**TOWN OF MORRISTOWN PLANNING COMMISSION**
**MEETING NOTICE & AGENDA**
**COMMUNITY MEETING ROOM**
43 Portland St. Morrisville, VT 05661
**6:00 PM Tuesday, September 23, 2025**

Join Zoom Meeting or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: 810 342 4528 | Passcode 05661
The meetings will be live-streamed on the Town of Morristown's website: https://www.morristownvt.gov/community/page/meetings-agendas-minutes

## I. CALL TO ORDER

## II. AGENDA CHANGES/ADDITIONS

## III. APPROVE PRIOR MEETING MINUTES

1. Approve Minutes from 9/9/25

## IV. NEW BUSINESS

1. Review and Approve Capital Fund Recommendation Letter to the Selectboard.

## V. FUTURE PLANNING AGENDA TOPICS

## VI. OLD BUSINESS

1. Continue Discussion of 2025 Draft Zoning Bylaws with an Emphasis on the Planned Unit Development and Subdvsion Sections.

## VII. CORRESPONDENCE/NOTICES

## VIII. ADJOURN

**PLANNING COMMISSION MEETING MINUTES**
**OF SEPTEMBER 9, 2025**

Members: Etienne Hancock, Joshua Goldstein, John Meyer, James Morris, Wally Reeve

Absent:

ADMINISTRATION and STAFF: Tyler Machia Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Jerry Throne

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**CALL TO ORDER**

**AGENDA CHANGES/ADDITIONS**

**APPROVE PRIOR MEETING MINUTES**

1. **Approve Minutes from 8/12/25**
   **Motion by John Meyer to approve the minutes from 8/12/25. Motion seconded by James Morris. Motion carried (5/0).**

**NEW BUSINESS**

1. **Discuss identifying priorities from Chapter 7 of the town plan for a proposed capital plan to send to the Selectboard as part of the town's Designated Downtown application.**
   The Planning Commission discussed the downtown capital plan, focusing on projects to include in the application for downtown designation. They identified several priorities, including burying power lines, redeveloping several properites improving parking and traffic circulation, and studying the feasibility of a parking garage. The commission agreed to draft a letter to the Select Board outlining these recommendations, with the goal of having it ready for the next meeting on September 23rd.

2. **Review proposed 2025 bylaws to make revisions to address issues identified by the Town Attorney in his legal review of the 2025 bylaws.**
   The meeting focused on reviewing and discussing changes to the zoning bylaw, with input from Town Attorney David Rugh. The group agreed to use Rugh's legally required changes without modification, but could make other suggested improvements as they saw fit. The group discussed regulations for airport landing strips and helipads, deciding to classify them as conditional uses in the industrial, hospital, and RRA zones. It was suggested keeping helipads in the RRA, IND, HOS zones with additional vetting through conditional use review. The group agreed this solution was better than making helipads a permitted use anywhere, as it would allow for community input and prevent potential issues with unauthorized helipads. The group discussed design review criteria for residential buildings, focusing on whether single-family homes and small multi-unit buildings should be exempt from design review requirements when connected to municipal water and sewer. Tyler expressed concern about losing the ability to require building elevations and location documentation for permit applications, while others debated the balance between maintaining design control and respecting state regulations that treat 4-unit buildings similarly to single-family homes. The group spent significant time examining Planned Unit Development (PUD) regulations and design review criteria for residential buildings, with

particular focus on balancing municipal control with state regulations. After extensive discussion of zoning bylaw changes and legal concerns, the commission acknowledged that the review process would likely extend into December.

**FUTURE PLANNING AGENDA TOPICS**

**OLD BUSINESS**

**CORRESPONDENCE/NOTICES**

**ADJOURN**

**Motion by Wally Reeve to adjourn. Motion seconded by Joshua Goldstein. Motion carried (5/0).**

Meeting Adjured at 7:13 PM
Minutes prepared by Tyler Machia
Submitted and filed on 9/11/25

*Please note all minutes are in Draft form and are subject to approval at the next Planning Commission meeting.*

State of Vermont Chartered in 1781

# MORRISTOWN

9/16/2025

To: The Morristown Selectboard

Re: Recommendations for the Proposed Capital Plan for the Downtown Designation program.

The Morristown Planning Commission would like to ask the Selectboard to consider adding some items to the proposed capital plan for the Downton Designation application. The commission recently met and identified several priorities for funding that we thought would be appropriate to include in the capital plan. The Commission understands that these recommendations may not all make it into the plan, but we wanted to make sure the Selectboard had the opportunity to review and consider adding them.

The Planning Commission reviewed the implementation section of the town plan to identify some priorities for funding that would fall inside of the proposed downtown designation area. To that end, the commission has identified 4 things that could be included in the proposed capital plan. They are as follows:

1. A capital fund to purchase properties to build new or improve existing facilities for Morristown emergency service ( Fire, EMT, Police) and support redevelopment of the Nepvue Building and former Sunoco gas station.
2. A feasibility study to explore expanding the parking lot on Pleasant Street and the Copley Municipal Parking lot.
3. Funding to help redevelop / expand the offering of the Noyse house.
4. Fund a pedestrian and traffic circulation study for the designated downtown area.

The planning commission believes that the above mentioned items fit well into a capital plan and are specific asks with measurable deliverables.

The Commission notes that these 4 items would directly help implement several priorities noted in the implementation section of the town plan. The Commission recognizes that in a challenging budget environment it may be difficult to find funding for these priorities. However, even if only one of these priorities makes it into the capital plan it will help us move forward with implementing the town plan.

Sincerely

_____Planning Commission Chair

**TOWN OF MORRISTOWN PLANNING COMMISSION**
**MEETING NOTICE & AGENDA**
**COMMUNITY MEETING ROOM**
43 Portland St. Morrisville, VT 05661
**5:00 PM Tuesday, September 9, 2025**

Join Zoom Meeting or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: 810 342 4528 | Passcode 05661
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## I. CALL TO ORDER

## II. AGENDA CHANGES/ADDITIONS

## III. APPROVE PRIOR MEETING MINUTES

1. Approve Minutes from 8/12/25

## IV. NEW BUSINESS

1. Discuss identifying priorities from Chapter 7 of the town plan for a proposed capital plan to send to the Selectboard as part of the town's Designated Downtown application.
2. Review proposed 2025 bylaws to make revisions to address issues identified by the Town Attorney in his legal review of the 2025 bylaws.

## V. FUTURE PLANNING AGENDA TOPICS

## VI. OLD BUSINESS

## VII. CORRESPONDENCE/NOTICES

## VIII. ADJOURN

**PLANNING COMMISSION MEETING MINUTES**
**OF AUGUST 12, 2025**

Members: Etienne Hancock, Joshua Goldstein, John Meyer, James Morris, Wally Reeve

Absent:

ADMINISTRATION and STAFF: Tyler Machia, Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Seth Jensen, Tasha Wallis

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**CALL TO ORDER**

Etienne Hancock called the Planning Commission to order at 5:00 PM at the Tegu Building.

**AGENDA CHANGES/ADDITIONS**

None

**APPROVE PRIOR MEETING MINUTES**

1. **Approve the Minutes from 7/22/25**
   ***Motion made by John Meyer to approve the minutes of 7/22/25. Motion seconded by Wally Reeve Motion carried. (4/0/1)***

**NEW BUSINESS**

1. **Meeting with Lamoille County Planning Commission LCPC to discuss Act 181 with an emphasis on the following:**

    1. **Future land use maps**
    2. **Housing Targets**
    3. **Tier 1B designation**

    Representatives from the Lamoille County Planning Commission (LCPC) attended the Planning Commission meeting to discuss Act 181. Act 181 is the reform bill for Act 250, which contains language on the state Regional Plan. The state will be reviewing the LCPC map based on the town plan. The meeting began with a discussion about the new statewide housing targets. Two years ago, the state conducted a housing needs assessment. The housing targets generated by this report were then broken out by regions and given to the respective regional planning commissions to allocate. LCPC further allocated these housing targets to each town in its region by population. Morristown's target is between 294 and 410 units of new housing by 2030. LCPC noted that these targets were not mandatory but aspirational, although any new drafts of the Town Plan need to include these targets in order for LCPC to approve them. The group discussed the timeline for LCPC to produce a new regional land use map for the state to approve by December 2025. LCPC emphasizes the importance of meeting this deadline to avoid losing designated centers. The commission members were largely supportive of the map. However, they did agree to draft a letter supporting making some small changes to the map such as transitioning LDRs 4 and 5, to village centers and moving another parcel

from a rural zone into a transition zone, to the Selectboard. The group also discussed the need to overlay the SSMA boundaries on the zoning map for better visualization, though this may not align perfectly with the current zoning districts.

2. **Review first draft reordering of existing Zoning Regulations.**

   Tyler presented a reorganization of the zoning ordinance to make it more user-friendly for applicants. He moved general provisions and definitions to the front, including explanations of zoning administrator roles and development review board processes. He also separated flood hazard overlay district regulations into their sections with distinct definitions and use tables. The board expressed concerns about making too many changes and requested a focus on implementing the town plan rather than dissecting the bylaws. The board agreed to review the proposed changes but emphasized the need to move forward with town planning and implementation rather than detailed revisions. A member stated he wants to plan the town and to have the 2025 zoning bylaws approved.

3. **Zoning Report**

**FUTURE PLANNING AGENDA TOPICS**

The Planning Commission discussed its upcoming meeting schedule in September to review the town plan and the Downtown Designation Capital Plan. They agreed to consider recommending specific projects for the downtown capital plan and to prioritize implementation goals. The commission also discussed forming an advisory committee to research burying utilities in downtown and explored ideas for facilitating commercial development. The discussion continued, addressing agenda items and the supporting documents required to be included with the agenda.

**OLD BUSINESS**

None

**CORRESPONDENCE/NOTICES**

None

**ADJOURN**

***Motion made by Joshua Goldstein to adjourn. Motion seconded by John Meyer. Motion carried. (5/0)***

Meeting adjourned at 7:06 pm
Submitted and filed this 8/12/25.
Bonnie McDermott, Scribe

*Please note all minutes are in Draft form and are subject to approval at the next Planning Commission meeting.*


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# CHAPTER 7: IMPLEMENTATION PLAN

The objectives identified in each chapter of the town plan are repeated below with an indication of when the action is anticipated to occur, and the parties responsible for that action.

| Chapter # | Objective | Time Period | Responsible Party |
|---|---|---|---|
| 1 | *Create and charge a board with studying the dual town name issue, with the goal of initiating a Selectboard, Village Trustee, or Town Meeting action that results in a binding vote on adopting a singular name for our community*. | 1 year | Selectboard & Village Trustees |
| 1 | *This plan supports studying what it would entail to update the Village Charter, as there is like some benefit to be had by expanding the village boundary lines into developed sections of town.* | 2 years | Selectboard & Village Trustees |
| 2 | *Current efforts to expand the Pleasant St. parking lot should be supported and funded by the Selectboard within the next 2 budget years.* | 2 years | Selectboard |
| 2 & 4 | *The Selectboard should also create and begin to fund a capital account that, as the balance grows over the years, could eventually be used to create a deck of parking accessed from Hutchins Street, located above, but preferably beneath, the surface of the existing municipal parking lot on Pleasant Street.* | 1 year | Selectboard |
| 2 | *The Planning Council should work with the Selectboard to help spur the redevelopment of both the Nepvue Building on Portland Street, and the Sunoco gas station at our main downtown intersection* | When either property comes onto the market | Planning Council |
| 2 | *The Planning Council should work with the Copley Trust to see if there is an appetite for funding a boardwalk along the Lamoille River that parallels Portland Street (linking Lower Main Street to Bridge Street), that includes lighting, benches, etc., with a purpose of relinking downtown Morrisville to its riverfront.* | When the owner of 90 Lower Main St. agrees to boardwalk location | Planning Council |
| 2 | *The Planning Council should open up a dialogue with the Bishop Marshall School Board about rezoning the school's land.* | 1 year | Planning Council |
| 3 | *The Selectboard should allocate funding to update the North End Circulation Study so it contains post Truck Route traffic data. The Selectboard should also entertain if a similar study should be undertaken for the roads in* | 4 years | Selectboard |

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| | *downtown Morrisville given the recent growth in housing units therein.* | | |
| **3** | *The Selectboard, with assistance with the Planning Council, should also work with the School Board and nearby property owners to open up a new access driveway to the school that obviates the need for all the traffic that comes down Elmore and Upper Main Streets from driving down past the fire station just to reverse direction up Copley Avenue.* | 2 years | Selectboard |
| **4** | *The Selectboard should develop a permit process for all future point connections to the stormwater system on Brooklyn Street, with said permit process designed to protect the capacity of the system by slowing the rate that stormwater arrives at the swirl separator.* | 2 years | Selectboard |
| **4** | *The Selectboard should look to acquire any adjacent properties that come on the market to ensure that there is ample room to expand the fire station, if needed, at a later date.* | Ongoing | Selectboard |
| **4** | *This plan supports continuing the current ½ penny on the Grandlist of annual funding from Town Meeting through the 2030 lifecycle of this plan (but terminating said funding in 2031), plus sourcing other grant funds, to help ensure the preservation of what is believed to be the 2nd oldest home in Morrisville.* | Ongoing | Selectboard |
| **4** | *To support awareness, and the accessibility of recreational amenities in our community, the Selectboard should look to employ someone part-time to staff the recently resurrected Parks & Recreation Committee.* | 1 year | Selectboard |
| **4** | *The Committee should create an online calendar, and list of recreational amenities in the community, including: tennis and basketball courts, groomed Nordic ski trails, athletic fields, fitness and nature trails, the running track, the school gyms, and the 2 playgrounds.* | 1 year | Recreation Committee |
| **4** | *If allowed by the pending state and federal relicensing permits for MW&L's hydro-electric facility on B Street, the Selectboard should open a dialogue with the Village Trustees regarding adding recreational opportunities within a leased, or acquired, portion of the Clark property that surrounds the dam.* | 2 years | Recreation Committee |

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| 4 | *The Planning Council should work with the Mt. Vernon Lodge at 65 Portland Street on a plan to turn the south facing side lawn of that building into angled parked.* | 2 years | Planning Council |
| 4 | *The Planning Council should plan when a level of parking might need to be created above, or preferably beneath, the Copley Municipal Parking lot (with a Hutchins Street entrance to the lower parking level located behind the Nepveu Building, and with the existing parking surface becoming the top deck parking elevation, or the site of a community building).* | 8 years | Planning Council |
| 4 | *The Selectboard should secure the old rail car loading area lease at the bottom of Pleasant St, from VTrans when it expires in 2031 so a proper parking lot can be built that services the downtown, and rail trail users at the kiosk. The Selectboard should reach out to VTrans in the interim to try to take over the lease before 2031.* | Prior to 2031 | Selectboard |
| 4 | *The current status with the village paying property taxes to the town for property, including light poles, located outside the village for non-revenue producing properties (with most of the money being sent to Montpelier for education) should come to an end, either via the sale of the subject properties, or the possible expansion of the village line, so most of these properties can be located inside the village limits, and thereby become tax exempt.* | 2 years | Village Trustees |
| 5 | *The Planning Council, in consultation with the Historical Society, should immediately evaluate if a demolition delay provision belongs in the town's zoning bylaw for contributing structures in Morrisville's original 1983 historic district.* | 1 year | Planning Council |
| 5 | *The Planning Council, with an assist from the Historical Society, should evaluate if the historic district should be enlarged again to the south down E. High Street, Congress Street, Summer Street, Court Street, and Maple Street, as there are many largely intact historic homes in this primary residential section of the village that will be nearing 200 years in age by the time the 2022-2030 town plan expires.* | 3-5 years | Planning Council |
| 5 | *The Planning Council should also examine if zoning per 24 VSA, §4414(f) should be adopted for the downtown's initial historic district* | 2 years | Planning Council |

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| 5 | *The Morristown Historical Society should help preserve the Civil War Bell hanging on the corner of Upper Main and Maple Streets by allocating the time, and resources, needed to help the owners of the bell, the Lamoille Valley Grace Brethren Church, preserve it, and make it available for public viewing.* | 2 years | Planning Council & Historical Society |
| 5 | *The Morristown Historical Society, with backing from the Planning Council, should investigate the steps needed to designate the Grace Brethren Church, with the Civil War bell hanging in its spire, as a State and potentially even a National Historic Landmark.* | 1 year | Historical Society |
| 5 | *The Conservation Commission, and the Selectboard, should work towards the purchase and conservation of the 82 acre "Bugby Springs" property (and creating recreational opportunities thereon).* | 1 year | Conservation Commission |
| 5 | *The Planning Council, and Conservation Commission, should work to see if preserving the natural areas and existing scenery on our side of Elmore Mountain is attainable via instituting a design review district, or adopting an elevation limitation for new development.* | 5 years | Planning Council |
| 5 | *The Planning Council should evaluate if wildlife and forest connectivity should be designated as §340 Environmental Resource Areas in the zoning bylaws to promote the health, viability, and ecological function of these important areas.* | 3 years | Planning Council |
| 5 | *The Planning Council, and the Conservation Commission, should evaluate what zoning tools might be available to help better protect Molly's Bog, and Joe's Pond.* | 3 years | Planning Council |
| 5 | *The Conservation Commission should also work towards conserving the private lands that encroach upon Molly's Bog, and Joe's Pond.* | Ongoing | Conservation Commission |
| 6 | *The School Board should evaluate the construction of a larger field house. Concurrent with the construction of the new field house, the school's outdoor recreational facilities are also in need of attention. In order to allow that a regulation-sized track be rebuilt, it is recommended that the baseball field be repositioned, the tennis courts be replaced.* | 2-3 years | School District |

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| **6** | *To alleviate a longstanding traffic problem, the Selectboard, or the School Board, should purchase a right-of-way to connect Upper Main Street to Copley Avenue* | 1-2 years | School District & Selectboard |
| **8** | *Direct new housing into the core of the village and adjacent parts of the town, support business growth in areas zoned for such, and reinforce the rural character of our town via the continued existence of the agricultural, low density residential, and open land in the rural parts of the town that create the sweeping and cherished views of our countryside.* | Ongoing | Planning Council |
| **9** | *An overarching objective for our community is to encourage the protection and use of local renewable energy resources, to reduce reliance on out-of-state energy resources, and to especially reduce reliance on expensive out-of-state nonrenewable energy resources* | Ongoing | Selectboard & Village Trustee |
| **9** | *Encouraging greater efficiency, affordability, and energy conservation is a primary objective that must be kept in the forefront of all energy related decision making.* | Ongoing | Selectboard & Village Trustee |
| **9** | *The Planning Council should study if it would be worthwhile to develop thermal energy standards, or more simply, to offer a density bonus to encourage developers to use heat pumps within new townhouses and new multi-family construction, so efficient heat and air conditioning can be readily available for these new households*. | 1 year | Planning Council |
| **9** | *Given the town's significant fuel use, the Selectboard should make fuel efficiency a leading component in the decision-making process when municipal vehicles are purchased. The Selectboard should also consider setting a generous fixed fuel budget every year with the goal of spending unused funds when fuel prices are low on improving the efficiency of the town's energy use*. | Ongoing | Selectboard |
| **9** | *The Selectboard should immediately look to convert the interior lighting in town owned buildings to LED bulbs to create additional energy and cost savings.* | 1 year | Selectboard |
| **9** | *The Selectboard should evaluate the town's daily energy costs of $665 to operate to find savings through achieving greater efficiencies.* | Ongoing | Selectboard |

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| **10** | *This plan therefore supports the Selectboard creating a housing committee that is charged with promoting the creation of all forms of new housing, including new affordable housing, and suggesting what incentives might be offered to help developers create more housing.* | 1 year | Selectboard & Planning Council |
| **11** | *The Selectboard shall exercise all the political avenues available if the Green Mountain Care Board attempts to move critical hospital operations, like Mansfield Orthopedics, out of Morrisville, to ensure the continued existence of the hospital, with the hospital offering future health care services that are at least on par with current levels.* | Ongoing | Selectboard |
| **11** | *The Planning Council should also study if there are creative ways to encourage the creation of ecologically friendly car-free housing that could be built along both the rail trail and the adjacent banks of Lake Lamoille.* | 3 years | Planning Council |
| **12** | *The Planning Council should reach out to the residences at 416 Bridge Street, 965 Cadys Falls Road, 48, 51, & 69 North River Street that are believed to be in the flood zone to discuss the benefits of carrying flood insurance.* | 3-5 years | Planning Council |
| **12** | *The Planning Council should study the remote Special Flood Hazard areas in the town that have not had a flood study to determine if it is logical to adopt the river corridor layer, and to develop companion zoning restrictions.* | 3-5 years | Planning Council |
| **13** | *Draft zoning bylaw changes that require major development and redevelopment projects in the downtown to provide pedestrian and bicycle amenities, such as sidewalks, bike lanes, bicycle parking, and other streetscape improvements.* | | Planning Council |
| **13** | *Improve and expand the existing trail system that accesses Oxbow Riverfront Park, including formalizing the footpath that connects the park to the terminus of Foundry St.* | | Conservation Commission |
| **13** | *Add an access point, or footpath, connecting Foundry Street to the Rail Trail, which would formalize Rail Trail access at each side of the Oxbow park peninsula, and also create a small walking loop through Oxbow Park that is accessed from the Rail Trail.* | | Conservation Commission |

**To:** Brent Raymond <braymond@morristownvt.gov>
**Cc:** Tyler Machia <tmachia@morristownvt.gov>; Ron Rodjenski <ron@stoneshoremc.com>
**Subject:** RE: Morristown's proposed 2025 Zoning Bylaws review

Hi Brent,

Please find attached hereto our edits and comments to the Draft 2025 Zoning Regulations for Morristown and Morrisville. I have responded to your and the Selectboard's specific questions below, and I had a few specific concerns about some provisions of the draft regulations as follows:

- There is a lack of clarity as to when ZA or DRB reviews in certain instances.
- In many places, the draft regulations use standards that are too vague to be enforceable per *In re JAM Golf*, 2018 VT 110.
    - The regulations need to specify level of protection, preservation, screening, etc. This can be done by modifying the sentence to say "protect to the maximum extent feasible," or "protect to the maximum extent practicable," or "preserve to the extent reasonably practicable," etc.
- Site Plan review is limited by statute so that it does not apply to 1- or 2-unit dwellings. As such, the Town needs to be careful with § 206 design standards. We recommend this only apply when houses are applied for on multiple lots in new developments/subdivisions and not to a single house on a preexisting lot. Otherwise, these might be interpreted as disallowing mobile homes, which is prohibited by § 4412.
- § 420 – Can't just cite 24 V.S.A. § 4412 and incorporate its provisions by reference. The Town needs to enact specific regulations on each type of use. While the bylaws do contain some of these provisions like nonconformities, not all are in the draft regulations. The same thing is true with § 720.5 with respect to PUDs and the standards in § 4417.
- Subdivision Review Process – the Town's process appears pretty unusual in that it seems that subdivision applications just go through sketch plan and then final plat review, without preliminary plat review. This makes sense for small subdivisions that might be eligible for administrative review, but not for most larger subdivisions/PUDs.
- § 510(6)(v) Conservation Commissions cannot own property per 24 V.S.A. § 4505. The Conservation Commission is only allowed to administer conserved properties and recommend properties to purchase. Only the Town, or Village, can actually own real property.
- § 760.23 – This violates vested rights precedent in Vermont and is not allowed. Subsequent bylaw amendments cannot be applied to an approved subdivision once it is approved and following the recording of the plat. Those future amendments would apply to a zoning permit application if that application were submitted and deemed complete after the public hearing notice is issued for the Selectboard's hearing on those new amendments, but the new bylaws cannot apply to an approved subdivision as shown on a recorded plat mylar.

I am sure our comments and revisions will trigger questions from Selectboard and PC members, as well as the public, so after the hearing on Tuesday, I'd be happy to review those questions, and set up a meeting to respond to the issues or concerns that arise.

