

MORRISVILLE / MORRISTOWN
PLANNING COUNCIL AGENDA

Tuesday 24 September 2024 at 5:00 P.M.

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

- p. 3-4 1. Vote: Prior Council meeting minute approval
- p. 5-9 2. Discuss: Review as-revised ZBL Dimension Table
- p. 10 3. Discuss: 10-year Minimum Lot Size waiver review
- p. 11-13 4. Discuss: 5-foot minimum setback from sidewalks
- p. 14-20 5. Discuss: §206 Design Criteria review

Planning Council meeting schedule for the remainder of 2024

<u>Date</u>	<u>Board</u>	<u>Time</u>	<u>Location</u>	<u>Meeting Topics</u>
6/17/2024	Selectboard	5:30 PM	Town Offices	Selectboard public hearing for the HOMES Act 2024 Zoning Changes
6/19/2024	Village Trustees	5:00 PM	Village Offices	Village Trustee public hearing for the HOMES Act 2024 Zoning Changes
7/1/2024	Selectboard	5:00 PM	Town Offices	Selectboard vote on the Homes Act 2024 Zoning Changes
7/9/2024	MPC	5:00 PM	Town Offices	2024 Town Plan public hearing & discuss angled parking on Pleasant St
7/16/2024	Village Trustees	5:00 PM	Village Offices	Village Trustee vote on HOMES Act 2024 Zoning Changes
7/23/2024	MPC	5:00 PM	Town Offices	Parking letter for Pleasant St vote cancelled due to no AV availability
8/13/2024	MPC	5:00 PM	Town Offices	Meeting cancelled due to VT primary & Charlie being on vacation
8/19/2024	Selectboard	5:30 PM	Town Offices	Selectboard zoning vote? & Public hearing #1 for Town Plan amendment
8/21/2024	Village Trustees	5:00 PM	Village Offices	Village Trustee zoning vote? & public hearing for Town Plan amendment
8/27/2024	MPC	5:00 PM	Town Offices	Parking design for Pleasant St & Section 204.4 Waiver
9/3/2024	Selectboard	5:30 PM	Town Offices	Selectboard public hearing #2 for Town Plan amendment
9/4/2024	Village Trustees	5:00 PM	Village Offices	Village Trustee Town Plan approval vote
9/10/2024	MPC	5:00 PM	Town Offices	Section 204.4 Waiver revision & Review setbacks & dimension & use tables
9/16/2024	Selectboard	5:30 PM	Town Offices	Selectboard Town Plan approval vote
9/24/2024	MPC	5:00 PM	Town Offices	Review dimensional & use tables, discuss Min Lot Size waiverability, & §206
10/8/2024	MPC	5:00 PM	Town Offices	Review §206 Design Criteria
10/22/2024	MPC	5:00 PM	Town Offices	Review entire zoning change proposal & send to consultant for review
11/12/2024	MPC	5:00 PM	Town Offices	Meeting cancelled due to Todd on vacation
11/26/2024	MPC	5:00 PM	Town Offices	Review unmet Town Plan priorities to create new work items
12/10/2024	MPC	5:00 PM	Town Offices	MPC 2025 Zoning Change public hearing?
12/24/2024	MPC	5:00 PM	Town Offices	Meeting cancelled - christmas eve

Morrisville/Morristown Planning Council
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Meeting Minutes of Tuesday 10 September 2024

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

Council Members absent:

Council Guests: Laura & Martin Green

Staff: Planning Director Todd Thomas, A/V Media Operator Kaysie Smith

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 approximately 5:00 P.M.

Meeting Minutes: Member Reeve moved to approve the August 27th meeting minutes. A vote of 3-0-1 affirmed the motion (Member Meyer abstained because he could not attend this meeting).

Discuss: §204.4 Waiver allowance expansion for community improvement projects

Planning Director Thomas presented the Council's requested draft expansion of the §204.4(f) Waiver allowance, which currently allows 2 additional dwelling units in exchange for a permanent and durable public art installation. With the proposed expansion, community improvement projects could now include architectural lighting (per §490.5), fountains, murals, streetscape improvements, sculptures, pocket parks or public gathering spaces with shade, and/or other recreational amenities (ex. public basketball court), provided that the developer or Town has committed in-writing to the long-term maintenance thereof. The Council was amenable to the expanded language but asked Mr. Thomas to replace "long-term" with "perpetual" and replace "Town" with "Selectboard." Mr. Thomas said he would include the as-revised language within the next zoning change. Member Goldstein arrived at the end of the discussion.

