

MORRISVILLE / MORRISTOWN

PLANNING COUNCIL AGENDA

Tuesday 8 August 2023 at 5:00 P.M.

**@ Copley Country Club, 441 Copley Country Club Rd.
Seating underneath the large white tent**

- p. 2-4 1. Vote: Prior Council meeting minutes
- 2. Discuss: Planning Council membership change
- p. 5 3. Discuss: SB response to dead-end town roads letter & policy
- p. 6 4. Discuss: SB response to meals, rooms, & alcohol tax letter
- p. 7 5. Discuss: Reconsider string-light changes, lights below soffit?
- p. 8-28 6. Discuss: Commercial vitality ground-floor zoning use query
- p. 29-61 7. Discuss: Review previously approved 2023 zoning changes
- p. 62-71 8. Discuss: S.100 housing changes & village-wide rezoning

Morristown/Morrisville Planning Council
PO Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of Tuesday 25 July 2023

Council Members present: Joshua Goldstein, Etienne Hancock (Chair), John Meyer, & Wally Reeve

Council Members absent: Tim Magee

Guests: Laura Streets (Selectboard), Bob Heanue (Village Trustee), Ron Stancliff (Conservation Commission), Police Chief & Interim Town Administrator Jason Luneau, Community Development Coordinator Tricia Follert, Highway Superintendent Kevin Barrows, Tom Cloutier, Martin Green, Mary Lou Nichols, Damon Lee, & Karen Rhodes

Staff: Planning Director Todd Thomas

Call to Order: Chair Hancock called the meeting to order under the event tent at Copley Country Club at 443 Copley Country Club Drive at approximately 5:05 P.M.

Meeting Minutes: Member Meyer moved to approve the June 13th meeting minutes. A vote of 4-0 affirmed.

Discuss: Commercial vitality with Community Development Coordinator Follert

Community Development Coordinator Tricia Follert, and Mary Lou Nichols of downtown non-profit booster MACC, joined the Planning Council and spoke to the ongoing efforts to make downtown Morrisville and uptown Morristown more commercially vibrant. Member Goldstein explained that he recently had a problem finding an open restaurant in downtown on a Sunday night. Ms. Nichols spoke to how MACC is now offering micro grants to help both downtown and uptown businesses. Ms. Follert said that the market analysis done by the Town in 2012 had proven to be an invaluable tool. Chair Hancock queried if that study could be updated to provide data that could be used to add more vibrancy to these two business districts in 2023. Planning Director Thomas was asked to look at the downtown zoning for similar and surrounding communities (Stowe, Hardwick, Waterbury, & Richmond) and report back as to allowed and disallowed uses on the ground-level therein. A discussion ensued about encouraging more outside dining in downtown Morrisville, especially along sidewalks and in parking spaces. Ms. Follert shared that Town Administration's new requirement for adjoining jersey barriers made the outdoor dining that was allowed in downtown parking spaces during the pandemic currently infeasible. It was noted by Council Members that other communities have created these in-parking space outdoor dining allotments using wooden pallets, and that the Town's current policy requiring connecting jersey barriers is likely much too severe. Ms. Follert said that she would discuss this issue with Town Administration and the Selectboard again. Council Members also pointed out that a special tax district could be created to fund and physically enrich the built environment in downtown Morrisville. Mr. Thomas noted the existing Town Plan goal of extending the sidewalk width on the south side of Lower Main Street (to add more outside dining opportunities in front of Black Cap Coffee, Pizza on Main, North Country Donuts, & Asaace), as something that could be budgeted for now that would increase the appearance of commercial vibrancy in downtown Morrisville by this time in 2024.

Discuss: String light zoning change

Selectperson Laura Streets and her neighbor Karen Rhodes reappeared before the Council regarding their pending request for changes to the zoning rules regarding external illumination, specifically string lights. After hypothetical discussions that entailed different string light rules for rural and urban parts of town, and for residents versus non-residents, the Council decided to adopt the proposed revised outdoor lighting language that was including in its meeting packet. Said language allowed holiday or string lights to remain lit all year provided that said lights are turned off by 10:00 o'clock nightly and are attached to structures located outside of required setbacks. Mr. Thomas clarified that this language means that string lights could no longer be hung in trees or bushes outside the months of October through January. All Council Members were in agreement, so Mr. Thomas said this lighting edit would be included as part of the larger fall zoning change.

Discuss: Make another meals, rooms, and alcohol local option tax pitch to SB?

The Council discussed its previous push that asked the Selectboard to adopt the 1% local option tax for rooms, meals, and alcohol. It was explained to newer Council Members that the Selectboard rejected the Council's most recent proposal for this tax about five years ago, which was the same time that the Council successfully lobbied the Selectboard to end the business and equipment tax. It was explained that adopting the rooms, meal, and alcohol tax was meant at that time to replace the lost revenue from the concurrent elimination of the business equipment tax. It was discussed that the person who previously spoke out against adopting the local option rooms, meals, alcohol tax was Steve Benson of the Charlmont Restaurant. The Council Members agreed, especially given the Town's current budget issues, that now is a good time to again appear before the Selectboard and ask them to adopt this local option tax. In terms of what the approximately \$150,000 of additional tax money raised might benefit, Council Members focused on funding emergency services, funding the sidewalk fund, and funding the creation of new road pavement. Mr. Thomas was directed to revise the previous letter the Council sent to the Selectboard on this topic and send it to Town Administration for agenda scheduling once a majority of Council Members have signed off electronically on the revised letter.

Discuss: Planning Council membership

It was discussed that Planning Council member Tim Magee had fallen beneath the required 50% attendance policy required by the Joint Rules document that governs the Planning Council & Development Review Board. It was decided that notice would be sent to the Trustees & Selectboard that Mr. Magee should be removed from the Council due to his failing attendance, and the fact that he has not responded to emails or texts messages from the staff for months now. Mr. Thomas added that he would ask Town Administration to advertise for the open Planning Council seat as soon as the removal of Mr. Magee was perfected by both the Trustees and Selectboard.

Discuss: Letter to SB about downgrading certain Town roads

Highways Superintendent Kevin Barrows joined the Council to speak about existing town roads that were being plowed and maintained that did not meet the Town's

minimum requirements for receiving these services. From the discussion about discontinuing the town road crew from servicing of these roads, Mr. Barrows said that he expected to save about \$15,000 to \$20,000 of taxpayer money annually if this request was approved. The list of roads that was discussed as being discontinued included Lague Road, Vall Road, Cloverdale Road, Neil Road, Lanphear Road, Watanjay Farm Road, Sand Ridge, Ledge Road, Vermont Made Acres, Stearns Road, Wyman Road, Ross Hill Road, Rooney Road, Tine McKee Road., Chafee Road, and Cram Road. Mr. Thomas noted a letter from Jason MacArthur explaining how the Lamoille Kennels were located at the end of Vermont Made Acres Road, and because the kennel accepts the Town's stray animals, it should be removed from the list of roads that do not meet the Town's minimum requirements for servicing a public purpose. The Council was agreeable to removing Vermont Made Acres from the Highway Superintendent's list, Mr. Thomas was requested to draft a letter for electronic approval that suggested the Selectboard review the Morristown Road Policy regarding discontinuing the town maintenance and plowing of these roads this summer so the residents thereon on had ample time to find private plow services for the winter months.

Discuss: S.100 housing changes, no more single-family zoning & zoning map edits

Mr. Thomas spoke to the numerous zoning map and zoning bylaw updates needed to bring Morristown and Morrisville into compliance with the new S. 100 "Housing for Everyone" Law. He explained that single family zoning was now illegal throughout Vermont, and the Town could require nothing less than duplexes in rural areas. Mr. Thomas added that the Town could require nothing less than 4-plexes in village areas that were serviced by municipal water and sewer. The Council talked about how important architectural requirements would be to ensure that a new 4-plex would fit into the existing built environment of places like Fairwood Parkway or Jersey Way which were established and almost uniformly single-family neighborhoods. Chair Hancock talked about requiring minimum lot sizes of 4-acres in the rural sections of the town as opposed to 2-acres so the density of these areas would not be doubled by this new law and resulting new development. Mr. Thomas noted that the Sewer Service Management Area that is designated in the Zoning Bylaw was now more important than ever as it was the only defense against developers creating de facto zoning changes by elongating existing water and sewer lines. It was discussed that there was a tremendous amount of work to be done regarding this new law and Mr. Thomas would prioritize it by the various deadlines in the State Statute dictating when the new law would be phased in by. Mr. Thomas told the Council Members that this would be an agenda item every meeting due to S.100 for many months going forward. Mr. Thomas was asked to print out the pending zoning changes that the Council had agreed to for 2023 thus far so they could be reviewed as a separate agenda item for the next Planning Council meeting. It was agreed that the Council, at its next meeting, will need to decide to push these changes through in late summer or early fall on the typical schedule or hold them until the S 100 "Housing for Everyone" zoning changes can be included therewith in the following months.

The meeting adjourned at 7:25 PM, submitted by Todd Thomas, Planning Director



Planning Council
PO Box 748
Morrisville, VT 05661

(802) 888-6373
Fax: (802) 888-6377

3 August 2023

Dear Selectboard,

Highways Superintendent Kevin Barrows joined the Planning Council at its July 25th meeting to speak about existing dead-end town roads that were being plowed and maintained that did not meet the Town's minimum requirements for receiving these services as stated in the the Morristown Road Policy. The list of dead-end roads that were discussed as candidates for discontinuance because they fail to meet the minimum Section B(9) requirements of the Town Road Policy were: Call Road, Chaffee Road, Cloverdale Road, Cram Road, Lague Road, Lanphear Road, Ledge Road, Neil Road, Rooney Road, Ross Hill Road, Samoset Road, Stearns Road, Sand Ridge, Stub Towne Road, Tine McKee Road, Watanjay Farm Road, and Wyman Road. These substandard roads ended up on the Town's "plow-list" over the years for various reasons, though in the Council's estimation, most are no longer valid. The once thriving dairy farms that required daily winter plowing are gone (ex. Lanphear Rd), the requisite number of homes required in the Town Road Policy no longer remain (Samoset Rd), and for some roads (ex. Stub Towne Rd.) the Town Road Crew services are no longer desired by the property owners. For most other roads on this list, the Town Road Crew is in effect providing private plowing services for only 1 or 2 homes on short dead-end roads. It is important to note the Road Crew servicing these short dead-end roads is more time consuming than plowing a much longer Town Road that meets the minimum requirements of the Road Policy due to the lack of a plow turnaround, and the time it takes to turn around a plow truck on these short dead-end roads. There is even an existing Town Road, Cloverdale, where the Town plows a road that is not used by the property owner in the winter. Highway Superintendent Barrows told the Planning Council that he expects to save approximately \$20,000 of taxpayer money annually if the request to discontinue or downgrade the aforementioned substandard dead-ends roads, per Section B(11) of the Town Road Policy, is approved by the Selectboard.

Given the Town's present budget situation, the Council suggests that the Selectboard begin the Section B(11) review process stipulated in the Town Road Policy to review the Town maintenance of these aforementioned substandard dead-end roads this summer. Beginning the process now gives the residents on these roads the time needed to find private plow services for the winter. If the Selectboard decides to not discontinue the Town servicing of any of these substandard dead-end roads, the Planning Council asks that Section B(9) of the Morristown Road Policy be updated to reflect the criteria the Selectboard uses to make this decision. Thank you in advance for your consideration of this important request.

Sincerely,

Etienne Hancock, Chair

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2 August 2023

Dear Selectboard,

At the 9 April 2018 Selectboard meeting, the Planning Council successfully lobbied the Selectboard Members to vote to end Morristown's local machinery and equipment tax. The Council previously found that Morristown was the only town in Lamoille County charging such a tax, and the Council further found that the local levying of this tax was wildly inequitable. The Planning Council remains appreciative of the quick response the Selectboard took to eliminate this tax back in 2018. However, as evidenced by the enclosed letter from 3 April 2018, the intent of the Planning Council was not to lose the approximately \$100,000 in annual revenue from the Town's coffers that the machinery and equipment tax raised, but to replace that revenue with a 1% Local Option Tax on meals, rooms, and alcohol. The Selectboard at that time was not in favor of adopting this new 1% Local Options Tax, even though it would have raised even more local tax revenue than the now defunct machinery and equipment tax (thanks to our town's wide array of restaurants, prepared foods at our regional grocery stores, and the growing demand for short-term rentals in our community (Air BnB, VRBO, etc.).

Given the current budget crisis, the Council believes the Selectboard should reconsider its previous stance against the 1% Local Option Tax on meals, rooms, and alcohol. The Council believes this Local Option Tax to be low hanging fruit, as this new revenue would mostly be paid by tourists visiting our community, residents of surrounding towns that shop and dine here, and those in our community that can afford to eat at a restaurant or purchase pre-prepared food. Surrounding Towns like Elmore and Stowe already charge some form of this small tax, so adopting it here in Morrisville/Morristown will not encourage diners to avoid local businesses and go outside our community to avoid this tax. If a diner tried to do so, the cost of gas to avoid this tax will generally be greater than staying local and paying this small tax, which many people will not even notice being added to their restaurant bill.

While adopting a 1% Local Option Tax on meals, rooms, and alcohol will not help with the currently stalled budget, it probably will help with the new 2024-2025 budget that the Selectboard will start work on this fall. Because this 1% tax requires town or village charter work, the Planning Council suggests the Selectboard vote as soon as possible to form a 1% Local Option Meals, Rooms, and Alcohol Tax Committee, and also vote to advertise for committee members. The 1% Local Option Tax Committee will need to start meeting in September to have any hope of obtaining Legislative approval of their Charter work in the spring, and to collect this badly needed local revenue at the start of the new fiscal year in July of 2024. Thank you in advance for your immediate action regarding this important request.

Sincerely,

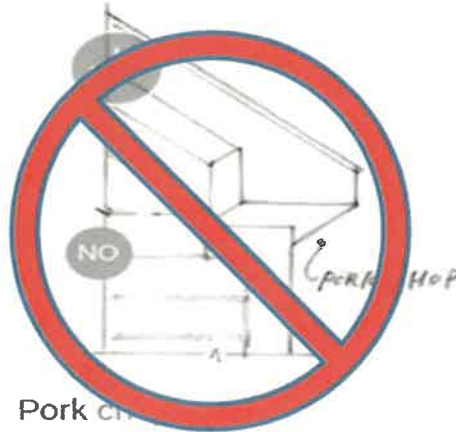
Etienne Hancock, Chair

functioning water, sewer or septic facilities while being used as a temporary construction housing and shall comply with §323c if parked in a §320 Flood Hazard Area

Section 490. Exterior Lighting.

- 490.1 Exterior Lighting. All exterior lighting for residential or business uses shall be accomplished by using cut-off, down-shielded light fixtures. Light emanating from said fixtures shall not spill onto neighboring properties, Streets or, in the opinion of the Zoning Administrator, produce a hindrance to traffic movement. All exterior lighting, other than security lighting (which shall be set on a 5-minute or less motion sensor), ~~including parking lot lighting, and exempted lighting per §490.5,~~ shall remain off between the hours of 10:00PM and 6:00AM
- 490.2 Parking Lot Lighting. Parking lot light structures shall be limited to 20 feet in height and the light emanating therefrom shall be accomplished by using cut-off, down-shielded light fixture and shall not spill onto neighboring property lines or Streets.
- 490.3 Building facades. Building facades may be illuminated provided that the lighting shall be accomplished by using cut-off, down-shielded light fixtures and light shall not spill onto neighboring property lines or Streets.
- 490.4 Externally Illumination for Signs. Sign lighting shall be regulated per §477 of the Bylaw.
- 490.5 Exemptions. Exemptions ~~for to~~ §490 shall include lighting for streetlights, lighting installations on municipally owned property, and holiday or string lights during the months of October through January. Holiday or string lights, which by design are not down shielded, may remain in place year-round, provided they are turned off nightly at 10:00 PM, and attached to a structure located outside of required setbacks.
- 490.6 Unusual Situations. Proposed lighting installations that do not comply with §490 Exterior Lighting maybe approved by the DRB only when that Board finds that the proposed lighting utilizes LED bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets.
- 490.7 Prohibited. Mercury vapor and florescent lighting is prohibited.

- e. Front Setback: A maximum front setback of 8 feet is required in the Central Business Zone (measured from the outside edge of the sidewalk). For the section of Brooklyn Street located in the High Density Residential Zone, all structures shall have a minimum front setback of at least 8 feet from the outside edge of the sidewalk.
- f. Gable Ends: Gable ends may be angled or closed with a classic short or full-length frieze return. Pork chop returns are not allowed.



<https://www.finehomebuilding.com/project-guides/siding-exterior-trim/design-build-gable-end-eave-design>

- g. Glazing. The ground floor of a building facade that parallels the parcel's Street frontage shall be at least 50% glazed, which refers to a collection of panes or full sheets of glass, set within frames such as windows or doors.
- h. Mix of Uses. A Business Services, Restaurant, or Retail Sales of Goods & Services use, or a combination thereof is required on 50% of the ground / first floor along said Streets.
- i. Trim boards: All window and door trim shall comply with the following requirements:
 1. Windows shall have a solid side trim board of at least 4 inches trade width, a head board of at least 6 inches trade width, and a sloping sill that stands proud of the surrounding trim by at least 1 inch.
 2. Doors shall be trimmed in kind with the windows. Larger head and side board trim is acceptable on doors, but not less.
- j. Soffits. Soffits shall be angled (following pitch of roof), or closed (perpendicular to the wall).
- k. Windows. All windows on said Streets shall comply with the following requirements:
 1. All new windows, excluding replacement windows, shall be at least twice as tall as they are wide (unless specifically traced to the architecture utilized in the pre-1950 building being replaced/repared).
 2. All windows must be double or single hung, one over one, or two over two, 'lite' styles. Replacement windows may be casements when the single or double-hung effect is simulated. All window muntins must sit proud of the exterior window glass.
 3. Windows may be wood, fiberglass, metal-clad, vinyl-clad, but may not be vinyl.
 4. A single window size, other than for the store-front windows, shall be used throughout the building unless the proposed fenestration can be shown to reasonably match to the pre-1950 building that existed on the property.
 5. Any proposed ground-floor storefront windows shall be similar in size and location as the pre-1950 commercial building that was formerly located on the property.

Current
Morrisville
Zoning for downtown
on these streets:
Hutchins, Portland,
Pleasant, Main
& Bridge St

maybe remove
this from use as
it is covered by the
professional office use
on the next
page

Business Services - Establishments providing primarily services to individuals, institutions, farms, industries, or other businesses (ex. including: bank, consulting firm, distributors, insurance or real estate agency, barbershop, beauty parlor, laundry, photographic studio, and wholesalers). Business Services is also inclusive of the assemblage of parts to manufacture hardware or consumer products.

Current Business Services
use from Monroville ZBC

Professional Office - Rooms used for conducting the affairs of a business, profession, service, industry generally furnished with desks, tables, files and communication equipment.

TABLE 2.1 CENTRAL BUSINESS DISTRICT (CB)

(A) Purpose. The purpose of the Central Business District is to support a compact mix of commercial, professional, civic and residential uses in Hardwick's traditional downtown in a manner that maintains and enhances the area's historic character and economic vitality.

