



TOWN OF MORRISTOWN PLANNING COUNCIL
MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM
43 Portland St. Morrisville, VT 05661
5:00 PM Tuesday, January 14, 2025

The meetings will be live-streamed on the Town of Morrystown's website: <https://www.morristownvt.gov/community/page/meetings-agendas-minutes>

CALL TO ORDER

1. Prior Council meeting minute approval *Page "B"*

DISCUSS

1. Public Hearing: Proposed 2025 zoning changes *Pages C, D, & 1-77 of ZBL*
2. Affordable housing letter from Housing Committee *Pages E1 - E6*
3. December 10th Thermal Energy Network meeting *-*

ADJOURN

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

Meeting Minutes of Tuesday 26 November 2024

Council Members present: Etienne Hancock, John Meyer, Wally Reeve

Council Members absent: Josh Goldstein, Jamie Morris

Council Guests:

Staff: Planning Director Todd Thomas, A/V operator Andy Churchill

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 5:05 P.M.

Meeting Minutes: Member Meyer moved to approve the October 23rd meeting minutes. A vote of 3-0 affirmed the motion.

Discuss: December 10th Thermal Energy Network meeting

Planning Director Thomas reminded the Council that its December 10th meeting was being co-opted by a Thermal Energy Network workshop. Council Members briefly discussed the concept and Mr. Thomas explained that he was eyeing Pleasant Street, especially with the planned new development thereon, as a possible location for the first such network in Morrisville.

Discuss: Review of Consultant Report for 2025 Zoning Changes

The Council and Mr. Thomas reviewed the consultant's report regarding the proposed 2025 zoning changes. Mr. Thomas said that, as expected, the Council's work proposal was found to comply with the Town Plan and the new State zoning preemptions mandated by Acts 47 & 181. Mr. Thomas shared that the Town Manager, due to the consultant mentioning it, wanted the zoning map updated prior to the Selectboard and Trustee zoning change public hearing. Mr. Thomas said that he sent the materials needed for the map update to the Town Manager, but the timeline for its update was out of his control since this work needed to be completed by others who have access to GIS mapping software.

Discuss: Review of 2025 proposed zoning changes

The Council reviewed the draft warning for the proposed 2025 zoning changes. Mr. Thomas noted that he made one new change, requiring 2-feet of freeboard for new development in the Special Flood Hazard Area. He explained this change was being recommended by the Association of State Floodplain Managers and would soon be a requirement for federal mortgage underwriting for new structures located in a flood zone. Mr. Thomas added that the Town already had this same 2-foot freeboard requirement for Substantial Damage & Substantial Improvement. The Council was comfortable with this change and the entire slate of zoning changes (which were mostly repeats from the 2024 zoning change effort). Member Meyer moved to warn a public hearing for these zoning changes on January 14th at 5:00 PM. The motion was affirmed by a vote of 3-0. Mr. Thomas said that he would start work on the State's zoning change report immediately, and also reach out to the Town Manager as previously requested.

Discuss: Planning Council submission for annual Town Report

Mr. Thomas presented the draft Planning Council submission for the annual Town Report. After agreeing on 2 minor edits, Council Members decided that the report was ready for the printer.

*** The meeting was adjourned at 5:35 PM. Minutes written by Todd Thomas. ***

B

Meeting Schedule for 2025 Zoning Update

<u>Date</u>	<u>Board</u>	<u>Time</u>	<u>Location</u>	<u>Color-Coded Board Meeting Dates for 2025 Zoning Change</u>
1/14/2024	MPC	5:00 PM	Town Offices	Planning Council 2025 zoning change public hearing & vote
2/3/2024	Selectboard	6:00 PM	Town Offices	Selectboard 2025 zoning change public hearing
2/5/2024	Trustees	6:00 PM	Village Offices	Village Trustee 2025 zoning change public hearing
2/17/2024	Selectboard	6:00 PM	Town Offices	Selectboard 2025 zoning change vote
2/19/2024	Trustees	6:00 PM	Town Offices	Village Trustee 2025 zoning change vote

*If the Selectboard / Trustees (referred to hereafter as LBs) make any “minor” changes to the proposed zoning at their February 3rd & 5th public hearings, a second public hearing must be warned for at least 15 days after said change was made. The zoning change approval vote must be at that board's next regular meeting (not the same night as the final public hearing). If the LBs make any “substantial” changes to the proposed zoning, the hearing process starts over and a new initial LB public hearings must be warned. Any significant LB change requires the submission of amended zoning bylaws to the Town Clerk and the Planning Council. The

Planning Council must amend its “Reporting Form” accordingly and resubmit it to the LBs at or before the LBs' next public hearing. Please note that the LBs deciding not to move forward a specific aspect of the zoning change is not a minor or significant change - so the zoning update stays on schedule without that one provision also moving forward. The new ZBL is effective in each municipality 21 days after each respective approval vote (which is when the appeal period expires). The overall zoning change process must take place not less than 15 days nor more than 120 days from the date the zoning change proposal is first submitted to the LBs for approval. Finally, as I mentioned in my email earlier, care should be taken, if possible, to not to have one Board hear the zoning changes and a different Board (changed by the election at Town Meeting) vote on them. Ideally, this zoning change process should wrap-up before the annual Town & Village meetings or wait to start until after they are complete, when the new Boards are in place.

PUBLIC NOTICE – WARNED HEARING

MORRISVILLE/MORRISTOWN PLANNING COUNCIL WARNING

PUBLIC HEARING ON AMENDMENTS TO THE ZONING & SUBDIVISION BYLAWS

The public hearing is scheduled for **Tuesday 14 January 2025 at 5:00 PM** in the Town Offices, at 43 Portland Street in Morrisville. The Morrisville/Morristown Planning Council hereby provides notice of a public hearing being held pursuant to 24 VSA, Chapter 117, §4302, §4410 & §4441 for the purpose of hearing public comments on proposed amendments to the Morrisville/Morristown Zoning & Subdivision Bylaws. These amendments are being adopted in accordance with 24 VSA, Chapters 117, §4302, §4410, §4411, §4412, §4413 & 4414.

Morrisville/Morristown Zoning and Subdivision Bylaws Table of Contents (abbreviated):

General Provisions / Zone Establishment & Regulation / Special Protection Areas / General & Special Regulations / Administration & Enforcement / Subdivision Application & Approval Procedure / Subdivision Requirements & Design Standards / Definitions / Zone Boundaries

Morrisville/Morristown Zoning & Subdivision Bylaws Statement of Purpose: To provide for orderly community growth, to provide for public health, safety, welfare, and to achieve the purposes set forth in the Vermont Development Act 24 VSA, Chapter 117, and the Town Plan.

The proposed amendments to the Zoning & Subdivision Bylaws are as follows:

- §201 Delete MOR Zone (becomes MDR Zone), allow DRB to rule on Sewer Service Area boundary splits
- §204.4 Edit Waiver percentage so differs by zone, create waiver bonus for community improvement projects
- §204.5a Edit Use Table for Acts 47 & 181, building height reductions, add accessory on-farm business, & MOR Zone deletion
- §204.5b Edit Dimensional Table for Acts 47 & 181, MOR Zone deletion, reduce certain lot sizes and densities
- §206 Design Criteria reordering and edits regulating village zoned single-family homes for 1st time, delete IND #4 regs
- §206.1 Delete ground floor exterior access townhouse rule, revise garage rules, new rule for covered front entry and walkway
- §206.2 Add building size maximums, storefront window glaze rule, disallow direct stormwater discharge to town land/roads
- §206.3 Create new Cottage Court (small single-family homes) development alternative for DRB approval
- §206.4 Modify existing waiver provision to accommodate new building size maximums that cannot be waived
- §207 Clarify front setback measurement when no sidewalk is present or will be required, mirror Section 206 glazing rule
- §323 Strengthens Flood Zone Bylaw per federal guidance so new structures in flood zones have 2 feet of freeboard
- §401 Better align permit requirement to the as-revised definition of Development
- §405.3 Delete Infectious Invalidity prohibition
- §415 Revise Home Business parking screening language
- §420 Restate required provisions and prohibited effects of the Act, add affordable housing waiver per Acts 47 & 181
- §422 Frontage and access requirement being moved to §820 where it is being slightly revised
- §423 Add Emergency Shelter to list of statutorily protected uses, shorten ZBL section so simply refers to 24 VSA §4413
- §451 Allow Selectboard to work with developers to create new off-street parking that counts toward parking minimums
- §452 Change pavement requirements for development, tie pavement rules to zones instead of village line
- §454 Delete DRB ability to increase the number of parking spaces for new development due to Acts 47 & 181
- §455 Create new traffic speed dependent driveway setback requirement
- §456 Codify long-standing Access Permit process for driveways into Zoning Bylaws
- §470 Delete MOR Zone, allow multi-sided signs, expanded exemptions for wicket signs and banners for town events
- §484 Delete qualifying statement about where new gas stations are allowed because they are not allowed anywhere
- §488 Minor revision to existing rules about shipping containers
- §490.5 Allow up-lighting of architectural elements of Contributing Structures within 1983 Morrisville Historic District
- §502 Require heating and cooling provisions note on site plan to open up fossil free grant opportunities
- §505 Codify typical DRB condition about screening meter sockets, mini-split condensers and ground utility enclosures
- §635 Delete certain DRB new development mitigation tools that are now prohibited by Acts 47 & 181
- §641 Change receiving party of appeals to Secretary from Chair
- §710.2 Change major versus minor subdivision differentiation back to 3 lots from 2 lots
- §770 Require net & gross lot acreages when lots are surveyed to centerline of public roads & delete unused survey reqs.
- §820 Access and frontage rules moved §422 and revised to allow more width flexibility for private roads
- §900 Largely due to Act 47 & 181 preemption, add or revise the following definitions: Accessory Dwelling Unit, Accessory On-Farm Business, Accessory Use, Building Height, Commercial Use, Cottage Court Development, Development, Dwelling Unit and delete these definitions: Family, Legislative Body, Nuisance, Official Map, Parking Space Off-Street, Served by municipal water and sewer infrastructure, Setback, Shelter or Emergency Shelter, Sketch Plan, Structure.
- §1000 Modify these zones largely due to Act 47 & 181: Commercial, Mixed Office Residential (delete), Industrial, Hospital, High Density Residential, Medium Density Residential, Low Residential Density, Sewer Service Management Area

Location where full text may be examined: For copies of the full text, please contact the Zoning Office 888-6373 / tthomas@morristownvt.gov or the Town Clerk's Office 888-6370.

D



202³⁵ ZONING AND SUBDIVISION BYLAWS

VILLAGE OF MORRISVILLE / TOWN OF MORRISTOWN

Adopted by the Morrystown Selectboard & the Morrisville Village Trustees as follows:

Town of Morrystown

- Interim Zoning Bylaws, June 9, 1971
- Permanent Zoning Bylaws, November 1974
- Revised Zoning Bylaws, June 23, 1976
- Revised Zoning Bylaws, September 16, 1978
- Revised Zoning Bylaws, January 3, 1984
- Interim Subdivision Bylaws, September 29, 1989
- Permanent Subdivision Bylaws, October 14, 1991
- Revised Zoning & SD Bylaws, November 15, 1993
- Revised Zoning & SD Bylaws, November 15, 1994
- Revised Zoning & SD Bylaws, November 27, 1995

Village of Morrisville

- Interim Zoning Bylaws, June 9, 1971
- Permanent Zoning Bylaws, July 9, 1973
- Revised Zoning Bylaws, May 29, 1978
- Revised Zoning Bylaws, January 3, 1984
- Revised Zoning Bylaws, October 9, 1989

- Revised Zoning Bylaws, Nov 15, 1993
- Revised Zoning Bylaws, Nov 15, 1994
- Revised Zoning Bylaws, Nov 27, 1995

Town of Morrystown/Village of Morrisville (unified bylaw)

- Revised Zoning & Subdivision Bylaws on 14 October 1998, 10 May 1999, 5 December 2000, 15 July 2002, 1 June 2004, 6 February 2006, 16 November 2009, 14 June 2010, 29 November 2010, and 2 May 2011
- Revised Zoning & Subdivision Bylaws, November 6, 2011 (Town) / December 12, 2011 (Village)
- Revised Zoning & Subdivision Bylaws, September 16, 2013 (Town) / October 7, 2013 (Village)
- Revised Zoning & Subdivision Bylaws, May 19, 2014 (Town) / May 26, 2014 (Village)
- Revised Zoning & Subdivision Bylaws, November 24, 2014 (Town) / November 17, 2014 (Village)
- Revised Zoning & Subdivision Bylaws, September 28, 2015 (Town) / October 5, 2015 (Village)
- Revised Zoning & Subdivision Bylaws, July 18, 2016 (Town) / August 1, 2016 (Village)
- Revised Zoning & Subdivision Bylaws, June 26, 2017 (Town) / June 19, 2017 (Village)
- Revised Zoning & Subdivision Bylaws, September 10, 2018 (Town) / September 5, 2018 (Village)
- Revised Zoning & Subdivision Bylaws, June 19, 2019 (Town) / June 19, 2019 (Village)
- Revised Zoning & Subdivision Bylaws, September 21, 2020 (Town) / October 7, 2020 (Village)
- Revised Zoning & Subdivision Bylaws, January 4, 2021 (Town) / January 6, 2021 (Village)
- Revised Zoning & Subdivision Bylaws, December 5, 2022 (Town) / December 7, 2022 (Village)
- Revised Zoning & Subdivision Bylaws, November 6, 2023 (Town) / November 1, 2023 (Village)
- Revised Zoning & Subdivision Bylaws, **MARCH X, 2025** (Town) / **MARCH X, 2025** (Village)

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updated for state preemptions

ARTICLE I. GENERAL PROVISIONS

Section 100. Authority

101. **Establishment.** In accordance with the Vermont Municipal and Regional Development Act (referred to hereafter as the "Act"), Chapter 117 of Title 24, VT Statutes Annotated, there are hereby established Zoning Bylaws for the Village of Morrisville and the Town of Morristown.
102. **Intent.** It is the intent of these Bylaws to provide for orderly community growth, to provide for public health, safety and welfare, to achieve the purposes set forth in the Act, and to further the principles of the Town Plan.
103. **Effective Date.** This Bylaw shall take effect per §4442 of the Act. Any zoning bylaws previously adopted and in effect are hereby repealed and declared null and void.
104. **Amendments.** The Bylaws may be amended in accordance with §4441 & 4442 of the Act.

Section 110. Interpretation and conflicting regulations. If a provision of the Bylaws is stricter than required by the Act, the Bylaws shall govern. If a provision of the Act is stricter than the Bylaws, the state law shall rule.

Section 120. Severability. If any part of these Bylaws is adjudged to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so adjudicated.

ARTICLE II. DISTRICT ESTABLISHMENT AND REGULATIONS

Section 200. Zones and areas created for the zone descriptions and map.

- 201.1 **Zones Created.** For the purposes of these Bylaws, Morristown is divided into the following zones:
- | | |
|---|---------------------------------|
| a. Central Business Zone | CB |
| b. Commercial Zone | COM |
| c. Mixed Office Residential Zone | MOR becomes MDR Zone |
| d. Industrial Zone | IND |
| e. Hospital Zone | HOS |
| f. High Density Residential Zone | HDR |
| g. Medium Density Residential Zone | MDR |
| h. Low Density Residential Zone | LDR |
| i. Rural Residential Agricultural Zone | RRA |

Section 201. Zone Boundary Interpretation.

