



**ZONING AND SUBDIVISION BYLAWS
VILLAGE OF MORRISVILLE
TOWN OF MORRISTOWN**

Adopted (Selectboard):	October 17, 2011
Effective (Selectboard):	November 7, 2011
Adopted: (Village Trustees):	November 21, 2011
Effective: (Village Trustees):	December 12, 2011

\$20.00

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.

RECORD OF ADOPTION

TOWN OF MORRISTOWN VILLAGE OF MORRISVILLE ZONING & SUBDIVISION BYLAWS

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)

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**ZONING AND SUBDIVISION BYLAWS
VILLAGE OF MORRISVILLE
TOWN OF MORRISTOWN
LAMOILLE COUNTY, VERMONT**

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 and 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 **Districts Created.** For the purposes of these Bylaws, Morristown is divided into the following districts, to be designated by the abbreviations below:

- | | |
|---|------|
| a. Central Business District | CB |
| b. Commercial District | COM |
| c. Business Enterprise District | BE |
| d. Neighborhood Commercial District | NC |
| e. Mixed Office Residential | MOR |
| f. Industrial District | IND |
| g. Special Use District | SU |
| h. Rural Residential with Agriculture
and Special Industry | SI |
| i. High Density Residential | HDR |
| j. Medium Density Residential | MDR |
| k. Low Density Residential | LDR |
| l. Rural Residential with Agriculture | RRA |
| m. Lower Village Gateway Commercial | LVGC |
| n. Airport Business | AB |

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. Airport Hazard Areas | AHA |
| c. Flood Hazard Areas | FHA |
| d. 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.

203. **Boundary Interpretation.**

- 203.1 **Boundaries Following Features.** District boundaries shown approximately within the lines of any roads, rivers, streams, or transportation and utility rights-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 **Unusual Situations.** Where circumstances regarding district boundary line interpretation are not covered in §203.1 through 203.3, the Development Review Board shall interpret the district boundaries.

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 Retail and Food Uses
- b. Accessory Use or Structure
- c. Business / Professional Office
- d. Business Services
- e. Clubs, Private
- f. Community Facility
- g. Direct Sale of Goods Produced On-Site
- h. Dwelling Unit, Multi-Family
- i. Educational Facility
- j. Essential Services
- k. Family Child Care Facility (see §424.2)
- l. Fences (see §425.1)
- m. Home Occupation (see §423)
- n. Home Business (see §460)
- o. Mixed Use Residential/Commercial/Retail
- p. Parks and Recreation
- q. Public Offices and Facility
- r. Recreation Facility/Indoor
- s. Religious Institutions
- t. Restaurant
- u. Retail Delivery of Goods & Services, where the area used in conducting business with the public does not exceed 5,000 square feet on each floor of the building
- v. Residential Care or Group Home (see §424.1)
- w. Transient Lodging Facility

208. **Conditional Uses:**

- a. Bar
- b. Commercial Use, which upon finding by the Development Review Board is determined to be of the same general character as other uses in the district and will not be detrimental to the other land uses within the district or adjoining districts and which meet all other applicable requirements.
- c. Commercial Communication Equipment
- d. Day Care Facility
- e. Drive-Through
- f. Dwelling Unit, Single-Family
- g. Dwelling Unit, Two-Family
- h. Fences (see §425.2)

- i. Health Care Facility
- j. Light Industry
- k. Manufacturing
- l. Motor Vehicle Sales and Repair Facility
- m. Motor Vehicle Service Station
- n. Parking Facilities
- o. Public Service and Utilities Facility
- p. Retail Delivery of Goods & Services, where the area used in conducting business with the public exceeds 5,000 square feet on each floor of the building.
- q. Structures exceeding 50 feet in Building Height
- r. Wholesale Distribution

209. **Area, Dimensions and Setbacks.** The following table shall establish the minimum lot size; minimum lot width; minimum front, rear and side lot line setbacks; and minimum setbacks from shorelines of public waterbodies:

CENTRAL BUSINESS DISTRICT							
Development Class	Minimum Lot Area Per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	870 sq. ft.	0.1 acre	35 ft.	0ft	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 §5000;
- 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.

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. Mandatory build-to sidewalk / property line along said Streets (no front setback allowed)

- b. Minimum Building Height along said Street frontage is 25 feet
- c. No Parking Space, Off-Street shall be created between the Building and any said Street.
- d. Conditional Use is required for any Dwelling Unit, Multi-Family use proposed after the effective date of this Bylaw that includes only Residential Use on the ground / first floor along said Streets.
- e. 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.** 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 & Food Uses and Accessory Use or Structures less than 500 square feet and Fences (see §425.1) will be reviewed as Conditional Use.
213. **Conditional Uses.**
- a. Bar
 - b. Business/Professional Office
 - c. Business Services
 - d. Commercial Use
 - e. Communication Facilities
 - f. Community Facility
 - g. Drive-In Restaurant or Refreshment Stand
 - h. Drive-Through
 - i. Essential Services
 - j. Fences (see §425.2)
 - k. Gas Station
 - l. Home Business (see §460 of these bylaws)
 - m. Motor Vehicle Sales & Repair Facility
 - n. Planned Unit Development (see §510)
 - o. Public Facilities
 - p. Recreation Facility/Indoor
 - q. Residential Use(s) in a mixed-use Planned Unit Development (see §510)
 - r. Restaurant
 - s. Retail & Wholesale Delivery of Goods and Services
 - t. Residential Care or Group Homes that are state registered or licensed and serve nine or more developmentally disabled or physically handicapped persons (see §424.1)
 - u. Transient Lodging Facility

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

COMMERCIAL DISTRICT							
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 or 2 Residential	1 acre.	6,000 sq. ft.	90 ft.	45 ft.	25 ft.	25 ft.	50 ft.
All class 1 or 2 uses with frontage along Center, Trombley Hill and Frazier roads	2 acre	2 acre	90 ft.	45-100 ft.	45 ft.	45 ft.	50 ft.
Class 1 or 2 all other uses	1 acre.	N/A	90 ft.	45 ft.	25 ft.	25 ft.	50 ft.
Special requirement for ALL Class 1 or 2 Uses with frontage along Center, Trombley Hill and Frazier roads	<ol style="list-style-type: none"> 1. All development has a front set back from centerline of road of 45 feet. This 45 foot setback runs from the intersection of VT Route 15 / Center Road to the intersection of Trombley Hill / Frazier roads, at which point it switches to 100 feet for the remainder of the parcel. 2. All development with frontage on Center, Trombley Hill and Frazier roads has a 45 foot rear set back and a 45 foot side set back. 						

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.

Section 215. Business Enterprise (BE).

215. **Objective.** The purpose of the Business Enterprise District is to accommodate clustered, walkable, campus-style development. Campus style development shall mandate all buildings to be designed in a New England campus style, have inter-connected walking ways, be landscaped with appropriate grass, shrubs and trees, with small pockets of parking, and earth tone colored buildings including the roof. The maximum lot coverage is 60% for building and parking lot(s) except as approved by the DRB. Landscaping shall be designed as to break up the view of the building(s) and parking lot(s) from all roads. Parking standards are found in §450 of this document, shared parking is allowed at the discretion of the DRB. All business shall have off street loading/unloading docks. The minimum lot size is one acre.

215.1 **Prohibited.** Design and Operation Factors in the Business Enterprise District are:

- a. Metal siding, silver or shiny metal roofing, exterior displays, exterior storage, and dwellings.
- b. Noise, vibration, odor, smoke, dust, or glare shall not exceed that typically found in *the external environment* of a light industry setting.

216. **Permitted Uses.**

- a. Accessory Retail & Food Uses
- b. Accessory Use or Structures less than 500 square feet.
- c. Fences (see §425.1)

217. **Conditional Uses.**

- a. Business/Professional Office
- b. Business Services
- c. Computer Services
- d. Conference Centers
- e. Data processing and telecommunications services
- f. Day Care Facility
- g. Direct Sale of Goods Produced On-Site
- h. Existing Educational and Recreational Facilities
- i. Fences (see §425.2)
- j. Finance and Banking Institution
- k. Food Services in no more than 25% of the developed indoor floor space of a mixed-use Planned Unit Development (see §510)
- l. Light Industry
- m. Planned Unit Development (see §510)
- n. Public Offices and Facility
- o. Multi-Family or Upper-Story Residential Use in a mixed-use PUD (see §510)
- p. Research and Development Facilities and Testing Labs
- q. Structures exceeding 35 feet in Height

r. Wholesale Distribution

218. **Areas, Dimensions and Setbacks.** The following requirements shall apply in this district.

BUSINESS ENTERPRISE DISTRICT							
Development class	Minimum Lot Area Per Residential Unit	Minimum lot size	Minimum lot width	Minimum front setback	Minimum rear setback	Minimum side setback	Minimum shore setback
1	4,000 square feet	1 acre	not less than ½ of lot depth	45' from road centerline	15'	10', except for shared parking.	50' from top of slope of the bank to the Lamoille river or lake. Or 100' whichever is greater.

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

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

- a. Site Plan Approval is required of all developments other than single or two-family residential, agricultural and forestry 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;
- e. The maximum lot coverage is 60% for buildings and parking lots except as approved by the DRB, either through waivers or a Planned Unit Development process.

219.3 **Conditional use design review.** The following standards shall be added to Conditional Use review in this district (§630).

- a. Development in this district shall occur in a New England campus style with earth tone colored buildings including the roof.
- b. Structures and lots in this district shall have inter-connected, lighted walking ways. Sidewalks shall be provided along primary and secondary roads, connecting structures to adjacent buildings and adjacent lots. Sidewalks will be lighted.
- c. Structures shall provide for a pedestrian amenities or public entrances for every 75 linear feet of publicly visible façade along primary and secondary

roads and parking lots. Pedestrian amenities include benches, bike racks, tables, shelters, etc.

- d. Parking areas will be located to the sides or rear of structures away from primary streets, as well as secondary streets, where possible. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way.
- e. Structures will include at least one highlighted public entrance fronting a primary or secondary street, on at least one side of the structure not fronting a parking area, and will be connected to sidewalk infrastructure within the lot and along adjoining streets.
- f. All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials.
- g. Sites will be landscaped with appropriate grass, shrubs and trees. Landscaping shall be designed to place vegetation at intervals along the façade fronting primary and secondary streets and as to break up the view of parking lot(s) and loading areas from all roads.
- h. Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater and/or more intensive lighting because of the large scale development, nuisance glare is prohibited.
- i. All loading docks and garbage storage and pick-up areas shall be located on sides of structures away from public rights-of-way. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way. Alley rights-of-way are not included if property on both sides of the alley is part of one PUD.
- j. Whenever possible, parking areas, loading/unloading zones and garbage storage and pick-up areas will be not be located on sides of structures facing residential uses. When this is not possible, these areas shall be totally obscured from residential uses through the use of vegetation, landscaping and/or screening structures designed in the same style as the principal structures.
- k. Large-scale development should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to

pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, especially the pedestrian. Bicycle racks must be provided, with one bicycle space being provided for every 10 auto spaces.

- l. “Dead walls” (any uniform blank wall that is 29 or more feet long) are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarcated entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.
- m. All utilities will be buried.

Section 220. Neighborhood Commercial (NC).

221. **Objective.** To create a small scale center of mixed commercial and residential uses which primarily serves the residential areas surrounding it.
222. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Fences (see §425.2)
 - e. Home Occupation (see §423)
 - f. Multi-Family Residential Units in one or more structures on the lot
 - g. Religious Institutions
 - h. Residential Care or Group Homes serving no more than eight developmentally disabled or physically handicapped persons (see §424.1)
 - i. Single Family Residential Dwelling
223. **Conditional Uses.**
- a. Business/Professional Office, regardless of floor space, may occupy any or all building on a lot provided that the building(s) existed on January 1, 2001 and the floor space has not been expanded since January 1, 2001.
 - b. Business/Professional Office may occupy part or all of any building(s) constructed or expanded on a lot after January 1, 2001, provided that the offices and all other allowable uses on the lot do not occupy more than 4,500 square feet of total floor space
 - c. Commercial Communication Equipment
 - d. Drive-In Restaurant or Refreshment Stand
 - e. Essential Services
 - f. Fences (see §425.2)
 - g. Funeral homes
 - h. Home Business (see §460 of these Bylaws)
 - i. Restaurant
 - j. Retail Delivery of Goods and Services (no more than 2,500 square feet of floor space on any single lot), excluding convenience stores, bars, and gas/diesel/other types of fuel station.
 - k. State registered or licensed child care facilities
 - l. State registered or licensed residential care group homes which serve nine (9) or more developmentally disabled or physically handicapped persons
 - m. Structures exceeding 35 feet in Height

224. **Area, Dimensions, and Setbacks.** The following table shall establish the minimum lot size; minimum lot area per family; minimum lot width; and minimum front, rear and side lot line setbacks.

NEIGHBORHOOD COMMERCIAL DISTRICT							
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.	8,000 sq. ft.	75 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.	10 ft.	50 ft.
1 com.	N/A	8,000 sq. ft.	75 ft.	35 ft.	15 ft.	10 ft.	50 ft.

224.1 **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.

224.2 **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. All "General Regulations" established in §400 - 499 of these Bylaws;
- d. All businesses within the Neighborhood Commercial District must be designed in appearance to match the existing historic residential architecture of Morrisville.