Thanks,
Dave

David W. Rugh, Esq.
SP&F Attorneys, P.C.
171 Battery Street
P.O. Box 1507
Burlington, VT 05402-1507
Phone: 802-660-2555
drugh@firmspf.com

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**From:** Brent Raymond <braymond@morristownvt.gov>
**Sent:** Friday, June 27, 2025 2:40 PM

FINAL
Planning Commission Strike Version
Approved 05-20-2025 with minor amendments for Selectboard Consideration

(Final Minor Edits: Zoning Maps - add "For Reference Only" and Spelling out "WW" Permit in Section 830 & 401.5 Acronyms)

Chartered in 1781

MORRISTOWN

# 20235 ZONING AND SUBDIVISION BYLAWS
## VILLAGE OF MORRISVILLE / TOWN OF MORRISTOWN

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

| **Town of Morristown** | **Village of Morrisville** |
|---|---|
| Interim Zoning Bylaws, June 9, 1971 | Interim Zoning Bylaws, June 9, 1971 |
| Permanent Zoning Bylaws, November 1974 | Permanent Zoning Bylaws, July 9, 1973 |
| Revised Zoning Bylaws, June 23, 1976 | Revised Zoning Bylaws, May 29, 1978 |
| Revised Zoning Bylaws, September 16, 1978 | Revised Zoning Bylaws, January 3, 1984 |
| Revised Zoning Bylaws, January 3, 1984 | Revised Zoning Bylaws, October 9, 1989 |
| Interim Subdivision Bylaws, September 29, 1989 | |
| Permanent Subdivision Bylaws, October 14, 1991 | |
| Revised Zoning & SD Bylaws, November 15, 1993 | Revised Zoning Bylaws, Nov 15, 1993 |
| Revised Zoning & SD Bylaws, November 15, 1994 | Revised Zoning Bylaws, Nov 15, 1994 |
| Revised Zoning & SD Bylaws, November 27, 1995 | Revised Zoning Bylaws, Nov 27, 1995 |

**Town of Morristown/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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| §770 | Plat requirements for all subdivisions | p.39-40 |
| §795 | Administrative lot line changes | p.40 |
| | **Article VIII. Subdivision design standards** | |
| §800 | Subdivision requirements | p.41 |
| §820 | Street and infrastructure layout | p.41-45 |
| | **Article IV. Definitions** | |
| §900 | Definitions (local zoning bylaw and Development Act) | p.46-55 |
| | **Article X. Zoning District Boundaries** | |
| §1000 | Zoning district boundaries | p.56-62 |

## 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 control ~~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 |
| 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 common ~~single~~ ownership, the Development Review Board (referred to hereafter as "the "DRB") may permit as a Conditional Use the extension of the Zoning District regulations for either district to the whole lot 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.

Page 3

**Commented [DWR1]:** Usually the ZA is given this responsibility

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

**Commented [DWR2]:** Density too? Density is usually rounded down to the nearest whole number, not up. It's not clear whether density is a dimensional requirement or not, but usually it's not. Either way, it's worth clarifying that density is: a) not a dimensional requirement subject to this section; and b) for the purposes of calculating a lot's density, any partial number shall be rounded down to the nearest whole number.

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

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

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

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

204.2 **Conditional uses**. Uses for which the DRB must conduct a warned public hearing and may approve the application with conditions as appropriate. The letter "C" designates in what zones conditional uses are allowed on the "Use ~~dimension~~ Ttable" 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 modify ~~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 to extent, reasonably practicable 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 Tthe 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 applicant ~~developer~~ or Selectboard has committed in-writing to the perpetual maintenance thereof. At least 20 days prior to date of proposed public hearing, t~~T~~he 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 project maximum waiver. Regardless of the above calculation, of a maximum of only 2 additional dwelling units is allowed ~~possible~~ via the community improvement project waiver, withis additional dwelling units being an unavailable option via this waiver in the Rural Residential Agricultural & Industrial zones).

~~g~~)f) 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~~.~~

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 | CP | 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 | - |
| ~~Airport, Landing Strip or Helipad~~ | | | | | | | | | |
| Airport, Landing Strip or Helipad | | | | C | C | C | | C | C |
| Drive-Through | C- | C | - | - | - | - | - | - | - |
| Single-Family Dwelling - 1 & 2 Units | CP | CP | P | - | CP | CP | P | P | P |
| Dwelling Unit, Two-Family | C | C | P | - | C | P | C | - | - |
| Dwelling (3 & 4 Units) | CP | CP | - | - | CP | CP | P | P/C** | - |
| Dwelling (5 or More Units) | P | C* | - | - | C* | C | - | - | - |
| Family Childcare Facility | P | CP | 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 | CP | -P | P | - | CP | CP | 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 | - | - | - | - |
| PUD: Multiple Principal Uses on a Lot | | | | C | C | 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 |
| Recovery Residence | | | | P | P | P | | P | P |
| Restaurant | P | CP | - | -C | - | - | - | - | - |
| Retail Sales of Goods & Services | | | | P | P | - | | - | - |
| Sale of Goods Produced On-Site~~Retail Sales of Goods & Services~~ | | | | PP | P P | -- | | P– | -- |
| Sexually Oriented Business~~Sale of Goods Produced On-Site~~ | -P | - P | -- | C^P | -- | -- | -- | -- | -- |
| Shelter~~Shelter Sexually Oriented Business~~ | CC- | CC- | PC- | -CC^ | CC- | CC- | -C- | -C- | -C- |
| Special Industry~~Shelter~~ | -C | -C | -P | -- | -C | -C | -- | -- | C ˇ - |
| Short-Term Rentals~~Special Industry~~ | P- | P- | C- | P- | C- | C- | C- | C- | C –C ˇ |

| | | |
|---|---|---|
| C | C | C |
| P | P | P |
| - | - | - |

**Commented [DWR3]:** Be careful here. Unless the bylaws restrict accessory uses to only those uses that are otherwise allowed in applicable zoning districts, making accessory uses permitted uses in all districts could allow some valid uses like helipads, etc., to be constructed at a house where the PC does not intend them to be located. We recommend splitting off accessory uses from ADUs (which don't really need to be in the Use Table since they're allowed everywhere by statute), and stating somewhere in these bylaws that only accessory uses that allowed as principal uses in the underlying zoning district can be approved by the Zoning Administrator.

**Commented [DWR4]:** Suggest that the Town define this use so that it's clear it's only allowed where the current airport is located; otherwise, applications for helipads, or private landing strips, may have to be approved as accessory uses.

**Commented [DWR5]:** Suggest that the Town define this use so that it's clear it's only allowed where the current airport is located; otherwise, applications for helipads, or private landing strips, may have to be approved as accessory uses.

**Commented [DWR6]:** We recommend that the Town authorize shelters in specific zoning districts; otherwise they could be located in any district. Unless the Town wants to allow them in any district, the Town is allowed through 24 V.S.A. §4413 to regulate where such uses can be allowed.

**Commented [DWR7]:** We recommend that the Town authorize shelters in specific zoning districts; otherwise they could be located in any district. Unless the Town wants to allow them in any district, the Town is allowed through 24 V.S.A. §4413 to regulate where such uses can be allowed.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Warehouse & Storage Facility~~Short-Term Rentals~~ | ~~P~~ | ~~P~~ | ~~C~~ | PP | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ |
| ~~Warehouse & Storage Facility~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~P~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~-~~ | ~~-~~ |

~~* = The Dwelling (5 or More Units) use is only allowed in the HOS Zone as part of a Health Care Facility use and in the COM Zone when a Business Services, Restaurant, or Sales of Goods & Services use, or a combination thereof, is provided on at least 50% of a building's the ground / 1st floor of the building.~~
~~** = The Dwelling (3 & 4 Unit) Use is permitted for Class 1 Development but Conditional for Class 2 & 3 Development~~
~~ˆ = Sexually Oriented Business are only allowed in Zone IND #3 (Trombley Hill)~~
~~ˇ = The Special Industry use is only allowed east of Garfield Road between the river (south) and the town line (north)~~
~~∞ = The Firewood Processing use is only allowed in the LDR-2 Zone. It is not allowed in Zones LDR-1, 3, 4, and 5.~~
~~° = Regardless of any density calculations in the HDR Zone, the adaptive reuse of accessory buildings that existed on 1 January 2023 into 1 or 2 new dwelling units may be administratively approved by the Zoning Administrator.~~
~~β = See definition of Building Height to ensure fire protection for any proposed Structure above 40 feet in height.~~
~~**Please Note: All permitted uses, except Dwelling, 1 & 2 Units, with new footprints larger than 20,000 ft2 require** §500 DRB Site Plan Approval.~~

* = 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
ˆ = Sexually Oriented Business are only allowed in Zone IND #3 (Trombley Hill)
ˇ = The Special Industry use is only allowed east of Garfield Road between the river (south) and the town line (north)
∞ = The Firewood Processing use is only allowed in the LDR-2 Zone. It is not allowed in Zones LDR-1, 3, 4, and 5.
° = Regardless of any density calculations in the HDR Zone, the adaptive reuse of accessory buildings that existed on 1 January 2023 into 1 or 2 new dwelling units may be administratively approved by the Zoning Administrator.
β = See definition of Building Height to ensure fire protection for any proposed Structure above 40 feet in height.
Please Note: All permitted uses, except Dwelling, 1 & 2 Units, with new footprints larger than 20,000 ft2 require §500 DRB Site Plan Approval.

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

| Dimension Table | CB | COM | MOR | IND | HOS | HDR | MDR | LDR | RR/ |
|---|---|---|---|---|---|---|---|---|---|
| Development Class | 1 | 1 | 1 | 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 (per3 & 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 | 5040 | 50 | 50 |

**Commented [DWR8]:** SP&F didn't review the dimensional table, except I note that it complies with the requirement that lot sizes for multifamily units are not less restrictive than those for 1-family dwellings in water- and sewer-served areas.

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Maximum Front Setback ˆ** | 8 | - | - | - | - | - | - | - | - |
| **Minimum Front Setback** | - | 30 | 35 | 50 | 35 | - / 8ˆ | 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 occupies ~~is provided on~~ at least 50% of a building's ground / 1st floor gross floor area.
*** = 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.
** ˆ = 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)
ˆ = 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 development ~~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~~Review, except Dwelling – 1&2 Units shall not be subject to Site Plan review.

**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 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 ½ 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 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, as part of the review of a permitted use or DRB as part of the review of a conditional use, site plan review, waiver request, or variance, 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. Dwelling (1 & 2 Units) & Dwelling (3 & 4 Units) are exempt from the design criteria noted below. The Zoning Administrator may require a rendering of any principal or accessory structure including Dwelling (1 & 2 Units) & Dwelling (3 & 4 Units) for the sole purpose of documenting the intended exterior elevation and location of a structure across all zoning districts.

206.1 For Dwelling Unit ~~(1 & 2 Units~~5 or More) & Dwelling (3 & 4 Units) ~~uses~~ and business uses,excluding Home Occupation or Home Businesses the following Design Criteria standards ~~rules~~ ~~do not~~ apply:

~~a. Architectural repetition. Each building proposed shall be architecturally different than any directly adjacent building (regardless of parcel or property lines). In a townhouse style or similar development, the prohibition on architectural repetition shall be evaluated between the individual townhomes, and not between the adjacent larger building pods (with a building pod~~

**Commented [DWR9]:** These criteria probably shouldn't apply if only a single house or duplex is proposed on an existing lot because they may run afoul of the protection for mobile homes in 24 VSA § 4412(1)(B). We recommend that these standards only apply when homes are proposed on lots in a PUD, Conservation Subdivision, or a conventional subdivision where more than one single lot was created and that was approved by the DRB in the last 10 years, or something similar to that. It's very unusual to have design criteria apply in the situation where an applicant seeks a zoning permit for a house outside of a designated design review district.

**Commented [DWR10]:** When will it be reviewed by ZA as opposed to DRB? There should be some criteria as to when DRB reviews instead of the ZA or a statement as to when DRB reviews and not ZA.

**Commented [DWR11]:** Why does this say "do not"? Shouldn't it be "the following Design Criteria standards apply:"

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 public(?) sidewalk exists along that additional frontage.

d. Front porch. All residential construction, except mobile homes(?), must include a covered front porch except for the secondary entry to a residence on a corner lot(?) 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 ½ 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, depending on whether a public hearing before DRB is required.

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 front porch or primary entrance.

i.0 206.2 For the Dwelling Unit (5 or more Units) and business uses, in addition to the §206.1 requirements, the following Design Criteria rules shall also apply:

a) 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.

**Commented [DWR12]:** See subsection c, below, where it states "public sidewalk." Is there a reason why it's different in this section or that one?

**Commented [DWR13]:** This description of length is confusing. Is it meant to regulate garage width or depth?

**Commented [DWR14]:** This seems strange...typically blocks of townhomes look pretty similar, and there's variety among different blocks, but not necessarily between the townhomes in a block. We just thought it was worth calling attention to this because it seems somewhat unusual.

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 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 ½ the length of said garage plus the length home or business, with the total length 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, depending on whether a public hearing before the DRB is required.

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.

~~a.~~g) 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, windows, building articulation or ground level doorways.

~~b.~~h) 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 Principal~~adjacent non-accessory~~ structures, including structures on an adjacent street for corner lots.

~~c.~~i) 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.~~j) Lighting. A lighting plan that shows compliance with Section 490 of the Bylaws.

~~e.~~k) 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 away from residential uses. When said siting ~~location~~ is not possible, screening, such as fencing or landscaping, shall be used to obscure these areas from view of the public right-of-way, completely or to the extent reasonably practicable.

~~f.~~l) 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.~~m) 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.~~n) 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.

**Commented [DWR15]:** Principal?

**Commented [DWR16]:** Is the Town really requiring transom windows above doors on all 5-unit dwellings? Maybe there's a precedent for this with all buildings in the Town, but it seems a little too "in the weeds" of building design outside of a design review or historic district.

**Commented [DWR17]:** Fencing? Landscaping? What kind?

**Commented [DWR18]:** How much should they be obscured? Completely? To the extent reasonably practicable? "Screening" is not "completely blocking view of," but instead is more viewed as "softening." As a result we recommend qualifying "screening so it's clear how much the Town wants something blocked from view or softened.

**Commented [DWR19]:** What about rear lawn area?

**Commented [DWR20]:** Or, if no sidewalk is present, the dedication of easement or right-of-way to the Town for a future sidewalk installation if no sidewalk within 3,600 feet or described in the Policy

i.o) 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.p) Stormwater. Stormwater shall not be directly discharged from commercial business or multi-family dwelling unit structures onto Town property, including, but not limited to, any public Street or public road right-of-way unless approved per 19 VSA §1111.

r. Utilities. Utilities shall be underground, unless waived by the DRB unnecessary hardship not created by the applicant for good cause and not exclusively for solely cost.

Commented [DWR21]: Suggest using "unnecessary hardship not created by the applicant" instead of "good cause" because this is a more familiar standard to the DRB (it's a criterion in variance review).

Commented [TM22R21]: Done

206.3 Cottage Court Development. Development that does choses to not comply with one, more, or all of the Design Criteria requirements of §206.1 - §206.2 may take the o 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 2.0 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 no more than 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 15,000 ft2 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

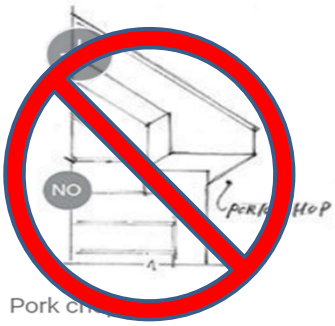
uses and commercial uses within the Central Business (CB) Zone for the following streets: Bridge (Route 100 section only), Hutchins, Park, Portland, Pleasant, Lower & Upper Main. Said criteria shall also be required for Dwelling Unit Multi-Family uses with frontage on Brooklyn Street in the High Density Residential Zone. However, Sections 207.3(~~G~~e) for Front Setback, 207.3(~~l~~g) for Glazing, and 207.3(h 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 <u>not</u> allowed.




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(cb). 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:
    1. Windows shall have a solid side trim board of at least 4 inches trade width, a headboard of at least 6 inches trade width, and a sloping sill that stands proud of the surrounding trim by at least 1 inch.
    2. Doors shall be trimmed in kind with the windows. A larger head and sideboard trim is acceptable on doors, but not less.

j. Soffits. Soffits shall be angled (following pitch of roof) or closed (perpendicular to the wall).

k. Windows. All windows on said Streets shall comply with the following requirements:
    1. All new windows, excluding replacement windows, shall be at least twice as tall as they are wide (unless specifically traced to the architecture utilized in the pre-1950 building being replaced/repaired).
    2. All windows must be double or single hung, one over one, or two over two, 'lite' styles. Replacement windows may be casements when the single or double-hung effect is simulated. All window muntins must sit proud of the exterior window glass.
    3. Windows may be wood, fiberglass, metal-clad, vinyl-clad, but may not be vinyl.
    4. A single window size, other than for the store-front windows, shall be used throughout the building unless the proposed fenestration can be shown to reasonably match to the pre-1950 building that existed on the property.
    5. Any proposed ground-floor storefront windows shall be similar in size and location as the pre-1950 commercial building that was formerly located on the property.
    6. Window mounted air conditioners are prohibited in windows facing said Streets.

l. Waiver. Other than the waiver specified under section §207.3(c) for preferred building materials, the Zoning Administrator and the Development Review Board shall not waive any of the §207.3 requirements unless it is specifically needed for the rehabilitation of

**Commented [DWR23]:** Does this apply only to ground or entry level or to the entire multi-story facade? Either way, this should be clarified.

"certified rehabilitation" under the US Secretary of the Interior's 'Standards for Rehabilitation', as regulated by the National Park Service per 36 CFR 67, and the Vermont Department for Historic Preservation. The project owner shall produce the historic rehabilitation plan, and the approval letter from the noted agencies, requiring the use of any non-conforming materials or features.

207.4 Remaining Contributing Structures within the Morrisville Historic District (MHD): Development that will raze or replace Contributing Structures # 1,2,3,4,6,7,8,11,15,21,22,25,26,27,28,29,31,32,34, 35,36,38,44,45,46,&48 shall be have a substantially similar façade, and architectural details, including but not limited to size, height and width, as described in the MHD, and filed in the National Register of Historic Places. The aforementioned replicated architectural details may only change or terminate from the MHD description at a point no less than 30 feet into the depth of the lot, as measured from the horizontal plane of the front façade. Any replication of a Contributing Structure in the MHD that includes a false front shall keep with the original façade proportions, including cornice line, fenestration size, siding and trim widths, and include its "Morrisville Ears" which are used to hide where the gable ends abut the false front. Outside of this specially regulated 30 feet of frontage depth, all development shall otherwise comply with §207.3.

## ARTICLE III. SPECIAL PROTECTION AREAS

**Section 300. Public Community Ground Water Source Protection Areas (SPA).**

301. **Geographic Area**. The areas designated by the Vermont Agency of Natural Resources as **Public Community Ground Water Source Protection Areas** include but are not limited to #5158 Morristown Corner Coop, # 5160 Morrisville Water and Light Department, and # 5162 Pinecrest Trailer Park are hereby designated in these Bylaws as Public Community Ground Water Source Protection Areas (SPA). This SPA Area shall overlay any district created in §201 of these Bylaws and shall be part of any said district(s) and subject to applicable district regulations. Additionally, other special protection regulations established in §320 through 348 shall apply.

302. **Purpose.** The purpose of a Public Community Ground Water Source Protection Area is to control and limit development in such a manner as to eliminate or minimize any adverse effects of such development on the public's drinking water supply.

303. **Permitted Uses.** If not in conflict with any regulations established elsewhere in these Bylaws, the following uses shall be permitted in an SPA: agriculture; forestry; Recreation Facility; open space; and development using sewage disposal facilities not located over or impacting on the SPA.

304. **Conditional Uses.** If not in conflict with any regulation established elsewhere in these Bylaws, any development using on-site sewage disposal shall be permitted upon approval of the DRB after a conditional use hearing and only if the DRB determines that such uses will not pollute or have any undue adverse effects on the groundwater supply. In making this determination, the Applicant must solicit comment from the Vermont Agency of Natural Resources, Water Supply Division and include this information as part of the Conditional Use permit application.

305. **Prohibited Uses.** The following uses are not permissible under any circumstances; hazardous or solid waste disposal sites; underground storage tanks (except drinking water); the storage, process, or manufacture of commercial fertilizers or pesticides; the storage of road salt; any facility which uses, distributes, or stores, toxic chemicals, solvents, or fuels (such as gasoline stations or dry cleaning establishments); motor vehicle junkyards; any facility or use in which the number of on-site sewage disposal systems exceeds a density of 1 such system per acre; and any facility or use which requires an on-site sewage system with a capacity of 900 gallons per day or more.

**Section 320. Special Flood Hazard Areas.** To prevent the loss of life and property, to ensure that development in the Special Flood Hazard Area (SFHA) minimizes the damage to life and property, to ensure that properties are reasonably safe from flooding, a zoning permit is required for any Development, including the placement of manufactured homes, located in areas designated as either Floodway, Zone A or Zone AE on the Flood Insurance Rate Maps dated July 2, 1987 for the Village of Morrisville, & the Town of Morristown, as revised (referred to hereafter as the FIRMs). These areas are also identified in the publication entitled Flood Insurance Study, Village of Morrisville and Town of Morristown. Please note that land outside these areas may be subject to flooding and resultant property damage, and this bylaw shall not create Town or employee liability, for flood damage that results from reliance on this Bylaw, or decisions made legally thereunder. And the provisions of this Bylaw shall not in any way impair or remove the necessity of compliance with any other local, state, or federal law. Where this Bylaw imposes a greater restriction, the higher standards shall control.

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

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

321.2 If the no-rise certification required in §321.1 is approved, then any development in 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

unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the town.

g. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. The use of these areas designed to equalize hydrostatic flood forces shall be limited to parking, limited storage, and building access. Basements or living spaces of any kind are prohibited for new, substantially improved, or substantially damaged structures.
h. Proposed house sites that are located within 100 linear feet or less from the boundary of the Special Flood Hazard Area shall provide proof that the bottom floor of the Structure will be elevated to or above the base flood elevation.
i. New and replacement manufactured homes, in addition to the 2-feet of freeboard elevation possibly required in §323.c, shall be placed on a permanent foundation and be anchored to resist flotation, collapse, or lateral movement during the occurrence of the base flood.
j. All subdivision proposals shall be consistent with the need to minimize flood damage by having public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivision proposals shall also have adequate drainage provided to reduce exposure to flood hazards. Base flood elevation data shall be provided by the applicant for subdivision proposals that contain development lots located in or partially located in unnumbered A Zones when either five lots or five acres is proposed.
k. Recreational vehicles placed on sites within Zones A or AE shall either be on site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet all standards of §60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for 'manufactured homes' of §60.3(c)(6)

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

325. **Administration and Enforcement in Special Flood Hazard Areas.** Prior to issuing a permit for the construction of new buildings, the Substantial Improvement of existing buildings, or for development in the special flood hazard area, a copy of the application shall be submitted to the Vermont National Flood Insurance Program Coordinator (see 24 VSA §4424). Although development in the §320 Flood Hazard Area is a permitted use, a zoning permit shall be issued

only following receipt of comments from the Department or the expiration of 30 21 days from the date the application was received by the Department, whichever is sooner.

For all Development in the Special Flood Hazard Area (SFHA), the Zoning Administrator will:

a. Condition all permit approvals to require that the applicant has all other necessary permits from State & Federal agencies before Development can commence.
b. Conduct a site visit to inspect the elevation of foundation forms for all Development, including Substantial Improvement.
c. Conduct a site visit for all Development, including Substantial Improvement, when complete to ensure proper elevation, drainage and utility location.
d. Maintain a record of the elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures located in the SFHA Zones A & AE and record whether or not there is a basement.
e. Maintain a record of all permits issued for development in the SFHA.
f. Enforce the §320 Flood Hazard Area Bylaw in accordance with 24 VSA §1974a, §4451, and §4452, with all violation notices sent to the State Floodplain Coordinator.
g. Notify the applicant that no new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals are resolved, but the violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

**326. Variances -** 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.

**Section 340. Environmental Resource Areas (ERA).**

341. **Objective**. The purpose of these regulations is to allow property owners some use of their land while also affording protection to locally designated environmental resource areas (ERA):

342. **Locally Designated ERAs.** These regulations will apply to undeveloped lands proposed to be used for a house, its accessory building(s), as well as lands used for any commercial building(s), and associated improved parking areas, mapped by the Vermont Agency of Natural Resources, on its Natural Resource Atlas, as Wetlands, Rare Threatened Endangered Species, Significant Natural Community, and Uncommon Species.

343. **Permitted Uses in an ERA**. The only permitted uses within mapped ERAs shall be open space, forestry, agriculture, and natural habitat.

344. **Conditional Uses in an ERA**. All development which is listed as either permitted or conditional use in the zone in which the land is located, may be allowed upon approval of the DRB after a conditional use hearing. The Applicant shall solicit written and oral evidence from the Vermont Agency of Natural Resources or any other parties with technical expertise which the DRB may require to make an informed decision. To allow a conditional use, the DRB must issue written findings of fact based upon evidence which demonstrates that such use, including the construction necessary for such use, will have no impact upon any of the following:

a. Functional integrity of the named ERAs in §342;

b. Quality of ground or on-site surface waters;
c. Drainage patterns on the site; and
d. Stability of soils on the site.

## ARTICLE IV. GENERAL REGULATIONS

**Section 400. Permits**

401. **Permit Requirement.** No BuildingDevelopment 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.

