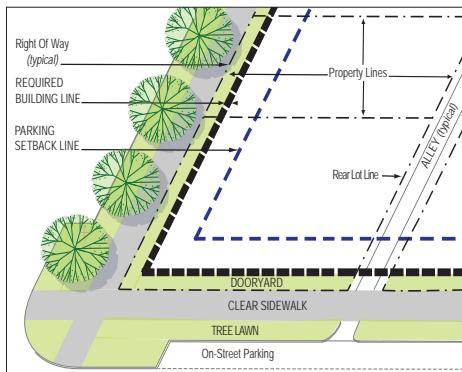


Illustration A. Key Taft Corners elements

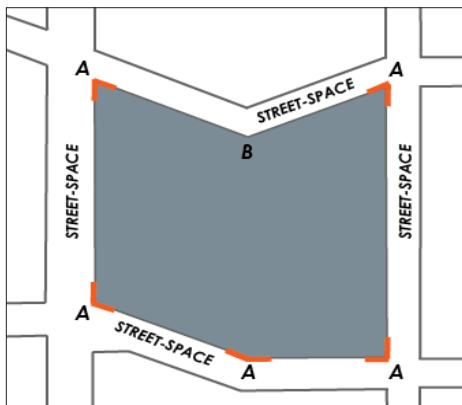


Diagram B. block corners  
A.block corner ,B.notable block corner

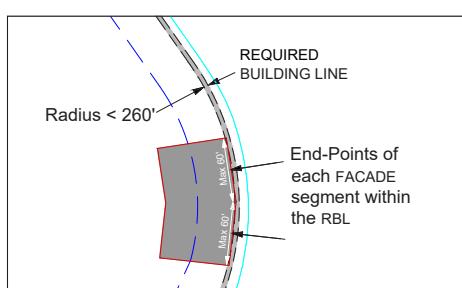
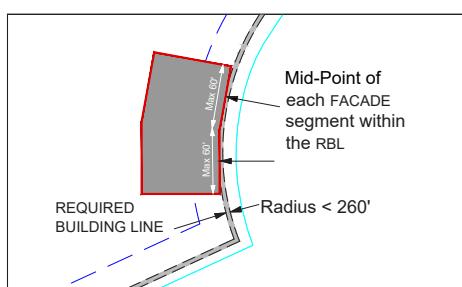


Diagram C: Curved rbl s

#### 1. REQUIRED BUILDING LINE (RBL)

- Building FAÇADES must be *built to* the REQUIRED BUILDING LINE as prescribed in the individual BUILDING FORM STANDARD (BFS). This requires the minimum percentage of the RBL that must have a building along/on it. ALLEY openings are not measured as part of the RBL in the minimum *build-to* % calculation.
- The REQUIRED BUILDING LINE includes an offset area (or depth) behind that line (into the BUILDABLE AREA) allowing for jogs and FAÇADE articulation. For Town Center and Transitional Neighborhood frontages the depth is 24". For Strollable Neighborhood frontages the depth is 36". Therefore, where the FAÇADE is placed within that depth, it is considered to be *built-to* the REQUIRED BUILDING LINE.
- CORNER LOTS and through lots:
  - Must satisfy the requirements of their individual BUILDING FORM STANDARD for both frontages. (See *Diagram D. Through Lots.*)
  - The building FAÇADE must be *built-to* the REQUIRED BUILDING LINE within 30 feet of a BLOCK CORNER. Where the specific building form standard allows a chamfered corner for a corner entry, it is considered to be *built-to* and in conformance. (See *Diagram B. BLOCK CORNERS*)
  - The REQUIRED BUILDING LINE is continuous around any BLOCK CORNER (not broken into separate frontages or REQUIRED BUILDING LINES).
  - If a CORNER LOT is under 1.5 acres, the minimum required *build-to* % is reduced by 10% or 20', whichever is less.
- Where the RBL is curved and has an effective radius less than 260':
  - The minimum build-to requirement is reduced by 10%
  - The FAÇADE may, either conform to the curve or sit tangent to the RBL in straight increments no greater than 60', provided:
    - the FAÇADE is within the RBL at the ends of each segment for convex curves, or
    - the mid-point of the FAÇADE for each segment is within the RBL, for concave curves. (See *Diagram C. Curved RBLs*.)
- Where a through lot has frontages with different height limits, the greater of the 2 maximum height limits must not come within 60 feet of the RBL of the lower height frontage. (See *Diagram D Through Lots.*)

#### 2. BUILDABLE AREA (See *Table A. Façade Projection Limitations*)

- Buildings may only occupy that portion of the lot specified as the BUILDABLE AREA: the area behind the REQUIRED BUILDING LINE and excluding any required setbacks, as prescribed in the BUILDING FORM STANDARD.

- b. No part of any building may be located outside of the BUILDABLE AREA except projecting eaves, AWNINGS, FRONT PORCHES, SHOPFRONTS, BAY WINDOWS, STOOPS, steps, or BALCONIES.
- c. Accessibility ramps approved by the Zoning Administrator may be located within the DOORYARD area.
- d. Rear and side lot setbacks, where required, are specified in the individual BUILDING FORM STANDARD and/or *Section 3.1.F. Neighborhood Relationship*.

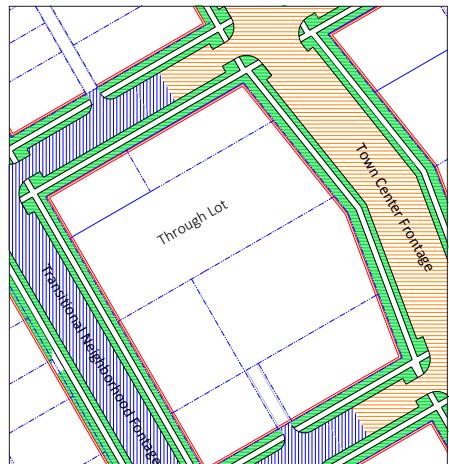
### 3. DOORYARDS

See *Section 5.2.A Public Realm Standards*. (See also *Illustration A. Key TCFBC elements, above*.)

### 4. PRIVATE OPEN AREA

Private or semi-private usable open area is required on every lot, measured as a specified percentage of the BUILDABLE AREA. This requirement may be satisfied in a variety of at or above-grade configurations, as prescribed in each BUILDING FORM STANDARD.

- a. A PRIVATE OPEN AREA equal to a percentage of the BUILDABLE AREA must be provided on every lot within 50' of the main structure. See the individual BUILDING FORM STANDARD for that percentage.
- b. The minimum PRIVATE OPEN AREA dimension is 18'.
- c. Up to 33% of the required PRIVATE OPEN AREA may be satisfied by the BALCONIES of individual units which are exempt from the minimum dimension in f. above, and PARKING SETBACK LINE restrictions in h. and i. below. (*See 3.1. General Standards, C. Elements, 2.f. Balconies*, for qualifying BALCONY requirements.)
- d. The PRIVATE OPEN AREA must be located behind the PARKING SETBACK LINE when it is below the third STORY.
- e. Where provided at or above the third STORY, the PRIVATE OPEN AREA may be located forward of the PARKING SETBACK LINE (such as in a raised courtyard configuration) only if:
  - (i) it opens onto not more than one STREET-SPACE, and
  - (ii) is set back at least 30' from any BLOCK CORNER or BUILDING CORNER.
- f. When on the building's highest roof level, the PRIVATE OPEN AREA may be located anywhere on the roof.
- g. The PRIVATE OPEN AREA must be improved and available for safe and convenient access to all residents of the building.
- h. The PRIVATE OPEN AREA must be open to the sky except for tree canopy, pergolas porches, and decks.
- i. The PRIVATE OPEN AREA, when located at grade, must be not more than 33% impervious surface area.
- j. Any PRIVATE OPEN AREA must not encroach into any required side or rear set-backs. See the individual building frontage standards for additional parameters.
- k. Any shared PRIVATE OPEN AREA located above the second STORY (excluding BALCONIES) must be free of any obstructions, be screened from rooftop mechanical equipment, and be located and configured to prevent views into adjacent dwelling units.
- l. The PRIVATE OPEN AREA may be distributed among separate areas, but at least 67% must be in no more than two separate areas.



*Diagram D. Through Lots*



*Illustration E1: street wall at rbl*



*Illustration E1: street wall at rbl*

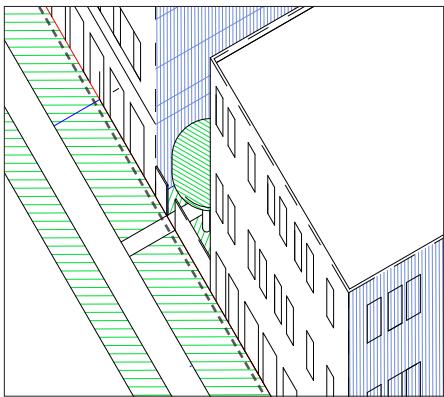


Illustration E2: street wall at rbl



Illustration G: Parking Garage Entry

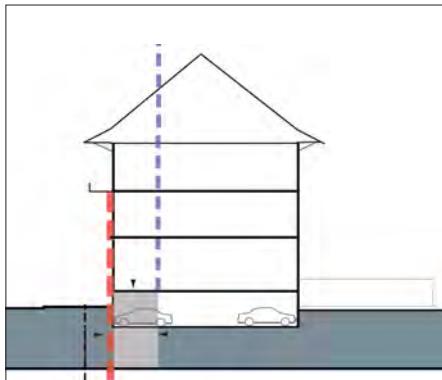


Diagram F: Parking allowed forward of the parking setback line.

- m. The PRIVATE OPEN AREA is not to be used to satisfy minimum stormwater Best Management Practice area (if thereby excluding active occupant use), parked, upon, or driven upon.

- n. Any development on a lot that is exclusively reusing existing structures is exempt from the PRIVATE OPEN AREA requirement, provided that there are no additions or expansions of the building envelope.

##### 5. STREET WALLS and PRIVACY FENCES

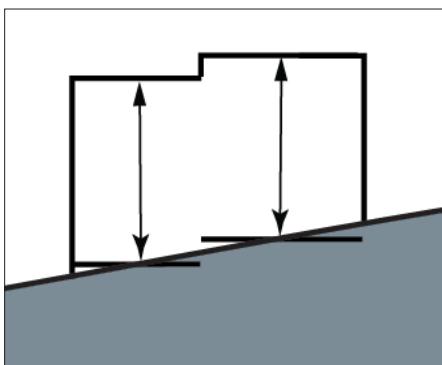
- a. Unless otherwise indicated in the individual BUILDING FORM STANDARD, a STREET WALL is required along any REQUIRED BUILDING LINE (RBL) frontage that is not otherwise occupied by a building (See Illustrations E1 and E2. STREET WALL at RBL). Note that a building is required along any RBL within 30' of a BLOCK CORNER.
- b. Any STREET WALL above 4' in height must meet the FENESTRATION requirements of the applicable BUILDING FORM STANDARD.
- c. A STREET WALL may have no more than 1 access gate that is opaque and maximum 20' wide and, for every 40', no more than 1 pedestrian entry gate maximum 5' wide.
- d. PRIVACY FENCES may be constructed along COMMON LOT LINES, behind the REQUIRED BUILDING LINE, and along ALLEYS.
- e. PRIVACY FENCES have a maximum height of 8'.

##### 6. On-Site/Off-Street Vehicle Parking and Access (curb cuts)

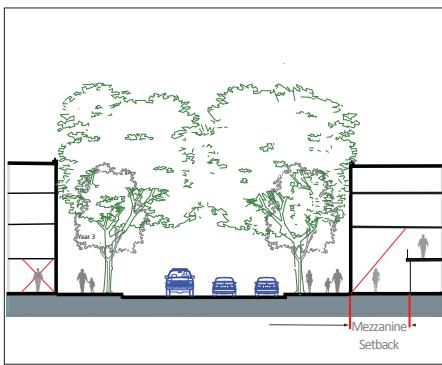
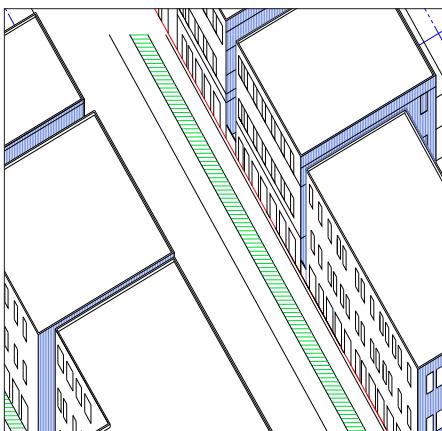
In Taft Corners, off-street vehicle parking and access should have minimal intrusion on the public realm. Off-street parking must be screened from the STREET-SPACE. Access should be provided from ALLEYS, PEDESTRIAN PATHWAYS, or shared driveways, minimizing potential vehicular-pedestrian points of conflict. Properties within the TCFBC are exempt from any parking standards not in *Section 1* through *Section 7* of the TCFBC. The following standards apply.

- a. The PARKING SETBACK LINE is designated on the REGULATING PLAN, with additional specifications in the applicable individual BUILDING FORM STANDARD.
- b. The PARKING SETBACK LINE extends vertically, as a plane, from the first-floor level, except where otherwise designated on the REGULATING PLAN.
- c. Vehicle parking must be located behind the PARKING SETBACK LINE, with the following exceptions.
  - (i) Parking may be forward of the PARKING SETBACK LINE where it (see *Diagram F*):
    - (a) is beneath a habitable first floor and completely within the building envelope;
    - (b) has a floor level at least 4' below grade; and
    - (c) has FENESTRATION not greater than 15% (from the average fronting sidewalk elevation to the finished first floor level).
  - (ii) Parking may be forward of the PARKING SETBACK LINE only where specifically designated on the REGULATING PLAN:
    - (a) at the rear of lots with ALLEY/REQUIRED BUILDING LINE intersections, as prescribed in the individual building frontage standard; or
    - (b) above the floor level specified on the REGULATING PLAN.

- d. Curb cuts and driveways must be located at least 100' away from any BLOCK CORNER, other curb cut, or Structured Parking entry on the same BLOCK FACE. These requirements are not applicable along ALLEYS.
  - e. No development may create new curb cuts where ALLEY or shared driveways exist or is required to be created by this code. See *Section 2.C.3 Regulating Plan*, for the standards for new curb cuts.
  - f. If an ALLEY or shared driveway is not available, an applicant may request direct driveway access from a street, subject to approval by the Zoning Administrator in consultation with the PRC and DPW.
7. EDGE LOTS. Subject to approval by the Zoning Administrator and the Director of Public Works, EDGE LOTS lots may create curb cuts and be served by an ALLEY, with the following requirements:
- a. curb cuts are limited to 1 per 8 dwelling units, and
  - b. have a minimum distance between curb cuts of 80', and
  - c. when serving fewer than 18 units, the pavement width in the ALLEY:
    - (i) may be reduced to 11', is not required to be centered in the ALLEY width, and
    - (ii) the ALLEY may be one-way.
8. Lot Building Limit Line. Land outside of the LLot Building Limit Line may not be disturbed or built upon except under the direction of the Zoning Administrator.
9. Publicly accessible Structured Parking:
- a. Built according to this code are not included in or subject to the calculation of the maximum building footprint in the individual BUILDING FORM STANDARD, but must meet all other applicable standards.
  - b. Parking spaces on the top level of Structured Parking do not count as an additional STORY against the height limits of this code. Shading, elevator, and solar structures less than an additional 18' are approved.
  - c. Any portion of any Structured Parking building within 25' of a building constructed under this code must not exceed that building's primary roof ridge or parapet height,
  - d. All Structured Parking is subject to *Section 3.1.F. Neighborhood Relationship*.
  - e. Openings in any FAÇADE for Structured Parking entries must have a maximum CLEAR HEIGHT of 16 feet and a maximum clear width of 22' (in order to be counted as part of the minimum build-to requirement). (See *Illustration G*)
  - f. Structured Parking may have parking forward of the PARKING SETBACK LINE at and above the GROUND STORY provided that:
    - (i) it is explicitly designated on the REGULATING PLAN; and
    - (ii) the parking is clearly identified and accessible to the public; and
    - (iii) no less than 90% of the parking spaces are available to the public; and
    - (iv) at least 12 hours of public parking are provided in any 24-hour period; and that at least 8 of those hours are provided during either business or nighttime hours depending on whether the Zoning Administrator determines that the primary use will be for commercial or residential uses.

**Diagram H. Building facade view****Building height measurement:**

*Large floorplates along significantly sloped frontages need to 'step' the building in order to maintain the proper relationship with the sidewalk.*

**Diagram I. Mezzanine ground story setback****Illustration J. Caution: In an Urban context fenestration along common lot lines should be expected to be blocked by adjacent buildings.****B. Height<sup>1</sup>**

Heights are specified in the individual BUILDING FORM STANDARD. CIVIC BUILDINGS are exempt from these standards.

1. Heights in the TCFBC are generally measured from the average fronting CLEAR SIDEWALK elevation.
2. Building height is measured in STORIES, with an ultimate building STORY-height limit in feet.
  - a. Building story-heights are measured to the top of the wall plate or top of the parapet, whichever is higher. (See *Diagram H*)
  - b. Finished floor elevation and minimum building height requirements must be satisfied from the REQUIRED BUILDING LINE back to a minimum depth of 30'.
3. Roof height is measured to the highest point, generally the ridge. No part of a roof may exceed 87' above average fronting CLEAR SIDEWALK elevation. This limit applies to all BFS frontage types.
4. A single ATTIC STORY, constructed according to the TCFBC standards, is not included in the building STORY-height measurement, whether in STORIES or feet. (see *Elements C.3* and *Diagram M* below).
5. CLEAR HEIGHT is measured from the finished floor elevation to the finished ceiling directly above.<sup>2</sup> For external building features, it is measured as the unobstructed distance from the ground/sidewalk to the lowest element above.
6. The prescribed minimum CLEAR HEIGHT must be met by at least 75 percent of the floor area for the specified STORY.
7. MEZZANINES (See *Diagram I*):
  - a. with a floor area greater than 1/3rd of the floor area of the STORY in which it is located will count as an additional full STORY in the building height measurement;
  - b. below the second STORY must be set back from the REQUIRED BUILDING LINE at least 15'; and
  - c. GROUND STORY MEZZANINES are not included in the CLEAR HEIGHT measurement.
8. PARKING STRUCTURES
  - a. are limited by the ultimate building height of their frontage, not by STORIES; and
  - b. are exempt from the CLEAR HEIGHT prescriptions.

**C. Elements****1. FENESTRATION**

- a. FENESTRATION is regulated, on a STORY by STORY basis, as a percentage of the FAÇADE between floor levels. It is measured as glass area (including MUNTINS and similar window frame elements with a dimension less than one inch) and/or the open (void) area in the wall surface.

<sup>1</sup> Note of intent: This is not the way height is typically measured. The datum is intentionally set relative to a person in the street space.. This is also to incentivize the use of pitched roofs, adding variety to the roof lines without requiring it. This will allow additional habitable space (see at *Elements 3*) while maintaining a lower scale appearance.

<sup>2</sup> Note of intent: The minimum clear height is a value preservation and quality-of-life-over-time measure.

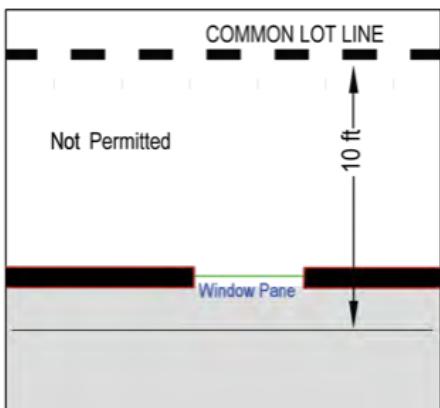
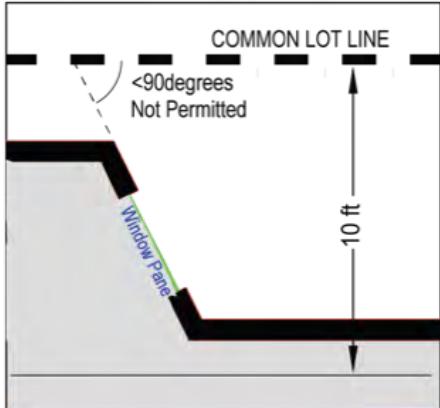
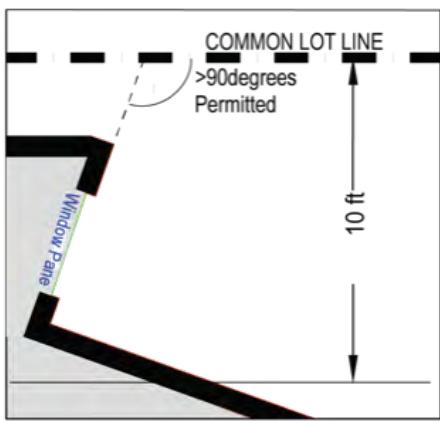
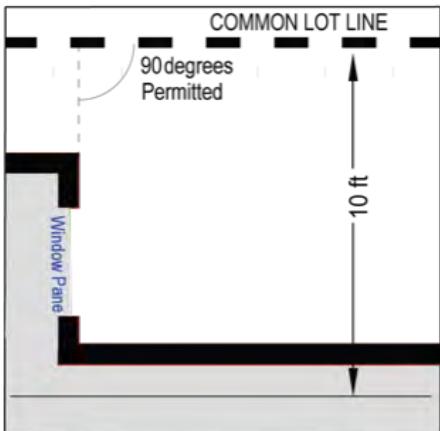


Diagram J. Orientation parameters for windows within 10 feet of a common lot line.

- b. Lengths of wall exceeding 20 linear feet (horizontal) with no FENESTRATION are prohibited on all FACADES and STREET WALLS, below the 4th STORY. This measurement includes the entire STORY, from floor to floor.
- c. GROUND STORY FACADES with lengths of wall exceeding 20 linear feet (horizontal) with no FENESTRATION between 5' and 8' above the adjacent sidewalk are prohibited.
- d. Each FACADE must have at least one functioning entrance.
- e. The maximum distance between functioning entrances in the same building FACADE is specified in the BUILDING FORM STANDARD.
- f. Windows should not direct views into or across an adjacent private lot. COMMON LOT LINES may be built with zero or minimal setback. Any views directed into or across a private lot are specifically not protected. (*See Illustration J*)
- g. Windows may not direct views into an adjacent private lot where the COMMON LOT LINE is less than 10 feet away. (*See Diagram K*). Specifically, the window opening and its panes must be at an angle of greater than or equal to 90 degrees to/with the COMMON LOT LINE except under one of the following three conditions:
  - (i) that view is contained within the lot (e.g. ground or first STORY window views blocked by a privacy fence, opaque glass, or garden wall),

Table A. FACADE Projection Limitations	Reference	Limit
ADA Ramps		ROW
AWNINGS, ground floor	2.(d)	
BAY WINDOWS	2.(e)	ROW
BALCONIES	2.(f)	ROW
Eaves		ROW
SHOPFRONTS	per BFS	ROW
Steps / STOOPS / FRONT PORCHES	per BFS	ROW
PROJECTING SIGNS	Section 4.L	

Consult the Zoning Administrator for any encroachments into the ROW; additional requirements may apply.

(ii) the window's sill is at least 6 feet above its finished floor level;

or

(iii) otherwise specified in the individual BUILDING FORM STANDARD.

## 2. FACADE Projections

- a. No part of any building may project forward of the REQUIRED BUILDING LINE except for: overhanging eaves, AWNINGS, SHOPFRONTS, signs, BAY WINDOWS, FRONT PORCHES, steps for STOOPS, BALCONIES, or accessibility ramps approved by the Zoning Administrator in consultation with the PRC. (*See Table A*.)
- b. Encroachments over the CLEAR SIDEWALK and/or the right-of-way are not approved, except for signs, overhanging eaves, and AWNINGS, as set forth herein. (*See Table A. Facade Projection Limitations*)

- c. STOOPS OR FRONT PORCHES:
  - (i) All required FRONT PORCHES must be completely covered by a roof.
  - (ii) FRONT PORCHES may be screened (insect screening) when all architectural elements (columns, railings, etc.) occur on the outside of the screen.
  - (iii) STOOPS must be fully covered by a roof or CANOPY (this does not include stairs).
  - (iv) Finished floor height must be no more than 8 inches below the first interior finished floor level of the building.
  - (v) See the individual BUILDING FORM STANDARDS for additional dimensional standards.
  - (vi) FRONT PORCH width must be at least 60% of the FAÇADE width. See *Section 4.J Architectural Standards*, for additional design standards for FRONT PORCHES and STOOPS.

- d. GROUND STORY AWNINGS AND CANOPIES  
See *Section 4.G Architectural Standards*, for design standards for AWNINGS and CANOPIES.

- e. BAY WINDOWS:

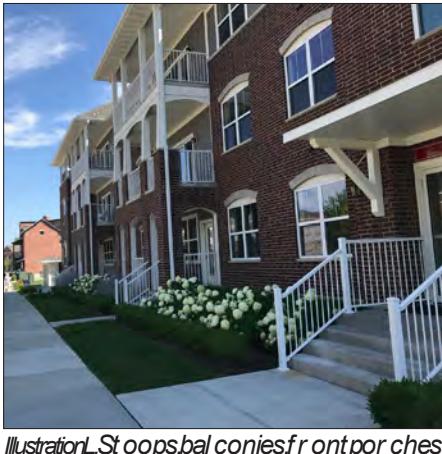
- (i) must have an interior clear width of between 4' and 10' at the FAÇADE;
- (ii) at the ground STORY must project no more than 24" beyond the REQUIRED BUILDING LINE;
- (iii) at the second STORY and above, must project no more than 30" beyond the REQUIRED BUILDING LINE; and
- (iv) may not project into the right-of-way and/or over the CLEAR SIDEWALK.

- f. BALCONIES<sup>1</sup>:

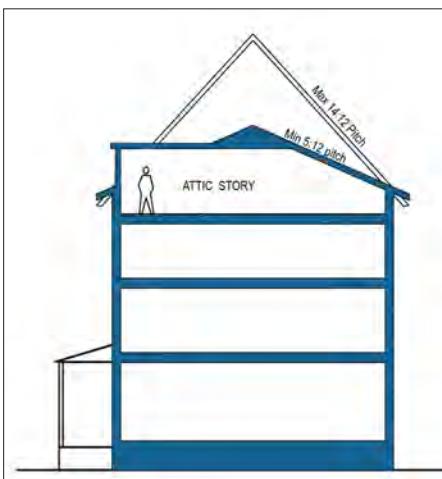
Where BALCONIES are required, and/or where BALCONIES are being used as a method for achieving the required PRIVATE OPEN AREA, they must:

- (i) meet all prescriptions in its BUILDING FORM STANDARD,
- (ii) be enclosed by balustrades, railings, or other means that are between 20% and 70% opaque;
- (iii) not otherwise be enclosed above a height of 42", except with insect screening and/or columns/posts supporting a roof or connecting with another BALCONY above; and
- (iv) be fully covered by, and posted up to, a roof. Alternately, where a BALCONY aligns with a BALCONY on a different STORY, it may post up to the BALCONY above. (See Illustration L)

- 3. An ATTIC STORY is approved provided it meets the following standards:
  - a. There is not more than one floor level within the roof.
  - b. ATTIC STORY windows fronting the REQUIRED BUILDING LINE may only be located in DORMERS.
  - c. DORMERS for ATTIC STORIES are approved so long as they do not break the primary eave line, are individually less than 15' wide, and their collective width is not more than 60 percent of the FAÇADE.



**Illustration L** Stoops, balconies, front porches



**Diagram M.** Attic story

<sup>1</sup> Note of Intent: These standards only restrict/apply to balconies that are required and/or being used to achieve private open areas minimums. They do not restrict additional/other balcony configurations.

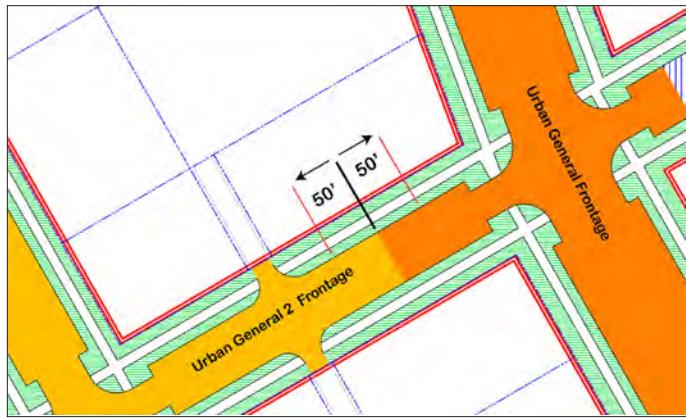


Diagram N. Frontage designation flexibility

- d. The habitable area in an ATTIC STORY is restricted by the limitations on roof pitch and height, in this code.
  - e. A MANSARD ROOF configuration is not an ATTIC STORY.
4. Roof configurations are regulated in *Section 4. Architectural Standards, D. Roofs and Parapets*.

#### D. Frontage Designation Flexibility

When the building frontage designation shown on the REGULATING PLAN changes along a property's REQUIRED BUILDING LINE (RBL), the applicant has the option of applying either BUILDING FORM STANDARD for a maximum additional distance of 50' in either direction, for that parcel only, from the transition point shown on the REGULATING PLAN. This flexibility is limited by the configuration of the REGULATING PLAN (including the parcel lines) at the time of its adoption. An adjustment greater than 50' requires a rezoning. (See *Diagram N*)

#### E. Civic Buildings

CIVIC BUILDINGS, existing or proposed are exempt from the BUILDING FORM STANDARD provisions except those that relate to *F. Neighborhood Relationship*. An applicant may seek a waiver to designate a CIVIC BUILDING from the DRB.

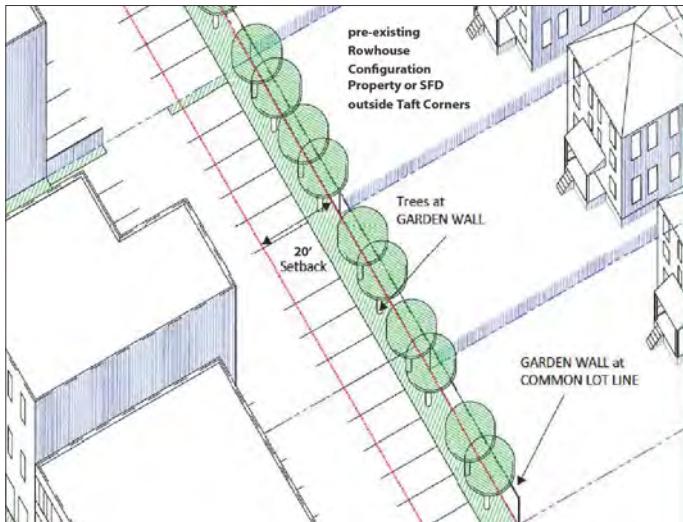


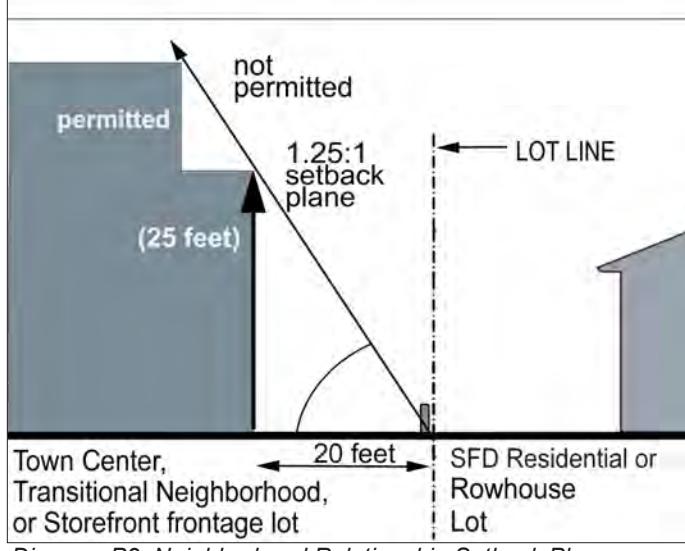
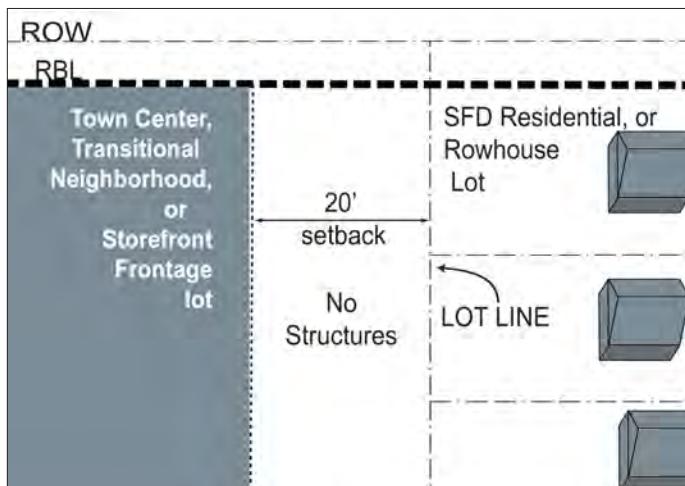
Illustration O. Neighborhood Relationship Context

#### F. Neighborhood Relationship<sup>1</sup>

Where Town Center, Transitional Neighborhood, and Storefront frontage share a COMMON LOT LINE with a ROWHOUSE, or any single household dwellings outside Taft Corners, the following standards apply (See *Illustration O*).

1. A masonry wall, 4 to 8 feet in height, must be constructed within one foot of the COMMON LOT LINE.
2. Trees from the *Street Tree List* (see *Section 195*

<sup>1</sup> The Town will be allowing those who use configuration within the new Strollable Neighborhood Frontage. This will be little 'first come first served' - as the Neighborhood Relationship rules can only apply where there is an existing row who use (or any SFD outside the TC boundaries) - also there is a tie-in to phasing - so that the lower intensity option areas are developed later not sooner (like Cottonwood Crossing's)



*Public Realm Standards*) must be planted, on maximum 30-foot centers, between 5 and 10 feet from the wall. At planting, trees must be at least 2.5 inches in diameter at designated breast height (DBH) and at least 8 feet in overall height.

3. Neighborhood Relationship Setback (*See Diagram P1*):
  - a. There must be a 20 foot setback from the lot line shared with the pre-existing Rowhouse lots or any residential lots outside of Taft Corners. There may be no structures within this area.
  - b. There is be a setback plane, beginning at the lot line, extending at a slope of one and one quarter to one (1.25: 1), beyond which no building or structure (including Structured Parking) is approved. (*See Diagram P2*.)
  - c. Balconies or rear decks above the first story level are not approved on building elevations facing and within 40 feet of a Neighborhood Relationship Setback<sup>1</sup>.
4. The Neighborhood Relationship Setback must be adjusted with any frontage change per *D. Frontage Designation Flexibility* above.

#### G. Accessory Dwelling Units (ADU)

1. See Section 20.1 of the Williston Unified Development Bylaws.
2. ACCESSORY DWELLING UNITS are approved for owner-occupied attached single household dwellings (ROWHOUSES) only. Properties with ADUs are not considered duplexes.
  - a. ADUs may take the form of ENGLISH BASEMENTS or in the BUILDABLE AREA at the rear of the lot (often called a Granny Flat or, when above a garage, a Carriage House).
  - b. ADUs have the following maximums:
    - (i) a 900 square foot footprint (this does not apply to ENGLISH BASEMENT units); and
    - (ii) two bedrooms;
    - (iii) rental occupancy; and
    - (iv) no more than one ADU per ROWHOUSE.

<sup>1</sup>*Note of Intent: This standard is purposefully not written as "balconies" (small caps=defined term). It addresses privacy concerns, to ensure that no balconies overlook private space/back yards*

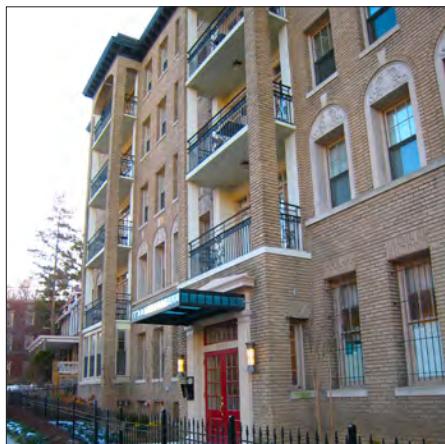
## 3.2 Town Center Frontages

### A. Illustrations and intent

The Town Center frontage is the basic American “downtown” building frontage, once typical in towns and cities across the United States. Multi-story buildings with closely spaced entrances and windows are lined up shoulder to shoulder behind the sidewalk, filling out the BLOCK-FACE.

This frontage is for street-oriented, downtown-type buildings. These building forms can accommodate a range of uses, allowing retail shopfronts, office or residential buildings, and/or mixed-use buildings, with service access and parking lots in the BLOCK interior, accessed from the ALLEY.

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on the following pages for the specific standards of the Town Center Frontage.*



## B. Example Building Configurations and Placement

*Note: These diagrams illustrate some of the building configurations possible under the Placement standards on the following page. They do not represent fully designed buildings nor do they fully address issues such as parking or the International Building Code. Refer to the following pages for the specific standards of the Town Center Frontage.*

The Town Center and Transitional Neighborhood frontage standards provide a great deal of flexibility. Once the minimum height and frontage build-out requirements are met, the building behind the FAÇADE can take most any configuration. These diagrams, aligned above the Placement Diagram from the standards on the following pages, illustrate a few of the possible configurations a building can take under these BUILDING FORM STANDARDS. The green area represents the required PRIVATE OPEN AREA which may be on or above ground, including on the roof.

Note that these diagrams are limited to simple massing and do not represent the pitched roofs that are required (outside of areas used for PRIVATE OPEN AREA, green roofs, and mechanical systems).

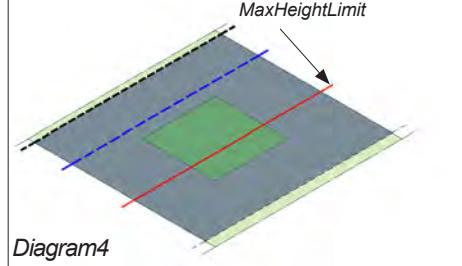
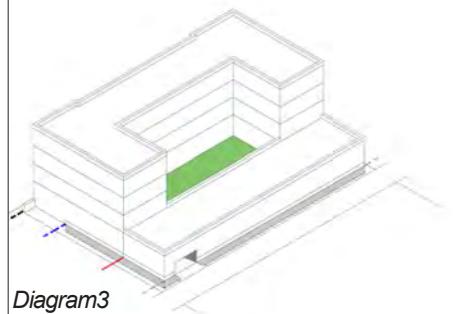
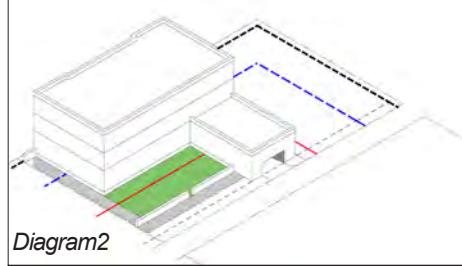
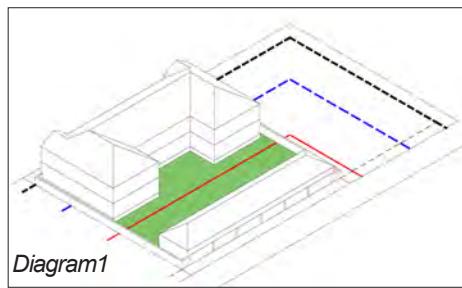


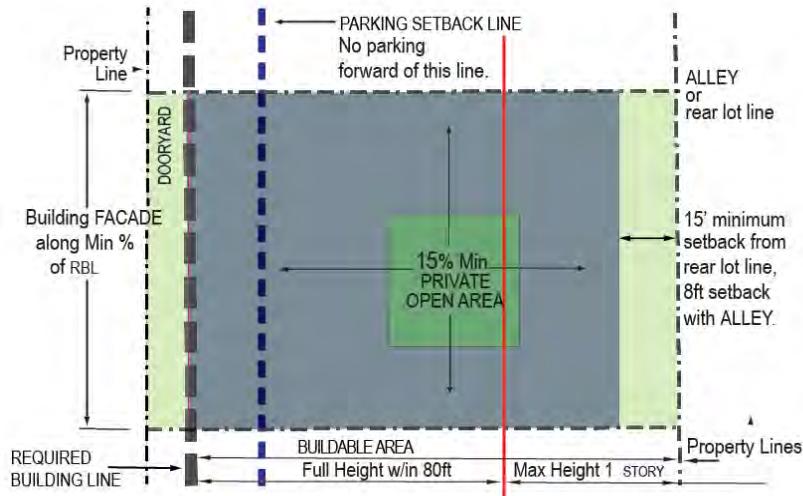
Diagram 1 represents a building with sidewings that project into the rear yard of the building. The rear of the lot has a parking shed, accessed from the ALLEY. The green area between the parking shed and the main building satisfies the PRIVATE OPEN AREA requirement.

Diagram 2 shows a building with a lower, rear "L" section. The PRIVATE OPEN AREA requirement is met with a rear yard. This diagram suggests basement-level parking, accessed from the ALLEY. Larger buildings may have to meet parking requirements with a combination of inside/under the building, and/or off-site arrangements.

Diagram 3 shows a building with a central courtyard, providing a shared PRIVATE OPEN AREA for its occupants. This diagram also suggests basement-level parking, under the elevated first floor, accessed from the ALLEY.

Diagram 4. This is the *Placement Diagram* for the Town Center frontage, re-oriented to match these diagrams, provided for reference. The black dashed line is the REQUIRED BUILDING LINE, the blue dashed line is the PARKING SETBACK LINE, the gray area is the BUILDABLE AREA, and the green rectangle within it represents the PRIVATE OPEN AREA. This is more fully explained in the frontage standard itself, located on the following pages.

## 3.2 Town Center Frontages



### C. PLACEMENT

#### 1. FAÇADE

- On each lot the building FAÇADE must be built to the REQUIRED BUILDING LINE (RBL) for at least 80% of the RBL length.
- A STREET WALL is required on any unbuilt REQUIRED BUILDING LINE.
- Within 12 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
- In case of conflict, these standards supersede vision triangle requirements in the Williston Public Works Specifications.

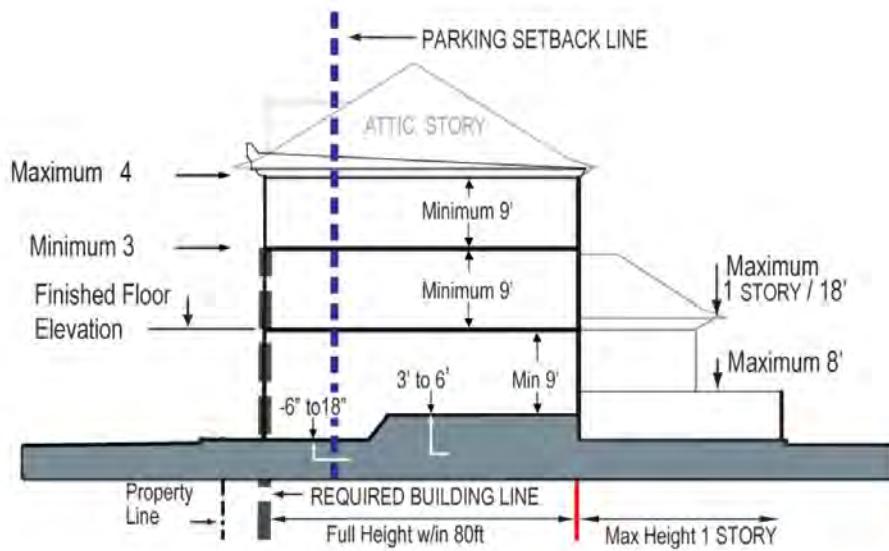
#### 2. BUILDABLE AREA

- The BUILDABLE AREA is delineated by the gray area in the diagram above.
- The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN. The exact position of the RBL should be confirmed in consultation with the Zoning Administrator.
- Setbacks: there are no required side setbacks; rear setbacks are: 8' from an ALLEY and 15' if no ALLEY.
- The maximum building footprint is 20,000 Sq Ft.
- The maximum building frontage length is 180'.
- The minimum frontage length is 60'.
- A PRIVATE OPEN AREA equal to at least 15% of the BUILDABLE AREA must be provided on every lot.

#### 3. Other

- The PARKING SETBACK LINE is indicated on the REGULATING PLAN, generally 30' behind the REQUIRED BUILDING LINE. See *F.4. Rear Lot Area below*.
- A PRIVACY FENCE is approved and may be required. See *Section 3.1.E. Neighborhood Relationship*.
- ROWHOUSE configurations are not approved.

## 3.2 Town Center Frontages

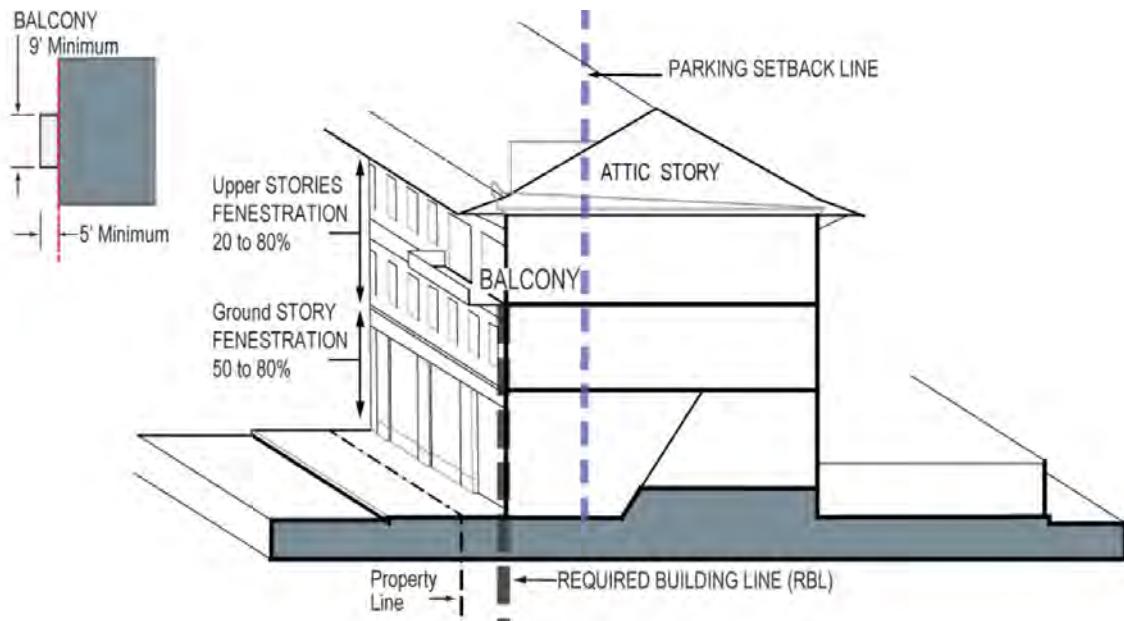


### D. HEIGHT

See Section 3.1.B. for information about measuring height.

1. **Building Height:** minimum at RBL 3 STORIES, maximum 4 STORIES and 64'. STORY heights may be different for specific locations; refer to the REGULATING PLAN. No portion of any roof may exceed 87'.
  - a. The maximum height applies to the area within 80' of the REQUIRED BUILDING LINE.
  - b. The BUILDABLE AREA that is more than 80' from the REQUIRED BUILDING LINE has a maximum height of 1 STORY and 18'.
2. **Ground floor finished elevation**
  - a. For Commercial or Retail: -6" to +18".
  - b. For Residential units within 30' of the REQUIRED BUILDING LINE: 3' to 6'. Entrances may be at sidewalk elevation, with transitions within a building lobby to meet the minimum finished floor elevation for the units. Support functions such as lobbies, rental offices, and club rooms may be located at grade.
3. **Second floor finished elevation: 18' to 22'**
4. **GROUND STORY finished CLEAR HEIGHT**
  - a. For Commercial or Retail: 13' minimum
  - b. For Residential: 9' minimum
5. **Upper STORIES finished clear height: 9' minimum**
6. **STREET WALL: 4' to 8'**
7. **PRIVACY FENCE: 8' Maximum, measured from adjacent grade**

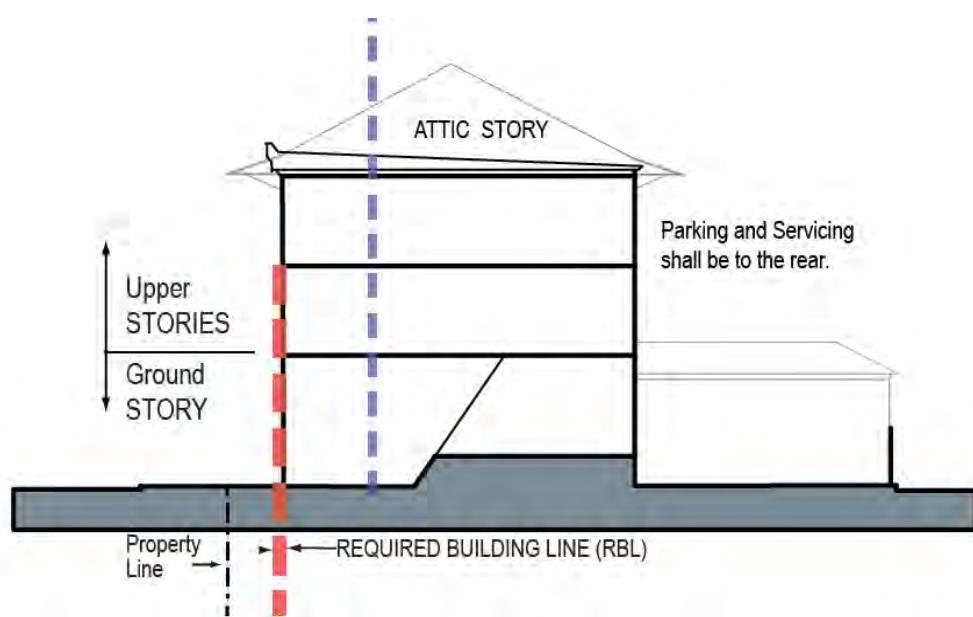
## 3.2 Town Center Frontages



### E. ELEMENTS

1. **FENESTRATION, GROUND STORY:** 50 to 80%
2. **FENESTRATION, upper STORIES:** 20 to 80%
3. **ATTIC STORY:** approved within the parameters of *Sections 3.1.C.3. above and 4.D. Architecture.*
4. **BALCONIES:**
  - a. No less than one third of the dwelling units on the FAÇADE of any building with a frontage width greater than 100' must have a BALCONY.
  - b. BALCONIES that are required and/or used to contribute to the PRIVATE OPEN AREA calculation: Minimum depth 5', minimum width 9'
5. **FAÇADE entry doors:** Maximum door to door distance: 70'  
All upper STORY uses must be directly accessible from the STREET-SPACE through a FAÇADE entry. Unenclosed or partially enclosed exterior staircases may not be used as the primary access for upper STORY units

## 3.2 Town Center Frontages



### F. USES

1. See **Section 7. Building Functions** for STORY-specific uses, parameters and/or performance standards.
2. **Ground STORY:** Residential uses are approved on all STORIES. See the Height standards, above for specific configuration standards for GROUND STORY Residential
3. **Upper STORIES:** No Retail
  - a. Non-Residential uses are not approved above a Residential use
  - b. Retail is only approved in a second STORY where it is an extension of a GROUND STORY retail business and is no larger in gross floor area than that GROUND STORY retail space
4. **ATTIC STORY:** Residential or Office. Additional habitable space is approved within the roof where it is configured as an ATTIC STORY
5. **Rear Lot Area:** In addition to the other approved GROUND STORY uses, parking and loading is approved behind the PARKING SETBACK LINE

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### 3.3 Storefront Frontage



#### A. Illustrations and intent

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on this page and the previous pages for the specific rules of the Storefront Building Form Standard.*

This is the quintessential American “main street” frontage, with retail and restaurant uses on the ground floor and residences or offices upstairs. The overall building form is the same as the Town Center frontage, but with large SHOPFRONT windows across the ground floor FAÇADE and frequent entrances along the street.

#### B. Storefront Frontage Specifications

Where the Storefront frontage is designated on the REGULATING PLAN, the GROUND STORY configuration must be that of a SHOPFRONT. The BFS standards for Town Center apply with the following exceptions and modifications:

1. **FENESTRATION: GROUND STORY:** 70 to 90%
2. **Ground STORY uses:** Within 30' of the REQUIRED BUILDING LINE, uses are limited to retail sales and service, and eating and drinking establishments. A lobby and/or entry, serving an upper STORY use, is approved on the GROUND STORY. At the owner's discretion, that lobby or entry portion of the FAÇADE may be governed by the Town Center or the Storefront frontage standards. *See Section 7. Building Functions for specific parameters and/or performance standards*
3. **Shopfront Encroachment:** Up to 3'. The SHOPFRONT may encroach beyond the REQUIRED BUILDING LINE into the DOORYARD, but not into the CLEAR WALKWAY or right of way
4. **FAÇADE Entry Doors:** Maximum door to door: 60'
5. **HEIGHT:** STORY heights may be different for specific locations; refer to the REGULATING PLAN

## 3.4 Transitional Neighborhood Frontages

### A. Illustrations and intent

The Transitional Neighborhood frontage is the basic American Town building frontage, once typical in towns and cities across the United States. Multi-story buildings with closely spaced entrances, windows and balconies are lined up behind their DOORYARDS, filling out the BLOCK-face.

This frontage is for street-oriented, in-Town type buildings. These are residential and/or office building forms, with gardens, service access and parking lots in the BLOCK interior, accessed from the ALLEY.

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on the following pages for the specific standards of the Transitional Neighborhood Building Form Standard.*



## B. Example Building Placement Configurations

*Note: These diagrams illustrate some of the many building configurations possible under the Frontage standards on the following page. They do not represent fully designed buildings nor do they address issues such as parking or the International Building Code. Refer to the following pages for the specific standards of the Building Form Standards.*

These diagrams, shown on the Placement Diagram from the standards on the following pages, illustrate a few of the possible configurations a building can take under the BUILDING FORM STANDARDS. The green area represents the PRIVATE OPEN AREA.

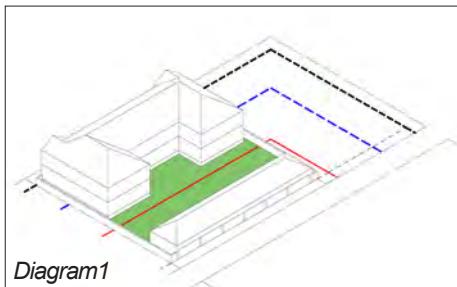


Diagram 1 represents an apartment building. The building has sidewings that project into the rear yard of the building. The rear of the lot has a parking shed, accessed from the ALLEY. The green area between the parking shed and the main building satisfies the PRIVATE OPEN AREA requirement.

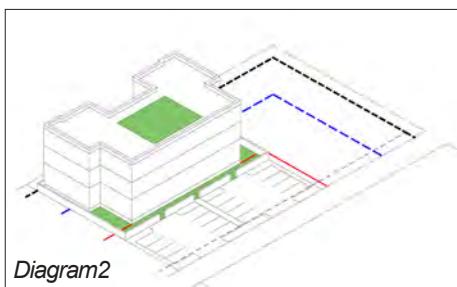


Diagram 2 shows an apartment building with a forecourt entry. The FACADE spans most of the REQUIRED BUILDING LINE to meet its build-out requirement—the forecourt takes advantage of the percentage of the frontage not required to have a building on it. The PRIVATE OPEN AREA is provided on the roof, with additional rear yard area. Parking for the building is directly off the ALLEY.

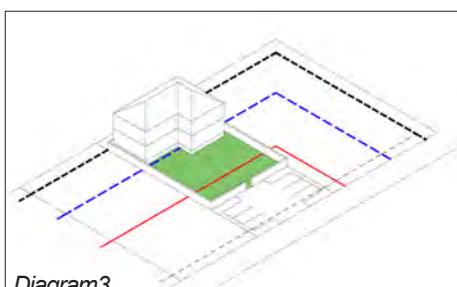


Diagram 3 is a small apartment building. The building is likely configured as a “double-loaded corridor” building with units facing the street or the rear yard. The green area behind the main building satisfies the PRIVATE OPEN AREA requirement with a shared yard. A surface parking lot is accessed from the ALLEY.

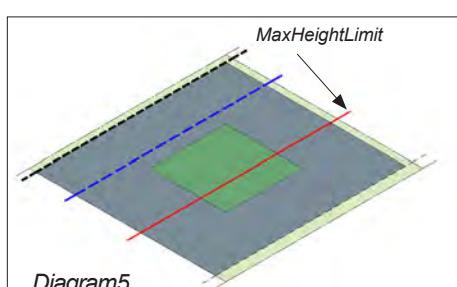
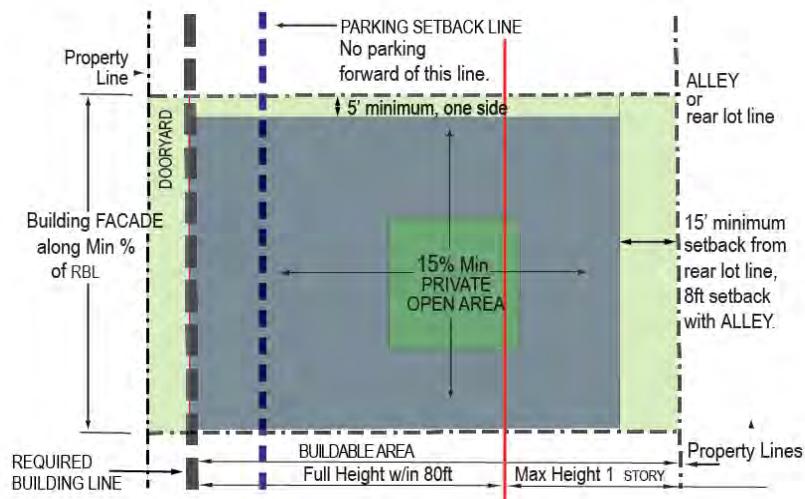


Diagram 5. This is the *Placement Diagram* for the Transitional Neighborhood frontage, re-oriented to match these diagrams, provided for reference. The black dashed line is the REQUIRED BUILDING LINE, the blue dashed line is the PARKING SETBACK LINE, the gray area is the BUILDABLE AREA, and the green rectangle within it represents the PRIVATE OPEN AREA. This is more fully explained in the frontage standard itself, located on the following pages.

### 3.4 Transitional Neighborhood Frontages



#### C. PLACEMENT

##### 1. FAÇADE

- On each lot the building FAÇADE must be built to the REQUIRED BUILDING LINE (RBL) for at least 70% of the RBL length.
- A STREET WALL is required on any unbuilt REQUIRED BUILDING LINE.
- Within 12 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
- A FORECOURT configuration may be used within the minimum build-to parameters provided:
  - All elevations facing the FORECOURT are regulated as FAÇADES;
  - the FORECOURT depth is no more than 20' and the width between 15' and 30';
  - the FORECOURT may not be used for parking, drop-off driving area or storm-water management;
  - the FORECOURT opening does not require a STREET WALL.
- In case of conflict, these standards supersede vision triangle requirements in the Williston Public Works Specifications.

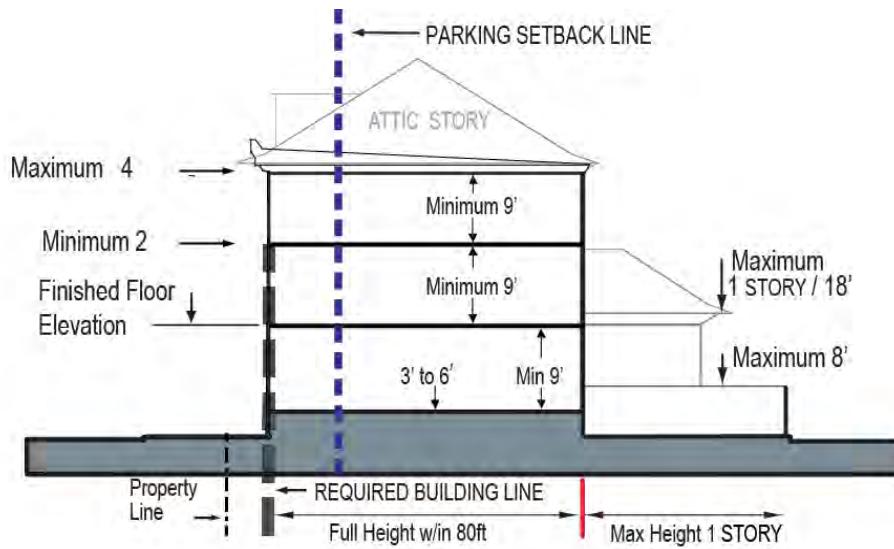
##### 2. BUILDABLE AREA

- The BUILDABLE AREA is delineated by the gray area in the diagram above.
- The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN. The exact position of the RBL should be confirmed in consultation with the Zoning Administrator.
- Setbacks: side setback, 5' from one side; rear setbacks are: 8' from an ALLEY and 15' if no ALLEY.
- The maximum building footprint is 20,000 Sq Ft.
- The maximum building frontage length is 120'
- The minimum building frontage length is 50'
- A PRIVATE OPEN AREA equal to at least 15% of the BUILDABLE AREA must be provided on every lot.

##### 3. Other

- The PARKING SETBACK LINE is indicated on the REGULATING PLAN, generally 30' behind the REQUIRED BUILDING LINE.
- A PRIVACY FENCE is approved and may be required. See *Section 3.1.E. Neighborhood Relationship*.
- ROWHOUSE configurations are not approved.

## 3.4 Transitional Neighborhood Frontages

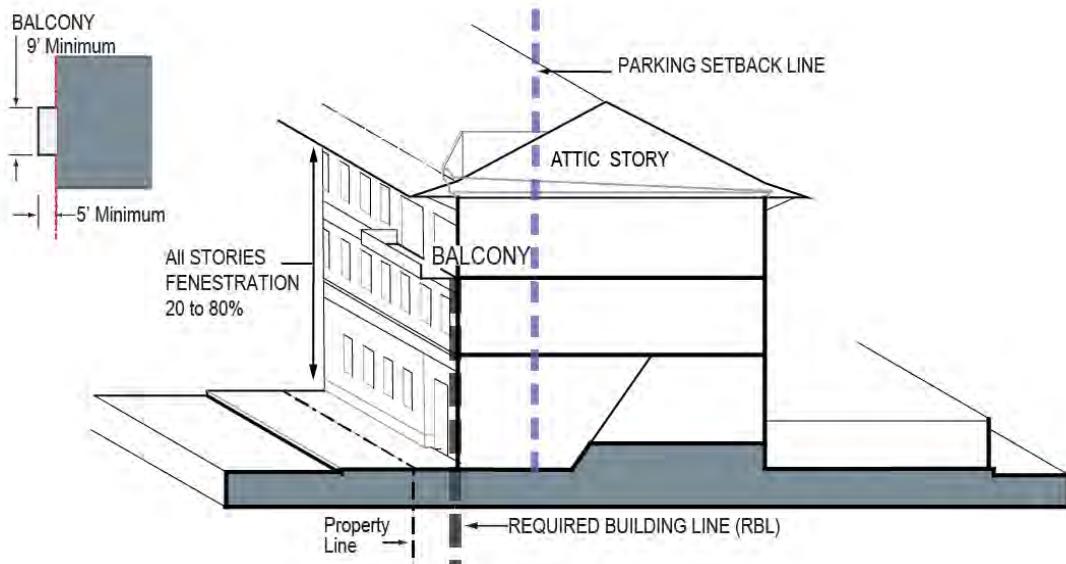


### D. HEIGHT

See Section 3.1.B. for information about measuring height.

1. **Building Height.** Minimum at RBL 2 STORIES, maximum 4 STORIES and 53'. STORY heights may be different for specific locations; refer to the REGULATING PLAN. No portion of any roof may exceed 87'.
  - a. The maximum height applies to the area within 80' of the REQUIRED BUILDING LINE.
  - b. BUILDABLE AREA that is more than 80' from the REQUIRED BUILDING LINE has a maximum height of 1 STORY and 18'.
2. **Ground floor finished elevation.** Residential units within 30' of the REQUIRED BUILDING LINE: 3' to 6'. Entrances may be at grade, with transitions within the building to meet the minimum finished floor elevation for the units. Support functions such as lobbies, rental offices, and club rooms may be located at grade.
3. **Second floor finished elevation.** 16' to 18'
4. **GROUND STORY finished CLEAR HEIGHT.** 9' minimum
5. **Upper STORIES finished clear height:** 9' minimum
6. **STREET WALL:** 4' to 8'.
7. **PRIVACY FENCE:** 8' Maximum, measured from adjacent grade.

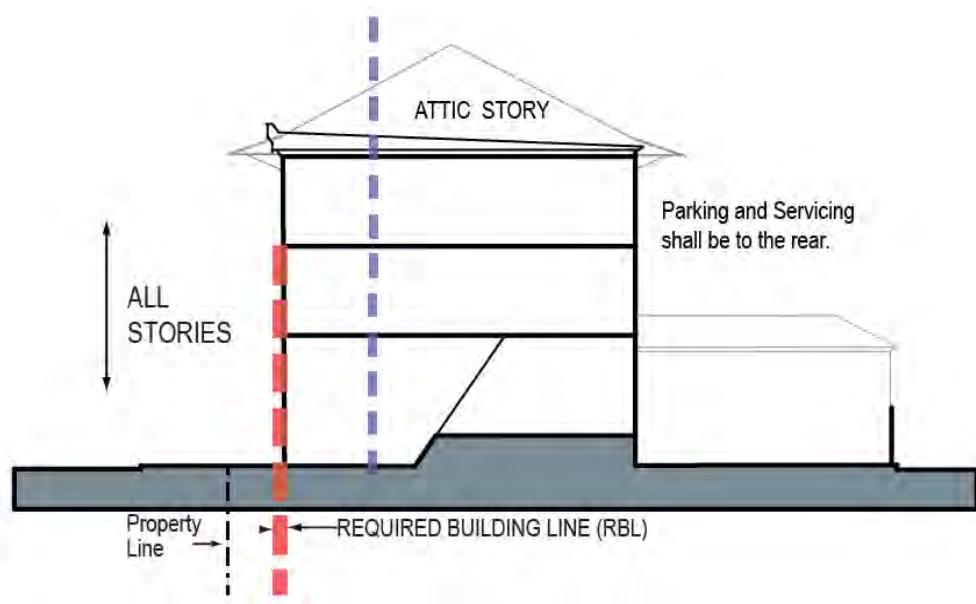
### 3.4 Transitional Neighborhood Frontages



#### E. ELEMENTS

1. **FENESTRATION, GROUND STORY:** 20 to 80%
2. **FENESTRATION, upper STORIES:** 20 to 80%
3. **ATTIC STORY:** approved within the parameters of *Section 3.C.3. above* and *Section 4.D. Architecture*.
4. **BALCONIES:**
  - a. No less than one third of the dwelling units on the FAÇADE of any building with a frontage width greater than 100' must have a BALCONY
  - b. BALCONIES that are required and/or a used to contribute to the PRIVATE OPEN AREA calculation: Minimum depth 5', minimum width 9'.
5. **FAÇADE entry doors:** Maximum door to door distance: 90'  
All upper STORY uses must be directly accessible from the STREET-SPACE through a FAÇADE entry. Unenclosed or partially enclosed exterior staircases may not be used as the primary access for upper STORY units.

### 3.4 Transitional Neighborhood Frontages



#### F. USES

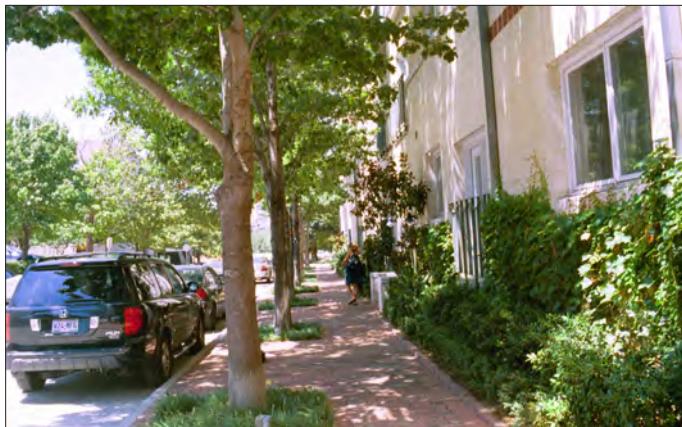
1. See **Section 7. Building Functions** for STORY-specific uses, parameters and/or performance standards.
2. **ATTIC STORY:** Residential or Office. Additional habitable space is approved within the roof where it is configured as an ATTIC STORY
3. **Rear Lot Area:** In addition to the other approved GROUND STORY uses, parking and loading is approved behind the PARKING SETBACK LINE.

## 3.5 Strollable Neighborhood Frontages

### A. Illustrations and intent

This is the basic American Town building frontage, once typical in towns and cities across the United States. This frontage is a smaller scale variation on the Transitional Neighborhood frontage. It allows a significantly smaller building scale, the ROWHOUSE form.

*Note: These photos and statements are provided as illustrations of intent and are advisory only. They are not regulatory. Refer to the standards on the following pages for the specific standards of the Transitional Neighborhood Building Form Standard.*



## B. Example Building Placement Configurations

*Note: These diagrams illustrate some of the many building configurations possible under the Frontage standards on the following page. They do not represent fully designed buildings nor do they address issues such as parking or the International Building Code. Refer to the following pages for the specific standards of the Building Form Standards.*

These diagrams, shown on the Placement Diagram from the standards on the following pages, illustrate a few of the possible configurations a building can take under the BUILDING FORM STANDARDS. The green area represents the PRIVATE OPEN AREA.

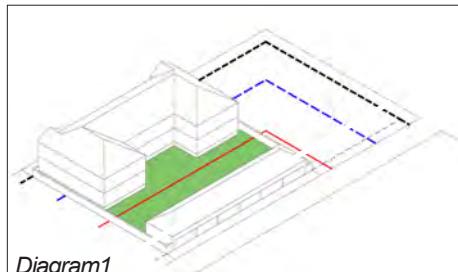


Diagram 1 represents a small apartment building. The building has sidewings that project into the rear yard of the building. The rear of the lot has a parking shed, accessed from the ALLEY. The green area between the parking shed and the main building satisfies the PRIVATE OPEN AREA requirement.

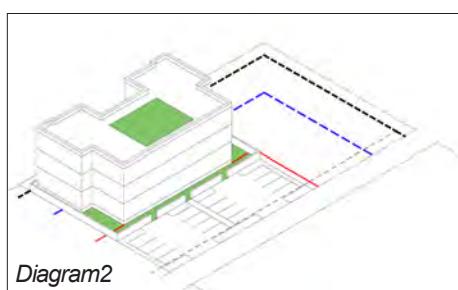


Diagram 2 shows an apartment building with a forecourt entry. The FAÇADE spans most of the REQUIRED BUILDING LINE to meet its build-out requirement—the forecourt takes advantage of the percentage of the frontage not required to have a building on it. The PRIVATE OPEN AREA is provided on the roof, with additional rear yard area. Parking for the building is directly off the ALLEY.

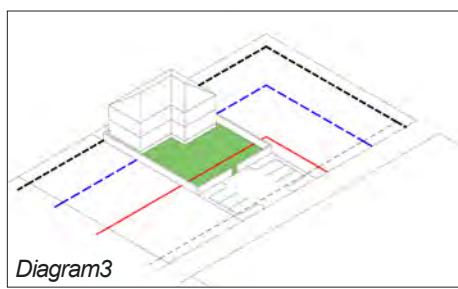


Diagram 3 is a small apartment building. The building is likely configured as a “double-loaded corridor” building with units facing the street or the rear yard. The green area behind the main building satisfies the PRIVATE OPEN AREA requirement with a shared yard. A surface parking lot is accessed from the ALLEY.

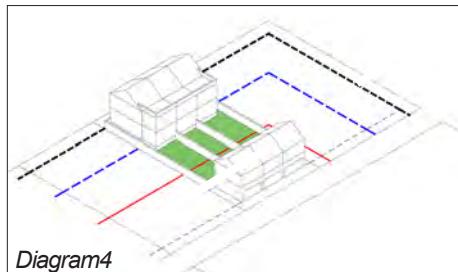


Diagram 4 is a set of three ROWHOUSES. The buildings are attached single-family units, with each unit on a separate lot, or they may be a multi-unit building on a single lot. The area at the rear of each ROWHOUSE has 2 ground level parking spaces with an accessory dwelling unit (ADU) or extra room above the garage. Each ROWHOUSE has a DOORYARD, with its PRIVATE OPEN AREA provided by a rear yard and/or rear terrace.

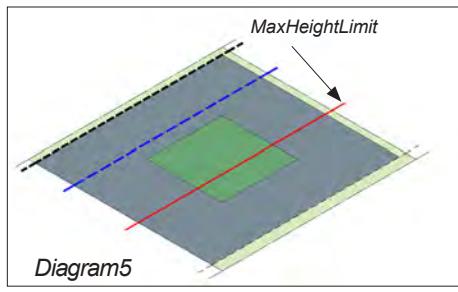
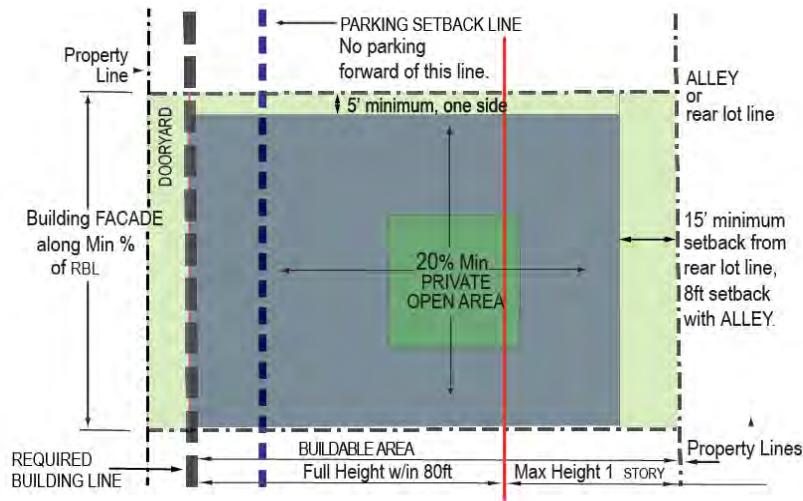


Diagram 5. This is the *Placement Diagram* for the Strollable Neighborhood frontage, oriented to match these diagrams, provided for reference. The black dashed line is the REQUIRED BUILDING LINE, the blue dashed line is the PARKING SETBACK LINE, the gray area is the BUILDABLE AREA, and the green rectangle within it represents the PRIVATE OPEN AREA. This is more fully explained in the frontage standard itself, located on the following pages.

### 3.5 Strollable Neighborhood Frontages



#### C. PLACEMENT

##### 1. FAÇADE

- On each lot the building FAÇADE must be built to the REQUIRED BUILDING LINE (RBL) for at least 70% of the RBL length.
- A STREET WALL is required on any unbuilt REQUIRED BUILDING LINE.
- Within 12 feet of the BLOCK CORNER, the GROUND STORY FAÇADE may be chamfered to form a corner entry.
- A FORECOURT configuration may be used within the minimum build-to parameters provided:
  - All elevations facing the FORECOURT are regulated as FAÇADES;
  - the FORECOURT depth is no more than 20' and the width between 15' and 30';
  - the FORECOURT may not be used for parking, drop-off driving area or storm-water management;
  - the FORECOURT opening does not require a STREET WALL.
- Where a FRONT PORCH (minimum 60% of the FAÇADE width) is used, the effective REQUIRED BUILDING LINE is set back 3'. For Corner lots, only the frontage with the FRONT PORCH is changed.
- In case of conflict, these standards supersede vision triangle requirements in the Williston Public Works Specifications.

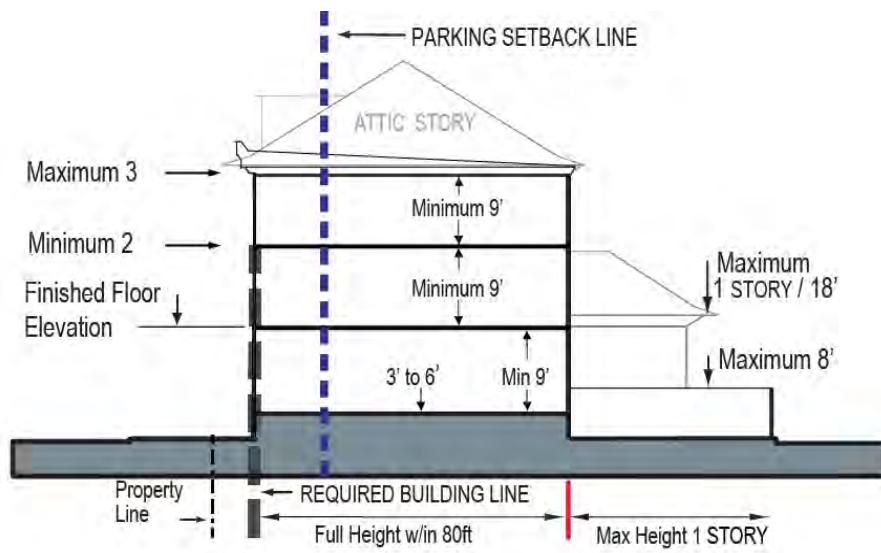
##### 2. BUILDABLE AREA

- The BUILDABLE AREA is delineated by the gray area in the diagram above.
- The REQUIRED BUILDING LINE is indicated on the REGULATING PLAN. The exact position of the RBL should be confirmed in consultation with the Zoning Administrator.
- Setbacks: side setback, 5' from one side; rear setbacks are: 8' from an ALLEY and 15' if no ALLEY.
- The maximum building footprint is 7,000 Sq Ft.
- The maximum frontage length for a FAÇADE or a set of contiguous ROWHOUSES, is 100'
- The minimum frontage length is 20'
- A PRIVATE OPEN AREA equal to at least 20% of the BUILDABLE AREA must be provided on every lot.

