

PUBLIC NOTICE – WARNED HEARING

**TOWN OF MORRISTOWN SELECTBOARD & VILLAGE OF MORRISVILLE TRUSTEES
WARNED PUBLIC HEARING ON AMENDMENTS TO THE
MORRISVILLE/MORRISTOWN ZONING AND SUBDIVISION BYLAWS**

Via this notice, public hearings in Morrisville are warned for proposed changes to the Morrisville/Morristown Zoning and Subdivision Bylaws. The Morristown Selectboard's public hearing is scheduled for **Monday 17 June 2019 at 6:00PM** at the Morristown Municipal Offices in the Community Meeting Room at 43 Portland Street. The Morrisville Village Trustee's public hearing is scheduled for **Wednesday 19 June 2019 at 6:00PM** at the offices of Morrisville Water & Light at 857 Elmore Street. The Morristown Selectboard & Morrisville Village Trustees hereby provide notice of these public hearings being held so that the Morrisville/Morristown Zoning and Subdivision Bylaws may be revised pursuant to 24 VSA, Chapter 117: §4302, §4410-§4414, §4441, §4442 & §4444

Morrisville/Morristown Zoning and Subdivision Bylaws Table of Contents (abbreviated):

I. General Provisions / II. District Establishment and Regulations / III. Special Protection Areas / IV. General Regulations / V. Special Regulations & Provisions / VI. Administration and Enforcement / VII. Subdivision Application and Approval Procedure / VIII. Subdivision General Requirements and Design Standards / X. Definitions / XI. Zoning District Boundaries

Morrisville/Morristown Zoning and Subdivision Bylaws Statement of Purpose: To provide for orderly community growth, to provide for public health, safety and welfare, and to achieve the purposes set forth in the Vermont Municipal and Regional Development Act 24 VSA, Chapter 117, and the Town Plan.

The proposed amendments to the Morrisville/Morristown Zoning and Subdivision Bylaws are:

- a. §200 Delete Business Enterprise & Special Industrial zones, plus HOS Zone name change
- b. §201 Minor revisions to boundary interpretation and rounding requirements
- c. §204 Revise variance and waiver language, incentivize affordable housing through new waiver
- d. §204.5a Add "use matrix" to revise and summarize permitted and conditional allowances in all zones
- e. §204.5b Add "dimensional matrix" to revise and summarize dimensional requirements in all zones
- f. §205 Housekeeping for General Zoning Requirements
- g. §206 Revise existing design criteria rules
- h. §207 Add historic preservation criteria for core downtown streets
- i. §320 Modernize and update various areas of §320 Special Flood Hazard Area (SFHA) bylaw
- j. §340 Housekeeping changes in the Environmental Resource Area bylaw (EPA)
- k. §400 Housekeeping changes throughout section
- l. §401.1 Remove permit exemption for accessory structures within the §320 SFHA
- m. §401.6 Delete prohibition on marijuana dispensaries
- n. §402.1 Create 10 year sunset for permit renewals
- o. §422 Clarify and add road frontage eligibility to 20 foot right-of-way allowance
- p. §423.4 Increase accessory apartment size limit from 30% to 40% of heated part of total dwellings
- q. §424 Clarify and increase Tiny Dwelling Unit footprint size from 300 ft² to 500 ft²
- r. §432 Clarify that non-conforming uses and structures can be maintained and repaired
- s. §433 Clarify non-conforming uses in the §320 SFHA
- t. §434 Delete temporary use regulations
- u. §450 Make housekeeping changes to minimum parking requirements for deleted uses
- v. §470 Exempt downtown wayfinding signs, good-repair rules, and housekeeping for zone changes
- w. §480 Clarify that the Bulk Storage of Fuel Use is not allowed in the §320 SFHA
- x. §482 Requires that development on Class 4 Road, regardless of use, requires Conditional Use
- y. §483-4 Housekeeping changes to auto repair and gas station uses and new gas station canopy rules
- z. §488 Condense recreation vehicle and storage trailer language into a single section
- aa. §495 Delete land use regulations for Private Airstrips
- bb. §503 Allow DRB to require pedestrian and/or vehicular connection to adjacent properties
- cc. §510 Add in protecting §320 SFHA as a purpose of the Conservation Subdivision bylaw
- dd. §610 Modernize DRB membership number and alternate number

- ee. §700 Condense and streamline §700 subdivision application and approval procedure
- ff. §800 Condense and streamline §800 subdivision requirements and design, and require cul-de-sacs
- gg. §900 Definitions: Housekeeping changes, including the modification of existing uses, the creation of the following new uses (Base Flood Elevation, Compensatory Storage, New and Start of Construction, Recreational Vehicle, Special Flood Hazard Area, Substantial Damage, Violation), and the deletion of the following uses (Area of Special Flood Hazard, Auction Facility, Drive-In Restaurant or Refreshment Stand, Flood Hazard Boundary Map, Floodproofed or Floodproofing, Floodway Fringe Area, Light Industry, Manufacturing, Personal Use Airstrip, Public Office and Facilities, Regional Planning Commission, Salvage Depot, Seasonal Storage, Special Industry, Storage Yard, Wholesale Distribution, Yard, Front Yard, Side Yard, and Rear Yard).
- hh. §1000-§1120 Zone Boundaries: Make various small housekeeping changes to all zones with the goal reducing the reliance on using property lines as zoning boundaries, reduce the area of the Uptown Commercial Zone by downzoning the northern half of the old Langdell Farm parcel to Low Density Residential, change the Business Enterprise Zone into the Mixed Office Residential Zone, downzone the James Rd lots from Commercial to Industrial, make the northern peninsula of the Business Enterprise Zone into an Industrial Zone, delete the Special Industrial Zone, bring the High Density Residential Zone out to Jersey Hghts and east to the bottom of high school hill (Park St), delete the tail of the former Mixed Office Residential Zone on Park St and downzone it to Medium Density Residential, clarify that a portion of B&B nursery is included in the adjacent Low Density Residential Zone, expand the Low Density Residential Zone at Route 100 south in close proximity to the village including underutilized areas such as Hess's junkyard and the vacant daycare land across the street.

Location where full text may be examined: For copies of the full text and questions, please contact please contact Todd Thomas at 888-6373 or by email at tthomas@morristownvt.org or the Town Clerk's Office at 43 Portland St.

Planning Director Reporting Form: Municipal Bylaw Changes

This report is in accordance with 24 VSA §4441 (c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments... The report shall provide:

A brief explanation of the proposed bylaw, amendment, or repeal and include a statement of purpose as required for notice under section §4444 of this title...

Morrisville/Morristown Zoning and Subdivision Bylaws (the Bylaws) statement of purpose: To provide for orderly community growth, to provide for public health, safety and welfare, and to achieve the purposes set forth in the Vermont Municipal and Regional Development Act 24 VSA, Chapter 117 and the Town Plan.

The proposed zoning change, if approved, would strike and replace the existing 2018 Morrisville/Morristown zoning bylaws and replace them with the attached 2019 version of the zoning bylaws. The requested “strike and replace” entails the following proposed amendments to the zoning bylaws and their respective stated objectives:

- a. §200 Delete Business Enterprise & Special Industrial zones, plus HOS Zone name change
- b. §201 Minor revisions to boundary interpretation and rounding requirements
- c. §204 Revise variance & waiver language, incentivize affordable housing via new waiver
- d. §204.5a Add “use matrix” to revise/summarize permitted and conditional uses in all zones
- e. §204.5b Add “dimensional matrix” to revise/summarize dimensional requirements in all zones
- f. §205 Housekeeping for General Zoning Requirements
- g. §206 Revise existing design criteria rules
- h. §207 Add historic preservation criteria for core downtown streets
- i. §320 Modernize & update various areas of §320 Special Flood Hazard Area (SFHA) bylaw
- j. §340 Housekeeping changes in the Environmental Resource Area bylaw (EPA)
- k. §400 Housekeeping changes throughout section
- l. §401.1 Remove permit exemption for accessory structures within the §320 SFHA
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- n. §402.1 Create 10 year sunset for permit renewals
- o. §422 Clarify and add road frontage eligibility to 20 foot right-of-way allowance
- p. §423.4 Increase accessory apartment size limit from 30% to 40% of total dwellings (heated)
- q. §424 Clarify and increase Tiny Dwelling Unit footprint size from 300 ft² to 500 ft²
- r. §432 Clarify that non-conforming uses and structures can be maintained and repaired
- s. §433 Clarify non-conforming uses in the §320 SFHA
- t. §434 Delete temporary use regulations
- u. §450 Make housekeeping changes to minimum parking requirements for deleted uses
- v. §470 Exempt downtown wayfinding signs, good-repair rules & zone change housekeeping
- w. §480 Clarify that the Bulk Storage of Fuel Use is not allowed in the §320 SFHA
- x. §482 Require that development on Class 4 Road, regardless of use, requires Conditional Use
- y. §483-4 Housekeeping changes to auto repair & gas station uses, new gas station canopy rules
- z. §488 Condense recreation vehicle and storage trailer language into a single section
- aa. §495 Delete land use regulations for Private Airstrips
- bb. §503 Allow DRB to require pedestrian and/or vehicular connection to adjacent properties
- cc. §510 Add in protecting §320 SFHA as a purpose of the Conservation Subdivision bylaw
- dd. §610 Modernize DRB membership number and alternate number
- ee. §700 Condense and streamline §700 subdivision application and approval procedure

- ff. §800 Condense & streamline §800 subdivision requirements/ design, and require cul-de-sacs
- gg. §900 Definitions: Housekeeping changes, including the modification of existing uses, the creation of the following new uses (Base Flood Elevation, Compensatory Storage, New and Start of Construction, Recreational Vehicle, Special Flood Hazard Area, Substantial Damage, Violation), and the deletion of the following uses (Area of Special Flood Hazard, Auction Facility, Drive-In Restaurant or Refreshment Stand, Flood Hazard Boundary Map, Floodproofed or Floodproofing, Floodway Fringe Area, Light Industry, Manufacturing, Personal Use Airstrip, Public Office and Facilities, Regional Planning Commission, Salvage Depot, Seasonal Storage, Special Industry, Storage Yard, Wholesale Distribution, Yard, Front Yard, Side Yard, and Rear Yard).
- hh. §1000-§1120 Zone Boundaries: Make various small housekeeping changes to all zones with the goal reducing the reliance on using property lines as zoning boundaries, reduce the area of the Uptown Commercial Zone by downzoning the northern half of the old Langdell Farm parcel to Low Density Residential, change the Business Enterprise Zone into the Mixed Office Residential Zone, downzone the James Rd lots from Commercial to Industrial, make the northern peninsula of the Business Enterprise Zone into an Industrial Zone, delete the Special Industrial Zone, bring the High Density Residential Zone out to Jersey Hghts and east to the bottom of high school hill (Park St), delete the tail of the former Mixed Office Residential Zone on Park St and downzone it to Medium Density Residential, clarify that a portion of B&B nursery is included in the adjacent Low Density Residential Zone, expand the Low Density Residential Zone at Route 100 south in close proximity to the village including underutilized areas such as Hess's junkyard and the vacant daycare land across the street.

And shall include findings regarding how the proposal:

1. **Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:**

The proposed bylaw revisions are supported by and enhance the stated goals of the Morrisville/Morristown Municipal Plan. Overall, most of the above changes are "housekeeping" items (i.e. small tweaks to various zones to make corrections or improvements to the existing regulations). Including in the housekeeping items is a reorganization (with a few changes included therein) of the use and dimensional requirements into simple tables to make the zoning bylaws more accessible to the average reader. One of these changes was allowing Health Care Facilities in the Commercial Zone for the first time. It was determined during the Planning Council hearings for these zoning bylaw changes that, due to the advent of the Green Mtn Care Board, that protectionist zoning benefitting Copley Hospital was no longer needed. These various zoning change proposals, including minor alterations of uses and dimensions via the new matrixes, can be seen on the list on the prior page's warning.

Among the proposed zoning changes, there are a few more significant land use changes. A majority of these zoning revisions are aimed at created more housing in the core of the community (both single family and multi-family housing). The proposed changes, which include allowing high density multi-family housing in the Park Street and Jersey Heights areas, as well as increasing opportunities for more single-family homes via 25,000 ft² rural house lots are needed to stave off increasing rents, land, and home prices. There is currently a dearth of available housing in Morrisville (existing and new). Hence the new multi-family allowances adjacent to downtown, and the new single-family home allowances on the edge of the village will add supply to the market and curb the rising cost

of housing in the community. The new growth that will be created by this zoning change will be directed into the core of the community, yielding the infill development that the Town Plan asks for.

In addition to the pro-density changes outlined above, the proposed zoning changes make it easier for accessory apartments to be created throughout the town. Accessory apartments are a great way to add density to a community without directly impacting the look and feel of a neighborhood. As the vast majority of accessory apartments are created within the footprint of an existing dwelling, the new dwelling unit therein often goes unnoticed to the untrained eye. Specifically, the bylaw change proposed increases the maximum size of accessory apartments from 30% to 40% of the total heated area of the dwelling(s). This change will allow accessory apartments to be created in smaller homes, as the existing 30% size cap often did not create large enough living spaces for accessory apartments in more modest homes. And due to the prohibitive cost of adding onto septic systems, most of the new accessory apartments created due to this zoning change will be located in the Village, using its available water and sewer services. This obviously also bolsters a main goal of the Town Plan.

Overall, the proposed zoning change adds to nearly a decade of effort aimed at shortening and simplifying the town's land development rules. For example, this zoning change folds the Rural Residential Special Industrial Zone into the Rural Residential Agricultural Zone. Likewise, the Mixed Office Residential Zone is being split between the High Density & Medium Density Residential Zones on the east side of the Village. On the southwest side of the Village, the Business Enterprise Zone is being folded into the Mixed Office Residential Zone. At the northwest corner of the village, an island of the former Business Enterprise Zone is being folded into the adjacent Industrial Zone. A decade ago, the Town's zoning bylaw had ballooned in size to nearly 180 pages in length and a community of less than 6,000 people was being strangled by this overburdensome regulation. Today, the zoning bylaw, as proposed by this zoning change, has been reduced down to 62 pages in length. The approximately 120 pages that have been deleted from this document since 2011 result in a zoning bylaw that is 1/3 of its former size, creating development rules that are far more approachable and understandable for developers and property owners.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The proposed zoning changes does not add any new business zoning to areas zoned residential. In fact, the zoning change offers a sizeable reduction in the amount of commercially zoned land, especially around the Bishop Marshall School. At the school, approximately 100 acres of land are being converted from primarily business use to a residential use. Above Tractor Supply, approximately 40 acres of land is being converted from Commercial Zone to Low Density Residential. We believe this is a right-sizing of the amount of land zoning for business in an Ecommerce world.

While many of the zone descriptions are being amended, a vast majority of these changes are being made to reduce the reliance on using property lines (which are changeable) as boundaries separating one zone from another zone. Instead the revisions use intersections,

waterbodies, and other easily identifiable landmarks as zoning boundaries. There is more work to be done in this regard, but the proposed changes offer a major step towards modernizing these boundary descriptions.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

This zoning change is silent to planned community facilities.



