

MORRISVILLE / MORRISTOWN PLANNING COUNCIL AGENDA

Tuesday 9 April 2024 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 minute approval
- 2. Discuss: Post Town Meeting reorganization
3. Discuss: S.100 “Homes for Everyone” Zoning Bylaw edits
- p. 4-7 a) Include renters / residents to statutory list of people
who can appeal Zoning Administrator & DRB permits
- p. 8-11 b) DRB character of the area permit considerations for
Affordable Housing Developments
- p. 12-19 c) Eliminate DRB ability to require more parking spaces
than minimum ratios in ZBL
- p. 12-19 d) Eliminate DRB ability to require larger lot dimensions,
larger street widths, smaller building heights, and less
density and lot coverage than what is expressed in ZBL
- p. 20 e) New definition for “Served by municipal water and
sewer infrastructure”
- 4. Discuss: Last week’s Selectboard & Trustee zoning meetings
- p. 21 5. Discuss: Meeting schedule for Homes Act zoning change
- p. 22 6. Discuss: Meeting schedule for new Town Plan

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

Meeting Minutes of Tuesday 26 March 2024

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

Council Members absent:

Council Guests: Selectboard Chair Member Don McDowell, Conservation Commission Chair Ron Stancliff, Tom Cloutier, Julia Compagna, Hannah Farda, Kaitlyn Bennett, Tony Cote, Sheila Tarbox, Laura & Martin Green

Staff: Planning Director Todd Thomas

Call to Order: Chair Hancock called the meeting to order in the Community Meeting Room of the old Tegu Theatre, 43 Portland Street, in Morrisville at 5:00 P.M.

Meeting Minutes: Member Goldstein moved to approve the as-revised March 12th meeting minutes. A vote of 5-0 affirmed the motion.

Discuss: Exempt lighting of architectural elements on Contributing Structures within Morrisville's 1983 Historic District from §490 of the Zoning Bylaws

Mr. Thomas proposed a very limited lighting exemption within §490 of the Zoning Bylaws meant to allow the illumination of architectural elements (cornices, brackets, etc.) on “contributing structures” within Morrisville’s 1983 Historic District. The Council, by consensus, was amenable to proposal. However, they asked Mr. Thomas to tighten up the language so any new up-lighting could only emanate from the building facade and not from the ground, and to also ensure that these lights could not shine into adjacent properties. Mr. Thomas said he would make these changes as directed.

Discuss: Proposed S.100 “homes for everyone” zoning edits

a. Discuss: Review Town-Wide Building Height Reduction: The Planning Council reviewed Town Counsel’s written opinion regarding the changes made to the Zoning Bylaws’ definition of Building Height due to the S.100 HOMES Act. The definition change, decreasing maximum building heights from 35 feet to 30 feet for residential structures, from 50 feet to 40 feet commercial structures, and requiring a Fire Chief sign-off for new developments, was deemed to not prohibit the HOMES Act allowance for affordable housing developments to violate the Town’s maximum building heights by up to 1-story. The Council accordingly agreed that it was best to lower maximum building heights by 1-story townwide as proposed so the Town could avoid being in the unenviable situation of having to buy a new \$1.5M+ ladder truck for a proposed affordable housing development that the Town’s existing firefighting apparatus could not guarantee life-safety for.

2b. Discuss: §206 Design Criteria Edits for Missing Middle Housing: The Planning Council reviewed proposed edits made to Section 206 of the Zoning Bylaws by Mr. Thomas, as recommended by the book Missing Middle Housing: Thinking Big and Building Small to Respond

to Today's Housing Crisis. Said Section 206 edits included (1) Allowing "cottage court" development, (2) Prohibiting road facing garages, (3) Prohibiting tuck-under parking that faces a street, (4) Prohibiting the front of townhouses from backing-up to the rear of other townhouses unless they were separated by a street or parking lot, (5) Creating a maximum building width of 60 feet, and (6) creating a maximum building depth of no more than 50% of the depth of the larger of the 2 adjacent dwellings. The Council agreed to adopt these Missing Middle zoning enhancements to facilitate the S.100 HOMES Act Zoning Bylaws changes but asked Mr. Thomas to move the maximum building size provision from Section 206.1 to Section 206.2 of the Zoning Bylaws. The Council also asked Mr. Thomas to run the two under construction apartment buildings on South Street through these proposed rules and to report these findings at the next Council meeting.