- 201.1 **Boundaries Following Features.** Zone boundaries shown approximately within the lines of physical features, such as existing roads, ravines, or waterways shall be deemed to follow their centerlines.
- 201.2 **Boundaries Following Lot Lines.** Where zone boundaries do not follow physical features, and appear to instead follow lot lines, such lot lines shall be construed to be the said boundary.
- 201.3 **Boundaries Dividing Lots.** Where a zone or sewer service boundary does not follow physical features, or lot lines, and divides a lot in single ownership, the Development Review Board *Allows DRB to make SSMA split-lot determinations* (referred to hereafter as "the DRB") may permit as a Conditional Use the extension of the regulations for either portion of the lot.
- 201.5 **Unusual Situations.** Where circumstances regarding boundary interpretation are not covered in §201–§201.3, the DRB shall interpret the zone boundaries.

201.6 **Rounding.** All dimensional requirements, other than Minimum Lot Size, and Minimum Area per Residential Unit shall be rounded to the nearest whole number for any zoning calculation.

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

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

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

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

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

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

204.4 **Waiver.** The DRB may reduce ~~up to 25% of~~ any dimensional or numerical requirement ~~by up to 5% in the MDR Zone and the LDR Zone and by up to 15% in all other zones,~~ with said percentage calculated by dividing the area lacking the minimum requirement by the required minimum area, provided the waiver request can be found to meet at least 2 of the following goals:

- a. Maintains compact development patterns in the village and the rural feel of the Town
- b. Minimizes impacts to the environment and natural surroundings
- c. Does not disrupt the neighborhood's existing settlement pattern
- d. Does not detract from the value of adjacent properties on the Town's Grand-List
- e. Protects or enhances historic resources

f. ~~Makes the Town a more interesting place to work and live via~~ the installation of a permanent, desirable, and durable public art installation community improvement project. Eligible ~~public art installations community improvement projects~~ include, but are not limited to architectural lighting (per §490.5), fountains, murals, streetscape improvements, place-making architecture, and sculptures, pocket parks or public gathering spaces with shade, and/or other recreational amenities (ex. public basketball court), provided that the developer or Selectboard has committed in-writing to the perpetual maintenance thereof. The DRB shall be in receipt of a supporting letter from ~~a community group such as the Town's Recreation Coordinator, River Arts, or MACC~~ stating that the proposed art installation is durable, desirable, and makes the town a more interesting place to work and live. A before granting a community improvement

new rural vs urban waiver percentages

new carrot for community projects vs. art only bonus



project maximum waiver. Regardless of the above calculation, of a maximum of only 2 additional dwelling units is possible via the community improvement project waiver, withis additional dwelling units being unavailable via this waiver in the Rural Residential Agricultural & Industrial zones).

- g. The creation of new affordable housing per 24 VSA §4303 (1-2) that is permanently deed restricted. The Waiver percentage allowed for the creation of new affordable housing which includes a waiver for minimum parking requirements, shall match the percentage of affordable units proposed in any Affordable Housing Development (ex. a development that is 50% affordable gets up to a 50% Waiver). Said waiver % shall not exceed 75% even if a higher level of affordability is proposed.

Moved to
Section 420.13
and revised
per Act 47

Zone becomes MDR instead

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

USE TABLE	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Accessory Retail & Food	P	P	P	P	P	-	-	-	-
Acc. Use / Acc. 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	C	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	C	C	-	C	C	-	-
Day Care Facility	P	C	C	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*	C	-	-	-
Family Childcare Facility	P	GP	P	P	P	P	P	P	P
Fence (not by-right)	C	C	C	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	-	-	C	-	C	C	C	C	C
Home Occupation	P	P	P	-	P	P	P	P	P
Hotel, Inn or Motel	C	C	-	C	-	-	-	-	-
Motor Vehicle Sales & Repair	-	C	-	-	-	-	-	-	-
Parking Facility	C	C	-	-	C	-	-	-	-
Private Clubs	P	P	C	-	-C	C	C	C	-C
Professional Office	P	P	P	P	-	-	-	-	-
Recreation Facility	P	P	C	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	C	P	C	C	C	C	C
Warehouse & Storage Facility	-	-	-	P	-	-	-	-	-

Act 181

Acts 47 181

Act 47

Act 181

* = 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)

~ = 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.
 § = See definition of Building Height to ensure fire protection for any proposed Structure above 40 feet in height. *Act 47*
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	<i>Becomes MDR</i> MOR	IND	HOS	HDR	MDR	LDR	RRA
Development Class	1	1	4	1,2**&3**	1	1	1,2**&3**	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.

** = Areas of the MDR & LDR Zones 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.

**^ = 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.

**** = 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

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following zones: CB, COM, IND #4 (north of Bridge St only) & IND #5 (airport), HOS, HDR, MDR &. 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.

- 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.
- b. Cladding: The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J-Channel trim.
- c. 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.
- d. Front porch: All residential construction must include a front porch with a minimum size of 8 feet by 6 feet, located on the side(s) of the building that parallels existing or new public sidewalk(s) (as required by the Morristown Sidewalk Policy).
- e. 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 1/2 the length of said home or business, with both lengths measured along the primary street frontage. Interpretation of primary street frontage, when a property has multiple frontages, shall be made by the DRB or ZA.
- f. Public entrances: All Dwelling Units shall include at least one functional public entrance that faces the parcel's primary street frontage. In the case of a corner lot, additional public entrances are only required if a sidewalk is present along the additional frontages.
- g. 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.
- h. 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.
- i. 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.
- j. 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.
- k. 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

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two pages
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yellow fill = new 2025 zoning proposals

connected to the walkway to the Building's main entrance. A bike rack shall also be provided for new Development that has 10 or more new parking spaces.

l. Lighting: A lighting plan that demonstrates compliance with Section 490 of the Bylaws.

m. Utilities: Utilities shall be underground.

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

Section 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 in the following zones: CB, COM, ~~IND #4 (north of Bridge St only)~~, IND #5 (airport), HOS, HDR, MDR & LDR.

206.1 For Dwelling (1 & 2 Units) & Dwelling (3 & 4 Units) uses, the following Design Criteria rules apply:

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- 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. At least one functional entry door facing the parcel's primary street frontage shall be provided. 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).
- 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 both attached and detached shall not be more than 1/2 the length of said garage plus the length home or business, with both the total 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, or pavers shall be provided to connect it to the building's primary entrance.

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:

yellow fill = new zoning proposed for 2025

- 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.
 - b. Building size maximums. Except within the COM, IND & 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. Glazing. The portion of a building's facade that contains a commercial storefront or a residential lobby shall be at least 50% glazed, which refers to a collection of panes or full sheets of glass, set within frames such as windows or doors. To meet this glazing requirement transom windows must be provided above the main entry door that is required by §206.1(c). Sidelight windows adjacent to said entry door, if any, shall also have transom windows above.
 - d. Lighting. A lighting plan that shows compliance with Section 490 of the Bylaws.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. 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.
 - i. 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.
 - j. Stormwater. Stormwater shall not be directly discharged from business or multi-family structures onto Town property, including any public road right-of-way.
- Utilities. Utilities shall be underground.

206.3
new dev.
option in
village
areas that
is unlikely
to get
much use

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 the 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.

Section 207. Historic Preservation Criteria.

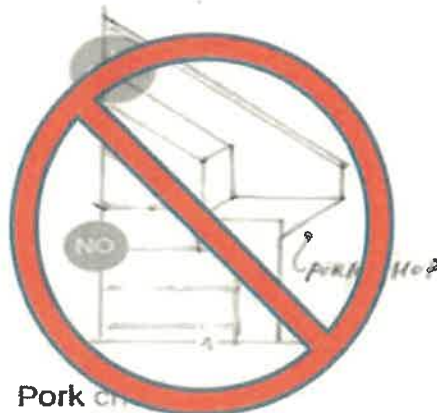
- 207.1 **Goals:** The goals of the §207 Historic Preservation Criteria are to (1) protect the built character of the Morrisville Historic District (referred to hereafter as the MHD), (2) ensure that the built forms of the remaining “Contributing Structures” that are protected by this Bylaw remain in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

- d. Frieze Boards: Frieze Boards shall be of a width that matches the intersecting corner board with no step (in the example below, the 10:12 pitch results in a frieze board width of approximately 10 inches);



Frieze intersection at corner board example at 68 George Street

- e. Front Setback: A maximum front setback of 8 feet is required in the Central Business Zone (measured from the outside edge of the sidewalk or measured from the outside edge of the traveled way when no sidewalk is present and a sidewalk will not be required). For the section of Brooklyn Street located in the High Density Residential Zone, all structures shall have a minimum front setback of at least 8 feet from the outside edge of the sidewalk.
- f. Gable Ends: Gable ends may be angled or closed with a classic short or full-length frieze return. Pork chop returns are not allowed.



Pork chop

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

- g. Glazing. The portion of a building's facade that contains a commercial storefront or a residential lobby shall be at least 50% glazed, which refers to a collection of panes or full sheets of glass, set within frames such as windows or doors. To meet this glazing requirement, transom windows must be provided above the main entry door that is required by §206.1(c). Sidelight windows adjacent to said entry door, if any, shall also have transom windows above.
- h. Mix of Uses. A Business Services, Restaurant, or Retail Sales of Goods & Services use, or a combination thereof is required on 50% of the ground / first floor along said Streets.
- i. Trim boards: All window and door trim shall comply with the following requirements:

Change matches new Section 206 glazing language

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

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

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

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

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- c. New structures, Substantial Improved or Substantial Damaged structures both residential and non-residential), shall have the lowest floor, including basement, elevated ~~to or above base flood elevation. Substantial Improved or Substantial Damaged structures shall have a~~ bottom-floor elevation of at least 2-feet above base flood. Said elevation shall be demonstrated via the submission of a FEMA Elevation Certificate to the zoning office.
- d. Pursuant to VT DEC permitting, all new and replacement water supply, sanitary sewer, and on-site septic systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- e. All new development, construction or substantial improvements shall be constructed by methods and practices that minimize flood damage to proposed development and to public facilities/utilities and to provide adequate drainage to reduce exposure to flood hazards and be constructed with electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flood conditions.
- f. In unnumbered "A" Zones, if base flood elevation data is available from alternative sources, such as historical high-water marks, the Zoning Administrator shall obtain, review and reasonably utilize this data to obtain a base flood elevation. Contour Interpolation, when feasible, shall be the preferred method of obtaining a base flood elevation in unstudied A Zones. Development, including basements, and Substantial Improvements in unnumbered A Zones shall, per 323.c, be elevated 2 feet above the determined base flood elevation. If no base flood elevation can be reasonably determined in an unnumbered A Zone, all Development shall be elevated 5 feet above the highest adjacent grade of the build site. Until a regulatory floodway is designated in unnumbered A Zones, no new construction, Substantial Improvements, or other development (including fill) is permitted

*new change
requires new
structures in
flood zone, not
just substantially
damaged or
improved structures
to have 2 feet
plus of
freeboard*

ARTICLE IV. GENERAL REGULATIONS

Section 400. Permits

401. **Permit Requirement.** No ~~Building Development~~ may ~~take place be erected, enlarged, relocated, or changed in use, nor shall any land development commence,~~ unless the Zoning Administrator, in accordance with §4449 of the Act and with these Bylaws, issues a zoning permit. No certificate of occupancy is required.

*see definition
of "development"*

401.1 **Permit Exemption** (outside the §320 Special Flood Hazard Area). The following are exempt from §401 Permit Requirements:

- Accessory Structures less than 150 square feet in area.
- Additions to residential structures less than 150 square feet in total area that are not heated (i.e., porches, decks, mudrooms, etc.).
- Structural changes made as Reasonable Modifications to Residential Uses benefiting a person with a disability, under The Fair Housing Act.
- Fences, signs, patios, front porches, parking areas, driveways, certain architectural elements, and other specified exemptions found in the Bylaw's definition of Setback.
- Temporary structures, which are by definition, in place for less than one year.

401.2 **Permit Fee.** The legislative body may prescribe reasonable fees to be charged with respect to the administration of this bylaw, after receiving the recommendation of the municipal planning commission. The Selectboard, upon recommendation from the Planning Council, shall set a fee schedule for the zoning permits required by this Bylaw.

401.3 **Permit Posting.** Upon receipt of an approved permit, the permit applicant shall post the permit within view of the public right of way closest to the subject property for 15 days following the issuance of the permit.

401.4 **Permit Compliance.** Acceptance of zoning permit grants Zoning Administrator access to the property covered by the permit, at reasonable times with owner's consent, for the purpose of ascertaining permit compliance.

401.5 **Initiation of Construction.** Construction of any structure authorized by an approved zoning permit under this section which requires a state Water Supply and Wastewater Disposal System (WW) permit is prohibited unless and until the WW permit is issued.

402. **Permit Submittal.** Permits shall not be issued unless a site plan showing all dimensions necessary to assure compliance with these Bylaws has been submitted to the Zoning Administrator. Said Officer, within 30 days of receipt of all necessary information, shall either approve or deny the permit, or refer it to the DRB.

402.1 **Approved Permits.** If a zoning permit is approved, either by the Zoning Administrator or the DRB, all activities authorized by its issuance shall be completed within 2 years of its date of issue. Zoning permits may be renewed by the Zoning Administrator, regardless of expiration, for a period of up to 10 years from the date of issuance unless the approved use is no longer allowed in the underlying zone. Permits that have expired, and were not renewed, shall become null and void and reapplication shall be required.

402.2 **Denial of Permit.** If the permit is denied, the Zoning Administrator shall notify the applicant in writing, stating the reasons for denial and informing the applicant of his/her rights of appeal (See Sect. 640).

402.3 **Time Limitation.** Per 24 VSA §4448(d), if the Zoning Administrator fails to act on a permit application within 30 days, a permit shall be deemed issued on the 31st day.

403. **Issuance of Permits.** The Zoning Administrator, upon receipt of all necessary information, will issue a permit for a development listed as a Permitted Use upon assurance that the proposed development will conform to the dimensions and specifications listed in the underlying zone. Said Officer will issue a permit for a development listed as a Conditional Use upon being instructed to do so by the DRB following a public hearing by that body. In determining whether to allow such a proposed development, and what conditions to place upon its design, the DRB shall follow the procedures established in §630 of these Bylaws, and §4414(3) of the Act.
- 403.1 **Effective Date of Permit.** In conformance with §4449(a)(3) of the Act, no zoning permit issued pursuant to these Bylaws shall take effect until the time for appeal in §4465 of the Act (15 days) has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
- 403.2 **Each zoning permit issued under these Bylaws** shall contain a statement of the period of time within which an appeal may be taken.
- 403.3 **The Zoning Administrator** shall complete the zoning permit process by conforming to his/her responsibilities stated in §4449(c) of the Act.
404. **Other Permits and Regulations.** The Zoning Administrator shall not issue a zoning permit until the applicant shows proof that all other applicable local permits have been issued. It shall be the Applicant's responsibility to supply the Zoning Administrator a copy of all local, State and Federal permits and/or approvals, which may include but are not limited to the following items:
- 404.1 Morrisville/Morristown Subdivision Regulations if applicable and in force (relating to the requirements of constructing subdivisions).
- 404.2 Access Permits (relating to driveways/private roads connecting to town highways); and
- 404.3 Vermont Water Supply and Wastewater Disposal System Permit.

Section 405. Lot Requirements.