##### 3. Other

- The PARKING SETBACK LINE is indicated on the REGULATING PLAN, generally 30' behind the REQUIRED BUILDING LINE, with limited exceptions at ALLEY/RBL intersections for a ROWHOUSE configuration. See F.4. Rear Lot Area below.
- A PRIVACY FENCE is approved and may be required.

## 3.5 Strollable Neighborhood Frontages



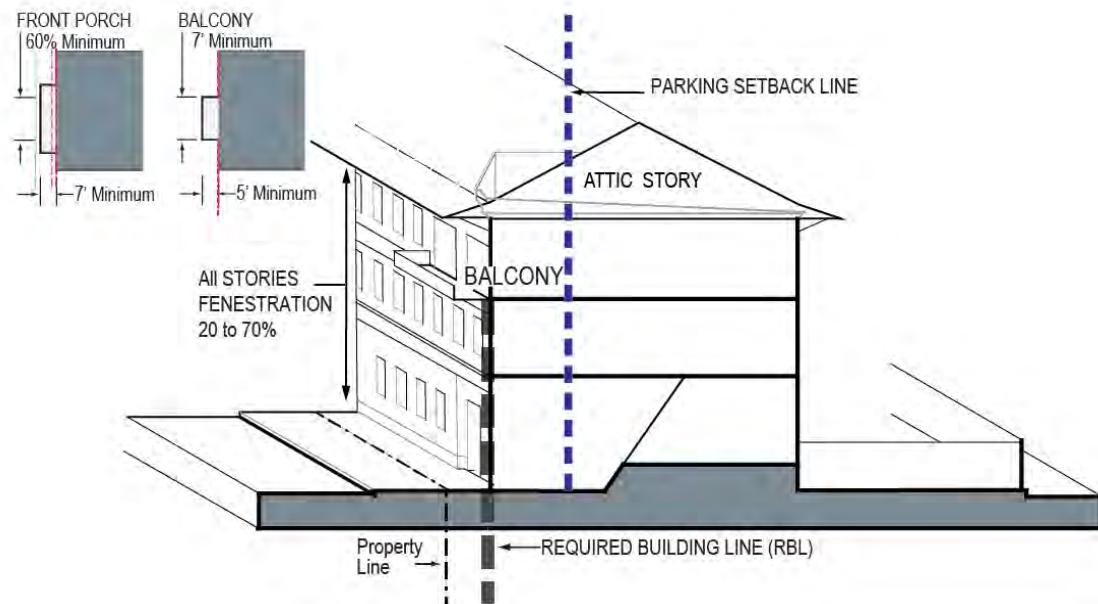
### D. HEIGHT

See Section 3.1.B. for information about measuring height.

1. **Building Height.** Minimum at RBL, 2 STORIES, maximum 3 STORIES and 42'. No portion of any roof may exceed 87'.
  - a. The maximum height applies to the area within 80' of the REQUIRED BUILDING LINE.
  - b. The BUILDABLE AREA that is more than 80' from the REQUIRED BUILDING LINE has a maximum height of 1 STORY or 18'.
2. **Ground floor finished elevation.** Residential units within 30' of the REQUIRED BUILDING LINE: 3' to 6'. Entrances may be at grade, with transitions within the building to meet the minimum finished floor elevation for the units. Support functions such as lobbies and entry foyers may be located at grade.
3. **Dooryard wall:**<sup>1</sup> 30" maximum.
4. **GROUND STORY finished CLEAR HEIGHT.** 9' minimum
5. **Upper STORIES finished clear height:** 9' minimum
6. **STREET WALL:** 4' to 8'.
7. **PRIVACY FENCE:** 8' Maximum, measured from adjacent grade.
8. **FRONT PORCH:** the floor elevation of any FRONT PORCH must be within 6" of the GROUND STORY interior finished floor elevation.

<sup>1</sup>This is a low garden wall surrounding the DOORYARD area. For this frontage the DOORYARD may be raised.

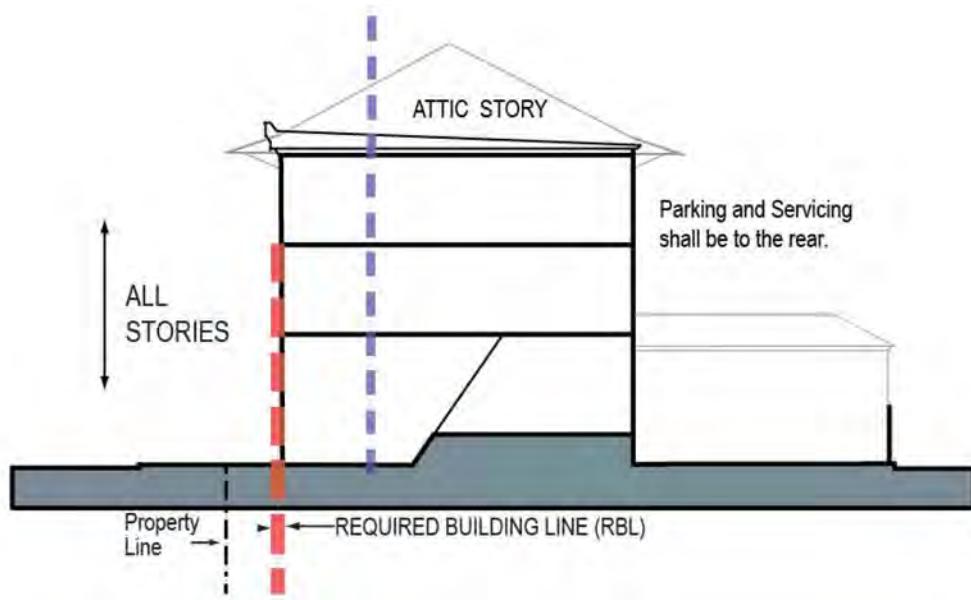
### 3.5 Strollable Neighborhood Frontages



#### E. ELEMENTS

1. **FENESTRATION, GROUND STORY:** 20 to 70%
2. **FENESTRATION, upper STORIES:** 20 to 70%
3. **ATTIC STORY:** approved within the parameters of *Sections 3.C.3. above and 194.D. Architecture.*
4. **BALCONIES:**
  - a. No less than one third of the dwelling units on the FAÇADE of any building with a frontage width greater than 100' must have a BALCONY
  - b. BALCONIES that are required and/or a used to contribute to the PRIVATE OPEN AREA calculation: Minimum depth 5', minimum width 7'.
5. **FAÇADE entry doors:** Maximum door to door distance: 80'  
All upper STORY uses must be directly accessible from the STREET-SPACE through a FAÇADE entry. Unenclosed or partially enclosed exterior staircases may not be used as the primary access for upper STORY units.
6. **FRONT PORCHES:** minimum depth of 7', minimum 60% of the FAÇADE width.

## 3.5 Strollable Neighborhood Frontages



### F. USES

1. See **Section 7. Building Functions** for STORY-specific uses, parameters and/or performance standards.
2. **ATTIC STORY:** Residential or Office. Additional habitable space is approved within the roof where it is configured as an ATTIC STORY
3. **Rear Lot Area:**
  - a. In addition to the other approved GROUND STORY uses, parking and loading is approved behind the PARKING SETBACK LINE.
  - b. For lots with an ALLEY/REQUIRED BUILDING LINE intersection, where the ROWHOUSE configuration is used, parking is approved in this area when<sup>1</sup>:
    - i. it is within a building;
    - ii. the FAÇADE of the building enclosing the parking meets all requirements;
    - iii. it is setback at least 1' off the front of the REQUIRED BUILDING LINE; and
    - iv. within 30' of the rear lot line.

<sup>1</sup> Note of intent: allowing garages on the alley/street corner of the lot.

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## Section 4. Architectural Standards

### A. General Purpose and Intent

The primary purposes of the *Architectural Standards*, working in tandem with *Section 3. Building Form Standards*, is to complement and reinforce the pedestrian environment and STREET-SPACE of Taft Corners through the application of high quality materials and architectural designs. These standards are intended to result in construction that is simple and functional, includes sustainable elements, and that will result in quality development that uses durable materials and design. A wide range of architectural expressions, from traditional to contemporary, can be achieved through these standards. The character of new building FACADES, through application of these standards, should create a cohesive ensemble of buildings within Taft Corners.

These *Architectural Standards* include basic parameters for functional building element configurations and a palette of exterior building materials. In order to establish and maintain a sense of place, these standards specify an architectural aesthetic of load-bearing walls and regional materials. The standards also specify details, such as window proportions, roof or cornice configurations, shopfronts, and overhangs. Buildings should reflect and complement the climate as well as the traditional materials and techniques of the greater Williston region.

### B. General Principles

1. Applicability:
  - a. These standards apply to all new construction within Taft Corners, unless otherwise expressly stated in this section. See *Section 8.9 Administration, Non-Conformities* for specific applicability when remodeling or renovating existing structures.
  - b. Where CLEARLY VISIBLE FROM THE STREET-SPACE:
    - (i) Many of these standards apply only where clearly visible from the STREET-SPACE. Note that the definition of STREET-SPACE includes parks, SQUARES, and CIVIC GREENS but not ALLEYS.
    - (ii) These controls concentrate on the public realm and views from the public realm, and minimize interference in the private realm. (Note the definition of STREET-SPACE.) A building element more than 30' from a REQUIRED BUILDING LINE or STREET-SPACE is by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. Common or party walls are by definition not CLEARLY VISIBLE FROM THE STREET-SPACE. An architectural element that is visible only through an opening in a STREET WALL is not CLEARLY VISIBLE FROM THE STREET-SPACE.
2. Materials
  - a. All building materials must express their structural properties. For example, stronger and heavier materials (masonry) should be located below lighter materials (wood). Material changes should occur at logical construction locations (such as at an inside corner).
  - b. EQUIVALENT OR BETTER and the Approved Alternate Materials List:
 

Materials, techniques, and product types listed in this Section are prescribed. Where indicated, materials that are EQUIVALENT OR BETTER may be proposed by the applicant to the Zoning Administrator for review according to the Administrative Adjustments process established in *Section 8*, not including any materials specifically prohibited in the individual sub-Section. The Zoning Administrator will maintain an Approved Alternate Materials List, containing materials that have met this standard and are therefore approved under this section.
3. Hostile Architecture. Devices and configurations designed to prevent the full use and enjoyment of the architecture and public spaces of Taft Corners, such as: anti-personnel spikes on walls or benches, dividers on benches, and drip lines above seating areas, are not approved in Taft Corners.

### 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
9. Reserved

## C. Architectural Standards: Building Walls

### 1. Purpose and Intent

BUILDING FACADES define the PUBLIC REALM, or STREET-SPACE. All walls should express the construction techniques and structural constraints of their building materials. These standards are intended to achieve simple configurations and solid craftsmanship.

### 2. Applicability

The standards in this section apply to all building walls that are CLEARLY VISIBLE FROM THE STREET-SPACE. Where expressly stated, they also apply to the building elevations.

*Photographs are provided as illustrations of intent, with no regulatory effect. They do not imply that every element in the image is approved. Refer to the standards on the following page for the specific requirements of this section.*



Building with stone and brick facade



Cast iron shop front with brick second story



Material change at an interior corner, a logical structural location.



Building with wood clapboard FAÇADE



Recent all-brick townhouses with significant architectural detailing



Wood clapboard building.

**3. Primary FAÇADE Materials Permitted**

- a. Any of the following building materials must be used on a minimum of 75% of the FAÇADE area. This measurement is calculated as a percentage of the wall portion of the FAÇADE, exclusive of FENESTRATION.
  - (i) Brick and terra cotta;
  - (ii) Granite and other natural stone;
  - (iii) Wood or approved Hardie Plank clapboard siding;
  - (iv) Vinyl siding ("premium grade, .55mm, or better), only above the GROUND FLOOR and/or for ROWHOUSE configurations on any level.
- b. Additional materials may be proposed to the Zoning Administrator for review to be added to the Approved Alternate Materials List, under the EQUIVALENT OR BETTER standard, see *Section B.2.b* above.

**4. Secondary Materials Permitted**

Any of the following materials are approved on a maximum of 25% of the FAÇADE area and on all side and rear elevations.

- a. All approved primary materials;
- b. Metal (heavy gauge & non-reflective): cast iron, copper, stainless steel (18-8 or better), titanium, and for siding (shingle and corrugated panels);
- c. Stucco (cement plaster); except prefabricated stucco panels and sprayed on stucco finishes which are prohibited;
- d. Split-faced block (may be integrally colored);
- e. Decorative tile;
- f. Shingles, wood or synthetic on the Approved Alternate Materials List;
- g. Pre-cast masonry;
- h. EIFS (Exterior Insulation and Finishing System) and other durable foam-based products (such as Fypon), may be used for architectural detailing above the first STORY - if on the Approved Alternate Materials List.

**5. Prohibited Materials**

- a. Styrofoam;
- b. Vinyl (except as noted above) and vinyl trim, and all aluminum siding;
- c. Fiber cement panels.
- d. Prefabricated stucco panels and sprayed on stucco finishes.

**6. Configurations and Techniques Permitted**

- a. When different materials are used on a FAÇADE, heavier materials must be used below lighter materials (i.e., stone below brick; brick below metal panel; brick below siding).
- b. All masonry, including brick, block, and stone, must be in an apparent load-bearing configuration.
- c. Where siding is not mitered at corners, corner boards, minimum 5.25", must be used on the outside building corners to conceal raw edges.
- d. Wall openings (FENESTRATION) must:
  - (i) have a vertical dimension at least 1.5 times their horizontal dimension unless otherwise specifically approved in these standards;
  - (ii) correspond to the interior space and must not span across building structure such as a floor or wall.
- e. Wood Siding and Wood Simulation Materials
  - (i) Siding must be configured with a maximum board exposure of 8";
  - (ii) Board and batten siding must have a maximum board width of 10";
  - (iii) Siding and shingles must be smooth, not rough-sawn finish (no shakes or fake wood-grain);
  - (iv) Must not come in contact with the ground surface.
- f. Metal Siding:
  - (i) Shingles with no dimension greater than 12";
  - (ii) Corrugated siding in a horizontal orientation only.
- g. All exposed masonry walls (i.e., STREET WALLS, garden and other free-standing walls, and parapets) must have a cap or coping to protect the top of the wall from weather.

## D. Architectural Standards: Roofs, Eaves and Parapets

### 1. Purpose and Intent

Roofs and parapets are part of the FAÇADE composition (its crown or hat) and contribute to the spatial definition of the STREET-SPACE. They should demonstrate common-sense recognition of Vermont's climate with appropriate pitch, drainage, and materials in order to provide visual coherence to the district. Roof forms are not interchangeable. The roof type is integral to the design of the building and its architectural character and the configuration should be appropriate for the building and its FAÇADE.

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Cornice - overhang



Parapet wall as Dutch Gable



Building with gable eaves and facade cornice



Cornice - eave



Cornice - eave



Cornice - overhang



Cornice - overhang



Mansard roof



Elaborate parapet walls with projecting cornice

2. Applicability

The standards in this section apply to any roof or parapet that is CLEARLY VISIBLE FROM THE STREET-SPACE.

3. Permitted Roofing Materials

- a. Tile;
- b. Slate, and equivalent or better synthetic materials;
- c. Metal, shingle or standing seam, equivalent or better;
- d. Dimensional architectural grade composition shingles; or
- e. Wood shingles.

3. Prohibited Roofing Materials: corrugated metal

4. Additional Permitted Materials and Elements

- a. Cornices and soffits may be comprised of wood or metal.
- b. Gutters and downspouts may be vinyl and/or metal.
- c. Parapet wall materials, exclusive of copings, must match the building wall.

5. Additional materials may be proposed to the Zoning Administrator for review to be added to the Approved Alternate Materials List, under the EQUIVALENT OR BETTER standard, see *B.General Principles, 2.b* above.

6. Configurations and Techniques Allowed

- a. Flat roofs are allowed only if the roof is used for:
  - (i) racking and associated equipment for solar panels;
  - (ii) building mechanical equipment (see 6.b below);
  - (iii) PRIVATE OPEN SPACE; and/or
  - (iv) a Green Roof.
- (v) Portions of the rooftop not being used for the above purposes must conform to *b. Pitched Roofs*, below.
- b. Pitched Roofs
  - Roof pitch is measured as rise over run. For example, a 4:12 pitched roof increases 4" in height for every 12" of horizontal distance.
  - (i) Roofs that cover the main body of a building must have a slope of no less than 5:12 and no more than 14:12.
  - (ii) The roofs of FRONT PORCHES, STOOPS, and BALCONIES must have a slope of no less than 3:12 and no more than 6:12.
  - (iii) The end walls of a Dutch gable or gambrel roof may extend up above the eaves to form a parapet.
  - (iv) Pitched roofs, except those on the FAÇADE side of the building, may be "cut out" to allow roof access for terraces and mechanical equipment. The cut out area may not be within 36" of end of the individual exterior wall or the roof ridge.
- c. MANSARD ROOFS. lower pitch: Min 20:12 Max 40:12, upper pitch: Min 4:12 Max 8:12. STORIES configured as MANSARD ROOFS count as full STORIES, and are allowed only for 3rd and higher STORIES.
- d. Overhang Requirements. There must be a distinct overhang/cornice, as follows:
  - (i) Pitched roofs, within the above parameters, must have a minimum 24" overhang.
  - (ii) Parapets must have a cornice, or similar form near the top of the building wall or above the ceiling of the uppermost STORY, whose height and projecting depth is not less than 1/15th the height of its FAÇADE. This does not apply to walls on/at COMMON LOT LINES or side/rear elevations.
- e. Other Elements
  - Roof-mounted equipment is approved only when fully screened from view and is surrounded by either the building's parapet wall or a pitched roof per these standards (if a pitched roof, all mechanicals must be below the roof ridge - if a flat roof, all mechanicals must be below the parapet).

## E. Architectural Standards: Windows and Doors

### 1. Purpose and Intent

The placement, configuration, type, and size of windows and doors on the FAÇADE greatly influences the scale and character of the STREET-SPACE. For Storefront frontages, windows allow interplay between the shop interior and the sidewalk. Commercial functions (especially restaurants and retail establishments) benefit from exposure to the passers-by and the STREET-SPACE benefits from the visual activity. For residences, windows foster the “eyes on the street” surveillance which provides for the security and safety for the area.

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Door with transom and sidelight windows



Windows recessed behind faade surface



Ground floor shop front and upperstory double-hung windows



Grouped windows



Shop front windows with stained glass transom



Grouped windows



Vermont “Witches Window”

## 2. Applicability

The standards in this section apply to any window or door that is CLEARLY VISIBLE FROM THE STREET-SPACE. Specific requirements and exceptions for SHOPFRONTS are provided in section *F. Shopfronts*, below.

## 3. Materials

- Glass panes must be clear, with low reflectivity and light transmission at the GROUND STORY of at least 75%. SHOPFRONT transoms are excluded from this restriction.
- Doors may be of wood, clad wood, fiberglass, glass, steel, or any combination thereof.
- Shutter materials may be wood or clad wood.
- Additional materials may be proposed to the Zoning Administrator for review to be added to the Approved Alternate Materials List, under the EQUIVALENT OR BETTER standard, see *B.General Principles*, 2 above.

## 4. Configurations and Techniques Permitted

- All Windows except SHOPFRONTS (see *F. Shopfronts*, below)
  - Windows must have a vertical dimension at least 1.5 times their horizontal dimension unless otherwise specifically approved in these standards;
  - Windows may be grouped horizontally if each grouping is separated by a mullion, column, pier, or wall section that is at least 7" wide. A group is limited to a maximum of five windows;
  - Windows should be subdivided to provide a pedestrian scale. The maximum dimensions for glass panes are 60" vertical by 36" horizontal;
  - Window panes must be recessed behind the surface of the FAÇADE (building wall) a minimum of 2", except for BAY WINDOWS and SHOPFRONTS;
  - Windows must correspond to the clear height within a building and may not span across building structure such as floor structural and mechanical thicknesses. Windows on different story levels must be separated by a minimum 24" wall or framing element;
  - Window types: single-, double-, and triple-hung, hopper, awning, casement, clerestory, and transom.
  - Fixed windows are only approved as part of a window grouping that includes an operable window;
  - Snap-in mullions and MUNTIN are approved but not considered in any proportion calculation or measurements for FENESTRATION;
  - Exterior shutters, when used, must be sized and mounted appropriately for the window (one-half the width);
  - As required by the applicable building code, egress windows are exempt from these requirements.
- GROUND STORY Windows and Doors
  - Double-height entryways (those that span more than one STORY) are not approved.
  - Town Center, Transitional Neighborhood, and Storefront FAÇADE doors may not be recessed more than 3' behind their FAÇADE and, in any case, must have a clear view and path to a minimum 45-degree angle past the perpendicular from each side of the door into the STREET-SPACE. Doors may not encroach into the right-of-way when opened (see *Diagram A*).

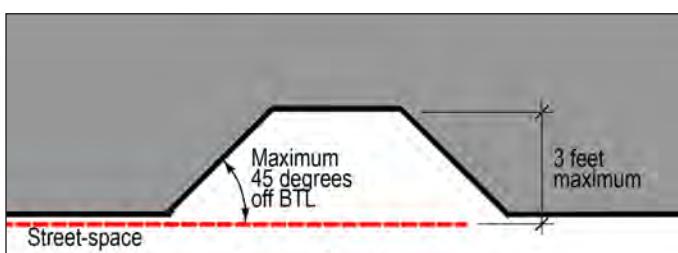


Diagram A. Shopfront door geometry

### c. Upper STORY Windows

On all upper STORIES, a minimum of 40% of the window area, per STORY, must be operable.

### d. Garage doors

When a lot is adjacent to an ALLEY, any garage doors must face towards the ALLEY.

### e. Measurement:

Windows are measured as glass area including MUNTINS and similar framing elements with a dimension of less than 1". Glazing separated by framing elements of greater than 1" are considered separate windows.

## F. Architectural Standards: SHOPFRONTS

### 1. Purpose and Intent

SHOPFRONTS enliven the public realm. They improve walkability, with frequent entrances and large display windows providing transparency and connection between the interior activity and the public sidewalk. Display windows should be large to allow unimpeded views into the interior of the shop.

### 2. Applicability

The standards in this section apply to building frontages designated as Storefront on the REGULATING PLAN. They include more requirements than, and some exceptions to, the standards in *Section E. Windows and Doors*, above. Where there is an apparent conflict, these Storefront rules apply. Applicants may use the SHOPFRONT standards for any portion of a Town Center frontage, subject to Zoning Administrator approval.

### 3. Requirements and Permitted Configurations

- a. The bottom of SHOPFRONT window glass must be between 1' and 3' above the sidewalk and must run from that sill to a minimum of 9' above the sidewalk. Materials per *Section C. Building Walls* must be used below the window sill.
- b. Prefabricated garage doors are not approved for Storefront Frontages - purpose-built storefront windows that are movable are approved.
- c. SHOPFRONT window and door glass must be clear, with light transmission of at least 75%. Transom glass may be tinted, obscured, stained, or glass block.
- d. Individual panes of glass in SHOPFRONTS must be no larger than 11' in height and 6' in width.
- e. SHOPFRONT windows and doors may not be made opaque by window treatments, except by operable sun-screen devices within the interior. A minimum of 75% of the FENESTRATION must allow views into the interior for a depth of at least 15'.
- f. Shopfront doors must have at least 60% glass. Solid and opaque doors are prohibited.
- g. Shopfront doors must be distinguished by features such as: transom windows, AWNINGS or CANOPIES, or a recessed entryway.
- h. SHOPFRONTS must be differentiated from the FAÇADE above by a projection or string course, with a minimum relief of 2" and minimum vertical width of 5", between each SHOPFRONT and the window-sill level of the second STORY.

*Photographs are provided as illustrations of intent, with no regulatory effect. They do not imply that every element in the image is approved. Refer to the standards on the following page for the specific requirements of this section.*



## G. Architectural Standards: AWNINGS and CANOPIES

### 1. Purpose and Intent

AWNINGS and CANOPIES provide protection from the elements and create shade and shadow on the building, enhance the three dimensional quality, add interest, and can help emphasize a primary building entrance. Open ended AWNINGS are preferred to make blade signs and transom windows more visible from the sidewalk.

### 2. Applicability

The standards in this section apply to any AWNING or CANOPY that is CLEARLY VISIBLE FROM THE STREET-SPACE.

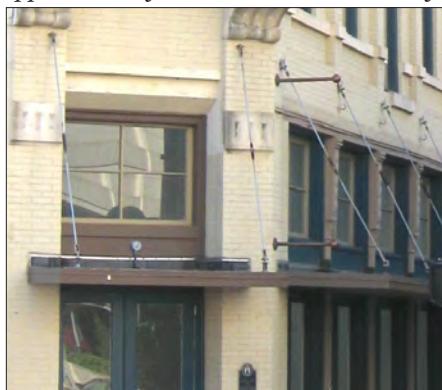
### 3. Materials

- AWNINGS must be made of commercial-grade fabric and may be either fixed or retractable. High-gloss, plasticized, shiny or reflective materials are prohibited.
- CANOPY framing must be constructed of either metal or wood.
- CANOPY roofing materials, where CLEARLY VISIBLE FROM THE STREET-SPACE, may be: metal standing seam (5V crimp or equivalent), slate, glass, or durable fabric. Solar panels are approved, subject to Zoning Administrator approval.
- Additional materials may be proposed to the Zoning Administrator for review to be added to the Approved Alternate Materials List, under the EQUIVALENT OR BETTER standard, see *B.General Principles, 2.b* above.

### 4. Configurations Permitted

- AWNINGS and CANOPIES must not interfere with utilities, street trees, or other important ROW elements.
- Any fabric covering for AWNINGS or CANOPIES must be removable or retractable.
- AWNINGS and CANOPIES may be used only if they shade/correspond to windows or doors.
- AWNINGS and CANOPIES overhangs must have a minimum of nine' clear height above the sidewalk and be minimum of five feet (5') deep, measured from the FAÇADE. The maximum depth is to back-of-curb or the TREE LAWN edge, whichever is less. (subject to approval by the Zoning Administrator).
- Back-lighting or internal illumination through the AWNING or CANOPY is not approved.
- Snow management devices such as snow-dogs are approved.
- CANOPIES must be mounted to the building wall and supported either from below by brackets or from above by cables or chains (minimum 3/8"), or be structurally integrated with the building.

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## H. Architectural Standards: FAÇADE Composition for Large Building Frontages

### 1. Intent

These are design parameters for large buildings to ensure that they create a positive pedestrian environment.

### 2. Applicability

These standards maintain a pedestrian scale, even where the scale of development is quite large. They apply to the first three STORIES of the FAÇADE on building lots with 120' or more of frontage on a BLOCK FACE. This conservatively covers the distance within which one can discern a human face from the street. Lots with street frontage of less than 120' on a BLOCK FACE are exempt from this rule for that BLOCK FACE, but must still include at least one functioning pedestrian street entry and meet all other applicable BUILDING FORM STANDARDS.

### 3. Façade Composition

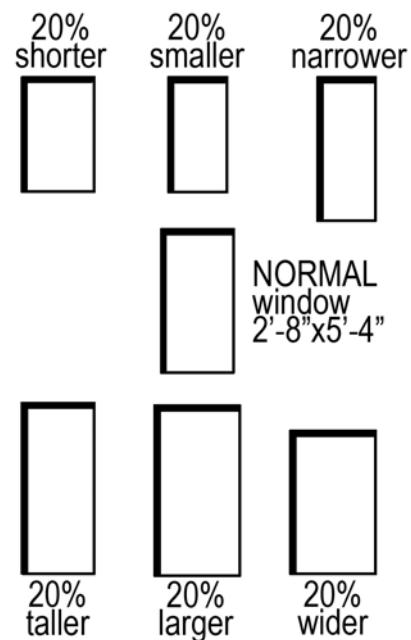
The FAÇADE composition rule is intended to maintain a pedestrian-friendly scale. “FAÇADE COMPOSITION” is the arrangement and proportion of FAÇADE materials and elements (windows, doors, columns, pilasters, bays). “Complete and discrete” distinguishes one part of the FAÇADE from another much as would two distinct building FAÇADES.

- a. For each BLOCK FACE, FAÇADES along the REQUIRED BUILDING LINE must present a complete and discrete vertical FAÇADE COMPOSITION for the STREET-SPACE, at no greater than the following average STREET FRONTAGE lengths:

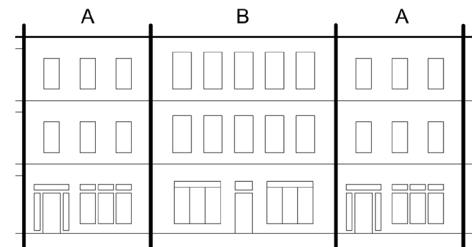
- (i) 60' for Storefront frontages;
- (ii) 75' for Town Center, Transitional Neighborhood, and Strollable Neighborhood frontages.

These are average frontage length maximums; the FAÇADE may be composed of bays of different sizes to achieve the average; uniform spacing is not desired.

- b. Each FAÇADE COMPOSITION must include at least one functioning street entry door.
- c. The FAÇADE COMPOSITION requirement may be satisfied by liner shops, which are shallow shops located in front of larger footprint uses such as grocery stores or Structured Parking.
- d. To achieve a complete and discrete vertical FAÇADE COMPOSITION within a BLOCK FACE the applicant must demonstrate that at least **four** of the following features that distinguish one FAÇADE COMPOSITION from the next are included:
  - (i) Different FENESTRATION proportions of at least 20% in height or width or height:width ratio. (*See Diagram 1.*)
  - (ii) Different FAÇADE configurations, through a change in architectural features, such as FAÇADE elements, bay rhythm, cornice line, articulation, or detailing; change in the wall plane alone is insufficient. (*See Diagram 2.*)
  - (iii) Change in wall material; color changes alone are insufficient.
  - (iv) Change in total FENESTRATION percentage with a minimum difference of 12%. Ground floor FAÇADES are not included.
  - (v) Clearly different GROUND STORY FAÇADE composition, using framing material and fenestration proportions.
- e. No FAÇADE COMPOSITION may be less than 20' wide.



*Diagram 1. Illustration of different fenestration proportions*



*Diagram 2. Illustration of facade configurations with a clearly different rhythm*

## I. Architectural Standards: Street Walls and Fences

### 1. Purpose and Intent

The STREET-SPACE is physically defined by buildings, walls, or fences. Land should be clearly public or private; in the public view or private and protected.

STREET WALLS establish a clear edge to the STREET-SPACE where there is no building. These requirements include masonry walls that define outdoor spaces and separate the STREET-SPACE from the private realm (e.g. utility meters, parking lots, gardens, trash cans, equipment, and employee break areas). All STREET WALL faces should be designed as is the building FAÇADE, with the finished side out (i.e. the “better” side facing the STREET-SPACE).

*Photographs are provided as illustrations of intent, with no regulatory effect. They do not imply that every element in the image is approved. Refer to the standards on the following page for the specific requirements of this section.*



Street wall with climbing vines



Street wall with door



Street wall with gate



Street wall with gates shielding service area from public street



Not approved—no street wall and parking visible from the street-space



Street wall defining private garden or courtyard

## 2. Applicability

The following standards apply to all STREET WALLS and fences that are CLEARLY VISIBLE FROM THE STREET-SPACE.

## 3. Materials

### a. Walls

- (i) Brick;
- (ii) Granite or other natural stone
- (iii) Stucco on masonry (such as concrete block or poured concrete)
- (iv) A combination of materials, e.g., stone piers with brick infill panels, masonry with iron or steel.

### b. Gates and Fenestration

- (i) Metal, including wrought iron, welded steel and/or electro-plated black aluminum; may also be used for FENESTRATION in the wall itself; or
- (ii) Wood.

### c. DOORYARD and Privacy Fences

- (i) Wood;
- (ii) Wrought iron or metal that faithfully imitates wrought iron;
- (iii) Dimensional composite material (synthetic and composite woods); or
- (iv) A combination of any of the above materials with masonry piers.
- (v) Rolled fencing (such as chain link) is prohibited where CLEARLY VISIBLE FROM THE STREET-SPACE.

### d. Additional materials may be proposed to the Zoning Administrator for review to be added to the Approved Alternate Materials List, under the EQUIVALENT OR BETTER standard, see *B.General Principles, 2* above.

## 4. Configurations and Techniques Permitted

Permitted configurations and techniques (See also *Section 3. Building Form Standards*):

### a. STREET WALLS:

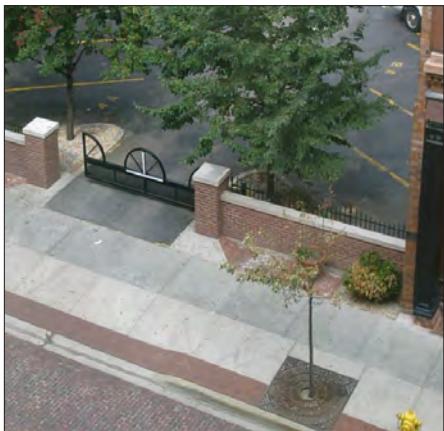
- (i) built to the height and length specified in the applicable BUILDING FORM STANDARD.
- (ii) taller than 4' are subject to the FENESTRATION requirements of the applicable BFS frontage; those lower than 4' may use the FENESTRATION parameters.
- (iii) longer than 40' must include built-in seating, minimum 10', approved by the Zoning Administrator.

### b. DOORYARD Fences and Privacy Fences:

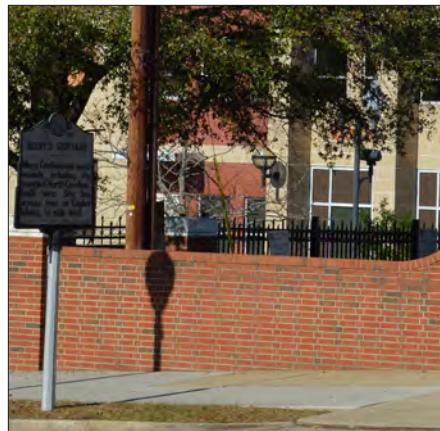
- (i) the "finished side" must face the street or adjacent property;
- (ii) DOORYARD fences must be at least 1/3 open and not solid. Wooden picket boards should not be more than 3.75" wide and set so that the space between them is not more than 3" wide.

### c. DOORYARD Walls:

All masonry, including brick, block, and stone, must be in an apparent load-bearing configuration and meet the standards of *C. Building Walls, 3-4* above.



Street walls with coping and wrought iron along an unbuilt street frontage.



Street wall as Green Wall

## J. Architectural Standards: Entry Features, FRONT PORCHES, STOOPS and CANOPIES

### 1. Purpose and Intent

Building entries are the front door of a building and provide a connection between the building interior and the outside, public activity. They also establish a clear hierarchy and focal point for the building. Entries should be scaled appropriately to the size of the building.

*Photographs are provided as illustrations of intent, with no regulatory effect. They do not imply that every element in the image is approved. Refer to the standards on the following page for the specific requirements of this section.*



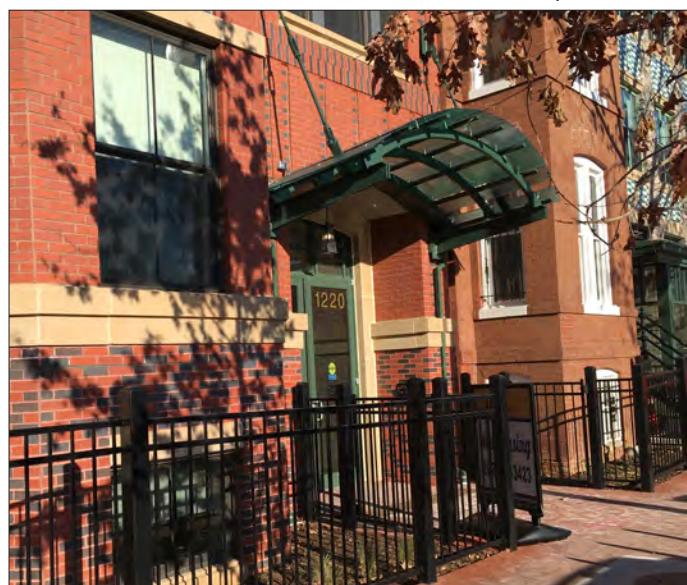
Rowhouses with a clear entries



Small Apartment Building with a forecourt entry



Rowhouses with entry stoops



Town Center building entry with stoop and canopy with balcony above.



Small Apartment Building with a front porch entry

**2. Applicability**

The standards in this section apply to all building **FAÇADE** entries within Taft Corners.

**3. Materials**

Permitted materials for **FRONT PORCHES**, **STOOPS**, and other entry features: (For **AWNING** and **CANOPY** materials, see *Section G. Awnings and Canopies*, above.)

- a. Foundation walls and piers of stucco, stone, split-faced concrete block, pre-cast or poured concrete with a smooth finish, or brick.
- b. Porch posts, piers, columns or pilasters of wood, or approved fiber cement product, stone, stucco, or brick.
- c. Balustrades of: wood, which must be finished (painted or stained, no raw lumber); wrought iron, large section aluminum; or Zoning Administrator approved synthetic, which must be paintable.
- d. Privacy lattice (max 1" openings) enclosing open foundations.
- e. Additional materials may be proposed to the Zoning Administrator for review to be added to the Approved Alternate Materials List, under the **EQUIVALENT OR BETTER** standard, see *B.General Principles*, above.

**4. Configurations Permitted**

Entries should be distinguished by variations in **FAÇADE** design, materials, and articulation that clearly identifies the entrance.

- a. Spacing between columns, piers or posts must be no wider than 1.33 times their height (for example, 9' tall posts must not be more than 12' apart).
- b. All required **FRONT PORCHES** must be roofed, with supporting posts, brackets, piers or columns and railings. **STOOPS** may have a **CANOPY** or **AWNING** covering. The **AWNING** or **CANOPY** may be supported columns or posts as described in a., above, or hung from the **FAÇADE** by chains or wires of not less than 3/8" diameter.
- c. The minimum dimension or diameter for single columns or posts is 6.25", if paired/doubled, the minimum dimension is 4". Turned posts are allowed to have minor portions with a diameter that are as much as 1/3rd below the minimum. Supporting masonry bases have a 8"minimum dimension, and pilasters must be at least 8" wide x 1" in depth from the **FAÇADE**.
- d. Pediments, or any other entry architectural detailing, must extrude at least 4" from the **FAÇADE** and completely span the entry opening.
- e. **CANPIES** must completely cover the **STOOP** they are overhanging.
- f. Balusters and railings must be a minimum dimension of 1/2", maximum 4", with a max. 3" clear space between them. They must sit on and be attached to the **FRONT PORCH** or **STOOP** floor's top surface, they may not be attached to it's joists or the side of the platform.
- g. **FRONT PORCHES** or **STOOPS** with railings/balustrades must be at least 30" in height above their floor and fully surround the **FRONT PORCHES** or **STOOP** excepting a maximum 6' wide front opening and (separate) side opening for any side access.
- h. Porch screen frames may only be mounted behind the columns, posts or piers and intermediate screen supports not less than 50" apart.

**5. Techniques**

Required **FRONT PORCHES** or **STOOPS** may be open in any direction. The elevation facing the street(s) must not be enclosed (except by insect screening) above a level of 40" above the **FRONT PORCH** or **STOOP** floor.



*Intent Illustration. Entry with canopy/balcony*



*Intent Illustration. Canopies and awnings*



## K. Architectural Standards: Lighting and Mechanical

### 1. Purpose and Intent

These standards are intended to enhance the urban pedestrian context. Appropriate lighting is desirable for night-time visibility, safety, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Restricting the location of mechanical equipment limits intrusions that would otherwise detract from the public realm. All street lights within Taft Corners should be pedestrian-scaled. Highway-scale, ‘cobra-head,’ fixtures are generally not appropriate for true urban contexts and should be limited to intersections where absolutely necessary.

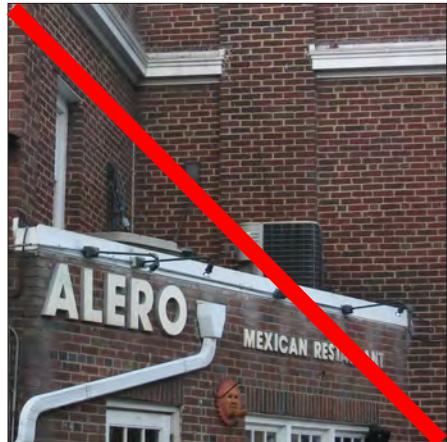
### 2. Applicability

The standards in this section apply to all private parcels in Taft Corners. Additional exceptions may be made to comply with state highway standards where necessary.

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Pedestrian-scale street lights



Not approved, visible from the street-space



Not approved within the street-space



Not approved, visible from the street-space

*The illustrations above are examples of mechanical equipment arrangements that are only acceptable away from and/or not visible from a street-space (i.e. within an alley or screened from view).*

### 3. Exterior Lighting Allowed

- a. Lighting elements with a spectrum of light between 2,600K and 6,100K Kelvin Color Temperature. Lighting elements that cast a perceptively unnatural spectrum of light (such as low pressure sodium). These standards may be updated by the Zoning Administrator as technologies advance and produce lighting elements that may be added to the Approved Alternate Materials List, under the EQUIVALENT OR BETTER standard, see *B.General Principles*, above.
- b. Pedestrian-scale Streetlights must be:
  - (i) coordinated with any adopted Streetscape Plan and the Department of Public Works and;
  - (ii) located on each side of the STREET-SPACE; (See *Section 5. Public Realm Standards*) and
  - (iii) coordinated with STREET TREE placement and located at least 10' apart from any STREET TREE.
- c. Site and Accent Lighting

These standards are intended to prevent light from one property extending beyond the property line onto adjacent properties. Compliance with this subsection is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these methods.

  - (i) Site lighting must be designed to illuminate only the lot. If mounted on poles, lights must not be mounted higher than 25' above grade. An exterior lighting plan must be approved as consistent with these standards by the Zoning Administrator.
  - (ii) Floodlighting or directional lighting is prohibited except for lighting of flags, statues, loading and service areas, and on CIVIC BUILDINGS or monuments, to highlight architectural features (such as cupolas, towers, or courthouse domes<sup>1</sup>), must not produce glare into neighboring windows or light trespass into neighboring properties. Floodlights are not approved for parking lots or outdoor display/storage areas.
  - (iii) All under-canopy lights or lights mounted in eaves must either be recessed into the canopy/eave and fully shielded or use flat lenses instead of drop lenses.
  - (iv) Lights within ground floor commercial space or SHOPFRONTS may be used to illuminate the interior space and/or window displays and must not be directed outward into the STREET-SPACE.
  - (v) Floodlights, when approved, must be aimed no higher than forty five degrees (45°) from vertical; be located and shielded such that the bulb is not directly visible from any adjacent residential use or public right of way.
  - (vi) Exterior lights on the building must be shielded and downcast or must be frosted glass or be installed behind a translucent cover. Exterior lights must be maximum 100-watt incandescent or maximum 1600 lumens. Lights on the FAÇADE must be mounted between 8' and 12' above the adjacent sidewalk. These fixtures must illuminate the DOORYARD and CLEAR SIDEWALK area. Lights on the ALLEY have a 12 foot maximum height. These fixtures must illuminate the ALLEY and may also illuminate a portion of their own rear yard area. They must not direct light or cause glare into neighboring lots.
  - (vii) High intensity discharge (HID) or fluorescent lights must not be used on the exterior of buildings
  - (viii) Lighting for Structured Parking must satisfy Crime Prevention Through Environmental Design (CPTED standards).
  - (ix) Temporary holiday lighting is exempt from these regulations.

### 4. Mechanical Equipment

- a. All mechanical equipment located at grade (serving the building or tenant use) must be placed behind and away from any REQUIRED BUILDING LINE and screened by a STREET WALL if necessary to prevent its being CLEARLY VISIBLE FROM THE STREET-SPACE.
- b. All mechanical equipment on a roof must be screened, and all screening and penthouses placed on a roof must be set back from the roof line by a distance at least equivalent to the height of the screening in order to minimize visibility from surrounding streets and have a maximum height of 18'.

<sup>1</sup> Note of Intent: intent is to allow all civic building towers such as bell towers, minarets, steeples, etc.

## L. Architectural Standards: Signage

### 1. Purpose and Intent

Signs in Taft Corners should be scaled and designed for this pedestrian-oriented context and not for high speed automobile traffic. Signage along commercial and mixed-use frontages should be durable. While signage is desirable for both informational purposes and as decoration, signage that is too large creates distraction, intrudes into or lessens the district experience, and creates visual clutter.

*Photographs are provided as illustrations of intent, with no regulatory effect. They do not imply that every element in the image is approved. Refer to the standards on the following page for the specific requirements of this section.*



Parapet sign



Neon sign within the shop front window



Wall sign



Window sign



Horizontal blade sign



Wall sign

## 2. Applicability

The standards in this section apply to any sign that is **CLEARLY VISIBLE FROM THE STREET-SPACE** in Taft Corners.

## 3. General Standards for All Signs

All signage must conform to the requirements of Williston Unified Development Bylaw except as provided for below.

- a. Only sign types specified in this section are approved.
- b. Prohibited: Billboards, roof signs, and mural signs painted on **FACADES** (except those existing prior to [date of code adoption]).
- c. Signs may be illuminated externally from a constant light source. Signs may not be illuminated by flashing, traveling, animated, or intermittent lighting, whether such lighting is of temporary or long-term duration.
- d. Internally illuminated back-lit acrylic-faced cabinet signs and plastic-faced letterform signs are not approved.
- e. Signs may not include an Electronic Message Center (EMC) unless explicitly approved below.

## 4. Wall Signs

- a. Are only approved within the sign band—the horizontal area on the **FACADE** between the first floor ceiling and the second **STORY** floor line. For one-**STORY** buildings, the sign band is above the windows and below the cornice. In no case may this band be higher than 20' or lower than 10' above the adjacent sidewalk.
- b. Must not exceed 20' in length, 90% of the **SHOPFRONT** or individual business's width, whichever is less. Wall Signs must not come closer than 2' to a **BUILDING CORNER**.
- c. Must not extend over the architectural features of the building **FACADE**, such as cornices, pilasters, transoms, window trim, and similar.
- d. A masonry or bronze plaque may be placed in the building's cornice or parapet wall or under the eaves, and above the upper **STORY** windows. Any such plaque must be no larger than a rectangle of 18 square feet.

## 5. Murals as Public Art

are approved, subject to Section WDB 25.11 Public Art and approval by the Zoning Administrator, on the other exterior walls including: side, rear, courtyard, and **STREET WALLS**).

## 6. Projecting Signs

are generally perpendicular to the **REQUIRED BUILDING LINE**. Projecting blade signs, marquee signs, and corner signs are approved for storefront frontages and/or retail uses only.

- a. One blade sign per **SHOPFRONT** is approved. They:
  - (i) Must not project from the sign band, or be hung from a **GROUND STORY** overhang, **CANOPY**, or **AWNINGS**;
  - (ii) Must not be no more than 6 square feet;
  - (iii) Must not project from the building no more than 42";
  - (iv) Must be a minimum of 8' clear above the sidewalk;
  - (v) Must not extend above the second **STORY** floor elevation.



*Wallsignwithin signband*



*Masonry parapet sign*

- (vi) may be located no closer than 5' from a COMMON LOT LINE or adjacent SHOPFRONT space and no closer than 10' from any adjacent blade sign; and
- (vii) may not be internally illuminated.
- b. Marquee signs are signs integrated with an entry CANOPY. They:
  - (i) are only approved with a theater use;
  - (ii) may project to the far edge of the CLEAR SIDEWALK; and
  - (iii) may include an EMC within the sign band area.

## 7. Window Signs

- a. No more than 25% of any GROUND STORY window may be covered by signage, and such signage must not be placed or adhered to the window in a manner that prevents views into the SHOPFRONT.
- b. One neon sign is allowed per SHOPFRONT window, maximum 5 square feet and 1 per window.
- c. No more than 10% of any upper STORY window may be covered with signs.

## 8. Other Signs

- a. Temporary sandwich board signs of up to 42" in height are approved within the DOORYARD area.
- b. Awning signs are approved. Sign copy on AWNINGS is limited to 6" in height on the outside edge/vertical face of the AWNING.
- c. Canopy signs (not including marquee signs, which are regulated separately) are allowed on the canopy face or mounted upright along the top of the canopy with the bottom of the sign no more than 4" above the canopy. Canopy signs may extend no more than 90% of the length of the canopy and be no more than 20" in height. Signs mounted on the face of a canopy must maintain a minimum of 3" spacing between the sign and the top and bottom of the canopy face. No more than 1 canopy sign is allowed per SHOPFRONT and a canopy sign is not allowed on a SHOPFRONT that has a marquee sign.
- d. Directional signage as defined in this chapter is allowed for assisting traffic flow through allowed drive-through facilities.

## 9. Freestanding Signs

No new freestanding signs are approved after [date of code adoption].



*Marquee sign*



*Canopy sign*



*Awning signs and wall signs*



Intent Illustration A Public Open Space, a SQUARE or GREEN.

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

## Section 5 Public Realm Standards

### 5.1 Intent

These *Public Realm Standards* are designed to establish environments within Taft Corners that encourage and facilitate pedestrian and bicycle activity by creating streets and other parts of the PUBLIC REALM that are comfortable, efficient, safe, and interesting.

- A. Although commonly thought of as just GREENS, SQUARES or parks, the *public realm* includes the complete STREET-SPACE—the space between the building FAÇADES: the sidewalks, street trees, SQUARES, GREENS, and the automobile lanes.
- B. The STREET-SPACE is a community's first and foremost public space and should be just as carefully designed and planned as any GREEN or CIVIC BUILDING. The character of the street—both its scale and its details—plays a critical role in determining the quality of the place.
- C. Streets within Taft Corners should not be thought of as “roads, highways, arterials, or collectors.” They should be developed to create people-oriented places balancing all transportation modes. Most streets in Taft Corners should be designed primarily for walkability and pedestrian comfort.

#### D. The Public Realm Standards:

1. Establish an environment that encourages and facilitates pedestrian and bicycle activity and “walkable” streets that are comfortable, efficient, safe, and interesting for all people and for all generations.
  2. Ensure the coherence of the STREET-SPACE, serving to assist residents, building owners, and managers with understanding the relationship between the STREET-SPACE and their own property.
  3. Contribute to sustainability. Street trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and storm-water management. Good STREET-SPACES promote sustainable transportation options such as walking and bicycling.
  4. Work in concert with the property frontages. DOORYARDS and FAÇADES are the walls of the STREET-SPACE. They are regulated in *Section 3 Building Form Standards*.
- E. The interior portion of the private property (toward the ALLEY, rear lot or COMMON LOT LINES) is less controlled and allows residents and operators to more freely utilize those spaces out of the public view; and allow residents to have PRIVATE OPEN SPACE (semi-private for apartment and condominium dwellers), gardens and courtyards.

## F. Components

The Public Realm Standards include the following sections:

1. *5.2 General Standards*
2. *5.3 Public Open Space*
3. *5.4 Street Trees*
4. *5.5 Street Specifications*

## 5.2 General Standards

The following standards regulate the STREET-SPACE from the FAÇADE to the curb within Taft Corners.

### A. Street Curb-To-Curb Standards

1. Must meet the standards in *Section 5.5 Street Specifications* below.
2. Must meet the Town Construction Standards, See the Williston Public Works Specifications.

**B.** Tree Lawn: the area between the CLEAR SIDEWALK and the curb is used as the planting area for STREET TREES. It may also be used, in more intense pedestrian situations, as a pedestrian area with seating and cafe tables. The TREE LAWN is regulated in *Section 5.4 below*.

**C.** Sidewalks: The developer is required to install sidewalks that meet all Town (and ADA) standards and specifications at the time of development. They must provide a minimum CLEAR SIDEWALK in accordance with *Section 5.5 Street Specifications* below.

### D. DOORYARDS

1. All:
  - a. Thorny plants must not be planted along the CLEAR SIDEWALK or entry walkways.
  - b. Noxious weeds, as defined by the Vermont Agency of Agriculture, Farm, and Markets Noxious Weeds Amended Rule are prohibited.
  - c. Any planting/vegetation may not block any FENESTRATION nor extend over the CLEAR SIDEWALK.
  - d. Ground cover or turf-grass must not exceed a height of 12".
  - e. Shrubs, hedges, and other xeriscape plants, maximum height 40", may be planted within the DOORYARD.
  - f. Trees may be planted within the DOORYARD, but must be "limbed up" as they gain appropriate maturity so as to be minimum 7' clear over the CLEAR SIDEWALK.
  - g. A hard-surfaced walkway(s) must be provided between the CLEAR SIDEWALK and the building entry(s) in the FAÇADE.
2. Town Center and Storefront frontages: may be planted or hard-surfaced with pervious pavers.
3. Transitional Neighborhood and Strollable Neighborhood frontages: must be planted, at a minimum with grass, ground cover, or flowering vines.

### E. Street Furniture

1. Street furniture is an element of the overall STREET-SPACE design. Public street furnishings should be simple, functional, and durable. Placement will generally be within the TREE LAWN area. Any specific GREEN or SQUARE designs may specify different placement. All street furniture must meet these standards.



Intent Illustration  
*The DOORYARD of a street of residences.*



Intent Illustration  
*The DOORYARD of a retail street frontage.*

2. Street lighting:
    - a. At the time of development, the developer is required to install streetlights per these standards and any adopted streetscape plan, on any frontage they are developing.
    - b. Streetlights must:
      - (i) use the double-globed luminaires on 16-18 foot poles, for ST-38/86PCT and ST-P2A streets and;
      - (ii) use the single-globed luminaires on 12 -14 foot poles, for ST-80, ST-74 , and ST-29 STREETS and;
      - (iii) be coordinated with any adopted Streetscape Plan and the Department of Public Works and;
      - (iv) be installed on both sides of the STREET-SPACE, except where otherwise specified. (See *Section 5. Public Realm Standards*) and;
      - (v) be aligned with the STREET TREES, and at least 10' from any STREET TREE.
  3. ALLEY lighting: all lots with ALLEY access must have lighting fixtures illuminating the ALLEY, see *Section 4.K.3*.
  4. Benches - Benches must have backs.
    - a. Benches in Taft Corners are the Victor Stanley "Steelsites" model # RB-28 or equivalent, with a dark green finish.
    - b. Benches may be located in the TREE LAWN, and oriented perpendicular to the street, maximum 4 feet in length.
    - c. Benches located in the TREE LAWN but not perpendicular to the street may be longer, so long as their length does not conflict with the placement of other streetscape elements or obstruct necessary pedestrian movement. They must be arranged to view the sidewalk/pedestrian activity, not automobiles.
    - d. Bench ratios provided below are be used to calculate only the number of required benches and may not necessarily determine the bench locations.
    - e. Where present, the amount of frontage dedicated to transit stops, as determined by the Zoning Administrator, may be subtracted from the frontage used to calculate the total number of required benches.
    - f. For Shopfront frontages, at least one bench for every 75 feet of street frontage.
    - g. For Town Center frontages, at least one bench for every 150 feet of street frontage.
    - h. For Transitional Neighborhood frontages, at least one bench for every 250 feet of street frontage.
    - i. For Strollable Neighborhood frontage sites, no benches are required.
  5. Waste/Recycling Bins - The standard waste/recycling bin for Taft Corners is the Victor Stanley "Ironsites" model # SD-242 or equivalent, with a dark green finish. At a minimum, one waste bin must be provided at each street intersection for Shopfront, Town Center, and Transitional Neighborhood frontages, and one per every other intersection for Strollable Neighborhood frontages.
  6. Bicycle Racks - The approved bike rack for Taft Corners is any of the Victor Stanley "Cycle Sentry" series or equivalent, with a dark green finish. Other designs are invited, subject to Zoning Administrator approval. Bike Racks must be installed on both sides of the street within the TREE LAWN in alignment with the trees (not to interfere with the placement of STREET TREES or street lights). At the time of the development, the developer is responsible for the installation of bicycle racks on the side(s) of the street/in front of the frontage being developed.
  7. Public toilet facilities must be planned/integrated into Public Open Spaces.
  8. Placement and model/type of all street furniture and fixtures, if different than these standards, will be reviewed by the PROJECT REVIEW COMMITTEE.
- F. Mechanical and electrical equipment is prohibited within any STREET-SPACE<sup>1</sup> including the DOORYARD. This includes, but is not limited to, air compressors, pumps, exterior water heaters, water softeners, and private garbage cans. Public sidewalk waste bins, water pumps for public fountains or irrigation, and EV charging stations for cars and/or bikes are not included in this prohibition.

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<sup>1</sup> Note of Intent. A Utility Co. box sitting out on the corner of an intersection blocks the STREET-SPACE and safety-wise blocks the view of drivers and pedestrians. There is plenty of room in the Block interior and/or these could be behind the RBL with a STREET WALL fence/gate).

## 5.3 Public Open Space

Public Open Spaces such as **SQUARES** and **GREENS** are designated on the REGULATING PLAN.

### A. Intent

Public open space is a key element of the quality of life within Taft Corners. Its trees and plants provide a landscape and civic architecture that complement the surrounding private building architecture. The **SQUARES** and **GREENS** will foster places for the social interaction, community gathering and family recreation of all age groups, all within a comfortable walking distance.

1. **SQUARES** are active pedestrian centers; **GREENS** are intended for less intensive foot traffic. Surface treatment is regulated accordingly.
2. Pervious paving materials (to allow oxygen for tree roots and absorb stormwater run-off) are encouraged, and the percentage of impervious paving material is limited. (See *B.3. Materials and Configurations*.)
3. These standards apply to those spaces that are designated on the REGULATING PLAN whether publicly owned or publicly accessible through an access easement.

### B. General Standards

**GREENS** and **SQUARES** must be designed, planted and maintained according to the following requirements:

1. **SQUARES** and **GREENS** must have at least 60 percent of their perimeter fronting public rights-of-way and they must be surrounded by **STREET TREES**. Their dimensions may be no narrower than a 1:5 ratio and no width or breadth dimension may be less than 20'.
2. A clear view through the Public Open Space (from 2' to 7' in height) is required, both for safety and urban design / placemaking purposes. The foliage of newly planted trees may intrude into this area until the tree has sufficient growth to allow such a clear trunk height.
3. **Materials and Configurations**

- a. The street frontages of **SQUARES** and **GREENS** within Taft Corners must be configured consistently with the street or **BLOCK** which they are fronting in accordance with this section. However, the species of the trees surrounding a **SQUARE** or **GREEN** may be of a different species than the connecting streets and tree spacing allowances may be made to accommodate directed Mountain views.
- b. The ground elevation must be between -18" and +24" of the top of any curb within 10 feet.
- c. The slope within any public **SQUARE** or **GREEN** may not exceed ten percent (terraces are approved where necessary for steeper sites).
- d. **SQUARES** and **GREENS** may not include active / formal recreation structures such as ball fields, but may include playground equipment.
- e. Trees within a PUBLIC OPEN SPACE may be selected from outside the Street Tree List but must satisfy this section and be approved by the Tree Warden (see *5.G. Street Tree List* in this section).
- f. Asphalt is prohibited within a **SQUARE** or **GREEN**.

### C. Greens

**GREENS** should be designed with a low percentage of hard-surfaced area, appropriate to their less pedestrian-intensive character. Surface treatment and materials (within the area back-of-curb to back-of-curb area excluding any CIVIC USE building, public art or monument footprint) must be a minimum 50 percent unpaved pervious surface area (such as turf, ground cover, soil or mulch).



Intent Illustration  
*The continuous tree trench supports tree longevity and storm-water management.*



Intent Illustration  
*Silva Cell technology is a Best Practice for STREET TREE infrastructure.*

#### D. Squares

SQUARES incorporate a higher percentage of hard-surfaced area, appropriate to their more pedestrian-intensive character. Surface treatment and materials (within the back-of-curb to back-of-curb area, excluding any CIVIC BUILDING, public art or monument footprint) must be between 20 percent and 40 percent unpaved pervious surface (turf, ground cover, soil or mulch).

#### E. Pedestrian Pathway

A PEDESTRIAN PATHWAY must be a public access easement or right-of-way and generally open to the sky. Their width must be between 20 and 30 feet with a hard-surfaced walkway between 10 and 20 feet providing an unobstructed view through its entire length, except where otherwise specified on the REGULATING PLAN. Bicycle racks are approved within PEDESTRIAN PATHWAYS.

### 5.4 Street Trees and Tree Lawns

STREET TREES are part of an overall STREET-SPACE plan designed to provide both canopy and shade and to give special character and coherence to each street.

- A.** Each STREET-SPACE must have STREET TREES planted generally in the centerline of the TREE LAWN or not less than 3'6" from the back of the curb, unless otherwise specified on the REGULATING PLAN, and at an average spacing not greater than 30' on center (average calculated per BLOCK FACE). Spacing allowances may be made to accommodate curb cuts and infrastructure elements; however, at no location may STREET TREE spacing exceed 45' on center except where necessary for ALLEYS, driveways, or transit stops.

- B.** Required STREET TREE planting area minimum specifications are as follows:

1. They must be at or not greater than 6" above the sidewalk.
2. Soil surface area must be no less than 110 square feet per isolated tree or 90 square feet per tree for connected (TREE LAWN) situations. (See Diagrams A and B).
3. No dimension of the soil surface area may be less than 6' unless otherwise specified in this ordinance.
4. A pervious paving strip, maximum 18" wide, may be placed at the back of the curb for access to on-street parking.
5. Neither the pervious paving strip per 4 above, nor a Tree Warden approved tree grate, will be measured against the minimum soil surface area in 2 and 3 above.

Diagram A. Connected Situation

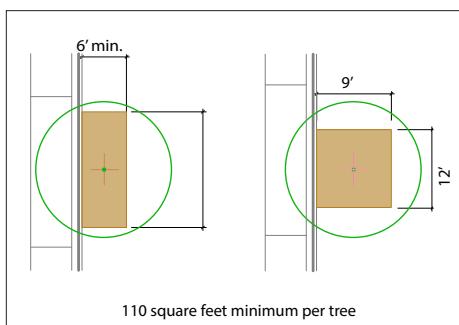


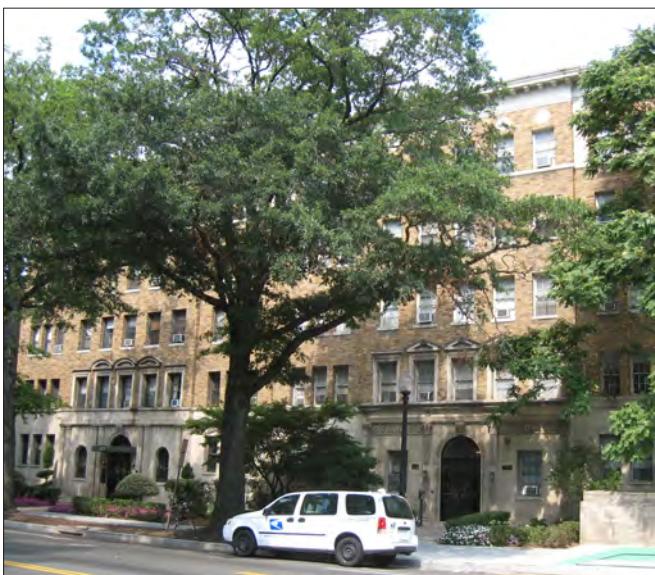
Diagram B. Isolated Tree Situation

- C.** Street construction designs should incorporate continuous street tree trenches (connected soil areas). The requirements in B, above may be met through the use of Silva Cells, bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of healthy and long-lived STREET TREES.
- D.** At planting, STREET TREES must be at least 3½" caliper, measured 4 feet above grade and at least ten feet in overall height. Species must be selected from the *G. Street Tree List*, below. Consult with the Zoning Administrator/Town Tree Warden for any designated tree species for a particular STREET-SPACE.
- E.** Any unpaved ground area must be planted with ground cover, or flowering vegetation, not to exceed 8" in height unless approved by the Zoning Administrator as part of a streetscape plan. STREET TREES should be "limbed up" as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7' clear over the sidewalk and 14' over any travel lanes) and to maintain visibility.

## F. Street Tree Specifications

1. Species in the Street Tree List are selected for their physical characteristics: size, habit of growth, and hardiness. The use of alternate species may be approved by the Zoning Administrator, in consultation with the Tree Warden.
2. No single species may exceed 20% of the overall Taft Corners Street Tree palate.
3. The Street Tree list should be periodically reviewed and updated. These are appropriate species for Taft Corners, but regional disease patterns change over time, and this list will need to evolve. Inclusion in this list is based on the following criteria:
  - a. Structural – STREET TREES shape and subdivide the STREET-SPACE, increasing pedestrian comfort and adding value. These are primarily “canopy shade tree” species that grow to heights in excess of 60’ and have a broad canopy—enabling them to clear auto and pedestrian traffic, form a ceiling-like enclosure, and open a clear view of the STREET-SPACE, FAÇADES, and SHOPFRONTS.
  - b. Survivability – Life as a typically planted street tree is nasty, brutish, and short. Few species are tough enough to thrive and grow. Appropriate species have special tolerance to salt and soil compaction. Proper STREET TREE planting techniques and configurations provide a healthy environment in which the tree can thrive—this will ensure that the trees increase their value to the community as they grow.
  - c. Form and color – consistent species planted along a given length of a STREET-SPACE will provide a distinct form, especially in Fall colors. This provides species diversity at the same time it provides specific street character by planting different STREET-SPACES with different trees. Species diversity is important, and a variety of appropriate STREET TREE species must be planted within Taft Corners, to provide a healthy overall bio-diversity.
4. Public Space Trees  
In addition to the above, trees recommended by Vermont Urban & Community Forestry and meet the Taft Corners standards may be placed within DOORYARDS, SQUARES or CIVIC GREENS.
5. Private Space Trees  
No trees, or other plant species that have been identified as invasive by the Vermont Agency of Agriculture, Farm, and Markets Noxious Weeds Amended Rule may be planted in any outdoor location within Taft Corners. All other trees may be used (see the Vermont Urban & Community Forestry's Vermont Tree Selection Guide).

<b>STREET TREE LIST</b> (Large Canopy Trees – mature height 60 feet and above)	
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Betula nigra	River Birch
Celtis occidentalis *	Common Hackberry *
Ginkgo biloba	Ginkgo (male only)
Gleditsia triacanthos var. inermis	Thornless Honey Locust
Liquidambar styraciflua “Rotundiloba”	Seedless Sweetgum
Liquidambar tulipifera	Tulip Tree
Nyssa Sylvatica	Black Tupelo
Platanus occidentalis ‘Bloodgood’	London Plane tree
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus macrocarpa	Bur Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Quercus shumardii	Shumard Oak
Quercus velutina	Black Oak
Tilia Americana *	American Linden*
Tilia cordata ‘Greenspire’	Greenspire Littleleaf Linden
Tilia euchlora	Crimean Linden
Tilia tomentosa	Silver Linden
Ulmus americana “libertas”	Liberty Elm
Ulmus americana	Princeton Elm



Intent Illustration *Street trees give a structure to the street, providing habitat, shade in the summer, color in the fall, and mitigate the architecture.*

## 5.5 Street Specifications

### A. Intent

1. These are presented both for new street construction and for the future reconfiguration of existing streets.
2. Streets within Taft Corners are designed to be an ideal complement to good transit service.
3. DOORYARDS and ALLEYS are generally reserved for utility easements.
4. These are Streets—not “roads, highways, arterials, or collectors”—and are designed as such to create people-oriented places balancing all transportation modes.

### B. Street Type Specifications

These are the configurations for streets within Taft Corners. These include a “comparative pedestrian crossing time” as a measure of pedestrian comfort - measured by the time a pedestrian will be outside the curb and in the automobile area when crossing at the intersection. Detailed cross sections follow.

1. Street Specifications
  - a. ST-36-80 and 38-80
  - b. ST-36-74 and 38-74
  - c. ST-38/86PCT
  - d. ST-P2A
  - e. ST-29

The following are not in the Williston Public Works Manual.

- f. Mid-Block Crossing and Emergency Vehicle Staging Area.
- g. AL-24
2. The street prescriptions can be found on the Taft Corners Street Specifications Map. (See the Zoning Administrator.)

### H. Intersection Configurations

1. At intersections the curbs extend the depth of the parking lanes, out to the travel lanes. Crosswalks are aligned as extensions of the sidewalks. This minimizes the pedestrian crossing distance and maximizes pedestrian comfort and visibility. (See *Diagram C* at right)
2. Curb Radii. Intersections involving any ST-2A and ST-86 Streets have a 30' curb radius. Intersections involving ST-80, ST-74, and ST-29 streets have a 20' curb radius. Street/Alley intersections have a 15' curb radius.

### Principles for Street Design in Taft Corners:

The appropriate design of streets is one of the most important elements for a vital urban environment. The following are general and current state of the practice design principles as well as public preferences expressed during the public outreach for Taft Corners.

- Designing for continuous free-flowing traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.
- With appropriate street designs, drivers self-select slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit changes or enforcement actions.
- An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets, thereby lowering traffic volumes on each street.
- Differences between “requirements” and “preferences” can be significant—increased lane width and the accompanying increased vehicle speed more often than not decreases the overall safety for pedestrians.
- On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians.
- Overall function, comfort, safety and aesthetics of a street are more important than efficiency alone.
- In a Town Center, non-vehicular traffic should be provided with every practical advantage so long as considered safety of all users is achieved.
- Street design should take into consideration what is reasonably and regularly foreseeable, not every situation that is conceivably possible.
- Designing a street to facilitate (rather than accommodate) infrequent users will likely be the wrong design for the frequent users of the space.
- When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user.
- Emergency vehicle access is important. With an interconnected street network, there will always be at least two routes of access to any lot or parcel, which creates redundancy and more opportunities for multi-modal streets favoring non-motorists.

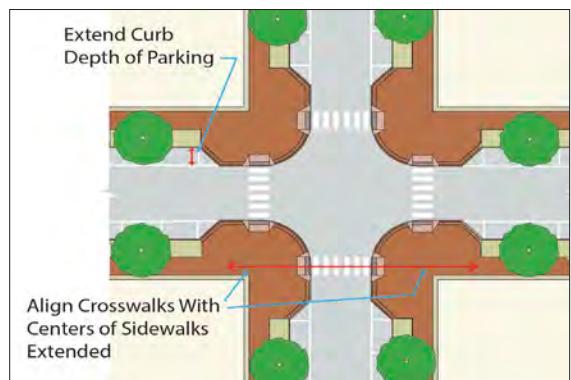


Diagram C. Intersection Crossings

## 5.5 ST-36/80 and 38/80



**INTENT, ST-80:** This street will serve areas that are generally residential.

## 5.5 ST-36/74 and 38/74



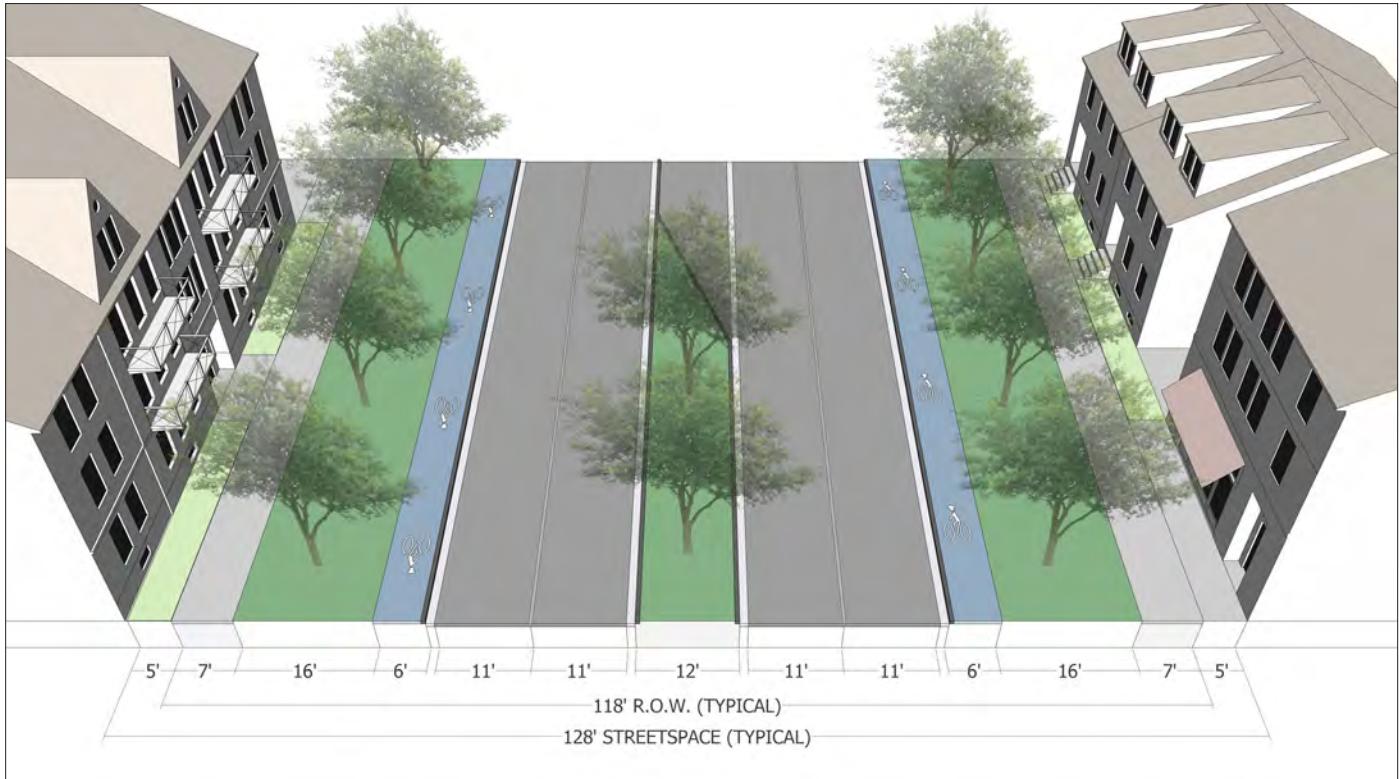
**INTENT, ST-74:** This street will serve areas that are mixed-use and residential (green dooryard). It is also the designated Shopfront retail street (with the DOORYARD and TREE LAWN areas paved).

## 5.5 ST-38/86PCT



**INTENT, ST-86PCT:** This street provides the main circulation framework for autos and bicycles in Taft Corners. It will serve areas that are mixed-use and residential, including Williston Road/2 (Town Controlled).

## 5.5 ST-2A (Town Controlled)



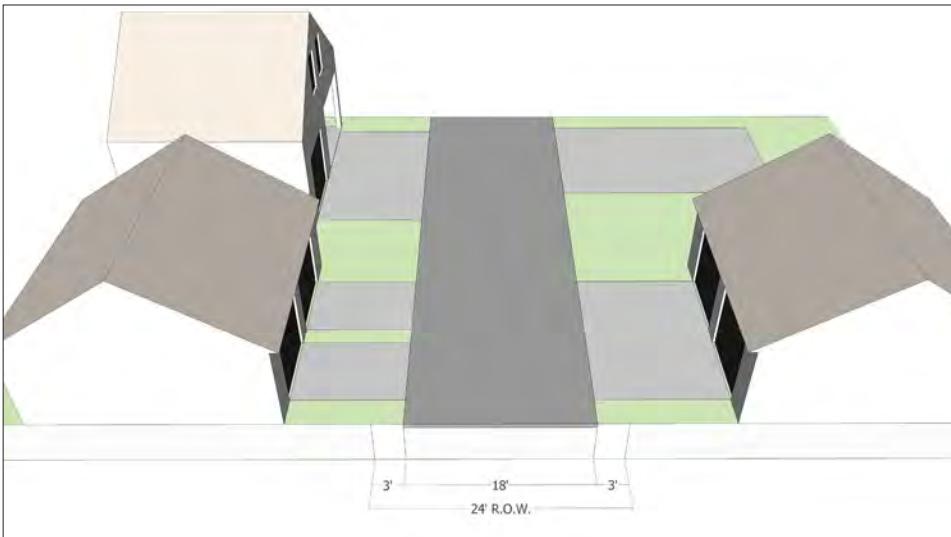
**INTENT, ST-2A (Town-controlled):** This Boulevard will serve areas that are primarily mixed-use.

## 5.5 ST-29/P



**INTENT, ST-29:** This street will serve areas that are generally residential.

## 5.5 ALLEY-18/24



**INTENT, Alley:** This will serve all areas.

## 5.5 Mid-Block Crossing and EV Staging Area



**INTENT**, Mid-Block Crossing and EV Staging Area: This will serve all areas.

## 5.5 Taft Corners Street Specification Metrics

	20-25	20-25	20-25	20-25	20-25	25	15-20
Street	Street						
2-way	1-way						
1 lane each direction	2 lanes each direction	1 lane	sh				
n Lanes	no	no	no	no	optional	yes	no
8' parallel both sides	no	8' parallel both sides					
Avenue Width	36'	38'	36'	38'	38'	24' + 24'	29'
yes, vertical	yes, vertical						
no	no	no	no	no	no	yes, 12'	no
ties	yes	yes	yes	yes	yes	yes	yes
no	no						
yes	yes	no	no	no	yes	yes	no
no	no	yes	yes	no	no	no	yes
facilities							sh
WALK	6'	6'	6'	6'	6'	7'	6' (varies)
	9'	8'	8'	7'	7'	16'	7' (varies)
	7'	7'	5'	5'	5'	5'	n/a (varies)
	9'	9'	8'	7'	7'	16'	7' (varies)
Crossing Time	5.7 sec	6.3 sec	5.7 sec	6.3 sec	6.3 sec	6.9 sec + 6.9 sec	3.7 sec
threshold Gap	94'	115'	94'	115'	115'	251'	158'

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## Section 6. Parking and Loading

### A. Intent

1. Promote a “park once” environment within Taft Corners that will enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in a pedestrian friendly environment.
2. Reduce uncoordinated, inefficient, reserved single-purpose parking.
3. Utilize on-street parking.
4. Provide flexibility for redevelopment of small sites.
5. Insure the visibility and accessibility of publicly available parking.
6. Support and encourage a multi-modal, bicycle and pedestrian-friendly and transit supportive environment.