Discuss: §204.5(a) Use Table revisions

Council Members reviewed the proposed new definitions for residential uses per Act 47 & Act 181, which were as follows: Dwelling (1 & 2 Units), Dwelling (3 & 4 Units), & Dwelling (5 or more Units). Mr. Thomas explained how these uses had been inserted into the revised §204.5(a) Use Table. The Council accepted the Use Table as proposed but changed the use for Dwelling (3 & 4 Units) to Permitted for Class 1 Development but Conditional for Class 2 & 3 Development.

Discuss: §204.5(b) Dimensional Table revisions

Council Members reviewed revised Minimum Lot Sizes and Minimum Land Area for new residential uses (as required by Act 47 & Act 181) in §204.5(b) of the Zoning Bylaws. It was agreed that the Minimum Lot Sizes in in the COM Zone and the LDR Zone would need to be reduced from 10,000 ft² to 8,000 ft² because they allowed residential uses and were served by Village water & sewer. After a long debate, it was agreed, after a motion made by Member Goldstein and affirmed unanimously, that the Minimum Lot Size and Minimum Land Area in the MDR Zone would remain at 4,000 ft² for both the Dwelling (1 & 2 Units) use and the Dwelling (3 & 4 Units) use. Chair Hancock said that keeping this dimension at 4,000 ft² instead of increasing it to 8,000 ft² would likely create more opportunity for someone to build a single-family home in the Village without buying more land than needed, which would otherwise unnecessarily increase the cost of the lot. As part of this agreement, Member Reeve, who was concerned about a 4-plex on such a small lot, requested a discussion be added to the next agenda regarding eliminating waivers for Minimum Lot Size. Mr. Thomas was instructed to bring a list

of Minimum Lot Size waivers granted by the DRB during the last decade to the next Council meeting. Mr. Thomas was also asked to craft zoning language that ensured a minimum of 5 feet of setback from a sidewalk to the foundation of a new dwelling when a wide road right-of-way was present (ex. Congress Street). Mr. Thomas said that he would propose something that would remedy this situation at the next Council meeting.

Discuss: Review 2025 zoning change timeline spreadsheet

Council Members reviewed the 2025 zoning change timeline spreadsheet that Mr. Thomas was asked to create at the previous meeting. At the request of Member Goldstein, §206 Design Criteria was given an extra Planning Council meeting of review on said schedule. It was also agreed to send the revised 2025 zoning changes out to the consultant (pending Town Manager approval) at the conclusion of the October 22nd Council meeting. Mr. Thomas said that he hoped to warn a Planning Council zoning change public hearing on December 10th, but that timing would be dependent on the consultant's schedule.