The meeting was adjourned at 6:45 PM. Minutes submitted by Todd Thomas.

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

Sections 1-10 Municipal Zoning Reform...



§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.

The Vermont Statutes Online

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Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 011 : Appeals

(Cite as: 24 V.S.A. § 4465)

§ 4465. Appeals of decisions of the administrative officer

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

(b) As used in this chapter, an “interested person” means any one of the following:

(1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.

(3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(4) Any 10 persons who may be any combination of voters, residents, or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person

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** used to be property owners only*
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under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing.

(5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State.

(c) In the exercise of its functions under this section, a board of adjustment or development review board shall have the following powers, in addition to those specifically provided for elsewhere in this chapter:

(1) To hear and decide appeals taken under this section, including where it is alleged that an error has been committed in any order, requirement, decision, or determination made by an administrative officer under this chapter in connection with the administration or enforcement of a bylaw.

(2) To hear and grant or deny a request for a variance under section 4469 of this title. (Added 2003, No. 115 (Adj. Sess.), § 106; amended 2023, No. 47, § 6, eff. July 1, 2023.)

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No change needed to ZBL for HOMES Act changes since our ZBL smartly just references or incorporates statute instead of regurgitating it.

Section 640. Appeals.

641. **Filing Appeals.** An Interested Person, as defined by 24 VSA, § 4465, may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the Chair of the DRB and a copy of such notice shall be filed with the Zoning Administrator.
- 641.1 **Notice of Appeal.** The notice of appeal, which must be filed within 15 days of the date of that decision or act, shall be in writing and shall include: the name and address of the appellant(s), a brief description of the property to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant(s), the alleged grounds why such requested relief is believed proper under the circumstances, and any other requirements dictated in §4466 of the Act.
- 641.4 **Appeal Fees.** The fee for an appeal hearing before the DRB shall be set by the legislative body. Fees submitted for appeals of Enforcement Orders issued in accordance with §620 of these Bylaws which are subsequently approved by the DRB shall be refunded.
642. **Public Hearing on the Appeal.** The DRB shall warn a public hearing on an appeal which shall be within 60 days of filing the notice of appeal according to §4466 through 4468 of the Act.
- 642.1 **Public Notice.** The DRB shall give public notice of the hearing and shall mail to the appellant(s) a copy of such notice at least 15 days prior to the hearing. The public hearing shall be open to the public. The DRB from time to time may adjourn any hearing held under this section, provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All procedures of the public hearing shall follow those established in §4468 of the Act.
- 642.4 **Decisions on the Appeal.** The DRB shall render its decision, which shall include findings of fact, within 45 days after completing the hearing.
- The DRB shall within that same period send to the appellant(s), by certified mail, a copy of the decision.
 - Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy thereof shall be filed with the Zoning Administrator and the Town Clerk as part of the public records of this municipality.
 - Time Limitation. If the DRB does not render a decision in 45 days, the Board shall be deemed to have rendered a decision in favor of the appellant(s) and granted the relief requested by the appellant(s) on the last day of such period.
 - Rejection of Appeal. The DRB, (under the criteria and procedures stated in §4470(a) of the Act), may reject an appeal without hearing and render a decision, which shall include findings of fact, within ten (10) days of the date of filing of the notice of appeal.
 - Enforcement of Decision. All decisions of the DRB shall be enforced according to §4470(b) of the Act.
643. **Appeals of DRB Decisions.** Any Interested Person who participated in a DRB proceeding by offering oral or written testimony, evidence or statement of concern related to the subject may appeal a decision of the DRB to Environmental Court. The manner and procedures of an appeal of this type shall be in accordance with §4471-§4472 of the Act and any other pertinent VT Statute.

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

Sections 1-10 Municipal Zoning Reform...

✓ **§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.” *Completed edits in previous meeting*

* **§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.