### B. Minimum Parking Requirements

1. The parking requirements include reserved parking and **SHARED PARKING**.
2. There is no minimum parking requirement for the re-use or renovation of an existing structure in which there is no gross floor area expansion.
3. There is no minimum parking requirement for ground floor commercial uses with a footprint under 5,000 square feet.
4. Minimum Reserved Parking  
Reserved parking includes all parking that is not **SHARED PARKING**.
  - a. Civic uses: There is no minimum requirement for reserved parking.
  - b. Non Residential uses: There is no minimum requirement for reserved parking.
  - c. Residential uses—minimum reserved parking spaces per dwelling unit:
 

(i) Efficiency/1-bedroom	.75 spaces/unit
(ii) 2 bedroom units	1.25 spaces/unit
(iii) 3 or more bedroom units	1.75 spaces/unit

*Note: In calculating the total number of minimum reserved spaces per building, any partial spaces .5 or above are rounded to the next whole number.*
5. Minimum **SHARED PARKING**:
  - a. Commercial
    - (i) Under 5,000 square feet non-residential gross floor area (GFA) has no minimum **SHARED PARKING** requirements.
    - (ii) 5,000 square feet or greater, non-residential GFA must provide a minimum of 1.25 spaces per 1,000 square feet as **SHARED PARKING**.
  - b. Residential uses
    - (i) .5 parking spaces per bedroom for up to 2 bedroom units;
    - (ii) no more than 2 parking spaces total per unit are required for combined Shared and Reserved parking.

### 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



Illustration  
*On-street Parallel Parking*



Illustration  
*Solar Canopy over mid-BLOCK Parking*



Illustration  
*Parking in the BLOCK interior*

6. SHARED PARKING must be accessible to the public and designated by appropriate signage and markings as determined by the Zoning Administrator in consultation with the PRC.
7. Bicycle Parking:
  - a. For commercial uses, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of commercial floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of commercial floor area. The employee and visitor racks may be co-located.
  - b. Bicycle parking racks are allowed in the DOORYARD in front of a SHOPFRONT (whether a designated Storefront frontage or an Town Center frontage being used for retail).
  - c. For RESIDENTIAL uses, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 5 units and 1 visitor bicycle parking rack (2-bike capacity) per 10 units. Projects under 5 units have no requirement.
  - d. Required minimum tenant or employee parking may be located within the building (but not within individual units) or in an otherwise secure location on-site.
  - e. Bicycle parking facilities must be visible to, or clearly identified for, intended users. The bicycle parking facilities must not encroach on the CLEAR SIDEWALK nor must they encroach on any required fire egress.
  - f. The Town may place additional public bicycle parking in a single dedicated on-street parking space (maximum 20' frontage) per BLOCK FACE. *See Figure A.*
8. Permissive parking and loading facilities. Nothing in this bylaw shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

*Note: In calculating the total number of minimum reserved spaces per building, any partial spaces .5 or above are rounded to the next whole number.*

## C. Maximum Parking Requirements

### 1. Reserved Parking

Maximum reserved parking requirements do not apply to structure parking. Surface parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

Use	Reserved Spaces (non-shared maximum)
<b>Residential</b>	2.0 per ROWHOUSE 1.0 per one-bedroom multifamily unit 2.0 per two or more-bedroom multifamily unit
<b>Nonresidential</b>	1.0 per 1,000 non-residential Gross Floor Area



Figure A. Consolidated public bicycle parking



Illustration B. Bikeshare and EBike use is encouraged.

**2. Maximum Surface Parking**

- a. Within TCFBC, the total reserved surface parking, must not exceed 2.0 spaces per 1000 square feet of gross floor area.
- b. Maximum surface parking standards do not apply to structured, basement (under/within a building), on-street, or underground parking
- c. There are no maximum limits on the amount of SHARED PARKING.

**D. Special Parking Standards, Joint Parking**

Sites abutting one another must physically connect their surface parking areas at the lot line to create connecting drive aisles. Site configurations existing prior to the adoption of the Taft Corners Form Based Code are exempt from this requirement.

**E. Special Parking Standards, On-Street Parking**

- a. A parking space located on a public street may be included in the calculation of SHARED PARKING requirements if it is adjacent to the building site (where more than 50% of the space is located within the street fronting the development parcel).
- b. Each on-street parking space may only be counted once.

**F. Special Parking Standards, Tandem Parking**

- a. Tandem parking is only allowed for residential uses.
- b. Two parking spaces in tandem must have a combined minimum dimension of 9' in width by 34' in length.
- c. Up to 50% of the total required off-street parking spaces provided may incorporate tandem parking.
- d. Tandem spaces must be assigned to the same dwelling unit. Tandem parking must not be used to provide guest/SHARED PARKING.

**G. Surface Parking Lot Planting.** For any surface parking lot not separated from the STREET-SPACE by a building, the space between the REQUIRED BUILDING LINE and the PARKING SETBACK LINE must be planted with canopy shade trees from the Tree Lists in *Section 5. Public Realm Standards*. Trees must be planted at a distance not to exceed 30' on-center within an area, 3 to 7' behind the REQUIRED BUILDING LINE and STREET WALL.**H. Achieving parking requirements:**

- a. Parking must be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the Taft Corners REGULATING PLAN and/or BUILDING FORM STANDARD. (See *Section 3*.)
- b. Required reserved parking spaces may only be approved on-site or on an adjacent parcel or a parcel directly across an ALLEY from the development it is serving, if that parcel has a long-term agreement acceptable to the Zoning Administrator.
- c. Minimum SHARED PARKING requirements may be met either on-site or within a 600' walking distance of the development.
- d. Any time or hour of the day restrictions on SHARED PARKING is subject to approval by the Zoning Administrator in consultation with the Design Review Board (DRB). The Zoning Administrator may give approval based on a finding that:
  - (i) the parking is visibly designated and accessible to the public;
  - (ii) at least 12 hours of public parking are provided in any 24-hour period; and that at least 8 of those hours are provided during either business or evening hours depending on whether the Zoning Administrator determines which A. best serves the overall Taft Corners interests. B. the primary use will be for COMMERCIAL OR RESIDENTIAL uses.

**I. Loading Facilities**

Where loading facilities are provided, they must be located to, and accessed from, the rear and/or ALLEY side of buildings.

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## Section 7. Building Functions

### A. Uses

Uses are grouped into broad categories. Permitted uses, by BUILDING FORM STANDARD and STORY, are shown in the use table below and defined in 7.H at the end of this Section.

1. All uses are defined in in F below. When in conflict, these standards govern.
2. Permitted uses by BUILDING FORM STANDARD frontage are shown in *Section C. Use Table*, below.
3. Certain uses are exempt per *Section 4.2 of the Williston Unified Development Bylaw*.
4. All uses not expressly approved or exempted are prohibited.
5. All uses must meet the standards of the applicable BUILDING FORM STANDARD in *Section 3*. Any additional development or performance standards are indicated in the *Section D. Use Table* and provided in *Sections D.-H.* below.

### B. Use Determination

1. Administrator Responsibility: The Zoning Administrator is responsible for categorizing all uses. If a proposed use is not listed in a use category, but can be said to be reasonably similar in intent and reasonably fit into one of the listed use categories, the Zoning Administrator must treat the proposed use as a approved use under that category. If a proposed use is not listed in a use category, and is fundamentally different from any other listed use and there is reasonable doubt that it is compatible with the functioning of Taft Corners, the use must be prohibited.
2. Uses Not Specifically Listed: When determining whether a proposed use is similar to a use listed in *Section 7*, the Zoning Administrator must consider the following criteria:
  - a. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of each use.
  - b. The ability of the proposed activity to reasonably function within the constraints of its BUILDING FORM STANDARD.
  - c. The likely impact on surrounding properties.
  - d. The intent of the Taft Corners Form Based Code.

### Taft Corners Form-Based Code:

#### **Sections 1 to 8**

1. Introduction
2. Regulating Plan
3. Building Form Standards
4. Architectural Standards
5. Public Realm Standards
6. Parking & Loading
- 7. Building Functions**
8. Administration

### C. Use Table

This table identifies the categories of uses allowed in the GROUND STORY and/or upper STORIES for each BUILDING FORM STANDARD frontage; however, some specific uses may be restricted or prohibited. All uses must comply with all other applicable standards in this Form-Based Code. Additional regulations specific to the use/function are referenced in the right-hand column.

		BUILDING FORM STANDARD (BFS)								ADDITIONAL REGULATIONS
		Town Center	Storefront	Transitional Neighborhood	Strollable Neighborhood					
CATEGORY		Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	For all uses, see F through H, below.
<b>RESIDENTIAL</b>	Household Living	P	P	X	P	P	P	P	P	
	Group Living	P	P	X	P	P	P	P	P <th data-kind="ghost"></th>	
<b>COMMERCIAL</b>	Office	P	P	X	P	P	P	P	P	
	Vehicle Sales	P	X	P	X	X	X	X	X <th></th>	
	Day Care Facilities	P	P	X	P	P	P	R	R <th></th>	
	Lodging	P	P	X	P	P	P	P	P <th></th>	
	Amusement and Recreation	P	X	R	X	X	X	X	X <th></th>	
<b>RETAIL</b>	Retail Sales & Service	P	R	P	R	X	X	X	X	
	Retail Fuel (Gas Station)	X	X	X	X	X	X	X	X <th></th>	
	Retail Cannabis	X	X	X	X	X	X	X	X <th></th>	
	Restaurant/Bar	P	R	P	R	P	X	X	X <th></th>	
	Banks/Financial Services	P	X	X	R	X	X	X	X <th></th>	
	Maker Space	P	R	P	R	X	X	X	X <th></th>	
<b>INDUSTRIAL</b>	Light Industrial & Manufacturing	P	P	X	P	P	X	X	X	
	Research & Development	P	P	X	P	P	X	X	X <th></th>	
	Wholesale/Warehouse/Distribution	P	P	X	X	X	X	X	X <th></th>	
	Auto Repair	P	P	X	X	R	X	X	X <th></th>	
<b>CIVIC</b>		P		P		P		P		See Section 1.

**Key:** P= Permitted    R= Additional Regulations Apply    X = Not Permitted

### D. General Development and Performance Standards

The following standards apply to all ICFBC frontages and use categories.

1. All approved uses must meet the *Section 3. Building Form Standard General Provisions* and those standards specified in the applicable individual BUILDING FORM STANDARD (BFS) pages.
2. No civic, commercial, retail, or institutional use is approved above a residential use.
3. Businesses providing drive-through services may not have a drive-through lane or drive-through service window that abuts or faces a STREET-SPACE.

4. Outdoor Storage  
Outdoor storage is prohibited.
5. Parking  
Parking lots and structures are required to meet all BUILDING FORM STANDARDS for the frontage sites on which they are located.
6. Nuisances, such as; smoke, radiation, vibration or concussion, excessive noise, heat or glare are governed by the Williston Unified Development Bylaw Performance Standards Chapter 18)

#### E. Residential Uses – Development and Performance Standards

1. See the Town Center, Transitional Neighborhood, and Strollable Neighborhood BUILDING FORM STANDARD frontages for configuration requirements for GROUND STORY residential uses fronting the STREET-SPACE.
2. A lobby serving an upper STORY residential use is approved on the GROUND STORY within the SHOPFRONT space of a Storefront frontage site.
3. Residential dwelling units are not approved within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.
4. Group Homes and Assisted Group Living uses are subject to all Vermont law and Williston Unified Development Bylaw requirements and certifications.

#### F. Commercial Uses – Development and Performance Standards

1. Amusement and Recreation, Commercial Assembly
  - a. Only Indoor Amusement uses are approved.
  - b. Theater, Auditorium, and Arena uses must meet the GROUND STORY FENESTRATION requirements of the applicable BUILDING FORM STANDARD, but are exempt from the upper STORY FENESTRATION requirements.
  - c. The lobby serving a Commercial Assembly or Indoor Amusement and Recreation use is approved in the SHOPFRONT area of a Storefront frontage.
2. Animal Sales and Service  
No outdoor kennels, play, or exercise areas are approved.
3. Restaurant/Bar
  - a. A restaurant or bar use is approved in the second STORY of a Storefront or Town Center frontage site provided it is an extension of the same restaurant and the second STORY floor area is equal to or less than the GROUND STORY floor area of the same use.
  - b. Outdoor areas for eating and drinking are allowed on the DOORYARD, TREE LAWN, and in outdoor service areas<sup>1</sup> in Town Center and Storefront frontages, but not in the CLEAR SIDEWALK area and subject to the issuance of all applicable permits and licensing.
  - c. Establishments with live entertainment are prohibited if the walls of the facility are within 200 feet of an Strollable Neighborhood frontage site within Taft Corners or a residentially zoned property which is outside of Taft Corners.
4. Vehicle Sales and Services
  - a. Surface parking lots for vehicle sales or rental can only be located and configured in compliance with the PARKING SETBACK LINE or other regulations for the site on which it is located, as indicated on the Taft Corners REGULATING PLAN and/or BUILDING FORM STANDARD. (See the REGULATING PLAN and Section 3.)

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<sup>1</sup> Note of intent: this would be behind the building and behind the required street wall, within the building build-out that is not required, or deeper in the lot behind or within the building.

- b. Auto repair services are subject to the following:
  - (i) The property must be at least 100 feet from any solely residential lot;
  - (ii) All mechanical work, or work involving powered tools, must be indoors (no open FENESTRATION), and strictly comply with D.4 above.
  - (iii) Overnight vehicular storage is not approved, unless within an enclosed building or behind a masonry PRIVACY FENCE;
  - (iv) The use may not include the display and rental of cargo trailers, trucks, or similar vehicles;
  - (v) Auto body repair is prohibited;
  - (vi) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited; and
  - (vii) Discarded and replacement vehicle parts and accessories must be stored inside the main structure.

5. Lodging

- a. GROUND STORY guest rooms are not approved within the required minimum SHOPFRONT depth in a Storefront frontage site.
- b. GROUND STORY guest rooms abutting any REQUIRED BUILDING LINE (or street frontage) must meet the configuration standards for GROUND STORY residential uses as specified in the General BFS.
- c. A lobby serving an upper STORY overnight lodging use is approved on the GROUND STORY of any Storefront frontage site.

6. Office

- a. Office uses are not approved within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.

7. Day Care Facility

All day care facilities are subject to all permitting and licensing requirements under Vermont Law and the Williston Unified Development Bylaws.

8. Retail Sales and Services

- a. No merchandise (including motorcycles, scooters, and automobiles) may be left within the DOORYARD when the business is not open.
- b. Maker-Space production/preparation functions may not occupy more than 1/3rd of the required minimum SHOPFRONT space of a Storefront frontage.
- c. Banks/Financial Services. Only retail banking services are approved within the required minimum depth for the SHOPFRONT space in a Storefront frontage site.

**G. Civic and Institutional Uses – Development and Performance Standards**

CIVIC BUILDINGS designed for civic uses (as defined in *Section 1. Definitions*) are not subject to *Section 4. Architectural Standards* or *Section 3. Building Form Standards*, except for *Section 3.1.E. Neighborhood Manners*.

## H. Use Definitions

1. **Commercial:** Any activity involving the purchase, sale, storage, or other transaction regarding the disposition of any article, substance, commodity, or services for consideration and profit; and the maintenance or conduct of offices, professions, dwelling rooms and units, or recreational or amusement enterprises conducted for profit.
2. **Civic Use:** Uses per 24 V.S.A. 4413(a) excepting solid waste and hazardous waste management facilities.
3. **Industrial:** Businesses involved in activities such as manufacturing or processing of products by automated, digital, mechanical, or manual means; warehousing and storage; waste disposal; transportation and logistics; research and development; and related technical engineering and distribution functions. (See also Manufacturing-Light, Office-Technical, Research and Development Facility, Food and Beverage Processing, etc.)
4. **Institutions:** Public and private uses including, but not limited to, colleges, universities, hospitals, churches and membership clubs.
5. **Maker Spaces:** An establishment, not exceeding 3,000 square feet of floor area, for activities and processes such as small-scale fabrication, welding, and coating, preparation, display, and sale of individually crafted items such as jewelry, furniture, sculpture, pottery, leathercraft, hand made articles, and related items. This includes uses that are typically not approved in non-industrial zoning districts.
6. **Light Manufacturing:** The manufacturing of finished products or parts from previously prepared materials using hand tools, mechanical tools, and electronic tools, including processing, fabrication, assembly, treatment, and packaging of products, as well as incidental storage, sales, and distribution of such products; as well as shops for overhaul and repair including for plumbing, HVAC, and electrical. A light manufacturing use may include a show room and/or offer public tours that are incorporated into the facility's ordinary operations.
7. **Office:** A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.
8. **Performing Arts Center/Theatre:** An establishment primarily used for performing arts performances which may include permanent seating.
9. **Residential:** Regularly used by its occupants as a permanent abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.
10. **Restaurant:** Any food service establishment subject to Vermont Health Regulations where food and beverages are prepared and served for consumption primarily on premises; and where the service of alcoholic beverages is incidental to the consumption of food (less than fifty percent (50%) of the gross sales receipts from the business).
11. **Retail:** The selling of goods, wares, or merchandise directly to the consumer.
12. **Warehouse:** A building used for the storage of goods or materials. Warehouses may include the local, regional, national or international distribution of goods but do not include retail sale of goods.
13. **Warehouse, Retail:** A building used for the sale of goods, in bulk or as individual retail items, to the general public or to a membership.
14. **Wholesale Sales:** The selling and/or distributing of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
15. **Worship, Place of:** A building, structure, or defined space used for religious devotion, including but not limited to churches, synagogues, and mosques.

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## Section 8. Administration, Application Process & Appeals

### 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.

### 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

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 from 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 [§4465] 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 approved 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 H 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. Administrative Modifications to the REGULATING PLAN**

Minor reconfigurations to the REGULATING PLAN may be allowed by the Zoning Administrator, after consultation with the Project Review Committee, without triggering a bylaw amendment, under the follow conditions and subject to the following standards:

1. Modifications to the frontage designation shown on the REGULATING PLAN are allowed within the parameters of *Section 3. Building Form Standards D.5 Frontage Designation Flexibility*.
2. Reconfigurations of the street alignments shown on the REGULATING PLAN may be allowed, subject to the design standards in Section 2.B.3.
3. REQUIRED BUILDING LINE location on specific lots may be modified under the following conditions and subject to the following standards:
  - a. Conditions.
    - (i) The REQUIRED BUILDING LINE location, and the location of its related State Highway, prevent conformance with the standards in *Section 5. Public Realm Standards*.
    - (ii) The REQUIRED BUILDING LINE location, and the location of its related Town Highway, prevent conformance with the standards in *Section 5. Public Realm Standards*.
    - (iii) The presence of the 100-year floodplain, River Corridor, steep slopes in excess of 30% grade, or Class II wetlands effectively prohibits development on the REQUIRED BUILDING LINE as identified on the REGULATING PLAN.
  - b. Standards.
    - (i) The REQUIRED BUILDING LINE may be adjusted only to the extent that it allows the applicant to fully accommodate all bicycle and pedestrian infrastructure required by *Section 5. Public Realm Standards*. All other regulatory elements measured from the REQUIRED BUILDING LINE (e.g. PARKING SETBACK LINE) shall move with any adjustments to the REQUIRED BUILDING LINE.
    - (ii) The Zoning Administrator, based on the recommendation of the Project Review Committee, may require phased installation of street elements (as required in *Section 5. Public Realm Standards*) in order to coordinate with municipal infrastructure projects identified in the Williston Capital Program and Budget and/or anticipated private infrastructure construction projects.
4. The Zoning Administrator will maintain a catalogue of all approved modifications. These modifications may be incorporated into the REGULATING PLAN during the next bylaw amendment.

## **I. Amendments to the Form-Based Code**

### **1. Text Amendments**

Any proposed change to the Code text will 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 other proposed change to the REGULATING PLAN will 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 2* 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) 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'.

#### (iii) 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 approved 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 approved 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).

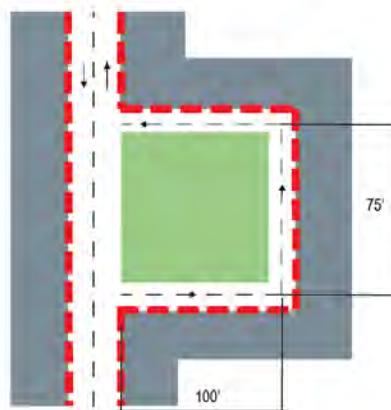


Diagram E.

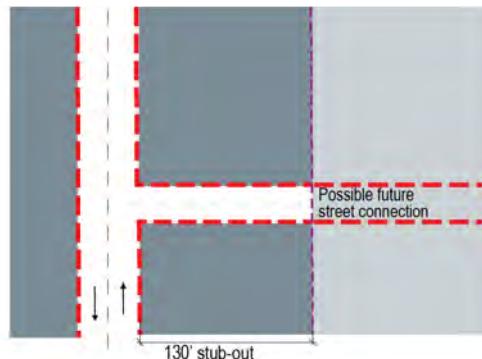


Diagram F.

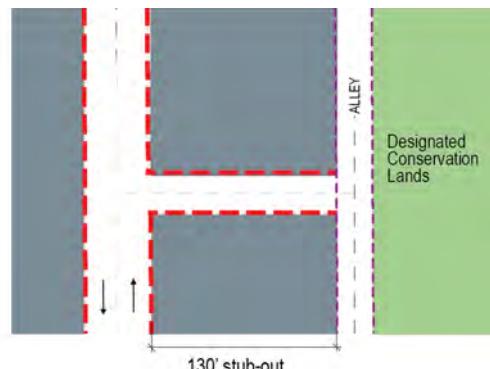


Diagram G.

### (iii) Application Requirements

- (1.) All parties applying for a Regulating Plan Amendment shall submit a map and/or engineered plan set displaying the proposed changes to the Regulating Plan and an application in a manner and form determined by Zoning Administrator as authorized by Section 4.3.6 of the Williston UDRs. Upon receipt of a complete application, the Planning Commission shall consider the proposed changes and make a decision about whether or not to complete a bylaw amendment within 90 days of receipt. The Planning Commission reserves the right to reject any requests it considers having been decided in an earlier application that involve substantially or materially the same facts.

## J. 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.

## K. 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:

1. 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 4. 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.
2. 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. Any "drive-through" uses, including those for banks, may not be extended.
  - b. A non-conforming use may not be extended to additional buildings or to land outside the original building.
3. 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.
4. 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.

## L. Severability.

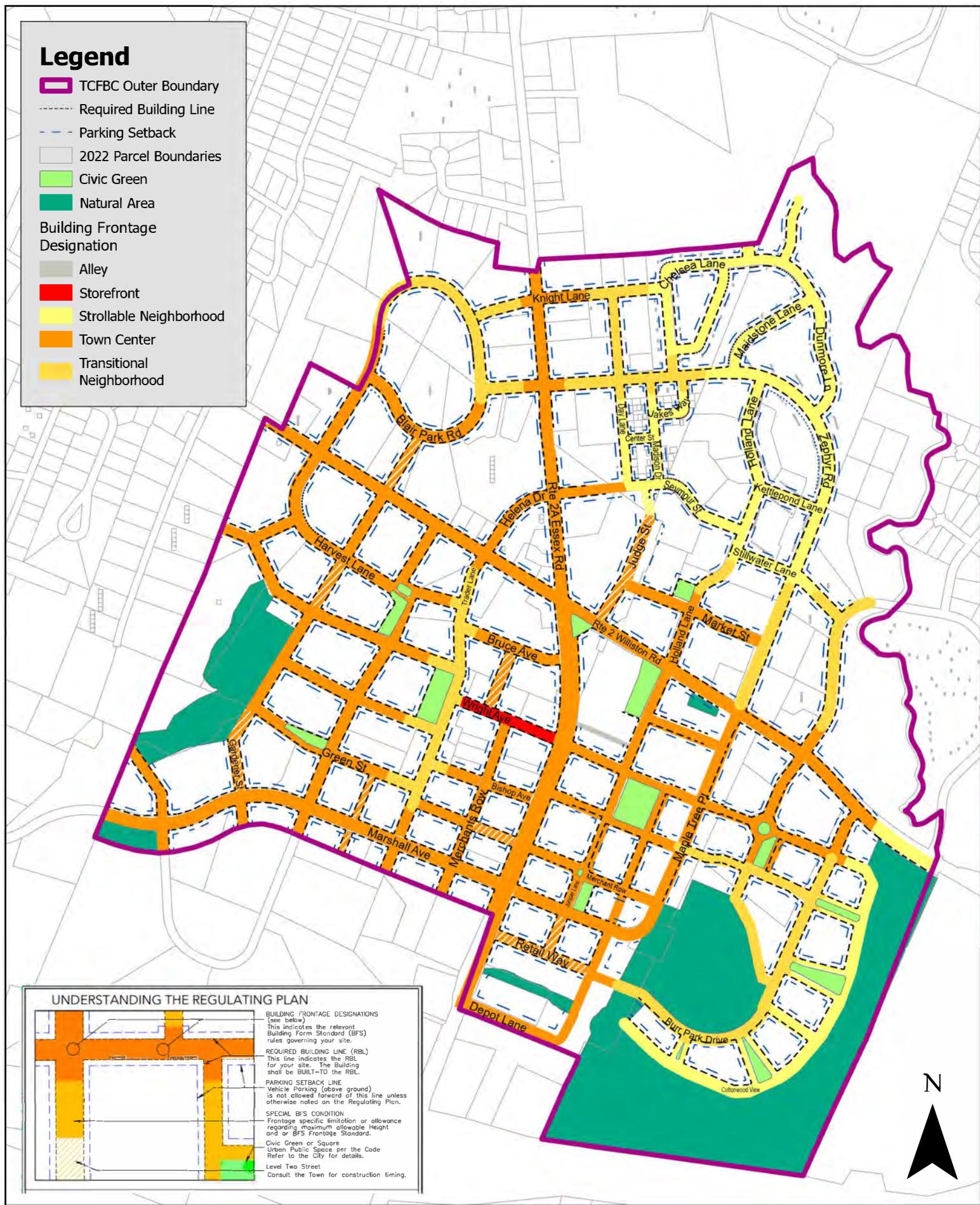
If any provision of the Taft Corners Form Base Code or the application of the Taft Corners Form Based Code in specific circumstances is held invalid by any court, the remainder of the Taft Corners Form Based Code and/or its application in other circumstances shall be unaffected.

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# Taft Corners Form Based Code Regulating Plan

## Legend

- TCFBC Outer Boundary
- Required Building Line
- - - Parking Setback
- 2022 Parcel Boundaries
- Civic Green
- Natural Area
- Building Frontage Designation**
- Alley
- Storefront
- Strollable Neighborhood
- Town Center
- Transitional Neighborhood



0      0.13      0.25      0.5 Miles

Adopted October 4, 2022. Amended June 4, 2024

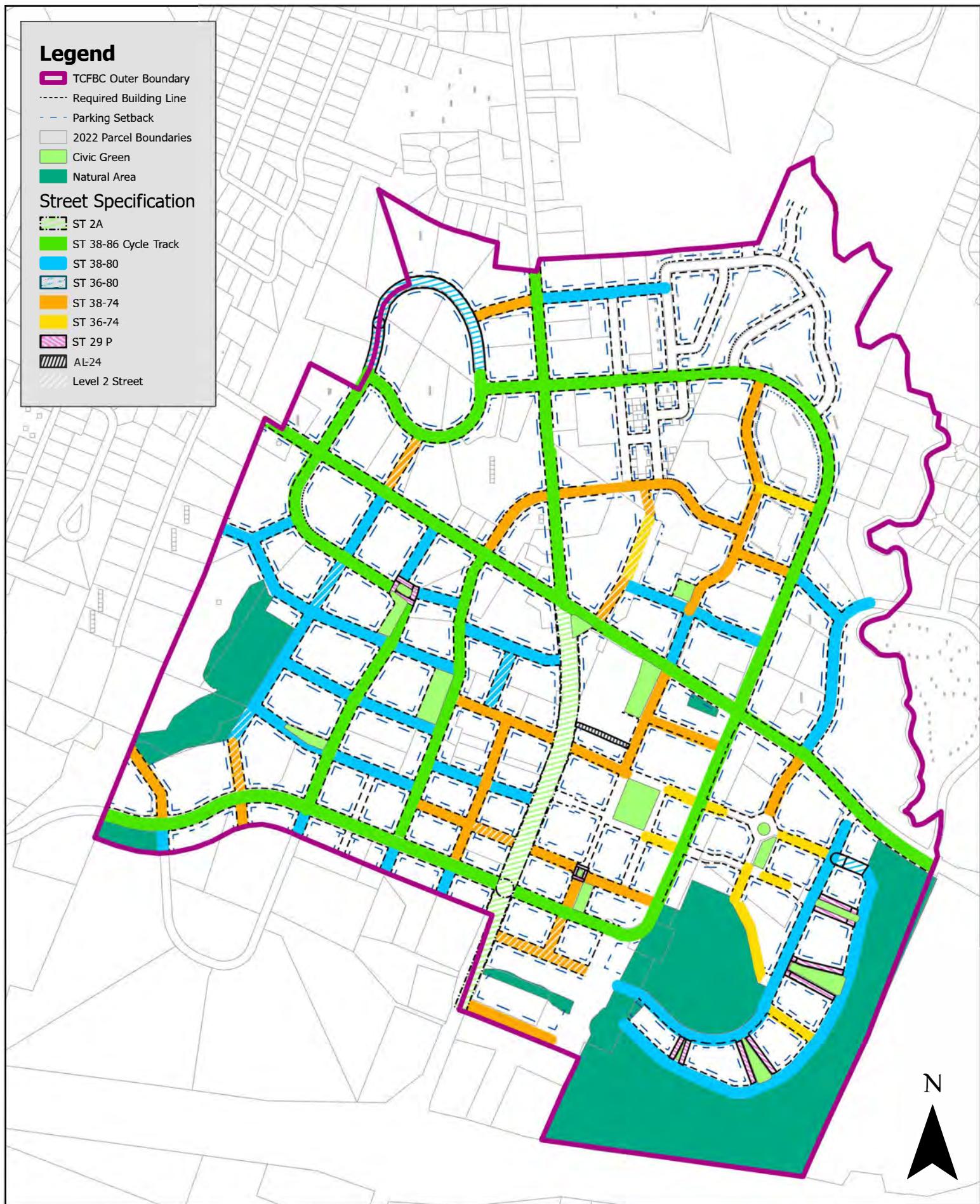
# Taft Corners Form Based Code Street Specification Map

## Legend

- TCFBC Outer Boundary
- Required Building Line
- Parking Setback
- 2022 Parcel Boundaries
- Civic Green
- Natural Area

## Street Specification

- ST 2A
- ST 38-86 Cycle Track
- ST 38-80
- ST 36-80
- ST 38-74
- ST 36-74
- ST 29 P
- AL-24
- Level 2 Street



## **Chapter 33**

### **Gateway Zoning District North**

This chapter establishes the Gateway Zoning District North (GZDN) and the standards that are specifically applicable within that district.

#### **33.1 Boundaries – Purpose – Permitted Uses**

**33.1.1 What are the boundaries of the GZDN?** The Gateway Zoning District North is shown on the official zoning map which accompanies this bylaw.

**33.1.2 What is the purpose of the GZDN?** This zoning district includes Williston's northern "gateway," on the west side of Route 2A. It offers a location for a continuing diverse mix of light industrial, commercial, and office uses.

**33.1.3 What uses are permitted in the GZDN?** See Table 33.A and WDB 33.1.3.1 and 2, below.

33.1.3.1. Retail Commercial. Predominantly retail uses are permitted only on lots facing Route 2A. Retailing will be further limited to uses that ordinarily require considerable space relative to the volume of sales and uses and that rely on outdoor sales and storage.

33.1.3.2 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**33.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

#### **33.3 Dimensional Standards**

**33.3.1 Is there a maximum building height in the GZDN?** Yes. The maximum building height in this zoning district is 36 feet.

**33.3.2 Must development in the GZDN be set back from property lines?** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

**33.3.3 Must development in the GZDN be set back from roads?** Yes. Setbacks from roads in this zoning district shall be:

33.3.3.1 ... from the right-of-way of Route 2A, 25 feet; and

33.3.3.2 ... from the right-of-way of any other road, 25 feet.

33.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

**33.3.4 What use can be made of the required setbacks?** The setbacks must be landscaped in compliance with Chapter 23. 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. Parking and loading areas may not be placed within required setbacks.

**33.3.5 Is a minimum frontage required in the GZDN?** Yes. All lots in this zoning district 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.

**33.4 Density Standards.** See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

**33.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**33.6 Specific Standards** Specific standards are presented in WDB 33.7 and 33.8.

### **33.7 Outdoor Sales and Storage**

**33.7.1 Are outdoor sales permitted in the GZDN?** Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

33.7.1.1 Within Buffers. Outdoor sales areas are not permitted within the landscaped buffers required by WDB 33.7.1.2 and Chapter 23.

33.7.1.2 Within Setbacks. Outdoor sales may be permitted within the front setbacks established by WDB 33.3.1, in compliance with the following standards.

- Outdoor sales areas may, along with access drives and other impervious surfaces, occupy no more than 50% of the area included within the setback. The remaining area must be landscaped, as required by WDB 33.3.4.
- Outdoor sales areas must be separated from roads by a continuous landscaped buffer that is at least eight (8) feet wide and includes the street trees required by Chapter 26 of this bylaw.
- Outdoor sales areas must be separated from sidewalks or recreation paths by a continuous landscaped buffer of at least six (6) feet.

**33.7.2 Is outdoor storage permitted?** Yes. Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

33.7.2.1 Buffering and Setbacks. Outdoor storage areas must be buffered from all adjoining properties as required by Chapter 23 of this bylaw.

33.7.2.2 **Screening**. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 33.3.4, may be required by the DRB. Where such a requirement is imposed, the screening shall be an architectural extension of the building, with similar colors and detailing.

33.7.2.3 **Temporary Storage**. Temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

**33.8 Slopes – Watershed Protection.** The northern and, to a lesser extent, western edges of this zoning district include steep slopes above the Winooski River. Development on or near these slopes is subject to review by the Conservation Commission and the standards of Chapter 29 of this bylaw. It is also subject to the additional standards adopted here.

***33.8.1 Are there additional limits on clearing and grading that could affect steep slopes in this zoning district?*** Yes.

33.8.1.1 **Below the Crest Line**. There shall be no clearing or grading of slopes greater than 15%, except where the DRB finds that there can be no reasonable use of the property without an exception to this standard.

33.8.1.2 **Above the Crest Line**. A 50-foot buffer shall be left above the crest line of the slope above the river. Where there is existing forest or woodland vegetation within that buffer it shall remain. Where the land has been previously cleared, woodland vegetation shall be re-established as part of the development. These required buffers may also be used to comply with the landscaped buffer standards of Chapter 23 of this bylaw.

***33.8.2 Are there additional limits on building that could affect steep slopes in this zoning district?***

Yes. Grading should be minimized by careful attention to the siting of access drives and roads, parking and loading areas, buildings, and other improvements, all of which should parallel the contours of the slope. Larger buildings should be terraced or stepped along the slope to help minimize both grading and apparent building mass. Retaining walls may be required to help minimize cut and fill.

**33.9- Retail Sale of Medical and Recreational Cannabis** The retail sale of cannabis for medical or recreational purposes is allowed in this zoning district, subject to the following application procedures and restrictions.

**33.9.1 Discretionary Permit Required.** An Administrative Permit to establish a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may only be issued by the Zoning Administrator following the approval of a Discretionary Permit by the DRB, following all of the required procedures of WDB 6.

**33.9.2 Submission Requirements and Security Plan.** Applications for Medical Cannabis Dispensaries and Recreational Cannabis Retail Operations must include all of the information required by the Discretionary Permit Checklist and must also include a Security Plan that explains how the business will be secured including:

- A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured.
- A description of how all cannabis materials will be secured within the operation, and

- A description of what on-site security will be provided during hours of operation, and
- A description of all alarm systems and automatic lighting or other systems that will be used to provide security for the dispensary after hours.

**33.9.3 Hours of Operation.** A Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may operate between the hours of 9:00 AM and 9:00PM.

**33.9.4 Signage.** Signage for a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may only be approved as a part of the Discretionary Permit. Signage shall include text only and shall not incorporate any graphical elements including but not limited to pictures, icons or symbols. Signs for Medical Cannabis Dispensaries and Recreational Cannabis Retail Operations may only be placed on the wall of the building containing the main entrance of the business within OR on the ground within 50 feet of the business entrance. Signs are limited to one (1) wall sign of 12 square feet in size OR one freestanding sign no more than six (6) feet in height of no more than eight (8) square feet in size.

**33.9.5 Location** No Medical Cannabis Dispensary or Recreational Cannabis Retail Operation shall be located:

- within 200 feet of the property line of a residential property, with the exception of a residential property across a state highway, or
- within 1000 feet of the property line of a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation in existence at the time a complete application for a Discretionary Permit is filed with the Zoning Administrator;
- Except a single business which functions as both a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation shall not be required to separate the medical and recreational operations from one another as described above.

<b>Table 33.A - Gateway Zoning District North</b>	<b>NAICS</b>	<b>Notes</b>
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.		
<i>on parcels facing on Route 2A</i>		
<b>Retail Trade</b>		
Motor Vehicle & Parts Dealers	441	
Furniture and Home Furnishings Stores	442	
Building Material & Garden Equipment & Supplies	444	
Gasoline Stations, with convenience stores	44711	
Convenience Stores	44512	
Sporting Goods Stores	45111	
<i>off Route 2A</i>		
<b>Construction</b>	20	
<b>Manufacturing</b>	31-33	
<b>Wholesale Trade</b>	42	
<b>Retail Trade, but only as listed below</b>		
Motor Vehicle & Parts Dealers	441	
Home Furnishings Stores	4424	
Building Material & Garden Equipment & Supplies Dealers	444	
Manufactured Home Dealers	45393	
Nonstore Retailers	454	
Medical and Recreational Retail Cannabis Sales	453998	In this category, only Medical and recreational Cannabis sales may be allowed, and only with the approval of a Discretionary Permit.
<b>Transportation &amp; Warehousing,</b> but not 491, retail outlets for the Postal Service	48-49	
<b>Information</b> , but not 51213, Theaters or Public Libraries	51	Theaters and libraries should be confined to the growth center or village center.
<b>Finance and Insurance</b>		
Investment Advisors	52393	
Insurance Agencies and Brokerages	52421	
<b>Real Estate And Rental and Leasing</b>		
Real Estate Offices	5312	
Real Estate, Related Activities	5313	Property managers and appraisers.
<b>Rental &amp; Leasing Services</b>	532	

<b>Professional, Scientific, and Technical Services, but only as listed below</b>		
Profession and Technical Services	541	
Testing Laboratories	54138	
Veterinary Services	541940	But only for small animals.
<b>Admin &amp; Support - Waste Management &amp; Remediation, but only as listed below</b>		
<b>Admin &amp; Support Services</b>	561-5616	
Waste Management & Remediation Services	562	
<b>Health Care and Social Assistance</b>	62	
<b>Fitness and Recreational Sports Centers</b>	71394	
<b>Accommodation &amp; Food Services, as listed below</b>		
Limited Service Eating Places (cafeterias, snack bars)	72421	Only as an accessory use.
Food Service Contractors	72401	
Caterers	72402	
Mobile Food Services (vendors, kiosks)	72403	
<b>Other Services, but only as listed below</b>		
Repair & Maintenance	811	
<b>Civic and Professional Organizations</b>	813	
Death Care Services	8124	
Dry Cleaning & Laundry Services	81202	
Linen & Uniform Supply	81203	
Pet Care	81291	
<b>Public Administration</b>	92	Public parks are permitted in all zoning districts.

## **Chapter 34**

### **Gateway Zoning District South**

This chapter establishes the Gateway Zoning District South (GZDS) and the standards that are specifically applicable within that district

#### **34.1 Boundaries – Purpose – Uses Permitted**

**34.1.1 What are the boundaries of the GZDS?** The GZDS is shown on the official zoning map that accompanies this bylaw.

**34.1.2 What is the purpose of the GZD?** The area around Exit 12 is a “gateway,” in which many people form their first impression of Williston. The high level of accessibility and visibility make this an appropriate location for uses that serve travelers on I-89 and shoppers, as well as for offices that attract commuters from throughout the region. Pedestrians will not be forgotten, however, nor will pavement, steel, and chrome be allowed to dominate the view from the road. Special care will be taken to protect the wooded hillsides south of I-89 and safe access to Route 2A will be a major consideration.

**34.1.3 What uses are permitted in the Gateway Zoning District South?** Two principal types of development are anticipated in the GZDS: traveler services and offices. This bylaw also allows residential uses to be mixed with offices south of I-89 and provides limited opportunities for industrial uses in existing and approved buildings. Allowed uses are as follows:

34.1.3.1. Traveler Services. Parcels fronting Route 2A will continue to be developed for services to travelers and commuters. The uses that may be approved are shown in Table 34.A. Park-and-ride lots are also permitted.

34.1.3.2 Office Parks. Off Route 2A, this area is suitable for offices that attract employees and clients from throughout the region. The types of office use that may be permitted are listed in Table 34.A.

34.1.3.3 Residential. Residential uses may be mixed with offices at a minimum average density of five dwellings per acre (5 D/A) and a maximum average density of 7.5 D per acre (7.5 D/A). That maximum may be increased to as many as 11 D per acre with a transfer of development rights, as permitted by WDB 19.5, or a density bonus, as permitted by WDB 19.2.6

34.1.3.4 Light Industrial and Warehousing Uses. Industrial uses that do not generate large volumes of truck traffic may be permitted in existing or approved buildings that are designed for that purpose. WDB 34.9 and 34.10 set standards for such uses.

**Approved?** The term ‘approved’ is important in WDB 34.1.5.4 because it honors the possibility for one additional building that was approved in the specific plan adopted for the Hillside East area. That building could be used for an industrial use that provides all of the public benefits listed in the specific plan.

34.1.3.5 Accessory Structures and Uses. Accessory structures and uses are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**34.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

**34.3 Standards.** Development standards are contained in 37.3.1 through 37.7.2.3. below.

**34.3.1 Is there a maximum building height in the GZDS?** Yes. Building height in the GZDS is limited to 36 feet, except where it is reduced to comply with WDB 34.8.5, below.

**34.3.2 Must development in the GZDS be set back from property lines?** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

**34.3.3 Must development in the GZDS be set back from roads?** Yes. Setbacks from roads in this zoning district shall be:

34.3.3.1 From the Right-of-Way of I-89, 150 feet, except for public park-and-ride lots, which may be within 50 feet of I-89;

34.3.3.2 From the Right-of-Way of Route 2A, 75 feet; and

34.3.3.3 From the Right-of-Way of Any Other Road, public or private, 50 feet.

34.3.3.4 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Town Plan*, a multi-use path.

**34.3.4 What uses are permitted in the required setbacks?** Setbacks must be landscaped in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within the required setbacks.

**34.3.5 Is a minimum lot frontage required in the GZDS?** Yes. All lots in this zoning district 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.

**34.4 Density Standards.** There is no minimum lot size in this zoning district. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

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

**34.6 Specific Standards.** Standards that apply only in this zoning district are presented in WDB 34.7 and 34.8.

## **34.7. Outdoor Sales and Storage**

**34.7.1 Are outdoor sales permitted in the GZDS?** With the exception of gas pumps, outdoor sales are prohibited in this zoning district.

**34.7.2 Is outdoor storage permitted in the GZDS?** Outdoor storage is prohibited in this zoning district, except as provided here.

**34.7.2.1 During Construction.** Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

**34.7.2.2 Solid Waste.** Solid waste storage that is sited and screened in compliance with this bylaw is permitted.

**34.7.2.3 Storage Parking.** Service vehicles and vehicles awaiting repair and pick up may be kept in parking areas that are:

- in a side or rear yard (behind the front building line);
- buffered as required by Chapter 23 of this bylaw;
- in compliance with Chapter 14 of this bylaw.

## **34.8 Hillside Development**

**34.8.1 Is the clearing of woodland or forest limited?** Clearing of wooded or forested sites with an average slope of more than three percent (3%) will be limited to 35% of the area of the parcel that is within the GZDS. The remainder of each site must remain in woodland or forest vegetation, except as specifically provided by WDB 34.8.3. This clearing limit includes access roads and utility lines.

**34.8.2 Is pruning of the existing forest or woodland vegetation allowed?** Trees may be pruned and brush cleared to create sight lines that enhance security. Pruning shall not extend more than 10 feet above the ground surface.

**34.8.3 Is replacement of the existing forest or woodland vegetation with another type of landscaping allowed?** The intent of this chapter is to maintain the appearance of a wooded hillside south of I-89. The existing forest or woodland vegetation may be managed, as provided by WDB 34.5.2, but may be thinned or replaced with conventional landscaping only as permitted here.

**34.8.3.1 Park-and-Ride Lot.** The setback for a park-and-ride lot along I-89 may be converted to a Type III or IV landscaped buffer (see Chapter 23 for landscaped buffer types) to help provide site security.

**34.8.3.2 Conventional Lawns.** Small areas of lawn or other conventional landscaping may be proposed on the south-facing sides of buildings to highlight entryways and provide a place for employees or residents to recreate. Conventional landscaping is also permitted in parking lot islands or the central hub of a roundabout. These areas will be counted as part of the total cleared area permitted by WDB 34.8.1. They must include major shade and/or coniferous trees that have an expected mature height taller than the building.

34.8.3.3 North Sides. In order to protect views from the north, the existing scrub forest shall be removed from the north side of each building and replaced with a minimum 75-foot-wide buffer that mimics the mature (climax) mixed hardwood and evergreen forest vegetation expected on this site. In order to protect views while this required buffer matures, an additional buffer of at least 75 feet of the existing scrub forest shall be retained to the north of the planted buffer.

34.8.3.4 Defensible Space. Conventional landscaping shall be permitted only as provided in WDB 34.8.3.2. The existing forest or woodland vegetation on the east and west sides of buildings may be thinned, but not cleared, to provide a wildfire defense space no more than 30 feet in width.

**34.8.4 Is there a limit on impervious surfaces in the GZDS?** The total area of impervious surfaces permitted in this zoning district is not directly limited, but the use of structured parking and porous pavement to help minimize impervious surfaces is required wherever feasible.

34.8.4.1 Structured Parking. Structured parking must be used to provide at least 1/3 of the required parking for any building larger than 10,000 square feet or any combination of buildings totaling 40,000 square feet or more. The DRB may permit a partial exception to this requirement if the applicant can show that it is not physically feasible to comply.

34.8.4.2 Porous Pavement, Porous pavements must be used for surface parking, walks, and other flatwork. The DRB may permit a partial exception to this requirement if the applicant can show that it is not physically feasible to comply.

**34.8.5 Are there specific design standards for building on hillsides in the GZDS?** Yes.

34.8.5.1 Minimize cut and fill. Grading should be minimized by careful attention to the siting of access drives and roads, parking and loading areas, buildings, and other improvements, all of which should parallel the contours of the slope. Monolithic buildings should be avoided, and larger buildings should be terraced or stepped along the slope to help minimize both grading and apparent building mass. Retaining walls may also be required to help minimize cut and fill.

34.8.5.2 Minimize contrast. While color and vitality are encouraged in most of Williston's commercial areas, building design on the hillsides of the GZDS should minimize contrast with the slope and its forest cover. Building orientation and height; building bulk or mass; building materials and colors; the extent of glass (especially west-facing glass); and the location and design of signs will all be reviewed for compliance with this principle.

34.8.5.3 Terrace parking and loading areas. Surface parking and loading areas should be terraced or stepped along the slopes, with distinct level areas divided by ample areas of retained forest or landscaping.

34.8.5.4 Visual Absorption. No building shall be silhouetted against the sky, as viewed from any public way, except roads, sidewalks, and paths on the same parcel. To state this in another way, all buildings shall be fully visually absorbed by the slope and its woodland or forest cover.

34.8.5.5 **Lighting**. Careful attention must be paid to the impact of both outdoor and interior lighting, as seen through windows, on views across the property. Illumination should be subdued to the maximum extent consistent with the development's use. Large expanses of windows must not be placed on the north sides of buildings.

## **34.9 Industrial Uses.**

**34.9.1 Are “light” industrial uses permitted in the GZDS?** Table 34.A permits manufacturing uses in existing buildings, but only in compliance with WDB 34.9.2. New industrial buildings will not be permitted in this zoning district, except where they are consistent with an approved specific plan.

### **34.9.2 What standards apply to industrial uses in the GZDS?**

34.9.2.1 **Outdoor Sales and Storage** are strictly limited. See WDB 34.7.

34.9.2.2 **Suitability of Buildings and Property**. Industrial uses shall only be allowed in existing and approved buildings on sites that have already been designed for and are suitable for industrial uses. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

34.9.2.3 **Environmental Impacts**. Proposed industrial uses must not require permits from the State of Vermont for discharges to the air or water, or use hazardous materials in quantities that would trigger WDB 18.5.3's requirement for a Hazardous Materials Management Plan, with the exception of a stormwater discharge permit.

34.9.2.4 **Compatibility with Permitted Uses**. Industrial uses may be permitted in existing and approved buildings in the GZDS only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

## **34.10 Wholesale Trade, Warehousing and Distribution.**

**34.10.1 Are wholesale trade, warehousing, and distribution uses permitted in the GZDS?** Table 34.A permits wholesale trade and warehousing uses in existing buildings, but only in compliance with WDB 34.10.2. New warehousing and distribution buildings will not be permitted, except where they are consistent with an approved specific plan.

### **34.10.2 What standards apply to industrial uses in the GZDS?**

34.10.2.1 **Outdoor Sales and Storage** are strictly limited. See WDB 34.7.

34.10.2.2 **Suitability of Buildings**. Warehousing, wholesale trade, and distribution uses shall only be allowed in existing and approved buildings that have already been designed for and are suitable for warehousing, wholesale trade and distribution. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

34.10.2.3 **Compatibility with Permitted Uses**. Warehousing and distribution uses may be permitted in existing and approved buildings in the GZDS only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

<b>Table 34.A - Gateway Zoning District South</b>	<b>NAICS</b>	<b>Notes</b>
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and the purpose statement for this zoning district.		
<i>on parcels adjoining Route 2A ONLY</i>		
<b>Retail Trade, as below</b>		
Gasoline Stations, with convenience stores	44711	
<b>Accommodation &amp; Food Services, as below</b>		<b>No drive-through food service is permitted in Williston.</b>
Hotels and Motels, except Casino Hotels	72111	
RV Parks and Recreational Camps	72121	
Full Service Restaurants	72411	
Limited Service Eating Places (cafeterias, snack bars)	72421	
Caterers	72402	As an accessory to other permitted uses
Mobile Food Services (vendors, kiosks)	72403	As an accessory to other permitted uses
Drinking Places	72421	As an accessory to other permitted uses
<i>offices on all parcels</i>		
<b>Information, but specifically not 51213, Theaters</b>	<b>51</b>	Theaters are confined to the TCZD.
<b>Finance &amp; Insurance</b>	<b>52</b>	No drive-through banking is permitted in the GZDS.
<b>Professional, Scientific, and Technical Services, but specifically not 54194, Veterinary Services that involve livestock</b>	<b>54</b>	Vets for livestock are permitted only in the ARZD.
<b>Management of Companies &amp; Enterprises</b>	<b>55</b>	
<b>Administrative and Support Services, but specifically not 5617, Services to Buildings</b>	<b>561</b>	5617 is permitted in the IZDW
<b>Educational Services</b>	<b>61</b>	
<b>Health Care and Social Assistance</b>	<b>62</b>	
<b>Promoters of Performing Arts, Sports, Similar Events</b>	<b>7113</b>	
<b>Religious, Grantmaking, Civic, Professional Org</b>	<b>813</b>	
<b>Public Administration</b>	<b>92</b>	Public parks are permitted in all zoning districts.
<i>In existing and approved buildings ONLY</i>		

<b>Manufacturing</b> , but specifically not 322, Paper, 324, Petroleum and Coal Products, 325, Chemicals, or 331, Primary Metals Manufacturing	<b>31-33</b>	
Furniture and Home Furnishing Merchant Wholesalers	<b>4232</b>	
Prof and Commercial Equipment and Supplies Merchant Wholesalers	<b>4234</b>	
Electrical and Electronic Goods Merchant Wholesalers	<b>4236</b>	
Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	<b>4237</b>	
Miscellaneous Durable Goods Merchant Wholesalers	<b>4239</b>	
Merchant Wholesalers, Nondurable Goods	<b>424</b>	
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	<b>4248</b>	
Miscellaneous Non Durable Goods Merchant Wholesalers	<b>4249</b>	
Wholesale Electronics Markets and Agents and Wholesalers	<b>425</b>	
Warehousing and Storage	<b>493</b>	

**See WDB 34.9 for standards for these uses.**

## **Chapter 35**

### **Industrial Zoning District East**

This chapter establishes the Industrial Zoning District East (IZDE) and the standards that are specifically applicable within it.

#### **35.1 Boundaries – Purpose – Permitted Uses**

**35.1.1 What are the boundaries of the IZDE?** This zoning district is shown on the official zoning map that accompanies this bylaw.

**35.1.2 What is the purpose of the IZDE?** This zoning district was originally created for IBM's Williston facility. The 2006 *Town Plan* expanded it to include lands owned by the Chittenden Solid Waste District and VELCO. This zoning district is intended to accommodate uses related to computer and electronic equipment design and manufacturing, technology development and utilization businesses, offices of technology and business services that do not generate customer traffic, solid waste disposal, and utilities in the area that is accessible from Redmond Road in north-central Williston. IBM and their successor's operations in this zoning district have typically included data management, micro chip design, and office functions in support of manufacturing functions, including those located across the Winooski River in Essex Junction in a campus type setting. In recent years, owners of these lands have leases space in their existing buildings in this zone to other tenants who require office facilities within a business campus type setting. This zoning district may also be home to a future public works facility and a park built on the reclaimed landfill.

**35.1.3 What uses are permitted in the IZDE?** The uses permitted in this zoning district are listed in Table 35.A. Changes in that list of uses may be authorized through the Specific Plan process.

35.1.3.1 Landfills. This bylaw applies to the regional landfill that may be built on the lands in this zoning district only to the limited extent permitted by 24 V.S.A. § 4413(a)(5).

35.1.3.2 Public Power. As provided by 24 V.S.A. § 4413(b), this bylaw does not regulate public power generation and transmission facilities.

35.1.3.3 Accessory Uses. Customary accessory structures and uses are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**35.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

#### **35.3 Dimensional Standards**

**35.3.1 Is there a maximum building height in the IZDE?** Yes. The maximum building height in the IZDE is 36 feet.

**35.3.2 Must development in the IZDE be set back from property lines?** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

**35.3.3 Must development in the IZDE be set back from roads?** Yes. The minimum setback from any road in this zoning district shall be 50 feet.

**35.3.4 What use may be made of the required setbacks?** The required setbacks must be landscaped in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.

**35.3.5 Is a minimum lot frontage required in the IZDE? Yes.** All lots in this zoning district 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.

**35.4 Density Standards.** Lot Size. There is no minimum lot size in this zoning district. See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

**35.5 General Standards.** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**35.6 Specific Standards.** Standards that apply on in this zoning district are presented in WDB 35.7.

## 35.7. Outdoor Sales and Storage

**35.7.1 Are outdoor sales permitted?** No. Retail uses are not permitted in this zoning district.

**35.7.2 Is outdoor storage permitted?** Yes. Outdoor storage is permitted in this zoning district, but only within areas that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

**35.7.2.1 Buffering.** Outdoor storage areas must be buffered from all public ways and adjoining properties as required by Chapter 23.

**35.7.2.2 Screening.** Screening fences or walls must also be provided as required by Chapter 23 of this bylaw.

**35.7.2.3 Temporary Storage.** Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

**35.8 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, a new structure, or a major addition will be approved.

<b>Table 35.A - Industrial Zoning District East</b>	<b>NAICS</b>	<b>Notes</b>
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.		
<b>Mining, but only as listed below</b>		
Nonmetallic Mineral Mining & Quarrying	2120	Accessory to solid waste management and disposal only.
<b>Manufacturing, but only as listed below</b>		
Computer and Electronic Product Manufacturing	334	
<b>Telecommunication Facilities</b>	517	In compliance with Chapter 21.
<b>Data Processing, Hosting, and Related Services</b>	5182	
<b>Finance</b>	52	Only without in-person customer contact.
<b>Professional, Scientific, and Technical Services, but only as listed below</b>		
<b>Engineering and Related Services</b>	5413	But not those involving on-site customer contact or deployment of field service personnel.
<b>Design Services</b>	5414	But not those involving on-site customer contact or deployment of field service personnel.
<b>Computer Systems</b>	5415	Computer System Design and Related Services
<b>Management, Scientific, and Technical Consulting Services</b>	5416	
<b>Scientific Research and Development Services</b>	5417	
<b>Waste Management &amp; Remediation Services</b>	562	
<b>Utilities</b>	22	See WDB 35.1.3.2.
<b>Public Administration</b>	92	Public parks are permitted in all zoning districts.

## **Chapter 36**

### **Industrial Zoning District West**

This chapter establishes the Industrial Zoning District West (IZDW) and the standards that are specifically applicable within it.

#### **36.1 Boundaries – Purpose**

**36.1.1 What are the boundaries of the IZDW?** This zoning district is shown on the official zoning map that accompanies this bylaw.

**36.1.2 What is the purpose of the IZDW?** This zoning district accommodates a variety of industrial and some commercial uses, providing numerous jobs. The principal goal here is to ensure that industrial uses can prosper without adverse impacts on or complaints from incompatible neighbors.

**36.1.3 What uses are permitted in the IZDW?** See Table 36.A and the following notes.

36.1.3.1 Limited Commercial. Commercial uses will be limited to space-extensive retailing and a limited range of services that generally would not contribute to the on-the-street vitality of a retail shopping area.

36.1.3.2 Offices. Independent offices are not generally permitted in this zoning district, but may be permitted in business incubators or in order to support the adaptive re-use of existing industrial buildings.

**Business Incubator.** A space that is made available to start-up enterprises at less than market rates. Incubators generally provide central services to the start-ups, including shared administrative support and business planning.

36.1.3.3 Accessory Structures and Uses. Accessory uses and structures are permitted in all zoning districts, as provided in Chapter 17 of this bylaw.

**36.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

#### **36.3 Dimensional Standards**

**36.3.1 Is there a maximum building height in the IZDW?** Yes. Building height in the IZDW is limited to 36 feet. Equipment used for manufacturing (NAICS 31-33) located on parcels with frontage on Avenues A, B C, or D at least 300 feet from Industrial Avenue and Williston Road may exceed this maximum with the approval of a discretionary permit by the DRB. Applicants will be required to obtain written authorization from the FAA for any equipment allowed under this provision as required by WDB 4.3.

**36.3.2 Must development in the IZDW be set back from property lines?** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

**36.3.3 Must development in the IZDW be set back from roads?** Yes. The minimum setbacks from roads in this zoning district shall be:

36.3.3.1 ... from the right-of-way of I-89, 150 feet; and

36.3.3.2 ... from the right-of-way of any other road, 35 feet.

36.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Comprehensive Plan*, a multi-use path.

**36.3.4 What use may be made of the required setbacks?** The required setbacks must be landscaped in compliance with Chapter 23. 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. Parking and loading areas may not be placed within the required setbacks.

**36.3.5 Is a minimum lot frontage required in the IZDW?** 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.

**36.4 Density Standards.** There is no minimum lot size in this zoning district. See chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulated nonresidential densities.

**36.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**36.6 Specific Standards** Specific Standards are presented in WDB 36.7.

## **36.7. Outdoor Sales and Storage**

**36.7.1 Are outdoor sales permitted?** Yes. Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

36.7.1.1 Outdoor sales areas must be separated from public sidewalk/s or path/s by a lawn or other landscaped area.

36.7.1.2 Outdoor sales areas must not be within required setbacks or landscaped buffers.

36.7.1.3 Outdoor sales areas that contain more than 4,000 square feet of paving must comply with the landscaping requirements for parking areas. See WDB 23.5.

**36.7.2 Is outdoor storage permitted?** Yes. Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan.

Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

36.7.2.1 Outdoor Storage. Outdoor storage must be buffered from public ways and adjoining properties, as required by Chapter 23.

36.7.2.2 Screening. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 36.3.4, above, may be required by the DRB. Where such a requirement is imposed, the screening shall be an architectural extension of the building, with similar colors and detailing.

36.7.2.3 Temporary Storage. Temporary storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

**36.8 Specific Plans.** Specific Plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, new structure, or major addition will be approved.

Table 36.A - Industrial Zoning District – West	NAICS	Notes
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.		
<b>Mining, but only as listed below</b>		
Nonmetallic Mineral Mining & Quarrying	2120	
Support Activities for Mining	213	But only as an accessory to the above.
<b>Construction</b>	23	
<b>Manufacturing</b>	31-33	
<b>Wholesale Trade</b>	42	
<b>Retail Trade, but only as listed below</b>		
Motor Vehicle & Parts Dealers	441	
Home Furnishings Stores	4424	
Building Material & Garden Equipment & Supplies Dealers	444	
Manufactured Home Dealers	45393	
Nonstore Retailers	454	
<b>Transportation &amp; Warehousing</b>	48-49	
But retail outlets for Postal Service	491	Permitted only as accessory uses.
and Couriers & Messengers	492	Permitted only as accessory uses.
<b>Information</b>	51	
but specifically not 51213, Theaters	51213	Should be in the TC Zoning District
and specifically not 51911, News Syndicates	51911	These uses belong in the growth center or village center.
or 51912, Libraries PUBLIC ONLY!	51912	
Telecommunications Facilities	517	In compliance with Chapter 21.
Other financial investment activities	5239	
<b>Rental &amp; Leasing Services</b>	532	
<b>Professional, Scientific, and Technical Services</b>	54	

<b>Admin &amp; Support &amp; Waste Management &amp; Remediation, but only as listed below</b>		
Investigation & Security Services	5616	
Services to Buildings & Dwellings	5617	
Waste Management & Remediation Services	562	
<b>Educational Services, but only as listed below</b>		
Technical & Trade Schools	6115	
<b>Child Day Care Services</b>	6244	
<b>Arts, Entertainment, and Recreation, but only as listed below</b>		
Fitness and Recreational Sports Centers	71394	
<b>Accommodation &amp; Food Services, only as listed below</b>		
Limited Service Eating Places (cafeterias, snack bars)	724221	As an accessory to other permitted uses.
Food Service Contractors	72221	
Caterers	72232	
Mobile Food Services (vendors, kiosks)	72233	
<b>Other Services, but only as listed below</b>		
Repair & Maintenance	811	
Death Care Services	8122	
Drycleaning & Laundry Services, except coin-operated	81202	
Linen & Uniform Supply	81203	
Pet Care	81291	
<b>Public Administration</b>	92	Public parks are permitted in all zoning districts.

## **Chapter 37**

### **Mixed Use Commercial Zoning District**

The Mixed-Use Commercial Zoning District (MUCZD) contains lands generally 150' south of Marshall Avenue in The Designated Growth Center as shown on the Official Zoning Map.

#### **37.1 Purpose – Boundaries – Permitted Uses**

**37.1.1 What are the boundaries of the MUCZD?** The boundaries of the Mixed-Use Commercial Zoning District are shown on the official zoning map that accompanies this bylaw.

**37.1.2 What is the purpose of the MUCZD?** Located between the Form-Based Code Overlay District and Interstate 89, the MUCZD will serve as a transitional area where existing commercial activity can remain in an automobile-oriented, less design-conscious layout than that contained within the Form-Based Code Overlay District

**37.1.3 What uses are permitted in the MUCZD?** See Table 37.A. and WDB 37.1.3.1-5.

37.1.3.1 Allowed and prohibited uses are described in Table 37.A Retailing will be limited to uses that ordinarily require considerable space relative to the volume of sales and uses and that rely on outdoor sales and storage. Table 37.A imposes broad limits on retailing by type, but this purpose statement and the standards adopted below also limit the type of retailing that is appropriate in this zoning district. The retail uses that are permitted here must not detract from the concentration of pedestrian-oriented retailing in the TCFBC.

**Other Uses.** Beyond retail, a wide variety of uses are permitted by Table 37.A, all subject to standards that will, over time, add visual diversity and interest and make the area friendlier to pedestrians. This variety does not extend, however, to truly industrial uses.

**37.1.3.3 Outdoor Sales and Storage.** An important distinction between this and the adjoining commercial zoning districts is that outdoor sales and outdoor storage will be permitted.

**37.1.3.4 Residential Uses.** Residential uses encouraged. They should have a minimum density of 5 dwelling units per acre, an average density of 7.5 dwelling units per acre, and a maximum of 15 dwelling units per acre.

**37.1.3.5 Light Industrial and Warehousing Uses.** Industrial uses that do not generate large volumes of truck or vehicular traffic may be permitted in existing buildings that have been designed and built for these purposes. WDB 37.6 and 37.7 set standards for such uses. New buildings for industrial and/or warehousing uses are not permitted, and existing buildings not currently designed for these uses are not permitted.

**37.1.3.5 Accessory Uses.** Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**37.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

**37.3 Standards** Development standards are contained in 37.3.1 through 37.7.2.3.

### **37.3.1 What dimensional standards apply in this zoning district?**

37.3.1.1 Is there a maximum building height? Building height is limited to 36 feet, except where the incentives of WDB 37.5.4 apply.

37.3.1.2 Are there property line setbacks? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

37.3.1.3 Are there setbacks from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

from the right-of-way of I-89, 150 feet;

from the right-of-way of any other road, 25 feet.

37.3.1.4 Use of Required Setbacks. The required setbacks must be landscaped in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.

### **37.3.1.5 Lot Size and Dimensions.**

Lot Size. There is no minimum lot size in this zoning district.

Frontage. 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.

**37.3.2 Do the general standards of this bylaw apply to development in this zoning district?** Yes. Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw.

**37.3.3 Are there additional standards specific to this zoning district?** Yes. They are presented in the following sections.

## **37.4. Outdoor Sales and Storage**

**37.4.1 Are outdoor sales permitted?** Outdoor sales are permitted in this zoning district, but only within areas designated for that purpose on the approved plan. Outdoor sales outside designated areas are a violation of this bylaw, subject to enforcement as provided in WDB 7.4-7.6.

37.4.1.1 Buffers and Setbacks. Outdoor sales areas must not be within the landscaped buffers required by WDB 37.3.1.2 and Chapter 23 or within the setbacks established by WDB 37.3.1.3.

37.4.1.2 Buffer from Sidewalk. Outdoor sales areas must be separated from sidewalks or recreation paths by a landscaped buffer of at least six (6) feet.

37.4.1.3 Internal Landscaping. Outdoor sales areas that contain more than 4,000 square feet of paving must comply with the landscaping requirements for parking areas established in Chapter 23.

**37.4.2 Is outdoor storage permitted?** Outdoor storage is permitted in this zoning district, but only within side and rear yards that are designated for that purpose on an approved site plan. Outdoor storage outside designated areas is a violation of this bylaw, subject to enforcement as provided by WDB 7.4-7.6.

37.4.2.1 Buffering and Setbacks. Outdoor storage areas must be buffered from all adjoining properties and public ways as required by Chapter 23 of this bylaw.

37.4.2.2 Screening. Screening fences or walls, which shall be located on the interior side of the buffer required by WDB 37.4.2.1, may be required by the DRB. Where such a requirement is imposed, the screening shall be an architectural extension of the building, with the same colors and detailing.

37.4.2.3 Temporary Storage. Temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

**37.5 Development Pattern.** There are currently a number of large, monolithic, single-story buildings in this zoning district, most of which have long dead walls and are surrounded by large expanses of pavement. These buildings will not be considered non-conforming so that they may be adapted to other uses, but the existing pattern will not be repeated in new development, which must comply with the following standards. Major additions to existing buildings must also comply with these standards to the extent determined to be feasible by the DRB.

**37.5.1 How will development be made more pedestrian-friendly?** Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

37.5.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is in contrast to the current situation in which the connection from the parking area is the principal connection.

37.5.1.2 Building Line to Street. New buildings must come to the setback from the street. This means that parking and outdoor sales must move to the side and/or rear of the building or, in the case of parking, into a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit an exception for accessible parking.

37.5.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarcated entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

**What is a Dead Wall?** A dead wall is any uniform blank wall that is 29 or more feet long.

### **37.5.2 How will buildings be made more appealing?**

37.5.2.1 **Building Mass**. Apparent building mass must be broken up using clearly demarcated doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may also be used to reinforce changes in massing. Changes in massing should not be merely cosmetic but should correspond to the arrangement of internal space in the building.

37.5.2.2 **Building Facades**. Building facades must feature:

a clearly distinguished foundation or base;

a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) or, preferably, a sloping roof; and

a clearly defined sign band or other set locations for signs.

37.5.2.3 **Side and Rear Walls**. The use of inferior materials for the sides or rear of a building is not permitted.

37.5.3 ***What other design elements are required?*** New development in the MUCZD must offer at least three of the following elements: These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal.

37.5.3.1 ... mixed commercial uses of varied sizes, including uses in two or more major (two-digit) NAICS classifications and excepting accessory uses, like incidental retail sales associated with a service business, and including uses that vary in floor area by more than 20%;

37.5.3.2 ... a “wrap” of smaller shops around at least one street facing side of any retail space of more than 20,000 square feet;

37.5.3.3 ... lodging (a hotel) and/or residential uses, including affordable dwelling units;

37.5.3.4 ... structured parking that provides 30% or greater of the required parking;

37.5.3.5 ... multiple stories, and not just the appearance of multiple stories;

37.5.3.6 ... wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

37.5.3.7 ... on-site renewable energy generation (solar panels or geo-thermal) generating 25% or more of the estimated energy demand of the development; and/or

37.5.3.8 ... an urban park, as defined in the *Open Space Plan*. Credit for compliance will be provided only where a proposed park is visible and accessible to the public so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

**37.5.4 Is there an incentive for performance?** Yes. The height limit will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwelling units, of which 30% or greater are perpetually affordable, and/or providing 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

**37.5.5 Are there any limits on the use of the incentive offered by 37.5.4?** Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive sloping rooflines. Buildings with flat roofs are limited to 36 feet in height.

## **37.6 Industrial Uses.**

**37.6.1 Are “light” industrial uses permitted in the MUCZD?** Table 37.A permits manufacturing uses in existing buildings, but only in compliance with WDB 37.6.2. New industrial buildings will not be permitted in this zoning district, except where they are consistent with an approved specific plan.

### **37.6.2 What standards apply to industrial uses in the MUCZD?**

37.6.2.1 Outdoor Sales and Storage are strictly limited. See WDB 37.4.

37.6.2.2 Suitability of Buildings and Property. Industrial uses shall only be allowed in existing and approved buildings on sites that have already been designed for and are suitable for industrial uses. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

37.6.2.3 Environmental Impacts. Proposed industrial uses must not require permits from the State of Vermont for discharges to the air or water, or use hazardous materials in quantities that would trigger WDB 18.5.3's requirement for a Hazardous Materials Management Plan, with the exception of a stormwater discharge permit.

37.6.2.4 Compatibility with Permitted Uses. Industrial uses may be permitted in existing and approved buildings in the MUCZD only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

## **37.7 Wholesale Trade, Warehousing and Distribution.**

**37.7.1 Are wholesale trade, warehousing, and distribution uses permitted in the MUCZD?** Table 37.A permits wholesale trade and warehousing uses in existing buildings, but only in compliance with WDB 37.7.2. New warehousing and distribution buildings will not be permitted, except where they are consistent with an approved specific plan.

**37.7.2 What standards apply to wholesale trade, warehousing, and distribution uses in the MUCZD?**

37.7.2.1 Outdoor Sales and Storage are strictly limited. See WDB 37.4.

37.7.2.2 Suitability of Buildings. Warehousing, wholesale trade, and distribution uses shall only be allowed in existing and approved buildings that have already been designed for and are suitable for warehousing, wholesale trade and distribution. Suitable buildings would have such design features as loading docks and site configurations that can accommodate truck traffic and truck turning movements.

37.7.2.3 Compatibility with Permitted Uses. Warehousing and distribution uses may be permitted in existing and approved buildings in the MUCZD only where their impacts on the environment, the town's infrastructure, and neighboring land uses are determined to be compatible with each other.

**37.8- Retail Sale of Medical and Recreational Cannabis** The retail sale of cannabis for medical or recreational purposes is allowed in this zoning district, subject to the following application procedures and restrictions.

**37.8.1 Discretionary Permit Required.** An Administrative Permit to establish a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may only be issued by the Zoning Administrator following the approval of a Discretionary Permit by the DRB, following all of the required procedures of WDB 6.

**37.8.2 Submission Requirements and Security Plan.** Applications for Medical Cannabis Dispensaries and Recreational Cannabis Retail Operations must include all of the information required by the Discretionary Permit Checklist and must also include a Security Plan that explains how the business will be secured including:

- A description of how all points of entry (including but not limited to doors, windows, HVAC grates and roof accesses) will be secured.
- A description of how all cannabis materials will be secured within the operation, and
- A description of what on-site security will be provided during hours of operation, and
- A description of all alarm systems and automatic lighting or other systems that will be used to provide security for the dispensary after hours.

**37.8.3 Hours of Operation.** A Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may operate between the hours of 9:00 AM and 9:00PM.

**37.8.4 Signage.** Signage for a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation may only be approved as a part of the Discretionary Permit. Signage shall include text only and shall not incorporate any graphical elements including but not limited to pictures, icons or symbols. Signs for Medical Cannabis Dispensaries and Recreational Cannabis Retail Operations may only be placed on the wall of the building containing the main entrance of the business within OR on the ground within 50 feet of the business entrance. Signs are limited to one (1) wall sign of 12 square feet in size OR one freestanding sign no more than six (6) feet in height of no more than eight (8) square feet in size.

**37.8.5 Location** No Medical Cannabis Dispensary or Recreational Cannabis Retail Operation shall be located:

- within 200 feet of the property line of a residential property, with the exception of a residential property across a state highway, or
- within 1000 feet of the property line of a Medical Cannabis Dispensary or Recreational Cannabis Retail Operation in existence at the time a complete application for a Discretionary Permit is filed with the Zoning Administrator;
- Except a single business which functions as both a Medical Cannabis Dispensary and Recreational Cannabis Retail Operation shall not be required to separate the medical and recreational operations from one another as described above.

**37.9 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district where it is not part of the TCFBC. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, or a new structure or major addition will be approved.

<b>Table 37.A - Mixed Use Commercial Zoning District</b>	<b>NAICS</b>	<b>Notes</b>
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.		
<b>Residential, (multi-household dwellings)</b>		
<b>Retail Trade, but only as listed below</b>		
Motor Vehicle & Parts Dealers	441	
Furniture and Home Furnishings Stores	442	
Building Material & Garden Equipment & Supplies Dealers	444	
Convenience Stores	44512	But only as an accessory to other permitted uses,
Sporting Goods Stores	45111	
Hobby, Toy, and Game Stores	45112	
Gift, Novelty, and Souvenir Stores	45313	But only as an accessory to other permitted uses
Cannabis Retail		As allowed in 37.8
<b>Information, but specifically not 51213, Theaters</b>	51	Theaters should be in the TCFBC.
<b>Finance &amp; Insurance</b>	52	
<b>Real Estate</b>	529	
<b>Professional, Scientific, and Technical Services, but specifically not 54194, Veterinary Services as noted</b>	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
<b>Management of Companies &amp; Enterprises</b>	55	
<b>Administrative Support Services</b>	561	
<b>Educational Services</b>	61	
<b>Health Care and Social Assistance</b>	62	
<b>Arts, Entertainment, and Recreation, but specifically not 71111 – Performing Arts Companies</b>	71	Theaters should be in the TCFBC Zoning District
<b>Accommodation &amp; Food Services, as listed below</b>		No drive-through food service is permitted.
Hotels and Motels, except Casino Hotels	72111	

Full Service Restaurants	72491	But only as an accessory to other permitted uses.
Limited Service Eating Places (cafeterias, snack bars)	72011	But only as an accessory to other permitted uses
Food Service Contractors	72019	
Caterers	72031	
Mobile Food Services (vendors, kiosks)	72033	
Drinking Places	72041	But only as an accessory to other permitted uses.
<b>Other Services, but only as listed below</b>		
Personal & Laundry Services	812	
specifically except 81203 Linen & Uniform Supply	81203	
<b>Public Administration</b>	92	Parks are permitted in all zoning districts.
Medical and Recreational Retail Cannabis Sales	453998	In this category, only Medical and recreational Cannabis sales may be allowed, and only with the approval of a Discretionary Permit.

<i><b>In existing and approved buildings ONLY</b></i>		
<b>Manufacturing</b> , but specifically not 322, Paper, 324, Petroleum and Coal Products, 325, Chemicals, or 331, Primary Metals Manufacturing	31-33	See WDB 37.6 for standards for these uses.
<b>Warehousing</b> , only as listed below		See WDB 37.7 for standards for these uses.
Furnishing and Home Furnishing Merchant Wholesalers	4232	
Prof and Commercial Equipment and Supplies Merchant Wholesalers	4234	
Electrical and Electronic Goods Merchant Wholesalers	4236	
Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	4237	
Miscellaneous Durable Goods Merchant Wholesalers	4239	
Merchant Wholesalers, Nondurable Goods	424	
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	4248	
Miscellaneous Non-Durable Goods Merchant Wholesalers	4249	
Wholesale Electronics Markets and Agents and Wholesalers	425	
Couriers and Messengers	492	
Warehousing and Storage	493	

## **Chapter 38**

### **Mixed Use Residential Zoning District**

The Mixed-Use Residential Zoning District (MURZD) is contained within Williston's State-Designated Growth Center

#### **38.1 Purpose – Boundaries – Permitted Uses**

**38.1.1 What are the boundaries of the MURZD?** The boundaries of the Mixed-Use Residential Zoning District are shown on the official zoning map that accompanies this bylaw.

**38.1.2 What is the purpose of MURZD?** This zoning district is north and east of the Allen Brook and is developed with residential uses and is transitional between the Growth Center Form-Based Code Zoning District and residential neighborhoods to the north and east.

**38.1.3 What uses are permitted in the MURZD?**

38.1.3.1 Only Residential uses subject to all applicable standards in this bylaw, are allowed north of Allen Brook in this district.

