



**TOWN OF MORRISTOWN PLANNING COMMISSION  
MEETING NOTICE & AGENDA  
COMMUNITY MEETING ROOM  
43 Portland St. Morrisville, VT 05661  
5:00 PM Tuesday, October 28, 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 Morrystown's website: <https://www.morrystownvt.gov/community/page/meetings-agendas-minutes>

**I. CALL TO ORDER**

**II. AGENDA CHANGES/ADDITIONS**

**III. APPROVE PRIOR MEETING MINUTES**

1. Approve Minutes from 10/14/25

**IV. NEW BUSINESS**

1. Update on the Downtown Designation application and the town's Municipal Planning Grant application with Johnson.

**V. OLD BUSINESS**

1. Review the latest draft of the proposed 2025 bylaws.
2. Continued Discussion on Multiple Use on A Lot Memo.

**VI. FUTURE PLANNING AGENDA TOPICS**

**VII. CORRESPONDENCE/NOTICES**

**VIII. ADJOURN**



**PLANNING COMMISSION MEETING MINUTES  
OF OCTOBER 14, 2025**

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

Absent: Joshua Goldstein

ADMINISTRATION and STAFF: Tyler Machia Zoning and Planning Administrator

PARTICIPANTS/GUESTS:

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**CALL TO ORDER**

Etienne Hancock called the Planning Commission to order at 5:02 PM at the Tegu Building.

**AGENDA CHANGES/ADDITIONS**

None

**APPROVE PRIOR MEETING MINUTES**

1. **Approve minutes from 9/23/25.**

*Motion made by John Meyer to approve the minutes of 9/23/25. Motion seconded by Wally Reeve.  
Motion carried. (4/0)*

**OLD BUSINESS**

1. **Continued review of the proposed 2023 Zoning and Subdivision Bylaws with emphasis on the following Sections: 420, 510.1.h and & 900.**

The Commission continued to review the changes made to the 2023 Zoning and Subdivision Bylaws, focusing on Sections 420, 510.1h, and 900 in response to the town's attorney's advice. Tyler offered rewrites of the statutory language that reflected the statute's intent. Discussion followed based on the attorney's feedback that explicitly suggested including the specific language used in the state statutes rather than just referencing them. The discussion clarified that while the state statute language could be used, attempting to wordsmith it might lead to future issues with interpretations of the intent. It was proposed to remove most of their drafted language and instead use verbatim text from state statutes, particularly sections marked as "shall" and "must." The group agreed to leave out sections marked as "may" for now and consider them later.

Tyler reviewed specific statutes regarding mobile home parks, residential care in group homes, and affordable housing. Tyler discussed the importance of clear definitions in regulations, particularly for interpreting state statutes. He explained changes to definitions for accessory on-farm businesses and building heights, emphasizing the need to prevent misuse of accessory use permits. He also addressed concerns about building height restrictions and fire safety, noting that while state fire code requirements have changed, some towns still enforce older regulations. He will seek further guidance from VLCT on the issue of ladder truck access for taller buildings. Also discussed was the need for clarification and expansion of definitions of land use and zoning regulations, particularly for light industry/manufacturing to better regulate and permit various commercial and residential developments. The current definition of duplexes could allow for on building with two units or two single-family homes to be built on a lot without having to

meet the ADU size restriction due to the way duplexes are defined, which could undermine the purpose of ADUs. Tyler highlighted the importance of defining farms according to state agricultural practices and clarified the exemptions for farm structures while also discussing the need for more robust definitions overall.

## **NEW BUSINESS**

### **1. Consider alternative ways to permit multiple uses on a lot.**

The challenge of permitting multiple uses on a lot and the use of a PUD was discussed. Travis proposed four options as alternatives to PUD's ranging from minimal oversight (Option A) to more restrictive requirements (Option D). The Commission expressed concerns about protecting the RRA district's rural character while maintaining transparency for consideration, including a PUD mixed-use approach. The group agreed to further consider the nuances between options C and D, particularly regarding RRA exclusions, and did not reach a final decision.

At this point, all the legal concerns in the Zoning Bylaws have been addressed. Tyler will return with a finished copy of the bylaws and contact the attorney to comment on potential adjustments to the language of Section 420.

## **FUTURE PLANNING AGENDA TOPICS**

### **CORRESPONDENCE/NOTICES**

None

### **ADJOURN**

***Motion made by John Meyer to adjourn. Motion seconded by Wally Reeve. Motion carried. (4/0)***

Meeting adjourned at 7:15 pm  
Submitted and filed this 10/15/25.  
Bonnie McDermott, Scribe

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

# FY26 Municipal Resolution for Municipal Planning Grant

**WHEREAS**, the Municipality of Morristown is applying for funding as provided for in the FY26 Budget Act and may receive an award of funds under said provisions; and

**WHEREAS**, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and

**WHEREAS**, the municipality is maintaining its efforts to provide local funds for municipal and regional planning purposes or that the municipality has voted at an annual or special meeting to provide local funds for municipal and regional planning purposes,

## Now, THEREFORE, BE IT RESOLVED

1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this grant program including a commitment to match funds.

2. That the Municipal Planning Commission recommends applying for said Grant;

Etienne Hancock

(Name of Planning Commission Chair)

(Signature)

3a. That (Name) Brent Raymond Title Town Manager

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is a Select Board Member, the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/Authorizing Official (M/AO) for the Grant Electronic Application and Reporting System (GEARS), and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

3b. (Alternate Authorizing Official for redundancy)

That (Name) Don McDowell Title Selectboard Chair

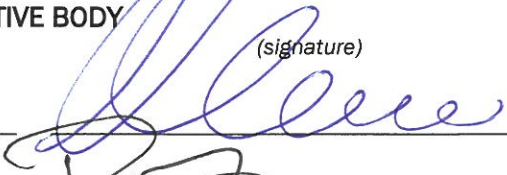


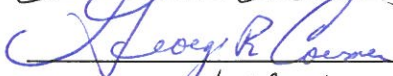

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or a Select Board Member, is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/ Authorizing Official (M/AO) for the Grant Electronic Application and Reporting System (GEARS), and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

3c. That (Name) Adele Taplin Title Economic/Comm Dev. Director

is hereby designated as the Grant Administrator, the person with the overall Administrative responsibility for the Municipal Planning Grant program activities related to the application, and any subsequent Grant Agreement provisions.

Passed this 20th day of October, 2025.

- (For rural towns or consortia only) The regional planning commission will serve as agent for the municipality or consortium. (Check the box if the municipality authorizes its regional planning commission to prepare the application, support grant administration and be exempt from competitive selection if serving as project consultant.)

(name)	LEGISLATIVE BODY	(signature)
Don McDowell		
Richard Craig		
Laura Streets		
George Cormier		
Leah Hollenberger		
_____		_____
_____		_____

**INSTRUCTIONS FOR RESOLUTION FORM**

- A. The Legislative Body of the Municipality must adopt this resolution. This Form requires filling in the name of the municipality, the Legislative Body (e.g. Selectboard), and the name and title of the Municipal/ Authorizing Official(s) (M/AOs); and the Grant Administrator.
- B. Following formal adoption, a majority of the legislative body must sign the Resolution. The Chair of the Planning Commission must also sign upon endorsement by vote of the Planning Commission.
- C. This form must be either uploaded to the online application or grant, or in the event the form cannot be uploaded, it may be emailed to:  

[Jennifer.lavoie@vermont.gov](mailto:Jennifer.lavoie@vermont.gov)
- D. If emailed, an electronic copy of the submitted Resolution document will be uploaded by DHCD staff and available online.
- E. Please note that the designated Municipal/Authorizing Official(s) and Grant Administrator must also register for an account in the online grants management system, if they have not done so already, before the application can be considered complete.

**CONSORTIUM APPLICATIONS:** For a consortium, each municipality must complete a separate Resolution form. All municipalities in a consortium must designate the same Municipal/Authorizing Official(s) and grant Administrator.

# Municipal Planning Grant FY26 Application Guide

This guide is designed to help you prepare a competitive application.

**Please use this guide to prepare your responses in Microsoft Word and then copy and paste them into the actual application in our GEARS system.** Feel free to type into the text boxes – they will expand to accommodate your answers.

*Tip: The GEARS system will time-out after 40 minutes on a single screen, even if you are actively working on it, so it's easiest to copy and paste.*



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# Summary & Narrative Form

## Section 1: Applicant Information

**1.1 Type of Application:** Is this an application from a single municipality or a group of municipalities (consortium)?

<input type="checkbox"/> Single municipality 	<input checked="" type="checkbox"/> Group (consortium) 
<p><b>Single Municipality Applicant:</b> Select the name of your town from the menu, starting with “City of”, “Town of”, or “Village of”.</p>	<p><b>Consortium Lead Municipality:</b> Select the name of the <b>lead</b> municipality from the menu, starting with “City of”, “Town of”, or “Village of”. The lead municipality will serve as the fiscal agent and primary project manager.</p>
<p><b>Single Municipality Rural Town Status:</b> Is the municipality a rural town?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Rural towns are defined in statute as municipalities with populations below 2,500 as of the last census. If you’re not sure if your municipality qualifies, check the list <a href="#">here</a>.</p>	<p><b>Consortium Partner Municipalities:</b> Select the names of all partner municipalities from the menu. All partner municipalities in a consortium must have an RPC-confirmed planning process and attach a resolution signed by each legislative body. Only one application per municipality is allowed.</p>
<p><b>Single Municipality Agent Status:</b> Will the regional planning commission (RPC) serve as agent for this rural town project?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>• RPCs may serve as agents for rural towns to assist with the application and project; however, the municipality, must serve as the financial/fiscal manager.</li> <li>• If a rural town receives a grant and has not identified the RPC as agent, consultants must be selected competitively, unless a waiver is approved by DHCD.</li> </ul>	<p><b>Consortium Agent Status:</b> Will the regional planning commission (RPC) serve as the municipal agent for this consortium project?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>• RPCs may serve as a “municipal agent” for a consortium to support inter-municipal and regional cooperation; however, the lead municipality must serve as the financial/fiscal manager.</li> <li>• As Agent, the RPC is expected to prepare the application, support grant administration, and can be exempt from competitive selection if serving as a project consultant.</li> <li>• If a consortium receives a grant and has not identified the RPC as agent,</li> </ul>

*consultants must be selected competitively, unless a waiver is approved by DHCD.*

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## Section 2: Project Description & Location

### 2.1 Project Type: Please identify the project type:

Select one of these options from the dropdown menu:

- Municipal Plan
- Zoning & Subdivision Bylaw
- Planning for Designated Area
- Infrastructure or Capital Improvement Planning
- Natural Resource Planning
- Flood Resilience Planning
- If other, specify: \_\_\_\_\_ (character limit: 65)

### 2.2 Project Title: Name the project as concisely as possible:

Johnson & Morristown Consortium Asset Inventory & Capital Improvement Plan

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*The project title will be used in the grant agreement and program announcements if funded.*

### 2.3 Project Subtitle: Provide a very brief statement of what the project will accomplish and produce: (character limit: 250)

Johnson and Morristown will each develop a townwide Capital Improvement Plan with distinct asset inventories and replacement schedules, using an open, community-driven process to guide long-term investments and support stable, efficient municipal budgeting and planning.

*This description will be used in MPG program marketing materials if this grant is funded.*

### 2.4 Project Description: Provide an overall summary of the 1) issue, 2) approach to solving the problem, 3) project deliverables, and 4) intended long-term outcomes: (character limit: 2,500)

**Issue**

Johnson and Morristown have not had the resources to complete up-to-date capital inventories and coordinated Capital Improvement Plans (CIPs), limiting their ability to manage assets effectively and plan for future needs. Without these tools, both towns face unpredictable costs, deferred maintenance, and sub-optimal budgeting. Each municipality is responsible for managing Town owned facilities, a highway system and sidewalks, including roads and pedestrian amenities within the village, economic development objectives, planning and zoning administration and emergency response services. The Villages of Johnson and Morrisville separately manage their capital assets and are not included in this CIP. The CIP is needed to assist both the town of Johnson and the town of Morristown in planning for necessary known and unforeseen expenditures.

**Approach**

Consultants will review each town's policies, including written or unwritten Asset Capitalization Policy and work with Johnson's Town Administrator and Morristown's Town Manager to set agreed-upon thresholds for capital projects and infrastructure to be included.

**Meet with Town Staff and Committees**

Consultant will meet with each of the town's Administrator/Manager, Finance Office and the following Department Heads to collect information about facility equipment and facility needs: Highway, Village Water, Wastewater and Electric to confirm any relationships to town CIP projects if present, Police, Dispatch Services, Fire, Parks & Recreation, Economic Development, Conservation Commission and other boards or committees as directed by each town's Administrator/Manager.

**Asset Inventory and Cost Estimates**

Consultant will review Town paving priority metrics, major road improvement plans, and other available information for both towns' capital assets and undertake on-site-evaluation of asset condition using an agreed-upon methodology and develop cost estimates for highway maintenance/resurfacing and improvements to State Standards and improvement on replacement of highway assets. All town land, significant interests in land, like partnership agreements to acquire infrastructure or land, and other capital assets, typically with a one-year life or longer and value of more than \$10,000 will be collected.