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

Adopted by the Morrisville Village Trustees on 19 June 2019 and by the Morristown
Selectboard on 19 June 2019

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

Town of Morristown

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

Village of Morrisville

Interim Zoning Bylaws, June 9, 1971
Permanent Zoning Bylaws, July 9, 1973
Revised Zoning Bylaws, May 29, 1978
Revised Zoning Bylaws, January 3, 1984
Revised Zoning Bylaws, October 9, 1989

Revised Zoning Bylaws, Nov 15, 1993
Revised Zoning Bylaws, Nov 15, 1994
Revised Zoning Bylaws, Nov 27, 1995

Town of Morristown/Village of Morrisville (unified bylaw)

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

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ARTICLE I. GENERAL PROVISIONS

Section 100. Authority

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

Section 110. Interpretation and conflicting regulations. If a provision of the Bylaws is stricter than required by the Act, the Bylaws shall govern. If a provision of the Act is stricter than the Bylaws, the state law shall rule.

Section 120. Severability. If any part of these Bylaws is adjudged to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so adjudicated.

ARTICLE II. DISTRICT ESTABLISHMENT AND REGULATIONS

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

- 201.1 **Zones Created.** For the purposes of these Bylaws, Morristown is divided into the following zones:
- | | |
|----------------------------------------|-----|
| a. Central Business Zone | CB |
| b. Commercial Zone | COM |
| c. Mixed Office Residential Zone | MOR |
| d. Industrial Zone | IND |
| e. Hospital Zone | HOS |
| f. High Density Residential Zone | HDR |
| g. Medium Density Residential Zone | MDR |
| h. Low Density Residential Zone | LDR |
| i. Rural Residential Agricultural Zone | RRA |

Section 201. Boundary Interpretation.

- 201.1 **Boundaries Following Features.** Zone boundaries shown approximately within the lines of any road or waterway shall be deemed to follow the centerline.
- 201.2 **Boundaries Following Lot Lines.** Where zone boundaries approximately follow lot lines, such lot lines shall be construed to be the said boundaries.
- 201.3 **Boundaries Dividing Lots.** Where a zone boundary line divides a lot in single ownership the Development Review Board (referred to hereafter as the "DRB") may permit as a Conditional Use, the extension of the regulations for either portion of the lot.
- 201.4 **Town Line Dividing Lots.** Where the town-line divides a lot, the Bylaws shall apply to the portion of the lot in Morristown just as if the lot was located entirely within the town.
- 201.5 **Unusual Situations.** Where circumstances regarding boundary interpretation are not covered in §201–§201.3, the DRB shall interpret the zone boundaries.

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

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

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

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

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

204.2 **Conditional uses.** Uses for which the DRB must conduct a warned public hearing and may approve the application with conditions as appropriate. The letter "C" designates in what zones conditional uses are allowed on the "dimension table" on the next page.

204.3 **Variances.** Variances for frontage, setbacks, and other various requirements of these Bylaws and of §4469 of the Act may be granted by the DRB after submittal of a §500 Site Plan and a public hearing per §4465-§4469 of the Act. Issuing variances for Development controlled by §320 Flood Hazard Areas and 24 VSA §4469 should be avoided. The Board shall notify applicants that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance

204.4 **Waiver.** The DRB may reduce up to 15% of the minimum requirements for setbacks, frontage, lot size, and lot area per unit, provided the waiver request represents the minimum dimensional setback necessary to allow of the proposed development to proceed, and granting the waiver can be found to benefit the public good by furthering at least two of the following goals:

- a. Maintaining compact development patterns in the village and the rural feel of the Town
- b. Minimizing impacts to the environment and natural surroundings
- c. Strengthening and not disrupting the neighborhood's existing settlement pattern
- d. Improving and not detracting from the value of adjacent properties on the Town's Grandlist
- e. Protecting or enhancing historic resources
- f. Installing a permanent public art installation. Eligible public art installations include, but are not limited to, murals, place-making architecture, and sculptures. The DRB shall be in receipt of a supporting letter from a community group such as River Arts or MACC stating that the proposed art installation is durable, desirable, and makes the town a more interesting place to work and live. A maximum waiver of 2 additional dwelling units is available via this waiver.
- g. Creating new affordable housing per 24 VSA §4303 (1-2) that is permanently deed restricted. The Waiver percentage allowed shall match the percentage of affordable units proposed in any Affordable Housing Development (ex. a development that is 50% affordable gets up to a 50% Waiver). Said waiver % shall not exceed 75% even if a higher level of affordability is proposed.

204.5a **Uses Allowances.** The use definitions allowed in each zone are shown in the following table:

USE TABLE	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Accessory Retail & Food	P	P	P	P	P				
Acc. Use / Acc. Apartment	P	P	P	P	P	P	P	P	P
Bar	C	C							
Brewery	P	P		P					
Bulk Storage of Fuels				C					
Professional Office	P	P	P	P					
Business Services	P	P		P					
Clubs, Private	P	P	C			C	C	C	
Commercial Use	C	C		P					
Community Facility	P	C	C	C		C	C		
Day Care Facility	P	C	C		C	C	C	C	
Drive-Through	C	C							
Dwelling Unit, Single-Family	C		P		C	C	P	P	P
Dwelling Unit, Two-Family	C	C	P		C	P	C		
Dwelling Unit, Multi-Family	P	C			C*	C			
Family Child Care Facility	P	C	P	P	P	P	P	P	P
Fence (non by-right)	C	C	C	C	C	C	C	C	C
Gas Station									
Group Home	C		P		C	C	P	P	P
Health Care Facility	P	P			C				
Home Business			C		C	C	C	C	C
Home Occupation	P	P	P		P	P	P	P	P
Hotel, Inn or Motel	C	C		C					
Lodging or Rooming House	P	P	C	P	C	C	C	C	C
Motor Vehicle Sales & Repair		C							
Parking Facility	C	C							
Recreation Facility	P	P	C		C	C	C	C	C
Restaurant	P	C							
Retail Sales of Goods & Services	P	P							
Sale of Goods Produced On-Site	P	P		P					
Sexually Oriented Business				C^					
Shelter	C	C	P		C	C			
Special Industry				C					C~
Structures above 35 feet in height			C		C	C	C	C	C
Structures above 50 feet in height	C	C		C					
Warehouse & Storage Facility				P					
* = The Dwelling Unit Multi-Family use is only allowed in the Hospital Zone as part of a Health Care Facility ^ = Sexually Oriented Business are only allowed in Zone IND #3 Trombley Hill ~ = The Special Industry use is only allowed east of Garfield Road between the river (south) and the town line (north) Please Note: All permitted uses with new footprints larger than 20,000 ft2 require Conditional Use review									

204.5b **Dimensional requirements.** Development Class, Minimum lot sizes, areas, frontage and setbacks in each zone are shown in the following table: 6 Additional Requirements.

Dimension Table	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Development Class	1	1	1	1,2*&3*	1	1	1	1,2**&3**	3
Minimum Lot Size	1,500	20,000	4,000	40,000	8,000	2,000	4,000	10,000**	80,000
Minimum Area Single-Family	750	10,000	4,000	-	8,000	2,000	4,000	10,000**	80,000
Minimum Area Two-Family	1,500	10,000	10,000	-	16,000	4,000	10,000	-	-
Minimum Area Multi-Family (per unit)	No limit	2,000***	-	-	-	2,000	-	-	-
Minimum Lot Frontage	20	50	50	50	50	20	50	50	50
Maximum Front Setback	5	-	-	-	-	-	-	-	-
Minimum Front Setback	-	30	35	50	35	0	35	35	45
Minimum Side Setback	0	5	5	10	10	0	5	10	15
Minimum Rear Setback	0	5	10	10	10	10	10	15	15
Minimum Shoreline Setback	50	50	50	50	50	50	50	50	50

* = IND Zone Class 2&3 Development only allowed in IND #4, IND #6, & IND #5 (west of Ryder Brook)

** = Areas of LDR Zone with Class 2 Development require a 15,000 ft² minimum lot size per family, and areas of the LDR Zone relying on Class 3 Development require a 25,000 ft² minimum lot size per family

*** = The Dwelling Multi-Family use is only allowed in where residential uses are located primarily on upper floors

Section 205. General zoning requirements. In addition to the use and dimensional tables found above in §204a and §204b, all zoning application shall comply with the zoning for the Article III Special Protection Areas, the General Regulations found in §400-§499 of these Bylaws, and §500 Site Plan Approval.

Section 206. Design Criteria. The Zoning Administrator or DRB may require the submission of a proposed building rendering to ensure that the below design criteria requirements are met for Dwelling Unit Multi-Family uses and business uses in the following zones: CB, COM, IND #4 (north of Bridge St only) & IND #5 (airport), HOS, HDR, & MDR.

- a. Architectural repetition: Each architectural building shall be different than the adjacent building.
- b. Blank walls: Blank walls shall not face any Street on which the property has frontage. A blank wall is a building wall that has an expanse of 30 feet in length or greater without fenestration, building articulation or doorways.
- c. Loading docks & garbage storage: All loading docks and garbage storage and pick-up areas shall be located in the rear of Buildings and away from public right-of-way, and then residential uses. When said location is not possible, screening shall be used to obscure these areas from view of the public right-of-way.
- d. Parking: Parking, other than handicapped parking, shall be located to the sides or rear of buildings. No Parking Space Off-Street shall be located between the building and the road where it derives its frontage.
- e. Pedestrian and bicycle infrastructure: If called for by the Morristown Sidewalk Policy, development shall include sidewalks along the parcel's Street frontage to ensure

pedestrian connectivity to adjacent parcels. This frontage sidewalk shall be physically connected to the walkway to the Building's main entrance. A bike rack shall also be provided for new Development that has 10 or more new parking spaces.

- a. Public entrance: Structures shall include at least one active public entrance along the parcel's Street frontage.
- b. Rooftop mechanicals: Rooftop mounted mechanicals shall be screened or located so they are not visible from any Street.
- c. Utilities: Utilities shall be underground.
- d. Waiver. The DRB may grant a Waiver for any and all design requirement of this section along said Streets if doing so meets at least two of the goals specified in §204.4.

Section 207. Historic Preservation Criteria. In addition to the Design Criteria in Section 206, the following Historic Preservation Criteria are required for development with frontage on the following streets: Bridge (Rte. 100 section only), Hutchins, Jersey Heights, Lower Main, Pleasant, Portland, and Upper Main Street (non Rte. 12 section only) to protect and enhance the built character of Morrisville's Historic District, which is listed on the National Register of Historic Places:

- a. Front Setback. Mandatory build-to sidewalk / property line along said Streets (no more than a five foot front setback allowed)
- b. Building Height. Minimum Building Height along said Streets is 25 feet.
- c. Rooflines. Development of all rooflines on said Streets shall incorporate extended parapets or projecting cornices when a flat roof is proposed or when rooftop mechanical screening is required per Design Criteria §206g.
- d. Building Materials. All Development shall use "Preferred Exterior Building Materials" to protect the built cultural legacy of said Streets. Preferred Exterior Building Materials are brick, natural stone, fiber cement siding, and wood. The front of all Buildings in said Streets shall incorporate at least one of such preferred exterior building material. Metal or vinyl siding may also be utilized on the front of the building, but only in conjunction with the use of at least two of the aforementioned preferred building materials. Metal or vinyl siding shall be limited to a maximum of 50% of any building front along said Street. Any vinyl siding shall be color certified by the Vinyl Siding Institute. Nothing in this section of the bylaw shall prohibit the use of materials not listed as preferred, provided the Zoning Administrator or DRB finds the proposed materials meet the stated objective of this zone.
- e. Mix of uses. Conditional Use is required for any Dwelling Unit, Multi-Family use that includes only Residential Use on the ground / first floor along said Streets (with the exception of Jersey Heights).

ARTICLE III. SPECIAL PROTECTION AREAS

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

301. **Geographic Area.** The areas designated by the Vermont Agency of Natural Resources as **Public Community Ground Water Source Protection Areas** include, but are not limited to: #5158 Morristown Corner Coop, # 5160 Morrisville Water and Light Department, and # 5162 Pinecrest Trailer Park are hereby designated in these Bylaws as Public Community Ground Water Source Protection Areas (SPA). This SPA Area shall overlay any district created in §201 of these Bylaws and shall be part of any said district(s) and subject to applicable district regulations. Additionally, other special protection regulations established in §320 through 348 shall apply.
302. **Purpose.** The purpose of a Public Community Ground Water Source Protection Area is to control and limit development in such a manner as to eliminate or minimize any adverse effects of such development on the public's drinking water supply.
303. **Permitted Uses.** If not in conflict with any regulations established elsewhere in these Bylaws, the following uses shall be permitted in an SPA: agriculture; forestry; Recreation Facility; open space; and development using sewage disposal facilities not located over, or impacting on the SPA.
304. **Conditional Uses.** If not in conflict with any regulation established elsewhere in these Bylaws, any development using on-site sewage disposal shall be permitted upon approval of the DRB after a conditional use hearing and only if the DRB determines that such uses will not pollute or have any undue adverse effects on the groundwater supply. In making this determination, the Applicant must solicit comment from the Vermont Agency of Natural Resources, Water Supply Division and include this information as part of the Conditional Use permit application.
305. **Prohibited Uses.** The following uses are not permissible under any circumstances; hazardous or solid waste disposal sites; underground storage tanks (except drinking water); the storage, process, or manufacture of commercial fertilizers or pesticides; the storage of road salt; any facility which uses, distributes, or stores, toxic chemicals, solvents, or fuels (such as gasoline stations or dry cleaning establishments); motor vehicle junkyards; any facility or use in which the number of on-site sewage disposal systems exceeds a density of 1 such system per acre; and any facility or use which requires an on-site sewage system with a capacity of 900 gallons per day or more.

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

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

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

321.2 If the 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 in the Special Flood Hazard Area. However, fill placed in a Floodway requires Compensatory Storage at a 1:1 ratio.

