



**TOWN OF MORRISTOWN PLANNING COMMISSION  
MEETING NOTICE & AGENDA  
COMMUNITY MEETING ROOM  
43 Portland St. Morrisville, VT 05661  
5:00 PM Tuesday, March 24, 2026**

[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 3/10/26.

**IV. NEW BUSINESS**

1. Review the rough draft of the memo explaining the changes made in the 2026 Morrystown Zoning and Subdivision Bylaws.
2. Make technical corrections to the bylaws that have been identified in the memo.
3. Review the proposed timeline for bylaw approval.

**V. FUTURE PLANNING AGENDA TOPICS**

**VI. OLD BUSINESS**

**VII. CORRESPONDENCE/NOTICES**

**VIII. ADJOURN**



## PLANNING COMMISSION MEETING MINUTES OF MARCH 10, 2026

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

Absent:

ADMINISTRATION and STAFF: Tyler Machia Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Gary Nolan, Donald Blake Jr, Jerry Throne, Ron Stancliff, Kristen Fogdall

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### CALL TO ORDER

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

### AGENDA CHANGES/ADDITIONS

None

### APPROVE PRIOR MEETING MINUTES

**1. Approve minutes from 2/24/26.**

*Motion made by John Meyers to approve the minutes of 2/24/26. Motion seconded by Wally Reeve. Motion carried. (5/0)*

### NEW BUSINESS

**1. Appointment of Chair and Vice Chair for 2026.**

*Motion made by Wally Reeve to appoint Joshua Goldstein as Chair of the Planning Commission and to appoint John Meyers as Vice Chair. Motion seconded by Etienne Hancock. Motion carried (5/0).*

Joshua Goldstien asked Etienne Hancock to continue to chair this meeting. Joshua will preside at the next Commission meeting. Wally Reeve thanked Etienne Hancock for his years of service as the outgoing Chair of the Planning Commission.

**2. Review of draft community survey designed by intern Gabriella Coutts.**

The commission reviewed a draft of the community survey designed by intern Gabriella Coutts, which aims to assess residents' views on the current town plan and gather input for the upcoming 2030 town plan update. The survey will be distributed digitally through the town website and QR codes posted around town, with plans for additional outreach at the library and on Front Porch Forum to ensure broad community participation. Joshua questioned the wording in the survey, "Large Commercial Development", as having a negative connotation and asked for a language review. Tyler suggested sending the survey next week to keep within the intern's schedule, with an April summation of the results.

**3. Discussion with Gary Nolan and Donald Blake Jr about a letter submitted by the Morrystown Development Review Board requesting that the Planning Commission consider changing the bylaw to allow for major submissions that are not automatically conservation submissions that require 50% of the land associated with a project to be conserved.**

Gary Nolan, Chair, and Donnie Blake, Vice Chair, from the Development Review Board, attended the Planning Commission to discuss a bylaw change request regarding mandatory conservation subdivisions. Gary Nolan expressed concerns that the current requirement limits housing development potential and should be optional for developers. Currently, the bylaw requires major subdivisions to put 50% of the land into conservation. The discussion revealed

uncertainty about the original rationale for making conservation subdivisions mandatory, particularly regarding any potential agreement with the Act 250 Commission. The board discussed potential requirements related to conservation subdivisions and major subdivisions based on an Act 250 permit for the sewer plant. Jerry Throne, Chair of the Conservation Committee, weighed in on the discussion. Wally suggested that Tyler contact the Act 250 Commission to request a copy of the permit to clarify if there are specific requirements or a rider mentioning conservation. Joshua reminded the Commission of the importance of the current bylaws progressing towards the Selectboard's approval as planned. The majority agreed that this issue required a thorough analysis of the information.

## OLD BUSINESS

### 1. Discussion with Gary Nolan and Donald Blake Jr about their experience with earth extraction.

The Planning Commission, with Gary Nolan and Donnie Blake's input, discussed defining "incidental" earth extraction in the zoning bylaw, particularly in relation to the airport industrial park project. A resident added that the airport project was not incidental, as the removal of soil and particulate matter was planned for 10 years, and the rationale for extracting the hill from its development would only affect 3 of 26 buildings. However, as Tyler pointed out the word incidental is not defined in the bylaws. He went on to note that based on a literal interpretation of the bylaws, as required in state statute, one could interpret that 10 years of extraction as incidental as the industrial park use runs with the land and exists in perpetuity. The Commission agreed to move away from defining "incidental" and instead focus on specific parameters for earth extraction, particularly for commercial and larger residential projects. The discussion included consideration of single-family homes for exclusion from the ruling. The group discussed parameters, including blasting, the sale of materials for profit, quantities, and the length of time to remove soil. Etienne asked Tyler to research language appropriate for defining the parameters of earth extraction. They also discussed the impact of the projects on community health. Tyler reported that the commission also received guidance that municipalities cannot co-regulate with the state on air pollution and particulate matter, limiting their authority in certain areas.

### 2. Discussion on Legal Feedback from VLCT regarding questions related to earth extraction.

Tyler reported that the commission received guidance from VLCT that municipalities cannot co-regulate with the state on air pollution and particulate matter, limiting their authority in certain areas. Act 250 regulates air pollutants and particulate matter. Also, Tyler's role as Health Officer does not offer him any authority in this area.

### 3. Discuss feedback from the town attorney on the proposed 2026 bylaws and make additional edits.

Feedback from the lawyer's review of Tyler's final edits of the bylaws was received with no significant issues. The commission reviewed the information and instructed Tyler to amend the bylaws with a unanimous vote, and Tyler outlined a timeline for presenting the changes to village trustees and preparing for a possible public hearing in May. ***Motion made by Joshua Goldstein to include all the final edits into the bylaws. Motion seconded by Wally Reeve. Motion carried (5/0).***

## FUTURE PLANNING AGENDA TOPICS

Tyler and Joshua will meet to discuss these topics. Tyler will send a memo to the Village Trustees regarding the status of the Bylaws. He will be at their April 1st committee meeting. Tyler hopes that if all goes well he will be able to warn the public hearing for May.

## CORRESPONDENCE/NOTICES

None.

## ADJOURN

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

Meeting adjourned at 7:05 pm  
Submitted and filed this 3/11/26.

Bonnie McDermott, Scribe

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



State of Vermont

Chartered in 1781

# MORRISTOWN

Draft  
3/20/26



State of Vermont

Chartered in 1781

# 2023 MORRISTOWN

## 2026 ZONING AND SUBDIVISION BYLAWS VILLAGE OF MORRISVILLE / TOWN OF MORRISTOWN

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

### Town of Morrystown

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

### Village of Morrisville

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

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

- Revised Zoning & Subdivision Bylaws on 14 October 1998, 10 May 1999, 5 December 2000, 15 July 2002, 1 June 2004, 6 February 2006, 16 November 2009, 14 June 2010, 29 November 2010, and 2 May 2011
- Revised Zoning & Subdivision Bylaws, November 6, 2011 (Town) / December 12, 2011 (Village)
- Revised Zoning & Subdivision Bylaws, September 16, 2013 (Town) / October 7, 2013 (Village)
- Revised Zoning & Subdivision Bylaws, May 19, 2014 (Town) / May 26, 2014 (Village)

Revised Zoning & Subdivision Bylaws, November 24, 2014 (Town) / November 17, 2014 (Village)  
Revised Zoning & Subdivision Bylaws, September 28, 2015 (Town) / October 5, 2015 (Village)  
Revised Zoning & Subdivision Bylaws, July 18, 2016 (Town) / August 1, 2016 (Village)  
Revised Zoning & Subdivision Bylaws, June 26, 2017 (Town) / June 19, 2017 (Village)  
Revised Zoning & Subdivision Bylaws, September 10, 2018 (Town) / September 5, 2018 (Village)  
Revised Zoning & Subdivision Bylaws, June 19, 2019 (Town) / June 19, 2019 (Village)  
Revised Zoning & Subdivision Bylaws, September 21, 2020 (Town) / October 7, 2020 (Village)  
Revised Zoning & Subdivision Bylaws, January 4, 2021 (Town) / January 6, 2021 (Village)  
Revised Zoning & Subdivision Bylaws, December 5, 2022 (Town) / December 7, 2022 (Village)  
Revised Zoning & Subdivision Bylaws, November 6, 2023 (Town) / November 1, 2023 (Village)

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**ARTICLE I. GENERAL PROVISIONS**

**Section 100.— Authority.**

- ~~A. 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.
- ~~B. 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.
- ~~C. 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.
- ~~D. 104.—~~ **Amendments.** The Bylaws may be amended in accordance with §4441 & 4442 of the Act.

**Section 110.— Interpretation and conflicting regulations.**

If a provision of the Bylaws is stricter than required by the Act, the Bylaws shall govern. If a provision of the Act is stricter than the Bylaws, the state law shall ~~rule-control~~

**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.**

- ~~A. 201.1—~~ **Zones Created.** For the purposes of these Bylaws, Morristown is divided into the following zones:
  - ~~a-1.~~ Central Business Zone \_\_\_\_\_  
CB
  - ~~b-2.~~ Commercial Zone \_\_\_\_\_  
COM
  - ~~c.~~ ~~Mixed Office Residential Zone~~ \_\_\_\_\_ ~~MOR~~
  - ~~d-3.~~ Industrial Zone \_\_\_\_\_ IND
  - ~~e-4.~~ Hospital Zone \_\_\_\_\_ HOS
  - ~~f-5.~~ High Density Residential Zone \_\_\_\_\_ HDR
  - ~~g-6.~~ Medium Density Residential Zone \_\_\_\_\_ MDR
  - ~~h-7.~~ Low Density Residential Zone \_\_\_\_\_ LDR
  - ~~i-8.~~ Rural Residential Agricultural Zone \_\_\_\_\_ RRA

**Section 201.— Zone Boundary Interpretation.**

- ~~A. 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.

- B. ~~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.
- C. ~~201.3~~—**Boundaries Dividing Lots.** Where a zone boundary does not follow physical features, or lot lines, and divides a lot in ~~single~~common 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.
- D. ~~201.5~~—**Unusual Situations.** Where circumstances regarding boundary interpretation are not covered in §201–§201.3, the DRB shall interpret the zone boundaries.
- E. ~~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 [DWR1]:** Usually the ZA is given this responsibility

**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.**

- A. ~~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.
- B. ~~204.2~~—**Conditional uses.** Uses for which the DRB must conduct a warned public hearing and may approve the application with conditions as appropriate. The letter “C” designates in what zones conditional uses are allowed on the ~~“dimension table”~~Use Table on the next page.
- C. ~~204.3~~ **Variances.** Variances for frontage, setbacks, and other various requirements of these Bylaws and of §4469 of the Act may be granted by the DRB after submittal of a §500 Site Plan and a public hearing per §4465-§4469 of the Act. ~~Issuing variances for Development controlled by §320 Flood Hazard Areas and 24 VSA §4469 should be avoided. The Board shall notify applicants that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance~~
- D. ~~204.4~~—**Waiver.** The DRB may ~~reduce up to 25% of~~modify 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-1. Maintains to extent, reasonably practicable compact development patterns in the village and the rural feel of the Town.
  - b-2. Minimizes impacts to the environment and natural surroundings.
  - e-3. Does not disrupt the neighborhood's existing settlement pattern.
  - d-4. Does not detract from the value of adjacent properties on the Town's Grand-List.
  - e-5. Protects or enhances historic resources.
6. ~~The~~ Makes the Town a more interesting place to work and live via the installation of a permanent public art installation, desirable, and durable community improvement project. Eligible public art installations community improvement projects include, but are not limited to, murals, place-making architecture, and sculptures. The architectural lighting (per §490.5), fountains, murals, streetscape improvements, sculptures, pocket parks, or public gathering spaces with shade, and/or other recreational amenities (ex. public basketball court), provided that the applicant or Selectboard has committed in-writing to the perpetual maintenance thereof. At least 20 calendar days prior to date of proposed public hearing, the DRB shall be in receipt of a supporting letter from a community group such as the Town's Recreation Coordinator, River Arts, or MACC stating that the proposed art installation is durable, desirable, and makes the town a more interesting place to work and live. A before granting a community improvement project waiver. Regardless of the above calculation, a maximum waiver of only 2 additional dwelling units is available via this waiver.
7. ~~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 via the community improvement project waiver, with this additional dwelling 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.~~

6. ~~204.5a Uses Allowances. The use definitions allowed being an unavailable option in each zone are shown in the following table (the Rural Residential Agricultural & Industrial zones).~~

Section 204.F

USE TABLE		COM	MQR	IND	HOS	PHDR	MDR	LDR	RR
Brewery, Agriculture, Accessory On-Farm Business									
Bar, Tavern	P	C		D	C	P	-	P	-
Accessory Retail & Food	P	C		D	C	P	-	P	-
Building Height above 30 feet	P	P		P	P	P	C	P	C
Building Height above 40 feet		C			C	C	-	-	-
Bulk Storage of Fuels		-			-	C	-	-	-
Business Services		P			P	-	P	-	-
Bar		G			G		-		-
Clubs, Private		P			P		G		-

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**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.

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**204.5b Dimensional requirements - Development Class, Minimum lot sizes, areas, frontage and setbacks**

The use definitions allowed in each zone are shown in the following table: **6 Additional Requirements:**

\* = 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 ft<sup>2</sup> require \$500 DRB Site Plan Approval.

**Section 204.G**

Dimension Table	CB	COM	MOR	IND	HOS	HDR	Deleted Cells			
<b>Development Class</b>	1	1	4	1,2* <del>3</del> ** <del>3</del> ***	1	1	1,2	Commented [DWR6]: 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.		
<b>Minimum Lot Size</b>	1,500	<del>408,000</del>	<del>4,000</del>	40,000	8,000	2,000	4,000	<del>10,000</del>	<del>10,000</del>	<del>10,000</del>
<b>Minimum Land Area Single-Family Dwelling (1 &amp; 2 Units)</b>	<del>750</del> No limit	<del>408,000</del>	<del>4,000</del>	<del>4,000</del>	8,000	2,000	4,000**	<del>408,000</del> **	<del>80,000</del>	
<b>Minimum Land Area Two-Family per Dwelling (3 &amp; 4 Units)</b>	<del>1,500</del> No limit	<del>408,000</del>	<del>4,000</del>		<del>408,000</del>	<del>462,000</del>	4	Deleted Cells		
<b>Minimum Land Area for each Multi-Family (per unit) additional unit for the Dwelling (5 or more Units) use</b>	No limit	2,000***	-	-	<del>2,000</del> *	2,000****	-	-	-	
<b>Minimum Lot Frontage</b>	20	50	50	50	50	20	<del>50</del> 40	50	50	
<b>Maximum Front Setback</b>	8	-	-	-	-	-	Deleted Cells			
<b>Minimum Front Setback</b>	-	30	<del>35</del>	50	35	<del>18</del>	Deleted Cells			
<b>Minimum Side Setback</b>	-	5	<del>5</del>	10	10	-	5	10	15	
<b>Minimum Rear Setback</b>	-	5	10	10	10	10	10	Deleted Cells		
<b>Minimum Shoreline Setback</b>	50	50	50	50	50	50	Deleted Cells			

\* - IND Zone Class 2&3 Development allowed in IND#2 (Houle Ave. frontage to the east), IND#3, IND#4 (west of Ryder Brook only), & IND#5

\*\* - Areas of LDR Zone with Class 2 Development require a 15,000 ft<sup>2</sup> minimum lot size per family, and areas of the LDR

Zone relying on Class 3 Development require a 25,000 ft<sup>2</sup> minimum lot size per family

\*\*\* – The Dwelling Multi-Family use is only allowed in the Com Zone when a Business Services, Restaurant, or Retail Sales of Goods & Services use, or a combination thereof, is provided on at least 50% of the ground / first floor of the building.

\*\*\*\* – 4,000 ft<sup>2</sup> of land area per Dwelling Unit is required on Brooklyn St (not 2,000 ft<sup>2</sup> as required elsewhere in the HDR Zone)  
^ – An 8 foot minimum front setback is required only in the HDR section of Brooklyn Street

\* = 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 at least 50% of a building's ground / 1st floor gross floor area.

\*\* = Areas of the MDR & LDR Zones with Class 2 Development require a 15,000 ft<sup>2</sup> minimum lot size, and any areas of the LDR Zone relying on Class 3 Development require a 25,000 ft<sup>2</sup> minimum lot size.

^ = 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), & IND#5.

### Section 205. — General zoning requirements.

In addition to the use and dimensional tables found above in §204a and §204b, all zoning application development 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.

- A. 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 for Dwelling Unit Multi-Family, Dwelling Unit Two-Family, and business uses in the following zones: CB, COM, IND #4 (north of Bridge St only) & IND #5 (airport), HOS, HDR, & MDR in the following zones: CB, COM, 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.
- B. For Dwelling Unit(5 or More) & Dwelling (3 & 4 Units) and business uses, excluding Home Occupation or Home Businesses the following Design Criteria standards apply:
- a-1. 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).

**Commented [DWR7]:** 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 [DWR8]:** 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 [DWR9]:** 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.

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. 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.~~
- ~~e-2. Cladding: The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J-Channel trim.~~
- ~~d. 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.~~
- 3. 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.
- ~~e-4. 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).~~
- ~~f-5. 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. 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.~~
- 6. 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.
- ~~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. 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.~~
- 7. windows, building articulation or ground level doorways.
- 8. 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 structures, including structures on an adjacent street for corner lots.
- 9. 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

**Commented [DWR10]:** 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.

required by §206.1(c). Sidelight windows adjacent to said entry door, if any, shall also have transom windows above.

10. Lighting. A lighting plan that shows compliance with Section 490 of the Bylaws.

11. Loading docks & garbage storage. All loading docks and garbage storage and pick-up areas shall be located in the rear of Buildings buildings and away from any public right-of-way, and then away from residential uses. When said location this is not possible, screening, such as fencing or landscaping, shall be used to obscure these areas from view to the extent reasonably practicable.

h-12. Garbage storage. garbage storage and pick-up areas shall be located in the rear of buildings and away from public rights-of-way, and then away from residential uses. When said siting is not possible, screening, such as fencing or landscaping, shall be used to completely screen these areas.

i-13. 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.

j-1. 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.

k-14. 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.

l-15. 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-building's entry door. A bike rack shall also be provided for new Development that has 10 or more new parking spaces.

16. 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.

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

17. Stormwater. Stormwater shall not be directly discharged from commercial 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.

n-18. Utilities. Utilities shall be underground, unless waived by the DRB due to exceptional hardship not created by the applicant and not exclusively for cost.

C. Cottage Court Development. Development that does 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:

**Commented [DWR11]:** Fencing? Landscaping? What kind?

**Commented [DWR12]:** What about rear lawn area?

**Commented [DWR13]:** 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

1. Building Height. Building Height shall not exceed 2.0 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>.
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.

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

**Section 207. — Historic Preservation Criteria.**

- A. ~~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.
- B. ~~207.2~~ —Applicability: The following Historic Preservation Criteria are required for Dwelling Unit Multi-Family uses and commercial uses within the Central Business (CB) Zone for the following streets: Bridge (Route 100 section only), Hutchins, Park, Portland, Pleasant, Lower & Upper Main. Said criteria shall also be required for Dwelling Unit Multi-Family uses with frontage on Brooklyn Street in the High Density Residential Zone. However, Sections 207.3(~~e~~) for Front Setback, 207.3(~~g~~) for Glazing, and 207.3(~~h~~) for Mix of Uses of the Criteria shall not be required on this section Brooklyn Street because commercial uses are not allowed therein.
- C. ~~207.3~~ —Criteria: Historic Preservation Criteria are per cut-sheets A, B & C of Appendix 2, and as follows:
  - a-1 Building Height. Minimum Building Height along said Streets is 25 feet.
  - b-2 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

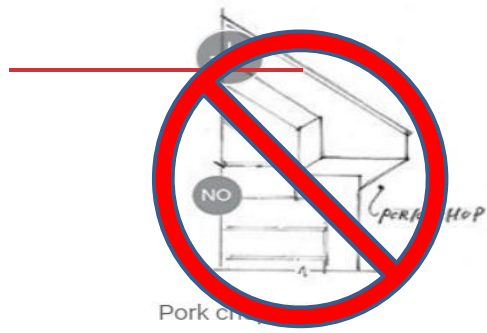
Building Material.” Nothing in this section of the bylaw shall prohibit the use of materials not listed as preferred, provided the Zoning Administrator or DRB finds the proposed materials meet the stated objective of this zone.

- e.3. Corner Boards: Corner boards shall be at least 6 inches in width. Eave & Rakes: Eave and Rakes shall be no taller than 6 inches.
- e.4. 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);

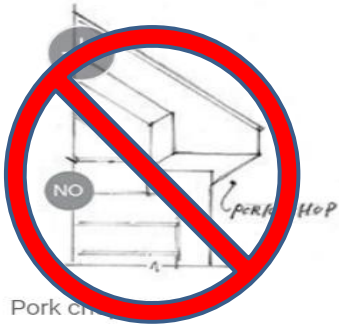


Frieze intersection at corner board  
example at 68 George Street

- e.5. 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.6. Gable Ends: Gable ends may be angled or closed with a classic short or full-length frieze return. Pork chop returns are not allowed.



Pork ch



Pork ch

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

g-7. Glazing. The ground floor portion of a building's facade that parallels the parcel's street frontage 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(b). Sidelight windows adjacent to said entry door, if any, shall also have transom windows above.

h-8. 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-9. Trim boards: All window and door trim shall comply with the following requirements:

1-a. Windows shall have a solid side trim board of at least 4 inches trade width, a head board of at least 6 inches trade width, and a sloping sill that stands proud of the surrounding trim by at least 1 inch.

2-b. Doors shall be trimmed in kind with the windows. Larger head and side board trim is acceptable on doors, but not less.

**Commented [DWR14]:** Does this apply only to ground or entry level or to the entire multi-story facade? Either way, this should be clarified.

~~j.10~~ Soffits. Soffits shall be angled (following pitch of roof) or closed (perpendicular to the wall).

~~k.11~~ Windows. All windows on said Streets shall comply with the following requirements:

~~1-a.~~ All new windows, excluding replacement windows, shall be at least twice as tall as they are wide (unless specifically traced to the architecture utilized in the pre-1950 building being replaced/repaired).

~~2-b.~~ 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-c.~~ Windows may be wood, fiberglass, metal-clad, vinyl-clad, but may not be vinyl.

~~4-d.~~ 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-e.~~ 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-f.~~ Window mounted air conditioners are prohibited in windows facing said Streets.

~~l.12~~ Waiver. Other than the waiver specified under ~~section §Section 207.3(e)C.2~~ for preferred building materials, the Zoning Administrator and the Development Review Board shall not waive any of the ~~§Section 207.3C.2~~ requirements unless it is specifically needed for the rehabilitation of "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.

~~D. — 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 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 ~~abuts~~abut the false front. Outside of this specially regulated 30 feet of frontage depth, all development shall otherwise comply with ~~§Section 207.3C~~.

### ARTICLE III. SPECIAL PROTECTION AREAS

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

- A. ~~304.~~ 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 Morrystown 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.
- B. ~~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.
- C. ~~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.
- D. ~~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.
- E. ~~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.~~ 310. Special Flood Hazard Areas.**

- A.** 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.

**B. ~~324.~~ Development in Floodways. The areas shown as "Floodway" on the FIRMs are officially designated as Regulatory Floodways.**

- 1. ~~324.1~~**—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.
- 2. ~~324.2~~**—If the no-rise certification required in ~~§324~~Section 310.B.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.

**C. ~~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.1.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b.2.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- c.3.** 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.4.** 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.5.** 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.6.~~ 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.310.C.2~~ 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.7.~~ 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.8.~~ 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.9.~~ 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.10.~~ 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.11.~~ 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)

~~D. 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.

~~E. 325.~~ **Administration and Enforcement in Special Flood Hazard Areas.**

~~1.~~ 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 ~~2430~~ 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:~~

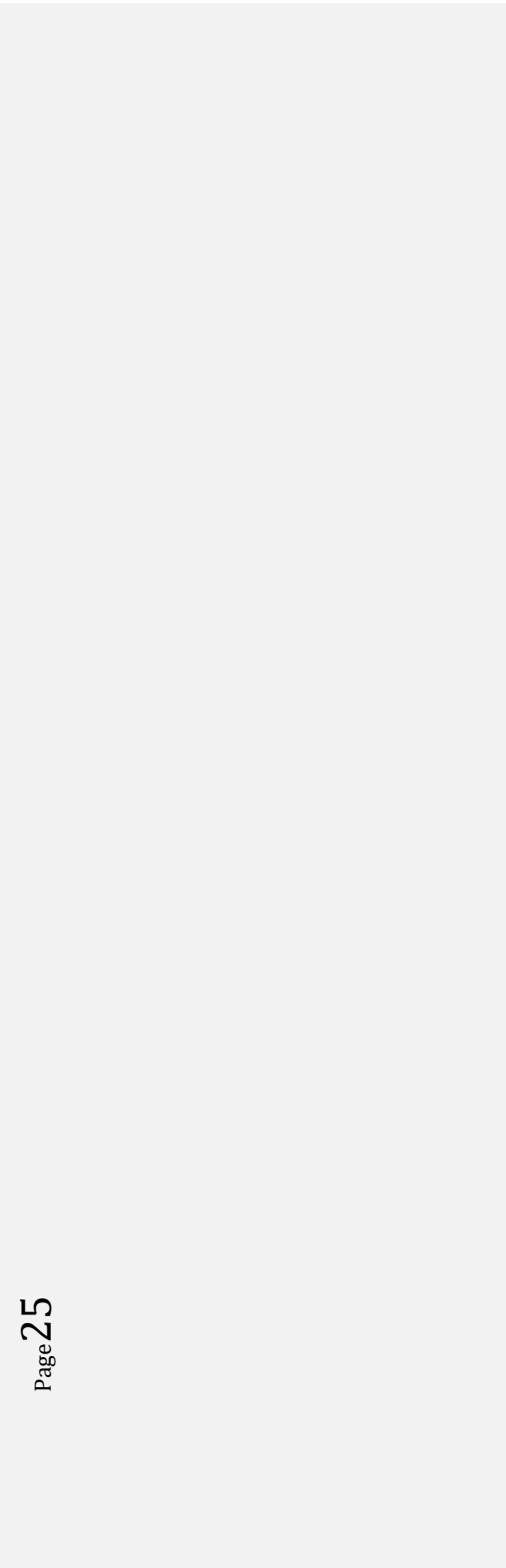
- ~~a.2.~~ Condition all permit approvals to require that the applicant has all other necessary permits from State & Federal agencies before Development can commence.
- ~~b.3.~~ Conduct a site visit to inspect the elevation of foundation forms for all Development, including Substantial Improvement.
- ~~c.4.~~ Conduct a site visit ~~of~~ for all Development, including Substantial Improvement, when complete to ensure proper elevation, drainage and utility location.
- ~~d.5.~~ 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.6.~~ Maintain a record of all permits issued for development in the SFHA.
- ~~f.7.~~ 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.8.~~ 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.

**Section ~~340.~~—320. Variances.**

Issuing variances for Development controlled by Section 310 Flood Hazard Areas and 24 VSA §4469 shall be avoided.

**Section 330. Environmental Resource Areas (ERA).**

- A. ~~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):
- B. ~~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.
- C. ~~343.~~—Permitted Uses in an ERA.** The only permitted uses within mapped ERAs shall be open space, forestry, agriculture, and natural habitat.
- D. ~~344.~~—Conditional Uses in an ERA.** All development which is listed as either ~~a~~-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-1.~~ 1. Functional integrity of the named ERAs in ~~§342;~~ Section 330.B.
  - ~~b-2.~~ 2. Quality of ground or on-site surface waters;
  - ~~c-3.~~ 3. Drainage patterns on the site; ~~and~~
  - ~~d-4.~~ 4. Stability of soils on the site.



## ARTICLE IV. GENERAL REGULATIONS

### Section 400. —Permits.

- A. 401. —Permit Requirement.** No ~~Building Development~~ may ~~be erected, enlarged, relocated, or changed in use, nor shall any land development commence, take place~~ 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.
- B. 401.1 —Permit Exemption** (outside the ~~§320~~**Section 310** Special Flood Hazard Area). The following are exempt from ~~§401~~**Section 400.A** Permit Requirements:
- a.1.** Accessory Structures less than 150 square feet in area.
  - b.2.** Additions to residential structures less than 150 square feet in total area that are not heated (i.e., porches, decks, mudrooms, etc.).
  - e.3.** 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.4.** ~~Fences, signs, patios~~ **Patios**, front porches, parking areas, driveways, certain architectural elements, and other specified exemptions found in the Bylaw's definition of Setback.
  - e.5.** ~~Temporary structures, which are by definition, in place for less than one year, as defined in Section 910 of the Bylaws.~~
  - 6. 401.2 —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
    - 7. Maintenance as note in Section 435 of The Bylaws.**
- C. 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.
- D. 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.
- E. 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.
- F. 401.5 —Initiation of Construction.** ~~Construction or Subdivision, Subdivision of land or the construction of any structure authorized by shall not occur until an approved zoning permit under this section which requires is issued. If applicable, an applicant is required to file a state~~**State** Water Supply and Wastewater -Disposal System (WW) permit ~~is prohibited unless or Morrisville Water and until the WWL~~ **light (MWL) approval with the Zoning Administrator prior to issuance of a zoning permit is issued.**

**Commented [DWR15]:** We suggest defining a temporary structure and then modifying this to shortening time period to 6 months

**Commented [DWR16]:** Revised to be consistent with Section 404

- G. 402.—Permit Submittal.** ~~Permits~~ 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 Officer,~~ ~~within~~ Within 30 days of receipt of a complete application with all necessary information, including submission of a State Water Supply and Wastewater Disposal System (WW) permit or Morrisville Water and Light (MWL) approval if applicable, the Zoning Administrator shall either approve or deny the permit, or refer it to the DRB.
- H. 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.
- I. 402.2—Denial of Permit.** If the permit is denied, the Zoning Administrator shall ~~so~~ notify the applicant in writing, stating the reasons for denial and informing the applicant of his/her rights of appeal (See Sect. 640).
- J. 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.
- K. 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.
- L. 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.
- M. 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.
- N. 403.3—The Zoning Administrator** shall complete the zoning permit process by conforming to his/her responsibilities stated in §4449(c) of the Act.
- O. 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:
1. ~~404.1—Morrisville/Morristown Subdivision Regulations if applicable and in force (relating to the requirements of constructing subdivisions);~~
  2. ~~404.2—Access Permits (relating to driveways/private roads connecting to town highways); and~~

3. ~~404.3~~ Vermont Water Supply and ~~Waste Water~~ Wastewater Disposal System Permit, or an approval issued by MWL.