**Compile and Summarize Data**

Consultant will compile information into a list of potential projects, estimated costs and annual expenditures for maintenance and note projects that are likely but not yet listed within the CIP's 6-year timeframe.

**Prioritize and Identify Needs**

Consultant will meet with each town's Planning Commission, Town Administrator/Manager and Selectboard to prioritize the list of potential projects and expenditures and other needs.

**Prepare Capital Improvements**

Consultant will create a draft two separate plans that incorporates the goals of each municipalities' Town Plans, sets timeframes for implementation that avoid spikes in town property tax revenues needs and summarizes each proposed project's objectives for public review.

**Host Public Forum**

Consultant will partner with both municipalities' Selectboards to host a community forum to share the contents of the draft plan and provide the opportunity to weigh in on priorities.

**Final Edits**

Pending comments from the Public Forum final edits will be made by the Selectboard and the draft Capital Improvement Plan will be provided to the Selectboard for the Hearing and adoption process per 24 VSA 4430 (components of plan) and 24 VSA 4443 (CIP adoption process).



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### 3.3 Single Municipality Funding

**Status:** If the municipality has an unconfirmed plan, has the municipality voted on an annual or special meeting to provide local funds for municipal and regional planning purposes?

Yes  No

- *This question will only appear if the answer to 3.2 is “no”.*
- *Municipality must allocate local funds for planning purposes to be eligible for funding (this is a prerequisite to obtaining a confirmed planning process).*

- *Unless you apply to create a plan approvable by the RPC, a single municipality must have an adopted plan to be eligible for funding and an RPC-confirmed planning process by October 31, 2025. Applicants may optionally attach RPC confirmation letters at the end of the application.*
- *Consortium municipalities must have an RPC-confirmed planning process. They are not required to attach an RPC confirmation letter.*

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## Section 4: Project Readiness & Need

### 4.1 Project Issue & Urgency: What timely community issues, problems, challenges, or obstacles will the project address? (character limit: 2,500)

Both Morristown and Johnson face pressing challenges in managing aging and insufficient municipal infrastructure, including Fire and Police facilities, roads, sidewalks, and other town-owned assets. While Morristown has recently submitted a Downtown Designation application with a DD-specific CIP, it lacks a comprehensive townwide inventory and plan to address both known and yet-to-be-identified capital needs. Johnson is planning to apply for ACCD Downtown Designation and requires a thorough inventory and CIP to support strategic, long-term investments. Without up-to-date capital inventories and coordinated CIPs, both towns risk deferred maintenance, unpredictable costs, and suboptimal budgeting, limiting their ability to manage assets effectively and meet future community needs.

*Be specific; competitive applications clearly and thoroughly explain the specific problems the community is working to solve.*

### **Evaluation Criteria: 5 points**

- Is the issue clearly explained?
- Has the issue been studied and documented?
- Is there an urgency to the issue?

#### **4.2 Funding Need: What other funding sources, if any, were considered, and why is the MPG program the best source to fund this project?**

*(character limit: 2,000)*

Both the Town of Morristown and the Town of Johnson have been significantly impacted by regular flooding, which has caused millions of dollars in damage to critical infrastructure, including roads, sidewalks, and public facilities. These events have strained local tax receipts, limited municipal funding capacity, and stretched staffing resources, making it increasingly difficult to maintain and plan for long-term capital needs. Both towns are responsible for managing town-owned facilities, highway systems, pedestrian infrastructure, economic development objectives, planning and zoning administration, and emergency response services.

Both municipalities face funding gaps that hinder their ability to address aging infrastructure and emerging capital needs. The MPG program is uniquely suited to support this project because it explicitly allows for Infrastructure and Capital Improvement Planning, enabling Morristown and Johnson to develop up-to-date, comprehensive inventories and multi-year Capital Improvement Plans (CIPs). This funding will help both towns stabilize budgets, plan strategically for known and yet-to-be-identified capital needs, and leverage future opportunities such as Downtown Designation.

Morristown has recently submitted a Downtown Designation application, complete with a DD-specific CIP, but still needs a townwide inventory and plan to address aging Fire and Police facilities and other critical infrastructure. Johnson is preparing to apply for ACCD Downtown Designation and requires a full inventory and CIP to guide long-term planning. MPG funding will provide the essential support both towns need to improve capital planning, budgeting, and resilience in the face of recurring flood impacts.

- *MPG Funding is limited and if other funding is available for your project, explain why the MPG is the best choice for this work.*
- *Alternate sources of funding may be available for project design and construction, but MPG is one of the rare sources of grants for planning.*

- If you're unsure about other potential funding opportunities for your project, review [this list](#) or check with your [RPC](#).

**Evaluation Criteria: 5 points**

- Could this project be funded or be a better fit with another grant program?
- Does the answer explain why an MPG is needed to do the project?
- Will this project fill funding gaps or open opportunities for subsequent implementation funding?

**4.3 Must answer either (a) or (b), depending on your project:**

**4.3(a) Municipal Plan Project Readiness.** If the application is for a municipal plan adoption or amendment project, how will the project address the issues described earlier and any recommendations made by the RPC to bring the municipal plan into compliance with statutory requirements?

**4.3(b) Municipal Plan Implementation Project Readiness.** If the application is for a project that implements the municipal plan, how is the proposed project identified as an important implementation action in the adopted municipal plan?

- Municipal plan project  
 Municipal implementation project  
 (character limit: 2,500)

The Capital Improvement Project is essential for Johnson and Morristown to turn municipal plan priorities into action and ensure resilient, efficient management of town assets. Johnson’s plan focuses on strengthening its vibrant village center, expanding economic and housing opportunities, improving transportation safety, enhancing recreational access, promoting energy efficiency, and integrating flood resilience into community and economic development decisions. Morristown’s plan prioritizes strategic infrastructure investments, including downtown redevelopment, riverfront access, traffic circulation improvements, emergency services facilities, historic preservation, and energy efficiency upgrades.

Without a comprehensive, townwide Capital Improvement Plan, these priorities risk delays, underfunding, and inefficiencies, particularly as both towns face aging infrastructure, recurring flood damage, and limited local tax capacity. By developing up-to-date capital inventories and multi-year CIPs, this project will help each town assess current assets, plan for known and unforeseen needs, prioritize projects, and stabilize budgets.

For Johnson, the CIP will support its upcoming ACCD Downtown Designation application by demonstrating strategic planning that aligns infrastructure investment with village vibrancy, economic growth, and flood resiliency. For Morristown, the townwide CIP will complement its recent Downtown Designation application, ensuring critical assets (including Fire and Police facilities) are fully assessed and planned for. This project provides both towns with the tools to implement municipal plans, make informed investment decisions, and address recurring flood impacts while leveraging future economic and community development opportunities. By enabling proactive capital planning, the project strengthens infrastructure, protects public safety, and ensures sustainable growth for both communities.

- *MPG funding is only available for plan projects that intend to comply with Vermont statute through RPC-confirmation*
- *Applicants may optionally attach the RPC’s plan consultation report online in the Application Attachments Form*
- *Plan updates that occur mainly because a plan is expiring, or for routine updates, will be less competitive than those that propose to address well-documented local concerns.*
- *Plan updates should incorporate any prior plans and studies to promote coordinated and comprehensive planning.*
- *Implementation proposals that are clearly prioritized in the municipal plan are more likely to be competitive.*
- *For longer responses, applicants may attach a compilation in the Applications Attachments Form online, offering extra context for relevant municipal plan policies, actions, objectives, goals, etc. Do not upload the entire plan.*

### Evaluation Criteria: 5 points

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Does the response demonstrate a need that goes beyond the need to maintain a current plan or re-adopt an expired plan?</li><li>• Does the project help address a pressing need or important change in the community?</li><li>• Does the project address recommendations by the RPC to bring the plan into compliance with statutory requirements?</li></ul> | <ul style="list-style-type: none"><li>• Does the response include specific plan language with citations?</li><li>• Does the adopted municipal plan clearly identify and support the implementation project?</li></ul> |
|---|---|

#### 4.4 Other Background (Optional). Are there any additional community efforts or activities leading up to this application that would provide extra context for this project? (character limit: 2,000)

Both Johnson and Morristown have faced repeated flooding, including the July 2023 storms, causing millions in damage to roads, utilities, public buildings, and homes. In Johnson, flooding disrupted the wastewater plant, post office, grocery store, and several downtown homes. Morristown saw extensive damage to municipal infrastructure, exposing vulnerabilities in critical town services.

In response, both towns have taken proactive action. Johnson is relocating key municipal services and the historic library to higher ground, enhancing community resilience and protecting essential functions. Morristown is advancing flood preparedness through its 2020–2030 Town Plan and partnering regionally via Lamoille County Planning Commission (LCPC) regional and Lamoille River initiatives to develop a Flood Resiliency and Recovery Plan, focusing on protecting public facilities and supporting downtown revitalization.

These efforts show strong local commitment to infrastructure protection, emergency readiness, and long-term downtown vitality. This Capital Improvement Project builds on that work, creating comprehensive townwide inventories and multi-year CIPs to plan for aging infrastructure, emerging capital needs, and future opportunities such as Downtown Designation applications. It ensures both towns can act strategically, stabilize budgets, and strengthen resilience against future floods while revitalizing their

*Sometimes a pressing need arises outside of the regular 8-year municipal planning cycle that spurs action; explain other applicable background here. Examples: a recent community forum, a new recreation master plan, Safe Routes to School Walk Audit, or a community survey.*

- Have additional and complimentary community efforts or activities helped inform this project?
- Evaluated and scored under plan or implementation scores with question 4.3.

**4.5 Project Overlap:** If a municipality received an MPG last year – or if the project is part of a larger or phased project – explain how the projects are related and address your capacity to complete the proposed project.

Not Applicable (single project with no overlap)

*(character limit: 1,500)*

*Certain projects, like a complete overhaul of bylaws, should expect to take more than one MPG cycle to first prepare proposed amendments and second undergo the adoption hearing process. If you are unsure if your project should be phased, contact program staff.*

- If applicable, is the sequencing sensible, and does the applicant have the capacity to successfully complete the project within 24 months?
- Evaluators may adjust scoring for section 4 based on answer.

**4.6 Project Management:** How will the project and consultant be managed and who will make decisions about the project and final products? Please identify one or two individuals in the community who will lead the project (for example: the Planning Commission Chair)

*(character limit: 1,500)*

The project will be led collaboratively by Johnson’s Town Administrator and Morristown’s Town Manager, who will confer with each town’s Selectboard and Planning Commission. The Lamoille County Planning Commission (LCPC), registered via GEARS as an administrator, will assist with organizing public meetings (three per town) and ensuring statutory notice requirements are met. The GEARS-registered Municipal Authorizing Official will be the Morristown Town Manager, supported by his Executive Assistant and Economic & Community Development Director.

Both the Administrator/Manager will actively engage with the Consultant and Department Heads—including Highway, Village Water, Wastewater, Electric, Police, Dispatch, Fire, Parks & Recreation, Economic Development, Conservation Commission, and other boards—to collect facility and equipment information, confirm asset needs, and identify relationships to CIP projects. Decisions on project direction and final products will be made jointly by the Administrator/Manager in consultation with their respective governing boards, ensuring outcomes reflect municipal priorities and community input.

*Collaborative planning projects often succeed or fail based on the readiness and capacity of a person or group to lead the project and make effective decisions. A responsive project manager with an engaged steering committee/team is a key success factor.*

### **Evaluation Criteria: 5 points**

- Has a person and/or group been identified to manage the consultant and champion the project?
- Is the project management structure adequate for the type of project proposed?
- Do decision-makers represent diverse stakeholders in the community?

## **Section 5: Public Outreach & Project Partnership**

**5.1 Public Outreach.** What public participation methods will the project use to engage the participation of the broader public, especially under-served, under-represented, or lower-resourced populations in the community?

*(character limit: 2,000)*

The consultant will work with both municipalities' Selectboards and Planning Commissions to host accessible community forums where residents can review the draft Capital Improvement Plan and share priorities. In accordance with 24 V.S.A. § 4430(c), Planning Commissions will further engage through subcommittees and outreach efforts to ensure diverse community perspectives are reflected in recommendations to the Selectboards.

To reach under-served and lower-resourced residents, both towns will use multiple communication channels—town websites, social media platforms such as Front Porch Forum and Facebook, and local postings—to share project updates and invite participation. Meeting times and locations will be selected for accessibility, and materials will be available both in print and online.

The consultant and municipal staff will apply the Vermont Department of Housing and Community Development's *MPG Quick Tips for Citizen Participation* to guide outreach, ensuring that residents are informed, consulted, involved, and actively collaborating in shaping capital priorities. This inclusive approach will strengthen transparency, encourage meaningful public input, and build community ownership of the final plan.

