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Municipality: Town of Williston
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Title: Town of Williston Ridgeline/Wooded Hillside Protection Overlay Ordinance
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Abstract

The purpose of the Williston Ridgeline/Wooded Hillside Protection Overlay District is to protect the scenic beauty of the town, as well as to protect the sensitive natural communities of slopes and to prevent erosion. The ordinance sets out restrictions for the type of building that can be done in the zone and the amount of ground cover that must be kept around building lots.

Resource

SECTION 3.15 RIDGELINE/WOODED HILLSIDE PROTECTION OVERLAY

3.15.1 PURPOSE: The Town of Williston has determined that a significant portion of the Town's unique visual character is created by its undeveloped ridgelines and wooded hillsides. In addition, the Town has determined that these areas frequently contain important wildlife habitat and soils that are fragile and prone to erosion. Thus, it is the purpose of the Ridgeline/Wooded Hillside Protection Overlay District to ensure that development in the overlay district does not have an adverse impact on the Town's visual character, does not result in excessive soil erosion, and does not interfere with significant wildlife habitat or corridors.

3.15.2 DESCRIPTION OF THE OVERLAY:

A) The Ridgeline/Wooded Hillside Protection Overlay District is superimposed on all underlying zoning districts, and includes all lands which are identified on the Ridgeline/Wooded Hillside Protection Overlay Map, adopted as a part of this Ordinance.

B) In cases where a property falls not only in the Ridgeline/Wooded Hillside Protection overlay District but also in one or more other overlay districts set forth in this Ordinance, the limitations of the overlay districts shall be cumulative. In cases where there are direct conflicts between requirements of multiple overlay districts, the most restrictive shall

prevail. If it is unclear which provisions are most restrictive, the DRB shall determine which provisions shall prevail.

3.15.3 PERMITTED USES:

A) Agriculture

B) Forestry

C) One or two family residential structures existing in the overlay district on the effective date of this amendment.

D) Minor alterations or additions to existing one or two family residential structures as specified in Sub-Section 3.14.17.

E) Private Outdoor Recreation not involving structures or extensive clearing

F) Public Outdoor Recreation not involving structures or extensive clearing

3.15.4 CONDITIONAL USES:

A) New one or two family residential structures, not existing in the overlay district on the effective date of this amendment.

B) Additions to existing one or two family residential structures not excluded by Sub-Section 3.14.7.

C) Additions to any other structures in the overlay district.

D) Accessory apartments

E) Home Occupations

F) Home Businesses

G) Telecommunications Facilities

3.15.5 ISSUANCE OF ZONING/BUILDING PERMITS: Except as provided in Sub-Sections 3.14.3 and 3.14.7 no zoning/Building Permit may be issued by the Zoning Administrator for development in the Ridgeline/Wooded Hillside Protection Overlay District until the DRB has issued an approval for the development in accordance with the requirements of this Section.

3.15.6 SPECIAL REQUIREMENT FOR DEVELOPMENT IN THE OVERLAY DISTRICT: In addition to requirements for Site Plan Approval in Section 4.1 (for all uses except single family dwellings and duplexes) and for Conditional Use Approval in Section 4.3 (for

conditional uses), the DRB shall not approve development in the Ridgeline/Wooded Hillside Protection Overlay District unless the following conditions are met.

A) Prevention of adverse visual impacts:

1) If a proposed development is not visible from a public road, park, path or trail, the DRB may exempt the development from one or more of sub-paragraphs 3, 4, 5, and 6 of Sub-Section 3.14.6-A. The term "public road" as used in this sub-paragraph shall not include the public road serving the development within four hundred (400) feet of the driveway leading to the proposed structure.

2) With the exception of telecommunications towers, which must be also be approved under Section 4.24 of these Regulations, no structure shall penetrate the skyline when viewed from any public viewing point (excluding points on the road that provides access to the development within 400 feet on either side of the driveway leading to the structure. The skyline is the line between the vegetation on top of a relevant landform and the sky.

3) While it is not anticipated that development in this Overlay District will take place in existing meadows, if development in a meadow should be proposed, the

DRB may waive one or more of items 7, 8, 9, 10, 11, or 12, below, if the DRB determines that the items waived are not applicable to the proposed development.

4) Structures shall not be sited on top of high points, outcroppings, or prominent knolls within the site.