- 405.1 **Lots on Multiple Streets.** Lots that abut on more than one street shall provide the required frontage on at least one of the Streets.
- 405.2 **Lot Line Setbacks.** All structures, unless exempted per §401.1a of the Bylaws, whether attached to the principal structure or not, and whether open or enclosed, (i.e. porches, carports, balconies, platforms, etc.) shall not project into any minimum setback area established for the front, side, or rear yards.
- ~~405.3 **Infectious Invalidity.** No division of a parcel shall be made which leaves remaining any lot dimension or area below the requirements stated by the Bylaws. Absent the Board granting a waiver for minimum lot size requirements, any such division shall make the parent and child parcel both non-conforming with zoning requirements.~~

delete

Section 410. Home Occupations

411. **Home Occupations (24 VSA §4412.4).** No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Home Occupations shall be allowed by-right, provided that they meet the following criteria that ensures no undue adverse impact to the host residential area:
- a. The Home Occupation shall be conducted by the business owner who rents or owns the dwelling unit;

- b. All business activities associated with the Home Occupation shall be conducted entirely within the dwelling unit and no outside storage or exterior indication of the Home Occupation (other than a sign permitted per §470) shall be permitted;
- c. Equipment used for Home Occupations, including but not limited to backhoes, business trucks, and trailers are allowed to be stored outside, provided that the equipment is parked in the home's driveway, stored in a location behind the front line of the principal building on the site, or screened from roadside view;
- d. Traffic shall not be generated in volumes greater than normal in the neighborhood as Home Occupations do not allow customer visits to the subject property. An occupation that requires customer visits to the property shall be permitted as a §415 Home Business;
- e. No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the Home Occupation; and
- f. Off-site businesses, such as landscaping, building, and painting contractors shall not be regulated via §410 Home Occupation unless off-site employees are traveling to the business owner's residence in violation of §411d.

Section 415. Home Businesses. A Home Business use is a larger and more intense version of Home Occupation use. The Home Business use is only allowed on Owner-Occupied properties. Home Businesses typically have a retail or business services component. It is expected that a Home Business will create customer and delivery traffic in its host residential neighborhood. All Home Business shall comply with the ~~aforementioned~~ §410 Home Occupation standards and be subject to §500 Site Plan Approval based on the following additional standards:

- a. Home Businesses shall not have more than 3 employees on-site at any time.
- b. In addition to inside the landowner's primary residence, Home Businesses may take place in accessory buildings or on the grounds of said primary residence.
- c. The total building square footage used by a Home Business shall be 25% or less than the size of the combined area of all structures on the lot.
- d. Employee and customer parking for a Home Business shall be located off-street, and shall ~~not be located in front yards whenever practical when possible, be screened from roadside views and from views from the windows of all abutting properties.~~

*new
change gives
DRB more
flexibility in
rural areas (esp.)*

Section 420. Required Provisions and Prohibited Effects of the Act (24 VSA, §4412). All limitations imposed by 24 VSA §4412 shall be adhered to, including but not limited to the following:

- 420.1 Equal treatment of housing and required provisions for affordable housing, including allowing Accessory Dwelling Units, and Residential Care, Group, or Recovery Homes.
- 420.2 Existing small lots.
- 420.3 Required frontage, or access to: public roads, Class 4 Highways, or public waters.
- 420.4 Protection of home occupations.
- 420.5 Child care.
- 420.6 Heights of renewable energy resource structures.
- 420.7 Nonconformities.
- 420.8 Communications antennae and facilities.
- 420.9 De minimis telecommunications impacts.
- 420.10 Planting projects.
- 420.11 Accessory on-farm businesses.
- 420.12 Density of areas served by municipal sewer and water.

*This change
cites state
statutes
instead of
repeating it
which allows
future
legislature
changes to
flow into
ZBL without
updating it.*

Act 47 →

420.13 Affordable Housing may exceed density rules by 50% or height limits by 1-story.

421. No Merger of Existing Small Lots (4412.2). Any lot in existence on the effective date of any zoning regulations, including interim zoning regulations, may be conveyed or developed for the purposes permitted in the district which it is located, even though not conforming to the minimum lot size requirements if such lot is not less than one-tenth of an acre in area with a minimum width or depth dimension of 40 feet.

Revised per Section 820.1(f)

422. Required Frontage and Access (4412.3). No land development may be permitted by the Zoning Administrator on lots which do not have the required road frontage, as specified in the underlying zone, on an existing Street. The Zoning Administrator may however permit a-up to 2 dwelling units accessed by a private driveway that is provided for by permanent easement, or right-of-way, having at least 20 feet in width. The DRB shall review and may permit development via Site Plan Review, in the following circumstances, when the minimum road frontage is not provided:

- a. Development with frontage on public waters.
- b. Development serving 3 or more homes by accessed via a permanent recorded easement, an existing right-of-way, or proposed private Street that is at least 50 feet in width.

Section 423. Limitations Established in the Act (24 VSA §4412).

~~423.1 Residential Care Home, or Group Home, & Recovery Residence (§4412.1G). A residential care home, or group home, or recovery residence operating under state licensing or registration, serving not more than 8 persons who have a handicap or disability as defined in 9 VSA §4501, shall be considered by right to constitute a permitted single-family residential use of property. A residential care home or group home operating under state licensing or registration serving more than 8 persons who have a handicap or disability as defined in 9 VSA §4501 may be allowed as a Conditional Use as limited by the underlying zoning district (see §204.5a).~~

~~423.2 Family Childcare Facility (§4412.5). A "family childcare home or facility", as used in this section, means a home or facility where the owner or operator is licensed or registered by the state for childcare. A family childcare home serving six (6) or fewer children shall be considered to constitute a permitted single-family residential use of property. A family childcare home serving no more than six full-time children and four part-time children, as defined in 33 VSA §4902(3)(A), shall be considered to constitute a permitted use of property but shall require site-plan approval by the DRB. A family childcare facility serving more than six full-time and four part-time children shall be considered a Day Care Facility, a conditional use requiring review and approval by the DRB.~~

~~423.3 Height Regulation Limitations (§4412.6). The height of antenna structures, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation.~~

~~423.4 Accessory Apartment Dwelling Unit (§4412.1.E). One Accessory Apartment, located within an owner-occupied single-family dwelling, or within an accessory building on the same property, shall be a permitted use on lots that do not otherwise meet the minimum dimensional requirements for a two-family unit, provided that the property has:~~

- Sufficient wastewater capacity (requires new state wastewater permit);
- a. The proposed accessory apartment is not greater than 60% of the heated floor space of the existing or a proposed primary dwelling.

See Section 420 of ZBC for new simplified statutory cites

a. ~~Meets applicable setbacks.~~

Section 423. Limitations on Municipal Bylaws.

These bylaws shall comply with the limitations contained in 24 VSA §4413 regarding state or community owned and operated facilities, public and private schools, places of worship, public and private hospitals, emergency shelters, regional solid and hazardous management facilities.

Per Act 47

424. **Tiny House Density Bonus.** Detached tiny dwelling units (aka tiny homes) with a footprint less than 500 ft² in size, such as a tiny home or mobile home, shall be permitted as an Accessory Apartment use and comply with §424.4c (setbacks). Any parcel, regardless of size, may have as many as two additional detached tiny dwelling units allowed thereon via the Accessory Apartment use. Neither the tiny dwelling unit permitted as the Accessory Apartment, nor the bonus Tiny Dwelling Unit Accessory Apartment shall count towards the parcel's Minimum Area Per Residential Unit dimensional requirement, provided said parcel is owner occupied. Structures that contain or were designed to have a propulsion motor shall not qualify for this density bonus. Mobile Dwelling Units such as a mobile home, a detached tiny house and manufactured home shall have their wheels disengaged via storage on blocks or anchoring to a permanent foundation or pad. All such Mobile Dwelling Units shall also have a durable skirt installed around the home to ensure viability of utility connections in the winter months.

Section 425. Fences

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

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

Section 426. Ponds.

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

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

426.2 Ponds and supporting structures (dams, etc.) must meet the following setbacks:
leach-field: 100', drilled well: 25', & shallow well: 100'
Additionally, ponds and their supporting structures may not fall within any right-of-way or easement. No pond or dam that is up-gradient to and within 1,000 feet of a town road shall have its overflow discharge draining towards or into the Town's right-of-way. Said situation is only allowable upon receipt of a stamped engineering letter that any potential overflow or failure of the pond poses no threat to the Town right to way due to topography or other

437. **Change of Non-Conforming Use.** A pre-existing non-conforming use may be changed to a different non-conforming use upon Conditional Use approval by the DRB provided that the new use does not involve any expansion of the lot, meets Conditional use standards and dimensional requirements in the lot's underlying zone, and in the view of the DRB is more compatible with the surrounding area than the existing non-conforming use.

Section 440. Clean-up of Building Site.

441. **Removal of Dangerous Conditions.** Within ninety days after work on an excavation for a building has ceased, or after a permanent or temporary building or structure has been destroyed, demolished, severely damaged, or abandoned, all structural materials shall be removed from the site, and the excavation remaining shall be covered over or filled to the normal grade by the owner, or the damaged structure shall be repaired or replaced. Upon approval of the DRB, and if good cause has been demonstrated which prevents compliance with this regulation, an extension of the above dates may be granted.
442. **Repair of Buildings.** Either through the cessation of construction or via a lack of maintenance, no building shall be directly open to the elements for longer than 90 days consecutively, except that open to the elements shall also include boarded-up or broken windows even when said windows do not provide a direct openness to the elements.

Section 450. Parking and Driveway Requirements.

451. **Parking Requirements.** Parking spaces shall be provided in accordance with the specifications in the below table whenever a new use is established, or existing use enlarged. For any use, ~~public~~ off-street parking in lieu of on-site parking may be used to fulfill all or part of the parking requirements if the proposed use is located within 500 feet of a municipal parking lot or on Town land that the developer, with Selectboard approval, develops public parking thereon. A straight-line measurement shall be made between the proposed use and a municipal parking lot to determine the applicability of this provision. However, the Zoning Administrator may require an applicant to seek §500 Site Plan Approval from the DRB to use off-street parking to fulfill parking requirements for the proposed use if the accessibility or availability of parking in the municipal lot is in question.

Allows Selectboard to negotiate new public parking lots to satisfy parking reqs.

452. **General Requirements.** ~~For the purpose of this Bylaw, a~~ parking space shall be 18 foot long by 9 foot wide, and marked, designed, and maintained to provide vehicular access to a public street or private road, and regulated so no maneuvering therefore must take place on any public street or sidewalk. No parking space shall require one vehicle to be parked and un-parked to move another vehicle. Parking Space, Off-Street shall be 9 feet wide by 18 feet long and have access to a public street, private road, and maneuvering room. ~~Required off-street parking areas for 32 or more automobiles in Zones CB, COM, HOS, HDR, & LDR shall be paved, have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, or sidewalk, and so that any automobile may be parked and un-parked without moving another. Required parking areas for 32 or more automobiles within the Village limits Zones CB, COM, HOS, HDR, & LDR shall be paved. Parking areas for 3 or more automobiles outside the Village limits do not require pavement and said parking may take places on gravel, dirt or lawn areas.~~

Change ties pavement for parking to zones instead of village boundary

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 Childcare Facility	1.5 per employee per largest shift
Dwelling Unit	1 per unit
Group Home & Shelter	0.5 per bed
Home Business	4
Extraction of Earth Resources, Manufacturing, Wholesale Distribution, and Warehouse & Storage Facility	1 per employee per largest shift
Motor Vehicle Service Station, and Sales & Repair Facility	5 spots per each repair bay door
Recreation Facility Indoor or Outdoor	1 per 4 seats or 15 per playing field
Retail Sales of Goods and Services, Sexually Oriented Business, & Commercial Use	2.5 per 1,000 ft. ² of gross floor area
Restaurant, Bars, and Private Clubs	1 per 4 seats
There are no parking minimums for the following uses: Accessory Apartment, Accessory Retail & Food, Accessory Use or Structure, Bulk Storage of Fuels, Drive-Through, Fence, and Home Occupation.	--

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

455. **Driveway Location.** All driveways ~~are to be located 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 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.

471.1. **General Sign Requirements.**

a. **Approval Required.** Prior written approval from the zoning administrator is required for all Signs except those exempted from this Bylaw (see §479).

ties driveway setbacks to travel speeds
Codifies existing driveway permit process

- b. Sign Count. Every business, unless otherwise specified, shall be limited to a maximum of two signs, which is typically comprised of a free-standing pylon sign along a road, or a sandwich board sign along a sidewalk, and a façade sign.
- c. Setbacks. Signs are exempt from Setback requirements.
- d. Off-Premise Advertising Prohibited. A sign or display promoting a business or activity that is not the main activity of the facility on the premises is prohibited.
- e. Facade Sign Height. No facade sign shall extend above the highest roofline of the building upon which it is located.
- f. Pylon Sign Height. No free-standing sign shall extend higher than 15 feet from the average grade of the surrounding ground to the highest point of the Sign.
- g. Business/Use Name Change. When the use of a property is changed or when a business ceases to operate or changes names, any sign associated with such original use or business, including frames and supports, shall be removed within thirty days. Any new sign after the use of a property is changed or terminated or after a business changes names or ceases to operate, shall require a permit and comply with the requirements of this Bylaw.
- h. All signs shall be kept in good repair. Evidence of rust, a broken sign structure, or other obvious defects shall be corrected by the sign's owner within 30 days of receiving notice from the Zoning Administrator that the sign is considered not in good repair.

471.2 Computation of Sign Area.

*Allows →
3-sided signs
(ex. MSI & Charmant)*

- a. Existing Signs. Existing signs shall be included in the calculation of total Sign area.
- b. ~~Two~~Multi Sided Signs. Signs printed back-to-back shall be counted as one Sign.
- c. Lettering. Signs consisting of freestanding letters shall include intervening spaces in sign area.
- d. Sign Area. The area measurement for signs that use more than lettering shall include the total area within the extreme limits of the Sign surface.

472. Sign size in Residential Zones (MOR, HDR, MDR, LDR & RRA).

Zone deletion

- a. Sign Size. In residential zones a maximum of 1 permanent sign not exceeding 6 ft² is allowed.

473. Sign size in Business Zones (CB, COM, HOS, & IND). No business shall have a sign or combination of signs in business zones that exceed 150 ft² in total area, except as follows:

1. CB & Business uses on Rte. 15 east of Garfield Rd – no sign or combination of signs shall exceed 75 ft² in total area.
2. HOS – no sign or combination of signs shall exceed 25 ft² in total area.

474. Other Signs and Sign Bonuses.

- a. Corner Lot Sign Bonus. When a business fronts on more than one named Street, an additional free-standing sign, façade sign and directory-board sign shall be allowed facing each named Street. This corner lot provision in effect doubles the otherwise sign size allowance for the business in question, provided that all signage installed on the secondary street is identical (or smaller) in size and aspect ratio to the signage existing or proposed on the primary street.
- b. Directory Board Signs. A directory-board Sign shall be allowed for any business location for which a sign thereon, in the opinion of the Zoning Administrator, would not be clearly legible from the Street. The existence of parking, driveway or other similar area between the Street and the business location provides the right to a directory-board sign. A directory-board sign shall comply with the following requirements.

