

MORRISVILLE / MORRISTOWN **PLANNING COUNCIL AGENDA**

Tuesday 14 December 2023 at 5:00 P.M.

**Morristown Municipal Offices, 43 Portland Street
Community meeting room of the Old Tegu Theatre**

- P. 2-3 1. Vote: prior Council meeting minutes
- 2. Discuss: Update on recording of Planning Council meetings
- 3. Discuss: 2023 zoning change postmortem
- P. 4 4. Discuss: Citizen ask to ban message boards on business signs
- P. 5 5. Discuss: Citizen ask for restriction on clearing land
- P. 6-19 6. Discuss: Proposed S.100 “homes for everyone” zoning edits (emergency shelter language, minimum lot sizes in rural areas, existing duplex pavement requirement, maximum lot sizes in village areas)
- P. 20 7. Discuss: Town Report submission

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

Meeting Minutes of Tuesday 24, October 2023

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

Council Guests: Village Trustee Vice Chair Bob Heanue, Conservation Commission Chair Ron Stancliff, Conservation Commission Member Gerry Throne, Tom Cloutier, Martin Green, and Grant Wieler

Staff: Planning Director Todd Thomas, and Scribe Bonnie McDermott

Call to Order: Chair Hancock called the meeting to order in the Community Meeting Room of the Town Offices at 43 Portland St. in Morrisville at 5:00 P.M.

Meeting Minutes: Member Reeve moved to approve the September 12th meeting minutes. A vote of 4/0 was affirmed.

Discuss: New staff to record Planning Council Meetings. Mr. Thomas introduced Bonnie McDermott, who was hired to assist with Zoom Management/Minute Recording. The Council decided to Zoom its meetings for the public without using the interactive feature. The members hope that the availability of the meeting on Zoom will encourage the public to come to meetings and discuss issues live. Mr. Thomas said he would work with Town Administration to see if the recordings of these meetings could be retained and placed on YouTube, or similar format, once the Selectboard added video to its new records retention policy.

Discuss: Minimum parking ratio changes at risk in current zoning change. Currently, a section of the legislature's Act S.100 includes warned zoning changes to the parking ratios. The proposed changes will reduce the existing parking ratios for residential uses to no more than 1 parking space per dwelling unit. As more information is expected after the joint Selectboard and Village Trustee annual meeting on the 25th of October, it was decided to wait for the results of that meeting. Further discussion will be held.

Discuss: S.100 Homes for Everyone zoning changes. Mr. Thomas's list of actions to accommodate the impact of Act S.100 "homes for everyone" was presented for the Council's consideration. Act S.100 will require a large rewrite of the Town's existing zoning laws. Mr. Thomas introduced a maximum density cap for single family housing as related to "dwelling unit density standards for allowed residential uses" in the law. After discussion of these proposals, the Board requested maps including the Zoning Maps, the Village Boundary map, Village Service Maps, and the Town Designation Map for further consideration at the next meeting.

Discuss: Town Administration request for a Town Plan revision. A request for a town plan revision by the Planning Council has been made by the Interim Town Administrator. Although the town plan has been rewritten many times before and has not been approved by the LCPC, the motivation for a new town plan is the option to apply for grant monies that are only available if the town has a downtown designation. The Planning Council agreed that it would consider

making the small update that was being requested to the town plan in the summer of 2024 (post the completion of the required S.100 zoning changes). It was agreed that the start of said work was dependent on all three components: the Selectboard, the Village Trustees, and the LCPC voting that they would approve the Town Plan if it was revised specifically as requested. The Planning Council will wait to hear about the discussion at the Joint Committee on 10/25/23.

The meeting adjourned at 7:05 PM, submitted by Bonnie McDermott. MA



message
boards,
proposed to
be made
illegal via
Citizen request
(new section to 476 ZOC)

12/8/2023 → no surrounding towns regulate the size of
message boards.

Clearing / Grading rules from surrounding Towns

Cambridge: No clearing rules established.

Elmore: Maximum Residential Clearing after 1/1/2000 is 2 acres.

Johnson: No clearing rules established.

Hyde Park: No clearing or grading shall take place within 25 feet of stream.

Within Green River Reservoir Viewshed Overlay District only:

Standard 1. All structures must be located such that the building's profile will not visually exceed the height of land or tree line serving as the building's backdrop. When referring to 'backdrop', the description is relative to points on the reservoir or its shoreline.

