



ZONING AND SUBDIVISION BYLAWS

VILLAGE OF MORRISVILLE

TOWN OF MORRISTOWN

Adopted by the Morristown Selectboard on 18 July 2016
& by the Morrisville Village Trustees on 1 August 2016

Foreword

These Bylaws were approved on March 15, 2011 by the Morrisville/Morristown Planning Commission under the provisions of 24 VSA 4441 at warned public hearing and submitted to the Selectboard of the Town of Morristown for their review and consideration on March 16, 2011. These Bylaws were adopted on May 2, 2011 under the provisions of 24 VSA 4442 following a warned meeting of the Morristown Selectboard on April 18, 2011. The Bylaws became effective on May 23, 2011.

TOWN OF MORRISTOWN / VILLAGE OF MORRISVILLE ZONING & SUBDIVISION BYLAWS RECORD OF ADOPTION

Town of Morristown

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

Town of Morristown/Village of Morrisville (combined)

Revised Zoning & Subdivision Bylaws, October 14, 1998
Revised Zoning & Subdivision Bylaws, May 10, 1999
Revised Zoning & Subdivision Bylaws, December 5, 2000
Revised Zoning & Subdivision Bylaws, July 15, 2002
Revised Zoning & Subdivision Bylaws, June 1, 2004
Revised Zoning & Subdivision Bylaws, February 6, 2006
Revised Zoning & Subdivision Bylaws, November 16, 2009
Revised Zoning & Subdivision Bylaws, June 14, 2010
Revised Zoning & Subdivision Bylaws, November 29, 2010
Revised Zoning & Subdivision Bylaws, May 2, 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)

Contents

ARTICLE I. GENERAL PROVISIONS	5
Section 100. Authority	5
Section 110. Interpretation	5
Section 120. Severability	5
ARTICLE II. DISTRICT ESTABLISHMENT AND REGULATIONS	5
Section 200. Zoning Districts and Areas Created and Zoning Map.....	5
Section 205. Central Business (CB).....	7
Section 210. Commercial (COM)	9
Section 215. Business Enterprise (BE).....	11
Section 225. Mixed Office Residential (MOR).....	14
Section 230. Industrial Zone (IND).....	16
Section 235. Special Use / Medical (SU).....	18
Section 240. Rural Residential with Agricultural Use and Special Industrial (SI).	20
Section 245. High Density Residential (HDR).	22
Section 250. Medium Density Residential (MDR).	24
Section 255. Low Density Residential (LDR).....	26
Section 260. Rural Residential with Agricultural Use Zone (RRA).	28
Section 270. Airport Business (AB).....	30
Section 280. Innovation Zone (INN).....	33
ARTICLE III. SPECIAL PROTECTION AREAS	35
Section 300. Public Community Ground Water Source Protection Areas (SPA).....	35
Section 320. Flood Hazard Areas.....	36
Section 340. Environmental Protection Areas (EPA).	40
ARTICLE IV. GENERAL REGULATIONS.....	42
Section 400. Permits.....	42
Section 405. General Lot Requirements.....	45
Section 410. Communications Facility.	45
Section 420. Required Provisions and Prohibited Effects of the Act (24 VSA, §4412).	50
Section 424. Limitations Established in the Act (24 VSA §4412).....	51
Section 425. Fences.....	52
Section 426. Ponds.	52
Section 430. Non-Conformities.....	54
Section 440. Clean-up of Building Site.....	55
Section 450. Parking and Driveway Requirements.....	55
Section 460. Home Business	56
Section 470. Signs	57
Section 480. Uses Specially Regulated.	60
Section 495. Private Airstrips:.....	64

ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS65

 Section 500. Site Development Plan Approval 65

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT.....70

 Section 600. Zoning Administrator 70

 Section 610. Development Review Board. 70

 Section 620. Enforcement, Remedies and Penalties 71

 Section 630. Conditional Uses 72

 Section 640. Appeals. 76

 Section 650. Variances 78

 Section 770. Plat Requirements for All Subdivisions 85

 Section 795. Lot Line Changes. 87

ARTICLE VIII. SUBDIVISION GENERAL REQUIREMENTS & DESIGN STANDARDS.....88

 Section 820. Streets. 89

 Section 840. Utilities. 92

ARTICLE IX. DEFINITIONS.....97

ARTICLE X. ZONING DISTRICT BOUNDARIES.....111

 Section 1120. Sewer Service. 119

ARTICLE I. GENERAL PROVISIONS

Section 100. Authority

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

Section 110. Interpretation

111. **Conflicting Regulations.** If any provision of these Bylaws is stricter than required by state law, these Bylaws shall govern. If any provision of state law is stricter than these Bylaws, the state law shall govern.

Section 120. Severability

121. **Invalid Sections.** If any section or provision of these Bylaws is adjudged to be unconstitutional or otherwise 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. Zoning Districts and Areas Created and Zoning Map

- 201.1 **Zones Created.** For the purposes of these Bylaws, Morristown is divided into the following districts, to be designated by the abbreviations below:
- | | |
|--|-----|
| a. Central Business Zone | CB |
| b. Commercial Zone | COM |
| c. Business Enterprise Zone | BE |
| d. Mixed Office Residential Zone | MOR |
| e. Industrial Zone | IND |
| f. Special Use / Medical Zone | SU |
| g. Rural Residential Agricultural & Special Industry | SI |
| h. High Density Residential Zone | HDR |
| i. Medium Density Residential Zone | MDR |
| j. Low Density Residential Zone | LDR |
| k. Rural Residential Agricultural Zone | RRA |
| l. Airport Business Zone | AB |
| m. Innovation Zone | INN |

- 201.2 **Special Protection Areas.** For the purposes of these Bylaws, Morristown is divided into the following Special Protection Areas that shall be construed to overlay and be part of any of the districts established in §201. Development within these Special Protection Areas is subject to the additional special requirements described in §300 through 348 of these Bylaws:
- | | |
|---|-----|
| a. Ground Water Source Protection Areas | SPA |
| b. Flood Hazard Areas | FHA |
| c. Environmental Protection Areas | EPA |
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. Unofficial reproductions of these maps are included at the end of these Bylaws (Appendix 4) for reference purposes only.
- 202.1 **Special Protection Area Overlay Map(s).** The official maps for the Special Protection Areas established in §201 and described in §300 through 348 shall be kept on file at the office of the Zoning Administrator, and are hereby adopted as part of these Bylaws. Unofficial reproductions of these maps are included at the end of these Bylaws for reference purposes only.

Section 203. Boundary Interpretation.

- 203.1 **Boundaries Following Features.** Zone boundaries shown approximately within the lines of any road, waterway or transportation or utility right-of-way shall be deemed to follow the centerline.
- 203.2 **Boundaries Following Lot Lines.** Where district boundaries approximately follow lot lines, such lot lines shall be construed to be the said boundaries.
- 203.3 **Boundaries Dividing Lots.** Where a district boundary line divides a lot in single ownership on or before November 15, 1993, the Development Review Board may permit as a Conditional Use, the extension of the regulations for either portion of the lot.
- 203.4 **Town Line Dividing Lots.** Where the town-line divides a lot, the Bylaws shall apply to the portion of the lot in Morristown just as if the lot was located entirely within the town.
- 203.5 **Unusual Situations.** Where circumstances regarding zone boundary line interpretation are not covered in §203.1–§203.3, the Development Review Board shall interpret the zone boundaries.
- 203.6 **Rounding.** All dimensional requirements shall be rounded to the nearest whole number for any zoning calculation, including the number of units for a Dwelling Unit Multi-Family use.

Section 204. Permitted and Conditional Uses.

- 204.1 **Permitted uses** are uses that the Zoning Administrator may issue zoning permits for without requiring a hearing provided the specific requirements are met.
- 204.2 **Conditional uses** are uses for which the Development Review Board must conduct a warned public hearing and may approve the application with conditions as appropriate.

Section 205. Central Business (CB).

206. **Objective.** To allow for high density commercial, business, and residential uses which serve the region, the county and the community.
207. **Permitted Uses:**
- a. Accessory Apartment
 - b. Accessory Retail and Food Uses
 - c. Accessory Use or Structure
 - d. Business / Professional Office
 - e. Business Services
 - f. Clubs, Private
 - g. Community Facility
 - h. Day Care Facility
 - i. Direct Sale of Goods Produced On-Site
 - j. Dwelling Unit, Multi-Family
 - k. Educational Facility
 - l. Family Child Care Facility (see §424.2)
 - m. Health Care Facility
 - n. Home Occupation (see §423)
 - o. Light Industry
 - p. Manufacturing
 - q. Mixed Use Residential/Commercial/Retail
 - r. Public Offices and Facilities
 - s. Recreation Facility/Indoor
 - t. Restaurant
 - u. Retail Delivery of Goods & Services
 - v. Residential Care or Group Home (see §424.1)
 - w. Transient Lodging Facility
 - x. Wholesale Distribution
208. **Conditional Uses:**
- a. Bar
 - b. Commercial Use
 - c. Commercial Communication Equipment
 - d. Drive-Through
 - e. Dwelling Unit, Single-Family
 - f. Dwelling Unit, Two-Family
 - g. Fences (see §425.2)
 - h. Motor Vehicle Sales and Repair Facility
 - i. Motor Vehicle Service Station
 - j. Parking Facilities
 - k. Residential Care or Group Home serving nine or more persons (see §424.1)
 - l. Structures exceeding 50 feet in Building Height

209. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

CENTRAL BUSINESS ZONE							
Development Class	Minimum Lot Area Per Residential Unit	Minimum Lot Size	Minimum Lot Width	Maximum Front Setback	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	870 sq. ft.	1,400 ft. ²	20 ft.	5ft	0 ft.	0 ft.	50 ft.

209.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

209.2 **Special Requirements.** The following special requirements and regulations shall be effective if applicable:

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 – §348;
- d. All "General Regulations" established in §400 - §499 of these bylaws.
- e. Sidewalks shall be mandatory along the parcel frontage on the following Streets:
Bridge, Hutchins, Lower Main, Pleasant and Portland.

209.3 **Additional Form Requirements.** Building form requirements shall be mandatory for frontage on the following Streets: Bridge, Hutchins, Lower Main, Pleasant and Portland. The Zoning Administrator shall not issue any permits for Development within this district unless the following form requirements on said Streets are provided for:

- a. Front Setback. Mandatory build-to sidewalk / property line along said Streets (no front setback allowed)
- b. Parking Location. No Parking Space, Off-Street shall be created between the Building and any said Street.
- c. Building Height. Minimum Building Height along said Street frontage is 25 feet.
- d. Rooflines. Development of all rooflines fronting said Streets shall incorporate extended parapets or projecting cornices on the corresponding frontage. Extending parapets shall be required along the frontage of said Streets when a flat roof is proposed.
- e. Conditional Use is required for any Dwelling Unit, Multi-Family use that includes only Residential Use on the ground / first floor along said Streets.
- f. The Development Review Board may grant a Conditional Use allowance for any Permitted and Conditional Uses that do not meet the form requirements of this section along said Streets.

Section 210. Commercial (COM)

211. **Objective.** 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.
212. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Retail & Food Uses
 - c. Accessory Use or Structures less than 500 square feet
 - d. Dwelling Unit, Single-Family
 - e. Dwelling Unit, Two-Family
 - f. Home Occupation
 - g. Residential Care or Group Home (see §424.1)
213. **Conditional Uses.**
- a. Bar
 - b. Business/Professional Office
 - c. Business Services
 - d. Commercial Use
 - e. Communication Facilities
 - f. Community Facility
 - g. Day Care Facility
 - h. Drive-In Restaurant or Refreshment Stand
 - i. Drive-Through
 - j. Dwelling Unit, Multi-Family
 - k. Family Child Care Facility
 - l. Fences (see §425.2)
 - m. Motor Vehicle Service Station
 - n. Motor Vehicle Sales & Repair Facility
 - o. Planned Unit Development (see §510)
 - p. Parking Facility
 - q. Recreation Facility Indoor & Outdoor
 - r. Restaurant
 - s. Retail & Wholesale Delivery of Goods and Services
 - t. Residential Care or Group Home serving nine or more persons (see §424.1)
 - u. Transient Lodging Facility
 - v. Wholesale Distribution

214. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

COMMERCIAL ZONE							
Development Class and Type	Minimum Lot Size	Minimum Area Per Residential Unit	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
Class 1 & 2 or 3 Residential Uses	1 acre	1 acre	90 ft.	45 ft.	25 ft.	25 ft.	50 ft.
Class 1 Commercial Uses	20,000 ft. ²	---	90 ft.	30 ft.	5 ft.	5 ft.	50 ft.

* The Front Setback for all Commercial Development with access to Frazier Road shall be at least 100 feet.

214.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

214.2 **Special Requirements.** The following special requirements and regulations shall be effective:

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas Regulations as established in §300-348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.
- e. Parking: Parking, other than handicapped parking, shall be located to the sides or rear of buildings and not be located between the building and its frontage.
- f. 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 doorways.
- g. Public entrance: Structures shall include at least one active public entrance along the parcel's Street frontage.
- h. Loading docks & garbage storage: All loading docks and garbage storage and pick-up areas shall be located on sides or rear of Buildings and away from public right-of-way, and then residential uses. When not possible, screening shall be used to obscure these areas from view of the public right-of-way.
- i. Pedestrian and bicycle infrastructure: Development shall include sidewalks along the parcel's Street frontage to ensure pedestrian connectivity to adjacent parcels. A sidewalk shall be provided connecting the Building's main entrance to the Street from which it derives its frontage. One or more bike racks shall also be provided for parcels with ten or more parking spaces.
- j. Landscaping: Landscaping shall be added along all Streets per 639.3d.
- k. Rooftop mechanicals: Rooftop mounted mechanicals shall be screened or located so they are not visible from any Street.
- l. Utilities: Utilities shall be underground

Section 215. Business Enterprise (BE).

215. **Objective.** The purpose of the Business Enterprise Zone is to accommodate walkable Development that is high quality in nature, serving largely Business/Professional Office uses, Light Industry & Manufacturing uses.

216. **Permitted Uses.**

- a. Accessory Apartment
- b. Accessory Retail & Food Uses
- c. Accessory Use or Structures
- d. Business/Professional Office*
- e. Direct Sale of Goods Produced On-Site*
- f. Dwelling Unit, Single-Family#
- g. Dwelling Unit, Two-Family#
- h. Dwelling Unit, Multi-Family#
- i. Home Occupation
- j. Light Industry*
- k. Manufacturing*
- l. Recreation Facility/Outdoor
- m. Residential Care or Group Home
- n. Wholesale Distribution*

217. **Conditional Uses.**

- a. Auction Facility
- b. Fences (see §425.2)
- c. Recreation Facility/Indoor
- d. Structures exceeding 35 feet in Building Height*

* Business/Professional Office, Direct Sale of Goods Produced On-Site, Light Industry, Manufacturing & Wholesale Distribution uses with Buildings larger than 30,000sf require Conditional Use review.

**Structures in this zone may have a Permitted Building Height of 50 feet, provided that the footprint of the portion of the building that exceeds 35 feet in Building Height is not greater than 10% of the total building footprint.

#Residential uses in this zone are not allowed on the ground level / first floor of any structure

218. **Area, Dimensions and Setbacks.** The following requirements apply in this zone.

BUSINESS ENTERPRISE ZONE							
Development Class	Minimum Lot Area Per Residential Unit	Minimum lot size	Minimum lot width	Minimum front setback from centerline of road	Minimum rear setback	Minimum side setback	Minimum shore setback
1, 2* & 3* for Business Uses	---	1 acre	60 ft.	45 ft.	15 ft.	10 ft.	50 ft. / 100 ft. for Lake Lamoille
1, 2* & 3* for Residential Uses**	10,000 sf	20,000 sf	60 ft.	45 ft.	15 ft.	10 ft.	50 ft. / 100 ft. for Lake Lamoille

*Class 2 & 3 Development is only allowed in the BE Zone south of Morristown Corners Road.

**Residential uses are only allowed south of Morristown Corners Road and above the 1st floor / ground floor in all Structures.

219.1 **Waivers.** The Development Review Board may reduce or waive any dimensional requirement in this zone, except for Lot Coverage, by as much as 15%, provided there are minimal adverse environmental or aesthetic impacts.

219.2 **Special Requirements.** The following special requirements and regulations shall be effective for all listed Permitted and Conditional Uses other than Accessory Retail and Food Uses, Accessory Use or Structure and Essential Services:

- a. Site Development Plan Approval.
- b. Off-Street Parking Regulations as established in §450.
- c. Special Protection Areas Regulations as established in §300-348.
- d. All “General Regulations” established in §400-499.
- e. Lot Coverage: Maximum permissible Lot Coverage is 60% of the parcel. A 15% Lot Coverage bonus may be given upon DRB determination that the proposed building materials comply with §219.3B for all sides of the Building, bringing maximum permissible lot coverage per parcel to 75%;
- f. Building Materials: The following specific building material requirements are intended to encourage architectural richness as Development occurs in this zone. Preferred exterior building materials are brick, stone, fiber cement board, stucco, wood, pre-cast artificial stone or precast painted or exposed aggregate concrete. All Buildings shall incorporate at least one of such preferred building materials on the exterior of any building façade with Street frontage. Metal siding may also be utilized on a building façade with Street frontage, but only in conjunction with the use of at least two of the aforementioned preferred building materials. Metal siding shall be limited to a maximum of 50% of said façade with Street frontage. Nothing in this section of the bylaw shall prohibit the use of materials not listed as preferred,

provided the Zoning Administrator or Development Review Board finds the proposed materials to meet the stated objective of this zone.

- g. Parking: Parking, other than handicapped parking, shall be located to the sides or rear of buildings and not be located between the building and its frontage.
- h. 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 doorways.
- i. Public entrance: Structures shall include at least one active public entrance along the parcel's Street frontage.
- j. Loading docks & garbage storage: All loading docks and garbage storage and pick-up areas shall be located on sides or rear of Buildings and away from public right-of-way, and then residential uses. When not possible, screening shall be used to obscure these areas from view of the public right-of-way.
- k. Pedestrian and bicycle infrastructure: Development shall include sidewalks along the parcel's Street frontage to ensure pedestrian connectivity to adjacent parcels. A sidewalk shall be provided connecting the Building's main entrance to the Street from which it derives its frontage. One or more bike racks shall also be provided for parcels with ten or more parking spaces.
- l. Landscaping: Landscaping shall be added along all Streets per §639.3d.
- m. Rooftop mechanicals: Rooftop mounted mechanicals shall be screened or located so they are not visible from any Street.
- n. Utilities: Utilities shall be underground
- o. Exterior displays and storage: All exterior storage, exterior displays and exterior Auction Facility use, other than permitted signage per §470 of the Bylaws, shall be located in the rear and side yards of the property and shall remain behind the front façade line of the building (with the exception of the pre-existing arena building located north of Bridge Street).

219.4 Existing Residential Use in the BE District. Residential uses existing in the BE Zone as of November 16, 2009 may continue and may be expanded, provided that any expansion does not include expansion of the lot, and that the expansion meets all dimensional requirements of the district.

Section 225. Mixed Office Residential (MOR).

226. **Objective.** To provide an area for small offices and limited commercial uses in close proximity to the Central Business District, while concurrently allowing for continued residential and public uses.
227. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Retail and Food Uses
 - c. Accessory Use or Structure
 - d. Business/Professional Office
 - e. Family Child Care Facility (see §424.2)
 - f. Home Occupations (see §423)
 - g. Residential Care or Group Home (see §424.1)
 - h. Dwelling Unit, Single Family
 - i. Dwelling Unit, Two-Family
228. **Conditional Uses.**
- a. Clubs, Private
 - b. Communication Facilities
 - c. Day Care Facility
 - d. Fences (see §425.2)
 - e. Home Business (see §460 of these bylaws)
 - f. Dwelling Unit, Multi-Family
 - g. Planned Unit Development/Conservation Subdivision
 - h. Public Offices and Facilities
 - i. Recreation Facilities
 - j. Structures exceeding 35 feet in Height
 - k. Transient Lodging Facility with eight or fewer guest room

229. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

MIXED OFFICE RESIDENTIAL ZONE							
Devel. Class	Minimum Area per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1 Com.	N/A	6,000 sq. ft.	50 ft.	35 ft.	10 ft.	5 ft.	50 ft.
1 Res.	6,000 sq. ft.	6,000 sq. ft.	50 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	10 ft.	5 ft.	50 ft.

229.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

229.2 **Special Requirements.** The following special requirements and regulations shall be effective if applicable:

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 - 348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.

Section 230. Industrial Zone (IND).

231. **Objective.** To provide locations for the establishment of manufacturing and other industrial operations in order to encourage the production of goods & services, enhance regional employment opportunities, and broaden the local tax base. The area is characterized by good highway access
232. **Permitted Uses.** Due to limited availability of municipal sewage treatment and the need for a thorough review of traffic access and circulation in the area, all Development except Accessory Retail and Food Uses and Accessory Use or Structure less than 500 square feet will be reviewed as Conditional Use
233. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to the criteria set forth in §630 of this ordinance:
- a. Bar
 - b. Bulk Storage of Fuels
 - c. Commercial Communication Equipment
 - d. Day Care Facility
 - e. Direct Sale of Goods Produced On-Site
 - f. Drive-In Restaurant or Refreshment Stand
 - g. Drive-Through
 - h. Family Child Care Facility
 - i. Fences (see §425.2)
 - j. Light Industry
 - k. Manufacturing
 - l. Public Offices and Facilities
 - m. Restaurant
 - n. Salvage Depot
 - o. Storage Yard
 - p. Warehouse and Storage Facility
 - q. Wholesale Distribution

234. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

INDUSTRIAL ZONE						
Devel. Class	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1 & 2	1 acre.	90 ft.	45 ft.	15 ft.	10 ft.	50 ft.