(B) Permitted Uses:

1. Accessory Dwelling [see Section 4.2]
2. Accessory Structure/Use (to a permitted use)
3. Accessory Structure less than or equal to 500 sq. ft. (to a conditional use)
4. Group Home [see Section 4.7]
5. Home Child Care [see Section 4.6]
6. Home Occupation [see Section 4.9]

(C) Conditional Uses:

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Bank/Financial Institution
4. Bed & Breakfast
5. Community Center
6. Cultural Facility
7. Day Care Center [see Section 4.6]
8. Dwelling/Single Family
9. Dwelling/Two Family
10. Dwelling/Multi-Family
11. Funeral Home
12. Gasoline Station [see section 4.14]
13. Greenhouse/Nursery
14. Health Clinic
15. Home Industry [see Section 4.9]
16. Hotel/Motel
17. Hospital
18. Industry, Light [see Section 4.10]
19. Mixed Use [see Section 4.12]
20. Motor Vehicle Sales
21. Motor Vehicle Service [see section 4.14]
22. Office
23. Residential Care Facility
24. Personal Service
25. Place of Worship
26. Private Club
27. Public Facility [see Section 4.15]
28. Recreation [Indoor]
29. Recreation [Outdoor]
30. Restaurant
31. Retail Sales
32. School
33. Telecommunications Facility [see Section 4.17]
34. Warehouse/Storage

(D) Dimensional Standards (unless otherwise specified for a particular use):

Minimum Lot Size	5,000 square feet
Minimum Frontage	50 feet
Minimum Setback/Front (Starting 25 feet from the road centerline)	0 feet
Minimum Setback/Side	5 feet
Minimum Setback/Side with signed agreement with neighboring property owner and provision of fire-walls.	0 feet
Minimum Setback/Rear	15 feet
Minimum Setback/Side and Rear for Accessory Structure	5 feet
Maximum Height	35 feet

- iii. Pedestrian entrances on facades that face directly onto the right-of-way of a public or private road, with exception to the I-89 right-of-way, shall be defined with overhangs, porches, or other architectural features.
- iv. Any principal building with a façade that faces directly onto the Route 2 right-of-way shall have a pitched roof. The roof-pitch requirement does not apply to buildings with a footprint exceeding 10,000 square feet. If a principal building is to have rooftop solar panels prior to the issuance of a Certificate of Occupancy, the principal building may have a roof of any pitch, including a flat roof.
- v. Any principal building with a façade that faces directly onto Route 2 shall provide that façade with a wood, stone or brick appearance

c) Additional Multi-family housing standards. All buildings which contain more than two dwelling units shall adhere to the Multi-family Housing Development Standards in Section 6.13 of these regulations, in addition to subsections (a) and (b) above.

d) Multiple Structures on a Lot. On any Lot in the Gateway Residential/Commercial District, two principal structures hosting residential uses may be developed provided the following conditions are met:

- i. The acreage and residential density are sufficient to support the proposed number of dwelling units, and
- ii. Proposed legal arrangements for ownership and management of all structures, uses, and any common land on the lot shall be provided with the permit application; and
- iii. In a situation where so-called "footprint lots," or lots smaller than the required minimum size are proposed as part of the proposed plan of ownership, the DRB shall require the applicant to record a notice of conditions in the land records stating that for planning and zoning purposes, the larger lot shall be treated as a single lot; and
- iv. All other applicable dimensional standards, such as setbacks, shall be met for all buildings on the lot.

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3.4.6. Planned Unit Developments. Planned Unit Developments that meet the regulations listed under Section 5.12 are allowed in the Gateway Residential/Commercial District.

3.5 Village Commercial District (V/C)

Purpose -- The standards of this district are designed to retain and provide areas for the sale of retail or wholesale of those types of goods and services required by the residents of the community. Strip development with multiple curb cuts is discouraged. An attractive, pedestrian-friendly, compact area of retail operations is encouraged. Parking and traffic flow shall be considered as part of the site plan review process for any Land Development in this district. Residential uses that are compatible with a village commercial district will be permitted after conditional use approval and site plan review.

3.5.1 Allowable Uses Upon Issuance of Zoning Permit by Administrative Officer - The following uses shall be allowed uses in the V/C District upon issuance of a Zoning Permit by the Administrative Officer. Site Plan Review and approval by the DRB pursuant to Section 5.5 may be required:

- a) Accessory dwelling as provided in Section 5.9.
- b) Accessory uses or structures, except outdoor storage, to the uses in 3.5.1.
- c) Artist/Craft studio.
- d) Day care center.
- e) Inn or guest house.
- f) Museum.

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Richmond ZBC
2 of 2

- g) Office, business or professional.
- h) Personal services business.
- i) Religious use as provided in Section 5.10.4
- j) Restaurant, standard.
- k) Retail business.
- l) Theater, indoor.

3.5.2 Allowable Uses Upon Issuance of Conditional Use Approval - The following uses may be allowed in the V/C District after issuance of conditional use approval by the DRB.

- a) Adaptive use as provided in Section 5.6.8.
- b) Bank.
- c) Catering service.
- d) Commercial multi-use building.
- e) Business yard.
- f) Educational facility as provided in Section 5.10.4.
- g) Equipment supply and/or rental.
- h) Funeral parlor.
- i) Group home.
- j) Hotel or motel.
- k) Light manufacturing
- l) Lumber yard / Building supply business.
- m) Planned Unit Development as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
- n) Powered Vehicle and/or Machinery Service
- o) Private club.
- p) Recreation, indoor or outdoor, facility or park.
- q) Research laboratory.
- r) Restaurant, fast food or take-out.
- s) Retirement community.
- t) Rooming or boarding house.
- u) State- or community-owned and operated institutions and facilities, to the extent allowed by Section 5.10.4.
- v) Storage, outdoor as an accessory use to any permitted or conditional use.
- w) Tavern.
- x) Veterinary Clinics
- y) Wholesale trade.
- z) Dwelling Units as part of a Planned Unit Development.
- aa) Agriculture, silviculture and horticulture as provided in Section 2.4.5

3.5.3 Dimensional Requirement for Lots in the V/C District - No Zoning Permit may be issued for Land Development in the V/C District unless the lot proposed for such Land Development meets the following dimensional requirements:

- a) **Lot Area** - Except as provided under Section 4.6.1, no lot served by a municipal or community water and sewer system shall be less than one-third (1/3) acre. This minimum lot area requirement shall be increased to one (1) acre for any lot not served by municipal or community water and sewer systems. The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller. In the case of a lot for three (3) or more dwelling units served by municipal or community water and sewer systems, one-third (1/3) acre of land per dwelling unit shall be required and one (1) acre of land per dwelling unit shall be required for lots not served by municipal or community water and sewer systems.

USE	RR-1	RR-2, 3,5	UMR	HT	MRV MRC	VR	VC	LVC MC	WBCSD
Residential									
Boarding House, 2 – 5 Rooms	P	P	P	P	P	P	P	P	P
Boarding House, Over 5 Rooms	C	C	C	C	C	C	C	C	C
Camp, Private	P	P							
Dwelling Unit, Accessory (Accessory Apartment)	P	P	P	P	P	P	P	P	P
Dwelling Unit, Multi-family	C	C	C	C	C	C	C	C	C
Dwelling Unit, Single-family	P	P	P	P	P	P	P	P	P
Dwelling Unit, Two-family (Not more than one two-family building/lot)	P	P	P	P	P	P	P	P	P
Dwelling Unit, Two-family (More than one two-family building/lot)	C	C	C	C	C	C	C	C	C
Group Home, Eight (8) Persons Maximum	P	P	P	P	P	P	P	P	P
Group Home, Over Eight (8) Persons				C	C	C	C	C	
Home Occupation	P	P	P	P	P	P	P	P	P
Mobile Home Park		C							
Miscellaneous									
Accessory Use, Permitted Use	P	P	P	P	P	P	P	P	P
Accessory Use, Conditional Use	C	C	C	C	C	C	C	C	C
Agriculture/Farming	P	P	P	P	P	P	P	P	P
Communication Tower/Antenna									
Commercial	C	C	C	C	C	C	C	C	C
Residential	P	P	P	P	P	P	P	P	P
Gravel Pit	C	C							
Industrial PUD								C ¹	
Industry, Light			C	C	C		C	C	C
Planned Unit Development	C	C	C	C	C	C	C	C	C
Storage and Warehousing, Indoor								C	C
Storage and Warehousing, Outdoor									
Storage, Outdoor, Accessory								C	C

¹ MC only

Note: See Section 5.14 for Forest Reserve District Uses

Table 6.1 Permitted and Conditional Uses

Note: See Section 12.8 for Village-PUD uses.

USE	RR-1	RR-2, 3,5	UMR	HT	MRV MRC	VR	VC	LVC MC	WBCSD
Commercial, General				C	C			C	C
Automobile, Car Wash									
Automobile, Gas Station				C	C		C	C	
Automobile, Repair and Service				C	C		C	C	C
Automobile, Sales					C	C		C	C
Automobile Sales, Accessory				C	C		C	C	C
Bar (Tavern)				C	C		C	C	
Bar (Tavern), Accessory	C		C	C	C		C	C	
Bank			C	C	C		C	C	
Nightclub				C	C		C	C	
Nightclub, Accessory	C		C	C	C		C	C	
Offices, Professional and Business	C		C	C	C	C	C	C	C
Restaurant	C		C	C	C		C	C	
Restaurant, Accessory	C	C	C	C	C	C	C	C	
Retail Display, Outdoor	C		C	C	C	C	C	C	C
Retail Sales, up to 5,000 sq. ft.				C	C		C	C	C
Retail Sales, up to 15,000 sq. ft.									C
Retail Sales, Accessory	C		C	C	C		C	C	C
Commercial Services									
Campground, Commercial	C	C							
Club, Private / Seasonal	C	C	C	C	C	C	C	C	
Construction Businesses and Trades									C
Daycare Center			C	C	C		C	C	C
Daycare, Home, Over Six (6) Children			C	C	C		C	C	C
Daycare, Home, Six (6) Children Maximum	P	P	P	P	P	P	P	P	P
Funeral Home				C	C		C	C	
Golf Course, Commercial	C	C	C	C	C	C	C	C	C
Kennel	C	C	C	C	C			C	C
Laundromat/Dry Cleaning			C	C	C		C	C	C
Service Establishment	C		C	C	C		C	C	
Summer Camp	C	C							
Veterinary Hospital	C	C	C	C	C		C	C	C

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USE	RR-1	RR-2, 3,5	UMR	HT	MRV MRC	VR	VC	LVC MC	WBCSD
Health Care									
Assisted Living Facility	C	C	C	C	C	C	C	C	
Clinic			C	C	C	C	C	C	
Extended Care Facility	C	C	C	C	C	C	C	C	
Health Care Facility			C	C	C	C	C	C	
Health Services			C	C	C	C	C	C	
Hospital			C	C	C	C	C	C	
Intermediate Care Facility	C	C	C	C	C	C	C	C	
Long Term Care Facility	C	C	C	C	C	C	C	C	
Nursing Home	C	C	C	C	C	C	C	C	
Retirement Home	C	C	C	C	C	C	C	C	
Institutional / Government									
Cemetery	C	C	C	C	C	C	C	C	
Church, Place of Worship	C	C	C	C	C	C	C	C	C
Convent, Parish House	C	C	C	C	C	C	C	C	C
Cultural Art Center				C	C	C	C	C	C
Ice Skating Rink				C	C	C		C	C
Library	C	C	C	C	C	C	C	C	
Museum	C	C	C	C	C	C	C	C	C
Recreation Facility, Indoor			C	C	C	C	C	C	C
Recreation Facility, Outdoor	C	C	C	C	C	C		C	C
School, Private or Public	C	C	C	C	C	C	C	C	C
Solid Waste Facility	C	C					C		
State or Municipal Use	C	C	C	C	C	C	C	C	C
Telephone Exchange	C	C	C	C	C	C	C	C	C
Lodging / Resort									
Bed and Breakfast, Five (5) Rooms or less	P	P	P	P	P	P	P	P	P
Bed and Breakfast, Over Five (5) Rooms	C	C	C	C	C	C	C	C	C
Conference Center				C	C	C	C	C	C
Convention Facility				C	C	C	C	C	C
Hotel, Lodging Facility, Motel	C		C	C	C		C	C	
Resort			C	C	C		C	C	
Resort PUD	C	C	C	C	C		C		
Ski Area, Commercial	C	C	C	C	C	C	C	C	C
Time Share/Interval Ownership Units			C	C	C		C	C	

Section 1603 EFFECTIVE PERIOD

These Interim Bylaws will be in effect for two years from the date of adoption by the Select Board that is April 26, 2021, with the option for a one-year extension that will also require adoption by the Select Board pursuant to 24 V.S.A. § 4415.

Section 1604 DOWNTOWN ZONING DISTRICT

Section 1604.1 ZONING DISTRICT PURPOSE

The Downtown Zoning District provides concentrated retail, service, office, housing and other compatible mixed uses in Waterbury's historic downtown. It is the intent of this district to maintain or enhance the traditional pattern, scale, massing, pedestrian orientation and quality of the built environment in downtown Waterbury. This zoning district is within the Downtown Design Review Overlay District as shown on the Base Zoning District Map.

Section 1604.2 PERMITTED USES

The following are permitted uses in the Downtown Zoning District:

Residential

- (1) Single-family and accessory dwelling
- (2) Two-family dwelling
- (3) Three- or four-family dwelling
- (4) Multi-family dwelling (5+ units)
- (5) Home occupation
- (6) Home business
- (7) Family childcare home
- (8) Assisted or supported living
- (9) Residential care and group home

Lodging

- (10) Bed & Breakfast
- (11) Inn
- (12) Short-term rental

Commercial

- (13) Retail sales, up to 4,000 sf
- (14) Personal services, up to 4,000 sf
- (15) Open market or auction house up to 4,000 sf
- (16) Office, professional, business or administrative services, up to 4,000 sf
- (17) Restaurant/Bar, up to 4,000 sf
- (18) Mobile food service
- (19) Catering or commercial kitchen, up to 4,000 sf

Industrial

- (20) Communications antenna

Art, Entertainment and Recreation

- (21) Performance/Movie theater, up to 4,000 sf
- (22) Social club, up to 4,000 sf
- (23) Artist gallery or studio, up to 4,000 sf
- (24) Museum
- (25) Indoor recreation, up to 4,000 sf
- (26) Specialty school, indoor and up to 10,000 sf

Civic and Community

- (27) Government facility
- (28) Public outdoor recreation or park
- (29) Farmer's market
- (30) Educational institution
- (31) Child day care
- (32) Social assistance and charitable services
- (33) Religious institution
- (34) Funeral and cremation services

Section 1604.3 CONDITIONAL USES

The following are conditional uses in the Downtown zoning district:

Residential	
(1) Skilled nursing service	
Lodging	
(2) Hotel or motel	
Commercial	
(3) Retail sales, more than 4,000 sf	
(4) Personal services, more than 4,000 sf	
(5) Open market or auction house more than 4,000 sf	
(6) Office, professional, business or administrative services, more than 4000 sf	
(7) Restaurant/Bar, more than 4,000 sf	
(8) Event facility / Nightclub	
(9) Catering or commercial kitchen, more than 4,000 sf	
	Industrial
	(10) Food or beverage manufacturing, enclosed, up to 10,000 sf
	(11) Light industry, enclosed, up to 10,000 sf
	(12) Wholesale trade / Storage and distribution Services (enclosed)
	(13) Passenger transportation facility
	(14) Information services
	Art, Entertainment and Recreation
	(15) Performance/Movie theater, more than 4,000 sf
	(16) Social club, more than 4,000 sf
	(17) Artist gallery or studio, more than 4,000 sf
	(18) Indoor recreation, more than 4,000 sf
	Civic and Community
	(19) Clinic or outpatient care services

Section 1604.4 DIMENSIONAL STANDARDS

The following standards apply in the Downtown zoning district:

Lots	
(1) Lot size:	2,000 sf min
(2) Lot frontage:	30 ft min
(3) Lot coverage:	100% max
Setbacks	
(4) Minimum front:	0 ft
(5) Maximum front:	10 ft
(6) Minimum side:	0 ft
(7) Minimum rear:	0 ft
Buildings	
(8) Minimum Build-to-line coverage:	60% min
(9) Minimum principal building height:	24 ft min
(10) Maximum structure height:	60 ft max
(11) Maximum principal building footprint	10,000 sf

Density

- (11) Maximum residential density: no min or max
-

Section 1604.5 DISTRICT STANDARDS

The following standards apply in the Downtown zoning district:

Food service drive-throughs are prohibited. All other drive-throughs may only be located at the rear or side of the building and will require conditional use approval.

Section 1605 DEFINITIONS

Revised and new definitions for some of the listed permitted and conditional uses follow in Section 1606.1, USE TABLE. These new definitions supersede the matching current definition in the Zoning Regulations. If a permitted and conditional use is not defined in this section, then either the current definition in the Zoning Regulations applies or the common language definition applies if it is not defined in the Zoning Regulations.

Section 1606 Use and Dimensional Tables

SECTION 1606.1 USE TABLE

USE & DEFINITION	(P= Permitted Use C = Conditional Use X = Prohibited Use)	DWN
RESIDENTIAL		
Single-family dwelling Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.		P
Two-family dwelling Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.		P
Three- or four-family dwelling Use of a structure for habitation by 3 or 4 households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.		P
Multi-family dwelling (5+ units) Use of a structure or part of a structure for habitation by five or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, or any dwelling unit in a mixed-use building. See Section 1607.1.		P
Accessory dwelling Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See Section 1607.20.		P
Home occupation Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section 1607.3.		P
Home business Accessory use of single-family residential property for a small business that may alter the residential character of the property. This use may include small scale firewood processing provided that the special criteria for the Home business use are met. See Section 1607.4.		P
Family childcare home Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section 1607.5.		P
Assisted or supported living Use of one or more structures to provide housing, board and care to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. and that operates under state license.		P
Skilled nursing service Use of one or more structures to provide housing and 24-hour skilled nursing care to residents and that operates under state license. This includes nursing or convalescent homes, and hospice or respite care facilities.		C
Residential Care and Group home Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. See Section 1607.6		P
LODGING		
Bed-and-breakfast Accessory use of single-family residential property to provide short-term accommodations for travelers. See Section 1607.7		P
Inn Use of one or more structures to provide short-term accommodations for not more than 12 guest bedrooms for travelers. See Section 1607.8.		P
Short-term rental Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section 1607.9		P
Hotel or motel Use of one or more structures to provide short-term accommodations for with more than 12 guest bedrooms for travelers. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc. See Section 1607.10.		C
COMMERCIAL		
Retail sales An establishment that sells goods to the general public for personal or household consumption primarily from within an enclosed structure, excluding any use specifically defined in this section. It may also provide installation, repair or maintenance services as accessory use. This use includes a food, beverage, or convenience store, an establishment that sells food or beverage items primarily not for immediate consumption to the general public. It may offer prepared foods or drinks for immediate consumption either on-site or for take-out as an accessory use.		up to 4,000 sf >4,000 sf P C