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 Apartments (see §424.4)
 - b. Accessory Retail and Food Uses
 - c. Accessory Use or Structure
 - d. Business/Professional Office
 - e. Family Child Care Facility serving six or fewer children (see §424.2)
 - f. Fences (see §425.1)
 - g. Home Occupations (see §423)
 - h. Religious Institutions
 - i. Residential Care or Group Homes serving no more than eight developmentally disabled or physically handicapped persons (see §424.1)
 - j. Single family residential dwelling unit
 - k. Two family residential units in one structure on the lot or with the second unit in an accessory building
228. **Conditional Uses.**
- a. Clubs, Private
 - b. Communication Facilities
 - c. Educational Facility
 - d. Essential Services
 - e. Federal, state, county, or municipally owned and occupied offices and facilities
 - f. Fences (see §425.2)
 - g. Home Business (see §460 of these bylaws)
 - h. Multi-family residential units in one or more structures on the lot
 - i. Public offices and facilities
 - j. Public or non-profit parks and recreation facilities
 - k. Residential Care or Group Homes which are state registered or licensed and which serve nine or more developmentally disabled or physically handicapped persons (see §424.1)
 - l. State licensed or registered child care facilities (see §424.2)
 - m. Structures exceeding 35 feet in Height
 - n. Transient Lodging Facility serving eight (8) or fewer guests

229. **Area, Dimensions and Setbacks.** The following table shall establish the minimum lot size; minimum lot area per family; minimum lot width; minimum front, rear and side lot line setbacks; and minimum setbacks from public water bodies.

MIXED OFFICE RESIDENTIAL DISTRICT							
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	8,000 sq. ft.	75 ft.	35 ft	15 ft.	10 ft.	50 ft.
1 Res.	6,000 sq. ft.	8,000 sq. ft.	75 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.	10 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 District (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, Accessory Use or Structure less than 500 square feet and Fences (see §425.1) 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. Building Trades
 - c. Bulk storage of fuel
 - d. Commercial Use
 - e. Commercial Communication Equipment
 - f. Direct Sale of Goods Produced On-Site
 - g. Drive-In Restaurant or Refreshment Stand
 - h. Drive-Through
 - i. Essential Services
 - j. Fences (see §425.2)
 - k. Manufacturing
 - l. Research and Testing Labs
 - m. Restaurant
 - n. Retail sale of manufactured housing
 - o. Salvage Depots
 - p. State licensed or registered child care facilities
 - q. Storage yard
 - r. Truck Terminals
 - s. Warehousing
 - t. Wholesale distribution of goods

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

INDUSTRIAL DISTRICT						
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.	25 ft.	25 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 Uses 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 (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. Agriculture
 - e. Family Child Care Facility (see §424.2)
 - f. Fences (see §425.1)
 - g. Home Occupation (see §423)
 - h. Residential Care or Group Homes (see §424.1)
 - i. Single-family residential dwelling unit
 - j. Two-family residential units in one structure on the lot, or with the second unit in an accessory building
238. **Conditional Uses.**
- a. Adult day care facilities
 - b. Commercial Communication Equipment
 - c. Educational Facility
 - d. Essential Services
 - e. Federal, state, county, or municipally owned and operated institutions and facilities
 - f. Fences (see §425.2)
 - g. Health Care Facility
 - h. Home Business (see §460 of these bylaws)
 - i. Multi-family residential units in one or more structures on the lot
 - j. Recreational facilities
 - k. Residential Care or Group Homes which are state registered or licensed and which serve nine or more developmentally disabled or physically handicapped persons (see §424.1)
 - l. State registered or licensed day care facilities (see §424.2)
 - m. Structures exceeding 35 feet in Height

239. **Area, Dimensions, and Setbacks.** The following table shall establish the minimum lot size; minimum lot area per family; minimum lot width; minimum front, rear, and side lot line setbacks; and minimum setback from all public water bodies.

SPECIAL USE DISTRICT							
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	4,000 sq. ft.	8,000 sq. ft.	75 ft.	35 ft.	15 ft.	15 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:

- 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 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 Retail and Food Uses
 - b. Accessory Use or Structure
 - c. Agriculture
 - d. Fences (see §425.1)
 - e. 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. Essential Services
 - d. Extraction of Earth Resources (See §485)
 - e. Fences (see §425.2)
 - f. Home Business (See §460)
 - g. Multi-Family Dwelling**
 - h. Planned Unit Development** (See §510)
 - i. Public Facility
 - j. Recreation Facility/Outdoor
 - k. Single Family Dwelling **
 - l. Special Industry
 - m. Structures exceeding 35 feet in Height
 - n. Two-Family Dwelling**

** 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 district

RURAL RESIDENTIAL WITH AGRICULTURE & SPECIAL INDUSTRIAL DISTRICT						
Development	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
Industrial.	5 acres	90 ft.	65 ft.	25 ft.	25 ft.	50 ft.
Single family residential	2 acres	90 ft	45 ft	15 ft.	15 ft.	50 ft.
Multi family residential.	3 acres for 2 units; then 2 acres for each additional unit	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 Home serving six (6) or fewer children (see §424.2)
 - d. Fences (see §425.2)
 - e. Home Occupations (see §423)
 - f. Multi-Family Residential Units in one or more structures on the lot
 - g. Religious Institutions
 - h. Residential Care Homes or Group Homes serving no more than eight (8) developmentally disabled or physically handicapped persons (see §424.1)
 - i. Single Family Residential Dwelling Unit
 - j. Two Family Residential Units in one structure on the lot, or with the second unit in an accessory building
248. **Conditional Uses.**
- a. Commercial Communication Equipment
 - b. Essential Services
 - c. Federal, State, County or Municipally owned and operated institutions and facilities
 - d. Fences (see §425.2)
 - e. Home Business, (see §460 of these Bylaws)
 - f. Public or Non-Profit Parks and Recreation Facilities
 - g. State registered or licensed child care facilities
 - h. Structures exceeding 35 feet in Height

249. **Area, Dimensions and Setbacks.** The following table shall establish the minimum lot size; minimum lot area per family; minimum lot width; minimum front, rear and side lot line setbacks; and minimum setbacks from shorelines of all public water bodies.

HIGH DENSITY RESIDENTIAL DISTRICT							
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.	8,000 sq. ft.	75 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.	10 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:

- 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 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 Apartments (see §424.4)
- b. Accessory Use or Structure
- c. Agriculture
- d. Churches, synagogues, temples, convents, and parish houses
- e. Family Child Care Home serving six (6) or fewer children (see §424.2)
- f. Fences (see §425.1)
- g. Home Occupations (see §423)
- h. Residential Care Homes or Group Homes serving no more than eight (8) developmentally disabled or physically handicapped persons (see §424.1)
- i. Single family residential dwelling
- j. Two family residential units in one structure on the lot or with the second unit in an accessory building

253. **Conditional Uses.**

- a. Clubs, Private
- b. Commercial Communication Equipment
- c. Essential Services
- d. Federal, State, County or Municipally Owned and Operated Institutions & Facilities
- e. Fences (see §425.2)
- f. Home Business (see §460)
- g. Multi-family residential units in one or more structures on the lot
- h. Planned Unit Development (see §510)
- i. Public or non-profit parks and recreation facilities
- j. Residential care or group homes which are state registered or licensed and which serve nine (9) or more developmentally disabled or physically handicapped persons
- k. Transient Lodging Facility serving eight (8) or fewer guests.
- l. State registered or licensed child care facilities
- m. Structures exceeding 35 feet in Height

254 **Area, Dimensions and Setbacks.** The following table shall establish the minimum lot size; minimum lot area per family; minimum lot width; minimum front, rear and side lot line setbacks; and minimum setbacks from public water bodies.

MEDIUM DENSITY RESIDENTIAL DISTRICT							
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.	8,000 sq. ft.	75 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.	10 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 one 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 Apartments (see §424.4)
 - b. Accessory Use or Structure
 - c. Agriculture
 - d. Family Child Care Home serving six (6) or fewer children (see §424.2)
 - e. Fences (see §425.1)
 - f. Home Occupations (see §423)
 - g. Religious Institutions
 - h. Residential Care Homes or Group Homes serving no more than eight (8) developmentally disabled or physically handicapped persons (see §424.1)
 - i. Single Family Residential Dwelling
 - j. Two Family Residential Units in one structure on the lot or with the second unit in an accessory building
258. **Conditional Uses.**
- a. Cemeteries
 - b. Clubs, Private
 - c. Commercial Communication Equipment
 - d. Educational Facility
 - e. Essential Services
 - f. Fences (see §425.2)
 - g. Home Business (see §460)
 - h. Multi-family residential units in one or more structures on the lot
 - i. Planned unit development (see §510)
 - j. Public or non-profit parks and recreation facilities
 - k. Residential care or group homes which are state registered or licensed and which serve nine (9) or more developmentally disabled or physically handicapped persons
 - l. State registered or licensed child care facilities
 - m. Structures exceeding 35 feet in Height
 - n. Transient Lodging Facility serving eight (8) or fewer guests

259. **Area, Dimensions and Setbacks.** The following table shall establish the minimum lot size; minimum lot area per family; minimum lot width; minimum front, rear and side lot line setbacks; and minimum setbacks from public water bodies.

LOW DENSITY RESIDENTIAL DISTRICT							
Devel. Class or property type	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	20,000 sq.ft.	75 ft.	Within 1 foot of the existing facade line of dwellings on the street, for	15 ft.	10 ft.	50 ft.
2	10,000	30,000 sq.ft.	75 ft.	streets developed prior to 1970 and 35' from the	15 ft.	10 ft.	50 ft.
3	10,000	40,000 sq.ft.	75 ft.	centerline of the road on streets developed after 1970	15 ft.	10 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 District (RRA).

261. **Objective.** Agricultural and Rural Residential lands are an area of mixed forestry, agriculture, and homes.
262. **Permitted Uses.**
- a. Accessory Apartments (see §424.4)
 - b. Accessory Use or Structure
 - c. Agricultural
 - d. Family Child Care Home serving six (6) or fewer children (see §424.2)
 - e. Fences (see §425.1)
 - f. Home Occupations (see §423)
 - g. Multi-Family Dwelling
 - h. Residential Care Homes or Group Homes serving no more than eight (8) developmentally disabled or physically handicapped persons (see §424.1)
 - i. Single Family Dwelling
 - j. Two-Family Dwelling
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. Bed & Breakfast
 - b. Bulk Storage of Fuel (See §481)
 - c. Commercial Communication Equipment
 - d. Essential Services
 - e. Extraction of Earth Resources (See §485)
 - f. Fences (see §425.2)
 - g. Home Business (See §460).
 - b. Mobile Home Park
 - c. Planned Unit Development (See §510)
 - d. Private Airstrips (see §495)
 - e. Public Facility
 - f. Recreation Facility/Indoor
 - g. Recreation Facility/Outdoor
 - h. Religious Institutions
 - i. Seasonal Storage in Existing Barns
 - j. Structures exceeding 35 feet in Height
- 263.1 Provisions of §210 of Village of Morrisville/Town of Morristown Zoning and Subdivision Bylaws shall apply to the State of Vermont's Morrisville-Stowe Airport property.
264. **Areas, Dimensions and Setbacks.** The following requirements shall apply in this district.

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
Single family residential	2 acres	90 ft	45 ft	15 ft.	15 ft.	50 ft.
Multi family residential.	3 acres for 2 units; then 2 acres for each additional unit	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 single or two-family residential, agricultural and forestry 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 265. Lower Village Gateway Commercial District (LVGC).

266. **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.
267. **Permitted Uses.** Accessory Retail and Food Uses, Accessory Use or Structure less than 500 square feet and Fences (see §425.1).
268. **Conditional Uses.**
- a. Business/Professional Office
 - b. Business Services
 - c. Commercial Uses
 - d. Computer Services
 - e. Day Care Facility (see §424.2)
 - f. Direct Sale of Goods Produced On-Site
 - g. Essential Services
 - h. Fences (see §425.2)
 - i. Home Business (see §460)
 - j. Light Industry
 - k. Manufacturing
 - l. Retail Delivery of Goods and Services
 - m. Restaurant
 - n. Structures exceeding 35 feet in Height
 - o. Transient Lodging Facility
 - p. Wholesale Distribution

269. **Area, Dimensions and Setbacks.** The following requirements shall apply in this district.

LOWER VILLAGE GATEWAY COMMERCIAL DISTRICT						
Development Class and Type	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
Class 1 or 2 uses	½ acre.*	90 ft.	25 ft.	10 ft.	10 ft.	50 ft.
*For pre-existing small lots that are less than a ½ acre the Development Review Board has the ability to grant a waiver for businesses that don't need the full ½ acre.						

269.1 **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.

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

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

269.3 **Conditional use design review.** The following standards shall be added to Conditional Use review in this district (§630).

- a. Structures and lots in this district shall have inter-connected, lighted walking ways. Sidewalks shall be provided along primary and secondary roads, connecting structures to adjacent buildings and adjacent lots. Sidewalks will be lighted.
- b. Structures shall provide for a pedestrian amenities or public entrances for every 75 linear feet of publicly visible façade along primary and secondary roads and parking lots. Pedestrian amenities include benches, bike racks, tables, shelters, etc.
- c. Parking areas will be located to the sides or rear of structures away from primary streets, as well as secondary streets, where possible. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way.
- d. Structures will include at least one highlighted public entrance fronting a primary or secondary street, on at least one side of the structure not fronting a parking area, and will be connected to sidewalk infrastructure within the lot

and along adjoining streets.

- e. Sites will be landscaped with appropriate grass, shrubs and trees. Landscaping shall be designed to place vegetation at intervals along the façade fronting primary and secondary streets and as to break up the view of parking lot(s) and loading areas from all roads.
- f. Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater and/or more intensive lighting because of the large scale development, nuisance glare is prohibited.
- g. All loading docks and garbage storage and pick-up areas shall be located on sides of structures away from public rights-of-way. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way. Alley rights-of-way are not included if property on both sides of the alley is part of one PUD.
- h. Whenever possible, parking areas, loading/unloading zones and garbage storage and pick-up areas will be not be located on sides of structures facing residential uses. When this is not possible, these areas shall be totally obscured from residential uses through the use of vegetation, landscaping and/or screening structures designed in the same style as the principal structures.
- i. Large-scale development should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, especially the pedestrian. Bicycle racks must be provided, with one bicycle space being provided for every 10 auto spaces.
- j. “Dead walls” (any uniform blank wall that is 29 or more feet long) are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarcated entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.
- k. All utilities will be buried.