**Section 405.— Lot Requirements.**

- A. ~~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.
- B. ~~405.2~~ **Lot Line Setbacks.** All structures, unless exempted per ~~§404.1a~~ Section 400.B 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.**

- A. ~~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.1.~~ The Home Occupation shall be conducted by the business owner who rents or owns the dwelling unit;
  - ~~b.2.~~ 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;
  - ~~e.3.~~ 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.4.~~ Traffic shall not be generated in volumes greater than normal in the neighborhood as Home Occupations do not allow ~~customers~~ customer visits to the subject property. An occupation that requires customer visits to the property shall be permitted as a §415 Home Business;
  - ~~e.5.~~ No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the Home Occupation; and
  - ~~f.6.~~ Off-site businesses, such as landscaping, building, and painting contractors shall not be regulated via §410 Home Occupation unless off-site employees are traveling to the business owner's residence in violation of §411d, in which case a §415 Home Business approval is required.

**Section 415.— Home Businesses.**

- A. ~~416-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.~~ B. Home Businesses shall not have more than ~~three~~3 employees on-site at any time.
- ~~b.~~ C. 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.~~ D. 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.~~ E. Employee and customer parking for a Home Business shall be located off-street ~~and shall not be located in front yards whenever practical, and shall, when reasonably practicable, be screened from roadside views and from views from the windows of all abutting properties.~~

**Commented [DWR17]:** "when possible" is too vague and not a good review standard. Almost anything is "possible" under the right circumstances. Recommend "reasonably practicable" or "reasonably feasible"

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

- A. 421. — ~~No Merger~~ In any district that allows year-round residential development, Dwelling Units 2 Units shall be an allowed use with dimensional standards that are not more restrictive than is required for Dwelling Units 1 Unit , including no additional land or lot area. 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.
- B. 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 Dwelling Units 1 Unit , on an owner-occupied lot. A bylaw shall require a Dwelling Units 1 Unit , with an accessory dwelling unit (ADU) 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.
- C. 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 as noted in Section 204.G. As used in this subdivision, "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. If certification is pending beyond 45 days, the municipality shall retain its right to consider the

**Commented [DWR18]:** 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 [DWR19]:** 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.

residence pursuant to zoning bylaws adopted in compliance with 24 V.S.A. § 4411.

D. These bylaws shall not have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance program, or to any person whose room is rented with public funds. In this subsection, the term "hotel" has the same meaning as in 32 V.S.A. 9202(3).

E. Existing **Small Lots (4412.2)**, 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 effective date of enactment of any zoning regulations bylaw, including an interim zoning regulations bylaw, may be conveyed or developed for the purposes permitted in the district in which it is located, even though not conforming to the small lot no longer conforms to minimum lot size requirements of the new bylaw or interim bylaw.

F. Development of a lot not served by and unable to connect to municipal sewer and water service shall be prohibited if ~~either~~ either of the following applies:

1. The lot is not less than one-tenth of an eighth acre in area with
2. The lot has a minimum width or depth dimension of less than 40 feet.

G. ~~422. Required Frontage and Access (4412.3). No land~~ 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.

Land development may be permitted by the Zoning Administrator on lots which that do not have the required road frontage, as specified in the underlying zone, on an existing Street. The Zoning Administrator may however permit a dwelling unit accessed by a private driveway that is either on a public road, class 4 town highway, or public waters, provided for by that access through a permanent easement, or right-of-way, having has been approved in accordance with Article VIII and the Town's road and driveway standards. Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width. The DRB shall review and may permit development via Site Plan Review, in the following circumstances, when the minimum road frontage is not provided:

a. Development with frontage on public waters:

b. H. if it serves 3 or fewer lots. 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 of 4 or more lots are required to obtain a 50 feet in width-foot ROW to continue to use a shared access.

~~A family child care home serving six~~ **Section 423. Limitations Established in the Act (24 VSA §4412).**

All limitations imposed upon this municipality by §4412 of the Act shall be adhered to; these may include but are not limited to the following:

423.1 **Residential Care or Group Home (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).

**Commented [DWR20]:** 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 [DWR21]:** 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 [DWR22]:** We made some recommendations here and assumed the Town wants mandatory lot merger if a standard-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 [DWR23]:** 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.

~~I. 423.2 Family Child Care Facility (4412.5). A “family child care 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 child care. A family child care home serving six (6) 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 shall require site plan approval under Section 500.~~

**Section 421. Accessory Dwelling Units (ADU)**

- A. ~~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 Dwelling Units 1 Unit, on an owner-occupied lot. A bylaw shall require a Dwelling Units 1 Unit, with an accessory dwelling unit (ADU) 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.~~
- B. ~~The Size of the ADU is restricted to 30% of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.~~
- C. ~~Applicants must demonstrate that the property has sufficient wastewater capacity to serve the unit by submitting a copy of their state wastewater permit with their application.~~

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

- A. ~~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 ~~child care~~ 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.~~
- B. ~~423.3 Height Regulation Limitations (4412.6). The height of antenna structures, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation.~~
- C. ~~423.4 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.1. Sufficient wastewater capacity (requires new state wastewater permit);~~
  - ~~b.2. The proposed accessory apartment is not greater than 60% of the heated floor space of the existing, or a proposed, primary dwelling. Meets applicable setbacks.~~
  - ~~c. Meets applicable setbacks.~~

**Commented [DWR24]:** 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.

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

- A. 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.
- B. **Tiny House Density Bonus.** ~~Tiny House Density Bonus.~~ Detached tiny dwelling units (aka tiny homes) with a footprint less than 500 ft<sup>2</sup> in size, such as a tiny home or mobile home, shall be permitted as an Accessory Apartment use and comply with ~~§424.4e (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.**

- A. **425.1 Fence, Conditional Use.** Fences that are not exempted under §425.2B.
- B. ~~425.2~~ **Fences, Exempt.** Fences associated with a ~~working farm~~ subject to Required Agricultural Practice Rules as defined in Section 910 of the Bylaws 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 [DWR25]:** 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 [DWR26]:** 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.**

- A. ~~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.1 setbacks from property lines, leach field, structures, and water supply.
  - b.2 existing slope of the pond site.
  - e.3 water source and method of discharge.
  - d.4 location and size of emergency spillway.
  - e.5 route of flow of outlet and/or spillway.
  - f.6 Cross section depiction of the pond, to include dam or other form of retention.
  - g.7 Approximate volume of water to be contained.
  - h.8 Description of vegetative cover planned to prevent erosion.
- ~~426.2B.~~ Ponds and supporting structures (dams, etc.) must meet the following setbacks:  
leach-field: 100', drilled well: 25', & shallow well: 100'

Additionally, ponds and their supporting structures may not fall within any right-of-way or easement. No pond or dam that is up-gradient to and within 1,000 feet of a town ~~road~~highway 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~~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 ~~ponds~~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~~.

**C. 426.3—**State and Federal Permit Requirements:

- a.1. 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.2. 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.
- e.3. 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 427.—** ~~Limitations on Municipal Bylaws.~~

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

**Section 430.—** ~~Non-Conformities.~~

- A. **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.
- B. **432.—** ~~Limitations.~~ Any non-conforming use or structures or land may be continued indefinitely, maintained, and repaired, but may not be:
  1. ~~432.1~~ —moved, altered, or extended so as to change evidence of the use on the outside of any structure;
  2. ~~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;
  3. ~~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;
  4. ~~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.

C. 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.

D. 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~~ use's underlying zone.

E. 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.

F. 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 435. Maintenance

- A. The routine care or upkeep of a structure or property which results in retention of the current condition or value does not require a permit under the following conditions:
1. Structures may be demolished in whole or in part and rebuilt to the same exterior elevations as the original structure without a permit provided the applicants can provide documentation that the renovations match the exterior elevations of the proposed structure prior to the demolition and meet the standards noted in Section 206 and 207, if applicable.
    - a. Failure to document that the renovated structure has the same exterior elevations as the original structure will require the applicant to submit a Zoning Permit application.
  2. The Applicants are not changing the footprint or location of the structure on the lot from its current location.
    - a. Relocating the structure or enlarging its footprint will require a permit.
  3. Routine maintenance will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement as noted in Section 330 of The Bylaws.
- B. Maintenance of existing paths, recreation areas, storm water drainage areas, roads, bridges, culverts, boardwalks or channel management activities would also be exempt from permitting provided there is no relocation or enlargement of the above-mentioned items. Storm water drainage

areas, culverts and may be enlarged without a permit as necessary to mitigate hazards to the public provided notification of their enlargement.

- C. The Zoning Administrator reserves the right to require an applicant to get a zoning at their sole discretion should they feel that the work in question is not Maintenance and requiring a permit is in the best interest of the town.

**Section 440. — Clean-up of Building Site.**

A. 441. — Removal of Dangerous Conditions. Within ninety days after work on an excavation for a building has ceased, or after a permanent or temporary building or structure has been destroyed, demolished, severely damaged, or abandoned, all structural materials shall be removed from the site, and the excavation remaining shall be covered over or filled to the normal grade by the owner, or the damaged structure shall be repaired or replaced. Upon approval of the DRB, and if good cause has been demonstrated the applicant demonstrates an unnecessary hardship that is not the fault of the applicant which prevents compliance of with this regulation, an extension of the above dates may be granted.

B. 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 [DWR27]:** 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-A. — Parking Requirements. Parking spaces shall be provided in accordance with the specifications in the below table whenever any new use is established, or existing use enlarged. For any use, public off-street parking in lieu of on-site parking may be utilized to fulfill any 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 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.

B. 452. — General Requirements. For the purpose of this Bylaw, a Parking Space, Off Street parking space shall be 18 foot long by 9 foot wide by 18 foot long, and have marked, designed, and maintained to provide vehicular access to a public street, or private road, and regulated so no maneuvering room, therefore shall take place on any public street or sidewalk. No parking space shall require one vehicle to be parked and unparked to move another vehicle like so-called "tandem parking." Required off-street parking areas for 3 or more automobiles in Zones CB, COM, HOS, HDR, & LDR shall be paved.

- C. The DRB may 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.
- D. **Driveway Location.** 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, or sidewalk, and so that All driveways located on private or public roads shall be located at least 15 feet plus the full width of the proposed driveway from the intersection's closest edge of the travel lane at the nearest intersection.. 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 automobile may be parked and un-parked without moving another. Required parking areas for 3 or more automobiles within the Village limits shall be paved. Parking areas use and where reasonably practicable, the sharing of driveway accesses between adjoining lots is preferred and encouraged.
- E. **Access Permits required for 3 or more automobiles outside the Village limits on new driveways.** Proposed driveways on Town Roads, but not require pavement and said parking may take places on gravel, dirt or lawn areas, private roads nor on State roads, require an Access Permit issued by the Road Commissioner prior to their construction or use. 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 [DWR28]:** 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."

**Section 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 <del>Child Care</del> 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

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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.

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

~~455. **Driveway Location.** All driveways are to be located at least 75 feet from the nearest corner of any street intersection. This shall apply to all uses except Dwelling Unit, Single Family and Dwelling Unit and Two-Family. For any use and where feasible, the sharing of driveway accesses between adjoining lots is preferred and encouraged.~~

**Section 470. — Signs.**

~~A. 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.

~~B. 471.1. — General Sign Requirements.~~

- ~~a.1. Approval Required.~~ Prior written approval from the zoning administrator is required for all Signs except those exempted from this Bylaw (see §479).
- ~~b.2. Sign Count.~~ Every ~~business~~commercial use, 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.3. Setbacks.~~ Signs are exempt from Setback requirements.
- ~~d.4. Off-Premise Advertising Prohibited.~~ A sign or display promoting a business or activity that is not the ~~main activity~~principal or accessory use of the facility on the premises is prohibited.
- ~~e.5. Facade Sign Height.~~ No facade sign shall extend above the highest roofline of the building upon which it is located.
- ~~f.6. 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.7. Business/Use Name Change.~~ ~~When-Except directory board signs, when~~ the use of a property is changed or when a ~~business~~commercial operation 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.8. 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 ~~consider~~considered not in good repair.

**C. ~~471.2~~ Computation of Sign Area.**

- ~~a.1.~~ Existing Signs. Existing signs shall be included in the calculation of total Sign area.
- ~~b.2.~~ ~~Two~~ Multi Sided Signs. Signs printed back-to-back shall be counted as one Sign.
- ~~c.3.~~ Lettering. Signs consisting of freestanding letters shall include intervening spaces in sign area.
- ~~d.4.~~ 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.

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

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

**E. ~~473~~ Sign size in Business Zones (CB, COM, HOS, & IND).**

- ~~1.~~ 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.i.~~ HOS — no sign or combination of signs shall exceed 25 ft2 in total area.

**F. ~~474~~ Other Signs and Sign Bonuses.**

- ~~a.1.~~ 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.2.~~ 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.
  - ~~4.i.~~ Sign Size. A directory-board sign on a directory-board shall not exceed 10 ft2 in area.
  - ~~2.ii.~~ 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~~Section 470. F.2) and each business shall be allowed one directory sign on the directory-board sign.
  - ~~3.iii.~~ Collocation Required. Directory-board signs for multi-tenant buildings and shopping centers shall be required to collocate with existing signage on the premises.
  - ~~4.iv.~~ 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-v.~~ Size Exemption. Directory-board signs shall not count towards the sign size maximum per business.
- ~~e-vi.~~ 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.

**G. ~~476.~~ Prohibited Signs.**

- ~~a-1.~~ Omission. All Signs not specifically permitted by these regulations are prohibited.
- ~~b-2.~~ Internally illuminated Signs. Internally illuminated signs are prohibited in all zones.
- ~~e-3.~~ 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-4.~~ 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-5.~~ 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, ~~that~~ 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~~Section 470.1 for exemptions).
- ~~f-6.~~ Utility poles: Signs shall not be affixed to utility poles, or other public property.
- ~~e-7.~~ 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.

**8. ~~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~~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.

**9. ~~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.

**H. Business Window Signs.**

- a.1. 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.
- 2. Banners or signs, hung over any town highway are exempt from zoning but are required to obtain approval from the Road Commissioner per 19 VSA §1111
- 3. Wicket Frame Signs. Wicket Frame signs for 45 days of early voting prior to election day.

**I. Exemptions.**

- b. The Zoning Administrator shall be empowered to exempt any Sign/sign from the above    requirements for a period that shall not exceed two weeks at a time.

**Section 480. —Uses Specially Regulated.**

**A. 481. Bulk Storage of Fuel.** Bulk Storage of Fuel (not allowed in a ~~§320~~Section 310 Flood Hazard Area) is allowed upon Conditional Use approval by the DRB, provided that the following conditions are satisfied:

- a.1. There shall be a bermed and landscaped screening area along the side and rear lot lines no less than 25 feet ~~deep~~long centered on lot lines.
- b.2. The entire storage and distribution facility shall be surrounded by a metal fence no less than four feet in height.
- e.3. 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.
- e.4. The facility shall be designed, built and operated in accordance with all State and Federal safety standards.
- e.5. Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels and shall meet all State and Federal safety standards.

**Commented [DWR29]:** Is the intent here for the berm to be 25' in width/depth, or 25' long along/parallel to the lot line?

**B. 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.

**C. 483. —Motor Vehicles Sales and Repair.** In all zones where permitted, motor vehicle sales and repair uses shall comply with the following:

- a.1. 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.2. All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.
- e.3. 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 ~~wherefor~~which parts have been

**Commented [DWR30]:** Or just "concealed"?

ordered ~~for and~~ but 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-4.~~ 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 [DWR31]:** 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."

**D. 484. Gas Stations.** In all zones where the Gas Station use is allowed, all

~~1.~~ All fuel pumps, fuel and oil storage shall be located 35 feet or more from Street centerline.

~~a-2.~~ Signage and corporate branding shall not be located on the canopy or its supports.

~~b-3.~~ Any canopy provided over the fueling area shall comply with the following requirements:

~~4-i.~~ Canopies must be consistent with the architecture of the primary building.

~~2-ii.~~ Canopies shall be of one color, matching the main color of the primary building.

~~3-iii.~~ Corporate branding, signage, and façade lighting is prohibited on canopies.

~~4-iv.~~ Canopies with flat roofs are prohibited.

~~5-v.~~ The roof of a canopy shall connect to the primary building.

~~6-vi.~~ Existing ~~Pre-existing nonconforming~~ canopies shall ~~be made to~~ comply with these foregoing requirements when any structured alterations or changes thereto are proposed.

~~e-4.~~ There shall be no more than two access driveways to any Gas Station regardless of how many Streets it has frontage on.

~~e-5.~~ The width of each driveway to a gas station shall comply with the Morristown Road Policy.

~~e-6.~~ The installation of a sidewalk is a requirement of any new or redeveloped Gas Station. Said sidewalks shall comply with the Morristown Sidewalk Policy.

~~7. 485.~~ ~~May have retail store as an accessory use selling predominately convenience goods and food/beverages.~~

**Commented [DWR32]:** Does this include a color change like in a rebrand? If so, we should specify.

**E. 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:

~~1. 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.

~~2. 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

**Commented [DWR33]:** Suggest adding a review criterion authorizing convenience stores at gas stations. It's not entirely clear to me how convenience stores have been authorized previously at gas stations, but we recommend that language be added to specify that c-stores can be added to gas stations.

**Commented [DWR34]:** 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.

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~~.

- ~~3. 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 ~~top soil~~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.
- ~~4. 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.
- ~~5. 485.5~~ No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
- ~~6. 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.
- ~~7. 485.7~~ All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.
- ~~8. 485.8~~ Extension of an existing non-conforming operation shall only be permitted by the DRB.
- ~~9. 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.
- ~~10. 485.10~~ The DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

**F. ~~487.~~ Garage, Porch, & Lawn Sales.**

- ~~1.~~ Garage/lawn/porch sales shall be a 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.
- ~~2. 487.1~~ Garage/Lawn/Porch sales shall be temporary, not to exceed 3 consecutive days at a time.
- ~~3. 487.2~~ Garage/Lawn/Porch sales shall be held no more than 4 days a year at any residential site, property, dwelling, or building.
- ~~4. 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 Sections 410, §415, & §500)

**G. ~~488.~~ Campers, Recreational Vehicles (RVs), ~~Sea Boxes~~Shipping Containers, and Storage Trailers**

- ~~1.~~ shall be parked in a defined driveway, an approved campground, or in an approved sales lot. Campers, 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 ~~§323e~~Section 310 if parked in a ~~§320~~ Flood Hazard Area.

**Section 490.— Exterior Lighting.**

- A. ~~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.
- B. ~~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.
- C. ~~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.
- D. ~~490.4~~—~~Externally~~External Illumination for Signs. Sign lighting shall be regulated per ~~§477~~Section 470.G.8 of the Bylaw.
- E. ~~490.5~~—Exemptions. Exemptions to ~~§Section~~ 490 shall include lighting for streetlights, lighting installations on municipally owned property, facade 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.
- F. ~~490.6~~—Unusual Situations. Proposed lighting installations that do not comply with ~~§Section~~ 490 Exterior Lighting maybe approved by the DRB only when that Board finds that the proposed lighting utilizes LED bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets.
- G. ~~490.7~~—Prohibited. Mercury vapor and ~~flor~~roscen~~t~~fluorescent lighting is prohibited.

**Commented [DWR35]:** 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 Approval Review.**

~~A. 501. A Permitted Use Dwelling, 1 & 2 Units 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 Section 500 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.~~

**B. 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.1.~~ The name, address and daytime telephone number of the person or firm preparing the map and supplying the data and information;
- ~~b.2.~~ The name and address of the owner of record and of the applicant if different;
- ~~c.3.~~ The date of map preparation and a bar scale showing miles or feet;
- ~~d.4.~~ A north arrow with the most recent magnetic declination if available;
- ~~e.5.~~ Existing and proposed features including streets, utility easements, rights-of-ways, structures, and all waterbodies.
- 6.** ~~And for~~ **For** all new commercial development, new principal structures with multiple principal uses as noted in Section 510 of The Bylaws and Dwelling Unit Multi-Family uses, site plan submittals shall also include the following details:
  - ~~f.i.~~ A boundary survey;
  - ~~g.ii.~~ The location of propane tanks, which shall be placed underground (only the Bulk Storage of Fuel uses allows above-ground tanks).
  - ~~h.iii.~~ 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.iv.~~ The location of USPS approved 4C centralized or cluster mailboxes, ~~which~~ 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).

~~v. 503. —A plan note stating the heat and cooling source for the proposed building (oil, mini-split, etc.).~~

**C. Additional Conditions.** Appropriate conditions of approval may be attached to any permitsite plan approval with respect to the following:

1. ~~503.1~~ Adequacy of traffic access and circulation
2. ~~503.2~~ Provision for vehicular and/or pedestrian access to connect sitesites to adjacent properties.
- ~~503.33~~ Provision of parking
- ~~503.44~~ To protect the utilization of renewable energy resources

**Section 505. — Landscaping Plan Standards.**

- A.** Landscaping shall be a requirement of §Section 500 Site Plan Approvals for all non-residential uses and Dwelling Unit Multi-Family uses.
- ~~a-1~~ 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-2~~ 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.
  - ~~e-3~~ Landscaping plans shall include shade trees when ~~ten~~ 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.
  - ~~e-4~~ 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-5~~ 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.
  6. 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-8~~ Maximum effort shall be ~~made~~ taken 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-9~~ All plantings shall be installed according to accepted horticultural standards. Plant species should be native (unless ornamental), shall not be listed as invasive and shall

be hardy (zone ~~three~~<sup>4b</sup> or harder as defined in UVM Extension Service's "Landscape Plants for VT").

~~h.10.~~ The owner shall ~~ensure~~<sup>maintain all landscaping in a reasonably healthy manner,</sup> ~~including but not limited to~~ proper watering and weeding to ensure plant viability, and shall replace dead landscaping within the same growing season as any die-off.

~~i.11.~~ Adequate planted screening shall be required that is robust enough to shield any adjacent house, including a house across a roadway, from view of a ground mounted solar array greater than 15 kilowatts and requires a Certificate of Public Good from the Public Utility Commission.

**Section 506. — Site Protection and Restoration.**

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

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

~~1. A. Overarching Purposes. The overarching purposes for Planned Unit Developments / 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 allow for greater flexibility and creativity Multiple Uses On a Lot; Lots in the design of subdivisions;~~
- ~~c. 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 CB, COM, MOR, IND, and 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;~~
- ~~f. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner; and~~

~~g. 1. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.~~

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

- ~~1. To protect the public water supplies (Groundwater SPA);~~
- ~~2. To protect defined Floodways, & §320 Flood Hazard Areas that do not have a defined Floodway;~~
- ~~3. To protect Wetlands;~~
- ~~4. To protect Rare Threatened Endangered Species;~~

- 5. To protect Significant Natural Communities;
- 6. To protect Vernal Pools;
- 7. To protect Deer Wintering Areas;
- 8. To protect existing forest connectivity;
- 9. To protect all agricultural soils listed as Prime or as Statewide (inside SSMA only); and
- 10. To protect steep slopes greater than 25%;

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

~~4.A. Sketch Plan Review.~~ Prior to submitting a preliminary plat application, the applicant ~~HOS~~ district shall be allowed to host a Sketch Plan review 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'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:

~~1. Natural Resource Identification.~~ Natural Resource Identification shall be accomplished by using the aforementioned layers of ANR's Natural Resource Atlas mapping system

~~b.1. 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.1. 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:

- ~~i. Step 1.~~ Identify the natural resource areas,
- ~~i. Step 2.~~ Identify the potential development areas outside of the natural resource areas.
- ~~i. Step 3.~~ Within the potential development areas, identify potential development sites.

~~Step 4.~~ Lay out roads, driveways and utility corridors for the proposed lots.

- ~~i. Step 5.~~ Draw in the Lot Lines.

~~5.A. Dimensional Requirements of Conservation Subdivisions.~~ The applicant shall submit a formal subdivision plan that incorporates the design given generic by the Sketch Plan Review process, as well as the following requirements:

~~a.1. Preliminary Plat Information.~~ The plan detail requirements found in ~~§770 of the~~ Bylaws.

~~a.1. 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.i. 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.i. Lot frontage shall not be less than 20 feet.~~

~~3.i. 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.i. 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.i. 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; and~~

~~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 during when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.~~

~~c.1. To achieve this Bylaw's long term goal of forming large unified open space areas, when there is adjacent public lands, or an adjacent conservation subdivision open space lot that was previously protected, the proposed open space lot should be physically connected to these existing protected public lands. Said adjacent protected public lands shall also be considered "adjacent" if they are only separated from the proposed conservation development by a Street.~~

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

~~A. Acceptable multiple uses at the same time, provided the following conditions are met.~~

~~B. All lots in these districts are allowed any uses noted in Section 204.5a according to the district they are located in.~~

1. 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.F.
2. New structures containing 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.
3. All lots with existing structures can contain multiple principal uses and shall not require site plan approval to add a use so long as any of the existing or proposed uses do not require any changes noted in 2. of this section and the proposed use is not a conditional use as noted in Section 204.F.
4. If one of the proposed uses is a conditional use as noted in Section 204.F then the project will be subject to Conditional Use Review as noted in Section 630 of the bylaws.

C. The DRB shall approve all modifications to a site plan on a lot containing multiple principal uses using the standard noted in Section 500 of the bylaws that involve any of the following:

1. Changes to the building(s) footprint.
2. Changes to the number of parking spaces on site.
3. Changes to traffic circulation patterns on the site.
4. Changes to any approved screening structures.
5. Changes to an approved landscaping plan that involve the elimination or reduction in landscaping.
  - i. Changing the species of landscaping is allowed without DRB approval provided the number of plantings and trees is maintained and their locations are not modified and the applicants provide an updated landscaping plan for the Zoning Administrator to record.
  - ii. The Zoning Administrator may refer this new landscaping plan to the DRB for Site Plan Approval at their discretion.
6. Lots located in the RRA, HDR, MDR, and LDR districts are limited to one principle use on a lot. Allowed uses for these districts are located in Section 204.F of the Bylaws.
7. For the purposes of density any lot is required to meet the minimum lot area required for residential use as noted in Section 204.G of the bylaws if a residential use is proposed.

**Section 511. Short Term Rentals.**

A. **Four or Fewer Bedrooms.** Short term rentals, consisting of any structure or combination of structures on the same lot that is, renting 4 or fewer bedrooms to persons for a period of more than 14 days in a year or fewer than 30 consecutive days are allowed use by right on any lot without zoning permit if the following conditions are met:

1. The Property must be owner occupied per the definition for Owner Occupied noted in

- Section 900 of the bylaws.
2. The structure or structures where the bedrooms are located must have a valid State wastewater permit for the number of bedrooms.
  3. While renting out 4 or fewer bedrooms for a short-term rental is a by right use that does not require a permit the structure or structures that the bedroom or bedrooms are contained in would still be required to obtain a zoning permit.
  4. This would not apply to structures that are converting existing square footage of a structure that does not require an alteration to the building's footprint or exterior elevations.
- B. Four to Eight Bedrooms.** Short term rentals, consisting of any structure or combination of structures on the same lot that is, renting between 4 to 8 rooms to persons for a period of more than 14 days in a year or fewer than 30 consecutive days are a permitted or conditional uses as noted in the use table in Section 204.F and are subject to the following regulations:
1. The property must be owner occupied per the definition for Owner Occupied noted in Section 900 of the bylaws.
  2. Requires Conditional Use approval per the standards noted in Section 500 and Section 630 of the bylaws.
  3. Short-Term Rentals must be approved by the Division of Fire Safety.
  4. Short-Term Rentals must and have a valid State waste-water permit.
  5. Short term renting 9 or more bedrooms meets the definition of a hotel, Inn or Motel Use.  
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.

#### **ARTICLE VI. ADMINISTRATION AND ENFORCEMENT**

- ~~e.1. 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.1. 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).~~
- ~~g. Open space shall not include land set aside for the road's right-of-way.~~
- ~~h.1. Dedicated open space may be used for coworage disposal systems if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.~~
- ~~i.1. 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.1. 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 Town's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Village, 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 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 notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot(s) to ensure payment of 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 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.~~

**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).**

- A. ~~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.
- B. ~~611.1~~ All matters, except for appeals of decisions of the zoning administrator per ~~§Section 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.
- C. ~~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.
- D. ~~611.3~~ The DRB shall conduct all reviews concurrently where feasible if a project requires more than one type of review.

**Section 612. —Public Hearing Notice Requirements.**

- A. 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-1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the town.
  - b-2. 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-3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

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

- A. ~~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.

**Commented [DWR36]:** 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.

**Commented [DWR37]:** Publication of the hearing notice is only required for CU, variance, ZA appeals, and subdivision review.

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

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

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

~~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 of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine.~~

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

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

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

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

### **Section 630.—Conditional Uses.**

~~A. 631.—Procedure. The DRB may allowshall review all uses listed as Conditional Uses in the requested zone at a warned public hearing, as provided for in §4414(3) of the Act.~~

~~B. 632.—General Standards. In order to allowapprove the proposed Conditional Use, the following general standardsproposed use shall not be adversely affected to the point that the potential impact becomes- have an undue- adverse effect on:~~

~~1. 632.4—The capacity of existing or planned community facilities~~

Commented [DWR38]: No need to "advertise" this relief in the bylaws

2. ~~632.2~~—The character of the area affected.
3. ~~632.3~~—The reduction in the capacity of the land to hold water so as to avoid soil erosion.
4. ~~632.4~~—Will not result in undue water, noise, or air pollution.