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USE & DEFINITION			DWN	
	(P= Permitted Use C = Conditional Use X = Prohibited Use)			
Personal services An establishment that provides services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair hair salon, nail salon, tanning salon, spa, massage or tattoo parlor. It may include sales of related personal products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.			up to 4,000 sf >4,000 sf P C	
Sales lot An establishment that sells large items such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide installation, repair or maintenance services as an accessory use. This use includes Rental and leasing, an establishment that rents or leases tangible goods such as vehicles, boats, equipment or machinery to consumer or business customers. It may also provide installation, repair or maintenance services as an accessory use.			X	
Repair service (small goods, up to 2,000 sf vehicles, large goods or >2,000 sf) An establishment that maintains, services, repairs or paints goods such as vehicles, boats, equipment or machinery.			X X	
Fueling station A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. This use includes a carwash, a specialized establishment for washing, waxing, polishing and general cleaning of vehicles.			X	
Lumberyard, building supply, lawn, garden and farm supply sales An establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures. This use includes lawn, garden and farm supply sales, an establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open-air structures, excluding any use specifically defined in this section that sells specialized products and services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use.			X	
Open market or auction house An establishment where goods are brought to be immediately sold to the general public for personal or household consumption often from outdoor areas or open-air structures. See Section 1607.11.			up to 4,000 sf >4,000 sf P C	
Office, professional, business or administrative service An establishment that: (a) is used to conduct the affairs of a business, organization or profession; (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; or (c) provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc. (d) provides financial services such as a bank/credit union. This definition specifically excludes services provided by licensed medical or veterinary practitioners.			up to 4,000 sf >4,000 sf P C	
Veterinary, pet or animal service (up to 2,000 sf >2,000 sf) An establishment: (a) where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; (b) that provides animal and pet care services such as boarding, grooming, sitting and training; or (c) that breeds, sells or manages adoption of pets. It may include sales of pet food, medicines or supplies as an accessory use. See .			X X	
Restaurant / Bar An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption with seating, on premises. This definition includes a retail food preparation establishment that sells at least 50% of its products on the premises. This definition specifically excludes mobile food and catering service. This use shall also exclude any service directly to customers in automobiles, such as drive-up or drive-through service. See Section 1606.13. This use also includes an establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service and live entertainment as an accessory use. This definition includes a brewing operation that produces less than 2,000 barrels of alcoholic beverage per year and sells 25% or more of the beverage produced on the premises. See Section 1607.12.			up to 4,000 sf >4,000 sf P C	
Mobile food service An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts that are parked or located outside the road right-of-way. See Section 1606.13.			P	
Event facility / Nightclub An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events that typically includes large open spaces such as auditoriums, banquet halls, exhibition halls and meeting rooms. See Section 1607.14. this use also includes an establishment that operates as a place of entertainment with music, dancing, or similar live or recorded performances, and where food and drink are served for immediate consumption on the premises. See Section 1607.14.			C	
Catering or commercial kitchen A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a State Food Processing establishment license (such uses will be considered food or beverage manufacturing under these regulations).			P	
On-farm business An establishment that engages in agri-tourism, agri-education, direct marketing of locally-produced farm or forest products, or that adds value to locally-produced farm or forest products.			X	
INDUSTRIAL				
Food or beverage manufacturing A state licensed Food Processing establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery, distillery, or bakery.			enclosed, up to 10,000 sf only C	
Light industry An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.			enclosed, up to 10,000 sf only C	

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USE & DEFINITION	(P= Permitted Use C = Conditional Use X = Prohibited Use)			DWN
Wholesale trade / Storage and distribution services (enclosed) An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold. This use includes an establishment that stores, but does not sell goods and may provide a range of services related to the distribution of goods. This definition specifically excludes any other use specifically defined under the Industrial use category.				C
Self-storage services An establishment that provides individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods.				X
Tank farm or fuel storage and distribution services An establishment with one or more tanks that typically store fuels, oils and similar liquid products. It may include sale and distribution of such products.				X
Freight transportation services An establishment that provides: (a) transportation of cargo using trucks, tractor trailers or rail; or (b) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, or rail equipment.				X
Passenger transportation facility An establishment that provides transportation of people including, but not limited to, transit services, bus or rail stations, transportation centers, and taxi or limousine services.				C
Communications antenna A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower.				P
Communications tower A structure used to support one or more communication antennas and related structures and equipment.				X
Information services An establishment used to: (a) house computer systems and associated components such as telecommunications and storage systems that typically includes redundant or back-up power supplies and communications connections, environmental controls and security devices; or (b) provide electronic data processing services or that supply information including, but not limited to, internet access or service providers, and electronic library or archive services.				C
Composting services An establishment used to transform organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. This definition specifically excludes composting activities that are limited to organic waste produced on the premises.				X
Recycling services An establishment used to collect, separate and/or recover recyclable materials. It may include the preparation of materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. It may include retail sales of recovered materials as an accessory use.				X
Metal fabrication shop (enclosed) An establishment that produces, assembles or repairs metal products or parts including, but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, machine parts, hardware and tools, plumbing fixtures and products, tanks and similar products. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine and/or boiler shops.				X
Sawmill An establishment used to process logs or minimally processed wood products into dimensional lumber and/or firewood. It may include retail sales of lumber produced on the premises as an accessory use. The operation of portable sawmills will be included in this definition if used for purposes other than forestry or producing lumber for on-site use. This use includes an establishment that produces firewood for wholesale or retail sale from logs that are primarily harvested off-site and delivered to the premises.				X
Landscaping or Construction Contractor's yard or unenclosed storage An establishment that: (a) provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office; (b) landscape or tree/arborist service; or (c) leases outdoor storage space for vehicles, boats or similar large goods to commercial customers or the general public. This definition specifically excludes junkyards.				X
Extraction and quarrying An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening.				X
ART, ENTERTAINMENT AND RECREATION				
Performance / Movie theater An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists to an audience and/or an establishment that shows movies or other recorded entertainment to an audience.				up to 4,000 sf >4,000 sf P C
Social club A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.				up to 4,000 sf >4,000 sf P C
Artist gallery or studio An establishment used to produce, display and/or sell works of art. This use includes craft production that is small-scale production of craft or art products, such as pottery, textiles, crafted wood products, and so forth.				up to 4,000 sf >4,000 sf P C

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USE & DEFINITION	(P= Permitted Use C = Conditional Use X = Prohibited Use)			DWN
Museum An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.				P
Indoor recreation An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This use includes indoor equestrian facilities / arenas. This use can include retail sales as an accessory use. This definition specifically excludes any other use defined in this section.				up to 4,000 sf >4,000 sf P C
Outdoor recreation (passive active) A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building. This use includes an outdoor equestrian facility without an arena. This use also includes a golf course that may serve food and beverages and/or have retail sales of merchandise as accessory uses. A golf course may also include restrooms, a driving range and shelters.				X X
Campground An establishment: (a) designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles, or (b) that provides overnight recreation camping or outdoor adventure retreats. It may provide facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities. See " .				X
Specialty school A commercial establishment that offers instruction, classes or training on a specific topic such as cooking, arts, crafts, dance, music, sport or fitness.				indoor and up to 10,000 sf only P
CIVIC AND COMMUNITY				
Government facility A state- or municipal-owned or operated establishment that serves a public function and provides governmental services.				P
Public outdoor recreation or park A non-commercial establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes.				P
Farmer's market				P
Educational institution A state-certified public or private establishment that provides educational services.				P
Clinic or outpatient care services An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients.				C
Hospital or inpatient care services An establishment from which one or more licensed practitioners provide healthcare services to people primarily as inpatients.				X
Child day care An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session, under state license or registration.				P
Social assistance and charitable services An establishment that provides social assistance services directly to individuals, and that does not offer residential services. May include services to groups of individuals and gatherings of individuals.				P
Religious institution An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use.				P
Funeral and cremation services An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.				P
Cemetery A site designed to inter or otherwise store the remains of deceased people.				X

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1606.2 DIMENSIONAL TABLE

USE & DEFINITION	DWN
LOTS	
Minimum lot size Inclusive of all land within the property boundaries, but excluding any land within a road right-of-way.	2,000 sf
Minimum lot frontage On a maintained public or private street, excluding any frontage on limited access highways, or Class 4 roads or unimproved rights-of-way.	30 ft
Maximum lot coverage Total amount of impervious surface as a percentage of total lot area.	100%
SETBACKS	
Minimum front setback Measured from the edge of the road right-of-way, or if no right-of-way from the front lot line.	0 ft
Maximum front setback Measured from the edge of the road right-of-way, or if no right-of-way from the front lot line.	10 ft
Minimum side setback Measured from the side lot lines.	0 ft
Minimum rear setback Measured from the rear lot line.	0 ft
BUILDINGS	
Build-to-line Measured as a line drawn the specified distance from and parallel to the road right-of-way.	8 ft
Minimum build-to-line coverage Percentage of the build-to-line that must be covered by a building.	60%
Maximum principal building footprint Area of ground covered by the building as measured around the exterior building walls.	10,000 sf
Minimum principal building height Measured from the average finished grade at the base of a principal building to the eaves, or the roof deck if roof is flat.	24 ft
Maximum structure height Measured from the average finished grade at the base of the structure to the highest point of the structure, excluding architectural and roof-top elements listed in Section 401(a).	60 ft
DENSITY	
Maximum residential density Measured as number of dwelling units per square foot of total lot area, except that accessory dwellings in accordance with Section 1607.2 will not be included.	n/a

DOWNTOWN DISTRICT [D]

VT Enabling Better Places

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A. Intent

1. The Downtown District applies to the core of a village, town, or city to integrate a mix of business, residential, public, and institutional uses.
2. These regulations seek to reduce barriers that may disadvantage individuals unfamiliar with the complexities of development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining and invigorating the physical and economic center of a village, town, or city.

B. Permitted Uses

1. Potential uses are designated with (P), (R), (C), or (N) in Table n, indicating the following:
 - a. (P) This use is permitted by right.
 - b. (R) This use is permitted by right provided it complies with the listed special use restrictions.
 - c. (C) This use may be permitted, subject to conditional use approval by the ____.
 - d. (N) This use is not permitted.
2. Multiple uses within a single site or building are permitted.
3. Temporary uses are regulated by section ____.

C. Dimensional Standards for Structures and Lots

1. Structures and lots must meet the dimensional standards listed in Table 7, except when otherwise approved under specific provisions of these regulations, or as noted in section ____.
2. Height of Structures
 - a. Structure height is limited to 4 stories above sidewalk.

TABLE 6 - LAND USE TABLE - DOWNTOWN DISTRICT

Description of Use	Permission	Special Restrictions
Principal Residential		
Single-household building	C	
Two-household building	P	
Three-household building	P	
Four-household building	P	
Building with five or more households	P	
Accessory dwelling units	P	
Lodging Uses		
Bed and breakfast inn	P	
Hotel, motel, and other lodging uses	P	
Institutional Uses		
All institutional uses	P	
Commercial Uses		
Automobile sales	N	
Adult entertainment	N	
Gas stations	N	
Storage facilities	N	

TABLE 6 - LAND USE TABLE - DOWNTOWN DISTRICT

Description of Use	Permission	Special Restrictions
Off-street parking facilities	N	
All other commercial uses	R	The following restrictions apply to all commercial uses: 1. Building footprints larger than 10,000 sf. require conditional use approval. 2. Drive-thrus and access lanes are not permitted between buildings and sidewalks. 3. Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of its products or merchandise is permitted provided: a. These activities are completely enclosed within the premises occupied by the establishment. b. These activities are clearly accessory to sales and display activities.
Industrial Uses		
Heavy industrial	N	
Cottage industry	R	1. Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of its products or merchandise is permitted provided: a. These activities are completely enclosed within the premises occupied by the establishment. b. These activities are clearly accessory to sales and display activities. c. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare must not exceed those levels which are customary for retail uses within the district. 2. Spaces are limited to 5,000 sf max.

DOWNTOWN DISTRICT [D]

VT Enabling better Places

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Frontage Standards

Character based frontage standards like sidewalk-facing entries and requiring windows (glazing) on the front of buildings are especially important for maintaining the look and feel of a downtown.

Glazing

Glazing refers to a collection of panes or full sheets of glass or other transparent material, set within frames such as windows or doors.

Parapet Wall

A parapet wall is an extension of a building wall that rises above the edge line of a roof surface, or may be a continuation of a vertical feature beneath the roof such as a fire wall or party wall.

Façade

A façade is the front of a building, or any of its sides which face a public right-of-way or space. Façade elements are those architectural treatments which help to distinguish a particular side of a building as being primary in nature.

- i. Ground floor stories exceeding 20 feet are considered two stories.
- ii. Mezzanines exceeding 30% of the ground floor area are counted as a story.

TABLE 7 - DIMENSIONAL STANDARDS FOR STRUCTURES AND LOTS

Lot Widths	25' min., 100' max.
Setbacks	
Front	0' min., 0' max.
Side	0' min.
Rear	3' min. with rear lanes or 5' min.
Parking setback from building front	20' min
Maximum building height	See #2 below
Maximum building coverage	100% per site

[Numbers in green must reflect the character of the local context. Use the Character Survey below to determine the appropriate dimensions.]

- iii. Upper stories exceeding 16 feet are counted as two stories, and an additional story for every multiple of 16 feet.
- b. Building facades must be a minimum of 24 feet in height along the Primary Retail Corridor.
- c. Space enclosed by parapet walls, including access and rooftop equipment, are not counted as a story towards the maximum building height.

D. Building Standards

1. All buildings must have one functional entry for every 60 feet of facade along the front lot line and 100 feet of facade along side lot lines, or fraction thereof, along sidewalks.
2. The ground-story facade must be configured as follows:
 - i. 50% clear glass is required along the facade.
 - ii. Building entries may be recessed from the facade up to 8 feet in depth.
 - iii. Awnings may project into the right-of-way to within two feet of the curb.
 - iv. Facade elements above the ground floor may project into yards.

E. Off-street Parking and Loading

1. Off-street parking spaces are not required.
2. Off-street parking spaces, if provided, must be located to the rear of buildings.
3. Access to off-street parking and loading areas is limited as follows:
 - a. Parking and loading access must be from an alley where available.
 - b. Parking and loading access may be from a side street if an alley is not available.

- c. Where parking and loading access is only available from the front lot line, the driveway is limited to 20 feet in width.
- d. Cross-access between off-street parking lots must be provided, except where alleys provide this function.



Row of new homes in South Village, South Burlington Image credit: Richard Amore

Beginning of 2023 Zoning Changes

Section 202. Zoning Maps. The official zoning maps entitled "Morrisville Zoning Map and Morristown Zoning Map," located in the office of the Zoning Administrator, are hereby adopted as part of these Bylaws.

Section 203. Special Protection Areas. For the purposes of these Bylaws, the Town is divided into the following overlay Special Protection Areas that shall be part of any of the zones established in §200. Development within these Special Protection Areas is subject to the additional requirements described in §300–§348 of these Bylaws: Ground Water Source Protection Areas (SPA), Flood Hazard Areas (FHA), & Environmental Protection Areas (EPA). The official maps for the Special Protection Areas, as described in §300–§348, shall be kept on file at the office of the Zoning Administrator, and are hereby adopted as part of these Bylaws.

Section 204. Permitted and Conditional Uses, Variances, Waivers, dimensions and design requirements.

204.1 **Permitted uses.** Uses that the Zoning Administrator may issue zoning permits for without requiring a hearing provided that any specific requirements are met. The letter "P" designates in what zones permitted uses are allowed on the "use table" found on the next page.

204.2 **Conditional uses.** Uses for which the DRB must conduct a warned public hearing and may approve the application with conditions as appropriate. The letter "C" designates in what zones conditional uses are allowed on the "dimension table" on the next page.

204.3 **Variances.** Variances for frontage, setbacks, and other various requirements of these Bylaws and of §4469 of the Act may be granted by the DRB after submittal of a §500 Site Plan and a public hearing per §4465–§4469 of the Act. Issuing variances for Development controlled by §320 Flood Hazard Areas and 24 VSA §4469 should be avoided. The Board shall notify applicants that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance

204.4 **Waiver.** The DRB may reduce up to 25% of any dimensional or numerical requirement, with said percentage calculated by dividing the area lacking the minimum requirement by the required minimum area, provided the waiver request can be found to meet at least 2 of the following goals:

- Maintains compact development patterns in the village and the rural feel of the Town
- Minimizes impacts to the environment and natural surroundings
- Does not disrupt the neighborhood's existing settlement pattern
- Does not detract from the value of adjacent properties on the Town's Grand-List
- Protects or enhances historic resources
- The installation of a permanent public art installation. Eligible public art installations include, but are not limited to, murals, place-making architecture, and sculptures. The DRB shall be in receipt of a supporting letter from a community group such as River Arts or MACC stating that the proposed art installation is durable, desirable, and makes the town a more interesting place to work and live. A maximum waiver of 2 additional dwelling units is available via this waiver.
- The creation of new affordable housing per 24 VSA §4303 (1-2) that is permanently deed restricted. The Waiver percentage allowed for the creation of new affordable housing, which includes a waiver for minimum parking requirements, shall match the percentage of affordable units proposed in any Affordable Housing Development (ex. a development that is 50% affordable gets up to a 50% Waiver). Said waiver % shall not exceed 75% even if a higher level of affordability is proposed.

Specifies
calculation
for 1st time

Clarifies
parking waiver
included. I
would prefer
to just delete
subsection "g" though

204.5a **Uses Allowances.** The use definitions allowed in each zone are shown in the following table:

USE TABLE	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Accessory Retail & Food	P	P	P	P	P				
Acc. Use / Acc. Apartment	P	P	P	P	P	P	P	P	P
Bar	C	C							
Brewery	P	P		P					
Bulk Storage of Fuels				C					
Business Services	P	P		P					
Clubs, Private	P	P	C			C	C	C	
Commercial Use	C	C		P					
Community Facility	P	C	C	C		C	C		
Day Care Facility	P	C	C	C	C	C	C	C	
Drive-Through	C	C							
Dwelling Unit, Single-Family	C		P		C	C	P	P	P
Dwelling Unit, Two-Family	C	C	P		C	P	C		
Dwelling Unit, Multi-Family	P	C			C*	C°			
Family Child Care Facility	P	C	P	P	P	P	P	P	P
Fence (non by-right)	C	C	C	C	C	C	C	C	C
Firewood Processing				C				C [∞]	C
Gas Station									
Group Home	C		P		C	C	P	P	P
Health Care Facility	P	P			P				
Home Business			C		C	C	C	C	C
Home Occupation	P	P	P		P	P	P	P	P
Hotel, Inn or Motel	C	C		C					
Motor Vehicle Sales & Repair		C							
Parking Facility	C	C							
Professional Office	P	P	P	P					
Recreation Facility	P	P	C	C	C	C	C	C	C
Restaurant	P	C							
Retail Sales of Goods & Services	P	P							
Sale of Goods Produced On-Site	P	P		P					
Sexually Oriented Business				C^					
Shelter	C	C	P		C	C			
Special Industrial									C~
Short-Term Housing	P	P	C	P	C	C	C	C	C
Structures above 35 feet in height			C		C	C	C	C	C
Structures above 50 feet in height	C	C		C					
Warehouse & Storage Facility				P					

* = The Dwelling Unit Multi-Family use is only allowed in the Hospital Zone as part of a Health Care Facility

^ = Sexually Oriented Business are only allowed in Zone IND #3 Trombley Hill)

~ = The Special Industry use is only allowed east of Garfield Road between the river (south) and the town line (north)

∞ = The Firewood Processing use is only allowed in the LDR-2 Zone. It is not allowed in Zones LDR-1, 3, 4, and 5.

° = Regardless of any density calculations in the HDR Zone, the adaptive reuse of accessory buildings that existed on 1 January 2023 into 1 or 2 new dwelling units may be administratively approved by the Zoning Administrator.

Please Note: All permitted uses with new footprints larger than 20,000 ft² require \$500 DRB Site Plan Approval.

*new adaptive
re-use policy*

30

204.5b **Dimensional requirements.** Development Class, Minimum lot sizes, areas, frontage and setbacks in each zone are shown in the following table: 6 Additional Requirements.