323. **Development in the Special Flood Hazard Area.** The Special Flood Hazard Area is the area shown on the FIRMs located outside the Floodway and designated as Zone A or AE. Development, including the use of fill, is allowed in A & AE Zones. However, due to the propensity for flooding within these designated SFHA, the following additional standards are required:

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- c. All new or substantial improvement of structures, both residential and non-residential shall have the lowest floor, including basement, elevated two feet above base flood elevation. Said elevation shall be demonstrated via the submission of a FEMA Elevation Certificate to the zoning office.
- d. Pursuant to VT DEC permitting, all new and replacement water supply, sanitary sewer, and on-site septic systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters
- e. All new development, construction or substantial improvements shall be constructed by methods and practices that minimize flood damage to proposed development and to public facilities/utilities and to provide adequate drainage to reduce exposure to flood hazards and be constructed with electrical heating, ventilation, plumbing and air conditioning

- equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flood conditions.
- f. In unnumbered "A" Zones, if base flood elevation data is available from alternative sources, such as historical high water marks, the Zoning Administrator shall obtain, review and reasonably utilize this data to obtain a base flood elevation. Contour Interpolation, when feasible, shall be the preferred method of obtaining a base flood elevation in unnumbered A Zones. Development, including basements, and Substantial Improvements in unnumbered A Zones shall, per 323.c, be elevated 2 feet above the determined base flood elevation. If no base flood elevation can be reasonably determined in an unnumbered A Zone, all Development shall be elevated 5 feet above the highest adjacent grade of the build site. Until a regulatory floodway is designated in unnumbered A Zones, no new construction, Substantial Improvements, or other development (including fill) is permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the town.
 - g. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. The use of these areas designed to equalize hydrostatic flood forces shall be limited to parking, limited storage, and building access. Basements or living spaces of any kind are prohibited for new, substantially improved, or substantially damaged structures.
 - h. Proposed house sites that are located within 100 linear feet or less from the boundary of the Special Flood Hazard Area shall provide proof that the bottom floor of the Structure will be above the base flood elevation.
 - i. New and replacement manufactured homes, in addition to the two feet of freeboard elevation required in §323.c, shall be placed on a permanent foundation and be anchored to resist flotation, collapse, or lateral movement during the occurrence of the base flood.
 - j. All subdivision proposals shall be consistent with the need to minimize flood damage by having public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivision proposals shall also have adequate drainage provided to reduce exposure to flood hazards. Base flood elevation data shall be provided by the applicant for subdivision proposals that contain development lots located in or partially located in unnumbered A Zones when either five lots or five acres is proposed.
 - k. Recreational vehicles placed on sites within Zones A or AE shall either be on site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet all standards of §60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for 'manufactured homes' of §60.3(c)(6)

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

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

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

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

Section 340. Environmental Protection Areas (EPA).

341. **Objective.** The purpose of these regulations is to afford protection to designated environmental protection areas (EPA) 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 the following three EPA in areas as shown on the Natural Resource Atlas maintained by the Vermont Agency of Natural Resources:
- a. A lot that includes any land over 2,500 feet MSL in elevation;
 - b. Proposed development on land that includes or is within 500 feet of a designated a natural fragile area or winter deer range, or land encompassing a rare plant/animal community;
 - c. Any land within the boundaries of a Class I or II wetland, or within 50 feet of the boundary of any such wetland.
343. **Permitted Uses in an EPA.** If not in conflict with any regulations established elsewhere in the Bylaws, the only permitted uses shall be open space and natural habitat.
344. **Conditional Uses in an EPA.** 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 DRB after a conditional use hearing. The Applicant shall solicit written and oral evidence from the Vermont Agency of Natural Resources or any other parties with technical expertise which the DRB may require to make an informed decision. To allow a conditional use, the DRB must issue written findings of fact based upon evidence which demonstrates that such use, including the construction necessary for such use, will have no impact upon any of the following:
- a. Functional integrity of a wetland, deer wintering area, or fragile natural area;
 - b. Quality of ground or surface waters either on-site or off-site;
 - c. Drainage patterns on the site or its adjoining properties;
 - d. Stability of soils on the site and adjoining properties.

ARTICLE IV. GENERAL REGULATIONS

Section 400. Permits

401. **Permit Requirement.** No Building may be erected, enlarged, relocated, or changed in use, nor shall any land development commence, unless the Zoning Administrator, in accordance with §4449 of the Act and with these Bylaws, issues a zoning permit. No certificate of occupancy is required.
- 401.1 **Permit Exemption** (outside the §320 Special Flood Hazard Area).
- a. Accessory Structures less than 150 square feet in area do not require a zoning permit.
 - b. Additions to residential structures less than 150 square feet in total area that are not heated (i.e., porches, decks, mudrooms, etc.), do not require a zoning permit.
 - c. Structural changes made as Reasonable Modifications to Residential Uses benefiting a person with a disability, under The Fair Housing Act do not require a zoning permit.
- 401.2 **Permit Fee.** The legislative body may prescribe reasonable fees to be charged with respect to the administration of this bylaw, after receiving the recommendation of the municipal planning commission. The Selectboard, upon recommendation from the Planning Council, shall set a fee schedule for the zoning permits required by this Bylaw.
- 401.3 **Permit Posting.** Upon receipt of an approved permit, the permit applicant shall post the permit within view of the public right of way closest to the subject property for 15 days following the issuance of the permit.
- 401.4 **Permit Compliance.** Acceptance of zoning permit grants Zoning Administrator access to the property covered by the permit, at reasonable times with owner's consent, for the purpose of ascertaining permit compliance.
- 401.5 **Initiation of Construction.** 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.** Permits shall not be issued unless a site plan showing all dimensions necessary to assure compliance with these Bylaws has been submitted to the Zoning Administrator. Said Officer, within 30 days of receipt of all necessary information, shall either approve or deny the permit, or refer it to the DRB.
- 402.1 **Approved Permits.** If a zoning permit is approved, either by the Zoning Administrator or the DRB, all activities authorized by its issuance shall be completed within 180 days of its date of issue. Zoning permits may be renewed by the Zoning Administrator for a period of up to 10 years from the date of issuance. Permits that are not renewed or permits that have expired shall become null and void and reapplication 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.** Per 24 VSA §4448(d), if the Zoning Administrator fails to act on a permit application within 30 days, a permit shall be deemed issued on the 31st day.
403. **Issuance of Permits.** The Zoning Administrator, upon receipt of all necessary information, will issue a permit for a development listed as a Permitted Use upon assurance that the proposed development will conform to the dimensions and specifications listed in the underlying zone. Said Officer will issue a permit for a development listed as a Conditional Use upon being instructed to do

so by the DRB following a public hearing by that body. In determining whether to allow such a proposed development, and what conditions to place upon its design, the DRB shall follow the procedures established in §630 of these Bylaws, and §4414(3) of the Act.

- 403.1 **Effective Date of Permit.** In conformance with §4449(a)(3) of the Act, no zoning permit issued pursuant to these Bylaws shall take effect until the time for appeal in §4465 of the Act (15 days) has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
 - 403.2 **Each zoning permit issued under these Bylaws** shall contain a statement of the period of time within which an appeal may be taken.
 - 403.3 **The Zoning Administrator** shall complete the zoning permit process by conforming to his/her responsibilities stated in §4449(c) of the Act.
404. **Other Permits and Regulations.** The Zoning Administrator shall not issue a zoning permit until the applicant shows proof that all other applicable local permits have been issued. It shall be the **Applicant's responsibility** to supply the Zoning Administrator a copy of all local, State and Federal permits and/or approvals, which may include but are not limited to the following items:
- 404.1 Morrisville/Morristown Subdivision Regulations if applicable and in force (relating to the requirements of constructing subdivisions);
 - 404.2 Access Permits (relating to driveways/private roads connecting to town highways);
 - 404.3 Vermont Master Land Use Permit (Act 250 Permit); and
 - 404.4 Vermont Water Supply and Waste Water Disposal System Permit.

Section 405. 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, unless exempted per §401.1a of the Bylaws, whether attached to the principal structure or not, and whether open or enclosed, (i.e. porches, carports, balconies, platforms, etc.) shall not project into any minimum setback area established for the front, side, or rear yards.
- 405.3 **Infectious Invalidity.** No division of a parcel shall be made which leaves remaining any lot dimension or area below the requirements stated by the Bylaws. Any such division shall make the parent and child parcel both non-conforming with zoning requirements.
- 405.4 **Lot Line Setbacks.** Driveways shall not project into any minimum setback area for side or rear yards in zones located in the Town, but may be located in such setback areas in zones located in the Village. Parking areas shall not project into any minimum setback area side, front or rear yards. The DRB may reduce or waive this requirement.

Section 410. Home Occupations

- 411. **Home Occupations (24 VSA §4412.4).** No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. Home Occupations shall be allowed by-right, provided that they meet the following criteria that ensures no undue adverse impact to the host residential area:
 - a. The Home Occupation shall be carried on by the business owner who rents or owns the dwelling unit;

- b. All business activities associated with the Home Occupation shall be conducted entirely within the dwelling unit and no outside storage or exterior indication of the Home Occupation (other than a sign permitted per §470) shall be permitted;
- c. Equipment used for Home Occupations, including but not limited to backhoes, business trucks, and trailers are allowed to be stored outside, provided that the equipment is parked in the home's driveway, stored in a location behind the front line of the principal building on the site, or screened from roadside view;
- d. Traffic shall not be generated in volumes greater than normal in the neighborhood as Home Occupations do not allow customer visits to the subject property. An occupation that requires customer visits to the property shall be permitted as a §415 Home Business;
- e. No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the Home Occupation; and
- f. Off-site businesses, such as landscaping, building, and painting contractors shall not be regulated via §410 Home Occupation unless off-site employees are traveling to the business owner's residence in violation of §411d.

Section 415. Home Businesses

416. **Home Business** use is a larger and more intense version of Home Occupation use. The Home Business use is only allowed on Owner Occupied properties. Home Businesses typically have a retail or business services component. It is expected that a Home Business will create customer and delivery traffic in its host residential neighborhood. All Home Business shall comply with the aforementioned §410 Home Occupation standards and be subject to §500 Site Plan Approval based on the following additional standards:
- a. Home Businesses shall not have more than three employees on-site at any time.
 - b. In addition to inside the landowner's primary residence, Home Businesses may take place in accessory buildings or on the grounds of said primary residence.
 - c. The total building square footage and yard area used by a Home Business shall be 25% or less than the size of the combined area of all structures on the lot.
 - d. Employee and customer parking for a Home Business shall be located off-street and shall not be located in front yards whenever practical.

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

421. **No Merger of Existing Small Lots (4412.2).** Any lot in existence on the effective date of any zoning regulations, including interim zoning regulations, may be conveyed or developed for the purposes permitted in the district which it is located, even though not conforming to the minimum lot size requirements if such lot is not less than one-tenth of an acre in area with a minimum width or depth dimension of 40 feet.
422. **Required Frontage and Access (4412.3).** No land development may be permitted by the Zoning Administrator on lots which do not have the road frontage required in the underlying zone. The DRB shall review and may permit development via Site Plan Review in the following circumstances when the minimum road frontage is not provided.
- a. Development with frontage on public waters.
 - b. Development serving three or more homes by a permanent easement, right-of-way or private Street that is at least 50 feet in width.

- c. Development serving two or less single-family homes by a private driveway that is provided for via road frontage or permanent easement or right-of-way having at least 20 feet in width.

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

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

- 423.1 **Residential Care or Group Home (4412.1G).** A residential care home or group home operating under state licensing or registration, serving not more than 8 persons who have a handicap or disability as defined in 9 VSA §4501, shall be considered by right to constitute a permitted single-family residential use of property. A residential care home or group home operating under state licensing or registration serving more than 8 persons who have a handicap or disability as defined in 9 VSA §4501 may be allowed as a Conditional Use as limited by the underlying zoning district (see §204.5a).
- 423.2 **Family Child Care Facility (4412.5).** A “family child care home or facility”, as used in this section, means a home or facility where the owner or operator is licensed or registered by the state for child care. A family child care home serving six (6) or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 VSA §4902(3)(A), shall be considered to constitute a permitted use of property but shall require site plan approval by the DRB. A family child care facility serving more than six full-time and four part-time children shall be considered a Day Care Facility, a conditional use requiring review and approval by the DRB.
- 423.3 **Height Regulation Limitations (4412.6).** The height of antenna structures, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation.
- 423.4 **Accessory Apartment (4412.1).** One Accessory Apartment, located within an owner-occupied single-family dwelling, or within an accessory building 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 40% of the total heated floor space of the primary dwelling and the proposed apartment;
 - c. Meets applicable setbacks.
- 427. **Density Bonus for Detached Tiny Dwelling Units.** Detached tiny dwelling units (aka tiny homes) with a footprint less than 500 ft² in size, such as a tiny home or Mobile Home, shall be permitted as an Accessory Apartment use and comply with §424.4a (State WW Permit) and §424.4c (setbacks). Any parcel, regardless of size, may have as many as two additional detached tiny dwelling units allowed thereon via the Accessory Apartment use. Neither the tiny dwelling unit permitted as the Accessory Apartment nor the bonus Tiny Dwelling Unit Accessory Apartment shall count towards the parcel’s Minimum Area Per Residential Unit dimensional requirement, provided said parcel is owner occupied. Structures that contain or were designed to have a propulsion motor shall not qualify for this density bonus. Mobile Dwelling Units such as a mobile home, a detached mobile tiny

house and manufactured home shall have their wheels disengaged, up on blocks or anchored to a permanent foundation or pad. All such Mobile Dwelling Units shall also have a durable skirt installed around the home to ensure viability of utility connections in the winter months.

Section 425. Fences

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

425.2 **Fences, Exempt.** Fences associated with a working farm are exempt from the need for a zoning permit. All other exempt Fences shall not be higher than six feet when placed on side and rear property lines, and not higher than four feet when placed in front yards and along any Streets.

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:

Property line: 25 feet, leachfield: 100', drilled well: 25', & shallow well: 100'

Additionally, ponds and their supporting structures may not fall within any right-of-way or easement. No pond or dam that is upgradient to and within 1,000 feet of a town road shall have its overflow discharge draining towards or into the Town's right-of-way. Said situation is only allowable upon receipt of a stamped engineering letter that any potential overflow or failure of the pond poses no threat to the Town right to way due to topography or other natural features. All ponds applications must receive the approval of the Village/Town Road Foreman prior to the release of the zoning permit. Ponds which fall within the setbacks above may be approved as a conditional use upon review by the DRB.

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 built without the approval of the VT DEC Stream Alteration Permit. A Stream Alteration Permit may be needed if the project involves work in a stream that drains an area of more than 10 square miles.
3. VT Wetland Rules regulate dredging, draining, filling, grading, removal of vegetation, alteration of the flow of water into or out of a wetland and other similar activities within significant wetlands or their buffer zones. A Conditional Use Determination or Water Quality Certification from the VT Agency of Natural Resources may be required.

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, maintained, and repaired, but may not be:
- 432.1 moved, altered, or extended so as to change evidence of the use on the outside of any structure;
 - 432.2 added to by the commencement of a different nonconforming use;
 - 432.3 re-established, if the non-conforming use has been discontinued for a period three years or has been changed to or replaced by a conforming use;
 - 432.4 restored after damage to or destruction of the nonconforming use, unless it is restored within five years from the date of damage or destruction.
433. **Non Conformity in a §320 Flood Hazard Area.** Any non-conforming Structure, Building, Development, expansion, of change or use located in a Flood Hazard Area will require review under §320, including restoration or repairs from damage of any source, regardless of time passing from the date of damage.
435. **Expansion of Non-Conforming Uses.** A non-conforming use may be expanded upon Conditional Use approval by the DRB, provided that any expansion does not involve any expansion of the lot, and that the expansion of the use meets all dimensional requirements for the district in which the lot is located.
436. **Expansion of Non-Conforming Structure.** Expansion of a non-conforming structure, where said expansion does not meet current dimensional requirements, may be approved upon Conditional Use review by the DRB, provided that said expansion does not make the structure more non-conforming. Expansion of a Non-Conforming Structure, where the proposed expansion is entirely consistent with current dimensional requirements in the district in which the structure is located, shall be approved via administrative review.
437. **Change of Non-Conforming Use.** A pre-existing non-conforming use may be changed to a different non-conforming use upon Conditional Use approval by the DRB 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 DRB is more compatible with the surrounding area than the existing non-conforming use.