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.** Due to this district having no municipal water or sewer services available, and the need for thorough review of traffic access and circulation in the area, and aesthetic considerations, all Development except Accessory Retail and Food Uses, Accessory Structures less than 500 square feet and Fences (see §425.1) and Agriculture and Forestry Uses shall be reviewed as Conditional Use.
273. **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. 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. Computer Services
 - d. Day Care Facility
 - e. Direct Sale of Goods Produced On-Site
 - f. Fences (see §425.2)
 - g. Light Industry
 - h. Manufacturing
 - i. Planned Unit Development (see §510) (NOTE, PUDs in this district are for nonresidential uses only)
 - j. Structures exceeding 35 feet in height
 - k. Wholesale Distribution

274. **Areas, Dimensions and Setbacks.** The following requirements shall apply in this district.

AIRPORT BUSINESS DISTRICT						
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.	45ft.	45ft.	45 ft.	50 ft.
Special requirement for ALL Class 3 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.

275. **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.

276. **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. Site Development Plan Approval as established in §500.

277. **Conditional use design review.** The following standards shall be added to Conditional Use review in this district (§630).

- a. Parking areas shall be located to the sides or rear of structures away from primary streets, as well as secondary streets, where possible. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way.
- b. All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that

buildings shall be related in architectural style, color scheme, and building materials.

- c. Sites shall be landscaped with appropriate grass, shrubs and trees. Landscaping shall be designed to place vegetation at intervals along the facade fronting primary and secondary streets to break up the view of parking lots & loading areas from all roads.
- d. Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater and/or more intensive lighting because of the large scale development, nuisance glare is prohibited.
- e. All loading docks and garbage storage and pick-up areas shall be located on sides of structures away from public rights-of-way. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way.
- f. Whenever possible, parking areas, loading/unloading zones and garbage storage and pick-up areas shall not be located on sides of structures facing residential uses. When this is not possible, these areas shall be totally obscured from residential uses through the use of vegetation, landscaping and/or screening structures designed in the same style as the principal structures.
- g. Large-scale development should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, especially the pedestrian.
- h. “Dead walls” (any uniform blank wall greater than 29 feet long) are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarked entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.
- i. All utilities shall be buried.

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 Morrystown 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 310. Airport Hazard Areas (AHA)

311. **Purpose.** The purpose of this Section of the Zoning Bylaws is to regulate and restrict the height of structures and objects, natural or manmade, in certain areas near the Morrisville-Stowe State Airport; and to otherwise regulate the use of property in the vicinity of the Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and changes in the boundaries of such zones; defining certain terms used herein; referring to the Morrisville-Stowe State Airport zoning map which is incorporated in and made a part of these Bylaws; providing for enforcement; establishing the Morristown Development Review Board as the enforcement agency for these Bylaws; and imposing penalties.
312. **Authority.** This Section is adopted pursuant to the authority conferred by the Act and by Title 5, Chapter 17; of Statutes of the State of Vermont. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Morrisville-Stowe State Airport, and property or occupants of land in the vicinity; that an obstruction may affect existing and future instrument approach minimums of Morrisville-Stowe State Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Morrisville-Stowe State Airport and the public investment therein, and decrease the safety of users and neighbors of the Airport.
- 312.1 Accordingly, it is declared:
- a. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Airport;
 - b. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that may be a hazard to air navigation be prevented; and
 - c. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- 312.2 It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interest in land.
- 312.3 **Ordination.** It is hereby ordained by the Board of Selectmen of the Town of Morristown, Lamoille County, Vermont as follows:

- a. This Section shall be known and may be cited as Morristown Airport Hazard Area Zoning Bylaw, abbreviated as (AHA).
- b. Definitions of various terms used throughout this Section shall be as defined in §900 of these Bylaws.

313. **Establishment of Airport Hazard Area Zones.** In order to carry out the provisions of §310-318 of these Bylaws, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Airport. Such zones are shown on Morrisville-Stowe Airport Zoning Map consisting of one sheet, prepared by Rist-Frost Associates, dated May 1990 (on file in Zoning Office).

313.1 **Areas in Two or More Zones.** An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined in §313.2 - 313.6 of these Bylaws.

313.2 **Utility Runway Visual Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to the width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

313.3 **Utility Runway Nonprecision Instrument Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

313.4 **Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces.

313.5 **Horizontal Zone.** The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual (and 10,000 feet for all others) from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

313.6 **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet.

314. **Airport Zone Height Limitations.** Except as otherwise provided in this

Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- 314.1 **Utility Runway Visual Approach Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 - 314.2 **Utility Runway Nonprecision Instrument Approach Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to the horizontal distance of 5,000 feet along the extended runway centerline.
 - 314.3 **Transitional Zones.** Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 732 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5000 feet measured at 90 degree angles to the extended runway centerline.
 - 314.4 **Horizontal Zone.** Established at 150 feet above the airport elevation or at a height of 882 feet above mean sea level.
 - 314.5 **Conical Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
 - 314.6 **Excepted Height Limitations.** Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 50 feet above the surface of the land.
315. **Use Restrictions.** Notwithstanding any other provisions of these Bylaws, no use may be made of land or water within any zone established by these Bylaws in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between Airport

lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

316. **Nonconforming Existing Uses.**

316.1 **Regulations Not Retroactive.** The regulations prescribed in these Bylaws shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of these Bylaws, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these Bylaws, and is diligently prosecuted.

316.2 **Marking and Lighting.** Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Vermont Agency of Transportation, Dept. of Rail, Air and Public Transportation to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Vermont Agency of Transportation, Dept. of Rail, Air and Public Transportation.

317. **Permits.**

317.1 **Future Uses.** Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to allow it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of these Bylaws shall be granted unless a variance has been approved in accordance with §317.4.

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the imaginary surface for such zone.

- b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the imaginary surface for the approach zones.
- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- d. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by these Bylaws except as set forth in §314.6.

317.2 **Existing Uses.** No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of these Bylaws or any amendments thereto, or than it was when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

317.3 **Nonconforming Uses Abandoned or Destroyed.** Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the Zoning Bylaws.

317.4 **Variances.** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in these Bylaws, may apply to the Development Review Board for a variance from such regulations under the procedures established in §650 of these Bylaws. Such variances may be allowed where it is duly found that such variance is in conformance with the requirements of the Act and will not create a hazard to air navigation.

- a. **Concurrence of FAA.** The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

b. **Review by Airport Owner.** Additionally, no application for variance to the requirements of these Bylaws may be considered by the Development Review Board unless a copy of the application has been furnished to the Vermont Agency of Transportation, Dept. of Rail, Air and Public Transportation, for advice as to the aeronautical effects of the variance. If the Vermont Agency of Transportation, Dept. of Rail, Air and Public Transportation does not respond to the application within fifteen (15) days after receipt, the Development Review Board may act on its own to grant or deny said application.

317.5 **Obstruction Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these Bylaws and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Development Review Board, this condition may be modified to require the owner to permit the Vermont Agency of Transportation, Aeronautic Division at its own expense, to install, operate, and maintain the necessary markings and lights.

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 uses, such as parks, tennis courts, golf courses, etc.
- 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 (50) lots or five (5) 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 (762 meters) 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 Morrystown'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 these 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.

345. **Protection of Prime Agricultural Soils (PAS) within the Sewer Service Market Area (SSMA) and Airport Business Zoning District (AB).**

345.1 **Purpose.** The purpose of this regulation is to promote compact, high density development in the sewer service market area (SSMA) and the Airport Business District (AB).

345.2 **Applicability.** This regulation only applies to lots and developments in the SSMA and AB (as are depicted on the associated maps attached).

346. **Requirement for Lots Containing 10.0 or more acres of Primary Agricultural Soils within the SSMA and AB.**

346.1 **Purpose.** The purpose of this section is to preserve large tracts of primary agricultural soils (PAS) by requiring that developments on lots containing 10.0 or more acres of PAS are only allowed to apply 50% of the area of PAS in the lot to their total developable area for the purposes of calculating family densities and lot size. These developments are required to go through a planned unit development (PUD) process in order to optimize the preservation of PAS.

346.2 **Applicability.** The provisions of §346 and its subsections shall apply to development of any lot containing 10.0 or more acres of primary agricultural soils (PAS) within the SSMA and AB where said development is not subject to “Act 250” 10 V.S.A. Chapter 151.

346.3 **Removal of developable area.** Notwithstanding the provisions of any other currently adopted zoning and subdivision bylaws, only 50% of the area of PAS in a lot covered by §346 may be allotted to the total developable area of the lot for the purposes of calculating family densities and lot size. All other existing limitations on the total developable area shall apply and shall supersede these standards if more restrictive.

Example

For a 20 acre lot containing 12 acres of PAS, only 50% (6 acres) of that 12 acres of PAS shall be available for the total developable area of the lot. Thus only 14 acres of that lot could be used to calculate the number of lots available to subdivide or the number of families allowed within the area.

- 346.4 **Waiver of developable density restriction.** The PAS developable area allotment restriction of §346.3 shall be waived for any development for which 75% or more of the area of PAS in the lot are preserved through the PUD process, as outlined in §346.5.

Example

Taking the lot described in the example above: If through clustering and mitigation in PUD proceedings, 75% (9 acres) of the PAS in the lot could be protected from development, then all 20 acres of the total area of the lot could be used to calculate the number of lots available to subdivide or the number of families allowed within the area. However none of those subdivisions or families could be located in the 9 protected PAS acres. The clustering provisions of the PUD process would facilitate this.

- 346.5 **Planned unit development requirement.** Notwithstanding the provisions of any other currently adopted zoning and subdivision bylaws, any development on a lot covered by §346 must go through a planned unit development (PUD) procedure. This procedure shall follow the PUD provisions of currently adopted zoning and subdivision bylaws, as well as the following standards:
- a. Lots and structures shall be clustered in order to preserve the largest contiguous amount of primary agricultural soils.
 - b. Where marginal soils also exist on the site, structures and developable lots shall be clustered away from the primary agricultural soils. Lot lines shall be located at field and orchard edges. In the event that no other land is practical for development, lots and structures shall be clustered on the least fertile soil in order to minimize the loss of productive agricultural soils and impacts of existing farm operations.
 - c. Lots and structures may be clustered on primary agricultural soils if those areas, by their nature, are not reasonably viable for farming. Such features could include agricultural soils that are distributed in a long narrow band. Other areas in the development are still required to protect areas with agricultural soils or potential for agricultural use.
 - d. Contiguous patches of primary agricultural soils should not be fragmented. The portion with the contiguous patch should remain in a parcel or designated open space.
 - e. Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.

- f. Access roads, driveways, and utility corridors shall be shared to the extent feasible and shall follow linear features such as existing roads, tree lines, stone walls, and/or fence lines to minimize the fragmentation of agricultural soils.

346.6 **Other effects of existing bylaws.** The PUD procedure of §346.5 shall be subject to any provisions of existing zoning and subdivision bylaws not superseded by the provisions of this ordinance.

347. **Addition of protection of PAS to current PUD standards.** Notwithstanding the provisions of existing bylaws and ordinances, the protection of primary agricultural soils shall be included in the purpose and standards for review for any planned unit development in Morristown (see §510, 512 and 515 of Morristown zoning and subdivision bylaws).

348. **Provision of notice to the Morristown Conservation Commission.** Within 15 days of receiving an application that triggers a review under §345-§347, the Zoning Administrator shall notice the Morristown Conservation Commission that the application has been received and shall invite the Commission to review the project and participate in the proceedings if the Commission so desires. Regardless of whether or not the Commission participates in the review of the project, the Zoning Administrator shall copy the Commission Chair on all significant correspondences regarding the proposed project and its pending review, including but not limited to the warning of Development Review Board hearings related to the project.

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.** Structures less than 150 square feet in total area do not require a zoning permit if they are:
- a. unattached sheds which do not encroach on applicable setbacks
 - b. additions to residential structures that are not used for living purposes (i.e., porches, decks, mudrooms, etc.) and which do not require plumbing of any kind and which do not encroach on applicable setbacks.
- 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.
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. 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:

- a. Describes the tower height and/or satellite dish height and design including a cross section and elevation;
- b. 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 can not 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).

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

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-eighth of an acre in area with a minimum width or depth dimension of forty feet (40').
- 421.1 If such pre-existing lot(s) subsequently comes under common ownership with one of more contiguous lot(s), the lots shall be deemed merged with the contiguous lot(s). However, such lots shall not be deemed merged and may be separately conveyed if:
- a. Lots are conveyed in their pre-existing non-conforming configuration.
 - b. On the effective date of any zoning bylaw, each lot was developed with a potable water supply and wastewater disposal system.
 - c. At the time of transfer, each potable water supply and wastewater system is functioning in an acceptable manner.
 - d. Deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply.
- 421.2 If, subsequent to separate conveyance, as authorized under subdivision 421.1 of this section, a wastewater system fails, the owner shall be required to obtain from the secretary of natural resources a wastewater permit as required under the subdivision regulations or a certifications that the wastewater system has been modified or replaced, with the results that it no longer constitutes a failed system.
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 fifty feet (50') 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 Homes (4412.1G).** A residential care home or group home operating under state licensing or registration, serving not more than eight (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 one thousand (1,000) feet of another existing or permitted such home.
- 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 Apartments (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:
- a. Sufficient wastewater capacity (requires new state wastewater permit);
 - b. The accessory apartment is not greater than 30% of the inhabitable floor space of the primary dwelling;
 - c. Meets applicable setback, lot coverage, and parking requirements for the zoning district where located.
 - d. Accessory apartments that require a new structure, an increase in height or floor space of the existing dwelling, or an increase in parking area dimensions are a Conditional Use that requires review and approval by the Development Review Board.

Section 425. Fences

425.1 **Fences/Walls, Permitted Uses.** Fences that are 50 % open or more, not higher than six (6) feet; and semi closed or closed fences/walls (less than 50% open) and not higher than six (6) feet may be placed on the side and rear property lines provided the fence/wall is not in the road right of way.

Fences in front yards (along streets and roads); open fences not higher than four (4) feet; and semi closed and closed fences/walls not higher than two (2) feet fences are a permitted uses; provided that they are not placed in the road right-of-way or closer that ten (10) feet from the edge of the road where the road right-of-way is less than ten (10) feet from the edge of the road.