234.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

234.2 **Special Requirements.** The following special requirements and regulations shall be effective if applicable.

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas Regulations as established in §300-348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.

234.3 **Existing Residential Use in the Industrial District.** Residential uses existing in the IND district as of November 15, 1993, may continue and may be expanded, provided that any expansion does not include expansion of the lot, and that the expansion meets all dimensional requirements of the district.

Section 235. Special Use / Hospital (SU).

236. **Objective.** Copley Hospital, as the region's major health care facility, along with other organizations serves Lamoille County and some areas beyond. With a growing population and growing health care related needs, this district will provide an adequate area suitable and desirable for existing and future health care needs. Residential uses shall continue to be allowed since they are compatible with the special health care uses.
237. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Retail & Food Uses
 - c. Accessory Use or Structure
 - d. Family Child Care Facility (see §424.2)
 - e. Home Occupation (see §423)
 - f. Residential Care or Group Home (see §424.1)
 - g. Dwelling Unit, Single-Family
238. **Conditional Uses.**
- a. Commercial Communication Equipment
 - b. Day Care Facility
 - c. Dwelling Unit, Two-Family
 - d. Dwelling Unit, Multi-Family
 - e. Fences (see §425.2)
 - f. Health Care Facility
 - g. Home Business (see §460)
 - h. Planned Unit Development/Conservation Subdivision
 - i. Recreation Facility/Outdoor
 - j. Residential Care or Group Home serving nine or more persons (see §424.1)
 - k. Structures exceeding 35 feet in Height
 - l. Transient Lodging Facility with eight or fewer guest rooms

239. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

SPECIAL USE / HOSPITAL ZONE							
Devel. Class	Minimum Area per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	8,000 sq. ft.	8,000 sq. ft.	75 ft.	35 ft.	15 ft.	10 ft.	50 ft.

239.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

239.2. **Special Requirements.** The following special requirements and regulations shall be effective if applicable:

- Site Development Plan Approval as established in §500;
- Off-Street Parking Regulations as established in §450;
- Special Protection Areas established in §202 and §300 - 348;
- All "General Regulations" established in §400 - 499 of these Bylaws.

Section 240. Rural Residential with Agricultural Use and Special Industrial (SI).

241. **Objective.** To provide for low-density a agricultural, residential, and special industries which require larger land areas or the availability of earth resources. The area is characterized by the presence of a 3-phase power source, access to Route 15, and widely dispersed development.
242. **Permitted Uses.**
- a. Accessory Apartment
 - b. Accessory Retail and Food Uses
 - c. Accessory Use or Structure
 - d. Home Occupation (see §423)
243. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to criteria set forth in §630 of this ordinance:
- a. Commercial Communication Equipment
 - b. Community Facilities
 - c. Dwelling Unit, Single-Family**
 - d. Dwelling Unit, Two-Family**
 - e. Extraction of Earth Resources (See §485)
 - f. Family Child Care Facility
 - g. Fences (see §425.2)
 - h. Home Business (See §460)
 - i. Planned Unit Development/Conservation Subdivision
 - j. Public Offices and Facilities
 - k. Recreation Facility/Outdoor
 - l. Special Industry
 - m. Structures exceeding 35 feet in Height

** Residential uses may not be compatible with the heavy industry uses allowed in this district.

244. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

RURAL RESIDENTIAL WITH AGRICULTURE & SPECIAL INDUSTRIAL DISTRICT						
Development Class	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
3 – Industrial	5 acres	90 ft.	65 ft.	25 ft.	25 ft.	50 ft.
3 – Dwelling Unit, Single-Family	2 acres	90 ft.	45 ft.	15 ft.	15 ft.	50 ft.
3 – Dwelling Unit, Two-Family	3 acres for 2 units (maximum of two Dwelling Units allowed per parcel)	90 ft.	45 ft.	15 ft.	15 ft.	50 ft.

244.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

244.2 **Special Requirements.** The following special requirements and regulations shall be effective.

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas Regulations as established in §300-348;
- d. For Special Industry - All buildings and materials must be screened by suitable plantings from public highways and adjacent residential properties;
- e. All “General Regulations” established in Article IV.

Section 245. High Density Residential (HDR).

246. **Objective.** To promote affordable housing through multi-family units and/or single dwelling unit on small lots. This district shall be in close proximity to the commercial areas for walking or short distance vehicle transportation. It is also serviced by public utilities and services that allow for the high-density development.
247. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Home Occupations (see §423)
 - e. Residential Care or Group Home (see §424.1)
 - f. Dwelling Unit, Single-Family
 - g. Dwelling Unit, Two-Family
248. **Conditional Uses.**
- a. Commercial Communication Equipment
 - b. Community Facility
 - c. Day Care Facility
 - d. Dwelling Unit, Multi-Family
 - e. Fences (see §425.2)
 - f. Home Business (see §460)
 - g. Public Offices and Facility
 - h. Planned Unit Development/Conservation Subdivision
 - i. Recreation Facilities
 - j. Structures exceeding 35 feet in Height
 - k. Transient Lodging Facility with eight or fewer guest rooms

249. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

HIGH DENSITY RESIDENTIAL ZONE							
Develop. Class	Minimum Lot Area Per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	4,000 sq. ft.	4,000 sq. ft.	40 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	10 ft.	5 ft.	50 ft.

249.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

249.2. **Special Requirements.** The following special requirements and regulations shall be effective if applicable:

- Site Development Plan Approval as established in §500;
- Off-Street Parking Regulations as established in §450;
- Special Protection Areas established in §202 and §300 - 348;
- All "General Regulations" established in §400 - 499 of these Bylaws.

Section 250. Medium Density Residential (MDR).

251. **Objective.** To promote housing in areas relatively close to commercial areas and within walking distance to schools and shops. Public utilities are available or shall be available in the future.
252. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Home Occupations (see §423)
 - e. Residential Care or Group Home (see §424.1)
 - f. Dwelling Unit, Single-Family
253. **Conditional Uses.**
- a. Clubs, Private
 - b. Commercial Communication Equipment
 - c. Day Care Facility
 - d. Fences (see §425.2)
 - e. Home Business (see §460)
 - f. Dwelling Unit, Two Family
 - g. Dwelling Unit, Multi-Family
 - h. Planned Unit Development (see §510)
 - i. Public Offices and Facilities
 - j. Planned Unit Development/Conservation Subdivision
 - k. Recreation Facilities
 - l. Transient Lodging Facility with eight or fewer guest rooms
 - m. Structures exceeding 35 feet in Height

254 **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

MEDIUM DENSITY RESIDENTIAL ZONE							
Devel. Class	Minimum Area per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	6,000 sq. ft.	6,000 sq. ft.	50 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	15 ft.	5 ft.	50 ft.

254.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

254.2. **Special Requirements.** The following special requirements and regulations shall be effective if applicable:

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 - 348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.

Section 255. Low Density Residential (LDR).

256. **Objective.** To promote housing in areas suitable and desirable for the placement of Single-Family or Two-Family Dwelling Units on smaller lots than in rural areas. Public utilities are available or shall be available in the future.
257. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Home Occupations (see §423)
 - e. Residential Care or Group Home (see §424.1)
 - f. Dwelling Unit, Single Family
258. **Conditional Uses.**
- a. Clubs, Private
 - b. Commercial Communication Equipment
 - c. Day Care Facility
 - d. Fences (see §425.2)
 - e. Home Business (see §460)
 - g. Dwelling Unit, Two-Family
 - h. Planned Unit Development/Conservation Subdivision
 - i. Recreation Facilities
 - j. Structures exceeding 35 feet in Height
 - k. Transient Lodging Facility with eight or fewer guest rooms

259. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

LOW DENSITY RESIDENTIAL ZONE							
Develop. Class	Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	10,000 sf	10,000 sf	50 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	15 ft.	5 ft.	50 ft.
2	15,000 sf	15,000 sf	50 ft.		15 ft.	5 ft.	50 ft.
3	20,000 sf	20,000 sf	50 ft.		15 ft.	5 ft.	50 ft.
All properties and uses on parcels outside the Morrisville village limits with frontage on Route 100.				All minimum setbacks from Route 100 are 200 feet. All other dimensional requirements apply according to development class.			

259.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

259.2 **Special Requirements.** The following special requirements and regulations shall be effective if applicable:

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 - 348;
- d. All "General Regulations" established in Sects. 400 - 499 of these Bylaws.

Section 260. Rural Residential with Agricultural Use Zone (RRA).

261. **Objective.** Agricultural and Rural Residential lands are an area of mixed forestry, agriculture, and homes.
262. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Home Occupations (see §423)
 - e. Residential Care or Group Home (see §424.1)
 - f. Dwelling Unit, Single-Family
263. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to criteria set forth in §630 of this bylaw:
- a. Commercial Communication Equipment
 - b. Dwelling Unit, Two-Family
 - c. Extraction of Earth Resources (See §485)
 - d. Fences (see §425.2)
 - e. Home Business (See §460)
 - f. Personal Use Airstrips (see §495)
 - g. Planned Unit Development/Conservation Subdivision
 - h. Public Offices and Facilities
 - i. Recreation Facility/Indoor
 - j. Recreation Facility/Outdoor
 - k. Seasonal Storage in Existing Barns
 - l. Structures exceeding 35 feet in Height

264. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

RURAL RESIDENTIAL WITH AGRICULTURE						
Development	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
Dwelling Unit, Single-Family	2 acres	90 ft.	45 ft.	15 ft.	15 ft.	50 ft.
Dwelling Unit, Two-Family	3 acres for 2 units (maximum of two Dwelling Units allowed per parcel)	90 ft.	45 ft.	15 ft.	15 ft.	50 ft.

264.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

264.2 **Special Requirements.** The following special requirements and regulations shall be effective:

- a. Site Plan Approval is required of all Development other than Dwelling Unit, Single-Family or Dwelling Unit, Two-Family, agricultural and forestry uses as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas Regulations as established in §300-348;
- d. All “General Regulations” established in Article IV.

Section 270. Airport Business (AB)

271. **Objective.** To provide for light industrial and business activities that are compatible and complimentary to the airport and that do not compete or conflict with the Central Business District; while clustering and buffering these activities as much as possible in order to protect the district's primary agricultural soils and the corridor's scenic quality. To also help provide the opportunity to construct a multi-use pathway between the villages of Morrisville and Stowe should the two communities decide to do so anytime in the future.
272. **Permitted Uses:**
- a. Accessory Retail and Food Uses
 - b. Accessory Use or Structure less than 500 square feet in size
 - c. Family Child Care Facility
273. **Conditional Uses:**
- a. Airplane Hangars on the east side of VT Route 100, provided they are on property either owned by the State of Vermont or are on a property adjacent to the State of Vermont's land, which the State of Vermont has legal rights to and control over, such as through a long term lease agreement, etc.
 - b. Business/Professional Office
 - c. Day Care Facility
 - d. Direct Sale of Goods Produced On-Site
 - e. Fences (see §425.2)
 - f. Light Industry
 - g. Manufacturing
 - h. Planned Unit Development (see §510) (NOTE, PUDs in this district are for nonresidential uses only)
 - i. Structures exceeding 35 feet in Building Height
 - j. Warehouse and Storage Facility
 - k. Wholesale Distribution

274. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

AIRPORT BUSINESS ZONE						
Devel. Class	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
3	2 acres	90 ft.	45 ft.	25 ft.	25 ft.	50 ft.
Special requirement for ALL Uses with frontage along VT Route 100	2 acres	90 ft.	45 ft.	25 ft. rear setback on the east side of the highway 45 ft. rear setback on the west side of the highway	25 ft. side setback on the east side of the highway 45 ft. side setback on the west side of the highway	50 ft.

274.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

274.2 **Special Requirements.**

- a. Special Protection Areas Regulations established in §300-348;
- b. All “General Regulations” established in §400-499;
- c. Off-Street Parking Regulations as established in §450;
- d. §500 Site Development Plan Approval is required for Conditional Uses.
- e. Parking: Parking, other than handicapped parking, shall be located to the sides or rear of buildings and not be located between the building and its frontage.
- f. 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 doorways.
- g. Public entrance: Structures shall include at least one active public entrance along the parcel’s Street frontage.
- h. Loading docks & garbage storage: All loading docks and garbage storage and pick-up areas shall be located on sides or rear of Buildings and away from public right-of-way, and then residential uses. When not possible, screening shall be used to obscure these areas from view of the public right-of-way.

- i. Pedestrian and bicycle infrastructure: Development shall include sidewalks along the parcel's Street frontage to ensure pedestrian connectivity to adjacent parcels. A sidewalk shall be provided connecting the Building's main entrance to the Street from which it derives its frontage. One or more bike racks shall also be provided for parcels with ten or more parking spaces.
 - j. Landscaping: Landscaping shall be added along all Streets per 639.3d.
 - k. Rooftop mechanicals: Rooftop mounted mechanicals shall be screened or located so they are not visible from any Street.
 - l. Utilities: Utilities shall be underground
- 274.3 **Existing Residential Use in the AB District.** Residential uses existing in the AB district as of November 29, 2010 may continue and may be expanded, provided that any expansion does not include expansion of the lot, and that the expansion meets all dimensional requirements of the district.

Section 280. Innovation Zone (INN).

281. **Objective.** To provide a location where businesses, especially those needing manufacturing facilities and light industrial operations, can purchase land and build facilities that enrich their businesses, grow regional employment & enhance the tax base.
282. **Permitted Uses.**
- a. Accessory Retail and Food Uses
 - b. Accessory Use or Structure
 - c. Business/Professional Office *
 - d. Direct Sale of Goods Produced On-Site *
 - e. Light Industry *
 - f. Manufacturing *
 - g. Wholesale Distribution*
283. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to the criteria set forth in §630 of this ordinance:
- a. Fences (see §425.2)
 - b. Structures exceeding 35 feet in Building Height **
 - c. Sexually Oriented Businesses ***

* Business/Professional Office, Direct Sale of Goods Produced On-Site, Light Industry, Manufacturing & Wholesale Distribution uses with Buildings larger than 50,000sf require Conditional Use review.

**Structures in this zone may have a Permitted Building Height of 50 feet, provided that the footprint of the portion of the building that exceeds 35 feet in Building Height is not greater than 10% of the total building footprint.

*** Sexually Oriented Businesses use limited to Innovation Zone 1 only.

284. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

INNOVATION ZONE							
Devel. Class	Minimum Lot Size	Maximum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1, 2* & 3*	1 acre	10 acres	90 ft.	35 ft.**	10 ft.	10 ft.	50 ft. --- 100 ft. for Lake Lamoille

*Class 2 & 3 Development is only allowed in INN Zone #1 & in INN Zone #2 on properties west of Ryder Brook.

**A 50 wide setback from centerline is required along Bridge Street, Center Road & Trombley Hill Road. Said setback shall be naturally vegetated and shall be treated as a “no-clear” zone that screens uses in the INN Zone from roadway view and from the residential uses across said roads. Only Streets, driveways, utilities and pedestrian infrastructure shall be allowed in said setback.

284.1 **Waivers.** The Development Review Board may reduce or waive any dimensional requirement in this zone, except the width of the 50 foot vegetated buffer requirement along Center Road & Trombley Hill Road, by as much as 15%, provided there are minimal adverse environmental or aesthetic impacts.

284.2 **Special Requirements.** The following special requirements and regulations shall be effective for all listed Permitted and Conditional Uses other than Accessory Retail and Food Uses, Accessory Use or Structure and Essential Services:

- Site Development Plan Approval.
- Off-Street Parking Regulations as established in §450.
- Special Protection Areas Regulations as established in §300-348.
- All "General Regulations" established in §400 - 499 of these Bylaws.
- The development of parcels with frontage on Center Road and Trombley Hill Road shall include a natural walking trail within or parallel to the 50 wide vegetated setback to provide for safe pedestrian movements along said roads;

284.3 **Existing Residential Use in the Innovation Zone.** Residential uses existing in the INN Zone as of 2 June 2014 may continue and may be expanded provided that any expansion does not include expansion of the lot and that the expansion meets all dimensional requirements of the zone.

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, # 5159 Cady's Falls Water 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 Facilities; 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 Development Review Board after a conditional use hearing and only if the Development Review Board 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 shall not be permitted under any circumstances: solid or hazardous waste disposal sites; underground storage tanks (except those storing drinking water); the storage, manufacture, or processing 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 one (1) such system per acre; and any facility or use which requires an on-site sewage system with a capacity of more than 900 gallons per day.

Section 320. Flood Hazard Areas.

- 320.1 **Flood Hazard Areas.** The areas designated as either Floodway Fringe or Floodway on the map dated July 2, 1987 entitled "Flood Boundary and Floodway Map Town of Morristown, Vermont and those areas designated as Zone A or Zones A 1 through A 30 on the map entitled Flood Insurance Rate Map dated July 2, 1987 for the Village of Morrisville, Vermont and the Town of Morristown, Vermont. These areas are also identified in the publication entitled Flood Insurance Study, Village of Morrisville, Vermont and Town of Morristown, Vermont. These maps and the Flood Insurance Study were developed by the Federal Insurance Administration. Official copies are on file in the Town Clerk's Office.
321. **Floodways.** The areas shown as "Floodway" on the map dated July 2, 1987 entitled "Flood Boundary and Floodway Map" of the Village of Morrisville, VT, and Town of Morristown, VT. are officially designated as Regulatory Floodways.
- 321.1 In a Regulatory Floodway any development or encroachment, including fill, new construction, substantial improvements and other development is prohibited unless certification by a professional registered engineer is provided demonstrating that the encroachment will not result in any increase in flood levels during occurrence of the base flood discharge. Manufactured homes are prohibited in a Regulatory Floodway.
- 321.2 If the certification required in §321.1 is approved, then any development in that part of the Regulatory Floodway covered by the certification will be subject to the same regulations and restrictions as provided for Floodway Fringe Areas.
322. **Floodway Fringe Areas - Permitted Uses.** The following open space uses shall be permitted within floodway fringe areas provided that they do not require the erection or substantial improvement of structures, storage of materials and equipment, importing of fill and do not obstruct flood flows:
- a. Agricultural uses, such as farming, pasture, orchard, grazing, plant nurseries and forestry
 - b. Recreation Facility/Outdoor
 - c. Residential uses, such as gardens and play areas
323. **Floodway Fringe Areas - Conditional Uses.** Except for the permitted uses as defined by §322 all other uses listed for the zoning districts that fall within any designated floodway fringe area may be permitted only upon the granting of a Conditional Use Permit by the Development Review Board.
- 323.1 **Standards for Conditional Use Permits in Floodway Fringe Area:** In all floodway fringe areas (i.e. numbered and unnumbered A Zones) the following general standards are required:
- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure

- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage
- c. 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 and 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
- d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into the flood waters
- e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters
- f. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding
- g. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters
- h. New and replacement manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be anchored to resist flotation, collapse, or lateral movement during the occurrence of the base flood
- i. Recreational vehicles placed on sites within Zones A1-A-30, AH and AE shall either (i) be on site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) 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)
- j. Subdivisions:
 - 1) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - 3) All subdivision proposals shall have adequate drainage provided to reduce

exposure to flood hazards.

- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than fifty lots or five acres, whichever is less.

323.2 In all floodway fringe areas where base flood elevation data has been provided (i.e. for all numbered "A" Zones: "A1- A30"), the following specific standards are required:

- a. **Residential Construction:** New or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation
- b. **Non-Residential Construction:** New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - 1) Where floodproofing is used, a registered professional engineer or architect shall certify that the flood proofing methods are in accordance with accepted standards of practice to meet the force associated with the base flood. Such certification shall be provided to the Zoning Administrator.

323.3 In unnumbered "A" Zones, if base flood elevation data is available from alternative sources, the Development Review Board shall obtain, review and reasonably utilize this data until such other data has been provided by the Flood Insurance Administration as criteria for requiring compliance with §323.2.

324. **Watercourse Alterations.**

324.1 The applicant shall give notice to adjacent, up-and down-stream communities and the Vermont Department of Environmental Conservation and to the Federal Insurance Administration prior to an alteration or relocation of a watercourse, with copies of said notice submitted to the Zoning Administrator.

324.2 The applicant shall give assurance that the flood-carrying capacity within the altered or relocated portion of any watercourse will be maintained.

325. **Administration and Enforcement in Flood Hazard Areas.** Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway fringe, a copy of the application shall be submitted to the Vermont Department of Environmental Conservation, River Corridor Management Section. A permit may be issued only following receipt of comments from the

Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

325.1 The Zoning Administrator will:

- a. Assure that the applicant has secured all necessary permits from those governmental agencies from which Federal or State law requires approval.
- b. 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 and record whether or not there is a basement.
- c. Maintain a record of the elevation in relation to mean sea level to which the structure was floodproofed.
- d. Maintain a record of all permits issued for development in areas of special flood hazard.
- e. Maintain a record of all floodproofing certifications required under this regulation.

325.2 The Development Review Board shall notify the applicant that:

- a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance; and
- b. Maintain a record of variance actions, including justification for their issuance; and
- c. Report such variance issued in the municipality's annual report to the Flood Insurance Administrator.

326. **Variance to the Development Standards in Flood Hazard Areas.**

The Development Review Board shall grant variances only:

- a. In accordance with the provision of 24 V.S.A. Sect. 4469;
- b. Upon a determination that during the base flood discharge the variance will not result in increased flood levels; and
- c. Upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Section 340. Environmental Protection Areas (EPA).