- *Planning projects are more successful when there is sustained public outreach throughout a project. These should appear in the work plan.*
- *Engagement needs and timing differ by project and appropriate levels of participation vary. DHCD offers engagement pointers [here](#).*
- *Indicate how many people you expect to engage in the project.*

- *Example Techniques: demonstration projects, [charrettes](#), design workshops, engaging people at existing community events, a project website, and social media.*

### Evaluation Criteria: 10 points

- Does the response identify any under-served, historically marginalized, under-represented or lower-resourced populations in the community and propose effective ways to meet the needs of harder-to-reach stakeholders?
- Are the outreach activities described here included in the work plan and sufficiently budgeted?
- Are the activities aligned with the community and project: relevant, well-timed, meaningful, and multi-venue?
- Does the response estimate how many people will be engaged?
- Does the project include any innovative methods or explain why the methods selected will be effective?

**5.2 Project Partnership & Support:** In addition to the Selectboard and Planning Commission’s resolution of support, please explain and provide evidence of organizational partnership and community support for the project.

*(character limit: 2,000)*

*Planning projects are more successful when they begin with community support and are done in partnership with community organizations.*

- *Projects that involve regulatory oversight by State agencies (such as the Agency of Transportation) **must** identify those agencies as partners for coordination.*
- *Applicants may optionally attach up to five pages as a single document in the online Application Attachments Form, including: letters of support, meeting minutes, articles, or other documents showing community support for the project.*

### Evaluation Criteria: 5 points

- Does the project have documented support and/or partnership from relevant stakeholders and partners ready to help it succeed? Examples: the conservation commission, business community, local schools, regional organizations, a local nonprofit, or other key community leaders.
- Are identified partners included in the work plan or invested in the local match?
- Is there evidence of coordination and partnership with state agencies likely to have regulatory oversight?

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## Section 6: Statewide Priorities

**6.1 Project Outcomes & Goals.** Beyond the project itself, what long-term outcomes would demonstrate the success of the project and further statewide planning goals? (character limit: 2,000)

This project's long-term success will be measured by Johnson and Morristown's ability to plan, prioritize, and manage municipal assets strategically and resiliently. Comprehensive inventories of facilities, equipment, roads, and major structures, paired with multi-year CIPs, will provide costed replacement schedules, lifecycle data, and maintenance planning, enabling proactive investment in critical infrastructure.

Stakeholder engagement, public meetings, and staff training will ensure the plans reflect community priorities, remain up-to-date, and are actionable. The project will advance climate resilience and flood recovery by addressing vulnerable infrastructure, support responsible housing and economic development by aligning improvements with municipal plan goals and lay the groundwork for Downtown Designation applications.

Deliverables—including inventories, cost estimates, preliminary and final CIPs, and training—will create lasting tools for sustainable municipal planning, helping both towns protect infrastructure, strengthen community resilience, and guide strategic growth, while providing a replicable model for statewide planning goals.

- *You have explained the issues you are working to solve above, and you will explain what you are going to do below in the work plan. Explain the long-term value you hope the project will deliver here.*
- *Emphasize outcomes consistent with any relevant provision of the Regional Plan, Vermont's planning goals ([24 V.S.A. 4302](#)), smart growth principles ([24 V.S.A. 2791\(13\)](#)), and other statutes.*

### Evaluation Criteria: 5 points

- Does the response communicate a clear policy direction for a long-term result?
- Will the outcomes resolve the community needs identified in a way that is consistent with the regional plan(s), Vermont planning goals, smart growth principles, and other relevant law?

**6.2 Priority Project Categories:** Which of the following statewide priorities does this project address? Select all that apply.

- Projects focused on the implementation of the Act 47 of 2023 and Act 181 of 2024
- Projects related to climate resilience and flood recovery
- Projects related to housing development
- Capital programs and plans for municipal improvements
- Physical improvement plans for a designated area, which may include pre-engineering water/wastewater visioning

Pre-requisite planning to prepare for a downtown/village center or center ‘step-up’ designation application

Innovative and statewide projects that serve as a replicable model for other communities

Not Applicable (N/A) – *Project is a local priority*

*Each year, the evaluators recognize projects that meet statewide priorities. Projects meeting more than one priority will score higher than projects meeting only one priority. Unsure if your project qualifies? Contact program staff.*

### 6.3 Priority Project Explanation: Explain how the project furthers the selected statewide priorities.

*(character limit: 2,000)*

*To be considered a “Priority Project”, narrative must clearly and directly relate to the categories above.*

#### Evaluation Criteria: 15 points

- Does the project clearly relate to one or more of the statewide priorities listed in this section?
- Projects receive 5 points for every priority met, up to 15
- Because housing continues to be a concern statewide, projects that expand housing opportunity will receive highest priority.

#### Evaluation Criteria: 5 points

**6.4 Designated Areas:** Please select all designations held by the municipality and explain how the project will relate to the designated area(s).

Village Center

Downtown

New Town Center

Neighborhood Development Area

Growth Center

Not Applicable (no designation)

- [Learn more about state designations, here.](#)
- Use the [Planning Atlas](#) to see the locations of state designated areas.
- Find a full list of state designated areas on [Vermont's Municipal Planning Data Center](#)

**6.5 Designated Area Projects:** If the project relates to any of the designated area(s) selected above, please explain how.

Not Applicable (no designation)

*(character limit: 2,000)*

*Projects that relate to state designated areas receive priority in accordance with 24 V.S.A. Chapter 76A.*

### Evaluation Criteria: 20 points

- Does the project have a clear connection to the designated area(s)?
- Reviewers will assign priority points to the designation(s): 15 points to downtowns, 10 points to village centers, 5 points to New Town Centers, 5 points to growth centers, and 5 points to NDAs.

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## Section 7: Past Performance

**7.1 Project History and Performance:** Please list any Municipal Planning Grant projects or grants from the past 5 years, with key actions identified and implemented. This will inform ongoing status of projects beyond grant closeout.

*(character limit: 2,000)*

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## Section 8: Municipal Resolution, Grant Roles & Good Standing Certification

**8.1 Grant Roles:** Identify the officials who hold the grant roles that correspond to those identified in the Municipal Resolution Form.

Municipal/Authorizing Official: [Select from online menu]

Municipal/Authorizing Official Title: \_\_\_\_\_

Alternate Municipal/Authorizing Official: [Select from online menu]

Alternate Municipal/Authorizing Official Title: \_\_\_\_\_

Grant Administrator: [Select from online menu]

Grant Administrator Title: \_\_\_\_\_

- Print and complete the [Municipal Resolution Form](#) offline.
- You can attach the completed resolution in the online application.
- More information about the responsibilities and permissions of the MPG Roles are available [here](#).
- **Note that Municipal/Authorizing Official (M/AO) role can only be attached to this application by DHCD staff member Jenni Lavoie (Jennifer.lavoie@vermont.gov).**
- If this is a consortium application, remember that each participating municipality must complete a resolution designating the same Municipal/Authorizing Official and Grant Administrator, and upload consortium resolutions in the online Application Attachments Form.

## 8.2 Good Standing Certification:

*Applicants must fill out and upload a form certifying that the municipality is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining why they cannot so certify, and that they will comply with the requirements stated in the form.*

- Print and complete the [Good Standing Certification Form](#) offline.
- You can attach the completed resolution in the online application.



## Evaluation Criteria: 15 points

- Is it a single project with a realistic scope for a 24-month timeline?
- Is the work plan effectively sequenced?
- Are the work plan tasks sufficiently detailed and appropriate to the project type, identified needs, and the community situation?
- Does the work plan reflect the public engagement identified above?
- Are State agencies likely to have oversight authority identified for coordination?

**Local Match Waiver:** Is this an application for a zoning/subdivision bylaws in a municipality without zoning/subdivision bylaws?

Yes: no match required

No: match required

- *Applications requesting new zoning/subdivision bylaws in a municipality without existing bylaws do not have to contribute match funds to the project.*

**State Grant Funds:** Enter the amount of state grant funds you are requesting.

Total Project Cost: (will auto-calculate in online form)

State Grant Funds (Grant Amount Requested): \$ \_\_\_\_\_

Total Match Funds: (will auto-calculate in online form)

Minimum Required Cash Match Funds (10% of Total Project Cost): (will auto-calculate)

Optional Additional Match Funds: (will auto-calculate in online form)

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## Section 2: Budget Documentation

**Source of Match:** Describe source(s) of match funds:

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*Contributions of staff or volunteer time **cannot** be offered as a match. Other contributions, while not required, may be documented here as well. Skip if local match is not required.*

**Budget & Cost Estimates:** Explain how you developed a realistic budget.

*(character limit: 500)*

- *DHCD maintains a list of potential project consultants [here](#).*
- *Please provide a letter or other documentation from a consultant with a cost estimate for tasks, including hourly rate.*

- You can attach the document in the online application or email it to [Jennifer.lavoie@vermont.gov](mailto:Jennifer.lavoie@vermont.gov).
- Other ways to develop a realistic budget: discuss with a municipal official or regional planner who frequently procures planning services, coordinate with the RPC to develop the work plan and budget, undertake a pre-application bid, or research similar projects.
- Make sure the request is within the allowable min. \$2,500 – max.\$30,000 (single) / \$45,000 (consortium), and that the budget does not include any in-kind contributions (which are ineligible).

### Evaluation Criteria: 20 points

- Does the budget align with work requested for each task?
- Is the overall funding realistic and adequate for the proposed work plan?
- Does the match reflect any organizational partnership or extra funding commitment that significantly exceeds the minimum required?
- Are the cost estimates and budget allocations documented and realistic?
- Is the project’s budget informed by input and guidance from planning professionals or a pre-application bid process?
- Did the applicant obtain more than one estimate/quote to determine a realistic budget?

## Section 3: Accounting

**Accounting System:** What type of accounting system does your municipality use?

- Automated
- Manual
- Combination of both

**Accounting System:** Does your organization have an accounting system that will allow you to completely and accurately track the receipt and disbursements of funds related to the award?

- Yes  No

- Responses to the accounting questions are used for administrative risk assessment purposes only and will not impact the competitiveness of your application.
- State funds cannot be awarded to municipalities who are (a) suspended or debarred by the Federal Government; (b) delinquent in submitting their subrecipient annual reports; or (c) delinquent in submitting their Single Audit Reports (if required).

### Application Attachments Form

In the online application, this form is used for uploading any additional files up to 30MB in size, including supporting text, maps, photographs, etc.

- Enter a brief name for your document, click the ‘Choose File’ button to browse your computer and select the document you want to attach, then SAVE at the top of the page. The document will not upload until you hit SAVE.
- If you cannot scan and upload an attachment, feel free to email it directly to Contract & Grants Administrator, Jenni Lavoie, [Jennifer.lavoie@vermont.gov](mailto:Jennifer.lavoie@vermont.gov)
- Only attach as much as is needed to avoid overwhelming reviewers. Large documents will not be reviewed.

**Attachments submitted in other forms:**

- ✓ Single municipality or Lead municipality Resolution (Consortium)
- ✓ Budget & Cost estimates

**Optional Attachments:**

- Project Location Image(s) or Maps
- RPC Municipal Plan Consultation Report (for municipal plan projects)
- Relevant Municipal Plan Excerpts
- Resolutions from Partner Municipalities in Consortium
- Letters of support from Project Partners
- Other attachments

**Evaluation Criteria: Overall Application Quality & Past Performance, 10 points**

- Is the application clear, internally consistent, on-topic, specific, and easily understood?
- DHCD may reduce scores for poor administrative performance for past grants.

**Total Score: 120 Points**

*Applications scoring less than 60 points will not be funded.*

Once your draft application is complete, please copy and paste your narrative responses into the online application in GEARS. Save the online application frequently.

For questions about the competitive criteria or application questions, please contact [Jacob Hemmerick](#) at 802-828-5249. For questions regarding GEARS, the online Grants Management System, please contact [Jenni Lavoie](#) at 802-828-1948.

## Appendix: Sample Application Responses

*Here are sample responses for the narrative portions of the application – see the questions above. These are intended only as examples.*

**2.2 Project Title:** Revolving Loan Fund & Technical Assistance for Downtown Façade & Signage Improvements

**2.3 Project Subtitle:** The town will develop a village senior housing action plan, providing a framework to expand affordable choices for healthy and active aging in place.

**2.4 Project Description:** The past two years have impacted downtown and changed the mix of small retailers, personal service providers, overnight lodging, restaurants, and office space. 20% of main street businesses have changed business or remain vacant and in a quick situational survey, 25% of building owners are considering a sale or use changes. This project will organize community members and affected businesses to collectively identify high-impact and quickly implementable ideas for downtown economic adaptation including Main Street zoning updates. This project's outreach will inform the production of a rapid, action-oriented strategy for stakeholder leaders to own and implement. Half of the grant budget will be committed to implementing one or more actions. The project's strategic outcomes include supports and sustains local businesses, re-connects downtown social capital, renews local consumer spending and buy-local first values, and allowances and encouragement of more downtown housing through adaptive re-use.

**2.5 Project Location:** The bylaw amendment project will focus on changes to the M1, M2, and M3 Zoning Districts (see linked zoning map).