Dimension Table	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Development Class	1	1	1	1,2*&3*	1	1	1	1,2**&3**	3
Minimum Lot Size	1,500	10,000	4,000	40,000	8,000	2,000	4,000	10,000**	80,000
Minimum Area Single-Family	750	10,000	4,000	-	8,000	2,000	4,000	10,000**	80,000
Minimum Area Two-Family	1,500	10,000	10,000	-	16,000	4,000	10,000	-	-
Minimum Area Multi-Family (per unit)	No limit	2,000***	-	-	-	2,000****	-	-	-
Minimum Lot Frontage	20	50	50	50	50	20	50	50	50
Maximum Front Setback	58	-	-	-	-	-	-	-	-
Minimum Front Setback	-	30	35	50	35	- / 8^	35/25	35	45
Minimum Side Setback	-	5	5	10	10	-	5	10	15
Minimum Rear Setback	-	5	10	10	10	10	10	15	15
Minimum Shoreline Setback	50	50	50	50	50	50	50	50	50

* = IND Zone Class 2&3 Development allowed in IND#2 (Houle Ave.. frontage to the east), IND#3, IND#4 (west of Ryder Brook only), & IND#5

** = Areas of LDR Zone with Class 2 Development require a 15,000 ft2 minimum lot size per family, and areas of the LDR Zone relying on Class 3 Development require a 25,000 ft2 minimum lot size per family

*** = The Dwelling Multi-Family use is only allowed in when at least 51% of the residential use is located on upper floors in the Com Zone when a Business Services, Restaurant, or Retail Sales of Goods & Services use, or a combination thereof, is provided on at least 50% of the ground / first floor of the building.

**** = 4,000 ft2 of land area per Dwelling Unit is required on Brooklyn St (not 2,000 ft2 as required elsewhere in the HDR Zone)

^ = An 8 foot minimum front setback is required only in the HDR section of Brooklyn Street

Section 205. General zoning requirements. In addition to the use and dimensional tables found above in §204a and §204b, all zoning application shall comply with Article III Special Protection Areas, the General Regulations found in §400-§499 of these Bylaws, and §500 Site Plan Approval.

Section 206. Design Criteria. The Zoning Administrator or DRB may require the submission of a proposed building rendering to ensure that the below design criteria requirements are met for Dwelling Unit Multi-Family uses, Dwelling Unit Two-Family, and business uses in the following zones: CB, COM, IND #4 (north of Bridge St only) & IND #5 (airport), HOS, & HDR, & MDR.

- Architectural repetition: Each architectural building proposed shall be architecturally different than any directly adjacent building (regardless of parcel or property lines). In a townhouse style or similar development, the prohibition on architectural repetition shall be evaluated between the individual townhomes, and not between the adjacent larger building pods (with a building pod being defined as containing 3 or more townhomes on a common foundation). Building articulation of 2 feet or more or the use of a different roof design (ex. flat, gable, gambrel, hip, shed) are minimum requirements to avoid the architectural repetition prohibition between otherwise identical buildings.

Clarifies DRB's unit versus structure question

- b. Blank walls: Blank walls shall not face any Street on which the property has frontage. A blank wall is a building wall that has an expanse of 30 feet in length or greater without fenestration, building articulation or ground level doorways.
- c. Cladding: The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J-Channel trim.
- d. Exterior Access: To encourage townhouse style development in the HDR Zone, all Dwelling Units shall provide a private entry/exit door that accesses at ground level.
- e. Front porches: All new multi-family residential construction must include a front porch, front deck, or front patio equivalent, with a minimum size of 8 feet by 6 feet, located on the portionside(s) of the building that parallels any existing or new public sidewalk(s) (as required by the Morristown Sidewalk Policy).
- f. Garages. Attached and detached garages shall be located at least 5 feet further from the primary street frontage than the foundation of the home or business that the garage is accessory to, and at least 20 feet from the closest edge of sidewalk or street pavement. Garages shall not be more than twice the length of said home or business, with both lengths measured along the primary street frontage. Interpretation of primary street frontage, when a property has multiple frontages, shall be made by the DRB or ZA.
- g. Public entrances: StructuresAll Dwelling Units shall include at least one activefunctional public entrance along that faces the parcel's primary street frontage. In the case of a corner lot, additional public entrances are only required if a sidewalk is present along the additional frontages.
- h. Loading docks & garbage storage: All loading docks and garbage storage and pick-up areas shall be located in the rear of Buildings and away from public right-of-way, and then residential uses. When said location is not possible, screening shall be used to obscure these areas from view of the public right-of-way.
- i. Outside space: All new dwelling unit multi-family uses shall include 24 ft² of exterior outdoor space per unit that may be comprised of any combination of the following: a common roof-deck, a common area deck or porch, a common front lawn area located outside required setbacks(5% grade or less), or a private deck, porch, or patio that is attached or adjacent to the dwelling unit.
- j. Rooflines: Rooftop mounted mechanicals and flat roofs shall be screened by extended parapets or projecting cornices, or located so they are not visible from any Street. Space enclosed by parapet walls, including head-house access to a rooftop, shall not count towards the Building Height measurement, nor §207b.
- k. Parking: In addition to the parking requirements found in §450, other than handicapped parking, parking shall be located to the sides or rear of buildings. No Parking Space Off-Street shall be located between the building and the road wherefrom which it derives its frontage.
- l. Pedestrian and bicycle infrastructure: If called for by the Morristown Sidewalk Policy, development shall include sidewalks along the parcel's Street frontage to ensure pedestrian connectivity to adjacent parcels. This frontage sidewalk shall be physically connected to the walkway to the Building's main entrance. A bike rack shall also be provided for new Development that has 10 or more new parking spaces.
- m. Lighting: A lighting plan that demonstrates compliance with Section 490 of the Bylaws.
- n. Utilities: Utilities shall be underground.

for Etienne

for corner lots

Maple Street example

corner lot clarification

John's lawn allowance

A.O. Waiver. The DRB may grant a Waiver for any and all design requirement of this section along said Streets if doing so meets at least two of the goals specified in §204.4.

Section 207. Historic Preservation Criteria.

- 207.1 Goals: The goals of the §207 Historic Preservation Criteria are to (1) protect the built character of the Morrisville Historic District (referred to hereafter as the MHD), (2) ensure that the built forms of the remaining "Contributing Structures" that are protected by this Bylaw remain in perpetuity, (3) protect the unique and rich late 19th Century architecture found on the main commercial thoroughfares in the MHD, and (4) provide a minimum set of prescriptive requirements to ensure that the front and side facades of new buildings constructed within the MHD reasonably match the architectural features commonly found on nearby Contributing Structures.
- 207.2 Applicability: The following Historic Preservation Criteria are required for Dwelling Unit Multi-Family uses and commercial uses with frontage on the following streets within the Central Business (CB) Zone: Bridge, Hutchins, Park, Portland, Pleasant, Lower & Upper Main ~~(Rte. 100 section only)~~. Said criteria shall also be required for Dwelling Unit Multi-Family uses with frontage on Brooklyn Street in the High Density Residential Zone. However Sections 207.3(G) for Front Setback, 207.3(I) for Glazing, and 207.3(K) for Mix of Uses of the Criteria shall not be required on this section Brooklyn Street because commercial uses are not allowed therein.
- 207.3 Criteria: Historic Preservation Criteria are per cut-sheets A, B & C of Appendix 2, and as follows:
- Building Height. Minimum Building Height along said Streets is 25 feet.
 - Building Materials. All Development shall use "Preferred Exterior Building Materials" on the front façade and side elevations to protect the built architectural legacy of said Streets. Preferred Exterior Building Materials are brick, glass, natural stone, wood, and solid (not formed) siding choices that are meant to mimic the appearance and density of wood siding. Vinyl siding and trim, and similar formed materials that require a J-Channel at joints, are explicitly excluded from being considered a "Preferred Exterior Building Material." Nothing in this section of the bylaw shall prohibit the use of materials not listed as preferred, provided the Zoning Administrator or DRB finds the proposed materials meet the stated objective of this zone.
 - Corner Boards: Corner boards shall be at least 6 inches in width. Eave & Rakes: Eave and Rakes shall be no taller than 6 inches.
 - Frieze Boards: Frieze Boards shall be of a width that matches the intersecting corner board with no step (in the example below, the 10:12 pitch results in a frieze board width of approximately 10 inches);



Frieze intersection at corner board
example at 68 George Street

any other local, state, or federal law. Where this Bylaw imposes a greater restriction, the higher standards shall control.

321. **Development in Floodways.** The areas shown as "Floodway" on the FIRMs are officially designated as Regulatory Floodways.

321.1 In a Regulatory Floodway any development or encroachment, including fill, new construction, and substantial improvements is prohibited unless certification by a professional registered engineer is provided demonstrating through a hydrological and hydraulic study that the encroachment will not result in any increase in flood levels during occurrence of the base flood discharge. Residential structures are prohibited in a Regulatory Floodway.

321.2 If the no-rise certification required in §321.1 is approved, then any development in that part e same hydraulic reach of the Regulatory Floodway covered by the certification will be subject to the same regulations and restrictions as provided for in the Special Flood Hazard Area. However, fill placed within this hydraulic reach of a Floodway requires Compensatory Storage at a 1:1 ratio.

323. **Development in the Special Flood Hazard Area.** The Special Flood Hazard Area is the area shown on the FIRMs located outside the Floodway and designated as Zone A or AE. Development, including the use of fill, is allowed in A & AE Zones. However, due to the propensity for flooding within these designated SFHA, the following additional standards are required:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- c. All Substantial Improvement of structures New structures, both residential and non-residential, shall have the lowest floor, including basement, elevated two feet to or above base flood elevation. Substantial Improved or Substantial Damaged structures shall have a bottom-floor elevation of at least 2-feet above base flood. Said elevation shall be demonstrated via the submission of a FEMA Elevation Certificate to the zoning office.
- d. Pursuant to VT DEC permitting, all new and replacement water supply, sanitary sewer, and on-site septic systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters
- e. All new development, construction or substantial improvements shall be constructed by methods and practices that minimize flood damage to proposed development and to public facilities/utilities and to provide adequate drainage to reduce exposure to flood hazards and 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 flood conditions.
- f. In unnumbered "A" Zones, if base flood elevation data is available from alternative sources, such as historical high water marks, the Zoning Administrator shall obtain, review and reasonably utilize this data to obtain a base flood elevation. Contour Interpolation, when feasible, shall be the preferred method of obtaining a base flood elevation in unstudied A Zones. Development, including basements, and Substantial Improvements in unnumbered A Zones shall, per 323.c, be elevated 2 feet above the determined base flood elevation. If no base flood elevation can be reasonably determined in an unnumbered A

needed
flood
zone
reg
changes
per April
FEMA
week of
class

Zone, all Development shall be elevated 5 feet above the highest adjacent grade of the build site. Until a regulatory floodway is designated in unnumbered A Zones, no new construction, Substantial Improvements, or other development (including fill) is permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the town.

- g. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding 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 criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. 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. The use of these areas designed to equalize hydrostatic flood forces shall be limited to parking, limited storage, and building access. Basements or living spaces of any kind are prohibited for new, substantially improved, or substantially damaged structures.
- h. Proposed house sites that are located within 100 linear feet or less from the boundary of the Special Flood Hazard Area shall provide proof that the bottom floor of the Structure will be elevated to or above the base flood elevation.
- i. New and replacement manufactured homes, in addition to the 2-feet of freeboard elevation possibly required in §323.c, shall be placed on a permanent foundation and be anchored to resist flotation, collapse, or lateral movement during the occurrence of the base flood.
- j. All subdivision proposals shall be consistent with the need to minimize flood damage by having public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivision proposals shall also have adequate drainage provided to reduce exposure to flood hazards. Base flood elevation data shall be provided by the applicant for subdivision proposals that contain development lots located in or partially located in unnumbered A Zones when either five lots or five acres is proposed.
- k. Recreational vehicles placed on sites within Zones A or AE shall either be on site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet all standards of §60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for 'manufactured homes' of §60.3(c)(6)

324. **Watercourse Alterations.** The applicant shall give notice to adjacent, up-and down-stream communities and the Vermont Department of Environmental Conservation prior to an alteration or relocation of a watercourse, with copies of said notice submitted to the Zoning Administrator. The applicant shall give assurance that the flood-carrying capacity within the altered or relocated portion of any watercourse will be maintained via certification by a professional registered engineer demonstrating that the watercourse alteration will not result in any increase in flood levels during occurrence of the base flood discharge.

325. **Administration and Enforcement in Special Flood Hazard Areas.** Prior to issuing a permit for the construction of new buildings, the Substantial Improvement of existing buildings, or for

wheels disengaged via storage on blocks or anchoring to a permanent foundation or pad. All such Mobile Dwelling Units shall also have a durable skirt installed around the home to ensure viability of utility connections in the winter months.

Section 425. Fences

425.1 **Fence, Conditional Use.** Fences that are not exempted under §425.2.

425.2 **Fences, Exempt.** Fences associated with a working farm do not require a zoning permit. All other exempt Fences shall not be higher than six feet when placed on side and rear property lines, and not higher than four feet when placed in front yards along any Streets.

Section 426. Ponds.

426.1 Ponds with a surface area greater than 5,000 square feet (about 1/8 of an acre) are an accessory use requiring a zoning permit. Applications for pond permits shall include a sketch of the pond location on a survey of the property (if available), or other reasonable representation of the property showing:

- a. setbacks from property lines, leach field, structures, and water supply
- b. existing slope of the pond site
- c. water source and method of discharge
- d. location and size of emergency spillway
- e. route of flow of outlet and/or spillway
- f. Cross section depiction of the pond, to include dam or other form of retention
- g. Approximate volume of water to be contained
- h. Description of vegetative cover planned to prevent erosion

426.2 Ponds and supporting structures (dams, etc.) must meet the following setbacks:

~~Property line: 25 feet,~~ leach-field: 100', drilled well: 25', & shallow well: 100'

Additionally, ponds and their supporting structures may not fall within any right-of-way or easement. No pond or dam that is up-gradient to and within 1,000 feet of a town road shall have its overflow discharge draining towards or into the Town's right-of-way. Said situation is only allowable upon receipt of a stamped engineering letter that any potential overflow or failure of the pond poses no threat to the Town right to way due to topography or other natural features. All ponds applications must receive the approval of the Village/Town Road Foreman prior to the release of the zoning permit. Ponds which fall within the setbacks above may be approved as a conditional use upon review by the DRB.

426.3 State and Federal Permit Requirements:

- a. Any pond that impounds or is capable of impounding 500,000 cubic feet or more of water will require a permit from the VT Department of Environmental Conservation.
- b. No in-stream pond may be built without the approval of the VT DEC Stream Alteration Permit. A Stream Alteration Permit may be needed if the project involves work in a stream that drains an area of more than 10 square miles.
- c. VT Wetland Rules regulate dredging, draining, filling, grading, removal of vegetation, alteration of the flow of water into or out of a wetland and other similar activities within significant wetlands or their buffer zones. A Conditional Use Determination or Water Quality Certification from the VT Agency of Natural Resources may be required.

Section 427. Limitations on Municipal Bylaws.

These bylaws shall comply with the limitations contained in 24 VSA §4413 regarding state or

*allows
shaded
ponds across
property
lines*

or the damaged structure shall be repaired or replaced. Upon approval of the DRB, and if good cause has been demonstrated which prevents compliance of this regulation, an extension of the above dates may be granted.

442. **Repair of Buildings.** Either through the cessation of construction or via a lack of maintenance, no building shall be directly open to the elements for longer than 90 days consecutively, except that open to the elements shall also include boarded-up or broken windows even when said windows do not provide a direct openness to the elements.

Section 450. Parking and Driveway Requirements.

451. **Parking Requirements.** Parking spaces shall be provided in accordance with the specifications in the below table whenever any new use is established or existing use enlarged. For any use, public off-street parking in lieu of on-site parking may be utilized to fulfill any or part of the parking requirements if the proposed use is located within 500 feet of a municipal parking lot. A straight line measurement shall be made between the proposed use and a municipal parking lot to determine the applicability of this provision. However, the Zoning Administrator may require an applicant to seek \$500 Site Plan Approval from the DRB to use off-street parking to fulfill parking requirements for the proposed use if the accessibility or availability of parking in the municipal lot is in question.
452. **General Requirements.** For the purpose of this Bylaw, a Parking Space, Off-Street shall be 9 feet wide by 18 feet long and have access to a public street, private road, or alley and maneuvering room. Required off-street parking areas for 3 or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, or sidewalk, and so that any automobile may be parked and un-parked without moving another. Required parking areas for 3 or more automobiles within the Village limits shall be paved. Parking areas for 3 or more automobiles outside the Village limits do not require pavement and said parking may take places on gravel, dirt or lawn areas.

453. Parking Spaces Required for Various Uses.

Minimum Parking Ratio Requirements	
Use	Parking Spaces Required
Business Services, Business/Professional Office, Sales of Goods Produced On-Site, and Health Care Facility	1.5 per employee per largest shift
Community Facility, Day Care Facility, and Family Child Care Facility	1.5 per employee per largest shift
Dwelling Unit, Single-Family	2
Dwelling Unit, Two-Family	32
Dwelling Unit, Multi-Family	2 per unit
Dwelling Unit, Multi-Family in CB & HDR Zone, or for Senior Housing in any zone	1 per unit
Group Home & Shelter	0.5 per bed
Home Business	4
Extraction of Earth Resources, Manufacturing, Wholesale Distribution, and Warehouse & Storage Facility	1 per employee per largest shift
Motor Vehicle Service Station, and Sales & Repair Facility	5 spots per each repair bay door
Recreation Facility/Indoor	1 per 4 seats

- d. The facility shall be designed, built and operated in accordance with all State and Federal safety standards.
- e. Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels and shall meet all State and Federal safety standards.

482. **Development on Class 4 Roads.** Conditional Use is required in all zones for Development that is further down a Class 4 Road than existing Development.

483. **Motor Vehicles Sales and Repair.** In all zones where permitted, motor vehicle sales and repair uses shall comply with the following:

- a. No pieces or parts or other material or supplies are to be stored outside unless completely concealed from view from neighboring properties and Streets.
- b. All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.
- c. All vehicles shall have a valid Vermont Inspection Sticker within 15 days of arriving on the property and must be in a drivable roadworthy condition, or must be moved to another approved location. Vehicles where parts have been ordered for and have not arrived shall have a total of 15 days (the time before the parts were ordered and once the parts arrive) to have a valid Vermont Inspection Sticker or the vehicle must be removed.
- d. No junk vehicles may be kept on site for more than 24 hours.

484. **Gas Stations.** In all zones where the Gas Station use is allowed, all fuel pumps, fuel and oil storage shall be located 35 feet or more from Street centerline.

- a. Signage and corporate branding shall not be located on the canopy or its supports.
- b. Any canopy provided over the fueling area shall comply with the following requirements:
 - 1. Canopies must be consistent with the architecture of the primary building.
 - 2. Canopies shall be of one color, matching the main color of the primary building.
 - 3. Corporate branding, signage, and façade lighting is prohibited on canopies.
 - 4. Canopies with flat roofs are prohibited.
 - 5. The roof of a canopy shall connect to the primary building.
 - 6. Existing canopies shall be made to comply with these requirements when any changes thereto are proposed.
- c. There shall be no more than two access driveways to any Gas Station regardless of how many Streets it has frontage on.
- d. The width of each driveway to a gas station shall comply with the Morristown Road Policy.
- e. The installation of a sidewalk is a requirement of any new or redeveloped Gas Station. Said sidewalks shall comply with the Morristown Sidewalk Policy.