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

a. Accessory Structures less than 150 square feet in area.
b. Additions to residential structures less than 150 square feet in total area that are not heated (i.e., porches, decks, mudrooms, etc.).
c. Structural changes made as Reasonable Modifications to Residential Uses benefiting a person with a disability, under The Fair Housing Act and Americans with Disabilities Act (ADA).
d. Fences, signs, Ppatios, front porches, parking areas, driveways, certain architectural elements, and other specified exemptions found in the Bylaw's definition of Setback.
~~e.~~ Temporary structures as defined in Section 910 of the Bylaws. ~~, which are by definition, in place for less than one year.~~

Commented [DWR24]: We suggest defining a temporary structure and then modifying this to shortening time period to 6 months

e. Agricultural as defined in Section 910 of the bylaws including the following:
    a. The construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets so long as they demonstrate that they are following Required Agricultural Practices (RAP)
    b. Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation

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 or Subdivision. Subdivision of land or the c**Construction of any structure shall not occur until ~~authorized by~~ an approved zoning permit is issued. If applicable, an applicant is required to file ~~under this section which requires~~ a Sstate Water Supply and Wastewater Disposal System (WW) permit or Morrisville Water and Light (MWL) approval with the Zoning Administrator prior to issuance of a zoning permit~~is prohibited unless and until the WW permit or MWL approval is issued~~.

Commented [DWR25]: Revised to be consistent with Section 404

402. **Permit Submittal.** Except for zoning permits for Dwelling, 1 and 2 family uses, zoning p~~P~~ermits 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 a complete application with all necessary information, including submission of a State Water Supply and Wastewater Disposal System (WW) permit or Morrisville Water and Light (MWL) approval if applicable, the Zoning Administrator~~, 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 complete 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 and a written decision 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, or an approval issued by MWL.

**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.

**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 customers 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, in which case a §415 Home Business approval is required.

**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 reasonably practicable ~~possible~~, be screened from roadside views and from views from the windows of all abutting properties.

**Commented [DWR26]:** "when possible" is too vague and not a good review standard. Almost anything is "possible" under the right circumstances. Recommend "reasonably practicable" or "reasonably feasible"

**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:~~

**Commented [DWR27]:** Unfortunately, Section 4412 does not work this way and cannot be used as a substitute for enacting specific provisions to regulate these activities. Instead, Section 4412 enables municipalities to enact regulations on these bases. The Town needs to decide whether to follow the statute's language, or whether it wants to be more permissive, for example, with respect to ADUs. The statute gives the Town this choice, which is why it's not appropriate to just cite the statute when regulating these activities.

420.1 To ensure equal treatment of housing and required provisions for affordable housing. These bylaws shall not have the effect of excluding housing that meets the needs of the population as determined in the housing element of its municipal plan as required under 24VSA 4382(a)(10). Or have the effect of discriminating in the permitting of housing as specified in 9 V.S.A. § 4503.~~Equal treatment of housing and required provisions for affordable housing, including allowing Accessory Dwelling Units, and Residential Care, Group, or Recovery Homes~~.

420.2 These bylaw shall not have the effect of excluding mobile homes, modular housing, or prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded. ~~Existing small lots.~~

420.3 These bylaw shall not have the effect of excluding mobile home parks, as defined in 10 V.S.A. chapter 153..~~Required frontage, or access to: public roads, Class 4 Highways, or public waters.~~

420.4 These bylaws shall not have the effect of excluding multiunit or multifamily dwellings from the municipality. In any district that allows year-round residential development, duplexes shall be an allowed use with dimensional standards that are not more restrictive than is required for a single-unit dwelling, including no additional land or lot area than would be required for a single-unit dwelling.~~Protection of home occupations.~~

420.5 In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be a permitted use on the same size lot as single-unit dwelling, unless that district specifically requires multiunit structures to have more than four dwelling units.~~Child care~~.

420.6 No bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot.~~Heights of renewable energy resource structures~~.

420.7 ~~420.7~~ The criteria for conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit.~~Nonconformities.~~

~~420.8 Communications antennae and facilities.~~
~~420.9 De minimis telecommunications impacts.~~

420.~~10~~ 8 ~~Planting projects.~~ The criteria for conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit.

420.~~9~~11 A residential care home or group home to be operated under State licensing or

registration, serving not more than eight persons who have a disability as defined in 9 V.S.A. § 4501, or a recovery residence serving not more than eight persons, shall be considered by right to constitute a permitted single-family residential use of a property. However the number of residential care homes or group homes on a lot shall not be greater than the number of single-family dwellings allowed on the lot. ~~Accessory on-farm businesses.~~

420.1~~2~~1 ~~D~~These bylaws shall not have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance program, or to any person whose room is rented with public funds.~~ensity of areas served by municipal sewer and water.~~

420.1~~3~~2 In any area served by municipal sewer and water infrastructure that allows residential development, bylaws shall permit any affordable housing development, including mixed-use development, Affordable Housing may exceed density limitations for residential developments by an additional 50 percent, which shall include exceeding maximum height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.~~Affordable Housing may exceed density rules by an additional 50% or height limits by 1-story.~~

~~421~~420.14 **~~No Merger of Existing Small Lots (4412.2).~~** ~~Any L~~lots 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.

420.15 These bylaw shall not have the effect of prohibiting an accessory on-farm business at the same location as a farm. Activities of an accessory on-farm business that are not exempt under section 4413 of this title may be subject to site plan review provided they are not exempt from zoning per Section 400 of the Bylaws.

420.16 In any area served by municipal sewer and water infrastructure that allows residential development, an applicant is allowed five or more dwelling units per acre.

420.17 Density and minimum lot size standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings.

420.18 These regulations shall not have the effect of prohibiting unrelated occupants from residing in the same dwelling unit.

~~422~~420.19. ~~**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.

~~a.~~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 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).~~

423.1~~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~~ 2 **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~~ 3 **Accessory Apartment (4412.1).** 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:

~~a. Suf~~Sufficient~~ficient~~ wastewater capacity (requires new state wastewater permit);

a.

~~a.~~ The proposed accessory apartment is not greater than 60% of the heated floor space of the existing or a proposed primary dwelling.

b. Meets applicable setbacks.

**Section ~~423~~424. Limitations on Municipal Bylaws.**

424.1 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.

424.2 **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 the district's setbacks.§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

**Commented [DWR28]:** These probably should be re-instated if they're not addressed elsewhere in the bylaws and then revised in accordance with the new statute

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 farm subject to Required Agricultural Practice Rules as defined in Section 910 of the Bylwas ~~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. Interior fences and attached gates are exempt if located outside the front yard, no closer than 6-feet to a side or rear property line, not in the Flood Hazard Area, nor higher than 8-feet above the ground surface immediately below the fence.

**Commented [DWR29]:** This is not sufficiently specific to be a standard. What is a "working farm" and how many animals must it have, if any? Instead, recommend referencing RAPs to determine whether the farm is indeed a farm.

**Commented [DWR30]:** What is an interior fence? Fence not placed within 3 feet of prop boundary line? More than 10' line? This should be defined or explained more clearly.

**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, and
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 highway ~~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 from a Vermont-licensed Professional Engineer that any potential overflow or failure of the pond poses no threat to the Town ~~right to way~~ due to topography or other natural features. All pond applications must receive the approval of the Village/Town Road Foreman prior to the release of the zoning permit. Ponds which fall within the setbacks above, including the 1,000-foot Town highway, may be approved as a conditional use upon review by the DRB, unless Village/Town Road foreman objects.

426.3 State and Federal Permit Requirements:

a. Any pond that impounds or is capable of impounding 500,000 cubic feet or more of water will require a permit from the VT Department of Environmental Conservation.

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

**Section 430. Non-Conformities**

431. **Pre-Approved Structures.** Nothing in these regulations shall require any change in any structure, whose construction was begun in conformance with applicable laws and regulations in effect prior to the effective date of these Bylaws, and which is completed within two years from the effective date of these Bylaws.

432. **Limitations.** Any non-conforming use or structures or land may be continued indefinitely, maintained, and repaired, but may not be:
- 432.1 moved, altered, or extended so as to change evidence of the use on the outside of any structure;
- 432.2 added to by the commencement of a different nonconforming use, or by expanding a non-complying structure in a way that increases the non-conformity;
- 432.3 re-established, if the non-conforming use has been discontinued for a period three years or has been changed to or replaced by a conforming use;
- 432.4 restored after damage to or destruction of the nonconforming use, unless it is restored within five years from the date of damage or destruction.

433. **Non-Conformity in a §320 Flood Hazard Area**. Any non-conforming Structure, Building, Development, expansion, of change or use located in a Flood Hazard Area will require review under §320, including restoration or repairs from damage of any source, regardless of time passing from the date of damage.

435. **Expansion of Non-Conforming Uses.** A non-conforming use may be expanded upon Conditional Use approval by the DRB, provided that any expansion does not involve any expansion of the lot, and that the expansion of the use meets all dimensional requirements in the use's underlying zone.

436. **Expansion of Non-Conforming Structure.** Expansion of a non-conforming structure, where said expansion does not meet current dimensional requirements, may be approved upon Conditional Use review by the DRB, provided that said expansion does not make the structure more non-conforming. Expansion of a Non-Conforming Structure, where the proposed expansion is entirely consistent with current dimensional requirements in the structure's underlying zone, shall be approved via administrative review.

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 has no undue adverse impact

on, and is more compatible with, abutting properties and 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 the applicant demonstrates an unnecessary hardship that is not the fault of the applicant~~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.

**Commented [DWR31]:** So, if we're reading this correctly, after 90 days broken window must be repaired? Just wanted to make sure...

**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, which shall be subject to §500 Site Plan review. A straight-line measurement shall be made between the proposed use and any point on 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~~ 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, based on peak hours of demand of existing uses of the lot of existing uses of the lot of peak hours of proposed use.

452. **General Requirements.** For the purpose of this Bylaw, aA 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 shall ~~must~~ take place on any public street or sidewalk. No parking space shall require one vehicle to be parked and unparked to move another vehicle like so-called "tandem parking." 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..

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 reasonable and appropriate for the particular use and that such decrease has no undue adverse impact on abutting uses or properties.

455. **Driveway Location.** All driveways are to located on private or public roads shall be located at least 75 feet 15 feet plus the full width of the proposed driveway from the nearest corner of any street intersection the intersection's closest edge of the travel lane at the nearest intersection. 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 35 mph 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 reasonably practicable ~~feasible~~, the sharing of driveway accesses between adjoining lots is preferred and encouraged.

**Commented [DWR32]:** The word "feasible" alone is too vague and insufficiently specific to be used as a review standard per the Vermont Supreme Court's opinion in In re JAM Golf, 2008 VT 110. A modifier is needed to eliminate the vagueness problem if "feasible" is going to be the standard, such as "maximum extent feasible."

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 Road CommissionerZoning 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. Access to State highways is governed by 19 V.S.A. § 1111, and any application for §500 Site Plan review will require a letter from VTrans confirming approval of the access in accordance with 24 V.S.A. § 4416(b).

## 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).
b. Sign Count. Every commercial use ~~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 principal or accessory use ~~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. Except directory board signs, ~~.~~ w~~W~~hen the use of a property is changed or when a commercial operation ~~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.**

a. Existing Signs. Existing signs shall be included in the calculation of total Sign area.
b. TwoMulti 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).**

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 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 or signs, for 30 days, hung over any town highway are ~~is~~ exempt from zoning but are ~~is~~ required to obtain~~acquire~~ approval from the Road Commissioner per 19 VSA §1111 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 per calendar year.

**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 long centered on lot lines ~~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.

**Commented [DWR33]:** Is the intent here for the berm to be 25' in width/depth, or 25' long along/parallel to the lot line?

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, and an agreement with the Selectboard will be needed either prior to issuance of a zoning permit for such Development, or in the case of a subdivision, before the subdivision plat mylar is recorded.

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~~ to the extent practicable screened and 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 and roadworthy condition or must be moved to another ~~approved~~ allowed location off-site. Vehicles for which ~~where~~ parts have been ordered but ~~for and~~ have not yet arrived shall have a total of 15 days (inclusive of 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 unless they are screened by fencing, landscaping or natural features ~~.~~that extent practicable reasonably screen them from view from the public right of way or abutting properties.

484. **Gas Stations.** In all zones where the Gas Station use is allowed, aAll fuel pumps, fuel and oil storage shall be located 35 feet or more from Street centerline.
a. Signage and corporate branding shall not be located on the canopy or its supports.
b. Any canopy provided over the fueling area shall comply with the following requirements:
    1. Canopies must be consistent with the architecture of the primary building.
    2. Canopies shall be of one color, matching the main color of the primary building.
    3. Corporate branding, signage, and façade lighting is prohibited on canopies.
    4. Canopies with flat roofs are prohibited.
    5. The roof of a canopy shall connect to the primary building.
    6. Pre-existing nonconforming ~~Existing~~ canopies shall ~~be made to~~ comply with these foregoing requirements when any structured alterations or changes thereto are proposed.
c. There shall be no more than two access driveways to any Gas Station regardless of how many Streets it has frontage on.
d. The width of each driveway to a gas station shall comply with the Morristown Road Policy.
e. The installation of a sidewalk is a requirement of any new or redeveloped Gas Station. Said sidewalks shall comply with the Morristown Sidewalk Policy.
~~e.~~f. May have retail store as an accessory use selling predominately convenience goods and food/beverages.

485. **Extraction of Earth Resources via the Special Industry Use.** The removal of rock, soil, sand, or gravel for sale (except when incidental to proposed development on the same parcel) shall be allowed via the Special Industry Use, and be permitted by the DRB, after a plan for the rehabilitation of the site approved at a public hearing. The following provisions shall apply:
485.1 ~~**Performance Bond.**~~ Before approval of any new or proposed extension of a rock, mining, soil, sand, or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner(s) shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redeveloping the site as a park, lake, recreation area or other usable open space.

**Commented [DWR34]:** Or just "concealed"?

**Commented [DWR35]:** Are these allowed if completely screened from view? If so, we may want to add, "24 hours unless completely screened from view from public Streets and neighboring properties."

**Commented [DWR36]:** Does this include a color change like in a rebrand? If so, we should specify.

**Commented [DWR37]:** Suggest adding a review criterion authorizing convenience stores at gas stations. It's not entirely clear to me how convenience stores have been authorized previously at gas stations, but we recommend that language be added to specify that c-stores can be added to gas stations.

**Commented [DWR38]:** Does this apply to surface mining? Is mining allowed or prohibited under this provision? Recommend that the regulations address mining as a use specifically and either allow it through this or a similar provision, or eliminate it entirely by showing it as an un-approvable use on the Use Table, or stating that mining anywhere is prohibited.

485.2 The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pits.

485.3 The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall have 4" of topsoil, fertilized, mulched and seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Zoning Administrator.

485.4 All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.

485.5 No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.

485.6 No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.

485.7 All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.

485.8 Extension of an existing non-conforming operation shall only be permitted by the DRB.

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 ae 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, property, dwelling, or building.

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)

488. **Campers, Recreational Vehicles (RVs), Sea BoxesShipping 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~~ commercial 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 glare as viewed from neighboring properties or 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 in excess of 1 to 3 foot candles as shown on an lighting plan.

**Commented [DWR39]:** This is a pretty strict standard that seems too draconian, or difficult to satisfy. Suggest an allowance of 1 to 3 footcandles at the property line.

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 bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets.

490.7 Prohibited. Mercury vapor and florescent lighting is prohibited.

## ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS

**Section 500. Site Plan Review~~Approval~~.**

501 Dwelling, 1 & 2 Units~~Single-family and two-family dwellings~~ uses are exempt from site plan review per 24 VSA §4415(a). A site plan approval for non-exempt Permitted Uses 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 site plan permit application can be referred to the DRB for further review and 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 completely 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).
~~i.~~j. 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 site plan approval~~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

**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.~~g. Maximum effort shall be taken ~~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.~~h. 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 4b or three or hardier as defined in UVM Extension Service's "Landscape Plants for VT").

~~h.~~i. The owner shall maintain all landscaping in a reasonably healthy manner, including but not limited to ~~ensure~~ proper watering and weeding to ensure plant viability, and shall replace dead landscaping within the same growing season as any die-off.

~~i.~~j. 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.

**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~~ preserved to extent reasonably practicable or reasonably feasible ~~wherever possible~~. Seed and mulch shall be applied as soon as reasonably feasible ~~possible~~ on disturbed soils.

**Section 510. Planned Unit Development: Multiple Principal Uses On a Lot ~~/Conservation Subdivision (Major Subdivision required)~~**

~~3. **Overarching Purposes**. The overarching purposes for Planned Unit Devel~~opment In order ~~s / Conservation Subdivisions are as follows:~~

~~d. The permanent preservation of public open space with agricultural land, forestry land, flood zones, wildlife habitat and other natural resources including aquifers, water bodies and wetlands.~~

~~e.~~ to encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods Planned Unit Developments: Multiple Principal Uses on a Lot shall achieve the following:~~To allow for greater flexibility and creativity in the design of subdivisions.~~

~~f. To encourage a less sprawling, more efficient, form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.~~

~~g. To minimize the amount of disturbance on the site and retain natural drainage patterns.~~

~~h. To further the goals and policies of the Morrisville/Morristown Town Plan.~~

~~i. To F~~facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner.

a.

b. ~~To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.~~Provide recreational features such as a gym, park or other features approved by the DRB for residential tenants in mixed use buildings for 10 or more units.

c. Allow for the permitting of multiple principal uses on a lot.

**510.1 Review Standards.** PUD: Multiple Principal Uses on a Lot will be subject to the following regulations:

a. Conditional Use Approval by the DRB as noted in Section 630 of the Bylaws.

b. Site Plan Approval as noted in Section 500 of the Bylaws.

c. Local Act 250 Review of Municipal Impacts as noted in Section 660 of the Bylaws.

a. Applicants can request a waiver from this requirement as noted in Section 663.3 of the Bylaws, provided such a request is made in writing and submitted to the DRB as part of the application package.

d. Buildings that have multiple principal uses on a lot, with one of the uses being a residential use shall use the Dimensional Table noted in Section 204.5b of the Bylaws for the purpose of calculating the maximum number of allowed units on a lot.

e. Lot frontage shall not be less than 20 feet.

f. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed. However, side setbacks shall not apply to the CB, or COM district

g. The DRB may waive minimum side setback requirements for multi-unit developments that utilize party-walls to encourage more compact development when doing so furthers the bylaw's purposes.

h. Residential uses that are part of a PUD: Multiple Principal Uses on a Lot , will not be subject to the Subdivision regulations provided no subdivision of land is proposed as part of the PUD. A PUD: Multiple Principal Use with a residential component that proposes a subdivision of land will be Subject to the subdivision regulations noted in Article VII of the Bylaws.

i. The only uses allowed in a PUD: Multiple Principal Uses on a Lot are restricted to the permitted and conditional uses allowed in the district the lot is located as noted in the use table in Section 204.5a of the Bylaws.

j. Applicants shall provide a phasing plan for the project or indicate that the project will be constructed in one phase. Amending the phasing plan will require approval from the DRB through either Site Plan or Conditional Uses Review depending on the proposed changes.

~~1. **Site Specific Purposes.** The site specific purposes for Conservation Subdivisions are to permanently protect the following Natural Resources as shown on the Agency of Natural Resources Natural Resource Atlas in dedicated open space via the following list of prioritized priorities:~~

~~a. To protect the public water supplies (Groundwater SPA).~~

~~b. To protect defined Floodways, & §320 Flood Hazard Areas that do not have a defined Floodway.~~

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**Commented [DWR40]:** "To protect" is not sufficiently specific (too vague) to be a review standard (i.e., How much protection is warranted? Complete protection? some protection?). We recommend using a standard that states "To protect maximum extent feasible," which is the strongest standard, or "To protect to the extent reasonably practicable," which is a little softer than "maximum extent feasible." In re JAM Golf, 2008 VT 110.

c. To protect Wetlands.
d. To protect Rare Threatened Endangered Species.
e. To protect Significant Natural Communities.
f. To protect Vernal Pools.
g. To protect Deer Wintering Areas.
h. To protect existing forest connectivity.
i. To protect all agricultural soil listed as Prime or as Statewide (inside SSMA only).
j. To protect steep slopes greater than 25%.

2. **Applicability**. Conservation Subdivisions are required for all Major subdivisions in all zones.

3. **Sketch Plan Review**. Prior to submitting a preliminary plat application, the applicant shall host a Sketch Plan review and site walk with the Zoning Administrator on the proposed development site. At the development site, the Zoning Administrator will become familiar with the land and inform the applicant about the Conservation Subdivision design process. The Zoning Administrator shall bring a survey of the property (or a tax map if a survey is not found in the Land Records) and a printout of the Vermont Agency of Natural Resource's (ANR) Natural Resource Atlas with the following map layers turned on: Contours, Rare Threatened Endangered Species, Significant Natural Community, Deer Wintering Areas, Habitat Blocks, Vernal Pool Confirmed, Wetlands, Soils Prime Agricultural, Groundwater SPA, Parcels, Slope. During the Sketch Plan Review meeting the following shall be determined:
   a. **Natural Resource Identification.** Natural Resource Identification shall be accomplished by using the aforementioned layers of ANR's Natural Resource Atlas mapping system.
   b. **Lot Calculation**. The maximum allowable number of lots in a Conservation Subdivision shall be determined by using the acreage of the subject land and dividing this resultant number by the Minimum Lot Size in the zone in which the subject land is located. This calculated number of lots shall determine the total number of reduced size house lots possible in a Conservation Subdivision. This lot number may need to be amended when a survey of the subject land is completed during the Preliminary Plat Review process.
   c. **Five-Step Design Process**. The applicant shall work through the following five-step design process when laying out a Conservation Subdivision on the subject land:
      **Step 1.** Identify the natural resource areas,
      **Step 2.** Identify the potential development areas outside of the natural resource areas.
      **Step 3.** Within the potential development areas, identify potential development sites.
      **Step 4.** Lay out roads, driveways and utility corridors for the proposed lots.
      **Step 5.** Draw in the Lot Lines.

4. **Dimensional Requirements of Conservation Subdivisions**. The applicant shall submit a formal subdivision plan that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:
   a. **Preliminary Plat Information**: The plan detail requirements found in §770 of the Bylaws.
   b. **Reduction of Dimensional Requirements for Conservation Subdivisions**. The following reduced dimensional requirements apply for Conservation Subdivisions when a minimum of 50% on the proposed development area is to be permanently protected as open space:
      1. The total footprint of the development may be reduced by up to 50% (i.e. ten acres of land that would normally yield 5 two-acre lots, can become a conservation subdivision with the same five lots on 5 acres with another 5 acres of open space).

**Commented [DWR41]:** I don't see a provision for preliminary plat review in these regulations. It appears that subdivision review includes a sketch plan and then final plan, no preliminary plat review,. This is legal acceptable; however, the more binding determinations that are made in sketch plan review (like whether subdivision is major/minor), the more likely it is to be considered an appealable determination by the Environmental Division of Vermont Superior, Court, even though sketch review is supposed to be informal. The PC or Selectboard may want to reconsider subdivision review and have a 3-step process of sketch, preliminary and final subdivision review, or just rename "sketch plan review" as "preliminary plan review" and make it a little more thorough.

2. Lot frontage shall not be less than 20 feet.
3. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed. However, side setbacks shall not be required for townhouse style Class 1 Development located in the Village.
4. The DRB may waive minimum side setback requirements for multi-unit developments that utilize party-walls to encourage more compact development when doing so furthers the bylaw's purposes.
5. The DRB may allow the reduction of the Minimum Lot Size to no less than one-quarter of the required lot size specified by the zone in which the subdivision is proposed if one of the following criteria can be met:
    a. When 75% of the subject property is to be permanently protected as open space.
    b. When the subject property is located within the village limits.
    c. When Class 2 Development is proposed in the Low Density Residential Zone.

**6. Open Space Requirements**.

a. A minimum of 50% of the proposed development area shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots.

b. The open space lot must abut at least half of the proposed lots, and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a Street separates it. The DRB may waive this requirement when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.

c. To achieve this Bylaw's long-term goal of forming large unified open space areas, when there are adjacent public lands, or an adjacent conservation subdivision open space lot that was previously protected, the proposed open space lot should be physically connected to these existing protected public lands. Said adjacent protected public lands shall also be considered "adjacent" if they are only separated from the proposed conservation development by a Street.

d. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review and all of the prime ag soils area located inside SSMA.

e. Acceptable uses of the dedicated open space include agriculture and forestry. Additional uses of the dedicated open space may include recreation fields, walking trails, bike paths, view vistas and parklands. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose and intent of this Bylaw, provided that doing so will not result in any reduction in the agricultural potential for the designated agricultural soils.

Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" in §6e shall not disturb more than ½ of dedicated open space from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place (ex. the regrading & replanting of a gravel pit).

f. Open space shall not include land set aside for the road d's rights of way.

f. Dedicated open space may be used for sewerage disposal systems if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.

f. Stormwater drainage systems may be allowed in the open space if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.

f. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space. No structures shall be allowed in the section of dedicated open space that is depicted on the subdivision plan as the prime ag area.

g. The ownership of the Open Space shall be conveyed to the Town, the VillageTown's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to an association or a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowner's association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Village or, Town of or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein.

h. A maintenance easement shall be granted to, or through an Open Space Agreement with the Town to ensure its perpetual maintenance and provide that in the event the open space is not maintained in reasonable condition. The easement must state that the Town may, after notifying the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot(s) to ensure payment for such maintenance.

i. The protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for construction within the subdivision. When no visual distinction exists along the boundary of a subdivision lot and the protected open space (ex. in an open field setting), the use of boulders unearthed during construction, blasted ledge, split-rail fence, street trees (per §505 d & e of the Bylaws), tree blazing, signage, or other reasonable measures shall be used to delineate the open space and ensure it is not encroached upon by construction equipment, or by abutting landowners.

j. Walkways, hiking trails or bicycle paths shall be provided where reasonably feasible to link the lots with the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected by said walkways, hiking trails or bicycle paths. Public access to any trail system in the dedicated open space shall not be restricted via the private status of the streets within the development.