1. Sign Size. A directory-board sign on a directory-board shall not exceed 10 ft² in area.
 2. Sign Count. A maximum of one directory-board Sign shall be permitted per parcel, except when a business is on a corner lot (see §473d) and each business shall be allowed one directory sign on the directory-board sign.
 3. Collocation Required. Directory-board signs for multi-tenant buildings and shopping centers shall be required to collocate with existing signage on the premises.
 4. Aspect Ratio. Directory-board signs for multi-tenant buildings shall appear harmonious and have the same aspect ratio as other collocated Directory Board Signs.
 5. Size Exemption. Directory-board signs shall not count towards the sign size maximum per business.
- c. Awning Sign. Additional on-premise business signs above and beyond the zone's area maximum per business are allowed on awnings, provided that the sign area on each awning is not greater than twenty-five percent of that total awning area.

476. **Prohibited Signs.**

- a. Omission. All Signs not specifically permitted by these regulations are prohibited.
- b. Internally illuminated Signs. Internally illuminated signs are prohibited in all zones.
- c. Animated and/or Flashing Signs. Signs which are animated, flashing, designed to move in the wind, or with intermittent illumination are prohibited with the exception of barber poles, theatre marquees, and signs containing clocks and temperature readings.
- d. Hazard. No sign, in the opinion of the Zoning Administrator, shall be erected or maintained in such a manner that it obstructs free and clear movement, vision, or is otherwise a hazard to drivers or pedestrians.
- e. Temporary Signs. Temporary Signs are signs that by construction are not intended to be permanent, nor in place for more than a year. Temporary signs are typically used to advertise a business, sale, or product. Temporary signs are prohibited and variations of common signs, which are declared to be temporary, include, but are not limited to: lawn signs, wicket frame signs, collapsible signs, pendants, banners, feather banners, etc., (see §479 for exemptions).
- f. Utility poles: Signs shall not be affixed to utility poles, or other public property.
- g. Removal. The Zoning Administrator shall be empowered to remove all signs in violation of their authorized use, and to charge a reasonable fee for the return of any unlawful temporary sign.

477. **Externally Illuminated Signs.** Signs may be illuminated during the hours that the business being advertised is open for business or until 10:00 PM, whichever is later, in all business districts. Externally illuminated signs shall not create glare or throw light onto adjacent property and shall use down lighted, down shaded light fixtures, and LED bulbs. Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that the light is directed only onto the sign. Lighting fixtures shall not be aimed towards adjacent streets, roads, or properties. The light source (bulb) of a sign shall not be directly visible from adjacent streets, roads, or properties. Fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizon). Signs shall be illuminated by a steady light, which must be of one color only.

479. **Sign Bylaw Exemptions.** The following signs, provided they comply with the sign size maximum in their underlying zone, shall be exempt from the provisions of these regulations: Downtown Morrisville's wayfinding signs; downtown Morrisville's History & Art Walk historical plaques; traffic

Expanded banner exemption for town events over Portland St.

New longer lawn sign allowance for post Covid 6+ week voting period.

signs; handicapped access and parking signs, legal notices; "for sale" signs attached to vehicles; one open flag per business, signs for trespassing, safety zone, or other legal posting of property.

- a. **Business Window Signs.** Signs displayed inside of a business' window shall be exempted from this bylaw in all business zones, provided that no business window sign shall cover more than fifty percent of the window glass and that the business window sign, if internally lit, shall be smaller than 10 square feet and shall not be animated or flashing. The display of any off-premise corporate branding shall take place within this Business Window exemption.
- b. Banners for 30 days hung over Portland Street promoting a Town-sponsored event.
- c. Wicket Frame Signs. Wicket Frame signs for 45 days of early voting prior to election day.
- d. The Zoning Administrator shall be empowered to exempt any Sign from the above requirements for a period that shall not exceed two weeks.

Section 480. Uses Specially Regulated.

- 481. **Bulk Storage of Fuel.** Bulk Storage of Fuel (not allowed in a §320 Flood Hazard Area) is allowed upon Conditional Use approval by the DRB, provided that the following conditions are satisfied:
 - a. There shall be a bermed and landscaped screening area along the side and rear lot lines no less than 25 feet deep.
 - b. The entire storage and distribution facility shall be surrounded by a metal fence no less than four feet in height.
 - c. The applicant shall provide and the DRB shall approve a master plan for the build-out of the site which addresses, as a minimum, truck circulation, containment of spills and emergency procedures in case of fire or explosion.
 - d. The facility shall be designed, built and operated in accordance with all State and Federal safety standards.
 - e. Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels and shall meet all State and Federal safety standards.

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

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

484. **Gas Stations.** ~~In all zones where the Gas Station use is allowed, a~~ change because no such zones exist All fuel pumps, fuel and oil storage shall be located 35 feet or more from Street centerline.

- a. Signage and corporate branding shall not be located on the canopy or its supports.

- 485.9 Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
- 485.10 The DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

487. **Garage, Porch, & Lawn Sales.** Garage/lawn/porch sales shall be permitted use within a residential district subject to the standards below. The purpose of these standards is to ensure the maintenance of the residential character of neighborhoods while permitting homeowners to take advantage of this traditional activity.

- 487.1 Garage/Lawn/Porch sales shall be temporary, not to exceed 3 consecutive days at a time.
- 487.2 Garage/Lawn/Porch sales shall be held no more than 4 days a year at any residential site.
- 487.3 Any sales from a residence which exceed the standards set in this section shall be considered a Home Occupation or a Home Business and shall be subject to conditional use review as well as standards governing those specific uses. (See §410, §415, & §500)

Clarifies Shipping Container rules and allows them as building materials

488. **Campers, Recreational Vehicles (RVs), ~~Sea Boxes~~ Shipping Containers, and Storage Trailers** shall be parked in a defined driveway, an approved campground, or in an approved sales lot. If any of these structures are not so located, a zoning permit is required prior to placement. Campers and Recreational Vehicles, ~~Sea Boxes, and Storage Trailers~~ shall not be used as a Dwelling Unit outside of the rules for a Primitive Camp, but may be used as temporary Dwelling Unit in conjunction with the construction of the primary residence on the same lot. ~~Said Structures shall be if they are~~ hooked to functioning water, sewer or septic facilities ~~while being used as a temporary construction housing and shall, but must~~ comply with §323c if parked in a §320 Flood Hazard Area.

Section 490. Exterior Lighting.

- 490.1 Exterior Lighting. All exterior lighting for residential or business uses shall be accomplished by using cut-off, down-shielded light fixtures. Light emanating from said fixtures shall not spill onto neighboring properties, Streets or, in the opinion of the Zoning Administrator, produce a hindrance to traffic movement. All exterior lighting, other than security lighting (which shall be set on a 5-minute or less motion sensor), shall remain off between the hours of 10:00PM and 6:00AM.
- 490.2 Parking Lot Lighting. Parking lot light structures shall be limited to 20 feet in height and the light emanating therefrom shall be accomplished by using cut-off, down-shielded light fixture and shall not spill onto neighboring property lines or Streets.
- 490.3 Building facades. Building facades may be illuminated provided that the lighting shall be accomplished by using cut-off, down-shielded light fixtures and light shall not spill onto neighboring property lines or Streets.
- 490.4 Externally Illumination for Signs. Sign lighting shall be regulated per §477 of the Bylaw.
- 490.5 Exemptions. Exemptions to §490 shall include lighting for streetlights, lighting installations on municipally owned property, façade mounted lighting that directly emphasizes architectural elements of Contributing Structures within the boundaries of Morrisville's 1983 Historic District but does not spill onto neighboring properties, and holiday or string lights during the months of October through January. Holiday or string lights, which by design are not down shielded, may remain in place year-round, provided they are turned off nightly at 10:00 PM, and attached to a structure located outside of required setbacks, and located below the drip-edge of a Structure's roof.
- 490.6 Unusual Situations. Proposed lighting installations that do not comply with §490 Exterior Lighting maybe approved by the DRB only when that Board finds that the proposed lighting utilizes LED

Todd's very limited downtown historic lighting allowance

490.7 bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets. Prohibited. Mercury vapor and florescent lighting is prohibited.

ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS

Section 500. Site Plan Approval.

501 A Permitted Use within any zone can be approved by the Zoning Administrator without a public hearing if the site plan requirements in §502 through §506 are satisfied by the Applicant. At the discretion of the Zoning Administrator, or request of the applicant, any permit application can be referred to the DRB for further permitting. If the application is classified as a Permitted Use, the DRB may approve the application without a warned public hearing.

502. **Site Plan Requirements.** In applying for approval of a Permitted Use by the Zoning Administrator, or a hearing before the DRB for Site Plan Approval, Conditional Use, Variance, or Waiver, the applicant shall submit a printed copy of the site plan, as well as an electronic copy of said site plan in PDF format. All site plan submittals shall include the following information:

- a. The name, address and daytime telephone number of the person or firm preparing the map and supplying the data and information;
- b. The name and address of the owner of record and of the applicant if different;
- c. The date of map preparation and a bar scale showing miles or feet;
- d. A north arrow with the most recent magnetic declination if available
- e. Existing and proposed features including streets, utility easements, rights-of-ways, structures, and all waterbodies.

And for all new commercial development, and Dwelling Unit Multi-Family uses, site plan submittals shall also include the following details:

- f. A boundary survey.
- g. The location of propane tanks, which shall be placed underground (only the Bulk Storage of Fuel uses allows above-ground tanks).
- h. The location of trash, recycling, and compost containers/dumpsters shall be screened from views of streets and surrounding properties and maintained in a sanitary manner. The use of dumpsters shall only be allowed in the CB, COM, IND, & HOS Zones. Dumpsters are prohibited in all residential zones, with the exception of short-term use for construction activity.
- i. The location of USPS approved 4C centralized or cluster mailboxes are required when 5 or more residential units are proposed on the same parcel. All cluster mailbox installations require at least 1 parcel locker per every 5 dwelling units. All cluster mailbox and parcel locker installations shall be located on the secondary development road, or no closer to the primary road than the front façade of the proposed building(s).

ii. A plan note stating the heat and cooling source for the proposed building (oil, mini-split, etc.)

503. **Additional Conditions.** Appropriate conditions of approval may be attached to any permit with respect to the following:

- 503.1 Adequacy of traffic access and circulation
- 503.2 Provision for vehicular and/or pedestrian access to connect sites to adjacent properties.
- 503.3 Provision of parking
- 503.4 To protect the utilization of renewable energy resources

Requiring
this note
will open
up grant
opportunities
for the applicant for
fossil free conversions

- 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 ground-mounted utility enclosures, mini-split condensers and meter sockets from views from the roadside and adjacent properties. Said improvements need not be screened if they located within 5 feet of the primary structure and painted a matching color to allow visual blending.
 - 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 harder 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.

This codifies typical DRB permit condition

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

621.3 Interested persons may utilize §4471 of the Act to seek enforcement of these bylaws by the courts of this State.

622. **Enforcement-Penalties.** A person who violates these Bylaws post adoption, or a person who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined. The fine shall be established by the legislative body but shall not be more than \$200 per offense.

622.1 **Guidelines for Levying Fines.** No action may be brought under this section unless the alleged offender has had at least seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding twelve months.

a. The seven-day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within seven days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

622.2 **Non-Payment of Fines.** In default on payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine.

622.3 **Separate Offense.** Each day a violation continues shall be a separate offense.

622.4 **Collection of Fines.** All fines collected for the violation of these Bylaws shall be paid over to the Town of Morristown.

622.5 **Further violations.** Further violations of these Bylaws regarding §4451(b) of the Act shall be penalized in accordance with that Section of the Act if applicable.

624. **Enforcement-Remedies.** If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of these bylaws the Zoning Administrator shall institute in the name of the Village of Morrisville and/or The Town of Morristown any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

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~~

no longer
allowed
due to
Act 4.7

Again,
changes
have been
made illegal
by Act 47

- 635.31 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~~
- 635.62 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.
- 635.73 Specify or limit a business' hours of operation.
- 635.84 Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.
- 635.59 Requiring that any future enlargement or alteration of the use be reviewed by the DRB to permit the specifying of new conditions.
- 635.406 The DRB may require 1, 3, and 5 year reviews of any project before the Board, where at such review the Board may apply additional conditions of approval to achieve zoning compliance.

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.

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~~ Secretary 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.

- a. The DRB shall within that same period send to the appellant(s), by certified mail, a copy of the decision.

ARTICLE VII: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

Section 710. Application of Regulations.

- 710.1 No conveyance or lease of a subdivision or any part thereof may be made, nor any construction or other improvement for such subdivision may be commenced, nor any permit for erection of a structure in such proposed subdivision may be granted, unless the subdivider has secured approval from the Zoning Administrator or DRB for the proposed subdivision under these rules.
- 710.2 For the purposes of these regulations, the term Minor Subdivision shall be defined as any proposed subdivision resulting in no more than ~~one~~^{two} new parcels. Minor subdivisions can be either in the form of conventional subdivisions or in the form of Planned Unit Development / Conservation Subdivisions. The form of the minor subdivision is the choice of the landowner. The Zoning Administrator shall approve all Minor Subdivisions. The term Major Subdivision shall be defined as any proposed subdivision resulting in ~~two~~^{three} or more new parcels and or any subdivision proposal that creates a Street. All Major Subdivisions must go through the §510 Planned Unit Development / Conservation Subdivision process and be approved by the DRB.

returns to
old minor
vs major
subdivision
trigger

Section 720: Pre-application.

- 720.1 **Sketch Plan.** The applicant, prior to submitting an application for subdivision, shall submit to the Zoning administrator, a "Sketch Plan" of the proposed subdivision which shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property.
- 720.2 **Attendance at Meeting.** The subdivider, or his/her duly authorized representative, shall meet with the Zoning Administrator to discuss the requirements of these Regulations, the difference between a Minor and Major subdivision and any applicable zoning bylaws, for street improvements, drainage, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.
- 720.3 **Conformance to Other Plans & Regulations.** The Zoning Administrator, or the DRB at the deferral of the Zoning Administrator, shall review the Sketch Plan to determine whether or not it conforms to, or would be in conflict with any effective municipal plan; zoning bylaw; existing private and public development facilities and services, ordinances or regulations; and for any special problems that may be encountered. Findings of conformance or conflict during the Sketch Plan Approval process shall not be binding on the public bodies responsible for administration of such programs but are intended as an aid to the applicant at this stage of the process.
- 720.4 **Sketch Plan Approval.** The Zoning Administrator, or the DRB at the deferral of the Zoning Administrator, shall determine whether the Sketch Plan conforms with the Zoning Bylaws, and may reject the application or make specific written recommendations for changes. Any subdivided lot must meet the minimum lot size without including the area of any public road right of way in the lot acreage. Determination of compliance at this stage of review will not bind the DRB in making determinations at later stages. The Sketch Plan Approval letter must state if the proposed subdivision will be treated as a Minor or Major subdivision.
- 720.5 **Conservation Subdivision.** Where the subdivider submits a proposal for a §510 Planned Unit Development / Conservation Subdivision, the requirements of §4417 of the Act shall be met, in addition to the requirements of the §510 zoning regulations.

unreasonable to expect the applicant to finance and construct all the project's infrastructure before zoning permits are issued for new buildings.

Section 760. Filing of Approved Subdivision Plat.