**4.1 Project Issue & Urgency:** Valley City's Municipal Plan documents concern about underinvestment and health/safety for the City's oldest housing stock. The local realtors report a decrease in interested buyers for larger, older homes. A Grand List analysis from 2017 indicates that the City's pre-war (1945) housing stock represents 43% of the city's total and this pre-war stock shows negative assessment growth (-9%) over the past 10 years. The City does not have a building code and relies on State Dept. of Public Safety and [rental code](#) standards; 84% of the City's health officer rental code enforcement calls originate from this older housing, a lot of which has substantial environmental and mechanical hazards. Further, landlords whose tenants pay the energy bills are not investing in efficiency improvements. Community leaders are concerned about domino disinvestment, where owners constrain how much money they are willing to put into a property they may not recoup, and potential buyers look elsewhere. If assessment trends continue, the City will be forced to make an estimated \$1M in cuts to services and capital maintenance programs in three years. An MPG will help the City develop a strategy to reverse trends that threaten the long-term solvency and stability of these historic neighborhoods.

**4.2 Funding Needed:** The village is the heart of our rural town, but business growth and housing opportunities are stifled by the lack of a sewer system. For some years, we have explored State and Federal funding sources for funding to work towards a solution to this problem, but we have found that existing funding sources are primarily for hiring engineering services. Our town is not yet ready to launch into an engineering feasibility study. Before taking that step, we need to better understand the options for wastewater treatment and what specific wastewater problems our village property owners face and then engage and educate the community about wastewater solutions. We will need a multidisciplinary consultant or team to help us frame the issues before we seek funding for a feasibility study. Currently, the MPG is one of the few programs that helps pay for this type of pre-engineering planning.

**4.3a) Municipal Plan Project Readiness:** Since the last municipal plan adoption, the town has completed several planning initiatives, including: a [stormwater master plan](#), a [Vermont Council on Rural Development community visit](#), four scoping studies for transportation improvements, a walk/bike audit, and a Main Street master plan. As described above, these plans and studies have advanced the 2012 plan, and provided the town with better data, but they have also created some inconsistency and confusion about the Town's official policy – in some cases resulting in avoidable appeals and public projects spread too thin to be effectively rolled out. Each new free-standing plan has fragmented the limited bandwidth available for implementation.

The Town strives to provide a clear, consistent, and predictable policy environment as budgets and development projects are proposed and will use this project to integrate and re-prioritize recent work into a single, coordinated municipal plan. To achieve this, each free-standing plan's implementation recommendations will be collated into a spreadsheet and grouped into similar categories (to be combined, when possible). Each goal, policy, and action will be analyzed for consistency: with each other, the existing municipal plan, and with state statute prior to being ranked according to priority. All prior planning documents will be referenced in the new municipal plan and highest-ranking priorities will be integrated into the implementation program with relevant data, tables, figures, and images from prior work. The project will also bring the plan into compliance with Title 117's [forest integrity statutory requirements](#) and address the recommendations made by the RPC in the consultation report attached to the application.

**4.3b) Municipal Plan Implementation Project Readiness:** The Town's Comprehensive Plan includes seven policy actions for the next [Unified Development Regulations](#) amendment. Combined, these bylaw updates will help advance the town's goal to improve housing opportunities in the village. The specific language of the policies and actions (with citations) are included in an attachment and summarized as follows: 1) address buffering issues that reduce privacy conflicts between adjacent high and low density districts, 2) expand administrative review of minor subdivision and boundary line adjustments to shorten review timeline, hearing costs, and total labor, 3) allow administrative review of up to four-unit residential buildings in the central zoning districts to expand incremental, small-scale, local housing development, 4) reduce dimensional standards that make a majority of the historic village's principal structures non-conforming by recognizing the historic development pattern as a legal pattern, 5)

implement dimensional or form-based alternatives to minimum lots size and density maximums in districts by municipal wastewater service, 6) reduce parking minimums and expand shared, on-street parking – adding streetscape standards that calm traffic and improve the safety and walkability of new developments, and 7) add highway access standards to the Unified Regulations to provide the customers a combined access/zoning permit – instead of two separate permits.

**4.4 Other Background:** In 2018 the Town participated in the [Town Forest Recreation Planning Initiative](#). This process identified ways to make stronger connections between the Town Forest and local commerce that the current municipal plan and capital improvement plan did not anticipate when adopted three years ago. Integrating these active transportation and economic development priorities into our planning & funding framework is an urgent need as local businesses and new entrepreneurs seek to capture growth in the recreation economy and the Town works to establish a multi-use pathway and right of way connection between the village center, town forest, and the regional rail trail.

**4.5 Project Overlap:** The Village received MPG funding last year for the first phase of a 2-phase project to update the subdivision regulations and public works specifications for context-specific [complete streets](#) standards. These projects are co-managed by a joint committee of the planning commission and selectboard and led by the town administrator. Phase 1 is on target to be finished on time and budget, and funding for phase 2 funding will allow the Village to seamlessly complete the project and proceed to the ordinance adoption process.

**4.6 Project Management:** With limited staff, our small town relies heavily on volunteers and orderly meetings to complete projects on time and budget. This project will be led by a special, 5-member task force comprised of representatives of the planning commission and selectboard, and local stakeholders appointed by the selectboard, including a renter, a recent college graduate, a working parent. The task force will be chaired by an 11-year member of the planning commission and retired project manager. The chair will conduct weekly check-ins with the planning consultant and provide monthly updates to the selectboard chair and town clerk. The task force will meet twice a month. The chair will work with a local volunteer to maintain the project webpage and online shared drive – and ensure that consultant materials are made available, reviewed, and commented upon by task force members prior to each meeting to meet deadlines. The final product will be presented to the planning commission and selectboard for review and approval. Roland Underhill, one of our planning commission members, will oversee the project's long-term implementation once the Municipal Planning Grant is complete.

**5.1 Public Outreach:** This project will feature a rapid planning (charette) process to design gateway improvements and public art concepts for key village focal points and gateways. [Charrettes](#) are an intensive way to educate and involve the public in the design process. Building up to the charette, partners will issue a press release, area residents will receive a mailer. The event will be supported by the Town, School District,

historic society, and artists guild – and be run by a planner, landscape architect, and artist skilled at preparing quick visual renderings for use in a follow-up web survey that identifies the community’s [visual preferences](#).

The two-day charrette will be held in tandem with the school’s annual art fair, attended by approximately 450 people. Past efforts have shown that involving youth at a complimentary event is an effective way to engage under-represented stakeholders in local community planning, including working parents. We expect this engagement will grow community support and publicity for a [Better Places Grant](#) to implement the most popular ideas, including an application to the [Vermont Arts Council Animating Infrastructure Grant Program](#).

**5.2 Project Partnership & Support:** River Town’s community leaders have been impressed by nearby Lake City’s revitalization, spurred by capital investments envisioned through a downtown master plan. River City’s local chamber of commerce, rails-to-trails group, artist guild, and historic society approached the Town to partner on a preparing a streetscape improvement plan that integrates the Project for Public Spaces “[Power of 10](#)”, an approach we learned about at the recent Vermont Downtown Conference. River Town’s plan of action will promote civic pride, playful programming, and create a “destination” sense of place that attracts new economic development opportunities, including the Town’s first use of crowdsourced funding for a project. These four organizations enthusiastically endorse this project (see attached letters) and have each committed \$250 to the local match. Their directors have also volunteered to serve on a project steering committee.

**6.1 Project Outcomes & Goals:** Long-term outcomes that would demonstrate the success of Pond Village’s “empowering small-scale makers project” include infill and redevelopment of a vacant brownfield site for multi-tenant and low-impact production, processing, and repair uses. These project outcomes are consistent with the regional plan and Vermont’s statewide emphasis on development and re-development in and around centers.

**6.3 Priority Project Explanation:** Mountain Town, Hill Town, and Valley Town consortium project furthers the statewide model projects priority. We are working together to address the lack of interest in appointment to the boards of listers and limited assessment choice by expanding our purchasing power for professional assessment services through an inter-municipal agreement. As far as we know, this would be the first initiative of its kind in Vermont and has the potential to improve the quality of each town’s grand list.

**6.4 Designated Areas:** The Town of River has a designated village center with a neighborhood development area designation, making it eligible for 15 priority points. The proposed capital improvement plan project will create a schedule for sidewalk investments in both designated areas.

## **7.1 Project History and Performance:**

FY2022 Municipal Planning Grant – Community Parks Plan – plan completed, and grant closed. Currently issuing RFQ for landscape designers as part of Phase I.

FY2020 Municipal Planning Grant – Stormwater Master Plan – scoping underway for green stormwater infrastructure improvements to Main Street, including new street trees and a pocket park.

Section 420. Required Provisions and Prohibited Effects of the Act (24 VSA §4412).

- 420.1 ~~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.~~
- 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. A municipality may establish specific site standards in the bylaws to regulate individual sites within preexisting mobile home parks with regard to distances between structures and other standards as necessary to ensure public health, safety, and welfare, provided the standards do not have the effect of prohibiting the replacement of mobile homes on existing lots.~~
- 420.3 ~~These bylaw shall not have the effect of excluding mobile home parks, as defined in 10 V.S.A. chapter 153.~~
- 420.4 ~~These bylaw 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. 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.
- 420.5 Except for flood hazard and fluvial erosion areas these bylaws shall not 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. A bylaw shall require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. 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.
- 420.6 These bylaws shall not prohibit 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 by Table 204.5b. As used in this subdivision,

**Commented [DWR1]:** This provision is a good reminder to the DRB, but it doesn't exactly have regulatory impact or effect, so it can be deleted. It's almost like a "purpose statement."

**Commented [DWR2]:** Similar to the language in original 420.1, this is like a "purpose statement" and not a provision with regulatory impact. Instead of having this provision of 4412 explicitly stated here, it would be better to add a section to the Regulations in Article IV that pertains specifically to mobile homes and mobile home parks. Many municipalities have such provisions.

**Commented [DWR3]:** Same as 420.1 and 420.2. Best to have a provision that regulates mobile home parks explicitly

**Commented [DWR4]:** This provision is more regulatory in nature and can be left in.

As a recommended alternative, the PC can instead take the intent of this provision and incorporate it into the Regulations' Use Table. By that we mean, the Use Table should be updated so that duplexes are permitted uses everywhere a single-unit dwelling is allowed with the same dimensional standards. Also, multi-unit dwellings with 4 or fewer units would become permitted uses in those zoning districts that are within the Village/MWL sewer and water service areas. The districts may not match up exactly to the service area map, which is the challenge with doing this. If the PC goes this route, then this provision can be removed.

**Commented [DWR5]:** This provision can be left in, but I think the better tactic is to delete this and instead re-establish an ADU-specific provision in Section 423. We should also add the new definition of an "accessory dwelling unit" from 24 VSA §4303 into the Regulations' definition section.

“recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(i) Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.

(ii) 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. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411.

420.7 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. In this subsection, the term “hotel” has the same meaning as in 32 V.S.A. 9202(3).

420.8 Existing small lots. Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

420.9 ~~The town may prohibit development of a lot not served by and unable to connect to municipal sewer and water service~~ shall be prohibited if either of the following applies:

- (i) the lot is less than one-eighth acre in area; or
- (ii) the lot has a width or depth dimension of less than 40 feet.

420.10 ~~The bylaw may provide that if~~ an existing small lot subsequently comes under common ownership with one or more contiguous lots, ~~the nonconforming lot shall not be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:~~

- ~~(i) The lots are conveyed in their preexisting, nonconforming configuration.~~
- ~~(ii) On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.~~
- ~~(iii) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.~~
- ~~(iv) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.~~

420.11 Land development may be permitted on lots that do not have frontage either on a public road, class 4 town highway, or public waters, provided that access through a permanent easement or right-of-way has been approved in accordance with

**Commented [DWR6]:** Not really necessary to have this provision because it’s more of a prohibition on the effect of the bylaws, not a provision that regulates a use or structure per se. That said, it doesn’t hurt to include it, and it does serve as a reminder to the DRB

**Commented [DWR7]:** Revising this section so that it’s clear development on such tiny lots is prohibited. If the PC wants to allow development of lots less than 40’ in width or greater than 0.125-acres (5,445 sq. ft.) in area. I see in Table 204.5b that in the CB District, lots can be as small as 1,500 sq ft, and 2,000 sq. ft. in HDR District, but we assume those Districts are within the Village’s/MWL’s water and sewer service areas so those lot size minimums are unaffected by this provision.

**Commented [DWR8]:** We made some recommendations here and assumed the Town wants mandatory lot merger if a substandard-sized lot comes into common ownership with an adjacent lot. It does not have to require merger, however; the PC could just allow development of lots if they pre-exist the date of the regulations and the adoption of a minimum lot size requirement that made those lots nonconforming as to size.

**Commented [DWR9]:** If the PC does not want preexisting small lots to merge as per Section 421, then there’s no need for the remainder of this provision.

We recommend going a different route and stating that no merger is required if the existing small lots are served by Village/MWL water and sewer, but outside those zoning districts a small lot shall be deemed merged. In that case, we’d restore subsections (i) through (iv). It’s ultimately the PC’s choice, however.