341. **Objective.** The purpose of these regulations is to afford protection to designated environmental areas as specified below:
- a. To minimize adverse effects of development at high elevations where soils, slope, and other physical factors may cause impacts upon other property owners or the health, safety, and welfare of the community.
 - b. To allow property owners some use of their land while at the same time ensuring no net loss of the function and value of deer wintering areas, fragile natural areas, or wetlands.
 - c. To provide protection for rare plant/animal communities while allowing for reasonable development of private property.
342. **Areas to which These Regulations Apply.** These regulations will apply to any land within the following categories:
- a. A lot that includes any land over 2,500 feet MSL in elevation;
 - b. A lot which includes any land designated a natural fragile area or winter deer range, or land encompassing a rare plant/animal community as shown on the most recent "Significant Habitat Map" prepared by the Vermont Department of Fish & Wildlife, or any land within 500 feet of such an area;
 - c. Any land within the boundaries of a Class I or II wetland, or within 50 feet of the boundary of any such wetland identified on the National Wetland Inventory or within the boundaries, or 50 foot setback, of a Class I or II wetland identified on any future State of Vermont wetland inventory system if the Development Review Board resolves to use a particular inventory of the State of Vermont.

Areas listed under b and c above are shown on Morristown's Natural Resource maps available for viewing at the office of the zoning administrator. However, a determination of their exact boundaries must be made on-site by a professional biologist with concurrence of the Vermont Agency of Natural Resources Water Quality Division or the Department of Fish and Wildlife.

343. **Permitted Uses in an EPA Area.** If not in conflict with any regulations established elsewhere in the Bylaws, the only permitted uses shall be open space and natural habitat.
344. **Conditional Uses in an EPA Area.** If not in conflict with any regulation established elsewhere in these bylaws, all development which is listed as either a permitted or conditional use in the zoning district within which the land is located, may be allowed upon approval of the Development Review Board after a conditional use hearing. The Applicant shall solicit written and oral evidence from the Vermont Agency of Natural Resources, the Lamoille County Planning Commission and any other parties with technical expertise which the Development Review Board may require to make an informed decision. To allow a conditional use, the Development Review Board must issue written findings of fact based upon evidence which demonstrates that such use,

including the construction necessary for such use, will have no impact upon any of the following:

- a. Functional integrity of a wetland, deer wintering area, or fragile natural area;
- b. Quality of ground or surface waters either on-site or off-site;
- c. Drainage patterns on the site or its adjoining properties;
- d. Stability of soils on the site and adjoining properties.

ARTICLE IV. GENERAL REGULATIONS

Section 400. Permits

401. **Permit Requirement.** No Building may 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 has issued a zoning permit. Upon request, the Zoning Administrator shall furnish any person who expresses an intent to apply for a permit a copy of §4449 of the Act. No certificate of occupancy is required.

401.1 Permit Exemption.

- a. Accessory Structures less than 150 square feet in total area do not require a zoning permit if they do not encroach on applicable setbacks
- b. Additions to residential structures less than 150 square feet in total area that are not used for living purposes (i.e., porches, decks, mudrooms, etc.), do not require plumbing of any kind and do not encroach on applicable setbacks do not require a zoning permit.
- c. Structural changes made as Reasonable Modifications to Residential Uses occupied or to be occupied by a person with a disability, under The Fair Housing Act do not require a zoning permit.

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.

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 fifteen (15) days following the issuance of the permit.

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

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

401.6 **Permit Prohibited.** No permit shall be issued by the Zoning Administrator or the Development Review Board for a medical marijuana dispensary, as permitted and defined by 18 VSA Chapter 86 and regulated by the Vermont Department of Public Safety.

402. **Permit Application.** The Zoning Administrator may not issue a permit unless an application, accompanied by a drawing showing all dimensions necessary to assure

compliance with these Bylaws has been submitted to the Office of the Town/Village Clerk or to the Zoning Administrator. Said Officer shall, within thirty (30) days of receipt of all necessary information, either issue or deny the permit.

402.1 **Approved Permits.** If the zoning permit is approved, all activities authorized by its issuance shall be completed within one year of its date of issue, or the zoning permit shall become null and void and reapplication to complete any activities shall be required.

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).

402.3 **Time Limitation.** In conformance with §4448(d) of the Act, if the Zoning Administrator fails to act with regard to an application for a permit, within thirty (30) days, a permit shall be deemed issued on the thirty-first (31st) day.

402.4 **An Approved written decision by the Development Review Board** shall be valid for a period of 180 days. If the Applicant has not completed the requirements of the application, including the purchase of the permit, the approval shall become null and void on day 181. All work must be started within the first year of approval and completed within the second year.

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 District Regulations. Said Officer will issue a permit for a development listed as a Conditional Use upon being instructed to do so by the Development Review Board following a public hearing by that body. In determining whether to allow such a proposed development, and what conditions to place upon its design, the Development Review Board 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 [fifteen (15) days] has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.

403.2 **Each zoning permit issued under these Bylaws** shall contain a statement of the period of time within which an appeal may be taken.

403.3 **The Zoning Administrator** shall complete the zoning permit process by conforming to his/her responsibilities stated in §4449(c) of the Act.

404. **Other Permits and Regulations.** The Zoning Administrator shall not issue a zoning permit until the applicant shows proof that all other applicable local permits have been issued which may include but are not limited to: 404.1 and 404.2.

It shall be the **Applicant's responsibility** to supply the Zoning Administrator a copy of all State and Federal permits and/or approvals, which may include but are not limited to: 404.3 and 404.4.

- 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);
- 404.3 Vermont Master Land Use Permit (Act 250 Permit); and
- 404.4 Vermont Water Supply and Waste water Disposal System Permit.

Section 405. General Lot Requirements.

- 405.1 **Lots on Multiple Streets.** Lots that abut on more than one street shall provide the required frontage along every street.
- 405.2 **Lot Line Setbacks.** All structures, 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 **Adjacent, Non-conforming and Affiliated Lots.** If two or more adjacent lots are in single or affiliated ownership at the time of passage of these Bylaws, and if all or part of the lots do not meet the requirements for either lot width or area, as established by these Bylaws, then the lands involved shall be considered to be an individual parcel for the purpose of these Bylaws. No portion of such parcel(s) shall be used or sold which does not meet lot width and area requirements established by these Bylaws, nor shall any division of the parcel(s) be made which leaves remaining any lot width or area below the requirements stated by these Bylaws.
- 405.4 **Lot Line Setbacks.** Driveways shall not project into any minimum setback area for side or rear yards in zoning districts located in the Town, but may be located in such setback areas in zoning districts located in the Village. Parking areas shall not project into any minimum setback area side, front or rear yards. The Development Review Board may reduce or waive this requirement after reviewing the site plan, parking plan and snow removal plan.
406. **Variances** for frontage, setbacks, and other miscellaneous requirements of these Bylaws and of §4469 of the Act may be granted by the Development Review Board after public hearing pursuant to §4465 through 4469 of the Act.

Section 410. Communications Facility.

- Includes, but not limited to: Towers, Satellite Dishes, Telecommunication, Wireless Communications, antennas, Television and Radio Antennas, Personal Wireless Service, Repeaters, Communication Equipment, Communication Buildings and other Ancillary Development.
411. **The submissions of applications for communications** shall follow the same procedures as any other application for conditional use and site plan approval. In addition to §500 and 630 of these regulations the following additional information shall be provided:
- 411.1 A report from a qualified and licensed professional engineer which:
- Describes the tower height and/or satellite dish height and design including a cross section and elevation;
 - Documents the height above grade for all potential mounting positions for collocated antennas and the maximum separation distances between antennas;

- c. Describe the towers capacity, including the number and distances between antennas;
 - d. Document what steps the applicant will take to avoid interference with established public safety communications;
 - e. Include an engineer's stamp and registration number; and
 - f. Include any other information necessary to evaluate the request.
- 411.2 **For all commercial wireless telecommunications service towers**, a letter of intent committing the tower owner(s) and his or her successors to allow the shared use of the tower at a fair market price, if the additional users agree to meet reasonable terms and conditions for shared use.
- 411.2 **Before the issuance of a zoning permit**, the following supplemental information shall be submitted:
- a. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration (FAA Form 7460-2) to the Zoning Administrator.
 - b. Proof of compliance with applicable Federal Communication Commission regulations.
- 411.4 **Additional Site Plan Requirements.** In addition to the site plan requirements found in §500 of these bylaws, applicants for communications facilities shall include the following supplemental information:
- a. Locations and approximate size and height of all buildings and structures within 500 feet adjacent to the proposed communication facility.
 - b. Site plan of the entire development, indicating all improvements including landscaping and screening.
 - c. Elevations showing all facades, indication exterior materials and colors of all structures on the property.
- 411.5 **General Approval Standards:** Generally, approval of a communications facility can be achieved if the following items are met:
- a. The location of the proposed facility is compatible with the Morristown/Morrisville Town Plan and Zoning bylaws.
 - b. All efforts to locate on an existing tower or in an existing communications compound have not been successful or legally/physically possible.
 - c. The submitted site plan complies with the performance criteria set forth in these regulations.
 - d. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.
 - e. The lowest six (6) feet of the facility/tower be visually screened by trees, large shrubs, stone walls, or fences and/or nearby buildings.
 - f. The height and mass of the facility/tower does not exceed that which is essential for its intended use and public safety.

- g. The owner of the communication facility has agreed to permit other persons, companies, and or providers to attach other communication apparatus at fair market prices that do not interfere with the primary purpose of the facility.
- h. There exists no other existing facility/tower that can reasonably serve the needs of the owner of the proposed new facility/tower.
- i. The proposed facility/tower is not constructed in such a manner as to result in needless height, mass, and guy supports.
- j. The color of the proposed facility/tower will be of a natural light tone or color (except where required otherwise by the FAA) as to minimize the visual impact
- k. The facility/tower is in compliance with any other applicable local, state or federal regulations.

411.6 **Collocation Requirements** All commercial wireless telecommunications towers erected, constructed, or located with the Town of Morristown shall comply with the following requirements:

- a. A proposal for new commercial wireless telecommunications service tower shall not be approved unless the Development Review Board finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a 20 mile radius of the proposed tower due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - iv. Other unforeseen reasons that make it unfeasible to locate the proposed telecommunications equipment upon an existing or approved tower or building.
 - v. Any proposed commercial wireless communication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for four other users if more than 100 feet and not over 120 feet at least three other users if the tower is over 80 feet, but less than 100 feet, and at least two additional users if the tower is over 80 feet in height. Tower must be designed to

allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

412. **Tower and Antenna Requirements.** Proposed or modified towers and antennas shall meet the following design requirements:
- a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA.
 - b. Commercial wireless telecommunication service towers shall be of a monopole design unless the Development Review Board determines that an alternative design would better blend into the surrounding environment or better support collocation on the tower.
- 412.1 **Tower Height.** The maximum tower heights in the Town of Morristown are calculated as the following:
- a. If the tower is designed to accommodate one service provider, the maximum height shall be 80 feet above grade.
 - b. If the tower is designed to accommodate two service providers the maximum height shall be 100 feet above grade.
 - c. If the tower is designed to accommodate three service providers, the maximum height shall be 120 feet above grade.
- 412.2 **Accessory Utility Buildings.** All utility buildings and structures accessory to the tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- 412.3 **Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless the FAA or other state or federal authority for a particular tower specifically requires such lighting.
- 412.4 **Antenna Mounted on Structures, Roofs, Walls, and Existing Towers.** Placement of wireless communication antennas on roofs, walls, and existing towers may be approved by the Development Review Board, without a detailed site plan as required under §500, provided the antennas meet the requirements of these regulations after the submittal of:
- a. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. The report shall:
 - i. Describe antenna height and design, including cross section and elevation;

- ii. Document height above grade for all potential mounting positions for collocated antennas and maximum separation distances between antennas;
- iii. Identify all fixtures and couplings, and precise point of attachment
- iv. Document steps the applicant will take to avoid interference with established public safety communications and other frequencies;
- v. Include an engineer's stamp and registration number; and
- vi. Include any other information necessary to evaluate the request.
- b. Locations and approximate size and height of all buildings and structures within 500 feet adjacent to the proposed antenna;
- c. Proof of compliance with applicable Federal Communications Commission regulations.

413. **Temporary Wireless Communication Facilities.** Any facility designed for temporary use as found in the definitions section of these bylaws, and is subject to the following:
- a. Use of temporary facility is allowed only if the owner has received a temporary use permit from the Town of Morristown Zoning Administrator.
 - b. Temporary wireless facilities are permitted for a period of not more than 30 days for use while constructing permanent facilities, and no longer than 5 days during a special event.
 - c. The maximum height of a temporary wireless facility is 50 feet above grade.
 - d. Temporary facilities are subject to all applicable portions of these regulations, excluding sub §411.1 and 411.4.
414. **Interference with Public Safety Telecommunications.** No new or existing telecommunication service shall interfere with public safety telecommunications. All applicants for new service be accompanied by an intermodulation study which provides a technical evaluation of the existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Town of Morristown at least ten calendar days in advance of such changes and allow the Town to monitor interference levels during the testing process.
415. **Abandoned or Unused Towers or Portions of Towers.** Abandoned, unused towers or portions of towers shall be removed as follows:
- a. The owner of the wireless facility shall file annually a declaration with the Zoning Administrator as to the continuing operation of every facility installed subject to these regulations. Failure to do so shall be determined to mean that the facility is no longer in use and considered abandoned, thus subject to the following:
 - i. Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site unless the Zoning Administrator approves a time extension. A copy of relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event

that the tower is not removed within 180 days of the cessation of operations, the tower and associated facilities may be removed by the Town of Morristown and the cost of removal assigned against the property.

- ii. Unused portions of towers above a manufactured connection shall be removed within 180 days of the time the antenna relocation. The replacement of portions of the tower previously removed requires the issuance of a new permit.
- iii. When a tower is removed the permittee must return the site to its pre development condition, such as but not limited to reforestation, reseeding, removal of all utilities, roads, and parking lots.

416. **Signs and Advertising.** The use of any portion of a tower or satellite dish for other than warning or equipment information signs is prohibited.
417. **Utilities and Service Road to Communication Facilities/Towers.** The electrical power that is used to power the facility and/or tower shall be underground unless the antenna is attached to an existing power pole. No access shall be allowed off private roads to the communication tower/facility unless granted by the Development Review Board. The service road shall be of minimum width to service the facility and shall be constructed so as to aesthetically blend in with the surrounding environment.

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

421. **Existing Small Lots (4412.2).** Any lot in individual and separate ownership from surrounding properties in existence on the effective date of any zoning regulations, including interim zoning regulations, may be 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. If such pre-existing lot(s) subsequently comes under common ownership with one of more contiguous lot(s), the lots shall not be deemed merged and may be separately conveyed if said lots are conveyed in their pre-existing non-conforming configuration.
422. **Required Frontage/Access (4412.3).** No land development may be permitted on lots which do not have either frontage on a public road or frontage on public waters, or with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way at least 50 feet in width.
423. **Home Occupations (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. A Home Occupation is allowed in any district in which residential uses are also allowed. A zoning permit application shall be submitted to the zoning administrator so that a determination can be made as to whether the proposed use is, in fact, a Home Occupation as defined by these regulations. In order to ensure that a Home Occupation, under the meaning of these regulations will not change

the character of the residential area, the owner must demonstrate that it will comply with all of the following standards:

- 423.1 The Home Occupation shall occupy less than 25 percent of the total floor area of the dwelling unit, where an attached garage or storage shed, porches, decks, or breezeways are not counted as part of the total floor area;
- 423.2 The Home Occupation shall be carried on by the resident(s) and business owner who reside in the dwelling unit;
- 423.3 All business activities or transactions associated with the Home Occupation shall be conducted entirely within the dwelling unit, no outside storage shall be permitted;
- 423.4 No traffic shall be generated in volumes greater than would be normally expected in the neighborhood;
- 423.5 Parking for the Home Occupation shall be provided off-street and shall not be located in front yards wherever practical
- 423.6 No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the Home Occupation;
- 423.7 No exterior displays or signs or other advertising material shall be permitted, except as allowed under §470 of these regulations.
- 423.8 Off-site businesses, such as landscaping, building and painting contractors, will be treated as Home Occupations as long as they meet the requirements of this section and have no more than three additional on-site employees.

Section 424. 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:

- 424.1 **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, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted such home. 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.
- 424.2 **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 VSA §4902(3)(A), shall be considered to constitute a permitted use of property but shall require site plan approval by the Development Review Board. A family child care 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 Development Review Board.

- 424.3 **Height Regulation Limitations (4412.6).** The height of antenna structures, wind turbine blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation.
- 424.4 **Accessory Apartment (4412.1).** One accessory apartment (see definitions) located within an owner-occupied single-family dwelling, or within an accessory building of an owner-occupied single-family dwelling, shall be a permitted use on lots that do not otherwise meet the minimum dimensional requirements for a two-family unit, provided that the property has:
- Sufficient wastewater capacity (requires new state wastewater permit);
 - The accessory apartment is not greater than 30% of the inhabitable floor space of the primary dwelling;
 - Meets applicable setback, lot coverage, and parking requirements for the zoning district where located.

Section 425. Fences

- 425.2 **Fence, Conditional Use.** Fences that cannot be found to be “exempt” under §425.3 Fences, Exempt.
- 425.3 **Fences, Exempt.** Fences associated with a working farm are exempt from the need for a zoning permit. All other exempt Fences shall not be permitted within a public Street right-of-way and shall not be higher than six feet when placed on side and rear property lines, and not higher than two feet when placed in front yards and along any Streets. Fences that are more than 50% open, such as a picket, wire or split rail fence, along a Street or front yard shall be allowed a maximum height of four feet.

Section 426. Ponds.

Ponds with a surface area greater than 5,000 square feet (approximately one-eighth of an acre) are an accessory use requiring a zoning permit.

- 426.1 Applications for pond permits will include the following:
- 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
- b. Cross section depiction of the pond, to include dam or other form of retention
 - c. Approximate volume of water to be contained
 - d. Description of vegetative cover planned to prevent erosion

426.2 Ponds and supporting structures (dams, etc.) must meet the following setbacks:

- a. Property line: 25 feet
- b. Leach field: 100
- c. Drilled well: 25 feet
- d. Shallow well: 100 feet

Additionally, ponds and their supporting structures may not fall within any right-of-way or easement. No pond or dam that is upgradient to and within 1,000 feet of a town road shall have its overflow discharge draining towards or into the Town's right-of-way. Said situation is only allowable upon receipt of a stamped engineering letter that any potential overflow or failure of the pond poses no threat to the Town right to way due to topography or other natural features. All ponds 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 may be approved as a conditional use upon review by the Development Review Board.

426.3 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 constructed without the approval of the VT Department of Fish & Wildlife. If the project involves work in a stream that drains an area of ten square miles or more, a Stream Alteration Permit may be required.
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.

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, churches

and other places of worship, public and private hospitals, regional solid waste management facilities, and hazardous waste management facilities.

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, 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;
 - 432.3 re-established, if the non-conforming use has been discontinued for a period five 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. **Work Allowed.** Non-conforming structures and uses of land may be maintained and repaired, so long as the above restrictions are observed.

Temporary Uses and Structures. Temporary permits may be issued by the Zoning Administrator for non-conforming uses incidental to construction projects, provided such permits are conditioned by the applicant(s) to remove the structure or use upon expiration of the permit in conformance with §440 of these Bylaws.

- 434.1 Such permits shall not exceed one (1) year in duration and may be renewed upon application for an additional period not to exceed one (1) year
435. **Expansion of Non-Conforming Uses.** A non-conforming use in existence on November 15, 1993 may be expanded upon Conditional Use approval by the Development Review Board, provided that any expansion does not involve any expansion of the lot, and that the expansion of the use meets all dimensional requirements for the district in which the lot is located.
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 Development Review Board, 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 district in which the structure is located, 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 Development

Review Board provided that the new use does not involve any expansion of the lot, meets Conditional use standards and dimensional requirements for the district in which the lot is located, and in the view of the Development Review Board is more compatible with the surrounding area than the existing non-conforming use.

Section 440. Clean-up of Building Site.

- 441. **Removal of Dangerous Conditions.** Within ninety days after work on an excavation for a building has ceased, or after a permanent or temporary building or structure has been destroyed, demolished, severely damaged, or abandoned, all structural materials shall be removed from the site, and the excavation remaining shall be covered over or filled to the normal grade by the owner, or the damaged structure shall be repaired or replaced. Upon approval of the Development Review Board, and if good cause has been demonstrated which prevents compliance of 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 ninety consecutive days, 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 this section in any district whenever any new use is established or existing use enlarged.
 - 451.1 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. The Zoning Administrator shall determine the distance between the proposed use and a municipal parking lot when determining the applicability of this section. However, The Zoning Administrator may require an applicant to seek Development Review Board approval 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.
 - 451.2 For any use, the sharing of on-site parking between adjoining lots is preferred and encouraged.
- 452. **General Requirements.** For the purpose of this Bylaw, a Parking Space, Off-Street 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 public street or alley and maneuvering room. For site plan purposes, a standard parking space is nine feet wide and eighteen feet long.
 - 452.1 Required off-street parking areas for three 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,

walk, or alley, and so that any automobile may be parked and unparked without moving another.