- 760.1 **Filing.** Upon completion of requirements and approvals under §750 above, and so noted on Subdivision Plat and properly signed by the Zoning Administrator for Minor Subdivisions and the Chair (or Acting Chair) of the DRB for Major Subdivisions, the Record Plat (18" X 24" mylar) shall be filed in the office of the Town Clerk, and a copy thereof shall be entered into the DRB's Files. Any Subdivision Plat Mylar not so filed or recorded within 180 days of the date on which such Plat is approved or considered approved by reasons of failure of the DRB to act, shall become null and void. The Zoning Administrator may extend the filing deadline by up to 90 additional days if other local or state permits are still pending.
- 760.2 **Acceptance of Streets, Recreational Areas.** Approval by the DRB of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance of any street, easement, utilities, park, recreational area, or other open space shown on such subdivision plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.
- 760.23 **Compliance with Subsequent Bylaw Amendments.** Approval of the final plat shall not exempt an applicant from compliance with subsequent bylaw amendments, except in the case of lots within the plat that have been sold in separate and unaffiliated ownership or for which zoning permits have been secured for buildings and in the case where all required improvements, including streets, pedestrian ways, and utilities have been installed in accordance with the final plat approval.

Section 770. Plat Requirements for All Subdivisions. The Plat to be recorded in the Land Records of the Town of Morristown, (per § 760 of these Bylaws), shall conform to Statutory requirements for recordable plats (27 V.S.A. Chapter 17 "Filing of Land Plats"), and shall include the following:

- a. Subdivision Name or Identifying Title
- b. Name of Subdivider, Preparer of Plat, and Owner of Record.
- c. Seal of Licensed Land Surveyor and a bar scale
- d. Date prepared, Site Location Map, and Bar Scale
- e. North Arrow of defined basis (i.e. magnetic north with year, or astronomic north)
- f. Subdivision Boundaries and Position of Monuments
- g. Where applicable, location of existing roads, and buildings
- h. Indication of intersecting boundaries
- i. Total acreage of each Lot (if acreage shown is to the road centerline, the survey shall also showing a separate acreage measuring that excludes public Streets and any rights-of-way for roads that will be put up for public acceptance).
- j. Location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- k. The Lister's parcel number of the land proposed to be subdivided.
- l. Subdivision boundaries of all subdivisions immediately adjacent, including those of the proposed property/lot lines, and intersecting boundaries of contiguous properties shall be shown along with the names and addresses of the owners of record, along with the book and page of the respective deeds.
- m. The name of the zone applicable to the area to be subdivided and any zoning district boundaries cutting across the tract.

Listers
request for
tax maps

Surveyors
do not
include this
info on a
survey

- n. The location and size of any existing sewers, water mains, culverts, and storm-drains on the property to be subdivided.
- o. Location, names and present widths of existing and proposed streets, highways, easements, rights-of-way, building lines, parks, and other public open spaces.
- p. ~~The width and location of any streets or other public ways or places shown upon any official map, or the municipal development plan, within the area to be subdivided.~~
- q. ~~Typical cross sections of proposed grading and roadways, sidewalks and paths.~~
- r. ~~Preliminary designs of any bridges or culverts which may be required.~~
- s. The location of natural features or site elements to be preserved.
- t. For major subdivisions, the location of a water supply available for firefighting including proposed fire ponds or dry hydrants accompanied by written confirmation from Morrisville Fire Department that the proposal meets local standards for access and design.

Section 795. Lot Line Changes.

- 795.1 The Zoning Administrator may approve lot line changes provided no new lots are being created, the proposal involves contiguous lands, and is on a joint application of both landowners.
- 795.2 The Zoning Administrator may require a lot line change applicant to obtain a subdivision permit rather than a lot line change if it is felt to be in the best interest of the town.
- 795.3 Lot line changes involving properties that lie within more than one zoning district shall require subdivision approval by the DRB.
- 795.4 Approved lot line changes shall meet the same filing requirements as subdivisions in §770.

receiving a local subdivision permit.

820.1f Frontage on town roads and private roads. A proposed subdivision lot that fronts on a Town Highway or an existing or proposed private road shall provide at least as much frontage as required on the Dimensional Table found in §204.5 of the Bylaws. However, per the required provision per 24 VSA §4412, the Zoning Administrator or the DRB may allow up to 2 dwelling units accessed by a private or shared driveway provided via permanent easement, right-of-way, or public waters that is at least 20 feet in width. Said width requirement for 3 or more homes increases to at least 50 feet in width for town roads, but 30 feet in width shall be allowable if proposed road will be covenanted to remain private in perpetuity.

Compliments
Section 422 &
allows narrower
private road ROWs

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

820.2a Horizontal Intersection Alignment.

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

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

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

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

820.5 Street Names. Street names shall be identified by name on the preliminary plat and be approved in name by the Selectboard prior to §750 Final Plat Approval. When the

ARTICLE IX. DEFINITIONS

Section 900. State Definitions.

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

Section 910. Other Definitions.

The following definitions shall also apply to these Bylaws.

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

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

~~**Accessory Apartment Dwelling Unit** – See §423.4 of these Bylaws per 24 VSA §4303 definition #38. –An apartment located within an owner-occupied single-family dwelling, or within an accessory building on the same property, that is dimensionally subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation and sanitation. See §423.4~~ Act 47

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

~~**Accessory On-Farm Business (AOFB)** – See §423.5 of the Bylaws per 24 VSA §4412.11 & Act 143 of 2018~~ Act 181

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

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

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

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

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

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

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

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

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

Building – See definition of Structure.

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

Building Height - Vertical distance measured from the average elevation of the Building's finished grade to the midpoint of its roofline, or, in the case of a flat roof, to its highest point. ~~Building Height above the maximum height specified in each zone shall require Conditional Use review. Building Height or structure height above 40 feet that is intended to be occupied may only be permitted upon prior written confirmation from the Fire Chief that the Town's existing fire-fighting apparatus will be able to fully access at least 2 sides of the building or structure.~~

Act 47
response

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

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

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

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

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

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

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

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

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

Cottage Court Development – A group of small (1 to 1.5 story) detached residential dwellings arranged around a shared courtyard that is visible from the street. The shared court is a required community-enhancing element, and unit entrances shall face the shared courtyard, which replaces the function of a backyard (see §206.3). *new dev. options*

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

Development - The division of a parcel into two or more parcels, the alteration of existing property lines, the creation of a new driveway access onto a public road, the erection, enlargement, relocation, or change in use of any structure, or only within a Special Flood Hazard Area any human-made changes to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment and materials. *See Section 401 for "Permit Requirement"*

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

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

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

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

Dwelling Unit, Two-Family Dwelling (1 or 2 Units) - A detached residential Building designed for or occupied as a home by 2 families living independently of each other. A residential building that has 2 dwelling units in the same building, or 2 Single-Family dwellings Units located on the same lot, and neither unit is an accessory dwelling unit.

Dwelling (3 or 4 Units) – A residential building that has 3 or 4 dwelling units in the same building.

Dwelling (5 or more Units) – A residential building that has 5 or more dwelling units in the same building.

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

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

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

Act 181 ↗

*Acts
478
181
edits*

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

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

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

Legislative Body - The ~~Selectboard of the~~ Town of Morristown Selectboard and/or the Morrisville Village Trustees (location dependent). *Codifies the last 15 years of zoning practice here*

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

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

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

Lowest floor - [as used in the Flood Hazard Area regulations in §320 of these Bylaws] -Bottom floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a Building's lowest floor; provided that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements (see 44 CFR §60.3).

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

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

Mobile Home - [Except as used in Flood Hazard §320, of these Bylaws] A Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

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

~~Dwelling Unit, Multi-Family~~—A detached residential Building designed for or occupied as a home by more than two families living independently of each other or the combination of more than two residential uses in multiple Buildings on the same lot. *renamed per Acts 47 & 181*

Municipality - Town of Morristown and Village of Morrisville, Lamoille County, Vermont.

New Construction -- Any structure for which the start date of construction commenced after the effective date of this Bylaw, including any subsequent improvements to said structures.

Nonconformity - A nonconforming use, Structure, lot, or parcel.

Non-Conforming Lots or Parcels - Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable bylaws and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the Zoning Administrator.

Non-Conforming Use - A use of land that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the Zoning Administrator.

Non-Conforming Structure - A Structure or part of a Structure that does not conform to the present bylaws but was in conformance with all bylaws prior to the enactment of the present bylaws, including a Structure improperly authorized as a result of error by the Zoning Administrator.

~~Nuisance~~—Any activity or condition which is noxious; excessively noisy; resultant in excessive vibrations; or resultant in discernible fumes, vapors, or gravitationally precipitated wastes (airborne or waterborne) on or over any other premises. *not used*

Occupancy per Bedroom - Occupancy is limited to 2 people per bedroom (with children less than 5 years old not counted towards occupancy). The Zoning Administrator, per published HUD guidelines, may allow additional people per bedroom when there are unusually large bedrooms and or living spaces.

~~Official Map~~—The map authorized under 24 VSA 4421 *not used*

Owner - Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly or severally with others, hold(s) legal or equitable title to any real property.

Owner-Occupied - Where owner occupancy is required by the Bylaws, Owner Occupied shall mean occupancy of the premises by the property owner, where the subject property is the owner's primary Vermont residence.

~~Parking Space Off-Street~~ - For the purposes of this bylaw, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a Street and maneuvering room. Required off-street parking areas for 3 or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street so that any automobile may be parked and un-parked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be 300 ft², but off-street parking requirements will be considered to be met only when actual spaces

revision → see next page

~~meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all bylaws and regulations of the municipality.~~

~~An 18 foot long by 9 foot wide parking space marked, designed, and maintained to provide vehicular access to a public street or private road, and regulated so no maneuvering takes place on any public street or sidewalk (other than on-street parallel parking). No parking space shall require a vehicle to be parked and unparked to move another vehicle.~~

Simplified definition

Parking Facility - A Building or Structure that consists of more than one level used for parking cars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Restaurant - An establishment where food and drink 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.

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 and (11) fire or dry hydrants.

Notwithstanding the setback distances stated in §204.5(b), at no point shall a Structure be located less than 3 feet from the outside edge of a Town maintained sidewalk. *new per November MPC discussion*

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. *per Acts 47 & 181*

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. *Act 47*

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

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

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.

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

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

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

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

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

Start of Construction. Start of Construction determines the effective map or bylaw that regulates Development, including substantial improvement, in the special flood hazard area. The Start of Construction for Development shall be the date the zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

Structure - A walled and roofed building, including a manufactured home, a gas or liquid storage tank, a ground-mounted utility enclosure, signs, walls, or fence, except a wall or fence on an operating farm. *per November MPC*

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

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

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

Substantial Improvement – Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the adoption date of this bylaw, the cost of which equals or exceeds 50% of the Town's listed or appraised market value of the structure before the Start of Construction of the improvement. This term includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

Town Highways:

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

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

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

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

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

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

ARTICLE X. ZONE BOUNDARIES

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

1001. CB #1 (Downtown).

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

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

1011. COM #1 (Uptown).

From a point beginning at the northernmost corner of Parcel 08167 (which is approximately 800 feet west of the intersection of VT Route 15 W. and Needle Eye Rd) and traveling in a clockwise direction. A line projecting southeast from the point of beginning to the intersection of Langdell Rd and Center Rd. Then a line projecting southeasterly to the easternmost portion of the Town right-of-way on Lanphear Rd. From said end of Lanphear Rd, a line projecting due south to VT Rte. 15 E. Then turning westbound on VT Rte. 15 E to Munson Ave, but including Parcel 08075 (PriceChopper), and the western half of Parcel 08076 (House of Pizza). Then turning southerly down Munson Ave until a point of intersection with Harrel St on the south. Then turning west on Harrel St to a point of intersection with ~~Brooklyn St, but including Parcel 21139. Then turning south along Route 100 until a point of intersection with the road into Brooklyn Heights. Then west for 100 feet along the Brooklyn Heights road before turning northerly and running parallel to Route 100 but remaining 100 feet west thereof until a point of intersection with the Village/Town Boundary the Village Boundary.~~ Then following the Village/Town Boundary west, crossing Brooklyn Street and the Truck Route, to a point 1,000 feet west of Brooklyn St. Then turning north from said point, staying 1,000 feet west of Brooklyn St. until a point of intersection with Stafford Ave. Then turning northwesterly and continuing to the end of the Town right-of-way on Stafford Ave. Then a line projecting from the end of Stafford Ave to the northernmost point of Parcel 20032-1. Then continuing northerly to the point of beginning.

1012. Commercial Zone #2 (Lower Village).

From the intersection of the town/village boundary, the Truck Route, and the ~~northwest corner northern boundary~~ of Parcel 07328, south ~~and then west~~ along the town/village boundary to a point of intersection with ~~the town/village boundary and where a line projecting northerly along the eastern boundaries of~~ Parcels 07004 & 07005 crosses Route 100 / LaPorte Rd, then along Route 100 east to a point of intersection Jersey Way, and then south along Jersey Way then south along the same eastern boundaries of Parcels 07005 & 07004 to the southeastern ~~most point corner~~ of Parcel 070024, and then west along the

Change per Josh that eliminates the finger of COM zone that extends south into the village by Deb's Place

Jersey Heights development change

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

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

~~1041. MOR #1 (Bishop Marshall).~~

Zone
deletion

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

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

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

deletes
land across
Rail-Trail
from Lost
Nation

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

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

1055. **IND #4 (Bridge St & Cadys Falls Rd).** From a point beginning at the intersection of Bridge St and the Village/Town Boundary, then traveling south along the eastern boundaries of Parcels 301 & 319 to the

southern boundary of Parcel 320, then west along said boundary to the intersection with Ryder Brook, then south along the brook to the intersection with Morristown Corners Rd, then across said road and continuing along Ryder Brook to include Parcel 13, then north from the point of intersection of the Brook and the westernmost boundary of Parcel 13 back to Morristown Corners Rd, then crossing Morristown Corners Rd to the southwesterly boundary of Parcel 189, then traveling north along the western boundary of Parcel 189 to lot 190, then continuing along the western boundary of Parcel 190 to the point of intersection with Parcel 191, then turning east along the southern boundary line of Parcel 191 to the intersection of Cadys Falls Rd, then traveling north along Cadys Falls Rd to its intersection with Bridge St, then crossing Bridge St to include Parcels 301-1, 301-2, and 301-3 (the peninsula of the old Green Mountain Arena), then crossing back over Bridge St to the point of beginning.

1056. IND #5 (Airport).

From the intersection of Ryder Brook and Route 100, and heading east along the brook until a point where the river intersects with eastern boundary of Parcel 12130-1 (State airport) then turning southerly along the eastern lot line of the state airport property, including southerly along the eastern boundary line of Parcel 12136, to a point where said parcel and Ryder Brook intersect, then following the brook to the south to a point of intersection with Goeltz Rd. Then staying along the Brook, crossing Goeltz Rd, and continuing southerly to the far southeastern corner of Parcel 12156-2, then turning westerly along the southern boundary of said parcel, to a point of intersection with LaPorte Rd / Route 100. Then north along Route 100 to the point of beginning, but including Parcels 12111, 12112, & 12113 on the west side of highway.