C. ~~635~~—**Specific Standards.** In ~~allowing~~reviewing 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~~
  1. ~~635.3~~—Controlling the location and number of vehicular access points to the property.
- ~~635.4~~—~~Increasing the street width~~
- ~~635.5~~—~~Increasing or decreasing the number of off street parking or loading spaces~~
  2. ~~635.6~~—Allowing an additional dwelling unit above what the zoning normally yields ~~for when~~ an on-site property manager is provided for residential developments of ten or more units.
  3. ~~635.7~~—Specify or ~~limiting~~limit a business' hours of operation.
  4. ~~635.8~~—Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.
  5. ~~635.9~~—Requiring that any future enlargement or alteration of the use be reviewed by the DRB to permit the specifying of new conditions.
  6. ~~635.10~~—The DRB may require ~~one, three, 1, 3, and five~~1, 3, and five year reviews of any project ~~before, 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~~

D. ~~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.**

- A. ~~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.
- B. ~~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.
- C. ~~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 §Section 620 of these Bylaws which are subsequently ~~approved~~granted by the DRB shall be refunded.

~~D. 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.

~~E. 642.4—Decisions on the Appeal.~~ The DRB shall render its decision, which shall include findings of fact, within 45 days after completing the hearing.

~~a.1.~~ The DRB shall within that same period send to the appellant(s), by certified mail, a copy of the decision.

~~b.2.~~ 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.

~~e.3.~~ 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.4.~~ 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.5.~~ 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~~ Interested Person who has participated in a DRB regulatory proceeding by offering oral or written testimony, evidence or statement of concern related to the subject under these Zoning Regulations may appeal a decision of the DRB, or an approval resulting from the failure of the DRB to Environmental Court. The manner and procedures of an appeal of this type shall be in accordance with §4471 and §4472 of the Act and any other pertinent Vermont Statute.

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

~~F. 661.~~ Per 24 VSA §4420, act within the DRB is authorized to undertake local Act 250 review of municipal impacts caused by “development” and “subdivision” as required 45-day period, within 30 days of such terms are defined decision to the Vermont Environment Court, as provided in 40 VSA §151-the Act (§§4449, 4471).

~~662.—~~ With respect to such “developments” and/or “subdivisions”, the DRB, pursuant to the procedures established under Title 24 VSA Chapter 36 (the Municipal Administrative Procedures Act), shall hear applications for local Act 250 review of municipal impacts at a duly warned public hearing.

~~663.—~~ All applicants for Act 250 permits for such “developments” and/or “subdivisions” in Morristown shall go through this review process, unless all of the following apply:

- ~~663.1 The applicant can establish to the satisfaction of the DRB that the applicant relied on a determination by 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 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.**

- ~~A. 710.1—~~ No conveyance or lease of a ~~subdivisionsubdivided 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.
- ~~B. 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 ~~two new parcels and one newparent~~ 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. ~~The term Major Subdivision shall be defined as any proposed subdivision resulting in two or more new parcels and or any subdivision proposal that creates a Street. All Major Subdivisions must go through the §510 Planned Unit Development / Conservation Subdivision process and be approved by the DRB, 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.~~
- ~~C. Major Subdivision.~~ For the purposes of these regulations Major Subdivision shall be defined as any proposed subdivision resulting in three or more new parcels and one parent parcel or any subdivision proposal that creates a Street. All Major Subdivisions must go through the Section 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. All Major Subdivisions will require Preliminary Subdivision Review.

**Commented [DWR39]:** 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

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

- ~~A. 720.1—Sketch Plan.~~ The applicant, prior to submitting an application for preliminary subdivision, shall review ~~have the option to~~ submit to the Zoning ~~administratorAdministrator~~, 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.
- ~~A. 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.
- ~~Sketch Plan Approval.~~ ~~720.3—Conformance to Other Plans & Regulations.~~ The Zoning Administrator, or the DRB at the ~~deferralreferral~~ 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.

- B. ~~720.4~~ appears to conform ~~Sketch Plan Approval~~. The Zoning Administrator, or the DRB at the deferral of the Zoning Administrator, shall determine whether the Sketch Plan conforms with the Zoning Bylaws, and may ~~reject the application or~~ make specific written recommendations for changes. Any subdivided lot must meet the minimum lot size without including the area of any public road right of way in the lot acreage. Determination of compliance at this stage of review will not bind the DRB in making determinations at later stages. The Sketch Plan Approval letter must state if the proposed subdivision will be treated as a Minor or Major subdivision. The Sketch Plan letter will note items the applicants should provide for 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.
- C. **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 Section 750. Failure to do so shall allow the DRB to refuse, without prejudice, to approve the application.
- D. **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.
1. 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.
  2. 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.
  3. 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.

Commented [DWR40]: OK, but it appears that there's only one subsequent review stage now - Final Plan review.

4. 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.
5. Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" shall not disturb more than ½ of dedicated open space from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place (ex. the regrading & replanting of a gravel pit).
6. Open space shall not include land set aside for the roads rights-of-way.
7. 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.
8. 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.
9. 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.

~~720.5 Where the subdivider submits a proposal for a §510 Planned Unit Development / Conservation Subdivision, the requirements of §4417 of the Act shall be met, in addition to the requirements of the §510 zoning regulations.~~

**Section 730. 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.
- A. ~~730.2 Fees.~~ A fee for final plat approval, which is set by the legislative body, shall be submitted with the application for approval of the final subdivision plat.
  - B. **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.
  - C. **Conformance to Other Plans & Regulations.** The Zoning Administrator, or the DRB at the referral of the Zoning Administrator, shall review the Sketch Plan to determine whether or not it conforms to, or would be in conflict with any effective municipal plan; zoning bylaw; existing private and public development facilities and services, ordinances or regulations; and for any special problems that may be encountered. Findings of conformance or conflict during the Sketch Plan

Approval process shall not be binding on the public bodies responsible for administration of such programs but are intended as an aid to the applicant at this stage of the process.

**Section 740 PUD. Conservation Subdivision (Major Subdivision review required).**

**A. Overarching Purposes.** The overarching purposes for Planned Unit Developments / Conservation Subdivisions are as follows:

1. 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.
2. To allow for greater flexibility and creativity in the design of subdivisions.
3. 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.
4. To minimize the amount of disturbance on the site and retain natural drainage patterns.
5. To further the goals and policies of the Morrisville/Morristown Town Plan.
6. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner.
7. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.

**B. Site Specific Purposes.** The site-specific purposes for Conservation Subdivisions are to permanently protect to the 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:

1. The public water supplies (Groundwater SPA).
2. The defined Floodways, & §310 Flood Hazard Areas that do not have a defined Floodway.
3. Wetlands.
4. Rare Threatened Endangered Species.
5. Significant Natural Communities.
6. Vernal Pools.
7. Deer Wintering Areas.
8. Existing forest connectivity.
9. All agricultural soil listed as Prime or as Statewide (inside SSMA only).
10. Steep slopes greater than 25%.

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

**D. 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.

**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.

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:

1. **Natural Resource Identification.** Natural Resource Identification shall be accomplished by using the aforementioned layers of ANR's Natural Resource Atlas mapping system.
2. **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.
3. **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:
  - i. **Step 1.** Identify the natural resource areas.
  - ii. **Step 2.** Identify the potential development areas outside of the natural resource areas.
  - iii. **Step 3.** Within the potential development areas, identify potential development sites.
  - iv. **Step 4.** Lay out roads, driveways and utility corridors for the proposed lots.
  - v. **Step 5.** Draw in the Lot Lines.

E. **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:

1. **Preliminary Plat Information:** The plan detail requirements found in [Section 770 of the Bylaws](#).
2. **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:
  - i. 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).
  - ii. Lot frontage shall not be less than 20 feet.
  - iii. 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.
  - iv. 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.

- v. 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.~~
- A. 750.2 Copies for Submission. Per 27 VSA §1403, the subdivider shall submit the proposed subdivision ~~on mylar/survey,~~ 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.~~
- B. 750.4 Other Permits. The subdivider shall apply for all Federal, State, and municipal permits required of the proposed subdivision and shall submit copies of these applications to the DRB. Such applications/permits may include but are not limited to: zoning permits, highway access permits, Master Land Use Permit (Act 250 Permit), public building permits, and Agency of Natural Resources Potable Water Supply and Wastewater Permit.
- C. 750.5 Public Hearing. ~~The Zoning Administrator for a Minor Subdivision and the~~ DRB ~~for reviewing~~ 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.
- D. 750.6 Attendance. The Subdivider, or his/her duly authorized representative, shall attend the public hearing regarding the plat. Failure to do so attend may result in postponement or dismissal of the application.
- E. 750.7 Action Decision on Final Plat. Within ~~forty-five~~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 ~~such forty-five~~45 days shall be deemed approval without conditions.
- F. 750.9 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

**Commented [DWR42]:** 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.

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, if not completed by the applicant following written notice from the Zoning Administrator of the existence of an apparently incomplete development~~ may be required by the Board. Said surety will typically only be required for large projects when the Board determines that it is unreasonable to expect the applicant to finance and construct all the project's infrastructure before zoning permits are issued for new buildings.

**Section 760.— Filing of Approved Subdivision Plat.**

~~A. 760.1— Filing.~~ Upon completion of requirements and approvals under §Section 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 will result in the DRB to act, shall become null~~ expiration of the subdivision approval and ~~void the applicants will have to reapply for final approval.~~ The Zoning Administrator may extend the filing ~~deadline by up to 90 additional days if other local or state permits are still pending.~~

~~B. 760.2— Acceptance of Streets, Recreational Areas, Private Streets.~~ 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 resolution ~~act~~ 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.~~

**Section 770.— Plat Requirements for All Subdivisions.**

~~A.~~ The Plat to be recorded in the Land Records of the Town of Morristown, (per §Section 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-1.~~ Subdivision Name or Identifying Title
- ~~b-2.~~ Name of Subdivider, Preparer of Plat, and Owner of Record.
- ~~c-3.~~ Seal of Licensed Land Surveyor and a bar scale
- ~~d-4.~~ Date prepared, Site Location Map, and Bar Scale
- ~~e-5.~~ North Arrow of defined basis (i.e. magnetic north with year, or astronomic north)
- ~~f-6.~~ Subdivision Boundaries and Position of Monuments
- ~~g-7.~~ Where applicable, location of existing roads, and buildings
- ~~h-8.~~ Indication of intersecting boundaries
- ~~i-9.~~ Total acreage of each Lot (if acreage shown is to the road centerline, the survey shall also show a separate acreage measuring measure that

~~excluding~~excludes public Streets and any rights-of-way for roads that will be ~~put~~offered for public acceptance).

- ~~j.~~10. Location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- ~~k.~~11. The Listers' parcel number of the land proposed to be subdivided.
- ~~l.~~12. 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.~~13. The name of the zone applicable to the area to be subdivided and any zoning district boundaries ~~cutting across~~on the ~~tract~~property to be subdivided.
- ~~n.~~14. The location and size of any existing sewers, water mains, culverts, and storm-drains on the property to be subdivided.
- ~~o.~~15. Location, names and present widths of existing and proposed streets, highways, easements, rights-of-way, building lines, parks, and other public open spaces.
- ~~16.~~ ~~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.~~
- ~~17.~~ ~~Typical cross sections of proposed grading and roadways, sidewalks and paths.~~
- ~~18.~~ ~~Preliminary designs of any bridges or culverts which may be required.~~
- ~~s.~~16. The location of natural features or site elements to be preserved.
- ~~t.~~17. For major subdivisions, the location of a water supply available for firefighting including proposed fire ponds or dry ~~hydrants accompanied by written confirmation from Morristown Fire Department that the proposal meets local standards for access and design.~~

**Section ~~795~~790. Lot Line Changes.**

- ~~A.~~ 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.
- ~~B.~~ 795.2—The Zoning Administrator may require a lot line change applicant to obtain ~~a~~ subdivision permit rather than a lot line change approval from the DRB if it is felt to be in the best interest ~~for the town~~of the Town or Village, as the case may be.
- ~~C.~~ 795.3— Lot line changes involving properties that lie within more than one zoning district shall require subdivision approval by the DRB.
- ~~D.~~ 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, for all Subdivision Applications Rules~~

801—

~~Section 800. Construction According to Approved Plat.~~

~~Site Layout~~ 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, ~~or~~ and a performance bond ~~shall~~ may be required to ~~insure~~ ensure completion of such improvements.

Commented [DWR43]: Are there DPW standards?

~~Section 810.— Subdivision Standards.~~

- ~~A. 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 ~~withstand~~ bear weight of a structure, including street, utilities, and buildings, or other hazardous conditions, shall not ~~ordinarily~~ be subdivided.
- ~~B. 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.
- ~~C. 810.3—Town Plan compliance.~~ The proposed subdivision shall conform to the Town Plan.
- ~~D. 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.~~

- ~~A. 820.1—Layout.~~ The streets in the subdivision shall be laid-out in a manner consistent with the topography of the site (see §820.4cA.3) and in a manner which emphasizes connectivity to the existing street network while also taking care to ~~minimizes~~ minimize to the extent practicable the total surface area of the subdivision used for streets. Exceptions to the above requirement shall be granted for design techniques like clustering.
- ~~1. 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."
- ~~2. 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.
- ~~3. 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

Commented [DWR44]: "minimize" alone is too vague a standard to apply and needs a modifier. In re JAM Golf, 2008 VT 110.

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.

- B. ~~§20.1e~~—Frontage on State Highways.** Applicants for subdivisions which front on state highways must receive an ~~44-44-1111~~ permit from the Vermont Agency of Transportation for proposed access from new lots onto the state highway prior to receiving a local subdivision permit.
- C. ~~§20.2~~—Frontage on town roads and private roads. Frontage on town roads and private roads.** A proposed subdivided 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, the Zoning Administrator or the DRB may allow up to 2 dwelling units accessed by a private road or shared driveway provided the access is via permanent easement, right-of-way, or public waters that is at least 20 feet in width. Said width requirement for 3 or more dwelling units increases to at least 50 feet in width for those that intersect town highways, but 30 feet in width shall be allowable if proposed road will be covenanted to remain private in perpetuity and only intersect private road. A Roadway Agreement and Waiver shall be required for such private road.
- D. 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.
- E. ~~§20.2a~~—Horizontal Intersection Alignment.**
- a-1.** Within 75 feet of the approach to an intersection, the centerlines of the intersecting streets shall be at right angles.
  - b-2.** 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.
  - e-3.** The centerlines of no more than two accepted rights-of-way shall intersect at any one point.
  - d-4.** Sidewalks shall be provided per the Morristown Sidewalk Policy. Sidewalks shall be provided so new developments connect to existing sidewalks.
  - e-5.** 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.
- F. ~~§20.2b~~—Vertical Alignment at Intersections.** The gradient within 75 feet of intersections shall not exceed 5%.
- G. ~~§20.3~~—Cut and Embankment Slopes.** All slopes shall be well-rounded to form a smooth transition from the shoulder edge to the existing grades.
- H. ~~§20.4~~—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

**Commented [DWR45]:** Repeats Section 420.8. Suggest deleting 420.8.

**Commented [DWR46]:** 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

diameter cul-de-sac in any zone if the Fire Chief does not believe the ladder-truck would be needed to respond to the proposed development. The DRB may also make an exception to these requirements for dead-end streets. Provisions shall also be made at the perimeter of all cul-de-sacs for snow removal and storage.

I. ~~820.5~~ **Streets, Street Names.** ~~Streets~~ Street names shall be identified by ~~name~~ proposed names on the preliminary plat and be approved in name by the Selectboard prior to §750 Final Plat Approval. When the Selectboard names the Street, it should act upon the Zoning Administrator's recommendation, and provide a non-binding indication to the applicant if this street will be accepted in the future as a public road (which directs the developer to design the new road to the meet either standards for a private or public road). If the Selectboard determines that said road fails to serve ~~at~~ the public purpose, good, necessity, or convenience 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.

J. ~~820.6~~ **Access.**

1. ~~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.

2. ~~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.

3. ~~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.

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

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

### **Section 830. — Water Supply & Wastewater Disposal.**

The subdivider, for Minor Subdivisions, shall supply the Zoning Administrator, and for Major Subdivisions, shall supply the DRB with the approved State Water Supply and Wastewater Disposal ("WW") permits and/or Morrisville Water & Light ("MWL") approvals for municipal water and/or sewer service prior to receiving subdivision approval. ~~Subdivision~~ Major subdivision 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.

Commented [DWR47]: E 911 standards?

**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 ~~street lights~~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.**

- A. ~~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 possible.allowed.
- 1. ~~840.1a~~ — Underground Utilities.** The DRB may require underground utilities where necessary to preserve scenic views and open spaces.
- 2. ~~840.1b~~ — Utility Boxes.** All utility boxes shall be installed at the edge of road right-of-way.
- 3. ~~840.1c~~ — Meters.** All meters shall be placed outside of the road right-of-way.
- 4. ~~840.2~~ — Provisions for Utilities.** All subdivisions shall make adequate provisions for water supply for firefighting (~~see 840.8~~), stormwater management, electric power, and other required utilities and improvements (~~see also §840.7 & and 840.8~~).
- B. — ~~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.
- C. ~~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.
- D. ~~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.
- E. ~~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.
- F. ~~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, ~~that~~which is located within a half mile drive of the subdivision road, which provides at least 100,000 gallons of water. hydrants accompanied by written confirmation from Morrisville Fire Department that the proposal meets local standards for access and design.
- G.** 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

**Commented [DWR48]:** 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.

**Commented [DWR49]:** This should be moved to §840.8

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firefighting. Morrisville Fire shall supply the head for the dry hydrants regardless of the water source.

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

- A. ~~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.
- 1. ~~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.
  - 2. ~~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 ~~the development-subdivision~~
  - 3. ~~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.**

- A. ~~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.
- B. ~~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, August, 2006* June 2025 (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.
- C. ~~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 Board-DRB.

Commented [DWR50]: 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

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meet the requirements of the DRB. ~~Final approval will~~ Recording final plat mylar shall be contingent on the legal review with escrowed funds to ensure conformance with the DRB's ~~receipt~~approval of ~~final drafts of~~legal documents (such as ~~Home Owners~~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** – An apartment located within an owner occupied single family dwelling, or within an accessory building on the same property.~~ **Dwelling Unit** – A distinct unit that is dimensionally clearly 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

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

**Accessory Use** – ~~A use or Structure or Structures~~ - Are uses or structures on the same lot with, and of a nature that are customarily incidental and subordinate to the principal use or Structure on a lot, which are allowed only if the accessory use is designated on the Use Table in Section 204.5a as being a permitted use in the underlying zoning district. Uses that are designated as a conditional use in the underlying zoning district as noted in Section 204.F of the

bylaws cannot be an accessory use authorized by the Zoning Administrator, and instead will only be authorized if it undergoes review as a conditional use by the DRB.

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

**Awning** – A retractable or permanent structure of flexible material (plastic, canvas, etc.) on a frame attached to the facade of a building and projecting therefrom ~~as a~~that can provide 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 two sides of the building or structure.

**Bulk Storage of Fuels** - The storage of 1,000 gallons or more of liquid or gaseous fuels for distribution. Such fuels include fuel oil, and pressurized ~~gasses~~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.

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

**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~~ displaced by the proposed project. Said compensatory volume have an unrestricted hydrological connection to the same waterbody.

**Conditional Use** - A use that may be ~~permitted~~ approved 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 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 ~~Child Care~~ 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~~ 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.

**Commented [DWR51]:** We recommend using the statutory definition of “land development” in §4303(10), not a modified definition.

**Commented [DWR52]:** Replace with definition in 24 VSA 4303 (10)

**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 (1 or 2 Units) - A residential Building to be used solely as a seasonal or year-round home for one family building that may have 1 or may not have an Accessory Apartment 2 dwelling units in the same building, or 2 Single-Family dwellings located on the premises same lot, and neither unit is an accessory dwelling unit.~~

**Dwelling Unit, Two-Family (3 or 4 Units)** ~~A detached residential Building designed for or occupied as a home by 2 families living independently of each other or 2 Single-Family building that has 3 or 4 dwelling units in the same building.~~

**Dwelling (5 or more Units located on)** ~~A residential building that has 5 or more dwelling units in the same building.~~

**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.~~

**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 §4412-4g(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 Child Care/Childcare Facility** - A State licensed or State registered family ~~child care/childcare~~ facility caring for less than six full-time children, which shall be permitted as a Dwelling Unit, Single-Family use of the property. A State licensed or State registered family child care facility caring for up to four part-time children, in addition to a maximum of six full-time children, is also a Family Child Care Facility that shall be permitted as a Dwelling Unit, Single-Family use, but that this expanded use shall require §500 Site Development Plan Approval by the Development Review Board.

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

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

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

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

**Firewood Processing** – The processing of less than 100 cords (or board foot equivalent) per calendar year of firewood from off-site logs for commercial purposes by 3 or fewer employees. ~~Said is considered~~ small-scale commercial processing, ~~including and include but~~ 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 rental basis less than 30 consecutive days 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 business occupation conducted within a minor portion of a dwelling by the residents thereof so that the floor area dedicated to the business occupation is less than 25% of the total floor area of the dwelling unit.

**Home Business** - A commercial use housed in the principal dwelling, an accessory Building, or on property owned by the business owner for that is principally used as 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 this document, the applicable zoning district. 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.

**Municipality** - Town of Morrystown 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.~~

~~**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.~~

**Parking Space Off-Street -**

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 ~~of~~ 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.”

**Required Agricultural Practices (RAPs)**- The criteria use by the Vermont Agency of Agriculture Food and Markets to make a farm determination.

**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 ~~is~~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.

**Shelter** – 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.

~~4. **Short-Term Rentals** – A Structure or combination of structures on the same lot that is required to be Owner Occupied, renting Bedrooms to persons for a period of fewer than 30 consecutive days. Short-Term Rentals containing 8 or fewer Bedrooms (maximum occupancy 16 people), must be approved by the Division of Fire Safety, and have a valid State waste water permit. Short-Term Rentals with 4 Bedrooms or fewer (maximum occupancy 8 people) is exempt from the above local permit requirements, but not the Owner Occupied provision. The Short-Term Rentals use is not a Hotel, Inn or Motel use, with said use regulating 9 or more bedrooms for 17 or more people.~~

**Setback** - The distance from the footprint of a Structure to any lot line including the Street centerline. For purposes of this section a structure shall not include: (1) eaves, sills, pilasters, gutters, cornices, chimneys, and roof overhangs; (2) the footprint of stairs to first floor of a Structure; (3) ramps or other Reasonable Modifications under the 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 are and~~ 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 sewer and water infrastructure** – Per 24 VSA §4303(42), the portions of Morrisville & Morristown served with both water and sewer services by Morrisville Water & Light, or properties within 500 feet of 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.

**Commented [DWR53]:** Reversed order to mirror statutory definition

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

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

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

**Short-Term Rentals** - A Structure or combination of structures on the same lot that is required to be Owner Occupied, renting Bedrooms to persons for a period of more than 14 days in a year or fewer than 30 consecutive days.

**Commented [DWR54]:** This is potentially problematic because such regulations may violate dormant commerce clause

**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.

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

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

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

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

**Storage Trailer** - Per §488, a trailer having one or more axles, whether intact or removed, with a hitch to be pulled by a motor vehicle, and designed as a permanent enclosure, not completely removable, with doors or hatches to gain entry. This use includes "sea boxes."<sup>2</sup>

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

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

**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.

**Commented [DWR55]:** 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.

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

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

**Town Highways:**

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

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

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

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

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

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

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

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

**Wetland** - Shall mean those areas of the state that are inundated by surface or ground water with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake ~~over~~

flows/overflows, mud flats, bogs and ponds, excluding such area/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 [DWR56]: 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 ~~for~~ 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 ~~08-46708167~~ (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. 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 to the southern same eastern most point boundaries of Parcel 07002 Parcels 07005 & 07004 to the southeastern corner of Parcel 07004, and then west along the southern lot lines of Parcels 07002, 07004, & 07006 to the intersection of the town/village boundary, then projecting on the same plane from this point of intersection westward across Parcel 07007-01 to a point of intersection with the Truck Route, and then northeast along the Truck Route to the point of beginning.

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

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

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

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

1051. **IND #1 (Uptown).** From a point beginning at the intersection of Needle Eye Rd and the northernmost corner of Parcel 20032-1 traveling in a clockwise direction. From said point of beginning to a line projecting southerly to the terminus of the Town right-of-way for Stafford Ave. Then following Stafford Ave southeast to a point 1,000 feet west of Brooklyn St. From said point 1,000 feet west of Brooklyn St, turning south, keeping the same distance from Brooklyn St, to a point of intersection with the Village/Town Boundary on the south. Then turning east along the Village/Town Boundary to a point of intersection with the Truck Route. Then turning south along the Truck Route to the Lamoille Valley Rail Trail Bridge. Then turning north along the Rail-Trail to the northern property line of Parcel 07307. Then west along said northern property line to a point of intersection with the Village/Town boundary in the river. Then north along said boundary to the point where it turns east back to the Rail-Trail. Then north along the Rail-Trail until a point of intersection with Parcel 20035 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 13025~~ Then a line ~~projected due south from the terminus of Mansfield Ave.~~ ~~Then turning north~~ projecting from said point ~~up Mansfield Ave~~ 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 housing on small lots. This zone is ~~located~~ adjacent to and generally surrounds the CB Zone. It is served by public utilities, and sidewalks that provide for a short walk ~~into~~ 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 ~~07002, but including the Jersey Heights Condos on Parcels 25020 & 25024-07004.~~ Then turning north up ~~Jersey Way~~ 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 ~~Jersey Heights and~~ 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 zone & 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. —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 and continuing along the southern boundary of said the Catholic Church property. Then a line projecting southeasterly from the easternmost point of on~~ Parcel 21087-221088 to a point of intersection ~~in the driveway to Brooklyn Heights that is 100 feet to the west of Brooklyn St. with Brooklyn S~~ Then turning ~~east along the south down~~ Brooklyn Heights driveway ~~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 ~~to of~~ a line running due north from the front door of the MW&L offices on Parcel 24059 at 857 Elmore St- (but non including Parcel 08024 or its sub-parcels which are fully in the LDR Zone). Then continuing southerly along said line, crossing Elmore St, along the eastern boundary of Parcels 24041 & 24041-3. Then turning westerly, southerly, and westerly again, along the southern boundary of Copley Country Club to the point of intersection with the old Village garage property on Parcel 23238). Then continuing westerly along the southern border of Parcel 23228 until a point of intersection with Maple St. Then turning south on Maple St to the intersection of Washington Highway, across from Pleasant View Cemetery. Then traveling westerly along Washington Highway onto Randolph Rd until the point where the Pot Ash Brook goes underneath Randolph Rd. Then following the Pot Ash Brook, against its current to a point of intersection with Congress St. Then traveling north on Congress St until the point of beginning at the intersection with Union St.

1092. **MDR #2 (All Saints Catholic Academy & Bridge St. west of Truck Route & Rail-Trail).** Beginning at the ~~Truck Route Bridge over the Lamoille River~~ intersection of Morristown Corners Road and Ryder Brook and traveling in a clockwise direction. From the bridge, running with the flow of the ~~river and following it across brook 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.~~ 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~~ northeasterly from the point of beginning ~~to the intersection of the Village Boundary line.~~ Then turning east along the ~~Village Truck Route for approximately 1,400 feet to the Village/Town 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 24.~~ Then turning southeasterly along ~~the northern property line of Parcel 140~~ said boundary for approximately 1,000 feet (crossing Brooklyn St), to ~~the~~ a point of intersection with the western boundary of the Lamoille County Mental Health property on Parcel 138 of tax map 24.21138. Then turning ~~southwesterly~~ southerly for about 500 feet

along the western property line of the Lamoille Mental Health, continuing along the common property line between Parcels 21145 and 21213 Parcel 21138 to the point of intersection with the Lamoille River. Then traveling continuing south along and with the flow current of the river to the until a point of intersection with the Lamoille Valley Rail-Trail. Then from this intersection of the river and turning west along the Rail-Trail, west along the Rail-Trail, to a point of intersection with Brooklyn St Street. Then turning north along up Brooklyn St to its for approximately 1,300 feet to a point of intersection with the driveway to the Brooklyn Heights Condos. Then traveling west along said driveway to a southernmost 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 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 Parcel 0700207004 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. Then turning running southerly on Randolph Rd and then easterly up Washington Highway until (but including Parcel 23007) to the point of intersection with Mansfield Ave Cottage St. Then turning southwest down Mansfield Ave 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 Parcel 13025. Then continuing along the same line into the Kryland Neighborhood on Parcel 43025 to a point of 13021-11-1. Then a line projecting westerly from this point in the brook on Kryland property to the 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 Jersey Way and Cottage St. Then turning southerly on Cottage Street to a point of intersection with the Village boundary Boundary Line. Then following the Village boundary south until its 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 point. Then turning west along the Village boundary to a point of intersection corner of Beacon Hill Rd (where the road bends to the south). Parcel 07007-1. Then a line projecting westerly from said point in that road at the Village Boundary to a point 100 feet due south of the to the intersection of Laque Rd & VT Route 100 and Meadow Drive. Then heading west parallel to but 100 feet south of Meadow Drive. Then turning northeasterly along VT Route 100 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 the Commercial Zone where it projects west along the southern borders of Parcels 07004 & 07006. Then traveling easterly along the southern boundaries of 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 parcels and the rear property lines of Parcels 2, 4 & 6 on Tax Map 7. Then traveling east along said line projection Commercial Zone to the point of beginning but excluding on the Jersey Heights Condos on Parcels 25020 & 25024 southeast corner of Parcel 07004. 024.

1102. **LDR #2 (Park St to Elmore St).** From a point beginning in the Lamoille River from a line projecting due north from the front door of the easternmost point of the school's frontage MW&L offices on Park 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~~ Then following the Village/Town Boundary ~~turns away from 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 ~~north to the easternmost point of the school's frontage on Park St~~ beginning.