453. Parking Spaces Required for Various Uses.

USE	PARKING SPACES REQUIRED
Residential Use	2 per dwelling unit
Residential Use in Central Business	0.75 per dwelling unit
Church, school, public assembly (ex. Theater)	1 per 3 seats in principal assembly room
Private club or lodge	1 per 4 members
Theater	1 per 4 seats
Hospital, nursing and convalescent homes	1 per 3 beds & 1 for each employee
Professional Offices & Business Services, medical clinics	1 for every 250 sq.ft. of gross leasable area
Retail business & personal service	1 for every 180 sq.ft. of gross leasable area
Eating & drinking establishments	1 for every 3 seats
Industrial	1 for every 1.2 employees, based upon highest expected average employee occupancy
Funeral Home	1 for each 75 sq.ft. of public floor space
Transient Lodging Facility	1 per lodging unit
Other uses	As determined by Development Review Board.

453.1 The Development Review Board 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.

454 . **Driveway Location.** All driveways are to be located at least seventy-five feet (75') 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 460. Home Business

461. **Purpose.** The purpose guiding these regulations is to allow for small, home-based businesses within residential areas while protecting the property rights of neighboring households.

462. **Requirements.** Home Business shall be a conditional use in all residential districts. In order to receive a conditional use permit, the Home Business must comply with the requirements of §630 for conditional uses, as well as the requirements below.

462.1 The Home Business shall be carried on by the business owner who resides within the principal dwelling and have no more than three on-premises employees.

- 462.2 The Home Business shall be carried on within the principal dwelling, accessory structures, or on the grounds of the business owner's primary residence, and shall occupy no more than 25% of the combined area of all structures on the lot.
- 462.3 Exterior displays, exterior storage of materials, and exterior indication of the Home Business that are at variance with the residential character of the neighborhood shall be prohibited.
- 462.4 No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the Home Business;
- 462.5 No traffic shall be generated by such Home Business in greater volumes than would normally be expected in the neighborhood;
- 462.6 Parking shall be provided off-street, and shall not be located in front yards, unless existing and/or approved by the Development Review Board;
- 462.7 The Home Business shall not necessitate any change in the outside appearance of the dwelling unit other than the addition of one sign as permitted by §470 of these bylaws.

Section 470. Signs

- 471. **Objective.** The purpose guiding these regulations is to allow for Signs that are compatible with the zoning district and community character in which they are located that are clear and legible, maintained in good repair, safe and non-distracting.

471.1. General Sign Requirements.

- a. **Permits Required.** A permit from the zoning administrator is required for all Signs except those exempted from this Bylaw (see §479).
- b. **Sign Count.** Every business, unless otherwise specified, shall be limited to a maximum of one free standing pylon sign and one façade sign.
- c. **Setbacks.** Signs are exempt from Setback requirements.
- d. **Off-Premise Advertising Prohibited.** A sign or display promoting a business or activity that is not the main activity of the facility on the premises is prohibited.
- e. **Facade Sign Height.** No facade sign shall extend above the highest roofline of the building upon which it is located.
- f. **Pylon Sign Height.** No free standing sign shall extend higher than 15 feet from the average grade of the surrounding ground to the highest point of the Sign.
- g. **Business/Use Name Change.** When the use of a property is changed or when a business ceases to operate or changes names, any sign associated with such original use or business, including frames and supports, shall be removed within thirty days. Any new sign after the use of a property is changed or terminated or after a business changes names or ceases to operate, shall require a permit and comply with the requirements of this Bylaw.

471.2 Computation of Sign Area.

- a. **Existing Signs.** Existing signs shall be included in the calculation of total Sign area.
- b. **Two 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 area calculation.
 - 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 any residential zone a maximum of one permanent sign not exceeding six square feet is allowed.
 - b. Sign Height. No freestanding sign in a residential zone shall be higher than 10 feet from the average grade of the surrounding ground to the highest point of the Sign.
473. **Sign size in Business Zones (CB, COM, BE, IND, INN, SI, SU & AB).**
- a. Sign Size. No business shall have a sign or combination of signs in business zones that exceed 150 square feet in total area, except as follows:
 - 1. AB, INN & CB – no sign or combination of signs shall exceed 75 square feet in total area
 - 2. SU & SI – no sign or combination of signs shall exceed 25 square feet in total area.
474. **Other Signs and Sign Bonuses.**
- a. Corner Lot Sign Bonus. When a business fronts on more than one Street, an additional free-standing sign, façade sign and directory-board sign shall be allowed facing each 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 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 sign shall not exceed ten square feet in total 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 and shopping centers shall appear harmonious and have the same aspect ratio as other collocated Directory Board Signs.

5. Size Exemption. Directory-board signs shall not count towards the sign size maximum per business.
- c. Awning Sign. Additional on-premise business signs above and beyond the zone's area maximum per business are allowed on awnings, provided that the sign area on each awning is not greater than twenty-five percent of that total awning area.
476. **Prohibited Signs.**
- a. Omission. All Signs not specifically permitted by these regulations are prohibited.
 - b. Internally illuminated Signs. Internally illuminated signs are prohibited in all zones.
 - c. Animated and/or Flashing Signs. Signs which are animated, flashing, moving or with intermittent illumination are prohibited with the exception of barber poles and signs containing clocks and temperature readings.
 - d. Hazard. No sign, in the opinion of the Zoning Administrator, shall be erected or maintained in such a manner that it obstructs free and clear movement, vision or is otherwise a hazard to drivers or pedestrians.
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. 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 street, roads, or properties. Lighting fixtures illuminating signs shall be of a type such that the light source (bulb) is not 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. **Exemptions.** The following signs shall be exempt from the provisions of these regulations: Signs identifying directions to the location of Memorial, historical and religious locations; traffic signs; legal notices; "for sale" signs attached to vehicles; one temporary, non-illuminated real estate sign per broker not to exceed nine square feet; signs for trespassing, safety zone, or other legal posting of property not to exceed three square feet in area; one construction site identification sign per site not to exceed nine square feet; one e911 sign per address not to exceed six square feet; political lawn signs not to exceed 6sf. Signs designating handicapped access and parking.
- a. Temporary off-premise notices of cultural or special events sponsored by local non-profit organizations may be exempted from these regulations at the discretion of the Zoning Administrator. All such cultural or special events signs shall be in place no more than one week prior to the event that it advertises and be removed within 24 hours of the completion of the event that they advertise. Temporary signs are only permitted for non-commercial events or activities of the previously limited duration unless otherwise exempted under §479d. Temporary signs shall not be affixed to

utility poles, directional or street signs, or other public property. The Zoning Administrator shall be empowered to remove all temporary signs in violation of their authorized use, and to charge a reasonable fee for the return of any unlawful temporary sign.

- b. Banners, Signs, and other similar displays intended to promote the Town of Morristown and/or the Village of Morrisville under the auspices of a non-profit community or civic organization are exempt from these regulations, provided that any commercial sponsorship information (logo, name, etc.) does not exceed 25% of the total area of the banner or display.
- c. Business Window Signs. Business window signs displayed inside of a 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.
- d. Temporary signs for a company factory sale that operates under a permitted Direct Sale of Goods Produced On-Site use shall be exempt from the provisions of §478, provided that such sale is not more than four times per calendar year, the signs are in place for no more than 72 hours per sale, the signs are not lit, animated, greater than 10 square feet in size and number less than ten. The Zoning Administrator shall be empowered to remove said signs if they do not comply with this exemption.

Section 480. Uses Specially Regulated.

- 481. **Bulk Storage of Fuel.** Bulk Storage of Fuel is allowed upon Conditional Use approval by the Development Review Board, provided that the following conditions are also satisfied:
 - a. There shall be a bermed and landscaped screening area along the side and rear lot lines no less than twenty-five (25) feet deep.
 - b. The entire storage and distribution facility shall be surrounded by a metal fence no less than four feet in height.
 - c. The applicant shall provide and the Development Review Board 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.
- 483. **Motor Vehicles Sales and Service or Auto Repair Facility.** In all district where permitted, motor vehicle sales and service, new or used car dealerships shall comply with the following:
 - 483.1 No pieces or parts or other material or supplies associated with the vehicle sales and service are to be outside except those in a dumpster.

- 483.2 All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.
 - 483.3 All vehicles shall have a valid Vermont Inspection Sticker within 15 days of arriving on the property and must be in a drivable roadworthy condition, or must be moved to another approved location. Vehicles where parts have been ordered for and have not arrived shall have a total of 15 days (the time before the parts were ordered and once the parts arrive) to have a valid Vermont Inspection Sticker or the vehicle must be removed.
 - 483.4 No junk vehicles may be kept on site for more than 24 hours.
484. **Motor Vehicle Service and Fuel Stations.** In all districts where permitted, motor vehicle service and fuel stations shall comply with the following:
- 484.1 The lot used for such a facility shall not be located within three hundred feet (300') of any lot occupied by a school, hospital, library, or religious institution.
 - a. The minimum lot size for such a use shall be one half acre in the Village and one acre in the Town.
 - b. The minimum lot frontage shall be 150 feet.
 - c. The minimum lot depth shall be 125 feet.
 - 484.2 Pumps, lubricating, and other service devices shall be located at least fifty feet from any property line.
 - 484.3 All fuel and oil shall be stored at least thirty-five feet from any property line.
 - 484.4 All motor vehicle parts and dismantled vehicles are to be stored within a building, and no major repair work is to be performed outside a building.
 - 484.5 No signs shall extend beyond the pumps, nor exceed fifteen feet in height.
 - 484.6 There shall be no more than two access driveways from any street.
 - a. The maximum width of each driveway shall be forty feet
 - 484.7 A suitably curbed, landscaped area shall be maintained at least five feet in depth along all street frontage not used as a driveway.
 - 484.8 No pieces or parts or other material or supplies associated with the vehicle sales and service are to be outside except those in a dumpster.
 - 484.9 All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.
 - 484.10 All vehicles shall have a valid Vermont Inspection Sticker within 15 days of arriving on the property and must be in a drivable roadworthy condition, or must be moved to another approved location. Vehicles where parts have been ordered for and have not arrived shall have a total of 15 days (the time before the parts were ordered and once the parts arrive) to have a valid Vermont Inspection Sticker or the vehicle must be removed.
 - 484.11 No junk vehicles may be kept on site for more than 24 hours.
485. **Extraction of Soil, Sand or Gravel.** In any district, the removal of soil, sand or gravel for sale (except when incidental to construction of a building on the same premises) shall

be permitted only by the Development Review Board, after a plan for the rehabilitation of the site approved at a public hearing. The following provisions shall apply:

- 485.1 **Performance Bond.** Before approval of any new or proposed extension of a 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.
 - 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 pit.
 - 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, fertilized, mulched and seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Zoning Administrator.
 - 485.4 All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.
 - 485.5 No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
 - 485.6 No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
 - 485.7 All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.
 - 485.8 Extension of an existing non-conforming operation shall not be permitted.
 - 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 Development Review Board may attach any additional conditions as it may find necessary for the safety and general welfare of the public.
486. **Mobile Homes and Manufactured Homes.** Mobile homes and manufactured homes shall be treated the same as any other single family residential structure for the purposes of these Bylaws provided the home is securely anchored to a permanent foundation or pad and a durable skirt, consistent with the appearance of the home, is installed around the home.

487. **Garage, Porch, & Lawn Sales.** 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.
- 487.1 Garage/Lawn/Porch sales shall be temporary, not to exceed 3 consecutive days at a time.
- 487.2 Garage/Lawn/Porch sales shall be held no more than 4 times per year at any residential site.
- 487.3 Signs for garage/lawn/porch sales shall be considered temporary signs regulated according to §475 of this ordinance.
- 487.4 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 §423, 460, and 630 of this ordinance)
488. **Campers.** It shall be unlawful for any person to park a camper except in an approved campground, in an approved camper sales lot, or on the owner's property. If parked on the camper owner's property, the camper:
- shall be parked behind the front line of the principal building on the site;
 - shall not be located within required setbacks for the district in which it is located;
 - shall not be used as living quarters for more than 30 days within a 12 month period; and
 - shall not be permanently hooked up to water or sewer utilities
489. **Storage Trailers.** Storage trailers in residential districts shall be parked behind the front line of the principal building on the site and shall not be located within the applicable setbacks for the district in which the site is located.

Section 490. Exterior Lighting.

- 490.1 Exterior Lighting. All exterior lighting for residential or business uses shall be accomplished by using cut-off, down-shielded light fixtures. Light emanating from said fixtures shall not spill onto neighboring properties, Streets or produce a hindrance to traffic movement in the opinion of the Zoning Administrator.
- 490.2 Parking Lot Lighting. Parking lot light structures shall be limited to twenty feet in height and the light emanating there from shall be accomplished by using cut-off, down-shielded light fixtures where the light emanating therefore shall not spill onto neighboring property lines or Streets. Parking lot lights shall only be illuminated when the subject business is open or until 10:00 PM, whichever is later.
- 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 for §490 shall include lighting for street lights, holiday lights

- during the months of November, December and January and that municipally operated parking lot lights may remain on overnight.
- 490.6 Proposed lighting installations that do not comply with §490 Exterior Lighting maybe approved by the Development Review Board 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.

Section 495. Private Airstrips.

496. **Personal Use Airstrips may be allowed** by the Development Review Board as a conditional use in the Rural Residential/Agricultural District provided the following criteria are satisfied:
- a. The airstrip will not create a safety hazard or interfere with the operations of the Morrisville-Stowe Airport.
 - b. The Applicant obtains a letter of approval from the Federal Aviation Administration (FAA), per part 157.*
 - c. The Applicant obtains a letter of approval from the Vermont Agency of Transportation (VAOT).
 - d. The airstrip is to be used for personal use. (see definition of personal use airstrips).
 - e. The airstrip is to be at least two hundred (200) feet from all property lines at the ends of the airstrip and at least one hundred (100) feet from sides of the airstrip from all property lines.
 - f. All current FAA and VAOT regulations for private airstrips must be adhered to.
 - g. The Applicant must obtain the sign-off from the Morristown Police Department, Fire Department and Rescue Squad.
 - h. The airstrip is available to any aircraft for an emergency landing.
 - i. Approval may be granted by the Morrisville/Morristown Development Review Board, conditioned on the Applicant obtaining FAA and VAOT approval, as the FAA and VAOT cannot grant approval until the application has been approved by the Morrisville/Morristown Development Review Board.

ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS

Section 500. Site Development Plan Approval.

501 **Any Permitted Use within any zoning district** can be approved by the Zoning Administrator without a public hearing if the site plan requirements in §502 and §503 are satisfied by the Applicant. At the discretion of the Zoning Administrator or request of the applicant, any permit application can be referred to the Development Review Board for further permitting. If the application is classified as a Permitted Use, the Development Review Board may approve the application without a warned public hearing.

502. **Site Plan Requirements.** In applying for hearing before the Development Review Board for Site Development Plan Approval, Conditional Use, Variance, Waiver, or Site Plan Approval from the Zoning Administrator, the applicant shall submit two full-size printed copies of the site plan, as well as an electronic copy of said site plan via email in a PDF format, in addition to other supporting data to the Development Review Board including all of the following information presented in drawn form and accompanied by a written text:

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, contours labeled in feet, structures, water supplies or connections, water and sewer lines or connections, sewage disposal areas and facilities, rivers, streams, water courses, drainage ditches, culverts, bridges, swamps, marshy areas, bogs, and unusual natural and geologic features
6. A boundary survey shall be required for all conversions to Dwelling Unit Multi-Family use; and
7. **Stormwater Treatment.** When Development is not subject to a state stormwater permit, local treatment of stormwater is required during Site Development Plan Approval for all non-residential uses and Dwelling Unit Multi-Family uses with building footprints of 20,000 ft.² or larger and when an addition to an existing structures(s) results in a building footprint of 20,000 ft.² or larger. Said treatment shall be accomplished by the disconnection and infiltration of the building's roof runoff for the Water Quality Storm (or storage, treatment and release of said stormwater in soils not suitable for infiltration). A letter from an engineer (or from an individual that is determined by the permit granting authority to be qualified to offer such an opinion) affirming said treatment shall accompany all site plans requiring Stormwater Treatment. Non-compliance with this bylaw requirement shall be determined by the Zoning Administrator when the components of the stormwater system permitted under this bylaw are found to be surcharging,

malfunctioning, flooding or have standing water 72 hours after a Water Quality storm event.

503. **Additional Conditions.** The Development Review Board may impose appropriate conditions and safeguards with respect to the following:
- 503.1 Adequacy of traffic access and circulation
 - 503.2 Provision of parking
 - 503.3 Landscaping and screening per §639.3
 - 503.4 To protect the utilization of renewable energy resources

Section 510. Planned Unit Development/Conservation Subdivision (Major Subdivision required)

1. **Overarching Purposes.** The overarching purposes for Planned Unit Developments (PUDs) / Conservation Subdivisions are as follows:
 - a. To encourage the permanent preservation of public open space with agricultural land, forestry land, flood zones, wildlife habitat and other natural resources including aquifers, water bodies and wetlands included therein;
 - b. To allow for greater flexibility and creativity in the design of residential developments;
 - c. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
 - d. To minimize the total amount of disturbance on the site and retain natural drainage patterns;
 - e. To further the goals and policies of the Morrisville/Morristown Town Plan;
 - f. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner; and
 - g. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.
2. **Site Specific Purposes.** The site specific purposes for Conservation Subdivisions are to permanently protect the following Natural Resources as shown on the Agency of Natural Resources Natural Resource Atlas in dedicated open space via the following list of prioritized priorities:
 - a. To protect the public water supplies (Groundwater SPA);
 - b. To protect agricultural soils listed as Prime or as Statewide;
 - c. To protect Wetlands;
 - d. To protect Rare Threatened Endangered Species;
 - e. To protect Deer Wintering Areas;
 - f. To protect Significant Natural Communities;
 - g. To protect Habitat Blocks;
 - h. To protect Vernal Pools; and
 - i. To protect steep slopes greater than 25%;

3. **Applicability.** The Conservation Subdivision process is required for all Major subdivisions in all residential zones.
4. **Sketch Plan Review.** Prior to submitting a preliminary plat application, the applicant shall host a Sketch Plan review site walk with the Zoning Administrator on the proposed development site. At the development site, the Zoning Administrator shall familiarize himself with the land and inform the applicant about the Conservation Subdivision design process. The Zoning Administrator shall bring a survey of the property (or a tax map if a survey is not found in the Land Records) and a printout of the Vermont Agency of Natural Resource's Natural Resource Atlas with the following map layers turned on: Contours, Rare Threatened Endangered Species, Significant Natural Community, Deer Wintering Areas, Habitat Blocks, Vernal Pool Confirmed, Wetlands, Soils Prime Agricultural, Groundwater SPA, Parcels, Slope.
During the Sketch Plan Review meeting the following shall be determined:
 - a. **Natural Resource Identification.** Natural Resource Identification shall be accomplished for the land in question by using the aforementioned layers of the Agency of Natural Resource's Natural Resource Atlas mapping system.
 - b. **House Lot Calculation.** The maximum allowable number of house lots in a Conservation Subdivision shall be determined by using the acreage of the subject land and dividing this resultant number by the Minimum Lot Size in the zone in which the subject land is located. This calculated number of lots shall determine the total number of reduced size house lots possible in a Conservation Subdivision. This house lot number may need to be amended when a survey of the subject land is completed during the Preliminary Plat Review process.
 - c. **Five-Step Design Process.** The applicant shall work through the following five-step design process when laying out a Conservation Subdivision on the subject land: **Step 1.** Identify the natural resource areas, **Step 2.** Identify the potential development areas outside of the natural resource areas. **Step 3.** Within the potential development areas, identify potential house sites. **Step 4.** Lay out roads, driveways and utility corridors for the propose house lots. **Step 5.** Draw in the Lot Lines.
5. **Preliminary Plat Review.** The applicant shall submit a formal subdivision plan that will be reviewed by the Zoning Administrator that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:
 - a. **Preliminary Plat Information:** The plan detail requirements found in §770 & §780 of the Bylaws regarding Preliminary Plat submittals.
 - b. **Reduction of Dimensional Requirements for Conservation Subdivisions.** The following reduced dimensional requirements apply for Conservation Subdivisions when a minimum of 50% on the subject property is to be permanently protected as open space:
 1. Lot frontage shall not be less than 25 feet;
 2. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed;

3. 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 Purposes of this Bylaw;
4. The Development Review Board 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 provided that the Board deems that doing so furthers the Purposes of the Bylaw;
5. The total footprint of the development may be reduced by up to 50% (i.e. a ten acre lot that would normally yield 5 two-acre lots could become a conservation subdivision with the same five lots on 2.5 development acres with another 2.5 acres of open space); and
6. Only lots on the street to be created by the Conservation Subdivision are to benefit from the reduced area, setback and frontage requirements. No reductions of frontage, setbacks and area shall be allowed on any lot that fronts on an existing Street not created via a Conservation Subdivision.

6. Open Space Requirements.

- a. A minimum of 50% on the subject property shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots or within a permanent easement on adjoining land.
- b. The open space lot must abut at least half of the proposed house lots and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a roadway separates it. The Development Review Board may waive this requirement during Final Plat Approval when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.
- c. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review.
- d. Acceptable uses of the dedicated open space include: recreation, walking trails, bike paths, view vistas, parklands, agriculture, forestry or a combination of these uses. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose and intent of this Bylaw during the §750 Final Plat Approval process.
- e. Disturbed Areas within Open Space: not more than one-half of dedicated open space shall be disturbed or altered from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place – the regrading and replanting of a gravel pit as an example.
- f. Open space shall not include land set aside for the road's right-of-way.
- g. Dedicated open space may be used for a communal sewerage disposal system serving the subdivision. However, mounded communal wastewater systems and individual septic systems shall not be allowed in the open space.
- h. Engineered drainage systems such as retention, detention and infiltration ponds, shall not be allowed within the open space.