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

1061. HOS #1 (Washington Highway).

From a point beginning on Maple Street at northwestern corner of Parcel 23239 traveling clockwise around the district. From said point on the west to southwestern corner of the golf course (Parcel 24083) on the east. Continuing along the southern border of the golf course to its easternmost point, where it intersects with the ~~southeastern~~ corner of Parcel 24041-3. Then southerly along western property lines of Parcels, 40-7, 40-6, 40-3, and 40-2 on tax map 24 to a point of intersection with the Village boundary. Then continuing southerly along the Village Boundary, crossing Washington Highway (askew), and continuing along the Village Boundary to a point parallel with the terminus of the Town right-of-way on Farr Ave. A line projecting from said point westerly across ~~the terminus of Farr Ave and Parcel 13026 and into Parcel 13025~~ until a point of intersection with ~~Parcel 13025 a line projected due south from the terminus of Mansfield Ave. Then turning north from said point up Mansfield Ave to a point of intersection with Washington Highway. Then a line projecting from said point of intersection with Parcel 13025 to the southeast corner of the Pleasant View Cemetery on Parcel 23005. Then turning northerly along the eastern boundary of the cemetery to a point of intersection with Washington Highway.~~ Then turning west down Washington Highway, turning north on Maple St, to the point of beginning at the northwestern corner of Parcel 23239.

An Act
47 driven
change that
puts both
sides of
Mansfield
Ave into
the hospital
zone

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

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

Beginning at the intersection of Lower Main St, Jersey Heights, and Feline Loop traveling in a clockwise direction. Traveling 200' south of said point of beginning along Jersey Heights / Route 100 and then turning east until a point of intersection with of Congress St. Then bisecting Congress St, remaining 200' south of Upper Main St to a point of intersection with Summer St but including #46 (Parcel 21008). Then turning north up Summer St, crossing Upper Main St, to the base of the Soldier's Memorial. Then a line projecting

from the Memorial northerly, crossing Park St, to the northernmost point of Riverview Cemetery, Parcel 21193. Then a line due north from the northernmost point of the cemetery to the Lamoille River. Then turning east against the flow of the river to a point of intersection with a line due north from the Morrisville Water & Light vault on Park St. Then turning southerly and running along the western boundary of the People's Academy school property (Parcel 22043), crossing Upper Main St, and heading along the same line to a point of intersection with the Potash Brook. Then turning southwesterly along the flow of the brook, crossing Maple St to a point where the projection of the eastern terminus of Union St would bisect the brook. Then continuing from the point of intersection of the Potash Brook and the eastern projection of Union St, west along Union St to a point of intersection with Congress St. Then turning south on Congress St for approximately 1000 feet to the culvert that takes that Potash Brook under Congress St. Then from this culvert, follow the flow of the Potash Brook to the west until its point of intersection with Randolph Road (which is just prior to where the Potash Brook joins the Boardman Brook). From the intersection of the Potash Brook and Randolph Rd a line projecting westerly to the southeast corner of Parcel 070042-1 but including the Jersey Heights Condos on Parcels 25020 & 25024. Then turning north up Jersey Way to the point of intersection with Jersey Heights the eastern boundary of said parcel, continuing along the eastern boundary of Parcel 07005, and across Route 100 / LaPorte Rd to a point of intersection with the Village / Town boundary. Then following the Village / Town boundary east and then north to its intersection with the Truck Route. Then turning northeast along the Truck Route to the intersection with the Lamoille River. The traveling against the flow of the river to the intersection of the B St Bridge and Feline Loop. Then traveling easterly on Feline Loop to the point of beginning.

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

Beginning at the intersection of the Truck Route and the northernmost property line of the Westside Court property / Parcel 21087-2 and traveling in a clockwise direction. Traveling easterly from the point of beginning along the northern property line of Parcel 21087-2 to the easternmost point of said property and continuing along the southern boundary of the Catholic Church property on Parcel 21088 to a point of intersection with Brooklyn S. Then a line projecting southeasterly from the easternmost point of Parcel 21087-2 to a point of intersection in the driveway to Brooklyn Heights that is 100 feet to the west of Brooklyn St. Then turning east along the Brooklyn Heights driveway. Then turning south down Brooklyn St to the point of intersection with Brooklyn St. Then turning southerly down Brooklyn Street to its intersection with the Rail-Trail. Then heading westerly along the Rail-Trail, excepting Parcel 21077 which is located in the Central Business Zone, to a point of intersection with the Truck Route. Then turning northerly on the Truck Route to the point of beginning.

Larger HDR Zone that includes Deb's Place old COM Zone footage

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

1091. MDR #1 (Central Village and up Elmore St). From a point beginning at the intersection of Congress St and Union St traveling in clockwise direction. From the intersection of Congress St and Union St on the west, traveling east along Union St, crossing Summer St and Court St, until a point of intersection with the Potash Brook. Then following and going against the current of the brook, across Maple St, to an intersection of a point made in the brook by a line projecting due south from the southwestern most point of the People's Academy school property (Parcel 22043). Then turning north along said line, crossing Upper Main St, and following the western border of the People's Academy property until the intersection with the MW&L vault on Parcel 22048. Then due north from said vault, crossing Park St, and intersecting the Lamoille River. Then turning east along the river, running against its current, to a point of intersection of a line running due north from the front door of the MW&L offices on Parcel 24059 at 857 Elmore St (but non including Parcel 08024 or its sub-parcels which are fully in the LDR Zone). Then continuing southerly along said line, crossing Elmore St, along the eastern boundary of Parcels 24041 & 24041-3. Then turning

reflects Persico ORB vote

westerly, southerly, and westerly again, along the southern boundary of Copley Country Club to the point of intersection with the old Village garage property on Parcel 23238). Then continuing westerly along the southern border of Parcel 23228 until a point of intersection with Maple St. Then turning south on Maple St to the intersection of Washington Highway, across from Pleasant View Cemetery. Then traveling westerly along Washington Highway onto Randolph Rd until the point where the Pot Ash Brook goes underneath Randolph Rd. Then following the Pot Ash Brook, against its current to a point of intersection with Congress St. Then traveling north on Congress St until the point of beginning at the intersection with Union St.

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

Beginning at the ~~Truck Route Bridge over the Lamoille River~~ intersection of Morristown Corners Road and ~~Ryder Brook~~ and traveling in a clockwise direction. From the bridge, running with the flow of the ~~river brook~~ and following it across to a point of intersection with Bridge St (but excluding Parcels 07301, 07319 & 07320 which lie in the Industrial Zone). Then turning east on Bridge Street until a point of interestion with the Long Bridge. Then turning north from the Long Bridge on Bridge Street, running along the village/town boundary to the northernmost point of Parcel 07307 (east side of the river). Then turning easterly along the northern property line of Parcel 307 to its intersection with the Rail-Trail, and then southeasterly down the Rail-Trail to a point of intersection with the Truck Route. Then turning southerly down the Truck Route, to the point of beginning, but excluding Parcels 21065 & 21069 which are located in the Central Business Zone to the point of beginning.

From MOR to MDR zone

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

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

Protects existing single-family area from MDR zone

Beginning at the intersection of the Truck Route and the northernmost property line of the Westside Court property / Parcel 21087-2 and traveling in a clockwise direction. Traveling northeasterly from the point of beginning along the Truck Route for approximately 1,400 feet to the Village/Town boundary. Then turning southeasterly along said boundary for approximately 1,000 feet (crossing Brooklyn St) to a point of intersection with the western boundary of the Lamoille County Mental Health property on Parcel 21138. Then turning southerly for about 500 feet along the western property line of Parcel 21138 to a point of intersection with the Lamoille River. Then continuing south with the current of the river until a point of intersection with the Lamoille Valley Rail Trail. Then turning west along the Rail-Trail to a point of intersection with Brooklyn Street. Then turning north up Brooklyn St for approximately 1,300 feet to a point of intersection with the southernmost point of the Catholic Church property on Parcel 21088. Then turning westerly along the church's southern boundary and continuing on the same line for approximately 850 feet to the point of beginning on Parcel 21087-2 where the Westside Court property intersects the Truck Route.

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

1101. **LDR #1 (Jersey Way area).** From a point beginning at the southeast corner of the Jersey Heights Residences on Parcel 07002 Parcel 07004 traveling in a clockwise direction. A line projecting easterly from the point of beginning to the point where the Pot Ash Brook flows underneath Randolph Rd (but excluding the Jersey Heights Condos). Then turning southerly on Randolph Rd and then easterly up Washington Highway to the intersection with Mansfield Ave. Then turning southwest down Mansfield Ave to a point of intersection with Parcel 13025. Then continuing along the same line into Parcel 13025 to a point of intersection with a line projecting due west from the terminus of Farr Ave. Then continuing east along that line projecting from Farr Ave, across the terminus of Farr Ave, easterly to a point of intersection with the Village boundary. Then following the Village boundary south until its southernmost point. Then turning west along the Village boundary to a point of intersection of Beacon Hill Rd (where the road bends to the south). Then a line projecting westerly from said point in that road at the Village Boundary to a point 100 feet due south of the intersection of Route 100 and Meadow Drive. Then heading west parallel to but 100 feet south of Meadow Drive to a point of intersection with Ryder Brook. Then turning north following the brook north to a point of intersection with Morristown Corners Rd. Then turning east on said road to a point of intersection with Route 100. Then turning northerly on Route 100 for approximately 800 feet to a point of intersection with a line projecting westerly from the rear property lines of Parcels 2, 4 & 6 on Tax Map 7. Then traveling east along said line projection to the point of beginning but excluding the Jersey Heights Condos on Parcels 25020 & 25024. Then running southerly on Randolph Rd until (but including Parcel 23007) to a point of intersection with Cottage St. Then turning southwesterly down Cottage St for approximately 100 feet to where the Boardman Brook travels under it. Then running easterly against the flow of the Boardman Brook to a point of intersection with the Kryland Neighborhood on Parcel 13021-11-1. Then a line projecting westerly from this point in the brook on Kryland property to the intersection of Jersey Way and Cottage St. Then turning southerly on Cottage Street to a point of intersection with the Village Boundary Line. Then following the Village Boundary Line westerly for approximately 2,000 feet, and then turning northeasterly along the Village Boundary Line for approximately 450 feet to a point of intersection with southernmost corner of Parcel 07007-1. Then a line projecting westerly from said point to the intersection of Laque Rd & VT Route 100. Then turning northeasterly along VT Route 100 to a point of intersection with the Commercial Zone where it projects west along the southern borders of Parcels 07004 & 07006. Then traveling easterly along the southern boundaries of said parcels and the Commercial Zone to the point of beginning on the southeast corner of Parcel 07004. turning southwest down Mansfield Ave to a point of intersection with Parcel 13025. Then continuing along the same line into Parcel 13025 to a point of intersection with a line projecting due west from the terminus of Farr Ave. Then continuing east along that line projecting from Farr Ave, across the terminus of Farr Ave, easterly to a point of intersection with the Village boundary. Then following the Village boundary south until its southernmost point. Then turning west along the Village boundary to a point of intersection of Beacon Hill Rd (where the road bends to the south). Then a line projecting westerly from said point in that road at the Village Boundary to a point 100 feet due south of the intersection of Route 100 and Meadow Drive. Then heading west parallel to but 100 feet south of Meadow Drive to a point of intersection with Ryder Brook. Then turning north following the brook north to a point of intersection with Morristown Corners Rd. Then turning east on said road to a point of intersection with Route 100. Then turning northerly on Route 100 for approximately 800 feet to a point of intersection with a line projecting westerly from the rear property lines of Parcels 2, 4 & 6 on Tax Map 7. Then traveling east along said line projection to the point of beginning but excluding the Jersey Heights Condos on Parcels 25020 & 25024.

Large reduction in LDR zone due to Act 47 in areas where gravity sewer is impossible

1102.

Act
47 LDR
reduction

LDR #2 (Park St to Elmore St ~~Wabun & Wilkins~~). From a point beginning in the Lamoille River from a line projecting due north ~~of the easternmost point of the school's frontage on Park St from the front door of the MW&L offices on Parcel 24059 at 857 Elmore St~~ and traveling in a clockwise direction. From said beginning point in the river, then traveling east along and against the current of the river to the Village/Town Boundary. Following the Village/Town Boundary southerly ~~and then easterly~~ until said boundary ~~turns away (southerly) from~~ meets the westernmost point of the MW&L water-tank property (Parcel 08034). A line projecting southerly from the point where the Village/Town Boundary turns away from Then following the southern boundary of Parcel 08034 to the east until its intersection with Parcel 08014. Then a line projecting from said point to the intersection with Elmore Rd and Lower Elmore Mountain Rd. Then following Lower Elmore Mountain southerly for approximately 200 feet, and then turning westerly down Washington Highway. Continuing westerly along Washington Highway until a point of intersection with the Village/Town Boundary. Then turning northerly along the Village/Town Boundary to a point of intersection with Parcel 24041-3. Then continuing northerly along the eastern boundary of Parcels 24041-3 & 24041, crossing Elmore Street, to a point of intersection with the front door to the office of MW&L. Then a line projecting from said front door of MW&L ~~to the easternmost point of the school's frontage on Park St north to the point of beginning.~~

1103.

Small
LDR
expansion:
where gravity
sewer is
possible

LDR #3 (Silver Ridge to Center Rd ~~Sunset, and Langdel~~). Traveling in a clockwise direction, beginning at the intersection of Center Rd and Langdell Rd, then a line projecting westerly to the ~~northernmost point of Parcel 08167, which is approximately 800 feet west of the terminus of Needle Eye Rd on VT Rte. 15~~ midpoint of the frontage of Parcel 08164 at 89 Silver Ridge Rd. Then continuing westerly on the same line for 100 feet before turning northerly and paralleling Silver Ridge Rd, but maintaining said 100-foot distance, to a point of intersection with the Hyde Park Townline. Then continuing easterly along the Townline to a line projecting northeasterly to the northernmost point of Parcel 08163. Then a line projecting from said point easterly where Center Rd meets the boundary with Hyde Park intersects it. Then from said Townline point, a line projecting approximately 400 southeast to the center of the Village water tank. Then a line projecting from said point to the intersection of Frazier Rd and Trombley Hill Rd. Then ~~staying and~~ continuing on a similar southerly a projection southeasterly to a point of intersection with the southernmost point of Parcel 08090-3 (Weslang Townhouses). Then continuing southeasterly to the terminus of the Southview Drive right-of-way, and then turning easternmost point continuing to the terminus of the town right-of-way on Lanphear Rd, then a line projecting from the terminus of Lanphear Rd, along the northern border of the Commercial Zone, northwesterly to the point of beginning.

1104.

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

1105. **LDR #5 (Morristown Corners).** Traveling in a clockwise direction, from a point beginning at the intersection of Walton Rd and the back driveway to the nursery on Parcel 07154-3, then a line following the nursery driveway northerly, and projecting from the straight section of said road to the northern boundary line of said parcel. Then turning easterly along said northern boundary of Parcel 07154-3 to the intersection with Stagecoach Rd. Then crossing Stagecoach Road and continuing east on the same projection splitting Parcel 07168-1 and continuing to its eastern boundary, then turning southerly along rear boundary of said parcel, and the rear property lines of the adjoining parcels to the south, until a point of intersection with Morristown Corners Rd. Then cross Morristown Corners Rd to include Parcels 07019, 07020 & 07021 on the east side of Stagecoach Road and then cross Stagecoach Road to the point of intersection with Godfrey Ln. Then a line projecting from the intersection of Godfrey Lane to the point of beginning.

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

1111. **RRA #1 (Rural Morristown).**

All lands located outside the Zone Boundaries described above in Sections 1001 through 1105.

Section 1120. Sewer Service Management Area (SSMA).