Fences at road intersections shall be back twenty-five (25) feet from road right of ways, fences may go at a forty-five (45) degree angle back twenty-five (25) feet from road right of ways. *(Please see illustrations on next page)*

425.2 **Fences/Walls, Conditional Uses.** All fences/walls not considered permitted uses.

425.3 **Fences, Exempt.** All fences associated with a working farm.

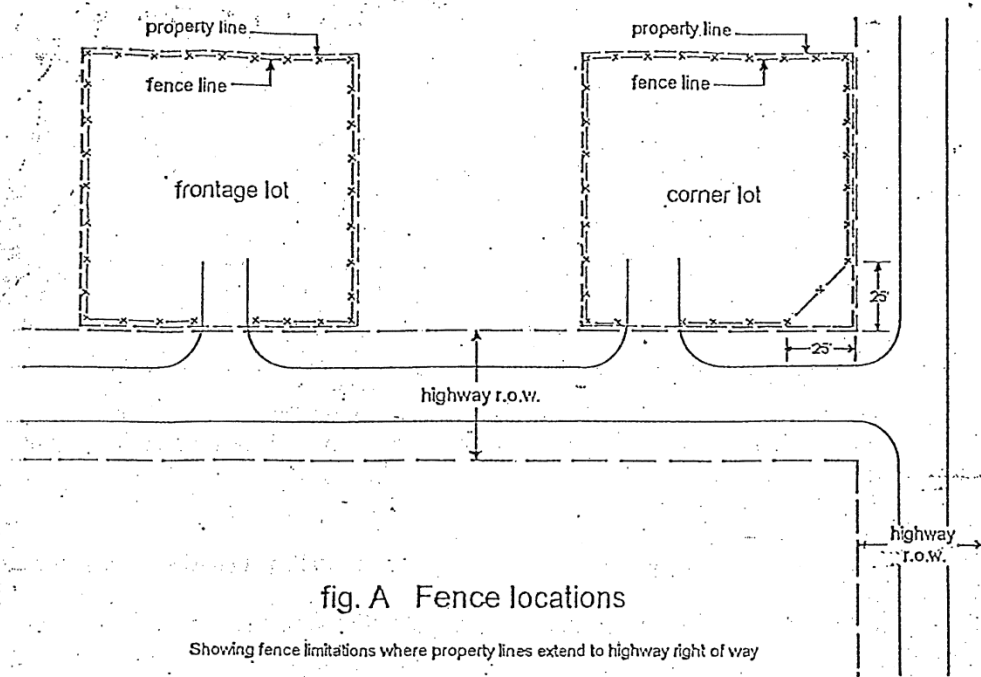


fig. A Fence locations

Showing fence limitations where property lines extend to highway right of way

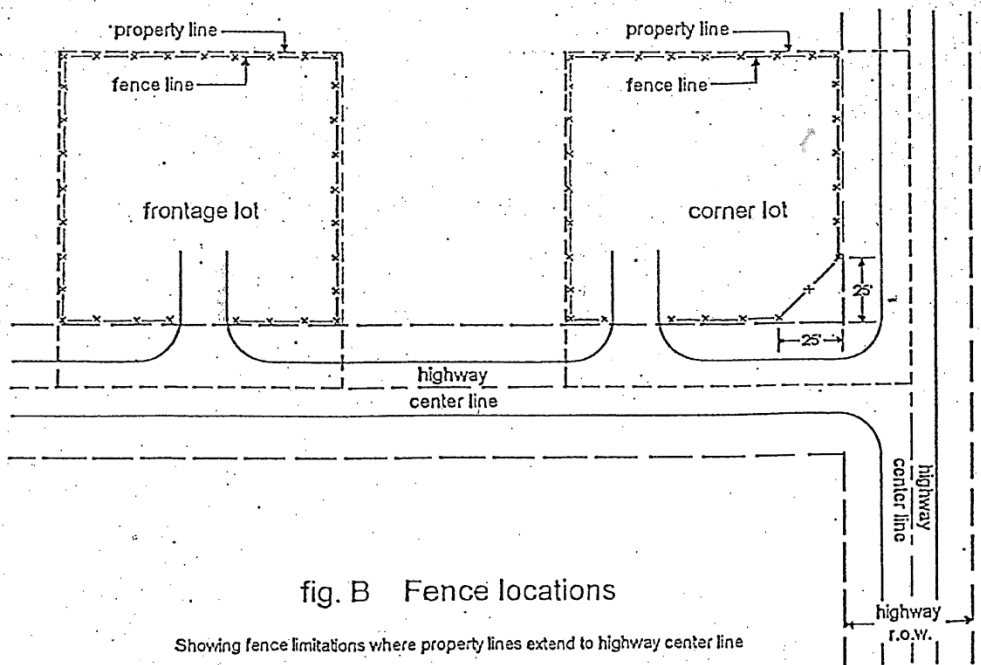


fig. B Fence locations

Showing fence limitations where property lines extend to highway center line

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:

- a. Sketch of the pond location on a survey of the property (if available) or other reasonable representation of the property showing:
 1. setbacks from property lines, leach field, structures, and water supply
 2. existing slope of the pond site
 3. water source and method of discharge
 4. location and size of emergency spillway
 5. route of flow of outlet and/or spillway
- 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. Any pond or dam that has its overflow discharge draining into the Town's right-of-way must have the approval of the Town Highway Superintendent. 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 of one (1) year 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 one (1) year 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.
434. **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-Complying Structures.** A non-complying structure (i.e., a structure that does not meet the dimensional requirements for the district in which it is located) may be expanded upon Conditional Use approval by the Development Review Board, providing that the expansion is entirely consistent with the dimensional requirements for the district in which the structure is located, and that the expansion does not make the structure more non-complying.
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 (90) days after work on an excavation for a building has begun, 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.

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 located within a distance appropriate to the proposed use but not exceeding 500 feet, and upon approval of the Development Review Board.

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, 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. For site plan purposes, a standard parking space is nine (9) feet wide and eighteen (18) 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 Residential in Central Business	2 per dwelling unit 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 homes	1 for each 75 sq.ft. of public floor space
Transient lodging facilities	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 one and two family residential development.

454.1 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.
472. **Permanent Signs in Residential Zoning Districts (MOR, SI, HDR, MDR, LDR & RRA).**
- a. **Sign Size.** In any residential district a maximum of one permanent Sign not exceeding six square feet is allowed per lot for any residential and business use on the premises.
 - b. **Sign Height.** No free standing Sign in a residential district shall extend higher than ten feet from the average grade of the surrounding ground to the highest point of the Sign.
473. **Permanent Signs in Business Zoning Districts (CB, COM, BE, NC, IND, SU LVGC & AB).**
- a. **Sign Size.** No business shall have a Sign or combination of Signs in the districts zoned for business that exceed 50 square feet in total area, except as follows:
 1. COM – no Sign or combination of Signs shall exceed 100 square feet in total area
 2. CB – no Sign or combination of Signs shall exceed 75 square feet in total area
 3. SU – no Sign or combination of Signs shall exceed 15 square feet in total area (note Campus Signs in SU shall be permitted as specified in §473g).
 - b. **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, except in the CB zoning district, where no Sign shall extend higher than 10 feet from the average grade of the surrounding ground to the highest point of the Sign.
 - c. **Sign Count.** Every business shall be limited to a maximum of one free standing Sign and one Sign for each facade of the Structure.
 - d. **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 shall not exceed ten square feet in total area.
 2. **Sign Count.** A maximum of one Directory Board Sign shall be permitted, except where a business fronts on more than one Street, where a Directory Board Sign shall be allowed at a driveway entrance on each Street.

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 district's area sign size maximum per business.
- e. Awning Sign. Additional on-premise business Signs above and beyond the district'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.
 - f. Umbrella Sign. Additional on-premise business Signs above and beyond the district's area maximum per business are allowed on Umbrellas, provided that the Sign area on each Umbrella is not greater than ten percent of that total umbrella area.
 - g. Campus Sign (SU). Educational and medical campuses in the SU zoning district shall be allowed no more than 50 square feet of Sign area to display the name of the institution. Signs in a complex shall be harmonious throughout the entire complex in some manner, such as but not limited to, background board, trim, mounting brackets, etc. A graphic or Sign must be located on that part of the building or lot occupied by the activity.
 1. Sign Size. One Sign shall be permitted in each Campus parking area to direct students/patients to particular buildings or sections of buildings that does not exceed fifteen square feet.
 2. Public Entrance Signs. One Sign shall be permitted beside or over each Campus public entrance to identify the entrance that does not exceed 3 square feet. This allowance for public entrance Signs shall not count towards the district's area maximum per business
 3. Public Warning Signs. Campus public warning Signs of less than 1 square foot and are not illuminated for public warning such as but not limited to: do not enter, employees only, danger, etc...shall be permitted. This allowance for public warning Signs shall not count towards the district's area maximum per business.

474. **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.

475. **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. Off-Premise Advertising. A Sign or display promoting a business or activity that is not the main activity of the facility on the premises is prohibited.
- c. Unsafe and Unlawful Signs and Removal. If the Zoning Administrator finds that any permanent Sign is unsafe or is in violation of the provisions of this ordinance, he or she shall immediately give written notice by certified mail to the owner of the Sign and/or the owner of the premises. If the owner fails to bring the Sign into conformity within seven days following the issuance of such notice, the Zoning Administrator shall commence enforcement pursuant to §622 of the Bylaw.
- d. Business/Use Name Change. When use of a property is changed or terminated, 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 seven days. Any Sign not so removed may result in an enforcement order being issued by the Zoning Administrator. 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.
- e. Sign Support & Hardware. All Signs including their supports and hardware shall be of substantial and sturdy construction and shall be kept in good repair.
- f. Facade Sign Height. No facade Sign shall extend above the highest roofline of the building upon which it is located.

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 districts. Internally illuminated Signs with a valid Sign permit issued prior to February 6, 2006 in the COM zoning district may continue to be used provided they meet all other requirements of this section.
- 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 shall be erected or maintained in such a manner that it obstructs free and clear movement, vision or is otherwise a hazard to drivers or pedestrians.
- e. Traffic Control. No Sign shall be designed, painted, or erected in a manner that causes it to be confused with any authorized traffic Sign, Signal, or device.
- f. Fire Safety. No Sign shall be erected, relocated, or maintained so as to prevent free movement from any door, window, or fire escape.

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. It is the intent of this section to allow externally illuminated Signs, but to ensure that they do not create glare or unduly illuminate the surrounding area. As such, Signs may be lighted by use of down lighted, down shaded light fixtures only. The applicant shall provide sufficient technical and design information to demonstrate that the following provisions are met.
- a. The average level of illumination on vertical surface of the Sign shall not exceed 3.0 foot candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.
 - b. 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.
 - c. 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.
 - d. To the extent practicable, fixtures used to illuminate Signs shall be top mounted and directed downward (i.e. below the horizon).
 - e. Signs shall be illuminated by a steady light, which must be of one color only.
478. **Temporary Signs.** All Signs not maintained in place continuously throughout the year shall be considered temporary Signs. Temporary Signs are permitted for business windows and for non-commercial events or activities of a limited duration. No temporary Sign shall be displayed for more than 180 days within a 12-month period, beginning on the date the Sign is first displayed. All temporary Signs shall have the name address and phone number of the owner of the Sign.
- a. Application for temporary Signs shall be made on forms supplied by the Zoning Administrator and shall include the location, duration, and type of activity to be advertised; the size of Sign to be used; and the proposed location(s) for the Sign(s).
 - b. Temporary Signs shall not be in place more than one week prior to the event that it advertises.
 - c. The applicant shall remove all temporary Signs within 24 hours of the completion of the event that they advertise.
 - d. Temporary Signs shall not be affixed to utility poles, directional or street Signs, or other public property.
 - e. 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 Sign.
 - f. Consistent violation of regulations governing the use of temporary Signs shall be noticed and fined by the zoning administrator.
 - g. Business window Signs displayed inside of a window shall be considered temporary Signs and are allowed in all business zoning districts (CB, COM, BE, NC, IND, SU, LVGC & AB). No business window Sign shall cover more than twenty-five percent

of the window glass. Business window Signs do not require a permit or owner information listed thereon.

479. **Exemptions.** The provisions of this Section shall not apply to the following Signs: Signs identifying directions to the location of Memorial, historical, and religious locations; traffic Signs; legal notices; directional Signs authorized by the State of Vermont; "for sale" Signs attached to vehicles; one temporary, non-illuminated real estate Sign per broker not to exceed six square feet; Signs for trespassing, safety zone, or other legal posting of property not to exceed two square feet in area; one construction site identification Sign per site not to exceed six square feet; 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.
 - 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 15% of the total area of the banner or display.

Section 480. Uses Specially Regulated.

481. **Bulk Storage of Fuel.** Bulk Storage of Fuel is allowed in the Industrial District 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 out side 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 (50') from any property line.
- 484.3 All fuel and oil shall be stored at least thirty-five feet (35') 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 (15') 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 (40')
- 484.7 A suitably curbed, landscaped area shall be maintained at least five feet (5') 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:
- 486.1 The home is securely anchored to a permanent foundation or pad
 - 486.2 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:
- a. shall be parked behind the front line of the principal building on the site;
 - b. shall not be located within required setbacks for the district in which it is located;
 - c. shall not be used as living quarters for more than 30 days within a 12 month period; and
 - d. 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 On all properties except one and two family residential structures and active farms, the installation or replacement of any outdoor lighting fixtures shall require a zoning permit. Said permit may not be issued unless is found by the Development Review Board or Zoning Administrator to conform to all applicable provisions of this section.