- i. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space.
- j. The ownership of the Open Space shall be conveyed to the Town, the Town's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Town of Morristown or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein
- k. A maintenance easement shall be granted to the Town if the open space is to be retained in private ownership or to be owned by the homeowner's association. Said easement over such land shall ensure its perpetual maintenance and provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.
- l. The protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for new house construction within the subdivision. The use of boulders unearthed during construction or other reasonable measures shall be used to delineate the open space and ensure it is not encroached upon by construction equipment or later by abutting lot owners.
- m. Walkways, hiking trails or bicycle paths shall be provided where feasible to link the house lots with the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected by said walkways, hiking trails or bicycle paths.

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 Select Board 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.

611. **Appointment and Duties.** The Morrisville-Morristown Development Review Board (herein referred to as the "Development Review Board") shall conduct its duties as prescribed in 24 VSA §4461. The Development Review Board shall consist of not less than three (3) nor more than (9) members. The Development Review Board may have up to seven (7) alternate members to serve on the Board in accordance with the Morrisville/Morristown Alternate Policy.
- 611.1 All matters, except for appeals of decisions of the zoning administrator, must come before the Development Review Board by referral of the zoning administrator. Any such referral decision may be appealed as a decision of the zoning administrator.
- 611.2 Minutes will be taken of all meetings of the Development Review Board and maintained by the Zoning Administrator. Such minutes shall include the name, address, and participation of any person wishing to achieve status as an interested person as defined in these bylaws.
- 611.3 The Development Review Board shall conduct all reviews concurrently where feasible if a project requires more than one type of review.
612. **Public Hearing Notice Requirements:** A warned public hearing is required for conditional use approval, site plan review, waivers, variances, zoning administrator appeals, and subdivision approval. Notice for a public hearing shall be warned not less than 15 days prior to the date of the public hearing by the following means:
- a. Publication of, the date, place, and purpose of the hearing in a newspaper of general circulation in the town.
 - b. Posting of the same information in three or more public places within the town, including posting by the applicant within view from the public right of way most nearly adjacent to the property for which an application is made.
 - c. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right of way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

Section 620. Enforcement, Remedies and Penalties

621. **General Enforcement.** These Bylaws shall be enforced in accordance with §4451, 4452 and 4454 of the Act and any section of any applicable future Vermont Statute.
- 621.1 Whenever these Bylaws are in violation of Vermont Statutes, the Statutes of the State of Vermont shall prevail and §121 of these Bylaws shall be applicable.
- 621.2 This municipality shall enforce all decisions of the Morristown-Morrisville Joint Development Review Board 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.** Any person who violates these Bylaws after they have been adopted or 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 fifty dollars (\$50.00) for each offense, unless subsequent Vermont Statutes allow municipalities to change the maximum amount of the fine.
- 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.
623. Further violations of these Bylaws regarding §4451(b) of the Act shall be penalized in accordance with that Section of the Act if applicable.
624. **Enforcement-Remedies.** If any street, building, structure, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of these bylaws the Zoning Administrator shall institute in the name of the Village of Morrisville and/or The Town of Morristown any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

Section 630. Conditional Uses.

631. **Procedure.** The Development Review Board may allow uses listed as Conditional Uses in the district regulations after public hearing, as provided for in §4414(3) of the Act. The Development Review Board must hear any application classified as a Conditional Use at a warned public hearing.
632. **General Standards.** In order to allow the proposed use, the following general standards shall not be adversely affected:
- 632.1 The capacity of existing or planned community facilities
 - 632.2 The character of the area affected
 - 632.3 Traffic on roads and highways in the vicinity
 - 632.4 Bylaws in effect with special reference to these zoning regulations
633. **Other Standards.** Other general guidelines for evaluation are that the use:
- 633.1 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result
 - 633.2 Will not result in undue water, noise, or air pollution
634. **Determinations.** In making these determinations the Development Review Board shall at least consider: the elevation of land above sea level; and in relation to flood plains, the nature of soils and subsoil and their ability to adequately support waste disposal; the slope of land and its effect on effluent; the availability of streams for disposal of effluent; and the applicable federal, state and local health and natural resources regulations.
635. **Specific Standards.** In allowing a conditional use, the Development Review Board shall consider specific standards including:
- 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
 - 635.3 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 required
 - 635.6 Limiting the number, location and size of signs
 - 635.7 Landscaping and screening. Landscaping details shall be provided as part of proposed site development plans. Such plans shall include detailed specifications, including size, type and location, of all existing and proposed planting and landscape materials; and shall be designated to conform to the terms and conditions of §639 of these regulations.
 - 635.8 Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use

- 635.9 Requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions
- 635.10 The Development Review Board may require one, three and five year reviews of any project before the Board.
636. **Extra Conditions.** The Development Review Board 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.
637. **Pre-Existing Conditional Uses.** Uses listed as conditional uses that existed prior to the effective date of these regulations shall conform to all requirements herein pertaining to conditional uses with respect to a change in use, expansion or contraction of land area, or alteration of structures.
639. **Landscaping Standards.**
- 639.1 **Purpose.** These standards are intended to guide the DRB and applicants in developing and reviewing site development plans to ensure that landscaping is designed to enhance the overall appearance of individual properties; integrate new development into its natural and historic surroundings; preserve and enhance the particular identity of individual sites; and to maintain compatibility among neighboring properties and consistency within the community.
- 639.2 **Landscaping Plan.** As required by §635.7, a landscaping plan shall be drawn to a scale that will allow a clear representation of the work to be performed. Existing natural features, landscaping and site improvements, including structures, parking areas and driveways, shall be shown with appropriate planting and/or construction details. Building elevations shall be provided when the DRB deems it necessary to convey the heights of existing and/or proposed landscaping relative to existing and/or proposed buildings.
- 639.3 **Landscaping Standards.** Trees, shrubs and planting beds.
- a. Landscaping shall be designed to achieve the purposes of this section, strengthen the features and conditions unique to each site, and should include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs, well-kept grasses and ground covers. Landscaping may be required in front and side yards, adjacent to parking areas and where rear yards abut residential properties or public roads.
 - b. Maximum effort shall be made to save existing trees, especially those that are mature or determined to be of special horticultural or landscape value. 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 and silt fences, shall be installed during construction

around the drip lines of trees and plantings that are to remain on the site and may be damaged by construction activity. The DRB may require that existing trees to be saved in the area affected by the development shall be replaced with large tree specimens (up to 6" caliper) in the event of death during or after site development.

- c. Landscaping plans shall emphasize the use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the façades of buildings, to visually reduce the scale and bulk of large buildings, to integrate the site with the surrounding landscape and to enhance environmental quality (i.e., wildlife habitat, soil stabilization, stormwater retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints. Shade trees shall be of sufficient size to achieve the desired effect, but in no event shall they be smaller than 2.5" - 3.0" caliper (trunk diameter), measured at a height of five (5') feet, or, in the case of coniferous trees, a minimum of 8' - 10' in height. Said trees shall be relatively long-lived (i.e. over 60 years) species with a high tolerance for soil compaction. Landscaping plans shall also emphasize the use of street trees along road frontage. In instances where a planting strip is required along road frontage, at least 1 street tree shall be planted for each 30 linear feet of landscaping strip. Such trees shall be planted along the edge of the road right-of-way, and shall be a minimum of 2.5" - 3.0" caliper (trunk diameter), measured at a height of 5 feet, unless otherwise specified by the DRB upon consideration of site conditions and be an appropriate species of nursery stock deciduous shade tree - not conifers, but native species, aside from Ash Trees, shall be used when possible;
- d. Landscaping beds should enhance the general appearance of the site, define planting strips and buffer areas and reduce the amount of grass lawn area; such beds are not to be considered a substitute for tree plantings.
- e. All plantings shall be installed according to accepted horticultural standards. Plant species should be hardy for zone three or hardier as defined in University of Vermont Extension Service's "Landscape Plants for Vermont". Sizes of trees and plantings shall be specified and shall be appropriate in terms of function and size.
- f. The owner shall ensure proper watering and fertilization for plant viability and shall replace dead and dying trees for a period of one year after planting.
- g. Adequate planted screening shall be required that is robust enough to shield any home-site, including a home-site across a roadway, from view of a ground mounted solar array that is greater than 15 kilowatts and requires a Certificate of Public Good from the Public Service Board

639.4 Site Protection and Restoration.

- a. Topsoil shall be preserved and redistributed on all regraded surfaces and

disturbed areas and shall 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.

- b. Proper soil erosion control measures shall be taken during and after construction. Landscaping plans shall incorporate setbacks from streams pursuant to §3.10 of these regulations and existing natural drainage patterns shall be preserved wherever possible. Seed and mulch shall be applied as soon as possible on all disturbed sites to stabilize soils.
- c. The landscaping plan shall include sedimentation and erosion control measures to ensure that site improvements do not generate additional stormwater runoff, erosion or sedimentation of surface waters beyond the boundaries of the project.

639.5 Screening. Sufficient screening shall be provided if the DRB determines that topographical or other barriers do not provide adequate screening. Screening may be required in the following cases:

- 1. Where more intensive land uses are proposed to abut less intensive uses.
- 2. Adjacent to garbage collection and utility areas, satellite antennas, outdoor storage, and loading and unloading areas and other outdoor utilities and facilities.
- 3. When the project adversely impacts adjacent properties (i.e. lighting, outdoor storage, etc.) and when contiguous land uses and activities will adversely impact on the development (i.e. roads or incompatible uses).
 - a. Screening should provide year-round visual interest, particularly from roads. A diversity of materials should be used to create an interesting, naturalized screen rather than a large expanse of uninterrupted, uniform material. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations thereof to achieve the same objectives.
 - b. Arrangement of screening shall provide protection to adjacent properties and avoid damage to existing plantings. If re-contouring of the site is proposed, the side slope shall be used for plantings. A 4:1 slope is recommended.

639.6 Parking Lot Landscaping.

- a. Landscaping shall emphasize the use of shade trees to provide a tree canopy, provide separation to avoid large expanses of parking and minimize the visibility of parking areas from off-site. Suitable locations for shade trees include along walkways, in center islands, in between parking clusters in appropriate locations.
- b. Parking shall be bordered with a buffer area landscaped in a manner that integrates the parking area together with the overall landscaping plan for the

site, reduces the visibility of the parking area from off-site, and provides suitable locations for shade trees.

- c. All landscaping in parking lots and on the street frontage shall be placed so that it will not obstruct visibility when moving from the parking area onto the road.
- d. All plantings shall be maintained and adequate provision made for snow removal from parking spaces and lanes.
- e. Acceptable surface materials shall include, but are not limited to, concrete, brick, cement pavers, asphalt, stone, gravel, and flagstones. Area(s) to be held in reserve for future parking, or for overflow parking, should be planted in grass or other landscape materials.

Section 640. Appeals.

641. **Filing Appeals.** An interested person may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the Chair of the Development Review Board and a copy of such notice shall be filed with the Zoning Administrator.

641.1 **Notice of Appeal.** The notice of appeal 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.

641.2 **Timing of Appeals.** An appeal of any decision of the Zoning Administrator must be filed within fifteen (15) days of the date of such decision or act.

641.3 **Interested Person - Defined.** An interested person shall include the applicant and

- a. Any person owning title to property or a municipality or solid waste management district affected by the decision who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
- b. A municipality that has a plan or a bylaw at issue in an appeal or which adjoins that municipality;
- c. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any act or decision taken by the Zoning Administrator who can demonstrate a physical or environmental impact on that person's interests under the criteria being reviewed and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the municipal plan or these bylaws;
- d. Any ten (10) persons who may be any combination of voters or real property owners within the municipality who by signed petition to the Development Review Board allege that the relief requested, if granted, will not be in compliance with the municipal plan or these bylaw; such petition shall

designate one person to serve as petitioners' representative in all matters related to the appeal;

- e. Any department or administrative subdivision of this state owning property or any interest in property within the municipality, and the Vermont Agency of Commerce and Community Development;
- f. Any other party declared to be an interested person in §4465(b) of the Act.

641.4 **Appeal Fees.** The fee for an appeal hearing before the Development Review Board shall be set by the legislative body. Fees submitted for appeals of Enforcement Orders issued in accordance with §620 of these Bylaws which are subsequently approved by the Development Review Board shall be refunded to the appellant.

642. **Public Hearing on the Appeal.** The Development Review Board shall set a date and place for a public hearing on an appeal which shall be within sixty (60) days of filing the notice of appeal according to §4466 through 4468 of the Act.

642.1 **Public Notice.** The Development Review Board shall give public notice of the hearing and shall mail to the appellant(s) a copy of such notice at least fifteen (15) days prior to the hearing.

642.2 **Responsibilities of the Party Appealing a Permit or Decision.** It shall be the responsibility of the party appealing a permit or decision to notify all interested parties of the appeal.

642.3 **Hearing Procedures.** The public hearing shall be open to the public. The Development Review Board from time to time may adjourn any hearing held under this section, provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All procedures of the public hearing shall follow those established in §4468 of the Act.

642.4 **Decisions on the Appeal.** The Development Review Board shall render its decision, which shall include findings of fact, within forty-five (45) days after completing the hearing.

- a. The Development Review Board shall within that same period send to the appellant(s), by certified mail, a copy of the decision.
- b. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy thereof shall be filed with the Zoning Administrator and the Town/Village Clerk as part of the public records of this municipality.
- c. **Time Limitation.** If the Development Review Board does not render a decision in forty-five (45) days, the Board shall be deemed to have rendered a decision in favor of the appellant(s) and granted the relief requested by the appellant(s) on the last day of such period.
- d. **Rejection of Appeal.** The Development Review Board, (under the criteria and procedures stated in §4470(a) of the Act), may reject an appeal without

hearing and render a decision, which shall include findings of fact, within ten (10) days of the date of filing of the notice of appeal.

- e. **Enforcement of Decision.** All decisions of the Development Review Board shall be enforced according to §4470(b) of the Act and any other pertinent Vermont Statute.

- 643. **Appeals of Development Review Board Decisions.** Any interested person who participated in the development review proceedings of an application by offering oral or written testimony, evidence or statement of concern related to the subject proceeding may appeal a decision of the Development Review Board to the 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 650. Variances.

- 651. All site plans submitted for a variance request shall comply with §502 of these bylaws.
- 652. **Variance Criteria.** In accordance with §4469 of the Act, the Development Review Board may grant a variance from the provisions of these Bylaws for a structure that is not primarily a renewable energy resource structure, if all of the following facts are found and the finding is specified in its decision:
 - 652.1 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;
 - 652.2 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - 652.3 That the unnecessary hardship has not been created by the appellant(s);
 - 652.4 That the variance, if authorized, will not alter the essential character of the district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare;
 - 652.5 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least possible deviation from the zoning regulation and from the municipal development plan; and
 - 652.6 That the variance meets all other criteria established in §4469 of the Act.
- 653. **Variance Procedure.** An appeal for a variance shall follow the procedures described in §641 through 643 of these bylaws and/or established in §4469 of the Act.

654. **Extra Conditions.** The Development Review Board in granting a variance may attach such conditions as it may consider necessary and appropriate under the circumstances to implement the purposes of these bylaws, the municipal development plan, and the Act.
655. **Unusual Variances.** When a variance is requested for a structure that is primarily a renewable energy resource structure, the granting or denial of such a variance shall be governed by §4468(b) of the Act.

Section 660. Local Act 250 Review of Municipal Impacts.

661. In accordance with Title 24 V.S.A. 4420, the Development Review Board is hereby authorized to undertake local Act 250 review of municipal impacts caused by a “development” and/or “subdivision,” as such terms are defined in Title 10 V.S.A. Chapter 151.
662. With respect to such “developments” and/or “subdivisions”, the Development Review Board, pursuant to the procedures established under Title 24 V.S.A. 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 Development Review Board 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 Development Review Board waives its local Act 250 review jurisdiction in the interest of fairness to the applicant.
664. Determinations by the Development Review Board regarding whether or not to waive its local Act 250 review jurisdiction shall not be subject to review.
665. At the Development Review Board’s local Act 250 review proceedings, 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 Development Review Board that the proposed “development” and/or “subdivision”:
- 665.1 Will not cause an unreasonable burden on the ability of the City to provide educational services (Act 250 Criterion 6).
- 665.2 Will not cause an unreasonable burden on the ability of the City to provide municipal or governmental services (Act 250 Criterion 7).
- 665.3 Is in conformance with the duly adopted Municipal Plan (Act 250 Criterion 10).

ARTICLE VII: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

Section 710. Application of Regulations.

- 710.1 No conveyance or lease of a subdivision or any part thereof may be made, nor any grading, clearing, construction or other improvement for such subdivision may be commenced, nor any permit for erection of a structure in such proposed subdivision may be granted, unless the subdivider shall secure approval from the Development Review Board of the proposed subdivision under these rules.
- 710.2 For the purposes of these regulations, the term Minor Subdivision shall be defined as any proposed subdivision resulting in 3 parcels or less, including the original 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 term Major Subdivision shall be defined as any proposed subdivision resulting in 4 or more parcels, including the original parcel. All Major Subdivisions must go through the §510 Planned Unit Development / Conservation Subdivision process.

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, sewage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.
- 720.3 **Conformance to Other Plans & Regulations.** The Zoning Administrator shall review the Sketch Plan to determine whether or not it conforms to, or would be in conflict with any effective municipal plan; zoning bylaw; ; official map; existing private and public development, facilities and services; other applicable bylaws, ordinances or regulations; and for any special problems that may be encountered. Findings of conformance or conflict by the Zoning Administrator shall not be binding on the public bodies responsible for administration of such programs, but are intended as an aid to the applicant at this stage.
- 720.4 **Sketch Plan Approval.** The Zoning Administrator shall determine whether the Sketch Plan meets the purposes of these Subdivision Regulations and may reject the application or make specific written recommendations for changes. Any subdivided lot must meet the minimum lot size without including any development road or public road right of way in the lot acreage. Determination of compliance at this or any other preliminary stage of review will not bind the Development Review Board in making determinations at later stages. The Sketch

Plan Approval letter must state if the proposed subdivision will be treated as a Minor or Major subdivision.

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

Section 730. Procedures for Subdivisions.

- 730.1 **Applications.** After the Sketch Plan review by the Zoning Administrator, the subdivider shall submit an application for approval of a Preliminary Plat according to the procedures and requirements of §740, followed by an application for approval of a Final Plat according to the requirements of §750 herein.
- 730.2 **Fees.** A fee for plat approval for subdivisions may be set by the legislative body and shall be submitted with the application for approval of the preliminary subdivision plat.

Section 740. Review and Approval of Preliminary Plat.

- 740.1 **Application for Approval.** Within six months after classification of the Sketch Plan as a subdivision by the Zoning Administrator, the subdivider shall file an application for approval of a Preliminary Plat according to the following procedures and requirements. Resubmission of the Sketch Plan may be required by the Zoning Administrator when this six month period is not met. The plat shall conform to the layout shown on the Sketch Plan and shall conform to the requirements described in §780 herein. If the application does not meet submission requirements imposed by these rules, the Zoning Administrator or the Board may reject the application as incomplete.
- 740.6 **Review of Preliminary Plat for Minor Subdivisions.**
- 740.6a **For Minor Subdivision.** Review of the Preliminary Plat for a Minor Subdivision shall be conducted by the Zoning Administrator, who shall study the practicability of the Preliminary Plat. Particular attention shall be given to: the arrangement, location and specifications of streets and their relation to the topography of the land; water supply; sewage disposal; drainage; lot sizes and arrangement; and the future requirements of the Municipal Plan, any official map and zoning bylaws. At the request of the landowner, any Minor Subdivisions submittal may opt to processed under the §510 PUD / Conservation Subdivision.
- 740.6b **For Major Subdivision.** All Major Subdivision applications shall be processed via the §510 Planned Unit Development / Conservation Subdivision process.
- 740.7 **Action On Preliminary Plat (non §510 PUD process).**

740.7a **For Minor Subdivision.** Within forty-five days from the submittal of a Preliminary Plan application to the Zoning Administrator, the Zoning Administrator shall notify the subdivider of his/her approval, with or without conditions, or disapproval of said Preliminary Plat. The grounds of any condition required or the grounds for disapproval shall be clearly stated in the findings of fact and conclusions of the Zoning Administrator. Failure of the Zoning Administrator to act within said forty-five day period shall constitute a preliminary approval of the Preliminary Plat. Any approval or disapproval by the Zoning Administrator is subject to appeal under §640.

740.7b **Notice Period for Minor Subdivision Action.** No less than fifteen days before action is taken by the Zoning Administrator on the Preliminary Plat of a Minor Subdivision, the submittal of said Preliminary Plat shall be advertised in a newspaper of general publication in the Municipality, and the notice of the submittal shall be posted in the Municipality at least fifteen days prior to action. At least fifteen days prior to Zoning Administrator action, a notice shall be sent to the clerk of an adjacent municipality in the case of a plat located within five hundred feet (500') of a municipal boundary.

740.8 **Approval of Preliminary Plat (non §510 process).**

740.8a **For Minor Subdivision.** Upon granting approval of a Preliminary Plat of a Minor Subdivision, the Zoning Administrator shall state the conditions of such approval, if any, with respect to (1) the specific changes which he/she will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested, (3) advise on the amount of improvement or the amount of all bonds therefore which may be required as prerequisite to the final approval of the Subdivision Plat by the Development Review Board. The Zoning Administrator will inform the Development Review Board of the approval of a Preliminary Plat of a Minor Subdivision at their next public meeting. Any approval or disapproval by the Zoning Administrator is subject to appeal under §640.