1103. **LDR #3 (Sunset and Langdell (Silver Ridge to Center Rd))**. 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 midpoint of the terminus of Needle Eye frontage of Parcel 08164 at 89 Silver Ridge Rd on VT Rte. 15 W.~~ Then ~~a continuing westerly on the same line projecting northeasterly to the northernmost point of Parcel 08163. Then a line projecting from for 100 feet before turning northerly and paralleling Silver Ridge Rd, but maintaining said point easterly where Center Road meets the boundary 100-foot distance, to a point of intersection~~ with the Hyde Park Townline. Then ~~continuing easterly along the Townline to Center Rd intersects it.~~ Then from said ~~town line 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 on a similar southerly projection southeasterly to the easternmost 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 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 ~~eressingcross~~ Morristown Corners Rd to include Parcels 07019, 07020 & 07021 on the east side of Stagecoach Road and then ~~eressingcross~~ Stagecoach Road to ~~athe~~ 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 ~~ef~~ 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) Zone #1 (south of a line between #4) & 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~~changes from what is proposed to the existing November 2023 Zoning Bylaw updateBylaws:**

- §201 Delete MOR Zone (becomes MDR Zone), allow DRB to rule on Sewer Service Area boundary splits
- §204.4—add specific Edit Waiver percentage so differs by zone, create waiver calculationbonus for community improvement projects
- §204.5aEdit Use Table for Acts 47 & 181, building height reductions, add accessory on-farm business, & MOR Zone delete
- §204.5bEdit Dimensional Table for Acts 47 & 181, MOR Zone deletion, reduce certain lot sizes and densities
- §206 Design Criteria reordering and edits regulating village zoned single-family homes for 1st time, delete IND #4 regs
- §206.1 Delete 1st floor exterior access townhouse rule, revise garage rules, new rule for covered front entry and walkway
- §206.2 Add building size maximums, storefront window glaze rule, disallow direct stormwater discharge to town land/roads
- §206.3 Create new Cottage Court (small single-family homes) development alternative for DRB approval
- §206.4 Modify existing waiver provision to accommodate new building size maximums that cannot be waived
- §207 Clarify front setback measurement when no sidewalk is present or will be required, mirror Section 206 glazing rule
- §323 Strengthens Flood Zone Bylaw per federal guidance so new structures in flood zones have 2 feet of freeboard
- §401 Better align permit requirement to the as-revised definition of Development
- §405.3 Delete Infectious Invalidity prohibition
- §415 Revise Home Business parking screening language & clarify parking waiver
- §204.5a—allow 1 or 2 new housing units as adaptive reuse of accessory buildings in HDR Zone
- §204.5b—correct front setback in CB Zone, reduce front setback in MDR Zone, & revise COM Zone mixed use ground floor requirement
- §206—new Design Criteria-§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 duplexes, new MDR Zone jurisdiction, and various subsection edits 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 repetition, cladding, front porches, garages, 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 entrances, outside space, & parkingroads & delete unused survey reqs.
- §207—clarify applicable streets that fall under Historic Preservation Criteria, and include Park Street
- §320—needed floodzone rule changes, & add allow Town listed values for substantial damage & improvement
- §426.2—edits with §820 Access and frontage rules moved §422 and revised to allow ponds to be shared across property lines

~~§450—clarify that parking rules also pertain to more width flexibility for private roads & reduce parking minimums to 1 per unit (S.100)~~

~~§485—change title to Extraction of Earth Resources via the Special Industry Use to clarify rock extraction~~

~~§490—exterior lighting changes for parking lot lighting, and allow string lights to be used year-round~~

~~§502—prohibit the use of dumpsters in residential zones~~

~~§505b—more specific rules as to when landscaping is required for parking lots & to protect residential uses~~

~~§510—allow townhouse style development for Class 1 Development in the village, new waiver category for Class 2~~

~~Development in the LDR Zone, revise maintenance agreement language for open space, allow tree blazing for open space identification, and require public access to trail systems in a private road situation.~~

~~§820.5—Specify public or private street recommendation per Selectboard request~~

~~Article IX—Revise definitions for the following: Building, Business Services, Family, Final Subdivision Approval, Short-Term Rentals, Setback, Special Industry, Structure, Substantial Damage, Substantial Improvement, Town Clerk.~~

~~Delete definitions for §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: Airport, Building Envelope, Commercial Communication Equipment, Municipal Clerk,

Add definition for Public Entrance

~~Article X—Revise the following Zone descriptions: Central Business, zones largely due to Act 47 & 181: Commercial~~

~~#1&#2, Mixed Office Residential (delete), Industrial (1,2,3,4&5), Hospital, High Density purpose & High Density~~

~~#1 Residential, Medium Density Residential #1&#3, High Density purpose & Low Density #1,2,3,4&5, & Rural Residential~~

~~Agricultural—Density, Sewer Service Management Area~~

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



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 ZONING AND SUBDIVISION BYLAWS VILLAGE OF MORRISVILLE / TOWN OF MORRISTOWN

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

### Town of Morrystown

Interim Zoning Bylaws, June 9, 1971  
Permanent Zoning Bylaws, November 1974  
Revised Zoning Bylaws, June 23, 1976  
Revised Zoning Bylaws, September 16, 1978  
Revised Zoning Bylaws, January 3, 1984  
Interim Subdivision Bylaws, September 29, 1989  
Permanent Subdivision Bylaws, October 14, 1994  
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 2014  
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)

### Zoning Bylaws Table of Contents

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	<u>Article I. Authority</u>		
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	<u>Article II. Zone establishment and regulations</u>		Formatted: Heading 2, Left
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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.

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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.

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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.

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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.

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~~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.

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**ARTICLE II. DISTRICT ESTABLISHMENT AND REGULATIONS**

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

201.201.1 **Zones Created.** For the purposes of these Bylaws, Morristown is divided into the following zones:

- A. Central Business Zone
- CB

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- a. Commercial Zone COM
- b. Mixed Office Residential Zone MOR
- c. Industrial Zone IND
- d. Hospital Zone HOS
- e. High Density Residential Zone HDR
- f. Medium Density Residential Zone MDR
- g. Low Density Residential Zone LDR
- h. Rural Residential Agricultural Zone RRA

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**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.

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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 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.

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

Page 3

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

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

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

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

~~204.1 Permitted uses. Uses that the Zoning Administrator may issue zoning permits 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:~~

- ~~1. Maintains to extent, reasonably practicable compact development patterns in the village and the rural feel of the Town~~
- ~~2. Minimizes impacts to the environment and natural surroundings~~
- ~~3. Does not disrupt the neighborhood's existing settlement pattern~~
- ~~4. Does not detract from the value of adjacent properties on the Town's Grand List~~
- ~~5. Protects or enhances historic resources~~
- ~~6. Makes the Town a more interesting place to work and live via the installation of a permanent, desirable, and durable public art installation community improvement project. Eligible public art installations community improvement projects include, but are not limited to architectural lighting (per §490.5), fountains, murals, streetscape improvements, place making architecture, and sculptures, pocket parks, or public gathering spaces with shade, and/or other recreational amenities (ex. public basketball court), provided that the applicant developer or Selectboard has committed in writing to the perpetual maintenance thereof. At least 20 days prior to date of proposed public hearing, the DRB shall be in receipt of a supporting letter from a community group~~

**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.

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such as the Town's Recreation Coordinator, River Arts, or MACC stating that the proposed art installation is durable, desirable, and makes the town a more interesting place to work and live. A before granting a community improvement project maximum waiver, Regardless of the above calculation, of a maximum of only 2 additional dwelling units is allowed possible via the community improvement project waiver, withis additional dwelling units being an unavailable option via this waiver in the Rural Residential Agricultural & Industrial zones).

7. 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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\* - 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-2 Services, Restaurant, or Sales of Goods & Services use, or a combination thereof, is provided on at least 50% of a building's the ground / 1<sup>st</sup> floor of the building. **Formatted:** Font: 12 pt

\*\* - 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 Firwood 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 ft<sup>2</sup> require \$500 DRB Site Plan Approval.**

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

Dimension Table	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	
Development Class	4	4	4	1,2**&3**	4	4	1,2**&3**	1,2**&3**	<b>Commented [DWR6]:</b> 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.
Minimum Lot Size	1,500	108,000	4,000	40,000	8,000	2,000	4,000**	108,000**	<b>Formatted:</b> Font: 12 pt
Minimum Land Area Single Family Dwelling (1 & 2 Units)	750 No limit	108,000	4,000	-	8,000	2,000	4,000**	108,000**	<b>Formatted:</b> Font: 12 pt
Minimum Area Two-Family	1,500	10,000	10,000	-	16,000	4,000	10,000	-	<b>Formatted Table</b>
Minimum Land Area per Multi-Family Dwelling (per 3 & 4 Units)	No limit	2,000* 108,000	-	-	8,000	2,000	4,000	-	<b>Formatted:</b> Font: 12 pt
Minimum Land Area for each additional unit for the Dwelling (5 or more Units) use	No limit	2,000*	-	-	2,000*	2,000****	-	-	<b>Formatted:</b> Font: 12 pt
Minimum Lot Frontage	20	50	50	50	50	20	50/40	50	<b>Formatted:</b> Font: 12 pt
Maximum Front Setback	8	-	-	-	-	-	-	-	<b>Formatted:</b> Font: 12 pt
Minimum Front Setback	-	30	35	50	35	18'	25	35	<b>Formatted:</b> Font: 12 pt
Minimum Side Setback	-	5	5	10	10	-	5	10	<b>Formatted:</b> Font: 12 pt
Minimum Rear Setback	-	5	10	10	10	10	10	15	<b>Formatted:</b> Font: 12 pt
Minimum Shoreline Setback	50	50	50	50	50	50	50	50	<b>Formatted:</b> Font: 12 pt

\* - 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-2 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. **Formatted:** Font: 12 pt

\*\*\* - Areas of the MDR & LDR Zones with Class 2 Development require a 15,000 ft<sup>2</sup> minimum lot size per family, and any areas of the LDR Zone relying on Class 3 Development require a 25,000 ft<sup>2</sup> minimum lot size per family. **Formatted:** Font: 12 pt

\*\* ^ - 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 ft<sup>2</sup> of land area per Dwelling Unit is required on Brooklyn St (not 2,000 ft<sup>2</sup> 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 & Architecture. 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 or DRB may require the submission of a proposed building rendering to ensure that the below design criteria requirements are met in the following zones: CB, COM, IND #4 (north of Bridge St only), IND #5 (airport), HOS, HDR, MDR & LDR.~~

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

**Commented [DWR7]:** 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 [DWR8]:** 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.

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**Commented [DWR9]:** Why does this say "do not"? Shouldn't it be "the following Design Criteria standards apply:"

**Commented [DWR10]:** See subsection c, below, where it states "public sidewalk." Is there a reason why it's different in this section or that one?

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 1/4 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.

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:

- 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.
- Cladding. The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J Channel trim.
- 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.
- 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).
- 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.
- 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 1/4 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.

**Commented [DWR11]:** This description of length is confusing. Is it meant to regulate garage width or depth?

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**Commented [DWR12]:** 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.

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DWR10

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10. 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.

11. 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.

12. Building size maximums. Except within the COM, IND & HOS Zones, the width of any new structure, which shall not be subject to Waiver considerations, is limited to 68 feet or less and its depth shall be limited to no more than 150% of the depth of the larger of the two directly adjacent non-accessory structures, including structures on an adjacent street for corner lots.

13. 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.

14. Lighting. A lighting plan that shows compliance with Section 490 of the Bylaws.

15. 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 shall be used to obscure these areas from view of the public right of way, completely or to the extent reasonably practicable.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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Commented [DWR13]: Principal?

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Commented [DWR14]: 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.

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Commented [DWR15]: Fencing? Landscaping? What kind?

Commented [DWR16]: 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 [DWR17]: What about rear lawn area?

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Commented [DWR18]: 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

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Page 1

~~f. Utilities. Utilities shall be underground, unless waived by the DRB for good cause and not exclusively for solely cost.~~

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

~~A. Building Height. Building Height shall not exceed 2.0 1.5 stories.~~

~~B. 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.~~

~~C. 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.~~

~~D. 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.~~

~~E. Front Door. The front door to each dwelling must face the courtyard.~~

~~F. Lot Size. The minimum lot size needed to apply for a Cottage Court Development is 15,000 ft<sup>2</sup> 100 feet of lot width and 150 feet of lot depth\*.~~

~~G. Parking. A common parking lot shall serve the dwellings and garages. Access to the parking lot shall be via a sidewalk through the central courtyard. Garages, if any, shall not be attached to any of the dwellings.~~

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

### ~~Section 207. Historic Preservation Criteria.~~

~~207.1 Goals: The goals of the §207 Historic Preservation Criteria are to (1) protect the built character of the Morrisville Historic District (referred to hereafter as the MHD), (2) ensure that the built forms of the remaining “Contributing Structures” that are protected by this Bylaw remain in perpetuity, (3) protect the unique and rich late 19th Century architecture found on the main commercial thoroughfares in the MHD), and (4) provide a minimum set of prescriptive requirements to ensure that the front and side facades of new buildings constructed within the MHD reasonably match the architectural features commonly found on nearby Contributing Structures.~~

~~207.2 Applicability: The following Historic Preservation Criteria are required for Dwelling Unit Multi-Family uses and commercial uses within the Central Business (CB) Zone for the following streets: Bridge (Route 100 section only), Hutchins, Park, Portland, Pleasant, Lower & Upper Main. Said criteria shall also be required for Dwelling Unit Multi-Family uses with frontage on Brooklyn Street in the High-Density Residential Zone. However, Sections 207.3(Ge) for Front Setback, 207.3(Ig) for Glazing, and 207.3(h,K) for Mix of Uses of the Criteria shall not be required on this section Brooklyn Street because commercial uses are not allowed therein.~~

**Commented [DWR19]:** 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).

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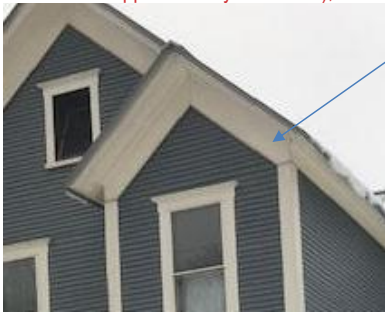
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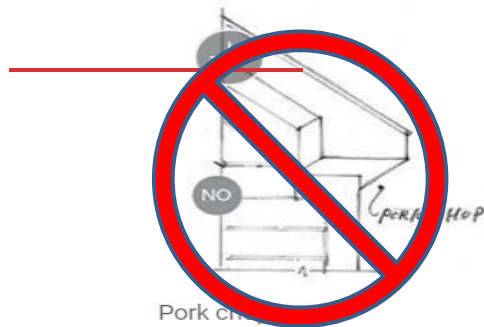
207.3 Criteria: Historic Preservation Criteria are per cut sheets A, B & C of Appendix 2, and as follows:

1. Building Height: Minimum Building Height along said Streets is 25 feet.
2. 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.
3. Corner Boards: Corner boards shall be at least 6 inches in width. Eave & Rakes: Eave and Rakes shall be no taller than 6 inches.
4. Frieze Boards: Frieze Boards shall be of a width that matches the intersecting corner board with no stop (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

5. 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.
6. Gable Ends: Gable ends may be angled or closed with a classic short or full length frieze return. Pork-chop returns are not allowed.



Pork ch...

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

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7. Glazing. The portion of a building's facade that contains a commercial storefront or a residential lobby shall be at least 50% glazed, which refers to a collection of panes or full sheets of glass, set within frames such as windows or doors. To meet this glazing requirement, transom windows must be provided above the main entry door that is required by §206.1(cb). Sidelight windows adjacent to said entry door, if any, shall also have transom windows above.
8. 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.
9. Trim boards: All window and door trim shall comply with the following requirements:
  - a. 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.
  - b. Doors shall be trimmed in kind with the windows. A larger head and sideboard trim is acceptable on doors, but not less.
10. Soffits. Soffits shall be angled (following pitch of roof) or closed (perpendicular to the wall).
11. Windows. All windows on said Streets shall comply with the following requirements:
  - a. 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).
  - b. 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.
  - c. Windows may be wood, fiberglass, metal-clad, vinyl clad, but may not be vinyl.
  - d. 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.

Commented [DWR21]: Does this apply only to ground or entry level or to the entire multi-story facade? Either way, this should be clarified.

- e. 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.
- f. Window mounted air conditioners are prohibited in windows facing said Streets.

12. 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 "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.~~

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**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

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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:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. 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.
4. 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.
5. 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.
6. In unnumbered "A" Zones, if base flood elevation data is available from alternative sources, such as historical high-water marks, the Zoning Administrator shall obtain, review and reasonably utilize this data to obtain a base flood elevation. Contour Interpolation, when feasible, shall be the preferred method of obtaining a base flood elevation in unstudied A Zones. Development, including basements, and Substantial Improvements in unnumbered A Zones shall, per 323.c, be elevated 2 feet above the determined base flood elevation. If no base flood elevation can be reasonably determined in an unnumbered A Zone, all Development shall be elevated 5 feet above the highest adjacent grade of the

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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.

- ~~7. 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.~~
- ~~8. 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.~~
- ~~9. 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.~~
- ~~10. 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.~~
- ~~11. 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.~~
- ~~1. 325. **Administration and Enforcement in Special Flood Hazard Areas.** Prior to issuing a permit for the construction of new buildings, the Substantial~~

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Improvement of existing buildings, or for development in the special flood hazard area, a copy of the application shall be submitted to the Vermont National Flood Insurance Program Coordinator (see 24 VSA §4424). Although development in the §320 Flood Hazard Area is a permitted use, a zoning permit shall be issued only following receipt of comments from the Department or the expiration of 30 21 days from the date the application was received by the Department, whichever is sooner.

2. 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.

Maintain a record of all permits issued for development in the SFHA.

A. 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.

B. Notify the applicant that no new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals are resolved, but the violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

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

#### Section 340. Environmental Resource Areas (ERA):

341. **Objective.** The purpose of these regulations is to allow property owners some use of their land while also affording protection to locally designated environmental resource areas (ERA):
342. **Locally Designated ERAs.** These regulations will apply to undeveloped lands proposed to be used for a house, its accessory building(s), as well as lands used for any commercial building(s), and associated improved parking areas, mapped by the Vermont Agency of Natural Resources, on its Natural Resource Atlas, as Wetlands, Rare Threatened-Endangered Species, Significant Natural Community, and Uncommon Species.
343. **Permitted Uses in an ERA.** The only permitted uses within mapped ERAs shall be open space, forestry, agriculture, and natural habitat.
344. **Conditional Uses in an ERA.** All development which is listed as either permitted or conditional use in the zone in which the land is located, may be allowed upon approval of the DRB after a

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~~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:~~

- ~~1. Functional integrity of the named ERAs in §342;~~
- ~~2. Quality of ground or on-site surface waters;~~
- ~~3. Drainage patterns on the site; and~~
- ~~4. 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:

1. ~~Accessory Structures less than 150 square feet in area.~~
2. ~~Additions to residential structures less than 150 square feet in total area that are not heated (i.e., porches, decks, mudrooms, etc.).~~
3. ~~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).~~
4. ~~Fences, signs, Ppatios, front porches, parking areas, driveways, certain architectural elements, and other specified exemptions found in the Bylaw's definition of Setback.~~
5. ~~Temporary structures, which are by definition, in place for less than one year.~~

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

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

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

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

402. ~~Permit Submittal.~~ Except for zoning permits for Dwelling, 1 and 2 family uses, zoning pPermits 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 (WWW) 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

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zone. Permits that have expired, and were not renewed, shall become null and void and reapplication shall be required.

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

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

403. ~~Issuance of Permits.~~ The Zoning Administrator, upon receipt of all necessary information, will issue a permit for a development listed as a Permitted Use upon assurance that the proposed development will conform to the dimensions and specifications listed in the underlying zone. Said Officer will issue a permit for a development listed as a Conditional Use upon being instructed to do so by the DRB following a public hearing and a written decision by that body. In determining whether to allow such a proposed development, and what conditions to place upon its design, the DRB shall follow the procedures established in §630 of these Bylaws, and §4414(3) of the Act.

403.1 ~~Effective Date of Permit.~~ In conformance with §4449(a)(3) of the Act, no zoning permit issued pursuant to these Bylaws shall take effect until the time for appeal in §4465 of the Act (15 days) has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

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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:
1. The Home Occupation shall be conducted by the business owner who rents or owns the dwelling unit;
  2. 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;
  3. 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;
  4. Traffic shall not be generated in volumes greater than normal in the neighborhood as Home Occupations do not allow customer visits to the subject property. An occupation that requires customer visits to the property shall be permitted as a §415 Home Business;
  5. No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the Home Occupation; and
  6. Off site businesses, such as landscaping, building, and painting contractors shall not be regulated via §410 Home Occupation unless off site employees are traveling to the business owner's residence in violation of §411d, in which case a §415 Home Business approval is required.

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

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

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**Commented [DWR24]:** "when possible" is too vague and not a good review standard. Almost anything is "possible" under the right circumstances. Recommend "reasonably practicable" or "reasonably feasible"

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

~~420.1 Equal treatment of housing and required provisions for affordable housing, including allowing Accessory Dwelling Units, and Residential Care, Group, or Recovery Homes.~~

~~420.2 Existing small lots.~~

~~420.3 Required frontage, or access to: public roads, Class 4 Highways, or public waters.~~

~~420.4 Protection of home occupations.~~

~~420.5 Child care.~~

~~420.6 Heights of renewable energy resource structures.~~

~~420.7 Nonconformities.~~

~~420.8 Communications antennae and facilities.~~

~~420.9 De minimis telecommunications impacts.~~

~~420.10 Planting projects.~~

~~420.11 Accessory on farm businesses.~~

~~420.12 Density of areas served by municipal sewer and water.~~

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

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

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

~~Development with frontage on public waters.~~

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

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

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

~~423.2 Family Childcare Facility (4412.5). A "family childcare home or facility", as used in this section, means a home or facility where the owner or operator is licensed or registered by the state for childcare. A family childcare home serving six (6) or fewer children shall be considered to constitute a permitted single family residential use of property. A family childcare home serving no~~

**Commented [DWR25]:** 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.

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**Commented [DWR26]:** These probably should be re-instated if they're not addressed elsewhere in the bylaws and then revised in accordance with the new statute

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more than six full-time children and four part-time children, as defined in 33-VSA §4902(3)(A), shall be considered to constitute a permitted use of property but shall require site-plan approval by the DRB. A family childcare facility serving more than six full-time and four part-time children shall be considered a Day-Care Facility, a conditional use requiring review and approval by the DRB.

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

~~423.4 Accessory Apartment (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:

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

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

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

~~424. Tiny House Density Bonus.~~ Detached tiny dwelling units (aka tiny homes) with a footprint less than 500 ft<sup>2</sup> in size, such as a tiny home or mobile home, shall be permitted as an Accessory Apartment use and comply with the district's setbacks. ~~§424.4c (setbacks).~~ Any parcel, regardless of size, may have as many as two additional detached tiny dwelling units allowed thereon via the Accessory Apartment use. Neither the tiny dwelling unit permitted as the Accessory Apartment, nor the bonus Tiny Dwelling Unit Accessory 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, 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.

**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

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**Commented [DWR27]:** 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 [DWR28]:** 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.

~~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;~~

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~~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, or change of 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.~~

#### ~~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~~

**Commented [DWR29]:** So, if we're reading this correctly, after 90 days broken window must be repaired? Just wanted to make sure...

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

453. ~~Minimum Parking Ratio Requirements.~~

Defined Uses	Parking Spaces Required
Business Services, Health Care Facility, Professional Office, and Sales of Goods Produced On-Site	1.5 per employee per largest shift
Community Facility, Day Care Facility, and Family Childcare Facility	1.5 per employee per largest shift
Dwelling Unit	1 per unit
Group Home & Shelter	0.5 per bed
Home Business	4
Extraction of Earth Resources, Manufacturing, Wholesale Distribution, and Warehouse & Storage Facility	1 per employee per largest shift
Motor Vehicle Service Station, and Sales & Repair Facility	5 spots per each repair bay door
Recreation Facility Indoor or Outdoor	1 per 4 seats or 15 per playing field
Retail Sales of Goods and Services, Sexually Oriented Business, & Commercial Use	2.5 per 1,000 ft. <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.	—

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## 2026 ZONING AND SUBDIVISION BYLAWS VILLAGE OF MORRISVILLE / TOWN OF MORRISTOWN

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

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

### Town of Morristown/Village of Morrisville (unified bylaw)

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

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A. ~~To prevent the loss of life and property, to ensure that development in the Special Flood Hazard Area (SFHA) minimizes the damage to life and property, to ensure that properties are reasonably safe from flooding, a zoning permit is required for any Development, including the placement of manufactured homes, located in areas designated as either Floodway, Zone A or Zone AE on the Flood Insurance Rate Maps dated July 2, 1987 for the Village of Morrisville, & the Town of Morristown, as revised (referred to hereafter as the FIRMs). These areas are also identified in the publication entitled Flood Insurance Study, Village of Morrisville and Town of Morristown. Please note that land outside these areas may be subject to flooding and resultant property damage, and this bylaw shall not create Town or employee liability, for flood damage that results from reliance on this Bylaw, or decisions made legally thereunder. And the provisions of this Bylaw shall not in any way impair or remove the necessity of compliance with any other local, state, or federal law. Where this Bylaw imposes a greater restriction, the higher standards shall control.~~ ..... 14

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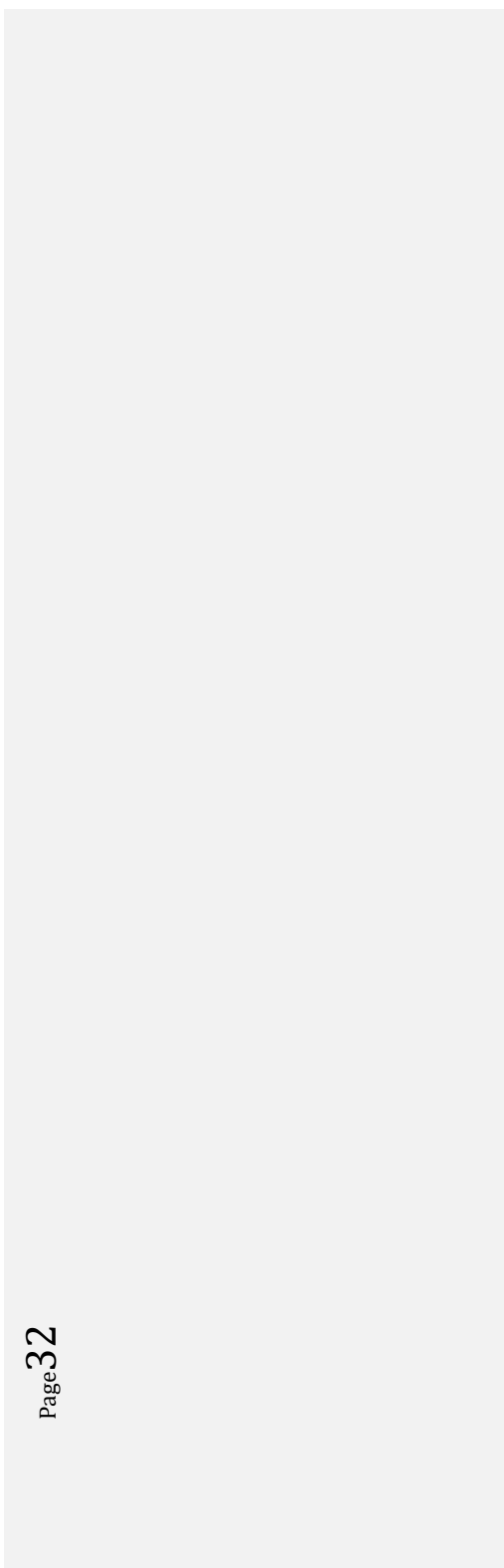
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A. The Plat to be recorded in the Land Records of the Town of Morristown, (per § 760 of those Bylaws), shall conform to Statutory requirements for recordable plats (27 V.S.A. Chapter 17 "Filing of Land Plats"), and shall include the following:.....	45
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**ARTICLE I. GENERAL PROVISIONS**

**Section 100. Authority,**

- A. **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.
- B. **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.
- C. **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.
- D. **Amendments.** The Bylaws may be amended in accordance with §4441 & 4442 of the Act.

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**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

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**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.

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**ARTICLE II. DISTRICT ESTABLISHMENT AND REGULATIONS**

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

- A. **Zones Created.** For the purposes of these Bylaws, Morristown is divided into the following zones:
  - 1. Central Business Zone CB
  - 2. Commercial Zone COM
  - 3. Industrial Zone IND
  - 4. Hospital Zone HOS
  - 5. High Density Residential Zone HDR
  - 6. Medium Density Residential Zone MDR
  - 7. Low Density Residential Zone LDR
  - 8. Rural Residential Agricultural Zone RRA

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**Section 201. Zone Boundary Interpretation,**

- A. **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.
- B. **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.
- C. **Boundaries Dividing Lots.** Where a zone boundary does not follow physical features, or lot lines, and divides a lot in common 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.
- D. **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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Page 36

E. **Rounding.** All dimensional requirements shall be rounded down to the nearest whole number for any zoning calculation.

**Commented [DWR31]:** 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.

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**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.

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

- A. **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.
- B. **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 Table" on the next page.
- C. **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.
- D. **Waiver.** The DRB may modify 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:
  1. Maintains to extent, reasonably practicable compact development patterns in the village and the rural feel of the Town.
  2. Minimizes impacts to the environment and natural surroundings.
  3. Does not disrupt the neighborhood's existing settlement pattern.
  4. Does not detract from the value of adjacent properties on the Town's Grand-List.
  5. Protects or enhances historic resources.
  6. Makes the Town a more interesting place to work and live via the installation of a permanent, desirable, and durable community improvement project. Eligible community improvement projects include but are not limited to architectural lighting (per §490.5), fountains, murals, streetscape improvements, sculptures, pocket parks, or public gathering spaces with shade, and/or other recreational amenities (ex. public basketball court), provided that the applicant or Selectboard has committed in-writing to the perpetual maintenance thereof. At least 20 calendar days prior to date of proposed public hearing, the DRB shall be in receipt of a supporting letter from the Town's Recreation Coordinator, River Arts, or MACC before granting a community improvement project waiver. Regardless

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

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**Section 205. General zoning requirements.**

In addition to the use and dimensional tables found above, all development shall comply with Article III Special Protection Areas, the General Regulations found in §400-§499 of these Bylaws, and §500 Site Plan Review, except Dwelling – 1&2 Units shall not be subject to Site Plan review.

**Section 206. Design Criteria.**

- A. 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 #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.
- B. For Dwelling Unit(5 or More) & Dwelling (3 & 4 Units) and business uses, excluding Home Occupation or Home Businesses the following Design Criteria standards apply:
  1. 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.
  2. Cladding. The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J-Channel trim.
  3. 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.
  4. 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).
  5. 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. 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.
  6. 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.

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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 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> \*  
-
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.

D. Waiver. Unless stated otherwise in any of the above §206 requirements, the DRB may grant a §206 Waiver if it can be found that doing so meets at least 2 of the goals of §204.4 Waiver.