490.2 General Requirements.

- a. When the outdoor lighting installation or replacement is part of the development proposal for which conditional use approval is required under these regulations, the Development Review Board shall review and approve the lighting installation as part of its conditional use approval.
- b. Outdoor lighting installations involving the installation or replacement of two or fewer lighting fixtures free standing or wall mounted may be approved by the Zoning Administrator, provided that no single lamp bulb exceeds 150 watts, and that the total wattage of all bulbs in the fixtures does not exceed 300. The Development Review Board must approve all other installations.
- c. The applicant shall submit sufficient information, in the form of overall exterior lighting plan, to determine that the applicable provisions will be satisfied. The lighting plan shall include at least the following:
 - i. A site, plan drawn to a scale on one inch equaling no more than twenty (20) feet, showing buildings, landscaping, parking areas, and all proposed exterior lighting;
 - ii. Specification for all proposed lighting fixtures including photometric data, designation as IESNA "cut off" fixtures, Color Rendering Index (CRI) of all lamp bulbs, and other descriptive information on the fixtures;
 - iii. Proposed mounting height of all exterior lighting fixtures;
 - iv. Analyses and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section; and
 - v. Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the wall, and the aiming points for any remote light fixtures.
- d. Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
- e. When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.
- f. Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrast in color and/or lighting levels.

- g. Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on existing utility poles.
- h. Proposed lighting installations that are not covered by special provisions in this section maybe approved only if the Development Review Board finds that they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.
- i. For the purpose of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture.
- j. Holiday lighting during the months of November, December and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.
- k. The Development Review Board may modify the requirements of this section if it determines that in so doing, it will not jeopardize achievement of the intent of these regulations.

490.3 **Specific Standards.**

- a. **Parking Lot Lighting:** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and not to cause glare or directly illumination onto adjacent properties or streets.
 - i. All lighting fixtures serving parking lots shall be cut off fixtures as defined by Illumination Engineering Society of North America.
 - ii. The Maximum mounting height shall not exceed twenty (20) feet.
 - iii. The minimum illumination level (at the darkest spots in the parking area) shall be no less than 0.3 foot candles and not more than 0.5 foot candles in the CBD and IND districts and in all other districts no less than 0.2 foot candles and no more than 0.3 foot candles.
 - iv. A minimum color rendering index of 65 is required.
- b. **Lighting of Gasoline Stations/Convenience Store Aprons and Canopies.** Lighting levels in gasoline stations/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose.
 - i. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements of the parking areas set forth elsewhere in this section. If gasoline pumps are provided, the entire apron shall be treated as a parking area.

- ii. Areas around the pump islands and under the canopies shall be illuminated so that the minimum horizontal illumination at grade level is at least 1.0 foot candle and no more than 5.5 foot candles. The uniformity ratio (ration of average to minimum illumine) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot candles.
 - iii. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy so that the light is restrained to no more than 85 degrees from vertical.
 - iv. As an alternative or supplement to recessed ceiling lights, indirect lighting may be used where lighting is beamed upward and then reflected down from the underside of the canopy. In this case lighting fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
 - v. Lights shall not be mounted on the top or sides (fascias) of the canopy and the side fascias of the canopy shall not be illuminated.
- c. **Lighting of exterior display/sales area.** Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. The Development Review Board must approve this designation.
- i. Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas suggested elsewhere in this section.
 - ii. Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only the area designated as exterior display/sales area.
 - iii. Light fixtures shall meet the IESNA definition of cut off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent properties.
 - iv. Fixtures shall be mounted no more than twenty (20) feet above grade, and mounting poles shall not be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.
- d. **Lighting of outdoor performance facilities.** Outdoor nighttime performance events (concerts, athletic contest, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the event. The

regulations in this section are intended to allow adequate lighting for such events while minimizing skyglow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption.

- i. **Design Plan:** A lighting design plan shall be submitted which shows in detail the proposed lighting requirements of various areas and how those requirements will be met.
 - ii. **Dual System:** The main lighting of the event (spotlighting or floodlighting), etc..) shall be turned off no more than 45 minutes after the end of the event. A low level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 3.0 foot candles with the uniformity ration (average to minimum not exceeding 4:1).
 - iii. **Primary playing areas:** where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
 - iv. **Parking Areas:** Lighting for parking areas shall meet the requirements suggested elsewhere in this section.
 - v. **Pedestrian Areas:** Areas designated solely for pedestrian circulation shall be provided with a minimum level of illumination of no less than 0.1 foot candles and no more than 0.2 foot candles. A uniformity ratio of average illumination to minimum illumination shall not exceed 4:1.
 - vi. **Security Lighting:** Security lighting shall meet the requirements suggested elsewhere in this section.
- e. **Security Lighting.** The purpose of and need for security lighting (i.e. lighting for safety of persons and property) must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. To the extent that the designated area illuminated for other purposes, independent security installations will be discourages.
- i. In addition to the application materials set forth in the general provisions of this section, applications for security lighting installations shall include a written description of the need and purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross sections showing how light will be directed only into the area to be secured.

- ii. All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above the horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties or roadways. The use of general flood light fixture shall be discouraged.
 - iii. Security lighting may illuminate vertical surfaces (e.g., building facades and walls up to a level eight (8) feet above grade or eight (8) feet above the bottom of doorways or entries, whichever is greater.
 - iv. Security lighting fixtures may be mounted on poles located no more than ten (10) feet from the perimeter of the designated secure area.
 - v. Security Lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.
 - vi. The maximum height for a fixture is twenty (20) feet. The average horizontal illumination level on the ground is to be no more than 1.0 foot candles. The minimum color rendering index of 65 is required.
- f. **Lighting of Building Facades and Landscaping.** With the exception of structures having exceptional symbolic (i.e. churches and/or public buildings) or historic significance in the community, exterior building facades shall not be illuminated. When buildings having a symbolic or historic significance are to be illuminated, the Development Review Board shall approve a design for illumination and the following provisions shall be met:
- i. The maximum illumination on any vertical or angular surface shall not exceed 5.0 foot candles.
 - ii. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed towards adjacent streets or roads.
 - iii. Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.
 - iv. To the extent practicable, lighting fixtures shall be directed downward (i.e. below the horizontal) rather than upward.
 - v. When landscaping is to be illuminated, the Development Review Board shall first approve a landscaping lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generally excessive light levels, cause glare or direct light beyond the landscaping into the night sky.

- g. **Lighting of Walkways/Bikeways and Parks.** Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply.
- i. The walkway, pathway, or ground area shall be illuminated to a level of at least 0.3 foot candles and not more than 0.5 foot candles.
 - ii. The vertical illumination levels at a height of five (5) feet above grade shall be at least 0.3 foot candles and not more than 0.5 foot candles.
 - iii. Lighting fixtures shall be designed to direct light downward, and light sources shall have initial output of no more than 1000 lumens.
 - iv. In general, lighting shall be consistent with the guidelines presented in the IESNA Lighting Handbook, 8th edition.

Section 495. Private Airstrips:

Objective: To allow property owners to land private aircraft on their property.

496. **Private 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.

* 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.

501.1 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 review and consideration. 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(s) shall submit four (4) sets of site plan maps and 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(s) or firm(s) preparing the map and supplying the data and information;
2. The name and address of the owner(s) of record and those of adjoining lands, and of the applicant(s) if different;
3. A map of the property showing existing features and including:
 - a. a bar scale showing miles or feet
 - b. a north arrow with the most recent magnetic declination if available
 - c. the date of map preparation
 - d. existing features including contours labeled in feet and meters, structures, large trees, streets, utility easements, rights-of-way, land use restrictions, deed restrictions, and unusual natural or geologic features
4. A map of the property showing proposed features including:
 - a. a bar scale showing miles or feet
 - b. a north arrow with the most recent magnetic declination if available
 - c. the date of map preparation, and proposed features including contours labeled in feet and/or meters, 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
5. If the development is a subdivision, a plat to be recorded in the Land Records of The Town of Morristown in conformance to statutory requirements (27 VSA, Chapter 17) including the following:
 - a. subdivision name or identifying title

- b. name of subdivider, preparer of plat, and owner of record
- c. seal of licensed surveyor
- d. date prepared, site location map, north arrow, and bar scale
- e. subdivision boundaries and position of monuments
- f. where applicable, location of existing roads, buildings, and easements
- g. indication of intersecting boundaries
- h. acreage of each lot
- i. building elevations

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
- 503.4 To protect the utilization of renewable energy resources

Section 510. Planned Unit Development (PUD).

511. **Authority.** In accordance with the provisions set forth in §4417 of the Act, and where permitted in the zoning districts, the modification of the district regulations by the Development Review Board is permitted simultaneously with subdivision plat approval, or, in the absence of subdivision regulations, site plan approval, under the following procedures.
512. **Purpose.** The purpose of planned unit development (PUD) provision to encourage new communities, innovation in design and layout, and more efficient use of land; to facilitate the adequate and economic provision of streets and utilities; to preserve the natural and scenic qualities of open land; to provide for a mixture of compatible uses at different densities; and to provide for the development of existing lots which because of physical, topographical or geological conditions could not otherwise be developed.
513. **Permitted Uses.** Uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.
514. **Application Procedure.** A site plan shall be submitted to the Development Review Board showing:
- j. location, height and spacing of buildings
 - k. open spaces and their landscaping
 - l. streets, driveways and off-street parking spaces
 - m. unique natural or manmade features
 - n. physical conditions of the site
 - o. a statement setting forth the nature of all proposed modifications, changes, or supplementation of existing zoning regulations
515. **Standards for Review.** The following general standards shall be met in order for the Development Review Board to approve the application:
- 515.1 The PUD is consistent with the municipal plan;
 - 515.2 The overall density of the project does not exceed the number of structural units which could be permitted in the planning commission's judgment, if the land were subdivided into lots in accordance with the district regulations, except where specifically permitted in these regulations and as permitted below:
 - a. A density bonus of up to 20% of the permitted overall density may be permitted in any district in instances in which not less than 50% of the total acreage involved is set aside as open space in accordance with §517.
 - 515.3 Mixed uses are arranged so as to be compatible and ensure visual and aural privacy for the residents of the projects;
 - 515.4 The PUD is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for

protection of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique natural and man-made features; and

- 515.5 The development plan is proposed over a reasonable period of time in order that adequate municipal facilities and services may be provided.
516. **Standards for Approval.** The following specific standards shall be met in order for the Development Review Board to approve the application:
- 516.1 The minimum size of the project shall be one (1) acre
 - 516.2 District regulations on height and spacing between main buildings shall be met unless otherwise waived by the Development Review Board.
 - 516.3 To insure adequate privacy for existing or proposed uses adjacent to the PUD, structures on the perimeter of the PUD shall be set back forty (40) feet and screening may be required
 - 516.4 The maximum building coverage per acre permitted shall be fifty per cent (50%)
517. **Open Space.** If the PUD results in lands available for parks, recreation, open space or other municipal purposes, the Development Review Board as a condition of its approval may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.

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 Each day that a violation is continued shall constitute 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.
- 631.1 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.
638. **Stormwater Treatment.** Conditional uses that create new impervious cover (manmade surfaces including, but not limited to, paved and unpaved roads, parking areas, driveways and walkways), that are *not* subject to a state stormwater permit will be subject to the following requirements: (1) treatment by infiltration of stormwater runoff from all new rooftop impervious surfaces to suitable soils shall be maximized for all land uses, (2) all rooftop runoff may be disconnected and directed over a pervious surface so long as it follows the restrictions defined in §3.2, *Disconnection of Rooftop Runoff Credit*, of the Vermont Stormwater Management Manual, 2002 edition (*see Appendix 3*), (3) use of stormwater management practices such as infiltration galleries, infiltration swales, infiltration basins, infiltration trenches, bio-retention or “rain gardens” and dry wells (where the horizontal dimension of the well is greater than the vertical dimension) are acceptable stormwater management practices to meet this requirement, (4) treatment practices used should be sized to handle at a minimum the first .4” of runoff from the rooftop impervious surface(s), (5) where soils are unsuitable or other site constraints prevent infiltration the applicant will use other stormwater management practices found in the above referenced manual to maximize stormwater treatment of rooftop on site. It will be at the discretion of the development review board to determine if the applicant has clearly demonstrated that site constraints prevent on-site stormwater runoff infiltration.
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:
 - i. 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. The DRB may require the planting of larger diameter trees upon consideration of the site conditions.
 - ii. Be a relatively long-lived (i.e. over sixty (60) years) species with a high tolerance for soil compaction.
 - iii. Be of native origin, provided that they meet the above criteria.
- d. Landscaping plans shall emphasize the use of street trees along road frontage.

In instances where a planting strip is required along road frontage, at least one (1) street tree shall be planted for each thirty linear feet (30') of landscaping strip. Such trees shall be planted along the edge of the road right-of-way, and shall:

- i. Be a minimum of 2.5" - 3.0" caliper (trunk diameter), measured at a height of five (5') feet, unless otherwise specified by the DRB upon consideration of site conditions;
- ii. Be an appropriate species of nursery stock deciduous shade tree - not flowering ornamental or conifers;
- iii. In the event that the Town has developed a street tree plan for a district or road segment, the DRB may require that tree planting be consistent with that plan;
- iv. Be a relatively long lived (i.e. over sixty (60) years) species with a high tolerance for road salt and soil compaction.
- v. Be of native origin, provided that they meet the above criteria.
- e. Flowering ornamental trees should only be used to complement shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.
- f. 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.
- g. All plantings shall be installed according to accepted horticultural standards. Plant species should be hardy for zone three (3) 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.
- h. The owner shall ensure proper watering and fertilization for plant viability and shall replace dead and dying trees for a period of one (1) year after planting.

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.

- a. 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).
- b. 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.
- c. 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 meet the requirements of §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.

Authority for local review of Act 250 permit applications is delegated by the Morristown Select Board to the Development Review Board.

661. **General Standards.** The Applicant shall Demonstrate that the proposed development or subdivision:
- a. Will not cause an unreasonable burden on the ability of the municipality to provide educational services.
 - b. Will not cause an unreasonable burden on the ability of the municipality to provide municipal or government services.
 - c. Is in conformance with the duly adopted Morrisville/ Morristown Town Plan.
662. The Development Review Board may waive its jurisdiction under this section in the interest of fairness to the Applicant.