**38.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw.

#### **38.3 Standards**

**38.3.1 What dimensional standards apply in this zoning district?** The following standards in 38.3.1.1-38.3.1.5 apply:

38.3.1.1 Is there a maximum building height? Building height is limited to 36 feet.

38.3.1.2 Are there property line setbacks? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

38.3.1.3 Are there setbacks from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

- from the right-of-way of I-89, 150 feet; and
- from the right-of-way of an arterial road, 50 feet.
- There is no minimum setback from other roads. New buildings in this zoning district should have a direct and immediate relationship to the street. A sidewalk or recreation path must be provided along with street trees. Depending on the proposed character and intensity of the development the DRB may permit street trees to be installed in tree wells in a wide sidewalk or it may require a planting strip.

38.3.1.4 Use of Required Setbacks. The required setbacks must be in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.

#### 38.3.1.5 Lot Size and Dimensions.

- Lot Size. There is no minimum lot size in this zoning district.
- Frontage. 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.

## **Chapter 39**

### **Residential Zoning District**

This chapter establishes the Residential Zoning District (RZD) and the standards that are specifically applicable within that district.

#### **39.1 Boundaries – Purpose – Uses Permitted**

**39.1.1 What are the boundaries of the RZD?** The boundaries of the Residential Zoning District are shown on the official zoning map that accompanies this bylaw.

**39.1.2 What is the purpose of the RZD?** This zoning district includes Williston's suburban residential neighborhoods. Its purpose has long been to ensure that incompatible uses do not appear in those neighborhoods. These standards add another important goal: to encourage a somewhat more compact, diverse, and pedestrian-friendly pattern of residential development that also protects important open space resources. To help achieve this goal, the standards adopted here increase the density of development permitted in the RZD. This increase in density also recognizes the fact that some of Williston's most pleasant residential neighborhoods – Meadow Brook and Williston Hills, for example – were developed at higher densities and are now nonconforming. Permitting a somewhat higher density will also encourage the provision of more affordable housing.

**39.1.3 What uses are permitted in the RZD?** This is a residential zoning district. Very few other uses are permitted.

39.1.3.1 Residential Patterns: Development in the RZD must use a pattern that protects open space resources and results in a pedestrian-friendly neighborhood that is organized around one or more focal points wherever practicable. Focal points will usually take the form of a neighborhood green or park, but other focal points, like a community center, may be proposed.

39.1.3.2 Nonresidential. The only nonresidential uses permitted in this zoning district are childcare centers, churches, elementary and middle schools, and parks. Home businesses are also permitted (see WDB 20.4), but they are, by definition a residential use.

39.1.3.3 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw. See also Chapter 20 – Residential Improvements - for standards governing accessory structures and uses in the RZD.

**Where's the use table?** No use table is provided for this zoning district. The only uses allowed in the RZD are listed in WDB 39.1.3 above.

**39.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw. The creation of new residential lots and nonresidential uses in this zoning district always requires a discretionary permit.

#### **39.3 Dimensional Standards**

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

**39.3.2 Must development in the RZD 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 a landscaped buffer is not required, a minimum setback of 10 feet from the side and 15 feet from the rear property lines is required.

**Buffer Requirements?** Chapter 23 of this bylaw requires landscaped buffers between potentially incompatible uses. So, a buffer that complies with Chapter 23 must be provided where residential development adjoins other uses, including the nonresidential uses permitted in the RZD. 10 and 15-foot setbacks will be required between residential uses.

**39.3.3 Must development in the RZD be set back from roads?** Yes. Except where WDB 39.3.3.4 applies, the minimum setbacks from roads in the RZD shall be:

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

39.3.3.2 From the Right-of-Way of an Arterial Road, 50 feet; and

39.3.3.3 From Other Roads, Public or Private: 25 feet.

39.3.3.4 Average Setback Exception. Residential infill on lots in neighborhoods where the typical setback from the road varies from the standards of WDB 39.3.3.1-3 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 of the proposed dwelling.

**How Are Setbacks Measured?** Required setbacks are ordinarily measured at grade from the nearest point on the property or right-of-way line to the outside foundation wall of the structure or, where the setback is to a parking area or similar surface, to the outer edge of that surface. This method of measurement will not be used for structures that have an above-grade projection (bay window, deck, eaves, etc.) that extends more than three feet toward the property line.

**39.3.4 What uses are permitted in the required setbacks?** The required setbacks in the RZD must be landscaped 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.

**39.3.5 Is a minimum lot frontage required in the RZD?** 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.

**39.4 Density Standards.** See Chapter 19 of this bylaw for an explanation of how density is measured and a summary of the density standards in all zoning districts.

**39.4.1 What density of development is permitted in open space developments in the RZD?** The average density of open space developments in the RZD may not exceed five (5.0) D/A, except where:

39.4.1.1 ... a bonus for the provision of affordable housing is permitted, as provided by WDB 19.2.6

39.4.1.2 ... where development takes place on slopes of 15-30%, where the average density of development will be limited to one dwelling per acre.

39.4.1.3 Minimum Area Per Dwelling: Open Space Development. The minimum area per dwelling, where dwellings are placed on individual lots, in an open space development in the RZD shall be 5,445 SF.

**39.5 General Standards** Development in the RZD must, unless specifically exempted, comply with all standards established in Chapters 13 through 29 of this bylaw. See specifically the standards adopted in Chapter 20. Those standards regulate the typical use and improvement of all residential properties.

**39.6 Specific Standards.** Standards that apply only within this zoning district are presented in WDB 39.6.7-10.

**39.7 Outdoor Sales and Storage.** Other than the occasional sale of household goods (garage or yard sales) outdoor sales are not permitted in the RZD. Outdoor storage may be permitted. See Chapter 20 of this bylaw on both topics.

## **39.8 Open Space Development**

**39.8.1 Is there a requirement for the provision of open space in residential developments in the RZD?** Yes. As noted in WDB 39.1.2, proposed developments in the RZD must generally be consistent with Williston's goal of creating a compact, walkable neighborhoods while conserving open space.

**39.8.2 How much open space must be conserved?** Unlike the ARZD, there is no quantitative minimum requirement for open space conservation in the RZD. Every site will be different. The goal is to conserve as much as possible of the lands listed below, while permitting residential development at the density permitted by WDB 39.4.

39.8.2.1 Watershed Protection. The protected open space must include all lands within the watershed protection buffers established by Chapter 29 of this bylaw.

39.8.2.2 Significant Wildlife Habitat Areas. The protected open space must include all significant wildlife habitat areas identified in WDB Chapter 27 to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only significant wildlife habitat areas or has no other lands physically suitable for development, the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 19 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

39.8.2.3 Uncommon, Rare, Threatened, or Endangered Species. The protected open space must include all uncommon, rare, threatened, or endangered species as identified in WDB Chapter 27.

39.8.2.4 Unique Natural Communities. The protected open space must include all unique natural communities identified in WDB Chapter 27 to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only unique natural communities or has no other lands physically suitable for development,

the Conservation Commission and the DRB will work with that landowner to either effect a transfer of development rights, as provided by Chapter 16 of this bylaw or to create an open space development that minimizes consumption of lands that should be protected.

39.8.2.5 Scenic Viewsheds. The protected open space should include scenic viewsheds that are identified in WDB Chapter 27 or by the Conservation Commission. It is acknowledged, however, that the mapping of scenic viewsheds is not precise. It is also acknowledged that partial protection of a viewshed may be combined with development through good site planning. Landowners who wish to develop parcels including scenic viewsheds will work with the Conservation Commission and DRB to maximize protection of the identified view/s.

39.8.2.6 Minimizing Visual Impacts. People should expect to have views that include residential neighborhoods in the RZD, but the DRB may, with the advice of the Conservation Commission, require any of the mitigating measures listed in WDB 31.9.7 in order to protect a specific view.

39.8.2.7. Farmlands of Local Importance. Protecting farmland is not a primary goal in the RZD. It is assumed that residential development is desirable in this zoning district. The Conservation Commission and DRB will still evaluate the possibilities for protecting important farmlands, as identified in WDB Chapter 27, where they adjoin farms in the ARZD or where they may be used for community gardens.

39.8.2.8 Community Gardens. The provision of community gardens may be required where gardens associated with individual dwellings are not feasible.

39.8.2.9 Slopes: 30% or More. The protected open space must include all slopes of 30% or more, except where a variance can be justified, as provided by Chapter 8 of this bylaw.

39.8.2.10 Slopes: 15%-30%. The protected open space should include all slopes of 15%-30% to the extent consistent with the landowner's right to beneficial use of his or her property. This means that if a landowner has only slopes or has no other lands physically suitable for development, the Conservation Commission and DRB will work with that landowner to effect a transfer of development rights (see Chapter 19 of this bylaw) or to create an open space development that minimizes consumption of lands that should be protected. Where development is permitted on slopes of 15-30%, its density shall be reduced to one dwelling per acre.

39.8.2.11 Neighborhood Parks. Neighborhood parks are generally required in residential developments. See WDB 15.4.

39.8.2.12 Other Lands. Other lands within a proposed development may be included as protected open space in order to comply with the contiguity standard of WDB 39.8.3 and/or to provide a landscaped buffer required by Chapter 23 of this bylaw.

39.8.2.13 SP 23-01 Glaser Specific Plan, Parcel ID 09-012-082-000. The Glaser Specific Plan shall provide 50± acres of designated open space as substantial benefit for the purpose of upholding viewshed, working landscape, and conservation goals of the 2016-2024 Comprehensive Plan 13.2 and 13.3.3. The open space is two distinct areas: ±15-acres fronting on Mountain View Road with views of the Green Mountains and ±35-acres of pasture, wetland, and forest. The discretionary permit shall include irrevocable offer(s) of dedication

to the Town for the ownership of the open space area(s). Floating easement(s) for path connectivity towards the south and west may be required across minor sections of private land that may exist between the proposed the dedicated town open space and multi-use path that connects the two neighborhood clusters (see Appendix K site plan for notations). Other bylaw amendments for SP 23-01 can be found in WDB 11.2.3, 26.1.2.2.1. Refer to Appendix K for Specific Plan site plan and accompanying documents.

**39.8.3 Must the protected open space be contiguous?** The protected open space on a site should be contiguous wherever possible. It is acknowledged, however that complete contiguity may not be possible on every site in the RZD. Applicants will work with the Conservation Commission and DRB to maximize the contiguity of protected open spaces, while still attaining the permitted number of dwellings.

**39.8.4 Are there limitations on the use of protected open space?** Yes.

39.8.4.1 Agriculture and Forestry. Protected open space may be used for agriculture, forestry, community gardens, and landscaping.

39.8.4.2 Neighborhood Parks. Neighborhood parks may be sited on former farmlands or ‘other lands’ and may include incidental areas of other protected lands, like watershed protection buffers.

39.8.4.3 Crossings. Crossings of protected open space for roads, trails, and utility lines are permitted, but only where these crossings are consolidated to the maximum extent practical; the width and length of the crossing/s are minimized; and all areas disturbed during construction of the crossing are restored to their natural functions or appropriately landscaped. Plans for the restoration of disturbed areas must be included in the runoff and erosion control measures required by Chapter 29.

39.8.4.4 Trails. Trails may run through protected open space and no hedge, planting, or fence shall block such a trail. Fences are permitted for agricultural purposes, but where a fence crosses a trail, a gate or stile shall be provided. Depending on the area disturbed by trail construction, runoff and erosion control measures may be required by Chapter 29 of this bylaw.

39.8.4.5 Landscaped Buffers. Protected open space may be used as a landscaped buffer required by Chapter 23 of this bylaw.

## **39.9 Pedestrian-Friendly Development**

**39.9.1 Must sidewalks and/or trails be provided?** Yes. See WDB 15.2.4.

**39.9.2 How else will development be made more pedestrian-friendly?**

39.9.2.1 Pedestrian Connections. All principal building entrances must face the street and there must be a direct pedestrian connection between the principal building entrance and the adjoining sidewalk or trail.

39.9.2.2 Focal Points. New residential developments shall be organized around one or more focal points. Focal points may take the form of a neighborhood or community park or a village

green or square. A larger project might also have a community center or a pool as one of its focal points. Ideally, every dwelling will be within a 1,320 foot walk of a focal point, but the DRB may permit minor exceptions to this distance standard.

39.9.2.3 Connectivity. As required, by WDB 13.7, connectivity shall be maximized within and between residential neighborhoods. This does not preclude the use of cul-de-sacs where the terrain imposes a physical obstacle to connectivity. It does preclude gated neighborhoods and the use of cul-de-sacs or other dead-end streets where the terrain permits a reasonable connection.

## **39.10 Housing Choice**

**39.10.1 Is a diversity of housing types required?** The provision of a diversity of housing types in each residential neighborhood is not required, but it is strongly encouraged by the residential growth management system established by Chapter 11 of this bylaw.

**39.10.4 Are affordable neighborhoods protected from “scrape-offs?”** Yes. Infill development in the RZD with homes that have a significantly greater size and/or bulk than those surrounding them is limited. Infill housing shall have an FAR (floor area ratio) of no more than 2.5 times the average FAR of the eight nearest dwellings.

**What is a “scrape-off?** A scrape-off occurs when an existing home of modest size is demolished and replaced with a larger and more expensive home. Scrape-offs can eventually destroy both the affordability and character of a neighborhood.

## **Chapter 40**

### **Gateway Zoning District West**

This chapter establishes the Gateway Zoning District West (GZDW) and the standards that are specifically applicable within that district.

#### **40.1 Boundaries – Purpose – Permitted Uses**

**40.1.1 What are the boundaries of the GZDW?** The Gateway Zoning District West is shown on the official zoning map which accompanies this bylaw.

**40.1.2 What is the purpose of the GZDW?** This zoning district includes Williston's western "gateway," west of Taft Corners along Williston Road (U.S. 2); it is where many people form their first impression of Williston. It offers a potential location for the adaptive reuse of older single household dwellings with a mix of, office, commercial, and residential uses in a high visibility location along a major travel corridor into the town's growth center.

**40.1.3 What uses are permitted in the GZDW?** See Table 40.A and WDB 40.1.3.1 and 2, below.

40.1.3.1. Office and Commercial. Commercial and office uses are permitted only on lots facing Williston Road. Office and commercial uses are limited to those that are most likely to be compatible with the existing residential neighborhoods to the north and south.

40.1.3.2 Residential. Residential uses may be mixed with offices at a minimum average density of five units per acre (5 du/A) and a maximum average density of 7.5 units per acre (7.5 du/A). That maximum may be increased to as many as 10 dwelling units per acre with a transfer of development rights, as permitted by WDB 19.5 or with the development of perpetually affordable housing as provided by WDB .

Properties developed with single household dwellings in existence on January 1, 2015 may continue to be used as such, and may be expanded by adding additional floor area and bedrooms.

40.1.3.3 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**40.2 Permits.** Permit requirements are explained in Chapters 4-6. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

#### **40.3 Dimensional Standards**

**40.3.1 Is there a maximum building height in the GZDW?** Yes. The maximum building height in this zoning district is 36 feet.

**40.3.2 Must development in the GZDW be set back from property lines?** Yes. Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23.

**40.3.3 Must development in the GZDW be set back from roads?** Yes. Setbacks from roads in this zoning district shall be:

40.3.3.1 ... from the right-of-way of U.S. 2, 25feet; and

40.3.3.2 ... from the right-of-way of any other road, 25 feet.

40.3.3.3 Average Setback Exception. The DRB may allow the setback required along a local road to be reduced to the average existing setback. The average existing setback will be determined by the Administrator by averaging the existing setback on all properties that are along the same street and within 300 feet of the lot where a reduction is proposed. A reduction shall be permitted only where the reduced setback is sufficient to permit for the construction of a sidewalk or, where one is called for in the *Comprehensive Plan*, a multi-use path.

**40.3.4 What use can be made of the required setbacks?** The setbacks must be landscaped in compliance with Chapter 23. 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. Parking and loading areas may not be placed within required setbacks.

**40.3.5 Is a minimum frontage required in the GZDW?** Yes. All lots in this zoning district 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.

**40.4 Density Standards.** See Chapter 19 for an explanation of how density is calculated and a summary of the density standards of this bylaw. WDB 19.3 explains how the standards of this bylaw regulate nonresidential densities.

**40.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in Chapters 13-29.

**40.6 Specific Standards** Specific standards are presented in WDB 40.7 and 40.8.

**40.7 Design Review** All new commercial, industrial, and institutional buildings and multiple-household dwellings, and major additions to those buildings in this zoning district are subject to the design review standards of WDB Chapter 22.

## **40.8 Outdoor Sales and Storage**

**40.8.1 Are outdoor sales permitted in the GZDW?** No.

**40.8.2 Is outdoor storage permitted?** No. However, temporary outdoor storage of construction equipment and materials is permitted in compliance with Chapter 17 of this bylaw.

<b>Table 40.A - Gateway Zoning District West</b>	<b>NAICS</b>	<b>Notes</b>
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.		
<b>Residential (multi-household dwellings)</b>		
<b>Finance and Insurance</b>		
Investment Advisors	52393	
Insurance Agencies and Brokerages	52421	
<b>Real Estate And Rental and Leasing</b>		
Real Estate Offices	5312	
Real Estate, Related Activities	5313	Property managers and appraisers.
Rental & Leasing Services	5322	But not including outdoor sales and storage.
<b>Professional, Scientific, and Technical Services, but only as listed below</b>		
Profession and Technical Services	541	
Veterinary Services	541940	Only for small animals.
<b>Admin &amp; Support Services</b>	561-5616	
<b>Health Care and Social Assistance</b>	62	
<b>Other Services, but only as listed below</b>		
Death Care Services	8124	
Pet Care	81291	
<b>Civic and Professional Organizations</b>	813	
<b>Public Administration</b>	92	Public parks are permitted in all zoning districts.

## **Chapter 41**

### **Taft Corners Zoning District**

This chapter establishes the Taft Corners Zoning District (TCZD) and the standards that are specifically applicable within that district.

#### **41.1 Purpose – Boundaries – Uses Permitted**

**41.1.1 What are the boundaries of the TCZD?** The boundaries of the TCZD are shown on the official zoning map that accompanies this bylaw. The TCZD has been largely replaced by the Taft Corners Form-Based Code Zoning District (TCFBC), but a portion of lands in the northern part of Williston's Growth Center remain in the TCZD and are not in the TCFBC.

**41.1.2 What is the purpose of the TCZD?** The *Town Plan* (See Policy 3.1) calls for the development of a design-conscious, pedestrian-friendly, mixed-use town center in the heart of Williston's growth center.

##### ***Town Plan Excerpts that Provide the Policy Basis for this Chapter***

"The Town of Williston will encourage and support a design-conscious, pedestrian-friendly, mixed-use development and redevelopment pattern in the Taft Corners area. The town has worked toward this objective by successfully obtaining Growth Center Designation in 2008 and revising the Unified Development Bylaw in 2009. The town envisions the majority of new growth and development activity taking place in the Growth Center. The town will continue to support this objective by encouraging the construction of planned infrastructure in the Growth Center, concentrating new development in the Growth Center, and examining and monitoring the effectiveness of its bylaws"

from 3.1.3. Taft Corners – "The Taft Corners Zoning District is the core of Williston's commercial area – the place where the town's goal of creating a pedestrian-friendly, design conscious, mixed use commercial center can best be realized. Coupled with the construction of the grid streets, this will allow diverse, smaller-scale retail, office, and residential uses to be intermingled with the large retail stores and extensive parking areas that now dominate the area."

See also 4.2.4, 4.2.5, 4.2.6, 4.2.7, and 4.3.

##### **41.1.3 What uses are permitted in the TCZD? See Table 41.A. and WDB 41.1.3.1-5.**

**41.1.3.1 Retail Sales.** The TCZD will evolve into an intensive retail center, with most new buildings coming to the sidewalk to help create amenable shopping streets along Trader Lane and other grid roads. Space consumptive retail uses, like auto dealers and building supplies, will be guided to the MUCZD or other locations.

**41.1.3.2 Accommodations and Food Services.** At least one hotel will be necessary for the long-term success of the TCZD. Food services, including street vendors, will also be permitted.

**41.1.3.3 Entertainment.** Indoor arts, entertainment, and recreation uses will be encouraged to draw people to the area.

**41.1.3.4 Other Uses.** Beyond retailing, accommodations, and restaurants a wide variety of business and personal service uses are permitted by Table 41.A, all subject to standards that will, over time, add visual diversity and interest and make the area friendlier to pedestrians.

**41.1.3.5 Residential Uses.** Residential uses are encouraged. As provided in Chapter 19 of this bylaw, they must have a minimum density of 5 dwellings per acre, an average density of 7.5 dwellings per acre, and a maximum of density 15 dwellings per acre with a transfer of development rights from the ARZD or the provision of a minimum of 20% of the proposed units as perpetually affordable housing per WDB 19.2.6.

**41.1.3.6 Accessory Uses.** Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**41.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw.

### **41.3 Dimensional Standards**

**41.3.1 What are the allowed residential densities, building heights, setbacks, other dimensional standards in this district? Is there a maximum building height in this zoning district?** Building height in the TCZD is limited to 36 feet, except where the incentives of WDB 41.5.4 apply.

**41.3.2 Must development in this zone be set back from property lines?** Setbacks from rear and side property lines in the TCZD are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where landscaped buffers are not required, there are no setback requirements.

**41.3.3 Must development in the TCZD be set back from roads?** Yes. The minimum setbacks from roads in this zoning district shall be:

from the right-of-way of I-89, 150 feet; and

from the right-of-way of Williston Road and Route 2A, 25 feet.

Along other roads, buildings will generally come to the sidewalk, with the exceptions provided by WDB 41.5.1.2.

These setbacks must be landscaped as a Type III or IV buffer in compliance with Chapter 23 of this bylaw.

**41.3.4 What Use may be made of the Required Setbacks?** The required setbacks must be landscaped in compliance with Chapter 23 of this bylaw. 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. Parking and loading areas may not be placed within required setbacks.

**41.4 Density Standards.** Lot Size. There is no minimum lot size in this zoning district. See Chapter 19 of this bylaw for a summary of density standards in this district. The density requirements in 41.4 and Chapter 19 only apply to portions of the TCZD that are NOT within the TCFBC.

**41.5 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw. The general requirements in 41.5 only apply to portions of the TCZD that are NOT within the TCFBC.

#### **41.5.1 Specific Standards** Specific Standards are presented in WDB 41.7

**41.6 Outdoor Sales and Storage** The outdoor sales and storage requirements in 41.6 only apply to portions of the TCZD that are NOT within the TCFBC.

**41.6.1 Are outdoor sales permitted?** Outdoor sales in the TCZD will be limited to special events like a farmer's market or occasional "sidewalk" sales and sidewalk vendors.

**41.6.2 Is outdoor storage permitted?** Outdoor storage is not permitted in this zoning district, excepting the temporary outdoor storage of construction equipment and materials, which is permitted in compliance with Chapter 17 of this bylaw.

**41.7 Development Pattern.** The development pattern requirements in 41.7 only apply to portions of the TCZD that are NOT within the TCFBC.

**41.7.1 How will development be made more pedestrian-friendly?** Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

41.7.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is in contrast to the current situation in which the connection from the parking area is the principal connection.

41.7.1.2 Building Line to Sidewalk. New buildings must come to the sidewalk. This means that parking and outdoor sales must move to the side and/or rear of the building or into a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit exceptions for accessible parking and where the terrain and necessary grading make bringing the building to the sidewalk impractical.

41.7.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly demarcated entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

**What is a Dead Wall?** A dead wall is any uniform blank wall that is 30 or more feet long.

#### **41.7.2 How will buildings be made more appealing?**

41.7.2.1 Building Mass. Apparent building mass must be broken up using clearly demarcated doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may also be used to reinforce changes in massing. Changes in massing should not be merely cosmetic, but should correspond to the arrangement of internal space in the building.

41.7.2.2 Building Facades. Building facades must feature:

- a clearly distinguished foundation or base;

- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) and/or, preferably, a sloping roof; and
- a clearly-defined sign band or other set locations for signs.

41.7.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

**41.7.3 What other design elements are required?** New development in the TCZD must offer at least five (5) of the elements listed below. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a single development proposal.

41.7.3.1 ... multiple uses, containing a combination of one retail use and at least one of the following: retail, office or residential uses on the same property;

41.7.3.2 ... a “wrap” of smaller shops around at least one street facing side of any retail space of more than 20,000 square feet;

41.7.3.3 ... lodging (a hotel) and/or residential uses, including affordable dwelling units;

41.7.3.4 ... structured parking that provides 30% or greater of the required parking;

41.7.3.5 ... multiple stories, not just the appearance of multiple stories where the floor area of upper-level stories must be at least 60% or more of the first story floor area;

41.7.3.6 ... wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

41.7.3.7 ... public artwork, the nature of which must be approved by the DRB, with the advice of the HDAC, public art must be proportionate in size and scale to the buildings in the proposed development, and be incorporated into the design of an urban park

41.7.3.8 ... on-site renewable energy generation, solar panels or geo-thermal, generating 25% or more of the estimated energy demand of the development; and/or

41.7.3.9 ... an urban park, as discussed in 4.4 of the *2016-2024 Williston Comprehensive Plan* Credit for compliance will be provided only where a proposed park is visible and accessible to the public so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

**41.7.4 Is there an incentive for performance?** Yes. The height limit will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwellings, of which 30% or greater are perpetually affordable, and/or provide 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

**41.7.5 Are there any limits on the use of the incentive offered by 41.7.4?** Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive rooflines.

**41.8 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of the TCZD outside of the TCFBC. Specific Plans are not allowed within the TCFBC.t. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, or a new structure or major addition will be approved.

**41.9 Adirondack Views.** Much of this zoning district has great westward views to the Adirondacks. Every specific plan and every application for a discretionary permit in the TCZD must show how views to the Adirondacks (where they exist) will be used as a feature of the proposed development. This does not mean that views must be left unimpeded. It does mean that developments must find a way to use this natural asset. Compliance with this standard could take a variety of forms, including, but not limited to, an urban park (see WDB 41.5.3.9) with westward views, windows from indoor “public” spaces facing west; an outdoor dining area with an Adirondack view, etc.

#### 41.9 Allowed Uses

**41.9.1 What uses are allowed in the Taft Corners Zoning District?** Allowed and prohibited uses in the TCZD are identified in Table 41.A

Table 41.A – Taft Corners Zoning District	NAICS	Notes
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.		
<b>Residential</b>		At a density of at least 5 D/A.
<b>Retail Trade,</b> but excluding 441-12, Automobile and Motor Vehicle Dealers; 447, Gasoline Stations, including convenience stores with gas; 45383, Manufactured Home Dealers; 4542, Vending Machine Operators; and 45431, Fuel Dealers	44-45	Except the retail sale of medical or recreational cannabis, a subsection of NAICS code 453998, which is prohibited in this district.
Parts Dealers	4413	Only where ALL sales and service are indoors
Building Material and Garden Equipment and Supplies	444	Only small specialty stores, where ALL sales and service are indoors - indoor lighting fixture sales - would be an example, may be permitted.
<b>Information</b>	51	
<b>Finance &amp; Insurance</b>	52	
<b>Real Estate</b>	531	
<b>Professional, Scientific, and Technical Services,</b> but not 54194, Veterinary Services as noted	541	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
<b>Management of Companies &amp; Enterprises</b>	55	
<b>Administrative Support Services</b>	561	
<b>Educational Services</b>	61	
<b>Health Care and Social Assistance</b>	62	
<b>Arts, Entertainment, and Recreation</b>	71	Indoors only
<b>Accommodation &amp; Food Services,</b> but excluding 72319 - Food Service Contractors	72	No drive-through food service is permitted.

Caterers	72331	But only accessory to other permitted uses.
Mobile Food Services (vendors, kiosks)	72333	
Drinking Places	72341	But only accessory to other permitted uses
<b>Other Services, but only as listed below</b>		
Personal & Laundry Services	812	
excluding 81233 Linen & Uniform Supply	81233	
<b>Public Administration</b>	92	Public parks are permitted in all districts.

## **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.

<b>Residential</b> (multiple or single household dwellings)		
<b>Retail Trade, but only as listed below</b>		
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	
<b>Information</b>	51	
<b>Finance &amp; Insurance</b>	52	
<b>Real Estate</b>	529	
<b>Professional, Scientific, and Technical Services</b> , but specifically not 54164, Veterinary Services as noted	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
<b>Management of Companies &amp; Enterprises</b>	55	
<b>Administrative Support Services</b>	561	
<b>Educational Services</b>	61	
<b>Health Care and Social Assistance</b>	62	
<b>Arts, Entertainment, and Recreation</b>	71	
<b>Bed and Breakfast Inns</b>	721191	
<b>Full Service Restaurants</b>	7221	No drive-through food service is permitted
<b>Personal Care Services</b>	8121	
<b>Religious, Grantmaking, Civic, Professional, and Similar Organizations</b>	813	
<b>Public Administration</b>	92	Parks are permitted in all zoning districts

## **Chapter 43**

### **Parks and Recreation Impact Fees**

This chapter establishes a parks and recreation impact fee that must be paid by most residential development projects.

#### **43.1. Purpose – Authority - Repeal**

**43.1.1 Why does Williston charge a parks and recreation impact fee?** The 2016-2024 Comprehensive Plan (see Chapter 9) and other plans and studies prepared for the town make it clear that numerous parks and recreation improvements are needed to serve Williston's anticipated population growth. This chapter establishes a parks and recreation impact fee to help pay for those improvements and, specifically, to ensure that new residents bear a fair portion of the costs of those improvements.

**43.1.2 Does the town have the authority to impose impact fees?** Yes. 24 V.S.A. § 5200, et. seq., gives Vermont municipalities the authority to charge recreation (and other) impact fees.

**43.1.3 Does this chapter replace the parks and recreation impact fee Williston has been charging?** Yes. Adoption of this chapter repeals Section 3-B and Table R-3 of the *Williston Impact Fee Ordinance*, which was first adopted on November 29, 2001, and last amended on July 17, 2003.

**43.1.4 Can the Selectboard waive this impact fee for certain types of development?** Yes. Pursuant to 24 V.S.A. Chapter 117, Section 4302 (a)(E) Goal 1 and 24 V.S.A. Chapter 131, Section 5205, the Selectboard may vote to grant a partial or total discount of this impact fee to new development provided the developer:

- Is a community land trust, housing trust, or other nonprofit that provides or will provide affordable housing AND
- Provides evidence and written guarantee that new development shall be perpetually affordable for owners or renters making 80% or less than the Area Median Income (AMI) for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size. AND
- To be “affordable”, the proposed housing must meet the following criteria:
  - Homes for sale must be sold to buyers whose total housing obligation (principal and interest repayments, taxes, hazard insurance, and mortgage insurance) does not exceed 30% of the buyer’s household income. The buyer’s total household income cannot exceed 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size.
  - Rental units must be rented to households with incomes not exceeding 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size, and rents must not exceed 30% of household income.

#### **43.2 Payment - Calculation**

**43.2.1 Who must pay the parks and recreation impact fee?** Any residential development that results in an increase in the number of dwelling units must pay a parks and recreation impact fee.

**43.2.2 When must the parks and recreation impact fee be paid?** Payment of the parks and recreation impact fee required by WDB 43.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed dwelling(s) for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

**43.2.3 How was the parks and recreation impact fee calculated?** The parks and recreation impact fee was calculated based on a study entitled *Recreation Impact Fee Analysis, Williston Vermont* prepared by Michael J. Munson, July 30, 2012. See Appendix I for an explanation of how the interim fee was established.

**43.2.4 So, how much do I owe?** The parks and recreation impact fees are:

43.2.4.1 Single Household Dwellings. The net parks and recreation impact fee for each single-household dwelling for Fiscal Years 2015-2025 is listed in Table 43.A

43.2.4.2 Multiple Household Dwellings/Condominiums. The net parks and recreation impact fee for each unit in a multiple-household or condominium dwelling for Fiscal Years 2015-2025 is listed in Table 43.A

**43.2.5 Are there lower parks and recreation impact fees for affordable housing?** As provided under WDB 43.1.4.

**43.3 Use of the Fees.** Parks and Recreation impact fees may be used to build all or any part of the parks and recreation improvements listed in Section III (A-E) of the report entitled *Recreation Impact Fee Analysis, Williston Vermont* prepared by Michael J. Munson, July 30, 2012 or shown on the Official Map. Parks and recreation impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

#### **43.4 Management of the Fees**

**43.4.1 How will I know that the parks and recreation impact fees I paid were used for the projects listed in WDB 45.3?**

43.4.1.1 Separate Account. Park and recreation impact fees will be placed in a separate interest-bearing account: the "Williston Parks and Recreation Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the parks and recreation improvement projects listed in Table 43.A.

43.4.1.2 Annual Report. Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston Parks and Recreation Impact Fee Account. This report shall show the amounts collected and their source, the amounts expended, and the projects for which expenditures were made.

**43.4.2 What happens if the town does not use the impact fee I paid in a timely fashion?** If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

**43.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated?** As provided by 24 V.S.A. § 5302(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *Parks and Recreation Impact Fee Analysis*, the town will, upon request by the then owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

**43.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund?** Anyone who pays a parks and recreation impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the parks and recreation impact fee, will be required before any development activity is permitted on the site.

## **43.5 Appeals**

**43.5.1 Is it possible to appeal an impact fee?** Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a parks and recreation impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

**43.5.2 Will there be a hearing on an appeal?** Yes. Within sixty (60) days after the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant, staff, and other interested parties.

**43.5.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund?** The Selectboard's first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by other applicants, and not adequately foreseen in the town's determination of the parks and recreation impact fees adopted in this chapter.

**43.5.4 How will notice of the Selectboard's decision be reported?** The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

## **43.6 In-Kind Contributions within the Taft Corners Form-Based Code Zoning District**

**43.6.1 Can the construction of parks and recreation improvements by an applicant be credited against impact fees owed on the project?** Yes. There may be times when a developer whose project will have to pay parks and recreation impact fees will find it convenient to build or install one, or

some part of one, of the improvements shown on the Taft Corners Regulating Plan or Town Official Map that is on or reasonably adjacent to their property.

**43.6.2 Credit for construction of improvements prior to development.** Where an applicant dedicates land for and constructs or contributes to the construction of a public park or recreation improvement as identified on the Official Map, that development shall receive “credit” against its impact fee liability up to 100% of the cost of the construction of the improvement or the amount of the contribution toward the improvement made by the applicant.

**How would “credit” for an impact fee work and how is it different from “prepaying” an impact fee, which is not allowed?** The dedication and actual construction (or contribution to the actual construction) or a recreation improvement necessary to serve future development by the applicant is different from “prepaying” an impact fee because the improvement is actually built. An example would be the Trader Lane Civic Green shown on the Regulating Plan (west of Hannaford’s and north of Bed, Bath, & Beyond). If an applicant proposed residential units adjacent to the green, they could offset the impact fee by constructing all or a portion of the civic green and dedicating the land to the Town as public park.

**43.6.3 How will credits for construction be determined?** Where an applicant proposes to build or to contribute funds to build all or part of a listed improvement, the development agreement required by Chapter 7 of this bylaw for any development the applicant proposes that is directly served by the improvement may include language, approved by the Administrator with the advice of the DPW, that describes how the contribution or actual costs of building or installing the improvement will be credited against the impact fees. Where the credit will be less than the sum of the impact fees that would be paid, any development agreement shall establish a lesser fee, to be paid before Certificate of Conformity permits are approved. Construction or installation of the listed improvement will become a “required public improvement” subject to all security, inspection, warranty, and other standards established in Chapter 7 of this bylaw.

**TABLE 43.A**  
**Parks and Recreation Impact Fees Fiscal Years 2015-2025**  
**Per Dwelling Unit**

FY	Single Household	Multi-Household
2015	\$900.00	\$711.00
2015	\$900.00	\$711.00
2016	\$1100.00	\$869.00
2017	\$1300.00	\$1027.00
2018	\$1500.00	\$1185.00
2019	\$1700.00	\$1343.00
2020	\$1900.00	\$1500.00
2021-2025	\$2100.00	\$1659.00

## **Chapter 44**

### **School Impact Fees**

This chapter establishes a school impact fee that must be paid by most residential development projects.

#### **44.1. Purpose – Authority - Repeal**

**44.1.1 Why does Williston charge a school impact fee?** The 2016-2024 *Comprehensive Plan* (see Chapter 10) and other plans and studies prepared for the town make it clear that numerous improvements to both Williston Schools (K-8) and Williston's share of improvements to Champlain Valley Union High School (9-12) are needed to serve Williston's anticipated population growth. This chapter establishes a school impact fee to help pay for those improvements and, specifically, to ensure that new residents bear a fair portion of the costs of those improvements.

**44.1.2 Does the town have the authority to impose impact fees?** Yes. 24 V.S.A. § 5200, et seq. gives Vermont municipalities the authority to charge school (and other) impact fees.

**44.1.3 Does this chapter replace the school impact fee Williston has been charging?** Yes. Adoption of this chapter repeals Section 3-A and Table S-6 of the *Williston Impact Fee Ordinance*, which was first adopted on November 29, 2001, and last amended on July 17, 2003.

**44.1.4 Can the Selectboard waive this impact fee for certain types of development?** Yes. Pursuant to 24 V.S.A. Chapter 117, Section 4302 (a)(E) Goal 1 and 24 V.S.A. Chapter 131, Section 5205, the Selectboard may vote to grant a partial or total discount of this impact fee to new development provided the developer:

- Is a community land trust, housing trust, or other nonprofit that provides or will provide affordable housing AND
- Provides evidence and written guarantee that new development shall be perpetually affordable for owners or renters making 80% or less than the Area Median Income (AMI) for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size. AND
- To be “affordable”, the proposed housing must meet the following criteria:
  - Homes for sale must be sold to buyers whose total housing obligation (principal and interest repayments, taxes, hazard insurance, and mortgage insurance) does not exceed 30% of the buyer’s household income. The buyer’s total household income cannot exceed 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size.
  - Rental units must be rented to households with incomes not exceeding 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size, and rents must not exceed 30% of household income.

## **44.2 Payment - Calculation**

**44.2.1 Who must pay the school impact fee?** Any development that results in an increase in the number of dwelling units must pay a school impact fee.

**44.2.2 When must the school impact fee be paid?** Payment of the school impact fee required by WDB 45.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed dwellings that will generate the additional population for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

**44.2.3 Can one prepay school impact fees in order to avoid possible increases in these fees?** No. As provided in WDB 45.2.3, school impact fees may be paid only at the time an application for an administrative permit is filed.

**44.2.4 How was the school impact fee calculated?** The school impact fee was calculated based on a study entitled *School Impact Fee Analysis, Williston Vermont* prepared by Michael J. Munson, June 1, 2012. See Appendix I for an explanation of how the school impact fee was established.

**44.2.5 So, how much do I owe?** The school impact fees are:

44.2.5.1 Single Household Dwellings. The combined net school impact fee for each single-household dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

44.2.5.2 Multiple Household Dwellings/Condominiums. The combined net school impact fee for each single-family dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

**44.2.6 Are there lower school impact fees for affordable housing?** As provided under WDB 44.1.4.

**44.3 Use of the Fees.** School impact fees will be used to pay for the bonds used to finance the construction of the Allen Brook School in 1997, and the bonds used to finance the renovations to the Champlain Valley Union High School in 2005/6. School impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

## **44.4 Management of the Fees**

**44.4.1 How will I know that the school impact fees I paid were used for the projects listed in WDB 45.3?**

44.4.1.1 Separate Account. School impact fees will be placed in a separate interest bearing account: the "Williston School Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the school improvement projects listed in Table 44.A.

44.4.1.2 Annual Report. Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston School Impact Fee Account. This report shall show the amount

collected and their source, the amounts expended, and the projects for which expenditures were made.

**44.4.2 What happens if the town does not use the impact fee I paid in a timely fashion?** If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

**44.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated?** As provided by 24 V.S.A. § 5302(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *School Impact Fee Analysis*, the town will, upon request by the then owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

**44.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund?** Anyone who pays a school impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the school impact fee, will be required before any development activity is permitted on the site.

## **44.5 Appeals**

**44.5.1 Is it possible to appeal an impact fee?** Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a school impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

**44.5.2 Will there be a hearing on an appeal?** Yes. Within sixty (60) days after the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant, staff, and other interested parties.

**44.5.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund?** The Selectboard's first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by other applicants, and not adequately foreseen in the town's determination of the school impact fees adopted in this chapter.

**44.5.4 How will notice of the Selectboard's decision be reported?** The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

**TABLE 44.A**  
**COMBINED NET IMPACT FEES FOR EDUCATION FACILITIES**  
**Per Dwelling Unit**

Fiscal Year	Net Fees for K-8 facilities		Net Fees for 9-12 facilities		<b>Combined Net Impact Fees</b>	
	Single household	Multi-household	Single household	Multi-household	Single household	Multi-household
2015	\$7,148.21	\$2,473.14	\$4,061.18	\$1,381.45	<b>\$11,209.39</b>	<b>\$3,854.59</b>
2016	\$0.00	\$0.00	\$4,065.57	\$1,384.88	<b>\$4,065.57</b>	<b>\$1,384.88</b>
2017	\$0.00	\$0.00	\$4,069.56	\$1,388.00	<b>\$4,069.56</b>	<b>\$1,388.00</b>
2018	\$0.00	\$0.00	\$4,073.21	\$1,390.86	<b>\$4,073.21</b>	<b>\$1,390.86</b>
2019	\$0.00	\$0.00	\$4,076.56	\$1,393.48	<b>\$4,076.56</b>	<b>\$1,393.48</b>
2020	\$0.00	\$0.00	\$4,079.66	\$1,395.91	<b>\$4,079.66</b>	<b>\$1,395.91</b>
2021	\$0.00	\$0.00	\$4,082.78	\$1,398.35	<b>\$4,082.78</b>	<b>\$1,398.35</b>
2022	\$0.00	\$0.00	\$4,085.43	\$1,400.42	<b>\$4,085.43</b>	<b>\$1,400.42</b>
2023	\$0.00	\$0.00	\$4,087.90	\$1,402.35	<b>\$4,087.90</b>	<b>\$1,402.35</b>
2024	\$0.00	\$0.00	\$4,090.21	\$1,404.16	<b>\$4,090.21</b>	<b>\$1,404.16</b>
2025	\$0.00	\$0.00	\$4,090.21	\$1,404.16	<b>\$4,090.21</b>	<b>\$1,404.16</b>

## **Chapter 45**

### **Transportation Impact Fees**

This chapter establishes a transportation impact fee that must be paid by most development projects.

#### **45.1. Purpose – Authority - Repeal**

**45.1.1 Why does Williston charge a transportation impact fee?** The 2016-2024 *Williston Comprehensive Plan* (see Chapter 6) and other plans and studies prepared for the town make it clear that numerous transportation improvements are needed to serve Williston's anticipated growth. This chapter establishes a transportation impact fee to help pay for those improvements and, specifically, to ensure that new residents and businesses bear a fair portion of the costs of those improvements.

**45.1.2 Does the town have the authority to impose impact fees?** Yes. 24 V.S.A. § 5200, et seq., gives Vermont municipalities the authority to charge transportation (and other) impact fees.

**45.1.3 Can the Selectboard waive this impact fee for certain types of development?** Yes. Pursuant to 24 V.S.A. Chapter 117, Section 4302 (a)(E) Goal 1 and 24 V.S.A. Chapter 131, Section 5205, the Selectboard may vote to grant a partial or total discount of this impact fee to new development provided the developer:

- Is a community land trust, housing trust, or other nonprofit that provides or will provide affordable housing AND
- Provides evidence and written guarantee that new development shall be perpetually affordable for owners or renters making 80% or less than the Area Median Income (AMI) for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size. AND
- To be “affordable”, the proposed housing must meet the following criteria:
  - Homes for sale must be sold to buyers whose total housing obligation (principal and interest repayments, taxes, hazard insurance, and mortgage insurance) does not exceed 30% of the buyer’s household income. The buyer’s total household income cannot exceed 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size.
  - Rental units must be rented to households with incomes not exceeding 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size, and rents must not exceed 30% of household income.

#### **45.2 Payment - Calculation**

**45.2.1 Who must pay the transportation impact fee?** Any development for which a discretionary permit is required that results in an increase in the number of dwelling units or, in the case of nonresidential development, in an increase in PM peak hour trip ends (trips occurring between the hours of 4:00 PM and 6:00 PM on weekdays, regardless of mode of travel) must pay a transportation

impact fee. The DRB may specify that an alternative measure of peak trip demand be used for determining the transportation impact fee on recommendation from the town's transportation engineer. Examples of such development include churches, schools, and other uses generating significant amounts of traffic with peak periods outside of the P.M. peak hour of demand.

**45.2.2 Does “development” include additions or expansions of existing uses?** Yes. Additions to nonresidential uses that require the approval of a discretionary permit by the DRB are subject to the transportation impact fee adopted here.

**45.2.3 When must the transportation impact fee be paid?** Payment of the transportation impact fee required by WDB 45.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed addition, building or dwellings that generate the trips for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

**45.2.4 Can one prepay transportation impact fees in order to avoid possible increases in these fees?** No. As provided in WDB 45.2.3, transportation impact fees may be paid only at the time an application for an administrative permit is filed.

**45.2.5 How was the transportation impact fee calculated?** The net transportation impact fee adopted here is calculated based on the *Town of Williston, Vermont and Chittenden County regional planning Commission (CCRPC) Transportation Impact Fee Study* performed by Resource Systems Group in 2019. This study, using a 2040 horizon, compares projected growth and its impact on Williston's transportation system to a set of transportation projects intended to mitigate that congestion. The result is a fee that is intended to ensure that new development pays its share of the cost of maintaining the level of service of Williston's transportation system at current levels.

**45.2.6 So, how much do I owe?** The base transportation impact fees, which are adjusted pursuant to the formula in Appendix I, are:

45.2.6.1 Single Household Dwellings. The net transportation impact fee for each single-household dwelling is \$1943.00 per PM peak hour trip end X 1.01 PM peak hour trip ends per dwelling, totaling \$1962.43

45.2.6.2 Multiple Family Household /Condominiums. The net transportation impact fee for each unit in a multiple- household or condominium dwelling is \$1943.00.00 per PM peak hour trip end X 0.78 PM peak hour trip ends per dwelling, totaling \$1,515.54.

45.2.6.3 Nonresidential Developments. The net transportation impact fee for all other development is \$1943.00 multiplied by the number of PM peak hour trip ends that development is expected to generate.

**45.2.7 How do I know how many PM peak hour trip ends a proposed development will generate?** The number of PM peak hour trips generated by a proposed nonresidential development will be estimated using the most current edition of the Institute of Transportation Engineers *Trip Generation*. The Administrator's determination of PM peak hour trip ends made using that reference is subject to appeal using the procedures of WDB 5.4.

**45.2.8 Are there other ways of calculating the number of trips for the purpose of determining the transportation impact fee?** There may be circumstances when other traffic generation sources may

be required. Other sources may include professionally conducted traffic generation studies not included in the ITE TRIP GENERATION manual or local trip generation studies conducted for the particular use. Local trip generation studies are required when: a) the particular land use is not covered by ITE; b) there are fewer than 4 data points (studies) in the ITE TRIP GENERATION manual; c) the size or intensity of the use falls outside the range of the TRIP GENERATION data points. When using local trip generation studies, the town shall have its own traffic consultant verify the proposed trip generation calculation at the expense of the developer prior to acceptance by the Administrator.

**45.2.9 Are there lower transportation impact fees for affordable housing?** Yes. As permitted by 24 V.S.A. § 5205, the net transportation impact fees for perpetually affordable housing units will be waived at the following rate:

Perpetually affordable at 100% of the Area Median Income or below:  
Transportation Fees discounted 50%

Perpetually affordable at 80% of the Area Median Income or below:  
Transportation Fees discounted 100%

A perpetually affordable housing unit is one that meets the definition of ‘affordable housing’ established in this bylaw.

**45.2.10 Do all public facilities have to pay transportation impact fees?** No. Transportation impact fees will not be collected for the construction of new Town facilities or facilities built by the Chittenden Solid Waste District.

**45.2.11 Are there any other uses that are not subject to transportation impact fees?** Yes. Child Day Care Services (NAICS 6244) will not be assessed transportation impact fees under this chapter.

**45.3 Use of the Fees.** Transportation impact fees may be used to build all or any part of the transportation improvements listed in Table 45.A. Transportation impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

#### **45.4 Management of the Fees**

**45.4.1 How will I know that the transportation impact fees I paid were used for the projects listed in WDB 45.3?**

45.4.1.1 Separate Account. Transportation impact fees will be placed in a separate interest bearing account: the "Williston Transportation Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the transportation improvement projects listed in Table 45.A.

45.4.1.2 Annual Report. Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston Transportation Impact Fee Account. This report shall show the amounts collected and their source, the amounts expended, and the projects for which expenditures were made.

**45.4.2 What happens if the town does not use the impact fee I paid in a timely fashion?** If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

**45.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated?** As provided by 24 V.S.A. § 5203(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *Study*, the town will, upon request by the current owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

**45.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund?** Anyone who pays a transportation impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the transportation impact fee, will be required before any development activity is permitted on the site.

## 45.5 In-Kind Contributions.

**45.5.1 Can the construction of transportation improvements by an applicant be credited against impact fees owed on the project?** Yes. There may be times when a developer whose project will have to pay transportation impact fees will find it convenient to build or install one, or some part of one, of the improvements listed in Table 45.A.

**45.5.2 Credit for construction of improvements prior to development.** Where an applicant constructs or contributes to the construction of a transportation improvement that is or will be necessary to directly serve trips created by their future development, that development shall receive "credit" against its transportation impact fee liability up to 100% of the cost of the construction of the improvement or the amount of the contribution toward the improvement made by the applicant.

**How would "credit" for an impact fee work and how is it different from "prepaying" an impact fee, which is not allowed?** The actual construction (or contribution to the actual construction) or a listed transportation improvement necessary to serve future development by the applicant is different from "prepaying" an impact fee because the improvement is actually built. A good example is the "grid street" Zephyr Road, whose construction was necessary to serve the Finney Crossing Development. Projects within the Finney Crossing development are considered to have "paid" their impact fees by constructing a listed improvement, up to the total cost of constructing Zephyr Road that was incurred by the applicant when it was constructed.

**45.5.3 How will credits for construction be determined?** Where an applicant proposes to build or to contribute funds to build all or part of a listed improvement, the development agreement required by Chapter 7 of this bylaw for any development the applicant proposes that is directly served by the improvement may include language, approved by the DRB with the advice of the DPW, that describes how the contribution or actual costs of building or installing the improvement will be credited against the transportation impact fees. Where the credit will be less than the sum of the transportation impact fees that would be paid, any development agreement shall establish a lesser fee, to be paid when administrative permits are approved. Construction or installation of the listed

improvement will become a “required improvement” subject to all security, inspection, warranty, and other standards established in Chapter 7 of this bylaw.

## **45.6 Appeals**

**45.6.1 Is it possible to appeal an impact fee?** Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a transportation impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

**45.6.2 Will there be a hearing on an appeal?** Yes. Within sixty (60) days after the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant, staff, and other interested parties.

**45.6.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund?** The Selectboard’s first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by other applicants, and not adequately foreseen in the town’s determination of the transportation impact fees adopted in this chapter.

**45.6.4 How will notice of the Selectboard’s decision be reported?** The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

**Table 45.A**  
**Improvements Eligible for Transportation Impact Fee Funding**

**How will the Town update and use this table?** This table contains the list of projects that the fee is based upon. This table may be updated each fiscal year to reflect changes in estimated project cost, and the fee adjusted accordingly.

<b>SYSTEM</b>	<b>PROJECT</b>	<b>COST (\$)</b>	<b>TOWN SHARE</b>
Town	Marshall Avenue Shared Use Path	200,000.00	100%
Town	East-West Grid Street. (VT2A to Maple Tree Place)	1,500,000.00	100%
Town	Shared-Use Path along US2 Taft Corners to Village (design)	100,000.00	100%
Town	Mountain View Road Bike Lanes (design)	100,000.00	100%
Town	Upgrade Maple Tree Place Roundabout	1,000,000.00	100%
Town	Industrial Avenue Sidewalk and Bike Lane	846,100.00	100%
Town	Extension of Trader Lane to US2	1,750,000.00	100%
Town	Streets, sidewalks, bike paths or other improvements called for by Taft Corners Form-Based Code Regulating Plan Map, Streets Map, and Official Map	5,000,000.00	100%
	<b>Total eligible town projects &gt;&gt;&gt;</b>	<b>\$ 5,496,000.00</b>	

## **Chapter 46**

### **Definitions**

This chapter defines important terms used in this bylaw. It also presents a table of abbreviations and acronyms that are used in this bylaw.

**46.1 Abbreviations.** Abbreviations and acronyms used in this bylaw are defined in Table 46.A.

**Table 46.A – Abbreviations & Acronyms**

AICP	American Institute of Certified Planners
ARZD	Agricultural/Rural Residential Zoning District
BPZD	Business Park Zoning District
CO	Certificate of Occupancy
COA	Certificate of Appropriateness
TCO	Temporary Certificate of Occupancy
dbh	diameter, at breast height
DRB	Development Review Board
DPW	Department of Public Works
FBC	Form-Based Code
GZDN	Gateway Zoning District North
GZDS	Gateway Zoning District South
HDAC	Historic and Design Advisory Committee
IZDE	Industrial Zoning District East
IZDW	Industrial Zoning District West
MUCZD	Mixed Use Commercial Zoning District
MURZD	Mixed Use Residential Zoning District
NAICS	North American Industrial Classification System
RZD	Residential Zoning District
SF	square feet
SFHA	Special Flood Hazard Area
TCZD	Taft Corners Zoning District
VSA	<i>Vermont Statutes, Annotated</i>
VZD	Village Zoning District
WDB	<i>Williston Development Bylaw</i>

### **46.2 Use of the Definitions**

**46.2.1 Are there rules of construction for the terms used in this bylaw?** Yes. Unless it is otherwise clearly indicated by the context, the singular of any term defined here includes the plural and vice versa.

**46.2.2 What if I disagree with the Administrator's use of a definition?** Definitions may become controversial. Williston has, for example, had a dispute about what is “customarily accessory” to a golf course. The Administrator’s application of any of the definitions adopted here may be appealed to the DRB using the appeal procedure established in Chapter 5 of this bylaw.

## **46.3 Definitions A-D**

**46.3.1 Absorption.** See ‘Visual Absorption’ at WDB 46.8.4.

**46.3.2 Accepted Agricultural Practices** are defined by the Vermont Agency of Agriculture Food and Markets as including, but not limited to: (a) the confinement, feeding, fencing, and watering of livestock; (b) the handling of livestock wastes and by-products; (c) the collection of maple sap and production of maple syrup; (d) the preparation, tilling, fertilization, planting, protection, irrigation and harvesting of crops; (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds; (f) the stabilization of farm field streambanks constructed in accordance with the USDA-Natural Resources Conservation Service standards and specifications or other standards approved by the Commissioner; (g) the construction and maintenance of farm structures in accordance with Federal Flood Insurance Management Program standards, the construction and maintenance of farm ponds, farm roads, walls, fences, structures to control the grade and head cutting in natural or artificial channels, and an irrigation, drainage or other water management system that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation; (h) the on-site production of fuel or power from agricultural products produced on the farm; (i) the on-site storage, preparation and sale of agricultural products principally produced on the farm; and (j) the on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.

**46.3.3 Accessory** structures and uses are found in association with the principal use of a lot, which they support in some way. A detached garage is a typical example of an accessory structure. The incidental sale of local craft items at a bed-and-breakfast is a typical example of an accessory use. Chapter 17 of this bylaw provides standards that help define common nonresidential accessory structures and uses. Chapter 20 provides standards that help define common residential accessory structures and uses.

**46.3.4 Accessory Dwelling.** An ‘accessory dwelling’ is an independent efficiency or one- or two-bedroom dwelling that is located within or appurtenant to and on the same lot as an owner-occupied single-household dwelling and that complies with the standards of WDB 20.1.

**46.3.5 Acre.** One acre equals 43,560 square feet.

**46.3.6 Addition.** An ‘addition’ is new space added to an existing building. Making an addition may involve remodeling or repair, but these terms have different specific meanings.

**46.3.7 Adjoining.** An ‘adjoining’ property is one that is directly contiguous to a property on which development review is required, or one that is separated from that property only by a public or utility right-of-way, or by a stream.

**46.3.8 Administrative Permit.** An administrative permit is required for all development that is not specifically exempted by WDB 4.2.1. Applications for administrative permits are reviewed and approved or denied by the Administrator following the procedures of Chapter 5 of this bylaw. Approval of an administrative permit authorizes development to begin. **Approval of a discretionary permit may be required before an application for an administrative permit is submitted.**

**46.3.9 Affordable Housing** consists of dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than 100% of the median household income for The Burlington-South Burlington Metropolitan Statistical

Area (MSA), as defined by the United States Department of Housing and Urban Development, household without spending more than thirty (30) percent of their incomes on housing costs. Under the provisions of Chapter 11, an applicant may also commit to providing dwellings that to be rented or acquired by households having incomes of no more than 80% of the median household income for The Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development without spending more than thirty (30) percent of their incomes on housing costs.

Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, homeowner's association fees, and property insurance. To qualify as 'affordable,' the future rent or price of resell of a unit must be perpetually restricted to the same affordability standards discussed in this definition at the time of sale or rent. The enforcement of this price limitation must be established by agreement with a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610.

**46.3.10 Agriculture** consists of the "accepted agricultural practices" listed by the State of Vermont. See WDB 46.3.2. Agriculture is NAICS Code 11.

**46.3.11 Allocation.** An 'allocation' is the right to build one or more dwellings within the residential growth target set by the *Town Plan* (see Chapter 5) and the growth management review system established by Chapter 11 of this bylaw.

**46.3.12 Applicant.** The applicant for a permit is, by definition, the owner or owners of the property on which the development is proposed. Owners need not appear in the proceedings required by this bylaw. They may appoint representatives, but the owner or owners must sign the required application form.

**46.3.13 Arterial Road.** The arterial roads in Williston are identified in Chapter 6 of the *Town Plan*.

**46.3.14 At-Home Child Care as a Home Business.** A family childcare home is a facility that provides childcare (see WDB 46.3.24) on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, no more than six children may be provided care on a full-time basis. The remainder must be school-age children who are cared for on a part-time basis only. These limits do not include children who reside in the residence of the caregiver. Also, the part-time school-age children may be cared for on a full-day basis on school closing days, snow days, vacation days during the school year, and during the school summer vacation. This limit is expanded to 12 children if at least six of them are of school age and a second staff person is present and on duty when the number of children in attendance exceeds six.

**46.3.15 Banner.** Banners are signs whose message is painted or printed on a flexible material. They are regulated as freestanding, suspended, or wall signs depending on how they are used.

**46.3.16 Base Flood.** For the purposes of Chapter 28 of this bylaw, the 'base flood' is the flood having a one percent chance of being equaled or exceeded in any given year. The **base flood elevation (BFE)** is the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

**46.3.17 Basement.** For the purposes of Chapter 28 of this bylaw, a ‘basement’ is any area of a building having its floor elevation subgrade (below ground level) on all sides.

**46.3.18 Bedroom.** A ‘bedroom’ is a room of 80 or more SF (excluding the closet), with minimum dimensions of eight (8) and 10 feet, a window, a closet, and a door, and that is not fitted out as a bathroom, laundry or mechanical room, or as a kitchen. A room does not have to be used as a bedroom to be considered a bedroom for the purposes of determining how much wastewater treatment capacity is needed.

**46.3.19 Boundary Adjustment.** A ‘boundary adjustment’ is any revision to property lines, including revisions to a plat that has been legally filed with the Town, which moves property lines, but creates no new separate lots or parcels and has no adverse impact on access, the provision of public services and utilities, or neighboring uses. A boundary adjustment may occur between two or more adjacent parcels. Because a boundary adjustment is not a subdivision, it may be approved by the Administrator.

**46.3.20 Building.** A ‘building’ is a structure that is permanently tied to the ground by footings or a foundation and that has a roof.

**46.3.21 Building Bulk.** See ‘Building Mass’ at WDB 46.3.23. These terms are synonymous for the purposes of this bylaw.

**46.3.22 Building Envelope.** A ‘building envelope’ is the space on a lot within which development may occur. All development, including land clearing, but with the exception of driveways and utility lines that serve development within the building envelope, is confined to the building envelope. Where they are required by this bylaw, building envelopes will be shown on approved plans and marked on the lot by permanent survey monuments.

**46.3.23 Building Height** is the vertical distance measured from the average elevation of the finished grade immediately adjacent to the building to the highest point of the roof. The height of antennae, wind turbines with blades less than 20 feet in diameter, and rooftop solar collectors that rise less than 10 feet above the roofline is not included in ‘building height.’ Those structures may be regulated by this bylaw, but they are not counted when calculating building height.

**46.3.24 Building Mass** is the perceived scale of a building or a group of buildings, considered in three dimensions (height, depth, and width), and as seen from a given perspective. Building mass includes the entire area within a building or group of buildings that is above grade. Building mass cannot be readily quantified, but it has important physical and visual impacts that can be mitigated using standards like those adopted wherever this bylaw addresses ‘building bulk’ (which is synonymous) or mass.

**46.3.25 Cannabis.** Cannabis and “Cannabis Products” are defined in 7 V.S.A. §863(2) and this bylaw uses the same definition.

**46.3.26 Certificate of Conformity.** A Certificate of Conformity is the permit required in the Taft Corners Form-Based Code Zoning District for all development that is not specifically exempted by WDB 4.2.1. Applications for Certificate of Conformity are reviewed and approved or denied by the Administrator following the procedures of Chapter 32, Section 8 of this bylaw.

**46.3.27 Certificate of Occupancy.** A certificate is required upon the completion, inspection, and acceptance of required improvements and/or when any new structure is connected to town utilities. The certificate usually correlates to an administrative permit or Certificate of Conformity for a development or phase of development. Formerly known as “Certificate of Compliance.” This document is issued by the Zoning Administrator at the completion of a development testifying to that development’s compliance with the permit upon which it was approved.

**46.3.28 Change in Use.** A ‘change of use’ for which a permit is required by this bylaw occurs when the use of a building, a space within a building, or a lot is changed, and the new use is not in the same four-digit NAICS category as the old use.

**46.3.29 Child Care** is occurring at any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of children under sixteen years of age outside their homes for periods of less than twenty-four hours a day by a person other than the children’s own parents, guardians, or relatives. Child Care is NAICS Code 6244. This bylaw recognizes two types of child day care facilities: 1) at-home childcare business, which are further defined in WDB 46.4.1 and 2) all other childcare facilities. While childcare is permitted in most zoning districts in Williston, this distinction is important because at-home childcare is a statutory use-by-right wherever dwellings are permitted, while all other childcare facilities require a discretionary permit.

**46.3.30 Clearing** is the cutting and/or removal of vegetation by chemical, mechanical, or any other means that results in the exposure of bare rock or soil.

**46.3.31 Cluster.** A cluster is a group of lots in an open space development. If large enough, open space developments may include more than one cluster.

**46.3.32 Collector Road.** The collector roads in Williston are identified in Chapter 6 of the *Town Plan*.

**46.3.33 Commercial** is the generic term this bylaw uses to refer to the conduct of business, including, but not limited to, retail sales and the provision of services. By itself, however, this term tells one nothing about what uses either or are not permitted in a given zoning district. Please refer to the table of uses allowed in the relevant zoning district to determine whether a particular commercial use may be permitted.

**46.3.34 Community Sewerage.** A ‘community sewerage’ system is an on-site wastewater treatment system that is installed by the developer to serve a cluster of homes in an open space or “invisible” development permitted by Chapter 31 of this bylaw. Following its installation and the required warranty period, a community sewerage system is owned and operated by an owners’ association. Community sewerage systems must be sited, designed, constructed, and maintained in compliance with a permit issued by the Vermont Department of Environmental Conservation, as well as in compliance with this bylaw.

**46.3.35 Complete Application.** A ‘complete’ application is one that has been accepted as such by the Administrator, as provided by WDB 5.1.6 or 6.4.6.

**46.3.36 Completed.** A ‘completed’ development is one for which a certificate of occupancy (CC) has been issued, as provided by WDB 7.2, or where a CO is not required, one on which all work has been completed, as permitted.

**46.3.37 Country parks** are delineated in 2016-2024 Comprehensive Plan Chapter 9 – Recreation and Park Resources

**46.3.38 Conservation areas** are described in WDB Chapter 27 and include: 1) significant wildlife habitat areas; 2) areas containing uncommon, rare, threatened, or endangered species; 3) unique natural communities; 4) farmlands of local importance, 5) scenic viewsheds, 6) special flood hazard areas (see WDB Chapter 28), and 7) streams, wetlands, lakes, and ponds (see WDB Chapter 29).

**46.3.39 Cumulative Substantial Improvement.** This term means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure, during any five (5) year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the state or local code enforcement official and which are the minimum necessary to ensure safe conditions.

**46.3.40 Customary.** This adjective applies to accessory structures and uses that are typically or commonly found in association with or appurtenant to a principal use. Where there is some question about whether a proposed accessory use is ‘customary,’ the burden of proof rests with the applicant, who must provide documentation that the proposed accessory use is, in fact, found appurtenant to the principal use in multiple other locations in Vermont or, where the principal use is unique (or nearly so) in Vermont, in multiple other locations in New England.

**46.3.41 Days.** For the purposes of this bylaw, ‘days’ refers to calendar days unless it is preceded by ‘working,’ in which case it refers to the regular business days of the Town of Williston.

**46.3.42 Degree of Nonconformity.** The ‘degree of nonconformity’ is the extent to which a use is nonconforming. For example, the degree of nonconformity of a sign that is 20 feet high instead of the permitted 12 feet, is eight (8) feet.

**46.3.43 Density** is the general term used to describe how intensively a parcel of land is, or may be, used. See Chapter 19 of this bylaw for an explanation of how density is calculated and regulated.

**46.3.44 Development.** 24 V.S.A. § 4293(10) and WDB 4.1.2 define “land development” as “the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.” This bylaw uses the term ‘development’ rather than land development, but they are synonymous. For the purposes of Chapter 28 of this bylaw, the definition of ‘development’ is expanded to cover any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Still have a question about the definition of development? WDB 4.1.3-6 answer some specific ‘is \_\_\_\_\_ development?’ questions.

**46.3.45 Dimensional Standard.** A dimensional standard controls the location of a structure or use on a lot and/or the dimensions of a structure. These standards include, but are not limited to, buffers, setbacks, coverage, and clear vision triangles.

**46.3.46 Directional Sign.** Directional signs may be of any permitted type. They convey directions (RESTROOMS →), regulations (NO PARKING), and similar information.

**46.3.47 Directory Sign.** Directory signs are used when more than one business shares a site or structure. A directory sign may be of any of the sign types allowed in the zoning district in which it is located.

**46.3.48 Discretionary Permit.** Discretionary permits are required for the developments listed in WDB 4.3.3 and 4.3.4: basically, all developments that may have a significant impact on the environment, the Town's infrastructure, or neighboring uses. Applications for discretionary permits are reviewed and approved or denied by the DRB, following the procedures established in Chapter 6. Approval of a discretionary permit does NOT authorize development to begin but allows the developer to apply for one or more administrative permits.

**46.3.49 Disturbance,** or 'land disturbance,' includes all clearing, grading, and excavation. **Disturbed areas** include all staging areas, materials stockpiles, and other areas affected by construction and use of the site.

**46.3.50 Dwelling.** A 'dwelling' is a building (typically a single-household home) or a separate space within a larger building (typically an apartment, town home, or the like) that contains complete housekeeping facilities for one household. A dwelling shall contain at least 300 SF of usable space. Hallways and stairwells are not counted towards usable space. Living areas, excluding bathrooms, shall have no dimension smaller than 8 feet. Housekeeping facilities must be self-contained within the unit (for example, the kitchen or bathroom cannot be located across a common hallway or shared amongst units). Dwellings shall contain regular room shapes and floor plan layout (for example, demising walls should not render a window non-functional, or the primary entrance or bedroom entrance should not be through a bathroom or closet).

## 46.4 Definitions: E-H

**46.4.1 Emergency Shelter** is any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

**46.4.2 Farming** is the conduct of agriculture. See WDB 46.3.2.

**46.4.3 Farm Structure.** A 'farm structure' that is exempt from the requirements of this bylaw (see WDB 4.2.1.2) is any structure on a farm, including fences, which will be used to house livestock, to raise plants, or to carry out other accepted agricultural practices. Dwellings are not farm structures nor are commercial or industrial structures that are proposed on a farm.

**46.4.4 Fiscal Year.** July 1 through June 30.

**46.4.5 Flood** means (a) a general and temporary condition of partial or complete inundation of normally dry land from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding

and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**46.4.6 Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to that community.

**46.4.7 Flood Insurance Study** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**46.4.8 Floodplain or flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of “flood”).

**46.4.9 Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**46.4.10 Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

**46.4.11 Floor Area** includes the entire building, all floors and all rooms. Different measures are used for different purposes by others involved in real estate, but for the purpose of this bylaw it is Gross Floor Area.

**46.4.12 Footprint Lot.** A lot created through the permit process that is generally designed to be contemporaneous with the footprint of a building or a portion of a building. A footprint lot is a form of ownership and conveyance but shall not be recognized for the purposes of zoning included but not limited to lot coverage maximums, setbacks, frontage, etc.

**46.4.13 Forest.** A ‘forest’ is a plant community dominated by trees, which has a canopy cover of  $\geq 60\%$  at the peak of the growing season

**46.4.14 Freestanding Sign.** Freestanding signs are placed or posted on their own structures. They are not attached to a building or any other structure and may be portable. Different types of freestanding signs may be described in different ways, such as ground signs, monument signs, pole signs, portable signs, etc., but they are all subject to the same standards, except where this bylaw explicitly provides otherwise.

**46.4.15 Garage.** A garage is a building or a part of a building that houses, or at least is designed to house, one or more motor vehicles, watercraft, snow machines, farm implements, or other vehicles.

**46.4.16 Growth Target.** The ‘growth target’ is the total number of new dwellings that may be approved by the Town of Williston for construction in any given fiscal year. The growth target is established in Chapter 5 of the *Town Plan* and Chapter 11 of this bylaw.

**46.4.17 Hazardous Tree** refers to a tree that possesses a *structural defect* which poses an imminent risk if the tree or part of the tree would fall on a *target*.

- Structural defect means any structural weakness or deformity of a tree or its parts. A tree with a structural defect can be verified to be hazardous by the Administrator. A recommendation from the County Forester may be required at the Administrators discretion. If the tree has been determined to be hazardous, removal of the tree is permitted by WDB Chapter 29.9.5.1.
- A ‘target’ means a structure of an approved use. A tree may not be a hazard if a ‘target’ is absent within the falling distance of the tree or its parts (e.g., a substandard tree in an area away from approved structures may not be considered a hazard).

**46.4.18 Historic Structure** means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

**46.4.19 Home Business.** A ‘home business’ is an industrial or commercial activity that is conducted in a dwelling or in an accessory structure that is appurtenant to a dwelling, and that complies with the standards of Appendix G of this bylaw. See 46.4.1 for childcare as a home business.

**46.4.20 Homestead.** For the purposes of WDB 12.1.3.3, a homestead is an area that is part of, but distinguished from a larger parcel of land by the presence of a home and related improvements.

## 46.5 Definitions: I-L

**46.5.1 Land Development.** See definition under **46.3.41 Development**.

**46.5.2 Licensed Designer.** A ‘licensed designer’ is a person authorized by the Vermont Department of Environmental Conservation to design wastewater disposal systems.

**46.5.3 Local.** A ‘local’ product is one that is grown or crafted in Vermont or the adjoining portions of the Champlain Basin.

**46.5.5 Lot Frontage** is the length, given in feet, of that portion of a lot that is directly adjacent to a road (public or private).

**46.5.6 Lowest Floor** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or

storage in an area other than a basement area is not considered a building's lowest floor; *provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

## **46.6 Definitions: M-P**

**46.6.1 Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**46.6.2 Marginally Suitable.** This term refers to soils that have been designated as marginally suitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

**46.6.3 Natural Function.** This bylaw uses this term to indicate the state to which a disturbed area must be restored or reclaimed. The ‘natural function’ of a disturbed area is not its pre-existing condition, which may be difficult or even undesirable (if noxious weeds are present, for example) to restore. Requiring the site to be restored to its ‘natural function,’ requires that a wetland be restored as a functional wetland, that a woodland be restored as a functional woodland, a field or meadow be restored as a field or meadow, etc.

**46.6.4 New Construction** means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**46.6.5 Nonconforming Lots or Parcels** are lots or parcels that do not conform to the dimensional standards of the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a lot or parcel improperly authorized as a result of error by the administrator.

**46.6.6 Nonconforming Structures** are structures or parts of structures that do not conform to the current bylaws, but were in conformance with all applicable regulations prior to the enactment of this bylaw, including a structure improperly authorized as a result of error by the administrator.

**46.6.7 Nonconforming Uses** are uses of land that do not conform to the current bylaws, but did conform to all applicable regulations prior to the enactment of the current bylaws, including a use improperly authorized as a result of error by the administrator.

**46.6.8 Nonconformity.** This generic term includes nonconforming uses, structures and, lots.

**46.6.9 Official Map.** The legally adopted Official Map of the Town of Williston pursuant to subsection 3 of section 4401 Title 24 VSA Chapter 117, as amended.

**46.6.10 Outdoor Sales** includes the outdoor (not under a roof and within at least three walls) display of merchandise or any other item or service for sale. Typical ‘outdoor sales’ include automobiles and other vehicles and nursery plants and other landscaping materials.

**46.6.11 Outdoor Storage** is the outdoor (not under a roof and within at least three walls) placement, stacking, or stockpiling of materials. Outdoor storage ranges from firewood stacked on residential premises to the stockpiling of gravel, sand, and other quarry products.

**46.6.12 Owners Association.** An owners' association is a nonprofit organization established by a developer to fulfill certain functions that are specified in its articles of incorporation and a set of covenants, including functions required of such associations by the town. Where one is required, continuing membership in the homeowners association is mandatory upon purchase of a lot in the subdivision.

**46.6.13 Owner-Occupied.** To be 'owner-occupied,' a dwelling must be the principal residence of at least one of the owners listed on the current grand list.

**46.6.14 Play Structure.** A 'play structure' is designed for children's play. It is distinguished from play equipment by having footings or some other type of foundation. Play equipment is not a building or structure for which a permit is required this bylaw. A permit is required to install most play structures.

**46.6.15 Portable Signs,** such as sandwich board signs, are designed for easy placement, but given their usual use, they are considered permanent and included in the total sign number and area permitted by this bylaw.

**46.6.16 Projecting Sign.** A projecting sign extends outward from the wall of a building. It may be perpendicular to the building wall or at an angle, but its message is intended to be read primarily by people approaching from one or both sides.

**46.6.17 Public Way.** A 'public way' is any public road or trail.

**46.6.18 Public Works Standards.** This book of standards and specifications may be obtained from Williston's Department of Public Works.

## 46.7 Definitions: Q-T

**46.7.1 Recreational vehicle** means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**46.7.2 Scoreboard.** A scoreboard is a structure on the same lot as and appurtenant to an athletic field on which the score and other information regarding the progress of a game being played is electronically or manually displayed. A scoreboard the complies with the standards WDB 17.7 is not a sign.

**46.7.3 Screening.** This bylaw sometimes requires that development be effectively screened from view from public ways. This does not mean that the development has to be completely invisible: brief views of a part of a structure through the branches of screening vegetation or a break in screening terrain are acceptable.

**46.7.4 Setback.** Required setbacks are ordinarily measured at grade from the nearest point on the property or right-of-way line to the outside foundation wall of the structure or, where the setback is

to a parking area or similar surface, to the outer edge of that surface. This method of measurement will not be used for structures that have an above-grade projection (bay window, deck, eaves, etc.) that extends more than four (4) feet toward the property line.

**46.7.5 *Shed*.** This term includes all roofed accessory structures, including tool sheds, greenhouses, etc., except detached garages and accessory dwellings, which are separately defined.

**46.7.6 *Special Flood Hazard Area*** is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHB). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

**46.7.7 *Start of Construction*** includes substantial improvement, and means the date the administrative permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

**46.7.8 *Structure*** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means: (a) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) a manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and bylaws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

**46.7.9 *Substantial damage*** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**46.7.10 *Subdivision*.** A ‘subdivision’ is land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, tracts, sites, plots, units, or interests for the purpose of conveyance, transfer, offer for sale, lease, or development.

**46.7.11 Suspended Sign.** A suspended sign is hung under the ceiling of an arcade or other overhanging structure, more or less perpendicular to the building. Its message is intended to be read primarily by people approaching along the arcade.

**46.7.12 Swimming Pool.** A ‘swimming pool’ is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

**46.7.13 Town.** This term refers to the Town of Williston, Vermont unless the context clearly indicates otherwise.

**46.7.14 Town Plan.** This term refers to the *2016 Williston Comprehensive Plan*, as adopted on August 22, 2017.

**46.7.15 Tree.** A ‘tree; is any self-supporting perennial woody plant that is ordinarily characterized by a single main stem or trunk of at least 6” diameter at breast height (4.5 feet above ground level).

## 46.8 Definitions: U-X

**46.8.1 Unsuitable.** As used in this bylaw, this term refers to soils that have been designated as unsuitable for on-site wastewater disposal by the Natural Resources Conservation Service in the *2003 Ancillary Ratings for Residential On-Site Waste Disposal in Vermont*.

**46.8.2 Vested Rights.** A ‘vested right’ is the right for a development to be completed in compliance with the rules that were in effect on the date the application for a permit for that development was deemed complete.

**46.8.3 Violation.** A ‘violation’ is the failure of a development to comply with any provision of this bylaw. For the purposes of Chapter 28 of this bylaw, structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

**46.8.4 Visual Absorption.** These regulations sometimes require visual “absorption.” This means that a structure, or structures, are sited and designed so that they blend into the background created by a slope or a stand of trees. No part of a structure that is “absorbed” is ever outlined against the sky, as seen from any public way. Further, there is low contrast, as measured by color and reflectivity, between the structure and the background provided by the vegetation and terrain.