**** The meeting was adjourned at 6:35 PM. Minutes written by Todd Thomas. ****

* Highlight
 Note Burlington
 zoning on pages 7-9

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	-	-	-	-
Acc. Use / Acc. Dwelling Unit	P	P	P	P	P	P	P	P	P
Agriculture, Accessory On-Farm Business	P	P	-	P	P	P	P	P	P
Bar / Brewery	C	C	-	C	-	-	-	-	-
Brewery	P	P	-	P	-	-	-	-	-
Building Height above 35 30 feet	P	P	G	P	GP	C	C	C	C
Building Height above 50 40 feet β	C	C	-	C	-C	-	-	-	-
Bulk Storage of Fuels	-	-	-	C	-	-	-	-	-
Business Services	P	P	-	P	-	-	-	-	-
Commercial Use / Light Industry	C	C	-	P	-	-	-	-	-
Community Facility	P	C	G	C	-	C	C	-	-
Day Care Facility	P	C	G	C	C	C	C	C	-
Drive-Through	G	C	-	-	-	-	-	-	-
Single-Family Dwelling - 1 & 2 Units	GP	GP	P	-	GP	GP	P	P	P
Dwelling Unit, Two-Family	G	G	P	-	G	P	C	-	-
Dwelling (3 & 4 Units)	GP	GP	-	-	GP	GP	P	P/C**	-
Dwelling (5 or More Units)	P	C*	-	-	C*	G	-	-	-
Family Childcare Facility	P	GP	P	P	P	P	P	P	P
Fence (not by-right)	C	C	G	C	C	C	C	C	C
Firewood Processing	-	-	-	C	-	-	-	C∞	C
Gas Station	-	-	-	-	-	-	-	-	-
Group Home / Recovery Residence	GP	-P	P	-	GP	GP	P	P	P
Health Care Facility	P	P	-	-	P	-	-	-	-
Home Business	-	-	G	-	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 Structured	C	C	-	-	C	-	-	-	-
Private Clubs	P	P	G	-	-C	C	C	C	-C
Professional Office	P	P	P	P	-	-	-	-	-
Recreation Facility	P	P	G	C	C	C	C	C	C
Restaurant	P	GP	-	-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 Industry	-	-	-	-	-	-	-	-	C~
Short-Term Rentals	P	P	G	P	C	C	C	C	C
Warehouse & Storage Facility	-	-	-	P	-	-	-	-	-

* = The Dwelling (5 or More Units) use is only allowed in the HOS Zone as part of a Health Care Facility use and in the COM Zone when a Business Services, Restaurant, or Sales of Goods & Services use, or a combination thereof, is provided on at least 50% of a building's the ground / 1st floor of the building.

** = The Dwelling (3 & 4 Unit) Use is permitted for Class 1 Development but Conditional for Class 2 & 3 Development

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

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√ = 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.
 β = See definition of Building Height to ensure fire protection for any proposed Structure above 40 feet in height.
Please Note: All permitted uses with new footprints larger than 20,000 ft² require §500 DRB Site Plan Approval.

204.5b Dimensional requirements. Development Class, 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	1	1,2***&3***	3
Minimum Lot Size	1,500	108,000	4,000	40,000	8,000	2,000	4,000	108,000**	80,000
Minimum Land Area Single-Family Dwelling (1 & 2 Units)	750 No limit	108,000	4,000	-	8,000	2,000	4,000	108,000***	80,000
Minimum Area Two-Family	1,500	10,000	10,000	-	16,000	4,000	10,000	-	-
Minimum Land Area per Multi-Family Dwelling (per 3 & 4 Units)	No limit	2,000*** 108,000	-	-	8,000	2,000	4,000	-	-
Minimum Land Area for each additional unit for the Dwelling (5 or more Units) use	No limit	2,000*	-	-	2,000*	2,000****	-	-	-
Minimum Lot Frontage	20	50	50	50	50	20	50/40	50	50
Maximum Front Setback ^	8	-	-	-	-	-	-	-	-
Minimum Front Setback	-	30	35	50	35	-/8^	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

* = Dwelling (5 or More Units) use is only allowed in the HOS Zone as part of a Health Care Facility use and in the COM Zone when a Business Services, Restaurant, or Sales of Goods & Services use is provided on at least 50% of a building's ground / 1st floor.

** = IND Zone Class 2&3 Development allowed in IND#2 (west of Houle Ave. frontage to the east and south of Harrel St), 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 any areas of the LDR Zone relying on Class 3 Development require a 25,000 ft² minimum lot size per family.

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

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

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

Section 206. Design Criteria. The Zoning Administrator or DRB may require the submission of a proposed building rendering to ensure that the below design criteria requirements are met for Dwelling Unit Multi-Family, Dwelling Unit Two-Family, Dwelling Unit Single-Family, and business uses in the

How Burlington's ZBL deals with 5.100 / Max dwelling per structure
 Note max bldg footprints

Article 4: Zoning Maps and Districts

Article Last Updated: June 4, 2024

Table 4.4.5-2 Principal & Secondary Structures Massing and Placement Standards in Residential Districts

District	Max Height & Stories ^{1,3}	Max Dwelling Units per Structure ^{2,3}	Max. Principal Structure Footprint ³	Max. Secondary Structure Footprint ³	Max Building face before providing offset ⁵	Min. Distance between Structures on same lot
Residential Low (RL)	35' 3 stories	4	1,800 sq.ft.	1,100 sq.ft.	50'	15'
Residential Medium (RM)	35' 3 stories	4	1,800 sq.ft.	900 sq.ft.		
Residential High (RH)	50' 4 stories	N/A	N/A	N/A		
Residential Corridor (RC)			3,600 sq.ft.	N/A		