### Section 207. Historic Preservation Criteria.

- A. 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.
- B. Applicability: The following Historic Preservation Criteria are required for Dwelling Unit Multi-Family uses and commercial uses within the Central Business (CB) Zone for the following streets: Bridge (Route 100 section only), Hutchins, Park, Portland, Pleasant, Lower & Upper Main. Said criteria shall also be required for Dwelling Unit Multi-Family uses with frontage on Brooklyn Street in the High Density Residential Zone. However, Sections 207.3(e) for Front Setback, 207.3(g) for Glazing, and 207.3(h) for Mix of Uses of the Criteria shall not be required on this section Brooklyn Street because commercial uses are not allowed therein.
- C. Criteria: Historic Preservation Criteria are per cut-sheets A, B & C of Appendix 2, and as follows:
  1. Building Height. Minimum Building Height along said Streets is 25 feet.
  2. 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-

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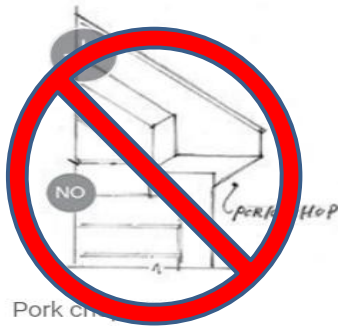
Channel at joints, are explicitly excluded from being considered a "Preferred Exterior Building Material." Nothing in this section of the bylaw shall prohibit the use of materials not listed as preferred, provided the Zoning Administrator or DRB finds the proposed materials meet the stated objective of this zone.

3. Corner Boards: Corner boards shall be at least 6 inches in width. Eave & Rakes: Eave and Rakes shall be no taller than 6 inches.
4. 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

5. 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.
6. 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>

7. 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

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- 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(b). Sidelight windows adjacent to said entry door, if any, shall also have transom windows above.
8. 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.
  9. Trim boards: All window and door trim shall comply with the following requirements:
    - a. 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.
    - b. Doors shall be trimmed in kind with the windows. A larger head and sideboard trim is acceptable on doors, but not less.
  10. Soffits. Soffits shall be angled (following pitch of roof) or closed (perpendicular to the wall).
  11. Windows. All windows on said Streets shall comply with the following requirements:
    - a. All new windows, excluding replacement windows, shall be at least twice as tall as they are wide (unless specifically traced to the architecture utilized in the pre-1950 building being replaced/repaired).
    - b. 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.
    - c. Windows may be wood, fiberglass, metal-clad, vinyl-clad, but may not be vinyl.
    - d. 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.
    - e. 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.
    - f. Window mounted air conditioners are prohibited in windows facing said Streets.
  12. Waiver. Other than the waiver specified under Section 207.C.2 for preferred building materials, the Zoning Administrator and the Development Review Board shall not waive any of the Section 207.C.2 requirements unless it is specifically needed for the rehabilitation of "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.
- D. 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 about the false front. Outside of this specially regulated 30 feet of frontage depth, all development shall otherwise comply with Section 207.C.

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**ARTICLE III. SPECIAL PROTECTION AREAS**

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

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- A. **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.
- B. **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.
- C. **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.
- D. **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.
- E. **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.

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**Section 310. Special Flood Hazard Areas.**

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

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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.
2. If the no-rise certification required in Section 310.B.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.

**C. 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:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. New structures, Substantial Improved or Substantial Damaged structures (both residential and non-residential), shall have the lowest floor, including basement, elevated at least 2-feet above base flood. Said elevation shall be demonstrated via the submission of a FEMA Elevation Certificate to the zoning office.
4. 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.
5. 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.
6. In unnumbered "A" Zones, if base flood elevation data is available from alternative sources, such as historical high-water marks, the Zoning Administrator shall obtain, review and reasonably utilize this data to obtain a base flood elevation. Contour Interpolation, when feasible, shall be the preferred method of obtaining a base flood elevation in unstudied A Zones. Development, including basements, and Substantial Improvements in unnumbered A Zones shall, per 310.C.2 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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)

**D. 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.

**E. Administration and Enforcement in Special Flood Hazard Areas.**

1. 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 days from the date the application was received by the Department, whichever is sooner.

2. Condition all permit approvals to require that the applicant has all other necessary permits from State & Federal agencies before Development can commence.
3. Conduct a site visit to inspect the elevation of foundation forms for all Development, including Substantial Improvement.
4. Conduct a site visit for all Development, including Substantial Improvement, when complete to ensure proper elevation, drainage and utility location.
5. 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.
6. Maintain a record of all permits issued for development in the SFHA.
7. 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.
8. 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.

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### Section 320. Variances.

Issuing variances for Development controlled by Section 310, Flood Hazard Areas and 24 VSA §4469 shall be avoided.

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### Section 330. Environmental Resource Areas (ERA).

- A. 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):
- B. 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.
- C. Permitted Uses in an ERA. The only permitted uses within mapped ERAs shall be open space, forestry, agriculture, and natural habitat.
- D. 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:

1. Functional integrity of the named ERAs in Section 330.B.
2. Quality of ground or on-site surface waters.
3. Drainage patterns on the site.
4. Stability of soils on the site.

#### **ARTICLE IV. GENERAL REGULATIONS**

##### **Section 400. Permits.**

- A. Permit Requirement.** No Development may take place 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.
- B. Permit Exemption** (outside the Section 310 Special Flood Hazard Area). The following are exempt from Section 400.A Permit Requirements:
  1. Accessory Structures less than 150 square feet in area.
  2. Additions to residential structures less than 150 square feet in total area that are not heated (i.e., porches, decks, mudrooms, etc.).
  3. 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).
  4. Patios, front porches, parking areas, driveways, certain architectural elements, and other specified exemptions found in the Bylaw's definition of Setback.
  5. Temporary structures as defined in Section 910 of the Bylaws.
  6. 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
  7. Maintenance as note in Section 435 of The Bylaws.
- C. 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.
- D. 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.
- E. 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.
- F. Initiation of Construction or Subdivision.** Subdivision of land or the construction of any structure shall not occur until an approved zoning permit is issued. If applicable, an applicant is

**Commented [DWR44]:** We suggest defining a temporary structure and then modifying this to shortening time period to 6 months

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**Commented [DWR45]:** Revised to be consistent with Section

- required to file 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.
- G. **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. Within 30 days of receipt of a complete application with all necessary information, including submission of a State Water Supply and Wastewater Disposal System (WW) permit or Morrisville Water and Light (MWL) approval if applicable, the Zoning Administrator shall either approve or deny the permit, or refer it to the DRB.
- H. **Approved Permits.** If a zoning permit is approved, 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.
- I. **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).
- J. **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.
- K. **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.
- L. **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.
- M. **Each zoning permit issued under these Bylaws** shall contain a statement of the period of time within which an appeal may be taken.
- N. **The Zoning Administrator** shall complete the zoning permit process by conforming to his/her responsibilities stated in §4449(c) of the Act.
- O. **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:
1. Morrisville/Morristown Subdivision Regulations if applicable and in force (relating to the requirements of constructing subdivisions).
  2. Access Permits (relating to driveways/private roads connecting to town highways)
  3. Vermont Water Supply and Wastewater Disposal System Permit, or an approval issued by MWL.

**Section 405. Lot Requirements.**

- A. **Lots on Multiple Streets.** Lots that abut on more than one street shall provide the required frontage on at least one of the Streets.

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B. Lot Line Setbacks. All structures, unless exempted per Section 400.B 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.

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Section 410. Home Occupations.

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A. 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:

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1. The Home Occupation shall be conducted by the business owner who rents or owns the dwelling unit;
2. 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;
3. 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;
4. Traffic shall not be generated in volumes greater than normal in the neighborhood as Home Occupations do not allow customer visits to the subject property. An occupation that requires customer visits to the property shall be permitted as a §415 Home Business;
5. No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the Home Occupation; and
6. Off-site businesses, such as landscaping, building, and painting contractors shall not be regulated via §410 Home Occupation unless off-site employees are traveling to the business owner's residence in violation of §411d, in which case a §415 Home Business approval is required.

Section 415. Home Businesses.

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A. 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 §410 Home Occupation standards and be subject to §500 Site Plan Approval based on the following additional standards:

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- B. Home Businesses shall not have more than 3 employees on-site at any time.
- C. 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.
- D. 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.
- E. Employee and customer parking for a Home Business shall be located off-street, and shall, when reasonably practicable, be screened from roadside views and from views from the windows of all abutting properties.

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Commented [DWR46]: "when possible" is too vague and not a good review standard. Almost anything is "possible" under the right circumstances. Recommend "reasonably practicable" or "reasonably feasible"

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

- A. In any district that allows year-round residential development, Dwelling Units 2 Units shall be an allowed use with dimensional standards that are not more restrictive than is required for Dwelling Units 1 Unit, including no additional land or lot area. 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.
- B. 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 Dwelling Units 1 Unit, on an owner-occupied lot. A bylaw shall require a Dwelling Units 1 Unit, with an accessory dwelling unit (ADU) 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.
- C. 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 as noted in Section 204.G. As used in this subdivision, "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. 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.
- D. These bylaws shall not have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance program, or to any person whose room is rented with public funds. In this subsection, the term "hotel" has the same meaning as in 32 V.S.A. 9202(3).
- E. 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.
- F. 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:
1. The lot is less than one-eighth acre in area

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**Commented [DWR47]:** 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 [DWR48]:** 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.

**Commented [DWR49]:** 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 [DWR50]:** 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.

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2. The lot has a width or depth dimension of less than 40 feet.

G. 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.

H. 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 Article VIII and the Town's road and driveway standards. Any permanent easement or right-of-way providing access to such a road or waters shall be at least 20 feet in width if it serves 3 or fewer lots. Development of 4 or more lots are required to obtain a 50 foot ROW to continue to use a shared access.

I. 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 shall require site plan approval under Section 500.

**Section 421. Accessory Dwelling Units (ADU)**

A. 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 Dwelling Units 1 Unit, on an owner-occupied lot. A bylaw shall require a Dwelling Units 1 Unit, with an accessory dwelling unit (ADU) 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.

B. The Size of the ADU is restricted to 30% of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.

C. Applicants must demonstrate that the property has sufficient wastewater capacity to serve the unit by submitting a copy of their state wastewater permit with their application.

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

A. **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.

B. **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

C. **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:

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

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Commented [DWR51]: We made some recommendations here and assumed the Town wants mandatory lot merger if a standard-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 [DWR52]: 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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Commented [DWR53]: 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.

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Page 5

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

- A. 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.
- B. **Tiny House Density Bonus.** Detached tiny dwelling units (aka tiny homes) with a footprint less than 500 ft<sup>2</sup> 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.

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**Section 425. Fences.**

- A. **Fence, Conditional Use.** Fences that are not exempted under §425.B.
- B. **Fences, Exempt.** Fences associated with a farm subject to Required Agricultural Practice Rules as defined in Section 910 of the Bylaws 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.

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- Commented [DWR54]: 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 [DWR55]: 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.**

- A. 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:
  - 1. setbacks from property lines, leach field, structures, and water supply,
  - 2. existing slope of the pond site,
  - 3. water source and method of discharge,
  - 4. location and size of emergency spillway,
  - 5. route of flow of outlet and/or spillway,
  - 6. Cross section depiction of the pond, to include dam or other form of retention,
  - 7. Approximate volume of water to be contained,
  - 8. Description of vegetative cover planned to prevent erosion.
- B. 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

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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 letter from a Vermont-licensed Professional Engineer that any potential overflow or failure of the pond poses no threat to the Town 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.

C. State and Federal Permit Requirements:

1. 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.
2. 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.
3. 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.

- A. 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.
- B. Limitations. Any non-conforming use or structures or land may be continued indefinitely, maintained, and repaired, but may not be:
  1. moved, altered, or extended so as to change evidence of the use on the outside of any structure;
  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;
  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;
  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.
- C. 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.
- D. 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.
- E. 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-

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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.

- F. 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 435. Maintenance

- A. The routine care or upkeep of a structure or property which results in retention of the current condition or value does not require a permit under the following conditions:
  - 1. Structures may be demolished in whole or in part and rebuilt to the same exterior elevations as the original structure without a permit provided the applicants can provide documentation that the renovations match the exterior elevations of the proposed structure prior to the demolition and meet the standards noted in Section 206 and 207, if applicable.
    - a. Failure to document that the renovated structure has the same exterior elevations as the original structure will require the applicant to submit a Zoning Permit application.
  - 2. The Applicants are not changing the footprint or location of the structure on the lot from its current location.
    - a. Relocating the structure or enlarging its footprint will require a permit.
  - 3. Routine maintenance will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement as noted in Section 330 of The Bylaws.
- B. Maintenance of existing paths, recreation areas, storm water drainage areas, roads, bridges, culverts, boardwalks or channel management activities would also be exempt from permitting provided there is no relocation or enlargement of the above-mentioned items. Storm water drainage areas, culverts and may be enlarged without a permit as necessary to mitigate hazards to the public provided notification of their enlargement.
- C. The Zoning Administrator reserves the right to require an applicant to get a zoning at their sole discretion should they feel that the work in question is not Maintenance and requiring a permit is in the best interest of the town.

#### Section 440. Clean-up of Building Site.

- A. 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 which prevents compliance with this regulation, an extension of the above dates may be granted.

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**B. 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 [DWR56]:** 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.**

**A. 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, 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 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.

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**B. General Requirements.** 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 take place on any public street or sidewalk. No parking space shall require one vehicle to be parked and unparked to move another vehicle like so-called "tandem parking." Required off-street parking areas for 2 or more automobiles in Zones CB, COM, HOS, HDR, & LDR shall be paved.

**C.** The DRB may 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.

**D. Driveway Location.** All driveways located on private or public roads shall be located at least 15 feet plus the full width of the proposed driveway from the intersection's closest edge of the travel lane at the nearest intersection. 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, the sharing of driveway accesses between adjoining lots is preferred and encouraged.

**Commented [DWR57]:** 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."

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

**Section 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.	---

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**Section 470. Signs.**

**A. 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.

**B. General Sign Requirements.**

1. Approval Required. Prior written approval from the zoning administrator is required for all Signs except those exempted from this Bylaw (see §479).
2. Sign Count. Every commercial use, 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.
3. Setbacks. Signs are exempt from Setback requirements.
4. Off-Premise Advertising Prohibited. A sign or display promoting a business or activity that is not the principal or accessory use of the facility on the premises is prohibited.
5. Facade Sign Height. No facade sign shall extend above the highest roofline of the building upon which it is located.
6. 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.
7. Business/Use Name Change. Except directory board signs, when the use of a property is changed or when a commercial operation 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

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changes names or ceases to operate, shall require a permit and comply with the requirements of this Bylaw.

8. 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.

**C. Computation of Sign Area.**

1. Existing Signs. Existing signs shall be included in the calculation of total Sign area.
2. Multi Sided Signs. Signs printed back-to-back shall be counted as one Sign.
3. Lettering. Signs consisting of freestanding letters shall include intervening spaces in sign area.
4. 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.

**D. Sign size in Residential Zones (HDR, MDR, LDR & RRA).**

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

**E. Sign size in Business Zones (CB, COM, HOS, & IND).**

1. No business shall have a sign or combination of signs in business zones that exceed 150 ft2 in total area, except as follows:

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

**F. Other Signs and Sign Bonuses.**

1. 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.
2. 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.
  - i. Sign Size. A directory-board sign on a directory-board shall not exceed 10 ft2 in area.
  - ii. Sign Count. A maximum of one directory-board Sign shall be permitted per parcel, except when a business is on a corner lot (see Section 470. F.2) and each business shall be allowed one directory sign on the directory-board sign.
  - iii. Collocation Required. Directory-board signs for multi-tenant buildings and shopping centers shall be required to collocate with existing signage on the premises.

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- iv. Aspect Ratio. Directory-board signs for multi-tenant buildings shall appear harmonious and have the same aspect ratio as other collocated Directory Board Signs.
- v. Size Exemption. Directory-board signs shall not count towards the sign size maximum per business.
- vi. 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.

**G. Prohibited Signs.**

- 1. Omission. All Signs not specifically permitted by these regulations are prohibited.
- 2. Internally illuminated Signs. Internally illuminated signs are prohibited in all zones.
- 3. 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.
- 4. 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.
- 5. 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 Section 470.I for exemptions).
- 6. Utility poles: Signs shall not be affixed to utility poles, or other public property.
- 7. 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.
- 8. **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.
- 9. **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.

**H. Business Window Signs.**

1. 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.
2. Banners or signs, hung over any town highway are exempt from zoning but are required to obtain approval from the Road Commissioner per 19 VSA §1111.
3. Wicket Frame Signs. Wicket Frame signs for 45 days of early voting prior to election day.

**I. Exemptions.**

The Zoning Administrator shall be empowered to exempt any sign from the above requirements for a period that shall not exceed two weeks at a time.

**Section 480. Uses Specially Regulated.**

**A. Bulk Storage of Fuel.** Bulk Storage of Fuel (not allowed in a Section 310 Flood Hazard Area) is allowed upon Conditional Use approval by the DRB, provided that the following conditions are satisfied:

1. 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.
2. The entire storage and distribution facility shall be surrounded by a metal fence no less than four feet in height.
3. 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.
4. The facility shall be designed, built and operated in accordance with all State and Federal safety standards.
5. 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.

**B. 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.

**C. Motor Vehicles Sales and Repair.** In all zones where permitted, motor vehicle sales and repair uses shall comply with the following:

1. No pieces or parts or other material or supplies are to be stored outside unless to the extent practicable screened and concealed from view from neighboring properties and Streets.
2. All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.
3. 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 allowed location off-site. Vehicles for which parts have been ordered but 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.

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- Commented [DWR58]: Is the intent here for the berm to be 25' in width/depth, or 25' long along/parallel to the lot line?

Commented [DWR59]: Or just "concealed"?

4. 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 [DWR60]:** 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."

**D. Gas Stations.**

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1. All fuel pumps, fuel and oil storage shall be located 35 feet or more from Street centerline.

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

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3. Any canopy provided over the fueling area shall comply with the following requirements:

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i. Canopies must be consistent with the architecture of the primary building.

ii. Canopies shall be of one color, matching the main color of the primary building.

iii. Corporate branding, signage, and façade lighting is prohibited on canopies.

iv. Canopies with flat roofs are prohibited.

v. The roof of a canopy shall connect to the primary building.

vi. Pre-existing nonconforming canopies shall comply with these foregoing requirements when any structured alterations or changes thereto are proposed.

**Commented [DWR61]:** Does this include a color change like in a rebrand? If so, we should specify.

4. There shall be no more than two access driveways to any Gas Station regardless of how many Streets it has frontage on.

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5. The width of each driveway to a gas station shall comply with the Morristown Road Policy.

6. The installation of a sidewalk is a requirement of any new or redeveloped Gas Station. Said sidewalks shall comply with the Morristown Sidewalk Policy.

7. May have retail store as an accessory use selling predominately convenience goods and food/beverages.

**Commented [DWR62]:** 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.

**E. 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:

1. 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 [DWR63]:** 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.

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.

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.
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.
  5. No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
  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.
  7. All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.
  8. Extension of an existing non-conforming operation shall only be permitted by the DRB
  9. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
  10. The DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

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**F. Garage, Porch, & Lawn Sales.**

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1. Garage/lawn/porch sales shall be a 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.
2. Garage/Lawn/Porch sales shall be temporary, not to exceed 3 consecutive days at a time.
3. Garage/Lawn/Porch sales shall be held no more than 4 days a year at any residential site, property, dwelling, or building.
4. 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 Sections 410, 415, & 500)

**G. Campers, Recreational Vehicles (RVs), Shipping Containers, and Storage Trailers**

1. 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, 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 if they are hooked to functioning water, sewer or septic facilities, but must comply with Section 310 if parked in Flood Hazard Area.

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**Section 490. Exterior Lighting.**

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- A. Exterior Lighting. All exterior lighting for residential or 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.

- B. 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.
- C. 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.
- D. External Illumination for Signs. Sign lighting shall be regulated per Section 470.G.8 of the Bylaw.
- E. Exemptions. Exemptions to Section 490 shall include lighting for streetlights, lighting installations on municipally owned property, facade 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.
- F. Unusual Situations. Proposed lighting installations that do not comply with Section 490 Exterior Lighting maybe approved by the DRB only when that Board finds that the proposed lighting utilizes LED bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets.
- G. Prohibited. Mercury vapor and fluorescent lighting is prohibited.

**Commented [DWR64]:** 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.

- A. Dwelling, 1 & 2 Units 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 Section 500 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.
- B. 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:
  1. The name, address and daytime telephone number of the person or firm preparing the map and supplying the data and information.
  2. The name and address of the owner of record and of the applicant if different.
  3. The date of map preparation and a bar scale showing miles or feet.
  4. A north arrow with the most recent magnetic declination if available.
  5. Existing and proposed features including streets, utility easements, rights-of-ways, structures, and all waterbodies.
  6. For all new commercial development, new principal structures with multiple principal uses as noted in Section 510 of The Bylaws and Dwelling Unit Multi-Family uses, site plan submittals shall also include the following details:
    - i. A boundary survey.

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- ii. The location of propane tanks, which shall be placed underground (only the Bulk Storage of Fuel uses allows above-ground tanks).
- iii. 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.
- iv. 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).
- v. A plan note stating the heat and cooling source for the proposed building (oil, mini-split, etc.).

C. **Additional Conditions.** Appropriate conditions of approval may be attached to any site plan approval with respect to the following:

- 1. 503.1 Adequacy of traffic access and circulation
- 2. Provision for vehicular and/or pedestrian access to connect sites to adjacent properties.
- 3. Provision of parking
- 4. To protect the utilization of renewable energy resources

**Section 505. Landscaping Plan Standards.**

A. Landscaping shall be a requirement of Section 500 Site Plan Approvals for all non-residential uses and Dwelling Unit Multi-Family uses.

- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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.

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5. 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.
6. 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.
8. Maximum effort shall be taken 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.
9. 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 hardier as defined in UVM Extension Service's "Landscape Plants for VT").
10. The owner shall maintain all landscaping in a reasonably healthy manner, including but not limited to proper watering and weeding to ensure plant viability, and shall replace dead landscaping within the same growing season as any die-off.
11. 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.

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**Section 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 to extent reasonably practicable or reasonably feasible. Seed and mulch shall be applied as soon as reasonably feasible on disturbed soils.

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**Section 510. Multiple Principal Uses On a Lot.**

- A. Multiple Uses On a Lot: 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.
- B. All lots in these districts are allowed any uses noted in Section 204.5a according to the district they are located in.
  1. 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.F.

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2. New structures containing 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.
3. All lots with existing structures can contain multiple principal uses and shall not require site plan approval to add a use so long as any of the existing or proposed uses do not require any changes noted in 2. of this section and the proposed use is not a conditional use as noted in Section 204.F.
4. If one of the proposed uses is a conditional use as noted in Section 204.F then the project will be subject to Conditional Use Review as noted in Section 630 of the bylaws.

C. The DRB shall approve all modifications to a site plan on a lot containing multiple principal uses using the standard noted in Section 500 of the bylaws that involve any of the following:

1. Changes to the building(s) footprint.
2. Changes to the number of parking spaces on site.
3. Changes to traffic circulation patterns on the site.
4. Changes to any approved screening structures.
5. Changes to an approved landscaping plan that involve the elimination or reduction in landscaping.
  - i. Changing the species of landscaping is allowed without DRB approval provided the number of plantings and trees is maintained and their locations are not modified and the applicants provide an updated landscaping plan for the Zoning Administrator to record.
  - ii. The Zoning Administrator may refer this new landscaping plan to the DRB for Site Plan Approval at their discretion.
6. Lots located in the RRA, HDR ,MDR, and LDR districts are limited to one principle use on a lot. Allowed uses for these districts are located in Section 204.F of the Bylaws.
7. For the purposes of density any lot is required to meet the minimum lot area required for residential use as noted in Section 204.G of the bylaws if a residential use is proposed.

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**Section 511. Short Term Rentals.**

**A. Four or Fewer Bedrooms.** Short term rentals, consisting of any structure or combination of structures on the same lot that is, renting 4 or fewer bedrooms to persons for a period of more than 14 days in a year or fewer than 30 consecutive days are allowed use by right on any lot without zoning permit if the following conditions are met:

1. The Property must be owner occupied per the definition for Owner Occupied noted in Section 900 of the bylaws.
2. The structure or structures where the bedrooms are located must have a valid State wastewater permit for the number of bedrooms.

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3. While renting out 4 or fewer bedrooms for a short-term rental is a by right use that does not require a permit the structure or structures that the bedroom or bedrooms are contained in would still be required to obtain a zoning permit.

4. This would not apply to structures that are converting existing square footage of a structure that does not require an alteration to the building's footprint or exterior elevations.

**B. Four to Eight Bedrooms.** Short term rentals, consisting of any structure or combination of structures on the same lot that is, renting between 4 to 8 rooms to persons for a period of more than 14 days in a year or fewer than 30 consecutive days are a permitted or conditional uses as noted in the use table in Section 204.F and are subject to the following regulations:

1. The property must be owner occupied per the definition for Owner Occupied noted in Section 900 of the bylaws.

2. Requires Conditional Use approval per the standards noted in Section 500 and Section 630 of the bylaws.

3. Short-Term Rentals must be approved by the Division of Fire Safety.

4. Short-Term Rentals must and have a valid State waste-water permit.

5. Short term renting 9 or more bedrooms meets the definition of a hotel, Inn or Motel Use. 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.

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## **ARTICLE VI. ADMINISTRATION AND ENFORCEMENT**

### **Section 600. Zoning Administrator.**

**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.

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

A. **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.

B. All matters, except for appeals of decisions of the zoning administrator per Section 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.

C. 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.

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

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**Commented [DWR65]:** 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.

### **Section 612. Public Hearing Notice Requirements.**

A. 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

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advance. Notice for a public hearing shall be warned as follows:

1. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the town.
2. 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.
3. 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.

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Commented [DWR66]: Publication of the hearing notice is only required for CU, variance, ZA appeals, and subdivision review.

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

- A. **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.
- B. Whenever these Bylaws are in violation of Vermont Statutes, the Statutes of the State of Vermont shall prevail and Section 120 of these Bylaws shall be applicable.
- C. This municipality shall enforce all decisions of the Morristown-Morrisville Joint DRB that pertain to the municipalities of the Village of Morrisville and the Town of Morristown. The Village of Morrisville and/or Town may, according to §4470(b) of the Act, seek enforcement of these bylaws through the courts of this State.

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Commented [DWR67]: No need to "advertise" this relief in the bylaws

**Section 630. Conditional Uses.**

- A. **Procedure.** The DRB shall review all uses listed as Conditional Uses in the requested zone at a warned public hearing, as provided for in §4414(3) of the Act.
- B. **General Standards.** In order to approve the proposed Conditional Use, the proposed use shall not have an undue adverse effect on:
  1. The capacity of existing or planned community facilities
  2. The character of the area affected.
  3. The reduction in the capacity of the land to hold water so as to avoid soil erosion.
  4. Will not result in undue water, noise, or air pollution.
- C. **Specific Standards.** In reviewing a conditional use, the DRB may consider the following standards:
  1. Controlling the location and number of vehicular access points to the property.
  2. 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.
  3. Specify or limit a business' hours of operation.
  4. Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.
  5. Requiring that any future enlargement or alteration of the use be reviewed by the DRB to permit the specifying of new conditions.
  6. The DRB may require 1, 3, and 5 year reviews of any project, 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

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D. **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.**

A. **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 Secretary of the DRB and a copy of such notice shall be filed with the Zoning Administrator.

B. **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.

C. **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 Section 620 of these Bylaws which are subsequently granted by the DRB shall be refunded.

D. **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.

E. **Decisions on the Appeal.** The DRB shall render its decision, which shall include findings of fact, within 45 days after completing the hearing.

1. The DRB shall within that same period send to the appellant(s), by certified mail, a copy of the decision.
2. 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.
3. 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.
4. 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.
5. Enforcement of Decision. All decisions of the DRB shall be enforced according to §4470(b) of the Act.

F. **Appeals of DRB Decisions.** Any Interested Person who has participated in a regulatory proceeding under these Zoning Regulations may appeal a decision of the DRB, or an approval resulting from the failure of the DRB to act within the required 45-day period, within 30 days of such decision to the Vermont Environment Court, as provided in the Act (§§4449, 4471).

**ARTICLE VII: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE**

**Section 710. Application of Regulations.**

A. 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

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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.

- B. Minor Subdivision. For the purposes of these regulations, the term Minor Subdivision shall be defined as any proposed subdivision resulting in no more than two 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.
- C. Major Subdivision. For the purposes of these regulations Major Subdivision shall be defined as any proposed subdivision resulting in three or more new parcels and one parent parcel or any subdivision proposal that creates a Street. All Major Subdivisions must go through the Section 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. All Major Subdivisions will require Preliminary Subdivision Review.

**Commented [DWR68]:** 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

#### Section 720. Procedures for Subdivision Review: Major Subdivision.

- A. Sketch Plan. The applicant, prior to submitting an application for preliminary subdivision review have the option to 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.
- B. Sketch Plan Approval. The Zoning Administrator, or the DRB at the referral of the Zoning Administrator, shall determine whether the Sketch Plan appears to conform with the Zoning Bylaws, and may 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 letter will note items the applicants should provide for 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.
- C. 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

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**Commented [DWR69]:** OK, but it appears that there's only one subsequent review stage now - Final Plan review.

approval In Section 750. Failure to do so shall allow the DRB to refuse, without prejudice, to approve the application.

- D. 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.
1. 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.
  2. 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.
  3. 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.
  4. 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.
  5. Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" 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).
  6. Open space shall not include land set aside for the roads rights-of-way.
  7. 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.
  8. 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.
  9. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space. No structures shall be allowed in the section of dedicated open space that is depicted on the subdivision plan as the prime ag area.

**Section 730. Other Requirements.**

- A. 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.
- B. 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

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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.

C. **Conformance to Other Plans & Regulations.** The Zoning Administrator, or the DRB at the referral of the Zoning Administrator, shall review the Sketch Plan to determine whether or not it conforms to, or would be in conflict with any effective municipal plan; zoning bylaw; existing private and public development facilities and services, ordinances or regulations; and for any special problems that may be encountered. Findings of conformance or conflict during the Sketch Plan Approval process shall not be binding on the public bodies responsible for administration of such programs but are intended as an aid to the applicant at this stage of the process.