740.9 **Further Approvals Necessary.** Approval of a Preliminary Plat shall not constitute approval of the final Plat.

Section 750. Review and Approval of Final Plat.

750.1 **Application for Final Plat Approval.** Within six months after approval of the Preliminary Plat of a Minor Subdivision by the Zoning Administrator or a Major Subdivision by the Development Review Board, the subdivider shall file an application for approval of a Final Plat. The plat shall conform to the layout shown on the Preliminary Plat plus any conditions then attached by the Development Review Board or Zoning Administrator, and shall conform to the requirements described in §750. Failure to do so shall allow the Development Review Board to refuse, without prejudice, to act on the Final Plat and require resubmission of the Preliminary Plat.

750.1a

750.2 **Copies for Submission.** Four copies of: the plat (see §760.2 of these Bylaws, and 27 VSA §1403, for additional requirements required at the time of final filing); the application; all offers of cession, covenants and agreements, easements and rights-of-way shall be submitted to the Zoning Administrator at least fifteen days prior to a regular meeting of the Development Review Board following receipt of the application under §750.1.

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

750.5 **Public Hearing.** The Development Review Board shall hold at least one public hearing upon public notice according to §4464 of the Act after the official filing of the Final Plat for approval. In addition, notice of such hearing shall be forwarded at least fifteen days prior to the hearing to the clerk of an adjacent municipality in the case of a plat located within five hundred feet of a municipal boundary. Any such hearing may be recessed to a later date, if necessary.

750.5a A complete application, including all required plat information, and all fees, must be submitted to the Zoning Administrator, at least seven days before the public hearing.

750.5b If all material is not properly submitted, review of the application may be removed from the Development Review Board's schedule and a new hearing warned. Any costs associated with the need to re-warn the hearing of the application shall be at the applicant's expense.

- 750.6 **Attendance.** The Subdivider, or his/her duly authorized representative, shall attend the meeting of the Development Review Board to discuss the Final Plat and shall attend any public hearing regarding the plat. Failure to so attend may result in postponement or dismissal of the application.
- 750.7 **Action on Final Plat.** Within forty-five days from the close of the final hearing, the Development Review Board shall approve, approve with conditions, or disapprove the subdivision plat. Failure to act within such forty-five days shall be deemed approval without conditions.
- 750.8 **Bonds.** Before the Development Review Board grants final approval of the Subdivision Plat, the subdivider may follow the procedures set forth in either subparagraph (1) or subparagraph (2) below.
1. In an amount set by the Development Review Board, the subdivider shall either file with the Municipal Clerk a certified check, or letter of credit, or other security acceptable to the Development Review Board, to cover the full cost of the required improvements or the subdivider shall file with the Municipal Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the legislative body and municipal attorney as to form, sufficiency, manner of execution and surety. The Development Review Board shall fix the term of the bond, or letter of credit, up to three years. The term of the bond may, with the consent of the owner, be extended for an additional period not to exceed three years. The certified check, letter of credit, or bond shall include an amount required for recreation land or improvements. An inspection fee to be paid by the subdivider to cover the costs of inspection may be established by the legislative body as part of the application fees.
 2. The subdivider shall complete all required improvements to the satisfaction of the Municipal Engineer or a duly designated consulting engineer registered in the State of Vermont who shall file with the Development Review Board a letter signifying the satisfactory completion of all improvements required by the Development Review Board. For any required improvements not so completed, the subdivider shall file with the Municipal Clerk a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Municipal Engineer or consulting engineer. Any such bond shall be satisfactory to the legislative body and Municipal attorney as to form, sufficiency, manner of execution, and surety.
- 750.9 **Conditioned Approvals.** The Development Review Board may impose conditions, with any approval of an application in order to meet the requirements of these regulations.

Section 760. Filing of Approved Subdivision Plat.

760.1 **Filing.** Upon completion of requirements and approvals under §740 or §750 above, and so noted on Subdivision Plat and properly signed by the Chair (or Acting Chair) of the Development Review Board, the Record Plat (18" X 24" mylar) shall be filed in the office of the Town Clerk, and a copy thereof shall be entered into the Development Review Board's Files. Any Subdivision Plat mylar not so filed or recorded within 180 days of the date on which such Plat is approved or considered approved by reasons of failure of the Development Review Board to act, shall become null and void. The Zoning Administrator may extend the filing deadline an additional 90 days if other local or state permits are still pending.

760.1a **Phasing of Subdivision.** At the time the Development Review Board grants final plat approval, it may permit the Plat to be divided into two or more sections subject to any conditions the Development Review Board deems necessary in order to insure the orderly development of the Plat. The filing period of each Section shall be as designated by the Development Review Board.

760.2 **Plat Revisions.** No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Development Review Board and endorsed in writing on the Plat, unless said Plat is first resubmitted to the Development Review Board and such Development Review Board approves any modifications.

765. **Effect of Final Approval.**

765.1 **Acceptance of Streets, Recreational Areas.** Approval by the Development Review Board of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, utilities, park, recreational area, or other open space shown on such subdivision plat. Such acceptance may only be accomplished by formal resolution of the Select Board.

765.2 **Compliance with Subsequent Bylaw Amendments.** Approval of the final plat shall not exempt an applicant from compliance with subsequent bylaw amendments, except in the case of lots within the plat that have been sold in separate and unaffiliated ownership or for which zoning permits have been secured for buildings and in the case where all required improvements, including streets, pedestrian ways, and utilities have been installed in accordance with the final plat approval.

Section 770. Plat Requirements for All Subdivisions.

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

- 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, buildings and easements
8. Indication of intersecting boundaries
9. Total acreage of each Lot (also showing a separate acreage measuring that excluding Streets and any right-of-ways for roads that will be put up for public acceptance).
10. Number of acres within the proposed subdivision and within each proposed lot, 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 name(s) and address(es) of the owner(s) of record (addresses may be supplied on a separate sheet of paper).
13. The provisions of the zoning regulations applicable to the area to be subdivided and any zoning district boundaries affecting the tract (The provisions may be supplied on a separate sheet).
14. The location and size of any existing sewers, water mains, culverts, storm drains, drainage ditches on the property to be subdivided.
15. Location, names and present widths of existing and proposed streets, highways, easements, rights-of-way, building lines, alleys, parks, and other public open spaces as well as similar facts regarding adjacent property.
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. The width location, grades, and street profiles of all streets or other public ways proposed by the subdivider.
18. Contour lines at intervals of five feet of existing grades and of proposed finished grades where change of existing ground elevation will be five feet or more; all contour lines shall be labeled in feet or meters.
19. Typical cross sections of proposed grading and roadways, sidewalks and paths.
20. Connections with existing water supply or alternative means of providing water supply to the proposed subdivision.
21. Connections with existing sanitary sewage system or alternative means of treatment and disposal within the proposed subdivision.
22. Preliminary designs of any bridges or culverts which may be required.
23. The proposed lot lines and dimensions.
24. All parcels of land proposed to be dedicated to public use and the conditions of such use.
25. The location of natural features or site elements to be preserved.

26. Location of 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 790. Final Plat for Subdivisions.

- 790.1 **Final Plat Requirements for a Subdivision.** The Final Subdivision Plat shall consist of one or more sheets of drawings that conform to the requirements required in §770 for Plat submission as well as the requirements of §510 Planned Unit Development / Conservation Subdivisions:
- 790.3 **Other Required Submissions.** There shall be submitted to the Development Review Board with the Final Subdivision Plat:
- 1) Written offers of cession to the municipality of all streets, public open spaces, sewage and water systems and other utilities to be connected to municipal system, and other areas to be dedicated to the public shown on the Plat, and copies of agreements or other documents showing the manner in which areas and facilities, title to which is reserved by the subdivider, are to be maintained.
 - 2) Written evidence that the legislative body is satisfied with the legal sufficiency of the documents referred to in subparagraph (1), above. Such written evidence shall not constitute an acceptance by the municipality of any streets, public open spaces, sewer and water or utility connections to municipal facilities, and other areas to be dedicated to the public referred to in subparagraph (1), above.
 - 3) A certificate of the Municipal Engineer, or Consulting Engineer registered in the State of Vermont, as to the completion of all improvements required by the Development Review Board to the satisfaction of the Engineer and in accord with standards and specifications prescribed him or her, or in lieu of any required improvements not so completed, a performance bond to secure completion of such improvements and written evidence that the legislative body is satisfied with the sufficiency of such bond.

Section 795. Lot Line Changes.

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

ARTICLE VIII. SUBDIVISION GENERAL REQUIREMENTS & DESIGN STANDARDS

Section 800. General Requirements and Design Standards.

- 801 **Subdivision Applications Subject to Standards.** All subdivision applications are subject to the following standards.
- 800.2 **Construction According to Approved Plat.** In accordance with municipal specifications, all streets or other public places shown on approved Plats shall be suitably graded and paved, and all utilities, street lighting standards, shade trees, water mains, sanitary sewers, storm drains, and recreation areas, where required by the Development Review Board, shall be installed in accordance with the standards, specifications and procedures set forth in these Regulations and other applicable municipal regulations and ordinances, or, alternatively, a performance bond shall be required to insure completion of such improvements.

Section 810. Planning Standards.

- 810.1 **Character of the Land.** All land to be subdivided shall be, in the judgment of the Development Review Board, 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 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 for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits. All subdivisions shall be designed to minimize the use of energy resources to the greatest extent practical. Landscaping should be effectively used for providing wind barriers and reducing heat loss and heat gain. Cluster development (planned residential and planned unit development) can be considered wherever feasible, desirable and allowed.
- 810.3 **Lot Layout.** The layout of lots shall conform to the requirements of any zoning regulations in effect. Corner lots shall provide for any required setback on each street. Consideration in lot layout shall be given to topographic and soils conditions. Cluster development can be considered to preserve open space.
- 810.4 **Preservation of Existing Features.** Due regard shall be given to the preservation and protection of existing features, trees, scenic points from public property, streams, rock outcroppings, water bodies, other natural resources and wildlife habitat.

- 810.5 **Aesthetics.** Due regard shall be given to the compatibility of the project with surrounding properties, with regard toward preserving open space, viable farmland and the views from surrounding public properties.

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 the total surface area of the subdivision used for streets. Exceptions to the above requirement shall be granted for design techniques like clustering.

820.1b **Proposed Construction on Existing Roads.** Where the subdivision borders on an existing street, and if the Municipal Plan or Regional Plan indicates plans for realignment or widening of the existing street that would require reservation of some land of the subdivision, the Development Review Board shall require 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.

820.1e **Frontage on State Highways.** Applicants for subdivisions which front on state highways must receive an 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.

- 820.2 **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 regulations titled: "Town of Morristown Road 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.**

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. The Development Review Board may waive these above requirements if it finds that enforcement would be impractical because of the character and/or topography of the land and that the health, safety and welfare of the public shall not be adversely affected. However, in no case shall the allowable intersection angle 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, Cul-de-sacs and Hammerheads.** Dead-end streets shall terminate in a turn-around with a cul-de-sacs minimum radius 45 feet or hammerhead. An exception to these requirements may be made for temporary dead-end streets. Provisions shall be made for temporary turn-arounds for temporary dead-end streets. Provisions shall also be made at the perimeter for snow removal and storage.

820.5 **Streets.** Streets shall be identified by name on the preliminary plat and be approved in name by the Selectboard prior to §750 Final Plat Approval. When the Selectboard names the Street, it shall determine at that time if it will be accepted as a public road. If the Selectboard determines that said road fails to serve a public purpose and should remain private as a result, a private road covenant shall be executed and recorded for said street per the Town of Morristown Road Policy. Proposed streets that are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the names for proposed streets duplicate existing names, irrespective of the suffix, be it street, avenue, road, boulevard, drive, place, highway, trail, court, or other suffix ending. The subdivider shall install a street identification sign at every intersection.

820.6 **Access.**

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

820.6b **Class 4 Road Access.** If the access road to the subdivision is a Class 4 road, the Development Review Board shall require the subdivider to improve the access road to municipal highway construction standards until such time as the legislative body may reclassify the road.

820.6c **Existing Roads.** The Development Review Board 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.

820.6d **Private Roads.** Private roads, where approved by the Development Review Board, shall at least meet the minimum standards of the Morristown Road Policy.

820.7 **Road/Street Capacity.** All road designs 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. Sidewalks, Curbing and Lighting.

830.1 **Necessity of Sidewalks and/or Curbs and Lighting.** Sidewalks with or without curbing and/or lighting shall be constructed and installed by the subdivider if the application is a Major Subdivision and if deemed necessary by the Development Review Board and/or the Morristown Sidewalk Plan or the plans for the North End Circulation Study. Such amenities are not required if the application is a Minor Subdivision, but in certain instances may be an enhancement if they complement existing infrastructure.

- a. Sidewalks and/or curbing may be required on one or both sides of streets.
- b. Street lighting may be required along all streets, only certain streets or only at certain intersections.

830.2 **Criteria.** The Development Review Board in determining whether sidewalks and/or curbing shall be constructed and installed shall consider the following criteria:

- a. The anticipated traffic volume on the proposed or existing road.
- b. The proximity of the subdivision to schools, shopping areas, and business and commercial areas.
- c. The density and character of the development in the subdivision.
- d. The character of the neighborhood and vicinity.
- e. Whether there may exist a point of interest to the general public for which

provisions for safe pedestrian access is required.

- f. Whether a road in the subdivision is an extension of, or adjacent to, or intersecting with an existing road with sidewalks and/or curbing.

830.3 **Rights-of-Way.** All sidewalks and curbing and lighting shall be constructed and installed entirely within the present or proposed rights-of-way of the proposed or existing road.

830.4 **Construction Standards.** All sidewalks, curbing and lighting shall be constructed and installed according to specifications agreed upon after consultation with the Village/Town Road Foreman.

830.5 **Maintenance.** All sidewalks, curbing and lighting shall be maintained by the authority maintaining the adjacent roadway or by an authority agreed upon by the Selectboard.

Section 840. Utilities.

840.1 **Easements.** The Development Review Board may require that utilities be placed in the street right-of-way at the outside edges 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.

840.1a **Underground Utilities.** The Development Review Board may require underground utilities where necessary to preserve views and open spaces.

840.1b **Utility Boxes.** All boxes for utilities shall be installed at the edges of the road right-of-way.

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

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

840.2a **Extension of Municipal Utilities.** The Development Review Board may require the extension of public waters and sewers to and within a proposed subdivision, at the expense of the subdivider where existing lines are, in the judgment of the Development Review Board, within a reasonable distance of the proposed subdivision.

- 840.3 **Connections to Public Utilities.** The subdivider shall install laterals from all utilities to the street property line of each building lot. Any residential buildings constructed in the subdivision shall have house connections installed, and shall have such connections extended inside of the building. All such utility system installations shall be at the expense of the subdivider.
- 840.4 **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.
- 840.5 **Water Supply.**
- 840.5a **Individual Water Supplies.** If the proposed development is to be serviced by individual wells, the applicant shall provide the Board with a State WW permit approving the water supply prior to receiving subdivision approval.
- 840.5b **Community Water Supply Systems.** Community systems may be required to be designed in such a way that they may eventually be connected to a municipal water supply system. Articles of association or similar arrangements are required to address long-term care and maintenance of these systems by the users.
- 840.5c **Municipal Water Supply Systems.** Connections to the municipal water supply may be subject to approval by the system's local governing body. The applicant may be required by municipal water system rules to hook up to municipal systems within a certain proximity. If extensions are required by local ordinances or by State water supply rules, the applicant must be able to demonstrate the ability to obtain all permits necessary to extend water supply utilities.
- 840.5d **Compliance with State Water Supply Regulations.** All new parcels shall demonstrate compliance with standards for water supplies as set forth in the rules adopted by the Agency of Natural Resources and the Department of Health of the State of Vermont.
1. Where an application has received a Vermont DEC Water Supply Permit, copies of the permit shall be submitted with the subdivision application.
 2. Where deferrals of state permits are proposed, a signed letter from a site technician will be required certifying that the parcel(s) can meet current state requirements governing the placement and available supply of water facilities.
- 840.6 **Wastewater Disposal.**

840.6a Individual Wastewater Systems. If the proposed development is to be serviced by individual septic systems, the applicant shall provide the Board with a State WW permit approving the water supply prior to receiving subdivision approval.

840.6b Municipal Wastewater System. Connections to the municipal wastewater system may be subject to approval by the system's local governing body. The applicant may be required by municipal wastewater system rules to hook up to municipal systems within a certain proximity. If extensions are required by local ordinances or by State wastewater rules, the applicant must be able to demonstrate the ability to obtain all permits necessary to extend wastewater utilities.

840.6c Community Wastewater Systems. Community systems may be required to be designed in such a way that they may eventually be connected to a municipal wastewater system. Articles of association or similar arrangements are required to address long-term care and maintenance of these systems by the users.

840.6d Compliance with State Wastewater Regulations. All new parcels shall demonstrate compliance with standards for wastewater systems as set forth in the rules adopted by the Agency of Natural Resources and the Department of Health of the State of Vermont.

1. Where an application has received a Vermont DEC Wastewater Permit, copies of the permit shall be submitted with the subdivision application.
2. Where deferrals of state permits are proposed, a signed letter from a site technician will be required certifying that the parcel(s) can meet current state requirements governing the placement and available capacity of wastewater facilities.

840.7 Electric for Major Subdivisions. The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when required in accordance with §870.1a, the distribution systems shall be installed underground.

840.8 Fire Protection Facilities for Major Subdivisions. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board. Where required by the Development Review Board or the Fire Chief, the subdivider shall install fire

hydrants. All hydrants must be installed to the specifications of the Morristown Fire Department.

Section 850. Drainage Improvements 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 Development Review Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision.

850.1a **Peak Discharge.** There shall be no net increase in the peak discharge of storm water that leaves the project area and the applicant must show where the storm water will go. When the Development Review Board permits a waiver, the drainage shall not be allowed to have a negative impact on municipal infrastructure and/or on private property.

850.1b **Vicinity Land Drainage.** The Development Review Board may require the subdivider to provide any improvements to drainage systems serving nearby land where that land is affected by runoff from the development.

850.1c **State Permits.** The Subdivider shall obtain State storm water discharge permits if required by State law or regulation.

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 Development Review Board. The plan shall establish procedures to be followed that will minimize erosion during and after construction of the subdivision.

860.2 **Soil Management.** All excavations, grading, measures for erosion and/or sediment control shall be performed in accordance with the Vermont Handbook On Soil Erosion and Sediment Control On Construction Sites, September, 1987 edition and as revised and/or updated from time to time. Without limiting the above preceding requirements, due consideration shall be given to the following requirements.

860.2a The Development Review Board 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 (6) inches in depth. They shall be thoroughly compacted.

860.2b The Development Review Board may require embankments to be planted with stabilizing shrub or ground cover and seeded with a deep root perennial grass to prevent erosion.

860.3 **Screening and Landscaping.** The Commission 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 Commission deems it appropriate. The size, type, or location of such trees shall depend on the particular land parcel. Stripped topsoil shall not be removed from the subdivision area unless specifically approved by the Commission.

Section 870. Subdivision Organizations and Restrictions.

870.1 **Community Agreements.** When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities may be required by the Development Review Board. A prospectus shall be submitted by the subdivider describing this organization, its financing and membership, which must meet the requirements of the Development Review Board. Final approval will be contingent on the Development Review Board's receipt of final drafts of documents (such as Home Owners 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 efficiency or one-bedroom apartment 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 Use or Structure - A use or Structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or Structure.

Administrative Officer - The person appointed in accordance with §4448 of the Act; also known as the "Zoning Administrator."

Airport - The Morrisville-Stowe Airport (MVL) Airport.

Area of Special Flood Hazard - Land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A is usually refined into Zones A, A0, AH, A1 - A30, AE, or A99.

Auction Facility – A building, group of buildings or land area used as the site for an auction business, where the retail sales that take place at an Auction Facility shall be treated as an Accessory Retail and Food Use. No auction items shall be stored outdoors for longer than six months as part of this use.

Authorized Agent or Representative - A person or group of persons, who have been duly authorized by a written statement filed with the Development Review Board by the applicant to act in his or her behalf.

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

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

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

Basement - Any area of the Building having its floor subgrade (below ground level) on all sides.

Building - Any Structure that is used principally for enclosure of persons, animals, chattels, or property of any kind.

Building - [as used in the Flood Hazard Area regulations: §320 of these Bylaws]. Any walled and roofed Structure, including a gas or liquid storage tank that is principally located above ground.

Building Envelope - That portion of a lot which remains available for location of Structures after all setbacks and other applicable regulatory limitations have been satisfied.

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 unenclosed but does not include steps or ramps.

Building Height - Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the Building to the highest point of the roof for flat and mansard roofs and to the average height between eaves and ridge for other types of roofs. Building Height above the maximum height specified in each zone shall require Conditional Use review.

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

Business/Professional Office - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or governmental and generally furnished with desks, tables, files and communication equipment.

Business Services - Establishments providing primarily services (not goods or manufacturing) to individuals, institutions, farms, industries, or other businesses where such establishments do not qualify as Home Occupations, including: bank, consulting firm, insurance or real estate agency, barbershop, beauty parlor, laundry, and photographic studio.

Camper - Any motorized or non-motorized vehicle mounted on wheels and used as sleeping, camping, or living quarters. This includes a camper body mounted on a truck, but excludes mobile homes.

Campus - The grounds and buildings of a public or private college, university, school or medical institution.

Campus Sign – Any on-premise Sign for a Campus.