1. Details regarding the measurement of and exceptions to height limits are found in Art 5.
2. Minimum dwelling unit size is 350 sq.ft.
3. Within RL and RM zones, lots may have up to one (1) Principal and one (1) Secondary structure per lot, except as may otherwise be allowed by Article 11.
4. Required on all building faces. Minimum offset is 5 ft measured perpendicular to the building face in excess of 50 ft.

(c) Permitted and Conditional Uses:

The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Residential districts shall be as defined in Appendix A – Use Table and as may be modified by district specific regulations in Sec. 4.4.5 (d).

(d) District Specific Regulations:

The following regulations are district-specific exceptions, bonuses, and standards unique to the residential districts. They are in addition to, or may modify, city-wide standards as provided in Article 5 of this ordinance and district standards as provided above.

1. Additional Residential Development Permitted

In addition to any applicable development permitted according to Article 11 – Planned Unit Development, the following additional development types and intensities shall be allowed within the Residential Districts, subject to the following standards.

A. Reserved

Table 4.4.5-3 Reserved

B. Residential Development Bonuses

The following exceptions to maximum allowable residential standards in Tables 4.4.5-1 and 4.4.5-2 may be approved in any combination subject to the maximum limits set forth in Table 4.4.5-6 at the discretion of the DRB. Any bonuses that are given pursuant to this ordinance now or in the future shall be regarded as an exception to the limits otherwise applicable.

(i) Senior Housing Bonus

Residential development in excess of the limits set forth in Tables 4.4.5-1 and

lot coverage and building height permitted in any district as defined below:

Table 4.4.5-6 Maximum Intensity, Lot Coverage and Building Heights with Bonuses

District	Maximum Density*	Maximum Height	Maximum Lot Coverage*
RH	80 du/ac	45-feet	92%
RM	40 du/ac	35-feet	72%
RL	20 du/ac	35-feet	62%

*- or 125% of the pre-application gross floor area or coverage of the qualifying principal building as may be applicable per Table 5.4.8-1 Historic Building Rehabilitation Bonus

This is the density of BTU's 4-plexes per acre. so multiple 4-plexes allowed per lot, but that keeps with the bldg size context of surrounding neighborhood.

2. Exceptions to Dimensional Standards

A. Encroachment into Side Setback for Residential Driveways

For purposes of enabling narrow or flag lots to create a driveway to provide a maximum of two tandem parking spaces, or to access a parking area behind a principal structure, driveways may encroach into a required side setback up to the property line. The maximum waiver from the side setback shall be the minimum necessary for the purposes of creating such a driveway or access to parking spaces. Applications for such waiver shall demonstrate that there will be no undue adverse impact on drainage, safety, light, and air, nor encroachment into a neighboring side yard. With such approval, the lot shall not be considered nonconforming due to the decreased setback.

B. Encroachment into the Waterfront Setback

The following exceptions to the required waterfront setback for Lake Champlain and the Winooski River established under Sec. 4.5.4:

(i) Replacement of Existing Structure

Replacement of a conforming principal structure existing as of the effective date hereof, may encroach into the required setback provided the replacement does not increase the area or extent of the encroachment more than the existing structure.

(ii) Averaging of Setbacks of Existing Structures

If the setback from the waterfront of existing principal structures within one hundred fifty (150) feet on either or both sides of a subject lot is less than the minimum required setback, the setback for the subject lot may be reduced to the average setback of such neighboring structures.