5) Buildings located on sloping sites shall be built into the topography to the extent practicable.

6) Exterior building colors shall be selected to blend with the natural background--preferably earth tones in the range from light beige to dark brown.

7) Large expanses of glass shall be avoided (to prevent reflected glare and reduce light emission)

8) While selective clearing of trees to create a building site may be undertaken, such clearing shall not disrupt the continuity of the skyline.

9) Trees may be cleared to create a yard around a dwelling provided that:

a) The yard (including the footprints of all structures, waste water treatment facilities, swimming pools, tennis courts, parking and circulation areas, etc., may not exceed 0.5 acres or fifty (50) percent of the lot size, whichever is smaller;

b) The yard shall not be clear cut; no less than six mature trees (at least 4" caliper at 42 inches above ground level, shall be left in the yard to add shade and screening. If the site does not contain an adequate number of existing trees, the developer shall plant trees of species similar to those in surrounding woodlands;

c) All trees designated on an approved plan as being protected or retained, and all trees to be planted, shall be maintained continually, and replaced with similar species, of at least 4" caliper, if they die.

10) A buffer of existing vegetation, at least fifty (50) feet wide, shall be maintained (except for a driveway and a single view corridor per item 11 below) between the cleared yard and all lot lines.

11) Selective pruning/cutting is allowed on the lot, including the buffer areas, to provide views through and between trees, provided that the narrowest point of any view corridor is no more twenty-five (25 feet in width at the structure facade. The corridor width may increase by up to 0.5 feet for every foot of distance away from the structure.

a) The DRB may allow a second view corridor if the sum of the narrowest points of the two view corridors does not exceed twenty-five (25) feet and the two corridors do not overlap on the site.

b) Selective pruning is preferred to removal of entire trees.

c) Clearcutting of the entire view corridor shall not be allowed.

d) It is the intent of this Section that the vast majority of the facades of buildings in the overlay district will be screened from view from public roads, parks, paths or trails all year round.

12) Existing trees shall be saved in undisturbed groupings wherever possible.

13) Tree protection measures must be taken during construction. Within the construction area specified in paragraph B)-1), below, trees to be protected must be encircled by snow fencing five feet outside of the drip line from the tree canopy. Construction work shall not take place inside the snow fence, or outside of the construction area defined in paragraph B)-1), below.

14) In addition to all requirements set forth in Section 4.16 of these Regulations, all outdoor lighting fixtures shall be downward shielded and screened so that direct illumination from the fixture is not transmitted beyond the property line

B) Protection of Fragile Soils and Prevention of Soil Erosion: Many soils in the Ridgeline/Wooded Hillside Protection Overlay District are characterized as being

thin layers of soil over rock and/or having steep slopes, and thus very vulnerable to damage and erosion. It is the purpose of this section to ensure that appropriate measures are installed and maintained, both during and after construction, to prevent such damage.

1) A construction area, the smallest area needed for the planned construction, shall be delineated on the plans, and the boundaries shall be marked on site with yellow tape or other clearly visible material. Soils outside of the construction area shall not be disturbed.

2) Clearing of slopes with grades in excess of 20 percent should be avoided.

3) Stormwater runoff shall be intercepted up-slope of the construction area and diverted into undisturbed areas, with silt barriers and sedimentation dams as needed. Runoff from within the construction area shall be controlled by diversion dams and treated with appropriate velocity and sedimentation controls.

4) Unless otherwise specified by the DRB, the recommendations of the "Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites", or its successor, shall be followed.

5) Following construction, permanent erosion control and storm water management measures shall be installed and maintained to prevent erosion and ensure that the volume and velocity of runoff leaving the site does not exceed those prior to development.

6) Total lot coverage, including building footprint, paved surfaces and compacted gravel surfaces, shall not exceed fifteen (15) percent of total lot area.

7) Stormwater management and treatment provisions shall (at a minimum) be designed to accommodate a two-year, 24 hour event, and ensure that post development discharge does not exceed predevelopment discharge in terms of quantity or velocity.

8) The average grade of any driveway shall not exceed 12 percent, and appropriate culverts, ditches and drainage swales shall be provided to prevent flooding and erosion.