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

Class 2 - 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 - Any use in which BOTH 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 shall include all businesses, stores, warehouses, offices, banks, and similar Structures constructed for the promotion and conduction of commerce. This shall not include motor vehicle service stations, or transient lodging facilities.

Commercial Communication Equipment - Satellite dishes, towers and antennas that receive and or transmit signals, except those used for private or personal reception.

Community Facility - Any meeting hall, place of assembly, museum, art gallery, library, school, or other similar type of establishment which is not operated primarily for profit, excluding Public Offices and Facilities.

Community Water Supply System - Any water system owned by the same person that supplies water for domestic, commercial, industrial or institutional uses to two (2) or more, but less than ten (10) customers.

Community Sewage Disposal System - Any sewage disposal system, other than a municipal sewage disposal system, owned by the same person that disposes of sewage for domestic, commercial, industrial, or institutional uses to two (2) or more customers.

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

Day Care Facility - A conditionally allowed State licensed or State registered Family Child Care 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 construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any Building or other Structure; or any mining, excavation, or landfill; and any change in the use of any Building or other Structure, or land; or extension of use of land.

Development Review Board - The Morristown-Morrisville Joint Development Review Board created in accordance with §4461 of the Act.

Direct Sale of Goods Produced On-Site - Incidental 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 panes, lumber, etc., upon which a craft is applied on-site. Retail sale of accessory items not produced on-site yet necessary for the use of goods produced on-site is also allowed, provided that no more than 20% of retail floor and display space is devoted to these accessory items.

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-In Restaurant or Refreshment Stand - Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in motor vehicles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Drive-Through - An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, goods, or be entertained while remaining in their vehicles. Drive-Through uses may be the principal or accessory use on a lot. A Drive-Through use shall not be used for a food business, which is otherwise controlled by the definition for Drive-In Restaurant or Refreshment Stand.

Dwelling Unit, Single-Family - A detached residential Building to be used solely as a seasonal or year-round home for one family.

Dwelling Unit, Two-Family - A detached residential Building designed for or occupied as a home by two families living independently of each other or two Single-Family Dwelling Units located on the same lot.

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 - One or more persons related by blood, marriage, civil union, legal adoption, or those placed in the home for adoption, and foster children, or a group of not more than five unrelated persons living together as a single housekeeping unit.

Family Child Care Facility - A State licensed or State registered family child care 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 man-made materials erected to enclose, screen or separate areas of land. Fences may be of an open (e.g. picket) or closed (e.g. brick or stone) style.

Final Subdivision Plat - The final drawings on which the subdivider's plan of subdivision is presented to the Development Review Board for approval and which, if approved, must file an 18" X 24" Mylar for record with the Municipal Clerk.

Flood Hazard Boundary Map (FHBM) - An official map of the community issued by the Administrator, where the boundaries of the flood, mud slide (i.e. mudflow), and related erosion areas having special hazards have been designated as Zones A, M, and/or E.

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.

Floodproofed or Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to Structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents.

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

Floodway Fringe Area - The land in the Flood Hazard Areas subject to a one percent (1%) or greater chance of flooding in any given year and is designated Zone A or A1 through 30 on the Flood Insurance Rate Map. In case of streams or rivers this is usually the area between the outer boundary of the floodway and the 100 year flood boundary.

Gas Station - (See also Motor Vehicle Service Station)

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)

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 through 309 of these Bylaws.

Health Care Facility - Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis and treatment of human ailments.

Home Occupation - An accessory business conducted within a minor portion of a dwelling by the residents thereof, such that the floor area dedicated to the business use is less than 25% of the total floor area of the dwelling unit. Home Occupations shall be subject to the provisions outlined in §423 of these bylaws.

Home Business - A commercial use housed in the principal dwelling, an accessory Building, or on property owned or rented by the business owner for their primary residence. A Home Business is an accessory use that is clearly incidental and secondary to the residential use of the property. All Home Businesses under this definition must conform to the requirements specified in §460 of these bylaws. Motor Vehicle Service Station & Motor Vehicle Sale and Repair Facility are not eligible Home Business uses.

LCPC - The Lamoille County Planning Commission, see Regional Planning Commission.

Legislative Body - The Selectboard of the Town of Morristown.

Light Industry - Manufacturing which does not conduct large scale, direct processing of raw earth materials ("Raw earth materials" does not include: timber, wood, clay, tree sap, animal hides and fur or

hair, and agricultural products). Assembly of products from components produced and/or processed elsewhere is considered a "light industry."

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. Lots in common ownership shall not be considered merged if of sufficient size to meet the minimum lot size and are acquired by separate conveyances and may be conveyed provided deeds are not merged. 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 Coverage – The maximum percentage of the lot area which may be covered by the footprint (ground floor level) of Buildings and Structures.

Lot Measurements - Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; however, that width between the lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

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.

Manufacturing - Any business where the principal use is the assembly of materials or parts to be used in part or in entirety in the manufacture of consumer products such as small appliances, electronics, and clothing.

Manufactured Home - 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.

Mean sea level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the community's Flood Insurance Rate Map 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 Facility - Enclosed establishment for the display, sale and repair of new and used motor vehicles, trailers, and boats.

Motor Vehicle Service Station - Any area of land, including Structures thereon, that is used or designed to be used for the supply of gasoline or 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, dry cleaning or otherwise cleaning or servicing such motor vehicles. A motor vehicle service station is not a sales or major repair facility for autos, trucks or trailers.

Municipal Clerk - The Town Clerk of the Town of Morristown.

Municipal Sewage Disposal System - Any sewage disposal system owned and operated by the Municipality that disposes of sewage for domestic, commercial, industrial, or institutional uses.

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

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 laws, ordinances, 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 applicable laws, ordinances, and regulations 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.

Official Map - The map authorized under 24 V.S.A. 4421

Open Space - Land unoccupied by Structures, Building, streets, rights-of-way and automobile parking lots, and legally restricted from such occupation (see §517). Special allowances for common recreational Structures and equipment may be allowed by the DRB.

Parking Space, Off-Street - For the purposes of this by-law, 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 public street or alley and maneuvering room. Required off-street parking areas for three 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, walk, or alley, and 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 square feet, 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 by-laws and regulations of the municipality.

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

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.

Personal Use Airstrips – a/k/a Restricted Landing Area (RLA) - Designated locations on private property for landing and taking off privately owned aircraft. Personal use airstrips are normally only for the property owner's use. Additional users (not to exceed a total of four (4) users), such as other family members, co-owners of aircraft, co-lessees of land, etc. may be authorized. If more than four individual users are involved, an 'RLA-no personal use restriction' permit must be applied for, and a State of Vermont Agency of Transportation public hearing will be held. No commercial activity is permitted at a personal use airstrip.

Planning Commission (a/k/a Municipal Planning Commission) - The Morristown-Morrisville Joint Municipal Planning Commission established in accordance with §4321 and 4327 of the Title 24, Chapter 117 of the Vermont Statutes.

Planned Unit Development (PUD) - An area of land to be developed as a single entity for a number of dwelling units and commercial or industrial uses, the plan for which does not correspond in lot size or bulk, lot coverage, setbacks, and open space to the regulations established in the districts where such developments are allowed.

Prime Agricultural Soils – Land designated on the Vermont Agency of Natural Resources “Natural Resources 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 Agricultural Soils for the purposes of the Bylaws.

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

Preliminary Plat - The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Public Water System - Any water system(s) owned by the same person that supplies water for public, domestic, commercial or industrial uses to ten (10) or more households by pipe connection or by containers.

Public Offices and Facilities - An office, meeting hall, court rooms, and similar Structures occupied by the United States government, the State of Vermont, the County of Lamoille, the Town of Morristown, the Village of Morrisville, the Morristown Town School District, the Lamoille South Supervisory Union, the Morristown Corners Fire District, the Lamoille Regional Solid Waste Management District, the Community College of Vermont, or any department or agency thereof, or their successors.

Public Water, Public Sewer - Water supply and sewage disposal systems approved by the State of Vermont as a public water or sewer system.

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/Indoor - Includes bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and other public or commercial indoor recreation.

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

Regional Planning Commission - The planning commission for the region created under Subchapter 3 of the Vermont Planning and Development Act, Title 24 V.S.A. Chapter 117, and which this Municipality is a member of, and known as the Lamoille County Planning Commission, Inc.

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

Retail Delivery 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, gasoline and/or fuel service, 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 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."

Salvage Depot - Any enclosed Structure used for the collection, storage, processing, or resale of waste paper, rags, scrap metal, auto parts, or other scrap or discarded goods, materials, and machinery.

Seasonal Storage - The storage of items that are only used seasonally, such as but not limited to cars, motorcycles, campers, boats, RV's, snow machines, etc., excludes "mini storage" units

Setback - The distance from the nearest portion of 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, leaders, cornices, chimneys, and roof overhangs; (2) the footprint of stairs to first floor of a Structure; (3) ramps or other Reasonable Modifications under The Fair Housing Act; (4) Fences & (5) Signs.

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.

Shall - Denotes a mandatory requirement.

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)

Sign - Any device, Structure, Building or part thereof, which is used to bring a subject to the attention of the public.

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 natural resources such as stone, sand, gravel, minerals, or wood. These operations are generally incompatible with other uses and require large land areas.

Storage Trailer - a trailer having one or more axles, whether intact or removed, with a hitch to be pulled by a motorized vehicle, and designed as a permanent enclosure, not completely removable, with doors or hatches to gain entry (see §489)

Storage Yard - Any outdoor area, whether fenced or unfenced, which is used to stockpile, save, or otherwise store any goods or materials.

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

Structure - An assembly of materials for occupancy or use, including but not limited to: Buildings, mobile homes or trailers, satellite dishes, manufactured homes, billboards, signs, walls, or fences, 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 resubdivisions and the development of a parcel of land as a planned residential development or planned unit development.

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 improvement - Any repair, reconstruction, or improvement of a Structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the Structure either, (a) before the improvement or repair is started, or (b) if the Structure has been damaged, and was being restored before the damage occurred. The term does not, however, include either (1) any project for improvement of the Structure to comply with existing State, or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a Structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

Towers - A Structure that is intended to send and or receive signals from satellite or ground based through the air/atmosphere; including but not limited to radio, television, telecommunications, beeper, pagers, wireless phones, two way radios, HAM radios, and other types of transmitting or receiving Structures.

Town Clerk - The Town Clerk of the Town of Morristown.

Town Highway, 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.

Town Highway, 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.

Town Highway, 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 representative of the Transportation Board.

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

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

Transient Lodging Facility - A Structure or combination of structures on the same lot containing four or more bedrooms that are rented as sleeping units for persons on a temporary basis. An existing Structure of combination of Structures on the same lot containing three or less bedrooms that may or may not be rented as individual sleeping units for persons on a temporary basis shall be allowed by-right as part of any residential use in all zones. This definition shall include: "bed and breakfasts," "hotels," "inns," "motels," "lodges," and "hostels."

Warehouse and Storage Facility - Includes warehouses, bulk storage facilities, and other similar Structures provided that all long-term storage is located within the Structure(s).

Water Quality Storm - The 0.9 inch storm event as determined by the unified storm sizing criteria found in the most recent edition of The Vermont Stormwater Management Manual published by the Agency of Natural Resources.

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, mud flats, bogs and ponds, excluding such area that grow food or crops in connection with farming activities.

Wholesale Distribution - Establishment or places of business primarily engaged in selling merchandise to retailers; to industry, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard - Space on a lot not occupied with a Building or Structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main Building and shall not project into a required yard.

Yard, Front - Yard between the front lot line and the front line of a Building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the street line of the Building.

Yard, Rear - Yard between the rear lot line and the rear line of a Building extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the Building.

Yard, Side - Yard between the principal Building or accessory Building and a side lot line, and extending from the front yard to the rear yard.

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

ARTICLE X. ZONING DISTRICT BOUNDARIES

Section 1000. Central Business (CB).

Traveling in a clockwise direction around the district, from a point beginning on the northwest corner of lot 69 on tax map 21 east to the intersection with the railroad right-of-way. From the railroad right-of-way on the west to the Lamoille River on the east. Traveling against the current of the Lamoille River on west to line projecting due north from northwestern corner of lot 205 on tax map 21. The running along the eastern property line of the cemetery on lot 193 on tax map 21 to a point of intersection with Richmond Street. Then traveling south on Richmond Street to a point of intersection with the southeast corner of the library property. Then traveling west along the front of the library and further west along Upper Main Street to a point of intersection with Portland Street. Then crossing Upper Main Street on an angle to the northeast corner of lot 15 on tax map 21 due south to a line 125' south of the centerline of Main Street. Then west to the centerline of Congress Street and then to a point 200' south of the centerline of Main Street. Then west from said point to the centerline of East High Street and then north to the intersection of East High Street and Main Street and then west along A Street to the centerline of the Lamoille River. Then traveling north along the Lamoille River to the Bridge Street Bridge. Then heading west along Bridge Street to include lots 55, 56, 57, 58, 59, 60, 61, 62 and 65 on the south side of said street. Then moving north to along the western property line of lot 69 on tax map 21 to the point of beginning.

Section 1010. Commercial (COM).

1011. Commercial Zone #1 (COM 1).

From a point beginning at the northernmost corner of lot 181 on tax map 8 traveling in a clockwise direction around the district. The centerline of Route 15/Route 100 from the northernmost corner of lot 181 on the west to the western property line of lot 165 on tax map 8. The western and northern property line of lot 165 on tax map 8. The western and northern property line of lot 156 on tax map 8. The eastern property line of lot 157 on tax map 8. The northern property lines of lots 154, 148, 153, 152, 151, 150, 134, and 130 on tax map 8. The northern property lines of lots 90, 91, 92 and 93 on tax map 8. The eastern property lines of lots 90 to its intersection with the northeast corner of lot 72 on tax map 8. Then along the northern property lines of lots 66-1 & 66-3 and then down the eastern property line of parcel 66-3 to a point of intersection with the centerline of Route 15. Then across Route 15 and west to the eastern property line of lot 71, then crossing James Road and then along the southern property lines of lots 71-5 and 75 on tax map 8 to the centerline of Munson Avenue on the west. The centerline of Munson Avenue from the southwestern corner of lot 75 on tax map 8 on the north to the centerline of Harrel Street on the south. The centerline of Harrel Street from the centerline of Munson Avenue on the west, but including lot 139 on tax map 21, to the centerline of Route 100 on the west. Then turning south along the centerline of Route 100 to the southeast corner of lot 86 on tax map 21. Then turning west along the southern boundary of lot 86 and continuing along the southern boundary of lot 87. Then turning back north along the western

boundaries of lots 87, 88, 113, 115, 127, 128 and 129 until a point of intersection with the Village/Town Boundary. Then from said point of intersection along the Village/Town Boundary on the east to a point 1,000' west of Route 100 on the west. A line projection 1,000' west of the centerline of Route 100 from a point where the Village/Town Boundary is 1,000' west of the centerline of Route 100 on the south to a point where the centerline of Route 15/Route 100 is 1,000' west of the centerline of Route 100 on the north. The centerline of Route 15/Route 100 from a point 1,000' west of the centerline of Route 100 on the east to the centerline of the junction of Route 15/Route 100 and Needle Eye Road on the west. The centerline of Needle Eye Road from the junction of Needle Eye Road and Route 15/Route 100 on the east to the western most corner of lot 181 on tax map 8 on the north and then continuing along the same line to the western most corner of lot 180. The western property line of lot 180 on tax map 8 from the centerline of Needle Eye Road on the south to the centerline of Route 15/Route 100 on the north.

1012. Commercial Zone #2 (COM 2).

From the intersection of the town/village boundary and the southern right-of-way line of the Alternate Truck Route in lot 328 on tax map 7, south along the town/village boundary crossing the centerline of Route 100 to a point of intersection with the town/village boundary and Route 100, then along the southern right-of-way line of Route 100 west to a point of intersection with the western right-of-way line of Jersey Way, and then south along the westerly edge of the Jersey Way right-of-way to the southernmost point of intersection with lot 3 on tax map 7 fronting on Jersey Way, and then west along the southern lot line of lot 3 and lot 4 on tax map 7 to the intersection of the town/village boundary in lot 6, then projecting on the same plane from this point of intersection westward across parcel 07-007-01 to a point of intersection with the Truck Route and then northeast along the right-of-way line of the proposed Alternate Truck Route to the point of beginning at the intersection of the town/village boundary in lot 328 on tax map 7.

Section 1020. Business Enterprise (BE).

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 07-328-1 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, continuing south on Route 100, passing the intersection of Morristown Corners Rd, to the southern boundary of lot 9 on tax map 7, then west along the southern boundary of lot 9 to Ryder Brook, then north along Ryder Brook, crossing Morristown Corners Rd and continuing north along Ryder Brook until the southern boundary of lot 320 that is on the east side of Ryder Brook, then turning east from Ryder brook along the southern boundary of lot 320, then turning north at the eastern boundary of lot 320, and then along the eastern boundaries of lots 319 and 301 to the point of intersection with Bridge St, then crossing Bridge St to include parcels 301,

301-2 & 301-3 on tax map 7 and then returning there from to the point of beginning at the intersection of Bridge St and the village/town boundary.

Section 1040. Mixed Office Residential (MOR).

From a point beginning at the intersection of Richmond Street and Park Street traveling in a clockwise direction around the district. From the intersection of Richmond St and Park St, traveling north to the eastern property line of lot 193 on tax map 21 to the northeastern corner of lot 193 on tax map 21 on the north. A line projected due north from the northwestern corner of lot 205 on tax map 21 from the northwestern corner of lot 205 on the south to the centerline of the Lamoille River on the north. The centerline of the Lamoille River from line projection due north from the northwestern corner of lot 205 on tax map 21 on the west to a line projection due north from the intersection of the northeast corner of the Morristown School property and Route 15A on the east. A line projection due north from the intersection of Route 15A and the northeast corner of the Morristown School property from the Lamoille River to the north to the centerline of Route 15A to the south. The centerline of Route 15A/Park Street from northwestern corner of Morristown School property to the east to the northwestern corner of lot 48 on tax map 22 on the west. The western property line of the Morristown School property from the centerline of Park St to the north to the centerline of Main St to the south. The eastern property line of lot 71 on tax map 22 from the centerline of Main Street to the north to 125' south of the centerline of Main St to south. 125' south of the centerline of Main St from the eastern property line of lot 71 on tax map 22 on the east to the eastern property line of lot 15 on tax map 21 to the west. The eastern property lines of lot 15 on tax map 21 from 125' south of the centerline of Main Street to the south north to the intersection of Upper Main St. Then east along Upper Main St to the library property and then east along the front of the library to the intersection of Richmond St to the point of beginning at the intersection of Richmond Street and & Park Street.

Section 1050. Industrial Districts.

1051. **Industrial # 1 (IND 1).** From a point beginning where the Village/Town Boundary and Lake Lamoille meet traveling in a clockwise direction around the district. Traveling along the Village/Town Boundary from Lake Lamoille on the west to where the Village/Town Boundary turns easterly and crosses parcel 20-001, continuing across parcel 20-001 to the intersection of the Truck Route / Route 100. Then southerly along the Truck Route / Route 100 to the intersection of the railroad right of way on the south and following the railroad right of way north to the southern property line of lot 37 on tax map 20. The southern property line of lot 37 on tax map 20 from the railroad right of way on the east to Lake Lamoille on the west. Lake Lamoille is the western boundary from the southwestern corner of lot 37 on tax map 20 to the Village/Town Boundary on the north.
1052. **Industrial # 2 (IND 2).** From a point beginning at the intersection of Needle Eye Road and the northeast corner of parcel 204 on tax map 8 traveling in a clockwise direction

around the district. From said point on Needle Eye Road to a point 1,000' west of the centerline of Brooklyn Street on the east. 1,000' west of the centerline of Brooklyn Street on the north to the Village/Town Boundary on the south. The Village/Town Boundary from 1000' west of the centerline of Route 100 on the east to the centerline of the railroad right of way on the west. The centerline of the railroad right of way from the Village/Town Boundary on the south to the point where the railroad right of way intersects with parcel 35 on tax map 20. Then traveling along the westerly property line of parcel 35 north to a point of intersection with parcel 204 on tax map 8. Then traveling east long the southern boundary line of parcel 204 to its southeast corner and then following the eastern property line of parcel 204 to the point of beginning on Needle Eye Road.

1053. **Industrial # 3 (IND 3).** From a point beginning at southwestern corner of lot 75 on tax map 8 traveling in a clockwise direction around the district. The southern property lines of lots 75 and 71-5 on tax map 8 from the centerline of Munson Avenue on the west to the centerline of Houle Avenue on the east. The centerline of Houle Avenue on the south to the centerline of Route 15 on the north. The centerline of Route 15 on the west to a point 250' east of the centerline of the junction of Route 15 and Harrel Street. A line projection due south from a point on Route 15 250' east of the centerline of the junction of Route 15 and Harrel Street on the north to the centerline the Lamoille River on the south. The centerline the Lamoille River from a line projection due south of a the centerline of Route 15 250' west of the intersection of Route 15 and Harrel Street on the east, following downriver to the southeast corner of lot 145 on tax map 21 on the west. Then turning north along the rear property line of lot 145 and continuing along the rear property lines of parcels 144-139 to a point of intersection with Harrel Street. Then traveling east along Harrel Street until the point of intersection with Munson Avenue. Then north up Munson Avenue to the point of beginning at the southwestern corner of lot 75 on tax map 8.

Section 1060. Special Use (SU).