**Commented [DWR42]:** Not authorized to own property rights under 24 V.S.A. §4505

**Commented [DWR43]:** Again, this is too vague a review standard and needs a modifier.

**Commented [DWR44]:** Requiring public access could cause a taking under the 5th Amendment to the Constitution. The dedication of an easement to a municipality is fine, but the exaction (requiring a landowner to open up their property to public access) needs to be roughly proportionate to and have a significant nexus with, the development, and it's impacts.

## ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

**Section 600. Zoning Administrator.**

601. **Appointment and Duties.** The Zoning Administrator (also referred to as 'Administrative Officer') shall be nominated by the Planning Commission and appointed by the Selectboard to administer these Bylaws. He or she shall literally enforce these Bylaws, and is authorized to inspect premises affected by land development, maintain records and perform all other duties in accordance with law

**Section 610. Development Review Board (DRB).**

611. **Appointment and Duties.** The Morrisville-Morristown jointly appointed DRB shall perform functions in 24 VSA §4460 and conduct its duties as prescribed in 24 VSA §4461. The DRB shall consist of not less than 5, nor more than 7 members. The DRB may have up to 3 alternate members.

611.1 All matters, except for appeals of decisions of the zoning administrator per §640, must come before the DRB by referral of the zoning administrator. Any such referral decision may be appealed as a decision of the zoning administrator.

611.2 Minutes will be taken of all meetings of the DRB and maintained by the Zoning Administrator. Such minutes shall include the name, address, and participation of any person wishing to achieve status as an interested person as defined in these bylaws.

611.3 The DRB shall conduct all reviews concurrently where feasible if a project requires more than one type of review.

**Commented [DWR45]:** Does DRB issue separate decisions on applications or use the minutes as the decision document? We recommend that it issue separate decisions with findings of fact and conclusions of law on all applications.

612. **Public Hearing Notice Requirements:** Per 24 VSA §4464(a) (1) & (2), a public hearing warned at least 15 days in advance is required for conditional use approval, variances, zoning administrator appeals, and subdivision approval. Site plan approval, and waiver considerations, require a public hearing warned at least 7 days in advance. Notice for a public hearing shall be warned as follows:

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

**Commented [DWR46]:** Publication of the hearing notice is only required for CU, variance, ZA appeals, and subdivision review.

b. Posting of the same information in three or more public places within the town, including posting by the applicant within view from the public right of way most nearly adjacent to the property for which an application is made.

c. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

**Section 620. Enforcement, Remedies and Penalties**

621. **General Enforcement.** These Bylaws shall be enforced in accordance with §4451, §4452 and §4454 of the Act and any section of any applicable future Vermont Statute.

621.1 Whenever these Bylaws are in violation of Vermont Statutes, the Statutes of the State of Vermont shall prevail and §120 of these Bylaws shall be applicable.

621.2 This municipality shall enforce all decisions of the Morristown-Morrisville Joint DRB that pertain to the municipalities of the Village of Morrisville and the Town of Morristown. The Village of Morrisville and/or Town may, according to §4470(b) of the Act, seek enforcement of these bylaws through the courts of this State.

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

Commented [DWR47]: No need to "advertise" this relief in the bylaws

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.

~~6224. **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.~~

Commented [DWR48]: No need for this either; it's in statute and doesn't need to be in the bylaws.

**Section 630. Conditional Uses.**

631. **Procedure.** The DRB shall review all ~~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 approve ~~llow~~ the proposed Conditional Use, the proposed use shall not have an undue adverse effect on ~~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.

Commented [DWR49]: Not traffic? Or bylaws and ordinances then in effect? or renewable energy resources. Suggest all standards from the statute be included here.

635. **Specific Standards.** In reviewing ~~allowing~~ a conditional use, the DRB may consider the following standards:

635.1 Increasing the required lot size or yard dimensions in order to protect adjacent properties

635.2 Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property
635.31 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.
635.106 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 reasonable conditions of approval to mitigate the adverse impacts of a project and/or 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 granted ~~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.

Commented [DWR50]: See §612

Page 45

Commented [DWR51]: Move to §611?

a. The DRB shall within that same period send to the appellant(s), by certified mail, a copy of the decision.
b. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy thereof shall be filed with the Zoning Administrator and the Town Clerk as part of the public records of this municipality.
c. Time Limitation. If the DRB does not render a decision in 45 days, the Board shall be deemed to have rendered a decision in favor of the applicant or appellant(s) if not the applicant and granted the relief requested by the appellant(s) on the last day of such period.
d. Rejection of Appeal. The DRB, ~~(~~under the criteria and procedures stated in §4470(a) of the Act~~)~~, may reject an appeal without hearing and render a decision, which shall include findings of fact, within ten (10) days of the date of filing of the notice of appeal.
e. Enforcement of Decision. All decisions of the DRB shall be enforced according to §4470(b) of the Act.

643. **Appeals of DRB Decisions.** Any Interested Person who participated in a DRB proceeding by offering oral or written testimony, evidence or statement of concern related to the application ~~subject~~ may appeal a decision of the DRB to Environmental Division of Vermont Superior Court. The manner and procedures of an appeal of this type shall be in accordance with §4471-§4472 of the Act and any other pertinent VT Statute.

**Section 660. Local Act 250 Review of Municipal Impacts.**

661. Per 24 VSA §4420, the DRB is authorized to undertake local Act 250 review of municipal impacts caused by "development" and "subdivision" as such terms are defined in 10 VSA §151.
662. With respect to such "developments" and/or "subdivisions", the DRB, pursuant to the procedures established under Title 24 VSA Chapter 36 (the Municipal Administrative Procedures Act), shall hear applications for local Act 250 review of municipal impacts at a duly warned public hearing.
663. All applicants for Act 250 permits for such "developments" and/or "subdivisions" in Morristown shall go through this review process, unless all of the following apply:
663.1 The applicant can establish to the satisfaction of the DRB that the applicant relied on a determination by Land Use Review ~~the Natural Resource~~ Board's local district coordinator that Act 250 jurisdiction did not apply to the development and/or subdivision in question and, based upon that reliance, the applicant obtained local permits without complying with the requirement for local Act 250 review.
663.2 The ~~Natural Resource~~ Land Use Review Board's local district coordinator's jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to the "development" and/or "subdivision" in question.
663.3 The DRB waives its local Act 250 review jurisdiction at the request of the applicant.
664. Determinations by the DRB regarding whether or not to waive its local Act 250 review jurisdiction shall not be subject to review.
665. At the DRB local Act 250 review proceeding, the applicant shall provide, at the minimum, all of the information relating to Act 250 Criteria 6, 7, and 10 requested in the Act 250 Application Forms and demonstrate to the satisfaction of the DRB that the proposed "development" and/or "subdivision":
665.1 Will not cause an unreasonable burden on the ability of the town to provide educational services (Act 250 Criterion 6).

665.2 Will not cause an unreasonable burden on the ability of the town to provide municipal or governmental services (Act 250 Criterion 7).

665.3 Is in conformance with the duly adopted Municipal Plan (Act 250 Crit~~erion 10).~~

## ARTICLE VII: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

**Section 710. Application of Regulations.**

710.1 No conveyance or lease of a subdivided lot ~~sion~~ 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 Minor Subdivision. For the purposes of these regulations, the term Minor Subdivision shall be defined as any proposed subdivision resulting in no more than one~~two~~2 new parcels and one parent ~~. Minor~~parcel. 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 that are not PUDs or conservation subdivisions. The Zoning Administrator shall review Minor Subdivisions referencing the following Sections of the Bylaws : 750, 760, 770 and Article VIII. ~~The term~~

710.3 Major Subdivision. For the purposes of these Regulations Major Subdivision shall be defined as any proposed subdivision resulting in two ~~3~~three or more new parcels and one parent parcel or any subdivision proposal that creates a Street. All Major Subdivisions must go through the §~~510~~ 740Planned Unit Development; ~~/~~ Conservation Subdivision process and be approved by the DRB. If the Applicant is proposing multiple principal uses on these lots then the project will also be subject to the regulations noted in Section 510 of the Bylaws.

a. All Major Subdivisions will require Preliminary Subdivision Review

**Section 720: Procedures for Subdivision Review: Major Subdivision~~Pre-application~~.**

720.1 **Sketch Plan.** ~~-~~The applicant, prior to submitting an application for preliminary ~~-~~subdivision review have the option to ~~, shall -~~submit to the Zoning Aadministrator, 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 referral 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.~~

**Commented [DWR52]:** Tyler should take a look, but I don't think the review criteria for PUDs and Conservation Subdivision lend themselves to be easily applied by the ZA because they involve the exercise of too much judgment/discretion. If the standards are sufficiently clear and mandatory then the ZA can likely approve, but 24 V.S.A. §4464(c) requires that applications that are to be administratively approved have no substantial impact under any of the bylaws' standards

720.4 2 **Sketch Plan Approval.** The Zoning Administrator, or the DRB at the ~~deferral~~ referral of the Zoning Administrator, shall determine whether the Sketch Plan appears to conform~~s~~ 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~~ will note items the applicants should provide for preliminary subdivision review~~state~~ ~~if the proposed subdivision will be treated as a Minor or Major subdivision.~~

720.3 **Preliminary Subdivision Review.** After submitting a Sketch Plan application and reviewing the Sketch Plan letter the applicants shall submit an application for preliminary subdivision review and will take into account comments provided by the Zoning Administrator or DRB. The applicants preliminary applications shall endeavor to provide all of the information noted in Section 730, 740, 750, 770 and Article VIII of the bylaws. Any outstanding information from these sections will be added as a condition of approval for the preliminary application and shall be required in order for an application for Final Subdivision Review to be deemed complete. The DRB may also require an applicant to provide any additional information it wishes to see prior to final approval, provided that the requested information is related to specific standards for subdivision approval noted in the bylaws.

720.4 **Final Subdivision Review**. After the DRB has issued its written decision and within six months after approval of the Preliminary Subdivision, the subdivider shall file an application for approval of a Final Subdivision. The Applicant shall provide documentation that they complied with the conditions of approval noted in the Preliminary subdivision approval. In addition, the Applicant shall submit an application that conform to the requirements described noted in Section 750 of the bylaws. The proposed plat should be responsive to any conditions attached to the Sketch Plan approval in §750. Failure to do so shall allow the DRB to refuse, without prejudice, to approve the application.

720.5 **Open Space Requirements** A minimum of 50% of the proposed development area shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots.

~~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.~~

~~**Open Space Requirements**.~~

~~A minimum of 50% of the proposed development area shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots.~~

~~.~~ The open space lot must abut at least half of the proposed lots, and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a Street separates it. The DRB may waive this requirement when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.

a.

**Commented [DWR53]:** OK, but it appears that there's only one subsequent review stage now - Final Plan review.

**Commented [DWR54]:** This is likely an appealable determination from sketch plan review if it's binding. If the Town doesn't want sketch plan appeals, then move this to preliminary, if any, or final plat review

**Commented [DWR55]:** These need to be stated in the bylaws and cannot just be incorporated by citing statute. The provisions of 4417 provide authorization to enact PUD regs with suggested standards; the Town needs to explicitly state which of the standards in 4417 are applicable, including the purposes (4417(a)), when they can be used (4417(b)), what review standards apply (4417(c) and (d)), and dedication of land, etc. (4417(e)).

. To achieve this Bylaw's long-term goal of forming large unified open space areas, when there are adjacent public lands, or an adjacent conservation subdivision open space lot that was previously protected, the proposed open space lot should be physically connected to these existing protected public lands. Said adjacent protected public lands shall also be considered "adjacent" if they are only separated from the proposed conservation development by a Street.

b.
. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review and all of the prime ag soils area located inside SSMA.

c.
. Acceptable uses of the dedicated open space include agriculture and forestry. Additional uses of the dedicated open space may include recreation fields, walking trails, bike paths, view vistas and parklands. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose and intent of this Bylaw, provided that doing so will not result in any reduction in the agricultural potential for the designated agricultural soils.

d.
. Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" ~~in §6e~~ shall not disturb more than ½ of dedicated open space from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place (ex. the regrading & replanting of a gravel pit).

e.
. Open space shall not include land set aside for the road ~~d~~'s rights-of-way.

f.
. Dedicated open space may be used for sewerage disposal systems if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.

g.
. Stormwater drainage systems may be allowed in the open space if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.

h.
i. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space. No structures shall be allowed in the section of dedicated open space that is depicted on the subdivision plan as the prime ag area.

**Section 730. Other Requirements ~~Procedures for Subdivisions~~.**

~~730.1 **Applications.** After the Sketch Plan review by the Zoning Administrator or the DRB, the subdivider shall submit an application for approval of a Final Plat according to the procedures and requirements of §750 herein.~~

730.~~2~~ 1 **Fees.** A fee for final plat approval, which is set by the legislative body, shall be submitted with the application for approval of the final subdivision plat.

730.2 **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.

730.3 **Conformance to Other Plans & Regulations**. The Zoning Administrator, or the DRB at the referral 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.

**Section 740 PUD: Conservation Subdivision (Major Subdivision required)**

1. **Overarching Purposes**. The overarching purposes for Planned Unit Developments / Conservation Subdivisions are as follows:
   - k. The permanent preservation of public open space with agricultural land, forestry land, flood zones, wildlife habitat and other natural resources including aquifers, water bodies and wetlands.
   - l. To allow for greater flexibility and creativity in the design of subdivisions.
   - m. To encourage a less sprawling, more efficient, form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.
   - n. To minimize the amount of disturbance on the site and retain natural drainage patterns.
   - o. To further the goals and policies of the Morrisville/Morristown Town Plan.
   - p. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner.
   - q. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.

2. **Site Specific Purposes.** The site-specific purposes for Conservation Subdivisions are to permanently protect maximum extent feasible the following Natural Resources as shown on the Agency of Natural Resources Natural Resource Atlas in dedicated open space via the following list of prioritized priorities:
   - a. The public water supplies (Groundwater SPA).
   - b. The defined Floodways, & §320 Flood Hazard Areas that do not have a defined Floodway.
   - c. Wetlands.
   - d. Rare Threatened Endangered Species.
   - e. Significant Natural Communities.
   - f. Vernal Pools.
   - g. Deer Wintering Areas.

h. Existing forest connectivity.
i. All agricultural soil listed as Prime or as Statewide (inside SSMA only).
j. Steep slopes greater than 25%.

3. **Applicability**. Conservation Subdivisions are required for all Major subdivisions in all zones.

4. **Pre Submission Meeting**. Prior to submitting a sketch plan review or preliminary subdivision application, the applicant shall have a pre-submission meeting with the Zoning Administrator. The Applicant can request the Zoning Administrator do a site visit of the property to view the proposed development site. The Zoning Administrator can provide a printout of the Vermont Agency of Natural Resource's (ANR) Natural Resource Atlas with the following map layers turned on: Contours, Rare Threatened Endangered Species, Significant Natural Community, Deer Wintering Areas, Habitat Blocks, Vernal Pool Confirmed, Wetlands, Soils Prime Agricultural, Groundwater SPA, Parcels, Slope. During the Sketch Plan Review meeting the following shall be determined:
   a. **Natural Resource Identification.** Natural Resource Identification shall be accomplished by using the aforementioned layers of ANR's Natural Resource Atlas mapping system.
   b. **Lot Calculation**. The maximum allowable number of lots in a Conservation Subdivision shall be determined by using the acreage of the subject land and dividing this resultant number by the Minimum Lot Size in the zone in which the subject land is located. This calculated number of lots shall determine the total number of reduced size house lots possible in a Conservation Subdivision. This lot number may need to be amended when a survey of the subject land is completed during the Preliminary Plat Review process.
   c. **Five-Step Design Process**. The applicant shall work through the following five-step design process when laying out a Conservation Subdivision on the subject land:
      **Step 1.** Identify the natural resource areas,
      **Step 2.** Identify the potential development areas outside of the natural resource areas.
      **Step 3.** Within the potential development areas, identify potential development sites.
      **Step 4.** Lay out roads, driveways and utility corridors for the proposed lots.
      **Step 5.** Draw in the Lot Lines.

5. **Dimensional Requirements of Conservation Subdivisions**. The applicant shall submit a formal subdivision plan that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:
   a. **Preliminary Plat Information**: The plan detail requirements found in §770 of the Bylaws.
   b. **Reduction of Dimensional Requirements for Conservation Subdivisions**. The following reduced dimensional requirements apply for Conservation Subdivisions when a minimum of 50% on the proposed development area is to be permanently protected as open space:
      1. The total footprint of the development may be reduced by up to 50% (i.e. ten acres of land that would normally yield 5 two-acre lots, can become a conservation subdivision with the same five lots on 5 acres with another 5 acres of open space).
      2. Lot frontage shall not be less than 20 feet.
      3. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed. However, side setbacks shall not be required for townhouse style Class 1 Development located in the Village.
      4. The DRB may waive minimum side setback requirements for multi-unit developments that utilize party-walls to encourage more compact development when doing so furthers the bylaw's purposes.

**Commented [DWR56]:** I don't see a provision for preliminary plat review in these regulations. It appears that subdivision review includes a sketch plan and then final plan, no preliminary plat review,. This is legal acceptable; however, the more binding determinations that are made in sketch plan review (like whether subdivision is major/minor), the more likely it is to be considered an appealable determination by the Environmental Division of Vermont Superior, Court, even though sketch review is supposed to be informal. The PC or Selectboard may want to reconsider subdivision review and have a 3-step process of sketch, preliminary and final subdivision review, or just rename "sketch plan review" as "preliminary plan review" and make it a little more thorough.

5. The DRB may allow the reduction of the Minimum Lot Size to no less than one-quarter of the required lot size specified by the zone in which the subdivision is proposed if one of the following criteria can be met:
    a. When 75% of the subject property is to be permanently protected as open space.
    b. When the subject property is located within the village limits.
    c. When Class 2 Development is proposed in the Low Density Residential Zone.

**Section 750. Review and Approval of Final Plat.**

~~750.1 **Application for Final Plat Approval.** Within six months after approval of the Sketch Plan, the subdivider shall file an application for approval of a Final Plat. The proposed plat should be responsive to any conditions attached to the Sketch Plan approval and shall conform to the requirements described in §750. Failure to do so shall allow the DRB to refuse, without prejudice, to act on the Final Plat.~~

750.~~2~~ 1 **Copies for Submission.** Per 27 VSA §1403, the subdivider shall submit the proposed subdivision ~~on~~ survey, ~~mylar,~~ a digit copy of the plan, all offers of cession, covenants and agreements, easements and rights-of-way to the Zoning Administrator at least 30 days prior to a regular meeting of the DRB following receipt of the application under §750.1.

750.~~4~~ 2 **Other Permits.** The subdivider shall apply for all Federal, State, and municipal permits required of the proposed subdivision and shall submit copies of these applications to the DRB. Such applications/permits may include but are not limited to zoning permits, highway access permits, Master Land Use Permit (Act 250 Permit), public building permits, and Agency of Natural Resources Potable Water Supply and Wastewater Permit.

750.~~5~~ 3 **Public Hearing.** The Zoning Administrator for a Minor Subdivision and the DRB reviewingfor a Major Subdivision shall hold at least one public hearing upon public notice according to §4464 of the Act after the official filing of the Final Plat for approval. In addition, notice of such a hearing shall be forwarded at least fifteen days prior to the hearing to the clerk of an adjacent municipality in the case of a plat located within five hundred feet of a municipal boundary. Any such hearing may be recessed to a later date, if necessary. If all the required documents are not submitted, review of the application may be removed from the DRB's schedule, and a new hearing warned. Any costs associated with the need to re-warn an application shall be at the applicant's expense.

750.~~6~~ 4 **Attendance.** The Subdivider, or his/her duly authorized representative, shall attend the public hearing regarding the plat. Failure to do so may result in postponement or dismissal of the application.

750.~~7~~ 5 **Action on Final Plat.** Within 45 days from the close of the final hearing, the Zoning Administrator, for Minor Subdivisions, or the DRB, for Major subdivisions, shall approve, approve with conditions, or disapprove the subdivision plat. Failure to act within 45 days shall be deemed approval without conditions. Upon approval of minor subdivisions, the Z~~z~~oning A~~a~~dministrator shall mail a copy of the town permit and related plat ~~site plan~~ to all abutters, including a notice of their appeal rights to request a hearing before the DRB~~, such hearing fees to be paid by the landowner seeking subdivision approval~~.

750.~~6~~9 **Conditioned Approvals.** The Zoning Administrator or DRB may impose reasonable conditions with any approval of an application in order to meet the requirements of these regulations. Said conditions shall include, but not be limited to phasing of the development and scheduling of the infrastructure improvements prior to zoning permits being issued for construction. Surety, in the form of a line of credit escrow, or bond that the Town is authorized to draw upon to complete a project abandoned for more than one year, may be

**Commented [DWR57]:** A plat on mylar paper isn't needed until after the subdivision has been reviewed and approve. To have a mylar with the application doesn't really make sense.

**Commented [DWR58]:** Not reasonable; it should be the appellant neighbor who pays, or they can seek a fee waiver from the Selectboard/Trustees.

required by the Board. Said surety will typically only be required for large projects when the Board determines that it is 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 **Action on Final Plat.** Within 45 days from the close of the final hearing, the DRB for Major subdivisions, shall approve, approve with conditions, or disapprove the subdivision plat. Failure to act within 45 days shall be deemed approval without conditions. Upon approval of minor subdivisions, the Zoning Administrator shall mail a copy of the town permit and related plat to all abutters, including a notice of their appeal rights to request a hearing before the DRB. ~~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 fail ure 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 **Private Streets~~Public~~.** ~~**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 public street, easement, utilities, park, recreational area, or other open space shown on such subdivision plat~~e~~. Such acceptance may only be accomplished by formal act ~~resolution~~ of the Selectboard or Village Trustees, as the case may be.

~~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.~~

760.3 **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 will result in the expiration of the subdivision approval and the applicants will have to reapply for final approval. ~~ed by reasons of failure of~~

**Commented [DWR59]:** Violates vested rights precedent in Vermont; if a subdivision is approved and a mylar recorded, then the matter is done. If regulations change after subdivision approval, then those new regulations will apply to any applications submitted after the SB's public hearing notice is issued for the new regulations. However, those new regulations would only apply to zoning permits, not the subdivision 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 measureing that excludinges public Streets and any rights-of-way for roads that will be offered ~~put up~~ for public acceptance).
j. Location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
k. The Listers' 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 on the property to be subdivided. ~~cutting across the tract.~~
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 location of natural features or site elements to be preserved.
q. 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.
~~p.~~r. 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.~~s. Preliminary designs of any bridges or culverts which may be required.
~~s.~~a. ~~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.~~

**Commented [DWR60]:** This should be moved to §840.8

**Commented [DWR61]:** This should be moved to §840.8

**Section ~~795~~790. 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 approval from the DRB ~~permit rather than a lot line change~~ if it is felt to be in the best interest of the T~~t~~own or Village, as the case may be.

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 plat filing requirements as subdivisions in §770.

## ARTICLE VIII. SUBDIVISION GENERAL REQUIREMENTS & DESIGN STANDARDS

**Section 800. Requirements & Design Standards.** All subdivision applications are subject to the following rules.

801 **Construction According to Approved Plat.** All streets or other public places shown on approved Plats shall be suitably graded and/or paved, and all utilities, street lighting standards, shade trees, water mains, sanitary sewers, and storm drains shall be installed in accordance with the standards, specifications, and procedures set forth in these Regulations, and the Morristown Road Policy, and ~~or~~ a performance bond may ~~shall~~ be required to ~~e~~insure completion of such improvements.

**Commented [DWR62]:** Are there DPW standards?

**Section 810. Subdivision Standards.**

810.1 **Character of the Land.** All land to be subdivided shall be, in the judgment of the Zoning Administrator or the DRB, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to bear weight of a~~withstand~~ structure, including street, utilities, and buildings, or other hazardous conditions, shall not ~~ordinarily~~ be subdivided.

810.2 **Energy Conservation.** In order to conserve energy, all subdivisions shall use the least amount of area as is reasonably practicable for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits.

810.3 **Town Plan compliance.** The proposed subdivision shall conform to the Town Plan.

810.4 **Preservation of Existing Features.** Due regard shall be given to the preservation and protection of existing features, including trees, scenic points from public property, streams, rock outcroppings, water bodies, other natural resources, and wildlife habitat.