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

APPENDIX 1 - Summary of changes from what is proposed to the existing November 2023 Zoning Bylaws:

- §201 Delete MOR Zone (becomes MDR Zone), allow DRB to rule on Sewer Service Area boundary splits
- §204.4 Edit Waiver percentage so differs by zone, create waiver bonus for community improvement projects
- §204.5a Edit Use Table for Acts 47 & 181, building height reductions, add accessory on-farm business, & MOR Zone delete
- §204.5b Edit Dimensional Table for Acts 47 & 181, MOR Zone deletion, reduce certain lot sizes and densities
- §206 Design Criteria reordering and edits regulating village zoned single-family homes for 1st time, delete IND #4 reqs
- §206.1 Delete 1st floor exterior access townhouse rule, revise garage rules, new rule for covered front entry and walkway
- §206.2 Add building size maximums, storefront window glaze rule, disallow direct stormwater discharge to town land/roads
- §206.3 Create new Cottage Court (small single-family homes) development alternative for DRB approval
- §206.4 Modify existing waiver provision to accommodate new building size maximums that cannot be waived
- §207 Clarify front setback measurement when no sidewalk is present or will be required, mirror Section 206 glazing rule
- §323 Strengthens Flood Zone Bylaw per federal guidance so new structures in flood zones have 2 feet of freeboard
- §401 Better align permit requirement to the as-revised definition of Development
- §405.3 Delete Infectious Invalidity prohibition
- §415 Revise Home Business parking screening language
- §420 Restate required provisions and prohibited effects of the Act, add affordable housing waiver per Acts 47 & 181
- §422 Frontage and access requirement being moved to §820 where it is being slightly revised
- §423 Add Emergency Shelter to list of statutorily protected uses, shorten ZBL section so simply refers to 24 VSA §4413
- §451 Allow Selectboard to work with developers to create new off-street parking that counts toward parking minimums
- §452 Change pavement requirements for development, tie pavement rules to zones instead of village line
- §454 Delete DRB ability to increase the number of parking spaces for new development due to Acts 47 & 181
- §455 Create new traffic speed dependent driveway setback requirement
- §456 Codify long-standing Access Permit process for driveways into Zoning Bylaws
- §470 Delete MOR Zone, allow multi-sided signs, expanded exemptions for wicket signs and banners for town events
- §484 Delete qualifying statement about where new gas stations are allowed because they are not allowed anywhere
- §488 Minor revision to existing rules about shipping containers
- §490.5 Allow up-lighting of architectural elements of Contributing Structures within 1983 Morrisville Historic District
- §502 Require heating and cooling provisions note on site plan to open up fossil free grant opportunities
- §505 Codify typical DRB condition about screening meter sockets, mini-split condensers and ground utility enclosures
- §635 Delete certain DRB new development mitigation tools that are now prohibited by Acts 47 & 181
- §641 Change receiving party of appeals to Secretary from Chair
- §710.2 Change major versus minor subdivision differentiation back to 3 lots from 2 lots
- §770 Require net & gross lot acreages when lots are surveyed to centerline of public roads & delete unused survey reqs.
- §820 Access and frontage rules moved §422 and revised to allow more width flexibility for private roads
- §900 Largely due to Act 47 & 181 preemption, add or revise the following definitions: Accessory Dwelling Unit, Accessory On-Farm Business, Accessory Use, Building Height, Commercial Use, Cottage Court Development, Development, Dwelling Unit and delete these definitions: Family, Legislative Body, Nuisance, Official Map, Parking Space Off-Street, Served by municipal water and sewer infrastructure, Setback, Shelter or Emergency Shelter, Sketch Plan, Structure.
- §1000 Modify the following zones largely due to Act 47 & 181: Commercial, Mixed Office Residential (delete), Industrial, Hospital, High Density Residential, Medium Density Residential, Low Residential Density, Sewer Service Management Area

State of Vermont Agency of Commerce & Community Development Department of Housing & Community Development **Municipal Planning Commission Bylaw Reporting Form**

Provisional Form pursuant to Act 47 of 2023, The HOME Act

This provisional form issued pursuant to the Act 47 of 2023 is subject to change.

The Department welcomes feedback on the form's implementation of the Act.

Published June 30, 2023

Contacts: Jenni Lavoie, Contracts & Grants Administrator

jennifer.lavoie@vermont.gov, 802.828.1948

Jacob Hemmerick, Community Planning & Policy Manager

jacob.hemmerick@vermont.gov, 802.828.5249

Why is this form required?

Vermont's Municipal & Regional Planning & Development Act (24 V.S.A 4441) requires a municipal planning commission to prepare a report when considering an amendment to a bylaw. Act 47 of 2023 adds a requirement to the report to include findings on conformance with sections 4412, 4413, and 4414 of the Act. It also adds a requirement that the municipal planning commission provide the report to the Department of Housing and Community Development upon approval of an adoption or amendment. The report must be submitted with GIS (Geographic Information Systems) files, a complete bylaw, and information about municipal planning and governance and systems. The form will be published on the Vermont Planning Data Center, here:

<https://accdmaps.vermont.gov/MunicipalPlanningDataCenter/>. Bylaw submission and posting supports the availability of Vermont's adopted municipal bylaws from a central digital source for statewide access and use.

Vermont Municipal Bylaw Reporting Form

How does a municipality submit the form?

Upon completion of the sections below, upload a saved version of the file [here](#). The form must be submitted with the approved bylaw(s) and any GIS shapefiles (when adding or amending district boundaries of record on the Vermont Open [Geodata Portal](#)). The form can be saved as a Microsoft Word document (DOC) or converted to a Portable Document Format (PDF) file. If you need assistance completing the form, please reach out to the contact above or your municipality's regional planning commission.

Type of Bylaw Filing

Select all that apply.

- New bylaw(s)
- Amendment to existing bylaw(s)
- Repeal of existing bylaw(s)

Explain multiple selections.

The summary of changes proposed to the Morrisville/Morristown Zoning Bylaws, which are also fully listed on the included public hearing warning, are as follows:

§201 Delete MOR Zone (becomes MDR Zone) & allow DRB to rule on Sewer Service Area boundary splits

§204.4 Edit Waiver percentage so it differs by zone & create waiver bonus for community improvement projects

§204.5a Edit Use Table for Acts 47 & 181, building height reductions, add accessory on-farm

Type of Bylaw(s)

Select all that apply.

Unified Development (select all bylaws included in the unified bylaws below)

Zoning

Does the bylaw add or change any zoning districts or boundaries?

Yes

No

Subdivision

Interim

Flood Hazard

River Corridor

Shoreland Protection

Other: (explain)

§323 of the proposed larger zoning change is the only edit proposed to the Morrisville / Morristown Special Flood Hazard regulations. This change will make the town more flood resilient over the years, and the proposal mirrors the new ASFPM and federal guidance so new structures proposed in mapped flood zones will require 2 feet or more of freeboard. The current Zoning Bylaws already have this requirement for Substantial Damage & Substantial Improvement.

While many zones are being slightly modified to comply with Acts 47 & 181 (mainly making village zoning districts match the limits of municipal water & sewer service), there is only one significant zoning map change proposed. That being, the existing Mixed Office Residential (MOR) is being folded into the neighboring Medium Density Residential (MDR) Zone. These

Vermont Municipal Bylaw Reporting Form

Date of Hearing(s)

Planning Commission Hearing(s) *(enter date[s])*

1/14/2025

Legislative Body Hearing(s) *(enter date[s])*

Spring of 2025, but actual Legislative Body meeting dates not determined as of yet...

Date of Adoption

Skip this section if the bylaw is proposed for hearing.

Date of Popular Election *(enter date only if subject to a popular election/vote)*

Date of Last Action *(enter date of final approval action by voters or legislative body)*

Bylaw Summary & Statement of Purpose

Provide a brief explanation of the bylaw and a statement of purpose (per 24 V.S.A. 4441). Use as much space as needed.

Morrisville/Morristown Zoning & Subdivision Bylaws Statement of Purpose: To provide for orderly community growth, to provide for public health, safety, welfare, and to achieve the purposes set forth in the Vermont Development Act 24 VSA, Chapter 117, and the Town Plan.

Findings on Municipal Plan Furtherance

Explain how the bylaw conforms with or furthers the goals and policies contained in the municipal plan. Use as much space as needed.

The proposed zoning bylaw revisions are supported by and enhance the stated goals of the 2022-2030 Morrisville/Morristown Town Plan. The vast majority of the above zoning changes are being made to bring the Morrisville/Morristown Zoning & Subdivision Bylaws into compliance with Act 47 & Act 181. The proposed zoning changes compliment the Town Plan's main development goal of directing development into the village and directly adjacent town areas with municipal services (creating infill housing opportunities in already developed areas), and avoiding new or sprawling development out into the Town's rural countryside. The only true zoning map change is supported by the Town Plan's Future Land Use Map, which notes the aforementioned proposed MOR to MDR Zone change.

Vermont Municipal Bylaw Reporting Form

Findings on Safe & Affordable Housing

Explain the effect of the bylaw on the availability of safe and affordable housing. Use as much space as needed.

The proposed zoning changes, with reduced minimum lot sizes and allowing for the conversion of "served" existing residential structures into small multi-family housing, will create new supply-side housing stock in Morrisville, which will help ensure the availability of safe and affordable housing in Morrisville by helping to stabilize or reduce rent and home prices. This zoning change will be the genesis of many smaller and more affordable single-family homes, townhouses, and small multi-family housing starts/conversions in portions of Morrisville served by municipal water and sewer. It should be noted that this zoning change also newly allows cottage court developments in Morrisville, which will create new small and more affordable housing stock. In rural Morristown, duplexes are now allowed everywhere by this zoning change at the same densities and lot sizes as single-family homes.

Findings on Required Provisions & Prohibited Effects

Explain how the bylaw conforms with 24 V.S.A. 4412. Use as much space as needed.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *Mobile, modular and prefabricated housing*
- *Mobile home parks*
- *Duplex uses*
- *Multi-unit dwelling uses*
- *Accessory dwelling unit uses*
- *Residential care homes or group homes*
- *Hotels for emergency housing*
- *Existing small lots*
- *Required frontage*
- *Home occupations*
- *Childcare home or facility*
- *Heights of renewable energy structures*
- *Nonconformities*
- *Communications antennae and facilities*
- *Planting projects in flood hazards*
- *Accessory on-farm businesses*
- *Lot and dimensional standards for minimum dwelling unit density*
- *Density for affordable housing*

The proposed Act 47 & Act 181 related zoning changes treat all forms of housing equally. They allow duplexes to be sited on the same parcels, with the same density and design requirements in rural Morristown, as single family homes. Similarly, the zoning changes also allow up to 4 housing units per lot in village areas served by municipal services. These zoning changes also include the Act 47 & Act 181 mandated changes for additional density and height allowances for affordable housing projects, as well as introducing accessory on-farm businesses as a new protected use in the Morrisville/Morristown Zoning Bylaws. Section 420 of the Town's Zoning Bylaws restate and require compliance with the "required provisions and prohibited effects" from statute, such as mobile home parks, home occupations, childcare, heights of renewable energy structures or antennas, and non-conformities.

Vermont Municipal Bylaw Reporting Form

Findings on Limitations on Municipal Bylaws

Explain how the bylaw conforms with 24 V.S.A. 4413. Use as much space as needed.

The only proposed zoning change that speaks to anything regulated by 24 VSA 4413 is the deletion of the Town's emergency shelter rules, which resulted from a long, well-attended, community supported process. The new emergency shelter rules comply with Act 47 & Act 181. The warned changes do not otherwise alter Morrisville's or Morristown's Zoning Bylaws in regard to 24 VSA 4413 "Limitations on Municipal Bylaws." Section 423 of the Town's Zoning Bylaws restates and repeats these statutory limitations.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *State- or community-owned and -operated institutions and facilities*
- *Public and private schools and other institutions*
- *Places of worship*
- *Public and private hospitals*
- *Regional solid waste management facilities*
- *Hazardous waste management facilities*
- *Emergency shelters*
- *Required agricultural practices*
- *Accepted silvicultural practices*
- *Solar energy devices*
- *Ancillary telecommunications improvements and lines*

Vermont Municipal Bylaw Reporting Form

Findings on Permissible Types of Regulation

Explain how the bylaw conforms with 24 V.S.A. 4414. Use as much space as needed.

In regard to 24 V.S.A. 4414, the proposed zoning changes focus on enhancing the Zoning Bylaw's Section 206 Design Review Requirements that are enforce in Morrisville and the adjacent parts of Morrystown that already support denser development. These Section 206 Zoning Bylaws enhancements include adopting various recommended Missing Middle design considerations, including banning tuck-under parking, ensuring that the front of one townhouse does not face the rear of another townhouse, and creating maximum building widths and depths to ensure that new development fits the form of its host neighborhood. Other than one very minor sidewalk setback clarification proposed within Morrisville's existing Section 207 Historic Preservation Zoning Bylaws, the proposed changes do not alter other existing town zoning regulations allowed and regulated by 24 V.S.A. 4414.

Select all regulations adopted by the municipality:

- Zoning (§4414)
 - Downtown, Village Center, and Growth Center Districts
 - Agricultural, Rural Residential, Forest & Recreation Districts
 - Airport Hazard Areas
 - Shorelands
 - Design Review Districts
 - Historic District/Landmark Bylaws
 - River Corridors and Buffers
- Overlay Districts (§4414)

List overlays:

Adult Entertainment overlay only.

- Conditional Use Review (§4414)
- Parking & Loading Standards (§4414)
- Performance Standards (§4414)
- Energy Resource Standards (§4414)
- Inclusionary Zoning (§4414)
- Waiver Provisions (§4414)
- Stormwater Management Standards (§4414)
- Wireless Telecommunication Bylaws (§4414)
- Water/Wastewater Permit Sequencing Standards (§4414)
- Green Development Incentives (§4414)
- Solar Screening Standards (§4414)

Vermont Municipal Bylaw Reporting Form

Municipal Plan Future Land Uses & Density Compatibility

Explain how the bylaw is compatible with the proposed future land uses and densities of the municipal plan.

The proposed zoning changes are supported by the Town Plan's Future Land Use Map, which clearly show the proposed MOR to MDR Zone change (the only true zone change proposed). The Town Plan does not directly speak the future densities. As mentioned previously, the proposed zoning changes, in response to Act 47 & Act 181, do refine the borders of the Village's Low Density Residential Zone versus the Town's Rural Residential Agricultural Zone. These minor revisions are being made to reflect the land that is actually available for village like density based on the availability of municipal sewer and water in these specific areas.

Planned Community Facilities

Explain how the bylaw carries out, as applicable, any specific proposals for any planned community facilities.

The proposed 2025 Zoning Bylaws make no changes to plans for any community facilities.