From a point beginning at northwestern corner of lot 239 on tax map 23 traveling clockwise around the district. The northern property line of lot 239 on tax map 23 from centerline of Maple Street on the west to southwestern corner of lot 83 on tax map 24 on the east. The southern property line of lot 83 on tax map 24 from the northeastern corner of lot 239 on tax map 23 on the west to the southeastern corner of lot 41 on tax map 24 on the west. The western property lines of lots, 40-7, 40-6, 40-3, and 40-2 on tax map 24 and lot 2 on tax map 8 from the southeastern corner on lot 83 on tax map 24 on the north to the centerline of Washington Highway on the south. The Village/Town Boundary from the centerline of Washington Highway on the north to a point 1,950' south along the Village/Town Boundary on the south. A line projecting from said point through lots 31 & 26 on tax map 13 on the east to a point of intersection with lot 25 on tax map 13. From said point of intersection with lot 25, turning northeast along its eastern property line and continuing along the eastern property lines of lots 11, 11-1, 12 and 13 on tax map 24. The

southern property line of lots 14 and 14-1 to the southwestern corner of lot 14-1 on tax map 24. The southwestern corner of lot 14.1 on tax map 24 to the centerline of Washington Highway on the north. The centerline of Washington Highway from the northern corner of lot 14-1 on tax map 24 on the east to the centerline of Maple Street on the west. The centerline of Maple Street from the centerline of Washington Highway on the south to the northwestern of lot 239 on tax map 23 on the north.

Section 1070. Special Industrial with Agriculture (SI).

From a point beginning at the intersection of Garfield Road and the Morristown/Hyde Park town line traveling in a clockwise direction around the district. The town line between Morristown and Hyde Park from the centerline of Garfield Road on the west to the Morristown/Wolcott town line on the east. The town line between Morristown and Wolcott from the Morristown/Hyde Park town line on the north to centerline of the Lamoille River on the south. The centerline of the Lamoille River from the Morristown/Wolcott town line on the east to the centerline of the Garfield Road on the west. The centerline of Garfield Road from the centerline of Lamoille River on the south to the Morristown/Hyde Park town line on the north.

Section 1080. High Density Residential (HDR).

Beginning at a point at the intersection of Route 100 south and a line projection 125' south of Main Street traveling in a clockwise direction. 125' south of the centerline of Main Street from Route 100 South on the west to the centerline of Congress Street on the east. The centerline of Congress Street from 125' south of the centerline of Main Street on the north to the centerline of Washington Highway on the south. The centerline of Washington Highway from the centerline of Congress Street on the east to the centerline of the junction of Washington Highway and Randolph Road on the west. The centerline of Randolph Road from the junction of Washington Highway and Randolph Road on the south to the centerline of Route 100 South on the north.

Section 1090. Medium Density Residential.

1091. **Medium Density Residential #1 (MDR 1).** From a point beginning at the centerline of Congress Street and 125' south of Main Street traveling in clockwise direction around the district. 125' south of the centerline of Main Street from the centerline of Congress Street on the west to the eastern property line of lot 71 on map 22 on the east. The eastern property line of lot 71 on tax map 22 from 125' south of Main Street on the south to the centerline of Main Street on the north. The western property line of the Morristown School property from the centerline of Main Street on the south to centerline of Park Street on the north. The centerline of Route 15A from northeastern corner of lot 48 on tax map 22 on the west to the northeastern corner of the Morristown School property on the east. The eastern property line of the Morristown School property from the centerline of Route 15A on the north to the southwestern corner of lot 29-1-3 on tax map 8 on the south. A line projection from the southwestern corner of lot 29-1-3 on tax map 8, along the southern property lines of lots 29-1-3, 29-1-6, 29-1-4, 29-1-2 and 22 to a point of

intersection with lot 14 on tax map 8 on the east. Then following the Village/Town Boundary from the corner of lot 14 map 8 along to the southwestern corner of lot 40-2 on tax map 24 on the west. The southwestern corner of lot 40-2 on tax map 24 on the south, north to the southeastern corner of lot 41 on tax map 24. Then along the southern property lines of lots 41 and 83 on tax map 24 and lot 238 on tax map 23 to the centerline of Maple Street. The centerline of Maple Street on the north to the centerline of Washington highway on the south. The centerline of Washington Highway from the centerline of the junction of Maple Street and Washington Highway on the east to the centerline of the junction of Congress Street and Washington Highway on the west. The centerline of Congress Street from Washington Highway on the south to 125' south of Main Street on the

1092. **Medium Density Residential # 2 (MDR 2).** Traveling in a clockwise direction around the district, from a point beginning at the intersection of the Village/Town Boundary and the Long Bridge on Bridge Street traveling east on Bridge Street to the northeast corner of lot 65 on tax map 21. Turning south on the western property line of lot 65 to its southwest corner. Turning east along the southern property line of tax map 21 to the intersection of the Truck Route and the intersection with the Central Business Zone. Then continuing east along the border of the Central Business Zone along the rear property lines of lots 62, 61, 60 59, 58, 57, 56 and 55 to a point of intersection with the Lamoille River. Then heading south along the river to Power Plant Bridge. Here the zone comes ashore on the east side of the Lamoille River to include the lands accessed by East High Street, specifically lots 044, 045, 046, 211, 212 and 244, before continuing down river to a point of intersection with the Truck Route. Then crossing under the Truck Route and continuing down river to a point of intersection with the Long Bridge on Bridge Street – the point of beginning.
1093. **Medium Density Residential # 3 (MDR 3).** Traveling in a clockwise direction around the district, from a point beginning at the intersection of the Village/Town Boundary and the Long Bridge on Bridge Street heading north to the southern property line of lot 37 on tax map 20. Turning southeast east along the southern property line of lot 37 on tax map 20 to the centerline on the railroad right of way on the east. Then following the railroad right-of-way southeast to a point of intersection with the Truck Route. Then heading north along the Truck Route until the Village/Town Boundary. Then traveling east along Village/Town Boundary to a point of intersection with lot 129 on tax map 21. Then turning south along the rear property lines of lots 129, 128, 127, 115, 114, 88, 87 arriving at the southwest corner of lot 86. Then east along the southern property line of lot 86 to the intersection with Brooklyn Street. Then north on Brooklyn Street to the intersection of the Village/Town Boundary. Then southeast along the northern boundary of lot 140 to the shared property line with lot 138. Then south along this property line and along the rear property lines of lots 141, 142, 143, 144 and 145 to a point of intersection with the Lamoille River. The heading south with the current of the Lamoille River to the point of intersection with the railroad right-of-way. Then traveling west along the railroad right-

of-way, across the Truck Route, until a point of intersection with the northeast corner of lot 69 on tax map 21. Then west along Bridge Street until the point of beginning.

Section 1100. Low Density Residential Districts.

1101. **Low Density Residential #1 for Jersey Way area (LDR 1).** From a point beginning at the intersection of Route 100 South and the Village/Town Boundary traveling clockwise around the district. The intersection of the Village/Town Boundary and Route 100, heading northeast along the Truck Route bridge to the centerline of the Lamoille River on the north, and then turning southeast to the centerline of Ward's Pond Brook on the east. The centerline of Ward's Pond Brook and a line projection of the centerline of Ward's Pond Brook from the Lamoille River on the north to the center line of Route 100 South on the south. The centerline of Route 100 south from Ward's Pond Brook on the east to the centerline of Randolph Road on the east. The centerline of Randolph Road from the centerline of Route 100 South on the north to the junction of Randolph Road and Washington Highway on the south. The centerline of Washington Highway from the junction of Randolph Road and Washington Highway on the west to the northeastern corner of lot 241 on tax map 23 on the east. The northeastern corner of lot 241 on tax map 23 along the southern property line of lot 14-1 on tax map 24. The southwestern corner of property line 14-1 along the northern property line of lot 13 on tax map 24. The southeastern corner of lot 13 on tax map 24 along the eastern property lines of lots 13, 12, 11-1 and 11 on tax map 24. The eastern property line of lot 25 on tax map 13 from the southwestern corner of lot 11 on tax map 24 on the north to a point 1,465' south of the centerline of Washington Highway on the south. A line through lots 26 & 31 on tax map 13 from a point 1,465' south of the centerline of Washington Highway on the west to a point 1,950' from the centerline of Washington Highway on the east. The Village/Town Boundary from a point 1,950' south of the centerline of Washington Highway on the north to the northwestern corner of lot 19 on tax map 13 on the south. The Village/Town Boundary from the northwest corner of lot 19 on tax map 13 on the east to the corner of the Village/Town boundary where it turns north on the west. Then northeast along the western boundary of lot 331, including the portion of parcel 07-007-01 that is not part of the Section 1012 COM 2 Zone, then northerly along the Village/Town boundary to the centerline of Route 100 to where the Village/Town Boundary meets the Lamoille River.
1102. **Low Density Residential #2 for Park Street area (LDR 2).** From a point beginning at a line projection from the northeast corner of the Morristown School property that intersects the centerline of the Lamoille River and travels in a clockwise direction around the district. From the beginning point in the centerline of the Lamoille River, then traveling east from the intersection of the Morristown School property to the western property line of lot 33 on tax map 8. The Village/Town Boundary from the centerline of the Lamoille River on the north to the southeastern corner of lot 23-07 on tax map 8. A line projection from the southeastern corner of lot 23-07 on the east to the southeastern corner of lot 29-1-2 on tax map 8 on the west. Then west along the southern property lines of lots 22, 29-1-2, 29-1-4, 29-1-6 and 29-1-3 to a point of intersection with lot 43 on

tax map 22 (the Morristown School property). Then north along the eastern property line of the Morristown School property from the southwestern corner of lot 29-1-3 on tax map 8 on the south to the centerline of Route 15A on the north. A line due north from the intersection of the Morristown School property and Route 15A from the centerline of Route 15A on the south to the centerline of the Lamoille River on the north.

1103. **Low Density Residential #3 for Cadys Falls (LDR 3).** 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 Lot 07-212 to a point where the westernmost boundary of 07-213 abuts the river, then turning north away from the river along the western boundary of lot 07-213 to a point of intersection with Lot 07-214, then traveling west along the southern boundaries of Lots 07-214 & 07-215, then turning north along the western boundary of Lot 07-215 to a point of intersection with Griggs Road, from said point turning east on Griggs Road, but including Lots 07-233 & 07-234, to a point of intersection with the southwest corner of Lot 07-236, then turning north along the western boundary of Lot 07-236 and continuing in the same northerly direction along the eastern property line of Lot 07-232 until a point of intersection with Lot 07-244-3, then turning briefly east until the intersection with Lot 07-244-1, then turning north and then northeast along the western boundary of Lot 07-244-1 and continuing in the same direction along the western boundary of Lot 07-245 until a 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 Lot 07-252, then heading east along the northern boundary line of Lot 07-252 until the point of intersection with the Lamoille Valley Rail Trail, then turning south along the Lamoille Valley Rail Trail until a point of intersection with the northernmost point of Lot 07-262, then traveling in a southwesterly direction along the westernmost boundary to Lot 07-262 to a point of intersection with Needle's Eye Road, then traveling southeast on Needle's Eye Road, including Lot 07-264, until the intersection with the easternmost point of Lot 07-294, then turning south and then west along the boundaries of Lot 07-294 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.
1104. **Low Density Residential #4 for Morristown Corners (LDR 4).** Traveling in a clockwise direction, from a point beginning at the intersection of Morristown Corners Road and the westernmost boundary of Lot 07-038, then running to the northeast along the rear boundaries of Lots 07-146, 07-147, 07-148 until the northern most point of Lot 07-153, then turning to the east from said point to the intersection with Stagecoach Road, then north on Stagecoach Road to a point of intersection with the northernmost point of Lot 07-169, then turning east along the northern boundary of Lot 07-169 to a point of intersection with Lot 07-179, then turning south along the eastern or rear boundaries of Lots 07-169, 07-170, 07-171 until the point of intersection with Lot 07-178 and Morristown Corners Road, crossing Morristown Corners Road to include Lots 07-019, 07-020 & 07-021 to the east side of Stagecoach Road and then crossing Stagecoach Road

to include Lots 07-036, 07-037 & 07-038 on the west side of Stagecoach Road, then crossing Morristown Corners Road and heading northeast to the point of beginning.

Section 1110. Rural Residential/Agricultural (RRA).

All lands in the Town, excluding the Village of Morrisville, and the following Zones in the Town: AB, BED (partial), COM (partial), IND 2, IND 3, INN1, INN 2, SI and parcels 07-007 & 07-007-01 in LDR 1.

Section 1120. Sewer Service.

From a point beginning where the Village/Town Boundary and Bridge St meet along the eastern edge of Lake Lamoille traveling in a clockwise direction around the district. The intersection of the Village/Town Boundary and Bridge St along the eastern edge of Lake Lamoille north along the Village/Town Boundary to the western edge of lot 37 on tax map 20. The western edge of lot 37 on tax map 20 to the centerline of the railroad right of way. The centerline of the railroad right of way from the Village/Town Boundary on the south to the point where the centerline of the railroad right of way is 2,000' west of the centerline of Route 100. 2,000' west of the centerline of Route 100 from the point where the centerline of the railroad right of way is 2,000' west of the centerline of Route 100 on the south to the centerline of Needle Eye Rd on the north. The centerline of Needle Eyes Rd from a point 2,000' west of the centerline of Rte 100 on the west to the southernmost corner of lot 180 on tax map 8. From the southernmost corner of lot 180, northwest along said line to a point of intersection with parcel 179, then turning northeast along the boundary line between parcel 179 and 180 to a point of intersection with the centerline of Route 15/Route 100. Then crossing the centerline of Route 15/Route 100 to the western property line of lot 165 on tax map 8. The western and northern property line of lot 165 on tax map 8. The western and northern property line of lot 156 on tax map 8. The eastern property line of lot 157 on tax map 8. The northern property lines of lots 154, 148, 153, 152, 151, 150, 134, and 130 on tax map 8 to the intersection with Center Road. Then turning north and traveling along the centerline of Center Road to the Town Line with Hyde Park. Then east along said town-line until the intersection with the centerline of Trombley Hill Road. Then turning south and traveling southwest along the centerline of Trombley Hill Road to its intersection with the centerline of Frazier Road. Then turning east and running along the centerline of Frazier Road, along the northern border of Lot 90, until its point of intersection with Lot 66. Then turning south along the eastern property lines of lots 90 and 72 on tax map 8 to the centerline of Route 15. The centerline of Route 15 from the centerline of Houle avenue on the west to a point 250' east of the centerline of the junction of Route 15 and Harrel Street. A line projection due south from a point on Route 15 250' east of the centerline of the junction of Route 15 and Harrel Street on the north to the centerline the Lamoille River on the south. The centerline of the Lamoille River due south from a point on Route 15 250' east of the centerline of the junction of Route 15 and Harrel Street to the western property line of lot 33 on tax map 8. The Village/Town Boundary from the centerline of the Lamoille River on the north along the western property lines of lots 33, 34-1, 34-3, 34 and then southeasterly along the

northern property line of lot 23 on tax map 8 and then southwest along the eastern boundary of lots of lot 23, to a point of intersection with the northern property line of lot 14, then easterly along said northern border and then southeasterly along the eastern borders of lots 14,13,11, 10 and 7 to a point of intersection with Elmore Road. Then westerly along Elmore Road to the Village / Town boundary and then southerly along said boundary to the centerline of Washington Highway. The Village/Town Boundary from the centerline of Washington Highway on the north along the western property line of lot 33 on tax map 13 to the northwestern corner of lot 19 on tax map 13 on the south. The northwestern corner of lot 19 on tax map 13 on the south. The Village/Town Boundary from the north western corner of lot 19 on tax map 13 on the east to the corner of the Village/Town boundary where it turns north on the west. Then north along the western boundary of lot 331 to the southwestern corner of lot 7-1 on tax map 7. The western boundaries of lots 7-1 and 7 to the centerline of Route 100. Crossing Route 100 and then south along Route 100 to the southern boundary of lots 11, 12, 10 and 9 on tax map 7 and then along the western boundary of lot 9 to Ryder Brook. Then traveling north along the centerline of Ryder Brook, crossing Morristown Corners Rd, past the western edge of Lots 322 and 322-2 and following the waterway through Lots 320 and 319 and to the northwestern corner of Lot 301. Crossing Bridge St from the northwestern corner of Lot 301 to the southwestern corner of lot 301-1 at Bridge St along the northern border of lot 301-1 on tax map 7 to the intersection of Bridge St and the Village/Town Boundary.

Section 1140. Airport Business (AB).

From the intersection of Ryder Brook and the centerline of Route 100 east along said river until a point where the river intersects with lot 130-1 on tax map 12, then north along the western property line of said lot to the lot's northwest corner, then east approximately 800 feet along the northern lot line of said lot to the lot's northeast corner, then southwest along the eastern lot line for approximately 337 feet, then turning south along the eastern lot line there from for approximately 631 feet, then northwest along the lot's southern lot line to a point of intersection with lot 136 on tax map 12, then south along the eastern lot line of lot 136 on tax map 12 to a point of intersection with lot 143-1 on tax map 12, then southeast along the northern lot line of lot 143-1 on tax map 12, then turning south along the eastern lot line of said lot for approximately 309 feet, then turning west along the southern lot line of said lot to a point of intersection with the Ryder Brook and lot 144-1-2 on tax map 12, then south along the eastern lot lines of parcels 144-1-2 and 145 on tax map 12 to a point of intersection with the Goeltz Rd right-of-way line, then crossing Goeltz Rd to include parcel 12-156, then east to the centerline of Goeltz Road until its intersection with Route 100, then north along the westerly right-of-way line in Rte 100 until a point of intersection with lot 111 on tax map 12, then northwest along the southern lot line of lot 111 on tax map 12, continuing along the southern lot line of lot 113 on tax map 12, then turning mostly northeast along the western lot line of 113 on tax map 12, continuing mostly north along the rear lot lines of lots 113-3, 113-2 and 113-1 on tax map 12, to a point of intersection with the Cochran Rd, then northeast along the easterly right of way line of Cochran Rd to its intersection with Rte 100, then north along

the right-of-way line of Route 100 to the beginning point of intersection with Ryder Brook.

Section 1150. Innovation Zone.

1151. **Innovation Zone # 1 (INN 1).** From a point beginning at the intersection of Center Road and Frazier Road traveling in a clockwise direction along Center Road north to the Town boundary with Hyde Park. Then east along the town-line along the northern boundary of lot 114 on tax map 8 to the intersection with Trombley Hill Road. Then southwest along Trombley Hill Road to the intersection with Frazier Road and then west along Frazier Road to the point of origin at the intersection of Center Road and Frazier Road.
1152. **Innovation Zone # 2 (INN 2).** From a point beginning at the intersection of Bridge St and the eastern boundary of lot 301 on tax map 7, then traveling south along the eastern boundaries of lots 301 & 319 to the southern boundary of lot 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 lot 13, then north from the point of intersection of the Brook and the westernmost boundary of lot 13 back to Morristown Corners Rd, then crossing Morristown Corners Rd to the southwesterly boundary of lot 189, then traveling north along the western boundary of lot 189 to lot 190, then continuing along the western boundary of lot 190 to the point of intersection with lot 191, then turning east along the southern boundary line of lot 191 to the intersection of Cadys Falls Rd, then traveling north along Cadys Falls Rd to its intersection with Bridge St, then turning and traveling east along Bridge St to the point of beginning at the northeastern boundary of lot 301.

APPENDIX 1: Summary of Changes from November 2015 Zoning Bylaws

The most recent amendments to the Village of Morrisville/Town of Morristown Zoning and Subdivision Bylaws include the following:

- a. §205 Central Business Zone: decrease lot size, increase front setback & sidewalk requirement
- b. §225 Mixed Office Residential: equalize lot size and density & make dimensional changes
- c. §230 Industrial: add Public Offices & Facilities use for Old Creamery Road & reduce setbacks
- d. §235 Special Use: equalize lot size & density, reduce setbacks, add Transient Lodging Facility use
- e. §245 High Density Residential: equalize lot size and density & make dimensional changes
- f. §250 Medium Density Res: equalize lot size & density and make dimensional changes
- g. §255 Low Density Res: equalize lot size & density, change setbacks & remove multi-family use
- h. §260 Rural Residential Agricultural: Move two-family residential from permitted to conditional
- i. §270 Airport Business: make family child care facility a permitted use & add Warehouse use
- j. §280 Innovation Zone: Add Sexually Oriented Businesses to Innovation Zone 1
- k. §426.2 Ponds: amend pond bylaw to allow some flexibility when a pond is above a Town road
- l. §430 Non-Conformities: change existing 1 year “use it or lose it” policy to 5 years
- m. §440 Clean-up building site: add restriction buildings left open to elements & broken windows
- n. §502 Site Plan: minor changes to site plan submittals & survey requirement for multi-family res
- o. §510 PUD: make minor Council directed changes to the conservation subdivision bylaw
- p. §639.3g: amend existing landscaping requirements to require large solar farm screening
- q. §660: Add more robust Local Act 250 Review bylaw per Agency of Commerce & Comm. Dev.
- r. Definitions: add definition for Sexually Oriented Business & revise definitions for Home Business (by eliminating auto repair as an eligible home business) and Transient Lodging Facility (by establishing exempt thresholds for renting rooms in the sharing economy)
- s. §1000-§1140: make various district boundary changes, including adding the Puffer Block on Upper Main Street into the Central Business Zone, expanding a small piece of the Commercial Zone onto the Cheng property across from Rock Art Brewery, add Village-like zoning to the Cadys Falls and Morristown Corners neighborhoods for the first time & various housekeeping items where the Truck Route impacting zoning boundaries.

APPENDIX 2: Town & Village Zoning Maps

Town zoning map (LCPC 2016)

Village zoning (LCPC 2016)