Section 440. Clean-up of Building Site.

441. **Removal of Dangerous Conditions.** Within ninety days after work on an excavation for a building has ceased, or after a permanent or temporary building or structure has been destroyed, demolished, severely damaged, or abandoned, all structural materials shall be removed from the site, and the excavation remaining shall be covered over or filled to the normal grade by the owner, or the damaged structure shall be repaired or replaced. Upon approval of the DRB, and if good cause has been demonstrated which prevents compliance of this regulation, an extension of the above dates may be granted.
442. **Repair of Buildings.** Either through the cessation of construction or via a lack of maintenance, no building shall be directly open to the elements for longer than 90 days consecutively, except that open to the elements shall also include boarded-up or broken windows even when said windows do not provide a direct openness to the elements.

Section 450. Parking and Driveway Requirements.

451. **Parking Requirements.** Parking spaces shall be provided in accordance with the specifications in this section in any zone whenever any new use is established or existing use enlarged. For any use, public off-street parking in lieu of on-site parking may be utilized to fulfill any or part of the parking requirements if the proposed use is located within 500 feet of a municipal parking lot. A straight line measurement shall be made between the proposed use and a municipal parking lot to determine the applicability of this provision. However, The Zoning Administrator may require an applicant to seek DRB approval to use off-street parking to fulfill parking requirements for the proposed use if the accessibility or availability of parking in the municipal lot is in question.
452. **General Requirements.** For the purpose of this Bylaw, a Parking Space, Off-Street shall be 9 feet wide by 18 feet long and have 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, or sidewalk,, and so that any automobile may be parked and unparked without moving another. Required parking areas for three or more automobiles within the Village limits shall be paved. Parking areas for three or more automobiles outside the Village limits do not require pavement and said parking may take places on gravel, dirt or lawn areas.

453. **Parking Spaces Required for Various Uses.**

Minimum Parking Ratio Requirements	
Use	Parking Spaces Required
Business Services, Business/Professional Office, Sales of Goods Produced On-Site, and Health Care Facility	1.5 per employee per largest shift
Community Facility, Day Care Facility, and Family Child Care Facility	1.5 per employee per largest shift
Dwelling Unit, Single-Family	2
Dwelling Unit, Two-Family	3
Dwelling Unit, Multi-Family	2 per unit
Dwelling Unit, Multi-Family in Central Business Zone or for Senior Housing	0.75 per unit
Group Home & Shelter	0.5 per bed
Home Business	4
Extraction of Earth Resources, Manufacturing,, Wholesale Distribution, and Warehouse & Storage Facility	1 per employee per largest shift
Motor Vehicle Service Station, and Sales & Repair Facility	5 spots per each repair bay door
Recreation Facility/Indoor	1 per 4 seats
Recreation Facility/Outdoor	15 per playing field
Retail Sales of Goods and Services, Sexually Oriented Business, & Commercial Use	2.5 per 1,000 ft. ² of gross floor area
Restaurant, Bars, and Private Clubs	1 per 4 seats
Lodging or Rooming House, and	1 per rented bedroom
There are no parking minimums for the following uses: Accessory Apartment, Accessory Retail & Food, Accessory Use or Structure, Bulk Storage of Fuels, Drive-Through, Fence, and Home Occupation.	---

454. The DRB may increase or decrease the number of parking spaces required if it is demonstrated that a different number of spaces is more appropriate for the particular use.
455. **Driveway Location.** All driveways are to be located at least 75 feet from the nearest corner of any street intersection. This shall apply to all uses except Dwelling Unit, Single-Family and Dwelling Unit and Two-Family. For any use and where feasible, the sharing of driveway accesses between adjoining lots is preferred and encouraged.

Section 470. Signs

471. **Objective.** The purpose guiding these regulations is to allow for Signs that are compatible with the zoning district and community character in which they are located that are clear and legible, maintained in good repair, safe and non-distracting.
- 471.1. **General Sign Requirements.**
- a. **Permits Required.** A permit from the zoning administrator is required for all Signs except those exempted from this Bylaw (see §479).
 - b. **Sign Count.** Every business, unless otherwise specified, shall be limited to a maximum of one free standing pylon sign and one façade sign.
 - c. **Setbacks.** Signs are exempt from Setback requirements.
 - d. **Off-Premise Advertising Prohibited.** A sign or display promoting a business or activity that is not the main activity of the facility on the premises is prohibited.
 - e. **Facade Sign Height.** No facade sign shall extend above the highest roofline of the building upon which it is located.
 - f. **Pylon Sign Height.** No free standing sign shall extend higher than 15 feet from the average grade of the surrounding ground to the highest point of the Sign.
 - g. **Business/Use Name Change.** When the use of a property is changed or when a business ceases to operate or changes names, any sign associated with such original use or business, including frames and supports, shall be removed within thirty days. Any new sign after the use of a property is changed or terminated or after a business changes names or ceases to operate, shall require a permit and comply with the requirements of this Bylaw.
 - h. All signs shall be kept in good repair. Evidence of rust, a broken sign structure, or other obvious defects shall be corrected by the sign's owner within 30 of receiving notice from the Zoning Administrator that the sign is consider not in good repair.
- 471.2 **Computation of Sign Area.**
- a. **Existing Signs.** Existing signs shall be included in the calculation of total Sign area.
 - b. **Two Sided Signs.** Signs printed back to back shall be counted as one Sign.
 - c. **Lettering.** Signs consisting of freestanding letters shall include intervening spaces in sign area.
 - d. **Sign Area.** The area measurement for signs that use more than lettering shall include the total area within the extreme limits of the Sign surface.
472. **Sign size in Residential Zones (MOR, HDR, MDR, LDR & RRA).**
- a. **Sign Size.** In residential zones a maximum of 1 permanent sign not exceeding 6 ft² is allowed.
 - b. **Sign Height.** No freestanding sign in a residential zone shall be higher than 10 feet from the average grade of the surrounding ground to the highest point of the Sign.

473. **Sign size in Business Zones (CB, COM, HOS, & IND).** No business shall have a sign or combination of signs in business zones that exceed 150 ft² in total area, except as follows:
1. CB & Business uses on Rte. 15 east of Garfield Rd – no sign or combination of signs shall exceed 75 ft² in total area
 2. HOS – no sign or combination of shall exceed 25 ft² in total area.
474. **Other Signs and Sign Bonuses.**
- a. **Corner Lot Sign Bonus.** When a business fronts on more than one Street, an additional free-standing sign, façade sign and directory-board sign shall be allowed facing each Street. This corner lot provision in effect doubles the otherwise sign size allowance for the business in question, provided that all signage installed on the secondary street is identical (or smaller) in size and aspect ratio to the signage existing or proposed on the primary street.
 - b. **Directory Board Signs.** A directory-board Sign shall be allowed for any business location for which a sign thereon would not be clearly legible from the Street. The existence of parking, driveway or other similar area between the Street and the business location provides the right to a directory-board sign. A directory-board sign shall comply with the following requirements.
 1. **Sign Size.** A directory-board sign on a directory-board shall not exceed 10 ft² in area.
 2. **Sign Count.** A maximum of one directory-board Sign shall be permitted per parcel, except when a business is on a corner lot (see §473d) and each business shall be allowed one directory sign on the directory-board sign.
 3. **Collocation Required.** Directory-board signs for multi-tenant buildings and shopping centers shall be required to collocate with existing signage on the premises.
 4. **Aspect Ratio.** Directory-board signs for multi-tenant buildings shall appear harmonious and have the same aspect ratio as other collocated Directory Board Signs.
 5. **Size Exemption.** Directory-board signs shall not count towards the sign size maximum per business.
 - c. **Awning Sign.** Additional on-premise business signs above and beyond the zone's area maximum per business are allowed on awnings, provided that the sign area on each awning is not greater than twenty-five percent of that total awning area.
476. **Prohibited Signs.**
- a. **Omission.** All Signs not specifically permitted by these regulations are prohibited.
 - b. **Internally illuminated Signs.** Internally illuminated signs are prohibited in all zones.
 - c. **Animated and/or Flashing Signs.** Signs which are animated, flashing, moving or with intermittent illumination are prohibited with the exception of barber poles, theatre marquees and signs containing clocks and temperature readings.
 - d. **Hazard.** No sign, in the opinion of the Zoning Administrator, shall be erected or maintained in such a manner that it obstructs free and clear movement, vision or is otherwise a hazard to drivers or pedestrians.
 - e. **Temporary Signs** (see §479).
477. **Externally Illuminated Signs.** Signs may be illuminated during the hours that the business being advertised is open for business or until 10:00 PM, whichever is later, in all business districts. Externally illuminated signs shall not create glare or throw light onto adjacent property and shall use down lighted, down shaded light fixtures. Lighting fixtures illuminating signs shall be carefully

located, aimed and shielded so that the light is directed only onto the sign. Lighting fixtures shall not be aimed towards adjacent street, roads, or properties. Lighting fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties. Fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizon). Signs shall be illuminated by a steady light, which must be of one color only.

479. **Exemptions.** The following signs shall be exempt from the provisions of these regulations: Wayfinding signs; signs for designated historic structures; traffic signs; handicapped access and parking signs, legal notices; "for sale" signs attached to vehicles; one temporary, non-illuminated real estate sign per broker not to exceed 10 ft²; signs for trespassing, safety zone, or other legal posting of property not to exceed three square feet in area; one construction site identification sign per site not to exceed nine square feet; one e911 sign per address not to exceed 6 ft²; and political lawn signs not to exceed 6 ft² for only the month prior to an election, where a maximum of 30 square feet of campaign signage is allowed per property and provided that there is no more than one campaign sign per each candidate on the ballot per property.
- a. Temporary off-premise notices of cultural or special events sponsored by local non-profit organizations may be exempted from these regulations at the discretion of the Zoning Administrator. All such cultural or special events signs shall be in place no more than one week prior to the event that it advertises and be removed within 24 hours of the completion of the event that they advertise. Temporary signs are only permitted for non-commercial events or activities of the previously limited duration unless otherwise exempted under §479d. Temporary signs shall not be affixed to utility poles, directional or street signs, or other public property. The Zoning Administrator shall be empowered to remove all temporary signs in violation of their authorized use, and to charge a reasonable fee for the return of any unlawful temporary sign.
 - b. Banners, Signs, and other similar displays intended to promote the Town of Morristown and/or the Village of Morrisville under the auspices of a non-profit community or civic organization are exempt from these regulations, provided that any commercial sponsorship information (logo, name, etc.) does not exceed 25% of the total area of the banner or display.
 - c. Business Window Signs. Business window signs displayed inside of a window shall be exempted from this bylaw in all business zones, provided that no business window sign shall cover more than fifty percent of the window glass and that the business window sign, if internally lit, shall be smaller than 10 square feet and shall not be animated or flashing.
 - d. Temporary signs for a company factory sale that operates under a permitted Direct Sale of Goods Produced On-Site use shall be exempt from the provisions of §478, provided that such sale is not more than four times per calendar year, the signs are in place for no more than 72 hours per sale, the signs are not lit, animated, greater than 10 square feet in size and number less than ten. The Zoning Administrator shall be empowered to remove said signs if they do not comply with this exemption.

Section 480. Uses Specially Regulated.

481. **Bulk Storage of Fuel.** Bulk Storage of Fuel (not allowed in a §320 Flood Hazard Area) is allowed upon Conditional Use approval by the DRB, provided that the following conditions are satisfied:
- a. There shall be a bermed and landscaped screening area along the side and rear lot lines no less than 25 feet deep.

- b. The entire storage and distribution facility shall be surrounded by a metal fence no less than four feet in height.
 - c. The applicant shall provide and the DRB shall approve a master plan for the build-out of the site which addresses, as a minimum, truck circulation, containment of spills and emergency procedures in case of fire or explosion.
 - d. The facility shall be designed, built and operated in accordance with all State and Federal safety standards.
 - e. Facilities for the storage and transfer of pressurized gaseous fuels shall be separated from other fuels and shall meet all State and Federal safety standards.
482. **Development on Class 4 Roads**, regardless of use, requires Conditional Use in all zones.
483. **Motor Vehicles Sales and Repair.** In all zones where permitted, motor vehicle sales and repair uses shall comply with the following:
- a. No pieces or parts or other material or supplies are to be stored outside unless completely concealed from view from neighboring properties and Streets.
 - b. All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.
 - c. All vehicles shall have a valid Vermont Inspection Sticker within 15 days of arriving on the property and must be in a drivable 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.
 - d. No junk vehicles may be kept on site for more than 24 hours.
484. **Gas Stations.** In all zones where permitted, Gas Station uses shall comply with the following: All fuel pumps, fuel and oil storage shall be located at least thirty-five feet from any property line or, where applicable, Street centerline.
- a. Signage and corporate branding shall not be located on the canopy or its supports.
 - b. Any canopy provided over the fueling area shall comply with the following requirements:
 - 1. Canopies must be consistent with the architecture of the primary building.
 - 2. Canopies shall be of one color, matching the main color of the primary building.
 - 3. Corporate branding, signage, and façade lighting is prohibited on canopies.
 - 4. Canopies with flat roofs are prohibited.
 - 5. The roof of a canopy shall connect to the primary building.
 - 6. Existing canopies shall be made to comply with these requirements when any changes thereto are proposed.
 - c. There shall be no more than two access driveways to any Gas Station regardless of how many Streets it has frontage on.
 - d. The width of each driveway to a gas station shall comply with the Morristown Road Policy.
 - e. The installation of a sidewalk is a requirement of any new or redeveloped Gas Station. Said sidewalks shall comply with the Morristown Sidewalk Policy.
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 DRB, after a plan for the rehabilitation of the site approved at a public hearing. The following provisions shall apply:

- 485.1 **Performance Bond.** Before approval of any new or proposed extension of a 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 DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public.
487. **Garage, Porch, & Lawn Sales.** Garage/lawn/porch sales shall be 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 days a year at any residential site.
 - 487.3 Any sales from a residence which exceed the standards set in this section shall be considered a Home Occupation or a Home Business, and shall be subject to conditional use review as well as standards governing those specific uses. (See §410, §415, & §500)

488. **Recreational Vehicles and Storage Trailers.** Other than parking in an approved campground or in an approved sales lot, Recreational Vehicles and Storage Trailers:
- 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 in a 12 month period; and
 - d. shall not be permanently hooked up to water or sewer utilities
 - e. shall comply with §323c if parked in a §320 Flood Hazard Area

Section 490. Exterior Lighting.