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Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 011 : Appeals

(Cite as: 24 V.S.A. § 4471)

§ 4471. Appeal to Environmental Division

(a) Participation required. An interested person who has participated in a municipal regulatory proceeding authorized under this title may appeal a decision rendered in that proceeding by an appropriate municipal panel to the Environmental Division. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the appropriate municipal panel, or from a decision of the municipal legislative body under subsection 4415(d) of this title, shall be taken in such manner as the Supreme Court may by rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801-816, unless the decision is an appropriate municipal panel decision which the municipality has elected to be subject to review on the record. ✓

(b) Appeal on the record. If the municipal legislative body has determined (or been instructed by the voters) to provide that appeals of certain appropriate municipal panel determinations shall be on the record, has defined what magnitude or nature of development proposal shall be subject to the production of an adequate record by the panel, and has provided that the Municipal Administrative Procedure Act shall apply in these instances, then an appeal from such a decision of an appropriate municipal panel shall be taken on the record in accordance with the Vermont Rules of Civil Procedure. - N/A for Morrisville

(c) Notice. Notice of the appeal shall be filed by certified mailing, with fees, to the Environmental Division and by mailing a copy to the municipal clerk or the administrative officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the Division to intervene. ✓

(d) Local Act 250 review. Notwithstanding the provisions of subsection (a) of this section, decisions of a development review board under section 4420 of this title, with respect to local Act 250 review of municipal impacts, are not subject to appeal, but shall serve as presumptions under the provisions of 10 V.S.A. chapter 151. ✓

(e) Designated areas. Notwithstanding subsection (a) of this section, a determination by an appropriate municipal panel that a residential development will not result in an undue adverse effect on the character of the area affected shall not be subject to appeal if the a proposed residential development seeking conditional use approval under subdivision 4414(3) of this title is within a designated downtown development district, designated growth center, or designated neighborhood development area. Other elements of the determination made by the appropriate municipal panel may be appealed. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1971, No. 185 (Adj. Sess.), § 205, eff. March 29, 1972; 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974; 1993, No. 232 (Adj. Sess.), § 48, eff. March 15, 1995; 1999, No. 112 (Adj. Sess.), § 1; 2003, No. 115 (Adj. Sess.), § 107; 2007, No. 176 (Adj. Sess.), § 9, eff. May 28, 2008; 2009, No. 154 (Adj. Sess.), § 236; 2015, No. 51, § F.6; 2023, No. 47, § 9, eff. July 1, 2023.)

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Section 630. Conditional Uses.

631. **Procedure.** The DRB may allow uses listed as Conditional Uses in the requested zone at a warned public hearing, as provided for in §4414(3) of the Act.
632. **General Standards.** In order to allow the proposed Conditional Use, the following general standards shall not be adversely affected to the point that the potential impact becomes undue:
- 632.1 The capacity of existing or planned community facilities
 - * 632.2 The character of the area affected.
 - 632.3 The reduction in the capacity of the land to hold water so as to avoid soil erosion.
 - 632.4 Will not result in undue water, noise, or air pollution.

no change needed

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

Sections 1-10 Municipal Zoning Reform...

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Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 010 : Appropriate Municipal Panels

(Cite as: **24 V.S.A. § 4464**)

§ 4464. Hearing and notice requirements; decisions and conditions; administrative review; role of advisory commissions in development review

(a) Notice procedures. All development review applications before an appropriate municipal panel under procedures set forth in this chapter shall require notice as follows.

(1) A warned public hearing shall be required for conditional use review, variances, administrative officer appeals, and final plat review for subdivisions. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

(A) Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.

(B) Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.

(C) Written notification to the applicant and to owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

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(2) Public notice for hearings on all other types of development review, including site plan review, shall be given not less than seven days prior to the date of the public hearing, and shall include at a minimum all the following:

(A) Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in conformance with the time and location requirements of 1 V.S.A. § 312(c)(2).

(B) Written notification to the applicant and to the owners of all properties adjoining the property subject to development, including the owners of properties which would be contiguous to the property subject to development but for the interposition of a highway or other public right-of-way and, in any situation in which a variance is sought regarding setbacks from a State highway, also including written notification to the Secretary of Transportation. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

(3) The applicant may be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant may be required to demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(4) The bylaw may also require public notice through other effective means such as a notice board on a municipal website.

(5) No defect in the form or substance of any requirements in subdivision (1) or (2) of this subsection shall invalidate the action of the appropriate municipal panel where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Division or by the applicable municipal panel itself, the action shall be remanded to the applicable municipal panel to provide new posting and notice, hold a new hearing, and take a new action.

(b) Decisions.