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~~standards and process specified in the bylaws Article VIII and the Town's road and driveway standards. This approval shall be pursuant to subdivision bylaws adopted in accordance with section 4418 of this title, or where subdivision bylaws have not been adopted or do not apply, through a process and pursuant to standards defined in bylaws adopted for the purpose of assuring safe and adequate access.~~ Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width.

420.12 ~~These bylaw shall not 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.~~

420.13 A family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 3511(7), shall be considered to constitute a permitted use of property but ~~may shall~~ require site plan approval ~~based on local zoning requirements under Section 500. A family child care facility serving more than six full time and four part time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.~~

**Commented [DWR10]:** This is narrow, but workable in the downtown area. Most towns increase the minimum right-of-way width in this instance to 40 or 50 feet if the access is going to serve more than 3-4 dwelling such that it's no longer a driveway but a private road. Keep in mind what width might be needed for safe operation of fire apparatus.

**Commented [DWR11]:** Not really necessary to include, as long as the Regulations contain standards guiding home occupations, which they do in Article IV, so this can be deleted.

**Commented [DWR12]:** Deleted. This is addressed in the Use Table - Table 204.5a and Section 500.

# The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

**The Vermont Statutes Online will be down for maintenance on Wednesday, October 22 while we load the actions of the 2025 General Assembly.**

**NOTE:** The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 24 : Municipal and County Government**

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

#### **Subchapter 007 : BYLAWS**

**(Cite as: 24 V.S.A. § 4412)**

#### **§ 4412. Required provisions and prohibited effects**

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

(A) No bylaw nor its application by an appropriate municipal panel under this chapter shall 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 subdivision 4382(a)(10) of this title or the effect of discriminating in the permitting of housing as specified in 9 V.S.A. § 4503.

(B) Except as provided in subdivisions 4414(1)(E) and (F) of this title, no bylaw shall 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. A municipality may establish specific site standards in the bylaws to regulate individual sites within preexisting mobile home parks with regard to distances between structures and other standards as necessary to ensure public health, safety, and welfare, provided the standards do not have the effect of prohibiting the replacement of mobile homes on existing lots.

(C) No bylaw shall have the effect of excluding mobile home parks, as defined in 10 V.S.A. chapter 153, from the municipality.

(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these 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. 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.

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, 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. A bylaw shall require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. 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.

(F) Nothing in subdivision (1)(E) of this section shall be construed to prohibit:

- (i) a bylaw that is less restrictive of accessory dwelling units; or
- (ii) a bylaw that regulates short-term rental units distinctly from residential rental units.

(G) 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 property. This subdivision (G) does not require a municipality to allow a greater number of residential care homes or group homes on a lot than the number of single-family dwellings allowed on the lot. As used in this subdivision, “recovery residence” means a shared living residence supporting persons recovering from a substance use disorder that:

(i) Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.

(ii) 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. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411.

(H) No bylaw shall 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. In this subsection, the term “hotel” has the same meaning as in 32 V.S.A. 9202(3).

(2) Existing small lots. Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of any bylaw, including an interim bylaw, may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

(A) A municipality may prohibit development of a lot not served by and able to connect to municipal sewer and water service if either of the following applies:

- (i) the lot is less than one-eighth acre in area; or
- (ii) the lot has a width or depth dimension of less than 40 feet.

(B) The bylaw may provide that if an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if all the following apply:

- (i) The lots are conveyed in their preexisting, nonconforming configuration.
- (ii) On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.
- (iii) At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- (iv) The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.

(C) Nothing in this subdivision (2) shall be construed to prohibit a bylaw that is less restrictive of development of existing small lots.

(3) Required frontage on, or access to, public roads, class 4 town highways, or public waters. Land development may be permitted on lots that do not have frontage either on a public road, class 4 town highway, or public waters, provided that access through a permanent easement or right-of-way has been approved in accordance with standards and process specified in the bylaws. This approval shall be pursuant to subdivision bylaws adopted in accordance with section 4418 of this title, or where subdivision bylaws have not been adopted or do not apply, through a process and pursuant to standards defined in bylaws adopted for the purpose of assuring safe and adequate access. Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width.

(4) Protection of home occupations. 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.

(5) Child care. A “family child care home or facility” as used in this subdivision means a home or facility where the owner or operator is to be licensed or registered by the State for child care. A family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 3511(7), shall be considered to constitute a permitted use of property but may require site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws.

(6) Heights of renewable energy resource structures. The height of wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high on sloped roofs, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation. For the purpose of this subdivision, a sloped roof means a roof having a slope of more than five degrees. In addition, the regulation of antennae that are part of a telecommunications facility, as defined in 30 V.S.A. § 248a, may be exempt from review under this chapter according to the provisions of that section.

(7) Nonconformities. All bylaws shall define how nonconformities will be addressed, including standards for nonconforming uses, nonconforming structures, and nonconforming lots.

(A) To achieve the purposes of this chapter set forth in section 4302 of this title, municipalities may regulate and prohibit expansion and undue perpetuation of nonconformities. Specifically, a municipality, in its bylaws, may:

(i) Specify a time period that shall constitute abandonment or discontinuance of that nonconforming use, provided the time period is not less than six months.

(ii) Specify the extent to which, and circumstances under which, a nonconformity may be maintained or repaired.

(iii) Specify the extent to which, and circumstances under which, a nonconformity may change or expand.

(iv) Regulate relocation or enlargement of a structure containing a nonconforming use.

(v) Specify the circumstances in which a nonconformity that is destroyed may be rebuilt.

(vi) Specify other appropriate circumstances in which a nonconformity must comply with the bylaws.

(B) If a mobile home park, as defined in 10 V.S.A. chapter 153, is a nonconformity pursuant to a municipality’s bylaws, the entire mobile home park shall be treated as a nonconformity under those bylaws, and individual lots within the mobile home park shall in

no event be considered nonconformities. Unless the bylaws provide specific standards as described in subdivision (1)(B) of this section, where a mobile home park is a nonconformity under bylaws, its status regarding conformance or nonconformance shall apply to the parcel as a whole, and not to any individual mobile home lot within the park. An individual mobile home lot that is vacated shall not be considered a discontinuance or abandonment of a nonconformity.

(C) Nothing in this section shall be construed to restrict the authority of a municipality to abate public nuisances or to abate or remove public health risks or hazards.

(8) Communications antennae and facilities.

(A) Except to the extent bylaws protect historic landmarks and structures listed on the State or National Register of Historic Places, no permit shall be required for placement of an antenna used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the area of the largest face of the antenna is not more than 15 square feet, and if the antenna and any mast support do not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.

(B) If an antenna structure is less than 20 feet in height and its primary function is to transmit or receive communication signals for commercial, industrial, institutional, nonprofit, or public purposes, it shall not be regulated under this chapter if it is located on a structure located within the boundaries of a downhill ski area and permitted under this chapter. For the purposes of this subdivision, "downhill ski area" means an area with trails for downhill skiing served by one or more ski lifts and any other areas within the boundaries of the ski area and open to the public for winter sports.

(C) The regulation of a telecommunications facility, as defined in 30 V.S.A. § 248a, shall be exempt from municipal approval under this chapter when and to the extent jurisdiction is assumed by the Public Utility Commission according to the provisions of that section. This exemption from obtaining approval under this chapter shall not affect the substantial deference to be given to a plan or recommendation based on a local land use bylaw under 30 V.S.A. § 248a(c)(2).

(D) A municipality may regulate communications towers, antennae, and related facilities in its bylaws provided that such regulations do not have the purpose or effect of being inconsistent with subdivisions (A) through (C) of this subdivision (8).

(9) De minimis telecommunications impacts. An officer or entity designated by the municipality shall review telecommunications facilities applications, and upon determining that a particular application will impose no impact or de minimis impact upon any criteria established in the bylaws, shall approve the application.

(10) Planting projects; flood hazard and similar areas. A bylaw under this chapter shall not require the filing of an application or the issuance of a permit by the municipality for a planting project considered to have a permit by operation of subsection 4424(c) of this title.

(11) Accessory on-farm businesses. No bylaw shall have the effect of prohibiting an accessory on-farm business at the same location as a farm.

(A) Definitions. As used in this subdivision (11):

(i) “Accessory on-farm business” means activity on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises one or both of the following:

(I) 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.

(II) 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.

(ii) “Farm” means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the 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.

(iii) “Farming” shall have the same meaning as in 10 V.S.A. § 6001.

(iv) “Qualifying product” means a product that is:

(I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;

(II) livestock or cultured fish or a product thereof;

(III) a product of poultry, bees, an orchard, or fiber crops;

(IV) a commodity otherwise grown or raised on a farm; or

(V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

(v) “RAP rules” means the rules on required agricultural practices adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.

(B) Eligibility. For an accessory on-farm business to be eligible for the benefit of this subdivision (11), the business shall comply with each of the following:

(i) The business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.

(ii) The farm meets the threshold criteria for the applicability of the RAP rules as set forth in those rules.

(C) Use of structures or land. An accessory on-farm business may take place inside new or existing structures or on the land.

(D) Review; permit. Activities of an accessory on-farm business that are not exempt under section 4413 of this title may be subject to site plan review pursuant to section 4416 of this title. A bylaw may require that such activities meet the same performance standards otherwise adopted in the bylaw for similar commercial uses pursuant to subdivision 4414(5) of this title.

(E) Less restrictive. A municipality may adopt a bylaw concerning accessory on-farm businesses that is less restrictive than the requirement of this subdivision (11).

(F) Notification; training. The Secretary of Agriculture, Food and Markets shall provide periodic written notification and training sessions to farms subject to the RAP rules on the existence and requirements of this subdivision (11) and the potential need for other permits for an accessory on-farm business, including a potable water and wastewater system permit under 10 V.S.A. chapter 64.

(12) In any area served by municipal sewer and water infrastructure that allows residential development, bylaws shall establish lot and building dimensional standards that allow five or more dwelling units per acre for each allowed residential use. Density and minimum lot size standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings.

(13) In any area served by municipal sewer and water infrastructure that allows residential development, bylaws shall permit any affordable housing development, as defined in subdivision 4303(2) of this title, including mixed-use development, to exceed density limitations for residential developments by an additional 40 percent, which shall include exceeding maximum height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.

(14) No zoning or subdivision bylaw shall have the effect of prohibiting unrelated occupants from residing in the same dwelling unit. (Added 2003, No. 115 (Adj. Sess.), § 95; amended 2005, No. 172 (Adj. Sess.), § 5, eff. May 22, 2006; 2007, No. 79, § 15; 2007, No. 79, § 15, eff. June 9, 2007; 2009, No. 54, § 45, eff. June 1, 2009; 2011, No. 53, § 14e, eff. May 27, 2011; 2011, No. 137 (Adj. Sess.), § 7, eff. May 14, 2012; 2011, No. 155 (Adj. Sess.), § 14; 2011, No. 170 (Adj. Sess.), § 16e, eff. May 18, 2012; 2013, No. 16, § 5, eff. May 6, 2013; 2013, No. 96 (Adj. Sess.), § 162; 2013, No. 131 (Adj. Sess.), § 127, eff. May 20, 2014; 2015, No. 130 (Adj. Sess.), § 5b, eff. May 25, 2016; 2017, No. 4, § 2, eff. March 6, 2017; 2017, No. 130 (Adj. Sess.),

§ 17; 2017, No. 143 (Adj. Sess.), § 2; 2019, No. 179 (Adj. Sess.), § 1, eff. Oct. 12, 2020; 2021, No. 174 (Adj. Sess.), § 1, eff. July 1, 2022; 2023, No. 22, § 9, eff. May 25, 2023; 2023, No. 47, § 2, eff. July 1, 2023; 2023, No. 181 (Adj. Sess.), § 17, § 52, eff. June 17, 2024.)

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

## 2023<sup>5</sup> ZONING AND SUBDIVISION BYLAWS VILLAGE OF MORRISVILLE / TOWN OF MORRISTOWN

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

**Town of Morrystown**

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

**Village of Morrisville**

- Interim Zoning Bylaws, June 9, 1971
- Permanent Zoning Bylaws, July 9, 1973
- Revised Zoning Bylaws, May 29, 1978
- Revised Zoning Bylaws, January 3, 1984
- Revised Zoning Bylaws, October 9, 1989
- Revised Zoning Bylaws, Nov 15, 1993
- Revised Zoning Bylaws, Nov 15, 1994
- Revised Zoning Bylaws, Nov 27, 1995

**Town of Morrystown/Village of Morrisville (unified bylaw)**

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

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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.

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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 Table" on the next page.