**46.8.5 Wall Sign.** A wall sign is painted on or attached to a wall and runs parallel to that wall. Its message is intended to be read primarily by people facing the building.

**46.8.6 Wastewater Treatment Capacity.** For a two-bedroom dwelling, this is the capacity to treat 135 gallons of sewage per day. For a three-bedroom dwelling, this is the capacity to treat 230 gallons of sewage per day. For all other uses, ‘wastewater treatment capacity’ is determined by the DPW.

**46.8.7 Window Sign.** Window signs are posted within the glass area of a window.

**46.8.8 Woodland.** A ‘woodland’ is a plant community dominated by trees, but with an open canopy of 20-60% cover at the height of the growing season.

**46.8.9 Working Days** refers to the regular business days maintained by the Town of Williston. It excludes weekends and official holidays.

#### **46.9 Definitions: Y-Z**

**46.9.1 Year.** January 1 through December 31. Fiscal years as defined by 46.4.4 are always referred to as such.

## Appendix A – Board Procedures

**A.1. Purpose.** This appendix establishes procedures for the organization and operation of the town boards that are involved in the administration of this bylaw, including the Conservation Commission, the Development Review Board, the Historic and Architectural Advisory Committee, and the Planning Commission. These procedures relate primarily to the organization of the boards. The procedures for development review are established in Chapters 1-11.

**A.2 Membership.** The Conservation Commission, DRB, and Planning Commission are established by the Town Charter. The HAAC is established by this bylaw. Each board consists of seven members appointed by the Selectboard in accord with the following rules.

**A.2.1 Residence.** A majority of the members of each board must be residents of Williston.

**A.2.2 Terms.** Terms expire on May 1, or upon the removal (see A.2.6, below) or resignation of a member, and are for three consecutive years, except when a new member is appointed to fill an unexpired term. There are no term limits.

**A.2.3. Reappointment.** The Town Manager will contact members whose terms will expire before May. Members who wish to be re-appointed by the Selectboard must notify the Manager in writing before the Selectboard's first meeting in May. There is no right to another term. The decision to re-appoint will be made by the Selectboard based on its perception of the Town's needs.

**A.2.4. New Applicants.** Any prospective board member must apply to the Selectboard using the form provided by the Town. If an opening is available, the prospective member will be invited to interview with the Selectboard.

**A.2.5 Alternates.** The Selectboard may appoint one alternate member to each board. The alternate will sit as a voting member when necessary to ensure that a quorum is present.

**A.2.6 Removal.** Any member may be removed by majority vote of the Selectboard. Removal must be preceded by written charges and a public hearing.

**A.2.7 Attendance.** Members are expected to attend all meetings, but it is understood that occasional conflicts are inevitable. Members should notify the Administrator if they will be unable to attend a meeting.

**A.3 Ethical Conduct.** As provided by Chapter 3 of this bylaw, members must conduct themselves in accord with the town's *Conflict of Interest Ordinance*, which addresses both conflicts of interest and ex parte contacts. That ordinance appears as Appendix B.

**A.4 Officers.** Each board shall annually elect a Chair, Vice-Chair, and Secretary. Elections shall be held at the board's first May meeting (or as soon as possible after that). Vacancies due to removal or resignation may be filled at any time by a simple majority vote of the board. The Chair presides. The Vice-Chair presides in his or her absence. The Secretary is responsible for keeping minutes in the absence of staff support.

**A.5 Regular Meetings.** Regular meetings shall be as set by the board. Any change in the regular meeting schedule shall be preceded by at least 15 days notice published in a newspaper of general circulation in Williston, and by notices posted in the offices of the Town Clerk.

**A.6 Special Meetings.** This bylaw requires that most business be transacted at regular meetings. The board may meet at the call of the Chair, however, provided that notice of such a special meeting is posted at the offices of the Town Clerk at least 24 hours in advance. A special meeting may also be held at the request of any two members. Notice to members may be provided by telephone and or e-mail, again at least 24 hours before the meeting. Special meetings must be confined to the advertised topic.

**A.7 Quorum.** A quorum is necessary for any hearing or action set up by this bylaw. A quorum consists of a majority of the members, i.e. four, including, if necessary, the appointed alternate. Members who abstain do not count as part of a quorum for that vote. Only members who have attended all hearings or listened to the recordings of those hearings) regarding a particular appeal or application may vote on that appeal or application.

**A.8 Minutes.** Minutes shall be kept of all meetings. Minutes shall include the minimum contents required by state law. Recordings shall be made of all DRB meetings and of any meeting of the other boards at which a quasi-judicial or other potentially litigable action will be taken. Minutes will be available for public review in the office of the Administrator, and after approval by the board, the office of the Town Clerk.

**Requirements for Minutes.** From 1 V.S.A. § 312(b): (1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information: (A) All members of the public body present; (B) All other active participants in the meeting; (C) All motions, proposals and resolutions made, offered and considered, and what disposition is made of same; and (D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.

## **Appendix B**

### **Conflict of Interest Ordinance**

This ordinance is ancillary to *Williston Unified Development Bylaws (WDB)* and included as an appendix as a courtesy to the public.

This ordinance is adopted under different statutory authority than the *Williston Unified Development Bylaws*, and therefore not enforced by the Development Review Board or Zoning Administrator.

Please contact the Town Clerk to obtain a copy of the most recent version of this ordinance, as it may have been amended by the Selectboard.

## **Appendix B**

### **Conflict of Interest Ordinance**

This ordinance is ancillary to *Williston Unified Development Bylaws (WDB)* and included as an appendix as a courtesy to the public.

This ordinance is adopted under different statutory authority than the *Williston Unified Development Bylaws*, and therefore not enforced by the Development Review Board or Zoning Administrator.

Please contact the Town Clerk to obtain a copy of the most recent version of this ordinance, as it may have been amended by the Selectboard.

**Town of Williston**  
**CONFLICT OF INTEREST ORDINANCE**

**1. AUTHORITY**

This civil ordinance is adopted pursuant to 24 V.S.A. § 2291 (20) and Chapter 59.

**2. POLICY STATEMENT**

Accepting a position as a public official carries with it the acceptance of trust that the official will work to further the public interest. Maintaining that public trust is critical to the continued operation of good government. In addition, public decision-making should be open and accessible to the public at large. To preserve this public trust, there are five principles to which public officials should adhere:

- 2.1. A public official should represent and work towards the public interest and not towards private/personal interests.
- 2.2. A public official should accept and maintain the public trust (i.e. must preserve and enhance the public's confidence in their public officials).
- 2.3. A public official should exercise leadership, particularly in the form of consistently demonstrating behavior that reflects the public trust.
- 2.4. A public official should recognize the proper role of all government bodies and the relationships between the various government bodies.
- 2.5. A public official should always demonstrate respect for others and for other positions.

**3. STANDARDS OF CONDUCT**

No elected or appointed official of the Town, whether or not s/he is compensated for his/her service by the Town, shall directly or indirectly (ie. by others on his/her behalf or at his/her request or suggestion):

- 3.1. engage in any private business, transaction or employment, or have any significant financial interest therein, which is incompatible or in conflict with the proper and impartial discharge of his/her duties on behalf of the Town. A “significant financial interest” is any direct or indirect benefit to the decision-maker other than the interest that would accrue to him or her as a taxpayer or resident;
- 3.2. represent any private party before the public body on which the official sits or over which the official has appointment or budgetary powers;

- 3.3. disclose without authorization or use to further a personal interest, confidential information acquired in the course of official duties.
- 3.4. grant or influence the granting of any special consideration, advantage or favor, to any person, group, firm or corporation, beyond that which is the general practice to grant or make available to the public at large;
- 3.5. with the exception of occasional, non-pecuniary gifts, accept anything of economic value such as money, service, gift, loan, gratuity, favor or promise thereof for the purpose and intent of which is to influence any such official of the Town in the exercise of his/her official judgment, power or authority;
- 3.6. make personal use of staff, vehicles, equipment, materials or property of the Town except in the course of his/her official duties or as duly authorized by the proper Town Officer, Board or Commission;
- 3.7. participate in the appointment, vote for appointment, or discussion of any appointment of an immediate family member or business associate, or use his/her position, directly or indirectly, to effect the employment status of an immediate family member or business associate to any Town office or position, paid or unpaid; or
- 3.8. receive or have any financial interest in any sale to the Town of any real estate when such financial interest was received under circumstances which would lead a reasonable person to expect that the Town intended to purchase, condemn or lease said real estate.

#### 4. EX-PARTE COMMUNICATIONS: BOARDS, COMMISSIONS AND COMMITTEES

In any quasi-judicial matter (e.g. personnel hearings, road layouts and discontinuance's condemnation proceedings, hearings held under interim zoning rules, and matters involving the issuance of a permit or approval), or the award of a contract, before a Town Board, Commission or Committee, a public official sitting on such Board, Commission or Committee, shall not, outside of that Board, Commission or Committee, communicate with or accept a communication from a person for which there are reasonable grounds for believing to be a party to the matter being considered, if such communication is designed to influence the official's action on that matter. If such communication should occur, the public official shall disclose it at an open meeting of the Board, Commission or Committee prior to its consideration of the matter.

#### 5. DISCLOSURE AND RECUSAL PROCEDURES

Whenever a matter comes before a Board, Commission or Committee, as to which any conflict of interest standard, as described in Section 2 of this Ordinance, applies to one of its members, the following provisions shall apply:

- 5.1. The public official involved shall disclose to the relevant Board, Commission or Committee, in an open public meeting, the nature of the conflict of interest, prior

to any consideration of the matter by said Board, Commission or Committee.

- 5.2. Following such disclosure, such public official shall not participate in any consideration, discussion or vote on the matter before the Board, Commission or Committee. If the official wishes to address the issue at an open public meeting, the official may participate as a member of the public. During deliberation and vote on the matter, the official shall not be present. The official may attend an executive session to discuss the matter at the invitation of the Board, Commission or Committee, if such attendance complies with the statutory requirements of the Open Meeting Law.
- 5.3. The public official shall not, during any part of the Board, Commission, or Committee meeting pertaining to the matter requiring the disclosure, represent, advocate on behalf of, or otherwise act as the agent of the person or business entity in or with which the official has such an interest or relationship.
- 5.4. The foregoing shall not be construed as prohibiting the official from testifying as to factual matters at a hearing of the Selectboard, Planning Commission, Development Review Board, or any other Committee.

## 6. HOW TO SUBMIT A COMPLAINT OF ETHICS VIOLATION

- 6.1. A person, who believes that an appointed public official of the Town has violated any portion of this Ordinance, may send or deliver a signed, written complaint, signed under penalty of false statement to the Clerk of the Board of Civil Authority. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Clerk shall forward the complaint to the person alleged to have committed the violation, the Chair of the Board of Civil Authority, and the Chair of the Board with appointing authority over the position held by that person.
- 6.2. A person, who believes that an elected public official of the Town has violated any portion of this Ordinance, may send or deliver a signed, written complaint to the Chair of the Board upon which the elected official sits. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Board Chair shall forward the complaint to the person alleged to have committed the violation.

## 7. INVESTIGATING COMPLAINTS

- 7.1. Upon receipt of a formal complaint, the Board of Civil Authority (BCA) shall appoint a five-person Committee from among its members, which shall conduct a preliminary investigation to determine if the complaint alleges sufficient acts to constitute a violation.
- 7.2. If the Board of Civil Authority Committee makes a finding of no violation, the

complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No BCA Committee member or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known. The BCA shall inform the complainant and the respondent of its finding by registered or certified mail not later than three business days after termination of the hearing or investigation.

- 7.3. If the BCA Committee determines the complaint alleges sufficient acts, then within thirty (30) days after so determining, the BCA Committee shall fix a date for the commencement of the hearing on the allegations. The hearing date regarding the complaint shall not be more than sixty (60) days after the filing of the complaint.
- 7.4. In the conduct of its investigation of an alleged violation of this ordinance, the BCA Committee shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require the production for examination by the BCA Committee of any books and papers which the BCA Committee deems relevant in any matter under investigation or in question. In the exercise of such powers, the BCA Committee may use the services of the municipal police, who shall provide the same upon the BCA Committee's request.
- 7.5. The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses.
- 7.6. The BCA Committee shall make no finding that there is a violation of any provision of the Ordinance except upon the concurring vote of at least four of its members.
- 7.7. Any hearing conducted by the BCA Committee shall be governed by the administrative rules of evidence.

## 8. ENFORCEMENT AND PENALTIES

After a finding of violation, The BCA Committee may take one or more actions in response to a violation of this Ordinance:

- 8.1. Reconsideration - Ask any appointed board or commission or appointed official to reconsider a matter that the BCA Committee believes involved a violation of this Ordinance by any member of the board or commission or appointed official, if the law otherwise allows such reconsideration.
- 8.2. Recusal – request an appointed official to recuse himself or herself in proceedings having a direct connection to the ethic complaint.

- 8.3. Admonishment – A reminder or warning that a particular type of behavior may be or is in violation of law or this Ordinance and that if it occurs or is found to have occurred, could make an appointed official subject to a more severe penalty.
- 8.4. Censure - Censure is a formal statement by the BCA Committee officially reprimanding an appointed official. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as a public official.
- 8.5. Restitution of any pecuniary benefits received because of the violation committed.
- 8.6. Removal or Suspension – remove or suspend any appointed member of any board or commission from their position, the BCA Committee shall not impose censure on any public official for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the BCA Committee and the Town. However, nothing herein shall be construed to prohibit the BCA Committee members from individually condemning and expressing their strong dislike of such remarks.

## 9. SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

## 10. EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Williston Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.

**Adopted by the Selectboard, Town of Williston, on September 18, 2006**

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Terry Macaig

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Andy Mikell

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Jeff Fehrs

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Ted Kenney

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Judy Sassorossi

## Appendix C - Model Development Agreement

Each development agreement must be carefully crafted to ensure compliance with the *Williston Development Bylaw*. This model and the accompanying annotations are a starting point.

### -- Development Agreement --

This is an agreement between the Town of Williston (the Town) and (owner's name), (the Developer), the owner of (project name) (the Development), together known as the parties to this agreement.

**1. What is the purpose of this agreement?** The purpose of this development agreement, which is required by Section 7.1.5 of the *Williston Development Bylaw*, is to set forth in detail when and in accord with what plans and standards the Developer will construct or install the required improvements in the Development. This development agreement also addresses the inspection of those required improvements and establishes how the Developer will guarantee that the promised improvements are in fact made.

**2. What is the term of this agreement?** The term of this agreement begins when it is signed by the Town Manager and ends at the time the last promise is fulfilled by either of the parties. The Town Manager's signature will follow approval of the final plans for the Development by the Williston Development Review Board. This agreement must be signed by the Town Manager and recorded before an administrative permit for work on the Development will be approved.

**When does the developer sign?** The developer must provide a signed copy of the proposed development agreement with the final plans when they are submitted for review by the DRB.

**3. On what consideration is this agreement based?** The basis for this development agreement is the approval of the final plans submitted in compliance with the Williston Development Review Board's approval of Discretionary Permit \_\_\_\_ - \_\_\_\_\_. It is understood that the scope of this agreement is confined to the required improvements that are shown on the approved final plans (see Item 4, below) and listed in Attachment A of this agreement. This development agreement is not intended to address other conditions of approval.

**Could a development agreement address other conditions of approval?** It is possible that the town and a developer could use a development agreement to address conditions of approval that are not related to required improvements. That possibility is not anticipated in this model, but the language above could be revised and additional items addressing other types of conditions of approval could be added to a development agreement.

**4. Are the approved final plans for the development part of this agreement?** Yes.

**4.A. the Simple Version:** The final plans of the Development, as approved by the Williston Development Review Board on (date) are hereby incorporated into this agreement by reference. It is understood that those approved final plans are binding on the Developer and the Town, and that this creates a vested right for the Developer, as provided by WDB 2.2. It is also understood that only the minor changes in plans permitted by WDB 5.6 are permitted without renegotiation of this development agreement.

OR

**4.B. the Phased Version:** The final plans of the Phase/s I/I-n, approved by the Williston Development Review Board are hereby incorporated into this agreement by reference. It is understood that those approved final plans are binding on the Developer and the Town, and that this creates a vested right for the Developer, as provided by WDB 2.2. It is further understood that the final plans for additional phases of the Development will be submitted to the Williston Development Review Board for review in accord with the following schedule:

Phase	Final Plans to be Submitted Between earliest date	latest date
III	1-May-10	1-May-11
IV-V	1-May-12	1-May-13

The blanks in this table are filled in to provide an example.

Changes in this schedule will require renegotiation of this development agreement, as provided for below. Finally, it is also understood that only the minor changes in plans permitted by WDB 5.6 are permitted without renegotiation of this development agreement.

**5. What improvements are covered by this agreement?** All proposed improvements that were approved by the Williston Development Review Board in its approval of Discretionary Permit \_\_\_\_ - \_\_\_\_\_ and its subsequent approval of the final plans for the Development are covered by this development agreement. Those improvements are listed in Attachment A which includes cost estimates for each proposed improvement.

**6. Which construction standards apply to the improvements covered by this agreement?** Construction or installation of the improvements listed in Attachment A shall be in accord with all applicable standards of the *Williston Development Bylaw* and the *Williston Public Works Standards*, including the state or national standards referenced in those documents, as they existed on the date the application for Discretionary Permit \_\_\_\_ - \_\_\_\_\_ was deemed complete by the town.

**7. When must the improvements shown on the final plans and listed in Attachment A be made?**

*the Simple Version:* All improvements shown on the approved final plan and listed in Attachment A must be made before a certificate of occupancy will be issued. A temporary certificate of occupancy may be requested, as provided by WDB 7.3.3.

OR

*the Phased Version:* Discretionary Permit \_\_\_\_ - \_\_\_\_\_ permits the Development to be constructed in (number) phases, which are shown on (reference to the map of phases from the approved final plans). Attachment A has also been organized by phase so that the list and the costs of the improvements to be made in each phase are clear. It is understood that all improvements shown on the approved final plan and listed in Attachment A for each phase must be complete before a certificate of occupancy will be issued for that phase. A temporary certificate of occupancy may be sought as provided by WDB 7.3.3, but any such certificate will be clearly conditioned on completion of the required improvements as provided by this development agreement.

**8. Will inspections be required?** Yes. All work covered by this development agreement is subject to inspection by the Town, as provided by WDB 7.1.7 and the *Williston Public Works Standards*.

**8.A By the Town.** It is understood that the signature of the Developer on this agreement constitutes permission for representatives of the Town to enter onto the private property of Developer for the purpose of completing these inspections. The Developer further agrees to provide the Town with entry into locked areas and to arrange for safe inspections of potentially hazardous sites. The Developer will also, at his/her expense, provide the opportunity for the Town to discuss work on the required improvements with contractors, designers, and employees retained by the Developer.

**8.B Scheduling Inspections.** A final inspection schedule consistent with the *Public Works Standards* will be set at the pre-construction meeting, the date, time, and place for which will be set by mutual agreement of the Town and the Developer.

8.C. **By the Applicant**. The Developer will provide (weekly, bi-weekly, monthly – insert a time frame here) reports of inspections conducted by (list who – engineers, architects, landscape architects, etc.) to the Administrator and/or DPW.

**9. Will as-built drawings be required?** Yes. As-built drawings must be provided to the Town as required by WDB 7.1.9 and the *Williston Public Works Standards*.

**10. What happens if the Developer fails to construct or install the improvements covered by this agreement in a timely manner?** As provided by WDB 7.1.6.3, if the Developer fails to construct or install the improvements listed in Attachment A within the time frames established by this development agreement, the Town may use the securities provided in accord with 12 and 13, below, to complete the required improvements. If any funds remain in the escrow account after the Town has completed the required improvements, those funds will be returned to the Developer.

**11. What securities must be provided to guarantee the completion of improvements that will become the property of the Town or another public agency?** In accord with WDB 7.1.6.1, the Developer agrees to provide security by depositing funds equal to 110% of the estimated cost of constructing or installing the improvements that are to become publicly owned in an escrow account before an administrative permit for any work on the Development is approved. Attachment B provides details on the amount, name and location of the escrow account. That Attachment also provides details on how funds may be released as work proceeds, is inspected, and is found to be complete by the Town. It is understood, however, that at least one-third of the funds deposited shall be retained in escrow and returned only after a certificate of occupancy is issued. It is further understood, that interest earned on the escrow account shall be retained in the account to reflect the inflating cost of the improvements and to be used by the Town in case of default.

**12. What securities must be provided to guarantee completion of improvement that will remain in private ownership?** In accord with WDB 7.1.6.2, the Developer agrees to provide security by providing an irrevocable letter of credit, posting a performance bond, or depositing funds in escrow equal to 10% of the estimated cost of constructing or installing the improvements that are remain in private ownership before an administrative permit for any work on the Development is approved. Attachment C provides details on the amount, name and location of the escrow account. It is understood, however, that the letter of credit, performance bond, or funds placed in escrow will be returned only after a certificate of occupancy is issued. It is further understood, that interest earned on an escrow account shall be retained in the account to reflect the inflating cost of the improvements and to be used by the Town in case of default.

**13. Must securities for phased developments be provided for the entire development or by phase?** Securities for phased developments will be provided by phase.

**14. What happens to vested rights if the Town must complete required improvements?** They may disappear. As provided by WDB 7.1.2.9, if the Town is required to use a guarantee to complete required improvements, the Town may declare this agreement void, thereby cancelling all vested rights granted by the Town's approval of the discretionary permit and the final plans. In its sole discretion, the Town may instigate a renegotiation of this agreement by informing the Developer of its intention to do so within 180 days after the failure to initiate, implement, or complete a phase as scheduled.

**15. May this agreement be re-negotiated?** The parties to this development agreement are committed to its provisions. They recognize, however, that changes in regulatory or technical practices could necessitate changes in this development agreement. Neither party is obliged to renegotiate the terms of this development agreement, but if both parties agree to pursue changes, those changes shall be proposed in writing, either as an amendment to this agreement or as an entirely new draft development agreement. All proposed changes must be approved by the Williston Development Review Board and signed by the Town Manager following that approval.

**16. Is this agreement binding on successors and assigns?** Yes. This development agreement runs with the land to which it applies. It is binding on the Developer and the Developer's successors, heirs, and assigns, and on the Town's and the Town's successors and assigns. If either party learns that an assignment, sale, conveyance, foreclosure, lease, or any other event is likely to change the identity of any party, that party shall provide written notice to the other party within 48 hours of such change, and shall provide the other party with copies of all documents relating to the transfer of interest in the Development.

**17. At what address may the Developer be contacted when a formal notice must be given, as required by this agreement?** The Developer's address is (full mailing address). This address constitutes the official contact for the Developer until the Developer provides a changed address in writing and that change is acknowledged by the Town. All notices required by this agreement will be sent to this address.

**18. Is this agreement governed by the laws of Vermont?** Yes, this agreement is governed by Vermont statute and case law.

Dated this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, at Williston, Vermont.

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Town Manager, Town of Williston

Dated this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_, at Williston, Vermont.

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Duly-appointed Agent of Developer

## **Appendix D**

### **Road Name and Road Location Addressing Ordinance**

This ordinance is ancillary to *Williston Unified Development Bylaws (WDB)* and included as an appendix as a courtesy to the public.

This ordinance is adopted under different statutory authority than the *Williston Unified Development Bylaws*, and therefore not enforced by the Development Review Board or Zoning Administrator.

Please contact the Town Clerk to obtain a copy of the most recent version of this ordinance, as it may have been amended by the Selectboard.

**ROAD NAME AND ROAD LOCATION  
ADDRESSING ORDINANCE**

**TOWN OF WILLISTON, VERMONT**

**Amendment 2006**

The Selectboard of the Town of Williston hereby ordains:

**SECTION I - AUTHORITY**

This ordinance is enacted pursuant to 24 VSA, Chapter 59, Chapter 61, Subchapter 11 and Chapter 117, and 24 VSA, Section 2291 (16). It shall constitute a civil ordinance within the meaning of 24 VSA, Chapter 59.

**SECTION II - PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, welfare and convenience and in order to develop a more uniform road naming, road renaming and road location addressing system throughout the Town of Williston to enable people to locate roads and addresses and to effectively provide emergency services and deliveries to Town citizens.

**SECTION III - DEFINITIONS**

Road: For purposes of this Ordinance, a “road” is (i) a State or Town highway identified on the latest Agency of Transportation General Highway Map for the Town of Williston, or (ii) any non-public road, street, right-of-way, shared driveway, or other way which provides access to three or more ~~dwellings~~ structures.

Structure: For purposes of this Ordinance, a “structure” shall include (i) any dwelling, (ii) any public building, (iii) any place of business, and (iv) any building which the Zoning Administrator determines should have a separate location number in order to effectively provide emergency services.

**SECTION IV - ROAD NAMING AND RENAMING**

- A. Each “road”, as defined herein, shall be assigned a name. The Selectboard may determine that other roads, streets, rights-of-way, or other ways providing access to a structure, may require a name if necessary to effectively provide emergency services.
- B. Attached to this Ordinance is a list and map of all current roads and road names in the Town of Williston and the names of such roads are hereby adopted.

Each road not named in Attachment A, or proposed for renaming, shall receive a proposed name. ~~by resolution of the Selectboard at a regularly scheduled meeting of the Board~~. The proposed road names must be separate and distinct from other designated road names in the Town of Williston and surrounding communities.

- C. The Selectboard shall add names to Attachment A or rename roads by following the procedures for adoption and amendment of enforcement of ordinance as set forth in 24 V.S.A., Chapter 59.

(Note: Attachment A is the "E-911 Road Map" with road name list.)

## SECTION V - FUTURE DEVELOPMENT

- A. Prior to the approval of a subdivision by the Planning Commission, the subdivider shall furnish a plan for road naming in accordance with this Ordinance to *the E-911 Coordinator, the Planning Commission and the Development Review Board and Selectboard*. The subdivider shall be responsible for installation of road signs, per Town of Williston specifications, prior to the issuance of any permits for construction on any of the subdivided lots.
- B. Following the adoption of this Ordinance, the ~~Selectboard~~ *E-911 Coordinator* shall give written approval for the proposed road name and *the Selectboard* shall add it to Attachment A pursuant to the procedure set forth above.

## SECTION VI - GENERAL NUMBERING SYSTEM GUIDELINES

- A. Roads officially named by the Selectboard of the Town of Williston shall be measured in segments of 5.28 feet *where possible*. If practicable, the end of the road nearest the intersection of Route 2 and Route 2A will designate the starting point for numbering purposes. *Roads that are part of a development with an irregular layout may be numbered using a number series rather than a measured increment. Irregular layouts are determined by the E-911 coordinator.* Even numbers shall be assigned to the right side of the road and odd numbers to the left as they proceed from the starting point.
- B. The Town of Williston shall assign each structure, as defined herein, a "location number" based upon its distance (i.e.: the number of 5.28 foot segments) from the starting point of the road to the center of the driveway or entrance from the road to the structure. The Town shall have the authority to assign a location number utilizing other physical information regarding the structure, if appropriate and necessary in order to effectively provide emergency services.
- C. Each of the location numbers for structures must be at least four (4) inches high and two (2) inches wide. Location numbers must be ~~dark sharply contrasting~~ in color from the ~~on a light colored~~ background with no other markings or symbols.

Numbers must be clearly visible from the road if the location number signs are affixed to the structure. If the location number affixed to the structure is not clearly visible from the road, the location number shall be affixed on a board or plaque no smaller than 8 inches wide by 4 inches high and such board or plaque is affixed to a post, pole, fence or other structure near the driveway entrance so as to be clearly visible from the road during all seasons.

Numbers may only be affixed to a mailbox if there is a single mailbox located at the entrance to the structure from the road and, in such event, the location number shall be on both sides of the mailbox. If there are multiple mailboxes at a single location or the mailbox is on the opposite side of the road to the entrance to the structure, ~~no location numbers may be placed on the sides of the mailbox and~~ any identifying information shall ~~only~~ be marked on the front of the mailbox facing the road.

The property owner is responsible for the purchase and installation of numbers to be installed.

- D. A multiple dwelling or use structure shall bear one number for each dwelling or use where possible. If each dwelling or use does not have a separate number, then the Town shall determine the appropriate numbering of each dwelling or use so as to effectively provide emergency services.
- E. All location numbers shall be maintained so as to maintain clear visibility of the location number.

## **SECTION VII - ROAD NAME SIGNS**

- A. The Public Works Department, upon adoption of this Ordinance, shall institute a program for the installation and maintenance of municipal and private road name signs in accordance with this Ordinance. All private roads shall also be properly signed. The cost of initial installation (purchase and installing post and sign) shall be by the Town on existing Town roads listed on Attachment A. The owners/users of roads which are not State or Town highways shall be responsible for the acquisition, installation and maintenance, repair and replacement of such road signs for the private roads. The Town shall be responsible for the maintenance, repair and replacement of road signs on public highways.
- B. All road signs shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways.
- C. All signs shall be maintained so as to maintain clear visibility of the name of the road.

## **SECTION VIII - NUMBERING**

All property owners of structures shall install their location numbers within sixty (60) days after the adoption of the road name upon which the structure is located and numbers have been assigned by the Town.

## **SECTION IX - SEVERABILITY**

If any portion of this Ordinance and any Amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance and Amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this Ordinance shall be amended, this ordinance shall be deemed to refer to such statute amended.

## **SECTION X - ENFORCEMENT**

- A. The designated enforcement officer is the Town Manager or his or her assign.
- B. This Ordinance is designated as a Civil Ordinance pursuant to 24 V.S.A. Section 1971 (b). This Ordinance shall be enforced throughout the Traffic and Municipal Ordinance Bureau pursuant to 23 V.S.A. Chapter 24 and 24 V.S.A. Chapter 59, as may be amended from time to time.

- C. The following civil penalties are hereby imposed for violation of the Ordinance, following an initial warning:

First violation of the Ordinance:	\$ 50.00
Second violation of the Ordinance:	\$100.00
Third violation of the Ordinance:	\$200.00
Fourth and subsequent violation of the Ordinance:	\$400.00

Each day a violation continues shall constitute a separate violation.

In cases where the violations of the Ordinance are brought in the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:

First violation of the Ordinance:	\$ 25.00
Second violation of the Ordinance:	\$ 50.00
Third violation of the Ordinance:	\$100.00
Fourth and subsequent violation of the Ordinance:	\$200.00

Each day a violation continues shall constitute a separate violation.

- D. In addition to any other remedy provided in this Ordinance or available at law or in equity, the Town of Williston may institute a suit for an injunction to prevent, restrain or abate violations of this Ordinance.

Adopted this 24th day of April, 1997:

Amended this ----- day of -----, 2006

**Williston Selectboard:**

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Received and Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 2006

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**Deborah Beckett, Town Clerk**

Amendments to Schedule "A"

**TO BE DELETED**

Bartlett Lane  
Beartown Road  
Carey Lane  
Carlyss Court  
Emerald Lane  
Great Woods Lane  
Hinesburg Road  
Karma Court  
O'Neill Lane  
Short Street  
Wood Lily Road

**NEW ROADS TO ADD TO ORDINANCE**

Avenue D Extension

Balsam Circle  
Barrett Lane (changed from Bartlett)  
Beartown Lane (changed from Road)  
Benoit Lane  
Bishop Avenue (changed from Short St)  
Blair Park Road (road added back into name)  
Blue Heron Drive  
Boulder Drive  
Boxwood Street  
Boxwood Walkway  
Breezy Meadow  
Brennan Woods Drive

Caboose Lane  
Callaway Drive  
Casey Lane (changed from Carey)  
Central School Drive  
Cherrywood Lane  
Chip Alley  
Churchview Drive  
Connor Way  
Corena Court  
Cornerstone Drive  
Coyote Lane  
Cypress Street

Deer Run (changed from Emerald Lane)  
Demag Drive  
Desarno Drive  
Dimick Road (located in Richmond but is only access for one Williston property)  
Douglas Road

Eagle Crest  
Earnhardt Drive

Falcon Manor  
Fiddlehead Lane

Gallop Drive (changed from Karma Ct)  
Germaine Court  
Greenwood Lane  
Gun Club Road

Hanon Drive  
Hawthorne Street  
Holly Court  
Honeysuckle Lane

Ian Place  
IBM Road  
Interstate Corporate Center

Juniper Lane

Katie Lane (changed from Wood Lily Rd)

Laclair Lane  
Lawes Drive  
Lawrence Place  
Library Lane  
Lois Lane

Maple Tree Place  
Michael Lane  
Miller Lane  
Moss Ledge

Nora Pete Drive

Oneil Lane (to correct spelling)  
Omega Drive

Paul Street  
Pebble Lane  
Penny Lane  
Pioneer Drive  
Primrose Lane  
Prushko Lane

Raven Circle  
Retail Way  
Ricky Vista  
Rosewood Drive

Route 116

Sadler Lane  
Simons Plaza  
Slate Barn Road  
Snowdrift Lane  
Sycamore Street

Taft Corners Shopping Center  
Trader Lane  
Trinity Drive  
Tyler Way

Unity Lane

Vine Street

Walnut Street  
Walnut Walk  
Wellness Drive  
Whitney Hill Homestead  
Wright Avenue

Zephyr Road

## **Appendix E**

### **Noise Control Ordinance**

This ordinance is ancillary to *Williston Unified Development Bylaws (WDB)* and included as an appendix as a courtesy to the public.

This ordinance is adopted under different statutory authority than the *Williston Unified Development Bylaws*, and therefore not enforced by the Development Review Board or Zoning Administrator.

Please contact the Town Clerk to obtain a copy of the most recent version of this ordinance, as it may have been amended by the Selectboard.

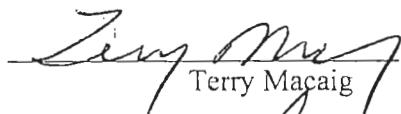
WILLISTON, VT TOWN CLERK'S OFFICE  
Received Jun 16, 2020 12:30P  
Recorded in VOL: 17 PG: 291- 299  
Of Williston Land Records  
ATTEST: Sarah Mason, Town Clerk

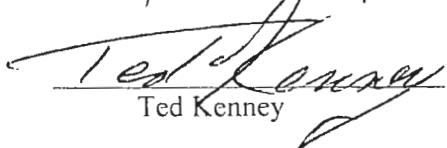
## Town of Williston

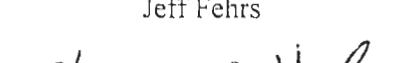
### Noise Control Ordinance

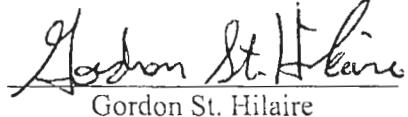
Adopted October 25, 2004  
Amended April 21, 2020

#### Williston Selectboard

  
Terry Macaig

  
Ted Kenney

  
Jeff Fehrs

  
Gordon St. Hilaire

  
Roy Limoge

## Noise Control Ordinance

1. **Authority:** This ordinance is adopted under authority of 24 V.S.A. § 2291 and 24 V.S.A. chapters 59.
2. **Purpose:** This ordinance is intended to protect, preserve and promote the health, safety, welfare, and peace and quiet for the citizens of the Town of Williston through the reduction, control and prevention of noise. This ordinance establishes controls that will eliminate and reduce unnecessary noises, which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.
3. **Definitions**
  - 3.1. "Average sound level" – A sound level during a given period of time (e.g. one hour) found by the general rule of combination of sound levels. Also called equivalent sound level.
  - 3.2. "Decibel" – Unit of measurement of the sound pressure level as prescribed by the American National Standards Institute.
  - 3.3. "Emergency" Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
  - 3.4. "Emergency Work" Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
  - 3.5. "Instantaneous maximum sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has duration of less than one second.
  - 3.6. "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.
  - 3.7. "Property line" means either (a) the imaginary line including its vertical extension that separates one parcel of property from another; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the property

line would be the interface between the residential area and the commercial area).

- 3.8. **Receiving Property** – The location that is receiving the sound in question.
- 3.9. **Residential Property** - Property used for human habitation or sleeping
- 3.10. **Sound level** – In decibels measured by a calibrated ANSI type I or type II sound level meter, using “A” frequency weighting (expressed in dBA)
- 3.11. **Sound measurement standards** – Sound shall be measured in accordance with standards specified by the American National Standards Institute (ANSI)
- 3.12. **Unoccupied Lands** – Lands without permanent structures used for human habitation or business.
- 3.13. **Unreasonable Noise** Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities within the Town of Williston. Elements to be considered in determining whether noise is excessive in a given situation include, but are not limited to, the following: intensity of the noise, whether the noise is usual or unusual, whether the origin of the noise is natural or unnatural, the intensity of the ambient noise, the proximity of the noise to sleeping facilities, the zoning district within which the noise emanates, the time of the day or night the noise occurs, the duration of the noise, whether the noise is continuous or intermittent, and/OR whether alternate methods are available to achieve the objectives of the sound producing activity.

#### 4. General Prohibitions

No person or persons shall make, cause to be made, assist in making or continue any excessive, unnecessary, unreasonably loud noise or disturbance, which disturbs, destroys, or endangers the comfort, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, shall be deemed a violation of this Ordinance and shall be considered as a noise disturbance and public nuisance, provided that the instrument, devices, vehicles or other noise source is plainly audible from the receiving property Boundary line.

- 4.1. **Defect in vehicle or operation of vehicle:** The operation of any automobile, truck, motorcycle, all-terrain vehicle, snowmobile or boat in such a manner as to create squealing, or squealing of tires, or loud and unnecessary grating, grinding, exploding-type, rattling, or other noises.
- 4.2. **Dogs, cats, birds and other animals.** The keeping of any dog, cat, bird or other animal, which shall become a nuisance to another person in the

vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping, screaming or other animal noise and vocalizations.

- 4.3. Vocal disturbances. Yelling, shouting, whistling, singing or making any other loud vocal or noise disturbance, including parties and other social events so as to disturb, destroy, or endanger the peace of persons in the immediate vicinity of the noise or disturbance. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce unreasonable noise. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.
- 4.4. Construction related activities: Noises emanating from the road construction or from the excavation, demolition, alteration, construction, or repair of buildings, structures, property between the hours of 9:00 PM and 6:00 AM.
- 4.5. Loud speakers, amplifiers. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising, attracting the attention of the public, or communicating to employees.
- 4.6. Horns, signaling devices, etc. The sounding of any horn or signal on any automobile, motorcycle, boat or other vehicle except as a danger warning; the creation, by means of any other signaling device, of any unreasonable loud or harsh sound; and. the sounding of any such device for unnecessary and/or unreasonable periods of time.
- 4.7. Radios, phonographs, etc. The using, operating or permitting to be played, used or operated of any radio or television receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing of sounds in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such a machine or device is operated and who are voluntary listeners thereto.
- 4.8. Exhaust. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motorboat, or motor vehicle, except

through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

- 4.9. Trash Removal. The removal of household and commercial trash by authorized commercial trash haulers utilizing mechanized conveyances within 500 feet from a residential property between the hours of 9:00 PM. and 6:00 A.M.
- 4.10. Mobile. Portable or Outdoor Electronic Sound-producing Devices. The playing or use of a mobile, portable or outdoor electronic sound-producing device in such manner or with such volume at any time and place as to disturb, destroy or endanger the comfort, repose or peace of persons.

## **5. Prohibitions for Non-Residential Uses**

- 5.1. It shall be a violation of this Ordinance for anyone to create or allow the creation of noise not otherwise specified under General Prohibitions, in excess of the following stated limits during the stated time periods for noise generated on properties being used for other than residential purposes.
- 5.2. Noise measurements shall be made at the property line.
- 5.3. This standard shall not apply to unoccupied receiving properties.
- 5.4. Sound level measurements shall be taken with a sound level meter meeting the minimum American Standards Institute (ANSI) requirements for Type I or Type II accuracy, and shall use the fast response setting.
- 5.5. Nothing in this Ordinance shall limit the Board from imposing additional noise control measures beyond that needed to reach the limits set below.

<u>Time Period</u>	<u>Receiving Property</u>	<u>One hour Average dBA</u>	<u>Instantaneous Maximum dBA</u>
7:00 am to 10:00 pm	Industrial A	75	90
7:00 am to 10:00 pm	Residential	55 to 65	80
10:00 pm to 7:00 am	Industrial A	60	70
10:00 pm to 7:00 am	Residential	45	60
7:00 am to 10:00 pm	Other	65	50
10:00 pm to 7:00 am	Other	60	70

**6. Exemptions and Exclusions**

Sounds from the following sources shall be exempt from the prohibitions specified in this ordinance:

- 6.1. Any person or organization that has obtained a noise waiver from the Town of Williston. (i.e. parade, block party, fire works display, etc.)
- 6.2. Any vehicle and equipment owned by and operated by any governmental unit or a utility in the performance of its duties.
- 6.3. Noise associated with routine snow removal activities where customary practices and equipment are used and where the snow removal OR SNOW grooming equipment is operated within the manufacturer's specifications and in proper operating condition.
- 6.4. Any construction activity that has obtained approval of the Town of Williston to occur between the hours of 9:00 PM and 6:00 AM and that is deemed to be in the best interest of the public health, safety and welfare.
- 6.5. All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens, and backup alarms required by OSHA, VOSHA or other federal or state agency.
- 6.6. Noise associated with a bona fide response to an emergency situation that poses a threat to the public health, safety or welfare.
- 6.7. Musical, recreational and athletic events conducted by and on the site of a school or educational facility or municipal facility or is sponsored by the municipal, state or federal government.
- 6.8. Equipment for maintenance of lawns and grounds during the hours of 6:00 A.M. to 9:00 P.M. (including but not limited to lawn mowers, hedge trimmers, weed trimmers, chain saws, snow blowers and leaf-blowers) assuming they are properly muffled.
- 6.9. Vehicles or aircraft that meet state and federal standards operating on the public right-of-way or air space and operated in a manner consistent with state and federal law.
- 6.10. Noise associated with standard agricultural operations.
- 6.11. Sound created by bells, carillons, or chimes associated with specific religious observances or the Town Clock.
- 6.12. Natural phenomena including wind, rain, flowing water, and wildlife.

6.13. The use of firearms when used for hunting in accordance with state Fish and Wildlife laws or when used for sport shooting consistent with any permitting conditions placed on such use. For sport shooting uses permitted prior to January 1, 2005, the hours of operation shall be as follows:

A. Regular Hours

- Wednesday, 12:00 p.m. to dusk from April 1 – October 31
- Sunday, 9:00 a.m. to 4:00 p.m.

B. Special Events

- a. Special events may be held outside of regular hours on the condition that a representative of the shooting club notifies the Williston Police Department and the Williston Town Manager of such event by email. The shooting club will provide at least 96 hours' notice of special events when possible, but in no case less than 48 hours in advance thereof and provided further that the event occurs between the hours of 9:00 a.m. and 4:00 p.m.
- b. "Special events" means shooting events held outside of the regular shooting schedule identified above.
- c. The number of special events shall not exceed an average of sixteen (16) per calendar year, as averaged over a rolling 3-year period, with the calendar year 2020 as the first year of the rolling 3-year period. Notwithstanding the aforesaid, in no event shall special events exceed 20 in any calendar year, and no special events shall be held on the first Saturday of the month in June, July, August and September.

C. In addition to "special events," up to four (4) hunter safety courses per calendar year may be held, provided the course is certified by the Vermont Fish and Wildlife Department or successor state agency or department. Notwithstanding, no hunter safety courses shall be held the first Saturday of the month in June, July, August and September."

6.14. Vocal disturbances, whether or not it is electronically amplified, by spectators or participants in a political protest or rally, an athletic event or assembly sponsored by a public or private school, or recognized organized recreational activities.

**7. Variance**

7.1. Residential Sources - Any person may apply to the Selectboard for a variance from the requirements of this Ordinance prior to doing acts prohibited by this ordinance. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity

is to occur. Ten (10) days advance written notice of the Selectboard meeting shall be provided to the property owners and residents appearing on the list. For good cause shown, the Selectboard may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Selectboard may impose reasonable conditions to it. For noise events lasting less than a 12-hour period, the Board may waive or reduce the ten-day advance written notice of the Selectboard meeting.

- 7.2. Non-Residential Sources – An application for variance from the provisions of this Ordinance may be submitted to the Selectboard. Information the Selectboard may require includes:
  - Information on the nature and location of the facility or process for which such application is made;
  - The reason for which the variance is required;
  - A description of the interim noise control measures to be taken by the applicant to minimize the impact caused by the noise;
  - A statement of the length of time a variance will be required; and
  - Any other relevant information requested by the Selectboard to make a determination regarding the application.
  - Information on ambient sound levels.
- 7.3. Delegation of Authority – The Selectboard may delegate its authority to grant variance requests for events lasting less than a 12-hour period, if it so chooses, by a majority vote of the Board.

## 8. Enforcement

- 8.1. Enforcement - Any certified Vermont Law Enforcement officer shall be the designated enforcement officer. Such Officer may issue complaints and may be the appearing officer at any hearing.
- 8.2. An Enforcement officer may issue a Vermont Civil Violation Complaint to the individual responsible for any sound in violation of this ordinance including the driver of a motor vehicle, or the first registered owner of the vehicle, the owner of record or a resident of a single family home, or apartment, the proprietor of a business or the person who is in physical control of the sound emitting device or animal responsible for the unreasonable or excessive noise.
- 8.3. Violations - A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and § 1977 *et seq.* Anyone convicted of a violation or failure to comply with any of the provisions of this Ordinance, including the failure to make a required report or to pay any fee, may be subject to a civil penalty of not more than \$500 in addition to the waiver fees outlined in Sections 9.1 and 9.2 below. Each day a violation continues shall constitute a separate offense.

- 8.4. Initial Administrative Appeal – Anyone in found in violation of this ordinance shall have the right to appeal any waiver fee to the Police Chief. An appeal must be filed within 14 days of receipt of the fee or violation notice. The decision of the Police Chief may be appealed to the Williston Selectboard within 10 days of receipt of the Chief's decision. In the event such appeal is not satisfactorily resolved before the Selectboard, the Town pursuant to 24 V.S.A. § 1974(a) may bring civil enforcement proceedings.

**9. Penalties**

- 9.1. First offense - A first offense of any provision of this ordinance by a person shall be deemed a civil violation and shall be punishable by a fine of one hundred fifty dollars (\$150.00). The waiver fine shall be one hundred dollars (\$100.00).
- 9.2. Second and subsequent offenses - A second offense during a twelve-month period from the date of the first offense, shall be deemed to be a civil violation and shall be punishable by a fine of two hundred fifty dollars (\$250.00). The waiver fine shall be two hundred dollars (\$200.00). Each subsequent offense shall be deemed a civil violation and shall be punishable by a fine of five hundred dollars (\$500.00). The waiver fine shall be four hundred dollars (\$400.00).
- 9.3. Payment Deadline - All fees must be paid within thirty (30) days of receipt of notice. If fees are paid after thirty days, an additional fee of \$10.00 will be charged.
- 9.4. Each day on which a violation occurs or continues after receiving a violation complaint shall be considered a separate violation of this Ordinance.

**10. Severability:**

If any section, sentence, or phrase of this Ordinance shall for any reason be held invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of this Ordinance.

**11. Effective Date:**

This Ordinance was adopted October 25, 2004 and shall take effect on January 1, 2005.

END OF DOCUMENT

## **Appendix F Nonextant**

This appendix is blank.

See WDB Chapter 32 for the Taft Corners Form Based Code District

## Appendix G – Home Businesses

This appendix provides detailed standards for home businesses. The Administrator or DRB shall approve a permit for a proposed home business that complies with all of these requirements.

**1. Must the owner of a home business be in residence?** Yes. The proposed home business must be owned and operated by a current resident of the dwelling in which it is proposed. Should the owner move away, the right to continue the home business ends.

**2. How much space can be used for a home business?** The space that can be used for a home business is limited as follows:

- a. in the MURZD and RZD: 25% of the floor area of the dwelling or 500 square feet, whichever is smaller;
- b. in the VZD: 25% of the floor area of the dwelling or 750 square feet, whichever is smaller; and
- c. in the ARZD: no more than 1,500 square feet within a building.
- d. EXCEPTION FOR ADAPTIVE REUSE OF HISTORIC BARNS: The DRB may encourage the preservation of historic barns in the VZD and ARZD via adaptive reuse for a home business by waiving the area limitations established here. The DRB may not permit the expansion of an historic barn that is less than the maximum area, but may permit the use of a larger, historic barn for a home business that otherwise complies with the standards of this bylaw. See WDB 31.12.

Applicants must demonstrate compliance with this standard by submitting a scaled floor plan of the dwelling or accessory structure that clearly delineates the area that will be used for the home business.

**What is a Historic Barn?** A historic barn is wood frame structure (which may have a masonry foundation or elements) that was historically used for agricultural purposes, including the storage of feed and/or housing of livestock and is a “historic structure” pursuant to the definition of such contained in Chapter 46 of this bylaw.

**3. Can a home business have work spaces or store materials outdoors?** That depends on where it is located.

- a. In the RZD, MURZD and VZD zoning districts, the space used for the proposed home business shall be within the dwelling or in an accessory structure that complies with all requirements of this bylaw. Outdoor workspaces and the outdoor storage of materials, supplies, equipment, vehicles, or goods for sale are prohibited in the RZD, MURZD, and VZD.
- b. Outdoor workspaces and the outdoor storage of materials supplies, equipment, vehicles, or goods for sale associated with a home business in a one-family dwelling will be permitted in the ARZD, provided that they fall within the required setbacks and are fully screened from view from public ways and adjoining properties that are zoned for residential use.
- c. The screening provided shall be a Type I or Type III landscaped buffer, as defined in Chapter 23, with a width of at least 36 feet.
- d. Applicants must demonstrate compliance with this standard by submitting a scaled drawing of their property that clearly delineates the space (indoor and outdoor) that would be used for the proposed home business. This drawing must also show proposed landscaped buffer. Where it is proposed to use existing vegetation as the buffer, photographs of that existing vegetation must be submitted. Where the buffer will be installed, a planting plan must be submitted.

**4. Must a home business provide parking?** Yes. Off-street parking must be provided at a rate determined by the Administrator or the DRB. Where more than one additional parking space is required, the Administrator or DRB may

require that off-street parking for a home business meet the location (side or rear) and landscaping requirements that would apply in a commercial or industrial zoning district.

**5. Are there restrictions on traffic generation by home businesses?** Yes. Traffic generation by home businesses will be evaluated using the ITE *Trip Generation* manual. A home business generally should not generate more than one P.M. peak hour trip of traffic generation in the RZD or two P.M. peak hours trips in the VZD or ARZD. The DRB may permit exceptions where traffic flow from the proposed home business will not have an adverse impact on neighboring homes. The Administrator may use potential traffic generation as cause to refer a proposed home business that he/she would normally review to the DRB for discretionary review.

**6. Are there restrictions on potential nuisances generated by home businesses?**

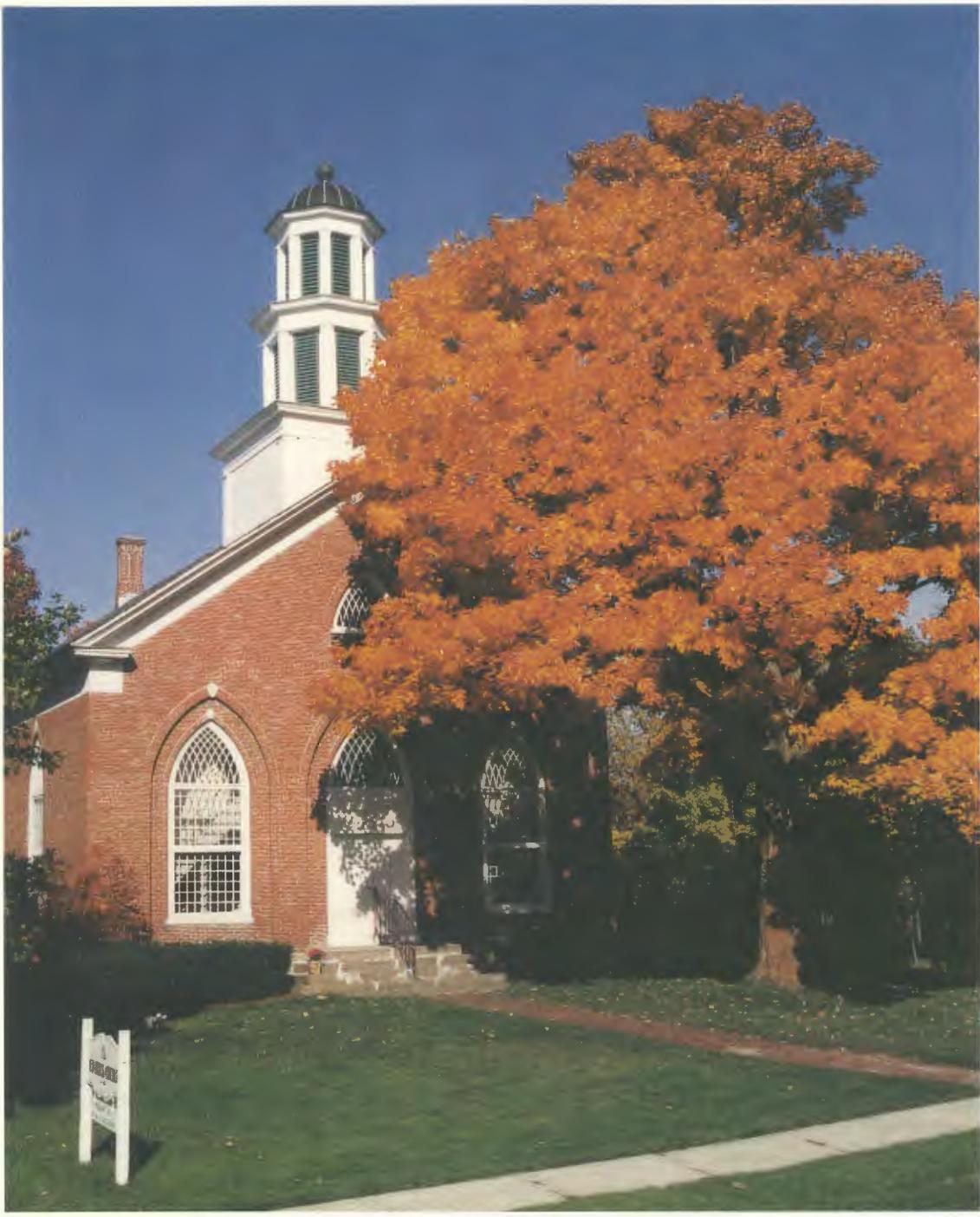
- a. No home business shall require an NPDES permit, as required by state law.
- b. No home business shall require an air quality permit, as required by state law.
- c. The storage, use, and disposal of hazardous materials by home businesses shall be permitted only to the extent allowed for residential occupancies by NFPA 1, the 2006 *Uniform Fire Code*. The DRB may permit an exception for a home business on a parcel of one or more acres in the ARZD upon finding that:
  - the proposed home business will comply with all requirements of the National Fire Codes, including the requirements for inspections by the fire department; and
  - the proposed home business will comply with all buffering and screening requirements that would apply to the same activity located in a commercial or industrial zoning district.

**Hazardous Materials.** While their use in small quantities may be permitted, you should not propose a home business that uses flammable, combustible, corrosive, toxic, or other hazardous materials unless you are familiar with the fire code requirements for the storage, use, and disposal of those materials.

- d. This bylaw sets limits on the outdoor lighting permitted for dwellings. No home business shall result in additional outdoor lighting.
- e. No home business shall result in blowing dust, radiant heat, glare from welding equipment or other sources of intense light, or smoke that affects adjoining properties. See also the applicable standards of Chapter 18.
- f. No home business shall generate sound that exceeds the standards set in Chapter 18.

**7. Can a home business have a sign?** Yes. Home businesses may display a single sign of no more than four square feet in size. This may be a freestanding, hanging, projecting, or wall sign. The application for a permit to establish a home business must be accompanied by scaled drawings that show the placement of the sign on the property and/or structure and the dimensions of the sign. There are additional restrictions on signs in the VZD.

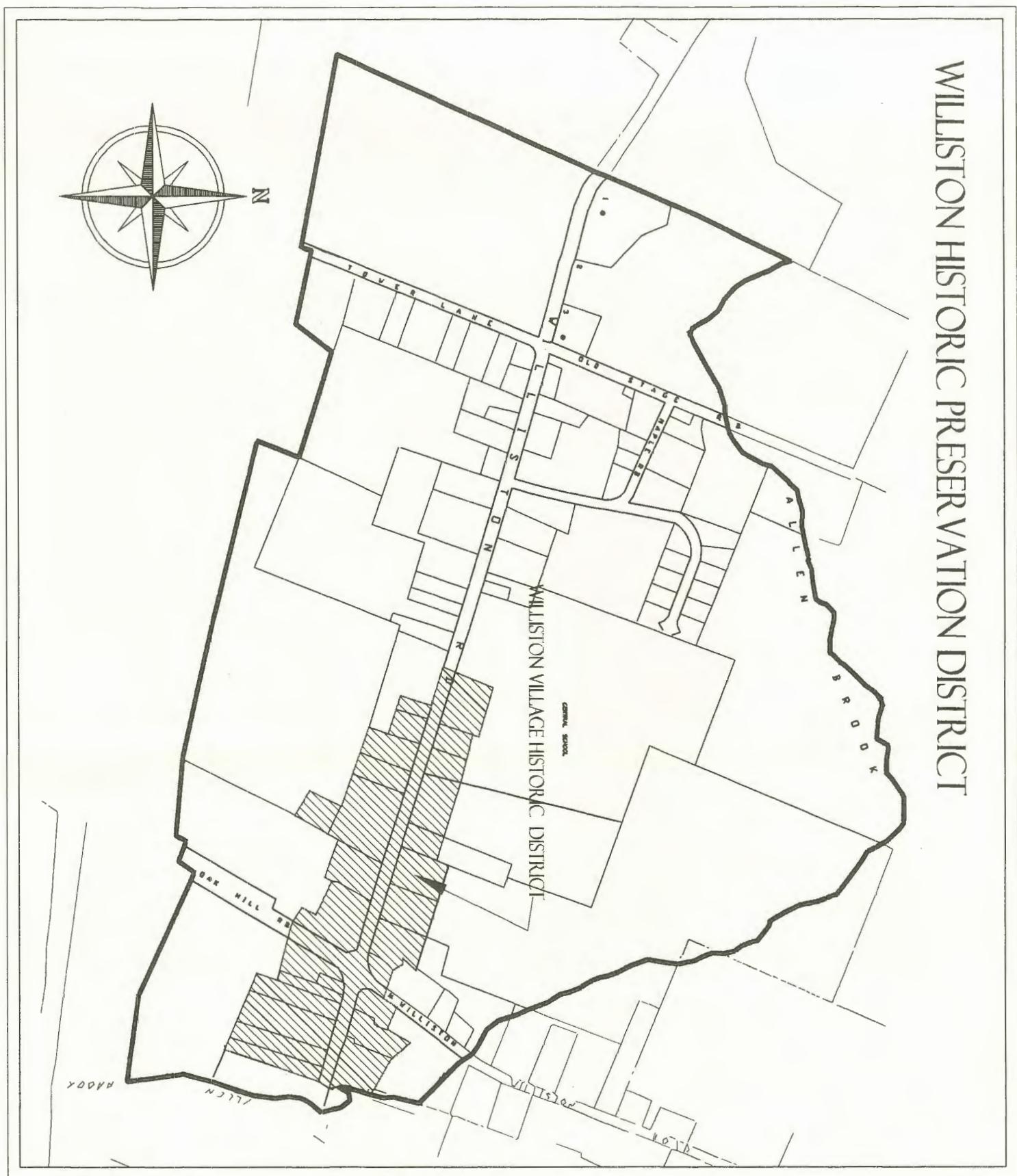
**8. Can commercial vehicles associated with the business be parked on residential premises?** Only vehicles of 10,000 pounds gross vehicle weight or less can be parked overnight on residential premises in the RZD, MURZD, or VZD. The overnight parking of larger vehicles is not a permitted part of home businesses.



## WILLISTON VILLAGE HISTORIC DISTRICT

*Design Review Guide*

# WILLISTON HISTORIC PRESERVATION DISTRICT





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"Williston Design Review" was prepared by The Town of Williston, Vermont

Richard McGuire, *Town Manager*

Michael Munson, *Town Planner*

Sarah MacCallum, *Certified Local Government Coordinator*

The Williston Historic Preservation and Committee

Phyllis Severance, Chair

John Cleary

Jane Petrillo

Robert Neeld

Louise Ransom

Illustrations by Damian Turner, *Architect*

Graphic Design by Jan Hubbard, *Crocodile Studio*

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### ***What is the Williston Village Historic Preservation District?***

Williston Village is listed on the National Register of Historic Places as a Historic District. It contains an impressive collection of 19th century Greek Revival and Federal-style buildings that attest to its role as an important stop along the "Williston Turnpike", the principal route from the Courthouse in Burlington to the Capitol in Montpelier.

The Village remains the civic center of the Town, containing the Town offices, the Central School, the library, the Town green, churches, the Armory, and the fire station. Most of these buildings are arrayed along Route 2, along with a number of residences and a few stores and businesses.

While growth and change are a part of the future of Williston, the historic character of the Village is preserved through the Historic Preservation Guidelines of the Zoning Ordinance.

### ***Why do we have a historic preservation district?***

Historic preservation promotes community identity. A town's history gives a community its roots and character. It is the goal of the Williston Historic Preservation Committee to preserve the special character of the Village Historic District, the old "Williston Turnpike" and the buildings and sites that represent our community's heritage.

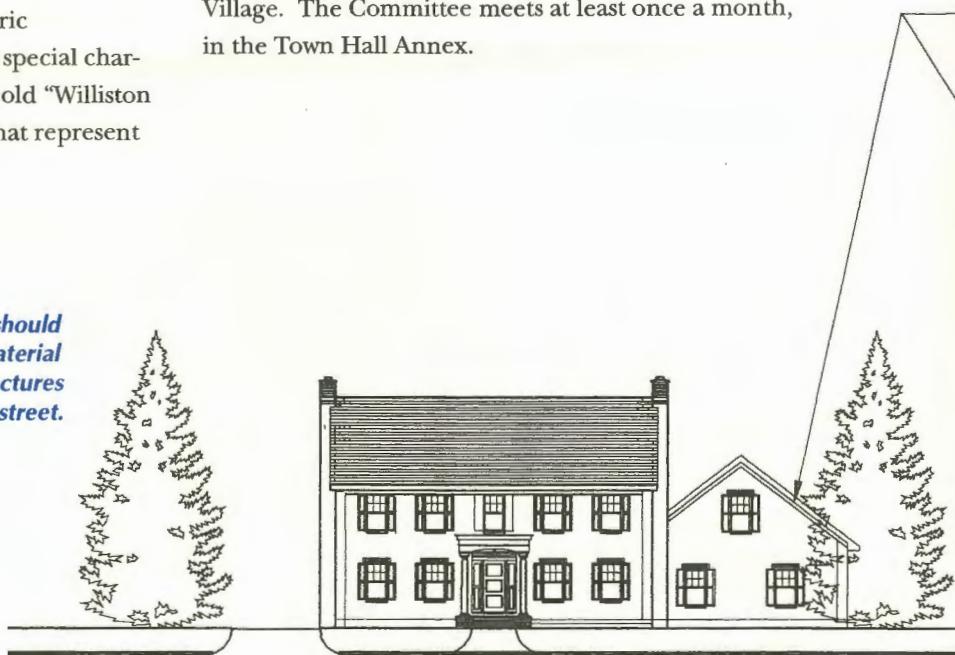
*Building components should be similar in size, shape and material to significant historic structures along the street.*

A town's history, architecture and layout are what differentiate it from other communities. It is this enhanced cultural image that attracts people to reside in or visit Williston. Some buildings within the historic village district may seem to be of greater historical significance than other buildings, but all of the buildings and land support and contribute to the historic character of the district as a whole.

Historic preservation enhances property values. Tax credits and grant money may be available for certain types of renovation by property owners in historic districts. Historic preservation also is an asset for Vermont's tourism industry, an important part of our state's economy.

### ***What is the Historic Preservation Committee?***

The Williston Historic Preservation Committee (HPC) consists of volunteer members who are appointed by the Planning Commission. The Committee is composed of professional and lay members, a majority of whom reside within the town. The Committee serves in an advisory capacity to the Development Review Board concerning new construction; alterations, additions and demolition within the Village. The Committee meets at least once a month, in the Town Hall Annex.



***When do you need to go to the Historic Preservation Committee?***

Before beginning your work, check in with the Williston Planning and Zoning office. The Zoning Administrator will determine what approvals and permits you need. If your project requires Historic Preservation Committee input, you will be asked to fill out an application. The HPC will evaluate the application and then make recommendations to the Development Review Board. You cannot proceed until the Development Review Board acts on your application.

***How does the preservation ordinance work?***

Once you complete your application, the Historic Preservation Committee will invite you to a public meeting to review your project and determine its impact, if any, on the historic character of the Village District. You will have an opportunity to explain your project and respond to any concerns raised by neighbors or Committee members. The Committee will then forward its recommendations to the Development Review Board. The Development Review Board has 30 days to decide either to accept the HPC's recommendations or to make its own determination instead.

bors or Committee members. The Committee will then forward its recommendations to the Development Review Board. The Development Review Board has 30 days to decide either to accept the HPC's recommendations or to make its own determination instead.

***What kind of work needs to be reviewed?***

- ◆ All exterior work requiring a building or zoning permit
- ◆ All exterior alterations
- ◆ All new construction
- ◆ Major site work
- ◆ Signage and demolition

*Roof pitch should be similar to district roofs*

*Windows should relate in scale and proportion to other existing district windows*



***What kind of work does not need to be reviewed?***

The Williston Historic Preservation Committee does not need to review any:

- Interior renovations that do not affect the exterior or of the building.
- General maintenance work that does not affect the size, materials or design of the building.

***How are the permit decisions enforced?***

Before you can begin work on any property within the Village Historic District, you must have a Certificate of Appropriateness issued by the Development Review Board. The Williston Zoning Administrator is responsible for enforcing the Development Review Board's decisions.

***For Further Information***

In addition to its review responsibilities, the HPC maintains an inventory of historic sites and structures within the Town's boundaries. The Williston Historic Sites and Structures Survey provides historic and architectural information about many of Williston's historic older buildings and structures. The survey is available for public use at the Dorothy Alling Library, the Town Planning and Zoning Office, and the Vermont Division for Historic Preservation in Montpelier. If you have questions concerning your project's design, there is technical assistance available at the Williston Planning and Zoning Office.

***Williston Planning and Zoning***

6400 Williston Road  
Williston VT 05495  
(802) 878-6704

***For historic preservation and rehabilitation tax credits:***

Vermont Division for Historic Preservation  
National Life Building, Drawer 20  
Montpelier, VT 05620-0501  
(802) 828-3211

***For historic preservation and rehabilitation information:***

Preservation Trust of Vermont  
104 Church Street  
Burlington, VT 05401  
(802) 658-6647

## ALTERATIONS AND RENOVATIONS

Incorporate elements of the original building, structure, or landmark into the renovation scheme.

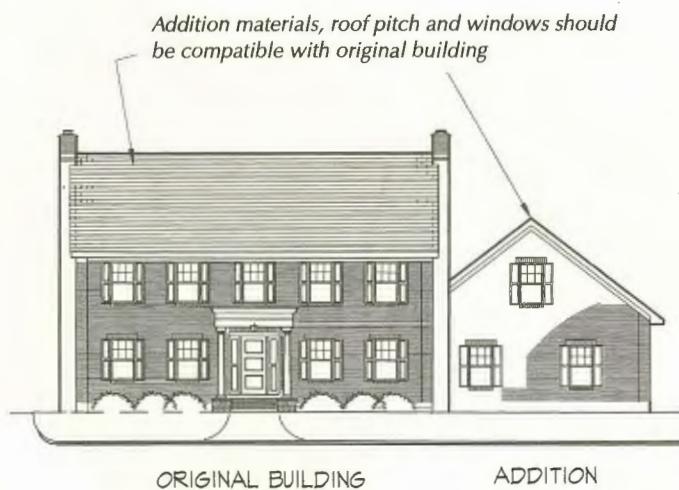
- ◆ Do not obscure original materials.
- ◆ Do not alter the shape of original openings such as windows and doors.
- ◆ Do not obscure the facade or facade details by covering them with materials such as metal or plastic panels, signs, by painting them out, etc.

Respect the original character and period of the building, structure or landmark.

- ◆ Do not try to make the building, structure or landmark look "historically" older than it really is. This devalues what is truly historic.
- ◆ Do not try to modernize the architectural features of a building, structure or landmark.

Preserve the original finish of masonry facades.

- ◆ Always use the gentlest cleaning methods possible. Some chemical cleansers may be acceptable, but their effects should be researched before they are used, consult the State Historic Preservation Officer for further suggestions.
- ◆ Never sandblast masonry. Sandblasting removes water and accelerates erosion. Generally, let painted masonry remain painted, and let unpainted masonry remain unpainted.



## ADDITIONS

The materials used for additions should be compatible with materials used on the original building, structure or landmark. They should be in keeping with the intent of the building.

- ◆ Design window additions to be similar to existing or original windows.
- ◆ Design the roof on additions to have the same pitch as the original or existing roof.

Additions that are sympathetic to the original building, structure or landmark yet in the spirit of this day, are encouraged.

Additions required for safety, such as fire escapes or handicap access, must be sympathetic and compatible to the building involved.

The materials used for renovations should be finished in ways that are consistent with the original building, structure or landmark.

- ◆ New siding should have the same dimensions and orientation as original clapboard siding, diagonal or vertical siding not being compatible in most cases.
- ◆ New brick should be of similar size as old brick and mortar should be of matching color, to the extent possible.
- ◆ Wood clapboard siding is preferred.



- ◆ Do not remove fanlights, sidelights, door ornamentation, columns, or pilasters.

Porches should be compatible with the original structure in size, scale and use.

- ◆ A porch addition should match the style of the original or existing front of the structure. (See Streetscape Guidelines under New Construction for further Additions Guidelines.)

## SIGNS

The Williston Sign Ordinance provides specific guidelines for sign proposals. This bulletin is not intended to replace the specific information listed in the Ordinance but rather provide useful suggestions. Please ask for a copy of the Sign Ordinance if you have specific concerns.

Keep signs subordinate to buildings and streetscape. Sign colors, materials, sizes, shapes, and type of illumination should reinforce the composition and preservation of the facade.

- ◆ The size of free standing signs should be limited so that they do not obscure the building's main facade, break patterns of the streetscape's facades and yards, or cause alteration to the greenbelt.
- ◆ Low monument signs are recommended.
- ◆ Signs placed on buildings should be limited to small identification panels at the entrance instead of projecting off the building.
- ◆ Signs should be illuminated with indirect light rather than internally. They should be downward shielded. The source of illumination should not be visible from adjoining properties or the road.
- ◆ Wood is the preferable material for signs, whether they are located in neighborhoods where older buildings of brick or wood prevail, or associated with new construction.

## NEW CONSTRUCTION

Williston Village contains many fine examples of 19th century architectural styles, including Greek Revival, Federal, Queen Anne, Gothic Revival, Italianate, Stick, and Vernacular. The architectural themes provided by these structures should be considered and parallel in the design of any new structures. Sensitivity to surrounding buildings and existing land use patterns is essential to historically conscious development. New structures should be compatible with the Village's significant historical styles and their placement in the Village streetscape. Consider the following guideline criteria:

New construction should enhance and maintain scenic historic vistas as seen from major thoroughfares.

The heights of new buildings or structures should be similar to the heights of existing buildings or structures in order to keep the relationship between building heights compatible.

Setbacks should be compatible with neighboring structures' setbacks.

- ◆ The front yard setback of structures built in the Village, or any other district, are determined by the setback requirements of the underlying zoning regulations, and the relationship between the new structure and adjacent structures.
- ◆ Side yard spacing must conform to the underlying zoning regulations.

Garages and outbuildings should be secondary to the principle structure on the lot.

- ◆ These structures should be positioned so that the principal building is dominant. One way to accomplish this is to site the garage so that its front yard setback is significantly greater than that of the principal structure.
- ◆ The side yard relationship between new garages/outbuildings and neighboring buildings should respect open space patterns commonly found in the Village Overlay or other designated district.

- ♦ Architectural design and building materials should be similar to those of the principal structure.

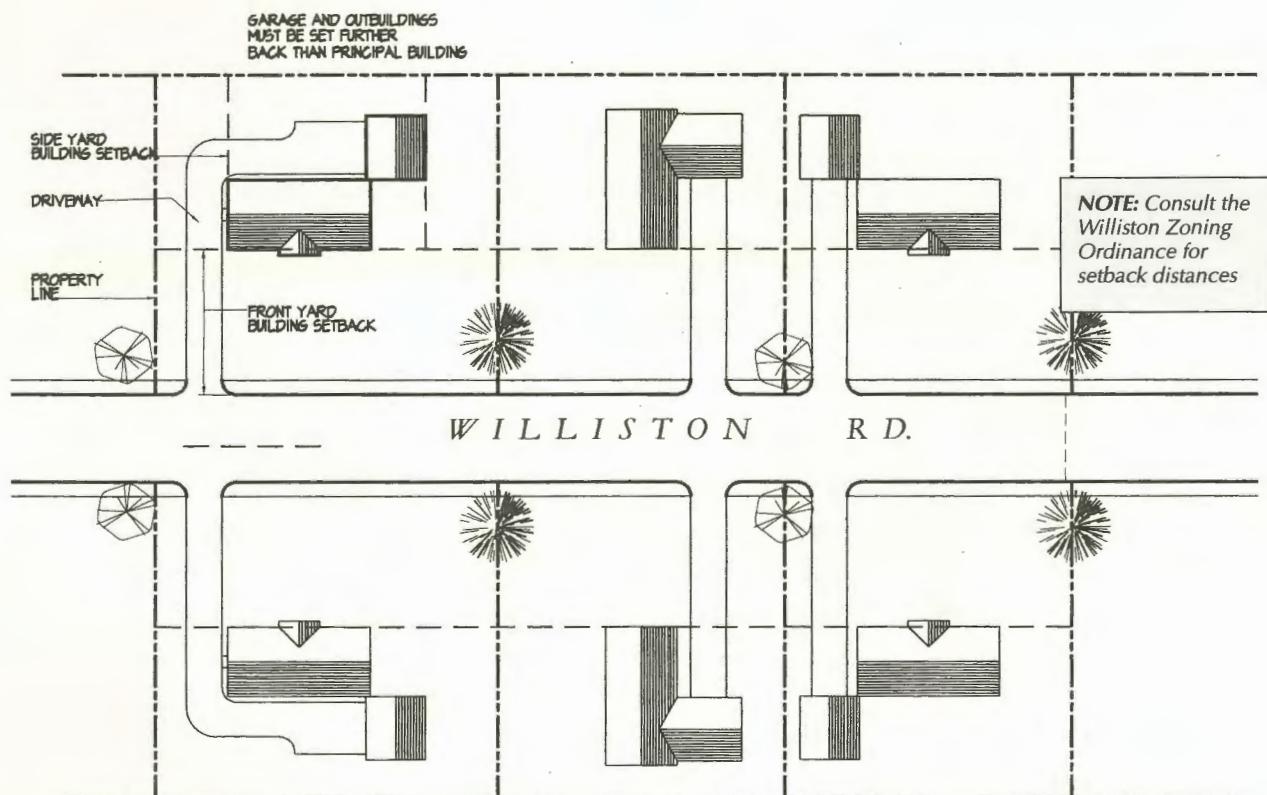
Building components should be similar in size, shape and material, to significant historic structures along the street.

- ♦ Distinctive architectural features and materials, such as double hung windows, gabled roofs, cornices, eave returns, shutters, pediments, window lights, brick and wood clapboard, frequently recur along the streetscape. These details should suggest the extent, nature and scale of details on new buildings. The following components should be carefully considered:
- ♦ **WINDOWS:** The scale and proportions of the windows should relate to existing surrounding buildings and the building itself. Maintain the pattern created by upper-story windows as well as their horizontal arrangement.

- ♦ **ROOF FORM:** Roof pitch should be moderate to steep. Similarity and compatibility with roof shapes in the surrounding area shall be considered in the construction.
- ♦ **WALLS:** Materials should be brick or narrow wood clapboard (3 inch reveal or less).

Maintain the pattern of front entrances.

- ♦ Avoid facades with no strong sense of entry. Historically, the formal entrance for each building is oriented toward the street. This entrance is usually emphasized by a walk leading to it, with steps if above grade.
- ♦ Avoid introducing incompatible facade patterns that upset the rhythm of openings established by the surrounding structures.



**Principle buildings, garages, and outbuilding setbacks**

Building elements (shutters, brackets, porches, etc.) should look functional.

- ◆ Use shutters with caution and only where the size of the shutters fits the size of the window.
- ◆ Brackets should actually support something.
- ◆ Porches should actually shelter entrances.

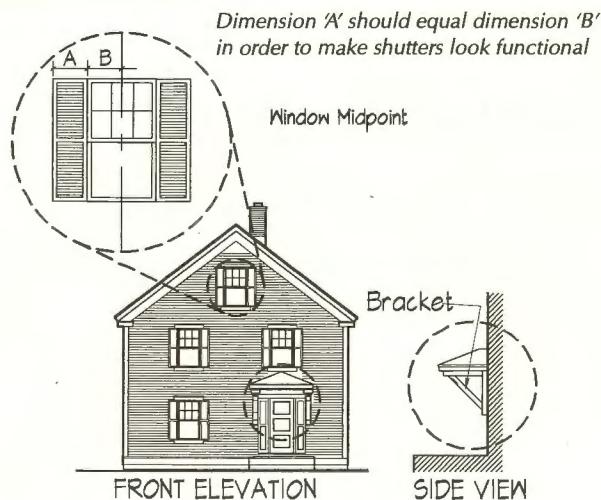
Building widths and mass should be compatible with structures already present in the streetscape.

In order to reinforce the existing streetscape, building placement and siting of new construction should be compatible with surrounding structures.

- ◆ Avoid a building orientation that puts the building at an angle to the street.
- ◆ Building lines should be oriented either parallel or perpendicular to the street.