**Section 740 PUD, Conservation Subdivision (Major Subdivision review required).**

A. **Overarching Purposes.** The overarching purposes for Planned Unit Developments / Conservation Subdivisions are as follows:

1. 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.
2. To allow for greater flexibility and creativity in the design of subdivisions.
3. 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.
4. To minimize the amount of disturbance on the site and retain natural drainage patterns.
5. To further the goals and policies of the Morrisville/Morristown Town Plan.
6. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner.
7. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.

B. **Site Specific Purposes.** The site-specific purposes for Conservation Subdivisions are to permanently protect to the 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:

1. The public water supplies (Groundwater SPA).
2. The defined Floodways, & §310 Flood Hazard Areas that do not have a defined Floodway.
3. Wetlands.
4. Rare Threatened Endangered Species.
5. Significant Natural Communities.
6. Vernal Pools.
7. Deer Wintering Areas.
8. Existing forest connectivity.
9. All agricultural soil listed as Prime or as Statewide (inside SSMA only).
10. Steep slopes greater than 25%.

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

D. **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:

1. **Natural Resource Identification.** Natural Resource Identification shall be accomplished by using the aforementioned layers of ANR's Natural Resource Atlas mapping system.
2. **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.
3. **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:
  - i. **Step 1.** Identify the natural resource areas.
  - ii. **Step 2.** Identify the potential development areas outside of the natural resource areas.
  - iii. **Step 3.** Within the potential development areas, identify potential development sites.
  - iv. **Step 4.** Lay out roads, driveways and utility corridors for the proposed lots.
  - v. **Step 5.** Draw in the Lot Lines.

E. **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:

1. **Preliminary Plat Information:** The plan detail requirements found in Section 770 of the Bylaws.
2. **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:
  - i. 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).
  - ii. Lot frontage shall not be less than 20 feet.

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**Commented [DWR70]:** 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.

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- iii. 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.
- iv. 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.
- v. 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.

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Commented [DWR71]: 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.

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

- A. **Copies for Submission.** Per 27 VSA §1403, the subdivider shall submit the proposed subdivision survey, 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.
- B. **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.
- C. **Public Hearing.** The DRB reviewing 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.
- D. **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.
- E. **Decision on Final Plat.** Within 45 days from the close of the final hearing the DRB, shall approve, approve with conditions, or disapprove the subdivision plat. Failure to act within 45 days shall be deemed approval without conditions.
- F. **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 if not completed by the applicant following written notice from the Zoning Administrator of the existence of an apparently incomplete development may be required by the Board. Said surety will typically only be required for large projects when the Board determines that it is unreasonable to expect the applicant to finance and construct all the project's infrastructure before zoning permits are issued for new buildings.

**Section 760. Filing of Approved Subdivision Plat.**

- A. **Filing.** Upon completion of requirements and approvals under Section 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. The Zoning Administrator may extend the filing.
- B. **Private Streets.** 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 of the Selectboard or Village Trustees, as the case may be.

**Section 770. Plat Requirements for All Subdivisions.**

- A. The Plat to be recorded in the Land Records of the Town of Morristown, (per Section 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:
  1. Subdivision Name or Identifying Title
  2. Name of Subdivider, Preparer of Plat, and Owner of Record.
  3. Seal of Licensed Land Surveyor and a bar scale
  4. Date prepared, Site Location Map, and Bar Scale
  5. North Arrow of defined basis (i.e. magnetic north with year, or astronomic north)
  6. Subdivision Boundaries and Position of Monuments
  7. Where applicable, location of existing roads, and buildings
  8. Indication of intersecting boundaries
  9. Total acreage of each Lot (if acreage shown is to the road centerline, the survey shall also show a separate acreage measure that excludes public Streets and any rights-of-way for roads that will be offered for public acceptance).
  10. Location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
  11. The Listers' parcel number of the land proposed to be subdivided.
  12. 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.
  13. The name of the zone applicable to the area to be subdivided and any zoning district boundaries on the property to be subdivided.
  14. The location and size of any existing sewers, water mains, culverts, and storm-drains on the property to be subdivided.

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15. Location, names and present widths of existing and proposed streets, highways, easements, rights-of-way, building lines, parks, and other public open spaces.

16. The location of natural features or site elements to be preserved.

17. For major subdivisions, the location of a water supply available for firefighting including proposed fire ponds or dry

**Section 790. Lot Line Changes.**

A. 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.

B. The Zoning Administrator may require a lot line change applicant to obtain subdivision approval from the DRB if it is felt to be in the best interest of the Town or Village, as the case may be.

C. Lot line changes involving properties that lie within more than one zoning district shall require subdivision approval by the DRB.

D. Approved lot line changes shall meet the same plat filing requirements as subdivisions in §770.

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**ARTICLE VIII. Requirements & Design Standards for all Subdivision Applications Rules**

**Section 800. Construction According to Approved Plat.**

Site Layout 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 a performance bond may be required to ensure completion of such improvements.

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- Commented [DWR72]: Are there DPW standards?

**Section 810. Subdivision Standards.**

- A. Character of the Land.** All land to be subdivided shall be, in the judgment of the Zoning Administrator or the DRB, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to bear weight of a structure, including street, utilities, and buildings, or other hazardous conditions, shall not be subdivided.
- B. 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.
- C. Town Plan compliance.** The proposed subdivision shall conform to the Town Plan.
- D. 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.

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**Section 820. Streets.**

- A. Layout.** The streets in the subdivision shall be laid-out in a manner consistent with the topography of the site (see §820.A.3) and in a manner which emphasizes connectivity to the existing street network while also taking care to minimize to the extent practicable the total surface area of the subdivision used for streets. Exceptions to the above requirement shall be granted for design techniques like clustering.
  - 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."
  - 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.
  - 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.

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- Commented [DWR73]: "minimize" alone is too vague a standard to apply and needs a modifier. In re JAM Golf, 2008 VT 110.

**B. Frontage on State Highways.** Applicants for subdivisions which front on state highways must receive an "1111 permit" from the Vermont Agency of Transportation for proposed access from new lots onto the state highway prior to receiving a local subdivision permit.

**C. Frontage on town roads and private roads.** ~~Frontage on town roads and private roads.~~ A proposed subdivided 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, the Zoning Administrator or the DRB may allow up to 2 dwelling units accessed by a private road or shared driveway provided the access is via permanent easement, right-of-way, or public waters that is at least 20 feet in width. Said width requirement for 3 or more dwelling units increases to at least 50 feet in width for those that intersect town highways, but 30 feet in width shall be allowable if proposed road will be covenanted to remain private in perpetuity and only intersect private road. A Roadway Agreement and Waiver shall be required for such private road.

**D. 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.

**E. Horizontal Intersection Alignment.**

1. Within 75 feet of the approach to an intersection, the centerlines of the intersecting streets shall be at right angles.
2. 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.
3. The centerlines of no more than two accepted rights-of-way shall intersect at any one point.
4. Sidewalks shall be provided per the Morristown Sidewalk Policy. Sidewalks shall be provided so new developments connect to existing sidewalks.
5. 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.

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

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

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

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**Commented [DWR75]:** 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

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I. **Street Names.** Street names shall be identified by proposed names on the preliminary plat and be approved in name by the Selectboard prior to §750 Final Plat Approval. When the Selectboard names the Street, it should act upon the Zoning Administrator's recommendation, and provide a non-binding indication to the applicant if this street will be accepted in the future as a public road (which directs the developer to design the new road to the meet either standards for a private or public road). If the Selectboard determines that said road fails to serve the public good, necessity, or convenience 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 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.

J. **Access.**

1. **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.
2. **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.
3. **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.

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

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

**Section 830. Water Supply & Wastewater Disposal.**

The subdivider, for Minor Subdivisions, shall supply the Zoning Administrator, and for Major Subdivisions, shall supply the DRB with the approved State Water Supply and Wastewater Disposal ("WW") permits and/or Morrisville Water & Light ("MWL") approvals for municipal water and/or sewer service prior to receiving subdivision approval. Major subdivision 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.

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

- A. 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.
- 1. Underground Utilities.** The DRB may require underground utilities where necessary to preserve scenic views and open spaces.
  - 2. Utility Boxes.** All utility boxes shall be installed at the edge of road right-of-way.
  - 3. Meters.** All meters shall be placed outside of the road right-of-way.
  - 4. Provisions for Utilities.** All subdivisions shall make adequate provisions for water supply for firefighting, stormwater management, electric power, and other required utilities and improvements.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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, hydrants accompanied by written confirmation from Morrisville Fire Department that the proposal meets local standards for access and design.
- G.** If no such source exists, the developer shall provide a fire pond within the subdivision that is equipped with a dry hydrant that provides the same 100,000 gallon minimum of water for firefighting. Morrisville Fire shall supply the head for the dry hydrants regardless of the water source.

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

- A. 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.

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1. **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.
2. **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
3. **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.**

- A. **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.
- B. **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* (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.
- C. **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.

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

**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 contingent on the legal review with escrowed funds to ensure conformance with the DRB's approval of legal documents (such as Homeowners Association Bylaws, or Covenants) to be executed that will form such organization.

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**Section 900. State Definitions.**

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

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**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

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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 Dwelling Unit** – A distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

**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

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

**Accessory Use or Structures** - Are uses or structures on the same lot that are customarily incidental and subordinate to the principal use or Structure on a lot, which are allowed only if the accessory use is designated on the Use Table in Section 204.5a as being a permitted use in the underlying zoning district. Uses that are designated as a conditional use in the underlying zoning district as noted in Section 204.F of the bylaws cannot be an accessory use authorized by the Zoning Administrator, and instead will only be authorized if it undergoes review as a conditional use by the DRB.

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

**Awning** – A retractable or permanent structure of flexible material (plastic, canvas, etc.) on a frame attached to the facade of a building and projecting therefrom that can provide 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 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 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 two sides of the building or structure.

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

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

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

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

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

**Commercial Use** - This use shall include light industry and all operations and processes for businesses, 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.

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**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 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 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.

**Commented [DWR80]:** We recommend using the statutory definition of “land development” in §4303(10), not a modified definition.

**Commented [DWR81]:** Replace with definition in 24 VSA 4303 (10)

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

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

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

**Dwelling (1 or 2 Units)** - A residential building that has 1 or 2 dwelling units in the same building, or 2 Single-Family dwellings located on the same lot, and neither unit is an accessory dwelling unit.

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

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

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

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

**Family** - Other than a Group Home per 24 VSA §4412(1)(g), a Family shall be defined as a “functional family unit” (regardless of household size) living together for 30 consecutive days or more where all common spaces, appliances, food preparation and costs are shared.

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

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

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

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

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

**Firewood Processing** – The processing of less than 100 cords (or board foot equivalent) per calendar year firewood from off-site logs for commercial purposes by 3 or fewer employees is considered small-scale commercial processing, and include but the delivery of logs, other wood processing 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)

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**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 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 conducted within a minor portion of a dwelling by the residents thereof so that the floor area dedicated to the occupation 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 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 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. 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.

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

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

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

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

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

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

**Occupancy per Bedroom** - Occupancy is limited to 2 people per bedroom (with children less than 5 years old not counted towards occupancy).

**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 -**

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.

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**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.”

**Required Agricultural Practices (RAPs)**- The criteria use by the Vermont Agency of Agriculture Food and Markets to make a farm determination.

**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 and open to the elements in all 4 seasons, (9) paved parking lots, (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 sewer and water infrastructure** – Per 24 VSA §4303(42), the portions of Morrisville & Morristown served with both water and sewer services by Morrisville Water & Light, or properties within 500 feet of 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 limited review per 24 VSA §4413 and is defined in 24 VSA 4303(40).

**Commented [DWR82]:** Reversed order to mirror statutory definition

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

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

**Short-Term Rentals** - A Structure or combination of structures on the same lot that is required to be Owner Occupied, renting Bedrooms to persons for a period of more than 14 days in a year or fewer than 30 consecutive days.

**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.

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

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

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

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

**Storage Trailer** - Per §488, a trailer having one or more axles, whether intact or removed, with a hitch to be pulled by a

**Commented [DWR83]:** This is potentially problematic because such regulations may violate dormant commerce clause  
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motor vehicle, and designed as a permanent enclosure, not completely removable, with doors or hatches to gain entry. This use includes "sea boxes."

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

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

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

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

**Town Highways:**

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

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

**Class 3** - All other traveled town highways, other than Class 1, or Class 2, designated by the legislative body of the Municipality.

**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.

**Commented [DWR84]:** 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.

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

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

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

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

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

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

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## ARTICLE X. ZONE BOUNDARIES

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**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 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 northern boundary of Parcel 07328, south and then west along the town/village boundary to a point of intersection with where a line projecting northerly along the eastern boundaries of Parcels 07004 & 07005 crosses Route 100 / LaPorte Rd, then south along the same eastern boundaries of Parcels 07005 & 07004 to the southeastern corner of Parcel 07004, and then west along the southern lot lines of Parcels

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 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 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 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 until a point of intersection with Parcel 13025 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 07004. Then turning north up 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. 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 and continuing along the southern boundary of the Catholic Church property on Parcel 21088 to a point of intersection with Brooklyn S Then turning south down Brooklyn St, to the point of intersection with the Rail-Trail. Then heading westerly along the Rail-Trail 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 non including Parcel 08024 or its sub-parcels which are fully in the LDR Zone). Then continuing southerly along said line, crossing Elmore St, along the eastern boundary of Parcels 24041 & 24041-3. Then turning westerly, southerly, and westerly again, along the southern boundary of Copley Country Club to the point of intersection with the old Village garage property on Parcel 23238). Then continuing westerly along the southern border of Parcel 23228 until a point of intersection with Maple St. Then turning south on Maple St to the intersection of Washington Highway, across from Pleasant View Cemetery. Then traveling westerly along Washington Highway onto Randolph Rd until the point where the Pot Ash Brook goes underneath Randolph Rd. Then following the Pot Ash Brook,

against its current to a point of intersection with Congress St. Then traveling north on Congress St until the point of beginning at the intersection with Union St.

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

Beginning at the intersection of Morristown Corners Road and Ryder Brook and traveling in a clockwise direction. From the bridge, running with the flow of the brook to a point of intersection with Bridge St (but excluding Parcels 07301, 07319 & 07320 which lie in the Industrial Zone). Then turning east on Bridge Street until a point of interestion with the Long Bridge. Then turning north from the Long Bridge on Bridge Street, running along the village/town boundary to to the northernmost point of Parcel 07307 (east side of the river). Then turning easterly along the northern property line of Parcel 307 to its intersection with the Rail-Trail, and then southeasterly down the Rail-Trail to a point of intersection with the Truck Route. Then turning southerly down the Truck Route, 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 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 Parcel 07004 traveling in a clockwise direction. A line projecting easterly from the point of beginning to where the Pot Ash Brook flows underneath Randolph Rd. 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 Krylland Neighborhood on Parcel 13021-11-1. Then a line projecting westerly from this point in the brook on Krylland 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. 024.
1102. **LDR #2 (Park St to Elmore St).** From a point beginning in the Lamoille River from a line projecting due north 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 until said boundary meets the westernmost point of the MW&L water-tank property (Parcel 08034). 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 north to the point of beginning.
1103. **LDR (Silver Ridge to Center Rd).** Traveling in a clockwise direction, beginning at the intersection of Center Rd and Langdell Rd, then a line projecting westerly to the 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 Center Rd 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 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 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 (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 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 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).

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

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

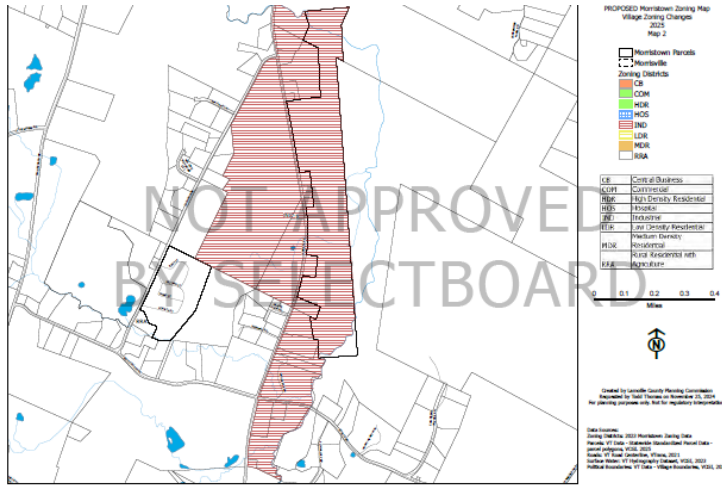
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454. **Above maps are for reference only,  
Refer to Article X for Official Zone Boundary Definition**

that such decrease has no undue adverse impact on abutting uses or properties.

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

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 VTTrans confirming approval of the access in accordance with 24 V.S.A. § 4416(b).

**Section 470. Signs**

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Commented [DWR86]: 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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~~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.~~

- ~~1. Approval Required. Prior written approval from the zoning administrator is required for all Signs except those exempted from this Bylaw (see §470).~~
- ~~2. 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.~~
- ~~3. Setbacks. Signs are exempt from Setback requirements.~~
- ~~4. 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.~~
- ~~5. Façade Sign Height. No façade sign shall extend above the highest roofline of the building upon which it is located.~~
- ~~6. 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.~~
- ~~7. 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.~~
- ~~8. 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 (MOR, HDR, MDR, LDR & RRA).~~

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

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

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

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~~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.~~

- ~~1. Omission. All Signs not specifically permitted by these regulations are prohibited.~~
- ~~2. Internally illuminated Signs. Internally illuminated signs are prohibited in all zones.~~
- ~~3. 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.~~
- ~~4. 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.~~
- ~~5. 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).~~
- ~~6. Utility poles: Signs shall not be affixed to utility poles, or other public property.~~
- ~~7. Removal. The Zoning Administrator shall be empowered to remove all signs in violation of their authorized use, and to charge a reasonable fee for the return of any unlawful temporary sign.~~

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

479. ~~**Sign Bylaw Exemptions.** The following signs, provided they comply with the sign size maximum in their underlying zone, shall be exempt from the provisions of these regulations: Downtown Morrisville's wayfinding signs; downtown Morrisville's History & Art Walk historical plaques; traffic signs; handicapped access and parking signs, legal notices; "for sale" signs attached to vehicles; one open flag per business, signs for trespassing, safety zone, or other legal posting of property.~~

~~A. **Business Window Signs.** Signs displayed inside of a business' window shall be exempted from this bylaw in all business zones, provided that no business window sign shall cover more than fifty percent of the window glass and that the business window sign, if internally lit, shall be smaller than 10 square feet and shall not be animated or flashing. The display of any off-premise corporate branding shall take place within this Business Window exemption.~~

~~B. **Banners or signs for 30 days hung over any town highway are exempt from zoning but are required to obtain acquire approval from the Road Commissioner per 19 VSA §1111 Portland Street promoting a Town sponsored event.**~~

~~C. **Wicket Frame Signs.** Wicket Frame signs for 45 days of early voting prior to election day.~~

~~D. The Zoning Administrator shall be empowered to exempt any Sign from the above requirements for a period that shall not exceed two weeks per calendar year.~~

~~**Section 480. Uses Specially Regulated.**~~

481. ~~**Bulk Storage of Fuel.** Bulk Storage of Fuel (not allowed in a §320 Flood Hazard Area) is allowed upon Conditional Use approval by the DRB, provided that the following conditions are satisfied:~~

~~A. There shall be a bermed and landscaped screening area along the side and rear lot lines no less than 25 feet long centered on lot lines deep.~~

~~B. The entire storage and distribution facility shall be surrounded by a metal fence no less than four feet in height.~~

~~C. The applicant shall provide and the DRB shall approve a master plan for the build out of the site which addresses, as a minimum, truck circulation, containment of spills and emergency procedures in case of fire or explosion.~~

~~D. The facility shall be designed, built and operated in accordance with all State and Federal safety standards.~~

~~E. Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels and shall meet all State and Federal safety standards.~~

~~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.~~

**Commented [DWR87]:** Is the intent here for the berm to be 25' in width/depth, or 25' long along/parallel to the lot line?

483. ~~Motor Vehicles Sales and Repair.~~ In all zones where permitted, motor vehicle sales and repair uses shall comply with the following:

1. ~~No pieces or parts or other material or supplies are to be stored outside unless completely screened and concealed from view from neighboring properties and Streets.~~
2. ~~All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.~~
3. ~~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.~~
4. ~~No junk vehicles may be kept on site for more than 24 hours.~~

Commented [DWR88]: Or just "concealed"?

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.

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

Commented [DWR89]: Are these allowed if completely screened from view? If so, we may want to add, "24 hours unless completely screened from view from public Streets and neighboring properties."

Commented [DWR90]: Does this include a color change like in a rebrand? If so, we should specify.

Commented [DWR91]: 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:

1. ~~485.1 Performance Bond.~~ Before approval of any new or proposed extension of a rock, 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

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Commented [DWR92]: 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.

be sufficient to cover the cost of redeveloping the site as a park, lake, recreation area or other usable open space.

~~2.485.2~~ 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.

~~3.485.3~~ 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.

~~4.485.4~~ 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.

~~5.485.5~~ No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.

~~6.485.6~~ 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.

~~7.485.7~~ All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.

~~8.485.8~~ Extension of an existing non-conforming operation shall only be permitted by the DRB.

~~9.485.9~~ 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.

~~1.487.~~ **Garage, Porch, & Lawn Sales.** Garage/lawn/porch sales shall be permitted use within a residential district subject to the standards below. The purpose of these standards is to ensure the maintenance of the residential character of neighborhoods while permitting homeowners to take advantage of this traditional activity.

~~2.487.1~~ Garage/Lawn/Porch sales shall be temporary, not to exceed 3 consecutive days at a time.

~~3.487.2~~ 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

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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.~~
- 490.3 ~~Building facades. Building facades may be illuminated provided that the lighting shall be accomplished by using cut-off, down-shielded light fixtures and light shall not spill onto neighboring property lines or Streets.~~
- 490.4 ~~Externally Illumination for Signs. Sign lighting shall be regulated per §477 of the Bylaw.~~
- 490.5 ~~Exemptions. Exemptions to §490 shall include lighting for streetlights, lighting installations on municipally owned property, façade mounted lighting that directly emphasizes architectural elements of Contributing Structures within the boundaries of Morrisville's 1983 Historic District but does not spill onto neighboring properties, and holiday or string lights during the months of October through January. Holiday or string lights, which by design are not down shielded, may remain in place year round, provided they are turned off nightly at 10:00 PM, and attached to a structure located outside of required setbacks, and located below the drip edge of a Structure's roof.~~
- 490.6 ~~Unusual Situations. Proposed lighting installations that do not comply with §490 Exterior Lighting maybe approved by the DRB only when that Board finds that the proposed lighting utilizes LED bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets.~~
- 490.7 ~~Prohibited. Mercury vapor and florescent lighting is prohibited.~~

**Commented [DWR93]:** 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 ReviewApproval:**

- 501 ~~Dwelling, 1 & 2 Units Single family and two family dwellings uses are exempt from site plan review per 24 VSA §4415(a). A site plan approval for non-exempt Permitted Uses within any zone can be approved by the Zoning Administrator without a public hearing if the site plan requirements in §502 through §506 are satisfied by the Applicant. At the discretion of the Zoning Administrator, or request of the applicant, any site plan permit application can be referred to the DRB for further review and permitting. If the application is classified as a Permitted Use, the DRB may approve the application without a warned public hearing.~~
- 502. **Site Plan Requirements.** In applying for approval of a Permitted Use by the Zoning Administrator, or a hearing before the DRB for Site Plan Approval, Conditional Use, Variance, or Waiver, the applicant shall submit a printed copy of the site plan, as well as an electronic copy of said site plan in PDF format. All site plan submittals shall include the following information: \_\_\_\_\_

1. The name, address and daytime telephone number of the person or firm preparing the map and supplying the data and information;
2. The name and address of the owner of record and of the applicant if different;
3. The date of map preparation and a bar scale showing miles or feet;
4. A north arrow with the most recent magnetic declination if available
5. 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:

6. A boundary survey.
7. The location of propane tanks, which shall be placed underground (only the Bulk Storage of Fuel uses allows above ground tanks).
  - i. 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.
  - ii. 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).
8. 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:

1. 503.1 Adequacy of traffic access and circulation
2. 503.2 Provision for vehicular and/or pedestrian access to connect sites to adjacent properties.
3. Provision of parking
- 503.3 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.

1. 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.
2. 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.
3. 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

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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.

4. 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.
5. 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.
6. 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.
6. 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.
7. 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").
8. 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.
9. 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/Conservation Subdivision (Major Subdivision required)**

A. **Overarching Purposes.** The overarching purposes for Planned Unit Developments / Conservation Subdivisions are as follows:

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- 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 allow for greater flexibility and creativity in the design of subdivisions.
- c. 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.
- f. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner.
- g. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.

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

- 1. To protect the public water supplies (Groundwater SPA).
- 2. To protect defined Floodways, & §320 Flood Hazard Areas that do not have a defined Floodway.
- 3. To protect Wetlands.
- 4. To protect Rare Threatened Endangered Species.
- 5. To protect Significant Natural Communities.
- 6. To protect Vernal Pools.
- 7. To protect Deer Wintering Areas.
- 8. To protect existing forest connectivity.
- 9. To protect all agricultural soil listed as Prime or as Statewide (inside SSMA only).
- 10. To protect steep slopes greater than 25%.

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

**D. Sketch Plan Review.** Prior to submitting a preliminary plat application, the applicant shall host a Sketch Plan review and site walk with the Zoning Administrator on the proposed development site. At the development site, the Zoning Administrator will become familiar with the land and inform the applicant about the Conservation Subdivision design process. The Zoning Administrator shall bring a survey of the property (or a tax map if a survey is not found in the Land Records) and a printout of the Vermont Agency of Natural Resource's (ANR) Natural Resource Atlas with the following map layers turned on: Contours, Rare Threatened Endangered Species, Significant Natural Community, Deer Wintering Areas, Habitat Blocks, Vernal Pool Confirmed, Wetlands, Soils Prime Agricultural, Groundwater SPA, Parcels, Slope. During the Sketch Plan Review meeting the following shall be determined:

- 1. **Natural Resource Identification.** Natural Resource Identification shall be accomplished by using the aforementioned layers of ANR's Natural Resource Atlas mapping system.
- 2. **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.
- 3. **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:

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Commented [DWR94]: "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.

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Commented [DWR95]: 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.

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- ~~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.~~

~~E. **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:~~
  - ~~i. 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).~~
  - ~~ii. Lot frontage shall not be less than 20 feet.~~
  - ~~iii. 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.~~
  - ~~iv. 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.~~
  - ~~v. The DRB may allow the reduction of the Minimum Lot Size to no less than one-quarter of the required lot size specified by the zone in which the subdivision is proposed if one of the following criteria can be met:~~
    - ~~a. When 75% of the subject property is to be permanently protected as open space.~~
    - ~~b. When the subject property is located within the village limits.~~
    - ~~c. When Class 2 Development is proposed in the Low Density Residential Zone.~~

~~**6. Open Space Requirements.**~~

- ~~a. A minimum of 50% of the proposed development area shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots.~~
- ~~b. The open space lot must abut at least half of the proposed lots, and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a Street separates it. The DRB may waive this requirement when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.~~
- ~~c. To achieve this Bylaw's long-term goal of forming large unified open space areas, when there are adjacent public lands, or an adjacent conservation subdivision open space lot that was previously protected, the proposed open space lot should be physically connected to these existing protected public lands. Said adjacent protected public lands shall also be considered "adjacent" if they are only separated from the proposed conservation development by a Street.~~
- ~~d. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review and all of the prime ag soils area located inside SSMA.~~
- ~~e. Acceptable uses of the dedicated open space include agriculture and forestry. Additional uses of the dedicated open space may include recreation fields, walking trails, bike paths, view vistas and parklands. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose~~

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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 1/2 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).~~

~~g. Open space shall not include land set aside for the road's rights-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.~~

~~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 [DWR96]:** Not authorized to own property rights under 24 V.S.A. §4505

**Commented [DWR97]:** Again, this is too vague a review standard and needs a modifier.

**Commented [DWR98]:** 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~~

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

~~A. 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.~~

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~~A. 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.~~

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~~B. 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.~~

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

**Commented [DWR99]:** 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:~~

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

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~~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.~~

**Commented [DWR100]:** Publication of the hearing notice is only required for CU, variance, ZA appeals, and subdivision review.

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

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

~~A. 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.~~

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~~B. 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.~~

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~~621.2 This municipality shall enforce all decisions of the Morristown-Morrisville Joint DRB that pertain to the municipalities of the Village of Morrisville and the Town of Morristown. The Village of~~

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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 [DWR101]:** 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 [DWR102]:** 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 llow the proposed Conditional Use, the proposed use shall not have an undue adverse effect on following general standards shall not be adversely affected to the point that the potential impact becomes undue:~~

- ~~1. 632.1 The capacity of existing or planned community facilities~~
- ~~2. 632.2 The character of the area affected.~~
- ~~3. 632.3 The reduction in the capacity of the land to hold water so as to avoid soil erosion.~~
- ~~4. 632.4 Will not result in undue water, noise, or air pollution.~~

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**Commented [DWR103]:** Not traffic? Or bylaws and ordinances then in effect? Or renewable energy resources. Suggest all standards from the statute be included here.

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

- ~~635.1~~ Increasing the required lot size or yard dimensions in order to protect adjacent properties
- ~~635.2~~ Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property
  - ~~635.31~~ Controlling the location and number of vehicular access points to the property.
- ~~635.4~~ Increasing the street width
- ~~635.5~~ Increasing or decreasing the number of off-street parking or loading spaces
- ~~635.62~~ Allowing an additional dwelling unit above what the zoning normally yields when an on-site property manager is provided for residential developments of ten or more units.
- ~~635.73~~ Specify or limit a business' hours of operation.
- ~~635.84~~ Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.
- ~~635.59~~ Requiring that any future enlargement or alteration of the use be reviewed by the DRB to permit the specifying of new conditions.
- ~~635.106~~ The DRB may require 1, 3, and 5-year reviews of any project before the Board, where at such review the Board may apply additional reasonable conditions of approval to mitigate the adverse impacts of a project and/or achieve zoning compliance.