Section 670. Local Review of Applications for VT Downtown Program Tax Credits.

Applicants for VT income tax credits for building rehabilitation projects in the designated downtown area of the Village of Morrisville will submit their application to the Development Review Board for local approval in accordance with the VT Downtown Program application guidelines and 32 VSA §5930 (b)(2). The DRB will review the application using the VT Secretary of the Interior's Standards for Rehabilitation, contained in the program application guidelines (*see Appendix 2*).

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. The term Major Subdivision shall be defined as any proposed subdivision resulting in more than 3 parcels, including the original parcel.

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 with contour lines with intervals of no more than twenty (20) feet or six (6) meters, as well as a vicinity map at a scale of sufficient detail to convey location information showing the general location of the property in relationship to the surrounding area.

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 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; capital budget and program; official map; developments proposed by any public agency; 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.

720.4a 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.

720.4b Where the subdivider submits a proposal for a Planned Unit Development, the requirements of §4417 of the Act shall be met, in addition to the requirements of these Regulations and any applicable zoning regulations.

Section 730. Procedures for Subdivisions.

730.1 **Applications.** After the Sketch Plan (pre-application) 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 (6) 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. Failure to do so shall require resubmission of the Sketch Plan. The plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Development Review Board, and shall conform to the requirements described in §780 herein. The application form shall be available from the Zoning Administrator and should be submitted to that official. If the application does not meet submission requirements imposed by these rules, the Zoning Administrator may reject the application as incomplete.

740.2 **Copies for Submission.** Four (4) copies of the Preliminary Plat and four (4) copies of the vicinity map shall be presented to the Zoning Administrator. Except in the case of a Minor Subdivision, the plat copies must be submitted at least one week prior to the public hearing. Paper Plat are to be 24" X 36".

- 740.3 **Filing Date of Preliminary Plat.** The official filing date of a Minor Subdivision Preliminary Plat shall be the date of submittal of the application to the Zoning Administrator. The official filing date of a Major Subdivision Preliminary Plat shall be the next regular meeting of the Development Review Board following the receipt of the application by the Zoning Administrator.
- 740.4 **Attendance.** For Major Subdivisions, the Subdivider, or his/her duly authorized representative, shall attend the meeting of the Development Review Board to discuss the Preliminary Plat. Failure to so attend may result in postponement or dismissal of the application.
- 740.5 **Public Hearing for Major Subdivision.** At least one public hearing shall be held to review the Preliminary Plat for a Major Subdivision. The public hearing shall be advertised in a newspaper of general publication in the Municipality, and the notice of the hearing shall be posted in the Municipality at least fifteen (15) days prior to the hearing. At least fifteen (15) days prior to the hearing 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. Any hearings held may be recessed to a later date, if necessary.
- 740.5a A complete application, including all required plat information, and all fees, must be submitted to the Zoning Administrator, at least seven (7) days before the public hearing.
- 740.5b 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.
- 740.6 **Review of Preliminary Plat.**
- 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, zoning bylaws, or capital budget and program.

740.6b **For Major Subdivision.** Review of the Preliminary Plat for a Major Subdivision shall be conducted by the Development Review Board, which 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, zoning bylaws, or capital budget and program.

740.7 Action On Preliminary Plat.

740.7a **For Minor Subdivision.** Within forty-five (45) 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 (45) 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 (15) days prior to action. At least fifteen (15) 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.

740.7c **For Major Subdivision.** Within forty-five (45) days, after the close of the final hearing, the Development Review Board shall take action to approve, with or without conditions, or disapprove such 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 Development Review Board. Failure of the Development Review Board to act within such forty-five (45) day period shall constitute a preliminary approval of the Preliminary Plat.

740.8 Approval of Preliminary Plat.

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.

740.8b **For Major Subdivision.** Upon granting approval of a Preliminary Plat of a Major Subdivision, the Development Review Board shall state the conditions of such approval, if any, with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the required improvements for which waivers may have been requested, (3) the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the final approval of the Subdivision Plat.

740.8c The action of the Zoning Administrator (for a Minor Subdivision) or Development Review Board (for Major Subdivision) and any conditions attached thereto shall be noted on four (4) copies of the Preliminary Plat. One copy shall be returned to the subdivider, two retained by the Development Review Board, and one forwarded to the legislative body of the Municipality.

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 (6) 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 according to the following procedures and requirements. 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 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. The application form shall be available from the Zoning Administrator and should be submitted to that official.
- 750.2 **Copies for Submission** Four (4) copies of: the plat (see §760.2 of these Bylaws, and 27 V.S.A. 1403, for additional requirements required at the time of final filing); the application; all offers of cession, covenants and agreements, easements, rights-of-way and the like; and prints of all construction drawings shall be submitted to the Zoning Administrator at least fifteen (15) days prior to a regular meeting of the Development Review Board following receipt of the application under §750.1.
- 750.3 **Filing Date of Final Plat.** The official filing date of the Final Plat shall be the next regular meeting of the Development Review Board following the 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 (15) days prior to the hearing to the clerk of an adjacent municipality in the case of a plat located within five hundred (500) 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 (7) 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 (45) 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 (45) days shall be deemed approval without conditions. Such approval may be classified as "Final Approval" or "Contingent Approval" as specified in §750.5a and 750.5b herein. However, if approved, the Final Plat shall not be signed by the authorized officers of the Development Review Board for recording until the subdivider has complied with the provisions of §750.8 if required by the Development Review Board.
- 750.7a **Contingent Approval.** The approval of any plat or subdivision including conditions, if any, requiring either a Subdivision Permit from the State of Vermont Agency of Natural Resources, Department of Environmental Conservation, or a Master Land Use (Act 250) Permit from the State of Vermont, District Environmental Commission, or a Public Building Permit from the State of Vermont, or any other State, Federal or local permits noted by the Development Review Board, shall be classified as "Contingent Approval." Such plat shall be considered approved by the Development Review Board contingent upon no further changes made to accommodate any other permit.
- (1) All plats or subdivisions classified with "Contingent Approval" shall be submitted for review by the Development Review Board after all other necessary permits have been received. The Development Review Board shall review for acceptance, any changes which may have been made by other permit issuing authorities or made by the subdivider to conform to other permit requirements. If no changes have been made, or if the

Development Review Board deems all changes acceptable, the plat or subdivision shall be given "Final Approval."

750.7b Final Approval. The approval of any plat or subdivision which does not require any State, or Federal permit or other permits noted by the Development Review Board, OR any plat previously classified with "Contingent Approval" and has been subsequently reviewed by the Development Review Board for their acceptance, shall be classified as "Final Approval" with or without conditions. Such plat may then be recorded and filed as set forth in §760 of these Regulations, provided §750.8 has been met if required.

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 (3) years. The term of the bond may, with the consent of the owner, be extended for an additional period not to exceed three (3) 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 (both for Record and Site Plan Plats), and properly signed by the Chair (or Acting Chair) of the Development Review Board (Record and Site Plan Plats), the Record Plat (18" X 24" mylar) shall be filed in the office of the Town Clerk, and the Site Plan Plat 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 the 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.

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

- a. Subdivision Name or Identifying Title
- b. Name of Subdivider, Preparer of Plat, and Owner of Record.
- c. Seal of Licensed Land Surveyor
- d. Date prepared, Site Location Map, and Bar Scale
- e. North Arrow of defined basis (i.e. magnetic north with year, or astronomic north)
- f. Subdivision Boundaries and Position of Monuments
- g. Where applicable, location of existing roads, buildings and easements
- h. Indication of intersecting boundaries
- i. Acreage of each lot, both total acreage and acreage excluding any right-of-way

770.2 **Site Plan Plat.** Plat requirements described in §780 (Preliminary Plat Requirements for a Subdivision); or 790 (Final Plat Requirements for a Subdivision) function as Site Plan Plats. The Site Plan Plat provides the detailed information about the proposal, upon which they will base their determination according to the requirements of these regulations. Upon submission, the Site Plan Plat will become part of the record for the Development Review Board decision.

Section 780. Preliminary Plat for Subdivisions.

- 780.1 **Preliminary Plat Information Required for a Subdivision.** The Preliminary Subdivision Plat shall consist of four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, showing or accompanied by the following information:
- 1) Proposed subdivision name or identifying title and the name of the municipality;
 - 2) Name and address and telephone number of record owner, subdivider and designer of Preliminary Plat (address and telephone numbers maybe be provided on separate sheet);
 - 3) Number of acres within the proposed subdivision and within each proposed lot, any subdivided lot must meet the minimum lot size with out including the “development road and its right-of-way” in the minimum lot size. location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
 - 4) 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).
 - 5) 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).
 - 6) The location and size of any existing sewers, water mains, culverts, storm drains, drainage ditches on the property to be subdivided.
 - 7) 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.
 - 8) 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.
 - 9) The width location, grades, and street profiles of all streets or other public ways proposed by the subdivider.
 - 10) Contour lines at intervals of five (5) feet of existing grades and of proposed finished grades where change of existing ground elevation will be five (5) feet or more; all contour lines shall be labeled in feet or meters.
 - 11) Typical cross sections of the proposed grading and roadways, sidewalks, and paths.
 - 12) Date, true north point and a bar scale.

- 13) Deed description and map of survey of tract boundary made and certified by a licensed land surveyor tied into established reference points (i.e. State Plane Coordinate System or Town Right-of-Ways).
- 14) Connections with existing water supply or alternative means of providing water supply to the proposed subdivision.
- 15) Connections with existing sanitary sewage system or alternative means of treatment and disposal within the proposed subdivision.
 - a. If private sewage disposal system is proposed, location and results of tests to as certain subsurface soil, rock and ground water conditions, depth to evidence of seasonal high water table (mottling) unless pits are dry at depth of five (5) feet; location and results of percolation tests.
- 16) Written confirmation of connections with existing electrical transmission lines and facilities.
- 17) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- 18) Preliminary designs of any bridges or culverts which may be required.
- 19) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- 20) The location of temporary markers adequate to enable the Development Review Board to locate readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the nearest existing street intersection shall be shown.
- 21) All parcels of land proposed to be dedicated to public use and the conditions of such use.
- 22) The location of wooded areas (or individual trees if appropriate), on the site and all other natural features or site elements to be preserved.
- 23) 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.

780.2 **Vicinity Map.** The Preliminary Plat shall be accompanied by a vicinity map drawn at a scale of sufficient detail to convey location information to the Development Review Board, showing the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within one thousand (1000) feet of any property line of the proposed subdivision. Within such area the vicinity map shall show:

- 1) All existing subdivisions and approximate tract lines of parcels together with the names and addresses of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision (addresses may be supplied on a separate sheet).

- 2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in subparagraph (1), above.
- 3) The boundaries and designations of zoning districts, special improvements districts, school districts, fire districts, and parks and other public spaces.
- 4) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding.

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 following requirements:

- 1) Paper drawing sheet size shall be no more than thirty-six inches (36") long nor more than twenty-four inches (24") wide.
- 2) All sheets shall have a margin which conforms to 27 VSA Chapter 17 (Filing of Land Plats). Space shall be reserved thereon for endorsement by all appropriate agencies (see 27 VSA § 1403 for any additional requirements that may be required at the time of final filing).

790.2 **The Subdivision Plat Shall Show:**

- 1) Proposed subdivision name or identifying title, the name of the municipality, the name and address of the record owner and subdivider, the name, license number and seal of the licensed land surveyor (Addresses may be supplied on a separate sheet).
- 2) The boundaries of the subdivision and its general location in relation to existing streets or other landmarks.
- 3) The date, indication of true north, and bar scale.
- 4) Street names and center lines, pedestrian ways, lots, reservations, easements, rights-of-way and any area to be dedicated to public use.
- 5) Sufficient data acceptable to the Development Review Board to determine readily the location, bearing and length of every street line, lot line, and boundary line and to reproduce such lines upon the ground. Where practicable these should be tied to reference points previously established by a public authority.
- 6) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- 7) By proper designation on such Plat, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
- 8) Lots and lot lines within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order, intersecting lot lines of adjoining properties.
- 9) The location of all improvements referred to in §780 and additionally the location of all utility poles or other similar facilities, sewage disposal systems, water supply systems, and rough grading and other devices and methods of draining the area within the subdivision.
- 10) Permanent reference monuments shown thus: "X" and all lot corner markers shown thus:"O."

11) Monuments which shall be set at all corners and angle points of the boundaries of the subdivision, and monuments required by municipal specifications for new roads, at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.

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.

- 800.1 **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, brooks, streams, rock outcroppings, water bodies, other natural resources, historic 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 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 minimizes the total surface area of the subdivision used for streets. Exceptions to the above requirement shall be granted if for safety or economic reasons it would be desirable for the arrangement of streets in the subdivision to provide for the continuation of principal streets in any adjoining subdivision or if other design techniques like clustering are used to obtain good solar orientation of buildings.

820.1a **Conformance to Official Map.** If the Municipality has adopted any Official Map, the subdivision shall be required to conform to that map. Streets shall be dedicated or reserved in the locations and widths shown on the Official Map as a condition of plat approval.

820.1b **Proposed Construction on Existing Roads.** Where the subdivision borders on an existing street, and if the Municipal Plan, Capital Budget and Program, Official Map, 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 solicit written comment from the Vermont Agency of Transportation, Utilities & Permits Unit, regarding the proposed access from new lots onto the state highway. The Agency's comments must be submitted for the DRB's review of the application.

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 that are the most restrictive shall apply unless the Development Review Board approves the less restrictive standards.

820.2a Horizontal Intersection Alignment.

1. Within seventy-five (75) feet of the approach to an intersection, the centerlines of the intersecting streets shall be at right angles.
2. The distance from the corner of one intersecting street, to the nearest corner of another intersecting street whether on the same side or opposite side of the common street they are intersecting, shall not be less than one hundred, twenty-five feet (125').
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 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. In no case shall the allowable intersection angle be less than sixty (60) degrees.

820.2b Vertical Alignment at Intersections. The gradient within 100 feet of intersections shall not exceed 3%.