**Section 820. Streets.**

820.1 **Layout.** The streets in the subdivision shall be laid-out in a manner consistent with the topography of the site (see §820.1c) and in a manner which emphasizes connectivity to the existing street network while also taking care to minimize to the extent practicable s the total surface area of the subdivision used for streets. Exceptions to the above requirement shall be granted for design techniques like clustering.

**Commented [DWR63]:** "minimize" alone is too vague a standard to apply and needs a modifier. In re JAM Golf, 2008 VT 110.

820.1b **Proposed Construction on Existing Roads.** Where the subdivision borders on an existing street, and if the Municipal Plan indicates plans for realignment or widening of the existing street that would require reservation of some land of the subdivision, the DRB shall require that an easement to be dedicated to the Town and that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."

820.1c **Topography.** Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets, and to preserve as much open space as reasonably possible.

820.1d **Future Streets.** Streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions. The Zoning Administrator or DRB may require the proposed right-of-way to be extended so it aligns with or connects to an existing or adjoining property.

820.1e **Frontage on State Highways.** Applicants for subdivisions which front on state

highways must receive an "1111 ~~11-11~~ permit" from the Vermont Agency of Transportation for proposed access from new lots onto the state highway prior to 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. A Roadway Agreement and Waiver shall be required for such private road.

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

**Commented [DWR64]:** Curious whether the Fire Department prefers hammerheads or cul-de-sacs, and whether the Town should allow hammerheads in combination with, or in lieu of, cul-de-sacs

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 proposed names on the preliminary plat and be approved in name by the Selectboard prior to §750 Final Plat Approval. When the Selectboard names the Street, it should act upon the Zoning Administrator's recommendation, and provide a non-binding indication to the applicant if this street will be accepted in the future as a public road (which directs the developer to design the new road to the meet either standards for a private or public road). If the Selectboard determines that said road fails to serve the public good, necessity, or convenience ~~a public purpose~~ and should remain private as a result, a private road covenant or Roadway Agreement and Waiver shall be executed and recorded for said street per the Town of Morristown Road Policy. Proposed streets that are ~~obviously~~ in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it street, avenue, road, boulevard, drive, place, highway, trail, court, or other suffix ending. The subdivider shall install a street identification sign at every intersection.

820.6 **Access.**

820.6a **Building Access.** Access shall be available for emergency vehicles and handicap transportation vehicles to reach a point within 100 feet of the principal entrances to dwelling units, commercial or industrial establishments, and institutions. Every lot in a subdivision shall be served from a public road or approved private road.

820.6b **Class 4 Road Access.** If the access road to the subdivision is a Class 4 road or a private road, the DRB shall require the subdivider to improve the access road to meet the Morristown Road Policy until such time as the legislative body may reclassify or accept the road. The applicant shall enter into a Class 4 Road Agreement with the Town, which may contain different requirements.

820.6c **Existing Roads.** The DRB may require the subdivider, at its expense, to improve any existing access road where it intersects with new streets or driveways in the subdivision to facilitate traffic circulation and pedestrian and vehicular safety.

820.7 **Road/Street Capacity.** All roads shall be adequately designed to meet estimated load carrying capacity requirements of the subdivision.

820.8 **Signage.** Street, traffic control and warning signs shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) and all costs for making and installing the signs shall be paid by the subdivider.

**Section 830. Water Supply & Wastewater Disposal**. The subdivider, for Minor Subdivisions, shall supply the Zoning Administrator, and for Major Subdivisions, shall supply the DRB with the approved State Water Supply and Wastewater Disposal ("WW") permits and/or Morrisville Water & Light ("MWL") approvals for municipal water and/or sewer service prior to receiving subdivision approval. Major sSubdivision approvals may be conditioned upon no zoning permits issuing until WW permits and/or MWL approvals for municipal water and/or sewer service are issued and recorded.

**Section 835. Sidewalks and Street Lights**. Sidewalks shall be constructed and installed by the subdivider per the Morristown Sidewalk Policy or the plans for the North End Circulation Study. The Zoning Administrator or DRB may require streetlights at proposed intersections or cul-de-sacs, but with the goal of minimizing the need for streetlights wherever reasonably possible.

**Commented [DWR65]:** Is this governed by E-911 now such that it's really not zoning's role?

**Commented [DWR66]:** E 911 standards?

**Commented [DWR67]:** This appears to conflict, or almost conflicts, with allowance for two dwelling units on some driveway.

**Section 840. Utilities in Major Subdivisions.**

840.1 **Easements.** The DRB may require that utilities be placed in the street right-of-way at the outside edges so as not to interfere with normal road maintenance or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements at least 20 feet in width shall be provided with satisfactory access to the street. Common rights-of-way and/or easements shall be utilized by all utilities whenever allowed. ~~possible.~~

840.1a **Underground Utilities.** The DRB may require underground utilities where necessary to preserve scenic views and open spaces.

840.1b **Utility Boxes.** All utility boxes shall be installed at the edge of road right-of-way.

840.1c **Meters.** All meters shall be placed outside of the road right-of-way.

840.2 **Provisions for Utilities.** All subdivisions shall make adequate provisions for water supply for firefighting (see 840.8), stormwater management, electric power, and other required utilities and improvements (see also §840.7 & and 840.8).

840.3 **Extension of Municipal Utilities.** The DRB may require the extension of public water and sewer to and within a proposed subdivision, at the expense of the subdivider, when existing lines are within the distance that Sewer Ordinance requires connection.

840.4 **Connections to Public Utilities.** Laterals from all utilities shall be installed to the street property line of each building lot. Any buildings constructed in the subdivision shall have connections installed and extended inside of the building.

840.5 **Depth of Utility Mains.** Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains.

840.7 **Electric for Major Subdivisions.** The subdivider shall coordinate the subdivision's design with the utility companies and provide written proof of their ability to serve the subdivision. Common rights-of-way shall be utilized whenever possible, and the distribution systems shall be installed underground.

840.8 **Fire Protection Facilities for Major Subdivisions.** Major Subdivisions that are connected to the Morrisville Water & Light water system, shall supply fire hydrants per its "Material Specification Sheet for New Water Connections" at each new road intersection, and at the terminus of each new road. To ensure adequate fire protection in areas not connected to the Morrisville Water & Light water system, the applicant shall supply a dry hydrant in an existing water source, which is located within a half mile drive of the subdivision road, which provides at least 100,000 gallons of water. If no such source exists, the developer shall provide a fire pond within the subdivision that is equipped with a dry hydrant that provides the same 100,000 gallon minimum of water for firefighting. Morrisville Fire shall supply the head for the dry hydrants regardless of the water source.

**Section 850. Drainage Improvements, Wetlands and Exemptions for Major Subdivisions.**

850.1 **Surface Drainage.** An adequate surface storm water drainage system for Major Subdivisions area shall be provided. The subdivider may be required by the DRB to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision.

850.1a **Peak Discharge.** The DRB may require there be no net increase in the peak discharge of storm water that leaves the project area and the applicant to show where the storm water will go.

**Commented [DWR68]:** Are these identified on a map somewhere? If so, then we should reference that map. If not, then this may not be very specific and of limited enforceability.

850.1b **Vicinity Land Drainage.** The DRB may require the subdivider to provide any improvements to drainage systems serving nearby land where that land is affected by runoff storm or surface water from subdivision ~~the development.~~

850.1c **State Permits.** The Subdivider shall obtain State storm water discharge permits if required by State law or regulation. Projects receiving state permits for wetlands or stormwater, or both, are exempt from review of those elements under this Bylaw when in compliance with all other local ordinances, bylaws and policies.

**Section 860. Site Preservation and Improvements for Major Subdivisions.**

860.1 **Erosion Control.** The subdivider shall present an "Erosion Control Plan" for approval by the DRB. The plan shall establish procedures to be followed that will minimize erosion during and after construction.

860.2 **Soil Management.** All excavations, grading, measures for erosion and/or sediment control shall be performed in accordance with *The Low Risk Site Handbook for Erosion Prevention and Sediment Control*, June 2025 ~~August, 2006~~ (as revised and/or updated from time to time). Without limiting the above preceding requirements, due consideration shall be given to the following requirements. The DRB may require the subdivider to submit evidence of boring and/or other soil investigation to determine the depth of composition and stability of the subgrade within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six inches in depth and be thoroughly compacted. The DRB may require embankments to be planted with stabilizing shrubs or ground cover and seeded with a deep root perennial grass to prevent erosion.

Commented [DWR69]: Updated since?

860.3 **Screening and Landscaping.** The DRB may require the planting or preservation of trees or other vegetation to provide visual screening of development or to otherwise soften and/or lessen the impact of development on natural features and scenic vistas. Street trees along public or private roadways may also be required in order to establish a canopy effect where the Board deems it appropriate. Stripped topsoil shall not be removed from the subdivision area unless specifically approved by the DRB. ~~Board.~~

**Section 870. Subdivision Organizations and Restrictions in Major Subdivisions.**

870.1 **Community Agreements.** When a development involves common ownership of community facilities, open spaces, or other commonly held property, a homeowners' association may be required by the DRB to operate and maintain these facilities. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the DRB. Recording final plat mylar shall be ~~Final approval will be~~ contingent on the legal review with escrowed funds to ensure conformance with the DRB's approval ~~receipt of final drafts~~ of legal documents (such as Homeowners Association Bylaws, or Covenants) to be executed that will form such organization.

## 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 (38) and §4412(1)(E) and (F) 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

**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)** – Means activity on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises one or both of the followingSee §423.5 of the Bylaws per 24 VSA §4412.(11) & Act 143 of 2018

1. The storage, preparation, processing, and sale of qualifying products, provided that the qualifying products are produced on a farm; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods.
2. Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this subdivision (II), "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

**Accessory Use** - Are permitted uses A use or sStructure on the same lot with, and of a nature customarily that is are customarily incidental and subordinate to the principal use or Structure on a lot. Accessory uses are restricted to the permitted uses allowed in the underlying zoning district that a lot is located in. Conditional uses as noted in Section 204.5.a of the bylaws cannot be considered an accessory use without conditional use approval by the DRB.

**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 that can provide ~~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 in compliance with the Vermont Fire and Building Safety Code or 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~~two sides of the building or structure.

**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 approved ~~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 (up to 2.0 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).

**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, filing, grading, paving, excavation or drilling operations, or storage of equipment and materials.

**Commented [DWR70]:** We recommend using the statutory definition of "land development" in §4303(10), not a modified definition.

**Commented [DWR71]:** Replace with definition in 24 VSA 4303 (10)

**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-FamilyDwelling (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 1 or 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~~.~~(1)(g), a Family shall be defined as a "functional family unit" (regardless of household size) living together for 30 consecutive days or more where all common spaces, appliances, food preparation and costs are shared, or a group of not more than four unrelated persons living together for 30 consecutive days or more where all common spaces, appliances, food preparation or costs are NOT shared.

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

**Farm**- Means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the Required Agricultural Practices (RAP) rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period.

**Farm structure-** means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, but excludes a dwelling for human habitation.

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

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

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

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

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

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

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

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

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

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

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

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

**Hotel, Inn or Motel:** A Structure or combination of structures on the same lot with the capacity to rent on a short-term basis less than 30 consecutive days ~~rentals~~ to 17 or more transient 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 occupation ~~business~~ conducted within a minor portion of a dwelling by the residents thereof so that the floor area dedicated to the occupation ~~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 that is principally used as ~~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).

**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 the applicable zoning district ~~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 (NAVD 88), 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.

**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.

**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. In no case shall this be viewed as a limit on the number of unrelated people residing together in the same dwelling unit.

**Official Map** - The map authorized under 24 VSA 4421

**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 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.

**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.

**Recovery Residence - Means a shared living residence supporting persons recovering from a substance use disorder that:**

1. **Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.**
2. **Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification.**

**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 Americans with Disabilities Act (ADA), 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~~ and ~~re~~ 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.

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

**Shelter or Emergency Shelter –** A Shelter or Emergency Shelter shall be subject to ~~have~~ limited review ~~regulation~~ per 24 VSA §4413 and is defined in 24 VSA 4303(40).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.

**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 more than 14 days in a year or 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.

**Commented [DWR72]:** This is potentially problematic because such regulations may violate dormant commerce clause

**Commented [DWR73]:** I think all STRs now need fire safety review

**Sign** - Any device, structure, building or part thereof, designed or used to bring a subject to the public's attention, including logos, other outdoor advertising displayed on walls, canopies, or exterior windows.

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

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

**Special Industry -** Extraction or processing of 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 vehicular 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 taller than three feet, signs, walls, or fence, except a wall or fence on an operating farm.

**Commented [DWR74]:** I think it's best if so-called "MTC cabinets" are not structures because they're needed to put utilities underground, but that's up for discussion.

**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.

Temporary Structure- **Temporary Structure**- A walled and roofed building, signs, walls, or fence, except a wall or fence on an operating farm that is intended to be located on a property for no more than 180 days in any calendar year.

**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 legal 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.

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

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

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

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

## ARTICLE X. ZONE BOUNDARIES

Commented [DWR75]: I did not review zoning district boundaries, zoning maps, or the SSMA description

**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

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).**
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.

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 13025a 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.

**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 withand 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.

**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 toof 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

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 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.

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.
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. The turning east on said road to a point of intersection with Route 100. Then turning northerly on Route 100 for approximately 800 feet to a point of intersection with a line projecting westerly from the rear property lines of Parcels 2, 4 & 6 on Tax Map 7. Then traveling east along said line projection to the point of beginning but excluding the Jersey Heights Condos on Parcels 25020 & 25024. 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 Kryyland Neighborhood on Parcel 13021-11-1. Then a line projecting westerly from this point in the brook on Kryyland 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 Lague 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. The turning east on said road to a point of intersection with Route 100. Then turning northerly on Route 100 for approximately 800 feet to a point of intersection with a line projecting westerly from the rear property lines of Parcels 2, 4 & 6 on Tax Map 7. Then traveling east along said line projection to the point of beginning but excluding the Jersey Heights Condos on Parcels 25020 & 25024.

1102. **LDR #2 (Park St to Elmore StWabun & 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. **LDR #3 (Silver Ridge to Center RdSunset, 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 Wmidpoint 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 oncontinuingon 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.

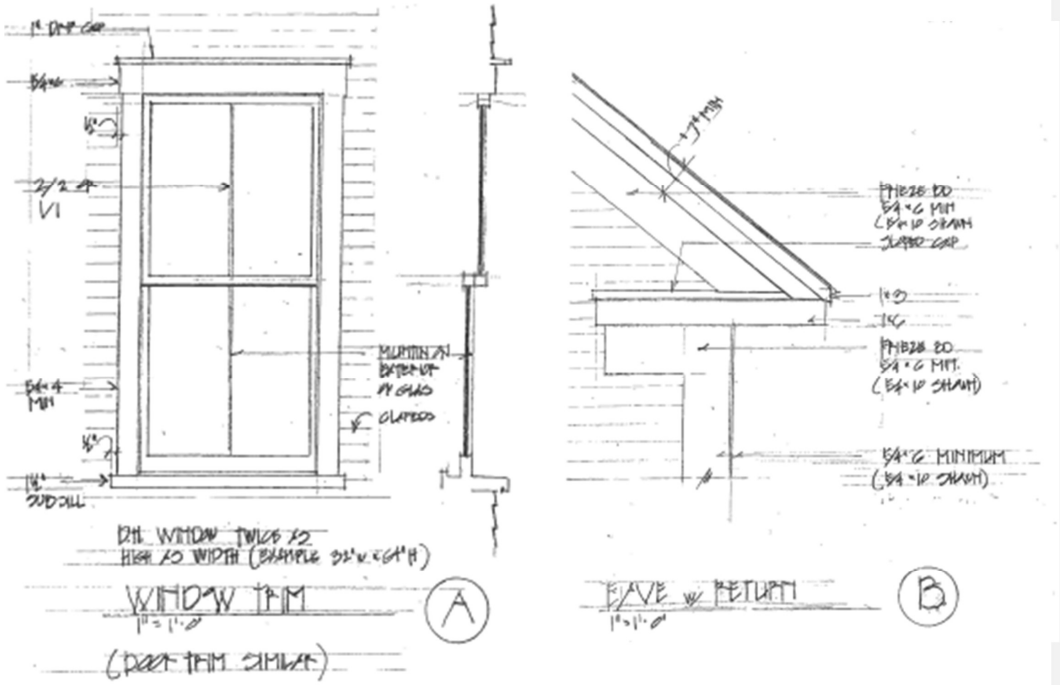
**1111. RRA #1 (Rural Morristown).**
All lands located outside the Zone Boundaries described above in Sections 1001 through 1105.

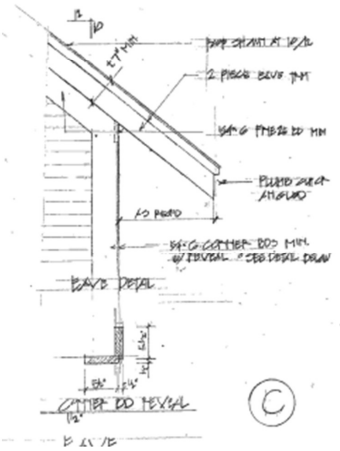
**Section 1120. Sewer Service Management Area (SSMA).**
The Sewer Service Management Area shall include all the land in the village and the town that has a zoning designation other than Rural Residential Agricultural (RRA). The following areas, which would otherwise qualify for SSMA designation based on the preceding sentence, are specifically exemptedexcluded 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:**

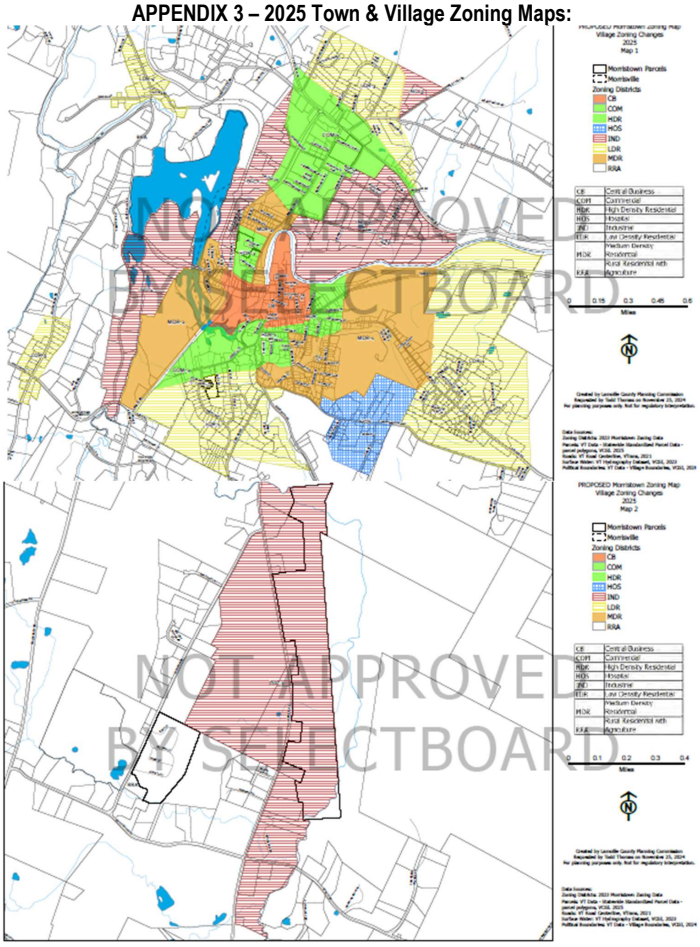
§201 Delete MOR Zone (becomes MDR Zone), allow DRB to rule on Sewer Service Area boundary splits
§204.4 Edit Waiver percentage so differs by zone, create waiver bonus for community improvement projects
§204.5a Edit Use Table for Acts 47 & 181, building height reductions, add accessory on-farm business, & 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 regs
§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

**APPENDIX 2 – Window & Eave Architectural Details (A, B & C) of §207 Historic Preservation:**



**APPENDIX 3 – 2025 Town & Village Zoning Maps:**




NOT APPROVED
BY SELECTBOARD

**Above maps are for reference only,**
**Refer to Article X for Official Zone Boundary Definition**

VERMONT **GENERAL ASSEMBLY**

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## Title 24 : Municipal and County Government

### Chapter 117 : Municipal and Regional Planning and Development

#### Subchapter 007 : BYLAWS

**(Cite as: 24 V.S.A. § 4417)**

### § 4417. Planned unit development

(a) Any municipality adopting a bylaw should provide for planned unit developments to permit flexibility in the application of land development regulations for the purposes of section 4302 of this title and in conformance with the municipal plan. The following may be purposes for planned unit development bylaws:

(1) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.

(2) To implement the policies of the municipal plan, such as the provision of affordable housing.

(3) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.

(4) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best

achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.

(5) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.

(6) To provide for efficient use of public facilities and infrastructure.

(7) To encourage and preserve opportunities for energy-efficient development and redevelopment.

(b) The application of planned unit development bylaws to a proposed development may:

(1) Involve single or multiple properties and one owner or multiple owners. Procedures for application and review of multiple owners or properties under a common application, if allowed, shall be specified in the bylaws.

(2) Be limited to parcels that have a minimum area specified in the bylaws or a minimum size or number of units.

(3) Be mandatory for land located in specified zoning districts or for projects of a specified type or magnitude as provided in the bylaws.

(c) Planned unit development bylaws adopted pursuant to this section at a minimum shall include the following provisions:

(1) A statement of purpose in conformance with the purposes of the municipal plan and bylaws.

(2) The development review process to be used for review of planned unit developments to include conditional use or subdivision review procedures, or both, as specified in the bylaws.

(3) Specifications, or reference to specifications, for all application documents and plan drawings.

(4) Standards for the review of proposed planned unit developments, which may vary the density or intensity of land use otherwise applicable under the provisions of the bylaws in consideration of and with respect to any of the following:

(A) The location and physical characteristics of the proposed planned unit development.

(B) The location, design, type, and use of the lots and structures proposed.

(C) The amount, location, and proposed use of open space.

(5) Standards requiring related public improvements or nonpublic improvements, or both; and the payment of impact fees, incorporating by reference any development impact fee ordinance adopted pursuant to chapter 131 of this title.

(6) Provisions for the proposed planned unit development to be completed in reasonable phases, in accordance with the municipal plan and any capital budget and program.

(7) Provisions for coordinating the planned unit development review with other applicable zoning or subdivision review processes, specifying the sequence in which the various review standards will be considered.

(8) Reviews that are conducted in accordance with the procedures in subchapter 10 of this chapter.

(d) Planned unit development bylaws may provide for, as part of the standards described in subdivisions (c)(4) and (c)(5) of this section, the authorization of uses, densities, and intensities that do not correspond with or are not otherwise expressly permitted by the bylaws for the area in which a planned unit development is located, provided that the municipal plan contains a policy that encourages mixed use development, development at higher overall densities or intensities, or both.

(e) Standards for the reservation or dedication of common land or other open space for the use or benefit of the residents of the proposed planned unit development shall include provisions for determining the amount and location of that common land or open space, and for ensuring its improvement and maintenance.

(1) The bylaws may provide that the municipality may, at any time, accept the dedication of land or any interest in land for public use and maintenance.

(2) The bylaws may require that the applicant or landowner provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space, and that this organization or trust shall not be dissolved or revoked nor shall it dispose of any common open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common open space, without first offering to dedicate the same to the municipality or other governmental agency to maintain those common facilities or that open space.

(f) The approval of a proposed planned unit development shall be based on findings by the appropriate municipal panel that the proposed planned unit development is in conformance with the municipal plan and satisfies other requirements of the bylaws.

(g) The appropriate municipal panel may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in the zoning bylaws, provided the rules and regulations are not inconsistent with any municipal bylaw. The panel shall hold a public hearing after public notice, as required by section 4464 of this title, prior to the enactment of any supplementary rules and regulations. (Added 2003, No. 115 (Adj. Sess.), § 95.)

## Section 510. Planned Unit Development/Conservation Subdivision

1. **Overarching Purposes**. The overarching purposes for Planned Unit Developments (PUDs) / Conservation Subdivisions are as follows:
    a. To encourage the permanent preservation of public open space with agricultural land, forestry land, flood zones, wildlife habitat and other natural resources including aquifers, water bodies and wetlands included therein;
    b. To allow for greater flexibility and creativity in the design of residential developments;
    c. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
    d. To minimize the total amount of disturbance on the site and retain natural drainage patterns;
    e. To further the goals and policies of the Morrisville/Morristown Town Plan;
    f. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner; and
    g. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.

2. **Site Specific Purposes.** The site specific purposes for Conservation Subdivisions are to permanently protect the following Natural Resources as shown on the Agency of Natural Resources Natural Resource Atlas in dedicated open space via the following list of prioritized priorities:
    a. To protect the public water supplies (Groundwater SPA);
    b. To protect agricultural soils listed as Prime or as Statewide;
    c. To protect Wetlands;
    d. To protect Rare Threatened Endangered Species;
    e. To protect Deer Wintering Areas;
    f. To protect Significant Natural Communities;
    g. To protect Habitat Blocks;
    h. To protect Vernal Pools; and
    i. To protect steep slopes greater than 25%;

3. **Applicability**. <u>The Conservation Subdivision process is required for all Major subdivisions in all residential zones</u>.