485. **Extraction of ~~Soil, Sand or Gravel~~ Earth Resources via the Special Industry Use.** ~~In any zone where allowed, the removal of rock, soil, sand, rock, or gravel for sale (except when incidental to construction of a building proposed development on the same premises/parcel) shall be allowed via the Special Industry Use, and be permitted only by the DRB, after a plan for the rehabilitation of the site approved at a public hearing. The following provisions shall apply:~~

485.1 **Performance Bond.** Before approval of any new or proposed extension of a soil, sand, or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in

DRB
requested
change/
clarification

functioning water, sewer or septic facilities while being used as a temporary construction housing and shall comply with §323c if parked in a §320 Flood Hazard Area

Section 490. Exterior Lighting.

- 490.1 Exterior Lighting. All exterior lighting for residential or business uses shall be accomplished by using cut-off, down-shielded light fixtures. Light emanating from said fixtures shall not spill onto neighboring properties, Streets or, in the opinion of the Zoning Administrator, produce a hindrance to traffic movement. All exterior lighting, other than security lighting (which shall be set on a 5-minute or less motion sensor), ~~including parking lot lighting, and exempted lighting per §490.5,~~ shall remain off between the hours of 10:00PM and 6:00AM
- 490.2 Parking Lot Lighting. Parking lot light structures shall be limited to 20 feet in height and the light emanating therefrom shall be accomplished by using cut-off, down-shielded light fixture and shall not spill onto neighboring property lines or Streets.
- 490.3 Building facades. Building facades may be illuminated provided that the lighting shall be accomplished by using cut-off, down-shielded light fixtures and light shall not spill onto neighboring property lines or Streets.
- 490.4 Externally Illumination for Signs. Sign lighting shall be regulated per §477 of the Bylaw.
- 490.5 Exemptions. Exemptions ~~for to~~ §490 shall include lighting for streetlights, lighting installations on municipally owned property, and holiday or string lights during the months of October through January. Holiday or string lights, which by design are not down shielded, may remain in place year-round, provided they are turned off nightly at 10:00 PM, and attached to a structure located outside of required setbacks.
- 490.6 Unusual Situations. Proposed lighting installations that do not comply with §490 Exterior Lighting maybe approved by the DRB only when that Board finds that the proposed lighting utilizes LED bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets.
- 490.7 Prohibited. Mercury vapor and florescent lighting is prohibited.

String light changes

ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS

Section 500. Site Plan Approval.

- 501 A Permitted Use within any zone can be approved by the Zoning Administrator without a public hearing if the site plan requirements in §502 through §506 are satisfied by the Applicant. At the discretion of the Zoning Administrator, or request of the applicant, any permit application can be referred to the DRB for further permitting. If the application is classified as a Permitted Use, the DRB may approve the application without a warned public hearing.
502. **Site Plan Requirements.** In applying for approval of a Permitted Use by the Zoning Administrator, or a hearing before the DRB for Site Plan Approval, Conditional Use, Variance, or Waiver, the applicant shall submit a printed copy of the site plan, as well as an electronic copy of said site plan in PDF format. All site plan submittals shall include the following information:
- The name, address and daytime telephone number of the person or firm preparing the map and supplying the data and information;
 - The name and address of the owner of record and of the applicant if different;
 - The date of map preparation and a bar scale showing miles or feet;
 - A north arrow with the most recent magnetic declination if available
 - Existing and proposed features including streets, utility easements, rights of ways, structures, and all waterbodies.
- And for all new commercial development, and Dwelling Unit Multi-Family uses, site plan submittals shall also include the following details:
- A boundary survey;
 - The location of propane tanks, which shall be placed underground (only the Bulk Storage of Fuel uses allows above-ground tanks).
 - The location of trash, recycling, and compost containers/dumpsters, ~~which~~ shall be screened from views of streets and surrounding properties, and maintained in a sanitary manner. The use of dumpsters shall not only be allowed for single family dwellings located inside the Village in the CB, COM, IND, & HOS Zones. Dumpsters are prohibited in all residential zones, with the exception of short-term use for construction activity.
 - The location of USPS approved 4C centralized or cluster mailboxes, which are required when 5 or more residential units are proposed on the same parcel. All cluster mailbox installations require at least 1 parcel locker per every 5 dwelling units. All cluster mailbox and parcel locker installations shall be located on the secondary development road, or no closer to the primary road than the front façade of the proposed building(s).
503. **Additional Conditions.** Appropriate conditions of approval may be attached to any permit with respect to the following:
- 503.1 Adequacy of traffic access and circulation
 - 503.2 Provision for vehicular and/or pedestrian access to connect site to adjacent properties
 - 503.3 Provision of parking
 - 503.4 To protect the utilization of renewable energy resources
505. **Landscaping Plan Standards.** Landscaping shall be a requirement of §500 Site Plan Approvals for all non-residential uses and Dwelling Unit Multi-Family uses.

dumpster
prohibition
in residential
zones

new
parking
buffer
changes

- a. Landscaping proposed on a site plan shall include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs and may also include grasses and ground covers.
- b. ~~Landscaping shall be required to reasonably shield parking areas from roadside view and to screen the rear yards of commercial properties from abutting residential properties. A landscaped buffer of at least 5 feet in width is required to separate a parking lot with more than 10 or more parking spaces therein from a public sidewalk.~~
A landscaped buffer of at least 5 feet in width shall be required in the following circumstances: (1) To reasonably screen 10 or more off-street parking spaces from roadside view, (2) To reasonably screen 10 or more off-street parking spaces from abutting residential properties, and (3) To have proposed non-residential properties provide screening to abutting residential properties in the COM, IND, & HOS Zones.
- b.c. Landscaping plans shall include shade trees when ten or more parking spaces are proposed. In such areas, no open-air parking space shall be more than 30 linear feet from the trunk of the closest shade tree. When internal parking lot islands are proposed to meet this 60 foot maximum distance requirement, said islands shall not be curbed and shall be designed to receive and attenuate stormwater from the paved parking area.
- e.d. Proposed shade trees shall be no smaller than a 2.5 inch caliper trunk diameter, measured at ground level, or, in the case of coniferous trees, a minimum of 5 feet in height. Tree species shall be long-lived (over 60 years) with a high tolerance for soil compaction.
- d.e. Landscaping shall also include the use of shade trees along any road frontage. At least 1 shade tree shall be planted for each 60 linear feet of said frontage. Said trees shall be salt tolerant, of local origin, and placed/sized so as to not impact overhead utility lines.
- e.f. Maximum effort shall be made to save existing mature trees. No material or temporary soil deposits shall be placed within the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers, such as snow or silt fences, shall be installed during construction around the drip lines of vegetation that is to remain on site that may be damaged by construction activity.
- f.g. All plantings shall be installed according to accepted horticultural standards. Plant species should be native (unless ornamental), shall not be listed as invasive and shall be hardy (zone three or harder as defined in UVM Extension Service's "Landscape Plants for VT").
- g.h. The owner shall ensure proper watering and weeding to ensure plant viability and shall replace dead landscaping within the same growing season as any die-off.
- h.i. Adequate planted screening shall be required that is robust enough to shield any adjacent house, including a house across a roadway, from view of a ground mounted solar array that is greater than 15 kilowatts and requires a Certificate of Public Good from the Public Utility Commission.

506. Site Protection and Restoration. Topsoil shall be preserved and redistributed on all regraded surfaces and disturbed areas and be stabilized by plantings, sodding, mulching and/or seeding - with double or triple the flat field seeding rates for slopes with little reclaimable soil in order to successfully regenerate and re-establish a permanent cover growth. Proper soil erosion control measures shall be taken during and after construction. Landscaping plans shall incorporate a 50 foot wide setback from perennial streams and existing natural drainage patterns shall be preserved wherever possible. Seed and mulch shall be applied as soon as possible on disturbed soils.

Subdivision. This lot number may need to be amended when a survey of the subject land is completed during the Preliminary Plat Review process.

- c. **Five-Step Design Process.** The applicant shall work through the following five-step design process when laying out a Conservation Subdivision on the subject land:

Step 1. Identify the natural resource areas,

Step 2. Identify the potential development areas outside of the natural resource areas.

Step 3. Within the potential development areas, identify potential development sites.

Step 4. Lay out roads, driveways and utility corridors for the proposed lots.

Step 5. Draw in the Lot Lines.

5. **Dimensional Requirements of Conservation Subdivisions.** The applicant shall submit a formal subdivision plan that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:

a. **Preliminary Plat Information:** The plan detail requirements found in §770 of the Bylaws.

b. **Reduction of Dimensional Requirements for Conservation Subdivisions.** The following reduced dimensional requirements apply for Conservation Subdivisions when a minimum of 50% on the proposed development area is to be permanently protected as open space:

1. The total footprint of the development may be reduced by up to 50% (i.e. ten acres of land that would normally yield 5 two-acre lots, can become a conservation subdivision with the same five lots on 5 acres with another 5 acres of open space).
2. Lot frontage shall not be less than 20 feet.
3. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed. However, side setbacks shall not be required for townhouse style Class 1 Development located in the Village
4. The DRB may waive minimum side setback requirements for multi-unit developments that utilize party-walls to encourage more compact development when doing so furthers the bylaw's purposes.
5. The DRB may allow the reduction of the Minimum Lot Size to no less than one-quarter of the required lot size specified by the zone in which the subdivision is proposed if ~~any~~ one of the following criteria can be met:

a. When 75% of the subject property is to be permanently protected as open space; ~~or~~

b. When the subject property is located within the village limits;

b.c. When Class 2 Development is proposed in the Low Density Residential Zone.

6. Open Space Requirements.

- a. A minimum of 50% of the proposed development area shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots.
- b. The open space lot must abut at least half of the proposed lots, and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a Street separates it. The DRB may waive this requirement during when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.
- c. To achieve this Bylaw's long-term goal of forming large unified open space areas, when there is adjacent public lands, or an adjacent conservation subdivision open space lot that was previously protected, the proposed open space lot should be physically connected to these existing protected public lands. Said adjacent protected public lands shall also be considered "adjacent" if they are only separated from the proposed conservation development by a Street.

- d. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review and all of the prime ag area located inside SSMA.
- e. Acceptable uses of the dedicated open space include: agriculture and forestry. Additional uses of the dedicated open space may include recreation fields, walking trails, bike paths, view vistas and parklands. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose and intent of this Bylaw, provided that doing so will not result in any reduction in the agricultural potential for the designated agricultural soils.
- f. Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" in §6e shall not disturb more than ½ of dedicated open space from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place (ex. the regrading & replanting of a gravel pit).
- g. Open space shall not include land set aside for the road's right-of-way.
- h. Dedicated open space may be used for sewerage disposal systems if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.
- i. Stormwater drainage systems may be allowed in the open space if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.
- j. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space. No structures shall be allowed in the section of dedicated open space that is depicted on the subdivision plan as the prime ag area.
- k. The ownership of the Open Space shall be conveyed to the Town, the Town's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Village, Town or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein
- l. A maintenance easement shall be granted to the Town ~~if the open space is to be retained in private ownership or to be owned by the homeowner's association. Said easement over such land shall to~~ ensure its perpetual maintenance and provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot(s) to ensure payment of such maintenance.
- m. The protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for construction within the subdivision. When no visual distinction exists along the boundary of a subdivision lot and the protected open space (ex. in an open field setting), the use of boulders unearthed during construction, blasted ledge, split-rail fence, street trees (per §505 d&e of the Bylaws), tree blazing, signage, or other reasonable measures shall be used to delineate the open space and ensure it is not encroached upon by construction equipment, or by abutting landowners.
- n. Walkways, hiking trails or bicycle paths shall be provided where feasible to link the lots with the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected

We need
to tighten
rules of
town
ownership
of open
space

great low cost
alternative

by said walkways, hiking trails or bicycle paths. Public access to any trail system in the dedicated open space shall not be restricted via the private status of the streets within the development.

rule from First Light Lane experience

receiving a local subdivision permit.

820.2 Street Construction Standards. All public and private streets, sidewalks, and curbing shall be constructed and/or installed in conformance to the standards established in these regulations and in the: "Morristown Road Policy" & "Morristown Sidewalk Policy." If any of the standards established in these Regulations conflict with those of the road ordinance, the standards found below in the zoning shall apply.

820.2a Horizontal Intersection Alignment.

- a. Within 75 feet of the approach to an intersection, the centerlines of the intersecting streets shall be at right angles.
- b. New road intersections shall be at least 125 feet from any existing road intersection on the same side of the road and line up with any existing intersection on the opposite side of the road or maintain at least the same minimum 125 foot buffer distance.
- c. The centerlines of no more than two accepted rights-of-way shall intersect at any one point.
- d. Sidewalks shall be provided per the Morristown Sidewalk Policy. Sidewalks shall be provided so new developments connect to existing sidewalks.
- e. The DRB may waive these above requirements if it finds that enforcement would be impractical because of the character or topography of the land and that the health, safety and welfare of the public shall not be adversely affected. However, the allowable intersection angle shall not be less than 60 degrees.

820.2b Vertical Alignment at Intersections. The gradient within 75 feet of intersections shall not exceed 5%.

820.3 Cut and Embankment Slopes. All slopes shall be well-rounded to form a smooth transition from the shoulder edge to the existing grades

820.4 Dead-end Streets, and Cul-de-sacs. Dead-end streets shall terminate in cul-de-sacs with a minimum diameter of 100 feet for the more developed areas found in the CB, COM, IND, & HDR zones where the Fire Department will likely respond with a ladder-truck. Dead-end streets, in all other less developed zones, shall terminate in cul-de-sacs with a minimum diameter of 70 feet, as the Fire Department would likely use an engine-truck to respond. The DRB may allow a 70 foot diameter cul-de-sac in any zone if the Fire Chief does not believe the ladder-truck would be needed to respond to the proposed development. The DRB may also make an exception to these requirements for dead-end streets. Provisions shall also be made at the perimeter of all cul-de-sacs for snow removal and storage.

820.5 Streets. Streets shall be identified by name on the preliminary plat and be approved in name by the Selectboard prior to §750 Final Plat Approval. When the Selectboard names the Street, it shall act upon the Zoning Administrator's recommendation, and provide a non-binding indication at that time to the applicant if it this street will be accepted in the future as a public road (which directs the developer to design the new road to the meet either standards for a private or public road). If the Selectboard determines that said road fails to serve a public purpose and should remain private as a result, a private road covenant shall be executed and recorded for said street per the Town of Morristown Road Policy. Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it street, avenue, road,

Selectboard
request

ARTICLE IX. DEFINITIONS

Section 900. State Definitions.

The definitions under §4303 of the Act shall apply to these Bylaws, and shall supplement those defined herein.

Section 910. Other Definitions.

The following definitions shall also apply to these Bylaws.

Certain means of reference and words used herein shall be defined as listed below: Unless the content clearly indicates contrary, words listed in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association, partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive, the words, "shall" and "will" are mandatory

The Act - refers to Title 24, Chapter 117 of the Vermont Statutes.

Accessory Apartment - An apartment located within an owner-occupied single-family dwelling, or within an accessory building on the same property, that is dimensionally subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation and sanitation. See §423.4

Accessory Retail and Food Use - Activities such as gift shops, cafeterias, fitness rooms, and snack shops that are conducted within a principal Structure, occupying no more than 25% thereof, primarily containing a non-retail use and that serve the primary non-retail use. There shall be no external evidence of retail activity discernible from the outside of the Structure. Access to the retail activity shall only be from within the principal Structure.

Accessory Use - A use or Structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or Structure.

Administrative Officer - The person appointed per 24 VSA §4448; aka "the Zoning Administrator."

~~Airport - The Morrisville-Stowe Airport (MVL) Airport.~~

not needed

Awning - A retractable or permanent structure of flexible material (plastic, canvas, etc.) on a frame attached to the facade of a building and projecting therefrom as a protection against sun or rain.

Bar - A business or part of a Structure used primarily for the retail sale or dispensing of alcoholic beverages for on-premise consumption, or the part of a building, structure, or premise of a private club, association or organization that dispenses alcoholic beverage for on-premise consumption.

Base Flood - A flood having a 1% chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) - The elevation of the water surface elevation resulting from the Base Flood.

Basement - Any area of the Building, including a crawl space, having its floor below grade on all sides.

Bedroom - a room with one or two beds in it being used for sleeping purposes.

Brewery: A facility for the production and packaging of beer, vinous, distilled or fermented alcohol products for distribution, retail, or wholesale, on or off-premise. A majority of a Brewery's on-premise alcohol sales (retail, tastings, etc.) shall be brewed or distilled on-site.

Building – See definition of Structure. ~~Any walled and roofed Structure, including a fuel storage tank that is principally located above ground.~~

~~**Building Envelope**—That portion of a lot which remains available for location of Structures after all setbacks and other applicable regulatory limitations have been satisfied.~~

Building Front Line - Line parallel to the front lot line transecting that point in the Building face which is closest to the front lot line. This face includes decks and porches whether enclosed or not, but does not include steps or ramps.

Building Height - Vertical distance measured from the average elevation of the Building's finished grade to the midpoint of its roofline, or, in the case of a flat roof, to its highest point. Building Height above the maximum height specified in each zone shall require Conditional Use review.

Bulk Storage of Fuels - The storage of 1,000 gallons or more of liquid or gaseous fuels for distribution. Such fuels include fuel oil, and pressurized gasses such as propane and compressed natural gas.

Business Services - Establishments providing primarily services to individuals, institutions, farms, industries, or other businesses (ex. including: bank, consulting firm, distributors, insurance or real estate agency, barbershop, beauty parlor, laundry, photographic studio, and wholesalers). Business Services is also inclusive of the assemblage of parts to manufacture hardware or consumer products.

Class 1 Development - Any use in which all necessary water supplies AND sewage disposal is provided by municipal off-lot water and sewage systems.

Class 2 Development - Any use in which either the necessary water supply OR the necessary sewage disposal is provided for on the same lot as the building(s) for which these utilities are provided; and the other utility is provided by an off-lot system.

Class 3 Development - Any use in which the necessary water supply and the necessary sewage disposal is provided for on the same lot as the building(s) for which these utilities are provided.

Clubs, Private - Building, facilities, or uses catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit.

Commercial Use - This use shall include all operations and processes for businesses, whether they be located in stores, warehouses, offices, or similar Structures. This use shall not include the Gas Station or Sexually Oriented Business uses.

~~**Commercial Communication Equipment**—Satellite dishes, towers and antennas that receive and or transmit signals, except those used for private or personal reception.~~

not needed

Community Facility - Any meeting hall, place of assembly, government office, government facility, museum, art gallery, library, school, or other similar establishment not operated primarily for profit.

Compensatory Storage – A volume not previously used for flood storage that is incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Said compensatory volume have an unrestricted hydrological connection to the same waterbody.

Conditional Use - A use that may be permitted by the Development Review Board after public notice and hearing to determine whether the proposal conforms to standards set forth in §630 of the Bylaw.

Day Care Facility - A conditionally allowed State licensed or State registered Family Child Care Facility caring for more than six full-time children and/or caring for a maximum of six full-time children and more than four part-time children.

Development - The division of a parcel into two or more parcels or any human-made changes to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment and materials.

Development Review Board -The Morristown/Morrisville Joint Development Review Board created per 24 VSA §4461.

Directory Board Sign - An additional Sign allowance for any business location for which a Sign thereon would not be clearly legible from the Street.

Drive-Through - An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, beverages, food, goods, or be entertained while remaining in their vehicles. Drive-Through uses may be the principal or accessory use on a lot.

Dwelling Unit, Single-Family - A detached residential Building to be used solely as a seasonal or year-round home for one family that may or may not have an Accessory Apartment on the premises.

Dwelling Unit, Two-Family - A detached residential Building designed for or occupied as a home by 2 families living independently of each other or 2 Single-Family Dwelling Units located on the same lot.