Guideline 1.1 Clearing, and forest management, should protect the unbroken forest backdrop. Generally, forest management will be limited to practices that maintain a forested appearance adjacent to the buildings

Standard 2. All structures must be screened by trees or by other natural features sufficient to provide visual breaks to any building facade when viewed from points on the reservoir or its shoreline between May 15 and October 31.

Guideline 2.1 Clearing and forest management in the foreground should be limited to maintain a forested appearance and to interrupt the building's appearance on the landscape. View openings are appropriate and allowed between trees and beneath tree canopies. The creation and maintenance of views should involve the selective cutting of small trees and the branches of large trees rather than removal of large trees. In referring to 'foreground' above, the description is relative to points on the reservoir or its shoreline.

Stowe: Grading is exempt from zoning when it involves less than 50 cubic yards, and clearing is exempt from zoning for foundation excavation, installation of utility infrastructure, provided that the property is not located within the Ridgeline or Hillside Overlay District (RHOD). The RHOD however has extensive control over land clearing (see pages 99-122 of Stowe ZBL for RHOD regulations).

Wolcott: No clearing or grading shall take place within 25 feet of stream.

MPC S.100 zoning change schedule through rest of fiscal year						
Meeting Date	Board	Time	Location	S.100 New Zoning Change Topics	Bill §	Notes
11/28/2023	MPC	5:00 PM	Town Offices	Review duplex pavement requirement, decide on minimum lot sizes in rural areas, & delete homeless shelter language	§1, §2 & §3	
12/12/2023	MPC	5:00 PM	Town Offices	Decide on lot sizes for village areas (proposed at 8,000 ft2 maximums @ 5+ single-family homes per acre)	§2	
12/26/2023	MPC	5:00 PM	Town Offices	-	-	No meeting - Christmas
1/9/2024	MPC	5:00 PM	Town Offices	Decide on lot sizes for village areas (proposed at 8,000 ft2 maximums @ 5+ single-family homes per acre)	§2	
1/23/2024	MPC	5:00 PM	Town Offices	waiver & revised building height language	§2	
2/13/2024	MPC	5:00 PM	Town Offices	-	-	No meeting - Todd vacation
2/27/2024	MPC	5:00 PM	Town Offices	Revise Accessory Apt language & permit process for administrative subdivisions	§2 & §6-§7	
3/12/2024	MPC	5:00 PM	Town Offices	Review and edit Sewer Service Area so it matches zoned areas for village maximum lot size plus allow small gravity sewer expansion areas (as supported by MW&L)	§2 & §4	
3/26/2024	MPC	5:00 PM	Town Offices	Review and edit Sewer Service Area so it matches zoned areas for village maximum lot size plus allow small gravity sewer expansion areas (as supported by MW&L)	§2 & §4	

4/9/2024	MPC	5:00 PM	Town Offices	Revise 206 of ZBL so duplexes in village have same design regulations as single family homes	§2	
4/23/2024	MPC	5:00 PM	Town Offices	Revise definitions in ZBL changed by S.100 (ADU, emergency shelter, "served by water and sewer", duplex, & multi-family)	§4	
5/14/2024	MPC	5:00 PM	Town Offices	Revise ZBL for appeal party change, new DRB character of area & by-right development restrictions	§6, §9 & §7	
5/28/2024	MPC	5:00 PM	Town Offices	Review all of S.100 zoning changes before public hearing	all	S.100 MPC Public hearing!
6/11/2024	MPC	5:00 PM	Town Offices	S.100 Zoning Change public hearing		S.100 MPC zoning change vote
6/25/2024	MPC	5:00 PM	Town Offices	S.100 Zoning Change MPC vote to send changes to Selectboard & Trustees for final approval		

State S.100 guidance

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

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

Revise/Delete per Section 3 state S.100 guidance on prior page

Shelter or Emergency Shelter - ~~A Shelter or Emergency Shelter shall have limited regulations per 24 VSA §4413. 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 Rentals - 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 Rentals containing 8 or 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 Rentals with 4 Bedrooms or fewer (maximum occupancy 8 people) is exempt from the above local permit requirements, but not the Owner-Occupied provision. The Short-Term Rentals use is not a Hotel, Inn or Motel use, with said use regulating 9 or more bedrooms for 17 or more people.