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~~636.~~ **Extra Conditions.** The DRB may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and these zoning regulations, and to protect the health, safety and welfare of the general public.

**Section 640. Appeals:**

~~641.~~ **Filing Appeals.** An Interested Person, as defined by 24 VSA, § 4465, may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the Chair Secretary of the DRB and a copy of such notice shall be filed with the Zoning Administrator.

~~641.1~~ **Notice of Appeal.** The notice of appeal, which must be filed within 15 days of the date of that decision or act, shall be in writing and shall include: the name and address of the appellant(s), a brief description of the property to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant(s), the alleged grounds why such requested relief is believed proper under the circumstances, and any other requirements dictated in §4466 of the Act.

~~641.4~~ **Appeal Fees.** The fee for an appeal hearing before the DRB shall be set by the legislative body. Fees submitted for appeals of Enforcement Orders issued in accordance with §620 of these Bylaws which are subsequently granted approved by the DRB shall be refunded.

~~642.~~ **Public Hearing on the Appeal.** The DRB shall warn a public hearing on an appeal which shall be within 60 days of filing the notice of appeal according to §4466 through 4468 of the Act.

~~642.1~~ **Public Notice.** The DRB shall give public notice of the hearing and shall mail to the appellant(s) a copy of such notice at least 15 days prior to the hearing. The public hearing shall be open to the public. The DRB from time to time may adjourn any hearing held under this section, provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All procedures of the public hearing shall follow those established in §4468 of the Act.

Commented [DWR104]: 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.

- ~~1.~~ The DRB shall within that same period send to the appellant(s), by certified mail, a copy of the decision.
- ~~2.~~ 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.
- ~~3.~~ 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.
- ~~4.~~ 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.
- ~~5.~~ Enforcement of Decision. All decisions of the DRB shall be enforced according to §4470(b) of the Act.

Commented [DWR105]: Move to §611?

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

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

~~661.~~ Per 24 VSA §4420, the DRB is authorized to undertake local Act 250 review of municipal impacts caused by "development" and "subdivision" as such terms are defined in 10 VSA §151.

~~662.~~ With respect to such "developments" and/or "subdivisions", the DRB, pursuant to the procedures established under Title 24 VSA Chapter 36 (the Municipal Administrative Procedures Act), shall hear applications for local Act 250 review of municipal impacts at a duly warned public hearing.

~~663.~~ All applicants for Act 250 permits for such "developments" and/or "subdivisions" in Morristown shall go through this review process, unless all of the following apply:

- ~~1.~~ ~~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.
- ~~2.~~ ~~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.
- ~~3.~~ ~~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":

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1. ~~665.1 Will not cause an unreasonable burden on the ability of the town to provide educational services (Act 250 Criterion 6).~~
2. ~~665.2 Will not cause an unreasonable burden on the ability of the town to provide municipal or governmental services (Act 250 Criterion 7).~~
3. ~~665.3 Is in conformance with the duly adopted Municipal Plan (Act 250 Criterion 10).~~

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**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 For the purposes of these regulations, the term Minor Subdivision shall be defined as any proposed subdivision resulting in no more than one~~two~~<sup>two</sup> new parcels. Minor subdivisions can be either in the form of conventional subdivisions or in the form of Planned Unit Development / Conservation Subdivisions. The form of the minor subdivision is the choice of the landowner. The Zoning Administrator shall approve all Minor Subdivisions that are not PUDs or conservation subdivisions. The term Major Subdivision shall be defined as any proposed subdivision resulting in two~~three~~<sup>three</sup> or more new parcels and or any subdivision proposal that creates a Street. All Major Subdivisions must go through the §510 Planned Unit Development / Conservation Subdivision process and be approved by the DRB.~~

**Section 720: Pre-application.**

~~720.1 Sketch Plan. The applicant, prior to submitting an application for subdivision, shall submit to the Zoning Administrator, a "Sketch Plan" of the proposed subdivision which shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property.~~

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

~~720.3 Conformance to Other Plans & Regulations. The Zoning Administrator, 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.~~

~~720.4 Sketch Plan Approval. The Zoning Administrator, or the DRB at the deferral referral of the Zoning Administrator, shall determine whether the Sketch Plan conforms with the Zoning Bylaws, and may reject the application or make specific written recommendations for changes. Any subdivided lot must meet the minimum lot size without including the area of any public road right of way in the lot acreage. Determination of compliance at this stage of review will not bind the DRB in making determinations at later stages. The Sketch Plan Approval letter must state if the proposed subdivision will be treated as a Minor or Major subdivision.~~

~~720.5 Conservation Subdivision. Where the subdivider submits a proposal for a §510 Planned Unit Development / Conservation Subdivision, the requirements of §4417 of the Act shall be met, in addition to the requirements of the §510 zoning regulations.~~

**Open Space Requirements.**

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Commented [DWR106]: 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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Commented [DWR107]: OK, but it appears that there's only one subsequent review stage now - Final Plan review.

Commented [DWR108]: 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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Commented [DWR109]: 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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~~— 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.~~

- ~~1. 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.~~
- ~~2. 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.~~
- ~~3. 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.~~
- ~~4. 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.~~
- ~~5. Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" in §6c 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).~~
- ~~6. Open space shall not include land set aside for the road d's rights of way.~~
- ~~7. 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.~~
- ~~8. 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.~~

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

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

### Section 750.— Review and Approval of Final Plat.

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~~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.~~

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~~750.2 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.~~

Commented [DWR110]: 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.

~~750.4 Other Permits. The subdivider shall apply for all Federal, State, and municipal permits required of the proposed subdivision and shall submit copies of these applications to the DRB. Such applications/permits may include but are not limited to zoning permits, highway access permits, Master Land Use Permit (Act 250 Permit), public building permits, and Agency of Natural Resources Potable Water Supply and Wastewater Permit.~~

~~750.5 Public Hearing. The Zoning Administrator for a Minor Subdivision and the DRB 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 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 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.~~

Commented [DWR111]: Not reasonable; it should be the appellant neighbor who pays, or they can seek a fee waiver from the Selectboard/Trustees.

~~750.9 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 required by the Board. Said surety will typically only be required for large projects when the Board determines that it is unreasonable to expect the applicant to finance and construct all the project's infrastructure before zoning permits are issued for new buildings.~~

#### Section 760. Filing of Approved Subdivision Plat.

~~760.1 Filing. Upon completion of requirements and approvals under §750 above, and so noted on Subdivision Plat and properly signed by the Zoning Administrator for Minor Subdivisions and the Chair (or Acting Chair) of the DRB for Major Subdivisions, the Record Plat (18" X~~

~~24" mylar) shall be filed in the office of the Town Clerk, and a copy thereof shall be entered into the DRB's Files. Any Subdivision Plat Mylar not so filed or recorded within 180 days of the date on which such Plat is approved or considered approved by reasons of failure of the DRB to act, shall become null and void. The Zoning Administrator may extend the filing deadline by up to 90 additional days if other local or state permits are still pending.~~

~~760.2 **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.~~

~~**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~~

~~**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:~~

- ~~1. Subdivision Name or Identifying Title~~
- ~~2. Name of Subdivider, Preparer of Plat, and Owner of Record.~~
- ~~3. Seal of Licensed Land Surveyor and a bar scale~~
- ~~4. Date prepared, Site Location Map, and Bar Scale~~
- ~~5. North Arrow of defined basis (i.e. magnetic north with year, or astronomic north)~~
- ~~6. Subdivision Boundaries and Position of Monuments~~
- ~~7. Where applicable, location of existing roads, and buildings~~
- ~~8. Indication of intersecting boundaries~~
- ~~9. Total acreage of each Lot (if acreage shown is to the road centerline, the survey shall also showing a separate acreage measuring that excluding public Streets and any rights of way for roads that will be offered put up for public acceptance).~~
- ~~10. Location of property lines, existing easements, buildings, watercourses and other essential existing physical features.~~
- ~~11. The Listers' parcel number of the land proposed to be subdivided.~~
- ~~12. 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.~~
- ~~13. 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.~~
- ~~14. The location and size of any existing sewers, water mains, culverts, and storm drains on the property to be subdivided.~~

**Commented [DWR112]:** 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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~~15. Location, names and present widths of existing and proposed streets, highways, easements, rights of way, building lines, parks, and other public open spaces.~~

~~The location of natural features or site elements to be preserved.~~

~~16. 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.~~

~~17. Typical cross sections of proposed grading and roadways, sidewalks and paths.~~

~~18. Preliminary designs of any bridges or culverts which may be required.~~

~~19. The location of natural features or site elements to be preserved.~~

20. 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 [DWR113]: This should be moved to §840.8

**Section 795. Lot Line Changes.**

~~795.1 The Zoning Administrator may approve lot line changes provided no new lots are being created, the proposal involves contiguous lands, and is on a joint application of both landowners.~~

~~795.2 The Zoning Administrator may require a lot line change applicant to obtain a subdivision approval from the DRB permit rather than a lot line change if it is felt to be in the best interest of the Town 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 insure completion of such improvements.

**Commented [DWR114]:** Are there DPW standards?

**Section 810. Subdivision Standards.**

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

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

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

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

**Section 820. Streets.**

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

**Commented [DWR115]:** "minimize" alone is too vague a standard to apply and needs a modifier. In re JAM Golf, 2008 VT 110.

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

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

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

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

highways must receive an "1111-11-11 permit" from the Vermont Agency of Transportation for proposed access from new lots onto the state highway prior to receiving a local subdivision permit.

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

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

~~820.2a **Horizontal Intersection Alignment.**~~

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

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

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

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

**Commented [DWR116]:** Curious whether the Fire Department prefers hammerheads or cul-de-sacs, and whether the Town should allow hammerheads in combination with, or in lieu of, cul-de-sacs

DRB may also make an exception to these requirements for dead end streets. Provisions shall also be made at the perimeter of all cul-de-sacs for snow removal and storage.

~~820.5 Street Names. Street names shall be identified by proposed names on the preliminary plat and be approved in name by the Selectboard prior to §750 Final Plat Approval. When the Selectboard names the Street, it should act upon the Zoning Administrator's recommendation, and provide a non-binding indication to the applicant if this street will be accepted in the future as a public road (which directs the developer to design the new road to the meet either standards for a private or public road). If the Selectboard determines that said road fails to serve the public good, necessity, or convenience a public purpose and should remain private as a result, a private road covenant or Roadway Agreement and Waiver shall be executed and recorded for said street per the Town of Morristown Road Policy. Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it street, avenue, road, boulevard, drive, place, highway, trail, court, or other suffix ending. The subdivider shall install a street identification sign at every intersection.~~

**Commented [DWR117]:** Is this governed by E-911 now such that it's really not zoning's role?

~~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.~~

**Commented [DWR118]:** E 911 standards?

~~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.~~

**Commented [DWR119]:** This appears to conflict, or almost conflicts, with allowance for two dwelling units on some driveway.

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

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

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

~~Section 830. Water Supply & Wastewater Disposal. The subdivider, for Minor Subdivisions, shall supply the Zoning Administrator, and for Major Subdivisions, shall supply the DRB with the approved State Water Supply and Wastewater Disposal ("WW") permits and/or Morristown 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.~~

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~~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~~

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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.

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

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

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

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

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

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

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

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

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

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

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

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~~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.

~~A. 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.

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#### ~~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, 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.

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#### ~~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

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### 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)**— See §423.5 of the Bylaws per 24 VSA §4412.(11) & Act 143 of 2018~~

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

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

~~**Awning**— A retractable or permanent structure of flexible material (plastic, canvas, etc.) on a frame attached to the facade of a building and projecting therefrom 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.

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

**Cottage Court Development**—A group of small (up to 2.0 1 to 1.5 story) detached residential dwellings arranged around a shared courtyard that is visible from the street. The shared court is a required community enhancing element, and unit entrances shall face the shared courtyard, which replaces the function of a backyard (see §206.3).

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

**Development**—The division of a parcel into two or more parcels, the alteration of existing property lines, the creation of a new driveway access onto a public road, the erection, enlargement, relocation, or change in use of any structure, or only within a Special Flood Hazard Area any human made changes to improved or unimproved real estate, including buildings or other structures, mining, dredging, 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.

**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,

**Commented [DWR122]:** We recommend using the statutory definition of "land development" in §4303(10), not a modified definition.

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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.

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

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

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

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

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

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

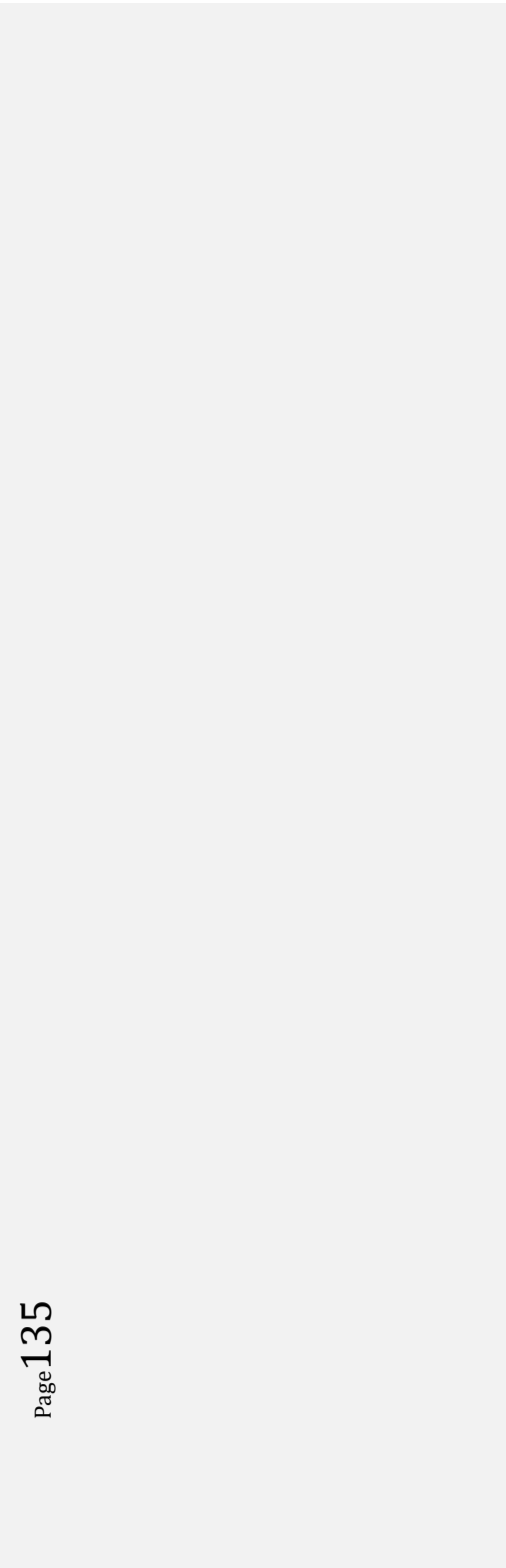
**Frontage**—Frontage of a lot is its boundary abutting a Street or vehicular right-of-way.

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

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

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

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



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

**Hotel, Inn or Motel:** A Structure or combination of structures on the same lot with the capacity to rent on a short-term basis less than 30 consecutive days rentals to 17 or more transient persons in 9 or more bedrooms. Hotels shall be approved by the Division of Fire Safety and have a valid waste-water permit. The Occupancy per Bedroom definition is not applicable for this use.

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

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

**Legislative Body**—The Selectboard of the Town of Morristown Selectboard and/or the Morrisville Village Trustees (location dependent).

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

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

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

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

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

**Mean sea level**—For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (NAVD 88), to which base flood elevations shown on the community's FIRM Maps are referenced.

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

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

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

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

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

**Nonconformity**—A nonconforming use, Structure, lot, or parcel.

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

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

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

**Nuisance**—Any activity or condition which is noxious; excessively noisy; resultant in excessive vibrations; or resultant in discernible fumes, vapors, or gravitationally precipitated wastes (airborne or waterborne) on or over any other premises.

**Occupancy per Bedroom**—Occupancy is limited to 2 people per bedroom (with children less than 5 years old not counted towards occupancy). The Zoning Administrator, per published HUD guidelines, may allow additional people per bedroom when there are unusually large bedrooms and or living spaces. In no case shall this be viewed as a limit on the number of unrelated people residing together in the same dwelling unit.

**Official Map**—The map authorized under 24 VSA 4424

**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 un-parked 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.

**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.”

**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.

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~~**Shelter or Emergency Shelter**—A Shelter or Emergency Shelter shall be subject to have limited review regulation per 24 VSA §4413 and is defined in 24 VSA 4303(40). A facility whose primary purpose is to provide temporary or transitional shelter for a guest whose stay shall not exceed 30 total days in a calendar year. A Shelter shall be staffed 24 hours a day and serve no more than 8 adult guests at any one time who may or may not have a disability as defined in 9 VSA §4501. A Shelter is not a detox center and guests of a Shelter shall not be under the influence of drugs or alcohol at any time while they reside at said shelter.~~

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

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

~~**Short Term Rentals**—A Structure or combination of structures on the same lot that is required to be Owner Occupied, renting Bedrooms to persons for a period of more than 14 days in a year or fewer than 30 consecutive days. Short Term Rentals containing 8 or fewer Bedrooms (maximum occupancy 16 people), must be approved by the Division of Fire Safety, and have a valid State waste-water permit. Short Term Rentals with 4 Bedrooms or fewer (maximum occupancy 8 people) are exempt from the above local permit requirements, but not the Owner Occupied provision. The Short Term Rentals use is not a Hotel, Inn or Motel use, with said use regulating 9 or more bedrooms for 17 or more people.~~

**Commented [DWR124]:** This is potentially problematic because such regulations may violate dormant commerce clause

**Commented [DWR125]:** 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~~

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placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

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

**Town Highways:**

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

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

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

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Commented [DWR126]: 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.

~~**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 [DWR127]: 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 21493. 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, 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 Felino 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 southwestly along the flow of the brook, crossing Maple St to a point where the projection of the eastern terminus of Union St would bisect the brook. Then continuing from the point of intersection of the Potash Brook and the eastern projection of Union St, west along Union St to a point of intersection with Congress St. Then turning south on Congress St for approximately 1000 feet to the culvert that takes that Potash Brook under Congress St. Then from this culvert, follow the flow of the Potash Brook to the west until its point of intersection with Randolph Road (which is just prior to where the Potash Brook joins the Boardman Brook). From the intersection of the Potash Brook and Randolph Rd a line projecting westerly to the southeast corner of Parcel 070042-1 but including the Jersey Heights Condos on Parcels 25020 & 25024. Then turning north up Jersey Way to the point of intersection with Jersey Heights the eastern boundary of said parcel, continuing along the eastern boundary of Parcel 07005, and across Route 100 / LaPorte Rd to a point of intersection with the Village / Town boundary. Then following the Village / Town boundary east and then north to its intersection with the Truck Route. Then turning northeast along the Truck Route to the intersection with the Lamoille River. Then 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 St. 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 to 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 Morristown Corners Road and Ryder Brook and traveling in a clockwise direction. From the bridge, running with the flow of the river brook and following it across to a point of intersection with Bridge St (but excluding Parcels 07301, 07319 & 07320 which lie in the Industrial Zone). Then turning east on Bridge Street until a point of 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 southwestery 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 southwestery 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. Wmidpoint of the frontage of Parcel 08164 at 89 Silver Ridge Rd. Then continuing westerly on the same line for 100 feet before turning northerly and paralleling Silver Ridge Rd, but maintaining said 100 foot distance, to a point of intersection with the Hyde Park Townline. Then continuing easterly along the Townline to a line projecting northeasterly to the northernmost point of Parcel 08163. Then a line projecting from said point easterly where Center Rd meets the boundary with Hyde Park intersects it. Then from said Townline point, a line projecting approximately 400 southeast to the center of the Village water tank. Then a line projecting from said point to the intersection of Frazier Rd and Trombley Hill Rd. Then staying and oncontinuing 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):**~~

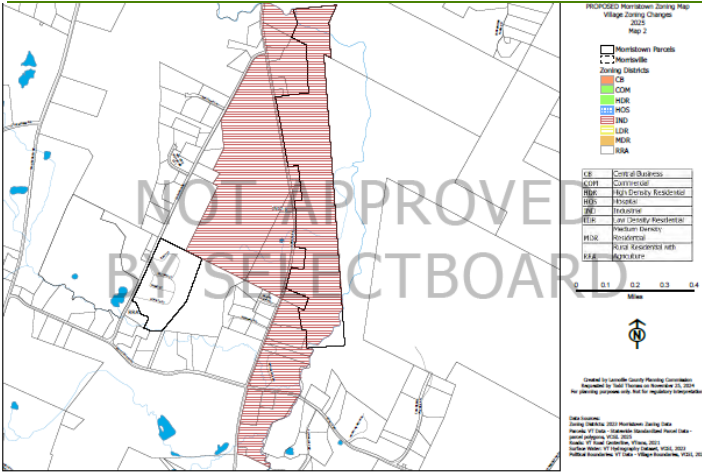
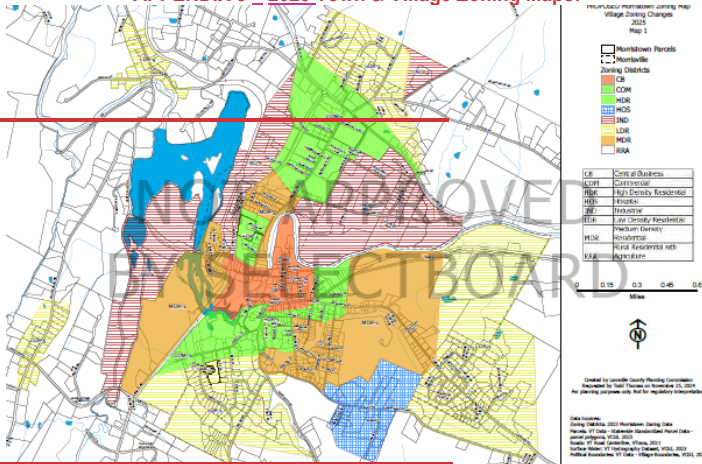
~~The Sewer Service Management Area shall include all the land in the village and the town that has a zoning designation other than Rural Residential Agricultural (RRA). The following areas, which would otherwise qualify for SSMA designation based on the preceding sentence, are specifically exempted/excluded 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 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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03/20/26

**To: Morrisville Village Trustees**

**RE: Changes Made to the 2023 Zoning Bylaws**

**Introduction:** The purpose of this memo is to outline the changes made to the Morristown / Morrisville Zoning and Subdivision Bylaws. These changes are intended to address feedback from our town attorney to comply with Act 47 and 181 as well as changes that were necessary to address some of the ambiguity in the regulations. This memo will move section by section and outline the changes that were made. There is a mix of minor technical corrections and more substantive policy changes. One technical change that will be found through the document is a renumbering of all the sections and subsections. This was done to create uniformity throughout the document as it currently has a variety of numbering formats. The table of contents was also changed and reordered. The following memo will go through each section of the bylaws and outline what changes have been proposed.

**Disclaimer:** While this memo can be used on its own it is intended to be read in connection with the 2026 redline version of the bylaws. It is recommended that you review both documents at the same time. Before beginning it is important to note that there was a general change to how the Sections were numbered that applies to all the articles except for Article X., The 2026 bylaws uses the following section sequence 100, 100.A, 100.B, 100.B.1 ect. This change was made to all sections aside from those in Article X. Therefore, the following will only note language changes. It is important to note that this document is still a draft, there may still be additional changes that will need to be made; however, this document in its current state will give you a good idea as to the changes that were made. In addition, this revision has been in the works for a number of years by a number of different people. Therefore, I may not be able to speak to why something was added or removed in every instance as some of this work predates the start of my tenure. However, I will do my best to speak to explain why the changes were made.

Staff Comments (**In Bold**)

**Sections 100 Changes:**

Sections were renumbered to create uniformity across the document. No substantive changes were made to this section.

**Sections 110 Changes:** The word control was added to the end of this section. This was done to clarify that if state law is stricter than our rules the state law would supersede our regulations.

**Sections 120 Changes:** No changes were made to this section. s were made to this section. were made to this section.



**Sections 200 Changes:** This section notes the zoning districts that this bylaw creates. Mixed office Residential was removed from this section. ( Why was it removed?)

**Section 201 Changes:** The following changes were made to this section:

- Section 201.A: There were no substantive changes made to this section.
- Section 201.B: There were no substantive changes made to this section.
- Section 201.C: Notes that if a lot is split into two zoning districts the Development Review Board can extend the regulations from either district to the whole lot. In addition single ownership was changed to common ownership to account for the fact that a property may have multiple owners, but it could still be in common ownership and thus take advantage of the DRB's ability to extend a districts regulation to the whole in the event it is split zoned.
- Section 201.E. was changed to note that all rounding will be down to the nearest whole number. This was done to address comments made by the town attorney. This change is to ensure that an applicant has the full amount of land required to add additional units to a parcel.

**Sections 202 Changes:** There were no substantive changes made to this section.

**Sections 203 Changes:** There were no substantive changes made to this section.

**Section 204 Changes:** The following changes were made to this section: **(1. Section 204 needs to be renumbered.)**

- Section 204.A: No changes were made to this section.
- Section 204.B: Dimension table was replaced with Use Table.
- Section 204.C: This section was changed to make it clear that variance from the flood hazard overlay district regulations will not be issued as it is not an effective way to regulate flood hazards.
- Section 204. D: This section outlines the dimensional waiver process. The allowance for dimensional waiver standards were reduced from 25% to 5% in the MDR zone and 15% In all other zones. In addition, the goals noted in Section 204.D.6 outlined a list of desirable public improvements an applicant could pursue while requesting a waiver.
- Section 204.E: There were several changes made to the Use Table noted in Section 204.E. They are as follows:
  - Acc Use/ Acc Apartment was changed to Acc Use/ Structures. This change was made to address feedback from our town attorney. This change makes it clear that that accessory structures are also allowed on all properties. The original use only noted uses not structures. This change clarifies that accessory structures are allowed in addition to uses.
  - Agriculture, Accessory on Farm Business was added to account for the fact that state statute was changed to allow these types of uses in all districts. The definition of Agriculture, Accessory On: Farm Business was also added to Section 900.



- Airport, Landing Strip or Helipad use was added to the use table. It is a conditional use in the IND, HOS and LDR zones. This use was added to account for the fact that the town has an airport. The PC also wanted to make sure that the hospital could have use of a helipad if it chose to construct one.
- Bar and Brewery were combined and made a conditional use in the districts that they are allowed.
- Building Height above 30 feet was added to replace structures above 35 feet in the current use table. This use is allowed in all districts. It is a permitted use in the CB, COM, IND, HOS districts. It is a conditional use in the HDR, MDR, LDR, RRA districts.
- Building Height Above 40 feet was added to replace the Structures above 40 feet in height use. It is conditional use in the following districts CB, COM, IND, and HOS districts. There is not currently a height cap. However, any building at this height requires approval from the division of fire safety.
- Clubs, Private was removed and rebranded to Private Club.
- Commercial Use was changed to Commercial Use Light Industry
- Drive Through use was changed to restrict it to the COM district. It is currently allowed in the CB and COM districts **(2.Why was it removed?)**
- Dwelling unit Single Family was removed and replaced with Dwelling 1&2 Units and ADUs. This was done to comply with Act 47 and 181 which prohibits single family only zoning. This also requires all municipalities to allow duplexes by anywhere you allow single family homes. All single family homes are also allowed ADUs by right.
- Dwelling ( 3 & 4 Units ) was added to the use table. It is a permitted use in the CB,COM, HOS, HDR, MDR, and LDR if it is part of a class development. It is a conditional use in the LDR if it is part of a class 2 and 3. This was added to comply with act 181 which allows any property.
- Dwelling ( 5 or more units) was also added. It was added as a permitted use in the CB district. It is a conditional use in the COM, HOS and HDR districts; however, It is only allowed in the HOS zone if it is part of a Health Care Facility use. In the COM zone this use is only allowed on the second` floor and above.
- Multiple Principal Uses on a lot is a new addition to the use table. It is allowed in the CB,COM, IND, and HOS, districts. It is a permitted or conditional use depending on the project. The regulations for this use are noted in Section 510. The reason this use was added was to codify how multiple uses on a lot are permitted.
- Parking Facility use was added as a conditional use to the HOS district. It is currently restricted to just the CB and COM districts.
- Private Clubs was added to the use table, it replaces Clubs, Private. It is a permitted use in the CB and COM districts. It is a conditional use in the HOS, HDR, MDR, LDR, and RRA district.



- Recovery Residence was added to the use table in 24 VSA 4413 does not allow municipalities to ban them outright which is why they were added to the use table. Towns may regulate their location. This use is a permitted use in all districts except the RRA.
- Restaurant use was amended to make it a permitted use in the COM district, it is currently a conditional use. Restaurants would also be allowed in the IND district as a conditional use.
- The Shelter use was amended to make it a conditional use in all zoning districts.
- Short term rental was removed and replaced with two new use Short term rental 5:8 bedrooms and Short term rentals 4 or fewer bedrooms.
- Short-term rental 5:8 Bedrooms was added to the use table as it requires a higher level of permitting than a short-term rental 4 or fewer bedrooms. It is a conditional use in the CB,COM, And IND districts. It is a permitted use in the HOS, HDR, MDR,LDR, and RRA districts. Section 511 goes over the regulations for this use in more detail.
- Short-term Rentals 4 or fewer bedrooms was added to the bylaws due to the fact that short-term rentals of 5-8 bedrooms are more strictly regulated. Section 511 goes over these regulations in more detail.
- Section 204.F: The minimum lot sizes for the COM, HOS, HDR and LDR has been reduced. The COM, HOS, and LDR have been reduced from 10,000 to 8,000 sqf. The Minium lot size for the CB district was completely removed for dwelling units.

**Section 205 Changes:** This section notes the other specific requirements that applies to all land development in Morristown. Language was added to this section to clarify that Dwellings 1 & 2 units are exempt from site plan review. This is due to the home act which notes you cannot treat duplexes differently than you would single family home. However, the other regulations reference in this section would still apply.