Minimize modification to existing land contours.

- ◆ Grade changes should be incorporated so as to enhance the existing scale and character of the site.
- ◆ Any site grade modification should relate to grades on adjacent properties.
- ◆ Filling or cutting existing contours and natural areas is discouraged.



#### ***Buildings elements should look functional***

Open space between buildings should be similar to those spaces commonly found in the Village.

- ◆ Side yard setbacks must conform to the underlying zoning regulations.

#### **GREENBELT**

The historic nature of the Village is enhanced by the greenbelt that lines Route 2. The greenbelt's composition is an integral part of the Village streetscape. It provides space for pedestrians, softens the impact of traffic noise and pollution, and serves to frame and give a setting to the historic structures and other buildings found in the Village.

The greenbelt includes the land between Route 2 and any structure. It is comprised of street trees, landscaping, sidewalks and grassy areas. This area must be kept free from built objects that would obstruct its visual continuity.

Preserve and maintain the greenbelt that lines the village streetscape.

- ◆ Maintain size and scale of existing landscaping.
- ◆ Replace lost vegetation, such as trees, with similar, healthy varieties. Plant new street trees of traditional varieties.

Maintain a sense of open space surrounding the village streetscape.

- ◆ New structures built on open land surrounding the Village streetscape should be placed so as to maintain a sense of open space behind the historic streetscape.

#### **DEMOLITION**

Consider all means of preserving historic buildings, structures and landmarks.

Consider such preservation means as:

- ◆ Adding an addition to the present structure
- ◆ Finding a new use for the structure
- ◆ Selling the property
- ◆ Demolishing only part of the structure, -i.e. outbuildings, additions
- ◆ Moving the structure

## NOTES



*1763*



**2021 Note:**

**TOWN OF WILLISTON**

6400 Williston Road

Williston, Vermont 05495

(802) 878-6704

(802) 878-4591 - fax

**TOWN OF WILLISTON**

7900 Williston Road

Williston, Vermont 05495

(802) 878-6704

*town.williston.vt.us*

**Appendix I**  
**Impact Fee Studies**

**Pages 2 – 31**

**Transportation Impact Fee Study**

*Prepared by Resource Systems Group (RSG) | September 17, 2019*

**Pages 32 - 46**

**Recreation Impact Fee Analysis Draft 3**

*Prepared by Michael J. Munson, Ph.D., FAICP | July 30, 2012*

**Pages 47 - 63**

**School Impact Fee Analysis Draft 1**

*Prepared by Michael J. Munson, Ph.D., FAICP | June 1, 2012*



**PREPARED FOR:**

TOWN OF WILLISTON, VERMONT AND CHITTENDEN COUNTY  
REGIONAL PLANNING COMMISSION (CCRPC)

**SUBMITTED BY:**

RSG

180 Battery Street, Suite 350  
Burlington, VT 05401  
802.383.0118  
[www.rsginc.com](http://www.rsginc.com)

Prepared for:



The Town of Williston, Vermont

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## Table of Abbreviations

ACS	American Community Survey
CCRPC	Chittenden County Regional Planning Commission
CLA	Common Level of Appraisal
ITE	Institute of Transportation Engineers
PMT	Person miles traveled
TDM	Transportation demand management
VMT	Vehicle miles traveled
TAZ	Traffic Analysis Zone
CIP	Capital Improvement Program

# **1.0 INTRODUCTION**

---

This impact fee study report summarizes the need for future infrastructure and identifies a fair, rational connection for new development to pay for the additional demands placed on that infrastructure.

Vermont statute (24 V.S.A., Chapter 131) authorizes municipalities to levy impact fees on new development as a means of allocating the cost of new capital facilities to the development that will benefit from those facilities. This can include fees to offset the costs of facilities built in the past with excess capacity for anticipated future development; it can also include facilities planned to be built to accommodate future development. The costs of such infrastructure shall only include the portion associated with new capacity to accommodate the future development's demand.

This impact fee study report outlines the future growth anticipated for the Town of Williston and documents the basis for implementing a transportation impact fee to pay for additional capacity associated with the increased demand for transportation mobility while conforming to the conditions imposed by 24 V.S.A., Chapter 131.

## **1.1 LEGAL BACKGROUND**

Basic impact fee standards according to the American Planning Association

- The imposition of a fee must be rationally linked (the "rational nexus") to an impact created by a particular development and the demonstrated need for related capital improvements pursuant to a capital improvement plan and program.
- Some benefit must accrue to the development as a result of the payment of a fee.
- The amount of the fee must be a proportionate fair share of the costs of the improvements made necessary by the development and must not exceed the cost of the improvements.
- A fee cannot be imposed to address existing deficiencies except where they are exacerbated by new development.
- Funds received under such a program must be segregated from the general fund and used solely for the purposes for which the fee is established.
- The fees collected must be encumbered or expended within a reasonable timeframe to ensure that needed improvements are implemented.
- The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources (such as federal and state grants, developer initiated improvements for impacts related to new development, etc.) and local tax payments which fund capital improvements, for example.

- The fee cannot be used to cover normal operation and maintenance or personnel costs, but must be used for capital improvements, or under some linkage programs, affordable housing, job training, child care, etc.

#### Typical management activities

- The fee established for specific capital improvements should be reviewed at least every two years to determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.
- Provisions must be included in the ordinance to permit refunds for projects that are not constructed, since no benefit will have manifested.
- Impact fee payments are typically required to be made as a condition of approval of the development, either at the time the building or occupancy permit is issued.

Vermont's impact fee statute does not preclude the use of funds for administrative duties associated with the management of the impact fee program. Nationally, it is common practice to collect and expend impact fees to cover time and expenses associated with the creation, management, and other administration of the impact fee program. These funds often cover the salary portion of the impact fee administrator, staff time in the preparation and review of impact fee studies, consultant or staff time preparing impact fee needs reports and ordinance support.

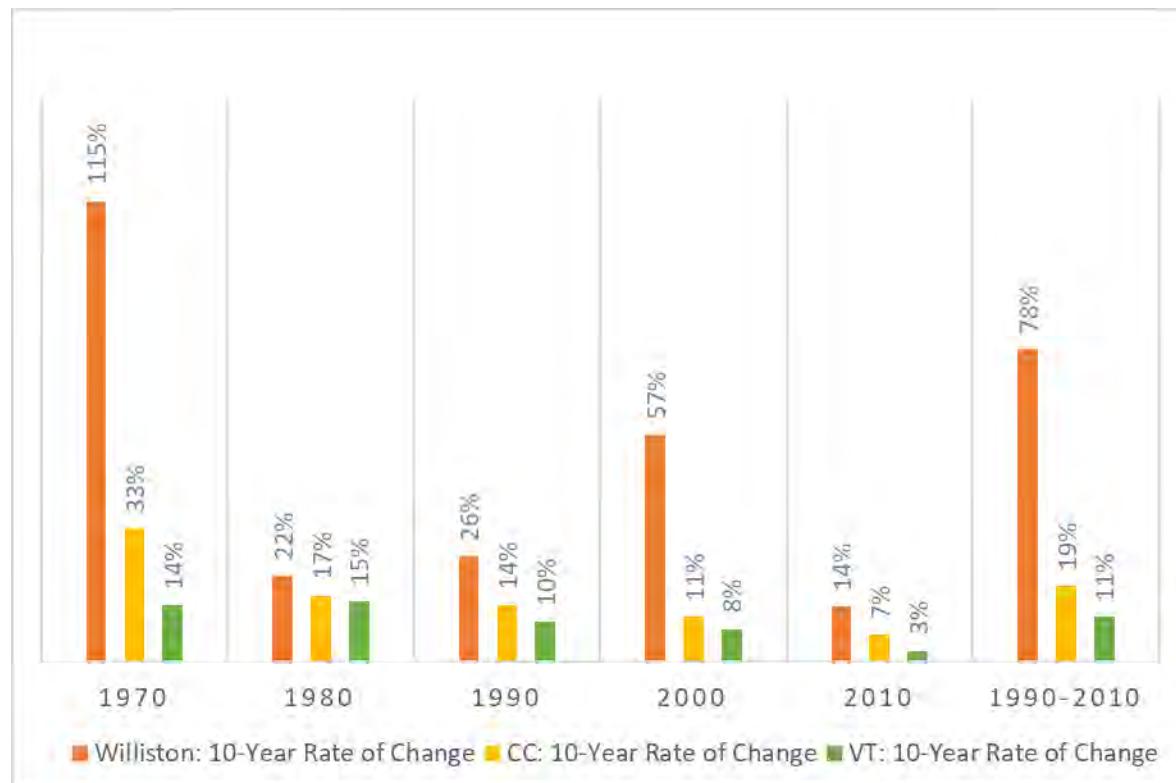
## 2.0 GROWTH AND DEVELOPMENT

### 2.1 POPULATION

The Town of Williston has 9,341 persons as of the 2017 American Community Survey (5-year estimates) making it the 6<sup>th</sup> most populous community within Chittenden County.

The Town has seen consistent demand for housing, originally as a bedroom community for the larger employment centers in Burlington, South Burlington, and Essex. However, since the 1990s, Williston diversified its land use to become a major commercial destination in the Taft Corners area. The population continued to grow at rates far higher than those experienced within Vermont and Chittenden County. Figure 1 shows the 10-year growth rates for Williston, Chittenden County, and Vermont.

FIGURE 1: HISTORICAL POPULATION GROWTH RATES



source: Williston Town Plan

### 2.2 HOUSEHOLDS

The Town of Williston has traditionally assessed residential impact fees at a household unit. The American Community Survey estimates that as of 2017, there are 3,897 households.

The majority of the households, 78%, are owner occupied with an average of 2.42 persons per household. The remaining 22% of households are renter occupied with 2.21 persons per household<sup>1</sup>.

There have been attempts nationally to reduce the effect that transportation impact fees may have on housing costs, and especially, "affordable housing." Changing the assessment on the square footage of the home or on the number of bedrooms provides a stronger relationship to the number of occupants and the quantity of travel consumed.

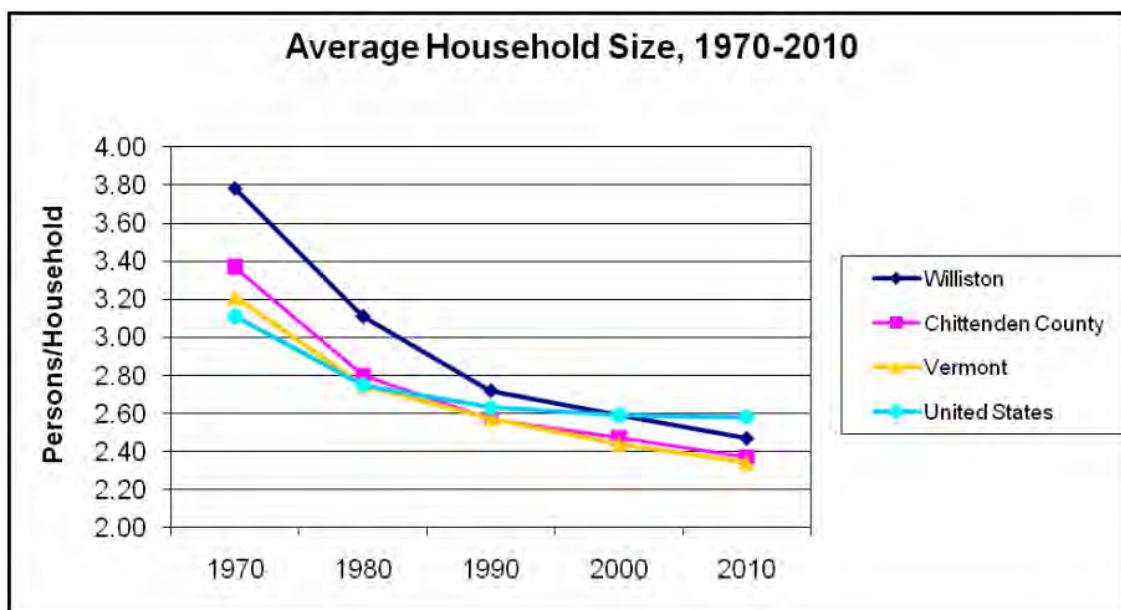
Nationally, over the past half century the average size (number of persons) of the household has dropped from 3.67 persons per household in 1940 to 2.53 in 2016 as shown in Figure 2.

**FIGURE 2: AVERAGE HOUSEHOLD SIZE (1940–2016)**



source: US Census Data

Williston is no different. According to the Town Plan, the average size of the household has come down in-line with national trends.



source: US Census Data—Williston Town Plan (Figure 2.G)

<sup>1</sup> 2015 American Community Survey 5-year estimates

The 2017 breakdown of households and the number bedrooms is shown in Table 1.

**TABLE 1: BEDROOMS BY HOUSEHOLD UNIT (5-YEAR ACS)**

HOUSEHOLD BEDROOM COUNT	COUNT	PERCENT
No bedroom	0	0%
1 bedroom	362	9%
2 bedrooms	1,121	29%
3 bedrooms	1,286	33%
4 bedrooms	986	25%
5 or more bedrooms	142	4%
<b>Total housing units</b>	<b>3,897</b>	<b>100%</b>

## 2.3 EMPLOYMENT

The Town of Williston is a significant destination for commercial and industrial activity. As of 2015 there were 13,154 persons employed within the Town. Of these, 92.7% live outside of Williston and commute in. 960 live and work in Williston. The 2017 5-year ACS summarizes the jobs within Williston.

**TABLE 2: DISTRIBUTION OF EMPLOYMENT SECTORS IN WILLISTON**

NAICS DESCRIPTION	% OF WORKERS IN TOWN OF WILLISTON
Accommodation and Food Services	5%
Administrative, Support, Waste Management, Remediation	7%
Agriculture, Forestry, Fishing and Hunting	0%
Arts, Entertainment, and Recreation	1%
Construction	14%
Educational Services	3%
Finance and Insurance	5%
Health Care and Social Assistance	7%
Information	2%
Manufacturing	8%
Other Services (except Public Administration)	3%
Professional, Scientific, and Technical Services	13%
Public Administration	3%
Real Estate and Rental and Leasing	1%
Retail Trade	15%
Transportation and Warehousing	4%
Utilities	0%
Wholesale Trade	7%

Employed individuals within Williston contribute to the demand for travel to, from, and within Williston. During the workday various activities are carried out to support the commercial activities but also there are recreation and health trips that are also generated. Employees require a multimodal transportation infrastructure.

## **3.0 TRANSPORTATION**

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### **3.1 OVERVIEW**

The Town of Williston is expected to continue to experience a population growth and land use development at pace exceeding both Vermont and Chittenden County averages. The Exit 12 Growth Center is the hub of the commercial activity and is becoming increasingly diverse in land use, particularly east of VT2A with a large residential area being constructed over the past decade. The Town's Comprehensive Plan articulates a vision with several land use and transportation goals to manage and facilitate the growth to meet the needs of the community.

The Town's Plan states a vision to:

- Concentrate and limit high intensity development to areas within the Town's designated Growth Center in and around Taft Corners.
- Permit the flexibility and intensity of use necessary to foster creation of a design-conscious, mixed use, pedestrian-friendly commercial center around Taft Corners.
- Encourage and support the use of mass transit and non-motorized modes of transportation through mixed use development policies and transportation facilities planning.

The Town plans to achieve this vision by:

- Working with Developers to Build Grid Streets.
- Working with VTrans on Other Circulation Improvements.
- Developing a Master Transportation Plan comprised of a Major Road Plan, Sidewalks, paths and Trail Network, a Public Transportation Plan, and Connectivity between networks and land use.

Impact fees are an important tool that the Town can leverage by assessing fees on new land use development that would generate additional traffic and transportation demands placing a burden on the existing facilities and would benefit from additional transportation capacity.

### **3.2 IMPACT FEE BASIS**

It is understood that future development generates additional new local demand for travel that begins and/or ends within the Town. Additional growth in population throughout the county and state generates additional demand for travel, although those trips begin and end outside of the Town; and therefore, not directly associated with future development in the Town. These trips are considered "through trips".

The impact fee analysis focuses on local traffic generated by anticipated future development. The basic unit of analysis is the Peak Hour Trip End, which is either the origin or the destination of a trip. Any given trip has two trip ends—an origin and a destination. Any trip that either begins or ends within the Town is considered to be a local trip.

The impact fee will also be assessed on a trip, regardless of mode. The Vermont State Legislature under Act 34 of 2011 identified the “complete street” principles that defined transportation capacity consistently regardless of travel mode. The projects in Table 6 add multimodal capacity – offering residents, employees, patrons a variety of modal travel options.

The PM peak hour is the analysis hour in which the fee is assessed on the number of peak hour vehicle trips. The PM peak hour is the typical design hour<sup>2</sup> in the Town of Williston. It is noted that specific developments may generate a significant number of vehicle trips outside the design hour. Some uses (a church, for example) may have different peak hours of traffic generation. Cumulatively however, the highest traffic volume at most locations in Williston is during the PM peak design hour, as defined here.

Traffic impact fees are not assessed on trips that occur outside of the PM peak design hour. Limiting the period of assessment to the PM peak hour creates a common hour of analysis and provides the rational nexus required to assess impact fees. By assessing a fee during a particular hour of analysis the fee also acts as a transportation demand management (TDM) technique. This can encourage the development of land uses that generate travel demand outside of the peak hours to more efficient use of the existing transportation infrastructure by using available capacity at other times of the day. This same principle goes for shifting modes. As congestion may rise for one mode of travel, some users will shift modes to utilize spare capacity.

<sup>2</sup> Design Hour is defined as the 30th highest hour of volume during the year.

## **4.0 FUTURE TRAVEL DEMAND**

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### **4.1 OVERVIEW**

The Town of Williston is anticipated to continue to receive a higher share of the county growth than other towns and communities within Chittenden County. The CCRPC Regional Travel Demand Model is a comprehensive tool to forecast the number of trips and traffic to be generated by future growth and land use development within Williston and the County. The tool was used to estimate the amount of traffic growth likely by 2030. The future year 2040 was forecast only after the initial base impact fees were calculated and after considering the feasibility of constructing the projects identified for impact fee funding.

### **4.2 OVERVIEW OF CHITTENDEN COUNTY TRANSPORTATION MODEL**

In 2015 the CCRPC initiated a significant update to the regional travel demand model that included population and employment projections for each municipality for five year increments out to 2050. The CCRPC forecasts were used as the initial base that the Town amended given more recent information on land use and anticipated changes. The land use changes were entered back into the CCRPC Regional Travel Demand Model and run to generate estimates of new traffic generation, vehicle miles traveled, and percentage of growth in traffic that is through vs. local (see Section 3.0 above).

The model is a traditional four-step trip based travel demand model. The four steps are iterated to achieve an optimized routing pattern with stable travel times. The steps are defined as follows:

- Trip Generation – estimates the number of person trips produced and attracted to each Traffic Analysis Zone (TAZ). The land use inputs were established with each community by allocated future households and employees manually to the TAZs.
- Trip Distribution – connects person trips between TAZs.
- Mode Choice – splits person trips into single occupant vehicles, shared vehicle trips, transit trips, or walk/bike trips.
- Assignment – Selects the shortest route for each vehicle and transit trip traveling from one TAZ to another based on distance and travel time.

### **4.3 TRIP GENERATION FORECASTS**

This study identified the anticipated changes to occur in Williston by 2030. The land use changes included household growth and increases in specific sectors of the economy. In total, an estimated 612 new households would be constructed by 2030 and 2,584 new employees would be based in Williston.

**TABLE 3: LAND USE CHANGES ANTICIPATED IN WILLISTON BY 2030**

2015 - 2030 LAND USE CHANGES		
Residential Growth		Housing Units
New households		<b>612</b>
Employment Growth		
Employees		
Accommodations		24
Commercial		974
Industrial		735
Institutional		164
Educational		15
Retail		672
<b>Total Employment Growth</b>		<b>2,584</b>

These land use changes were evaluated in the travel model in addition to all the other growth and changes in land uses within the county by 2030. The regional travel model accounts for growth in other communities within Chittenden County as well as estimated growth for trips that originate outside the county and for trips that may only pass through the county. While the model accounts for walking, biking, and transit, the trips that are outputs of the model are vehicle trips only.

The local land use growth in Williston and the growth occurring within Chittenden County and the state all increase the total vehicle miles traveled (VMT) on the roads in Williston. Table 4 shows the portion of VMT growth associated with land use (origin or destination) in Williston and total VMT using Williston's roads, excluding any VMT on the I-89 freeway. The local share of the change in VMT is 69%.

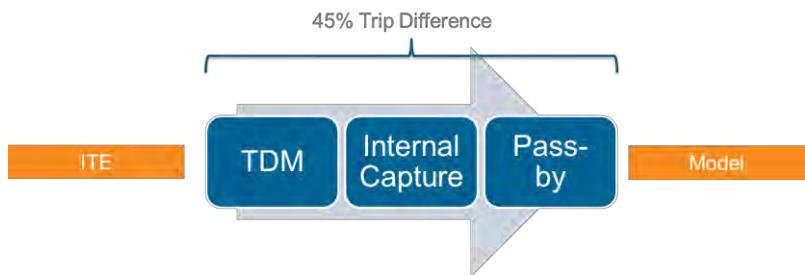
**TABLE 4: LOCAL VS. TOTAL VMT CHANGE**

	Local VMT (Non-Highway)		Total VMT (Non-Highway)	
	PM	Daily	PM	Daily
2015	16,471	191,043	2015	23,631
2030	18,382	213,678	2030	26,422
<b>Change in VMT</b>	<b>1911</b>	<b>22,634</b>		
			<b>2,792</b>	<b>30,477</b>

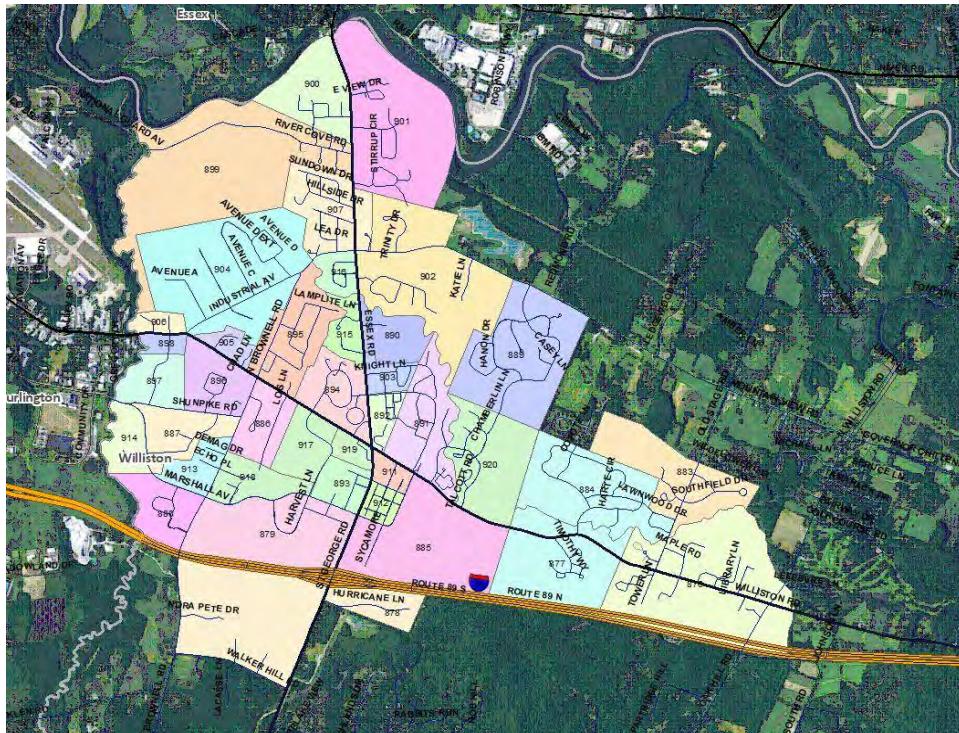
Additional adjustments are necessary to convert the travel model analysis into a multimodal forecast of total trip making in Williston. The number of vehicle trips forecast from the travel model is the net result after the model accounts for a variety of considerations. Much like a traffic study using the Institute of Transportation Engineers (ITE) Trip Generation manual has to adjust for density, site location (e.g. urban, suburban), proximity to transit, and mix of nearby uses – the travel model accounts for all these factors. Specifically, the factors: TDM and non-auto travel, internal capture (mix of complementary land uses within a travel analysis zone), and pass-by (trips that detour to a location en route to their primary destination).

These adjustments are applicable in a large part of Williston that has seen rapid growth and development as well as increase in the diversity and mix of land uses. The density, diversity, and design (the three D's) of the land uses in the highlighted areas of Williston enable individuals to travel between land uses without using major roads, are close enough to allow for walking, biking, and are the locations primarily served by transit. The effect of the three D's in this area reduces the net number of vehicle trips by 45%.

The land use changes in the area shown in Figure 3 includes 543 housing units and 2,295 new employees by 2030. The ITE trip generation for these land uses indicates that around 2,449 trips would be generated. After accounting for the three D's, the net number of new vehicle trips from the area in Figure 3 is forecast to be 1,347.



**FIGURE 3: GROWTH AND DIVERSITY LAND USE ZONES IN WILLISTON**

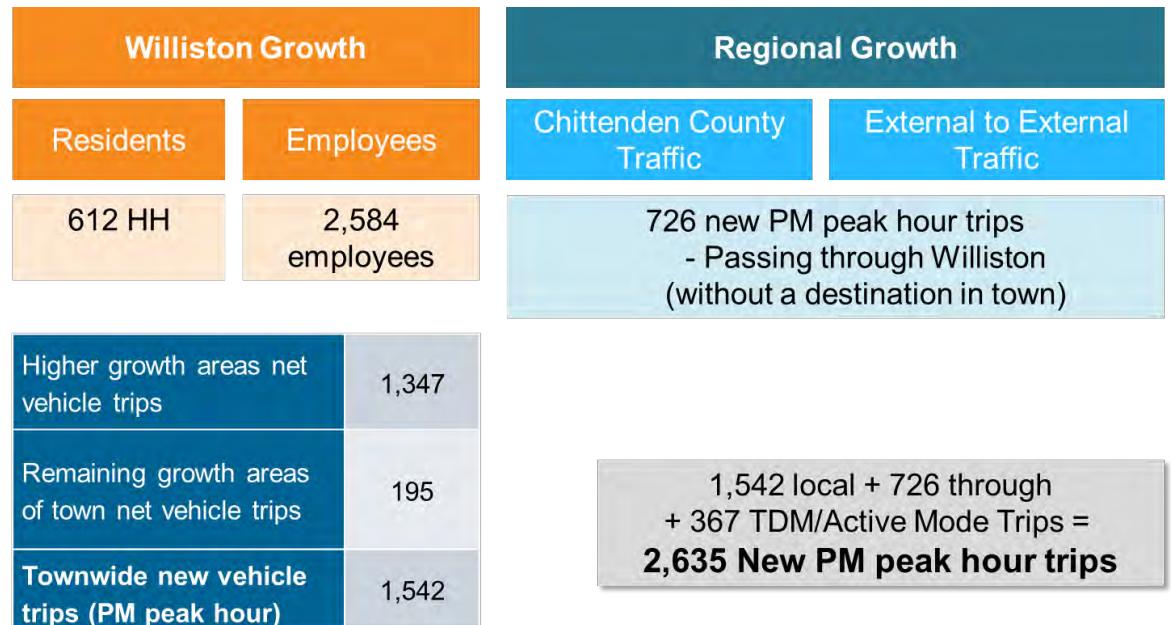


The remaining areas of Williston will experience more modest growth of 69 new housing units and 286 new employees by 2030. These land uses are expected to be located in areas that will not benefit from diversity of land uses or proximity to avoid traveling by car and therefore expected to generate 196 new peak hour vehicle trips.

By 2030, the Town is anticipated to generate an additional 1,542 new vehicle trips during the PM peak hour. The combination of vehicle trips, non-motorized trips, and trips that pass through

Williston are shown in Figure 4, resulting in 2,635 new total PM peak hour trips in Williston by 2030.

**FIGURE 4: 2030 TRAFFIC GROWTH CHANGES**



## Estimating Growth from 2030 to 2040

The travel demand model provided forecasts for the transportation demand associated with the land use changes from 2015 to 2030. It was determined during the course of the study that the projects being pursued would benefit from extending over a longer time period – stretching to 2040. The growth forecasts developed by the CCRPC estimates that households and employment would grow by 9.8% between 2030 and 2040. The person trips for 2040 was forecast by extrapolating the growth from 2015 to 2030, resulting in an 8% increase from 2030. The difference is that not all land uses generate trips at the same quantity during the PM peak hour.

**TABLE 5: LAND USE CHANGES BY 2040**

	<b>TOTAL UNITS BY 2040</b>	<b>CHANGE (2015 – 2040)</b>
Households	4,913	1,050
Employment	17,389	4,146
Trips	9,806	2,845

## 5.0 PROJECTS

The Town has identified seven number of projects eligible for impact fee expenditures. Table 6 shows the transportation capital projects identified for local funding.

All the projects have been developed over many years through the course of several transportation studies, plans, and community conversations. There is evidence that the standard of service of transportation will deteriorate in the absence of these improvements.

**TABLE 6: WILLISTON TRANSPORTATION IMPACT FEE PROJECTS**

PROJECT DESCRIPTION	LOCAL PORTION OF PROJECT
<b>Shared-Use Path along US 2 Taft Corners to Village</b> Local portion for preliminary design and engineering.	\$100,000
<b>Marshall Avenue Shared-Use Path.</b> The Williston segment would start where Marshall Ave and Kimball St meet, follow the south side of Marshall Ave, and end at the existing path on Marshall Ave.	\$200,000
<b>East-West Grid Street (VT-2A to Maple Tree Place).</b> New road with bike lanes, and sidewalks that is south of the State Police Barracks then curves to the north, running along the east side of Dick's Sporting Goods.	\$1,530,000
<b>Upgrade Maple Tree Place Roundabout.</b> Geometric changes and connect to the new East-West Grid Street.	\$1,000,000
<b>Industrial Avenue Sidewalk and Bike Lanes.</b>	\$846,800
<b>Extension of Trader Lane to US-2</b>	\$1,750,000
<b>Mountain View Road Bike Lanes.</b> Local portion for preliminary design and engineering.	\$100,000
<b>Total projects</b>	<b>\$5,526,800</b>

## 5.1 STANDARD OF SERVICE TESTS

An impact fee fundamental tenant is that the growth and development does not pay for more than their proportion of impact, or their 'fair share'. This can be evaluated by comparing the current standard of service to the standard of service with and without the impact fee projects.

There are two methodologies used in this test.

- Ratio of linear miles.
- Person miles of capacity.

### Ratio Expansion of Capacity

The Town of Williston has a diverse and widespread transportation network. Excluding the I-89 Interstate, there are 164 lane miles of roads, 3.64 miles of bike lanes, and 4.6 miles of shared use paths. There is also an extensive sidewalk network.

The existing supply of transportation infrastructure within the Town of Williston is summarized in Table 7. GIS data and aerial imagery were used to calculate the supply. The existing number of households and employees were used to develop a ratio of users per mile of infrastructure.

**TABLE 7: EXISTING SUPPLY OF TRANSPORTATION FACILITIES**

	MILES	RATIO: HH PER MILE	RATIO: EMPLOYEES PER MILE
Vehicle miles	164.514	23.5	80
Bike lanes	3.64	1,061.5	3,638
Shared use path	4.6	840	2,879

The ratio of users per mile of infrastructure is used to calculate the supply (miles) of new vehicle lanes, bike lanes, and shared use paths by 2040. The supply necessary to maintain the current ratios (miles per unit of growth) is shown next to the supply being provided in the impact fee projects.

**TABLE 8: RATIO EXPANSION OF CAPACITY**

	HH CHANGE 2040 [A]	EMPLOYEE CHANGE 2040 [B]	CHANGE IN MILES DUE TO HH [C]	CHANGE IN MILES DUE TO EMPLOYMENT [D]	RATIO BASED CAPACITY EXPANSION AVG. CHANGE IN MILES <i>E = AVG [C:D]</i>	CAPACITY OF IMPACT FEE PROJECTS [F]
Vehicle miles	1,050	4,146	45	52	48	1.46
Bike lanes	1,050	4,146	.99	1.14	1.06	9.20
Shared use path	1,050	4,146	1.25	1.44	1.34	1.95

Table 8 shows high number of lane miles suggested by the current ratio of lane miles to unit of growth, especially compared to the number of lane miles planned in the impact fee projects (column F).

The Town of Williston is looking to provide residents and guests the opportunity to change the way travel is done rather than continue the status quo. A ratio based expansion in the number of linear miles of infrastructure retains the existing proportions and doesn't easily translate to shifting capacity from vehicle miles to bike lane miles, for example.

## Person Miles of Capacity

Vermont's Complete Street legislation in 2011 (Act 34 H.198) directed that all users of the transportation system (regardless of mode) are considered in all state and municipally managed transportation projects. The recognition that all users of the system are equally valued in the development of projects provides the context for developing a mode-agnostic person miles

capacity analysis of the transportation system in Williston. The existing transportation system has a capacity for nearly 157,000 person miles during the PM peak hour.

**TABLE 9: PERSON MILES CAPACITY IN WILLSTON - 2015**

INFRASTRUCTURE	MILES	PERSON CAPACITY <sup>3</sup> (TARGET V/C RATIO ~.5)	PERSON MILES CAPACITY
Vehicle Miles	164.5	900	148,063
bike lanes	3.64	800	2,912
shared use path	4.6	1,250	5,750
<b>Total Person Miles Capacity</b>			<b>156,725</b>

The VMT analyzed in the regional travel demand model is converted to person miles traveled (PMT) using the data in the 2009 National Household Travel Survey data Vermont add-on for the Williston census blocks. The VMT to PMT factor is 1.38.

**TABLE 10: VMT TO PMT - 2015**

2015 peak hour PM VMT	23,631
VMT to PMT factor	1.38
2015 peak hour PM PMT	31,322

Converting the capacity of the existing transportation system in Williston to PMT enables a mode-agnostic analysis of future capacity and demand for mobility.

Table 11 shows the translation from existing capacity, existing capacity to demand ratio (5.0), and using that ratio to assess what future capacity is needed to meet the needs of future residents, and lastly what portion of that future demand is met by the impact fee projects.

**TABLE 11: PMT SYSTEM CAPACITY AND FUTURE DEMAND**

	Person miles capacity (pm pk hr)
Vehicle Miles (1 direction)	148,063
Bike lanes	2,912
Shared use path	5,750
<b>2015 Person Miles Capacity</b>	<b>156,725</b>
2015 Person Miles Traveled (PM pk hr)	31,322
2015 Capacity to Demand Ratio (capacity / PMT)	5.0
2040 Person Miles Traveled (PM pk hr)	37,097
2040 Capacity to Demand Ratio	5.0
<b>New Capacity - demanded (2015-2040) (new PMT x 5)</b>	<b>28,900</b>
<b>Impact Fee Supplied Person Miles Capacity</b>	<b>12,933</b>

Table 11 indicates that the standard of service test is past

<sup>3</sup> NACTO, TRB, HCM 6<sup>th</sup> Edition (see appendix TBD)

- There is a deterioration of the existing standard experience within the Town of Williston due to future growth and land use development. In the absence of the impact fee projects the standard (supply to demand) ratio falls from 5.0 to 4.22.
- The fee projects funded by impact fees levied on future growth and land use development does not improve conditions above what is experienced today. Adding the new capacity to the existing capacity would result in a slight deterioration of overall standards of service (supply to demand) ratio of 5.0 to 4.57.

## 6.0 BASE IMPACT FEE

Base impact fees are the raw, unadjusted fees which are later discounted for credits and other incentives. The fee will be charged on a PM peak hour per trip basis. This is consistent with the current ordinance in Williston. The trip basis is consistent with the Vermont Agency of Transportation's Statewide impact fee enabling legislation, per Act 145 of 2014-Transportation Impact Fees (10 VSA Sections 6101-6111).

The base fee is described by the following equation:

$$\text{Impact Fee} = (\text{Cost per PM Peak Hour Trip}) \times (\text{New PM Peak Hour trips}) - (\text{Applicable Credits})$$

The base impact fee is calculated as the cost of projects divided by the number of new trips during the PM peak hour as shown in Table 12.

**TABLE 12: COST PER PM PEAK HOUR TRIP**

Cost of Impact Fee Projects (Table 6)	\$5,526,800
Number of new PM Peak Hour Trips (Table 5)	2,845
<b>Cost per PM Peak Hour Trip</b>	<b>\$1,943</b>

## 6.1 CREDITS

Credits are adjustments to the base impact fee that a land use would be assessed. Within the Town of Williston two credits are possible; infrastructure credit and revenue credits.

### Infrastructure Credits

Any land use development that physically constructs any project identified in Table 6 is eligible for a reduction in impact fees, up to the total amount of the impact fee liability. If the cost of the project exceeds the impact fee liability, the Town has the latitude to allow that credit to offset future impact fees imposed on the entity that constructed the infrastructure project. The credit is also applicable even if the project was a condition of the land use development during the review process. This reduces the perception of double payments and incentivizes development in areas identified for transportation infrastructure.

### Revenue Credits

Revenue credits discount the base impact fee to reduce the chance that a land use development in the Town would be funding the same capital improvement through two different funds. This frequently occurs when a land to be developed pays property taxes (prior to the development of the land and after the development), when a portion of which goes to fund the capital project that the impact fee contributed toward. In this case, it is necessary to offset the impact fee by a credit value to eliminate the double payment toward the same capacity. The credits equal the discounted present value of the stream of tax payments used for those expenditures.

The Town of Williston's impact fee is based on the total number of new PM peak hour trips that will consume transportation capacity. Not all new trips are associated with changes in land use development – roughly 32% of the new trips are associated with trips that neither originate nor are destined for points in Williston. Therefore, \$1,768,576, or 32% of the cost of the impact fee projects will be borne by other, non-impact fee funds – namely the property tax. This equates to \$84,218 annually to be raised by the property tax.

The stream of tax payments is broken into two parts – that which occurs before the land use development occurs (called **past tax payments**), and that which occurs after the development comes onto the grand list (called **future tax payments**). The past tax payment determines the amount of tax payments on the raw land made prior to the payment of the impact fee. The future tax payment accounts for the stream of future tax payments made on the new development after the impact fee was paid.

## Residential Development

### *Past Tax Payments*

The predevelopment tax payments for any given residential development. For example, a dwelling constructed in 2022 includes tax payments made in years 2019 through 2021. This stream of payments is converted to the net present value in the year of construction, using a discount rate of 5%. Table 13 summarizes the value of predevelopment credits for a housing unit

**TABLE 13: RESIDENTIAL REVENUE CREDIT FOR PREDEVELOPMENT TAX PAYMENTS**

FISCAL YEAR	ANNUAL EXPENSE	TAX RATE NEEDED	TAX ON SINGLE FAMILY UNIT	TAX ON MULTI-FAMILY UNIT
2019	\$0	0.000000	\$0.00	\$0.00
2020	\$84,218	0.003968	\$1.98	\$0.99
2021	\$84,218	0.003890	\$1.95	\$0.97
2022	\$84,218	0.003814	\$1.91	\$0.95
2023	\$84,218	0.003739	\$1.87	\$0.93
2024	\$84,218	0.003666	\$1.83	\$0.92
2025	\$84,218	0.003594	\$1.80	\$0.90
2026	\$84,218	0.003523	\$1.76	\$0.88
2027	\$84,218	0.003454	\$1.73	\$0.86
2028	\$84,218	0.003387	\$1.69	\$0.85
2029	\$84,218	0.003320	\$1.66	\$0.83
2030	\$84,218	0.003255	\$1.63	\$0.81
2031	\$84,218	0.003191	\$1.60	\$0.80

<b>2032</b>	\$84,218	0.003129	\$1.56	\$0.78
<b>2033</b>	\$84,218	0.003067	\$1.53	\$0.77
<b>2034</b>	\$84,218	0.003007	\$1.50	\$0.75
<b>2035</b>	\$84,218	0.002948	\$1.47	\$0.74
<b>2036</b>	\$84,218	0.002890	\$1.45	\$0.72
<b>2037</b>	\$84,218	0.002890	\$1.45	\$0.72
<b>2038</b>	\$84,218	0.002834	\$1.42	\$0.71
<b>2039</b>	\$84,218	0.002778	\$1.39	\$0.69
<b>2040</b>	\$84,218	0.002724	\$1.36	\$0.68

Once the dwelling is constructed, it pays annual taxes on its new value as a dwelling (building and land). A review of the Town's Grand List data revealed that average assessed value of new single family detached dwellings is \$400,000. New multiple family dwellings, the average assessed value is \$250,000. The Town's Common Level of Appraisal (CLA) is nearly 1.0<sup>4</sup> and therefore the current assessed value is very close to market value.

Table 14 identifies the annual payments for future years from when the dwelling comes onto the grand list through the end of the programmed expenditures (2040). The credit for the tax payment is the current value of the future stream of tax payments, assuming a discount rate of 5%.

<sup>4</sup> <ftp://ftp.act60.tax.state.vt.us/EQ%20STUDY%202018%20CERTIFIED/Williston/>

**TABLE 14: RESIDENTIAL REVENUE CREDIT FOR FUTURE DEVELOPMENT TAX PAYMENTS**

FISCAL YEAR	ANNUAL EXPENSE	TAX RATE NEEDED	TAX ON	TAX ON
2019	\$0	0.000000	\$0.00	\$0.00
2020	\$84,218	0.003968	\$15.87	\$9.92
2021	\$84,218	0.003890	\$15.56	\$9.73
2022	\$84,218	0.003814	\$15.26	\$9.53
2023	\$84,218	0.003739	\$14.96	\$9.35
2024	\$84,218	0.003666	\$14.66	\$9.16
2025	\$84,218	0.003594	\$14.38	\$8.98
2026	\$84,218	0.003523	\$14.09	\$8.81
2027	\$84,218	0.003454	\$13.82	\$8.64
2028	\$84,218	0.003387	\$13.55	\$8.47
2029	\$84,218	0.003320	\$13.28	\$8.30
2030	\$84,218	0.003255	\$13.02	\$8.14
2031	\$84,218	0.003191	\$12.77	\$7.98
2032	\$84,218	0.003129	\$12.52	\$7.82
2033	\$84,218	0.003067	\$12.27	\$7.67
2034	\$84,218	0.003007	\$12.03	\$7.52
2035	\$84,218	0.002948	\$11.79	\$7.37
2036	\$84,218	0.002890	\$11.56	\$7.23
2037	\$84,218	0.002834	\$11.34	\$7.08
2038	\$84,218	0.002778	\$11.11	\$6.95
2039	\$84,218	0.002724	\$10.90	\$6.81
2040	\$84,218	0.002670	\$10.68	\$6.68

The net fee charged per unit comprises the base impact fee minus the predevelopment credit and the post development credit. RSG used the following assumptions to develop the residential revenue credit analysis:

- Average value of empty residential land per acre = \$100,000. Assessed with the input from town assessor by looking at an array of land values for smaller sites planned for development as well as more rural and larger sites that could be subdivided in the future. The higher value provides a protection to the Town by creating a larger credit which should avoid any chance of double counting the impact fee revenue.

- Average annual growth of the grand list is 2%. Derived from a long-run average.
- 2019 Town Grand list value is \$2,040,000,000. Taxable value is \$20,000,000 (tax rate on every \$100 of value).

## Nonresidential Development

The value of impact fee credits for the nonresidential development is split into two categories: predevelopment and post development. Given the variety of nonresidential construction types, locations, and overall variation in the value that nonresidential land uses have within the grand list, the credit mechanism is based not on an average property value, but based on a unit of \$1,000 property value. The predevelopment credit is to be calculated on the assessed value of the land upon which the development has occurred or will occur. This requires some judgment in terms of how a fractional use of a parcel is defined for the value of the nonresidential development. For instance, a five-acre parcel could be 20% for each one-acre subdivision; or, due to concentration within the five acres, the limited development footprint may be closer to 40%.

**TABLE 15: NONRESIDENTIAL REVENUE CREDIT FOR PREDEVELOPMENT TAX PAYMENTS**

FISCAL YEAR	ANNUAL EXPENSE	TAX RATE NEEDED	TAX ON \$1,000 OF VALUE	CREDITS PER \$1,000 OF ASSESSED VALUE
2019	\$0	0.000000	\$0.00	\$0.00
2020	\$84,218	0.004047	\$0.04	\$0.00
2021	\$84,218	0.003968	\$0.04	\$0.04
2022	\$84,218	0.003890	\$0.04	\$0.09
2023	\$84,218	0.003814	\$0.04	\$0.13
2024	\$84,218	0.003739	\$0.04	\$0.18
2025	\$84,218	0.003666	\$0.04	\$0.23
2026	\$84,218	0.003594	\$0.04	\$0.28
2027	\$84,218	0.003523	\$0.04	\$0.33
2028	\$84,218	0.003454	\$0.03	\$0.39
2029	\$84,218	0.003387	\$0.03	\$0.45
2030	\$84,218	0.003320	\$0.03	\$0.51
2031	\$84,218	0.003255	\$0.03	\$0.57
2032	\$84,218	0.003191	\$0.03	\$0.64
2033	\$84,218	0.003129	\$0.03	\$0.71
2034	\$84,218	0.003067	\$0.03	\$0.78
2035	\$84,218	0.003007	\$0.03	\$0.85
2036	\$84,218	0.002948	\$0.03	\$0.93

<b>2037</b>	\$84,218	0.002890	\$0.03	<b>\$1.01</b>
<b>2038</b>	\$84,218	0.002834	\$0.03	<b>\$1.10</b>
<b>2039</b>	\$84,218	0.002778	\$0.03	<b>\$1.19</b>
<b>2040</b>	\$84,218	0.002724	\$0.03	<b>\$1.28</b>

The post development credit is calculated based on the development value of the *structure*, which also uses \$1,000 units of value. The credit is developed as a value per \$1,000 of development value. The development value is often included in local development permits and State Act 250 applications. Table 16 assists in the estimation of development property assessment values based on different construction methods, building types, and uses. RSG created the table using an online subscription to RSMeans Square Foot Cost Estimator, which is available for the Burlington Vermont metropolitan area based on 2017 Q2 data. The estimates include general contractor and architectural fees, basic site work elements, and structural building elements. Four generalized types and typical forms of construction often found here in Vermont are included in this analysis.

**TABLE 16: 2017 CONSTRUCTION VALUES FOR NONRESIDENTIAL USES BY CONSTRUCTION TYPE (VALUE PER SQUARE FOOT)**

Construction Type	Reinforced Concrete or Steel Frame	Masonry or Concrete Bearing Wall	Wood Frame	PreFABRICATED Steel
Accommodation (hotels, shared and group housing)	\$187	\$181.50	\$145.50	\$179.50
Commercial (office, professional)	\$216.50	\$203.50	\$171.50	\$174
Industrial/factory/warehouse	\$136	\$124	--	\$99
Educational (K-12)	\$183	\$184.50	--	\$154.50
Retail	\$145	\$156	\$110	\$119

**TABLE 17: RESIDENTIAL REVENUE CREDIT FOR FUTURE DEVELOPMENT TAX PAYMENTS**

FISCAL YEAR	ANNUAL EXPENSE	TAX RATE NEEDED	TAX ON \$1,000 OF VALUE	CREDITS PER \$1,000 OF ASSESSED VALUE
2019	\$0	0.000000	\$0.00	\$0.00
2020	\$84,218	0.004047	\$0.04	\$0.43
2021	\$84,218	0.003968	\$0.04	\$0.41
2022	\$84,218	0.003890	\$0.04	\$0.39
2023	\$84,218	0.003814	\$0.04	\$0.37
2024	\$84,218	0.003739	\$0.04	\$0.36
2025	\$84,218	0.003666	\$0.04	\$0.34
2026	\$84,218	0.003594	\$0.04	\$0.32
2027	\$84,218	0.003523	\$0.04	\$0.30
2028	\$84,218	0.003454	\$0.03	\$0.28
2029	\$84,218	0.003387	\$0.03	\$0.27
2030	\$84,218	0.003320	\$0.03	\$0.25
2031	\$84,218	0.003255	\$0.03	\$0.23
2032	\$84,218	0.003191	\$0.03	\$0.21
2033	\$84,218	0.003129	\$0.03	\$0.19
2034	\$84,218	0.003067	\$0.03	\$0.17
2035	\$84,218	0.003007	\$0.03	\$0.14
2036	\$84,218	0.002948	\$0.03	\$0.12

<b>2037</b>	\$84,218	0.002890	\$0.03	<b>\$0.10</b>
<b>2038</b>	\$84,218	0.002834	\$0.03	<b>\$0.08</b>
<b>2039</b>	\$84,218	0.002778	\$0.03	<b>\$0.05</b>
<b>2040</b>	\$84,218	0.002724	\$0.03	<b>\$0.03</b>

## 6.2 FEE PER RESIDENTIAL UNIT

Table 12 summarizes the base cost per PM peak hour trip at \$1,943. Non-residential and residential land use can be assessed on the trip basis determined by a traffic impact study or other trip generation studies.

To simplify the administration of the impact fees the trip generation for the residential uses can be summarized by the following table.

**TABLE 18: BASE FEE PER RESIDENTIAL UNIT**

LAND USE (ITE LAND USE CODE: #)	COST PER TRIP	ITE TRIP GENERATION 10 <sup>TH</sup> EDITION DURING PM PEAK HOUR	BASE FEE PER UNIT
Single family detached (ITE LUC: 210)	\$1,943	1.00	\$1,943
Multifamily attached (ITE LUC: 221)	\$1,943	0.52	\$1,010

The net impact fee is the base impact fee (Table 18) minus any revenue credits for new residential development is shown below in Table 19.

**TABLE 19: NET RESIDENTIAL IMPACT FEES FOR TRANSPORTATION CAPITAL EXPENSES**

FISCAL YEAR	SINGLE FAMILY DWELLINGS				MULTIPLE FAMILY DWELLINGS			
	Base Fee	Credit for Past taxes	Credit for Future taxes	Net Fee per Unit	Base Fee	Credit for Past taxes	Credit for Future taxes	Net Fee per Unit
2019	\$1,943.00	\$0.00	\$165.73	<b>\$1,777.27</b>	\$1,010.00	\$0.00	\$103.58	<b>\$906.42</b>
2020	\$1,943.00	\$0.00	\$174.02	<b>\$1,768.98</b>	\$1,010.00	\$0.00	\$108.76	<b>\$901.24</b>
2021	\$1,943.00	\$2.08	\$166.85	<b>\$1,774.07</b>	\$1,010.00	\$1.04	\$104.28	<b>\$904.68</b>
2022	\$1,943.00	\$4.23	\$159.63	<b>\$1,779.14</b>	\$1,010.00	\$2.11	\$99.77	<b>\$908.12</b>
2023	\$1,943.00	\$6.44	\$152.36	<b>\$1,784.20</b>	\$1,010.00	\$3.22	\$95.22	<b>\$911.55</b>
2024	\$1,943.00	\$8.73	\$145.02	<b>\$1,789.25</b>	\$1,010.00	\$4.36	\$90.64	<b>\$915.00</b>
2025	\$1,943.00	\$11.09	\$137.61	<b>\$1,794.30</b>	\$1,010.00	\$5.54	\$86.00	<b>\$918.45</b>
2026	\$1,943.00	\$13.53	\$130.11	<b>\$1,799.36</b>	\$1,010.00	\$6.77	\$81.32	<b>\$921.92</b>
2027	\$1,943.00	\$16.06	\$122.52	<b>\$1,804.42</b>	\$1,010.00	\$8.03	\$76.58	<b>\$925.39</b>
2028	\$1,943.00	\$18.67	\$114.83	<b>\$1,809.50</b>	\$1,010.00	\$9.34	\$71.77	<b>\$928.89</b>
2029	\$1,943.00	\$21.39	\$107.03	<b>\$1,814.59</b>	\$1,010.00	\$10.69	\$66.89	<b>\$932.42</b>
2030	\$1,943.00	\$24.20	\$99.10	<b>\$1,819.71</b>	\$1,010.00	\$12.10	\$61.94	<b>\$935.97</b>
2031	\$1,943.00	\$27.12	\$91.03	<b>\$1,824.85</b>	\$1,010.00	\$13.56	\$56.89	<b>\$939.55</b>
2032	\$1,943.00	\$30.15	\$82.82	<b>\$1,830.04</b>	\$1,010.00	\$15.07	\$51.76	<b>\$943.17</b>

2033	\$1,943.00	\$33.30	\$74.44	<b>\$1,835.26</b>	\$1,010.00	\$16.65	\$46.53	<b>\$946.82</b>
2034	\$1,943.00	\$36.57	\$65.89	<b>\$1,840.53</b>	\$1,010.00	\$18.29	\$41.18	<b>\$950.53</b>
2035	\$1,943.00	\$39.98	\$57.16	<b>\$1,845.86</b>	\$1,010.00	\$19.99	\$35.73	<b>\$954.28</b>
2036	\$1,943.00	\$43.53	\$48.23	<b>\$1,851.25</b>	\$1,010.00	\$21.76	\$30.14	<b>\$958.10</b>
2037	\$1,943.00	\$47.22	\$39.07	<b>\$1,856.70</b>	\$1,010.00	\$23.61	\$24.42	<b>\$961.97</b>
2038	\$1,943.00	\$51.10	\$29.69	<b>\$1,862.21</b>	\$1,010.00	\$25.55	\$18.56	<b>\$965.89</b>
2039	\$1,943.00	\$55.14	\$20.06	<b>\$1,867.79</b>	\$1,010.00	\$27.57	\$12.54	<b>\$969.89</b>
2040	\$1,943.00	\$59.36	\$10.17	<b>\$1,873.47</b>	\$1,010.00	\$29.68	\$6.36	<b>\$973.96</b>

## 6.3 NON-RESIDENTIAL FEES

The non-residential land uses do not have the benefit of a summary document like this given the variety of construction methods and post-construction values.

The steps for non-residential impact fees are:

1. Calculate the number of new trips generated during the PM peak hour.
2. Multiply the number of trips by the cost per trip \$1,943 (Table 12) to obtain the base impact fee.
3. Determine pre-development revenue credits based on the year of development and value of the property (Table 15).
4. Use Table 16 to multiply the nonresidential value by the future tax credit for occupancy year.
5. Determine the post-development revenue credits based on the year of development and value of the development (Table 17).
6. Calculate the final impact fee using Step 2 and subtract Step 3 and Step 4.

## APPENDIX A. CAPACITY OF INFRASTRUCTURE

### PERSON MILES CAPACITY PER MILE

TYPE OF FACILITY	PERSON CAPACITY <sup>5</sup> (TARGET V/C RATIO ~.5)
Bicycle Boulevard/cycle track	1,400
Sharrows	150
Bike Lanes	800
Buffered Bike Lanes	1,200
Paved Shoulder	200
Protected Bike Lane	1,320
Shared Use Path	1,250
Road lane (1 lanes)	900
Sidewalk (5 feet wide)	880
Sidewalk (10 feet wide)	1,760

<sup>5</sup> NACTO, TRB, HCM 6<sup>th</sup> Edition



180 Battery Street, Suite 350

Burlington, VT 05401

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**RECREATION IMPACT FEE ANALYSIS**  
**TOWN OF WILLISTON, VERMONT**

Draft 3

Prepared By

Michael J. Munson, Ph.D., FAICP

July 30, 2012

## RECREATION IMPACT FEE ANALYSIS

### TOWN OF WILLISTON, VERMONT

#### I. INTRODUCTION

The Town of Williston has, for many years, supported an active recreation program. As the Town's population has grown over the past two decades, so too have grown both the number of recreation facilities provided and the number of programs offered. Recreation facilities provided by the Town include parks and playgrounds, multi-use paths, primitive trails, and passive recreation/conserved lands. The Town's Recreation Committee undertakes a regular assessment of the Town's facilities in order to determine their adequacy and to identify additional facilities needed in coming years.

The Town wishes to update its recreation impact fee program to ensure that it effectively allocates a fair share of the costs of providing the recreation facilities to anticipated new residential development which will demand and make use of those facilities, in accordance with the authority set forth in 24 V.S.A., Chapter 131.

Since recreation facilities are used primarily by residents of the Town, the major impetus for adding additional facilities is to accommodate the needs of the residents of anticipated future residential development. Thus, the recreation impact fees will be levied against each new dwelling unit built in the coming years. At the same time, it is recognized that the current array of recreation facilities does not fully meet the needs of the Town's current residents. Thus, some of the planned recreation facilities are intended to meet unmet demand of current residents. The cost of meeting these current unmet needs must be borne by the Town without reliance on impact fee revenues. Impact fee revenues may only be used to add new capacity to serve anticipated future residents.

#### II. ANTICIPATED POPULATION AND HOUSING GROWTH

In 1990, Williston's population was 4,887 (U.S. Census Reports). By 2000, that had increased to 7,650. In the next decade the rate of growth slowed, and by 2010 the Town's population was 8,698. Using the growth assumptions described below, Williston's population is expected to increase to 10,348 by the year 2025. This growth will obviously generate increased demands on the Town's recreation facilities. Since it is practicable to levy recreation impact fees on each dwelling unit that is constructed, and since it appears that multiple family dwellings contain, on average, fewer persons than do single family dwellings, it is reasonable that the impact fees be based on estimates of the average occupancy for each type of dwelling.

In the early 1990s, the Williston School District conducted annual surveys of all residents in the Town. These surveys acquired data on the number of students, non-students, and various other characteristics for each dwelling. The most complete of these surveys, for 1993, allowed examination of average occupancy for single and multiple family dwellings. Each single family dwelling (including mobile homes) contained, on average, 1.79 adults and 0.79 children, for a total of 2.58 persons per dwelling. Similarly, each multiple family dwelling (including condos

and duplexes) contained, on average, 1.67 adults and 0.38 children, for an average of 2.05 persons per dwelling.

A review of the 2010 census data suggest that these ratios have changed very little (less than one percent), and may have actually increased slightly over the past fifteen years'. This analysis will assume that the 1993 ratios are unchanged, and that the overall average occupancy rate is 2.47 persons per dwelling.

Between 2000 and 2010, the Town's population increased by 1,048 persons, an average annual increase of 104.8 persons. With an average of 2.47 persons per dwelling, this represents an increase of just over 42 new dwellings each year. Since the last part of the decade was characterized by a severe recession, it seems reasonable to expect the Town to grow at a slightly higher rate during the coming years. A conversation with the Director of Planning and Zoning suggests that review of the Town's growth management commitments yields an expectation of 45 dwellings per year. At an average occupancy of 2.47 persons per unit, this corresponds to an annual increment of 111 persons. For the purposes of this analysis, future population growth is assumed to be, on average, 110 persons and 45 new dwellings per year. These expectations are shown in Table 1.

**TABLE 1.  
ASSUMED POPULATION AND HOUSING GROWTH**

<u>Year</u>	<u>Population Growth</u>	<u>Housing Growth</u>	<u>Total Population</u>	<u>Total Dwellings</u>
2010	na	na	8,698	3,514
2012	220	90	8,918	3,604
2015	330	135	9,248	3,739
2020	550	225	9,798	3,964
2022	220	90	10,018	4,054
2025	330	135	10,348	4,189

Over the next ten years, from 2012 to 2022, the Town will see an increase of 450 dwelling units housing 1,100 new residents.

### **III. CALCULATING RECREATION IMPACT FEES**

The general formula for computing the Recreation Impact Fee per dwelling unit is:

**The cost to the Town for recreation facilities per person, multiplied by  
The number of persons living in each new dwelling unit, minus  
Credits for past and future tax payments that were used for annual  
recreation expenditures.**

Estimates of the number of persons living in each dwelling were presented in the previous section. This section will focus on developing estimates of the per-person-cost to the Town for providing recreation facilities. Four categories of facilities will be examined: 1) parks and

playgrounds; 2) multi-use paths; 3) primitive trails; and 4) passive recreation/conservation land. The analysis will look at both existing and planned facilities.

**A. Parks and Playgrounds:**

The Town of Williston currently provides the following developed park and playground facilities.

- Rossignol Park. This 9 acre facility contains 2 tennis courts, a basket ball court, a ball field and a play area with swing set.
- Brennan Park. This 5 acre park contains a ball field, 2 T-ball fields, a toddler playground and community gardens.
- WCS/Community Park. This large facility includes 21 acres and contains 4 multi-use fields, 3 soccer fields, 1 baseball field, 1 little league ball field, 2 soft ball fields, 2 horseshoe pits, a multi-use skating rink with warming hut, and a multi-age playground.
- Allen Brook Community Park. This is a new facility with only 8 of 21 acres developed so far. Phase I included a playground, swings, fitness trail and 2 multi-use fields. Additional phases will be developed in the future.
- Lake Iroquios Park. This facility was redeveloped in 1993 and is shared by the four surrounding towns. Williston's share amounts to 1.0 acres of the 2.2 acre facility. The facility includes a playground, swimming beech, snack bar and changing building.

Altogether, these facilities provide a total of 44 acres of developed recreation land. Using the previously presented estimate of the Town's 2012 population of 8,918 persons, the current facilities represent a service ratio of 4.93 developed acres per 1,000 persons.

In past years the Town has adopted a service standard of 6.5 acres per 1,000 persons<sup>1</sup>. This is no longer specified in the Town's Comprehensive Plan, but it is referenced in the periodic needs assessment analysis undertaken by Williston's Recreation Director and Recreation Committee. That needs assessment addresses needs of individual facilities (ball fields, soccer fields, etc.) as well as over-all developed land. This was used as the basis for planning the new Allen Brook Park.

The planned Allen Brook Park will contain 27 acres, of which 8 are already developed. When the park is built out, the total developed recreation land in Williston will be 57 acres. The park will be built out in phases, extending through 2025. A careful analysis of the Recreation Department's needs analysis, the phased build-out of the park, the population expectations presented above, plus the planned addition of a picnic site and pavilion and skating rink at Rossignol Park, indicates that the new facilities will satisfy virtually all of the Town's expected recreation needs through the year 2025. These needs will be met with a total of 63 acres of developed recreation land serving 10,348 persons, a service ratio of 6.09 acre per 1,000 persons. This is an empirical indicator of the desired service ratio in the Town of Williston.

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<sup>1</sup> See the 2000 Comprehensive Plan and the 2001 Recreation Impact Fee Analysis. The ratio of 6.5 acres per 1,000 persons falls at the lower end of the range suggested for community and neighborhood parks (6.0 to 10.0 acres per 1,000) suggested by the National Recreation and Park Association.

If the Town maintains the desired service ratio of 6.5 acres per 1,000 persons, a deficiency of 4.26 acres will remain after Allen Brook Park is built-out. If the Town agrees to a slightly lower desired service ratio of 6.0 acres per 1,000 persons, the build-out of Allen Brook Park will meet the Town's needs until sometime after 2025.

Assuming the lower service ratio (6.0 acres per 1,000 persons), the Town's current (2012) population of 8,918 persons would require a total of 53.5 acres. At present the Town provides only 44 acres. Thus, 9.5 of the 19 acres added by the build-out of Allen Brook park would be needed to bring the current population up to the desired service level. The remaining 9.5 acres will be used to accommodate anticipated future residents. This suggests that impact fee revenues may be used to fund up to 50 percent of future expenditures on new recreation facilities.

With this as the desired service ratio (6.0 acres per 1,000 persons), the next step is to consider the cost per acre of developed recreation land. The Town has worked with the design engineers and landscape architects to develop preliminary estimates of the cost of developing Allen Brook Park. For the entire build-out of the Allen Brook Park, the estimated total construction cost is \$2,169,500. This includes all facilities, site preparation, roads, paths and trails, utilities, restrooms, etc. In addition, the cost of the improvements to Rosignol Park (\$100,000 for ice rink, picnic area and shelter), should be included, bringing the total cost to \$2,269,500. The entire park comprises 27 developed acres. Thus, development costs per acre are \$80,455.55 per acre.

At a service ratio of 6.0 developed acres per 1,000 persons, this amounts to \$504.33 per person.

By multiplying this cost-per-person figure by the average occupancy ratios for single family and multiple family dwellings, base impact fees for developed recreation lands for the two types of dwellings can be computed.

**Single Family Dwellings: \$504.33 per-person times 2.58 person per dwelling  
= \$1,301.17 per dwelling.**

$$\underline{\$504.33 \times 2.58 = \$1,301.17}$$

**Multiple Family Dwellings: \$504.33 per-person times 2.05 person per dwelling  
= \$1,033.87 per dwelling.**

$$\underline{\$504.33 \times 2.05 = \$1,033.87}$$

## B. Multi-Use Paths

The Town of Williston has undertaken a multi-year program to construct a comprehensive network of multi-use paths that connect population centers, activity centers, business centers, and to adjacent towns. This network will serve in conjunction with the Towns network of primitive trails and concrete sidewalks.

In 2004 the Town residents authorized the sale of up to \$2,600,000 to support the construction of multi-use paths. To date approximately half of that money has been spent. For the most part, the bond funds are used as matching funds for grants used to build various sections of the multi-use path network. As of the beginning of 2012, the Town had increased it's total to 11.87 miles of multi-use paths. The most recent completion was the 0.54 mile section leading to the Winooski River, which completed the path along Route 2A from Industrial Avenue to the Winooski river.

Over the next decade the Town expects continue work to complete the planned network of multi-use paths. Anticipated segments include:

- A 0.45 mile segment along Route 2A between Beaudry Lane and Meadow Lane.
- A .05 mile segment along Route 2A between Beaudry Lane and Knight Lane. Together, these two segments will complete the path along Route 2A from Taft Corners to Industrial Avenue.
- A 0.35 mile segment along Old Stage Road from Wildflower to Mountain View. This will complete the path along Old Stage Road from Route 2 to Mountain View Road.
- A 2.25 mile segment along Mountain View road between Route 2A and Old Stage Road. This will probably be constructed in two or more parts.
- A 0.75 mile segment along Marshall Avenue to the South Burlington Border.

Altogether, these five planned segments total 3.85 miles, which will bring the Town's total to 15.72 miles of multi-use path. The only priority segments not included in the above list are additional inter-town connectors to South Burlington and Richmond. These are both fairly long segments and may be constructed in parts over several years.

The Town has estimated that, upon completion, approximately 70 percent of path users will be recreational users and the remainder will be commuters. Thus, for purposes of the recreation impact fee analysis, only 70 percent of the network costs should be considered in the analysis below.

The most realistic estimate of costs for constructing these multi-use paths is based on the work done in 2011 along Route 2A. A total of 0.54 miles of path were constructed at a total cost of \$1,022,305.90. This amounts to \$1,893,159.10 per mile. Of this total cost, 80% was covered by grant funds while Town funds covered the remaining 20%, or \$378,631.81 per mile. It is expected that this match rate will continue into the future.

Using this basic estimate, the planned 4.3 miles of new path is expected to cost the Town \$1,628,116.80.

However, since only 70 percent of the cost is to be charged against recreation, the recreation cost per mile becomes \$265,042.27.

The final steps in this analysis are to convert the construction cost estimate into cost-per-person, costs-per-dwelling, and ultimately into base impact fees.

For over two decades Williston has been working to concentrate development within its designated growth area—i.e. the sewer service area—which makes up approximately one fourth of the Town’s land area. The multi-use path network was designed to provide connections between significant activity centers within the sewer service area, and connections between that area and surrounding towns and Williston’s evolving network of primitive paths and country parks. The planned multi-use path system, when complete, should meet the Town’s needs until it decides to expand its growth area

It is not expected that the Town’s sewer service area will be built-out by the end of the study period for this analysis (2025). Review of the Town’s residential phasing commitments and sewer allocations, along with a review of build-out studies conducted by the Planning and Zoning staff, suggest that, at build-out of the sewer service area, the entire town would house approximately 11,000 persons<sup>2</sup>. If that is true, the effective service ratio (of the segments now planned) would be 15.72 miles/11,000 persons, equals 1.479 miles per 1,000 persons. At the average cost of \$265042.27 per mile, this works out to \$392.00 per person.

By multiplying this cost per person figure by the average occupancy ratios for single family and multiple family dwellings, base multi-use path impact fees for the two types of dwellings can be computed.

**Single Family Dwellings: \$392.00 per person times 2.58 person per dwelling  
= \$1,011.36 per dwelling.**

$$\underline{\$392.00 \times 2.58 = \$1,011.36}$$

**Multiple Family Dwellings: \$392.00 per person times 2.05 person per dwelling  
= \$803.60 per dwelling.**

$$\underline{\$392.00 \times 2.05 = \$803.60}$$

At the beginning of the work funded by the bonds, Williston (2003 population of 8,300) provided approximately 0.5 miles of multi-use paths per 1,000 persons. To bring that population up to the anticipated standard of 1.479 miles per 1,000 persons would require 12.28 miles of paths, or 75 percent of the entire planned increment of 15.72 miles. Thus, 75 percent of the expenditures on multi-use paths would not be eligible for funding from impact fee revenues. Impact fee revenues can cover up to 25 percent of the expenditures.

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<sup>2</sup> The most recent Growth and Development Report indicates that a total of 676 new dwelling units are currently allocated for construction inside the sewer service area. A recent build-out potential analysis conducted by the Town’s planning staff indicates a total capacity for this area of 1,059 additional units, substantially more than area currently allocated. The difference lies in development outside of the growth area but within the sewer service area. During the time that it takes to reach full build-out of the sewer service area, an additional 187 new dwellings would be constructed outside of the sewer service area. Summing the additions (1,059 + 187 ) plus the 3,226 units already existing, yields a total of 4,472 dwelling units at build-out. Using the current average population per dwelling, this is equivalent to a total town population of 11,046 persons

C. Primitive Paths

The Town of Williston currently maintains just over 12 miles of unpaved primitive trails which are used primarily for recreational activities such as hiking or cross-country skiing. In addition, the Town has obtained over sixteen easements for primitive trails through private properties. The Trails Committee has identified the following as priorities for primitive trail development: Those in and around the Village; from Five Tree Hill to Route 2-A; Along the Allen Brook paralleling South Road; Along the ridge line between Route 2-A and Bradley Lane; And on Town property on Brownell Mountain. Scheduling, costs, and funding for these expansions have not yet been established. Thus, costs for these facilities will not be included in this recreation Impact Fee Analysis.

D. Passive Recreation/Conservation Land

Over the years Williston has acquired a number of parcels of conserved land, some of which are classed as country parks and/or contain primitive paths. Town voters approve annual appropriations to the Conservation Fund for this purpose. In general, purchases from this fund reflect opportunities that come up, and are often made in concert with the Vermont Land Trust. There is no planned schedule of such acquisitions. Thus, this category of recreation facilities will not be included in this Impact Fee Analysis.

E. Total Base Recreation Impact Fees

Based on the above, the total base recreation impact fee will be the sum of the base impact fees for developed recreation land and facilities, plus the base impact fees for multi-use paths. These are presented in Table 2, below.

**TABLE 2.  
TOTAL BASE RECREATION IMPACT FEES PER DWELLING UNIT**

	Recreation Land And Facilities	Multi- Use Paths	<b>Total Impact Fee</b>
Single Family Dwelling	\$1,301.17	\$1,011.36	<b>\$2,312.53</b>
Multi-Family Dwelling	\$1,033.87	\$ 803.60	<b>\$1,837.47</b>

**IV. CREDITS FOR TAXES USED TO PAY FOR RECREATION FACILITIES**

The planned recreation facilities will be funded by annual appropriations of general revenues, and the multi-use path facilities will be funded by revenues from the approved \$2,600,000 bond. Thus, the Town's annual expenditures for the recreation facilities and paths will be the sum of the annual recreation facility appropriations plus the annual debt service for the path bonds<sup>3</sup>.

<sup>3</sup> It is assumed that the debt service for the bond money already borrowed will continue through full maturation, and that the remaining \$1,000,000 will be borrowed in 2014, at 5%, over 20 years, with payments through 2034.

While impact fee revenues will be used to offset some of these annual expenditures, impact fee revenues will need to be supplemented by tax revenues.

It is likely that some of the taxes paid by new dwellings (which have also paid the impact fees) will be used for the recreation expenditures. To avoid double payment by the occupants of those dwellings, credits against the basic impact fee must be computed which represent the present value of the stream of tax payments from both the new dwelling and the previously undeveloped land, used for the recreation expenditures. Estimating these credits involves several steps.

The undeveloped land on which new residential development occurs will have been assessed property taxes, some of which may have been used for the annual recreation expenditures (starting with the date of the first bond payment). These payments will be called past land tax payments. It is necessary to estimate the current value of the stream of past land tax payments used for these annual recreation expenditures, up to the point where the new dwelling enters the grand list.

Once the new dwelling is constructed, it will continue to make tax payments, some of which will be used for the annual recreation expenditures. It is necessary to estimate the present value of the stream of the new dwelling's future tax payments that will be used for these annual recreation expenditures, throughout the bond repayment period. These will be called future residential tax payments.

Thus, for any development, there will be two potential credits against the basic impact fees:

- The credit for past land tax payments used to fund past annual Recreation expenditures not covered by impact fee revenues, and
- The credit for future residential tax payments used to fund the future annual Recreation expenditures not covered by impact fee revenues.

The value of these credits depends on the value of the land prior to development, the value of the residential development, the annual expenditures for recreation facilities, the date when the development enters the Town's grand list, and the total grand list.

#### A. Value of Land and Dwellings

In general, residential development takes the form of either single family detached dwellings or attached multiple family dwellings. Within each of these categories, the values of the individual dwelling units fluctuate around an average that can be used for estimating the credits for future tax payments. Similarly, the value of the land used for residential development fluctuates around an average that can be used for estimating the credits for past tax payments.

For this analysis, the following values will be assumed:

- Single family detached dwellings will have an average assessed value of \$326,000 (at the current assessment ratio of 94.04%, this is the equivalent of a market value of

\$346,600), and the land prior to development will have an average value of \$32,600 per dwelling.<sup>4</sup>

- Multiple dwellings (apartments or town houses) will have an average assessed value of \$241,400 (reflecting a market value of \$256,700), and the land prior to development will have a value of \$24,000 per unit<sup>5</sup>;

#### B. Annual Recreation Expenditures

Annual recreation expenditures were tabulated for each year for developed park and recreation facilities and for multi-use paths.

##### 1. Developed park and playground facilities.

Based on information in the Town's Capital Budget and Program, plus discussions with the Recreation Director, the above described build-out of Allen Brook Park was determined, along with anticipated costs. Table 3, below, shows the schedule of expenditures for the assumed build-out expenditures for Allen Brook Park and the modest improvements to Rossignol Park.

**TABLE 3.**  
**ANTICIPATED ANNUAL EXPENDITURES FOR PARK FACILITIES**

Allen Brook Park	Phase I	2011	\$410,000
	Phase II-A	2015	\$126,500
	Phase II-B,C	2017	\$456,000
	Phase III	2020	\$426,000
	Phase IV-A	2023	\$300,000
	Phase IV-B	2025	\$200,000
Rossignol Park	Phase I	2015	\$50, 000
	Phase II	2018	\$50,000

##### 2. Multi-Use paths

As described above, the anticipated construction of the multi use path network was determined. The expenditures are based on the schedule of bond repayments Table 4 (on

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<sup>4</sup> Based on a review of the 2011 grand list, the average assessed value was \$325,808. This was adjusted to represent 2011 fair market value of \$346,457. The values were rounded upward to reflect 2012. Raw land was assumed to be approximately 10 percent of the total assessed value, or \$32,600 per unit

<sup>5</sup> Based on a review of the 2011 grand list, the average assessed value was \$241,384. This was adjusted to represent 2011 fair market value of \$256,682. The values were rounded upward to reflect 2012. Again, raw land was assumed to be approximately 10 percent of the total assessed value, or \$24,000 per unit.

the following page) presents the annual debt service payments for the bonds used to fund the multi-use path expansions. This includes the original bond of \$1.6 million plus the remaining authorized bond of \$1.0 million assumed to be sold in 2014 with payments extending through 2014.

Some, but not all, of these bond expenditures will be offset by impact fee revenues. The credits must be based on Town expenditures net of impact fee offsets. As noted above, up to 50 percent of expenditures on park and recreation facilities, and up to 58 percent of expenditures on multi-use paths are eligible for impact fee funding. In fact, available impact fee revenues will be based on actual new dwellings constructed. It is anticipated that, on average, 45 new dwellings will be constructed each year. Of these, 60 percent (27 units) should be single family detached units while 40 percent (18 units) should be multiple family units. Assuming actual impact fees averaging \$1,900 for each single family dwelling and \$1,500 for each multiple family dwelling, Impact fee revenues should average \$78,300 per year.

**TABLE 4.  
ANTICIPATED MULTI-USE PATH BOND PAYMENTS**

Path Bond Payments			
Year	First Bond	Second Bond	Total Bond payments
2005	\$23,263	\$000	\$23,263
2006	\$143,928	\$000	\$14,3928
2007	\$140,220	\$000	\$140,220
2008	\$138,952	\$000	\$138,952
2009	\$136,312	\$000	\$136,312
2010	\$133,552	\$000	\$133,552
2011	\$130,696	\$000	\$130,696
2012	\$127,736	\$000	\$127,736
2013	\$124,688	\$000	\$124,688
2014	\$121,560	\$50,000	\$171,560
2015	\$118,352	\$97,500	\$215,852
2016	\$115,000	\$95,000	\$210,000
2017	\$111,752	\$92,500	\$204,252
2018	\$108,368	\$90,000	\$198,368
2019	\$104,444	\$87,500	\$192,444
2020	\$101,480	\$85,000	\$186,480
2021	\$97,976	\$82,500	\$180,476
2022	\$94,440	\$80,000	\$174,440
2023	\$90,872	\$77,500	\$168,372
2024	\$87,280	\$75,000	\$162,280
2025	\$88,654	\$72,500	\$161,154
2026	\$000	\$70,000	\$70,000
2027	\$000	\$67,500	\$67,500
2028	\$000	\$65,000	\$65,000
2029	\$000	\$62,500	\$62,500
2030	\$000	\$60,000	\$60,000
2031	\$000	\$57,500	\$57,500
2032	\$000	\$55,000	\$55,000
2033	\$000	\$52,500	\$52,500
2034	\$000	\$50,000	\$50,000

Table 5. combines Tables 3 and 4, and also includes the amount of each annual expenditure which is assumed to be offset by impact fee revenues, as described above.