C. Exceptions to Lot Coverage for Accessory Residential Features

In addition to lot coverage exemptions in Sec. 5.2.3 (b), within the RL and RM districts, an additional ten (10) percent of lot coverage above the otherwise applicable limit may be permitted for the following amenity features accessory to

(b) Dimensional Standards

The intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Lot Size, Frontage, Setback, and Lot Coverage Standards in Residential Districts

District	Min. Lot Frontage ^{2,3,4,5} (linear feet)	Setbacks ^{1,6,7,8,9}			Lot Coverage ^{1,10}
		Front	Side	Rear	
Residential Low (RL)	30'	Min: Avg. of front setback 2 adjacent lots on both sides +/- 5 feet Max required: 25 ft	Min: 10% of lot width or avg. of side setback of 2 adjacent lots on both sides Max required: 20 ft	20 ft.	45%
Residential Medium (RM)				15 ft.	55%
Residential High (RH)	N/A	Min required: 5 ft Max permitted: 20 ft		15 ft.	80%
Residential Corridor (RC)	N/A	Min required: 5 ft Max permitted: 20 ft	Max required: 20 ft		80%

1. Details regarding the measurement of and exceptions to coverage and setback standards are found in Art 5.
2. The DRB may reduce the frontage requirements for lots fronting on cul-de-sacs, multiple streets, or corner lots to more closely reflect an existing neighborhood pattern.
3. Exceptions to frontage requirements for flag lots and small lot subdivisions are found in Sec. 5.2.2
4. For lots in RL or RM with more than two primary buildings, the minimum lot frontage shall be 45'.
5. Average setback for front and side setbacks are calculated based on 4 adjacent lots, two on each side within the same block and on lots with the same frontage requirements. For the purposes of determining the required front setback only, among the comparative sample of four neighboring properties, one may be removed from the averaging calculation.
6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the side setback shall be 10% of the lot width. Refer to Sec. 5.2.5 for additional details.
7. A 75 ft setback shall be required from the ordinary high water mark of Lake Champlain and the Winooski River. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of Sec 4.5.3 Riparian and Littoral Conservation Overlay Zone.
8. For properties in the RL and RM zones with frontage along Lake Champlain or the Winooski River, the front yard setback shall not be required to exceed 50 feet.
9. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d) 2C below.

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Minimum Lot Size Waivers voted by the DRB during the last 10-years

Waiver Date	Address	Parent Parcel Size (in acres)	Waived Parcel Size #1 (in acres)	% Waived	Waived Child Parcel Size #2 (in acres)	% Waived	Note
7/24/2024	3208 Elmore Rd	3.30	1.77	3%	1.55	12%	Waiver allowed later subdivision
1/24/2024	328 Golf Course Rd	3.63	1.84	0%	1.82	1%	Waiver allowed later subdivision
10/12/2022	21 Cross St	0.23	0.20	12%	0.09	0%	Waiver allowed later subdivision
1/13/2021	280 Mac Miller Rd	3.70	1.89	0%	1.83	1%	Waiver allowed later subdivision
10/16/2019	57 Lawrence Rd	3.50	1.84	0%	1.75	9%	DENIED
1/24/2018	57 Lawrence Rd	3.50	2.00	0%	1.50	13%	DENIED
<p>3 minimum land area per unit waivers were also granted turning single family homes into duplexes (Cross, Maple, Richmond Streets), which would all now be allowed by right due to S.100</p>							
<p>1 minimum ROW width waiver was also granted allowing for the construction of a new single-family home on Park Street</p>							

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. Notwithstanding the setback distances stated in §204.5(b), at no point shall a Structure be located less than 5 feet from a sidewalk's outside edge.

Structure - A walled and roofed building, including a manufactured home, a gas or liquid storage tank, a pad mounted electric transformer, signs, walls, or fence, except a wall or fence on an operating farm.