Dwelling Unit, Multi-Family - A detached residential Building designed for or occupied as a home by more than two families living independently of each other or the combination of more than two residential uses in multiple Buildings on the same lot.

Easement - The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his or her property, conveyance suitable for record in the Town's land records.

Elevation - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Family - Other than a Group Home per 24 VSA §4412.1g, a Family shall be defined as a "functional family unit" (regardless of household size) living together for 30 consecutive days or more where all common spaces, appliances, food preparation and costs are shared, or a group of not more than four unrelated persons living together for 30 consecutive days or more where all common spaces, appliances, food preparation or costs are NOT shared.

S.T.R. clarification

Family Child Care Facility - A State licensed or State registered family child care facility caring for less than six full-time children, which shall be permitted as a Dwelling Unit, Single-Family use of the property. A State licensed or State registered family child care facility caring for up to four part-time children, in addition to a maximum of six full-time children, is also a Family Child Care Facility that shall be permitted as a Dwelling Unit, Single-Family use, but that this expanded use shall require §500 Site Development Plan Approval by the Development Review Board.

Fence - Any combination of commonly used man-made materials erected to enclose, screen or separate areas of land. Fences may be constructed of wood or vinyl in an open style (e.g. picket or split-rail) or a closed style (including stockade fences, natural stone walls, or masonry walls).

Final Subdivision Plat - The final drawings on which the subdivider's plan of subdivision is presented to the DRB for approval and which, if approved, recorded on 18" X 24" Mylar with the ~~Municipal~~Town or Village Clerk. ✓

Firewood Processing – The processing of less than 100 cords (or board foot equivalent) per calendar year of firewood from off-site logs for commercial purposes by 3 or fewer employees. Said small-scale commercial processing, including the delivery of logs and other wood processing, including but not limited to mulch grinding, pellet and fencepost making, shall be limited to the hours of 7am to 5pm Monday through Friday, 9am to 2pm on Saturdays, and no holidays. Processing of 100 or more cords (or board foot equivalent) of wood per year shall only be allowed in the Industrial Zone.

Flood Insurance Rate Map (FIRM) - An official map of the community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved for to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

Frontage - Frontage of a lot is its boundary abutting a Street or right-of-way.

Garage, Lawn, or Porch Sale - Temporary sale of personal property belonging to household residents conducted by those residents from a lawn, porch, or accessory Building adjoining a dwelling. (See §487)

Gas Station - Any area of land, including Structures thereon, used or designed to be used for the supply of gasoline, oil, or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, or otherwise cleaning or servicing such motor vehicles.

Group Home (per 24 VSA 4412.1G) – See §423.1g for Residential Care of Group Home.

Ground Water Source Protection Area (SPA) - An area designated by the State of Vermont, Agency of Natural Resources as a public drinking water source and recharge zone, and given special protection in §300 of these Bylaws.

Health Care Facility – A facility whose purpose is to provide on-site medical treatment for humans, including but not limited to hospitals, clinics, nursing homes, convalescent homes, and multi-unit assisted-living facilities.

Hotel, Inn or Motel: A Structure or combination of structures on the same lot with the capacity to rent short-term lodging to 17 or more persons in 9 or more bedrooms. Hotels shall be approved by the Division of Fire Safety and have a valid waste-water permit. The Occupancy per Bedroom definition is not applicable for this use.

Home Occupation - An accessory business conducted within a minor portion of a dwelling by the residents thereof so that the floor area dedicated to the business is less than 25% of the total floor area of the dwelling unit.

Home Business - A commercial use housed in the principal dwelling, an accessory Building, or on property owned by the business owner for their primary residence. A Home Business is an accessory use that is clearly incidental and secondary to the residential use of the property. All Home Businesses under this definition shall conform to requirements specified in §415 of the Bylaws. Gas Station, Motor Vehicle Sales and Repair, and Firewood Processing are not eligible uses for a Home Business permit.

Legislative Body - The Selectboard of the Town of Morristown.

Lot - A parcel of land under common ownership and not divided by any state or town highway that is of at least sufficient size to meet the minimum lot size of this document. If one or more lots are pre-existing small lots, it shall not be considered merged if it can meet the criteria under §421 of these bylaws. Pre-existing small lots that cannot meet the criteria under §421 of these bylaws shall be deemed merged.

Lot Size - Acreage or square footage of a lot. Calculation of lot size to determine that it meets the minimum size for the district where located shall not include the road right of way of any public Street.

Lot of record - A lot which is part of a subdivision recorded in the office of the Town/Village Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lowest floor - [as used in the Flood Hazard Area regulations in §320 of these Bylaws] -Bottom floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable 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 (see 44 CFR §60.3).

Manufactured Home - A Structure, transportable in one or more sections, built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Mean sea level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the community's FIRM Maps are referenced.

Mobile Home - [Except as used in Flood Hazard §320, of these Bylaws] 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 connected to the required utilities.

Motor Vehicle Sales and Repair – An enclosed establishment for the display, sale, services and repair of new and used motor vehicles and boats. For fuel dispensing, see the Gas Station use.

~~Municipal Clerk - The Town Clerk of the Town of Morristown.~~

not needed

Permitted Use - A use that is specifically allowed in the district for which it is proposed. After determining that an application conforms to district regulations established by this Bylaw, the Zoning Administrator may issue a permit without public hearing or notice.

Planning Commission (a/k/a Municipal Planning Commission) - The Morristown-Morrisville Joint Municipal Planning Commission established in accordance with 24 VSA, Chapter 117, §4321 & §4327.

Plat - A map or representation on paper, or mylar of a piece of land subdivided into lots and streets, drawn to scale.

Prime Ag Soils – Land designated on the Vermont Agency of Natural Resources "Natural Resource Atlas" website as "Prime" or "Statewide." Any other designated agricultural land on said website, such as "Prime (b), Statewide (a) or Local, shall not be considered Prime.

Primitive Camp – A dwelling unit allowed in all zones, whose occupancy, per the Vermont Wasterwater System and Portable Water Supply Rules, shall not exceed 3 people, and whose use shall not exceed 3 consecutive weeks per calendar year, nor exceed a total of 60 days per calendar year, that has no interior plumbing except for one sink with water. Primitive camps may contain a composting or incinerating toilet that does not yield a liquid provided its contents are disposed of in compliance with said VT Rules.

Professional Office - Rooms used for conducting the affairs of a business, profession, service, industry generally furnished with desks, tables, files and communication equipment.

Public Entrance – An exterior door that provides public access to an interior common area or hallway with 2 or more private doorways to residential apartments, commercial units, or communal storage space.

needed clarification per DRB hearing

Public Water System - Any water system owned by the same person that supplies water for public, domestic, commercial or industrial use to ten or more households by pipe connection or by containers.\

Reasonable Modification - A structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable Modifications include structural changes to interiors and exteriors of dwellings and common and public area uses. Any request for Reasonable Modification shall be reasonable and demonstrate an identifiable relationship between the requested modification and the disability.

Recreation Facility - Includes bowling alley, theater, pool hall, skating rink, gymnasium, swimming pool, hobby workshop, golf course, golf driving range, shooting/archery range, tennis court, riding stable, park, beach, recreation stadium, ski trails, and other places of outdoor public or commercial recreation.

Recreational Vehicle – A vehicle built on a single chassis, 400 ft² or less in size (measured at the largest horizontal position), designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreation or seasonal use. This use includes "campers."

Residential Use - Dwelling Unit, Single-Family, Dwelling Unit, Two-Family, Dwelling Unit, Multi-Family, group homes serving no more than eight qualifying persons.

Retail Sales of Goods & Services - Any enclosed business concerned primarily with the sale of produce, products, goods, equipment, or commodities. This shall exclude any drive-up service, free-standing retail stand, gas station, motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

Restaurant - An establishment where food and drink is available to the general public. Alcoholic beverages may or may not be served, but shall only be incidental to the serving of food. Restaurant use does not include uses for Drive-In Restaurant or Refreshment Stand and Bar.

Road - see "Street."

Sale of Goods Produced On-Site - Direct sale to consumers of goods produced or manufactured on-site or assembled on-site from un-worked materials. Examples of un-worked materials include sheet metal, glass, lumber, etc., upon which a craft is applied on-site. Retail sale of accessory items not produced on-site is also allowed, provided that no more than 25% of retail floor/display space is devoted to these accessory items

Shelter - A facility whose primary purpose is to provide temporary or transitional shelter for a guest whose stay shall not exceed 30 total days in a calendar year. A Shelter shall be staffed 24 hours a day and serve no more than 8 adult guests at any one time who may or may not have a disability as defined in 9 VSA §4501. A Shelter is not a detox center and guests of a Shelter shall not be under the influence of drugs or alcohol at any time while they reside at said shelter.

Short-Term Housing - A Structure or combination of structures on the same lot that is required to be Owner Occupied, renting Bedrooms to persons for a period of fewer than 30 consecutive days. Short-term Housing containing 8 or ~~less~~fewer Bedrooms (maximum occupancy 16 people), must be approved by the Division of Fire Safety, and have a valid State waste-water permit. Short-Term Housing with 4 Bedrooms or ~~less~~fewer (maximum occupancy 8 people) is exempt from the above local permit requirements, but not the Owner Occupied provision. The Short-Term Housing use is not a Hotel, Inn or Motel use, with said use regulating 9 or more bedrooms for 17 or more people. *Clarification*

Setback - The distance from the footprint of a Structure to any lot line including the Street centerline. For purposes of this section a structure shall not include: (1) eaves, sills, pilasters, gutters, cornices, chimneys, and roof overhangs; (2) the footprint of stairs to first floor of a Structure; (3) ramps or other Reasonable Modifications under the Fair Housing Act; (4) Fences, (5) Signs, (6) at-grade stone or paver patios, (7) publicly accessible pedestrian walkways, boardwalks and items normally found accessory thereto, (8) front porches provided they are not enclosed that are open to the elements in all 4 seasons, (9) paved parking lots, and (10) driveways and streets. *Clarification*

Sexually Oriented Businesses - an inclusive term that describes the following businesses: a sexually orientated cabaret, a sexually oriented cinema, a sexually oriented store that sells sexually oriented materials such as, but not limited to, videos, images, and toys. Said definition shall not prohibit the sale of lingerie or a lingerie store.

Shoreline - The bank or edge of a watercourse, as used to determine the shoreline setback requirement. For the purpose of these bylaws, the following watercourses are covered by this definition: Lamoille River, Lake Lamoille, named brooks identified on the Town of Morristown Property Maps (Jacob Brook, Mud Brook, Beaver Meadow Brook, Sterling Brook, Kenfield Brook, Ryder Brook, Lawrence Brook, and Bedell Brook)

Sign - Any device, structure, building or part thereof, used to bring a subject to the public's attention.

Sketch Plan - A sketch of the proposed subdivision showing information specified in §720-720.4b.

Solar Energy System - A complete design or assembly consisting of a solar energy collector, an energy storage facility, where used, and components for the distribution of transformed energy, to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems, which use natural or architectural components to collect and store solar energy without using external mechanical power, are included in this definition.

Special Industry - Extraction or processing of ~~natural earth~~ resources such as rock, stone, sand, gravel, and minerals, ~~or wood~~. These operations are generally incompatible with other uses and require large land areas. The Special Industry use, specifically per §485 of the Bylaws, use is only allowed east of Garfield Road between the river (south) and the town line (north).

Ties to Section 485 revision

Special Flood Hazard Area (SFHA). The land within the floodplain within Morristown and Morrisville subject to a one percent or greater chance of flooding in any given year shown as Zones A & AE on the FIRMs. For purposes of this bylaw, the term "area of special flood hazard" is synonymous in meaning with Special Flood Hazard Area.

Start of Construction. Start of Construction determines the effective map or bylaw that regulated Development, including substantial improvement, in the special flood hazard area. The Start of Construction for Development shall be the date the zoning 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 dwelling units 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, whether or not that alteration affects the external dimensions of the building.

Storage Trailer - Per §488, a trailer having one or more axles, whether intact or removed, with a hitch to be pulled by a motor vehicle, and designed as a permanent enclosure, not completely removable, with doors or hatches to gain entry. This use includes "sea boxes"

Street - Any public or private way which provides, or is reserved for, the principal access to 3 or more properties.

- Per flood zone reg changes

Structure - ~~An assembly of materials for occupancy or use, A walled and roofed building, including a manufactured home, a gas or liquid storage tank, including but not limited to: Buildings, mobile homes or trailers, manufactured homes, billboards, signs, walls, or fence, except a wall or fence on an operating farm.~~

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development. The term includes amended subdivisions and resubdivisions and the development of a parcel of land as a conservation subdivision.

Subdivider - Any person, firm, corporation, partnership or association who owns or controls for the purpose of sale or development any subdivision or part thereof as defined herein.

Substantial Damage - The damage of any origin sustained by a structure where the cost of restoring the structure to its pre-damaged conditions equals or exceeds 50% of the listed or market value of the structure before the damage occurred.

→ per flood zone changes

→ per flood zone changes

Substantial Improvement – Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the adoption date of this bylaw, the cost of which equals or exceeds 50% of the Town's listed or appraised 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 codes which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Town Clerk - The Town Clerk of the Town of Morristown and/or the Village of Morrisville. ✓

Town Highways:

Class 1 - Town highways designated by the Transportation Board which are parts of a State Highway route and which carry a State Highway route number.

Class 2 - Town highways designated by the legislative body of the municipality with the approval of the Transportation Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

Class 3 - All other traveled town highways, other than Class 1, or Class 2, designated by the legislative body of the Municipality, after conference with a member of the Transportation Board.

Class 4 - All other town highways, including trails and pent roads, other than Class 1, 2 and 3 highways, designated by the legislative body of the Municipality.

Town Highway Notation - For clarification of definitions of Town Highways (Class 1, 2, 3 & 4) reference is hereby made to 19 V.S.A. §17 as now in force, or as may be from time to time amended. Where conflicts or confusion arises between the referenced standards and the above definitions, the referenced standards shall apply.

Violation - The failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

Warehouse and Storage Facility - Within business zones, this use includes warehouses, contractor's yards, storage yards, mini storage facilities, and other similar Structures. Where this use is allowed in residential zones, it is inclusive only of seasonal storage or cars, boats, snowmobiles, etc., inside existing barns. Warehouses and mini storage facilities shall not be allowed as part of this use in residential zones.

Waterbody - Means all watercourses such as brooks, streams and rivers; also includes ponds, lakes and wetlands. Is intended to apply to both natural and man-made situations and includes seasonal flows as well as year round flows.

Wetland - Shall mean those areas of the state that are inundated by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake over flows, mud flats, bogs and ponds, excluding such area that grow food or crops in connection with farming activities.

Zoning Administrator - The person appointed per §4448 of the Act; also referred to as "Administrative Officer."

ARTICLE X. ZONE BOUNDARIES

Section 1000. Central Business (CB). The purpose of this zone is to allow for retail commercial uses, businesses, and very high density residential uses in a vibrant downtown that serves the community and the region.

1001. CB #1 (Downtown).

more precise, doesn't use lot lines

Traveling in a clockwise direction, from a point beginning ~~on the northwest corner of Parcel 21069 east to the intersection with the railroad at the intersection of the Truck Route and the Lamoille Valley Rail Trail (referred to hereafter as the LVRT), right-of-way.~~ Along the railroad right-of-way on the west to the Lamoille River on the east. Traveling against the current of the Lamoille River on west to an intersection with a line projecting due north from the northernmost point of the Riverview Cemetery, Parcel 21193. Then turning south from said point in the river, crossing Park St, and arriving at the base of the Soldiers' Monument. Then traveling from the Soldiers' Monument to the southeast corner of parcel 21009 (10 Summer St). Then turning west from said corner to southwest corner of parcel 21009, and then turning south along the eastern lot line of Parcel 21010 a point 200 feet south of Upper Main St. The turning west from said point, forming a line parallel with Upper Main St. Then west along this line parallel and 200 feet south of Upper Main St to Congress St. Then continuing west from Congress St on the same line to East High St and then turning north to the intersection of East High St and Main St and then west along Feline Loop to its intersection with B Street. Then from said intersection of Feline Loop and B Street, traveling northwest on B Street, over the Bridge to the Lamoille River. Then running with the current of the Lamoille River to the intersection of the Truck Route Bridge. Then turning north up the Truck Route to the intersection with the LVRT at the point of beginning, but fully including Bridge St. Then turning west to fully include Parcels 21065, 21069, & 21077 ~~and then turning north and arriving at the point of beginning.~~

Section 1010. Commercial (COM). The purpose of this zone is to provide for mixed uses and space for businesses serving the community and the region. Good highway access and close proximity to the village characterize the area.

1011. COM #1 (Uptown).

Correction

From a point beginning at the ~~southwest~~ northernmost corner of Parcel 08-167 (which is approximately ~~600~~ 800 feet west of the intersection of VT Route 15 W. and Needle Eye Rd) and traveling in a clockwise direction. A line projecting southeast from the point of beginning to the intersection of Langdell Rd and Center Rd. Then a line projecting southeasterly to the easternmost portion of the Town right-of-way on Lanphear Rd. From said end of Lanphear Rd, a line projecting due south to VT Rte. 15 E. Then turning westbound on VT Rte. 15 E to Munson Ave, but including Parcel 08075 (PriceChopper), and the western half of Parcel 08076 (House of Pizza). Then turning southerly down Munson Ave until a point of intersection with Harrel St on the south. Then turning west on Harrel St to a point of intersection with Brooklyn St, but including Parcel 21139. Then turning south along Route 100 until a point of intersection with the road into Brooklyn Heights. Then west for 100 feet along the Brooklyn Heights road before turning northerly and running parallel to Route 100 but remaining 100 feet west thereof until a point of intersection with the Village/Town Boundary. Then following the Village/Town Boundary west, crossing the Truck Route, to a point 1,000 feet west of Brooklyn St. Then turning north from said point, staying 1,000 feet west of Brooklyn St. until a point of intersection with Stafford Ave. Then turning northwesterly and continuing to the end of the Town right-of-way on Stafford Ave. Then a line projecting from the end of Stafford Ave to the northernmost point of Parcel 20032-1. Then continuing northerly to the point of beginning ~~at 396 VT Rte. 15 W.~~

1012. Commercial Zone #2 (Lower Village).

From the intersection of the town/village boundary, the ~~Alternate~~ Truck Route, and the northwest corner of Parcel 07328, south along the town/village boundary to a point of intersection with the town/village boundary and Route 100 / LaPorte Rd, then along Route 100 westeast to a point of intersection Jersey Way, and then south along Jersey Way to the southern eastern most point of Parcel 0700~~32~~, and then west

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Correction but will probably change with S. 100

along the southern lot lines of Parcels 07002, & 07004, & 07006 to the intersection of the town/village boundary ~~on Parcel 07006~~, then projecting on the same plane from this point of intersection westward across Parcel 07007-01 to a point of intersection with the Truck Route, and then northeast along the Truck Route to the point of beginning.

Section 1040. Mixed Office Residential (MOR). The purpose of this zone is to provide for an area for small professional offices in close proximity to the Village while concurrently allowing for continued residential uses.

1041. MOR #1 (Bishop Marshall).

Beginning at the intersection of Bridge St and the Town/Village Boundary on tax map 7, then south along the town/village boundary to a point of intersection with the Truck Route, but including parcel 07328-1 directly to the northeast, then from the aforementioned point of intersection of the Village/Town boundary and the Truck Route, turning south along the Truck Route to the intersection of Morristown Corners Rd, then turning west along Morristown Corners Rd to a point of intersection with Ryder Brook, turning north along Ryder Brook until the southern boundary of Parcel 320 that is on the east side of Ryder Brook, then turning east from Ryder Brook along the southern boundary of Parcel 320, then turning north at the eastern boundary of Parcel 320, and then along the eastern boundaries of Parcels 319 and 301 to the point of intersection with Bridge St, then travelling east on Bridge St to the point of beginning.