(1) The appropriate municipal panel may recess the proceedings on any application pending submission of additional information. The panel should close the evidence promptly after all parties have submitted the requested information. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

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(2) In rendering a decision in favor of the applicant, the panel may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this chapter and the pertinent bylaws and the municipal plan then in effect. A bylaw may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.

(3) Any decision shall be sent by certified mail within the period set forth in subdivision (1) of this subsection to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the administrative officer and the clerk of the municipality as a part of the public records of the municipality.

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(4) Conditions may require that no zoning permit, except for any permits that may be required for infrastructure construction, may be issued for an approved development unless the streets and other required public improvements have been satisfactorily installed in accordance with the approval decision and pertinent bylaws. In lieu of the completion of the required public improvements, the appropriate municipal panel may require from the owner for the benefit of the municipality a performance bond issued either by a bonding or surety company approved by the legislative body or by the owner with security acceptable to the legislative body in an amount sufficient to cover the full cost of those new streets and required improvements on or in those streets or highways and their maintenance for a period of two years after completion as is estimated by the appropriate municipal panel or such municipal departments or officials as the panel may designate. This bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within the period fixed in the subdivision bylaws for that completion and for the maintenance of those improvements for a period of two years after completion.



(5) The legislative body may enter into an agreement governing any combination of the timing, financing, and coordination of private or public facilities and improvements in accordance with the terms and conditions of a municipal land use permit, provided that agreement is in compliance with all applicable bylaws in effect.

(6) The performance bond required by this subsection shall run for a term to be fixed by the appropriate municipal panel, but in no case for a longer term than three years. However, with the consent of the owner, the term of that bond may be extended for an additional period not to exceed three years. If any required improvements have not been installed or maintained as provided within the term of the performance bond, the bond shall be forfeited to the municipality and upon receipt of the proceeds of the bond, the municipality shall install or maintain such improvements as are covered by the performance bond.

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(7)(A) A decision rendered by the appropriate municipal panel for a housing development or the housing portion of a mixed-use development shall not:

(i) require a larger lot size than the minimum as determined in the municipal bylaws;

(ii) require more parking spaces than the minimum as determined in the municipal bylaws and in section 4414 of this title;

(iii) limit the building size to less than that allowed in the municipal bylaws, including reducing the building footprint or height;

(iv) limit the density of dwelling units to below that allowed in the municipal bylaws; and

(v) otherwise disallow a development to abide by the minimum or maximum applicable municipal standards.

(B) However, a decision may require adjustments to the applicable municipal standards listed in subdivision (A) of this subdivision (7) if the panel or officer issues a written finding stating:

(i) why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in a bylaw or ordinance, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and

(ii) how the identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed by the bylaws.

(c) Administrative review. In addition to the delegation of powers authorized under this chapter, any bylaws adopted under this chapter may establish procedures under which the administrative officer may review and approve new development and amendments to previously approved development that would otherwise require review by an appropriate municipal panel. If administrative review is authorized, the bylaws shall clearly specify the thresholds and conditions under which the administrative officer classifies an application as eligible for administrative review. The thresholds and conditions shall be structured such that no new development shall be approved that results in a substantial impact under any of the standards set forth in the bylaws. No amendment issued as an administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval. Any decision by an administrative officer under this subsection may be appealed as provided in section 4465 of this title.

(d) Role of advisory commissions in development review. An advisory commission that has been established through section 4433 or chapter 118 of this title and that has been granted authority under the bylaws, by ordinance, or by resolution of the legislative body to

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advise the appropriate municipal panel or panels, applicants, and interested parties should perform the advisory function in the following manner:

(1) The administrative officer shall provide a copy or copies of applications subject to review by the advisory commission and all supporting information to the advisory commission upon determination that the application is complete.

(2) The advisory commission may review the application and prepare recommendations on each of the review standards within the commission's purview for consideration by the appropriate municipal panel at the public hearing on the application. The commission or individual members of the commission may meet with the applicant, interested parties, or both, conduct site visits, and perform other fact-finding that will enable the preparation of recommendations.

(3) Meetings by the advisory commission on the application shall comply with the Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2, and the requirements of the commission's rules of procedure, but shall not be conducted as public hearings before a quasi-judicial body.

(4) The advisory commission's recommendations may be presented in writing at or before the public hearing of the appropriate municipal panel on the application, or may be presented orally at the public hearing.