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.

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)

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	RAA
Accessory Retail & Food	P	P	P	P	P				
Accessory On-Farm Business	P	P	P	P	P	P	P	P	P
Acc. Use / Acc. Dwelling Unit	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 / Recovery Residence	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	G	G	P		G	G			
Special Industrial									C^
Short-Term Rentals	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.

* = S.100 use changes (mandated)

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, the alteration of existing property lines, the creation of a new driveway access onto a public road, the erection, enlargement, relocation, or change in use of any structure, or only within a Special Flood Hazard Area 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 Structure to be used solely as a seasonal or year-round home for one ~~f~~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 Structure with 2 dwelling units in the same building via a shared wall or floor/ceiling (and neither unit is an accessory dwelling unit), or 2 Single-Family Dwelling Units located on the same lot.

Dwelling Unit, Multi-Family - A detached residential Building Structure designed for or occupied as a home by more than two families living independently of each other with 3 or more dwelling units in the same building via a shared wall or floor/ceiling, or the combination of 3 or more than two residential uses in multiple Buildings Structures 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.

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

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, ~~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.

- a. Architectural repetition: Each 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.
- 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 porch: All residential construction must include a front porch with a minimum size of 8 feet by 6 feet, located on the side(s) of the building that parallels 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 $\frac{1}{2}$ 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: All Dwelling-Units shall include at least one functional public entrance 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 front lawn area located outside required setbacks, 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 from which it derives its frontage.

S.100 deletion.
Duplexes cannot be reviewed under Section 206 Design Criteria unless we also subject single-family homes to that criteria. If the intent is to regulate all residential uses (inc. single-family) in the above zones, then we would add in the single-family use above where the duplex use is being removed.

Section
206
Cont.

- 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.
- 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.

These two changes are designed to limit the scale of new developments

204.5b Dimensional requirements. Development Class, maximum & minimum lot sizes, areas, frontage and setbacks in each zone are shown in the following table:

Dimension Table	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Development Class	1	1	4	1,2*&3*	1	1	4	1,2**&3**	3
Maximum Lot Size	20,000	10,000	-	-	-	10,000	-	8,000**	-
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	1,500 750	10,000 2,000	10,000	-	16,000 8,000	4,000 2,000	10,000	-	-
Minimum Area Multi-Family (per unit)	No limit	2,000***	-	-	No limit****	2,000	-	-	-
Minimum Lot Frontage	20	50	50	50	50	20	50	50	50
Maximum Front Setback	8	-	-	-	-	-12	-	-	-
Minimum Front Setback	-	30	35	50	35	-18	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 the Commercial 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.

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

***** = 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

These changes in orange highlighted box are likely the most significant responses our Town will have to S.100. They are saying that we do not want more density in the RRA Zone (lot size doubles). Meanwhile, in the village, we are allowing the 5 units per acre. The state is requiring in S.100, but doing it all with single-family homes on small lots no larger than 8,000 ft² maximum lot sizes. 14

Excerpt from VT S.100 FAQs ACCD/DHCD

1 of 4

a single-unit dwelling under bylaws establishing minimum lot sizes. If the municipality presently allows duplex uses on the same sized lot as a single-unit dwelling use -- as in the questioner's scenario -- there is no change to the effective dwelling unit density.

In areas that are zoned for year-round single-unit dwelling uses that are also served by water and sewer, the bylaws must establish lot and building dimensional standards that allow 5 or more dwelling units per acre for each allowed residential use. Although a duplex must be allowed to be built on the same sized lot as a single unit dwelling statewide, in areas served by water and sewer, each allowed use must also be allowed at a dwelling unit density of **at least** a density of 5 dwelling units per acre. In municipalities that establish a dwelling unit density standard of 0.2 acres per unit (5 dwelling units per acre) in conformance with the Act's dwelling unit density standards, a duplex on the same sized lot as a single-family home may be disallowed -- despite the statewide allowance based on the density standard.

Any areas that remain zoned exclusively for single-unit dwelling uses will be affected and the municipality must now allow duplexes on the same sized lot as a single-family dwelling if other applicable dimensional are met, like dwelling unit density.

1.2 Question: What does "allowed use" mean in the context of "In any district that allows year-round residential development, duplexes shall be an allowed use with the same dimensional standards as a single-unit dwelling."