Section 1050. Industrial (IND). The purpose of this zone is to provide locations for manufacturing and industrial operations ~~in order~~ to encourage the production of goods & services, enhance local employment opportunities, and broaden the local tax base. This zone is characterized by good highway access.

1051. **IND #1 (Uptown).** From a point beginning ~~on at the intersection of~~ Needle Eye Rd and the northernmost corner of Parcel 20032-1 traveling in a clockwise direction. From said ~~northernmost corner of Parcel 20032-1 point of beginning~~ to a line projecting southerly to the terminus of the Town ~~portion of right-of-way for~~ Stafford Ave. Then following Stafford Ave southeast to a point 1,000 ~~feet~~ west of Brooklyn St. From said point 1,000 ~~feet~~ west of Brooklyn St, turning south, keeping the same distance from Brooklyn St, to a point of intersection with the Village/Town Boundary on the south. Then turning east along the Village/Town Boundary to a point of intersection with the Truck Route. Then turning south along the Truck Route to the Lamoille Valley Rail Trail Bridge. Then turning north along the Rail-Trail to the northern property line of Parcel 07307. Then west along said northern property line to a point of intersection with the Village/Town boundary in the river. Then north along said boundary to the point where it turns east back to the Rail-Trail. Then north along the Rail-Trail until a point of intersection with Parcel 20035. Then from said ~~southernmost~~ point of intersection of the Rail-Trail and Parcel 20035, a line projecting northerly to the point of beginning.

1053. **IND #2 (Industrial Park & Harrel St).** From a point beginning at southwestern corner of Parcel 08075 (Pricechopper) traveling in a clockwise direction. East along the southern property and then northeast along the eastern property lines of Parcel 08075 to a point of intersection with VT Rte. 15 E. Then traveling east along Route 15 to a point 250 feet east of its intersection with Harrel St. A line projection due south from said point to the Lamoille River on the south. Then turning west, downriver, to the southeast corner of Parcel 21145. Then turning northerly along the rear property line of said parcel and continuing along the rear property lines of Parcels 144-139 to a point of intersection with Harrel St. Then traveling east along Harrel St until the point of intersection with Munson Avenue. Then north up Munson Avenue to the point of beginning, but only including the eastern half of Parcel 08076 (House of Pizza).

1054. **IND #3 (Trombley Hill).** From a point beginning at the intersection of Trombley Hill Road and Frazier Road traveling in a counter-clockwise direction. Traveling north along Trombley Hill Road to the Town boundary with Hyde Park. Then west along the town-line to the intersection with Center Road. Then ~~turning down~~ Center Rd to a point of intersection with Red Pine Estates a line projecting approximately 400 feet southeasterly to the center of the village water tank. Then a line projecting from said ~~intersection water tank~~ to the point of beginning.

Matches
current
zoning
map

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1055. **IND #4 (Bridge St & Cadys Falls Rd).** From a point beginning at the intersection of Bridge St and the Village/Town Boundary, then traveling south along the eastern boundaries of Parcels 301 & 319 to the southern boundary of Parcel 320, then west along said boundary to the intersection with Ryder Brook, then south along the brook to the intersection with Morristown Corners Rd, then across said road and continuing along Ryder Brook to include Parcel 13, then north from the point of intersection of the Brook and the westernmost boundary of Parcel 13 back to Morristown Corners Rd, then crossing Morristown Corners Rd to the southwesterly boundary of Parcel 189, then traveling north along the western boundary of Parcel 189 to lot 190, then continuing along the western boundary of Parcel 190 to the point of intersection with Parcel 191, then turning east along the southern boundary line of Parcel 191 to the intersection of Cadys Falls Rd, then traveling north along Cadys Falls Rd to its intersection with Bridge St, then crossing Bridge St to include ~~lots~~ Parcels 301-1, 301-2, and 301-3 (the peninsula of the old Green Mountain Arena), then crossing back over Bridge St to the point of beginning.
1056. **IND #5 (Airport).** From the intersection of Ryder Brook and Route 100, and heading east along the brook until a point where the river intersects with eastern boundary of Parcel 12130-1 (State airport) then turning southerly along the eastern lot line of the state airport property, including southerly along the eastern boundary line of ~~Parcel~~ Parcels 12136, to a point where said parcel and Ryder Brook intersect, then following the brook to the south to a point of intersection with Goeltz Rd. Then staying along the Brook, crossing Goeltz Rd, and continuing southerly to the far southeastern corner of Parcel 12156-2, then turning westerly along the southern boundary of said parcel, to a point of intersection with LaPorte Rd / Route 100. Then north along Route 100 to the point of beginning, but including Parcels 12111, 121132, & 12113 on the west side of highway.

Section 1060. Hospital (HOS). The purpose of this zone is to provide a desirable area that can accommodate existing and future health care needs, both for the community and the region. Residential uses shall continue to be allowed in this zone for so long as they remain compatible with health care uses.

1061. HOS #1 (Washington Highway).

From a point beginning on Maple Street at northwestern corner of Parcel 23239 traveling clockwise around the district. From said point on the west to southwestern corner of the golf course (Parcel 24083) on the east. Continuing along the southern border of the golf course to its easternmost point, where it intersects with the southeastern corner of Parcel 24041-~~3~~. Then southerly along western property lines of Parcels, 40-7, 40-6, 40-3, and 40-2 on tax map 24 to a point of intersection with the Village boundary. Then continuing southerly along the Village Boundary, crossing Washington Highway (askew), and continuing along the Village Boundary to a point parallel with the terminus of the Town right-of-way on Farr Ave. A line projecting from said point westerly across Parcel 13026 and into Parcel 13025 until a point of intersection with a line projected due south from the terminus of Mansfield Ave. Then turning north from said point up Mansfield Ave to a point of intersection with Washington Highway. Then turning west down Washington Highway, turning north on Maple St, to the point of beginning at the northwestern corner of Parcel 23239.

Section 1080. High Density Residential (HDR). The purpose of this zone is to provide dense housing that is more affordable ~~through the use of~~ allowing multi-family housing, duplexes, and single-family housing on small lots. This zone is located adjacent to and generally surrounds the CB Zone. It is served by public utilities, and sidewalks that provide for a short walk into downtown.

1081. HDR #1 (Village core surrounding the CB zone).

Beginning at the intersection of Lower Main St, Jersey Heights, and Feline Loop traveling in a clockwise direction. Traveling 200' south of said point of beginning along Jersey Heights / Route 100 and then turning east until a point of intersection with Congress St. Then bisecting Congress St, remaining 200' south of Upper Main St to a point of intersection with Summer St but ~~not~~ including #46 (Parcel 21008). Then turning north up Summer St, crossing Upper Main St, to the base of the Soldier's Memorial. Then a line projecting

from the Memorial northwesterly, crossing Park St, to the northernmost point of Riverview Cemetery, Parcel 21193. Then a line due north from the northernmost point of the cemetery to the Lamoille River. Then turning east against the flow of the river to a point of intersection with a line due north from the Morrisville Water & Light vault on Park St. Then turning southerly and running along the western boundary of the People's Academy school property (Parcel 22043), crossing Upper Main St, and heading along the same line to a point of intersection with the Potash Brook. Then turning southwesterly along the flow of the brook, crossing Maple St to a point where the projection of the eastern terminus of Union St would bisect the brook. Then continuing from the point of intersection of the Potash Brook and the eastern projection of Union St, west along Union St to a point of intersection with Congress St. Then turning south on Congress St for approximately 9251000 feet to the culvert that takes that Potash Brook under Congress St-on-the south. Then from this culvert, follow the flow of the Potash Brook to the west until its point of intersection with Randolph Road (which is just prior to where the Potash Brook joins the Boardman Brook). From the intersection of the Potash Brook and Randolph Rd a line projecting westerly to the southeast corner of Parcel 07002, but including the Jersey Heights Condos on Parcels 25020 & 25024. Then turning north up Jersey Way to a point of intersection with Jersey Heights and the Village / Town boundary. Then following the Village / Town boundary north to its intersection with the Truck Route. Then turning northeast along the Truck Route to the intersection with the Lamoille River. The followingtraveling against the flow of the river to the intersection of the B St Bridge and Feline Loop. Then traveling easterly on Feline Loop to the point of beginning.

1082. HDR #2 (West side of Brooklyn St. & north of the CB zone).

Beginning at the intersection of the Truck Route and the northernmost property line of the Westside Court property / Parcel 21087-2 and traveling in a clockwise direction. Traveling easterly from the point of beginning along the northern property line of Parcel 21087-2 to the easternmost point of said property. Then a line projecting southeasterly from the easternmost point of Parcel 21087-2 to a point of intersection in the driveway to Brooklyn Heights that is 100 feet to the west of Brooklyn St. Then turning east along the Brooklyn Heights driveway to the point of intersection with Brooklyn St. Then turning southerly down Brooklyn Street to its intersection with the Rail-Trail. Then heading westerly along the Rail-Trail, excepting Parcel 21077 which is located in the Central Business Zone, to a point of intersection with the Truck Route. Then turning northerly on the Truck Route to the point of beginning.

Section 1090. Medium Density Residential (MDR). The purpose of this zone is to promote single-family housing and duplexes outside the HDR Zone in areas that are still walkable to commercial areas and-the schools. Public utilities are available, and a sidewalk is anticipated on one side of any main street.

1091. MDR #1 (Central Village and up Elmore St). From a point beginning at the intersection of Congress St and Union St traveling in clockwise direction. From the intersection of Congress St and Union St on the west, traveling east along Union St, crossing Summer St and Court St, until a point of intersection with the Potash Brook. Then following and going against the current of the brook, across Maple St, to an intersection of a point made in the brook by a line projecting due south from the southwestern most point of the People's Academy school property (Parcel 22043). Then turning north along said line, crossing Upper Main St, and following the western border of the People's Academy property until the intersection with the MW&L vault on Parcel 22048. Then due north from said vault, crossing Park St, and intersecting the Lamoille River. Then turning east along the river, running against its current, to a point of intersection from a line running due north from the easternmost point of the school's frontage on Park St. Then a line projecting southerly from said point in the river to a line running due north from the front door of the MW&L offices on Parcel 24059 at 857 Elmore St. Then continuing southerly along said line, crossing Elmore St, along the eastern boundary of Parcel 24041 & 24041-3 at 848 Elmore Street, to a point of intersection with the Village/Town Boundary. Then turning westerly, southerly, and westerly again, along the southern boundary of Copley Country Club to the point of intersection with the old Village garage property on Parcel

Simplify

233238). Then continuing westerly along the southern border of Parcel 233228 until a point of intersection with Maple St. Then turning south on Maple St to the intersection of Washington Highway, across from Pleasant View Cemetery. Then traveling westerly along Washington Highway onto Randolph Rd until the point where the Pot Ash Brook goes underneath Randolph Rd. Then following the Pot Ash Brook, against its current to a point of intersection with Congress St. Then traveling north on Congress St until the point of beginning at the intersection with Union St.

1092. **MDR #2 (Bridge St. west of Truck Route & Rail-Trail).**

Beginning at the Truck Route Bridge over the Lamoille River and traveling in a clockwise direction. From the bridge, running with the flow of the river and following it across Bridge St to the northernmost point of Parcel 07307 (east side of the river). Then turning easterly along the northern property line of Parcel 307, and then southeasterly down the Rail-Trail to a point of intersection with the Truck Route. Then turning southerly down the Truck Route to the point of beginning, but excluding Parcels 21065 & 21069 which are located in the Central Business Zone.

1093. **MDR #3 (Wilkins, Wabun, and east side of Bridge St).**

Beginning at the intersection of the Truck Route and the northernmost property line of the Westside Court property / Parcel 21087-2 and traveling in a clockwise direction. Traveling northerly on the Truck Route from the point of beginning to the intersection of the Village Boundary line. Then turning east along the Village boundary line to a point 100 west of its intersection with Brooklyn St. Then turning southwesterly from said point 100 feet west of Brooklyn St. to a point of intersection with the driveway to the Brooklyn Heights condos located on 21087-1. Then turning easterly along said driveway to Brooklyn Heights out to Brooklyn St. Then turning northeasterly along Brooklyn St to the northernmost point of Parcel 140 on tax map 21. Then turning southeasterly along the northern property line of Parcel 140 to its point of intersection with the Lamoille County Mental Health ~~building~~property on Parcel 138 of tax map 21. Then turning southwesterly along the western property line of the Lamoille Mental Health, continuing along the common property line between Parcels 21145 and 21213 to the intersection with the Lamoille River. Then traveling south along and with the flow of the river to the intersection with the Rail-Trail. Then from this intersection of the river and the Rail-Trail, west along the Rail-Trail, to its intersection with ~~the Truck Route~~ Brooklyn St. Then turning north along Brooklyn St. to its intersection with the driveway to the Brooklyn Heights Condos. Then traveling west along said driveway to a point 100 feet to the west of Brooklyn Street. Then a line projecting from said point to the easternmost point of Parcel 21087-2 (West Side Court). Then traveling west along the northern property line of West Side Court to the point of beginning on the Truck Route.

Section 1100. Low Density Residential (LDR). The purpose of this zone is to promote housing in the further reaches of the Village and adjacent areas of the Town that are suitable and desirable for the placement of single-family homes on smaller lots than in rural areas. Lot size ~~and density~~ is variable based on the availability of public utilities (Class 1, 2, or 3 Development).

1101. **LDR #1 (Jersey Way area).** From a point beginning at the southeast corner of Parcel 07002 traveling in a clockwise direction. A line projecting easterly from the point of beginning to the point where the Pot Ash Brook flows underneath Randolph Rd. Then turning southerly on Randolph Rd and then easterly up Washington Highway to the intersection with Mansfield Ave. Then turning southwest down Mansfield Ave to a point of intersection with Parcel 13025. Then continuing along the same line into Parcel 13025 to a point of intersection with a line projecting due west from the terminus of Farr Ave. Then continuing east along that line projecting from Farr Ave, across the terminus of Farr Ave, easterly to a point of intersection with the Village boundary. Then following the Village boundary south until its southernmost point. Then turning west along the Village boundary to a point of intersection of Beacon Hill Rd (where the road bends to the south). Then a line projecting westerly from said point in that road at the Village Boundary to a point 100 feet due south of the intersection of Route 100 and Meadow Drive. Then heading west parallel to but 100 feet south of Meadow Drive to a point of intersection with Ryder Brook. Then turning north following the

brook north to a point of intersection with Morristown Corners Rd. The turning east on said road to a point of intersection with Route 100. Then turning northerly on Route 100 for approximately 800 feet to a point of intersection with a line projecting westerly from the rear property lines of Parcels 2, 4 & 6 on Tax Map 7. Then traveling east along said line projection to the point of beginning but excluding the Jersey Heights Condos on Parcels 25020 & 25024. ✓ *per Condo board vote*

1102. **LDR #2 (Park St to Elmore St).** From a point beginning in the Lamoille River from a line due north of the easternmost point of the school's frontage on Park St and traveling in a clockwise direction. From said beginning point in the river, then traveling east along and against the current of the river to the Village/Town Boundary. Following the Village/Town Boundary southerly and then easterly until said boundary turns away (southerly) from the MW&L water tank property (Parcel 08034). A line projecting southerly from the point where the Village/Town Boundary turns away from Parcel 08034 to the intersection with Elmore Rd and Lower Elmore Mountain Rd. Then following Lower Elmore Mountain southerly for approximately 200 feet, and then turning westerly down Washington Highway. Continuing westerly along Washington Highway until a point of intersection with the Village/Town Boundary. Then turning northerly along the Village/Town Boundary to a point of intersection with Parcel 24041-3 at 848 Elmore Street. Then continuing northerly along the eastern boundary of Parcels 24041-3 & 24041, crossing Elmore Street, to a point of intersection with the front door to the office of MW&L. Then a line projecting from said front door of MW&L to the easternmost point of the school's frontage on Park St.

1103. **LDR #3 (Sunset and Langdell).** Traveling in a clockwise direction, beginning at the intersection of Center Rd and Langdell Rd, then a line projecting westerly to the northernmost point of Parcel 08167, which is approximately 800 feet west of the terminus of Needle Eye Rd on VT Rte. 15 W. Then a line projecting northeasterly to the northernmost point of Parcel 08163. Then a line projecting from said point easterly where Center Road meets the boundary with Hyde Park. Then from said town-line point, a line projecting approximately 400 southeast to the center of the Village water tank easternmost point of Parcel 08114-2. Then a line projecting from said point to the intersection of Frazier Rd and Trombley Hill Rd but including all of Parcel 08090. Then staying on a similar southerly projection to the easternmost point of the town right-of-way on Lanphear Rd, then a line projecting northwesterly to the point of beginning.

1104. **LDR #4 (Cadys Falls).** Traveling in clockwise direction, from a point beginning at the intersection of Cadys Falls Road and the Lamoille River, turning west along the river passing the southern boundary of Parcel 07-212 to a point where the westernmost boundary of 07213 abuts the river, then turning north away from the river along the western boundary of Parcel 07213 to a point of intersection with Parcel 07214, then traveling west along the southern boundaries of Parcels 07214 & 07215, then turning north along the western boundary of Parcel 07215 to a point of intersection with Griggs Road, from said point turning east on Griggs Road, but including Parcels 07233 & 07234, to a point of intersection with the southwest corner of Parcel 07236, then turning north along the western boundary of Parcel 07236 and continuing in the same northerly direction until reaching the northwest corner of Parcel 07242. Then following the western and northern property lines of Parcels 07244-1 & 07245 until the point of intersection with Cadys Fall Road. Then turning south on Cadys Falls Road until a point of intersection with the northern boundary line of Parcel 07252, then heading east along the northern boundary line of Parcel 07252 until the point of intersection with the Rail-Trail, then turning southeasterly along the Lamoille Valley Rail-Trail until a point of intersection with Needle's Eye Road, then traveling westerly on Needle's Eye Road until the intersection with the northeastern corner of Parcel 07294, then turning south and then west along the boundaries of Parcel 07294 to a point of intersection with the Lamoille River, then turning west with the flow of river to the point of beginning at the intersection of the Lamoille River & Cadys Falls Road.

1105. **LDR #5 (Morristown Corners).** Traveling in a clockwise direction, from a point beginning at the intersection of Walton Rd and the back driveway to the nursery on Parcel 07154-3, then a line following the nursery driveway northerly, and projecting from the straight section of said road to the northern boundary line of said parcel. Then turning easterly along said northern boundary of Parcel 07154-3 to the intersection

*Matches
Zoning
map
(current)*

with Stagecoach Rd. Then crossing Stagecoach Road and continuing east on the same projection ~~to the westerly boundary of~~ splitting Parcel 07168-1 and continuing to its eastern boundary, then turning southerly along rear boundaries of said parcel, and the rear property lines of the adjoining ~~property lines of the~~ Parcels to the south, until a point of intersection with Morristown Corners Rd. Then crossing Morristown Corners Rd to include Parcels 07019, 07020 & 07021 on the east side of Stagecoach Road and then crossing Stagecoach Road to a point of intersection with Godfrey Ln. Then a line projecting from the intersection of Godfrey Lane to the point of beginning.

Section 1110. Rural Residential/Agricultural (RRA). The purpose of this zone is to preserve an area for agriculture, forestry, and very low-density single-family homes.