204.3 **Variances.** Variances for frontage, setbacks, and other various requirements of these Bylaws and of §4469 of the Act may be granted by the DRB after submittal of a \$500 Site Plan and a public hearing per §4465–§4469 of the Act. ~~Issuing variances for Development controlled by §320 Flood Hazard Areas and 24 VSA §4460 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 calendar days prior to date of proposed public hearing, Tthe 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

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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, with ~~this additional dwelling units being an unavailable option via this waiver in the Rural Residential Agricultural & Industrial zones~~).

e) ~~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.~~

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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	RRR
Accessory Retail & Food	P	P	P	P	P	-	-	-	-
Acc. Use / Acc. Dwelling Unit	P	P	P	P	P	P	P	P	-
Agriculture, Accessory On-Farm Business	P	P	-	P	P	P	P	P	-
Bar / Brewery	C	C	-	C	-	-	-	-	-
Brewery	P	P	-	P	-	-	-	-	-
Building Height above 35 30 feet	P	P	G	P	GP	C	C	C	-
Building Height above 50 40 feet g	C	C	-	C	-C	-	-	-	-
Bulk Storage of Fuels	-	-	-	C	-	-	-	-	-
Business Services	P	P	-	P	-	-	-	-	-
Commercial Use / Light Industry	C	C	-	P	-	-	-	-	-
Community Facility	P	C	G	C	-	C	C	-	-
Day Care Facility	P	C	G	C	C	C	C	C	-
Airport, Landing Strip or Helipad									
Airport, Landing Strip or Helipad				C			C		
Drive-Through	G	C	-	-	-	-	-	-	-
Single-Family Dwelling - 1 & 2 Units	GP	GP	P	-	GP	GP	P	P	-
Dwelling Unit, Two-Family	G	G	P	-	G	P	G	-	-
Dwelling (3 & 4 Units)	GP	GP	-	-	GP	GP	P	P/C**	-
Dwelling (5 or More Units)	P	C*	-	-	C*	C	-	-	-
Family Childcare Facility	P	GP	P	P	P	P	P	P	-
Fence (not by-right)	C	C	G	C	C	C	C	C	C
Firewood Processing	-	-	-	C	-	-	-	C∞	C
Gas Station	-	-	-	-	-	-	-	-	-
Group Home / Recovery Residence	GP	-P	P	-	GP	GP	P	P	P
Health Care Facility	P	P	-	-	P	-	-	-	-
Home Business	-	-	G	-	C	C	C	C	C
Home Occupation	P	P	P	-	P	P	P	P	P
Hotel, Inn or Motel	C	C	-	C	-	-	-	-	-
Motor Vehicle Sales & Repair	-	C	-	-	-	-	-	-	-
Parking Facility	C	C	-	-	C	-	-	-	-
PUD: Multiple Principal Uses on a Lot	C	C	C	C			C		
Private Clubs	P	P	G	-	-C	C	C	C	-C
Professional Office	P	P	P	P	-	-	-	-	-
Recreation Facility	P	P	G	C	C	C	C	C	C
Recovery Residence	P	P	P	P			P		
Restaurant	P	GP	-	-C	-	-	-	-	-
Retail Sales of Goods & Services	P	P	-	-					
Sale of Goods Produced On-SiteRetail									
Sale of Goods & Services	PP	PP	-	P-					
Sexually Oriented BusinessSale of Goods									
Produced On-Site	-P	-P	-	C-P	-	-	-	-	-
ShelterShelter Sexually Oriented Business	CC-	CC-	PC-	CG-	CC-	CC-	-C-	-C-	-C-
Special IndustryShelter	-G	-G	-P	-	-G	-G	-	-	-

**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.

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**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.

Short-Term Rentals	P-	P-	C-	P-	C-	C-	C-	C-	C-
Special Industry									
Warehouse & Storage Facility	P	P	C	PP	C	C	C	C	C
Short-Term Rentals									
Warehouse & Storage Facility	-	-	-	P	-	-	-	-	-

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\* = The Dwelling (5 or More Units) use is only allowed in the HOS Zone as part of a Health Care Facility use and in the COM Zone when a Business Services, Restaurant, or Sales of Goods & Services use, or a combination thereof, is provided on at least 50% of a building's the ground / 1st floor of the building.  
 \*\* = The Dwelling (3 & 4 Unit) Use is permitted for Class 1 Development but Conditional for Class 2 & 3 Development  
 ~ = Sexually Oriented Business are only allowed in Zone IND #3 (Trombley Hill)  
 ^ = The Special Industry use is only allowed east of Garfield Road between the river (south) and the town line (north)  
 ∞ = The Firewood Processing use is only allowed in the LDR-2 Zone. It is not allowed in Zones LDR-1, 3, 4, and 5.  
 ° = Regardless of any density calculations in the HDR Zone, the adaptive reuse of accessory buildings that existed on 1 January 2023 into 1 or 2 new dwelling units may be administratively approved by the Zoning Administrator.  
 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.

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 Please Note: All permitted uses, except Dwelling, 1 & 2 Units, with new footprints larger than 20,000 ft2 require §500 DRB Site Plan Approval.

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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	4	1,2**&3**	1	1	1,2**&3**	1,2**&3**	3
Minimum Lot Size	1,500	408,000	4,000	40,000	8,000	2,000	4,000**	408,000**	80,000
Minimum Land Area Single-Family Dwelling (1 & 2 Units)	750 No limit	408,000	4,000	-	8,000	2,000	4,000**	408,000**	80,000
Minimum Area Two-Family	1,500	40,000	40,000	-	16,000	4,000	4,000	-	-
Minimum Land Area per Multi-Family Dwelling (per 3 & 4 Units)	No limit	2,000* 408,000	-	-	8,000	2,000	4,000	-	-
Minimum Land Area for each additional unit for the Dwelling (5 or more Units) use	No limit	2,000*	-	-	2,000*	2,000****	-	-	-
Minimum Lot Frontage	20	50	50	50	50	20	50	50	50
Maximum Front Setback	8	-	-	-	-	-	-	-	-

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.

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Minimum Front Setback	-	30	<del>35</del>	50	35	<del>18</del>	25	35	45
Minimum Side Setback	-	5	<del>5</del>	10	10	-	5	10	15
Minimum Rear Setback	-	5	<del>10</del>	10	10	10	10	15	15
Minimum Shoreline Setback	50	50	<del>50</del>	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 / 1<sup>st</sup> 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~~.

\*\* ^ = IND Zone Class 2&3 Development allowed in IND#2 (~~west of~~ Houle Ave. frontage to the east ~~and south of Harrel St~~), IND#3, IND#4 (~~west of~~ Ryder Brook ~~only~~), & IND#5.

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

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

**Section 205. General zoning requirements.** In addition to the use and dimensional tables found above in §204a and §204b, all ~~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 1/2 the length of said home or business, with both lengths measured along the primary street frontage. Interpretation of primary street frontage, when a property has multiple frontages, shall be made by the DRB or ZA.

- f. ~~Public entrances: All Dwelling Units shall include at least one functional public entrance that faces the parcel's primary street frontage. In the case of a corner lot, additional public entrances are only required if a sidewalk is present along the additional frontages.~~
- g. ~~Loading docks & garbage storage: All loading docks and garbage storage and pick up areas shall be located in the rear of Buildings and away from public right of way, and then residential uses. When said location is not possible, screening shall be used to obscure these areas from view of the public right-of-way.~~
- h. ~~Outside space: All new dwelling unit multi-family uses shall include 24 ft<sup>2</sup> 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 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,~~

**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:"

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 1/2 the length of said garage plus the length home or business, with both the total lengths measured along the primary street frontage. Tuck under parking, which is ground level parking under a second story accomplished without a garage door shall not be allowed when it is visible from a primary street frontage. Interpretation of primary street frontage, when a property has multiple frontages, shall be made by the DRB or ZA, 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.

**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?

a.2 206.2 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.
- 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).

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**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.

- 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 1/2 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.
- e-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 ft<sup>2</sup> 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.
- 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.

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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?

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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

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 due to exceptional hardship not created by the applicant for good cause and not exclusively for solely cost.

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

1. Building Height. Building Height shall not exceed ~~2.0~~ 4-5 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 ft<sup>2</sup>. 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 ft<sup>2</sup> 400 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

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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

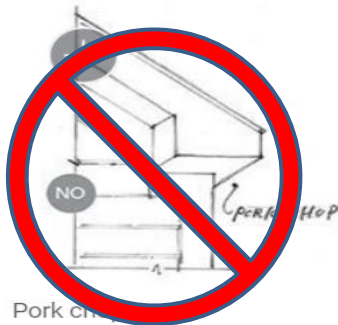
High Density Residential Zone. However, Sections 207.3(Ge) for Front Setback, 207.3(tg) for Glazing, and 207.3(hk) for Mix of Uses of the Criteria shall not be required on this section Brooklyn Street because commercial uses are not allowed therein.

- 207.3 Criteria: Historic Preservation Criteria are per cut-sheets A, B & C of Appendix 2, and as follows:
- a. Building Height. Minimum Building Height along said Streets is 25 feet.
  - b. Building Materials. All Development shall use "Preferred Exterior Building Materials" on the front façade and side elevations to protect the built architectural legacy of said Streets. Preferred Exterior Building Materials are brick, glass, natural stone, wood, and solid (not formed) siding choices that are meant to mimic the appearance and density of wood siding. Vinyl siding and trim, and similar formed materials that require a J-Channel at joints, are explicitly excluded from being considered a "Preferred Exterior Building Material." Nothing in this section of the bylaw shall prohibit the use of materials not listed as preferred, provided the Zoning Administrator or DRB finds the proposed materials meet the stated objective of this zone.
  - c. Corner Boards: Corner boards shall be at least 6 inches in width. Eave & Rakes: Eave and Rakes shall be no taller than 6 inches.
  - d. Frieze Boards: Frieze Boards shall be of a width that matches the intersecting corner board with no step (in the example below, the 10:12 pitch results in a frieze board width of approximately 10 inches);



Frieze intersection at corner board example at 68 George Street

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



<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(eb). 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/repared).
  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 Morrystown, 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 Morrystown. 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 unnumbered 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~~ 24 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.

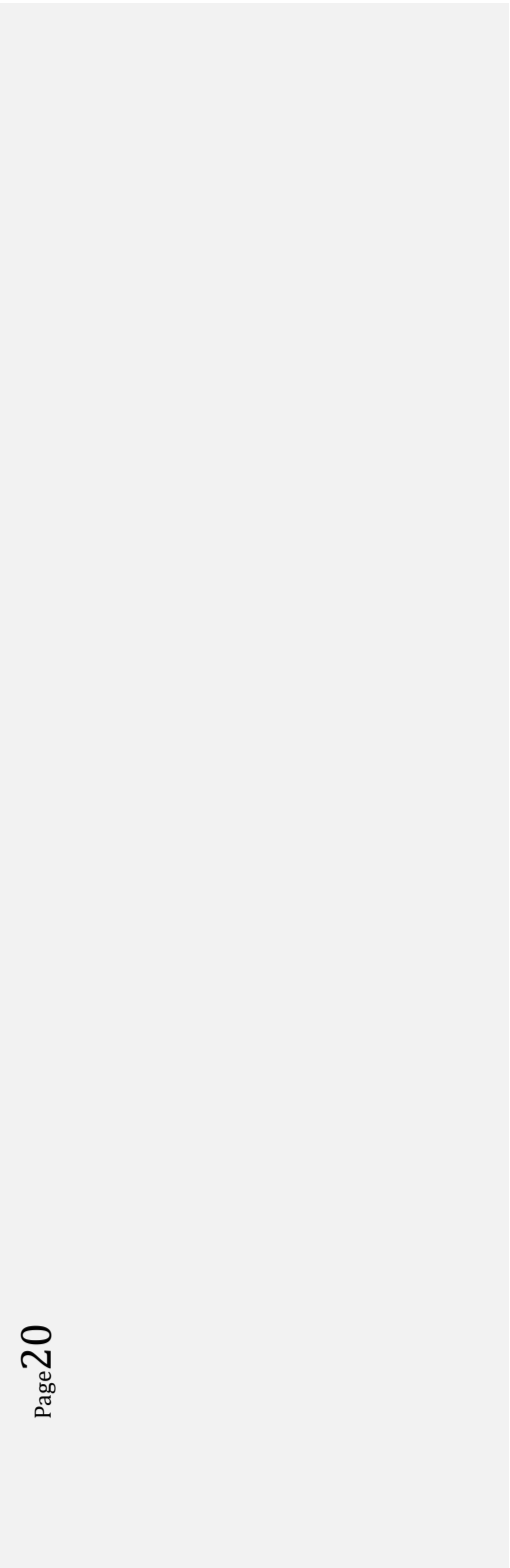
326. Variances - Issuing variances for Development controlled by §320 Flood Hazard Areas and 24 VSA §4469 should be avoided. The Board shall notify applicants that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance.

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

- 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, Patios,~~ 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

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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.

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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 cConstruction 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 State 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 permits shall not be issued unless a site plan -showing all dimensions necessary to assure compliance with these Bylaws has been submitted to the Zoning Administrator. Said OfficerWithin 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.

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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.

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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.

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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.

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**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 V.S.A. §4412).** ~~All limitations imposed by 24 V.S.A. §4412 shall be adhered to, including but not limited to the following:~~

~~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.~~

**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.

~~420.2 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.~~

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~~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.~~

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~~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.~~

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~~420.8 Communications antennae and facilities.~~

~~420.9 Do 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.~~

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~~420.911A residential care home or group home to be operated under State licensing or~~

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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.~~

~~420.121~~ 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.~~

~~420.132~~ 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.~~

~~424~~ ~~420.14~~ ~~No Merger of Existing Small Lots (4412.2).~~ Any 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:

Development with frontage on public waters.

a.