Answer: Allowed use means a municipality may consider duplex uses as "permitted" or "conditional" use. This provision gives municipalities discretion in how to permit duplexes. As noted above, the Department recommends applying the most permissible reading until the municipality passes bylaws that clarify any sections left to their discretion. In this case, the Department recommends municipalities consider duplexes a permitted use until it is clarified in the municipal bylaws -- especially since the Act establishes that multiunit dwellings with four or fewer units must be a permitted use.

1.3 Question: Does the requirement to allow duplexes supersede maximum density limitations? For example, what happens if a homeowner with a single-family home on 1/5 of an acre in a district with a maximum density of 5 units/acre applies for a permit to convert their house into a duplex. It seems that we will simultaneously be required to permit that conversion (assuming it continues to meet the SFH dimensional standards) and required to deny it (since that proposal would exceed the maximum density for that district).

Answer: The Act does not establish maximum dwelling unit densities or density caps. It establishes that within year-round residential zoning districts served by water and sewer, the municipality must at least allow five dwelling units an acre for each allowed use. If a municipality has established a 5 unit per acre density cap, then the municipality may prohibit further development in that area if the density is met (i.e., the municipality could deny a conversion to a duplex for a single-family home on a 1/5th acre if the municipality has established a 5 unit per acre maximum density). If the municipality has not established a maximum density in its bylaws, then the duplex should be allowed.

The 5 unit per acre density is a minimum, not a maximum. A municipality may allow more density. The Department recommends removing density caps, or maximum unit density, from bylaws-- applying the most permissive reasonable interpretation of the statute in relation to a municipality's bylaws. The rationale behind Department's recommendation to eliminate density caps can be found the Department's [Enabling Better Places Guide](https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Planning-Your-Towns-Future/CPR-Z4GN-Guide-Final-web.pdf), alongside other important topics of reform:

https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Planning-Your-Towns-Future/CPR-Z4GN-Guide-Final-web.pdf.

1.4 Question: (A): Regarding §4412(12) how does this section treat single unit, duplex and multi-unit dwellings with regard to density standards?

Answer: The Act establishes a minimum dwelling unit density of five dwelling units per acre for all allowed uses where applicable, whether single-unit, duplex, or multi-unit dwellings. The Act prohibits municipalities from applying more restrictive dwelling unit density standards to duplexes and multi-dwelling units than for single-family units. This means that a municipality cannot require more land area per unit (the density calculation) for a duplex or multiunit dwelling than would be required for a single-unit dwelling. For example, the municipality could not require a dwelling unit density of 0.2 acres for every single-unit dwelling and then require a dwelling unit density of 0.3 acres for each duplex unit (a two-unit dwelling) or each unit of a multi-family dwelling use.

1.5 Question: What are example development scenarios to achieve a dwelling unit density of 5 units an acre?

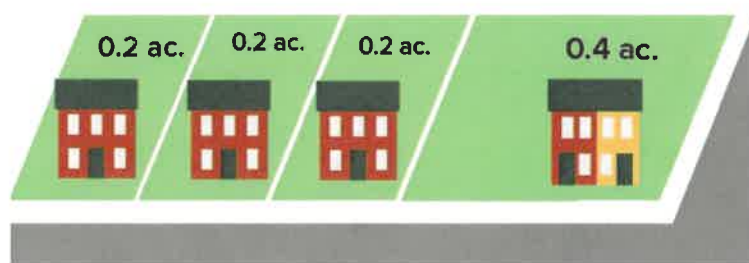
Answer: To illustrate how a density of 5 dwelling units per acre can be achieved through different combinations of uses and lot sizes, below are several examples of the conventional subdivision of a 1-acre 'parent' lot for a single principal use.

Bylaws allowing multiple principal uses on a lot may be able to achieve different configurations without the subdivision of land. The examples below are simplified to illustrate the conventional subdivision and buildout of a vacant 'parent' lot. Redevelopment scenarios could include existing buildings, adaptive re-use, changes in use, demolition and re-development, lot mergers for development, and/or mixed-use development.