**Section 206 Changes:** The following changes were made to Section 206:

- Section 206.A notes the following standard the times that a building rendering may be required to ensure compliance with the design review criteria noted in this section. This section does exempts dwellings 1 & 2 units from the design review criteria noted later on in the section however, it does allow the Zoning Administrator to require exterior elevations for any principal or accessory structure prior to issuing a zoning permit. use It also notes that the Zoning administrator may require applicants to provide the exterior elevation for principal dwellings so they can be documented.
- Section 206 went through the following changes
  - B.1: Changed to note that no entrance of at town home may face the rear of another townhome unless a parking area or road separates them.
  - B2: No changes were made to this section.



- B.3: Changed to note that one functional entry door facing the parcel primary street frontage shall be provided additional entry doors may be required for corner lots with sidewalk.
- B.5: Changed to notes that tuk under parking is prohibited if the entrance to the garage cannot be visible from the street frontage.
- B.6 was added to require developers to connect front entrance to buildings to be connected to a sidewalk when the sidewalk is present (**3. Why was this added?**).
- B.7: has been in the bylaw it was just moved to later in the list. The language has not changed.
- B.8: is a new addition. This section sets building size maximums for buildings outsized of the COM, IND, & HOS districts. The intent of this section is to try and prevent buildings that significantly bigger than surrounding buildings from being built. To slow the increase in building size over time.
- B.9: Added to require glazing oc commercial storefronts and residential lobbies ( Why was this added?)
- B.10: Added that a lighting plan that shows compliance with Section 490 of the Bylaws.
- B.11: Changed to note that loading docks need to be screened from view to the extent reasonably practicable. This section was changed per advice from the town attorney to develop clear standards for screening loading docs .
- B.12: was added to note the garbage storage and pick up areas need to be completely screened from view. This language was suggested by the town attorney to have clear standards.
- B.13: Was not changed.
- B.14: Was not changed.
- B.15: Was not changed.
- B.16: Was added to note that rough mounted mechanical need to be screened to the extent reasonable practicable.
- B.17: Was added to help control stormwater from commercial and multifamily dwelling units onto town property.
- B.18: Was changed to allow the waiving of underground utilities, however, but it cannot be exclusively for cost.
- Section 206.C was added to encourage the construction of cottage court style developments and are allowed via conditional use review. This section establishes specific requirements for heights and design that are required to build a cottage court. (Zoning change need to update this section to add cottage court use to the use table and need to change the reference from section 206.1 to 206.b)

**Section 207 change :** The following changes were made to Section 207:

- Section 207.A: No changes were made to this section.
- Section 207.B : No changes were made to this section.



- Section 207.C The following changes were made to
  - C.1: No changes were made to this section.
  - C.2: No changes were made to this section.
  - C.3: No changes were made to this section.
  - C.4: No changes were made to this section.
  - C.5: Was changed to noted that front setback can be measured from the outside edge of the sidewalk or outside edge of the traveled way if no sidewalk is present. **(3. Why was this added?)**
  - C.6: No changes were made to this section. s were made to this section. were made to this section.
  - C.7: Language added to the end of this section which required glazing for transom windows must be provided above the main entry door. **(4. Why was this added?)**
  - C.8: No changes were made to this section.
  - C.9: No changes were made to this section.
  - C.10: No changes were made to this section.
  - C.11: No changes were made to this section.
  - C.12: No changes were made to this section.
- Section 207. D: No changes were made to this section.

**Section 300 Changes:** No changes were made to this section.

**Section 310 Changes:** Section 320 was renamed and became Section 310. Section 320 exists but its substance was changed. The following changes were made to Section 310:

- Section 310.A: No changes were made to this section. s were made to this section.
- Section 310.B: Minor technical corrections were made to update the correct section references from 321 to 310.B.
- Section 310.C: The following changes were made to this section:
  - C.1: No changes were made to this section. s were made to this section.
  - C.2: No changes were made to this section. s were made to this section.
  - C.3: This section was changed to require Substantial Improvement or Substantial Damaged structures in the Flood Hazard Overlay district to have the lowest floor raised to at least 2 feet above the Base Flood elevation which is more in line with sound floodplain management rather than only requiring it to be raise to the base flood elevation. The elevation certificate requirement remains the same.
  - C.4: No changes were made to this section.
  - C.5: No changes were made to this section.
  - C.6: No changes were made to this section.
  - C.7: No changes were made to this section.
  - C.8: No changes were made to this section.
  - C.9: No changes were made to this section.



- C.10: No changes were made to this section.
- C.11: No changes were made to this section.
- Section 310.D: No changes were made to this section.
- Section 310.E: One sentence was removed from this section. In addition, the timeframe that the Vermont National Flood Insurance Program Coordinator has to respond has been increased from 21 to 30 days. This was done to align with the 30 day deadline that the Zoning administrator has to issue a permit

**Section 320 Changes:** This section notes that the DRB wont issue variance to the flood hazard regulations noted in Section 310. This more in line with best practice on flood plain management.

**Section 330 Changes:** Minor change to Section 330.D.1 to reference the correct section.

**Section 400 Changes:** The following changes were made to this section:

- Section 400.A: was changed to note that no development may take place unless the zoning administrator issues a zoning permit. This covers all land development including structures. This was done to simplify this section.
- Section 400.B :The reference in this section was updated to reference the correct section. This changed in the following ways:
  - B.1: No changes were made to this section.
  - B.2: No changes were made to this section.
  - B.3: The Americans with Disabilities Act was added to this section.
  - B.4: Fences, Sgns and Patios were removed from this section
  - B.5.: This section was changed to reference the new definition of temporary structure that was added to Section 900 of the bylaws.
  - B.6: Was added to the bylaws to note that agriculture is exempt from the bylaws. This section further defines what is required to have something qualify as agriculture. This section contains definitions of agricultural and silviculture practices. It also reference the new agriculture definition that was added to Section 900.
  - B.7: This section was added to clarify that maintenance as defined in Section 435 of the bylaws is exempt from permitting.
- Section 400.C: No changes were made to this section.
- Section 400.D: No changes were made to this section.
- Section 400.E: No changes were made to this section.
- Section 400.F: This Section was changed to include both construction and subdivisions. This section notes that construction of a structure or subdivision of land shall not occur



until a zoning permit is issued. This section also notes that a state waste water permit or approval for Morrisville Water and light is required in order to issue a zoning permit.

- Section 400.H: There was a minor change to this section. The DRB does not issue zoning permits, only the zoning administrator can do that. Therefore, this section was removed.
- Section 400. I: No changes were made to this section.
- Section 400. J: No changes were made to this section.
- Section 400. K: There was a minor change added to this section that a written decision has to be issued prior to the issuance of a zoning permit when applicable.
- Section 400. L: No changes were made to this section.
- Section 400.M: No changes were made to this section.
- Section 400.O: There was a minor change made to Section 400.O.3 to note that a state waste water or approval of Morrisville Water and Light may be require prior to issuing a permit.

**Section 405 Changes:** There were few changes made to this section of the regulations. Sections 405.A & .B were not changed significantly other than correcting a citation in Section 405.B. The Section on infections invalidity was removed. Language currently allows for the creation of nonconforming lots through a waiver in certain circumstances.

**Section 410 Changes:** There was a minor change made to Section 410.A.6 noting that a home businesses approval may be required for home business instead of a home occupation (**5.Need to fix this section**).

**Section 415 Changes:** The following changes were made to Section 415:

- Section 415 A: Minor corrections were made to this section.
- Section 415.B: Minor corrections were made to this section.
- Section 415.C: No changes were made to this section.
- Section 415.D: No changes were made to this section.
- Section 415.E: This section was changed to clarify the level of screening required for off street parking for the employees of home businesses. The language was added as it is more legally binding than our existing language.

**Section 420 Changes:** This section underwent significant rewrite based on comments by the town attorney. Rather than citing 24 VSA 4412 the town was required to decide what specific portions of this statute to adopt. The language in this section comes from statute and has been slightly modified to fit inside of our bylaws. The following will go into this in more detail:



- Section 420.A: This language was added to the bylaw to clarify that anywhere a Dwelling Unit 1 Unit use is allowed a 2 Unit Dwelling is also allowed by right. This is a requirement of Act 47 and Act 181.
- Section 420.B: This language was added to note that ADUs are a by right use on any lot that has a single: family dwelling. It also specifies that there cannot be different dimensional standards for ADUs such as enhanced setbacks or additional parking requirements than what would be required for a single: family dwelling. **(6. This Section is duplicated in Section 421. PC should consider removing this section)**
- Section 420.C: This section was added to note that the bylaws do not prohibit group homes or care facilities 8 or fewer people. It also allows for facilities that treat substance use disorders.
- Section 420.D: This section was added to make clear that hotels cannot be penalized for renting rooms for housing assistance through the states general assistance program. This was added to comply with Act 47 and Act 181.
- Section 420.E0: This section allows for the development of small preexisting lots that do not conform to the minimum lot size for a district.
- Section 420.F: This section prohibits development on small lots under specific circumstances.
- Section 420.G: This section notes that two small lots that do not meet the dimensional standards, are contiguous to one another, and held in common ownership will be automatically merged.
- Section 420.H: This Section was changed to clarify the approval process for lots that do not have frontage on a public or private road. The requirement for DRB approval was removed and the access was approved according to Article VII of the Town Road and driveway standards. **(7. Reference correct name of document, will need to change major subdivision regs or street definition)**
- Section 420. I: Was added to note that a family childcare home serving 6 or fewer children shall be treated like a single-family home and a permitted use with the exception that the DRB would approve the site plan. **(8. This is stated twice. PC should consider cutting this section out and keeping Section 423).**

**Section 421 changes:** This section was added based on advice from the town attorney. To outline the specific requirements for accessory dwelling units. The language for this section comes from state statute.

**Section 423 changes:** The changes made to this section help to clarify what state regulations would supersede our bylaws as noted in 24 VSA 4412. The following changes were made to this section:



- Section 423.A: This section notes that childcare facilities are an allowed use in a single-family home with site plan approval by the DRB. This section also goes into detail as to the difference between a childcare facility and a daycare facility.
- Section 423.B :No changes were made to this section. s were made to this section.
- Section 423.C :A minor change was added to 2 of this section noting that the accessory apartment has to meet the appropriate setbacks **(9.This Section already exists in Section 421. The PC could consider removing this section.)**

**Section 425 Changes:** The following changes were made to this section:

- Section 425.A: A minor change was made to reference the correct section of the bylaws.
- Section 425.B : This section was changed to note that in order for a fence to be considered a farm fence the farm needs to be following Required Agricultural Practice (RAPs) as defined in Section 900 of the bylaws. This section also allows for larger exempt fences provided they are not located within 6 feet of side and rear property boundaries and are not located in the front yard. The height of these fences are capped at 8 ft. **(10. Why was this added?)**

**Section 426 Changes:** The following changes were made to this section:

- Section 426.A: No changes were made to this section. s were made to this section.
- Section 426.B: This section was changed to note that a letter from a Vermont licensed professional engineer is required noting that the pond won't damage the town ROW. They will also require approval of Road Forman if the pond is within 1000 feet of town ROW. There were also several minor thetical changes made to this section. **(11. How does Highway superintendent approve ponds?)**
- Section 426.C : There was a minor change made to this section to note that a wetland permit is required for development in the wetland.

**Section 427 Changes:** This section was removed as it was added to an earlier section.

**Section 430 Changes:** The following changes were made to this section:

- Section 430.A: No changes were made to this section.
- Section 430. B: The following changes were made to this section.
  - B.1: No changes were made to this section.
  - B.2: Language was added to note that expanding a nonconforming structure in such a way that the nonconformity is increased is prohibited.
  - B.3: No changes were made to this section.
  - B.4: No changes were made to this section.
- Section 430.C: No changes were made to this section.
- Section 430.D: No changes were made to this section.
- Section 430.E: No changes were made to this section.



- Section 430.F: There were some minor changes to this section to clarify that changing a nonconforming use cannot negatively impact abutting properties.

**Section 435 Changes:** This is new section that was added into the bylaws. This section outlines how maintenance will be handled. This section notes that routine upkeep of existing structures is exempt from zoning. It also notes how structures can be demolished and reconstructed without requiring a permit provided it is a one to one replacement. It also goes over when a zoning permit would be required. It also covers how maintenance of trails, recreational areas, and other structures will not require a permit under certain circumstances. This was done to provide flexibility to property owners in the event a structure is so damaged that it needs to be demolished and rebuilt in order for it to be maintained. It also allows for necessary upgrades for infrastructure without requiring additional permitting. This section also makes it clear that the Zoning administrator reserves the right to determine whether a particular activity counts as maintenance.

**Section 440 Changes:** The following changes were made to this section:

- Section 440.A: A minor change was made to this section to make it clear that the DRB can allow for the extension of the timeline to remove dangerous conditions on a property provided that the applicant can demonstrate unnecessary hardship and the hardship was not caused by the applicant
- Section 444.B: No changes were made to this section. s were made to this section. were made to this section.

**Section 450 Changes:** Sections 454 and 455 were removed and their contents were added to Section 450. The following changes were made to Section 450:

- Section 450.A :There were changes made to this section to allow developers to use town owned parking fulfill their parking requirements provided it is within 500 feet of a municipal lot. It would also allow the developer to fulfill this requirement by building public parking with selectboard approval. The DRB would have to look at peak traffic hours when considering this request. (Why was this change made?)
- Section450.B :This section was rewritten of presiding language It goes into specific requirements for parking areas.
- Section 450.C :This section was added to Section 45. It allows the DRB to reduced the number of required parking space if the applicant can make the case that a different number of spaces would be appropriate. ( Why was this added?)
- Section 450.D: This section was a reworking of an existing section. It added more specific requirements for driveways for roads that have posted speed of 25 mph. It also notes that shared driveways shall be encouraged.
- Section 450.E: This was a reworking of an existing section. This section notes that access on to state and town roads will require approval from either the highway superintendent or VTrans depending if it was a state or town road. Access onto private roads does not require an access permit.



**Section 453 changes:** There was a minor change to the wording in the parking use table. No substantive changes were made.

**Section 470 changes:** The following changes were made to Section 470:

- Section 470.B: The following changes were made to this section:
  - B.1: No changes were made to this section.
  - B.2: Minor change to change businesses to commercial use
  - B.3: No changes were made to this section.
  - B.4: There was a minor change made to this section changing main activity to principal or accessory use.
  - B.5: No changes were made to this section.
  - B.6: No changes were made to this section.
  - B.7: There were minor technical corrections made to clarify when business signs need to switch when a business changes.
  - B.8: There was one minor technical change to this section.
- Section 470.C: One minor change to this section but it was a minor correction.
- Section 470.D: One minor change made to this section removing the MOR district from this section.
- Section 470.E: No changes were made to this section.
- Section 470.F: No changes were made to this section.
- Section 470.G: Two minor technical changes to this section to clean up language and reference the right regulations.
- Section 470.H: The following changes were made to this section.
  - H.1: No changes were made to this section.
  - H.2: This section notes that a banner hung across the town highway requires approval from the Road commissioner, but they won't require a zoning permit
- Section 470.I: Minor language change noting that signs can be exempt for two weeks at a time at the discretion of the Zoning Administrator.

**Section 480 Changes:** The following changes should be made to this section:

- Section 480.A.: There was a minor change to reference the correct section of the bylaws. There were a few other technical corrections made to this section.
- Section 480.B: This section was changed to note that further development down a class 4 road will require selectboard sign off before a zoning permit is issued or a subdivision is approved.
- Section 480.C :The following changes were made to this section.
  - C.1: This section was changed to change the screening requirements for parts that are stored outside.
  - C.2: No changes were made to this section.
  - C.3: There were minor technical changes made to this section



- C.4: This section was changed to allow the storage of junk vehicles long term provided they are screened by landscaping or fencing to the extent practicable.
- Section 480.D: There was a minor technical correction made to this section that notes that preexisting nonconform canopies will be required to comply with regulations in question if they are redeveloped. It also notes that retail of food and beverage is allowed.
- Section 480.E: The following changes were made to this section:
  - E.1: The words rock and mining were added to this section for clarity.
  - E.2: No changes were made to this section.
  - E.3: No changes were made to this section.
  - E.4: No changes were made to this section.
  - E.5: No changes were made to this section.
  - E.6: No changes were made to this section.
  - E.7: No changes were made to this section.
  - E.9: No changes were made to this section.
  - E.10: No changes were made to this section.
- Section 480.F: Language was added to this section to clarify that lawn sales are limited to 4 a year. This restriction includes properties, dwellings and buildings as well.
- Section 480.G :Language was added to this section to clarify that campers, RVs, Shipping containers and storage trailers will be required to obtain a permit if not stored in a driveway, camp ground or sales lot. It was also noted that they shall comply with the flood hazard regulations.

**Section 490 Changes:** The following changes were made to this section:

- Section 490.A: minor changes were made to this section to clarify that the lighting standards apply to commercial properties. It also notes that glare from neighboring properties needs to be considered.
- Section 490.B: This section was updated to note that lighting cannot exceed 3-foot candles as shown on a lighting plan.
- Section 490.C: No changes were made to this section.
- Section 490.D: Minor correction
- Section 490.E: This section was changed to note that building in Morristown historic district can be externally illuminated to emphasize articular features.
- Section 490.F: No changes were made to this section.
- Section 490.G: No changes were made to this section.

**Section 500 Changes:** The following changes were made to this section:

- Section 500.A: This section was written to note that Dwelling units 1&2 units are exempt from site plan review. There were additional minor language changes made.
- Section 500.B: The following changes were made to this section:
  - B.1: No changes were made to this section.



- B.2 :No changes were made to this section.
- B.3 :No changes were made to this section.
- B.4: No changes were made to this section.
- B.5: No changes were made to this section.
- B.6: This section was changed to note that the new section 510 will require site plan review. This section also notes that utilities such as mini splits and propane tanks need to be shown on the site plan.

**Section 505 Changes:** The following changes were made to this section:

- Section 505.A: No changes were made to this section.
- Section 505.B :No changes were made to this section.
- Section 505.C :No changes were made to this section.
- Section 505.D :No changes were made to this section.
- Section 505.E: No changes were made to this section.
- Section 505.F: This section was added to require screening of utilities.
- Section 505.G: No changes were made to this section.
- Section 505.H: This section was modified to provide clearer instruction as to the maintenance of landscaping.
- Section 505.I: No changes were made to this section.

**Section 506 Changes:** This section was changed to note that effort should be made to protect perennial streams.

**Section 510 Changes:** Section 510 underwent significant revisions. The existing contents of Section 510 was moved to the subdivision regulations. Section 510 now outlines how multiple principle uses on a lot are permitted. The 2023 bylaws make no mention of how multiple principle uses are permitted. This section clarifies this process and outlines how this use will be reviewed and permitted. The following will go into this in more detail:

- Section 510.A: This section notes what zoning districts the multiple principle uses is allowed in
- Section 510.B :This section notes that all lots are allowed any use shown in the use table for the respective districts. It also goes into more detail about how this use is permitted if all of the uses are permitted uses. It also notes when site plan review is not required.
- Section 510. C: This section notes what would trigger review of a site plan by the DRB in the event a property host multiple principle uses. It also notes that lots in the RRA, HDR, MDR and LDR are only allowed one principle use on a lot and thus are ineligible to host multiple principle uses.

**Section 511 Changes:** This is a new section that was added to the bylaws. It is intended to codify the intent of the current short-term rental regulations while clearing up some problems with the current language. As currently written the Morristown short-term rental regulations could be interpreted in such a



way as to exempt certain types of short term rental from any type of local permitting. To correct this the PC added in Section 511 which take the short-term rental regulations out of the definition section and puts it in as its own regulation. This section notes that while the use of a short-term rental of 4 or fewer bedrooms is exempt from permitting the buildings themselves are not exempt and due require permitting. **(12.Need to correct this section to say 5 to 8 bedrooms).**

**Section 600 Changes:** No changes were made to this section.

**Section 610 Changes :** A minor change was made to note that the DRB shall perform the functions noted in section to reference 24 vsa 4460.

**Section 612 changes:** There were no major changes made to this section

**Section 620 Changes:** There was no new content added to this section. The old Section 622 and 624 were removed based on advice from the town attorney. Parts of these old sections were relocated to different sections of the bylaws.

**Section 630 Changes:** The following changes were made to this section:

- Section 630.A: A minor change was made to note that the DRB shall review conditional use instead of allowing them.
- Section 620.B: There were a service of minor technical corrections made to this section intended to provided clearer language outline the DRBs role in approving projects.
- Section 630.C: This section underwent several sections of the old bylaws were removed these including 632.1,632.2, 632.4, and 632.5. the old 635.3 was kept a long with the old 632.6 632.7, 632.8, 632.9 and 632.10. The content of these sections remains the same
- Section 630.D: No changes were made to this section.

**Section 640 Changes:** Section 642.1 was removed from this section as it was redundant. The following additional changes were made to this section.

- Section 640.A: No changes were made to this section.
- Section 640.B: No changes were made to this section.
- Section 640.C: Minor technical corrections were made to this section.
- Section 640.D: No changes were made to this section.
- Section 640.E: Minor technical corrections were made to this section.
- Section 640.F: This section was modified to include language from state statute that governs appeals.

**Section 660 Changes:** This section was completely removed from the bylaws. In order to administer certain ACT250 Criteria locally the DRB has to follow The Municipal Administrative Procedures Act. This is an extremely onerous and time-consuming process that the DRB did not feel it had the capacity to



follow. Therefore, this section was removed. Doing so does not put the towns Downtown Designation at risk or impact our ability to pursue Tier 1b.

**Section 710 Changes:** This section has undergone substantial revisions. The following will go into this in more detail:

- Section 710.A: A minor correction was made to this section changing subdivision to subdivided lot. This was done for clarity
- Section 710.B: This section had substantial revisions made to it. The major subdivision language was broken out into its own subsection It also clarifies which section of the bylaws apply to subdivision review.
- Section 710.C: This section was added to the bylaws and was originally part of the old Section 702. This new section redefines major subdivision into a subdivision that creates 3 new parcels and 1 parent parcel for a total of 4 lots. This section further notes that all major subdivisions have to go through the PUD regs in Section 740. Section 740 has the old PUD language in it. It also notes that if this subdivision involves buildings with multiple principle uses the project shall also be reviewed under Section 510 of the bylaws. **(13. Contradiction in the definition of major and minor subdivision. PC will need to consider revisions)**

**Section 720 Changes:** This section has undergone significant revisions. In many towns major subdivisions follow a three-step process which runs as follows: Sketch Plan Review, which is a nonbinding optional advisory process where no formal decision is issued, Preliminary Review, which is a formal review with a DRB decision, and Final Review which is the final approval of the subdivision where if final DRB decision is issued. The current 2023 bylaws only has a two- step process which combines sketch and preliminary review into one thing. This system also has either the Zoning administrator or DRB issuing sketch plan approvals despite the fact that sketch plan review are supposed to be nonbinding and advisory only. The revisions to Section 720 establish a traditional review format for major subdivisions. The changes are as follows: **(14. Need to break out Preliminary subdivision into its own section again.)**

- Section 720.A: This section reestablishes the nonbinding sketch plan review process. It notes that this process can be skipped and the applicant can simply choose to proceed to Preliminary Review. This section was also changed to allow site visits to be optional instead of mandatory.
- Section 720.B: This section outlines how the sketch plan process works. It also covers the information that will be required for preliminary review. This section also makes clear that any outstanding information not provided for preliminary review will be required prior to final review of the subdivision.
- Section 720.C: This section establishes the standards for final subdivision review. **( 15. Need to sketch plan language)**
- Section 720.D: This section was part of the old Section 510 conservation subdivision language which mandates the conservation of 50% of the developable land of the proposed subdivision. Most of the language is the same as what was in Section 510 it has simply been removed from



the PUD section and added to this section. The content remains the same though some language was changed for clarity. The old language in section 720.5 was removed as it was no longer relevant given the proposed revisions

**Section 730 Changes:** This section underwent significant revisions. The old Section 730.1 was removed as it was no longer relevant given the proposed changes to the bylaw. The following will go into this in more detail:

- Section 730.A: No changes were made to this section.
- Section 730.B: This language already exists in the bylaws, it was broken out into its own section for clarity.
- Section 730.C: This language already exists in the 2023 bylaws in Section 720.3 It was moved to this section for clarity. The contents of this section were not changed.

**Section 740 Changes:** This is a new section, and it contains most of the language which used to be housed in Section 510 of the 2023 bylaw. The following goes into this in more detail:

- Section 740.A :This section outlines the purpose of the PUD section. Most of this language already exist in the 2023 bylaws in Section 510. It has been reordered to fit this new section, but the content largely remains the same.
- Section 740.B : This section outlines the specific feature that are supposed to be preserved as part of a conservation subdivision. This language already exists it was simply reordered and added to this new section.
- Section 740.C: No changes were made to this section it was simply reordered.
- Section 740.D: This section is a mix of old language from the 2023 version of section 510 and language that can be found in the new version of Section 720. Natural resource identification. Lot calculation and design process all comes from the old version of Section 510.
- Section 740.E :This section came out of the 2023 version of Section 510. There was language added for clarity that the preliminary plat should have the information noted in Section 770 of the bylaws. Language was also added to make it clear that a project location within the village limits makes it eligible for further reduction in lot size then what is generally allowed in a PUD.

**Section 750 Changes:** There were significant changes made to this section. The old language in section 750.1 was removed as it was replaced with new language. The following additional changes were made to this section:

- Section 750.A: There was a minor change made to this section replacing mylar with survey. The mylar cant be recorded until the Zoning Administrator approves the survey.
- Section 750.B: No changes were made to this section.
- Section 750.D: No changes were made to this section.
- Section 750.E: There were some minor technical changes made to language made to this section.
- Section 750.F: There were some changes made to this section to provide clarity on the types of tools the DRB can use to ensure compliance with their approvals.



**Section 760 Changes:** The old language in Section 760.23 was removed as subdivisions approval run with the land. Therefor an applicant cannot be held to new standards that were not part of the original subdivision approval so long as the applicant is not looking to deviate from the plans that were approved. The following changes were made to this section:

- Section 760.A: There were several changes made to this section for clarity, but the intent Is the same.
- Section 760.B: There were minor language changes made to this section for clarity.

**Section 770 Changes:** The following changes were made to this section:

- Section 770.A: There were several technical corrections made to the language of this section. These changes were made to provide clarity as to what applicants had to include on their final plats. Some language was removed that required certain features to be shown on a plat that were better shown in an applicant’s site plan rather than the plat.

**Section 790 Changes:** There were several technical changes to the language in this section to provide clarity.

**Section 800 Changes:** There were no substantive changes made to this section.

**Section 810 Changes:** There were several minor changes made to the language in this section, but no major revisions were made.

**Section 820 Changes:** The following changes were made to this section

- Section 820.A: There were minor language changes made to this section for clarity,
- Section 820.B: No changes were made to this section.
- Section 820.C: This section is new and is a duplication of language that is found in Section 420.H of the proposed 2026 bylaws.
- Section 820.D: No changes were made to this section.
- Section 820.E: No changes were made to this section.
- Section 820.F: No changes were made to this section.
- Section 820.G: No changes were made to this section.
- Section 820.H: No changes were made to this section.
- Section 820.I: Minor language changes were made for clarity.
- Section 820.J: There were some technical change made to the language in this section for clarity.

**Section 830 Changes :**Language was added to this section to clarify what types of wastewater approvals were required in order to approve a subdivision. This section already existed but the language changes were made for clarity.



**Section 835 Changes:** Several minor language changes were added to this section.

**Section 840 Changes:** Several minor language changes were made to this section, but no substantive changes were made to this section beyond what currently exists.

**Section 850 Changes:** There was a substantive change made to this section. Language was added that note that project that receive a state wetland permit for storm water permit do not have to have their project reviewed using the standards noted in this section. Several other language changes were made but they were not substantive.

**Section 860 Changes:** There were minor technical changes made to this section.

**Section 870 Changes:** There was language added to this section that legal review of HOA documents will be required prior to the recording of a subdivisions mylar.

**Section 900 Changes:** Several definitions were added to this section. The propose of these additions was to provide clarity to new term that were introduced, Such as Accessory on farm business. Many of the changes to the definitions in this section where technical and did not result in substantial changes to the definitions themselves. The short-term rental regulation did see significant revisions as it was given its own section in the bylaws. This allowed the definition to be shortened. Some of the definitions were removed and replaced with similar definitions that fit better in the bylaws.

**Article X changes:** The biggest change to this section was the elimination of the mixed office residential zoning district. Several zoning district boundaries had to be changed to absorb this district. There were also other technical changes made to the zoning district boundaries. **(16. Not sure why the other district were changed as it predates my tenure. Need to adjust IND district boundary to correct error. )**

**Conclusion:** This memo provided a general walkthrough of the proposed changes to the 2026 bylaw. While additional changes could be made these improvements build on the hard work that has been done in the past and provide a solid foundation for future improvements.

Sincerely  
Tyler Machia

\_\_\_\_\_  
Date

## Proposed Timeline for Bylaw Adoption (Subject to Change)

	<b>Topics</b>	<b>Responsible Parties</b>
<b>3/9/2026</b>	Final round of legal review from town attorney due	Done
<b>3/10/2026</b>	Planning Commission reviews legal review / edits to the bylaws	Done
<b>3/16/2026</b>	Start drafting of bylaw walkthrough memo	Done
<b>3/19/2026</b>	Rough draft of Bylaw Memo due	Done
<b>3/24/2026</b>	PC walkthrough of draft bylaw memo / final edits	PC
<b>3/26/2026</b>	Final edits of memo due	ME
<b>3/27/2026</b>	Submit memo to Trustees	ME
<b>4/1/2026</b>	Walkthrough of bylaw With Trustees	VIL
<b>4/14/2026</b>	Final PC walkthrough of bylaw and final edits	PC, ME
<b>4/15/2026</b>	Draft summary of bylaw changes for notice	ME
<b>4/16/2026</b>	Final draft of bylaw due	ME
<b>4/16/2026</b>	Final draft of summary due	ME
<b>4/20/2026</b>	Walkthrough of bylaws with the SB	ME,SB
<b>5/1/2026</b>	Certified mail to: LCPC, neighboring towns, state	ME
<b>5/1/2026</b>	Notice sent to News and Citizen	ME
<b>5/1/2026</b>	Post agenda in 3 days	ME
<b>5/26/2026</b>	PC public hearing	ME
<b>5/26/2026</b>	Final changes and vote to send to the SB ( Bylaws take effect)	PC
<b>6/15/2026</b>	Joint public hearing with SB and Village Trustees	ME, PC, SB, VIL