4. **Sketch Plan Review**. Prior to submitting a preliminary plat application, the applicant shall host a Sketch Plan review site walk with the Zoning Administrator on the proposed development site. At the development site, the Zoning Administrator shall familiarize himself with the land and inform the applicant about the Conservation Subdivision design process. The Zoning Administrator shall bring a survey of the property (or a tax map if a survey is not found in the Land Records) and a printout of the Vermont Agency of Natural Resource's Natural Resource Atlas with the following map layers turned on: Contours, Rare Threatened Endangered Species,

Significant Natural Community, Deer Wintering Areas, Habitat Blocks, Vernal Pool Confirmed, Wetlands, Soils Prime Agricultural, Groundwater SPA, Parcels, Slope.
During the Sketch Plan Review meeting the following shall be determined:

a. **Natural Resource Identification.** Natural Resource Identification shall be accomplished for the land in question by using the aforementioned layers of the Agency of Natural Resource's Natural Resource Atlas mapping system.
b. **House Lot Calculation**. The maximum allowable number of house lots in a Conservation Subdivision shall be determined by using the acreage of the subject land and then subtracting the area of any Streets therein and dividing this resultant number by the Minimum Lot Size in the zone in which the subject land is located. This calculated number of lots shall determine the total number of reduced size house lots possible in a Conservation Subdivision. This house lot number may need to be amended when a survey of the subject land is completed during the Preliminary Plat Review process.
c. **Five-Step Design Process**. The applicant shall work through the following five-step design process when laying out a Conservation Subdivision on the subject land: **Step 1.** Identify the natural resource areas, **Step 2.** Identify the potential development areas outside of the natural resource areas. **Step 3.** Within the potential development areas, identify potential house sites. **Step 4.** Lay out roads, driveways and utility corridors for the propose house lots. **Step 5.** Draw in the Lot Lines.

5. **Preliminary Plat Review**. The applicant shall submit a formal subdivision plan that will be reviewed by the Zoning Administrator that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:
   a. **Preliminary Plat Information**: The plan detail requirements found in §770 & §780 of the Bylaws regarding Preliminary Plat submittals.
   b. **Reduction of Dimensional Requirements for Conservation Subdivisions**. The following reduced dimensional requirements apply for Conservation Subdivisions:
      1. Lot frontage shall not be less than 50 feet;
      2. Lot size shall not be less than one-third of the required lot size specified by the zone in which the subdivision is proposed;
      3. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed; and
      4. Only lots on the street to be created by the Conservation Subdivision are to benefit from the reduced area, setback and frontage requirements. No reductions of frontage, setbacks and area shall be allowed on any lot that fronts on an existing Street not created via a Conservation Subdivision.

6. **Open Space Requirements**.
   a. A minimum of 50% on the subject property shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots.
   b. The open space lot must abut at least half of the proposed house lots and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a

roadway separates it. The Development Review Board may waive this requirement during Final Plat Approval when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.

c. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review.
d. Acceptable uses of the dedicated open space include: recreation, walking trails, bike paths, view vistas, parklands, agriculture, forestry or a combination of these uses. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose and intent of this Bylaw during the §750 Final Plat Approval process.
e. Disturbed Areas within Open Space: not more than one-half of dedicated open space shall be disturbed or altered from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place – the regarding and replanting of a gravel pit as an example.
f. Open space shall not include land set aside for the road's right-of-way.
g. Dedicated open space may be used for a communal sewerage disposal system serving the subdivision. However, mounded communal wastewater systems and individual septic systems shall not be allowed in the open space.
h. Engineered drainage systems such as retention, detention and infiltration ponds, shall not be allowed within the open space.
i. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space.
j. The ownership of the Open Space shall be conveyed to the Town, the Town's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Town of Morristown or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein
k. A maintenance easement shall be granted to the Town if the open space is to be retained in private ownership or to be owned by the homeowner's association. Said easement over such land shall ensure its perpetual maintenance and provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.

l. The protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for new house construction within the subdivision. The use of boulders unearthed during construction or other reasonable measures shall be used to delineate the open space and ensure it is not encroached upon by construction equipment or later by abutting lot owners.
m. Walkways, hiking trails or bicycle paths shall be provided where feasible to link the house lots with the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected by said walkways, hiking trails or bicycle paths.

## Section 510. Planned Unit Development (PUD).

511. **Authority.** In accordance with the provisions set forth in §4417 of the Act, and where permitted in the zoning districts, the modification of the district regulations by the Development Review Board is permitted simultaneously with subdivision plat approval, or, in the absence of subdivision regulations, site plan approval, under the following procedures.

512. **Purpose.** The purpose of planned unit development (PUD) provision to encourage new communities, innovation in design and layout, and more efficient use of land; to facilitate the adequate and economic provision of streets and utilities; to preserve the natural and scenic qualities of open land; to provide for a mixture of compatible uses at different densities; and to provide for the development of existing lots which because of physical, topographical or geological conditions could not otherwise be developed.

513. **Permitted Uses.** Uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.

514. **Application Procedure.** A site plan shall be submitted to the Development Review Board showing:
   a. location, height and spacing of buildings
   b. open spaces and their landscaping
   c. streets, driveways and off-street parking spaces
   d. unique natural or manmade features
   e. physical conditions of the site
   f. a statement setting forth the nature of all proposed modifications, changes, or supplementation of existing zoning regulations

515. **Standards for Review.** The following general standards shall be met in order for the Development Review Board to approve the application:

515.1 The PUD is consistent with the municipal plan;

515.2 The overall density of the project does not exceed the number of structural units which could be permitted in the planning commission's judgment, if the land were subdivided into lots in accordance with the district regulations, except where specifically permitted in these regulations and as permitted below:
   a. A density bonus of up to 20% of the permitted overall density may be permitted in any district in instances in which not less than 50% of the total acreage involved is set aside as open space in accordance with §517.

515.3 Mixed uses are arranged so as to be compatible and ensure visual and aural privacy for the residents of the projects;

515.4 The PUD is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for protection of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique natural and man-made features; and

515.5 The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.

516. **Standards for Approval.** The following specific standards shall be met in order for the Development Review Board to approve the application:

516.1 The minimum size of the project shall be one (l) acre

516.2 District regulations on height and spacing between main buildings shall be met unless otherwise waived by the Development Review Board.

516.3 To insure adequate privacy for existing or proposed uses adjacent to the PUD, structures on the perimeter of the PUD shall be set back forty (40) feet and screening may be required

516.4 The maximum building coverage per acre permitted shall be fifty per cent (50%)

517. **Open Space.** If the PUD results in lands available for parks, recreation, open space or other municipal purposes, the Development Review Board as a condition of its approval may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

provision of streets and utilities to provide housing in a cost-effective manner;

(2) cluster residential development to preserve and maintain open space;

(3) protect significant natural, cultural or scenic features as identified in the Hardwick Town Plan, or through site investigation; and/or,

(4) allow for creative design and layout of development, an efficient use of land, and to provide for the integrated mix of housing types.

(C) **Review Procedure.**

(1) A proposed PUD that requires a subdivision of land shall be reviewed as a Major Subdivision Review as set forth in Section 6.3. Nevertheless, review and approval of a PUD involving the development of one or more conditional uses under this Section shall not exempt the proposed development from review under Section 5.2. The Development Review Board may review and approve one or more conditional uses concurrently with granting PUD approval, or may require the submission of a conditional use application subsequent to PUD approval.

(2) A proposed PUD that requires no subdivision of land shall be reviewed as a conditional use, as set forth in Section 5.2.

(3) In addition to the application requirements specified under Section 6.3 or 5.2, an application for PUD approval shall include a statement describing all proposed modifications, changes or supplements to existing bylaw requirements. Modifications of these bylaws approved by the Development Review Board shall be noted in writing and appended to a plat depicting the project to be filed in the Hardwick Land Records. All other provisions of these bylaws not specifically modified shall remain in effect and be applicable to the project.

(D) **General Standards.** The modification of zoning regulations by the Development Review Board may be permitted in accordance with the following standards:

(1) The PUD shall be consistent with the Hardwick Town Plan and all other applicable municipal regulations and ordinances currently in effect. The PUD shall also meet all local and state regulations for sewage disposal and the protection of water quality.

(2) The PUD shall represent an effective and unified treatment of the development site, including provisions as appropriate for the preservation or protection of surface and ground waters; wetland, stream bank, floodplain and lake shore areas; significant topographic features, including hilltops and ridgelines; areas of steep slope or shallow soil; significant resource lands, including agricultural and forest land; historic or archaeological sites and structures; natural and critical habitat areas; and open spaces, including scenic views and vistas.

(3) The Development Review Board may allow for a greater concentration or intensity of development within some section(s) of the development than in others, on individual lots which are smaller than the minimum lot size for the district within which the PUD is located, provided that there is an offset by a lesser concentration in other sections, including the reservation of no less than 50% of the remaining land as open space.

(4) The minimum front, side and rear yard setbacks at the periphery of the PUD shall

be as dictated for the particular district unless otherwise specified by the Development Review Board. The Board may allow other setback standards, such as zero setbacks from lot lines, as part of PUD approval.

(5) Provision shall be made for the preservation of open space. Preserved open space shall be dedicated, either in fee or through a conservation easement to the Town, a community association comprising all of the present and future owners of lots or dwellings in the project, or a non-profit land conservation organization. The Development Review Board shall approve such easement. Preserved open space may remain in single ownership, subject to easement conditions and appropriate land management (e.g., forestry, agriculture). Land held in common shall be subject to appropriate deed restrictions stipulating the permitted and restricted use of such lot, and establishing the person or entity responsible for maintenance and long term stewardship. The Board shall approve the location, size and shape of lands set aside to be preserved for open space in accordance with the following:

a. Open space land shall provide for the protection of identified resources, including farmland, productive forest, wildlife habitat, natural areas, aquifer protection areas, surface waters, stream banks, historic and archaeological sites, and scenic views and vistas;

b. Designated open space may include the portion of a single lot which is characterized by one or more of the above referenced features, or may encompass the contiguous boundaries of the above referenced feature located on multiple lots;

c. The location, shape, size and character of the open space shall be suitable for its intended use. Generally, open space shall be at least 50% of the total area for projects involving a parcel(s) of twenty-five (25) acres or more. For smaller parcels, open space should be in proportion to the size and scope of the project, and its intended use;

d. Open space shall be suitably improved and/or maintained for its intended use, except for open space containing natural or cultural resources worthy of preservation that may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and forestry to be used for these purposes. The Board as appropriate may require management plans for forests and/or wildlife habitat;

e. Open space land shall be located so as to conform with and extend existing and potential open space lands on adjacent parcels; and

f. Sewage disposal areas and utility and road rights-of-way or easements, access and parking areas shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Board, that they will in no way disrupt or detract from the values for which the open space is to be protected.

(6) The total number of dwelling units shall not exceed that which would be permitted in the Development Review Board's judgment if the parcel were subdivided into buildable lots in conformance with the district minimum lot area required for single family dwellings. However, the number of dwelling units allowed in a PUD may, at the discretion of the Development Review Board, be increased in accordance with the following:

a. The Board may grant a density increase of up to 25% of the allowable number of units in instances in which a significant portion (50% or greater) of the site is preserved as open space and/or the Board determines that the PUD reflects an exceptional site design that will result in the preservation of important natural resources and the creation such amenities as pedestrian paths, parkland and/or playgrounds; or

b. The Board may grant a density increase of up to 50% of the allowable number of units in instances in which not less than 50% of the total number of dwelling units created are affordable housing units, as defined in Article 8.

(7) Where a district boundary line divides a parcel, the Development Review Board may allow the development of a single PUD with a total density based on the combined allowable density of each district.

(8) Two (2) or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted density on one parcel may be increased as long as the overall density for the combined parcels does not exceed that which could be permitted, in the Development Review Board's judgment, if the land were subdivided into lots in conformance with district regulations.

(9) A PUD shall include only residential uses and associated accessory structures and uses allowed within the district in which the PUD is located. The dwelling units permitted may, at the discretion of the Development Review Board, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached.

(E) **District Standards**. Within the Rural Residential and Forest Reserve Districts, dwellings may be comprised of one or more state licensed residential care home serving not more than 6 persons who are developmentally disabled or handicapped, and such dwellings may be clustered so that they are located within 1,000 feet of each other in accordance with the standards set forth in this Section and the approval of the Development Review Board under Section 5.2.

## Section 5.5 Local Act 250 Review

(A) **Applicability.** In according with 24 V.S.A. §4420, the Development Review Board is hereby authorized to undertake local Act 250 review of municipal impacts of all Act 250 permits in the Town of Hardwick unless ALL of the following conditions apply:

(1) The applicant can establish to the satisfaction of the Development Review Board that the applicant relied on a determination by the Natural Resource's Board local district coordinator that Act 250 jurisdiction did not apply to the development in question and, based on that reliance, the applicant obtained local permits without complying with the requirement for local Act 250 review.

(2) The Natural Resource Board's local district coordinator's jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to development in question.

(3) The Development Review Board waives its local Act 250 review jurisdiction in the interest of fairness to the applicant. Determination by the Development Review Board to waive local Act 250 review jurisdiction shall not be subject to review.

## Section 13 PLANNED UNIT DEVELOPMENT

13.1 Purpose

The purpose of Planned Unit Development is:

(1) To facilitate and encourage flexibility of development of large parcels of land;

(2) To preserve a maximum of open space while permitting multiple uses thereof;

(3) To integrate productive uses related to tourism and recreation; and

(4) To add to business and employment opportunities and to the economic base of the community.

(5) To provide for efficient use of public facilities and infrastructure.

(6) To encourage and preserve opportunities for energy-efficient development.

13.2 General Requirements

To achieve the objectives set forth in this section, the DRB may modify applicable area and dimensional requirements of the underlying zoning districts. In addition to the submission requirements of the Stowe Subdivision Regulations, an application for a PUD, or an amendment to an existing PUD, shall be reviewed as a conditional use. An application for a PUD shall include a statement of all proposed modifications of the zoning regulations of the underlying zoning district(s). Such modifications may be permitted simultaneously with the approval of a subdivision plat. At the time of PUD approval, the DRB shall include in its decision a clear indication of all approved modifications of the zoning regulations. A final plat shall be recorded in the land records upon proof of such approvals. Individual conditional uses within the PUD must secure approval from the DRB.

For projects with an anticipated construction period longer than five (5) years, the DRB shall require a phasing plan outlining the construction timeline for each phase of the project, including at a minimum, an indication of when each phase will be started and completed. The schedule shall be updated annually and submitted to the Zoning Administrator. Should the phasing schedule need to be altered at any time, the applicant shall notify the Zoning Administrator for a determination if DRB review is required.

13.3 General PUD Standards

(1) Permitted Land Uses in PUD.

A. Single-family dwellings

B. Two-family dwellings (duplexes)

(2) Conditional Land Uses Permitted in PUD

A. Multi-family dwellings.

B. Any other use or conditional use permitted in the district in which the project is located, including affordable housing projects and the fifty (50%) percent density bonus provisions established in of these Regulations.

(3) Development Standards

A. Along the outside boundary of the project, the structure setback shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. In HT, VC, LVC, MRV, MRC, or MC zones, regular setbacks shall apply, except on that line which abuts RR zones. The DRB may grant a waiver from the double setback requirement when all of the following criteria are found to be met:

1. The double setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping or other mitigation measures being proposed by the applicant.

2. The double setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas; and

3. The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

B. The minimum setback for permitted uses on individual lots shall be ten (10) feet from all interior property lines. One and two-family dwellings shall be located at least twenty (20') feet from each other.

C. The distance between buildings containing conditional uses shall not be less than permitted by the Vermont Department of Fire Safety.

D. The minimum lot size for a PUD is ten (10) acres.

E. For PUD's that include both residential and nonresidential uses, the overall allowable density of residential development shall be the same as the density permitted by the underlying zoning district(s), with the exception of the affordable housing density bonus permitted under these Regulations. The remainder of the PUD may be developed for nonresidential uses in accordance with the applicable lot coverage, parking requirements and building height.

F. In a PUD that spans more than one zoning district, the DRB has the authority to assign the allowed density anywhere within the project area. However, with the exception of Ski-PUDs and Resort PUDs, only residential uses shall be permitted in residential districts.

(4) Open Space

A. The plan for the entire project area shall take fullest advantage of all natural features, such as natural watercourses and drainage, topography, existing trees, overlooks, trails and other features.

B. Land which is not included in building lots, streets, rights-of-way, or utility easements, shall be reserved as open space for recreation, conservation, agriculture or the enhancement of the natural environment.

C. Open Space shall contain no building or development, except one primarily devoted to a purpose for which the open space is intended, including swimming pools, tennis and other recreation facilities and minor incidental buildings connected therewith, including agriculture.

D. The plat shall identify all areas of open space, and shall contain the following statement relating to those lands so designated: *"The lands designated as open space on this plat shall remain in open space. The open space shall run with the land and shall apply to future conveyances of all or parts of the herein open space, unless otherwise specifically approved by the DRB."*

13.4 Planned Residential Development (Known as Residential Planned Unit Development in "the Act".)

(1) General Purpose

The purpose of Planned Residential Development (PRD) is to enable and encourage flexibility of development of land to preserve open space, to integrate housing of various types into a harmonious grouping and to facilitate adequate and economical provision for streets and utilities.

(2) Specific Purpose of AG-PRD

The purpose of AG-PRD is to conserve agricultural land by clustering residential development and leaving the remainder of the land in agriculture or available for agriculture.

(3) General Requirements

A PRD and AG-PRD project may be approved as a conditional use by the DRB in any district. Such approval shall be concurrent with approval required under the subdivision regulations. A final plat plan will be filed in the land records within one hundred eighty (180) days of such approvals.

To achieve the objectives set forth in this section, the DRB may modify applicable dimensional requirements of the underlying zoning districts. An application for a PRD shall include a statement of all proposed modifications of the zoning regulations. At the time of PRD approval, the DRB shall include in its decision a clear indication of all approved modifications of the zoning regulations.

(4) Density of Residential Development

In a PRD, the overall allowable density of development shall be the same as the density permitted by the underlying zoning district(s) with the exception of the affordable housing density bonus permitted under these Regulations. In a PRD that spans more than one zoning district, the DRB has the authority to approve the allowed density anywhere within the project area. With DRB approval, dwelling units in a PRD may include one family, two family, multi-family dwellings, including apartment buildings, or any combination thereof. No time-sharing or interval ownership is allowed unless in Ski-PUD and Resort-PUD.

(5) Standards for Development

A. Except for the HT, VC, LVC, MRV, MRC, and MC zoning districts, a PRD must involve a minimum of three (3) acres in size to be eligible for consideration as a PRD. In the HT, VC, LVC, MRV, MRC, and MC zoning districts, there is no minimum land area required for PRDs. All PRDs regardless of zoning district must consist of a minimum of three (3) dwelling units.

B. Along the outside boundary of the project, the structure setback shall be twice the setback requirement for the district in which it is located. The setback shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. In HT, VC, LVC, MRV, MRC or MC zones, regular setbacks shall apply, except on that line which abuts RR zones. The DRB may grant a

waiver from the double setback requirement when all of the following criteria are found to be met:

1. The double setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping or other mitigation measures being proposed by the applicant.

2. The double setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas; and

3. The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

C. The minimum setback for one and two-family dwellings on individual interior lots shall be ten (10') feet. One and two-family dwellings shall be located at least twenty (20') feet from each other. The distance between multi-family dwellings shall not be less than permitted by the Vermont Department of Fire Safety.

D. Any lots approved in a PRD that are less than the minimum lot size of the underlying zoning district, may not be subdivided further in the future. This does not apply to lot-line adjustments.

(6) Specific Requirements for AG-PRD

A. Minimum of twenty-five (25) contiguous acres, of which a portion shall remain available for agriculture, depending on the topography, and subject to DRB review. Each project will be evaluated on its own merits.

B. Both the plat and the deed shall state the allowable density, if any, remaining for future development of the agricultural land.

C. The plat shall identify all agricultural and development lands, and shall contain the following statement relating to those lands designated agricultural: "*The lands designated agricultural on this plat shall remain in agriculture or remain available for agriculture. The agricultural restriction shall run with the land and shall apply to future conveyances of all or parts of the hereon designated agricultural land, unless otherwise specifically approved by the DRB".*

D. As a condition of approval, the DRB shall impose appropriate restrictions on those lands dedicated to continued agricultural use to keep said lands available for agricultural use.

(7) For the purposes of this section, "agriculture" shall mean: "farming" and "accepted agricultural practices" as defined by the Agency of Agriculture. To "remain available for agriculture" shall mean: nothing shall be done that would prevent or restrict future farming or accepted agricultural practices on those lands.

(8) Required PRD Open Space, excluding land retained for agricultural use

A. The plan for the entire project area shall take fullest advantage of all natural features, such as natural watercourses and drainage, topography, existing trees, outlook and other features.

B. Land that is not included in building lots, streets, rights-of-way, or utility easements, shall be reserved as open space for recreation, conservation, agriculture or the enhancement of the natural environment.

C. Open Space shall contain no building or development, except one primarily devoted to a purpose for which the open space is intended, including swimming pools, tennis and other recreation facilities and minor incidental buildings connected therewith, including agriculture.

D. The plat shall identify all areas of open space, and shall contain the following statement relating to those lands so designated*: "The lands designated as open space on this plat shall remain in open space. The open space shall run with the land and shall apply to future conveyances of all or parts of the hereon open space, unless otherwise specifically approved by the DRB."*

13.5 Resort PUD

(1) Purpose

To allow a large resort, being a self-contained complex insulated from and not intruding on surrounding areas, to be developed for the purpose of providing housing, recreation and services for its transient guests and other allowed uses. Where the purposes, allowance or requirements of the specific Resort PUD provisions conflict with the more general provisions of other PUD provisions of these regulations, the more specific Resort PUD provision shall control. Resort PUD's are prohibited in the RR3 and RR5 districts unless the majority of the proposed development has access to the municipal wastewater systems.

(2) Specific Requirements

A. Minimum of one hundred (100) contiguous acres.

B. Upon submission of an application for a Resort PUD, the owner shall submit a density affidavit stating the acreage available for density.

C. Upon issuance of required local permits, the owner shall amend the affidavit to confirm and maintain a current record of the total acreage, including those that have been allocated for density purposes, that have been sold, and that have been retained by the owner. The amended affidavits shall be approved by the DRB and recorded in the land records in accordance with this section.

D. Roads in the Resort PUD are to remain private. Fire protection must be supported by ponds, hydrants, etc., and security maintained with surveillance supplemental to the town police.

E. Density of development: 2 ½ In RR districts, total building coverage of a site shall be no more than five (5%) percent, of which two and one-half (2 ½%) percent is maximum lodging units, and two and one-half (2 ½%) percent is maximum for support facilities (shops, offices, restaurant, meeting rooms, recreation facilities, etc.). In HT, UMR MRC and MRV districts, development density and standards shall be as provided by the specific district.

F. A lodging unit is a rentable accommodation whose maximum design capacity is four (4) people. In RR districts, the allowable two and one-half (2 ½%) percent building coverage of lodging units may not exceed one (1) lodging unit per acre. In the HT, UMR and MRC and MRV districts, building coverage and development density shall be as provided by the specific district.

G. In calculating the allowable density of a development, residential dwelling units shall follow the same density standards as the district(s) in which the Resort PUD is located.

H. The DRB may approve a building height greater than the maximum established by the zoning district within which the Resort-PUD is located. In approving a building height greater than the height established by the zoning district within which the Resort-PUD is located, the Board may impose modifications to the project design to reduce the visual mass or scale of a building; ensure the preservation of open space; require that adequate screening or landscaping is established; and/or place other conditions on the building's height, massing, design and/or location. The Board shall determine that the building complies with the following:

    1. A maximum building height of thirty-five (35') feet. However, a greater building height may be permitted where buildings are not

visible from public roads or from the perimeter of the property, provided evidence is shown that such additional height will enable the concentration of development density, thereby resulting in the preservation of open space;

2. The building does not result in an adverse impact on the scenic landscape by appearing unusually prominent, massive and/or out of scale in relation to the surrounding area; and

3. The building complies with all applicable standards set forth in these regulations.

(2) Conditional Uses Permitted

A. Those listed in Section 13.3.

B. Public and private recreational facilities.

C. Meeting and conference facilities.

D. Lodging, restaurants, retail shops, offices and comparable support services serving as on-site guest amenities that are ancillary to the operation of the resort.