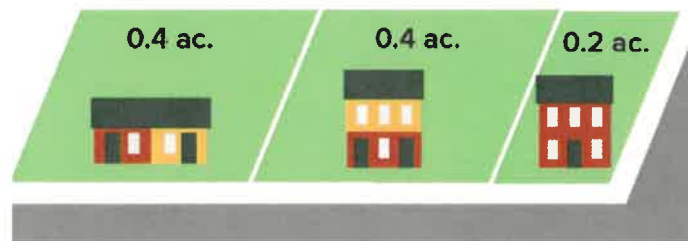
Example 1: The subdivision of a 1-acre parent lot for the construction of 5 single-unit dwellings on 0.2 (1/5th) acre lots equals a density of 5 dwelling units an acre.



Example 2: The subdivision of a 1-acre parent parcel for the construction of 3 single-unit dwellings on 0.2 ($1/5^{\text{th}}$) acre lots, and a duplex on a 0.4 ($2/5^{\text{th}}$) acre lot equals a density of 5 dwelling units an acre.



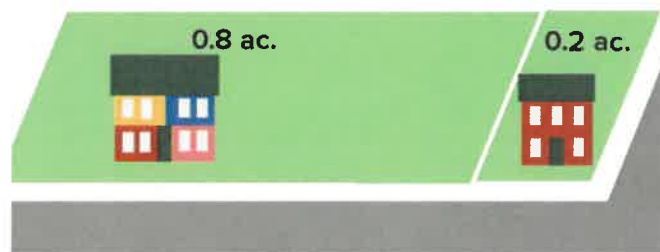
Example 3: The subdivision of a 1-acre parent lot for the construction of 2 duplexes on 2, 0.4 ($2/5^{\text{th}}$) acre lots, respectively, and 1 single unit dwelling on a 0.2 ($1/5^{\text{th}}$) acre lot equals a density of 5 dwelling units an acre.



Example 4: The subdivision of a 1-acre parent lot for the construction of 1 duplex on 1, 0.4 ($2/5^{\text{th}}$) acre lot and 1, 3-unit multi-unit/family dwelling on a 0.6 ($3/5^{\text{th}}$) acre lot equals a density of 5 dwelling units an acre.



Example 5: The subdivision of a 1-acre parent lot for the construction of 1 single unit dwelling on a 0.2 ($1/5^{\text{th}}$) acre lot and a 4-unit multi-unit/family dwelling on a 0.8 ($4/5^{\text{th}}$) acre lot equals a density of 5 dwelling units an acre.



Example 6: The construction of a 5-unit multi-unit/family dwelling on 1-acre lot equals a density of 5 dwelling units an acre.



1.6 Question: Does a 5-unit multi-unit dwelling on one acre fulfill the density minimum?

Answer: Yes, any combination of units that equals 5 units per acre on one acre meets the density standard.

1.7 Question: Does the minimum 5 unit per acre density standard establish a minimum lot size of 1/5 of an acre?

Answer: Although municipalities have the discretion to establish minimum lot sizes or not, minimum lot sizes must not disallow a density of at least 5 dwelling units an acre for each allowed residential use in areas zoned for year-round residential uses served by sewer and water infrastructure. If the bylaws establish a minimum lot size, or any other dimensional standard, that disallows a dwelling unit density of 5 or more dwelling units per acre for an allowed residential use, then the bylaws do not meet the Act's standard that bylaws must *establish lot and building dimensional standards that allow five or more dwelling units per acre for each allowed residential use*. For example, if the zoning district allows single-unit dwellings as one principal building on a lot, and the bylaws establish a minimum lot size greater than 0.2 (1/5th) acre, then the lot dimensional standards prohibit a dwelling unit density of five per acre for an allowed use and would not be in compliance with the Act. This section may impact bylaws differently based on the presence of and interactions between provisions on minimum lot sizes, dwelling unit density calculations, prohibitive setbacks or building coverage standards, residential use classifications, or allowances for multiple principle uses on a lot.

2. "Served by municipal sewer and water"

Act 47 Section 4, amended §4403 (Definitions) in part:

"(42)(A) An area "served by municipal sewer and water infrastructure" means:

(i) an area where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by:

(l) State regulations or permits;

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, and maneuvering room. Required off-street parking areas for 3 or more automobiles shall be paved, 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 ~~32~~ 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.~~

* Change
require
pavement for
duplexes in
the village but
no the Town.