- 505. Landscaping Plan Standards.** Landscaping shall be a requirement of §500 Site Plan Approvals for all non-residential uses and Dwelling Unit Multi-Family uses.
- a. Landscaping proposed on a site plan shall include a combination of shade trees and shrubs (both deciduous and/or coniferous) and may also include grasses and ground covers.
 - b. A landscaped buffer of at least 5 feet in width shall be required in the following circumstances: (1) To reasonably screen 10 or more off-street parking spaces from roadside view, (2) To reasonably screen 10 or more off-street parking spaces from abutting residential properties, and (3) To have proposed non-residential properties provide screening to abutting residential properties in the COM, IND, & HOS Zones.
 - c. Landscaping plans shall include shade trees when 10 or more parking spaces are proposed. In such areas, no open-air parking space shall be more than 30 linear feet from the trunk of the closest shade tree. When internal parking lot islands are proposed to meet this 60-foot maximum distance requirement, said islands shall not be curbed and shall be designed to receive and attenuate stormwater from the paved parking area.
 - d. Proposed shade trees shall be no smaller than a 2.5-inch caliper trunk diameter, measured at ground level, or, in the case of coniferous trees, a minimum of 5 feet in height. Tree species shall be long-lived (over 60 years) with a high tolerance for soil compaction.
 - e. Landscaping shall also include the use of shade trees along any road frontage. At least 1 shade tree shall be planted for each 60 linear feet of said frontage. Said trees shall be salt tolerant, of local origin, and placed/sized so as to not impact overhead utility lines.
 - f. Landscaping shall be required to reasonably screen all pad mounted electric transformers, mini-split condensers and meter sockets from views from the roadside and adjacent properties.
 - f. Maximum effort shall be made to save existing mature trees. No material or temporary soil deposits shall be placed within the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers, such as snow or silt fences, shall be installed during construction around the drip lines of vegetation that is to remain on site that may be damaged by construction activity.
 - g. All plantings shall be installed according to accepted horticultural standards. Plant species should be native (unless ornamental), shall not be listed as invasive and shall be hardy (zone three or hardier as defined in UVM Extension Service's "Landscape Plants for VT").
 - h. The owner shall ensure proper watering and weeding to ensure plant viability and shall replace dead landscaping within the same growing season as any die-off.
 - i. Adequate planted screening shall be required that is robust enough to shield any adjacent house, including a house across a roadway, from view of a ground mounted solar array greater than 15 kilowatts and requires a Certificate of Public Good from the Public Utility Commission.

Section 206 Design Criteria (1 of 2 pages)

- 206.1 For the Dwelling (1 & 2 Units) and (3 & 4 Units) uses, the following Design Criteria rules apply:
- 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. In no situation shall the front of a townhouse face the rear of another townhouse unless a parking area or road separates them.
 - b. Cladding. The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J-Channel trim.
 - c. Entry door. All Dwelling-Units shall include at least one functional entry door facing the parcel's primary street frontage. In the case of a corner lot, additional entry doors are only required if a sidewalk exists along that additional frontage.
 - d. Front porch. All residential construction must include a covered 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). *→ provides weather-break*
 - e. 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.
 - 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 ½ the length of said home or business, with both lengths measured along the primary street frontage. Tuck-under parking, which is ground-level parking under a second story accomplished without a garage door shall not be allowed when it is visible from a primary street frontage. Interpretation of primary street frontage, when a property has multiple frontages, shall be made by the DRB or ZA.
 - g. Pedestrian walkway: When a sidewalk is present along the frontage of a property, a 4-foot-wide unobstructed walkway, consisting of bricks, concrete, pavement, pavers, or crushed stone, shall be provided to connect it to the building's primary entrance. *- taken from BTV zoning*
- 206.2 For the Dwelling Unit (5 or more Units) and business uses, in addition to the §206.1 requirements, the following Design Criteria rules shall also apply:
- a. 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.
 - a.b. Building size maximums. Except within the COM & HOS Zones, the width of any new structure, which shall not be subject to Waiver considerations, is limited to 68 feet or less and its depth shall be limited to no more than 150% of the depth of the larger of the two directly adjacent non-accessory structures, including structures on an adjacent street for corner lots.
 - c. Lighting. A lighting plan that shows compliance with Section 490 of the Bylaws.
 - d. 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.

* Yellow fill highlights new changes to what was proposed earlier in 2024. Red font is existing 2024 zoning as proposed.

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- e. 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.
- b.f. 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.
- g. 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 entry door. A bike rack shall also be provided for new Development that has 10 or more new parking spaces.
- h. 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.
- i. Stormwater. Stormwater shall not be directly discharged from business or multi-family structures onto Town property, including any public road right-of-way.
- e. Utilities. Utilities shall be underground.