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 of forty-five (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. The Applicant shall comply with the Morristown Street Numbering and Naming Ordinance. The Applicant is responsible for the cost of having the driveway/house sites located by GPS and providing the appropriate signage for the development road. Streets shall be identified by name on the preliminary plat. 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.

820.5a 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 one hundred (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 may require the subdivider to improve the access road to municipal highway construction standards. If in the Municipal Development Plan or the Capital Budget and Program, the Class 4 road is not intended to be reclassified as Class 3, the subdivider must make arrangements for maintenance of the access road satisfactory to the Development Review Board 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, must be built to meet all standards for publicly dedicated roads.

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.

820.9 **Bridges.** Plans for bridges twenty feet (20') or more in length, must be submitted for review prior to construction. Construction will be authorized only after a review by the State of Vermont, Agency of Transportation indicates that the bridge will meet all applicable Vermont Agency of Transportation specifications.

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. 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.

830.1a Sidewalks and/or curbing may be required on one or both sides of streets.

830.1b 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 chief of the highway department of this Municipality.

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 Development Review Board and the legislative body of this Municipality.

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 twenty (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.** All subdivisions shall make adequate provisions for water supply for fire fighting (see 840.8), storm water management, electric power, telephone, and other required utilities and improvements. See also §840.5 and 840.6.

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 evidence of the location of all proposed wells.

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 evidence of the location of all proposed systems.

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, Telephone, Cable Television.** 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.** Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board and the Fire Chief. 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.

850.1 **Surface Drainage.** An adequate surface storm water drainage system for the entire subdivision 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 effected 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.

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 to the 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 and a 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 Uses - Activities such as gift shops, cafeterias, fitness rooms, and snack shops that are conducted within a principal Structure 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."

Agriculture - Farming, dairying, orchards, woodlots, forestry, raising of crops, poultry, livestock, or nursery stock from seed or cuttings, and the processing or storage of agricultural products raised on the property, but excluding the commercial slaughtering or processing of animals or timber products.

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

Airport Elevation - The highest point of an airport's usable landing area measured in feet or meters from mean sea level.

Approach Surface - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in §314 (Airport Zone Height Limitations) of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach Zone - The area below the designated approach surface.

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.

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.

Bed and Breakfast - A single family dwelling unit in which the resident owner or permanent dwelling occupant provides short-term lodging to paying guests. The dwelling shall contain no more than 8 guest rooms. Guests may be served meals, provided that they are limited to breakfasts or brunches. Commercial restaurant or kitchen facilities are prohibited. Small-scale bed and breakfasts may be permitted as Home Occupations, providing they fit the definition and meet the standards contained in §423 of this ordinance. (See also Transient Lodging Facility)

Boarding House - Any Building in which persons either individually or as families are housed or lodged for hire or otherwise, with or without meals.

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]. A 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. (See also Height, Structure)

Building Trades - Businesses and activities related to the construction industry, including excavation services, contractors, building materials and equipment, and property maintenance

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 government 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.

Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 (20:1), for a horizontal distance of 4,000 feet.

Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

Construction Drawings - Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous Structures, etc.

Day Care Facility - A State licensed or State registered facility caring for 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.

Dormitory - Includes college or private school dormitory and nurses' home.

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 unit 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.

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.

Dwelling Unit, Seasonal - A dwelling unit that is not to be occupied as a principal place of abode, but rather used as a recreational home, or a second home.

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.

Educational Facility - Any public, private, or parochial preschool, nursery school, school, college, university, or other similar institution, and shall include all related development such as: athletic and play fields, playgrounds, parking facilities, dormitories, etc.

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.

Essential Services - Services and utilities needed for the health, safety, and general welfare of the community, such as underground or surface or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located. The definition of essential services is limited to utility-type services as opposed to other, equally important services, such as police, fire, and transportation.

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.

Federal, State, County or Municipally Owned and Operated Institutions and Facilities - Any use, Structure or development both owned and operated by either 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 Lamoille Regional Solid Waste Management District, the Morristown Corners Fire District, or any department or agency thereof, or their successors.

Fence, Closed or Semi Closed or Walls - A fence that is 50% open or less, such as but not limited to stockade fence, stone or brick walls, solid fences etc.

Fence, Exempt - All fences associated with a working farm.

Fence, Open - A fence that is at least 50% open, such as split rail, wire fences, picket fences, etc

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 (1').

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 - Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing, or servicing motor vehicles as an accessory use. (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)

Geographic Information System (GIS): The computerized mapping and information system adopted by the State of Vermont, Office of Geographic Information Services and/or the regional planning commission serving this Municipality.

Group or Care Home - A State licensed or State registered facility serving as a temporary or permanent residential care home for qualifying persons.

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.

Height, Structure - The vertical distance from the average finished grade at the foundation of the Building, to the highest point on the roof. (See also Building Height)

Highway Commercial Facility - Any commercial facility, such as motel, restaurant, motor vehicle service station, store, transient lodging facilities, and similar commercial uses intended principally to service the traveling public.

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.

Horizontal Surface - A horizontal plane located 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Hospice - A facility providing emotional, spiritual and physical care for the terminally ill in a homelike setting.

Hotel - A Building providing lodging for persons with or without meals, intended primarily for or the accommodation of transients, and so designed that normal access and egress are controlled from a central point. (See also Transient Lodging Facility)

LCPC - The Lamoille County Planning Commission, the regional planning commission serving this Municipality.

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."

Loading Space - Off-street space used for the temporary location of one licensed motor vehicle, which is at least twelve feet (12') wide and forty feet (40') long and fourteen feet high, not including access driveway, and having direct access to a street or alley.

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 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 any public or private road right of way.

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.

Mixed Use Residential/Commercial/Retail - A combination of residential (including multi-family), office, business and/or retail as principal uses within a single Building, or on a single lot, subject to review by the Development Review Board and the following provisions:

- Each of the proposed uses is an allowed use within the zoning district in which the mixed use is located.
- The combined uses meet all applicable standards for the district in which the mixed use is proposed, including minimum lot, frontage and setback requirements, and maximum lot coverage; or the mixed use is part of a planned unit development (PUD) reviewed in accordance with §510.
- Residential uses are not located in first stories of Buildings.

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.

Mobile Home Park - Any parcel of land under single or common ownership or control that contains, or is designed, laid out, or adapted to accommodate more than two mobile homes.

Motel - Building or group of Buildings providing lodging for persons, intended primarily for the accommodation of transients, each sleeping unit consisting of at least one bedroom and one bathroom. (See also Transient Lodging Facility)

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.

Non-Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, or which a straight-in non-precision instrument approach procedure has been approved or planned.

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.

Obstruction - Any Structure, growth, of other object, including a mobile object, which exceeds a limiting height set forth in §314 (Airport Zone Height Limitations) of this Ordinance.

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.

Parks and Recreation - A tract of land designated and used for active and passive recreation that is open to the public or open to bona fide members and guest that is operated for a fee.

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 Residential Development (PRD) - An area of land to be developed as a single entity for a number of dwelling units the plan for which does not correspond in lot size or bulk, density, lot coverage, or yard sizes to the standards set forth in these regulations.

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.

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.

Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §313 (Establishment of Airport Hazard Area Zones) of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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 Facility - Includes the erection, construction, and alteration in facilities or nature of use by any municipal, state, or federal government, public utility, or other quasi-public institution of public Buildings, correctional institutions, power generation facilities, electric, gas, oil, and similar transmission facilities, water supply and sewage treatment facilities, facilities for police, fire, ambulance, public schools and other education facilities.

Public Assembly - Includes auditorium, theater, public hall, school hall, meeting hall, church, temple, and synagogue, or any Structure meant to accommodate a gathering of twenty (20) or more persons.

Public Offices and Facility - Any small scale office, meeting hall, court room(s), 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 or Non-Profit Parks and Recreation - A tract of land designated and used by the public for active and passive recreation.

Public Service and Utilities Facility - Includes the erection, construction, and alteration in facilities or nature of use by any municipal, state, or federal government, public utility, or other quasi-public institution of public Buildings, correctional institutions, power generation facilities, electric, gas, oil, and similar transmission facilities, water supply and sewage treatment facilities, facilities for police, fire, ambulance, public schools and other education facilities, except for towers, telecommunication towers, and commercial communication operated receiving and/or transmitting dishes or antennas.

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

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.

Religious Institutions - Any development for which the principal purpose is the conduct of religious worship or other religious activities. This shall include any related offices, rectory, and residential dwellings for clergy, convents, and meeting halls. It shall not be construed to include any private or parochial educational facility except those which may be used for "Sunday School," religious instruction, or similar activities.

Residential Use - Single-family, two-family, multi-family year-round or seasonal dwellings, rooming/boarding houses, group homes serving no more than eight qualifying persons.

Resubdivision - A change of recorded subdivision plat if such change affects any street layout on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map of plan legally recorded.

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."

Runway - A defined area on an airport prepared for landing and take-off of aircraft along its length.

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

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, or right-of-way, which provides, or is reserved to provide, the principal access to abutting 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 - Any Structure containing rooms that are designed to be rented as sleeping units for persons on a temporary basis. This definition shall include: "bed and breakfasts," "hotels," "inns," "motels," "lodges," and "hostels."

Transitional Surface - The transitional surface extend outward at 90 degree angles to the runway centerline, and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Transitional Zone - The transitional zones are the areas beneath the transitional surfaces.

Trucking and Shipping Terminals - An area and/or Buildings where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

Umbrella – A retractable or permanent structure of flexible material (plastic, canvas, etc.) on a pole attached to, or reasonably in conjunction with, tables or chairs that offers protection against sun or rain.

Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

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).

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.

Wetland Buffer Zone - The area contiguous with a significant wetland that serves to protect those values and functions to be preserved by its designation.

Wetland, Contiguous - Shall mean sharing a boundary or touching and shall include situations where the water level of the wetland is directly influenced by the water level of the adjacent waterbody or wetland and where a man-made Structure (e.g. roadway) divides a wetland, if surface water is able to flow over, under or through that Structure.

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).

From a point beginning at the power plant bridge and the centerline of the Lamoille River traveling in a clockwise direction around the district. The centerline of the Lamoille River from power plant bridge on west to line projecting due north from northeastern corner of lot 205 on tax map 21. The entire eastern property line of lot 193 on tax map 21. A line projection from the northeastern corner of lot 192 on tax map 21 on the east to the northwestern corner of lot 178 on tax map 21 on the west. The western property lines of lots 178 and 15 on tax map 21 from the northwestern corner of lot 178 on tax map 21 on the north to a line 200' south of the centerline of Main Street. A line following the western property lines of tax map 21 lot 16 and tax map 23 lot 107. The centerline of East High Street from its junction of Main Street and Power Plant Road to a line 200' south of the centerline Main Street to the east to the centerline of the Lamoille River to the west.

Section 1010. Commercial (COM).

From a point beginning at the northwestern 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 northwestern 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 and 72 on tax map 8. The southern property lines of lots 71 and 75 on tax map 8 from the centerline of Houle Avenue on the east 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 to centerline of Route 100 on the west. The Village/Town Boundary from the centerline of Route 100 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 southwestern corner of lot 181 on tax map 8 on the north. The western property line of lot 181 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.

Section 1020. Business Enterprise (BE).

From the eastern edge of Lake Lamoille crossing Bridge Street, south along the town/village boundary to Route 100, on tax map 7. The centerline of Route 100 and town/village boundary west to the southern boundary of lots 324, 326, 323, 322, 11, 12, 10 and 9 on tax map 7. The western boundary of lot 9 to Ryder Brook, then along the eastern boundary along Ryder Brook crossing Ryder Brook to the western boundary of lot 14 on tax map 7. The centerline of Morrystown Corners Rd along the northern boundary of lot 14 to the western boundary of lots 189 and 190 on tax map 7. The centerline of Cady's Falls Rd along the northern boundary of lots 320 and to Lake Lamoille at Bridge Street excluding the section of lot 319 that is completely surrounded by Lake Lamoille on tax map 7.

Section 1030. Neighborhood Commercial (NC).

From a point beginning a 250' west of Brooklyn Street on the northern Village/Town Boundary traveling in a clockwise around the district. The Town/Village Boundary from 250' west of the centerline of Brooklyn Street on the west to the point where the Village/Town Boundary turns south on the east. The Village/Town Boundary from centerline of Harrel Street at the north to the centerline of the Lamoille River on the south. Following the centerline of the Lamoille River from the point where the Village/Town Boundary intersects with the centerline of the Lamoille River on the east. Along south side of Bridge Street between the centerline of Bridge Street and the southernmost boundaries of Lots 55-64 from the boundary of the Central Business District on the East to centerline of the proposed Morrisville Alternate Truck Route on the west as shown on the official zoning map. Along north side of Bridge Street between the centerline of Bridge Street and the Lamoille Valley Rail Road from the boundary of the Central Business District on the East to the westernmost boundaries of Lots 68 and 69 on the West.

Section 1040. Mixed Office Residential (MOR).

From a point beginning at northwestern corner of lot 178 on tax map 21 traveling in a clockwise direction around the district. A line projection from the northwestern corner of lot 178 on tax map 21 on the west to the northeastern corner of lot 192 on the east. The eastern property line of lot 193 on tax map 21 from the southeastern corner of lot 193 on tax map 21 on the south 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 the Morrystown School property and Route 15A on the east. A line projection due north from the intersection of Route 15A and the Morrystown 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 Morrystown 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 Street to the north to the centerline of Main Street 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 Street to south. 125' south of the centerline of Main Street from the eastern property line of lot 71 on tax map 22 on the east to the western property line of lot 15 on tax map 21 to the west. The western property lines of lot 15 and 178 on tax map 21 from 125' south of the centerline of Main Street to the south to the northwestern corner of lot 178 on tax map 21 on the north.