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~~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.

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**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).~~

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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

423.12 **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. Sufficient~~ wastewater capacity (requires new state wastewater permit);

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~~a.~~

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

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b. Meets applicable setbacks.

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**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.

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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. Any parcel, regardless of size, may have as many as two additional detached tiny dwelling units allowed thereon via the Accessory Apartment use. Neither the tiny dwelling unit permitted as the Accessory Apartment, nor the bonus Tiny Dwelling Unit Accessory

Apartment shall count towards the parcel's Minimum Area Per Residential Unit dimensional requirement, provided said parcel is owner occupied. Structures that contain or were designed to have a propulsion motor shall not qualify for this density bonus. Mobile Dwelling Units such as a mobile home, a detached tiny house and manufactured home shall have their wheels disengaged via storage on blocks or anchoring to a permanent foundation or pad. All such Mobile Dwelling Units shall also have a durable skirt installed around the home to ensure viability of utility connections in the winter months.

#### **Section 425. Fences**

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

425.2 **Fences, Exempt.** Fences associated with a farm subject to Required Agricultural Practice Rules as defined in Section 910 of the Bylaws ~~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, a~~A parking space shall be 18 foot long by 9 foot wide, and marked, designed, and maintained to provide vehicular access to a public street or private road, and regulated so no maneuvering therefore shall ~~must~~ take place on any public street or sidewalk. No parking space shall require one vehicle to be parked and un-parked to move another vehicle 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. <sup>2</sup> 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 be located on private or public roads shall~~ be located at ~~least 75 feet~~ 15 feet plus the full width of the proposed driveway from the nearest corner of any street intersection the intersection's closest edge of the travel lane 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.

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 Commissioner Zoning Administrator prior to their construction or use. The Zoning Administrator shall take direction from the Highway Superintendent prior to issuing an Access Permit regarding the required grade of the proposed driveway, sight distance thereto, and the potential need for a culvert underneath it.— 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).

**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."

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

**472. Sign size in Residential Zones (~~MQR~~, 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 ft<sup>2</sup> 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.
- 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.
  - ~~Banners or signs, for 30 days, hung over any town highway are is exempt from zoning but are is required to obtain~~ require approval from the Road Commissioner per 19 VSA §1111-Portland Street promoting a Town-sponsored event.
  - Wicket Frame Signs. Wicket Frame signs for 45 days of early voting prior to election day.
  - 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:
- 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.~~
  - The entire storage and distribution facility shall be surrounded by a metal fence no less than four feet in height.
  - 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.
  - The facility shall be designed, built and operated in accordance with all State and Federal safety standards.
  - Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels and shall meet all State and Federal safety standards.
482. **Development on Class 4 Roads.** Conditional Use is required in all zones for Development that is further down a Class 4 Road than existing Development, 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:

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

- 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.

**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."

484. **Gas Stations.** ~~In all zones where the Gas Station use is allowed, a~~ All fuel pumps, fuel and oil storage shall be located 35 feet or more from Street centerline.

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

**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.

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 [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 ~~be~~ permitted use within a residential district subject to the standards below. The purpose of these standards is to ensure the maintenance of the residential character of neighborhoods while permitting homeowners to take advantage of this traditional activity.
- 487.1 Garage/Lawn/Porch sales shall be temporary, not to exceed 3 consecutive days at a time.
- 487.2 Garage/Lawn/Porch sales shall be held no more than 4 days a year at any residential site, 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 Boxes~~Shipping Containers, and Storage Trailers** shall be parked in a defined driveway, an approved campground, or in an approved sales lot. If any of these structures are not so located, a zoning permit is required prior to placement. Campers and Recreational Vehicles, ~~Sea Boxes, and Storage Trailers~~ shall not be used as a Dwelling Unit outside of the rules for a Primitive Camp, but may be used as temporary Dwelling Unit in conjunction with the construction of the primary residence on the same lot. ~~Said Structures shall be if they are~~ hooked to functioning water, sewer or septic facilities ~~while being used as a temporary construction housing and shall, but must~~ comply with §323c if parked in a §320 Flood Hazard Area.

**Section 490. Exterior Lighting.**

- 490.1 Exterior Lighting. All exterior lighting for residential or ~~business-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.
- 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 may be 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.

**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.

**ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS**

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

- 501 ~~Dwelling, 1 & 2 UnitsSingle 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).
- h. 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.
- h.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)**

~~1. Overarching Purposes. The overarching purposes for Planned Unit Development In order s /Conservation Subdivisions are as follows:~~

- a. ~~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.~~
- b. ~~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.
- e. ~~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.~~
- d. ~~To minimize the amount of disturbance on the site and retain natural drainage patterns.~~
- e. ~~To further the goals and policies of the Morrisville/Morristown Town Plan.~~

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f. ~~To~~ 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.

a. If all of the uses in the proposed PUD are permitted uses as noted in Section 204.5a of the bylaws then the project will only be subject to site plan approval as noted in Section 500 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 units allowed in 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.

g.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.

4. **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

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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.
- 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 Resources (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.

**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.

**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.

- 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.~~
  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 those 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.~~
- f. ~~Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" in §6e shall not disturb more than 1/4 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).~~
- g. ~~Open space shall not include land set aside for the road's right of way.~~
- h. ~~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.~~

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~~i. 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.~~

~~j. 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.~~

k. The ownership of the Open Space shall be conveyed to the Town, the Village, ~~Town'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 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.~~

~~l. 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.~~

~~m. 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.~~

~~n. 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 5<sup>th</sup> 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.
- 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.

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

**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 Morrystown-Morrisville Joint DRB that pertain to the municipalities of the Village of Morrisville and the Town of Morrystown. 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.

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**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~~ ~~flow~~ 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.

635.406 The DRB may require 1, 3, and 5 year reviews of any project ~~before the Board, where at such review the Board may apply additional 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.

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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.

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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.~~

Commented [DWR50]: See §612

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 [DWR51]: Move to §611?

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- 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 Morrystown 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 Criterion ~~10~~).

ARTICLE VII: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

Section 710. Application of Regulations.

710.1 No conveyance or lease of a subdivided lot 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~~<sup>two</sup> new parcels and one parent 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~~<sup>three</sup> or more new parcels and one parent parcel or any subdivision proposal that creates a Street. All Major Subdivisions must go through the ~~§540-740~~Planned 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 Administrator, a "Sketch Plan" of the proposed subdivision which shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property.

720.2 Attendance at Meeting. The subdivider, or his/her duly authorized representative, shall meet with the Zoning Administrator to discuss the requirements of these Regulations, the difference between a Minor and Major subdivision and any applicable zoning bylaws, for street improvements, drainage, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

720.3 Conformance to Other Plans & Regulations. The Zoning Administrator, or the DRB at the 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.

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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

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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 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.

**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

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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.

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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.~~

~~a. 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.~~

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**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)).

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- b. 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 1/2 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'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. 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.

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**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.

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**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.

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- 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 reviewing 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 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 Zoning Administrator 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~~

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**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 failure of the DRB to act, shall become null and void.~~ The Zoning Administrator may extend the filing deadline by up to 90 additional days if other local or state permits are still pending.

760.2 ~~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. 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~~

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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.

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

- a. Subdivision Name or Identifying Title
- b. Name of Subdivider, Preparer of Plat, and Owner of Record.
- c. Seal of Licensed Land Surveyor and a bar scale
- d. Date prepared, Site Location Map, and Bar Scale

- e. North Arrow of defined basis (i.e. magnetic north with year, or astronomic north)
- f. Subdivision Boundaries and Position of Monuments
- g. Where applicable, location of existing roads, and buildings
- h. Indication of intersecting boundaries
- i. Total acreage of each Lot (~~if acreage shown is to the road centerline, the survey shall also showing a separate acreage measuring that excludes public Streets and any rights-of-way for roads that will be 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.~~
- ~~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.~~
- ~~e.g. 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 795790. 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~~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~~nsure 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~~ ~~awithstand~~ 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 "~~1111.44-44~~ 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 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.

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.

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**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.

**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 & 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.

**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.

**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.

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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.
- 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~~.

Commented [DWR69]: Updated since?

**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 following ~~See §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 quests to participate in such activities.

**Accessory Use** - ~~Are permitted uses A-use or s~~Structure 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."

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**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 2two 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 4 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, ~~filling~~ grading, paving, excavation or drilling operations, or storage of equipment and materials.

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

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

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

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

**Dwelling Unit, Two-Family Dwelling (1 or 2 Units)** - ~~A detached residential Building designed for or occupied as a home by 2 families living independently of each other~~ A residential building that has 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.

**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)

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.

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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.

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**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 Morrisstown 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 ft<sup>2</sup>, 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 ft<sup>2</sup> 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.”

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**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,

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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.

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**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.

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**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.

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**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.

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**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 of 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 07002~~4~~, 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 07328-4 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 070042-4 but including the Jersey Heights Condos on Parcels 25020 & 25024. Then turning north up Jersey Way to the point of intersection with Jersey Heights the eastern boundary of said parcel, continuing along the eastern boundary of Parcel 07005, and across Route 100 / LaPorte Rd to a point of intersection with the Village / Town boundary. Then following the Village / Town boundary east and then north to its intersection with the Truck Route. Then turning northeast along the Truck Route to the intersection with the Lamoille River. The traveling against the flow of the river to the intersection of the B St Bridge and Feline Loop. Then traveling easterly on Feline Loop to the point of beginning.

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

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

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

1091. **MDR #1 (Central Village and up Elmore St).** From a point beginning at the intersection of Congress St and Union St traveling in clockwise direction. From the intersection of Congress St and Union St on the west, traveling east along Union St, crossing Summer St and Court St, until a point of intersection with the Potash Brook. Then following and going against the current of the brook, across Maple St, to an intersection of a point made in the brook by a line projecting due south from the southwestern most point of the People's Academy school property (Parcel 22043). Then turning north along said line, crossing Upper Main St, and following the western border of the People's Academy property until the intersection with the MW&L vault on Parcel 22048. Then due north from said vault, crossing Park St, and intersecting the Lamoille River. Then turning east along the river, running against its current, to a point of intersection of a line running due north from the front door of the MW&L offices on Parcel 24059 at 857 Elmore St (but not 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 Morrystown 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 intersection with the Long Bridge. Then turning north from the Long Bridge on Bridge Street, running along the village/town boundary to the northernmost point of Parcel 07307 (east side of the river). Then turning easterly along the northern property line of Parcel 307 to its intersection with the Rail-Trail, and then southeasterly down the Rail-Trail to a point of intersection with the Truck Route. Then turning southerly down the Truck Route, to the point of beginning, but excluding Parcels 21065 & 21069 which are located in the Central Business Zone, to the point of beginning.

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

1102. **LDR #2 (Park St to Elmore St ~~Wabun & Wilkins~~)**. From a point beginning in the Lamoille River from a line projecting due north of the easternmost point of the school's frontage on Park St from the front door of the MW&L offices on Parcel 24059 at 857 Elmore St and traveling in a clockwise direction. From said beginning point in the river, then traveling east along and against the current of the river to the Village/Town Boundary. Following the Village/Town Boundary southerly and then easterly until said boundary turns away (southerly) from meets the westernmost point of the MW&L water-tank property (Parcel 08034). A line projecting southerly from the point where the Village/Town Boundary turns away from. Then following the southern boundary of Parcel 08034 to the east until its intersection with Parcel 08014. Then a line projecting from said point to the intersection with Elmore Rd and Lower Elmore Mountain Rd. Then following Lower Elmore Mountain southerly for approximately 200 feet, and then turning westerly down Washington Highway. Continuing westerly along Washington Highway until a point of intersection with the Village/Town Boundary. Then turning northerly along the Village/Town Boundary to a point of intersection with Parcel 24041-3. Then continuing northerly along the eastern boundary of Parcels 24041-3 & 24041, crossing Elmore Street, to a point of intersection with the front door to the office of MW&L. Then a line projecting from said front door of MW&L to the easternmost point of the school's frontage on Park St north to the point of beginning.
1103. **LDR #3 (Silver Ridge to Center Rd ~~Sunset, and Langdel~~)**. Traveling in a clockwise direction, beginning at the intersection of Center Rd and Langdell Rd, then a line projecting westerly to the northernmost point of Parcel 08167, which is approximately 800 feet west of the terminus of Needle Eye Rd on VT Rte. 15. ~~Midpoint of the frontage of Parcel 08164 at 89 Silver Ridge Rd. Then continuing westerly on the same line for 100 feet before turning northerly and paralleling Silver Ridge Rd, but maintaining said 100-foot distance, to a point of intersection with the Hyde Park Townline. Then continuing easterly along the Townline to a line projecting northeasterly to the northernmost point of Parcel 08163. Then a line projecting from said point easterly where Center Rd meets the boundary with Hyde Park intersects it.~~ Then from said Townline point, a line projecting approximately 400 southeast to the center of the Village water tank. Then a line projecting from said point to the intersection of Frazier Rd and Trombley Hill Rd. Then staying and ~~on continuing on a similar southerly a projection southeasterly to a point of intersection with the southernmost point of Parcel 08090-3 (Weslang Townhouses). Then continuing southeasterly to the terminus of the Southview Drive right-of-way, and then turning easternmost point continuing to the terminus of the town right-of-way on Lanphear Rd, then a line projecting from the terminus of Lanphear Rd, along the northern border of the Commercial Zone, northwesterly to the point of beginning.~~
1104. **LDR #4 (Cadys Falls)**. Traveling in clockwise direction, from a point beginning at the intersection of Cadys Falls Road and the Lamoille River, turning west along the river passing the southern boundary of Parcel 07-212 to a point where the westernmost boundary of 07213 abuts the river, then turning north away from the river along the western boundary of Parcel 07213 to a point of intersection with Parcel 07214, then traveling west along the southern boundaries of Parcels 07214 & 07215, then turning north along the western boundary of Parcel 07215 to a point of intersection with Griggs Road, from said point turning east on Griggs Road, but including Parcels 07233 & 07234, to a point of intersection with the southwest corner of Parcel 07236, then turning north along the western boundary of Parcel 07236 and continuing in the same northerly direction until reaching the northwest corner of Parcel 07242. Then following the western and northern property lines of Parcels 07244-1& 07245 until the point of intersection with Cadys Fall Road. Then turning south on Cadys Falls Road until a point of intersection with the northern boundary line of Parcel 07252, then heading east along the northern boundary line of Parcel 07252 until the point of intersection with the Rail-Trail, then turning southeasterly along the Lamoille Valley Rail-Trail until a point of intersection with Needle's Eye Road, then traveling westerly on Needle's Eye Road until the intersection with the northeastern corner of Parcel 07294, then turning south and then west along the boundaries of Parcel 07294 to a point of intersection with the Lamoille River, then turning west with the flow of river to the point of beginning at the intersection of the Lamoille River & Cadys Falls Road.