453. Minimum Parking Ratio Requirements.

Defined Uses	Parking Spaces Required
Business Services, Health Care Facility, Professional Office, and Sales of Goods Produced On-Site	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	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 or Outdoor	1 per 4 seats or 15 per playing field
Retail Sales of Goods and Services, Sexually Oriented Business, & Commercial Use	2.5 per 1,000 ft. ² of gross floor area
Restaurant, Bars, and Private Clubs	1 per 4 seats
There are no parking minimums for the following uses: Accessory Apartment, Accessory Retail & Food, Accessory Use or Structure, Bulk Storage of Fuels, Drive-Through, Fence, and Home Occupation.	---

454. The DRB may increase or decrease the number of parking spaces required if it is demonstrated that a different number of spaces is more appropriate for the particular use.

455. **Driveway Location.** All driveways are to be located at least 75 feet from the nearest corner of any street intersection. This shall apply to all uses except Dwelling Unit, Single-Family and Dwelling Unit and Two-Family. For any use and where feasible, the sharing of driveway accesses between adjoining lots is preferred and encouraged.

MORRISTOWN/MORRISVILLE PLANNING COUNCIL 2022 ANNUAL REPORT

The Morristown Selectboard and the Morrisville Village Trustees jointly appoint the Morrisville/Morristown Planning Council. The Council is responsible for writing the Town Plan and updating the corresponding zoning bylaws that regulate all development in both the Village and the Town. The Planning Council had a groundbreaking year in 2022, warning 19 meetings. The Council was thrilled to have unprecedented interest in its work over the calendar year, with more than 100 people attending some of its meetings held under the tent at Copley Country Club. The large crowds were keenly interested in the Council's 2022 proposed zoning changes, which created needed architectural protections within the Morrisville Historic District, strengthened existing regulations for short-term residential rentals, and fixed some of the issues with the zoning on the village section of Brooklyn Street. The Council also took a direct leadership role in the Town's infrastructure for the first time in 2022 by planning and budgeting for the completion of the Jersey Heights sidewalk project. That sidewalk project, which has been stalled for more than a decade, will complete the long desired pedestrian link between downtown Morrisville and the Bishop Marshall School, while also filling gaps in the new developer created sidewalks on Jersey Heights and LaPorte Road. The Planning Council sincerely hopes that the voters will chose to approve this \$200,000 article at Town Meeting so we will all be able to safely walk from the village to the and the Bishop Marshall School by the beginning of the new school year in September.

Outside of the aforementioned 19 meetings, the Council also appeared at Town Selectboard and Village Trustees meetings for formal proceedings, such as Town Plan and zoning change hearings and votes. Even with the Legislative Bodies' Town Plan approval process taking a few months longer than expected, the Council was thrilled to finalize the 2020-2030 Morrisville/Morristown Town Plan during 2022. This revision effort was the most significant rewrite of our Town Plan in decades. Planning Council Members are pleased with the version of the plan that was approved by both the Selectboard and Village Trustees. It was disappointing to see the Lamoille County Planning Commission deny regional approval of the Town Plan over the summer, but that denial will have no impact on the goals or mission of the Planning Council in 2023 or beyond. The Implementation Chapter of our new 2020-2030 Morrisville/Morristown Town Plan will serve as an excellent to-do list for the coming years for the Planning Council, Selectboard, Village Trustees, and various other Boards. Thanks to the direction provided by our new Town Plan, the collective accomplishments of these Boards will ensure that we will have an even more welcoming, vibrant, safe, and beautiful town in the years to come.

If you are interested in planning issues, please feel free to attend an upcoming Planning Council meeting. The Council typically meets on the second and fourth Tuesday of each month at 5:00 P.M. Since the onset of the pandemic, the Council has been meeting outside under a tent adjacent to Copley Club during the warm weather months, and back in the Town Offices during the winter months. Additional information regarding the Council, including agendas and minutes, is available for review on the Town's website at: Morristownvt.org/planning.

Planning Council Members during the calendar year were Etienne Hancock, John Meyer, Tom Snipp, Steven Foster, Josh Goldstein, and Allen Van Anda. The Planning Council would like to formally thank Allen Van Anda, who resigned from the Board in 2022, for his years of service. Council Members are always happy to discuss how they are working to make Morrisville a better place to work, live, and play. Correspondence with the Council should be directed to Todd Thomas, the Town's Planning Director. He can be reached at 888-6373 or by email at tthomas@morristownvt.org

- What would the Council like me to focus on for the 2023 report? I suggest strengthened Section 206 Design Regs and the coming S.100 Zoning Changes.