(3) Standards for Development

A. Along the outside boundary of the project, there shall be a green belt perimeter of at least two hundred (200') feet. The greenbelt shall be free of all buildings, structures, and parking areas, but may contain signs and may be crossed by necessary access driveways. Nothing in this section or 13.5(3)(B) shall reduce the amount of land available for development and building coverage otherwise allowed under Section 13.5(4), or impose setback standards more restrictive than those set forth in permits issued for projects within lands of the Resort-PUD approved prior to the effective date of this section of these regulations. The DRB may grant a waiver from 200-foot setback requirement when all of the following criteria are found to be met:

1. The 200-foot setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping or other mitigation measures being proposed by the applicant;

2. The 200-foot setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

3. The 200-foot setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

B. Standards established under Planned Residential Development, in 12.3(3)E shall apply to PUD projects.

C. Where commercial or multi-family uses within the UMR District are to be located within one hundred (100') feet of the floodway of the West Branch of the Little River, parking may be located in the front of buildings provided the visibility of such parking from public roads is minimized by landscaping and screening as per Section 4.6 of these regulations.

(4) Open Space

A. In conjunction with DRB approval of development within a designated Resort-PUD, the applicant shall provide an open space plan in accordance with the requirements of Section 13.3(4) of this ordinance and Section 5.1 of the Stowe Subdivision Regulations. The open space plan shall include a comprehensive site analysis of the entire parcel including natural features and any development constraints along with the probable location of future development.

B. Notwithstanding anything to the contrary in Section 8 Meadowland Overlay District (MOD) of these regulations, the development of designated meadowlands within a designated Resort-PUD may take place subject to review and approval of an open space plan. The open space plan shall be reviewed under the standards set forth above. The applicant shall document: a) areas within and without the meadowlands that shall be restricted from building coverage; and b) areas within the meadowlands where building coverage is proposed through the identification of "building envelopes:" within which a typical building footprint could be located. The location of building footprints may be adjusted upon submittal of specific site plans provided the total building coverage does not exceed the maximum allowed in the meadowlands as approved in the open space plan.

13.6 Ski - PUD

(1) Specific Requirements

A. Minimum of one thousand (1,000) contiguous acres. For purposes of density requirements, all land lying within the contiguous owned property, including all slopes, trails, parking areas, buildings, and the like, regardless of elevation, shall be considered. Such land shall be

allocated with respect to quantity or acreage, but not as to location, in order to comply with the density requirements for specific projects.

B. The owner of the property now or hereafter designated Ski-PUD shall file with the Town Clerk a recordable map plan designating all contiguous owned land. The map plan shall be accompanied by an affidavit of the owner, affirming the accuracy of the map plan filed and acreage within the contiguous owned land. The map plan shall be filed in the map records of the Town. Upon submission of an application for a Ski PUD, or an amendment to an existing Ski PUD, the owner shall submit a density affidavit stating the acreage available for density.

   Upon issuance of required local permits, the owner shall amend the affidavit to confirm and maintain a current record of the total acreage, including those that have been allocated for density purposes, that have been sold, and that have been retained by the owner. The amended affidavit shall be approved by the DRB and recorded in the land records in accordance with this section.

C. Private internal road system.

D. Supplementary fire and police protection.

E. Density of development as in Section 13.5, Resort PUD.

F. Maximum building height by review of each individual building.

(2) Standards for Development on Land Leased from Public Entities

Development on public lease-land, including state or municipal forest, contiguous to land designated as Ski-PUD per Section 13.6 and controlled by the owner of the SKI-PUD property through a long term (ten (10) or more years) lease for the operation of recreation and resort facilities and services, shall be subject to the following standards:

A. Acreage included in the lease agreement shall not be used to allocate total density for the Ski-PUD, unless such land was included in the 1,000+ acres of contiguous owner property and density was allocated per Section 13.6 and said land was reserved as open space per Section 13.6 prior to state or municipal ownership.

B. Conditional uses permitted on lease lands shall include ski lifts, snow-making equipment, trail improvements, base facilities and other commercial amenities associated with the operation and enhancement of a four-season resort.

C. Maximum building height shall be by review of each individual building.

D. Facilities and structures associated with the operation of an alpine ski area, including ski-lifts, maintenance and snow-making facilities, and base facilities, shall not be subject to side and rear yard setback standards from lot lines involving a boundary between public lease-land and property included within a designated Ski-PUD.

(3) Conditional Land Uses Permitted

A. Those listed in Section 13.3.

B. Resort Planned Unit Development, as stipulated in Section 13.5.

C. Uses allowed in Highway-Tourist district, (except for residential and transient density).

D. Uses allowed in Village Commercial district (except for residential and transient density).

E. Ski lifts, snow-making equipment, trail and all other necessary maintenance and management uses.

F. Places of assembly and convention use.

G. Time shared or interval ownership dwelling and/or lodging units.

(4) Standards of Development

A. All proposed conditional uses shall comply with the conditional use requirements of these regulations.

B. Setbacks

1. Outside Boundary. Along the outside boundary of the project, setbacks for individual lots shall be twice the dimensions as established for the district in which it is located. The DRB may grant a waiver from the double setback requirement when all of the following criteria are found to be met:

a. The double setback is not found necessary to protect the privacy of neighboring properties due to topography, existing vegetation to remain, proposed landscaping or other mitigation measures being proposed by the applicant.

b. The double setback is not found necessary to protect the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas; and

c. The double setback is not found necessary to protect the character of the area affected as defined by the purpose of the zoning district.

2. Permitted Uses. The minimum setback for permitted uses on individual lots shall be ten (10') feet from all interior property lines;

3. Conditional uses. The distance between buildings containing conditional uses shall not be less than permitted by the Vermont Department of Fire Safety.

C. Development should be concentrated in one or more identified areas suitable for moderate or high density, concentrated development which will result in a compact development pattern, enhance pedestrian circulation, avoid adverse impacts on natural resources and reserve a maximum amount of open space.

D. With the exception of facilities and site improvements associated with the development and operation of a ski area, development should not occur on areas characterized by slopes of twenty (20%) percent or greater.

(5) Open Space

In conjunction with DRB approval of development within a designated Ski-PUD, the applicant shall provide an open space plan in accordance with the requirements of Section 13.3(4) of this ordinance and the Stowe Subdivision Regulations. The open space plan shall include a comprehensive site analysis of the entire parcel including natural features and any development constraints along with probable locations of future development.

13.7 Industrial PUD

(1) Purpose: To provide an area for industrial development which will promote sound economic development and opportunity for employment while protecting adjacent residential areas.

(2) Conditional Land Uses Permitted:

A. Manufacturing; warehousing and enclosed storage; exterior storage; truck terminal; printing; publishing; research and development

laboratories; public utilities; small retail stores; private community water and sewer facilities.

B. One-family, two-family and multiple family dwellings in conformance with RR1 District and standards. With off-site municipal sewage, one family, two-family and multiple family dwellings in conformance with VR-20 District and standards.

(3) Specific Requirements:

A. Minimum of ten (10) contiguous acres.

B. Maximum building height by review of each individual building.

C. Distance between primary buildings at least fifty (50') feet.

D. Maximum building coverage of PUD twenty (20 %) percent.

E. Location limited to area designated on zoning map, and Moscow Commercial.

F. Fifty (50') foot minimum building setback from property line.

(3) Standards of Development:

A. Along outside boundary of project, a green belt perimeter, landscaped at least twenty (25') feet in width.

B. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the project shall not be generated.

C. Conformance with the conditional use criteria of these regulations.

13.8 Stowe Village PUD

(1) General Purposes

The purpose of the Stowe Village PUD is to enable and encourage flexibility of development of this land. Also:

A. To promote the sound economic development of Stowe and to carry out the objectives of the Stowe Town Plan.

B. To maintain Stowe Village as the center of community activity.

C. To encourage the best use of land in central sections for general business.

D. To maintain a more dense pattern of development in the immediate center of the Village.

E. To allow more uncongested development in the outlying or undeveloped areas of the Village.

F. To provide for compact residential development in suitable areas which are served by municipal water supply and municipal sanitary sewer system.

G. To integrate housing of various types into a harmonious grouping.

H. To facilitate adequate and economical provisions for streets and utilities.

I. To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.

J. To promote the preservation of adequate open space through carefully planned cluster types of development.

K. To encourage agricultural productivity of good farmlands and of forest resources.

L. To permit the establishment of recreational and resort facilities when compatible with the primary purpose of a residential environment.

M. To provide an area for industrial development which will promote sound economic development and opportunity for employment while protecting adjacent residential areas.

(2) Location and size

A. The Stowe Village PUD is a district comprised of approximately ninety-two (92) acres generally south of Main Street, including the Green Mountain Inn, the former Red, Inc., industrial PUD property and the former Savela lot of approximately .39 acres. This district is entered as such on the Zoning Map of the Town of Stowe.

(3) Zones within the PUD

A. Residential Zone.

B. Residential/Industrial/Business Zone.

C. Residential/Business Zone.

(4) Land Uses Permitted in the Stowe Village PUD

The following uses are permitted in the Stowe Village PUD, provided that each dwelling unit has a minimum lot of ten thousand (10,000) sq. ft. per family:

A. One family and two family dwellings.

B. The renting of rooms to not more than six (6) persons in a Family Dwelling Unit by the resident thereof.

C. Customary home occupations.

D. Farming, including dairying, orchards, gardening, keeping of livestock, poultry, boiling maple sap, making apple cider, jams and jellies or other customary agricultural-related operations; and the sale of products raised on the premises.

There shall be no more than three hundred (300) Dwelling Units in the Stowe Village PUD, and this density shall only be permitted if no business or industrial units are built.

(5) Conditional Land Uses Permitted

A. In the Residential Zone:

1. One family, two-family, and multiple family dwellings, with no minimum lot size per dwelling unit.

2. The renting of rooms to not more than six (6) persons in a family Dwelling Unit by the residents thereof. From time to time and on an occasional basis throughout the year, these rooms may also be rented to hotels and motels located within the Stowe Village PUD, by the residents thereof.

B. In the Residential/Industrial/Business Zone

1. All of the uses in the Residential Zone.

2. Industrial Unit: an Industrial Unit is any building or locale where the following work or activities take place: Manufacturing; warehousing and enclosed storage; truck storage and shipping; printing; publishing; research and development laboratories; public

utilities. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat shall not be generated that is detectable at the boundaries of each industrial building. Each Industrial Unit shall consist of a total of two thousand one hundred seventy-eight (2,178) sq. ft. of interior building space, whether on one (1) floor or more than one (1) floor regardless of the number of industrial users occupying the said space. Exterior storage and accessory buildings or uses shall not be included in calculating the two thousand one hundred seventy-eight (2,178) sq. ft., but the exterior storage and accessory buildings shall not exceed one thousand (1,000) sq. ft. per each Industrial Unit.

3. All of the uses in the residential/business zone.

C. In the Residential/Business Zone:

1. All of the uses in the Residential Zone.

2. Business Units: A Business Unit is any building or part of a building or locale where an individual commercial operation, profession or trade is carried on, including stores, service establishments and offices of all kinds and types.

   Without limiting the generality of the foregoing, "Business Units" shall include: Theaters, bowling alleys, tennis courts, ice rinks, billiard parlors, convention or art centers, and similar places of commercial amusements; professional and business offices and financial institutions; cannabis testing laboratories, licensed and unlicensed restaurants, provided that all food and beverages are served to customers while seated at tables or counters inside the building or while seated at tables outside the building, but this shall not prohibit salad bars, buffets, ice cream shops or a catering business for the sale of food to be consumed elsewhere, public parks and playgrounds, community recreation buildings or centers, libraries, museums, municipal fire or police stations, telephone exchanges or maintenance buildings, clinics, convalescent homes or homes for the aged, private clubs, the principal activity of which is not carried on as a business; hospitals, schools, small shops making and selling crafts, commercial kennels or veterinary hospitals, places for making cider, syrup, jams and jellies, hotels and motels.

   A hotel or motel consists of Lodging Units. A Lodging Unit is a rentable accommodation whose maximum design capacity is four (4) people. A room with two (2) double beds equals one (1) Transient Unit; a suite with two (2) twin single beds plus sofa bed

equals one (1) Lodging Unit; a suite with two (2) double beds plus sofa bed equals one and one-half (1-½) units. One (1) Lodging Unit equals one-half (½) Business Unit.

Convalescent homes, homes for the aged, hospitals, and school dormitories shall consist of Lodging Units, and every eight (8) persons housed in these places shall constitute one (1) Business Unit. For example, a Convalescent Home with beds for twenty four (24) patients shall constitute three (3) Business Units.

3. Time shared or Interval Ownership Dwelling and/or Lodging Units.

4. Emergency shelters.

5. Any use that the DRB finds to be similar to a use permitted under this Section in its effect upon the character of the vicinity, traffic patterns and flows and its effect on the value of neighboring properties.

6. Individual Business Units may be merged and/or divided after they are constructed, but the total number may never exceed the total number for which permits have been issued, and which are specified in the affidavit referred to in Section 13.7 of the Stowe Village PUD.

D. These conditional uses shall be subject to the conditional use standards of these regulations

E. The total number of Business Units, not including Lodging Units, may not exceed two hundred twenty-seven thousand, eight hundred (227,800) sq. ft. of interior space.

(6) Accessory Uses Permitted in the Stowe Village PUD

A. Accessory uses incidental to a permitted use on the same lot, including buildings used for farming or industry; allowed home occupations; or recreational facilities such as swimming pools, tennis courts, and like structures.

B. Uses accessory to a conditional use shall be applied for and approved under the same procedure as a conditional use as stated in Section 3.7.

(7) Density of Development and Exchanges

Two hundred (200) Dwelling Units, with no minimum lot size per Dwelling Unit.

A. In addition, the Residential/ Industrial and Business Zone may contain four (4) Industrial Units.

B. In addition, the Residential/Business Zone and the Residential/Business/ Industrial zone may contain a total of ninety-six (96) business units.

Dwelling Units and Industrial Units may be exchanged, each for the other, provided they are located in the Residential/ Industrial/Business Zone. For the purposes of the exchange, one (1) Industrial Unit equals one (1) Dwelling Unit.

Business Units may be exchanged for Dwelling Units and the additional Dwelling Units may be located anywhere in the Stowe Village PUD. For purposes of the exchange, one (1) Dwelling Unit equals one (1) Business Unit.

(8) Standard of Development

A. Building Coverage: Total building coverage on the entire Stowe Village PUD shall not exceed fifteen (15%) percent overall.

B. A maximum building height of thirty-five (35') feet may be permitted where evidence is shown that this is more advantageous for a particular building lot.

C. Setbacks: To be the distance between any structure and the lot line. If there are no lot lines established, the distance between buildings will be double the stated side yard and rear yard setbacks of the applicable zone. See tables below.

Residential Zone

| | |
|---|---|
| Front | 30 feet |
| Side | 10 feet |
| Rear | 40 feet |
| *Perimeter Greenbelt | 100 feet |

* The Perimeter Greenbelt does not include that area of the zone contiguous to other zones within the Stowe Village PUD.

Residential/Industrial Zone

| | DWELLING UNITS | INDUSTIAL UNITS |
|---|---|---|
| Front | 30 feet | 50 feet |
| Side | 10 feet | 50 feet |
| Rear | 40 feet | 50 feet |
| Perimeter Greenbelt | 25 feet | 25 feet |

Residential/Business Zone

| | DWELLING UNITS | BUSINESS UNITS |
|---|---|---|
| Front | 10 feet | 10 feet |
| Side | 10 feet | 10 feet |
| Rear | 40 feet | 10 feet |

D. Exceptions to Setback Requirements:

1. Sills, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four (24") inches;

2. In the case of attached multiple housing units or Business Units, no side yard setbacks are required between attached units. Front and rear setbacks of the applicable zone remain the same;

3. Signs.

(9) Unit Density Bank

Upon issuance of the required local permits, the owner shall file with the DRB, an affidavit confirming the total number of units for which permits have been issued in each category; the number of units remaining to be permitted in each category; the cumulative floor space of the Industrial and Business Units (not including Transient Units), and the percentage building coverage of the PUD to date. As additional units are permitted, the affidavit shall be appropriately amended.

(10) Off-Street Parking

A. Parking Facilities Required: Parking facilities off the street or highway right-of-way shall be provided to serve any building erected, moved, altered or enlarged, and all premises otherwise developed after the adoption of these regulations. Such facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting such building or premises at any one time.

violation by certified mail. A copy of the notice of violation will be mailed to the State NFIP Coordinator. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

(c) If the structure is still noncompliant after the seven-day opportunity to cure has passed, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(d) Violations of the Accepted Agricultural Practices shall be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Chapter 215 §4812.

## ARTICLE VII PLANNED UNIT DEVELOPMENT (PUD)

### Section 700 General Purpose

(a) The purpose of planned unit development (PUD) is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate and efficient use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands in conformance with the Municipal Plan and this bylaw. PUDs may include any mix of residential and nonresidential uses that are allowed in a district.

(b) Accordingly, the Development Review Board is hereby authorized to modify the area and dimensional requirements of this bylaw simultaneously with the approval of the subdivision plat for a PUD. However, such modifications shall be limited as provided in 24 V.S.A. §4417 and as set forth below.

### Section 701 Applicability

(a) Only land development involving a parcel three or more acres in size may qualify for consideration as a PUD. Any residential project involving fewer than three dwelling units shall not qualify. The application of planned unit development bylaws to a proposed development may involve single or multiple properties and one owner or multiple owners.

(b) PUDs are permitted in any district, but all of the separate uses included for a PUD must be permitted in the district for which the PUD is proposed or have received conditional approval, if allowed.

Section 702 Permitted Densities

(a) Pursuant to the provisions in 24 V.S.A. §4417, density limitations in a PUD are established as follows:

(1) The total area of undeveloped land shall be designated to be at least 50 percent of total project land.

(2) For PUDs that are entirely residential, the maximum number of dwelling units allowed is as follows:

(A) For single-family dwellings, divide the total acreage of the parcel, or portion thereof, by the minimum lot size applicable in the district.

(B) For duplexes, divide the total acreage, or portion thereof, by the minimum lot size applicable in the district, then multiply by two.

(C) For multi-family, multiply the total acreage, or portion thereof, by the allowed density in dwelling units per acre for the applicable district identified in Section 504, Table 5.3.

(D) A density bonus may be granted as outlined in this Section.

(3) For PUDs that are entirely nonresidential, the area occupied by structures shall not exceed the maximum coverage for the acreage dedicated to commercial use, including deeded undeveloped land, in the applicable zoning district.

(4) For PUDs that include both residential and nonresidential uses, maximum densities are determined as follows:

(A) For the residential uses of the site, apply the density calculation in Section 702(a)(2) above to the residential portion of the site acreage, including the residential portion of the undeveloped land. A density bonus may be granted as outlined in this Section.

(B) For the nonresidential uses of the site, apply the density calculation in Section 702(a)(3) above to the nonresidential portion of the site acreage, including the nonresidential portion of the undeveloped land.

(C) For multi-use buildings that include both residential and commercial uses in the same structure, the allowed density for residential dwelling units on the acreage dedicated to the multi-use is calculated as in Section 702(a)(2); the residential use can occupy the same building footprint or maximum coverage as the nonresidential use.

(b) Along the outside boundary of the PUD project, setbacks shall be twice the dimensions established for the district in which the project, or applicable portion of the project, is located.
The Development Review Board may, in accordance with the review process contained in Section 704(g), reduce this double setback for a portion of the entire outside boundary, provided the following criteria are met: 1) The setback is not less than the required setback for the district in which the affected portion of the project is located; 2) the applicant shall demonstrate that a lot configuration which utilizes the double setback exclusively does not yield practical building sites and does not meet the general purpose of these PUD bylaws; and 3) adequate screening and landscaping exist or are proposed as required in Sections 301(f)(3) and 705(k). Other than this setback, no other setbacks apply to PUDs.

Section 703 Pre-Application Conference

(a) One or more pre-application conferences among the applicant, Development Review Board, and interested municipal officials may be required to discuss the nature and scope of the development to foster an organized and timely application process.

(b) At least one week prior to the first pre-application conference, the applicant shall submit to the Development Review Board Chairperson the following:

(1) A draft of a zoning permit application, including the name and address of the landowner and/or applicant and a statement describing the proposed development.

(2) A development schedule indicating the dates for construction to begin and end for the entire project, as well as for individual phases, if any.

(3) Quantitative data: total acreage; acreage devoted to buildings, roadways, and utilities; acreage of undeveloped land; number and types of dwelling units; and acreage and building square footage by proposed use.

(4) One or more sketch plans showing the proposed layout of the project, including lots, buildings, streets, utilities, project boundaries, adjacent land uses, adjacent property owners, the general location of the property in relationship to the surrounding area, significant environmental features, existing vegetation, and prospective landscaping.

Section 704 Application Procedure

(a) Upon completion of the pre-application procedure, the applicant shall submit a zoning permit application to the Development Review Board, including two copies of the following:

(1) Final version of the information submitted for the pre-application conference.

(2) Name and address of owners of record of the adjoining lands.

(3) One or more site plan maps, of sufficient scale, showing the following:

(A) The name and address of the person or firm preparing the map, the scale, and the north arrow;

(B) The boundaries of the property, and adjacent land uses and property owners;

(C) Existing features, including contours, bodies of water, floodplains, wetlands, aquifer protection areas, existing vegetation, significant wildlife habitat, existing land uses, structures, historic structures, streets, utilities, easements, and deed restrictions;

(D) The locations of proposed structures, building lots, land uses, streets, driveways, parking and loading spaces, pedestrian walkways, utility lines, lighting, water supply sources, and sewage disposal areas;

(E) The location and features of proposed undeveloped land;

(F) Landscaping plans, screening, proposed site grading, and incorporation of existing vegetation and features.

(4) A statement describing the character and proposed uses of the undeveloped land, including the nature of proposed public uses.

(5) A statement on the impact of the development on public roads and other public infrastructure such as schools, sewer systems, or public water systems, if appropriate.

(6) Articles of association, bylaws, or declarations of condominium that relate to provisions for undeveloped land, design controls, land use restrictions, recreation, parking areas, or other facilities used, owned, or maintained in common.

(7) A description of how the project meets each of the standards in Section 705, including justification for any density bonuses that are requested.

(8) Any additional information that the Development Review Board may request to assist them in assessing the project's conformance with the standards set forth in Section 705.

(b) Any applicant for a PUD must notify adjacent land owners by certified mail of the nature of the application and the upcoming Development Review Board review at least ten days prior to such review. The applicant must submit copies of certified mail receipts indicating that all adjacent landowners have received notice, and a copy of the notice sent.

(c) Any applicant for a PUD shall, at the time the application is submitted, post a notice of permit application on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until a decision on the site plan review has been rendered by the Development Review Board. This notice shall include the date, time, place, and purpose of the site plan review. The municipality shall provide these notices to the applicant, in accordance with Section 301(d) of this bylaw.

(d) A duly warned public hearing shall be held no sooner than fifteen (15) days following the submission of the formal application. The public hearing requirement may be waived if the Development Review Board deems the project to be minor in nature.

(e) The Development Review Board shall approve, approve with conditions, or deny the project within 45 days after the date the public hearing is closed. Approval may be conditioned upon the receipt of necessary state approvals. Insufficient information provided to the Development Review Board in the formal application or throughout the hearing process may be grounds for denial.

(f) Proof of financial capability to complete required improvements may be required by the Development Review Board, including performance bonds, escrow accounts, or letters of credit.

(g) Any changes that the applicant wants to make to the approved project that involve aspects included in the Development Review Board review and approval or as a result of subsequent state permit reviews and requirements shall require a subsequent review by the Development Review Board under this bylaw.

(h) PUDs that include nonresidential uses or structures must also apply for site plan approval for the nonresidential portions of the project. Application submissions and Development Review Board hearings can occur simultaneously.

(i) PUDs that included uses that are conditional in the district for which they are proposed must also apply for and obtain conditional use approval for those uses.

## Section 705 Standards for Review

The following standards must be met for PUD approval.

(a) The project must conform to the density and dimensional requirements set forth in Section 702.

(b) A residential density increase of up to 25 percent may be permitted only if the Development Review Board finds that such increase:

(1) Will not have an undue adverse impact on the capacity of community facilities and services;

(2) Will not have an undue adverse impact on the character of the area as defined by the Municipal Plan and the zoning district in which the use is located; and

(3) Is compensated for by substantial efforts to provide one or more of the following: the provision of low- and moderate-income housing; preservation of agricultural land; or the provision of publicly accessible park or recreation land.

(c) The project is an effective and unified treatment of the development possibilities of the site and makes appropriate provision for preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and man-made features, watersheds, wildlife habitat, floodplains, and scenic features.

(d) Phasing of the development shall be scheduled or phased to ensure that adequate municipal facilities and services will be provided. In the event it is determined that the project will unduly burden municipal facilities or services, the municipality may require contributions to cover costs or dedication of land or interests in land for the purpose of providing or contributing toward the provision of necessary facilities or services.

(e) If a project is to be served by a public water supply or a public sewer system, a letter from the appropriate municipal department shall be submitted to the Development Review Board certifying that such services can be provided to all habitable units before occupancy.

(f) If a project is not served by a public water supply system and a public sewer system, approval of the water supply and sewage disposal systems by all state authorities shall be required.

(g) The proposed PUD shall not unduly burden the school system. The applicant may be required to obtain a letter from the Superintendent of Schools regarding the impact of the project on the school system.