1111. RRA #1 (Rural Morristown).

Simplify

All lands ~~Town~~ located outside the of Zone Boundaries described above in Sections 1001 through 1105. ~~Village of Morrisville, but excluding the following Zones in the Town: Industrial #5 (Airport), MOR (partial), COM (partial), IND 1 (partial), IND 2, IND 3, IND 4, LDR 1&2 (partial).~~

Section 1120. Sewer Service Management Area (SSMA).

The Sewer Service Management Area shall include all the land in the village and the town that has a zoning designation other than Rural Residential Agricultural (RRA). The following areas, which would otherwise qualify for SSMA designation based on the preceding sentence, are specifically exempted therefrom: Industrial #3 (Trombley Hill), Industrial #5 (Airport), Low Density Residential (LDR) Zone #1 (south of a line between Morristown Corners Rd and the southern Village Boundary line, LDR #2 south of the ravine that runs from village/town line on Washington Highway easterly up towards Lower Elmore Mountain Road, LDR #4 for Cadys Falls, LDR #5 for Morristown Corners, and the area west of Ryder Brook located in IND #4.

State of Vermont*Agency of Commerce and Community Development***Department of Housing and Community Development**

National Life Building – North

One National Life Drive

Montpelier, VT 05620-0501

[phone] 802-828-3211

MEMORANDUM

TO: Municipal Planning and Development Review Officials

FROM: Vermont Department of Housing and Community Development
Jacob Hemmerick, Community Planning & Policy Manager
Maxwell Krieger, General Counsel

DATE: June 28, 2023

RE: Act 47 (S.100) Summary
Version 2

Vermont's General Assembly enacted several laws and amendments affecting state, municipal, and regional planning during the 2023 session, including the Housing Opportunities Made for Everyone (HOME) Act, Act 47 (S.100). The HOME Act amends several laws affecting state, municipal, and regional planning. As in past years, we are issuing this preliminary memo to inform local and regional officials of changes in statute and funding opportunities. The Department will develop and maintain a separate resource webpage to collect questions about the bill, post frequently asked questions, and issue guidance: <https://accd.vermont.gov/community-development/resources-rules/planning/HOME> .

The Vermont Statutes Online website is typically updated in October and does not include the prior session's changes until then.

The Department will issue an additional memorandum summarizing the other bills affecting municipal planning once the state budget is finalized. In compiling these updates, we owe thanks to the Vermont Planners Association's (VPA) legislative team and to the Vermont League of Cities and Towns' advocacy team (VLCT) for their companion legislative updates throughout the session, as well as the Vermont Association of Planning and Development Agencies (VAPDA).

PRELIMINARY SUMMARY

Act 47 (S.100) - Housing Opportunities Made for Everyone (HOME Act)

The Act amends the Planning and Development statute, Act 250, and other laws to enable new opportunities for housing development within state, regional, and local planning and development regulations.

The Act aims to address decades of state and local policies that have contributed to segregation and exclusion in Vermont. This legislation is an important part of a multi-pronged approach to mitigating the housing crisis, and every Vermont city and town can play a role in bringing about housing solutions, including ending unduly restrictive zoning. While some may find new ways to limit access and opportunities for more affordable homes and new neighbors, we hope cities and towns embrace the opportunity the new legislation offers to become more just and welcoming.

Currently, fifty-six municipalities in Vermont have received Bylaw Modernization Grants from the Department to expand housing opportunities. We expect the Budget Act will provide additional funding for new and revised bylaws through the Municipal Planning Grant and Bylaw Modernization Grant programs. We aim to announce these funding programs later this summer.

Effective Dates of the Act:

Effective upon passage: Section 46 on lead inspections

Effective July 1, 2023:

- Section 2, 1(D) on required provisions and prohibited effects for duplexes and small multiunit dwelling uses
- All other sections not otherwise listed below

Effective September 1, 2023: Section 3 on limited regulation of emergency shelters

Effective December 1, 2024:

- Section 1 on parking requirements
- Section 2, except 1(D), on other required provisions and prohibited effects (*H.171 of the 2023 Veto session would advance the effective date of this section to July 1, 2023*)

Sections 1-10 Municipal Zoning Reform

§1 – Minimum Parking Requirements: Amends 24 V.S.A. § 4414 (permissible types of regulation) In residential districts served by municipal sewer and water, municipalities cannot require more than 1 parking space per dwelling unit. But municipalities may

require 1.5 spaces for duplexes and multi-family dwellings in areas without sewer and water for multiunit dwellings if existing public parking is not sufficient, rounded to the nearest whole number when calculating the total number of required spaces for multi-unit dwellings.

§2 – Required Provisions and Prohibited Effects

Duplexes and small multiunit uses: Amends 24 V.S.A. § 4412 (required provisions and prohibited effects) Municipalities must allow anywhere single unit homes (also known as single-family or single-household dwellings) are allowed for year-round use. Municipalities must apply the same or less prohibitive dimensional standards to duplexes as would apply to a single unit dwelling. In areas served by municipal sewer and water, municipalities must allow multiunit dwellings with three or four units to be a permitted (not conditional) use.

Accessory Dwelling Units (ADUs) allowances: ADU review, dimensional, or other regulations must not be more restrictive than those for single-unit dwellings. For instance, if a single-unit dwelling is not subject to a special design review, the ADU may not be subject to design review. Also, the criteria to convert an existing detached nonresidential building (such as a carriage barn) to habitable space for an ADU must not be more restrictive than a single-unit dwelling without an ADU.

Hotels & Housing Assistance: Bylaws must not prevent or penalize hotels used to rent rooms with public funds for the purpose of providing Vermont General [housing] Assistance.

Dwelling unit density standards for allowed residential uses: In areas served by municipal sewer and water that allow residential development, bylaws shall establish lot and building dimensional standards that allow 5 or more dwelling units per acre for each allowed residential use and density requirements for multi-family cannot be more restrictive than those required for single-family dwellings.

Affordable housing and mixed used development density bonus: In municipal water sewer service areas that allow residential development bylaws must permit a dwelling unit density bonus of 40% and a bonus of one habitable floor above the height maximum.

§3 – Limited Regulation of Emergency Shelters: Amends 24 V.S.A. §4413 (limitations on municipal bylaws) Shelters must be regulated similarly to state or community-owned and operated institutions. Bylaws may not interfere with daily or seasonal hours of operation or otherwise interfere with the functional use of a shelter.

§4 – Definitions: Amends 24 V.S.A. § 4303 (definitions) to move the existing ADU definition from the ADU section to this section, establish a definition for a duplex, (to mean a two-unit dwelling with a shared wall or floor/ceiling), define emergency shelter (to

mean temporary shelter for homeless) and define multi-unit dwelling (to mean three or more dwelling units in same building).

Served by Water & Sewer Definition: amends definition to define "served by municipal water and sewer infrastructure" to mean an area where a connection is "available" to municipal water and direct or indirect wastewater system(s).

"Available" is not defined but could be interpreted as "possible" or "feasible" and not prohibited by State regulations and permits, known capacity constraints, or adopted service and capacity agreements. Municipalities can also establish specific service areas by ordinance or bylaw, provided they do not discriminate against year-round residential housing otherwise allowed. Such an ordinance may consider areas where year-round housing development conflicts with natural resource regulations, known service area prohibitions or limitations, areas served only to address public health hazards, mobile home parks outside areas planned for growth, and where year-round housing development is prohibited.

§5 – Preparation of Bylaws: Amends 24 V.S.A. §4441 (preparation of bylaws and regulatory tools) to enhance fair housing filing requirements for the State Plan & Bylaws Database and atlas to allow developers/researchers to go to one place for all adopted bylaws and access all zoning districts through the Vermont Open Geodata Portal. The Department is now in the process of updating procedures, forms and upload capabilities.

§6 – Limits on Local Appeals: Amends 24 V.S.A. §4465 (appeals of decisions of the administrative officer) adds "residents" to the list of potential individuals that may, in combination, appeal an appropriate municipal panel (AMP) decision with a 10-person petition. Depending on local governance, the AMP could be a planning commission, zoning board of adjustment, development review board, or legislative body (under interim zoning). The amendment also prohibits 10-person appeals for "character of the area" if the project has an affordable housing component.

§§6-7 – Subdivision Review: Amends 24 V.S.A. §4463 (subdivision review) to differentiate between major and minor subdivisions in bylaws to allow administrative officers to approve minor subdivisions. Municipalities may define "minor subdivision."

§9 – Character of the Area Appeals: Amends 24 V.S.A. §4471 (appeal to environmental division) to prohibit conditional use appeals when the AMP has determined the "character of the area" is met for residential development in some State designated areas (Downtowns, Growth Centers, and Neighborhood Development Areas). Other elements may be still appealed.

§10 – By Right Development Review: Amends 24 V.S.A. §4464(b) (appropriate municipal panel decisions) to require local boards to permit housing development as enabled in the bylaws with no restrictive modifications to projects. Developments that meet the requirements of bylaws and municipal standards, (along with any other permitting requirements) must be allowed. AMPs will no longer be able to require larger

lot sizes, require more parking spaces, limit the building size or height, or limit the density otherwise allowed by the bylaws except to meet a prerequisite permit. The section provides a mechanism for the AMP to deviate from the allowed standards with written findings that justify the adjustment.

§11 – Regional Plan: Amends 24 V.S.A. §4348a (elements of a regional plan) to direct DHCD to publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment (conducted every 5 years) for use by the eleven regional planning commissions in the regional plan's housing element. Regional plans' housing elements must now estimate specific housing needs by municipality and recommend actions that meet needs as part of the 8-year planning cycle.

§12 – Municipal Plan: Amends 24 V.S.A. §4382 (the plan for a municipality) municipal plan requirements to strengthen the local housing element. As part of the 8-year planning cycle, the plan must look at data on year-round housing to recommend a program for public and private actions that meets the housing needs of low- and moderate-income households, as well as the required provisions and prohibited effects section of the Planning Act.

§13 – Adoption of Bylaws: Amends 24 V.S.A. §4442 (adoption of bylaws) to remove the 'rural town' provision. Rural towns may now adopt bylaws in the same manner as an urban municipality: by a majority of the members of the legislative body following hearing. The legislative body retains the option to vote to put the bylaws to a popular vote and the voters retain the ability to petition for a popular vote on the bylaws following legislative body action.

§14 – Municipal and Regional Planning Fund: Amends 24 V.S.A. §4306 to allow DHCD to utilize 20% of the appropriated property-transfer tax funding for a new technical assistance and navigation program to help municipalities determine readiness and apply for neighborhood development area designation. DHCD intends to hire consultants on retainer for this purpose and will develop procedures for interested municipalities. DHCD may, in its discretion, allocate the remaining 80% of the funds between the bylaw modernization grants (BMG) and municipal planning grants (MPG). DHCD intends to run the BMG and MPG programs on a tandem timeline with an announcement this summer.

§§15-15a. – Regional Planning Report: the Vermont Association of Planning and Development Agencies (VAPDA), representing Vermont's regional planning commissions, is directed to produce a report by December 15, 2023 on statutory recommendations to better integrate municipal, regional and state plans, and policies. VAPDA must also hire housing resource navigators to work with municipalities and regional organizations to find funding and identify housing opportunities (pending funding availability).

§§16-16a – Act 250 Definitions: Amends 10 V.S.A. §6001 to temporarily raise the Act 250 jurisdictional threshold for housing units from 10 to 25 in Designated Downtowns,

Neighborhood Development Areas, Growth Centers, and Villages with permanent zoning and subdivision regulations and allow any size Priority Housing Project (PHPs) within Designated Downtowns, Neighborhood Development Areas, and Growth Centers. Projects not completed before July 1, 2026 deadline can preserve the exemption by seeking a jurisdictional opinion before June 30, 2026 (the project must be substantially complete before June 30, 2029 to remain exempt). The amendment also treats the construction of four or fewer units in an existing structure as only one unit for the purposes of calculating the total number of units.

§17 – Master Plan Permits: Amends 10 V.S.A. §6086b (downtown development; findings; master plan permits) so municipalities can apply for master plan permit(s) for all of, or an area within, a Designated Downtown or Neighborhood Development Area. Subsequent development of lots within the area will only require permit amendments once a master plan permit is in place. Permit amendments in Neighborhood Development Areas will only be issued for housing development.

§18 – Act 250 Fees: Amends 10 VSA §6083a (Act 250 fees) to cap permit fees for individual permit or permit amendments, including portions of projects involving master plans, at \$165,000.

§18a – Act 250 Permit Delegation Report: Directs VAPDA, in consultation with the Natural Resources Board (which administers Act 250), to develop a proposed framework to delegate Act 250 administration to municipalities. The report is due by December 31, 2023.

§19 – Act 250 Changes Report: Amends the existing report established in Act 182 §41 (due on December 31, 2023) to additionally review the effects that changing the jurisdictional threshold 10 to 25 housing units statewide might have on housing affordability, home ownership, and natural resources.

§19a – Designated Area Report: Extends the report deadline to study the State's designation programs to December 31, 2023. DHCD is currently working with a consultant on evaluation, outreach, and recommendations to modernize the designation programs.

§19b-d – Act 250 Exemption for Electric Distribution Work: Exempts work and upgrades to existing utility lines and corridors from Act 250. Other permit processes (including §248 still apply). This exemption sunsets January 1, 2026. Any utility that uses this exemption between January 15, 2024, and 2026 must report to the House Committee on Environment and Energy and the Senate Committees on Finance and Natural Resources.

§20 – Covenants & Deed Restrictions: Amends 27 V.S.A. § 545 (covenants, conditions and restrictions of substantial public interest) to invalidate any deed restrictions or covenants established after July 1, 2023 if they establish minimum dwelling unit size or require more than one parking space per unit (if in an area served

by water and sewer), or more than 1.5 parking spaces for duplexes and multiunit dwellings in areas not served by water and sewer.

§21 – Class 4 Road Disclosure: Amends 27 V.S.A § 617 to require property owners to disclose to potential buyers if the property is on a class 4 highway or legal trail that is not required to be maintained by the municipality.

§§22-23 – Building Energy Code Study Committee: Creates a 15-member committee to study and recommend strategies to increase awareness of and compliance with State residential and commercial building energy standards with assistance from the Department of Public Service. The work will begin before July 15, 2023, and the report is due December 1, 2023.

§24 – Rural Recovery Coordination Council: Creates a 14+ member council to study ways to strengthen capacity and coordination between agencies and stakeholders involved in rural community development. Administrative support will be provided by the Vermont Council on Rural Development (pending budget approval), and the report is due December 15, 2023.

§25 – Agency of Natural Resources (ANR) Review of Water & Wastewater Connection Permits: Directs ANR to study the statutory and regulatory requirements and administrative processes governing issuance of potable water and wastewater connection permits to identify ways to streamline the process and reduce any duplicated effort on the municipal or state level. ANR will consult with DHCD, municipalities, engineers, licensed designers, and environmental organizations on alternative approaches. Report due January 31, 2025.

§25a – Utility Disconnection & Landlord Notification Rulemaking: Directs the Public Utilities Commission (PUC) to revise rules regarding utility service disconnections to require utilities to notify property owners if utility service to the property has been disconnected, even if the tenant is the ratepayer. This would include water and sewer services provided by municipality, fire district, or private company. Also allows remote disconnect by utility. Draft legislation that incorporates the rules is due January 1, 2024

§26 – Accessory Dwelling Unit (ADU) Jurisdiction: Amends 20 V.S.A. § 2730 to clarify that ADUs that are not rented are not 'public buildings' and not subject to State Fire Safety Code Compliance and inspection.

§27 – Deleted

§28 – Criminal Penalty for Fair Housing/Human Rights Violation: Amends 9 V.S.A. 4507 to increase potential penalty from \$1,000 to \$10,000.

§29 – Fire & Building Safety Report: Requires the division to prepare a report identifying potential revisions to the Vermont Fire and Building Safety Code to increase construction of new and converted residential units. Report due January 15, 2024.

§30 – Deleted

§§31-45 – Programs

§31 – Homesharing Program: Directs DHCD to develop a home-sharing program, pending funding.

§32 – Mobile Home Park Task Force: Creates a multi-agency and stakeholder task force to be led by an appointed member of the House of Representatives to evaluate Vermont's mobile home park statute and the status of mobile home parks and mobile homes in the state. Funding is pending.

§§33-34 – First Generation Homebuyer Program: Amends existing program administered by the Vermont Housing Finance Agency to expand potential usership. Future funding is to be determined (TBD).

§§35-37 – Missing Middle Homeownership Program: Revises the existing missing middle program administered by the Vermont Housing Finance Agency (VHFA). Future funding TBD.

§§38-39 – Rental Housing Revolving Loan: Directs VHFA to create a revolving loan program to develop rental housing stock. Funding TBD.

§§40-41 – Vermont Rental Housing Improvement Program (VHIP): Revises existing VHIP program, administered by the Department of Housing and Community Development (DHCD) in partnership with the homeownership centers (HOCs), to allow for both grants and loans. Future funding TBD.

§42 – VHCB Appropriation: Appropriation to the Vermont Housing Conservation Board (VHCB) for mixed-income and affordable housing development. Funding TBD.

§43 – Rental Housing Stabilization Services: Directs Champlain Valley Office of Economic Opportunity to create and implement a rental housing stabilization program to provide technical assistance for tenants and landlords to access other funding opportunities. Funding TBD.

§44 – Tenant Representation Pilot Program: Directs Vermont Legal Aid to create and implement a two (2) year pilot program for tenant representation in eviction cases. Funding TBD.

§45 – Rent Arrears Assistance Fund: Directs the Vermont State Housing Authority (VSHA) to create and implement a rent arrears program to assist eviction prevention for cases of non-payment of rent. Funding TBD.

§46 – Lead Inspection: Owners of rental target housing who perform work under 18 V.S.A. § 1764 are exempt from needed a license and liability insurance. Effective on passage.

§47 – Effective Dates (see above)

Prior DHCD memos summarizing the statutory changes starting in 2007 can be found at <http://accd.vermont.gov/community-development/resources-rules/planning>.



Deane C. Davis Building – 6th Floor [phone] 802-828-3211
One National Life Drive
Montpelier, VT 05620-0501

MEMORANDUM

H.171, 2023 – EFFECTIVE DATE AMENDMENTS TO ACT 47 (S.100, 2023)

The effective dates in Act 47 (S.100, 2023) are amended by H.171, 2023 during the Vermont Legislature's 2023 Veto Session on June 20, 2022.

The language of the amendment, combined with the original bill is as follows:

"2023 Acts and Resolves No. 47, Sec. 47 is amended to read:

Sec. 47. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that:

(1) ~~Secs. Sec. 1 (24 V.S.A. § 4414) and 2 (24 V.S.A. § 4412) shall take effect on December 1, 2024, except for subdivision (1)(D) of Sec. 2, which shall take effect on July 1, 2023.~~

(2) Sec. 3 (24 V.S.A. § 4413) shall take effect on September 1, 2023.

(3) Sec. 46 (lead inspectors) shall take effect on passage.

Pending the Governor's signature of H.171, the following effective dates will now apply:

Upon passage:	Sec. 46 on lead inspections;
July 1, 2023:	Sec. 2 on required provisions and prohibited effects & all other sections <u>not otherwise listed below</u> ;
September 1, 2023:	Sec. 3 on limited regulation of emergency shelters;
December 1, 2024:	Sec. 1 on parking requirements.

Municipalities should carefully examine the entirety of Act 47 to understand the effects on municipal permit approvals and processes. The Department of Housing and Community Development has developed a preliminary summary of the Act, which can be found on the Department's website under Vermont HOME Act of 2023 Act 47 (S.100).

Maxwell I. Krieger, Esq., General Counsel
Department of Housing and Community Development