3.15.7 REVIEW PROCEDURES:

A) Minor alterations to existing properties: Minor alterations to existing properties located in the Ridgeline/Wooded Hillside Protection Overlay District do not require DRB approval and may be approved by the Zoning Administrator, as described below. If, however, the Zoning Administrator feels that there may be adverse visual impacts from such minor alterations, the Administrator may require approval from

the DRB in accordance with the provisions of Sub-Section 3.14.7 of these Regulations.

1) Minor alterations to existing structures (e.g. new doors or windows, addition of decks of less than 200 square feet in area, and other alterations that do not change the existing building shape and volume.

2) Additions to existing one or two family residential structures that add no more than 25 (twenty five) percent to the total existing enclosed floor area, or 500 square feet, whichever is less. No more than one zoning permit may be issued for any one property under 3.14.7-A-2 in any five year period.

3) Construction of a single story accessory structure of less than 120 square feet in area and less than ten (10) feet in height.

B) New Construction: All new construction in the Ridgeline/Wooded Hillside Protection Overlay District (excluding that defined in sub-Section 3.14.7-A, above) must receive Conditional Use Approval from the DRB in accordance with the provisions of Section 4.3 of these Regulations.

1) In addition to the criteria set forth in Sub-Section 4.3.1 of These Regulations, the DRB shall apply the requirements of Sub-Section 3.14.6 to development in the Ridgeline/Wooded Hillside Protection Overlay District.

2) Development on pre-existing lots: The Development Review Board may relax requirements # 3, 4, 7, 8, 9, 10, 11, and 12 in Sub-Section 3.14.6-A, for development on lots that existed on the effective date of this section, if the DRB determines that the following conditions exist.

a) The lot is of such a size, shape and topography that it is not possible to develop it in strict conformance with the requirements of Section 3.14.6-A; and

b) The need for relief is not caused by any action of the developer other than the desire to develop the parcel; and

c) The relief granted is the minimum amount needed to allow reasonable use of the property; and

d) The development, with the relief, will not have undue adverse visual impact on the ridgeline/wooded hillsides in the overlay protection district.

3.15.8 APPLICATION MATERIALS: Applications for approval of development in the Overlay district shall include, at a minimum, the following information:

A) A plan of the site showing existing conditions, including contours at no more than 10 foot elevation intervals, existing vegetation (differentiating between hardwood

forest areas, softwood forest areas, brushy areas, and grassy areas), streams and water bodies, significant natural features, and soils information.

B) A plan of the proposed development showing all roads, driveways, parking areas, finished grades, protected natural features, all structures and outdoor facilities, utilities, waste water treatment facilities, all cleared yards (with trees to be retained), areas for selective pruning/clearing, and all proposed landscaping/screening.

C) Elevations of all structures showing exterior materials and indicating colors (if color rendered elevations are not provided, color samples shall be provided and keyed to the elevations).

D) Cross-sections, sight lines, photographs, and/or similar evidence, demonstrating the degree to which the proposed building will be visible from public roads, parks, paths and trails.

On reviewing an application for approval under this Section, staff may determine that additional information is needed prior to scheduling a review with the DRB.

3.15.9 REVIEW BY THE WILLISTON CONSERVATION COMMISSION: When DRB approval is required, after a complete application is received and before the proposed development is reviewed by the DRB, the proposed development shall be reviewed by the Williston Conservation Commission. The Conservation Commission shall submit comments and recommendations, in an advisory manner, to the DRB.

3.15.10 PRE-EXISTING STRUCTURES: It is not the intent of this Section to require removal of pre-existing structure in the Ridgeline/Wooded Hillside Protection Overlay District. When reviewing applications for additions/alterations to pre-existing structures, the DRB shall ensure that any existing non-compliances are not exacerbated, and that any additions/alterations meet the requirements of this Section as much as possible. For example, it may not be possible, with a pre-existing structure, to meet requirements for minimum size of cleared yard, perimeter buffers, or view clearings.

3.15.11 APPLICATION: It is the intent that the provisions of this Section will be implemented as part of review subsequent to application for a Zoning/Building Permit in accordance with Section 5.3 of these Regulations. If, however, land within the overlay district is proposed for subdivision, the provisions herein shall be considered in developing the subdivision layout and in specifying building envelopes. Where individual building lots are partly inside of and partly outside of this overlay district, development on the part of the lot outside of the overlay district shall not be subject to the provisions of this Section.

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