**TABLE 5.**  
**ESTIMATED ANNUAL RECREATION EXPENDITURES NET OF IMPACT FEE  
REVENUES**

Year	Bond payments	Park Expenditures	Totals	Impact Fees	Net Expenditures
2005	\$23,263	\$0	\$23,263	\$15,710	\$7,553
2006	\$143,928	\$0	\$143,928	\$15,710	\$128,218
2007	\$140,220	\$0	\$140,220	\$15,710	\$124,510
2008	\$138,952	\$0	\$138,952	\$15,710	\$123,242
2009	\$136,312	\$0	\$136,312	\$15,710	\$120,602
2010	\$133,552	\$0	\$133,552	\$15,710	\$117,842
2011	\$130,696	\$410,000	\$540,696	\$15,710	\$524,986
2012	\$127,736	\$0	\$127,736	\$15,710	\$112,026
2013	\$124,688	\$0	\$124,688	\$78,300	\$46,388
2014	\$171,560	\$0	\$171,560	\$78,300	\$93,260
2015	\$215,852	\$176,500	\$392,352	\$78,300	\$314,052
2016	\$210,000	\$0	\$210,000	\$78,300	\$131,700
2017	\$204,252	\$456,000	\$660,252	\$78,300	\$581,952
2018	\$198,368	\$50,000	\$248,368	\$78,300	\$170,068
2019	\$192,444	\$0	\$192,444	\$78,300	\$114,144
2020	\$186,480	\$0	\$186,480	\$78,300	\$108,180
2021	\$180,476	\$0	\$180,476	\$78,300	\$102,176
2022	\$174,440	\$0	\$174,440	\$78,300	\$96,140
2023	\$168,372	\$300,000	\$468,372	\$78,300	\$390,072
2024	\$162,280	\$0	\$162,280	\$78,300	\$83,980
2025	\$161,154	\$200,000	\$361,154	\$78,300	\$282,854
2026	\$70,000	\$0	\$70,000	\$78,300	\$0
2027	\$67,500	\$0	\$67,500	\$78,300	\$0
2028	\$65,000	\$0	\$65,000	\$78,300	\$0
2029	\$62,500	\$0	\$62,500	\$78,300	\$0
2030	\$60,000	\$0	\$60,000	\$78,300	\$0
2031	\$57,500	\$0	\$57,500	\$78,300	\$0
2032	\$55,000	\$0	\$55,000	\$78,300	\$0
2033	\$52,500	\$0	\$52,500	\$78,300	\$0
2034	\$50,000	\$0	\$50,000	\$78,300	\$0

Based on the information in Tables 3, 4, and 5, plus the grand list assumptions noted above, it is possible to compute the estimated credits needed to offset both past land tax payments and future tax payments.

### C. Grand List

The Town's Grand List and anticipated growth is based on a review of annual reports submitted to the State Division of Property Valuation and Review for the period 2007 through 2011. In The Grand List totaled \$16,204,729 in 2011. In 2007, the Grand List was \$12,090,184. This represents an average growth of just under \$1,030,000 per year. With the easing to the recession, it is reasonable to assume a slightly higher growth rate of \$1,040,000 per year. It is assumed that this growth rate will stay constant.

D. Credits for Past Land Tax Payments

The procedure for estimating credits for past tax payments includes several steps. Net annual recreation and bond expenditures from Table 5. are divided by the estimated grand list for the appropriate year to generate effective tax rates needed to cover the debt service payments each year. The effective tax rate was multiplied by the assumed value of the land used for a single-family or multi-family dwelling to estimate the tax paid on that land for each year. This analysis is shown on the first four columns of Table 6.

The last two columns of Table 6 show the credits, computed as the present value of the stream of tax payments for each year prior to the year that the dwelling enters the grand list. Thus, if a single-family dwelling enters the grand list in 2012, the credit would represent the present value of the stream of tax payments made from 2005 and 2012, (assuming a discount rate of 5.00 percent). The credit (from the 2012 row of the next to last column of Table 6) would be \$29.035 If a single-family dwelling entered the grand list in the year 2018, the stream would include the payments made in 2005 through 2018, and the credit (from the 2018 row of the next to last column of Table 6) would be \$49.72.

**TABLE 6.  
IMPACT FEE CREDITS FOR PAST TAX PAYMENTS USED TO OFFSET ANNUAL  
RECREATION AND PATH EXPENDITURES**

DWELLING YEAR	ANNUAL EXPENDITURE*	TAX RATE NEEDED	TAX ON		ESTIMATED	CREDITS
			Single family land	Multi family land	For single family land	For multi family land
2012	112,026	\$0.00687	\$2.24	\$1.65	\$29.35	\$21.60
2013	46,388	\$0.00283	\$0.92	\$0.68	\$33.16	\$24.42
2014	93,260	\$0.00565	\$1.84	\$1.36	\$35.79	\$26.35
2015	314,052	\$0.01890	\$6.16	\$4.53	\$39.51	\$29.09
2016	131,700	\$0.00787	\$2.57	\$1.89	\$47.96	\$35.31
2017	581,952	\$0.03458	\$11.27	\$8.30	\$53.05	\$39.05
2018	170,068	\$0.01004	\$3.27	\$2.41	\$67.54	\$49.72
2019	114,144	\$0.00670	\$2.18	\$1.61	\$74.35	\$54.74
2020	108,180	\$0.00631	\$2.06	\$1.51	\$80.36	\$59.16
2021	102,176	\$0.00593	\$1.93	\$1.42	\$86.54	\$63.71
2022	96,140	\$0.00554	\$1.81	\$1.33	\$92.90	\$68.39
2023	390,072	\$0.02235	\$7.29	\$5.36	\$99.44	\$73.21
2024	83,980	\$0.00478	\$1.56	\$1.15	\$112.06	\$82.50
2025	282,854	\$0.01602	\$5.22	\$3.84	\$119.30	\$87.83

E. Credits for Future Residential Tax Payments

The procedure for estimating credits for future tax payments is similar. The net annual recreation expenditures from Table 5 are divided by the grand list for each year to produce an

effective tax rate needed to cover the bond payments that year. This effective tax rate was multiplied by the assumed value for single family or multi-family dwellings to estimate the tax on those dwellings needed to support the school bond expenditures. Again, this is shown on the first four columns of Table 7.

The last two columns of Table 7 show the credits, computed as the present value of the stream of tax payments for each year after the dwelling enters the grand list. Thus, if a single-family dwelling enters the grand list in 2012, the stream would include the payments made in 2012 through 2034 (the last year of the bond period), adjusted by the assumed discount rate of 5.00 percent. The credit (from the 2012 row of the next to last column of Table 7) would be \$21.33. If a single-family dwelling entered the grand list in the year 2018, the stream would include only those payments made in the years 2018 through 2034, and the credit (from the 2012 row of the next to last column of Table 7) would be \$116.79.

**TABLE 7.**  
**IMPACT FEE CREDITS FOR FUTURE TAX PAYMENTS USED TO OFFSET**  
**ANNUAL RECREATION AND PATH EXPENDITURES**

Single family unit value = \$326,000  
Multi-family unit value = \$256,700

DWELLING YEAR	ANNUAL EXPENDITURE	TAX RATE NEEDED	TAX ON		<b>ESTIMATED</b>	<b>CREDITS</b>
			Single Family Dwelling	Multiple family Dwelling		
2012	112,026	\$0.00687	\$22.39	\$17.63	\$21.33	\$16.79
2013	46,388	\$0.00283	\$9.21	\$7.26	\$8.78	\$6.91
2014	93,260	\$0.00565	\$18.41	\$14.49	\$17.53	\$13.80
2015	314,052	\$0.01890	\$61.60	\$48.50	\$58.67	\$46.19
2016	131,700	\$0.00787	\$25.67	\$20.21	\$24.45	\$19.25
2017	581,952	\$0.03458	\$112.73	\$88.77	\$107.37	\$84.54
2018	170,068	\$0.01004	\$32.74	\$25.78	\$31.18	\$24.55
2019	114,144	\$0.00670	\$21.84	\$17.20	\$20.80	\$16.38
2020	108,180	\$0.00631	\$20.57	\$16.20	\$19.60	\$15.43
2021	102,176	\$0.00593	\$19.32	\$15.21	\$18.40	\$14.49
2022	96,140	\$0.00554	\$18.07	\$14.23	\$17.21	\$13.55
2023	390,072	\$0.02235	\$72.86	\$57.37	\$69.39	\$54.64
2024	83,980	\$0.00478	\$15.59	\$12.28	\$14.85	\$11.69
2025	282,854	\$0.01602	\$52.21	\$41.11	\$49.73	\$39.16

Note that while the analysis covers the entire period from 2005 to 2035, in the interests of brevity, Tables 6. and 7. show only the credits for the period 2012 through 2025.

The fees change from year to year, depending on the calculated credits. The Town has adopted the practice of shifting the fees at the start of each fiscal year—July 1 of each year. Thus, if a zoning permit is issued for a dwelling on April 15 of (say) fiscal year 2012-2013, the appropriate fee will be found in the 2012 row of the tables. If the permit is issued on August 1 of the same fiscal year, the appropriate fee will be found in the 2013 row of the tables.

## F. Net Impact Fees

Table 8. combines the results of tables 6 and 7, showing the base impact fees for each type of dwelling, the credits for past and future tax payments, and the net fees. In general, Table 8 should be the only one necessary to calculate the fee for any given dwelling. Thus, for a single family dwelling entering the grand list in 2015, the net fee would be \$2,261.86 a multiple family dwelling entering the grand list in 2017, the net fee would be \$1,713.87.

**TABLE 8.  
NET RECREATION IMPACT FEES**

DWELLING YEAR	SINGLE FAMILY DWELLINGS				MULTI FAMILY DWELLINGS			
	base Imp. Fee	Table 5 Credit	Table 6 Credit	<b>Net Fee</b>	base Imp. Fee	Table 5 Credit	Table 6 Credit	<b>Net Fee</b>
2012	\$2,312.53	\$29.35	\$21.33	<b>\$2,261.86</b>	\$1,837.47	\$21.60	\$16.79	<b>\$1,799.07</b>
2013	\$2,312.53	\$33.16	\$8.78	<b>\$2,270.59</b>	\$1,837.47	\$24.42	\$6.91	<b>\$1,806.14</b>
2014	\$2,312.53	\$35.79	\$17.53	<b>\$2,259.21</b>	\$1,837.47	\$26.35	\$13.80	<b>\$1,797.32</b>
2015	\$2,312.53	\$39.51	\$58.67	<b>\$2,214.35</b>	\$1,837.47	\$29.09	\$46.19	<b>\$1,762.19</b>
2016	\$2,312.53	\$47.96	\$24.45	<b>\$2,240.13</b>	\$1,837.47	\$35.31	\$19.25	<b>\$1,782.91</b>
2017	\$2,312.53	\$53.05	\$107.37	<b>\$2,152.12</b>	\$1,837.47	\$39.05	\$84.54	<b>\$1,713.87</b>
2018	\$2,312.53	\$67.54	\$31.18	<b>\$2,213.81</b>	\$1,837.47	\$49.72	\$24.55	<b>\$1,763.19</b>
2019	\$2,312.53	\$74.35	\$20.80	<b>\$2,217.37</b>	\$1,837.47	\$54.74	\$16.38	<b>\$1,766.35</b>
2020	\$2,312.53	\$80.36	\$19.60	<b>\$2,212.57</b>	\$1,837.47	\$59.16	\$15.43	<b>\$1,762.88</b>
2021	\$2,312.53	\$86.54	\$18.40	<b>\$2,207.59</b>	\$1,837.47	\$63.71	\$14.49	<b>\$1,759.27</b>
2022	\$2,312.53	\$92.90	\$17.21	<b>\$2,202.43</b>	\$1,837.47	\$68.39	\$13.55	<b>\$1,755.53</b>
2023	\$2,312.53	\$99.44	\$69.39	<b>\$2,143.70</b>	\$1,837.47	\$73.21	\$54.64	<b>\$1,709.62</b>
2024	\$2,312.53	\$112.06	\$14.85	<b>\$2,185.62</b>	\$1,837.47	\$82.50	\$11.69	<b>\$1,743.28</b>
2025	\$2,312.53	\$119.30	\$49.73	<b>\$2,143.50</b>	\$1,837.47	\$87.83	\$39.16	<b>\$1,710.48</b>

## Conclusion

The figures in Table 8 represent the largest impact fees that the Town can justify. It can, however, choose to levy impact fees less than shown in Table 8, but the ratio between the fee for single family dwellings and multiple family dwellings should be retained.

### Possible simplifications:

- The net fees could be rounded downward to the nearest dollar, or ten dollars, or hundred dollars.
- The lowest net fee shown in Table 8 (the fees for 2025) could simply be adopted for all years. This avoids the complication of having the fee change each year, but comes at the cost of under charging development in every year except 2025.
- The Town could chose to discount these fees and levy lower fees. If this is done, it is recommended that the discount rate (e.g. 75%, 50%, or whatever is chosen) be the same for both single family and multiple family dwellings.

**SCHOOL IMPACT FEE ANALYSIS  
TOWN OF WILLISTON, VERMONT**

Draft 1

Prepared By

Michael J. Munson, Ph.D., FAICP

June 1, 2012

## **SCHOOL IMPACT FEE ANALYSIS**

### **TOWN OF WILLISTON, VERMONT**

#### **I. INTRODUCTION**

Like virtually all Vermont towns, the Town of Williston provides education services for its resident school age children. The facilities used to provide these services have evolved over the years, as the Town decided to provide its own kindergarten through grade eight facilities and participate in the Champlain Valley Union High School District (CVU) which provides grades nine through twelve. .

The Town wishes to update its school impact fee program to ensure that it effectively allocates a fair share of the costs of providing the educational facilities to anticipated new residential development which will demand and make use of those facilities, in accordance with the authority set forth in 24 V.S.A., Chapter 131.

Since education facilities are used primarily by residents of the Town, the major impetus, over the years, for adding additional facilities is to accommodate the needs of the residents of anticipated future residential development. Thus, the school impact fees will be levied against each new dwelling unit built in the coming years. Impact fee revenues may only be used to offset the costs of creating additional capacity in order to serve anticipated future residents.

#### **II. ANTICIPATED HOUSING GROWTH, POPULATION GROWTH, AND SCHOOL ENROLLMENT GROWTH**

In 1990, Williston's population was 4,887 (U.S. Census Reports). By 2000, that had increased to 7,650. In the next decade the rate of growth slowed, and by 2010 the Town's population was 8,698. Williston's population is expected to increase to 10,348 by the year 2025.

Between 2000 and 2010, the Town's population increased by 1,048 persons, an average annual increase of 104.8 persons. With an average of 2.47 persons per dwelling, this represents an increase of just over 42 new dwellings each year. Since the last part of the decade was characterized by a severe recession, it seems reasonable to expect the Town to grow at a slightly higher rate during the coming years. A conversation with the Director of Planning and Zoning suggests that a review of the Town's growth management commitments yields an expectation of 45 dwellings per year. At an average occupancy of 2.47 persons per unit, this corresponds to an annual increment of 111 persons. For the purposes of this analysis, future population growth is assumed to be, on average, 110 persons and 45 new dwellings per year. These expectations are shown in Table 1.

**TABLE 1.**  
**ASSUMED POPULATION AND HOUSING GROWTH**

Year	Population Growth	Housing Growth	Total Population	Total Dwellings
2010	na	na	8,698	3,514
2012	220	90	8,918	3,604
2015	330	135	9,248	3,739
2020	550	225	9,798	3,964
2022	220	90	10,018	4,054
2025	330	135	10,348	4,189

Over the next thirteen years, from 2012 to 2025, the Town will see an increase of 585 dwelling units housing 1,430 new residents.

It is expected that continued growth will generate increased demands on the Town's school facilities. Since it is practicable to levy school impact fees on each dwelling unit that is constructed, and since it appears that multiple family dwellings contain, on average, fewer school age children than do single family dwellings, it is reasonable that the impact fees be based on estimates of the average number of expected school age children for each type of dwelling.

In the early 1990s, the Williston School District conducted annual surveys of all dwellings in the Town. These surveys acquired data on the number of students, non-students, and various other characteristics for each dwelling. The most complete of these, for 1993, allowed examination of average occupancy for single and multiple family dwellings. Each single family dwelling (including mobile homes) contained, on average, 1.79 adults and 0.79 children, for a total of 2.58 persons per dwelling. Similarly, each multiple family dwelling (including condos and duplexes) contained, on average, 1.67 adults and 0.38 children, for an average of 2.05 persons per dwelling.

It was further found that each single family dwelling generated, on average, demand for 0.46 student spaces in the K-8 school system. Similarly, each multi-family dwelling generated, on average, demand for 0.16 student spaces in the K-8 school system. Since high school (grades nine through twelve) demand is for only four grade levels while the K-8 demand is for nine grade levels, it is assumed that high school generation rates will be 44.4 percent of the K-8 generation rates. Further, it has been found that only 90 percent of students that graduate from the eighth grade in Williston go on to enroll in CVU. Thus, the generation rates for student spaces at CVU should be 39.96 percent ((0 percent of 44.4 percent) of the K-8 generation rates. This yields high school generation rates of 0.1838 spaces per single family dwelling and 0.0639 spaces per multiple family dwelling unit.

A review of the 2010 census data suggest that these ratios have changed very little (less than one percent), and may have actually increased slightly over the past fifteen years<sup>1</sup>. The remainder of this analysis will assume that the 1993 ratios are unchanged.

<sup>1</sup> A review of U.S. Census data from 1970 through 2010 revealed the following. Population per occupied dwelling has been falling at a decreasing rate, from 3.42 in 1970 to 2.47 in 2010. At the same time, the number of children from ages five to 19 per occupied dwelling dropped from well over 1.0 in 1970 to 0.56 in 1990, and has hovered

### **III. CALCULATING SCHOOL IMPACT FEES**

The general formula for calculating school impact fees per dwelling unit is:

**The cost to the Town for each student space, multiplied by the demand for student spaces generated by each dwelling unit, minus any credits for past and future tax payments that were used to construct the student spaces.**

The calculation of overall costs per dwelling units will be undertaken for K-8 facilities and 9-12 facilities separately, and then summed to generate an aggregate base fee. Credits will also be calculated for each facility and the net fees combined to produce a net school impact fee. The estimated numbers of student spaces demanded by each type of dwelling unit were presented in the previous section.

#### **A. Cost Analysis for K-8 Student Spaces**

Since the most recent addition to the Town's K-8 school capacity was the construction of the Allen Brook School, which opened in 1997, and since the overall school capacity has not yet been reached, it is reasonable to base the cost per K-8 student space on the costs of constructing the Allen Brook School<sup>2</sup>.

The total cost of the Allen Brook School facility was \$5,100,000. The State contributed 23 percent in aid to capital construction, leaving a cost to the Town of \$3,940,000. The school construction was funded by a bond issue in the amount of \$3,940,000, with a term of twenty years, and an interest rate that varied between 3.55 percent and 5.95 percent. The total cost, including interest, is \$6,245,229<sup>3</sup>. Since the school was designed with a capacity of 400 student spaces, the cost per student space is \$15,613.07.

**For the purposes of this analysis, the total cost to the Town for each additional K-8 student space is assumed to be \$15,613.07.**

The demand for K-8 student spaces, as shown above, is as follows:

- **Each single family dwelling will generate demand for 0.46 K-8 spaces**
- **Each multiple family dwelling unit will generate demand for 0.16 K-8 spaces**

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between 0.52 and 0.59 from 1990 to 2010. Similarly, the number of persons aged 5 through 19 as a percentage of total population dropped from 31.5 % in 1070 to 20.3 % in 1990, and has hovered between 20.3 % and 22.5 % from 1990 to 2010. The actual number of persons aged 5 through 19 has almost doubled from 1990 to 2010.

<sup>2</sup> Based on information from the Chittenden Central Supervisory District, total K-8 enrollment in the Williston School District was 1,113 in December of 2011. This was down slightly from 1,171 in December of 2005. Since the Town's total K-8 capacity was initially estimated at 1250, there is just under 140 spaces of currently unused capacity. At the Town's estimated growth rate, the capacity of 1,250 would not be reached until 2017. In addition, since new classrooms are not likely to be added until enrollment is somewhat above capacity, it is reasonable to expect that the current facilities will be satisfactory until at least 2022.

<sup>3</sup> Bond repayment schedule provided by the Chittenden South Supervisory District.

With these two pieces of information, it is possible to compute base K-8 impact fees for single family and multiple family dwellings:

- **For single family dwellings, the basic K-8 impact fee is equal to the cost per student space (\$15,613.07) multiplied by the demand ratio for K-8 student spaces (0.46 spaces per dwelling). This equals a base K-8 fee of \$7,182.01 per single family dwelling.**

$$\underline{\$15,613.07 \times 0.46 = \$7,182.01}$$

- **For multiple family dwellings, the basic K-8 impact fee is equal to the cost per student space (\$15,613.07) multiplied by the demand ratio for K-8 student spaces (0.16 spaces per dwelling). This equals a base K-8 fee of \$2,498.09 per multiple family dwelling.**

$$\underline{\$15,613.07 \times 0.16 = \$2,498.09}$$

Since the bond for the Allen Brook School will be fully paid off in 2015, it is assumed that the base impact fee for K-8 school facilities will terminate at that time.

#### B. Cost Analysis for 9-12 Student Spaces

The Champlain Valley Union High School underwent a significant addition in 2005/6. At that time, the capacity of the existing CVU facility (without the temporary classrooms) was 997 students. The planned construction will bring the total capacity to 1,410 students, an addition of 413 students. The total cost of the planned CVU construction project is estimated to be \$18,400,000. The State contributed approximately 23 percent in aid to capital construction, leaving a total of \$14,220,000 to be funded locally. This was funded by a bond issue in the amount of \$14,220,000, with a twenty year term and an interest rate ranging from 1.87 percent to 5.09 percent. The total local cost of the CVU project, including interest, will be \$20,837,258<sup>4</sup>.

A careful analysis of the proposed work and cost estimates determined that 55.55 percent are to be devoted to efforts to renovate the existing space and 44.55 percent are to be devoted to providing expanded capacity<sup>5</sup>. Applying the 44.55 percent figure to the total local cost of the project including interest, results in an estimated total local cost for providing expanded capacity of \$9,282,998.40. This amounts to \$22,476.99 per new student space.

**For the purposes of this analysis, the total cost to the Town of additional high school capacity is estimated to be \$22,476.99 per new student space.**

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<sup>4</sup> Bond repayment schedule provided by the Chittenden South Supervisory District.

<sup>5</sup> These figures are based on estimates provided by Pizzagalli Construction. The detailed estimates were sorted according to whether or not they involved rehab of existing facilities or provided expanded capacity. Work activities that did both were pro-rated according to existing and planned capacity.

The demand for student spaces in grades nine through twelve, as shown above, is based on the following ratios: 0.1838 student spaces per single family dwelling and 0.0639 student spaces per multiple family dwelling unit.

- **Each single family dwelling will generate demand for 0.1838 grade 9-12 spaces**
- **Each multiple family dwelling unit will generate demand for 0.0639 grade 9-12 spaces**

With these two pieces of information, it is possible to compute base impact fees for grades nine through twelve, for single family and multiple family dwellings:

- **For single family dwellings, the basic impact fee is equal to the cost per grade nine through twelve student space (\$22,476.99) multiplied by the demand ratio for grade 9-12 student spaces (0.1838 spaces per dwelling). This equals a base 9-12 fee of \$4,312.27 per single family dwelling.**

$$\underline{\$22,476.99 \times 0.1838 = \$4,312.27}$$

- **For multiple family dwellings, the basic impact fee is equal to the cost per grade nine through twelve student space (\$22,476.99) multiplied by the demand ratio for K-8 student spaces (0.0639 spaces per dwelling). This equals a base 9-12 fee of \$1,436.28 per dwelling.**

$$\underline{\$22,476.99 \times 0.0639 = \$1,436.28}$$

#### C. Combined Base Impact Fee for K-12 facilities

New dwellings will be assessed a fee for student spaces in both the K-8 facilities provided by the Williston School District, and the 9-12 facilities provided by the Champlain Valley Union District. Thus, the base school impact fee will be the sum of the individual fees calculated above from 2012 through 2015. At that point the base fee for K-8 school facilities will terminate, and only the base fee for grade 9 through 12 facilities will be levied.

- **For single family dwellings, the basic school impact fee through 2015 will be:**

$$\underline{\$7,182.01 + \$4,312.27 = \$11,494.28 \text{ per dwelling}}$$

- **For multiple family dwellings, the basic school impact fee through 2015 will be:**

$$\underline{\$2,498.09 + \$1,436.28 = \$3,934.37 \text{ per dwelling unit}}$$

Beginning in 2016, the base school impact fee will be only the fee for Grade 9 through 12 facilities:

- For single family dwellings, the basic school impact fee after 2015 will be:

**\$7,182.01 per dwelling**

- For multiple family dwellings, the basic school impact fee after 2015 will be:

**\$2,498.09 per dwelling unit**

From these basic fees must be deducted credits for past and future tax payments that were or will be used to pay for the specified school expansion projects. These will be developed in the following section.

#### **IV. CREDITS FOR TAXES USED TO PAY FOR SCHOOL FACILITIES**

The construction of both Schools was funded by bonds that were, or will be, paid off in annual installments. In the case of the Allen Brook School, the bond repayment period was from 1995 through 2015. The repayment period for the CVU bond runs from 2004 to 2024. While impact fee revenues offset some of these annual bond expenditures, the impact fee revenues must be supplemented by property tax revenues.

It is likely that some of the property taxes paid by new dwellings (which have also paid the impact fees) was or will be used for the bond payment expenditures. To avoid double payment by the occupants of those dwellings, credits against the basic impact fee must be computed which represent the present value of the stream of tax payments, both from the new dwelling and from the previously undeveloped land, used for bond retirement expenditures. Estimating these credits involves several steps.

The undeveloped land on which new residential development occurs will have been assessed property taxes, some of which may have been used for the annual school bond expenditures (starting with the date of the first bond payment). These payments will be called past land tax payments. It is necessary to estimate the current value of the stream of past land tax payments used for these annual school bond expenditures, up to the point where the new dwelling enters the grand list.

Once the new dwelling is constructed, it will continue to make tax payments, some of which will be used for the annual school bond expenditures. It is necessary to estimate the present value of the stream of the new dwelling's future tax payments that will be used for these annual school bond expenditures, throughout the bond repayment period. These will be called future residential tax payments.

Thus, for any development, there will be two potential credits against the basic impact fees:

- The credit for past land tax payments used to fund past annual school bond expenditures not covered by impact fee revenues, and

- The credit for future residential tax payments used to fund the future annual school bond expenditures not covered by impact fee revenues.

Since the bond repayment periods for the two bonds are different, and since it is anticipated that the impact fee for K-8 school facilities will terminate at the end of the bond repayment period, it will be necessary to compute the appropriate credits for the two bond periods separately.

The value of the credits will be determined by the value of the land prior to development, the value of the new residential dwellings, the Town's total grand list, and the annual expenditures for the bond payments. The first two of these factors will be the same for both bonds, while the second will be specific to each bond. Also, as a result of the calculations, the credits will vary depending on when the new dwelling enters the Town's grand list.

#### A. Value of Land and Dwellings

In general, residential development takes the form of either single family detached dwellings or attached multi-family dwellings. Within each of these categories, the values of the individual dwelling units fluctuate around an average that can be used for estimating the credits for future tax payments. Similarly, the value of the land used for residential development fluctuates around an average that can be used for estimating the credits for past tax payments.

For this analysis (for both K-8 and 9-12 credits), the following values will be assumed:

- Single family detached dwellings will have an average assessed value of \$326,000 (at the current assessment ratio of 94.04%, this is the equivalent of a market value of \$346,600), and the land prior to development will have an average value of \$32,600 per dwelling.<sup>6</sup>
- Multi-family dwellings (apartment, duplexes, or town houses) will have an average assessed value of \$241,400 (reflecting a market value of \$256,700), and the land prior to development will have a value of \$24,000 per unit<sup>7</sup>.

#### B. The Town's Grand List

The Town's Grand List and anticipated growth is based on a review of annual reports submitted to the State Division of Property Valuation and Review for the period 2007 through 2011. In 2011 the Grand List totaled \$16,204,729. In 2007 the Grand List was \$12,090,184. This represents an average growth of just under \$1,030,000 per year. With the easing of the

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<sup>6</sup> Based on a review of the 2011 grand list, the average assessed value was \$325,808. This was adjusted to represent 2011 fair market value of \$346,457. The values were rounded upward to reflect 2012. Raw land was assumed to be approximately 10 percent of the total assessed value, or \$32,600 per unit

<sup>7</sup> Based on a review of the 2011 grand list, the average assessed value was \$241,384. This was adjusted to represent 2011 fair market value of \$256,682. The values were rounded upward to reflect 2012. Again, raw land was assumed to be approximately 10 percent of the total assessed value, or \$24,000 per unit.

recession, it is reasonable to assume a slightly higher growth rate of \$1,040,000 per year. It is assumed (for both K-8 and 9-12 credits) that this growth rate will stay constant

**C. Annual Bond Payments Net Of Expected Impact Fee Revenues**

As noted above, estimation of annual net bond payments will be done separately for each of the two bonds. The procedure includes several steps. First, annual school bond expenditures were tabulated for each year. Then, annual impact fee revenues were estimated by multiplying expected new dwellings each year by a conservative estimate of the average fee per dwelling. These were subtracted from the bond payments, leaving the net bond payments to be covered by property taxes.

1. Annual Bond payments for K-8 facilities.

The repayment schedule for the Allen Brook School bond was obtained from the Chittenden South Supervisory District. From this, a tabulation of total annual repayment expenditures was developed. Average annual impact fee revenues were estimated by multiplying the estimated number of single family and multiple family dwellings each year by a conservative estimate of the average fee<sup>8</sup>. Table 2, on the following page, presents this analysis. The far right column shows the annual bond payments, net of impact fee revenues, for the Allen Brook School Bond. This is the annual amount that must be covered by property tax revenues.

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<sup>8</sup> For 1995 and 1996, it was estimated that the Town would issue permits for 40 single family units and 25 multiple family units, on average. After that, it was estimated that permits would be issued for 27 single family units and 18 multiple family units. The average fee was estimated to be \$6,000 per single family unit and \$1,800 per multiple family unit.

**TABLE 2.**  
**ANNUAL BOND EXPENDITURES FOR ALLEN BROOK SCHOOL,**  
**NET OF ESTIMATED IMPACT FEE REVENUES**

YEAR	ABS DEBT SERVICE	ESTIMATED IMPACT FEE REVENUES	EXPENDITURES NET OF IMPACT FEE REVENUES
1995	\$66,364	\$0	\$66,364
1996	\$400,765	\$306,000	\$94,765
1997	\$392,965	\$306,000	\$86,965
1998	\$384,885	\$194,400	\$190,485
1999	\$376,465	\$194,400	\$182,065
2000	\$367,765	\$194,400	\$173,365
2001	\$358,765	\$194,400	\$164,365
2002	\$349,465	\$194,400	\$155,065
2003	\$339,865	\$194,400	\$145,465
2004	\$325,065	\$194,400	\$130,665
2005	\$315,218	\$194,400	\$120,818
2006	\$305,175	\$194,400	\$110,775
2007	\$294,938	\$194,400	\$100,538
2008	\$284,505	\$194,400	\$90,105
2009	\$273,878	\$194,400	\$79,478
2010	\$263,055	\$194,400	\$68,655
2011	\$252,038	\$194,400	\$57,638
2012	\$240,630	\$194,400	\$46,230
2013	\$229,222	\$194,400	\$34,822
2014	\$217,815	\$194,400	\$23,415
2015	\$206,408	\$194,400	\$12,008

2. Annual Bond Payments for Grade 9-12 facilities.

This analysis is similar to that for the Allen Brook School bond. The repayment schedule for the CVU bond was obtained from the Chittenden South Supervisory District. From this, a tabulation of total annual repayment expenditures was developed. Next, an adjustment was made to reflect Williston's share of the total CVU bond payments<sup>9</sup>. Average annual impact fee revenues were estimated by multiplying the estimated number of single family and multiple family dwellings each year by a conservative estimate of the average fee<sup>10</sup>. Table 3, on the following page, presents this analysis. The far right column shows the annual bond payments, net of impact fee revenues, for the Allen Brook School Bond. This is the annual amount that must be covered by property tax revenues.

First, annual CVU bond expenditures were tabulated for each year. Second, annual impact fee revenues were estimated. Table 3, below, shows Williston's share of the estimated CVU bond payment expenditures, net of estimated impact fee revenues, for the CVU Bond. Impact fee revenues were estimated by multiplying the estimated number of dwellings constructed each year by a conservative estimate of the average impact fee per unit. These were subtracted from

<sup>9</sup> Williston's share is based on its share of the CVU enrollment. This was 33% in 2004, and had increased to 38% by 2012. It is assumed to hold constant from this point forward.

<sup>10</sup> It was estimated that the Town would issue permits for 27 single family units and 18 multiple family units. The average fee was estimated to be \$3,000 per single family unit and \$800 per multiple family unit.

Williston's share of the bond payments, leaving Williston's share of the CVU bond payments net of estimated impact fee revenues. These are shown in the far right hand column of Table 3.

**TABLE 3.**  
**WILLISTON'S SHARE OF ANNUAL BOND EXPENDITURES**  
**FOR CVU SCHOOL EXPANSION,**  
**NET OF ESTIMATED IMPACT FEE REVENUES**

YEAR	TOTAL CVU DEBT SERVICE	WILLISTON'S SHARE	WILLISTON SHARE CVU DEBT SERVICE	ESTIMATED IMPACT FEE REVENUES	DEBT SERVICE NET OF IMPACT FEE REVENUES
2004	\$226,125	33%	\$74,621	\$0	\$74,621
2005	\$1,349,266	34%	\$458,750	\$81,000	\$377,750
2006	\$1,334,680	35%	\$467,138	\$81,000	\$386,138
2007	\$1,315,726	36%	\$473,661	\$81,000	\$392,661
2008	\$1,293,496	37%	\$478,594	\$81,000	\$397,594
2009	\$1,268,692	37%	\$469,416	\$81,000	\$388,416
2010	\$1,241,978	37%	\$459,532	\$81,000	\$378,532
2011	\$1,213,468	37%	\$448,983	\$81,000	\$367,983
2012	\$1,183,360	38%	\$449,677	\$81,000	\$368,677
2013	\$1,146,692	38%	\$435,743	\$81,000	\$354,743
2014	\$1,114,218	38%	\$423,403	\$81,000	\$342,403
2015	\$950,894	38%	\$361,340	\$81,000	\$280,340
2016	\$922,450	38%	\$350,531	\$81,000	\$269,531
2017	\$893,490	38%	\$339,526	\$81,000	\$258,526
2018	\$864,014	38%	\$328,325	\$81,000	\$247,325
2019	\$834,020	38%	\$316,928	\$81,000	\$235,928
2020	\$803,512	38%	\$305,335	\$81,000	\$224,335
2021	\$767,552	38%	\$291,670	\$81,000	\$210,670
2022	\$736,384	38%	\$279,826	\$81,000	\$198,826
2023	\$704,704	38%	\$267,788	\$81,000	\$186,788
2024	\$672,576	38%	\$255,579	\$81,000	\$174,579

#### D. Calculating Credits and Net Fees

Again, this calculation will be done separately for K-8 facilities and 9-12 facilities.

##### 1. Credits and Net Fees for K-8 Facilities.

A. Credits for Past Land Tax Payments: The procedure for estimating credits for past tax payments includes several steps. Net annual bond expenditures from Table 2. are divided by the estimated grand list for the appropriate year to generate effective tax rates needed to cover the debt service payments each year. The effective tax rates were multiplied by the assumed value of the land used for a single-family or multi-family dwelling to estimate the taxes paid on that land for each year. This analysis is shown on the first four columns of Table 4. Note that these analyses cover the entire bond repayment period, but for brevity, these tables show only the years from 2012 to the end of the bond period.

**TABLE 4.**  
**IMPACT FEE CREDIT FOR PAST LAND TAX PAYMENTS**  
**USED TO OFFSET NET ANNUAL EXPENDITURES FOR**  
**ALLEN BROOK SCHOOL DEBT SERVICE**

							Single family land value = \$32,600
							Multi-family land value = \$24,000
DWELLING YEAR	ANNUAL EXPENDITURE*	TAX RATE NEEDED	TAX ON		ESTIMATED CREDITS		
			Single Family land	Multi Family land	Single family unit	For multi Family unit	
2012	46,230	\$0.00181	\$0.59	\$0.43	\$29.18	\$21.48	
2013	34,822	\$0.00131	\$0.43	\$0.31	\$30.67	\$22.48	
2014	23,415	\$0.00085	\$0.28	\$0.20	\$31.09	\$22.88	
2015	12,008	\$0.00042	\$0.14	\$0.10	\$32.50	\$23.92	
Assumed discount Rate = 5 percent							

The last two columns of Table 4 show the credits, computed as the present value of the stream of tax payments for each year prior to the year that the dwelling enters the grand list. Thus, if a single-family dwelling enters the grand list in 2012, the credit would represent the present value of the stream of tax payments made from 2005 and 2012<sup>11</sup>, (assuming a discount rate of 5.00 percent). The credit (from the 2012 row of the next to last column of Table 6) would be \$29.18. If a single-family dwelling entered the grand list in the year 2014, the stream would include the payments made in 2005 through 2014, and the credit (from the 2014 row of the next to last column of Table 6) would be \$31.09. Since the bond payments end in 2015, it is assumed that impact fees will not be needed after that point<sup>12</sup>.

B. Credits for Future Residential Tax Payments: The procedure for estimating credits for future tax payments is similar. The net annual debt service payments from Table 2 are divided by the grand list for each year to produce an effective tax rate needed to cover the bond payments that year. This effective tax rate was multiplied by the assumed value for new single family or multi-family dwellings to estimate the tax on those dwellings needed to support the school bond expenditures. Again, this is shown on the first four columns of Table 5.

The last two columns of Table 5 show the credits, computed as the present value of the stream of tax payments for each year after the dwelling enters the grand list. Thus, if a single-family dwelling enters the grand list in 2012, the stream would include the payments made in 2012 through 2015 (the last year of the bond period), adjusted by the

<sup>11</sup> The analysis included expenditures for years 1995 through 2015. For brevity, Table 3 shows only years 2012 through 2015.

<sup>12</sup> Since development was slower than anticipated when the school was built, less impact fee revenues were collected. Also, since the K-8 school system has not yet reached the design capacity of 1,250, an argument can be made that the impact fees should be continued until capacity is met. The revenue generated would reimburse the school district for providing excess capacity as provided 24 V.S.A., Section 5201(3).

assumed discount rate of 5.00 percent. The credit (from the 2012 row of the next to last column of Table 5) would be \$5.61. If a single-family dwelling entered the grand list in the year 2014, the stream would include only those payments made in the years 2014 through 2015, and the credit (from the 2014 row of the next to last column of Table 5) would be \$2.63.

**TABLE 5.**

**IMPACT FEE CREDIT FOR FUTURE TAX PAYMENTS  
USED TO OFFSET NET ANNUAL EXPENDITURES FOR  
ALLEN BROOK SCHOOL DEBT SERVICE**

							Single family unit value = \$326,000
							Multi-family unit value = \$256,700
DWELLING YEAR	ANNUAL EXPENDITURE*	TAX RATE NEEDED	TAX ON		ESTIMATED CREDITS		
			Single Family Dwelling	Multiple family Dwelling	For single family unit	For multi family unit	
2012	\$46,230	\$0.00181	\$5.90	\$4.64	\$5.61	\$4.42	
2013	\$34,822	\$0.00131	\$4.27	\$3.36	\$4.06	\$3.20	
2014	\$23,415	\$0.00085	\$2.76	\$2.17	\$2.63	\$2.07	
2015	\$12,008	\$0.00042	\$1.36	\$1.07	\$1.30	\$1.02	
Assumed discount Rate = 5 percent							

C. Net Impact Fees for K-8 Facilities: Table 6. combines the results of tables 4 and 5, showing the base impact fees for each type of dwelling, the credits for past and future tax payments, and the net fees. Thus, for a single family dwelling entering the grand list in 2012, the net fee for K-8 facilities would be \$7,147.22. For a multiple family dwelling entering the grand list in 2014, the net fee would be \$2,473.13.

**TABLE 6.  
NET IMPACT FEES FOR ALLEN BROOK SCHOOL  
(Composite of base fees and credits from Tables 2 and 3)**

DWELLING YEAR	SINGLE FAMILY DWELLINGS				MULTI FAMILY DWELLINGS			
	base Imp. Fee	Table 2 Credit	Table 3 Credit	Net Fee	base Imp. Fee	Table 2 Credit	Table 3 Credit	Net Fee
2012	\$7,182.01	\$5.61	\$29.18	\$7,147.22	\$2,498.09	\$4.42	\$21.48	\$2,472.19
2013	\$7,182.01	\$4.06	\$30.67	\$7,147.27	\$2,498.09	\$3.20	\$22.58	\$2,472.31
2014	\$7,182.01	\$2.63	\$31.09	\$7,148.29	\$2,498.09	\$2.07	\$22.88	\$2,473.13
2015	\$7,182.01	\$1.30	\$32.50	\$7,148.21	\$2,498.09	\$1.02	\$23.92	\$2,473.14

2. Credits and Net Fees for 9-12 Facilities. This analysis is essentially the same as for K-8 facilities, except that the annual bond payment expenditures are those from Table 3 instead of Table 2.

A. Credits for Past Land Tax Payments: The procedure for estimating credits for past tax payments includes several steps. Net annual bond expenditures from Table 7. are divided by the estimated grand list for the appropriate year to generate effective tax rates needed to cover the debt service payments each year. The effective tax rates were multiplied by the assumed value of the land used for a single-family or multi-family dwelling to estimate the taxes paid on that land for each year. This analysis is shown on the first four columns of Table 7. Note that these analyses cover the entire bond repayment period, but for brevity, these tables show only the years from 2012 to the end of the bond period.

**TABLE 7.**  
**IMPACT FEE CREDITS FOR PAST LAND TAX PAYMENTS**  
**USED TO OFFSET NET ANNUAL EXPENDITURES**  
**FOR THE CVU BOND**

DWELLING YEAR	ANNUAL EXPENDITURE*	TAX RATE NEEDED	TAX ON		ESTIMATED CREDITS For single family land	ESTIMATED CREDITS For multi family land
			Single family land	Multi family land		
2012	368,677	\$0.02275	\$7.42	\$5.46	\$9.87	\$7.27
2013	354,743	\$0.02057	\$6071	\$4.94	\$9.12	\$6.72
2014	342,403	\$0.01873	\$6.10	\$4.49	\$8.49	\$6.25
2015	280,340	\$0.01451	\$4.73	\$3.48	\$7.05	\$5.19
2016	269,531	\$0.01324	\$4.31	\$3.18	\$6.61	\$4.87
2017	258,526	\$0.01208	\$3.94	\$2.90	\$6.22	\$4.58
2018	247,325	\$0.01102	\$3.59	\$2.64	\$5.86	\$4.31
2019	235,928	\$0.01005	\$3.27	\$2.41	\$5.52	\$4.07
2020	224,335	\$0.00915	\$2.98	\$2.20	\$5.21	\$3.84
2021	210,670	\$0.00824	\$2.69	\$1.98	\$4.90	\$3.61
2022	198,826	\$0.00747	\$2.44	\$1.79	\$4.64	\$3.42
2023	186,788	\$0.00676	\$2.20	\$1.62	\$4.40	\$3.24
2024	174,579	\$0.00609	\$1.98	\$1.46	\$4.17	\$3.07
Assumed discount Rate = 5 percent						

The last two columns of Table 7 show the credits, computed as the present value of the stream of tax payments for each year prior to the year that the dwelling enters the grand list. Thus, if a single-family dwelling enters the grand list in 2012, the credit would

represent the present value of the stream of tax payments made from 2005 and 2012<sup>13</sup>, (assuming a discount rate of 5.00 percent). The credit (from the 2012 row of the next to last column of Table 7) would be \$9.87. If a single-family dwelling entered the grand list in the year 2014, the stream would include the payments made in 2005 through 2014, and the credit (from the 2014 row of the next to last column of Table 7) would be \$8.49.

B. Credits for Future Residential Tax Payments: The procedure for estimating credits for future tax payments is similar. The net annual debt service payments from Table 3 are divided by the grand list for each year to produce an effective tax rate needed to cover the bond payments that year. This effective tax rate was multiplied by the assumed value for new single family or multi-family dwellings to estimate the tax on those dwellings needed to support the CVU school bond expenditures. This is shown on the first four columns of Table 8 on the following page.

**TABLE 8.**

**IMPACT FEE CREDITS FOR FUTURE LAND TAX PAYMENTS  
USED TO OFFSET NET ANNUAL EXPENDITURES  
FOR THE CVU BOND**

DWELLING YEAR	ANNUAL EXPENDITURE*	TAX RATE NEEDED	TAX ON		ESTIMATED For single family unit	CREDITS For multi family unit
			Single Family Dwelling	Multiple family Dwelling		
2012	\$368,677	\$0.02275	\$74.17	\$58.40	\$88.63	\$69.79
2013	\$354,743	\$0.02057	\$67.06	\$52.81	\$81.86	\$64.46
2014	\$342,403	\$0.01873	\$61.05	\$48.07	\$76.14	\$59.95
2015	\$280,340	\$0.01451	\$47.29	\$37.24	\$63.04	\$49.64
2016	\$269,531	\$0.01324	\$43.15	\$33.97	\$59.09	\$46.53
2017	\$258,526	\$0.01208	\$39.37	\$31.00	\$55.50	\$43.70
2018	\$247,325	\$0.01102	\$35.92	\$28.29	\$52.21	\$41.11
2019	\$235,928	\$0.01005	\$32.75	\$25.79	\$49.19	\$38.73
2020	\$224,335	\$0.00915	\$29.82	\$23.48	\$46.40	\$36.53
2021	\$210,670	\$0.00824	\$26.86	\$21.15	\$43.58	\$34.32
2022	\$198,826	\$0.00747	\$24.36	\$19.18	\$41.20	\$32.44
2023	\$186,788	\$0.00676	\$22.03	\$17.34	\$38.97	\$30.69
2024	\$174,579	\$0.00609	\$19.84	\$15.62	\$36.89	\$29.05

Assumed discount Rate = 5 percent

The last two columns of Table 8 show the credits, computed as the present value of the stream of tax payments for each year after the dwelling enters the grand list. Thus, if a single-family dwelling enters the grand list in 2012, the stream would include the payments made in 2012 through 2014 (the last year of the bond period), adjusted by the assumed discount rate of 5.00 percent. The credit (from the 2012 row of the next to last

<sup>13</sup> The analysis included expenditures for years 1995 through 2015. For brevity, Table 3 shows only years 2012 through 2015.

column of Table 8) would be \$88.63. If a single-family dwelling entered the grand list in the year 2014, the stream would include only those payments made in the years 2014 through 2024, and the credit (from the 2014 row of the next to last column of Table 8) would be \$76.14.

C. Net Impact Fees for grade 9-12 Facilities: Table 9. combines the results of tables 7 and 8, showing the base impact fees for each type of dwelling, the credits for past and future tax payments, and the net fees. Thus, for a single family dwelling entering the grand list in 2012, the net fee would be \$4,032.77. For a multiple family dwelling entering the grand list in 2014, the net fee would be \$1,370.18.

**TABLE 8.**  
**IMPACT FEE CREDITS FOR FUTURE LAND TAX PAYMENTS**  
**USED TO OFFSET NET ANNUAL EXPENDITURES**  
**FOR THE CVU BOND**

DWELLING YEAR	SINGLE FAMILY DWELLINGS				MULTI FAMILY DWELLINGS			
	base Imp. Fee	Table 3 Credit	Table 4 Credit	Net Fee	base Imp. Fee	Table 3 Credit	Table 4 Credit	Net Fee
2012	\$4,131.27	\$9.87	\$88.63	\$4,032.77	\$1,436.28	\$7.27	\$69.79	\$1,359.22
2013	\$4,131.27	\$9.12	\$81.86	\$4,040.28	\$1,436.28	\$6.72	\$64.46	\$1,365.10
2014	\$4,131.27	\$8.49	\$76.14	\$4,046.64	\$1,436.28	\$6.25	\$59.95	\$1,370.18
2015	\$4,131.27	\$7.05	\$63.04	\$4,061.18	\$1,436.28	\$5.19	\$49.64	\$1,381.45
2016	\$4,131.27	\$6.61	\$59.09	\$4,065.57	\$1,436.28	\$4.87	\$46.53	\$1,384.88
2017	\$4,131.27	\$6.22	\$55.50	\$4,069.56	\$1,436.28	\$4.58	\$43.70	\$1,388.00
2018	\$4,131.27	\$5.86	\$52.21	\$4,073.21	\$1,436.28	\$4.31	\$41.11	\$1,390.86
2019	\$4,131.27	\$5.52	\$49.19	\$4,076.56	\$1,436.28	\$4.07	\$38.73	\$1,393.48
2020	\$4,131.27	\$5.21	\$46.40	\$4,079.66	\$1,436.28	\$3.84	\$36.53	\$1,395.91
2021	\$4,131.27	\$4.90	\$43.58	\$4,082.78	\$1,436.28	\$3.61	\$34.32	\$1,398.35
2022	\$4,131.27	\$4.64	\$41.20	\$4,085.43	\$1,436.28	\$3.42	\$32.44	\$1,400.42
2023	\$4,131.27	\$4.40	\$38.97	\$4,087.90	\$1,436.28	\$3.24	\$30.69	\$1,402.35
2024	\$4,131.27	\$4.17	\$36.89	\$4,090.21	\$1,436.28	\$3.07	\$29.05	\$1,404.16

D. Combined net impact fees for K-8 and 9-12 facilities

The final step is to combine the net impact fees for K-8 facilities from Table 6 with the net impact fees for 9-12 facilities from Table 9 into a combined net impact fee for education facilities. This is shown in Table 10 on the following page. Table 10 should be the only table necessary to determine the net school impact fee for any given dwelling.

**TABLE 10.**  
**COMBINED NET IMPACT FEES FOR EDUCATION FACILITIES**  
**(Composite of net fees for K-8 and 9-12 from Tables 5 and 8)**

Year	Net Fees for K-8 facilities		Net Fees for 9-12 facilities		Combined Net Impact Fees	
	Single family	Multi-family	Single family	Multi-family	Single family	Multi-family
2012	\$7,147.22	\$2,472.19	\$4,032.77	\$1,359.22	\$11,179.98	\$3,831.41
2013	\$7,147.27	\$2,472.31	\$4,040.28	\$1,365.10	\$11,187.55	\$3,837.41
2014	\$7,148.29	\$2,473.13	\$4,046.64	\$1,370.08	\$11,194.94	\$3,843.21
2015	\$7,148.21	\$2,473.14	\$4,061.18	\$1,381.45	\$11,209.40	\$3,854.60
2016	\$0.00	\$0.00	\$4,065.57	\$1,384.88	\$4,065.57	\$1,384.88
2017	\$0.00	\$0.00	\$4,069.56	\$1,388.00	\$4,069.56	\$1,388.00
2018	\$0.00	\$0.00	\$4,073.21	\$1,390.86	\$4,073.21	\$1,390.86
2019	\$0.00	\$0.00	\$4,076.56	\$1,393.48	\$4,076.56	\$1,393.48
2020	\$0.00	\$0.00	\$4,079.66	\$1,395.91	\$4,079.66	\$1,395.91
2021	\$0.00	\$0.00	\$4,082.78	\$1,398.35	\$4,082.78	\$1,398.35
2022	\$0.00	\$0.00	\$4,085.43	\$1,400.42	\$4,085.43	\$1,400.42
2023	\$0.00	\$0.00	\$4,087.90	\$1,402.35	\$4,087.90	\$1,402.35
2024	\$0.00	\$0.00	\$4,090.21	\$1,404.16	\$4,090.21	\$1,404.16

Thus, if a single family dwelling entered the grand list in 2013, the combined net impact fee for school facilities would be \$11,187.55. A single family dwelling entering the grand list in 2017 (after the K-8 fee is terminated) would be charged a total combined fee of \$4,065.57.

E. Determining which row of the table is to be used: Since the net fees change from year to year (as indicated by the various rows in table 10), it is necessary to determine which row to use in establishing the fee for any proposed dwelling. When a zoning permit is issued, it is never certain just when the planned dwelling will be occupied and entered on the Town's grand list. The Town has established the practice of shifting rows on Table 10 as a part of the shift from one fiscal year to the next. This takes place on July 1 of each calendar year. Thus, if a zoning permit for a dwelling is issued on May 28, 2012 (which is in fiscal year 2011-12), the fee would be shown in the 2012 row of Table 10. If a zoning permit is issued for a new dwelling on July 15, 2012 which is in fiscal year 2012-13), the fee would be found in the 2013 row of Table 10.

52	58	316	198	318	215	1157
102	58	293	198	318	215	1184
99	58	258	198	318	215	1146
98	58	170	198	318	215	1057
93	58	0	198	296	215	860
91	58	0	198	220	140	707
78	58	0	198	143	101	578
48	58	0	198	103	41	448
44	58	0	198	87	0	387
53	58	0	198	20	0	329
53	58	0	198	20	0	329
53	58	0	198	53	0	362
36	58	0	198	89	6	387
11	58	0	198	114	63	444
6	58	0	198	127	92	481
2	58	0	198	186	108	552
11	58	0	198	237	173	676
11	58	9	198	318	215	809



**PREPARED FOR:**  
TOWN OF WILLISTON | CCRPC

180 Battery Street, Suite 350  
Burlington, VT 05401  
802.383.0118  
[www.rsginc.com](http://www.rsginc.com)

**SUBMITTED BY:**  
RSG



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# 1.0 INTRODUCTION

---

## 1.1 BACKGROUND

This user guide provides instructions for the Shared Parking Analysis (SPA) tool, developed by RSG with support from the Town of Williston and the Chittenden County Regional Planning Commission. The SPA tool models shared parking demand for specific geographic areas based on land use and adjustment factors by month, day of week, and time of day. Factors from Shared Parking, Second Edition by the Urban Land Institute<sup>1</sup> (ULI) are incorporated by default, but other factors could be used. SPA is designed to be run through ArcMap using Excel files as inputs. Although SPA was designed for the Town of Williston, it can analyze shared parking anywhere that the necessary data is available.

SPA provides an understanding of the parking supply needs of a set of parking generators in relation to the available parking spaces. First it calculates parking demand for each parking generator for all time combinations. The combination dimensions from Shared Parking are:

- Time of Day: 6 AM – Midnight
- Day: Weekday or Weekend
- Time of Year: all 12 months and December after Christmas (termed “Late December”)

The user assigns each generator a list of parking lots in order of preference, and then SPA allocates each generator’s parking demand. If a generator’s first choice lot is already full, its demand is moved to its second choice. The model continues to allocate demand until all demands are met or no parking spots are available.

The tool creates a csv file of parking lot utilization for all factor combinations and a report noting the time of highest parking use and any times where there was insufficient parking for a particular generator.

## 1.2 HOW TO USE THIS GUIDE

This guide will help the user understand how to run SPA. To run the SPA tool:

- Install the tool
- Create the *Parking Lots* input file
- Create the *Generators* input file
- Create shared parking demand and adjustment factors, or use the default data supplied with the tool
- Run the tool

<sup>1</sup> Smith, Mary S. *Shared Parking*, Second Edition. Washington, D.C.: ULI-the Urban Land Institute and the International Council of Shopping Centers, 2005.

- Check the outputs for reasonableness

This guide provides chapters on:

- Preparing SPA inputs
- Running the SPA tool
- Analyzing the results
- Testing the effect of adding a new generator to an existing population of parking lots and generators
- Refining the input data with real world observations

File names are in *italics*.

Tab names in an Excel file are in **bold**.

## 2.0 USING SPA

### 2.1 INSTALL THE TOOL

The SPA tool is a standard ArcMap script tool inside a toolbox. Install the tool the same way any new toolbox is opened in ArcMap:

- Open the ArcToolbox window from the Geoprocessing pulldown menu

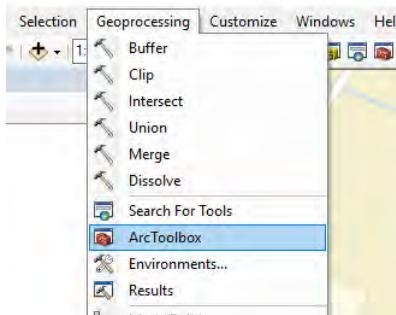


FIGURE 1: OPEN ARCTOOLBOX PANE

- Right-click in the white space of the Toolboxes pane and choose “Add Toolbox...”

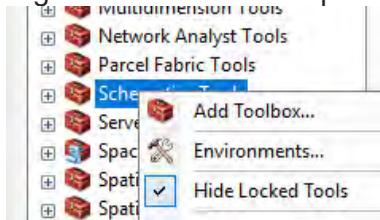


FIGURE 2: ADD TOOLBOX...

- Navigate to the Shared Parking Analysis toolbox

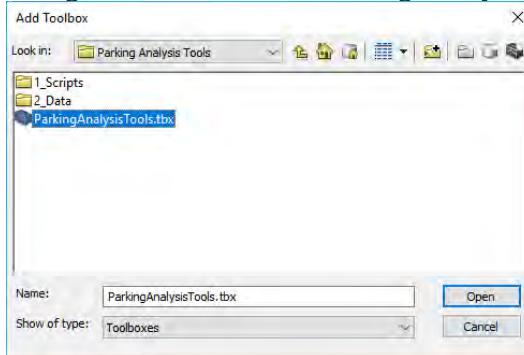
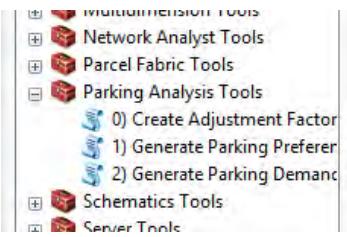


FIGURE 3: NAVIGATE TO PARKING ANALYSIS TOOLBOX



**FIGURE 4: PARKING ANALYSIS TOOLBOX**

- Open the tool by double-clicking the script tool **2) Generate Parking Demand**.
- The tool opens. The user points to the input files specified below.

## 2.2 INPUT FILES

The **Generate Parking Demand** tool has four input files:

- *Generators* file (Excel file, user created)
- *Land Use Demand* file (Excel file, default or user created)
- *Adjustment Factors* file (python pickle file, default or user created)

The Excel files have all necessary data on one sheet which SPA reads in, but other sheets may be present in the Excel file if it is useful. In the case of the templates provided, the main sheet pulls data from other sheets, but these other sheets are not required.

This section describes the contents of these input files. Section 6.0 below describes in more detail how these files can be created from geographic data and the Excel templates provided, but the inputs can simply be entered by hand if that is easier. Typically, a small number of generators and parking lots can be quickly entered by hand, but a large number are easier to derive from available geographic data. It is recommended to open the default files provided with the tool while reading this section for an example.

The user is responsible for creating these files the first time a model is run in a new area. The files can be reused for subsequent model runs.

### Parking Lots File

This Excel file contains parking lot information with the following headings:

- Name – the lot name. This column is not used in the tool and is to help the user identify the generator.
- Lot number (unique ID for each lot). The default column name is *Lot\_UID*, which is created by the “Generate Parking Preferences” script (see Section 6.0 below).
- Spaces – The number of spaces in each lot

Name	Spaces	Lot_UID
Rt. 2/Maple Tree PI	274	1
Conner Way	50	2
Walnut St/Conner Way	63	3
Walnut St	28	4

**FIGURE 5: EXAMPLE PARKING LOT FILE FORMAT**

## Generators File

This Excel file contain information about the parking generators that use the parking lots in the *Parking Lots* file. It has the following headings:

- Name – Name of the parking generator. This column is not used in the tool and is to help the user identify the generator.
- Location – Unique ID number typically associated with a GIS file, but a GIS association is not required.
- LUC – Land Use Code of a particular generator's land use. This number must match a land use code in the *Land Use Demand* file and *Adjustment Factors* file.
- Type – Description of the type of land use. This column is not used in the tool and is to help the user develop the *Generators* file.
  
- Unit – The unit in which size is measured. The unit type must match the Land Use's unit type in the *Land Use Demand* file.
- Gen\_ID – Unique ID associated with each generator. This ID number is created by the “Generate Parking Preference” script and is used to associate parking lots and generators when the user created the *Generators* file. It is not used by the SPA tool and is not required.
- ParkingLots – A list of parking lot unique IDs (from the Lot Number column in the *Parking Lots* file) separated by semicolons. The parking lots are in order of preference of the particular generator, e.g. patrons of Asian Bistro in Figure 6 will first try to park in lot 18, then lot 2, then lot 5, etc.

The user should use their best judgement when determining parking lot preference order. If a lot is close to a generator but lacks a pedestrian walkway or adequate wayfinding, people may not use it. A future project that improves pedestrian access to a generator may allow additional lots to be included in this list.

Name	Location	LUC	Type	Size	Unit	Gen_UID	ParkingLots	
Optometrist		10482	63	Medical/Dental Office	3.643	ksf GFA	1	3;5;2;6;1
Salon		10859	10	Retail	7.176	ksf GLA	2	3;5;2;6;1
HOME DEPOT U.S.A., INC.		11052	10	Retail	100	ksf GLA	3	3;6;5;1;4
WAL-MART STORES, INC.		11105	10	Retail	100	ksf GLA	4	3;5;2;6;1

**FIGURE 6: EXAMPLE GENERATORS FILE FORMAT**

## Land Use Demand File

This Excel file contains parking demand ratios for the land uses in the *Generators* file. These ratios and their corresponding adjustment factors can come from any source. Currently, the SPA tool uses demand factors and adjustments from the second edition of Shared Parking, but different data can be used as long as it maintains the same format.

- LUC – Land Use Codes. These numbers can be arbitrary, but they must match the land use codes in the *Generators* file (LUC column).
- Land Use – Description of the type of land use. This column is not used in the tool.
- User – Either “Visitor/Customer” or “Employee.” These two types of users have different parking demand ratios. In the case of housing, residents’ parking demand appears under “Employee.”
- Weekday – Weekday demand ratio, the number of parking spaces per unit required at peak weekday times.
- Weekend – Weekend demand ratio, the number of parking spaces per unit required at peak weekend times.

LUC	Land Use	User	Weekday	Weekend	Unit
10	Retail	VisitorCustomer	2.9	3.2	ksf GLA
10	Retail	Employee	0.7	0.8	ksf GLA
20	Fine/Casual Dining	VisitorCustomer	15.25	17	ksf GLA
20	Fine/Casual Dining	Employee	2.75	3	ksf GLA
21	Family Restaurant	VisitorCustomer	9	12.75	ksf GLA

**FIGURE 7: EXAMPLE LAND USE DEMAND FACTORS FILE FORMAT**

## Adjustment Factors File

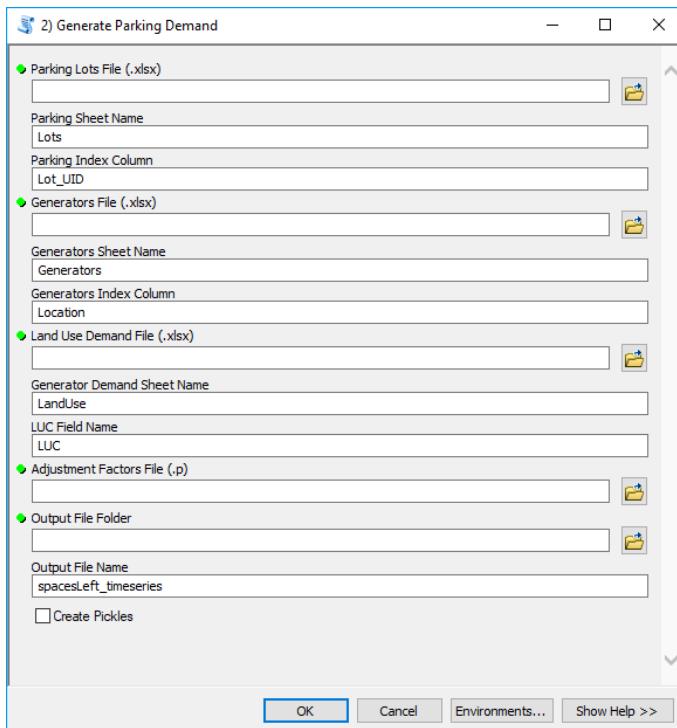
The *Adjustment Factors* file contains all combinations of monthly, daily, and time of day adjustment factors. It is a python pickle file with the “.p” extension. The python script will read this file to load a pandas DataFrame of the various adjustment factors. See Section 6.3 below for more information on creating the *Adjustment Factors* file. Using this pickle file pre-compiles the adjustment combination and decreases the tool’s runtime.

## 2.3 RUNNING THE TOOL

### First Run

The Generate Parking Demand tool is run as a typical ArcMap tool.

Double-click **2) Generate Parking Demand** to open the tool. Several fields populate with default sheet and column names. The user is responsible for pointing the tool to correct files and confirming that the column names are correct.



**FIGURE 8: GENERATE PARKING DEMAND TOOL**

Choose the three Excel files (*Parking Lots*, *Generators*, and *Land Use Demand*) and the *Adjustment Factors* pickle file.

The default sheet names and index column names match those in the template files provided with the tool and should not be changed unless the user changed them in the Excel files.

Choose the Output Folder in the “Output File Folder” field and change the Output File Name if desired.

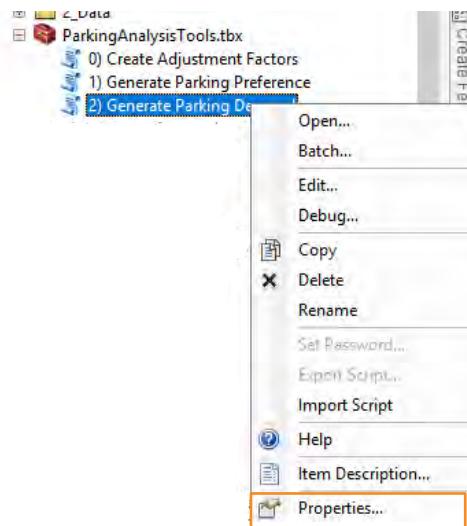
If “Create Pickles” is selected, the tool will save pickle files to the Output File Folder. These can be used to load pandas DataFrames of the parking lots’ supply and generators’ demand into python. Only check this box if you plan to explore the output data in python.

Click “OK” and the tool will run.

### Rerun the Tool with the Same Inputs

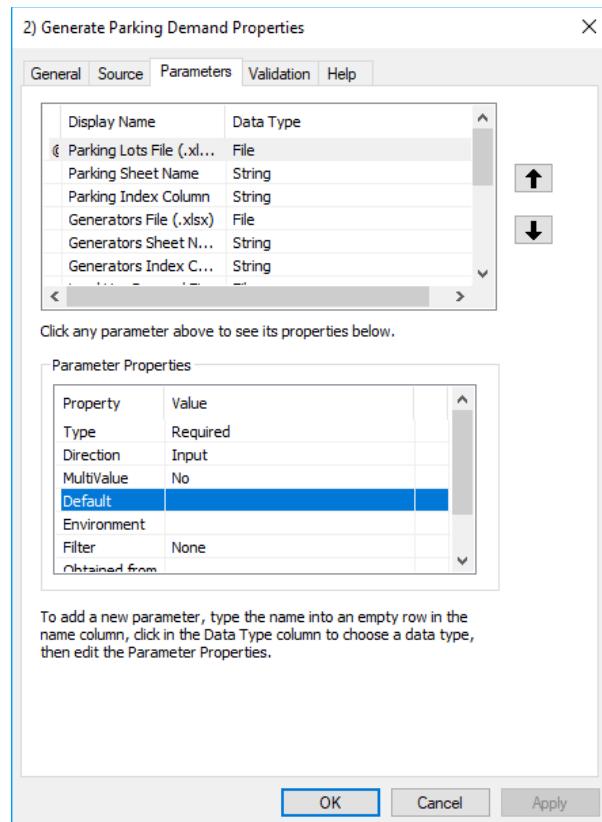
To rerun the tool with the same inputs, there are two options. One is to open the tool run from the Results pane (Geoprocessing > Results). The other option is to define default inputs for the

parameter in the tool. Right-click the tool in the Catalog or ArcToolbox window and choose “Properties” (Figure 9).



**FIGURE 9: OPEN TOOL PROPERTIES**

Choose the parameter in the top window, e.g. Parking Lot File. Then enter the file path in the “Default” Parameter Property below (Figure 10).



**FIGURE 10: ENTER DEFAULT PARAMETER FOR TOOL**

## 3.0 OUTPUT DATA AND RESULTS

### 3.1 OUTPUT DATA

SPA creates a csv file showing the spaces left and the percent utilization of input parking lots for all combinations of adjustment factors.

ObjectID	Lot_UID	spcsLeft	pcntFull	timeStamp
1022	3	0	1	20190205200000
1023	3	40.870272	0.870663696	20190205210000
1024	3	124.0721536	0.607366603	20190205220000
1025	3	239.4277504	0.242317246	20190205230000
1026	3	316	0	20190805000000
1027	3	298.1662899	0.056435791	20190805060000

**FIGURE 11: EXAMPLE OUTPUT CSV FILE FORMAT**

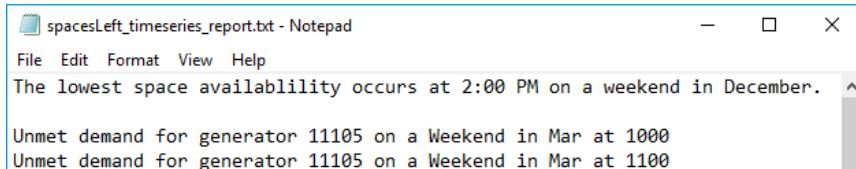
- The file has the following headings: ObjectID - A unique ID number for each line.
- Lot\_UID - Signifies the parking lot number from the Lot\_UID column in the Parking Lots input file.
- spcsLeft - The number of spaces left in that lot at that time (see timeStamp column).
- pcntFull - The ratio of spaces used to total spaces in that lot at that time, e.g. "0.12" means that 12% of total spaces are in use.
- timeStamp - Provides a timestamp as both an indication of the adjustment factors used and allows the csv to be used as timeseries data in ArcMap. The timestamp has the following format:



- Year – This is a place holder not used in the model.
- Month – This indicates the monthly adjustment factor. 12 can be December or Late December.
- Hour – This indicates the time of day adjustment factor
- Minute – This is a place holder not used in the model.
- Second – This is a place holder not used in the model.

The Excel file *Display Results* automatically converts the timestamp string into its meaningful time parts (month, day, hour) for analysis.

SPA also creates a report with the suffix “\_report.txt” in the same folder as the csv file. This report states the month, day, and time, where utilization was the highest, i.e., fewest parking spots available, across all parking lots. It also notes any times where a generator’s demand was not fully served.



The screenshot shows a Notepad window titled "spacesLeft\_timeseries\_report.txt - Notepad". The content of the window is:

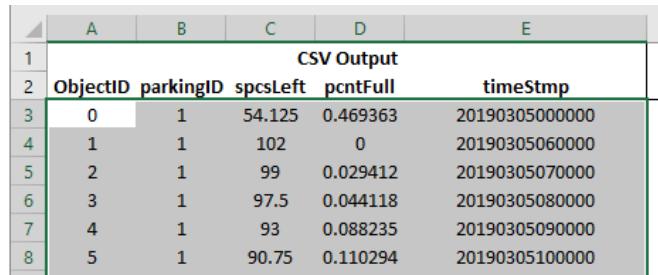
```
File Edit Format View Help
The lowest space availability occurs at 2:00 PM on a weekend in December.
Unmet demand for generator 11105 on a Weekend in Mar at 1000
Unmet demand for generator 11105 on a Weekend in Mar at 1100
```

**FIGURE 12: REPORT OUTPUT**

## 3.2 DISPLAY RESULTS

The results contain approximate 500 datapoints for each parking lot. The Excel file *Display Results*, provided in the Output folder, is used to display this data in a manageable format.

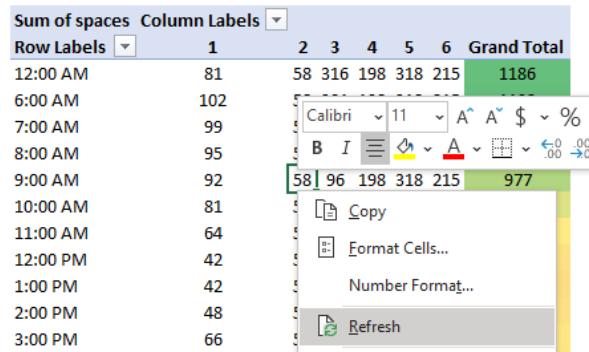
- Open the *Display Results* file in Excel and Save As to a new file.
- Select the data in the “CSV Output” section and press the “Delete” key.
  - Ctrl + Shift + Down Arrow keys allows for faster cell selection



CSV Output				
ObjectID	parkingID	spcsLeft	pcntFull	timeStamp
0	1	54.125	0.469363	20190305000000
1	1	102	0	20190305060000
2	1	99	0.029412	20190305070000
3	1	97.5	0.044118	20190305080000
4	1	93	0.088235	20190305090000
5	1	90.75	0.110294	20190305100000

**FIGURE 13: SELECT THE DATA TO BE DELETED**

- Open the csv file created by SPA
- Copy the data from the csv file and paste values into the “CSV Output” section.



Row Labels	1	2	3	4	5	6	Grand Total
12:00 AM	81	58	316	198	318	215	1186
6:00 AM	102						
7:00 AM	99						
8:00 AM	95						
9:00 AM	92	58	96	198	318	215	977
10:00 AM	81						
11:00 AM	64						
12:00 PM	42						
1:00 PM	42						
2:00 PM	48						
3:00 PM	66						

**FIGURE 14: REFRESH THE DATA IN THE PIVOT TABLE**

- The pivot table will update with the data from the SPA output.

Month	December						
Day	Weekend						
Sum of spaces	Column Labels						
Row Labels	1	2	3	4	5	6	Grand Total
12:00 AM	52	58	316	198	318	215	1157
6:00 AM	102	58	293	198	318	215	1184
7:00 AM	99	58	258	198	318	215	1146
8:00 AM	98	58	170	198	318	215	1057
9:00 AM	93	58	0	198	296	215	860
10:00 AM	91	58	0	198	220	140	707
11:00 AM	78	58	0	198	143	101	578
12:00 PM	48	58	0	198	103	41	448
1:00 PM	44	58	0	198	87	0	387
2:00 PM	53	58	0	198	20	0	329
3:00 PM	53	58	0	198	20	0	329
4:00 PM	53	58	0	198	53	0	362
5:00 PM	36	58	0	198	89	6	387
6:00 PM	11	58	0	198	114	63	444
7:00 PM	6	58	0	198	127	92	481
8:00 PM	2	58	0	198	186	108	552
9:00 PM	11	58	0	198	237	173	676
10:00 PM	11	58	9	198	318	215	809
11:00 PM	13	58	192	198	318	215	993

**FIGURE 15: EXAMPLE RESULTS**

The results show the number of parking lot spaces available by lot (identified in the columns by Lot\_UID) and time for the selected month and day (weekday or weekend). The Grand Total column sums the available spaces for all lots displayed.

The data displayed on the pivot tables can be changed by selecting different filters.

Month	December	
Day	Weekend	
Sum of spaces	Column Labels	
Row Labels	1	2
12:00 AM	52	58

**FIGURE 16: PIVOT TABLE FILTERS**

- Change the month or day with the upper filters.
- Change the parking lots being displayed with the Column Labels filter
- It is helpful to have a map of the parking lots when looking at the data to match parking lot numbers with the physical parking lot.

The user should check these results for reasonableness. Do they generally agree with the user's expectation? Do they agree with anecdotal data on this location? If not, the user should double check the inputs and consider if there are special cases in this area that do not conform well with the default demand and adjustment factors.

## 4.0 EXAMPLE ANALYSIS

### 4.1 EXISTING CONDITIONS

The example below looks at the parking in the lots between Walmart and Home Depot. The calculation includes separate lines for the salon and optometrist located inside the Walmart. All input files are included with the tool in the Example Data folder or the Source Data folder. This data is based on available databases and is data is meant to be an example only. It may not be accurate, but it is accurate enough for the example purposes.

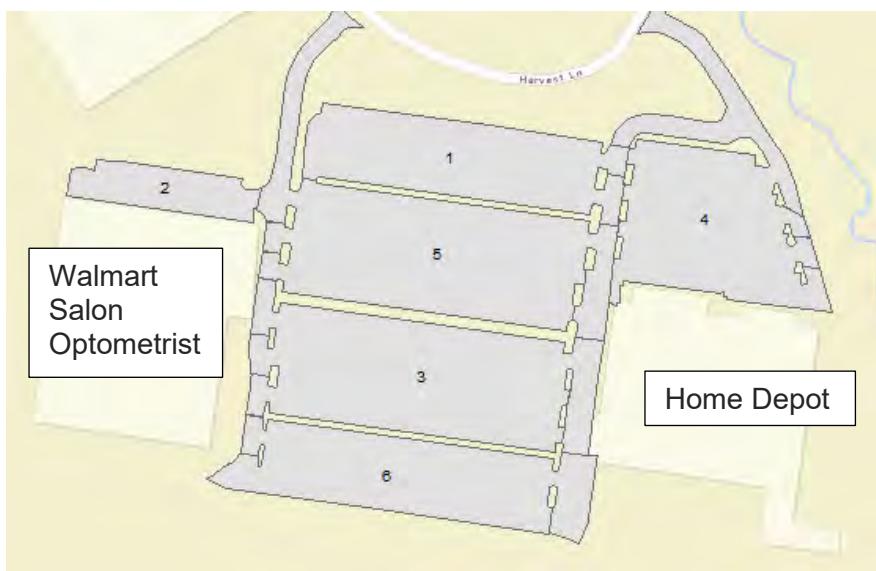


FIGURE 17: WALMART AND HOME DEPOT PARKING LOTS

#### Parking Lots File

The six parking lots are represented in the *Parking Lots* Excel file.