- 490.1 Exterior Lighting. All exterior lighting for residential or business uses shall be accomplished by using cut-off, down-shielded light fixtures. Light emanating from said fixtures shall not spill onto neighboring properties, Streets or produce a hindrance to traffic movement in the opinion of the Zoning Administrator.
- 490.2 Parking Lot Lighting. Parking lot light structures shall be limited to 20 feet in height and the light emanating therefrom shall be accomplished by using cut-off, down-shielded light fixtures where the light emanating therefore shall not spill onto neighboring property lines or Streets. Parking lot lights shall only be illuminated when the subject business is open or until 10:00 PM, whichever is later.
- 490.3 Building facades. Building facades may be illuminated provided that the lighting shall be accomplished by using cut-off, down-shielded light fixtures and light shall not spill onto neighboring property lines or Streets.
- 490.4 Externally Illumination for Signs. Sign lighting shall be regulated per §477 of the Bylaw.
- 490.5 Exemptions. Exemptions for §490 shall include lighting for street lights, holiday lights during the months of November, December and January and that municipally operated parking lot lights may remain on overnight.
- 490.6 Proposed lighting installations that do not comply with §490 Exterior Lighting maybe approved by the DRB only when that Board finds that the proposed lighting utilizes LED bulbs, is designed to minimize glare and does not direct light onto adjacent properties or Streets.

ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS

Section 500. Site Plan Approval.

- 501 **Any Permitted Use within any zoning district** can be approved by the Zoning Administrator without a public hearing if the site plan requirements in §502 and §503 are satisfied by the Applicant. At the discretion of the Zoning Administrator or request of the applicant, any permit application can be referred to the DRB for further permitting. If the application is classified as a Permitted Use, the DRB may approve the application without a warned public hearing.
502. **Site Plan Requirements.** In applying for hearing before the DRB for Site Plan Approval, Conditional Use, Variance, Waiver, or Site Plan Approval from the Zoning Administrator, the applicant shall submit two full-size printed copies of the site plan, as well as an electronic copy of said site plan in PDF format. All site plan submittals shall include the following information:
- a. The name, address and daytime telephone number of the person or firm preparing the map and supplying the data and information;
 - b. The name and address of the owner of record and of the applicant if different;
 - c. the date of map preparation and a bar scale showing miles or feet;
 - d. A north arrow with the most recent magnetic declination if available
 - e. existing and proposed features including streets, utility easements, rights of ways, structures, water supplies or connections, water and sewer lines or connections, sewage disposal areas and all waterbodies.
 - f. A boundary survey shall be required for all conversions to Dwelling Unit Multi-Family use;
 - g. Propane tanks, which shall be located underground for all non-residential uses and Dwelling Unit Multi-Family uses (excluding the Bulk Storage of Fuel use).
 - h. Dumpster Location. Approximate locations of trash and recycling dumpsters, which shall be screened from views of streets and surrounding properties and maintained in a sanitary manner, where the use of said dumpsters shall not be allowed for single family dwellings located inside the Village with the exception of short-term use for construction activity; and
503. **Additional Conditions.** The DRB may impose appropriate conditions and safeguards with respect to the following:
- 503.1 Adequacy of traffic access and circulation
 - 503.2 Provision for vehicular and/or pedestrian access to connect site adjacent properties
 - 503.3 Provision of parking
 - 503.4 To protect the utilization of renewable energy resources
505. **Landscaping Plan Standards.** Landscaping shall be a requirement of §500 Site Plan Approvals for all non-residential uses and Dwelling Unit Multi-Family uses.
- a. Landscaping proposed on a site plan shall include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs and may also include grasses and ground covers.
 - b. Landscaping shall be required to reasonably shield parking areas from roadside view and to screen the rear yards of commercial properties from abutting residential properties.
 - c. Landscaping plans shall include shade trees when ten or more parking spaces are proposed. In such areas, no parking space shall be more than 60 linear feet from the trunk of the closest shade tree. When internal parking lot islands are proposed to meet this 60

- foot maximum distance requirement, said islands shall not be curbed and shall be designed to receive and attenuate stormwater from the paved parking area.
- d. Proposed shade trees shall be no smaller than a 2.5 inch caliper trunk diameter, measured at a height of 18 inches, or, in the case of coniferous trees, a minimum of 5 feet in height. Tree species shall be long-lived (over 60 years) with a high tolerance for soil compaction.
 - e. Landscaping shall also include the use of shade trees along any road frontage. At least 1 shade tree shall be planted for each 60 linear feet of said frontage.
 - f. Maximum effort shall be made to save existing mature trees. No material or temporary soil deposits shall be placed within the drip line of shrubs or trees designated on the landscape plan to be retained. Protective barriers, such as snow or silt fences, shall be installed during construction around the drip lines of vegetation that is to remain on site that may be damaged by construction activity.
 - g. All plantings shall be installed according to accepted horticultural standards. Plant species should be native (unless ornamental), shall not be listed as invasive and shall be hardy (zone three or hardier as defined in UVM Extension Service's "Landscape Plants for VT").
 - h. The owner shall ensure proper watering and weeding to ensure plant viability and shall replace dead landscaping within the same growing season as any die-off.
 - i. Adequate planted screening shall be required that is robust enough to shield any adjacent house, including a house across a roadway, from view of a ground mounted solar array that is greater than 15 kilowatts and requires a Certificate of Public Good from the Public Utility Commission.

506. Site Protection and Restoration.

Topsoil shall be preserved and redistributed on all regraded surfaces and disturbed areas and 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. Proper soil erosion control measures shall be taken during and after construction. Landscaping plans shall incorporate a 50 foot wide setback from perennial streams and existing natural drainage patterns shall be preserved wherever possible. Seed and mulch shall be applied as soon as possible on disturbed soils.

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

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

- g. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.
2. **Site Specific Purposes.** The site specific purposes for Conservation Subdivisions are to permanently protect the following Natural Resources as shown on the Agency of Natural Resources Natural Resource Atlas in dedicated open space via the following list of prioritized priorities:
 - a. To protect the public water supplies (Groundwater SPA);
 - b. To protect all agricultural soils listed as Prime or as Statewide;
 - c. To protect §320 Flood Hazard Areas
 - d. To protect Wetlands;
 - e. To protect Rare Threatened Endangered Species;
 - f. To protect Deer Wintering Areas;
 - g. To protect Significant Natural Communities;
 - h. To protect Habitat Blocks;
 - i. To protect Vernal Pools; and
 - j. To protect steep slopes greater than 25%;
 3. **Applicability.** Conservation Subdivisions are required for all Major subdivisions in all zones.
 4. **Sketch Plan Review.** Prior to submitting a preliminary plat application, the applicant shall host a Sketch Plan review site walk with the Zoning Administrator on the proposed development site. At the development site, the Zoning Administrator shall familiarize himself with the land and inform the applicant about the Conservation Subdivision design process. The Zoning Administrator shall bring a survey of the property (or a tax map if a survey is not found in the Land Records) and a printout of the Vermont Agency of Natural Resource's Natural Resource Atlas with the following map layers turned on: Contours, Rare Threatened Endangered Species, Significant Natural Community, Deer Wintering Areas, Habitat Blocks, Vernal Pool Confirmed, Wetlands, Soils Prime Agricultural, Groundwater SPA, Parcels, Slope. During the Sketch Plan Review meeting the following shall be determined:
 - a. **Natural Resource Identification.** Natural Resource Identification shall be accomplished for the land in question by using the aforementioned layers of the Agency of Natural Resource's Natural Resource Atlas mapping system.
 - b. **Lot Calculation.** The maximum allowable number of lots in a Conservation Subdivision shall be determined by using the acreage of the subject land and dividing this resultant number by the Minimum Lot Size in the zone in which the subject land is located. This calculated number of lots shall determine the total number of reduced size house lots possible in a Conservation Subdivision. This lot number may need to be amended when a survey of the subject land is completed during the Preliminary Plat Review process.
 - c. **Five-Step Design Process.** The applicant shall work through the following five-step design process when laying out a Conservation Subdivision on the subject land:
 - Step 1.** Identify the natural resource areas,
 - Step 2.** Identify the potential development areas outside of the natural resource areas.
 - Step 3.** Within the potential development areas, identify potential development sites.
 - Step 4.** Lay out roads, driveways and utility corridors for the proposed lots.
 - Step 5.** Draw in the Lot Lines.

5. **Dimensional Requirements of Conservation Subdivisions.** The applicant shall submit a formal subdivision plan that will be reviewed by the Zoning Administrator that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:
 - a. **Preliminary Plat Information:** The plan detail requirements found in §770 & §780 of the Bylaws regarding Preliminary Plat submittals.
 - b. **Reduction of Dimensional Requirements for Conservation Subdivisions.** The following reduced dimensional requirements apply for Conservation Subdivisions when a minimum of 50% on the proposed development area is to be permanently protected as open space:
 1. The total footprint of the development may be reduced by up to 50% (i.e. a ten acres of land that would normally yield 5 two-acre lots, can become a conservation subdivision with the same five lots on 5 acres with another 5 acres of open space);
 2. Lot frontage shall not be less than 20 feet;
 3. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed;
 4. The DRB may waive minimum side setback requirements for multi-unit developments that utilize party-walls to encourage more compact development when doing so furthers the Purposes of this Bylaw; and
 5. The DRB may allow the reduction of the Minimum Lot Size to no less than one-quarter of the required lot size specified by the zone in which the subdivision is proposed if any one of the following criteria can be met:
 - a. When 75% of the subject property is to be permanently protected as open space;
 - b. When the subject property is located within the village limits; or
 - c. When the subject property will be accessed from a paved town road.
6. **Open Space Requirements.**
 - a. A minimum of 50% on the proposed development area shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots or within a permanent easement on adjoining land.
 - b. All of the soils listed as Prime or of Statewide Importance on the Agency of Natural Resources "Natural Resource Atlas" shall be permanently protected within the open space. The section of the dedicated open space that contains the prime ag spoils shall be clearly depicted on the site plan. The subdivision plan shall be noted that only agriculture and forestry is allowed in the depicted "prime ag area."
 - c. The open space lot must abut at least half of the proposed lots and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a roadway separates it. The DRB may waive this requirement during Final Plat Approval when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.
 - d. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review and all of the prime ag area.
 - e. Acceptable uses of the dedicated open space include: agriculture and forestry. Additional uses of the dedicated open space may include recreation fields, walking trails, bike paths, view vistas and parklands, but these additional uses will not be allowed in the portion of the dedicated open spaces shown on the subdivision plan as the depicted "prime ag area. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose and intent of this Bylaw during the §750 Final Plat Approval process provided that doing so will not result in any reduction in the agricultural potential for the designated agricultural soils.

- f. Disturbed Areas within Open Space: These aforementioned “acceptable uses of the open space” in §6e shall not disturb more than one-half of dedicated open space from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place – the regrading and replanting of a gravel pit as an example. No disturbance of the ag soils will be allowed under this section except for agricultural or forestry uses.
- g. Open space shall not include land set aside for the road’s right-of-way.
- h. Dedicated open space may be used for a communal sewerage disposal system serving the subdivision. However, mounded communal wastewater systems and individual septic systems shall not be allowed in the open space. Furthermore, there shall be no wastewater facilities located on ag soils designated as Prime or of Statewide Importance;
- i. Engineered drainage systems such as retention, detention and infiltration ponds, shall not be allowed within the open space.
- j. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space. No structures shall be allowed in the section of dedicated open space that is depicted on the subdivision plan as the “prime ag area.”
- k. The ownership of the Open Space shall be conveyed to the Town, the Town’s Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision’s homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner’s association. Any proposed open space, unless conveyed to the Village, Town or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein
- l. A maintenance easement shall be granted to the Town if the open space is to be retained in private ownership or to be owned by the homeowner’s association. Said easement over such land shall ensure its perpetual maintenance and provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot(s) to ensure payment of such maintenance.
- m. The protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for construction within the subdivision. The use of boulders unearthed during construction or other reasonable measures shall be used to delineate the open space and ensure it is not encroached upon by construction equipment or later by abutting lot owners.
- n. Walkways, hiking trails or bicycle paths shall be provided where feasible to link the lots with the dedicated open space. Said trails shall not be located in the “prime ag area” of the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected by said walkways, hiking trails or bicycle paths.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

Section 600. Zoning Administrator.

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

Section 610. Development Review Board (DRB).

611. **Appointment and Duties.** The Morrisville-Morristown Joint DRB shall conduct its duties as prescribed in 24 VSA §4461. The DRB shall consist of not less than 5, nor more than 7 members. The DRB may have up to 3 alternate members.
- 611.1 All matters, except for appeals of decisions of the zoning administrator, must come before the DRB by referral of the zoning administrator. Any such referral decision may be appealed as a decision of the zoning administrator.
- 611.2 Minutes will be taken of all meetings of the DRB and maintained by the Zoning Administrator. Such minutes shall include the name, address, and participation of any person wishing to achieve status as an interested person as defined in these bylaws.
- 611.3 The DRB shall conduct all reviews concurrently where feasible if a project requires more than one type of review.
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:
- Publication of, the date, place, and purpose of the hearing in a newspaper of general circulation in the town.
 - 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.
 - 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 DRB that pertain to the municipalities of the Village of Morrisville and the Town of Morristown. The Village of Morrisville and/or Town may, according to §4470(b) of the Act, seek enforcement of these bylaws through the courts of this State.

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

622. **Enforcement-Penalties.** Any person who violates these Bylaws after they have been adopted or who violates a comparable ordinance or regulation adopted under prior enabling laws shall be fined. The fine shall be established by the legislative body but shall not be more than fifty dollars (\$50.00) for each offense, unless subsequent Vermont Statutes allow municipalities to change the maximum amount of the fine.

622.1 **Guidelines for Levying Fines.** No action may be brought under this section unless the alleged offender has had at least seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation of the bylaw or ordinance after the seven-day notice period and within the next succeeding twelve months.

a. The seven-day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within seven days and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

622.2 **Non-Payment of Fines.** In default of payment of the fine, such person, the members of any partnership, or the principal officers of such corporation shall each pay double the amount of such fine.

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

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

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

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

Section 630. Conditional Uses.

631. **Procedure.** The DRB may allow uses listed as Conditional Uses in the requested zone at a warned public hearing, as provided for in §4414(3) of the Act.

632. **General Standards.** In order to allow the proposed Conditional Use, the following general standards shall not be adversely affected to the point that the potential impact becomes undue:

632.1 The capacity of existing or planned community facilities

632.2 The character of the area affected

632.3 The reduction in the capacity of the land to hold water so as to avoid soil erosion.

632.4 Will not result in undue water, noise, or air pollution

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

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

- 635.2 Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property
 - 635.3 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
 - 635.6 Allowing an additional dwelling unit above what the zoning normally yields for an on-site property manager is provided for residential developments of ten or more units. Said bonus dwelling unit shall be deed restricted so the rent there-of is no more than 30% of the salary paid to the property manager who will live on-site to perform his duties.
 - 635.7 Specify or limiting a business' hours of operation.
 - 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 DRB to permit the specifying of new conditions
 - 635.10 The DRB may require one, three and five year reviews of any project before the Board.
636. **Extra Conditions.** The DRB may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and these zoning regulations, and to protect the health, safety and welfare of the general public.

Section 640. Appeals.