Municipal Planning Implementation Information

Upon adoption of the bylaw(s), select all elements of the municipal planning program that apply in the municipality:

- Unexpired Municipal Plan
- RPC-Approved Municipal Plan & Confirmed Planning Process (§4350)
- Interim Bylaws (§4415)
- Site Plan Review (§4416)
- Planned Unit Development (§4417)
- Subdivision (§4418)
- Administrative approvals of minor subdivisions/boundary adjustments (§4463)
- Unified Development Bylaws (§4419)
- Local Act 250 Review of Municipal Impacts (§4419)
- On The Record Review/Adopted Municipal Administrative Procedures (§4471)
- Official Map (§4421)

Vermont Municipal Bylaw Reporting Form

- Public Facilities Phasing (§4422)
- Transfer Development Rights (§4423)
- Freestanding Shorelands Bylaws (§4424)
- Freestanding River Corridor Protection Areas (§4424)
- Freestanding Flood or Hazard Areas (§4424)
- Enrolled in the National Flood Insurance Program
- Other Special or Freestanding Bylaws (§4424)

List

- Capital Budget & Program (§4430)
- Impact Fees (Chapter 131, §4422)
- Judicial Bureau Ticketing Option for Enforcement (§4452 & 1974a of Title)
- Advisory Commissions/Committees (§4433(1))
- Historic Preservation Commissions (§4433(3))
- Design Review Commissions (§4433(4))
- Housing Commissions (§4433(5))
- Development Review Board (§4460)
- Zoning Board of Adjustment (§4460)
- Joint Board of Adjustment Development Review Board (§4460)
- Full-time Administrative Officer
- Part-time Administrative Officer
- Volunteer/stipend Administrative Officer
- Staff planner(s)
- Availability of planning information on municipal website:
 - Municipal plan and maps
 - Bylaws
 - Fee schedule
 - Contact information for administrative officer
 - Information about Planning Commission
 - Information about the Appropriate Municipal Panel (ZBA/DRB)

Primary website URL:

www.morristownvt.gov/zoning-planning



Housing Committee
PO Box 748
Morrisville, VT 05661

(802) 888-6373
Fax: (802) 851-7251

19 December 2024

Re: Request to connect Future Land Use Map's LDR Zones, adopt affordably housing density bonus & remove or revise architectural repetition zoning restriction

Dear Planning Council Members,

The cost of purchasing a home in our community has grown exponentially in recent years. According to page 132 of the recently updated Lamoille County Regional Housing Assessment, the median for-sale price of a single-family home in March of 2024 was \$699,000 and per page 131 of that report, a typical household (2 people) earning 120% of the "area median income" can only afford a maximum home price of \$324,000. This huge \$375,000 affordability gap creates a plethora of negative consequences that ripple through the local economy and our community, including hampered business growth due to the difficulty of attracting and retaining workers, reduced consumer spending, increased homelessness, strains on public services, and wider income inequality. Page 141 of the Lamoille County Regional Housing Assessment (included beneath this letter and labeled as Attachment A), offers ways to combat local housing affordability issues. From these suggestions, we ask that the Planning Council evaluate the following 3 suggestions that are within its power to act on or change.

1. The Lamoille County Regional Housing Assessment suggests rezoning areas that can accommodate housing development on smaller and more affordable lots. The Housing Committee agrees and would like to see more single-family homes and duplexes developed, especially if it creates opportunities for home ownership. We therefore ask that the Planning Council act on the Low Density Residential Zone (LDR) expansion areas shown on the Town Plan's Future Land Use Map (included beneath this letter and labeled as Attachment B). The Morristown Corners and Cadys Falls areas called out on this map, given the municipal water service available therein, can easily accommodate these more affordable 1/3 acre to 1/2 acre lots.
2. Page 88 of the Lamoille County Regional Housing Assessment shows that 24% of rents paid in our county are classified as unaffordable (paying 40% or more of income towards rent). Unfortunately, 123 families in our town are almost unbelievably paying more than 50% of their income towards rent. While a good amount of new rental housing has been built in our town in recent years, the Housing Committee would like to see the Zoning Bylaws updated to offer a density bonus to incentivize new rental housing development that include a 20% affordability component. An example of such a density bonus from the Zoning Bylaws of a Vermont town is included beneath this letter and labeled as Attachment C. The Housing Committee hopes that this density bonus, tailored to local needs, can be included as part of a future zoning change.
3. The Housing Committee received testimony from local builders that the Zoning Bylaw's §206 Architectural Repetition rule is adding significant cost to new housing construction. While we understand the intent of this restriction, we do not believe that the end justifies the means. We therefore ask that the Planning Council revise this specific rule (perhaps so it only regulates townhouses) before it approves the pending zoning change for §206 Design Review Criteria.

E1

Housing developers face significant restrictions and costly delays due to the Town's zoning and permit process. The Planning Council plays a key role in addressing the significant housing supply and affordability issues that currently plague nearly every aspect of our community. Simply put, the Housing Committee cannot make these needed zoning changes on its own. Therefore, we are very thankful for whatever time and attention the Planning Council can give to this letter and the 3 zoning change suggestions included therein. If desired, members of the Housing Committee will be happy to attend the Planning Council meeting when this letter is discussed.

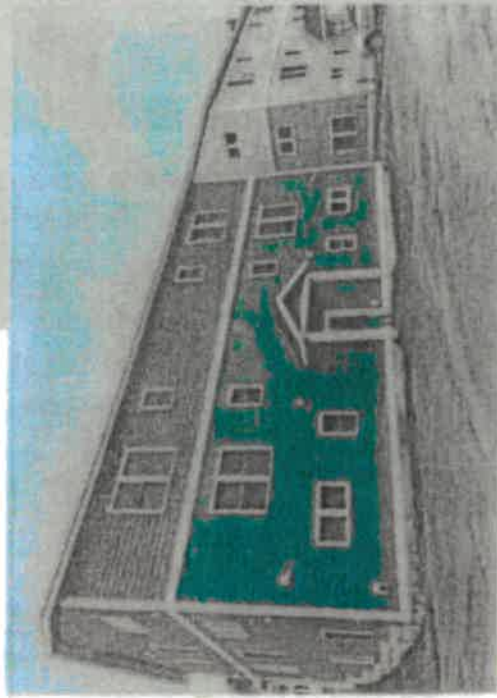
Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Thomas". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd Thomas
On behalf of the Morristown Housing Committee

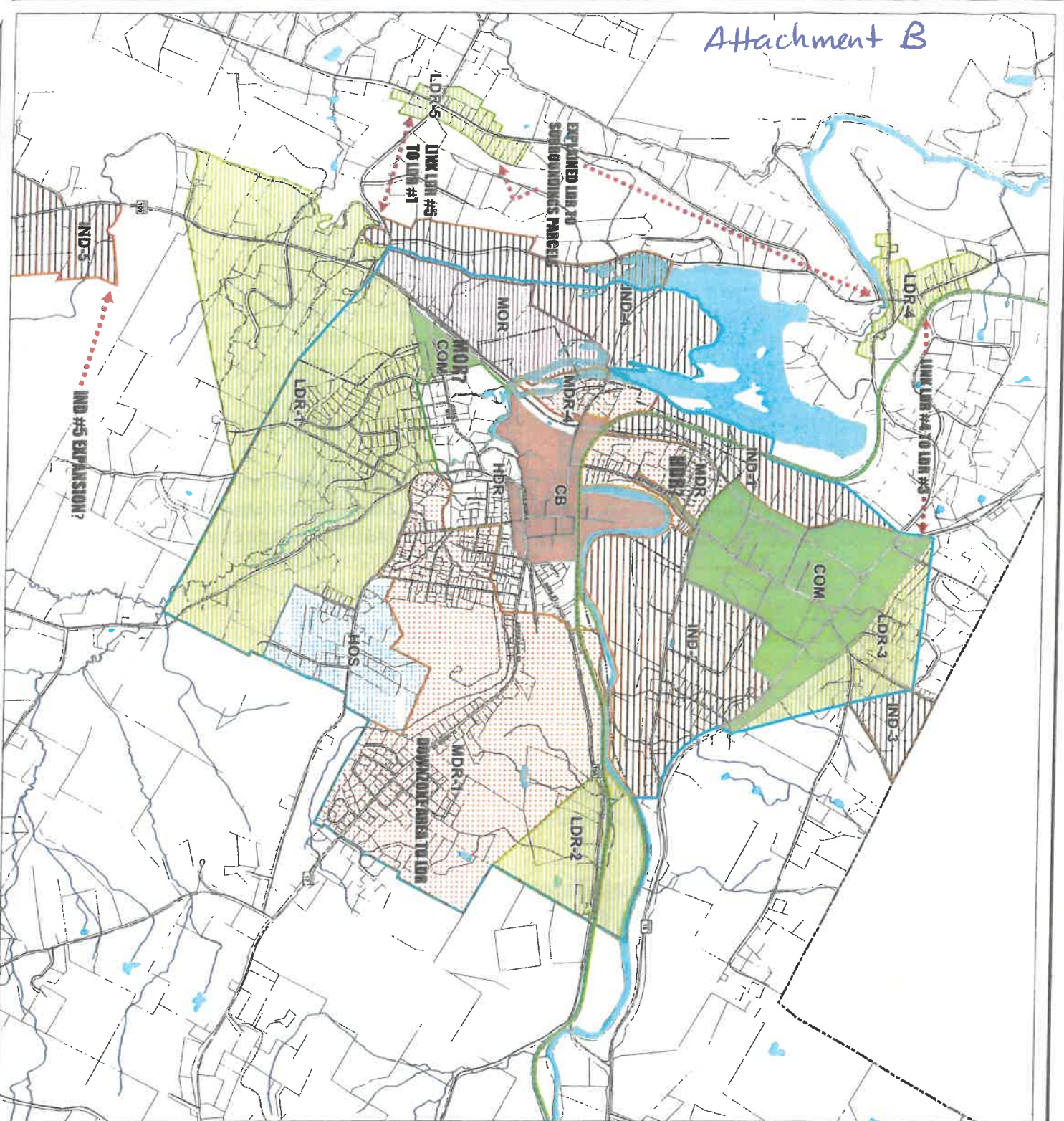
Households that qualify for affordable/tax credit rents typically can't find a quality housing option in the open market.

- Work to diversify housing availability in the region, from rental/ownership, pricing and form of housing perspectives – with the goal of providing more opportunities for younger and moderate income households to find housing. The study region as a whole has the advantage of available land and, in most communities, a positive perspective on new residential development. However, the absence of readily available infrastructure (water, sewer, utilities) is often a cost prohibitive element of land development. Communities should be encouraged to partner with the development community in providing support infrastructure for new residential development, such as:



- o Altering regulations (zoning, etc.) to permit housing at density/scale that achieves economic feasibility to the private sector;
- o In identified areas, ease the regulatory framework to lighten the cost burden of securing entitlements and providing a rapid indication of project acceptability;
- o Cost sharing with respect to critical project infrastructure – road, sewer, water utility systems;
- o Easing infrastructure connection fees for projects that meet certain criteria – density, affordability, etc;
- o Tax stabilization agreements;

E3



Morristown Zoning Map Village Zoning 2019

E4

- Zoning Districts**
- CB Central Business
 - COM Commercial
 - HDR High Density Residential
 - HOS Hospital
 - IND Industrial
 - LDR Low Density Residential
 - MDR Medium Density Residential
 - MOR Mixed Office Residential
 - RRA Rural Residential with Agriculture
 - MOR-1 through MOR-100
- Zoning Boundaries**
- Morrisville
 - Morristown Boundary
 - Sewer Service Management Area
 - Lamolite Valley Rail Trail
 - Parcel Boundaries

Data Sources

Zoning 2017 Morristown data. Provided by Limestone County Planning and Economic Development Department, Updated 2019 by Fitzgerald Environmental Associates, LLC

Sewer Service District Boundary - 2018 Morristown data. Provided by Limestone County Planning and Economic Development Department, Updated 2019 by Fitzgerald Environmental Associates, LLC

Parcel Information data 2017. by CAI Technologies

Surface Waters: VCOI for VMDA, VSSC, 2001

Political Boundaries: VCS, 1991



Prepared By:
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14 Ferguson Court
Caledonia, TN 38024
Telephone: 802.817.778
www.fitzgeraldenvironmental.com

Map Date: June 6, 2019

New Haven, VT Zoning excerpt

ARTICLE IV: REQUIRED REGULATIONS

Section 400: AFFORDABLE HOUSING

A. Intent: The provisions of this Section are intended to:

- 1) provide incentives for residential development that meets the needs of New Haven's population, including housing for low- and moderate-income individuals and families, in accordance with V.S.A. §4412(1), 4417(a)(2) and(d);
- 2) increase opportunities for home ownership and rental units;
- 3) allow for the development of a variety of affordable housing types including single- and two-family dwellings, and multi-family units;
- 4) ensure that affordable housing units will remain affordable and available into the future; and,
- 5) encourage mixed-income development.

B. General Standard: For a proposed development to qualify for the incentives in this Section, at least 20% of the residential units in the development must qualify as "affordable housing units" as defined in Article X.

C. Application Requirements:

Applications that seek to qualify for the incentives under this Section shall be reviewed by the Development Review Board, either in association with subdivision review where applicable (subdivisions and planned unit developments), or as a conditional use for development that does not require subdivision review (e.g., development, conversions, or adaptive re-uses on existing lots).

The applicant shall provide legal documentation to be approved by the Town's counsel, including, at minimum, the proposed deed restrictions or covenants that will ensure that the affordable housing units in the development will satisfy the requirements of this Section and the definition in Article X.

D. Density Bonus Incentives for Affordable Housing:

- 1) A development that meets the requirements of Section B above, and includes fewer than 5 affordable housing units will qualify for a 50% density bonus. As such, the standard minimum acreage requirement per development unit that would otherwise apply under Section 223 will be reduced by 50%.
- 2) A development that meets the requirements of Section B above, and includes between 5 and 9 affordable housing units will qualify for a 67% density bonus. As such, the standard minimum acreage requirement per development unit that would otherwise apply under Section 223 will be reduced by 67%.
- 3) A development unit that meets the requirements of Section B above, and includes 10 or more affordable housing units will qualify for a 75% density bonus. As such, the standard minimum acreage requirement per development unit that would otherwise apply under Section 223 will be reduced by 75%.

E. Modifications of Waivers for Affordable Housing:

The Development Review Board, upon written request of the applicant, may modify or

per
Peggy
in New Haven
this is a new
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waive any of the following requirements for a project that meets the requirements of Section B, if it finds that the modification or waiver is necessary to improve the financial feasibility of the affordable housing component of the project, and that public health, safety, and welfare will not be jeopardized:

- 1) access requirements;
- 2) parking requirements;
- 3) subdivision standards including, but not limited to, applicable road standards;
- 4) minimum lot size, frontage, setback, coverage, and open space requirements, as allowed for planned unit developments.

Section 410: ACCESSORY DWELLING UNITS

Accessory Dwelling Units are a permitted use in all districts and must be in compliance with all of the following:

1. The property must have sufficient wastewater capacity to accommodate both the primary dwelling and the accessory dwelling unit.
2. The unit must not exceed 900 square feet or 30% of the total habitable floor area of the primary dwelling unit, whichever is greater.
3. All setback, lot coverage and parking conditions are met for the zone in which it is proposed.

Section 420: ACCESSORY USES AND BUILDINGS

1. An accessory use or building must conform to lot setback, lot coverage, and building height requirements for the district in which it is located.
2. An accessory use or building that is associated with a residential use shall be required to conform to the residential yard setback, lot coverage and building height requirements for the district in which it is located.

Section 421: EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these Regulations, March 7, 1972, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements if such lot is not less than 1/8 acre in area with a minimum width or depth dimension of 40 feet.

Section 422: FRONTAGE ON, OR ACCESS TO, PUBLIC ROADS OR PUBLIC WATERS

No land development may be permitted on lots which do not meet the minimum frontage on public roads or public waters as stated in the Zoning Districts Table (page 9), or accessed by a right-of-way (ROW) of at least 20 feet in width, or with the approval of the Development Review Board. Additional width may be necessary to meet B-71 Standards for Residential-Commercial Drives (see Appendix).