Name	Spaces	Lot_UID
Harvest Ln	102	1
Harvest Ln	58	2
Harvest Ln	316	3
Harvest Ln	198	4
Harvest Ln	318	5
Harvest Ln	215	6

FIGURE 18: WALMART/HOME DEPOT PARKING LOTS FILE

#### Generator File

The four generators are represented in the *Generators* Excel file.

Name	Location	LUC	Type	Size	Unit	EmpUID	ParkingLots
Optometrist	10482	63	Medical/Dental Office	3.643	ksf GFA	1	3;5;2;6;1
Salon	10859	10	Retail	7.176	ksf GLA	2	3;5;2;6;1
HOME DEPOT U.S.A., INC.	11052	10	Retail	100	ksf GLA	3	3;6;5;1;4
WAL-MART STORES, INC.	11105	10	Retail	100	ksf GLA	4	3;5;2;6;1

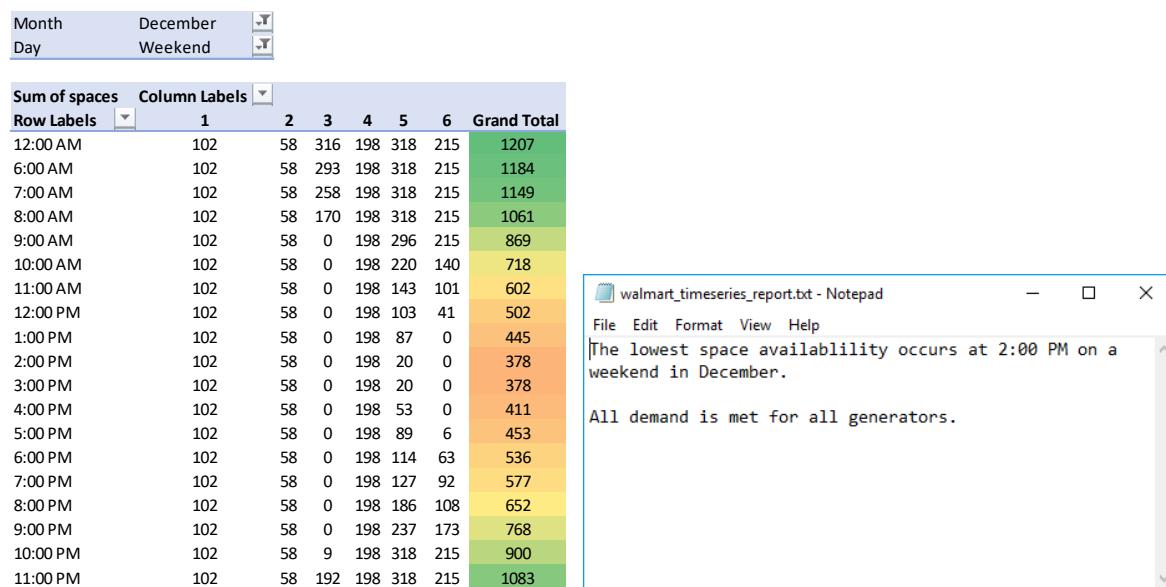
**FIGURE 19: WALMART/HOME DEPOT GENERATORS FILE**

## Land Use Demand and Adjustment Factor Files

This analysis uses the default demand and adjustment factors. No changes have been made

## Results

The results show that the highest demand is at 2 PM on a weekend in December. Lots 3 and 6 are full in the afternoon, but there are still 378 spots available across all the parking lots.



**FIGURE 20: EXISTING CONDITIONS RESULTS**

Note that lots 1, 2, and 4 have no one parking in them. The tool assumes that people continue parking in a generator's preferred lot until it is full. In reality, people would probably park in these lots as lots 3, 5, and 6 began to fill up, but the tool's abstraction is adequate for the shared parking analysis. The Grand Total column combines all lots' availability into one place.

## 4.2 ADDING A NEW GENERATOR

Now we will add a new restaurant to the area above parking lot 1. The restaurant is a 5,000 square-foot casual dinner/lunch place (LUC 20). Patrons will park in lot 1 first and then lot 5.

## New Generator Excel File

The new *Generators* file starts with the existing conditions file and then adds a line for the new restaurant. The values in the Location and Emp\_UID columns are arbitrary and can be anything as long as they are unique in their column. The restaurant is not associated with any geographic data in this example. The ParkingLots column of parking lot preference order is based on the user's understanding of how new patrons will behave.

Name	Location	LUC	Type	Size	Unit	EmpUID	ParkingLots
Optometrist	10482	63	Medical/Dental Office	3.643	ksf GFA	1	3;5;2;6;1
Salon	10859	10	Retail	7.176	ksf GLA	2	3;5;2;6;1
HOME DEPOT U.S.A., INC.	11052	10	Retail	100	ksf GLA	3	3;6;5;1;4
WAL-MART STORES, INC.	11105	10	Retail	100	ksf GLA	4	3;5;2;6;1
Restaurant	90	20	Fine/Casual Dining	5	ksf GLA	90	1;5

**FIGURE 21: WALMART/HOME DEPOT PLUS RESTAURANT GENERATORS FILE**

## Results

The results of the existing conditions scenario and the new restaurant scenario are shown below. The restaurant has a peak demand of 100 spots (8 PM). However, the lowest availability of spots was reduced by 49 (378 spots – 329 spots) because the peak demands occur at different times.

Month	December	Weekend	Day	Month	December	Weekend	Day								
Sum of spaces	Column Labels			Sum of spaces	Column Labels										
Row Labels	1	2	3	4	5	6	Grand Total	Row Labels	1	2	3	4	5	6	Grand Total
12:00 AM	102	58	316	198	318	215	1207	12:00 AM	52	58	316	198	318	215	1157
6:00 AM	102	58	293	198	318	215	1184	6:00 AM	102	58	293	198	318	215	1184
7:00 AM	102	58	258	198	318	215	1149	7:00 AM	99	58	258	198	318	215	1146
8:00 AM	102	58	170	198	318	215	1061	8:00 AM	98	58	170	198	318	215	1057
9:00 AM	102	58	0	198	296	215	869	9:00 AM	93	58	0	198	296	215	860
10:00 AM	102	58	0	198	220	140	718	10:00 AM	91	58	0	198	220	140	707
11:00 AM	102	58	0	198	143	101	602	11:00 AM	78	58	0	198	143	101	578
12:00 PM	102	58	0	198	103	41	502	12:00 PM	48	58	0	198	103	41	448
1:00 PM	102	58	0	198	87	0	445	1:00 PM	44	58	0	198	87	0	387
2:00 PM	102	58	0	198	20	0	378	2:00 PM	53	58	0	198	20	0	329
3:00 PM	102	58	0	198	20	0	378	3:00 PM	53	58	0	198	20	0	329
4:00 PM	102	58	0	198	53	0	411	4:00 PM	53	58	0	198	53	0	362
5:00 PM	102	58	0	198	89	6	453	5:00 PM	36	58	0	198	89	6	387
6:00 PM	102	58	0	198	114	63	536	6:00 PM	11	58	0	198	114	63	444
7:00 PM	102	58	0	198	127	92	577	7:00 PM	6	58	0	198	127	92	481
8:00 PM	102	58	0	198	186	108	652	8:00 PM	2	58	0	198	186	108	552
9:00 PM	102	58	0	198	237	173	768	9:00 PM	11	58	0	198	237	173	676
10:00 PM	102	58	9	198	318	215	900	10:00 PM	11	58	9	198	318	215	809
11:00 PM	102	58	192	198	318	215	1083	11:00 PM	13	58	192	198	318	215	993

**FIGURE 22: EXISTING CONDITIONS RESULTS (LEFT) AND RESULTS WITH NEW RESTAURANT (RIGHT)**

## 5.0 CALIBRATION AND REFINING INPUT DATA

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The SPA tool uses a generic dataset of national data from [Shared Parking](#). It should be used as a planning tool to understand the effects of shared parking, both where excess capacity may exist and where a new generator may require more parking than is currently available. Like all planning data, the demand and adjustment factors used here are not perfect, and the user should be careful when demand is shown to be close to supply.

There are a variety of reasons a user may want to change the demand and adjustments factors. A user may decide to use local data for time adjustment factors or use a higher generation rate for a particularly popular generator. The available land use codes may not cover a desired land use type. [Shared Parking](#) explains its methods for data collection and how to collect local data.

A good first step is to perform field counts at the times the SPA tool indicates peak demand occurs. It may also be helpful to compare anecdotal data for particular times with what the tool's output indicates. These observations may show that the tool is generally accurate, or over- or under-estimating peak demand. It is also possible that some stores are not open when the default factors are showing they have demand, e.g. restaurants that are not open after midnight.

If the user determines that the demand and adjustment factors need to be refined, the user should perform parking lot counts in accordance with the [Shared Parking](#) methodology. It may be possible to perform counts at only the times of highest demand and adjust the factors accordingly and thus avoid counting all 26 days of factors. Changing factors to reflect store hour hours will also help calibrate a particular area.

After the new factors have been determined, see Section 6.3 Create *Adjustment Factors* File for more information on creating a new *Land Use Demand* Excel file and *Adjustment Factor* pickle file.

## 6.0 CREATING INPUT FILES

The Shared Parking Analysis Tool is designed to work with the Excel input files described in Section 2.2 Input Files. This section describes creating the input files from the Williston Employment and Parking shapefiles that come with the tool, but the user can also create the input files a different way or from different source data as long as the final input files have the columns described in Section 2.2. The Employment shapefile used in this example contains the parking generators to be studied, but the user could also use non-employment-related sources of parking generation, such as housing.

### 6.1 CREATE PARKING LOT PREFERENCE LIST

Open ArcMap

Load the Employment point shapefile.

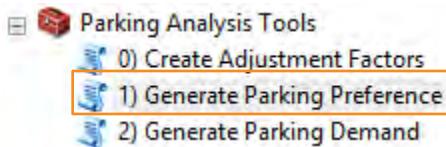
Load the Parking Lot polygon shapefile.

Select the employment points and parking lot polygons to include in the analysis. Figure 23 shows only the point locations Home Depot and Walmart and their associated parking lots highlighted. Only these points and polygons will be included in the analysis.



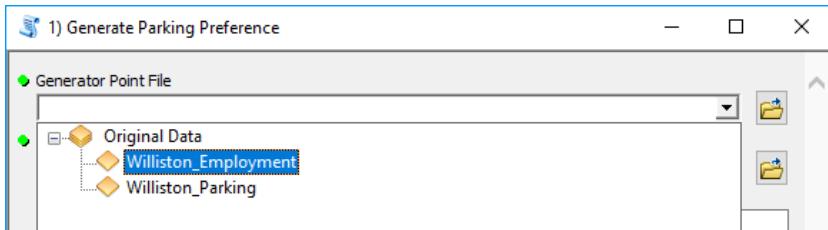
**FIGURE 23: EMPLOYMENT AND PARKING LOT DATA DISPLAYED WITH ONLY THE HOME DEPOT AND WALMART LOCATIONS AND ASSOCIATED PARKING LOTS HIGHLIGHTED**

Double-click Generate Parking Preference tool in Parking Analysis Tools toolbox to open the tool (Figure 24).



**FIGURE 24: OPEN THE GENERATE PARKING PREFERENCE TOOL**

Choose Employment and Parking layers from pulldown menus in the tool for the Generator Point File and Parking Polygon File, respectively



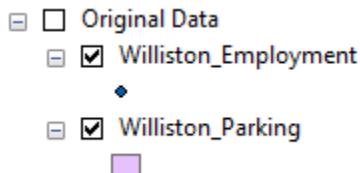
**FIGURE 25: USE THE PULLDOWN MENU WHEN SELECING DATA**

Fill in the other three fields:

- Max Walking Distance – the maximum distance people will walk from a parking spot to a destination
- Output Data Folder – the folder the output data will be saved to
- Output Preference File – the name of the output data, do not include an extension

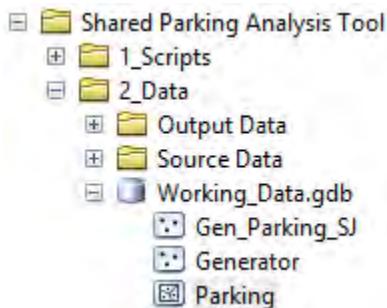
Click “OK” to run the tool.

After the tool runs, group the old data as Original Data, to simplify the Table of Contents. This will have all the parking lots and employers.



**FIGURE 26: ORIGINAL DATA GROUPED AS "ORIGINAL DATA"**

Figure 27).



**FIGURE 27: GENERATOR AND PARKING DATA CREATED BY THE GENERATE PARKING PREFERENCE TOOL**

Group the new data as a logical description of this location, e.g. Maple Tree Place. This data will only contain the locations selected when the Generate Parking Preference tool was run.

This data also contains additional fields with unique identification (UID) numbers for each employer and parking lot

- Generator contains “Gen\_UID”
- Parking contains “Lot\_UID”

These UIDs are used in parking lot preference files created in the output folder:

1	12;18;4;10;3;21;8;5;11
2	9;20;15;14;19;16;13
3	18;2;5;7;6;3;1;12
4	8;6;5;19;18

**FIGURE 28: PARKING LOT PREFERENCES BY GENERATOR**

People visiting Gen\_UID 1 would first park in Lot\_UID 12, then Lot\_UID 18, etc.

## 6.2 CREATE GENERATOR AND PARKING LOTS INPUT FILES

### Generator File

This step will create a new Generators file similar to the Excel generator files provided with the tool. Open *Generators.xlsx* from /2\_Data/Example Data/ and Save As to the Source Data folder (/2\_Data/Source Data/).

In the Attribute Table of the new *Generator* file (ArcMap), export it as a dBase Table called *Generators.dbf*, but do not add it to the map if prompted.

In the **dbf** tab of *Generators.xlsx*, select all data from row 2 downward and press the “Delete” key. Do not right-click and select delete because this may break formulas in the workbook.

Copy and paste all data, including the headings, into cell A2 of the **dbf** tab of *Generators.xlsx*.

Copy all cells under the OBJECTID column (**dbf** tab) into the Location column of the **Generators** tab.

Open the \*\_list.csv file from root/2\_Data/Output Data/ (by default this file is named generator\_parking\_preference\_list.csv). Copy the first two columns from this file into the **ParkLots** tab of *Employment.xlsx*. The Parking Lots column on the **Generators** tab should populate automatically.

On the **Generators** tab, the user will need to modify data which does not populate automatically. Changes or check the following:

- If there are more rows of OBJECTID numbers than rows of formulas, copy and paste the formulas down until they match the number of OBJECTID numbers.
- In the LUC column, assign each row an LUC value from the **LandUse** tab. These are the land use code (LUC) numbers for this tool. ULI Second Edition does not have land use codes, so these numbers are arbitrary.
- Once the LUC values are entered, the Units column will populate automatically.
- The Size column automatically chooses the square footage of the generator from the **dbf** tab. If the units for a row are not GLA (gross leasable area) or GFA (gross floor area), then the user will need to enter the units manually, e.g. number of seats in a Cineplex.
- Check the square footage of the other generators. The data may not be accurate.
- The ParkingLots column lists parking lots in order of proximity with the closest lots first. However, this may not be the best order of preference. The user should check the parking lots list for each row to ensure that the lots are listed in the correct order of preference, that all lots relevant to a particular generator are included in its row, and that lots which should not be associated with a generator are not included.
  - In Office 365, the Excel function TEXTJOIN() can be used to concatenate a range of strings with a delimiter in between. If the user finds it easier to put each parking lot number in a separate cell, use TEXTJOIN() or CONCATENATE() to combine them.

## Parking Lots File

This step will create a new ParkingLots file similar to the Excel ParkingLots files provided with the tool. Open *ParkingLots.xlsx* from /2\_Data/Example Data/ and Save As to the Source Data folder (/2\_Data/Source Data/).

In the Attribute Table (ArcMap) of the new *Parking* file, export it as a dBase Table, but do not add it to the map if prompted.

Open the newly created *Parking.dbf* file and the *ParkingLots.xlsx* file in Excel.

In the **dbf** tab of *ParkingLots.xlsx*, select all data from row 2 downward and press the “Delete” key. Do not right-click and select delete because this may break formulas in the workbook.

Copy and paste all data, including the headings, into cell A2 the **dbf** tab of *ParkingLots.xlsx*. The top left cell should be A2 so that the numbers above the column headings are still present.

Copy all cells under the Lot\_UID column (**dbf** tab) into the Lot\_UID column of the **Lots** tab.

The “Name” and “Space” tab should populate automatically.

If there are more rows of OBJECTID numbers than rows of formulas, copy and paste the formulas down until they match the number of OBJECTID numbers.

## 6.3 CREATE ADJUSTMENT FACTORS FILE

The adjustment factors file contains all possible combinations of adjustment factors for all land uses. It is a \*.p<sup>2</sup> file created by the generate\_parking\_factors.py script. This script reads an excel file containing the possible factor values across dimension with each dimension stored on a separate tab<sup>3</sup>. The script creates a pandas<sup>4</sup> DataFrame<sup>5</sup> to store and access these adjustment factors.

The user can run this script from the ArcMap tool “0) Create Adjustment Factors” in the Parking Analysis Tools toolbox. The user chooses the excel file which contains these factors – in this case *Parking Demand and Adjustments.xlsx* in the Source Data folder. To create a new factors.p file, first adjust the factors in *Parking Demand and Adjustments.xlsx*. The user may make changes such as adding a land use type or changing a parking generation ratio. A user should be familiar with the shared parking methodology and input data before making these changes.

<sup>2</sup> This is a pickle file which can be read by the python programming language. See the file generate\_parking\_factors.py and <https://docs.python.org/3/library/pickle.html> for more information.

<sup>3</sup> See the excel file “Parking Demand and Adjustments.xlsx” in the Source Data folder

<sup>4</sup> <https://pandas.pydata.org/>

<sup>5</sup> <https://pandas.pydata.org/pandas-docs/stable/reference/api/pandas.DataFrame.html>

## **Appendix K** **Glaser Specific Plan**

The Glaser Specific Plan was adopted by the Selectboard on January 16, 2024. It's approval authorizes the applicant to proceed to subdivision permitting with the Development Review Board. This appendix will aid the DRB in their review of the permit application(s):

- Site Plans Sheets 1-2 prepared by O'Leary Burke Civil Associates, last revised 12/6/2023
- Viewshed Rendering, undated, presented on May 25, 2023
- Growth Management Questionnaire, March 2023
- Planning Commission's transmittal memo to the Selectboard

Additional documents from the Specific Plan process are on file at the Planning & Zoning Office and available upon request.

## PART I. OFFICIAL TRANSMITTAL OF SP 23-01 TO THE SELECTBOARD

### WILLISTON, VT PLANNING COMMISSION Town Plan & Bylaw Amendment Hearing – October 5, 2023

#### **Findings of Fact:**

1. The specific plan option may only be used where the Planning Commission determines that a substantial benefit to the town could result per WDB 9.2.1.
2. “*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*” is listed as a substantial benefit per WDB 9.2.2.1.
3. The applicant proposes 53± acres open space offered to The Town of Williston in two distinct areas: 15± acres viewshed along Mountain View Road and 38± acres of pasture, forest, and wetlands.
4. The Williston 2016-2024 Comprehensive Plan Section 13.2 states, “*Scenic Viewsheds - The town will protect and maintain the visual character that defines Williston, including open fields and meadows, wooded slopes and ridgelines, and scenic viewpoints.*”
5. The Williston 2016-2024 Comprehensive Plan Section 13.3.3 states, “*Protect Other Working Landscapes. Other working landscapes include tree farms, commercial wood lots, nurseries, sand and gravel mines, and fee-based outdoor recreation.*”
6. The Williston 2016-2024 Comprehensive Plan Section 13.3.3 broadly characterizes open space in Chapters 3 and 9 as follows: “*The Town of Williston will continue to protect open space resources, and provide outdoor recreation opportunities for its residents... (pg. 18).*” “*Conservation Areas... are publicly-owned open space landscapes that are used recreationally, but are primarily managed to conserve the natural ecosystem (pg. 63).*” “*Community parks are public open spaces... developed for intensive recreational uses... (pg. 65)*”
7. ‘Mere compliance’ with the bylaw is not a substantial benefit per WDB 9.2.2.8 and the substantial benefit must be an action ‘above and beyond’ the requirements of the bylaw. The Glaser Specific Plan goes above and beyond the bylaw requirements by donating open space land to the Town where the bylaw incentivizes permanent protection per WDB 11.7.8. The Glaser Specific Plan goes above and beyond the bylaw requirements by conserving viewshed land that is minimally protected by the RZD Open Space Development standards and otherwise developable per WDB 39.8.2.5-39.8.2.7 and 31.9.7.
8. The Planning Commission held a community meeting on November 15, December 6, and December 20, 2022 as required by WDB 9.3.3. The Planning Commission established an advisory committee as permitted by WDB 9.3.3 on January 3, 2023. The advisory committee worked with town staff and the applicant as required by WDB 9.3.4 from January to May 2023. The committee voted 5-0 (1 absence) on May 25, 2023 to transmit the Specific Plan to the Commission. The advisory committee and applicant presented the Specific Plan to the Planning Commission on June 6, 2023 as required by WDB 9.3.7. The Planning Commission consulted with the Conservation Commission per WDB 9.2.2.7 and received a 6-1 recommendation on August 16, 2023 that the proposed open space is a substantial benefit to the town.

9. The Town Plan and Bylaw amendments read verbatim as follows. Compliance is anticipated with all other development standards of the WDB.
- **Town Plan Chapter 13 Natural and Cultural Resources** (page 9): "*9.2 ... Scenic viewsheds that are at least partially protected from incompatible development include: the fields southwest of the intersection of Mountain View and Old Stage roads, approx. 15± acres, as well as an additional approx. 38± acres of forest and pasture open space, which are protected as open space and offered as town property as the substantial benefit for the Glaser Specific Plan SP 23-01. Parcel ID 09-012-082-000.*"
  - **WDB Chapter 11 Growth Management** (page 2): "*11.2.3 SP 23-01 Glaser Specific Plan. The Glaser Specific Plan can proceed from pre-application to discretionary permit. The DRB must make findings that the discretionary permit application upholds a Growth Management score of at least 50 points based upon the criteria of WDB Chapter 11 as amended October 4, 2022, except WDB 11.7.1 and 11.7.9 which can be based upon the Energy Efficiency or Sustainable Transportation criteria of Chapter 11 as amended October 17, 2023 or any future version of the WDB. Following discretionary permit approval and final plans approval, the applicant may receive administrative permits for new dwellings up to a maximum of 18 dwellings (DU) per fiscal year until project completion. The rules of 11.2.3 shall supersede all other rules of WDB 11.*"
  - **WDB 26 Street Trees** (page 1): "*26.1.2.2.1 SP 23-01 Glaser Specific Plan. Street trees shall not be required along Mountain View Road and Old Stage Road in order to preserve the scenic vista looking east.*"
  - **WDB Chapter 39 Residential Zoning District** (pages 4-5): "*39.8.2.13 SP 23-01 Glaser Specific Plan. Parcel ID 09-012-082-000. The Glaser Specific Plan shall provide 53± acres of designated open space as substantial benefit for the purpose of upholding viewshed, working landscape, and conservation goals of the 2016-2024 Comprehensive Plan 13.2 and 13.3.3. The discretionary permit shall include irrevocable offer(s) of dedication to the Town for the ownership of the open space area(s). Floating easement(s) for path connectivity towards the south and west may be required across minor sections of private land that may exist between the proposed the dedicated town open space and multi-use path that connects the two neighborhood clusters (see Appendix F site plan for notations). Other bylaw amendments for SP 23-01 can be found in WDB 11.2.3, 26.1.2.2.1. Refer to Appendix K for Specific Plan site plan and accompanying documents.*"
  - **WDB Appendix K**: All documents and minutes from the Planning Commission, Selectboard, and advisory committee process including the site plan, viewshed rendering, and Growth Management Questionnaire will be bundled in Appendix K and referenced during permit process.

## MOTION

As authorized by WDB 8.2 and 24 V.S.A. § 4441, I, Meghan Cope, move that the Williston Planning Commission submit the town plan and bylaw amendments to the Selectboard for consideration, with the following modifications to the site plan:

- Designate a 2-5 acre building envelope at the NW corner of the viewshed (excluding proposed road ROW) for future town park amenities for the purpose of enhancing public access to the views.
- Identify the easement as a floating easement along the entirety of the multi-use path between the path & 38-acres open space.

Seconded by: Steve Shepard

Vote: 6-1

## **PART II. UNOFFICIAL TRANSMITTAL OF SUMMARIZING RESPONSES & RECOMMENDATIONS TO OTHER CHARGE ITEMS**

The purpose of this memo is to provide a reference point for the Selectboard to understand the Specific plan implications that fall beyond the proposed Town Plan and Bylaw amendments. On January 3, 2023, the Planning Commission established a Charge to the Advisory Committee with 11 topics as quoted below. Some of the charge items pertain to the town plan and bylaw amendments (particularly #3-5). Other charge items include recommendations to the Selectboard about the future use of the open space assets such as a viewshed park, and the possible future lease agreement between the Town and Windswept Farm or other agricultural user.

1. **PC Charge, Open Space Size & Configuration:** The Planning Commission anticipates the subdivision design to evolve as the applicant, staff, and committee work together to achieve Williston's standards and incentives for residential development. To that end, the Commission expects the number, size, and location of open space, dwelling units, streets, public and private amenities to change as the Specific Plan evolves from concept to a complete site plan.

**GSPAC:** *The Glaser Specific Plan currently proposes 53± acres of protected open space offered for Town ownership (15± viewshed area and 38± forest, pasture, possible wetlands), 109± residential units (99± market rate + 11± affordable units). Two separate development areas meeting the Town's access standards are proposed, along with a connecting multi-use path and neighborhood recreation facilities. The proposed residential unit count shall comply with WDB 19 and shall not exceed base density of 3.0 DUE/acres.*

2. **PC Charge, Official Map and Connectivity:** The northern cul-de-sac has a single point of access onto Old Stage Road. Reconfigure the cul-de-sac so the street has two points of access. Provide for a future right-of-way designated towards the Larson and/or Martel parcels. This would align with the Official Map & Connectivity standards. Consider different scenarios, including traffic studies and comments from DPW on new street intersections, and other variables that are still shifting. Think about safety, convenience, traffic back-ups on Old Stage Road.

**GSPAC:** *The plan proposes 39 dwellings on a cul-de-sac road with access from Mountain View Road, and 70 dwellings on a loop road with two points of access onto Old Stage Road (one point aligned with Wildflower Circle). Multi-use path construction along Mountain View Road frontage and a path connection between the two neighborhoods. This subdivision design "accommodates" a possible future path or trail towards NorthRidge/Martel Park area. An easement will be provided on the southern end of the 70-unit loop between a duplex and first single-unit lot, as well as a floating easement along the connecting multi-use path to access the proposed town open space forested area.*

3. **PC Charge, Growth Management Score:** The Planning Commission finds it feasible for a subdivision of this size and scale to achieve a competitive score of at least 50 points. The applicant, staff, and committee shall discuss ways in which the subdivision can improve its Growth Management score:

**GSPAC:** *The five planning staff members individually scored the project based on the February 21, 2023 sketch plan. Staff average score was 52-points. The applicant made revisions to the site plan to strengthen the score. At discretionary permit, the DRB must make findings that a score of at least 50-points is maintained. It is anticipated that modifications to the site plan during DRB development review may change how the 50-point score is achieved.*

- a. **PC Charge, Energy Efficiency:** State Act 250 regulations will require homes to meet Stretch Code. This criterion incentivizes the Efficiency Vermont High Performance Level (now call “Net-Zero Ready”). The applicant should consider providing a higher standard of energy efficiency than Stretch Code as well as a solar-ready design for all homes.

*Planning Commission 10/5/2023: At the amendment hearing on October 5<sup>th</sup>, the Planning Commission reworded the amendment to WDB Chapter 11 to allow the project to score points in the Conserve Energy criteria as it existed in the October 4, 2022 version of the bylaw, or any future version (including the version recently amended on October 17, 2023). The intent is to incentivize the newly adopted amendments that provide more practical means of incorporating energy efficiency into home design.*

**GPSAC:** No points proposed or anticipated.

- b. **PC Charge, Affordable Housing:** The Commission finds it feasible for this project to score at least 4 points (10% of units must be affordable at 100% Area Median Income). The Commission encourages a higher score than 4 points. Work with the Chittenden County Housing Authority and Habitat for Humanity for ideas. Consider a more inclusive approach to housing, for example the needs of the adults with developmental disabilities.

*GSPAC: 4-points (quantitative metric) scored by staff and anticipated for the provision of 10% units (11 out of 109 units) affordable at 100% Area Median Income.*

- c. **PC Charge, Housing Choice:** The current design proposes large duplexes and 1 single unit. The Commission encourages a greater variety of housing choices. In addition to one- and two-unit buildings, multi-unit buildings are allowed in this zoning district. A wider variety of home styles and sizes are encouraged.

*GSPAC: 11-points scored by staff for the provision of duplex units, triplex units, carriage units, and single-unit lots. As proposed, approximately only 16% of units are single-unit carriage home or lot.*

- d. **PC Charge, Provide Neighborhood Space:** private neighborhood space for residents (such as playground, gazebo, community gardens, and/or community building)

*GSPAC: 7-points scored by staff for the 1,200 SF neighborhood building, multi-purpose recreation court, neighborhood and community gardens.*

- e. **PC Charge, Build Paths & Trails:** Full points are anticipated for constructing the multi-use path along Mountain View Road. This is required for compliance with zoning and not considered a substantial benefit. Explore the Tier 2 Multi-use Path connection to Northridge or Martel Park across the Glaser Property (as shown on Official Map in vicinity of Windridge Road). Explore the feasibility and possibilities, including comment from relevant state agencies.

*GSPAC: 10-points scored by staff for building the full segment of multi-use path along Mountain View Road and creating a loop between the two neighborhoods from Mountain View Road and Old Stage Road. The site plan accommodates the Tier 2 Multi-use path towards NorthRidge/Martel Park by not proposing development that is in the way of the connection. The Tier 2 multi-use path connection is beyond the scope of “substantial benefit” and beyond the scope of “bylaw compliance.” There is no standard in the bylaw strong enough to require construction of this path.*

- f. **PC Charge, Neighborhood Design:** In combination with housing choice and affordable housing, the Planning Commission encourages the applicant to design a neighborhood that prioritizes the human-scale areas (front doors, porches) and a compact, energy efficient design (multi-unit buildings) over garage-forward (garage protruding closer to street than front door or porch), auto-oriented design. As excerpted from the March 1, 2022 minutes the Planning Commission is “interested in seeing more creative designs than cul-de-sacs with garages in the front.” Consider clustered garages separate from the homes.

*GSPAC: 9 points scored by staff under the growth management review for the clustered neighborhood design, connection with the multi-use path, and bonus points for the open space dedication to the Town. The Planning Commission charge discouraged “garage-forward” design. The applicant proposes front porches offset from garage by 4-feet (front door will still be recessed from garage).*

- g. **PC Charge, Sustainable Transportation:** The Planning Commission encourages a sustainable transportation component. Ex. if the northern cul-de-sac became a street connection to Mountain View Road then this area would be a good place to provide publicly accessible sustainable transportation amenities, which would serve as a public access point to the multi-use path and viewshed open space.

*Planning Commission Hearing 10/5/2023: At the amendment hearing on October 5<sup>th</sup>, the Planning Commission reworded the amendment to WDB Chapter 11 to allow the project to score points in the Conserve Energy under the criteria that existing as of October 5<sup>th</sup> (WDB Version 10/04/2022) or any future version of the criteria. (note: the October 17, 2023 amendment did not change this criteria).*

*GSPAC: 6-points (quantitative metric) scored by staff for the provision of three kinds of publicly available transportation amenities: a 5-person transit shelter, 5 carpooling spaces (collocated with neighborhood building), and 10 secure bicycle storage spaces.*

4. **PC Charge, Growth Management Schedule:** The applicant has requested 25 DUe/year over 4 years in addition to the 80 DUe/year town-wide Growth Target. The applicant, staff, and committee shall consider a realistic construction-start date when assigning the first fiscal year of allocation. The applicant, staff, and committee shall seek research and data from the Williston Fire/EMS department, Public Works department, and Champlain Valley School District when assigning the allocation start date and per-year schedule to ensure new units are accounted for in their respective capital plans.

*GPSAC: The bylaw amendment proposed creates a phasing schedule of no more than 18 new dwelling permits per fiscal year. This is a revised request by the applicant from the original request of 25 dwellings per year. The first year of allocation would begin after the applicant completes their discretionary permit and final plan approvals. This is a more predictable allocation schedule than the existing Growth Management rules because it is based upon administrative permits. A home is usually occupied within 1-2 years of the administrative permit. Whereas under existing GM rules, several permitting steps (both local and state) must take place after allocation and before administrative permit so it could be several years before home construction begins resulting in unpredictable lumpiness.*

- *Fire Dept & DPW: Planning staff Matt Boulanger and Emily Heymann held an interdepartmental meeting with the Public Works, Fire, and Police Departments on March 22, 2023. Following the meeting, the Fire Dept provided a memo and Public Works department provided email responses. Fire Department comments related to construction are already addressed by WDB 17.14 and DPW has the separate sewer allocation system.*
- *CVSD: Planning staff provided a copy of the CVSD Demographic Study published March 2022 as well as recent results of the CVSD Strategic Plan survey. The committee voted 5-1, with Rueben Escorpizo opposed, that the CVSD Demographic Study was sufficient to meet the intent of the charge.*

- 5. PC Charge, More than 40 units on a dead-end:** The applicant, staff, and committee shall consider alternatives such as a street connection onto Mountain View Road to reduce the need for this exemption to only 1 cul-de-sac. The applicant, staff, and committee shall seek comment from the Williston Police and Fire/EMS departments, including data comparing Williston's call volume in Residential Zoning District to other geographic locations and uses.

**GSPAC:** *This item has been addressed and is no longer applicable, and no bylaw amendment is required. The applicant has revised the site plan so that the 70-unit southerly development area has two points of access from Old Stage Road. The 39-unit cluster will be accessed from Mt. View Road, with a stub street connection for a possible future road connection from the property to the west.*

- 6. PC Charge, Open Space Conveyance:** The applicant shall be responsible for the costs and actions required to transfer the land to the Town of Williston. Any restrictions that would impact the Town's future use of the land shall be disclosed and reviewed by the Town Attorney and may need to be eliminated as part of the Specific Plan. The applicant, staff, and committee shall include a bylaw amendment that requires these documents to be complete, reviewed by the Town attorney, and ready for closing prior to the issuance of a discretionary permit. Seek comment from the Town Assessor about tax revenue implications.

**GSPAC:** *A memo was provided by Simon Myles, Conservation Planner. The Town currently manages conservation land and agricultural leases of town property. An area containing an existing pond on the subject property will be removed from the property as requested by the Town's staff. Bill Hinman the Town's property appraiser has provided comments: "I have seen the proposal and it looks very similar to other PUD's that have been filed in the past where a section of land is left open or transferred to the town as part of the larger project. On Friday I will look at others in the last several years to confirm that the number of acres being kept open is consistent with density of other projects, and if so, then the overall impact to the town will be similar to other developments such as Creeks Edge, North Ridge and to some degree Phinney Crossing. My immediate reaction is that the appeal of the 100 homesites would benefit from easements for open space providing some recreational use (walking trails etc..) therefore positively affecting appeal and marketability and ultimately higher assessments on the 100 homesites then if the entire parcel was developed for say 150 housesites."*

- 7. PC Charge, Open Space Cost & Maintenance:** Even if the open space is donated to the Town, there will be perpetual costs associated with land maintenance and management. The applicant shall research the anticipated annual cost. The applicant, staff, and committee shall seek input from the Selectboard and Town staff on the meaning of "at applicant's expense" as it relates to the maintenance and management of the open space.

**Staff Update 11/03/2023:** The pond boundary line adjustment may increase from 1.5 acres to 4.8-5.5 acres, reducing town owned open space from  $38.5 \pm$  acres to  $33 \pm$  acres. This pond, c. 2010, is located on the 97-acre subject parcel, directly adjacent to the house at 195 Windridge Road. Jack and Caitlin Glaser sold 195 Windridge Road (ID 09-012-033000) to Mark and Hieu McElroy in October 2022. The pond is a liability and maintenance responsibility and should not be conveyed to the town. The site plan before the Selectboard excludes 1.5 acres in an unusual rectangular configuration around the pond. Increasing the boundary adjustment land area will allow for a regular lot shape to

*reduce conflict between private and town-owned lands.*  
Amended 06/04/2024



**GSPAC:** A memo dated May 1, 2023 was provided by Simony Myles, Conservation Planner: "Adding this land to the Town's open space portfolio is not expected to result in significant annual costs. The Town maintains a range of open spaces including country parks, primitive trail networks, and conservation areas.... The Town has several leases on town owned conserved land, including simple agreements with farmers at the Mahon parcel and the Catamount fields.... We anticipate the Town would use a similar format for any lease with Windswept farm." The pond adjacent to 195 Windridge Road is removed from the open space, to prevent maintenance and liability issues for the Town. This is manmade pond that was built sometime between 2006-2008.

8. **PC Charge, Windswept Farm Continued Operations on the Open Space:** The open space given to the Town is considered automatic as part of the substantial benefit. Explore arrangements that would have the outcome of allowing continued use of the land by Windswept Farm. Provide an accounting of the options and their pros and cons.

**GSPAC:** The applicant are proposing to dedicate the two proposed open space areas to the Town for town ownership. Town ownership will provide the highest level of protection of these town assets while simultaneously preserving future options to the Town for possible uses of the land other than Windswept Farm. Involving Vermont Land Trust or similar entity, forming a new land trust for managing this open space were mentioned as part of the Windswept Farm discussion (March 9<sup>th</sup> agenda). However, these actions are beyond the scope of the Specific Plan and zoning bylaws.

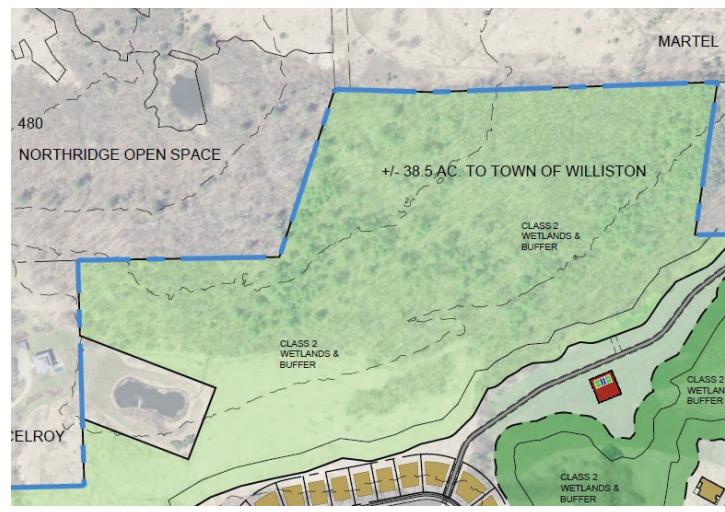
The simplest mechanism for continued operations would be a lease agreement between the Town and Windswept Farm. Currently, Mike and Tina Mauss of Windswept Farm lease the land from Jack and Caitlin Glaser. Upon property transfer, it would be up to the Selectboard to initiate a new lease agreement with Windswept Farm. Mike and Tina Mauss provided an operations description in January 2023 as well as a letter dated May 16, 2023 that summarizes their ideal lease terms that can be used as a starting point for discussion. The committee supports the continued use of the open space by Windswept Farm and recommends lease terms that are fair to both the Town and Windswept Farm. The lease agreement should provide terms for modification of the lease in the event that Windswept Farm ceases to operate, there is a change in ownership of the farm, or the leaseholder fails to live up to the terms of the agreement.

The 53 acres of open space has three distinct areas. The GSPAC and WCC provided a recommendation for each:

a. **Forested Land abutting NorthRidge and Martel**

**GSPAC:** Development within the forested area is not anticipated nor recommended, except for a trail or multi-use path per Official Map, most likely connecting to the Coyote Run open space known as "Martel Park" near the northern edge of NorthRidge. The applicant has accommodated the Official Map by not proposing development that would prevent the connection. The multi-use path between the two neighborhoods, combined with a floating easement (red arrows) over private HOA land that exists between multi-

Adopted by Selectboard 06/01/2009  
Amended 06/04/2024



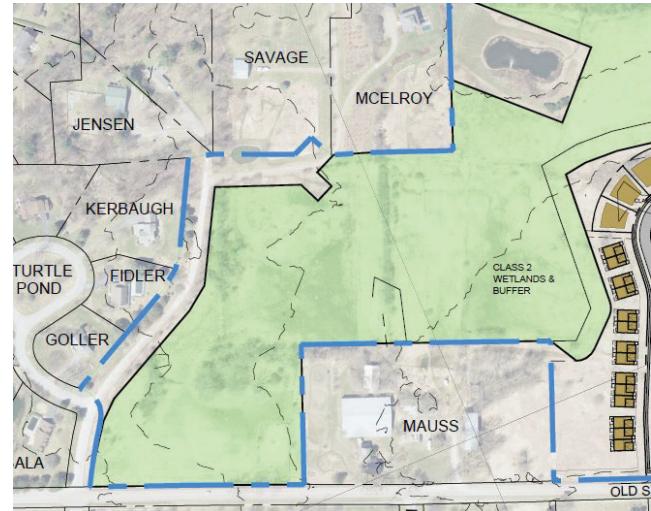
use path and town open space, creates ample opportunity for a connection point.

**WCC STATEMENT:** While [the path is] not part of the substantial benefit, the Commission highlights that this land is significantly constrained by wetlands such that a multi-use path or primitive trail may be very difficult to deliver. WCC believes that the opportunity for a connection point is not 'ample' at this time and the forested wetland and associated easement is not part of any substantial benefit.

**b. Pastureland Surrounding Windswept Farm**

**GSPAC:** The open space immediately adjacent to Windswept Farm is critical for their operations. Windswept Farm can purchase hay offsite but is not viable without pastureland for the horses. Therefore, the purpose of this land should be to uphold working landscapes. A multi-use path easement will be provided at the 70-unit loops pointing towards Windridge Road (Red line) to uphold Official Map.

**WCC STATEMENT:** The WCC agrees with this recommendation. The WCC supports continued operation of Windswept Farm. The ability of the town, through ownership of the land, to facilitate and require working landscapes either with Windswept Farm or another agricultural operator or another agricultural use is a substantial benefit.



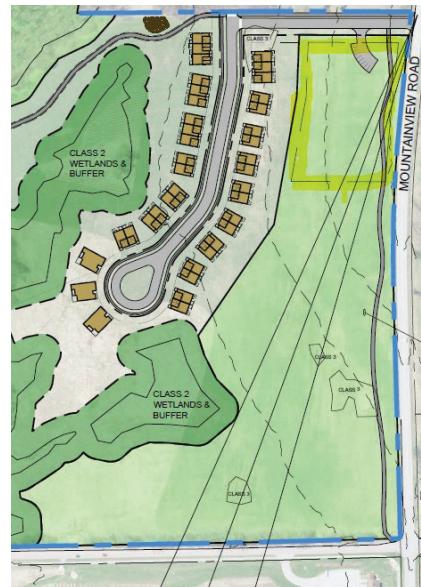
**c. Viewshed along Mountain View Road**

**Planning Commission 10/5/2023:** The PC requested "a 2-5 acre building envelope at the NW corner of the viewshed (excluding proposed road ROW) for future town park amenities for the purpose of enhancing public access to the views." The site plan transmitted to the Selectboard includes this feature. If the Specific Plan is approved, the Town would want to participate in the Act 250 process to ensure the town's interest in developing a park is not prohibited by Act 250 Agricultural Soil Mitigation associated with the residential subdivision.

**GSPAC:** The committee recommends leasing this land to Windswept Farm for hayfield after its conveyance to the Town. Long-term, the Town may desire to create a viewshed public park. The Committee and applicant have discussed possible future scenarios for this area. A use and structure such as a Community Center, and its accompanying parking lot, would consume a lot of this land and is counter to the goals of working landscape and viewshed. The intent of the viewshed park should be to provide public access and enjoyment of the view. The purpose of developing a park and park structures should be for the goal of supporting and enhancing public access to the view. Examples of appropriate park development include:

- A parking area, designed in a manner that minimizes impervious surface and impact on the viewshed. Design that allows for small initial construction and future expansion as needed. Street parking along the adopted Chelmsford 2020 Encouraged to offset impervious area.

Amended 06/04/2024



- Open air pavilion (no exterior walls), no larger than 4,000 SF oriented towards the view
- Enclosed structures, no larger than 1,500 SF and only if contained within or immediately adjacent to a pavilion
- Restroom structure no larger than 2,000 SF (may be larger if contained within pavilion footprint)
- Trails, walking paths, meadows, orchards, berry farm, community gardens (with a small shed for tools)
- Park development not appropriate for the viewshed includes, but is not limited to: community center, athletic fields, bleachers, fenced in recreation areas, large-scale play equipment, and swimming pools.

**WCC STATEMENT:** The WCC agrees with this recommendation. This is a substantial benefit.

9. **PC Charge, Windridge Road:** This is a shared private driveway serving 4 properties (Parcel IDs: 09-012-013-000, 09-012-029-000, 09-012-023-000, 09-012-021-000). The Planning Commission is not interested in a shared private driveway over future town-owned land. The applicant should remove the driveway area (approx. 1.5 acres) from the open space and make necessary arrangements to transfer its ownership to the four 4 benefiting parcels, including irrevocable offer to the Town for future trail and/or multi-use path connection along the driveway as expressed by the Official Map.

*Windridge Road is excluded from the open space area. This is noted on the proposed site plan. Per Planning Staff recommendation, Windridge Road should be subdivided from the Glaser property (and the pond as well) prior to the discretionary permit filing for the Glaser Specific Plan.*

10. **PC Charge, Bylaw Audit:** The subdivision must comply with all applicable standards of the bylaw that are not specifically amended as part of Specific Plan. To that, staff has prepared a bylaw audit. Ideally, major bylaw design standards will be addressed as part of the Specific Plan so there are no surprises during the subsequent DRB review and permitting. Highlights to consider include, but are not limited to:
  - a. **WDB 24 Outdoor Lighting:** The subdivision shall comply with the lighting standards.
  - b. **WDB 26 Street Trees:** The advisory committee, staff, and applicant shall determine if and where street trees are appropriate along the proposed streets, Mountain View Road, and Old Stage Road.
  - c. **WDB 39 setbacks** – the setback from a new street is 25'. Consider a smaller setback for the new neighborhood streets in order to provide a more compact, walkable neighborhood design.

**GSPAC:** *Emily Heymann, Senior Planner, anticipates the subdivision to comply with all standards of the bylaw as written, except Growth Management schedule as described above. The language added to WDB 39 recognizes the existence of the Specific Plan and the substantial benefit. The statement about no street trees to preserve the scenic vista adds clarity. Following Specific Plan approval, pre-application and discretionary permit review will take place with the Development Review Board to ensure the subdivision complies with the WDB. Minor adjustments to the site plan are anticipated as the concept plan moves through complete site engineering (major elements like number of units, roads, and open space layout must be decided upon first before the details like street sections, stormwater systems, and utility connections are designed). The DRB with staff recommendation will ensure the final subdivision approval upholds the substantial benefit and all applicable bylaw requirements.*

11. **PC Charge, Staff and applicant responsibilities:** Per WDB 9.3.4, the applicants are 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.”

**GSPAC:** *Prior to warning a public hearing on bylaw amendments, Planning staff recommends engaging town legal counsel to ensure the procedures going forward for subdivision, land transfer, and development agreement are well understood to both the property owner and town staff.*

Amended 06/04/2024



#### ALLOWED DENSITY INFORMATION

Parcel ID: 09-012-082-000  
97 Acre parcel +/-

Wetlands and Buffers etc. = 53.4 acres  
Buildable Area = 43.6 acres

43.6 acres x 3 Units per acre =130 Units.  
43.6 acres x 5 Units per acre =218 Units (30% affordable bonus)

#### UNIT LEGEND

- (14) Triplexes = 42 Units
- (25) Duplexes = 50 Units
- (3) Single Family Condos
- (14) Single Family Lots > 0.125 ac
- 109 Total Units**

#### AREA INFORMATION

Delineated Class II Wetland and Buffers within Common Land =15 acres +/-

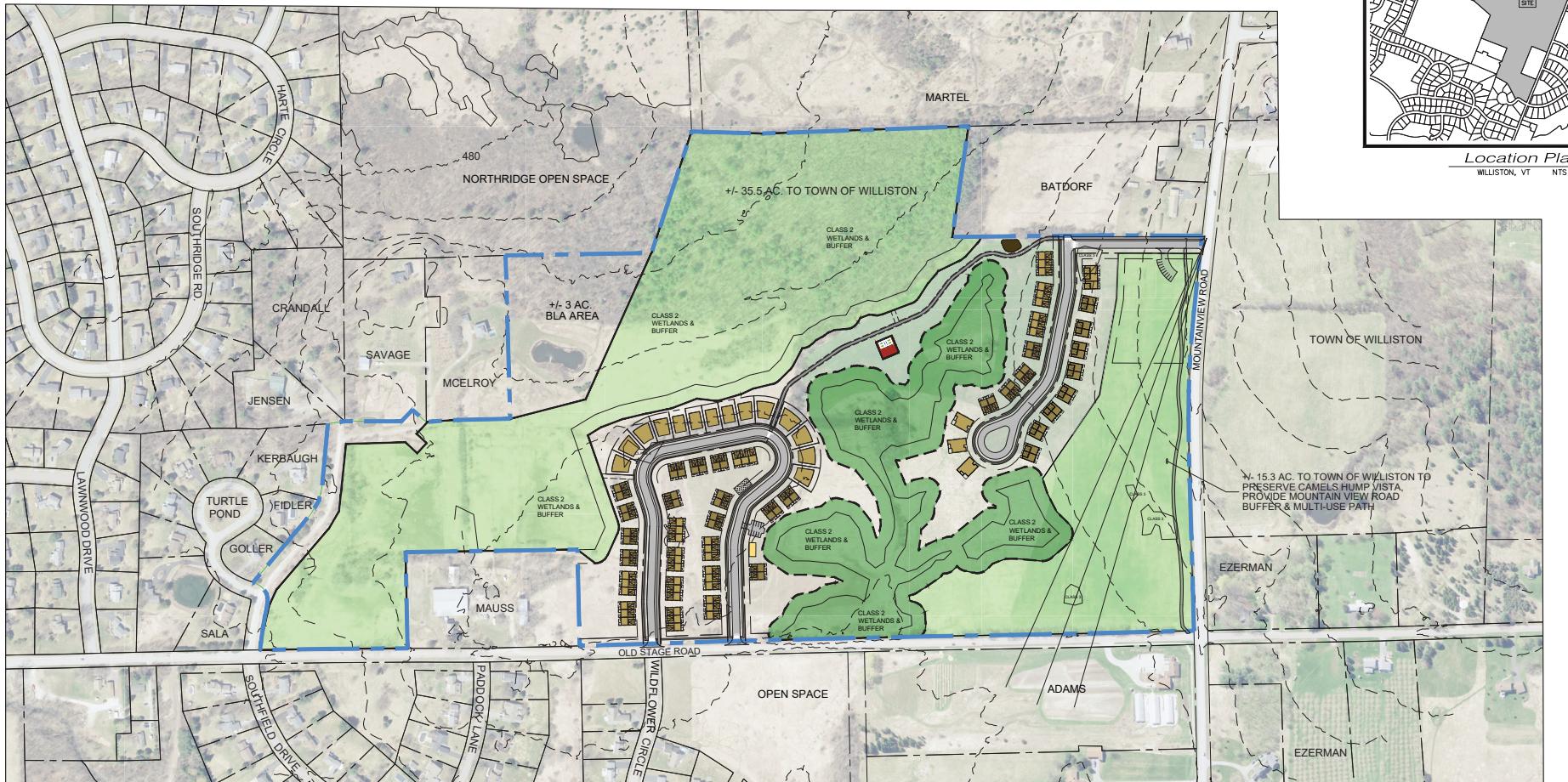
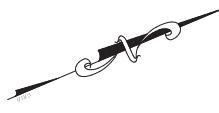
Viewshed Open Space Dedicated to Town =15 acres +/-  
Western Forested Open Space =22 acres +/-  
Pasture Open Space Abutting Windswept Farm =14 acres +/-  
BLA Area to Remove Existing Pond =3 acres +/-

Southern Neighborhood Area =15 acres +/-  
Connecting Rec Path and Court Area =3 acres +/-  
Northern Neighborhood Area =10 acres +/-

TOTAL AREA =97 ACRES +/-

\*Areas based on Tax Map information and Sketch Plan Level Layouts

DATE: 12/29/22	REVISION: Revised Pond Boundary Line Adjustment	BY: BWC
DATE: 10/26/22	REVISION: Revised Road and Multi-Use Path Easement Labels, Added Town Park Amenities Building Envelope	BY: GRT
DATE: 5/25/23	REVISION: Added Area Information, Updated Unit Counts, Rec Path Easements, and Specific Plan Notes	BY: BWC
DATE: 9/4/23	REVISION: Revised Western Open Space	BY: BWC
DATE: 2/21/23	REVISION: Added Sidewalks to Public Streets, Increased Town Land along Mtn View to 15.3 acres, Revised Unit Mix	BY: BWC
DATE: 2/1/23	REVISION: Revised for Growth Management Scoring	BY: BWC
DATE: 12/29/22	REVISION: Added Unit Legend / Information and added Camels Hump Sight Lines	BY: DWB
DATA: DECA		BY: DECA
DESIGN: BWC		BY: BWC
DRAW: BWC		BY: BWC
CHECK: BWC		BY: BWC
SCALE: 1"-100'		BY: BWC
RECORD DRAWING <input type="checkbox"/> PRELIMINARY <input checked="" type="checkbox"/> SKETCH/CONCEPT		BY: BWC
DRAWN BY: [Signature]		BY: BWC
CHECKED BY: [Signature]		BY: BWC
SIGNED BY: [Signature]		BY: BWC
DATE: 1/3/23		BY: BWC
JOB #: 2539-122		BY: BWC
FILE #: 54		BY: BWC
PLAN SHEET # 1		BY: BWC



GRAPHIC SCALE  
100 80 100 100 100 100 100 100 100 100 100 100  
( IN FEET )  
1 inch = 100 ft.



DATE 12/6/23 REVISION Revised Pond Boundary Line Adjustment  
DRAW. DECA RECORD DRAWING □ PRELIMINARY  
DESIGN BWC FINAL □ SKETCH/CONCEPT  
DRAW. DECA  
CHECK BWC  
SCALE 1"=100'  
No. 018.0114152  
RECORDED BY: [Signature]

Glaser Parcel  
Overall Plan  
Vermont  
PAGE 2  
PLAN SHEET 1



**2023 GROWTH MANAGEMENT QUESTIONNAIRE****Williston Unified Development Bylaw (WDB) 11.7****Projects that have Sewerage, but are not within the Growth Center****Glaser Specific Plan**

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_ Southwest Corner of Mt. View Road and Old Stage Road

Tax Parcel #: 0 9 : 0 1 2 : 0 8 2 . 0 0 0

Tax Parcel #: \_\_\_\_\_ : \_\_\_\_\_ . \_\_\_\_\_

**Primary contact:** (check one)  Owner  Applicant  Representative**Owner's Name:** Jacob and Caitlin Glaser

Mailing Address: 185 Allen Brook Lane, Williston, VT 05495

Telephone: \_\_\_\_\_ Email: jack@mbfbioscience.com

**Property Owner Authorization***As the owner of the property described above or the owner's guardian/trustee, I hereby authorize the project identified above to compete for Growth Management allocation per WDB 11.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

 Check box if the owner is the applicant**Applicant Name:** See above.

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Representative Name & Firm:** Ken Belliveau

Mailing Address: 683 Maple Street, Waterbury Ctr., VT 05677

Telephone: (802) 578-5871 Email: kbnvt08@gmail.com

**Applicant Acknowledgment\****The information and representations contained in this application are true and accurate to the best of my knowledge. I understand that representations made at Growth Management are binding and the score must be upheld at discretionary permit and all subsequent project amendments. I understand that the project must restart at pre-application if the project fails to achieve a minimum score, qualify for and/or receive a DRB exemption, and/or be awarded an allocation schedule.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* If the property owner is also the applicant, sign both authorizations.

## 2023 GROWTH MANAGEMENT CHECKLIST

**Submission deadline is 4:00 pm on Wednesday, March 1, 2023.** To schedule your pre-filing conference, or if you have questions, please contact Emily Heymann by phone at 802-878-6704, email [eheymann@willistonvt.org](mailto:eheymann@willistonvt.org) between 8 AM – 4:30 PM, Monday-Friday.

Applicant	Staff	Item
<input type="text"/>		<p><b><u>Questionnaire (email PDF)</u></b>            One (1) copy of the completed questionnaire submitted by email. If more space is needed when answering criterion questions, please include a separate attachment and label answers with criterion number.</p>
<input type="text"/>		<p><b><u>\$100 Application Fee</u></b>            Payment required with questionnaire submittal. Checks made to the Town of Williston, cash, or card (AMEX not accepted). Online invoice available upon request (processing fees apply).</p>
<input type="text"/>		<p><b><u>Pre-filing conference</u></b>            A scheduled meeting with Planning &amp; Zoning staff to review WDB Chapter 11, the questionnaire, and accompanying documents prior to submittal. Make arrangements to submit materials.</p>
<input type="text"/>		<p><b><u>Abutter's list (email PDF)</u></b>            As required by WDB 6.5.3.5, envelopes addressed to each abutting property owners (and current resident if owner address is different than property address), and the Champlain Valley School District Superintendent's Office (5420 Shelburne Road, Shelburne, VT 05482).</p>
<input type="text"/>		<p><b><u>Abutter's envelopes (hard copy)</u></b>            A complete set of business size (#10) envelopes that are self-sealing, postage-paid ("forever stamp" preferred), without a return address. Address envelopes to: each abutting property owner, the school district, the applicant, and the applicant's representative.</p>
<input type="text"/>		<p><b><u>Site Plan (on file or new PDF)</u></b>            Staff will provide DRB members with a copy of the plan set presented at pre-application. Though not required, applicants can submit a revised plan set if doing so supports your answers in the questionnaire.</p>
<input type="text"/>		<p><b><u>Accompanying documents (email PDF)</u></b>            Attachments that support your answers in the questionnaire (for example: correspondence, photos, or proposed elevations).</p>

## ***Project Overview***

Your proposed residential subdivision, or the residential portion of a proposed mixed-use development, is within the Sewer Service Area but outside the Growth Center, and subject to the evaluation criteria of WDB 11.7. The DRB will use WDB 11.7 to evaluate and rank your subdivision. The following nine (9) criteria are weighted to create a 100-point scoring scale:

- |   |   |
|---|---|
| <b>11.7.1 Conserve Energy (10 pts)</b>            | <b>11.7.6 Design for the Context (5 pts)</b>      |
| <b>11.7.2 Build Affordable Housing (20 pts)</b>   | <b>11.7.7 Build Close to Services (10 pts)</b>    |
| <b>11.7.3 Offer Housing Choices (20 pts)</b>      | <b>11.7.8 Neighborhood Design (</b>               |
| <b>11.7.4 Provide Neighborhood Space (10 pts)</b> | <b>11.7.9 Sustainable Transportation (10 pts)</b> |
| <b>11.7.5 Build Paths and Trails (10 pts)</b>     |   |

### **THIS SECTION TO BE COMPLETED BY APPLICANT**

*Tip: When answering, consider all units within the project area regardless of their allocation or construction status. "Existing" means the unit(s) existed on the subject parcel prior to the pre-application submission.*

Line		TOTAL
0	<b>Acreage of project area:</b>	<b>97</b>
1	<b>Number of existing studio/1-bedroom units:</b>	<b>0</b>
2	<b>Number of existing 2+ bedroom units:</b>	<b>0</b>
3	<b>Number of proposed studio/1-bedroom units:</b>	<b>0</b>
4	<b>Number of proposed 2+ bedroom units:</b>	<b>106</b>
5	<b>Total number of dwelling units:</b> (Add lines 1-4)	<b>106</b>
6	<b>Total number of Dwelling Unit Equivalents (DUe):</b> $(\text{Line 1} \times 0.5) + (\text{Line 2} \times 1) + (\text{Line 3} \times 0.5) + (\text{Line 4} \times 1) = \text{Total DUe}$ <i>See WDB 11.3.2: One dwelling equivalent is defined as a dwelling unit containing 2 or more bedrooms. A dwelling containing only one bedroom or less (studio) is counted as 0.5 of a dwelling unit equivalent.</i>	<b>106</b>
7	<b>Total number of PROPOSED DUe:</b> $(\text{Line 3} \times 0.5) + (\text{Line 4} \times 1) = \text{Total Proposed DUe}$	<b>106</b>
8	<b>Total number of units affordable at or below 80% AMI:</b> <i>See WDB 11.2.2.3. These units receive all of their required allocation separate from the number of allocation units specified by the Residential Growth Target.</i>	<b>0</b>
9	<b>Number of studio/1-bedroom units affordable at or below 80% AMI:</b>	<b>0</b>
10	<b>Number of 2+ bedroom units affordable at or below 80% AMI:</b>	<b>0</b>
11	<b>Total DUe affordable at or below 80% AMI:</b> $(\text{Line 9} \times 0.5) + (\text{Line 10} \times 1) = \text{DUe affordable}$	<b>0</b>

### **THIS SECTION TO BE COMPLETED BY STAFF**

12	<b>Is the parent parcel eligible for an inherent right to one (1) dwelling unit?</b> <i>Yes or no. This means the parent parcel was created before 1990, AND does not have existing dwelling unit(s) within the project area, AND has not transferred/subdivided previously, THEN it has an inherent right to one (1) DUe.</i>	
13	<b>Total DUe requiring allocation:</b>	
14	<b>Number of DUe allocated in past Growth Management cycles:</b>	
15	<b>Total DUe affordable below 80% AMI not requiring allocation:</b>	
16	<b>TOTAL DUe requesting allocation in March 2023:</b>	

### **11.7.1 Conserve Energy**

All new dwellings must meet the required Vermont Residential Energy Standards. This criterion encourages additional energy conservation in accord with Policy 11.4 of the *Town Plan*. Scoring will be based on the percentage of total dwelling units that either meet enhanced energy efficiency standards or that generate renewable energy as part of the proposed development.

<b>THIS SECTION TO BE COMPLETED BY APPLICANT</b>		
	<b>YES</b>	<b>NO</b>
How many units will meet the Efficiency Vermont High Performance Level?		
Will 75% or more of the estimated energy demand be generated through onsite renewable sources?		✓
Will at least four (4) days' worth of typical energy demand be stored on site?		✓
<b>Describe how your project will meet this criterion:</b> <i>(At minimum, all heated and cool space must comply with the <a href="#">Vermont Residential Building Energy Standard (RBES)</a> (30 V.S.A. § 51). What is the estimated energy demand? Provide your calculations for achieving 75% onsite renewable energy generation or four days of onsite storage. What equipment will be used? Where will it be located within the project?)</i>		
All of the dwellings will be built to meet the Vermont Stretch Code energy efficiency requirements as required by Act 250.		

<b>SCORE CALCULATION – FOR OFFICE USE ONLY</b>		
<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
100% of all units meet Efficiency Vermont High Performance Level and generate at least 75% of their estimated energy demand through onsite renewable sources or will store at least four days of typical energy demand on-site	10 points	
100% of all units meet Efficiency Vermont High Performance Level	6 points	
50% of all units meet Efficiency Vermont High Performance Level	4 points	
all units meet Vermont Residential Energy Standards	0 points	

### ***11.7.2 Build Affordable Housing***

Consistent with Policy 5.2.1 of the *Town Plan*, this criterion provides an advantage to applicants who will build perpetually affordable housing. “Affordable” includes three levels: what is affordable at 120%, 100%, and at 80% of the median income. The units affordable at the 100% and 80% of median income level are included in the overall percentage of affordable units.

#### **WDB 46.3.9 Affordable Housing Definition:**

*Affordable Housing* consists of dwellings that will be made available for rent or for sale at prices which allow them to be rented or acquired by households having incomes of no more than the median household income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and adjusted for family size, without spending more than thirty (30) percent of their incomes on housing costs. Housing costs for renters shall include rent and utilities (heat, hot water, trash removal, and electricity). For homeowners, housing costs include mortgage (interest and principal), property taxes, and property insurance. To qualify as ‘affordable,’ the future rent or price of resell of a unit must be restricted to a rate of appreciation established by agreement with a housing trust or a public housing agency, as authorized by 27 V.S.A. § 610.

<b>THIS SECTION TO BE COMPLETED BY APPLICANT</b>	
How many proposed dwelling units will meet the definition of perpetually affordable <b>below 120%</b> of the median income level?	
How many proposed dwelling units will meet the definition of perpetually affordable <b>between 80-100%</b> of the median income level?	11
How many proposed dwelling units will meet the definition of perpetually affordable <b>below 80%</b> of the median income level?	0
<b>Describe how your project will meet this criterion:</b> <i>(Please show your calculations for determining 80-120% AMI affordability and/or attach correspondence with a housing trust/ public housing agency.)</i>	
<p>All units will be available for home ownership. Calculations of affordability will be based on area median income (AMI) data provided by the Chittenden County Regional Planning Commission and the Vermont Housing Finance Agency. Affordable units will be priced at no greater than 30% of the AMI criteria specified above. Perpetually affordability will be by deed restriction in a manner approved and acceptable to the Town of Williston as used in other developments.</p>	

<b>SCORE CALCULATION – FOR OFFICE USE ONLY</b>		
<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
40% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 20% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 10% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level	20 points	
30% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 20% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 10% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level	16 points	
20% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 10% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 5% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level	12 points	
15% or more of all proposed dwelling units will meet the definition of perpetually affordable below 120% of the median income level, and 5% or more of all proposed dwelling units will be affordable between 80-100% of the median income level, and 5% or more of all proposed dwelling units will be affordable at the 80% or less than the median income level	8 points	
10% or more of all proposed dwelling units will meet the definition of perpetually affordable	4 points	
Less than 10% perpetually affordable units will be provided	0 points	

### **11.7.3 Offer Housing Choices**

Consistent with Policy 5.2.3 of the *Town Plan*, this criterion encourages each subdivision to include housing options for a broad spectrum of household incomes and types, and for both owners and renters. The goal is not merely to promote affordability as WDB 11.7.2 does, but to ensure that limited housing choices do not result in a community with limited cultural and social diversity.

#### **THIS SECTION TO BE COMPLETED BY APPLICANT**

**Staff and DRB: Refer to project overview answers on page 3 when determining points for this criterion.**

How many proposed units are:

single family dwellings, such that no units share walls?	17
multi-family dwellings, such that each unit is separated from adjoining units by a wall that extends from ground to roof?	89
multi-family dwellings, such that units are located above or below each other?	0
on an individual parcel?	14
on a commonly-owned parcel or footprint lot?	92
to be owned, occupied by, or rented by the property owner?	106
to be owned by a business/agency and occupied by a tenant?	0

**Describe how your project will meet this criterion:**

*(Will any units have an accessory dwelling unit (ADU) or be ADU compatible? What is the range of proposed lot sizes? Range of proposed finished floor area? What price range is anticipated? For mixed-use projects, demonstrate how units are affordable to the typical employee working there. More space is provided on page 8.)*

The proposed development will be made up of a variety of dwelling types including:

- Traditional single family dwellings on individual lots,
- Single family dwellings on footprint lots,
- Attached units in buildings varying from two to three dwelling units per building. •
- Units sizes will include dwellings with two, and three bedrooms.
- Up to 14 single family dwellings will have the potential to have ADUs if desired by the future owners.

**Describe how your project will meet this criterion (continued):**

<b>SCORE CALCULATION – FOR OFFICE USE ONLY</b>		
<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
Proposed residential subdivisions should include a mix of dwelling types and sizes that will result in a mix of different housing costs and tenures. Where the proposed residential subdivision is part of a mixed-use development, it must include units that are demonstrably affordable to the typical employee who will be working there in order to be awarded any points for this criterion.	1-20 points depending on the range of housing options proposed	
The proposed residential subdivision does not contribute to housing diversity	0 points	

### **11.7.4 Provide Neighborhood Space**

This criterion encourages the provision of urban and/or neighborhood parks, and/or of indoor space for neighborhood activities. Points will be awarded for the construction of an urban or neighborhood park, as defined in Policies 1.2 and 2.2 of the *Chapter 13 of the 2016-2024 Williston Comprehensive Plan*, and/or for the construction of a building space that can be used as a meeting room, fitness center, day care center, or other neighborhood space acceptable to the DRB. The developer must commit to equip the space provided for its purpose to earn points. The intent here is to encourage the creation of places for recreational and civic activities that foster neighborliness, but need not be maintained by the town.

#### **THIS SECTION TO BE COMPLETED BY APPLICANT**

**Staff and DRB: Refer to project overview answers on page 3 when determining points for this criterion.**

**Describe how your project is meeting this criterion:**

*(Describe indoor and outdoor facilities. Describe the range of approximate size in SF and location options within the project. Describe how the residents will be allowed to use the spaces.)*

The development will include both indoor and outdoor community facilities accessible by all of the residents in the development.

This will include the following in a neighborhood park maintained by the homeowners association:

- A community building (~1,200 sq. ft.) with an adjacent outdoor court area (pickleball, tennis, basketball, etc.)
- 2 neighborhood garden areas
- Informal/unstructured open space area
- The development will be adjacent to a proposed public open space/potential park dedicated to the Town from the subject property.

A parking area is also proposed within the northerly open space area being dedicated to the Town of Williston as desired by the town.

#### **SCORE CALCULATION – FOR OFFICE USE ONLY**

<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
The proposed subdivision provides developed neighborhood space that is easily accessible and useful to its inhabitants	1-10 points depending on the size, diversity of functions, and other characteristics of the space/s provided	
The proposed residential subdivision provides no such space, or inadequate space	0 points	

### **11.7.5 Build Paths and Trails**

This criterion favors proposed residential subdivisions that build their portion of the paths and trails called for by the *2016-2024 Williston Comprehensive Plan* (see Policy 6.6).

<b>THIS SECTION TO BE COMPLETED BY APPLICANT</b>	
How many proposed dwelling units are served by the town's path and trail system?	106
What is the total length (ft) of all on-site path and trail segments proposed, including easements?	~ 4,400 ft.
What is the length (ft) of the path and trail segments that you are building?	~ 4,400 ft.
<b>Describe how your project will meet this criterion:</b> <i>(“Served by” means the residents have safe, legal access to existing or proposed path/trail segments via existing or proposed sidewalks, easements, or trails.)</i> A 10 ft. wide multi-use path will be constructed along the length of the subject property along Mt. View Road. In addition, a 10 ft. wide multi-use path (or other required width) will be constructed from the southerly development area connecting to Mt. View Road. These paths will be linked to the town's existing path system along Old Stage Road and the proposed path system along Mt. View Road. Concrete sidewalks have been proposed on both sides of all public streets without recreation paths.	

<b>SCORE CALCULATION – FOR OFFICE USE ONLY</b>		
<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
The majority of the proposed dwelling units are served by the town's path and trail system, with the developer building all on-site segments	1-10 points, depending on the length of the path or trail segment/s	
no path or trail connection is built	0 points	

### **11.7.6 Design for the Context**

Proposed residential subdivisions should provide for a scale of housing (height, bulk) that is compatible with the surrounding uses. This does not mean that the density or mix of housing forms must be identical or very similar. It means that the overall character of the proposed residential subdivision will complement neighboring uses.

#### **THIS SECTION TO BE COMPLETED BY APPLICANT**

**Describe how your project is meeting this criterion:**

*(Describe the development pattern and existing structures/uses in the surrounding area.*

*Architectural elevations, photos, or other documentation are helpful, but optional.)*

The proposed development can best be characterized as an open space development with the two development areas encompassed by large open space areas. Buildings will be one and two story structures with front porches, and garages will be recessed from the front facades of the buildings. These building types will be very similar to those found in many other residential developments in this zoning district (RZD).

#### **SCORE CALCULATION – FOR OFFICE USE ONLY**

<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
The proposed development is in scale and compatible with the surrounding uses	1-5 points depending on the effort made to ensure compatibility	
The proposed development is not in scale and compatible with its context	0 points	

### **11.7.7 Build Close to Services**

Williston encourages new residential development within walking distance of focal points in the growth center or village. There must be a safe pedestrian way from the units for which points are awarded to a focal point in the growth center or the village. This means there must be existing sidewalks and/or a town recreation path or trail, or that the developer will construct a safe pedestrian way. Distances will be measured along the shortest pedestrian way from the mid-point among the proposed units to the nearest focal point.

**What is a Focal Point?** *Focal points are public gathering places, formal or informal. They are currently identified in the town's vision for its growth center, as set forth in the town's application to the state for growth center designation. This material will eventually be incorporated into the Town Plan.*

**WDB 46.4.12 Focal Point Definition:** *A focal point serves as a community gathering place. It may be indoors – Town Hall or the library would be examples – or outdoors, in the form of a green, a park or a similar space.*

<b>THIS SECTION TO BE COMPLETED BY APPLICANT</b>
<p><b>Describe how your project is meeting this criterion:</b>  <i>(What is the nearest focal point? What is the mid-point among the units? What is the distance along the pedestrian way from the mid-point to focal point?)</i></p> <p>We do not believe that the proposed development areas will be within 1/2 mile of any of the qualifying focal points.</p>

<b>SCORE CALCULATION – FOR OFFICE USE ONLY</b>		
<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
Proposed units are within 1,310 feet of focal point in the growth center or village	10 points	
Proposed units are within 2,640 feet of focal point in the growth center or village	5 points	
All other proposed units	0 points	

### **11.7.8 Neighborhood Design**

This criterion does not include architectural design or the details of landscape design. Those subjects are addressed after an application for a discretionary permit is filed. Proposed residential subdivisions will be scored based their use of open space to both buffer and integrate the neighborhood, as well to manage stormwater, and on the siting of homes to encourage walking and social interaction among neighbors.

<b>THIS SECTION TO BE COMPLETED BY APPLICANT</b>
<p><b>Describe how your project is meeting this criterion:</b>  <i>(Describe how walking and social interaction is encouraged. Describe the configuration of the open space. What functional needs are provided by the open space? What resources or conservation areas are contained within the open space, as described in Map 18 or <a href="#">WDB Chapter 27</a>?)</i></p> <p>Two compact development areas are proposed. The proposed dwellings will be constructed with front porches offset at least 4 feet from garages in order to draw attention to the living space and not garage doors. All of the proposed dwellings will be located along streets with sidewalks and connected to multi-use paths allowing residents to walk freely though the development and neighboring pedestrian facilities. There will also be neighborhood gardening areas, a 1,200 sq. ft. neighborhood building and neighborhood recreation court.</p> <p>Roughly 57 acres of the property are proposed to be transferred to the town as preserved open space. These open space areas will protect the scenic viewshed from Mtn. View Road identified in the Town Plan, as well as preserving the land area used by Windswpt Farm as a fee based outdoor recreation operation. A third open space will provide wetland protection and will buffer the visual impact of the two development areas.</p>

<b>SCORE CALCULATION – FOR OFFICE USE ONLY</b>		
<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
Open space is used both creatively and to serve functional needs like buffering and stormwater management, while homes are sited so as to encourage walking and social interaction among neighbors	0-5 points	
Permanent protection of open space identified in <i>Chapter 13 of the 2016-2024 Williston Comprehensive Plan</i> will result in the award 1-5 additional points on this criterion, depending on the extent and quality of the open space resource being protected	1-5 points (additional)	
Open space is not used creatively and/or site planning techniques do not encourage walking and social interaction	0 points	

### **11.7.9 Sustainable Transportation**

Developments that will support transportation sustainability by providing publicly-available facilities that allow for transit use, carpooling, electric vehicle charging, car-sharing, or secure, covered bicycle storage will receive 1-10 points in addition to the points available for energy efficiency above.

A minimum of one covered carpool or transit shelter, one carpool parking space, one electric vehicle charging port and space, one carshare space, or two secure covered bicycle storage lockers per 25 Dwelling Unit equivalents (DUE) in the project is required for points to be scored for any of these facilities. Developments may also meet one of the scoring criteria elements by showing that the project will be part of a Transportation Management Association that provides programming and incentives to the residents of the project and any onsite employees to reduce single-occupant vehicle trips.

<b>THIS SECTION TO BE COMPLETED BY APPLICANT</b>	
<b>How many Dwelling Unit equivalents (DUE) are proposed?</b>	106
<b>How many of the following facilities will be provided and publicly available:</b>	
<b>Transit use?</b>	5 (person)
<b>Carpooling?</b>	5
<b>Electric vehicle charging?</b>	
<b>Car-sharing?</b>	
<b>Secure covered bicycle storage?</b>	5
<b>Will the project participate in a Transportation Management Association?</b>	YES / NO <input checked="" type="checkbox"/>
<b>Describe how your project is meeting this criterion:</b> <i>(Please describe the type of transportation facilities provided. Please identify the Transportation Management Association and explain programming, if applicable.)</i>	
A 12 space parking lot is being proposed within the open space being dedicated to the Town of Williston. The parking area will include carpooling facilities.  A 5 person bus shelter will be proposed near the parking area along Mtn View Rd.  5 covered bicycle storage facilities will be proposed within the proposed community buiding.	

**Describe how your project is meeting this criterion (continued):**

<b>SCORE CALCULATION – FOR OFFICE USE ONLY</b>		
<b>Bylaw Ranking</b>	<b>Bylaw Points</b>	<b>Proposed Points</b>
The proposed development will provide <u>five</u> of the elements listed in 11.7.9	10 points	
The proposed development will provide <u>four</u> of the elements listed in 11.7.9	8 points	
The proposed development will provide <u>three</u> of the elements listed in 11.7.9	6 points	
The proposed development will provide <u>two</u> of the elements listed in 11.7.9	4 points	
The proposed development will provide <u>one</u> of the elements listed in 11.7.9	2 points	
The proposed development <u>will not</u> provide any sustainable transportation facilities	0 points	