- 641. **Filing Appeals.** An Interested Person, as defined by 24 V.S.A. § 4465, may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the Chair of the DRB and a copy of such notice shall be filed with the Zoning Administrator.
 - 641.1 **Notice of Appeal.** The notice of appeal, which must be filed within 15 days of the date of that decision or act, shall be in writing and shall include: the name and address of the appellant(s), a brief description of the property to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant(s), the alleged grounds why such requested relief is believed proper under the circumstances, and any other requirements dictated in §4466 of the Act.
 - 641.4 **Appeal Fees.** The fee for an appeal hearing before the DRB shall be set by the legislative body. Fees submitted for appeals of Enforcement Orders issued in accordance with §620 of these Bylaws which are subsequently approved by the DRB shall be refunded.
- 642. **Public Hearing on the Appeal.** The DRB shall warn a public hearing on an appeal which shall be within 60 days of filing the notice of appeal according to §4466 through 4468 of the Act.
 - 642.1 **Public Notice.** The DRB shall give public notice of the hearing and shall mail to the appellant(s) a copy of such notice at least 15 days prior to the hearing. The public hearing shall be open to the public. The DRB from time to time may adjourn any hearing held under this section, provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All procedures of the public hearing shall follow those established in §4468 of the Act.
 - 642.4 **Decisions on the Appeal.** The DRB shall render its decision, which shall include findings of fact, within 45 days after completing the hearing.

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

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

Section 660. Local Act 250 Review of Municipal Impacts.

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

ARTICLE VII: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

Section 710. Application of Regulations.

- 710.1 No conveyance or lease of a subdivision or any part thereof may be made, nor any construction or other improvement for such subdivision may be commenced, nor any permit for erection of a structure in such proposed subdivision may be granted, unless the subdivider shall secure approval from the Zoning Administrator DRB of the proposed subdivision under these rules.
- 710.2 For the purposes of these regulations, the term Minor Subdivision shall be defined as any proposed subdivision resulting in two or less new parcels. Minor subdivisions can be either in the form of conventional subdivisions or in the form of Planned Unit Development / Conservation Subdivisions. The form of the minor subdivision is the choice of the landowner. The Zoning Administrator shall approve all Minor Subdivisions. The term Major Subdivision shall be defined as any proposed subdivision resulting in three or more new parcels and or any subdivision proposal that creates a Street. All Major Subdivisions must go through the §510 Planned Unit Development / Conservation Subdivision process and be approved by the DRB.

Section 720: Pre-application.

- 720.1 **Sketch Plan.** The applicant, prior to submitting an application for subdivision, shall submit to the Zoning administrator, a "Sketch Plan" of the proposed subdivision which shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property.
- 720.2 **Attendance at Meeting.** The subdivider, or his/her duly authorized representative, shall meet with the Zoning Administrator to discuss the requirements of these Regulations, the difference between a Minor and Major subdivision and any applicable zoning bylaws, for street improvements, drainage, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.
- 720.3 **Conformance to Other Plans & Regulations.** The Zoning Administrator shall review the Sketch Plan to determine whether or not it conforms to, or would be in conflict with any effective municipal plan; zoning bylaw; existing private and public development, facilities and services; other applicable bylaws, ordinances or regulations; and for any special problems that may be encountered. Findings of conformance or conflict by the Zoning Administrator shall not be binding on the public bodies responsible for administration of such programs, but are intended as an aid to the applicant at this stage.
- 720.4 **Sketch Plan Approval.** The Zoning Administrator shall determine whether the Sketch Plan meets the purposes of these Subdivision Regulations and may reject the application or make specific written recommendations for changes. Any subdivided lot must meet the minimum lot size without including the area of any public road right of way in the lot acreage. Determination of compliance at this or any other preliminary stage of review will not bind the DRB in making determinations at later stages. The Sketch Plan Approval letter must state if the proposed subdivision will be treated as a Minor or Major subdivision.
- 720.5 Where the subdivider submits a proposal for a §510 Planned Unit Development / Conservation Subdivision, the requirements of §4417 of the Act shall be met, in addition to the requirements of the §510 zoning regulations.

Section 730. Procedures for Subdivisions.

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

Section 750. Review and Approval of Final Plat.

- 750.1 **Application for Final Plat Approval.** Within six months after approval of the Sketch Plan by the Zoning Administrator, the subdivider shall file an application for approval of a Final Plat. The proposed plat should be responsive to any conditions attached to the Sketch Plan approval by the Zoning Administrator, and shall conform to the requirements described in §750. Failure to do so shall allow the DRB to refuse, without prejudice, to act on the Final Plat and require resubmission of the Preliminary Plat.
- 750.2 **Copies for Submission.** Two copies of the plat (see §760.2 of these Bylaws, and 27 VSA §1403, for additional requirements required at the time of final filing); the application; all offers of cession, covenants and agreements, easements and rights-of-way shall be submitted to the Zoning Administrator at least fifteen days prior to a regular meeting of the DRB following receipt of the application under §750.1.
- 750.4 **Other Permits.** The subdivider shall apply for all Federal, State and municipal permits required of the proposed subdivision and shall submit copies of these applications to the DRB. Such permits may include but are not limited to: zoning permits, highway access permits, Master Land Use Permit (Act 250 Permit), public building permits, and Agency of Natural Resources Potable Water Supply and Wastewater Permit.
- 750.5 **Public Hearing.** The Zoning Administrator for a Minor Subdivision and the DRB for a Major Subdivision shall hold at least one public hearing upon public notice according to §4464 of the Act after the official filing of the Final Plat for approval. In addition, notice of such hearing shall be forwarded at least fifteen days prior to the hearing to the clerk of an adjacent municipality in the case of a plat located within five hundred feet of a municipal boundary. Any such hearing may be recessed to a later date, if necessary.
Submittals for the public hearing include:
 - 750.5a A complete application, including all required plat information, and all fees, must be submitted to the Zoning Administrator, at least seven days before the public hearing.
 - 750.5b If all material is not properly submitted, review of the application may be removed from the DRB's schedule and a new hearing warned. Any costs associated with the need to re-warn an application shall be at the applicant's expense.
- 750.6 **Attendance.** The Subdivider, or his/her duly authorized representative, shall attend the public hearing regarding the plat. Failure to so attend may result in postponement or dismissal of the application.
- 750.7 **Action on Final Plat.** Within forty-five days from the close of the final hearing, the Zoning Administrator, for Minor Subdivisions, or the DRB, for Major subdivisions, shall approve, approve with conditions, or disapprove the subdivision plat. Failure to act within such forty-five days shall be deemed approval without conditions.
- 750.9 **Conditioned Approvals.** The Zoning Administrator or DRB may impose conditions with any approval of an application in order to meet the requirements of these regulations. Said

conditions shall include, but not be limited to phasing of the development and scheduling of the infrastructure improvements prior to zoning permits being issued for construction. Surety, in the form of a line of credit that the Town is authorized to draw upon to complete a project abandoned for more than one year, may be required by the Board. Said surety will typically only be required for large projects when the Board determines that it is unreasonable to expect the applicant to finance and construct all the project's infrastructure before zoning permits are issued for new buildings.

Section 760. Filing of Approved Subdivision Plat.

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

765. **Effect of Final Approval.**

- 765.1 **Acceptance of Streets, Recreational Areas.** Approval by the DRB of a Subdivision Plat shall not be deemed to constitute or be evidence of any acceptance of any street, easement, utilities, park, recreational area, or other open space shown on such subdivision plat. Such acceptance may only be accomplished by formal resolution of the Selectboard.
- 765.2 **Compliance with Subsequent Bylaw Amendments.** Approval of the final plat shall not exempt an applicant from compliance with subsequent bylaw amendments, except in the case of lots within the plat that have been sold in separate and unaffiliated ownership or for which zoning permits have been secured for buildings and in the case where all required improvements, including streets, pedestrian ways, and utilities have been installed in accordance with the final plat approval.

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

- a. Subdivision Name or Identifying Title
- b. Name of Subdivider, Preparer of Plat, and Owner of Record.
- c. Seal of Licensed Land Surveyor and a bar scale
- d. Date prepared, Site Location Map, and Bar Scale
- e. North Arrow of defined basis (i.e. magnetic north with year, or astronomic north)
- f. Subdivision Boundaries and Position of Monuments
- g. Where applicable, location of existing roads, and buildings
- h. Indication of intersecting boundaries
- i. Total acreage of each Lot (also showing a separate acreage measuring that excluding public Streets and any right-of-ways for roads that will be put up for public acceptance).
- j. Location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- k. The Listers' parcel number of the land proposed to be subdivided

- l. Subdivision boundaries of all subdivisions immediately adjacent, including those of the proposed property/lot lines, and intersecting boundaries of contiguous properties shall be shown along with the names and addresses of the owners of record, along with the book and page of the respective deeds.
- m. The name of the zone applicable to the area to be subdivided and any zoning district boundaries cutting across the tract.
- n. The location and size of any existing sewers, water mains, culverts, and storm drains on the property to be subdivided.
- o. Location, names and present widths of existing and proposed streets, highways, easements, rights-of-way, building lines, parks, and other public open spaces.
- p. The width and location of any streets or other public ways or places shown upon any official map, or the municipal development plan, within the area to be subdivided.
- q. Typical cross sections of proposed grading and roadways, sidewalks and paths.
- r. Preliminary designs of any bridges or culverts which may be required.
- s. The location of natural features or site elements to be preserved.
- t. For major subdivisions, the location of a water supply available for firefighting including proposed fire ponds or dry hydrants accompanied by written confirmation from Morristown Fire Department that the proposal meets local standards for access and design.

Section 795. Lot Line Changes.

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

ARTICLE VIII. SUBDIVISION GENERAL REQUIREMENTS & DESIGN STANDARDS

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

- 801 **Construction According to Approved Plat.** 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 DRB, 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 Zoning Administrator or the DRB, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand 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.
- 810.3 **Lot Layout.** The layout of lots shall conform to the requirements of any zoning regulations in effect. Corner lots shall provide for any required setback on each street. Consideration in lot layout shall be given to topographic and soils conditions. Cluster development can be considered to preserve open space.
- 810.4 **Preservation of Existing Features.** Due regard shall be given to the preservation and protection of existing features, trees, scenic points from public property, streams, rock outcroppings, water bodies, other natural resources, wildlife habitat.

Section 820. Streets.

- 820.1 **Layout.** The streets in the subdivision shall be laid-out in a manner consistent with the topography of the site (see §820.1c) and in a manner which emphasizes connectivity to the existing street network while also taking care to minimize the total surface area of the subdivision used for streets. Exceptions to the above requirement shall be granted for design techniques like clustering.
- 820.1b **Proposed Construction on Existing Roads.** Where the subdivision borders on an existing street, and if the Municipal Plan indicates plans for realignment or widening of the existing street that would require reservation of some land of the subdivision, the DRB shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."
- 820.1c **Topography.** Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections in appropriate relation to the proposed use of the land to be served by such streets, and to preserve as much open space as reasonably possible.
- 820.1d **Future Streets.** Streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions.

The Zoning Administrator or DRB may require the proposed right-of-way to be extended so it aligns with or connects to an existing or Future Street.

820.1e **Frontage on State Highways.** Applicants for subdivisions which front on state highways must receive an 11-11 permit from the Vermont Agency of Transportation for proposed access from new lots onto the state highway prior to receiving a local subdivision permit.

820.2 **Street Construction Standards.** All public and private streets, sidewalks, and curbing shall be constructed and/or installed in conformance to the standards established in these regulations and in the: "Morristown Road Policy" & "Morristown Sidewalk Policy." If any of the standards established in these Regulations conflict with those of the road ordinance, the standards found below in the zoning shall apply.

820.2a **Horizontal Intersection Alignment.**

- a. Within 75 feet of the approach to an intersection, the centerlines of the intersecting streets shall be at right angles.
- b. New road intersections shall be at least 125 feet from any existing road intersection on the same side of the road and line up with any existing intersection on the opposite side of the road or maintain at least the same minimum 125 foot buffer distance.
- c. The centerlines of no more than two accepted rights-of-way shall intersect at any one point.
- d. Sidewalks shall be provided per the Morristown Sidewalk Policy. Sidewalks, per said Policy, shall be provided so new development is connected to the existing sidewalk system.
- e. The DRB may waive these above requirements if it finds that enforcement would be impractical because of the character and/or topography of the land and that the health, safety and welfare of the public shall not be adversely affected. However, in no case shall the allowable intersection angle be less than 60 degrees.

820.2b **Vertical Alignment at Intersections.** The gradient within 75 feet of intersections shall not exceed 5%.

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

820.4 **Dead-end Streets, Cul-de-sacs and Hammerheads.** Dead-end streets shall terminate in cul-de-sacs with a minimum diameter of 100 feet. An exception to these requirements may be made for temporary dead-end streets. Provisions shall be made for temporary turn-arounds for temporary dead-end streets. Provisions shall also be made at the perimeter for snow removal and storage.

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

suffix, be it street, avenue, road, boulevard, drive, place, highway, trail, court, or other suffix ending. The subdivider shall install a street identification sign at every intersection.

820.6 **Access.**

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

820.6b **Class 4 Road Access.** If the access road to the subdivision is a Class 4 road or a private road, the DRB shall require the subdivider to improve the access road to meet the Morristown Road Policy until such time as the legislative body may reclassify or accept the road.

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

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

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

Section 830. Water Supply & Wastewater Disposal. The subdivider, for Minor Subdivisions, shall supply the Zoning Administrator, and for Major Subdivisions, shall supply the DRB with the approved WW permits prior to receiving subdivision approval. Subdivision approvals may be conditioned upon no zoning permits issuing until WW permits are issued and recorded.

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

Section 840. Utilities in Major Subdivisions.

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

840.1a **Underground Utilities.** The DRB 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 firefighting (see 840.8), stormwater management, electric power, and other required utilities and improvements (see also §840.7 & and 840.8).

- 840.3 **Extension of Municipal Utilities.** The DRB may require the extension of public waters and sewers to and within a proposed subdivision, at the expense of the subdivider where existing lines are, in the judgment of the DRB, within a reasonable distance of the proposed subdivision.
- 840.4 **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.
- 840.5 **Depth of Utility Mains.** Water and sewer mains must be laid below the depth of frost penetration of the area. Sewer lines shall be set lower than water mains.
- 840.7 **Electric for Major Subdivisions.** The subdivider shall coordinate the subdivision's design with the utility companies and provide written proof of their ability to serve the subdivision. Common rights-of-way shall be utilized whenever possible and the distribution systems shall be installed underground.
- 840.8 **Fire Protection Facilities for Major Subdivisions.** Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the DRB. Where required by the DRB, in consultation with the Fire Chief, the subdivider shall install fire ponds with dry hydrants or fire hydrants. All hydrants must be installed to the specifications of the Morristown Fire Department.

Section 850. Drainage Improvements for Major Subdivisions.

- 850.1 **Surface Drainage.** An adequate surface storm water drainage system for Major Subdivisions area shall be provided. The subdivider may be required by the DRB to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision.
 - 850.1a **Peak Discharge.** The DRB may require there be no net increase in the peak discharge of storm water that leaves the project area and the applicant to show where the storm water will go.
 - 850.1b **Vicinity Land Drainage.** The DRB may require the subdivider to provide any improvements to drainage systems serving nearby land where that land is affected by runoff from the development.
 - 850.1c **State Permits.** The Subdivider shall obtain State storm water discharge permits if required by State law or regulation.