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

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

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

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

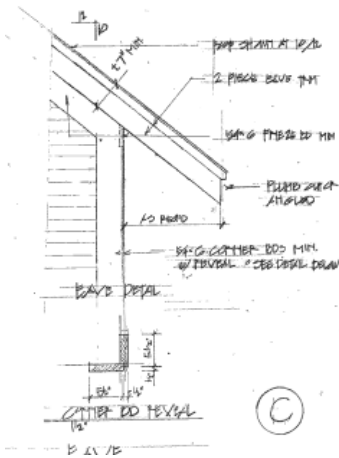
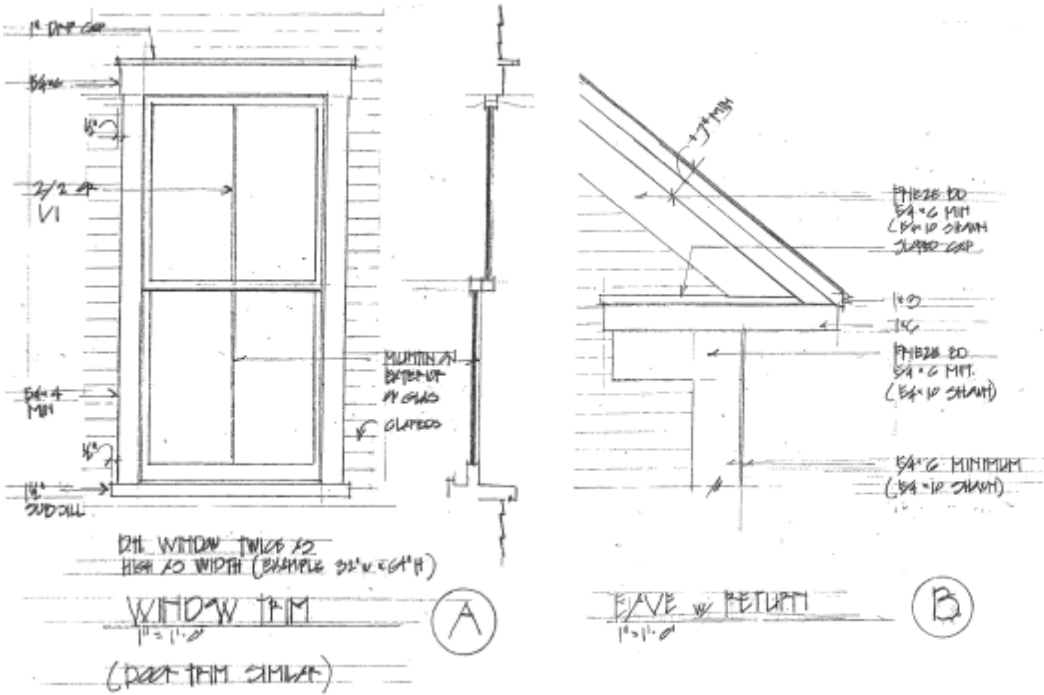
**Section 1120. Sewer Service Management Area (SSMA).**

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

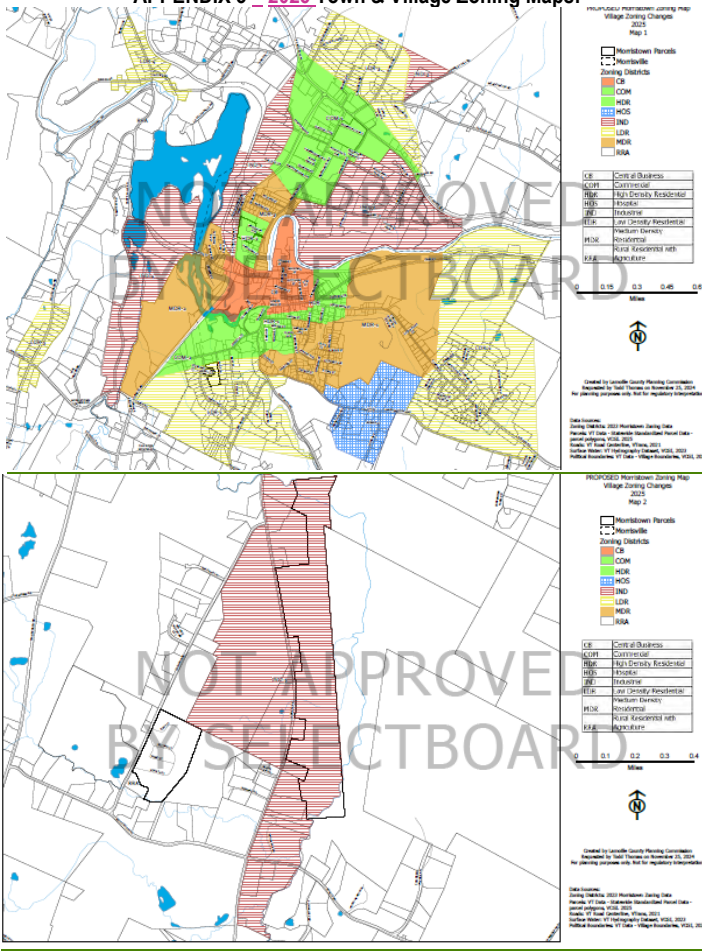
**APPENDIX 1 - Summary of changes from what is proposed to the existing November 2023 Zoning Bylaws:**

- [§201 Delete MOR Zone \(becomes MDR Zone\), allow DRB to rule on Sewer Service Area boundary splits](#)
- [§204.4 Edit Waiver percentage so differs by zone, create waiver bonus for community improvement projects](#)
- [§204.5a Edit Use Table for Acts 47 & 181, building height reductions, add accessory on-farm business, & MOR Zone delete](#)
- [§204.5b Edit Dimensional Table for Acts 47 & 181, MOR Zone deletion, reduce certain lot sizes and densities](#)
- [§206 Design Criteria reordering and edits regulating village zoned single-family homes for 1st time, delete IND #4 regs](#)
- [§206.1 Delete 1<sup>st</sup> 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:**



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

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**10/9/25**

**Re: Permitting Multiple Uses on a Lot**

**Introduction: The following outlines several options to permit multiple uses on a lot without requiring a multiple use PUD. It also offers a definition to be added to Section 910 of the Bylaws.**

Definition:

Multiple Uses- Any combination of multiple conditional or permitted uses located on one lot.

Option A.

Multiple Uses On a Lot : In order to fully utilize the development potential of a lot all lots shall be allowed to host multiple uses at the same time, provided the following conditions are met.

1. All lots are allowed any uses noted in Section 204.5a according to the district they are located in.
  - a. This use may be allowed in any principal or accessory structure provided that they meet the dimensional requirements for the district they are located in as noted in Section 204.5b.
  - b. In the event an applicant proposes two principle uses on a lot with one of these uses being a residential use if the other non-residential use meets the definition of a Home Occupation as noted in Section 910 of the bylaws then the project will be subject to Conditional Use review as noted in Section 415 of the bylaws.
  - c. For the purpose of density any lot is required to meet the minimum area required for residential use as noted in Section 204.5b of the bylaws.
2. If one of the proposed uses is a conditional use as noted in Section 204.5a then the project will be subject to Conditional Use Review as noted in Section 630 of the bylaws.

Advantages:

1. Applies to all districts



2. Still requires conditional use review for more intense uses in the areas that allow home businesses.

Disadvantages:

1. Does not require the DRB to approve the site plan for multiple permitted uses.
2. Relies heavily on the discretion of the Zoning Administrator to approve the site plan for these projects.
3. Potential conflict with Home Business definition could still require DRB approval slowing down the application.

Option B.

Multiple Uses On a Lot : In order to fully utilize the development potential of a lots near the village center lots in the CB, COM, MOR, IND, and the HOS district shall be allowed to host multiple uses at the same time, provided the following conditions are met.

1. All lots in these districts are allowed any uses noted in Section 204.5a according to the district they are located in.
  - a. This use may be allowed in any principal or accessory structure provided that they meet the dimensional requirements for the district they are located in as noted in Section 204.5b.
  - b. For the purpose of density any lot is required to meet the minimum area required for residential use as noted in Section 204.5b of the bylaws.
  - c. If one of the proposed uses is a conditional use as noted in Section 204.5a then the project will be subject to Conditional Use Review as noted in Section 630 of the bylaws.

Advantages:

1. Limits multiple uses to non-residential zones.
2. No conflict with home business definition as a home business is not required in these districts except for the MOR which could be changed.

Disadvantages:

1. Limited to non-Residential Districts
2. Relies heavily on the discretion of the Zoning Administrator to approve the site plan for these projects.



### Option C.

Multiple Uses On a Lot : In order to fully utilize the development potential of a lot all lots shall be allowed to host multiple uses at the same time, provided the following conditions are met.

1. All lots are allowed any uses noted in Section 204.5a according to the district they are located in.
  - a. This use may be allowed in any principal or accessory structure provided that they meet the dimensional requirements for the district they are located in as noted in Section 204.5b.
  - b. All Lots with multiple principal uses, with all of the uses being permitted uses shall have their site plan approved by the Development Review Board through site plan review as noted in Section 500 of the bylaws.
  - c. In the event an applicant propose two principle uses on a lot with one of these uses being a residential use if the other non-residential use meets the definition of a Home Occupation as noted in Section 910 of the bylaws then the project will be subject to Conditional Use review as noted in Section 415 of the bylaws.
  - d. For the purposes of density any lot is required to meet the minimum area required for residential use as noted in Section 204.5b of the bylaws.
2. If one of the proposed uses is a conditional use as noted in Section 204.5a then the project will be subject to Conditional Use Review as noted in Section 630 of the bylaws.

### Advantages:

1. Requiring DRB approval of the site plan will make the process more transparent as this will require a warned public hearing.
2. Applies to all districts.

### Disadvantages:

1. DRB review is slower than Zoning Administrator review.
2. Potential conflict with Home Business definition could still require DRB approval slowing down the application.



Option D.

Multiple Uses On a Lot : In order to fully utilize the development potential of lots near the village center lots in the CB, COM, MOR, IND, and the HOS district shall be allowed to host multiple uses at the same time, provided the following conditions are met.

2. All lots in these districts are allowed any uses noted in Section 204.5a according to the district they are located in.
  - a. This use may be allowed in any principal or accessory structure provided that they meet the dimensional requirements for the district they are located in as noted in Section 204.5b.
  - b. All lots with multiple principal uses with all of the uses being permitted uses shall have their site plan approved by the Development Review Board through site plan review as noted in Section 500 of the bylaws.
  - c. For the purposes of density any lot is required to meet the minimum area required for residential use as noted in Section 204.5b of the bylaws.

Advantages:

1. Limits multiple uses to non-residential zones.
2. Requiring DRB approval of the site plan will make the process more transparent as this will require a warned public hearing.
3. No conflict with home business definition as a home business is not required in these districts except for the MOR which could be changed.

Disadvantages:

1. Limited to non-Residential Districts.
2. DRB review is slower than Zoning Administrator review.