(5) If the advisory commission finds that an application fails to comply with one or more of the review standards, it shall make every effort to inform the applicant of the negative recommendations before the public hearing, giving the applicant an opportunity to withdraw the application or otherwise prepare a response to the advisory committee's recommendations at the public hearing. Advisory commissions may also suggest remedies to correct the deficiencies that resulted in the negative recommendations. (Added 2003, No. 115 (Adj. Sess.), § 104; amended 2007, No. 75, § 29; 2009, No. 154 (Adj. Sess.), § 236; 2023, No. 47, § 10, eff. July 1, 2023.)

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more automobiles outside the Village limits do not require pavement and said parking may take places on gravel, dirt or lawn areas.

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 located on private or public roads shall~~ be located at least ~~75 feet~~ 15 feet plus the full width of the proposed driveway ~~from the nearest corner of any street intersection the intersection's closest edge of the travel lane. This shall apply to all uses except Dwelling Unit, Single Family and Dwelling Unit and Two Family. On roads where the posted speed-limit is 35mph or more, the driveway setback shall be 15 feet plus double the full width of the proposed driveway from an intersection's closest edge of the travel lane~~ For any use and where feasible, the sharing of driveway accesses between adjoining lots is preferred and encouraged.

456. **Access Permits required for new driveways.** Proposed driveways on Town Roads, but not private roads nor on State roads, require an Access Permit issued by the Zoning Administrator prior to their construction or use. The Zoning Administrator shall take direction from the Highway Superintendent, or his designated foreman, prior to issuing an Access Permit regarding the required grade of the proposed driveway, sight distance thereto, and the potential need for a culvert underneath it.

Section 470. Signs

471. **Objective.** The purpose guiding these regulations is to allow for Signs that are compatible with the zone in which they are located, maintained in good repair, are not distracting, do not pose a traffic and safety hazards, protect public health, safety, and welfare, and, per §477, do not contribute to light pollution.

Section 630. Conditional Uses.

631. **Procedure.** The DRB may allow uses listed as Conditional Uses in the requested zone at a warned public hearing, as provided for in §4414(3) of the Act.
632. **General Standards.** In order to allow the proposed Conditional Use, the following general standards shall not be adversely affected to the point that the potential impact becomes undue:
- 632.1 The capacity of existing or planned community facilities
 - 632.2 The character of the area affected
 - 632.3 The reduction in the capacity of the land to hold water so as to avoid soil erosion.
 - 632.4 Will not result in undue water, noise, or air pollution
635. **Specific Standards.** In allowing a conditional use, the DRB may consider the following standards:
- ~~635.1 Increasing the required lot size or yard dimensions in order to protect adjacent properties~~
 - ~~635.2 Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property~~
 - 635.3 Controlling the location and number of vehicular access points to the property
 - ~~635.4 Increasing the street width~~
 - ~~635.5 Increasing or decreasing the number of off-street parking or loading spaces~~
 - 635.6 Allowing an additional dwelling unit above what the zoning normally yields when an on-site property manager is provided for residential developments of ten or more units.
 - 635.7 Specify or limiting a business' hours of operation.
 - 635.8 Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use
 - 635.9 Requiring that any future enlargement or alteration of the use be reviewed by the DRB to permit the specifying of new conditions
 - 635.10 The DRB may require one, three and five year reviews of any project before the Board.
636. **Extra Conditions.** The DRB may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and these zoning regulations, and to protect the health, safety and welfare of the general public.

↳ do we need to add a statutory proviso here?

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 are 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.

Served by municipal water and sewer infrastructure – Per 24 VSA §4303 definition #42, the portions of Morrisville & Morristown served by both water and sewer service provided by Morrisville Water & Light, or properties within 500 feet from an existing sewer line that are zoned for Class 1 Development (required hook-on), all as described as being inside the "Sewer Service Management Area" (SSMA) per §1120 of these Bylaws.