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. The Village/Town Boundary from Lake Lamoille on the west to the eastern property line of lot 1 on tax map 20 on the east. The eastern property lines of Lot 1 on tax map 20 and lot 102 with a line projection through lot 123 on tax map 21 from the Village/Town Boundary on the north to the southwestern corner of lot 96 on tax map 21 on the south. The southern property line of lot 96 on tax map 21 from the southwestern corner of lot 96 on tax map 21 on the west to the point where a northern line projection of the western property line of 87-1 intersect the southern property line of lot 96 on tax map 21 on the east. A line projection north and south of the western property line of lot 87-1 on tax map 21 from the point where the line projection meets the southern property line of lot 96 on tax map 21 on the north to the centerline of the railroad right of way on the south. The centerline of the railroad right of way from a point where a southern line projection from the western property line of lot 87-1 on tax map 21 intersects with the centerline of the railroad right of way on the east to the point where the southern property line of lot 37 on tax map 20 meets the railroad right of way. 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 2,000' west of the centerline Route 100 and the centerline of Needle Eye Road traveling in a clockwise direction around the district. The centerline of Needle Eye Road from a point 2,000' west of the centerline of Route 100 on the west to the intersection of Needle Eye Road and Route 15/Route 100 on the east. The centerline on Route 15/Route 100 from junction of Needle Eye Road and Route 15/Route 100 on the west to a point 1,000' west of the centerline of Route 100 on the east. 1,000' west of the centerline of Route 100 from the centerline of Route 15/Route 100 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 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 Road on the north.

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 on tax map 8 from the centerline of Munson Avenue on the west to the center line of Houle Avenue on the east. The centerline of Houle Avenue from the southeastern corner of lot 71 on tax map 8 on the south to the centerline of Route 15 on the north. 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 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 to the point where the Village/Town Boundary meets the centerline of the Lamoille River on the west. The Village/Town Boundary from the centerline of the Lamoille River on the south to the centerline of Harrel Street on the north. The centerline of Munson Avenue from the centerline of Harrel Street on the south to the southwestern corner of lot 75 on tax map 8 on the north.

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, 40-6, 40-3, 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 of the center line of Washington Highway on the south. A line projecting through lots 31 & 26 on tax map 13 from a point 1,950' south of the centerline of Washington Highway on the east to a point 1,465' south of the centerline of Washington Highway on the west. A line from a point 1,465' south of the centerline of Washington Highway on the western property line of lot 25 on tax map 13 on the south to the northwestern corner of lot 25 on tax map 13 on the north. From the northwestern corner of lot 25 on tax map 13 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 western property line of lot 71 on Map 22 on the west. The western 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 on tax map 8 on the south. A line projection from the southwestern corner of lot 29-1 on tax map 8 on the west to the northwestern corner of lot 14 on tax map 8 on the east. The Village/Town Boundary from the northwestern corner of lot 14 map 8 on the north to the southeastern corner of lot 3 on tax map 8. The southern property lines of lot 3 on tax map 8 and lots

24, 25 and 40-2 on tax map 24 from the southeastern corner of lot 3 on tax map 8 on the east 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 to the southeastern corner of lot 41 on tax map 24. The southern property lines of lots 41 and 83 on tax map 24 and lot 238 on tax map 23 from the southeastern corner of lot 41 on tax map 24 on the east to the centerline of Maple Street. The centerline of Maple Street from northwestern corner of lot 239 on tax map 23 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 north.

1092. **Medium Density Residential #2 (MDR 2).** From a point beginning at the centerline of the Lamoille River and Power Plant Road traveling in a clockwise direction around the district. The centerline of Power Plant Road from the Lamoille River on the west to the centerline of the junction of Main Street and Power Plant Road on the east. The centerline of Route 100 South from the centerline of the junction of Main Street and Route 100 South on the north to the centerline of the junction of Route 100 South and Randolph Road on the south. The centerline of Route 100 South from the junction of Route 100 South and Randolph Road on the east to the centerline of Ward's Pond Brook on the west. The centerline of Ward's Pond Brook and a line projecting from the centerline of Ward's Pond Brook to the centerline of Rt. 100 South on the south to the centerline of the Lamoille River on the north.

1093. **Medium Density Residential # 3 (MDR 3).** From a point beginning at the intersection a line projection of the southern property line of lot 37 on tax map 20 and the Village/Town Boundary traveling in a clockwise direction around the district. The southern property line of lot 37 on tax map 20 and a line projection from this property line from Lake Lamoille on the west to the centerline on the railroad right of way on the east. The centerline of the rail road right of way from the northwestern corner of lot 98 on tax map 21 on the west to a point where a line projection south from the western property line 87-1 on tax map 21 to where it intersects with the centerline of the railroad right of way on the east. A line projection north and south of the western boundary of lot 87-1 on tax map 21 from the centerline of the railroad right of way on the south to the intersection of lot 96 on tax map 21 and the northern line projection to the north. The western property lines of lots 96, 103, 104 and a line projecting from the western property line of lot 104 through lot 123 on tax map 21 from the southwestern corner of lot 96 on tax map 21 on the south to a point 100' west of the southwestern corner on lot 1-1 on tax map 20 on the northern property line of lot 123 on tax map 21 on the north. The entire northern property line of lot 103 on tax map 21. A 100' line along the southern property line of lot 1 on tax map 20 from 100' west of the southwestern corner of lot 1-1 on tax map 20 on the west to the southwestern corner of lot 1-1 on tax map 20 on the

east. The western property line of lot 1-1 on tax map 20 from the southwestern corner of lot 1-1 on tax map 20 to the south to the point where the Village/Town Boundary intersects the western property line of lot 1-1 on tax map 20 to the north. The Village/Town Boundary from a point where the Village/Town Boundary intersects the western property line of lot 1-1 on tax map 20 on the west to point 250' west of the centerline of Brooklyn Street. A line 250' west of Brooklyn Street from the Village/Town Boundary on the north to the southern property line of lot 84 on tax map 21 on the south. A line projection from southern property line of lot 84 on tax map 21 projecting east to the centerline of the Lamoille River from 250' west of the centerline of Brooklyn Street on the west to the centerline of the Lamoille River. The centerline of the Lamoille River from a line project of the southern property line of lot 84 on tax map 21 on the north to the centerline of the power plant bridge on the south. The centerline of the Lamoille River from the centerline of power plant bridge on the east to the Village/Town Boundary on the west. The centerline of the Lamoille River from the Village/Town Boundary on the south to a line projection from the southern property line of lot 37 on tax map 20 on the north.

Section 1100. Low Density Residential Districts.

1101. **Low Density Residential #1 (LDR 1).** From a point beginning at the intersection of northern edge of Route 100 South and the Village/Town Boundary traveling clockwise around the district. The Village/Town Boundary from the northern edge of Route 100 South on the south to the centerline of the Lamoille River on the north. The centerline of the Lamoille River from the Village/Town Boundary on the west 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 5 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 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. The western boundary of lot 331 to the southeastern corner of lot 7-1 on tax map 7. The southern boundaries of lots 7-1 and 7 to the centerline of Route 100. The centerline of Route 100 east along the western boundaries of lots 7 and 7-1 on tax map 7 to the Village/Town Boundary at the northeastern corner of lot 7-1. The northeastern corner of lot 7-1 on tax map 7 along the Village/Town Boundary to where the Village/Town Boundary meets the Lamoille River.

1102. **Low Density Residential #2 (LDR 2).** From a point beginning at a line projection northeast of the Morristown School property intersect the centerline of the Lamoille River traveling in a clockwise direction around the district. The centerline of the Lamoille River due south from the intersection of the Morristown School property and Route 15A 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, and 23 on tax map 8 to the southwestern corner of lot 23 on tax map 8. A line projection from the southwestern corner of lot 23 on the east to the southeastern corner of lot 29-1-2 on tax map 8 on the west. The southern property lines of lot 29-1-2 and 29-1 on tax map 8 from the southeastern corner of lot 29-1 tax map 8 on the east to the southwestern corner of lot 23 on tax map 8 to the west. The western property line of the Morristown School property from the southwestern corner of lot 29-1 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.

Section 1110. Rural Residential/Agricultural (RRA).

All lands in the Town, excluding the Village of Morrisville, and the following Zoning Districts in the Town: Commercial, Industrial district 2 and 3, and the Special Industrial with Agriculture districts.

Section 1120. Sewer Service.

From a point beginning where the Village/Town Boundary and Bridge Street 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 Street 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 Road on the north. The centerline of Needle Eye Road from a point 2,000' west of the centerline of Route 100 on the west to the centerline of Route 15/Route 100 from the northwestern

corner of lot 181 on tax map 8. The centerline of Route 15/Route 100 from the northwestern 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 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. The centerline of Route 100 west to the southern boundary of lots 11, 12, 10 and 9 on tax map 7. The western boundary of lot 9 to Ryder Brook, then along the eastern boundary along Ryder Brook crossing Ryder Brook to the western boundary of lot 14 on tax map 7. The centerline of Morristown Corners Rd along the northern boundary of lot 14 to the western boundary of lots 189 and 190 on tax map 7. Then east along the northern boundary of lot 190 to the centerline of Cady's Falls Rd, north to the northern boundary of lots 320 and to Lake Lamoille at Bridge Street excluding the section of lot 319 that is completely surrounded by Lake Lamoille on tax map 7. The northwestern corner of lot 301-1 at Bridge Street along the northern border of lot 301-1 on tax map 7 to the intersection of Bridge Street and the Village/Town Boundary.

Section 1130. Lower Village Gateway Commercial (LVGC).

From the intersection of the town/village boundary and the southern right-of-way line of the proposed 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 of tax map 328, and then north along the town/village boundary, crossing the centerline of Route 100, then west along the northern right-of-way line of Route 100 to intersection the southern right-of-way line of the proposed Alternate 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. Also as shown for references purposes on a map entitled “Proposed Lower Village Gateway Commercial District Morristown, Vermont” dated July 2010 and prepared by LCPC.

Section 1140. Airport Business (AB).

From the intersection of Ryder River 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 River and lot 144-1 on tax map 12, then south along the eastern lot lines of parcels 144-1 and 145 on tax map 12 to a point of intersection with the Goeltz Road right-of-way line, then west along the right-of-way of Goeltz Road until its intersection with Route 100, then north along the westerly right-of-way line in Route 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 Road right-of-way line, then northeast along the easterly right of way line of Cochran Road to its intersection with Route 100, then north along the right-of-way line of Route 100 to the beginning point of intersection with the Ryder River. Also as shown for references purposes on a map entitled “Route 100 Corridor: Proposed Airport Business District Morristown, Vermont” dated February 2010 and prepared by

APPENDIX 1: Summary of Changes from December 2011 Bylaw

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

1. **Revise §346.4 Waiver of Developable Density Restriction** – to remove the waiver for fee allowance, as said provision is not supported by statute.
2. **Revise §1120 Sewer Service** – to add additional land to the defined Sewer Service Market Area (SSMA) §1120 boundary description. Proposed land being added to the SSMA includes the “Sugar Woods Parcel” owned by Sugar Woods LLC and the Demars Road subdivision (various owners). Parcels included within these aforementioned areas include all or portions of lots 08-007, 08-008, 08-009, 08-010, 08-011, 08-013, 08-014, 08-015, 08-016, 08-017-1, 08-023, 08-023-1, 08-023-2, 08-023-3, 08-023-4, 08-023-5, 08-023-6, 08-023-7 & 08-023-8.

APPENDIX 2: VT Secretary of the Interior's Standards for Rehabilitation of Historic Buildings

These standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

- The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

APPENDIX 3: VT Stormwater Management Manual, §3.2

APPENDIX 3.1

Vermont Stormwater Treatment Standards

Section 3

- Must be maintained in the natural, vegetative state and restricted from development and disturbance for the life of the applicable stormwater permit. (Note: managed turf is not an acceptable form of vegetation management).

See Section 3.8 for an example application of the natural area conservation credit.

3.2 Disconnection of Rooftop Runoff Credit

A credit is given when rooftop runoff is "disconnected" and then directed over to a pervious area where it can either infiltrate into the soil or flow over it with sufficient time and velocity to allow for filtering. The credit is typically obtained by grading the site to promote overland flow through vegetated channels or by providing bio-retention areas either on-site or in common areas.

If a rooftop is adequately disconnected, the disconnected impervious area can be deducted from total impervious cover (therefore reducing WQ₂). In addition, disconnected rooftops can be used to meet the RA requirement as a non-structural practice under the Percent Area Method.

Restrictions on the Credit

The rooftop disconnection credit is subject to the following restrictions:

- Disconnection must be designed to adequately address the issue of basement seepage.
- The contributing length of rooftop to a discharge location shall be 75 feet or less.
- The rooftop contributing area to any one discharge location cannot exceed 1,000 ft².
- The length of the "disconnection" shall be equal to or greater than the contributing rooftop length.
- Disconnections will only be credited for residential lot sizes greater than 6,000 sq. ft.
- The entire vegetative "disconnection" shall be on a slope less than or equal to 5.0%.
- Where provided, downspouts must be at least 10 feet away from the nearest impervious surface to discourage "re-connections."
- Where a gutter/downspout system is not used, the rooftop runoff must drain as either sheetflow from the structure or drain to a subsurface drain field that is not directly connected to the drainage network.
- Disconnections are encouraged on relatively permeable soils (HSG A and B); therefore, no soil evaluation is required.
- In less permeable soils (HSG C and D), the water table depth and permeability shall be evaluated by a professional engineer to determine if a spreading device is needed to provide sheetflow over grass surfaces. In some cases, dry wells (see Figure 3.1), french drains or other temporary underground storage devices may be needed to compensate for a poor infiltration capability.
- For those rooftops draining directly to a stream buffer, one can only use either the rooftop disconnection credit or the stream buffer credit (Credit 4), not both.
- To take credit for rooftop disconnection for a designated hotspot land use, the rooftop runoff must not co-mingle with runoff from any paved surfaces.

APPENDIX 4: Zoning District Maps

1. Village zoning map (LCPC, May 2011)
2. Town zoning map (LCPC, May 2011)
3. Sewer service district primary agricultural soils map (LCPC, 10/26/09)
4. Airport hazards area map (LCPC, 10/18/05)