Section 860. Site Preservation and Improvements for Major Subdivisions.

- 860.1 **Erosion Control.** The subdivider shall present an "Erosion Control Plan" for approval by the DRB. The plan shall establish procedures to be followed that will minimize erosion during and after construction.
- 860.2 **Soil Management.** All excavations, grading, measures for erosion and/or sediment control shall be performed in accordance with the 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 DRB may require the subdivider to submit evidence of boring and/or other soil investigation to determine the depth of composition and stability of the subgrade

within the road section. Materials for embankment shall be placed in successive horizontal layers not exceeding six inches in depth and be thoroughly compacted.

860.2b The DRB 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 DRB may require the planting or preservation of trees or other vegetation to provide visual screening of development or to otherwise soften and/or lessen the impact of development on natural features and scenic vistas. Street trees along public or private roadways may also be required in order to establish a canopy effect where the Board deems it appropriate. Stripped topsoil shall not be removed from the subdivision area unless specifically approved by the Board.

Section 870. Subdivision Organizations and Restrictions in Major Subdivisions.

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

ARTICLE IX. DEFINITIONS

Section 900. State Definitions.

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

Section 910. Other Definitions.

The following definitions shall also apply to these Bylaws.

Certain means of reference and words used herein shall be defined as listed below: Unless the content clearly indicates contrary, words listed in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association, partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive, the words, "shall" and "will" are mandatory

The Act - refers to Title 24, Chapter 117 of the Vermont Statutes.

Accessory Apartment - An efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation and sanitation. See §423.4

Accessory Retail and Food Use - Activities such as gift shops, cafeterias, fitness rooms, and snack shops that are conducted within a principal Structure, occupying no more than 25% thereof, primarily containing a non-retail use and that serve the primary non-retail use. There shall be no external evidence of retail activity discernible from the outside of the Structure. Access to the retail activity shall only be from within the principal Structure.

Accessory Use - 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 per 24 VSA §4448; aka "the Zoning Administrator."

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

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 or part of a Structure used primarily for the retail sale or dispensing of alcoholic beverages for on-premise consumption, or the part of a building, structure, or premise of a private club, association or organization that dispenses alcoholic beverage for on-premise consumption.

Base Flood - A flood having a 1% chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) - The elevation of the water surface elevation resulting from the Base Flood.

Basement - Any area of the Building, including a crawl space, having its floor below grade on all sides.

Bedroom - a room with one or two beds in it being used for sleeping purposes.

Brewery: A facility for the production and packaging of beer, vinous, distilled or fermented alcohol products for distribution, retail, or wholesale, on or off-premise. A majority of a Brewery's on-premise alcohol sales (retail, tastings, etc.) shall be brewed or distilled on-site.

Building - Any walled and roofed Structure, including a fuel 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 not, but does not include steps or ramps.

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

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

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

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

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

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

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

Commercial Use - This use shall include all operations and processes for businesses, whether they be located in stores, warehouses, offices, or similar Structures. This use shall not include the Gas Station or Sexually Oriented Business uses.

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, government office, government facility, museum, art gallery, library, school, or other similar establishment not operated primarily for profit.

Compensatory Storage – A volume not previously used for flood storage that is incrementally equal to the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Said compensatory volume have an unrestricted hydrological connection to the same waterbody.

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

Day Care Facility - A conditionally allowed State licensed or State registered Family Child Care Facility caring for more than six full-time children and/or caring for a maximum of six full-time children and more than four part-time children.

Development - The division of a parcel into two or more parcels or any human-made changes to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment and materials.

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

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

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

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

Dwelling Unit, Two-Family - A detached residential Building designed for or occupied as a home by 2 families living independently of each other or 2 Single-Family Dwelling Units located on the same lot.

Dwelling Unit, Multi-Family - A detached residential Building designed for or occupied as a home by more than two families living independently of each other or the combination of more than two residential uses in multiple Buildings on the same lot.

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

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

Family - Other than a Group Home per 24 VSA §4412.1g, a Family shall be defined as a "functional family unit" (regardless of household size) where all common spaces, appliances, food preparation and costs are shared, or a group of not more than four unrelated persons living together where all common spaces, appliances, food preparation or costs are NOT shared.

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

Fence - Any combination of man-made materials erected to enclose, screen or separate areas of land. Fences may be of an open (e.g. picket) or closed (e.g. brick or stone) style.

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

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

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

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

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

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

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

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

Ground Water Source Protection Area (SPA) - An area designated by the State of Vermont, Agency of Natural Resources as a public drinking water source and recharge zone, and given special protection in §300 through 309 of these Bylaws.

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

Hotel, Inn or Motel: A Structure or combination of structures on the same lot with the capacity to rent short-term lodging to 17 or more persons in 9 or more bedrooms. Hotels shall be approved by the Division of Fire Safety and have a valid waste-water permit. The Occupancy per Bedroom definition is not applicable for this use.

Home Occupation - An accessory business conducted within a minor portion of a dwelling by the residents thereof so that the floor area dedicated to the business is less than 25% of the total floor area of the dwelling unit.

Home Business - A commercial use housed in the principal dwelling, an accessory Building, or on property owned 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 shall conform to requirements specified in §415 of the Bylaws. Motor Vehicle Service Station & Motor Vehicle Sale and Repair Facility are not eligible Home Business uses.

Legislative Body - The Selectboard of the Town of Morristown.

Lodging or Rooming Houses – A Structure or combination of structures on the same lot renting Bedrooms to persons for a period of fewer than 30 consecutive days. Lodging or Rooming Houses containing 8 or less Bedrooms, rented to 16 or less people be approved by the Division of Fire Safety, and have a valid State waste-water permit. Short-term rentals of 4 Bedrooms or less for 8 or less people shall be Owner Occupied, but are otherwise exempt from the above local permit requirements. The Lodging or Rooming Houses use is not a Hotel, Inn or Motel use.

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. If one or more lots are pre-existing small lots, it shall not be considered merged if it can meet the criteria under §421 of these bylaws. Pre-existing small lots that cannot meet the criteria under §421 of these bylaws shall be deemed merged.

Lot Coverage – The maximum percentage of the lot area which may be covered by the footprint (ground floor level) of Buildings and Structures.

Lot Size - Acreage or square footage of a lot. Calculation of lot size to determine that it meets the minimum size for the district where located shall not include the road right of way of any public Street.

Lot of record - A lot which is part of a subdivision recorded in the office of the Town/Village Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lowest floor - [as used in the Flood Hazard Area regulations in §320 of these Bylaws] -Bottom floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a Building's lowest floor; provided that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements (see 44 CFR §60.3).

Manufactured Home - A Structure, transportable in one or more sections, built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Mean sea level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the community's FIRM Maps are referenced.

Mobile Home - [Except as used in Flood Hazard §320, of these Bylaws] A Structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Motor Vehicle Sales and Repair – An enclosed establishment for the display, sale, services and repair of new and used motor vehicles and boats. For fuel dispensing, see the Gas Station use.

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

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

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

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

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

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

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

Nuisance - Any activity or condition which is noxious; excessively noisy; resultant in excessive vibrations; or resultant in discernible fumes, vapors, or gravitationally precipitated wastes (airborne or waterborne) on or over any other premises.

Occupancy per Bedroom - Occupancy is limited to 2 people per bedroom (with children less than 5 years old not counted towards occupancy). The Zoning Administrator, per published HUD guidelines, may allow additional people per bedroom when there are unusually large bedrooms and or living spaces.

Official Map - The map authorized under 24 VSA 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.

Owner - Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly or severally with others, hold(s) legal or equitable title to any real property.

Owner Occupied - Where owner occupancy is required by the Bylaws, Owner Occupied shall mean occupancy of the premises by the property owner, where the subject property is the owner's primary Vermont residence.

Parking Space Off-Street - For the purposes of this bylaw, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a Street and maneuvering room. Required off-street parking areas for 3 or more automobiles shall have individual

spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street so that any automobile may be parked and un-parked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be 300 ft², but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all bylaws and regulations of the municipality.

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

Permitted Use - A use that is specifically allowed in the district for which it is proposed. After determining that an application conforms to district regulations established by this Bylaw, the Zoning Administrator may issue a permit without public hearing or notice.

Planning Commission (a/k/a Municipal Planning Commission) - The Morristown-Morrisville Joint Municipal Planning Commission established in accordance with 24 VSA, Chapter 117, §4321 & §4327.

Prime Agricultural Soils – Land designated on the Vermont Agency of Natural Resources “Natural Resources Atlas” website as “Prime” or “Statewide.” Any other designated agricultural land on said website, such as “Prime (b), Statewide (a) or Local, shall not be considered Prime Agricultural Soils for the purposes of the Bylaws.

Plat - A map or representation on paper, or mylar 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.

Professional Office - Rooms used for conducting the affairs of a business, profession, service, industry generally furnished with desks, tables, files and communication equipment.

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

Reasonable Modification - A structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable Modifications include structural changes to interiors and exteriors of dwellings and common and public area uses. Any request for Reasonable Modification shall be reasonable and demonstrate an identifiable relationship between the requested modification and the disability.

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

Recreational Vehicle – A vehicle built on a single chassis, 400 ft² or less in size when measured at the largest horizontal position, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation or seasonal use.

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

Retail Sales of Goods & Services - Any enclosed business concerned primarily with the sale of produce, products, goods, equipment, or commodities. This shall exclude any drive-up service, free-standing retail stand, 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."

Sale of Goods Produced On-Site - Direct sale to consumers of goods produced or manufactured on-site or assembled on-site from un-worked materials. Examples of un-worked materials include sheet metal, glass 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 25% of retail floor and display space is devoted to these accessory items

Shelter - A facility whose primary purpose is to provide temporary or transitional shelter for a guest whose stay shall not exceed 30 total days in a calendar year. A Shelter shall be staffed 24 hours a day and serve no more than 8 adult guests at any one time who may or may not have a disability as defined in 9 VSA §4501. A Shelter is not a detox center and guests of a Shelter shall not be under the influence of drugs or alcohol at any time while they reside at said shelter.

Setback - The distance from the footprint of a Structure to any lot line including the Street centerline. For purposes of this section, a structure shall not include: (1) eaves, sills, pilasters, gutters, leaders, cornices, chimneys and roof overhangs; (2) the footprint of stairs to first floor of a Structure; (3) ramps or other Reasonable Modifications under the Fair Housing Act; (4) Fences, (5) Signs, (6) at-grade stone or paver patios, (7) publically accessible pedestrian walkways, boardwalks and items normally found accessory thereto, (8) front porches provided they are not enclosed that are not open to the elements in all 4 seasons, and (9) paved areas for parking (driveway and parking lots) within the Village.

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

Shall - Denotes a mandatory requirement.

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

Sign - Any device, structure, building or part thereof, used to bring a subject to the public's attention.

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.

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

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

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

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

Structure - An assembly of materials for occupancy or use, including but not limited to: Buildings, mobile homes or trailers, 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 Damage – The damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged conditions would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement – Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which equals or exceeds 50 percent of the market value of the structure before the Start of Construction of the improvement. This term includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

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 member 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.

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

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

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

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

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

ARTICLE X. ZONING DISTRICT BOUNDARIES

Section 1000. Central Business (CB). The purpose of this zone is to allow for retail commercial uses, businesses, and very high density residential uses in a vibrant downtown that serves the community and the region.

1001. CB #1 (Downtown).

Traveling in a clockwise direction, from a point beginning on the northwest corner of Parcel 21-069I east to the intersection with the railroad right-of-way. From the railroad right-of-way on the west to the Lamoille River on the east. Traveling against the current of the Lamoille River on west to an intersection with a line projecting due north from the northernmost point of the Riverview Cemetery, Parcel 21-193. Then turning south from said point in the river, crossing Park St, and arriving at the base of the Soldiers' Monument. Then traveling from the Soldiers' Monument to the southeast corner of parcel 21-009 (10 Summer St). Then turning west from said corner to southwest corner of parcel 21-009, and then turning south along the eastern lot line of parcel 21-010 a point 200 feet south of the centerline of Upper Main St. The turning west from said point, forming a line parallel with Upper Main St. Then west along this line parallel and 200 feet south of the centerline of Upper Main St to the centerline of Congress St. Then continuing west from Congress St on the same line to the centerline of East High St and then turning north to the intersection of East High St and Main St and then west along A St to the intersection of the Lamoille River. Then continuing with the current of the Lamoille River to the intersection of the Truck Route Bridge. Then turning north up the Truck Route to the intersection with Bridge St. Then turning west to fully include lot 69 on map 21 and then turning north along said parcel's property lines and arriving at the point of beginning.

Section 1010. Commercial (COM). The purpose of this zone is to provide for mixed uses and space for businesses serving the community and the region. Good highway access and close proximity to the village characterize the area.

1011. COM #1 (Uptown).

From a point beginning on VT Rte. 15 W 600 feet west of the intersection of said road and Needle Eye Rd traveling in a clockwise direction. A line projecting southeast from the point of beginning to the intersection of Langdell Rd and Center Rd. Then a line projecting southeasterly to the easternmost portion of Town right-of-way on the Lanphear Rd. From said end of Lanphear Rd, a line projecting due south to VT Rte. 15 E. Then turning westbound on VT Rte. 15 E. to the centerline of Munson Ave, but including Parcel 08-075 (PriceChopper). Then turning southerly down Munson Ave until a point of intersection with Harrel St on the south. Then turning west on Harrel St to a point of intersection with Brooklyn St, but including Parcel 21-139. Then turning south along Route 100 until a point of intersection with the road to Brooklyn Heights. Then west for 100 feet along the Brooklyn Heights road before turning northerly and running parallel to Route 100 but remaining 100 feet west thereof until a point of intersection with the Village/Town Boundary. Then following the Village/Town Boundary west, crossing the Truck Route, to a point 1,000' west of Brooklyn St. Then turning north from said point, staying 1,000 feet west of Brooklyn St. until a point of intersection with Stafford Ave. Then turning northwesterly and continuing to the end of the Town right-of-way on Stafford Ave. Then a line projecting from the end of Stafford Ave to the northernmost point of Parcel 20-032-1. Then continuing northerly to the point of beginning on Rte. 15 W.

1012. Commercial Zone #2 (Lower Village).

From the intersection of the town/village boundary and the southern right-of-way line of the Alternate Truck Route in lot 328 on tax map 7, south along the town/village boundary 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 Jersey Way, and then south along Jersey Way to the southern eastern most point of Parcel 07-003, and then west along the southern lot line of lot 3 and lot 4 on tax map 7 to the intersection of the town/village boundary in lot 6, then projecting on the same plane from this point of intersection

westward across parcel 07-007-01 to a point of intersection with the Truck Route and then northeast along the right-of-way line of the Truck Route to the point of beginning.