Shelter or Emergency Shelter – A Shelter or Emergency Shelter shall have limited regulation 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) are 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,



S.100 / MOMES Act zoning change approval schedule

<u>Date</u>	<u>Board</u>	<u>Time</u>	<u>Location</u>	<u>S.100 New Zoning Change Topics</u>	<u>Bill §</u>
11/28/2023	MPC	5:00 PM	Town Offices	Review duplex pavement requirement, 50% increase in minimum lot size in RRA Zone, & delete homeless shelter language	§1, §2 & §3
12/12/2023	MPC	5:00 PM	Town Offices	Review lot sizes for village residential (proposed at 8,000 ft2 maximums @ 5+ single-family homes per acre)	§2
1/9/2024	MPC	5:00 PM	Town Offices	Village res lot size vote (8,000ft2 max / 5+ single-family homes per acre)	§2
1/23/2024	MPC	5:00 PM	Town Offices	Revise ADU requirements & permitting for administrative subdivisions	§2 & §6-§7
2/27/2024	MPC	5:00 PM	Town Offices	Review edits to village residential zone boundaries & Sewer Service Area so it matches zoned areas for village maximum lot sizes, & allow small gravity sewer expansion areas (per MW&L)	§2 & §4
3/12/2024	MPC	5:00 PM	Town Offices	Vote on village residential zone boundaries & Sewer Service Area changes & begin Missing Middle design criteria discussion	§2 & §4
3/26/2024	MPC	5:00 PM	Town Offices	Vote to add Missing Middle design requirements into §206 of ZBL	§2
4/9/2024	MPC	5:00 PM	Town Offices	Review appeal party & character of area statutory changes, by-right development required, & new "served by water and sewer" definition	§6, §7, §9 & §10
4/23/2024	MPC	5:00 PM	Town Offices	Review S.100 zoning changes before public hearing	all
5/14/2024	MPC	5:00 PM	Town Offices	S.100 MPC public hearing & vote	all
6/17/2024	Selectboard	6:00 PM	Town Offices	Initial Selectboard S.100 public hearing	all
6/19/2024	Trustees	6:00 PM	Village Offices	Initial Village Trustee S.100 public hearing	all
7/1/2024	Selectboard	6:00 PM	Town Offices	Selectboard S.100 zoning change vote	all
7/3/2024	Trustees	6:00 PM	Town Offices	Trustee S.100 zoning change vote	all
7/24/2024	-	-	-	Zoning change effective after 20-day appeal period	-

*If the Selectboard / Trustees (referred to hereafter as LBs) make any "minor" changes to the proposed zoning at their hearings, a second public hearing must be warned more than 14 days after said change. Any subsequent approval vote must be at the next regular meeting (after the 2nd public meeting). If the LBs make any "substantial" changes to the proposed zoning, the hearing process starts over and a new initial public hearing must be warned. Any significant LB change requires the submission of amended zoning bylaws to the Town Clerk and the PC. The PC must amend its "Reporting Form" accordingly and resubmit it to the LBs at or before the next public hearing. Note the LBs leaving a specific zoning requirement unchanged, instead of adopting what was warned by PC (like minimum lot size in the RRA Zone for example), is not a minor or significant change - so the zoning update stays on schedule.

Town Plan revision schedule (per 24 VSA Section 4385)

<u>Date</u>	<u>Responsible Party</u>	<u>Time</u>	<u>Location</u>	<u>Notes</u>
3/12/2024	Planning Council	5:00 PM	Town Offices	MPC vote to accept Legislative Body directed Town Plan language edit
4/19/2024	Zoning Admin.	-	-	N&C submittal deadline for MPC Town Plan hearing ad
4/25/2024	Zoning Admin.	-	-	MPC Town Plan public hearing notice appears in N&C
5/28/2024	Planning Council	5:00 PM	Town Offices	MPC Town Plan public hearing, approval vote, & plan submittal to LBs
5/31/2024	Zoning Admin.			N&C submittal deadline for SB & Trustee Town Plan hearing ad
6/6/2024	Zoning Admin.			SB & Trustee Town Plan public hearing notices appears in N&C
7/15/2024	Selectboard	5:30 PM	Town Offices	Selectboard Town Plan public hearing #1
7/17/2024	Village Trustees	5:30 PM	Village Offices	Only Village Trustee Town Plan public hearing
8/5/2024	Selectboard	5:30 PM	Town Offices	Selectboard Town Plan public hearing #2
8/7/2024	Village Trustees	5:30 PM	Village Offices	Village Trustee Town Plan approval vote
8/19/2024	Selectboard	5:30 PM	Town Offices	Selectboard Town Plan approval vote

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