(h) The proposed PUD shall not unduly burden municipal roads, including intersections and access roads immediately burdened by the project.

(i) Development access roads shall be of a width, surface, and design adequate for handling proposed traffic, including accessibility for emergency vehicles, school buses, and public transit, if appropriate.

(j) Adequate pedestrian circulation, which may include sidewalks, maintained trails, or other pathways, shall be provided.

(k) Adequate landscaping and screening of both buildings and parking areas shall be required in order to protect scenic vistas and the site's natural aesthetic features.

(l) The proposed PUD must be consistent with the Municipal Plan.

(m) Land that is not included in building lots, streets, rights-of-way, or utility easements shall be reserved as undeveloped land for recreation, conservation, agriculture, and the enhancement of the natural environment for living. Such undeveloped land shall not be less than 50 percent of the total project area. Further, the undeveloped land shall:

(1) Take the fullest advantage of all natural features, such as natural watercourses and drainages, topography, existing trees, outlook, agricultural land, forests, and other features;

(2) Be in a location, and of a character, size, extent, and shape suitable for the land's intended use;

(3) Contain no building or development, except one primarily devoted to a purpose for which the undeveloped land is intended, including swimming pool, tennis courts, and similar recreational facilities, and minor incidental buildings connected therewith; and

(4) Be conveyed to:

(A) The municipality, if it agrees to maintain the undeveloped land and any buildings, structures, or other improvements on it; or

(B) An association of homeowners or tenants, which adopts and imposes covenants and restrictions on the undeveloped land that adequately provide for its continuing maintenance; or

(C) Another suitable organization, which agrees to appropriate conservation restrictions placed on the land which would then be recorded with the deed. Provisions must be made for the organization to adequately provide for the continuing maintenance of the land. The land must be used for its intended purpose.

## ARTICLE VIII SIGNS

### Section 800 Purpose

These sign regulations are established to achieve the following objectives:

(1) To ensure businesses, activities, events, or products are provided with sufficient opportunity for identification and promotion;

(2) To ensure the safety and well-being of the users of streets, roads and highways in the Town and Village of Waterbury;

(3) To reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways;

(4) To discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and

## 5.12 Planned Unit Development (PUD) and Residential PUD

**Purpose** – In accordance with the 24 VSA §4417, Planned Unit Developments (PUDs) are authorized within designated zoning districts in order to encourage flexibility of design and the development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of roads and utilities and to preserve the natural and scenic qualities of the open lands of the Town of Richmond. For purposes of these Zoning Regulations, Residential PUDs shall be considered a type of Planned Unit Development. The modification of the dimensional requirements governing lot area, lot dimension, lot frontage and lot coverage and the dimensional limitations for structures governing front, side and rear yard setback requirements of these Zoning Regulations may be permitted subject to the conditions set forth in this section, simultaneously with the approval of a subdivision plat under the Richmond Subdivision Regulations if a subdivision is proposed.

**5.12.1 Coordination of Review** – Application for PUD or Residential PUD approval shall be reviewed by the DRB as a conditional use, subject to conditional use review and approval under Section 5.6, and concurrently with the review of a subdivision plat if a subdivision is proposed. Any subsequent Zoning Permit, site plan or conditional use approval of a proposed development within an approved PUD or Residential PUD shall incorporate all applicable conditions of the PUD or Residential PUD approval.

**5.12.2 General Conditions** - All PUD and Residential PUD applications shall meet the following conditions:

a) The PUD or Residential PUD provision may be used for any sized parcel but shall be *required* for developments of nine or more lots, or ones in which a multiple ownership of a building or buildings, or multiple principal structures or uses on a single lot are proposed, except as provided in Section 4.5. For the purpose of determining the number of lots, all lots shall be counted if they have been approved for subdivision by the DRB or Administrative Officer within a continuous period of sixty months preceding the date of filing the PUD subdivision application.

b) A PUD, but not a Residential PUD, shall be allowed in the VD District. A PUD or Residential PUD shall be allowed in the VRC, GRC, JC, VC, C or I/C Districts. However, in the I/C District, a Residential PUD shall be allowed only on parcels that are occupied and solely occupied by a residence or residences prior to May 28, 2024 and apply only to the following parcels: RG0090, RG0140, RG0226 and RG0300. A Residential PUD shall be allowed in the A/R and the HDR Districts as well.

c) A Residential PUD shall include only dwelling units. The dwelling units may be of various types including single-family, two-family and multi-family dwelling units. Home occupations, child-care homes and group-homes shall also be allowed.

d) The total number of allowable dwelling units in the PUD or the Residential PUD shall not exceed the number that would be permitted if the land were subdivided into lots in conformance with these zoning regulations for the Zoning District in which such land is located, and in accordance with Section 2.5 of these Zoning Regulations.

e) The DRB may allow for a greater concentration of units than would otherwise be allowed in the underlying district within some section(s) of the development, provided there is an offsetting lesser concentration or an appropriate reservation of open space on the remaining land.

f) The uses proposed for a PUD shall only be those uses listed as permitted or conditional in the district in which the PUD will be located. Any of these uses shall be allowed.

g) A PUD may contain only commercial uses or may contain mixed commercial and residential uses. In the VC, C and I/C Districts, at least 50% of the gross building floor area must be in commercial use. In the VD District, residential uses shall be restricted to the second floor and above; and in the JC District, residential uses shall be allowed on any floor except for any building fronting Bridge Street, in which case 20% of the first (ground) floor nearest to Bridge Street shall be restricted to commercial use

h) The DRB may impose conditions to assure that a PUD or a Residential PUD does not place an unreasonable burden on the ability of the Town of Richmond to provide municipal or governmental services.
i) A PUD or Residential PUD is consistent with the Town Plan.
j) The PUD or Residential PUD is an effective and unified treatment of the development possibilities of the project site. The development plan shall make appropriate provision for preservation of the following features as feasible or required: streams, stream banks, and water bodies, aquifer recharge areas, slopes greater than 20%, wetlands, soils unsuitable for development, agricultural lands, meadow lands, productive forest lands, historic features, unique natural features as identified in the Town Plan, wildlife habitat, high elevations, ridge tops, and floodplains.
k) The PUD or Residential PUD shall meet local and state regulations for sewage disposal and the protection of water quality.

**5.12.3 Additional Standards** – In addition to the specific standards in the Zoning District and, as applicable, review standards in Section 5.6 *Conditional Use Review,* or subdivision review standards under the Town of Richmond Subdivision Regulations, the following site standards also may be required as a condition of the DRB approval.
a) Greater setback and screening requirements for structures, parking areas and other development features along the perimeter of the property.
b) Adequate pedestrian circulation.
c) Improvements to roads to meet the Public Works Specifications.
d) Restriction of points of access to state or town roads.
e) Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, and other private improvements.

**5.12.4 Application Procedures –**
a) A Zoning Permit shall not be issued for any building or development in a PUD or Residential PUD until the PUD or Residential PUD has been approved by the DRB.
b) The DRB shall hold one or more public hearings on the PUD or Residential PUD, warned in accordance with Section 8.2.3, as required for conditional use review.
c) The Applicant shall submit one set of site plan maps and supporting data to the Administrative Officer for referral to the DRB, which, in addition to the application requirements for conditional use or subdivision review, shall include the following information:
   i. Name and address of the owners of record of adjoining lands. Name and address of person or firm preparing the map. Scale of map, north point, and date. Name, address, and interest of the Applicant in the subject property.
   ii. Survey of the property showing all existing, proposed or potential lot boundaries, and all existing or proposed easements, rights of way and deed restrictions.
   iii. Site resource map, at the same scale as the site plan, showing contours, indicating soils suitable for on-site sewage disposal, wetlands, Areas of Special Flood Hazard, bodies of water, slopes of 20% grade or greater, ridge lines, agricultural and forest land, critical wildlife habitat, and identified natural or historic features.
   iv. Site plan showing the locations of proposed structures and their use; Road(s) or Highway(s), driveways, traffic circulation, parking, and pedestrian ways; landscaping, including site grading, landscape design, and screening; utility lines; lighting; water supply sources and sewage disposal areas; and land that may be set aside for common lands and/or public use.
   v. A statement setting forth the nature of all proposed modifications, changes, or supplements of these Zoning Regulations and the proposed standards and criteria which the Applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces.
   vi. Construction sequence and time schedule for completion of each phase of buildings, Roads or Highways and parking, landscaping and amenities.

vii. Proposed restrictive covenants for those developments that shall provide common open space, recreation, roads, parking areas, community water and sewer systems, or other facilities owned or maintained in common.

**5.12.5 Common Land** – If the proposal results in lands available for park, recreation, open space, agriculture, forestry or municipal purposes, such common land must meet the following requirements:

a) The location, shape, size and character of the common land is suitable for its intended use and for the development given its size, density and physical features.
b) Common land shall be suitably improved for its intended use, except that common unimproved land, and lands designated for agriculture and forestry, may be so utilized.
c) Prior to the issuance of any Certificate of Occupancy for any Land Development in the PUD or Residential PUD, the Applicant shall provide for and establish an organization or trust for the ownership and maintenance of any common facilities or open space: the organization or trust shall not be dissolved or revoked nor shall it dispose of any common facilities or open space, by sale or otherwise, except to an organization or trust conceived and established to own and maintain the common facilities or open space, without first offering to dedicate the same to the Town or other government agency to maintain those common facilities or that open space.

**5.12.6 Roads and Other Facilities**

All roads, sidewalks, recreation paths, water and sewer lines, stormwater facilities, utilities, and related facilities in a PUD or Residential PUD (each a "Facility") shall remain private until formally accepted by vote of the Town Selectboard. If the Applicant intends to offer any Facility to the Town, then, with the application for FINAL SUBDIVISION approval, the Applicant shall submit the following:

a) A draft irrevocable offer of dedication;
b) A draft warranty deed conveying to the Town:
    i. For a road Facility, fee simple title to a 60-foot-wide area of land, 30 feet on either side of the road centerline; and
    ii. For any other Facility, either fee simple title to an area where the Facility will be located, or an easement for the Facility's use, maintenance, repair, enlargement, and replacement. The warranty deed shall not be subject to any encumbrances, including but not limited to mortgages and other easements.

Final Subdivision approval shall not constitute acceptance of the facility as a public facility, as acceptance can only occur by vote of the Selectboard. Final approval shall not be deemed to prevent the Town Selectboard from requiring any modifications to the irrevocable offer or any instruments or the deed that the Selectboard deems appropriate prior to acceptance.

**5.12.7 PUD and Residential PUD Review Process-**

a) The PUD or Residential PUD application will be reviewed simultaneously with Conditional Use Review under the Richmond Zoning Regulations, as well as review of the subdivision plat under the Richmond Subdivision Regulations if a subdivision is proposed. If a subdivision is not proposed, the application will be reviewed by the DRB as a Conditional Use but shall utilize the three-step procedure of Sketch Plan, Preliminary Plan, and Final Plan review as outlined in the Subdivision Regulations.
b) The DRB shall hold a public hearing on the application, warned in accordance with Section 8.2 and shall provide the opportunity for any person wishing to achieve status as an "Interested Person" to demonstrate that they meet the definition of "Interested Person" under 24VSA §4465 and these Zoning Regulations for purposes of appeal.
c) The DRB will impose any conditions felt to be necessary to ensure that the PUD or Residential PUD will satisfy the PUD purpose statement and standards set forth in Section 5.12, any conditions of the underlying district that are not modified in the approval, and any conditions felt to be necessary. Certain clearly defined conditions which are essential to the approval will be designated as **"Critical Permit Conditions"**. Examples of such conditions include those that

would prohibit further development in an area of the PUD, or conserve land though a permanent easement.

d) The DRB shall act to approve, approve with conditions, or deny the application and issue a decision as provided in Section 8.2.

e) Subsequent to an approval of a PUD or Residential PUD, but prior to the commencement of any further land development beyond which has been approved and permitted, an application for an amendment to the approval shall be submitted. This application will be followed by DRB review, including public hearing(s) as required by Section 5.6 before an amended permit can be issued. If a new subdivision is proposed, the subdivision review shall occur concurrently with the Conditional Use amendment review. An application to amend a **Critical Pemit Condition** shall be subject to the ***Hildebrand/Stowe Club Highlands test*** or deemed major enough by the DRB to warrant an entirely new PUD or Residential PUD application.

# 6. SPECIAL ZONING REGULATIONS

### 6.1 Parking and Loading

**Purpose** – To ensure the adequate provision of parking and loading facilities for all Land Development within the Town of Richmond, in accordance with the Act (§4414) and the following standards.

**6.1.1 Loading Requirements** – All uses shall provide off-Road or Highway loading spaces in conformance with the below standards, except residential uses and those uses receiving a waiver under this section.

a) **Location** – All loading spaces shall be located on the same lot as the principal use. Loading spaces shall minimize circulation conflicts on the lot. Loading areas shall not be calculated to include required off-Road or Highway parking spaces.

b) **Size** – All loading spaces shall be of sufficient size to allow necessary maneuvering for deliveries without encroaching upon the public right of way, parking spaces, or internal parking lot circulation unless a specific waiver is approved by the DRB. Loading spaces shall be fifteen (15) feet wide by twenty-five (25) feet in length. The DRB may require greater dimensions if deemed necessary to handle projected truck traffic volumes.

c) **Surfaces** – All loading areas shall be hard-surfaced and clearly marked with painting to designate the loading area. This requirement may be waived by the Administrative Officer or the DRB based upon projected traffic counts.

d) **Combination of uses** – Loading spaces may be designed to serve one or more businesses located in the same building or on the same lot. The DRB may approve joint usage on adjacent lots provided a written agreement is submitted and filed with a deed.

e) **Ratios** – One (1) space for the first 5000 square feet of gross floor area. One (1) additional space for each additional 30,000 square feet of gross floor area.

f) **Other standards** – Loading areas shall meet screening, landscaping, lighting, and other development standards as specified herein.

g) **Waivers** – All waiver requests shall be submitted in writing. The Administrative Officer may approve a waiver request for a change in use which does not increase loading requirements or any building expansion which does not exceed five hundred (500) square feet of gross floor area. The DRB may approve waiver requests under one or more of the following circumstances:

   i. The proposed use will require minimal deliveries which will not interfere with the traffic circulation on the lot.

   ii. Deliveries are made during non-business hours. Iii. Existing development makes it impossible to meet loading standards.

   The DRB may require that waivers be filed with Town Land Records and that a statement be attached that any change in use may require the construction of loading facilities.

## 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 two or less 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 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.

**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 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; other applicable bylaws, ordinances or regulations; and for any special problems that may be encountered. Findings of conformance or conflict by the Zoning Administrator 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.

720.4 **Sketch Plan Approval.** The Zoning Administrator shall determine whether the Sketch Plan meets the purposes of these Subdivision Regulations 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 or any other preliminary 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 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.

**Section 730. Procedures for Subdivisions.**

730.1 **Applications.** After the Sketch Plan review by the Zoning Administrator, the subdivider shall submit an application for approval of a Final Plat according to the procedures and requirements of §750 herein.

730.2 **Fees.** A fee for final plat approval, which is set by the legislative body, shall be submitted with the application for approval of the final subdivision plat.

**Section 750. Review and Approval of Final Plat.**

750.1 **Application for Final Plat Approval.** Within six months after approval of the Sketch Plan by the Zoning Administrator, the subdivider shall file an application for approval of a Final Plat. The proposed plat should be responsive to any conditions attached to the Sketch Plan approval by the Zoning Administrator, and shall conform to the requirements described in §750. Failure to do so shall allow the DRB to refuse, without prejudice, to act on the Final Plat and require resubmission of the Preliminary Plat.

750.2 **Copies for Submission.** Two copies of the plat (see §760.2 of these Bylaws, and 27 VSA §1403, for additional requirements required at the time of final filing); the application; all offers of cession, covenants and agreements, easements and rights-of-way shall be submitted to the Zoning Administrator at least fifteen days prior to a regular meeting of the DRB following receipt of the application under §750.1.

750.4 **Other Permits.** The subdivider shall apply for all Federal, State, and municipal permits required of the proposed subdivision and shall submit copies of these applications to the DRB. Such applications/permits may include but are not limited to: zoning permits, highway access permits, Master Land Use Permit (Act 250 Permit), public building permits, and Agency of Natural Resources Potable Water Supply and Wastewater Permit.

750.5 **Public Hearing.** The Zoning Administrator for a Minor Subdivision and the DRB for a Major Subdivision shall hold at least one public hearing upon public notice according to §4464 of the Act after the official filing of the Final Plat for approval. In addition, notice of such hearing shall be forwarded at least fifteen days prior to the hearing to the clerk of an adjacent municipality in the case of a plat located within five hundred feet of a municipal boundary. Any such hearing may be recessed to a later date, if necessary.
Submittals for the public hearing include:

750.5a A complete application, including all required plat information, and all fees, must be submitted to the Zoning Administrator, at least seven days before the public hearing.

750.5b If all material is not properly submitted, review of the application may be removed from the DRB's schedule and a new hearing warned. Any costs associated with the need to re-warn an application shall be at the applicant's expense.

750.6 **Attendance.** The Subdivider, or his/her duly authorized representative, shall attend the public hearing regarding the plat. Failure to so attend may result in postponement or dismissal of the application.

750.7 **Action on Final Plat.** Within forty-five days from the close of the final hearing, the Zoning Administrator, for Minor Subdivisions, or the DRB, for Major subdivisions, shall approve, approve with conditions, or disapprove the subdivision plat. Failure to act within such forty-five days shall be deemed approval without conditions.

750.9 **Conditioned Approvals.** The Zoning Administrator or DRB may impose conditions with any approval of an application in order to meet the requirements of these regulations. Said

conditions shall include, but not be limited to phasing of the development and scheduling of the infrastructure improvements prior to zoning permits being issued for construction. Surety, in the form of a line of credit that the Town is authorized to draw upon to complete a project abandoned for more than one year, may be required by the Board. Said surety will typically only be required for large projects when the Board determines that it is 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.

765. **Effect of Final Approval.**

765.1 **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.

765.2 **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 (also showing a separate acreage measuring that excluding public Streets and any right-of-ways 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 Listers' 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.
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 Morristown 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 change 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 for 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.

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 grading, clearing, 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 shall secure approval from the Zoning Administrator Development Review Board of 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 two or less 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 or more new parcels. All Major Subdivisions must go through the §510 Planned Unit Development / Conservation Subdivision process and be approved by the Development Review Board.

**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 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; ; official map; existing private and public development, facilities and services; other applicable bylaws, ordinances or regulations; and for any special problems that may be encountered. Findings of conformance or conflict by the Zoning Administrator 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.

720.4 **Sketch Plan Approval.** The Zoning Administrator shall determine whether the Sketch Plan meets the purposes of these Subdivision Regulations and may reject the application or make specific written recommendations for changes. Any subdivided lot must meet the minimum lot size without including any development road or public road right of way in the lot acreage. Determination of

compliance at this or any other preliminary stage of review will not bind the Development Review Board 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 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.

## Section 730. Procedures for Subdivisions.

730.1 **Applications.** After the Sketch Plan review by the Zoning Administrator, the subdivider shall submit an application for approval of a Preliminary Plat according to the procedures and requirements of §740, followed by an application for approval of a Final Plat according to the requirements of §750 herein.

730.2 **Fees.** A fee for plat approval for subdivisions may be set by the legislative body and shall be submitted with the application for approval of the preliminary subdivision plat.

## Section 740. Review and Approval of Preliminary Plat.

740.1 **Application for Approval.** The subdivider shall file an application for approval of a Preliminary Plat and the plat shall conform to the layout shown on the Sketch Plan and shall also conform to the requirements described in §780 herein. If the application does not meet submission requirements imposed by these rules, the Zoning Administrator or the Board may reject the application as incomplete.

740.6 **Review of Preliminary Plat for Minor Subdivisions.**

740.6a **For Minor Subdivision**. Review of the Preliminary Plat for a Minor Subdivision shall be conducted by the Zoning Administrator, who shall study the practicability of the Preliminary Plat. Particular attention shall be given to: the arrangement, location and specifications of streets and their relation to the topography of the land; water supply; drainage; lot sizes and arrangement; and the future requirements of the Municipal Plan, any official map and zoning bylaws. At the request of the landowner, any Minor Subdivisions submittal may opt to processed under the §510 PUD / Conservation Subdivision.

740.6b **For Major Subdivision**. All Major Subdivision applications shall be processed via the §510 Planned Unit Development / Conservation Subdivision process.

## 740.7 Action On Preliminary Plat (non §510 PUD process).

740.7a **For Minor Subdivision**. Within 15 days from the submittal of a Preliminary Plan application to the Zoning Administrator, the Zoning Administrator shall notify the subdivider of his/her approval, with or without conditions, or disapproval of said Preliminary Plat. The grounds of any

condition required or the grounds for disapproval shall be clearly stated in the findings of fact and conclusions of the Zoning Administrator.

740.9 **Further Approvals Necessary.** Approval of a Preliminary Plat shall not constitute approval of the final Plat.

## Section 750. Review and Approval of Final Plat.

750.1 **Application for Final Plat Approval.** Within six months after approval of the Preliminary Plat of a Minor Subdivision by the Zoning Administrator or a Major Subdivision by the Development Review Board, the subdivider shall file an application for approval of a Final Plat. The plat shall conform to the layout shown on the Preliminary Plat plus any conditions then attached by the Development Review Board or Zoning Administrator, and shall conform to the requirements described in §750. Failure to do so shall allow the Development Review Board to refuse, without prejudice, to act on the Final Plat and require resubmission of the Preliminary Plat.

750.2 **Copies for Submission.** Two copies of: the plat (see §760.2 of these Bylaws, and 27 VSA §1403, for additional requirements required at the time of final filing); the application; all offers of cession, covenants and agreements, easements and rights-of-way shall be submitted to the Zoning Administrator at least fifteen days prior to a regular meeting of the Development Review Board following receipt of the application under §750.1.

750.4 **Other Permits.** The subdivider shall apply for all Federal, State and municipal permits required of the proposed subdivision and shall submit copies of these applications to the Development Review Board. Such permits may include but are not limited to: zoning permits, highway access permits, Master Land Use Permit (Act 250 Permit), public building permits, and Agency of Natural Resources Potable Water Supply and Wastewater Permit.

750.5 **Public Hearing.** The Zoning Administrator for a Minor Subdivision and the Development Review Board for a major subdivision shall hold at least one public hearing upon public notice according to §4464 of the Act after the official filing of the Final Plat for approval. In addition, notice of such hearing shall be forwarded at least fifteen days prior to the hearing to the clerk of an adjacent municipality in the case of a plat located within five hundred feet of a municipal boundary. Any such hearing may be recessed to a later date, if necessary. Submittals for the public hearing include:

750.5a A complete application, including all required plat information, and all fees, must be submitted to the Zoning Administrator, at least seven days before the public hearing.

750.5b If all material is not properly submitted, review of the application may be removed from the Development Review Board's schedule and a new

hearing warned. Any costs associated with the need to re-warn the hearing of the application shall be at the applicant's expense.

750.6 **Attendance.** The Subdivider, or his/her duly authorized representative, shall attend the meeting of the Development Review Board to discuss the Final Plat and shall attend any public hearing regarding the plat. Failure to so attend may result in postponement or dismissal of the application.

750.7 **Action on Final Plat.** Within forty-five days from the close of the final hearing, the Development Review Board shall approve, approve with conditions, or disapprove the subdivision plat. Failure to act within such forty-five days shall be deemed approval without conditions.

750.9 **Conditioned Approvals.** The Development Review Board may impose conditions, with any approval of an application in order to meet the requirements of these regulations. Said conditions shall include, but not be limited to phasing of the development and scheduling of the infrastructure improvements prior to zoning permits being issued for construction. Surety, in the form of a line of credit that the Town is authorized to draw upon to complete a project abandoned for more than one year, may be required by the Board. Said surety will typically only be required for large projects when the Board determines that it is 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 Development Review Board 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 Development Review Board'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 Development Review Board to act, shall become null and void. The Zoning Administrator may extend the filing deadline if other local or state permits are still pending.

765. **Effect of Final Approval.**

765.1 **Acceptance of Streets, Recreational Areas**. Approval by the Development Review Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Municipality 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 Select Board.

765.2 **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, buildings and easements
h. Indication of intersecting boundaries
i. Total acreage of each Lot (also showing a separate acreage measuring that excluding Streets and any right-of-ways 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 Listers' 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 name(s) and address(es) of the owner(s) of record (addresses may be supplied on a separate sheet of paper).
m. The name of the zone applicable to the area to be subdivided and any zoning district boundaries cutting across the tract.
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 Morristown 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 change provided no new lots are being created, the proposal involves contiguous lands, and is on a joint application of both property owners.

795.2 The Zoning Administrator may require an applicant for a lot line change to obtain a subdivision permit rather than a lot line change if it is felt to be in the best interest for the town.

795.3 Lot line changes involving properties that lie within more than one zoning district shall require subdivision approval by the Development Review Board.

795.4 Approved lot line changes shall meet the same filing requirements as subdivisions (see §770).