206.3 Cottage Court Development. Development that chooses to not comply with one, more, or all of the Design Criteria requirements of §206.1 - §206.2 may take to form of a Cottage Court Development. In all zones where Design Review is required (other than Industrial), the Board may, via §630 Conditional Use, allow Cottage Court style development. Cottage Court style development, which is a cluster of detached single-family homes oriented around a common courtyard that is typically perpendicular to the street frontage, shall meet the following minimum requirements:

1. Building Height. Building Height shall not exceed 1.5 stories.
2. Courtyard Width. The required common area courtyard that the dwellings are centered around shall be at least 25 feet wide, grassed or otherwise landscaped, and not bisected by impervious surfaces other than a sidewalk from the common parking area to the dwellings. A front porch on each dwelling may project up to 6 feet into said Courtyard.
3. Density. The number of allowed dwelling units in any Cottage Court development shall not be more than what is allowed by §204.5b Dimensional Requirements, but a Cottage Court development may be located on a single lot.
4. Dwelling Size. The footprint of each dwelling is limited to 800 ft². All dwellings must be located at least 8 feet from the closest adjacent cottage.
5. Front Door. The front door to each dwelling must face the courtyard.
6. Lot Size. The minimum lot size needed to apply for a Cottage Court Development is 100 feet of lot width and 150 feet of lot depth.
7. Parking. A common parking lot shall serve the dwellings and garages. Access to the parking lot shall be via a sidewalk through the central courtyard. Garages, if any, shall not be attached to any of the dwellings.

206.4 Waiver. Unless stated otherwise in any of the above §206 requirements, the DRB may grant a §206 Waiver for any and all design requirements of this section along said Streets if it can be found that doing so meets at least 2 of the goals of §204.4 Waiver.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

Burlington ZBC design standards

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.1 Applicability.

These standards are enacted and shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(b) – Design Review.

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to the purpose of the zoning district. They should integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity; however, such consideration shall not require building height to be more limited than otherwise allowed within an applicable zoning district or overlay zone per Article 4.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development should maintain an overall scale similar to that of

surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

In low and medium residential districts, the height and massing of existing residential buildings should be carefully considered when evaluating the compatibility of additions and infill development; however, no modifications by the DRB shall be made to projects which otherwise limit the allowable Principal Structure footprint, height, and number of units per building otherwise permitted by Tables 4.4.5-1 and 4.4.5-2. Where the zoning encourages greater intensity and larger scale buildings in high density residential and non-residential zoning districts, buildings that are over 3-stories should provide a transition by employing design elements that reduce the apparent building mass from the street level. Taller buildings and elements are most appropriate where they provide a focal point of a terminal view, anchor a street corner, frame view corridors, or relate to larger scaled structures. The impacts at the street-level of increased or altered wind currents and downdrafts created by buildings over six (6) stories should be considered.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

2. Roofs and Rooflines. *We have no roof criteria*

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city’s skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Dormers shall not exceed the height of the ridgeline of the roof to which they are attached, and shall be set back a minimum of 1-foot from the edges of the underlying roofline, Individual dog house dormers shall be limited to 33% of the horizontal eave length of the principal roofline.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or “green” roof technologies (with a clearly articulated maintenance plan) and “gray water” collection are encouraged. Active rooftop uses are

also encouraged to add to the visual complexity and activity of the city’s skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building. Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.

(b) Protection of Important Architectural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

(c) Protection of Important Public Views:

Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.

Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged. In no case shall development be permitted to span across the public rights-of-way in such corridors.

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street-level are particularly important in order to facilitate the flow of pedestrian traffic.

Non-residential buildings should provide visual access into the interior of building at the street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. In contrast, residential buildings may be slightly recessed and/or elevated from the street-level in order to provide privacy. In such cases, visual interest along the streetscape can be provided through the use of landscaping, porches, and other similar features that offer a transition between public and private space.

Buildings in downtown districts that provide open space by way of building setbacks at the ground level shall utilize landscaping, street furniture, public art, sitting walls, fountains, etc. to maintain a sense of the existing street wall, define a sense of entry for the building and create a space that enhances the pedestrian's experience. Urban "open" space shall maximize accessibility for all individuals including the disabled, and encourage social interaction.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of

Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

(g) Make advertising features complementary to the site:

Where signs and other advertising features are proposed, the applicant shall meet the requirements as per Article 7 - Signs. The size, location, design, texture, lighting, and materials of all exterior signs and advertising features shall not detract from the use and enjoyment of proposed buildings or surrounding properties. National branding through signage and architecture shall be discouraged.

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties.

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.