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

1041. MOR #1 (Bishop Marshall).

Beginning at the intersection of Bridge St and the Town/Village Boundary on tax map 7, then south along the town/village boundary to a point of intersection with the Truck Route, but including parcel 07-328-1 directly to the northeast, then from the aforementioned point of intersection of the Village/Town boundary and the Truck Route, turning south along the Truck Route to the intersection of Morristown Corners Rd, then turning west along Morristown Corners Rd to a point of intersection with Ryder Brook, turning north along Ryder Brook until the southern boundary of lot 320 that is on the east side of Ryder Brook, then turning east from Ryder Brook along the southern boundary of lot 320, then turning north at the eastern boundary of lot 320, and then along the eastern boundaries of lots 319 and 301 to the point of intersection with Bridge St, then travelling east on Bridge St to the point of beginning.

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

1051. **IND #1 (Uptown).** From a point beginning on Needle Eye Rd and the northernmost corner of Parcel 20-032-1 traveling in a clockwise direction. From said northernmost corner of Parcel 20-032-1 to a line projecting southerly to the terminus of the Town portion of Stafford Ave. Then following Stafford Ave southeast to a point 1,000' west of the centerline of Brooklyn St. From said point 1,000' west of the centerline of Brooklyn St, turning south, keeping the same distance from Brooklyn St, to a point of intersection with the Village/Town Boundary on the south. Then turning east along the Village/Town Boundary to a point of intersection with the Truck Route. Then turning south along the Truck Route to the Lamoille Valley Rail Trail (LVRT) bridge. Then turning north along the LVRT to the northern property line of Parcel 07-307. Then west along said northern property line to a point of intersection with the Village/Town boundary in the river. Then north along said boundary to the point where it turns east back to the Truck Route. Then east to a point of intersection with Parcel 20-035. Then from said southernmost point of intersection of the LVRT and Parcel 20-035, a line projecting northerly to the point of beginning.

1053. **IND #2 (Industrial Park & Harrel St).** From a point beginning at southwestern corner of Parcel 08-075 (Pricechopper Groceries) traveling in a clockwise direction. East along the southern property and then northeast along the eastern property lines of Parcel 08-075 to a point of intersection with VT Rte. 15 E. Then traveling east along Route 15 to a point 250 feet east of its intersection with Harrel St. A line projection due south from said point on Route 15 250' east to the centerline the Lamoille River on the south. Then turning west, downriver, to the southeast corner of Parcel 21-145. Then turning northerly along the rear property line of lot 145 and continuing along the rear property lines of parcels 144-139 to a point of intersection with Harrel St. Then traveling east along Harrel St until the point of intersection with Munson Avenue. Then north up Munson Avenue to the point of beginning.

1054. **IND #3 (Trombley Hill).** From a point beginning at the intersection of Trombley Hill Road and Frazier Road traveling in a counter-clockwise direction. Traveling north along Trombley Hill Road to the Town boundary with Hyde Park. Then west along the town-line to the intersection with Center Road. Then turning down Center Rd to a point of intersection with Red Pine Estates. Then a line projecting from said intersection to the point of beginning.

1055. **IND #45 (Bridge St & Cadys Falls Rd).** From a point beginning at the intersection of Bridge St and ~~the~~ the Village/Town Boundary, then traveling south along the eastern boundaries of lots 301 & 319 to the southern boundary of lot 320, then west along said boundary to the intersection with Ryder Brook, then south along the brook to the intersection with Morristown Corners Rd, then across said road and continuing along Ryder Brook to include lot 13, then north from the point of intersection of the Brook and the westernmost boundary of lot 13 back to Morristown Corners Rd, then crossing Morristown Corners Rd to the southwesterly boundary of lot 189, then traveling north along the western boundary of lot 189 to lot 190, then continuing along the western boundary of lot 190 to the point of intersection with lot 191, then turning east along the southern boundary line of lot 191 to the intersection of Cadys Falls Rd, then traveling north along Cadys Falls Rd to its intersection with Bridge St, then crossing Bridge St to include lots 301-1, 301-2, and 301-3 and traveling clockwise around the peninsula of the former Green Mountain area, then crossing back over Bridge St to the point of beginning at the northeastern boundary of lot 301.

1056. **IND #5 (Airport).**

From the intersection of Ryder Brook and the centerline of Route 100 east along said river until a point where the river intersects with lot 130-1 on tax map 12, then north along the western property line of said lot to the lot's northwest corner, then east approximately 800 feet along the northern lot line of said lot to the lot's northeast corner, then southwest along the eastern lot line for approximately 337 feet, then turning south along the eastern lot line there from for approximately 631 feet, then northwest along the lot's southern lot line to a point of intersection with lot 136 on tax map 12, then south along the eastern lot line of lot 136 on map 12 to a point of intersection with lot 143-1 on map 12, then southeast along the northern lot line of lot 143-1 on map 12, then turning south along the eastern lot line of said lot for approximately 309 feet, then turning west along the southern lot line of said lot to a point of intersection with the Ryder Brook and lot 144-1-2 on tax map 12, then south along the eastern lot lines of parcels 144-1-2 and 145 on map 12 to a point of intersection with the Goeltz Rd right-of-way line, then crossing Goeltz Rd to include parcels 12-155 & 12-156, then east to the centerline of Goeltz Rd 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 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 map 12, continuing mostly north along the rear lot lines of lots 113-3, 113-2 and 113-1 on map 12, to a point of intersection with Cochran Rd, then northeast along the easterly right of way line of the road to its intersection with Rte 100, then north along the right-of-way line of Rte 100 to the beginning point of intersection with Ryder Brook.

Section 1060. Hospital (HOS). The purpose of this zone is to provide a desirable area that can accommodate existing and future health care needs, both for the community and the region. Residential uses shall continue to be allowed in this zone for so long as they remain compatible with health care uses.

1061. HOS #1 (Washington Highway).

From a point beginning on Maple Street at northwestern corner of Parcel 23-239 traveling clockwise around the district. From said point on the west to southwestern corner of the golf course (Parcel 24-083) on the east. Continuing along the southern border of the golf course to its easternmost point, where it intersects with the southeastern corner of Parcel 24-041 on the west. The western property lines of lots, 40-7, 40-6, 40-3, and 40-2 on tax map 24 and lot 2 to a point of intersection with the Village boundary. Then continuing southerly along the Village Boundary, crossing Washington Highway (askew), and continuing along the Village Boundary to a point parallel with the terminus of Farr Ave. A line projecting from said point westerly, running parallel with Washington Highway, across Parcel 13-026 to a point of intersection with Parcel 13-025. Then turning northeast along that parcel's eastern property line, west along its northern property line to point of intersection with Mansfield Ave. Then turning northeast long Mansfield Ave to a point of intersection with Washington Highway. Then turning west down Washington Highway, turning north on

Maple St, to the point of beginning at the northwestern corner of Parcel 23-239.

Section 1080. High Density Residential (HDR). The purpose of this zone is to provide dense housing that is more affordable through the use of multi-family housing, duplexes, and single family housing on small lots. This zone is located adjacent to the CB Zone. It is served by public utilities, and sidewalks that provide for a short walk into downtown.

1081. HDR #1 (Village core surrounding the CB zone).

Beginning at the intersection of Lower Main St, Jersey Heights, and A St traveling in a clockwise direction. Traveling 200' south of the Jersey Heights / Route 100 centerline of said point of beginning and then turning east until a point of intersection with of Congress St. Then bisecting Congress St, remaining 200' south of the centerline of Upper Main St to a point of intersection with Summer St but including #46 (Parcel 21-008). Then turning north up Summer St, crossing Upper Main St, to the base of the Soldier's Memorial. Then a line projecting from the Memorial northwesterly, crossing Park St, to the northernmost point of Riverview Cemetery, Parcel 21-193. Then a line due north from the northernmost point of the cemetery to the Lamoille River. Then turning east against the flow of the river to a point of intersection with a line due north from the Morrisville Water & Light vault on Park St. Then turning southerly and running along the western boundary of the People's Academy school property, crossing Upper Main St, and heading along the same line to a point of intersection with the Potash Brook. Then turning southwesterly along the flow of the brook, crossing Maple St to a point where the projection of the eastern terminus of Union St would bisect the brook. Then continuing from the point of intersection of the Potash Brook and the eastern projection of Union St, west along Union St to a point of intersection with Congress St. Then turning south on Congress St for approximately 925 feet to the culvert that takes that Potash Brook under Congress St on the south. Then from this culvert, follow the flow of the Potash Brook to the west until its point of intersection with Randolph Road (which is just prior to where the Potash Brook joins the Boardman Brook). From the intersection of the Potash Brook and Randolph Rd a line projecting westerly to the intersection of Sterling Ct and Jersey Way. The turning north up Jersey Way to a point of intersection with Jersey Heights. The following the Village / Town boundary from Jersey Height north to the intersection with the Truck Route. Then turning northeast along the Truck Route to the intersection with the Lamoille River. The following against the flow of the river to the A St Bridge. Then easterly on A St to the point of beginning.

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

1091. MDR #1 (Central Village and up Elmore St). From a point beginning at the intersection of Congress St and Union St traveling in clockwise direction. From the intersection of Congress St and Union St on the west, traveling east along Union St, crossing Summer St and Court St, until a point of intersection with the Potash Brook. Then following and going against the current of the brook, across Maple St, to an intersection of a point made in the brook by a line projecting due south from the southwestern most point of the People's Academy school property. Then turning north along said line, crossing Upper Main St, and following the western border of the People's Academy property until the intersection with Morrisville Water & Light vault on Parcel 22-048. Then turning due north from said vault, crossing Park St, and intersecting the Lamoille River. Then turning east along the river, running against its current, to a point of intersection from a line running due north from the northeastern most point of the People's Academy frontage on Park St. Then following easterly, southerly, and easterly again along border of the school property to its easternmost point. Then a line projecting from said point to the westernmost point of the MW&L property (Parcel 08-034) at the Village/Town Boundary. The following the Village/Town Boundary easterly and then southerly to a point of intersection with Demars Rd and Route 12. The continuing south along the Village boundary, across Route 12, and following the Village boundary ~~in a counterclockwise motion~~ 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, northeasterly to the southeastern corner of lot 41 on tax map 24. Then turning west along the southern property lines of lots 41 on tax map 24 and continuing westerly and southerly along lot 83 (Copley Golf Club) on tax map 24 and westerly along the southern boundary of lot 238 (the Village garage) on tax map 23 to the centerline of Maple St. Then turning south on Maple St to the intersection of Washington Highway, across from Pleasant View Cemetery. Then traveling westerly along Washington Highway onto Randolph Rd until the point where the Pot Ash Brook goes underneath Randolph Rd. Then following the Pot Ash Brook, against its current to a point of intersection with Congress St. Then traveling north on Congress St until the point of beginning at the intersection with Union St.

1092. **MDR #2 (Wilkins, Wabun, and Bridge St).**

Beginning at the Truck Route Bridge over the Lamoille River and traveling in a clockwise direction. From the bridge, running with the flow of the river and following it across Bridge St to the northernmost point of Parcel 07-307 (east side of the river). Then turning easterly along the northern property line of lot 307, and then southeasterly down the rail trail to a point of intersection with the Truck Route. Then turning up the Truck Route to a point of intersection with the Village Boundary line. Then turning east along the Village boundary line to a point 100 west of its intersection with Brooklyn St. Then turning southwest from said point 100 feet west of Brooklyn St. along the Village boundary line to a point of intersection with the driveway to the Brooklyn Heights condos located on parcel 87-1 on tax map 21. Then turning easterly along said driveway to Brooklyn Heights out to Brooklyn St. Then turning northeasterly along Brooklyn St to the northernmost point of lot 140 on tax map 21. Then turning southeasterly along the northern property line of lot 140 to its point of intersection with the Lamoille County Mental Health building on lot 138 of tax map 21. Then turning southwest along the western property line of the Lamoille Mental Health, continuing along the common property line between lots 145 and 213 on tax map 21 to the intersection with the Lamoille River. Then traveling south along and with the flow of the river to the intersection with the Lamoille Valley Rail Trail (LVRT). Then from this intersection of the river and the LVRT, west along the rail-trail, to its intersection with the Truck Route. Then south along the Truck Route (excluding lots 65 and 69 on tax map 21 that are part of the Central Business Zone) to the intersection of the Truck Route and the Lamoille River at the point of beginning.

Section 1100. Low Density Residential (LDR). The purpose of this zone is to promote housing in the further reaches of the Village and adjacent areas of the Town that are suitable and desirable for the placement of single-family homes on smaller lots than in rural areas. Lot size and density is variable based on the availability of public utilities.

1101. **LDR #1 (Jersey Way area).** From a point beginning at the intersection of Jersey Way and Sterling Ct traveling clockwise around the district. A line projecting easterly from the point of beginning to the point where the Pot Ash Brook flows underneath Randolph Rd. Then turning southerly on Randolph Rd and then easterly up Washington Highway to the intersection with Mansfield Ave. Then turning to the southwest down Mansfield Ave to a point of intersection with Parcel 13-025. Then continuing along the same line into Parcel 13-025 to a point of intersection with a line projecting from the terminus of Farr Ave that is running parallel with Washington Highway. Then continuing east along that line projecting from Farr Ave, across the terminus of Farr Ave, easterly to a point of intersection with the Village boundary. Then following the Village boundary south until its southernmost point. Then turning west along the Village boundary to a point of intersection of Beacon Hill Rd (where the road bends to the south). Then a line projecting westerly from said point in that road at the Village Boundary to the intersection of Route 100 and Meadow Drive. Then heading west along Meadow Drive to a point of intersection with Ryder Brook. Then turning north following the brook north to a point of intersection with Morristown Corners Rd. Then turning east on said road to a point of intersection with Route 100. Then turning northerly on Route 100 for approximately 800 feet to a point of intersection with a line projecting westerly from the rear property lines of lots 3, 4 & 6 on Tax Map 7. Then traveling east along said line projection to the intersection with Jersey Way. Then turning north up

Jersey Way to the point of beginning.

1102. **LDR #2 (Park St to Elmore St).** From a point beginning in the center of the Lamoille River from a line due north of the easternmost point of the school property frontage on Park St and traveling in a clockwise direction. From said beginning point in the River, then traveling east along and against the current of the river to the Village/Town Boundary. Following the Village/Town Boundary south to the westernmost point of the MW&L water tank property (Parcel 08-034). A line projecting from said westernmost point of the MW&L property to the easternmost point of the school property. Then following the boundary of the school property westerly and then northerly to the point of beginning.
1103. **LDR #3 (Sunset and Langdell).** Traveling in a clockwise direction, beginning at the intersection of Center Rd and Langdell Rd, then a line projecting westerly to a point 600 feet west of the terminus of Needle Eye Rd on VT Rte. 15 W. Then from said point on VT Rte. 15W, a line projecting nearly due east to the intersection of Center Rd and Red Pine Estates Rd. Then southerly on Center Rd to the intersection of Trombley Hill Rd and Frazier Rd. Then staying on approximately the same projection until the easternmost point of the town right-of-way on Lanphear Rd, then a line projecting northwesterly to the point of beginning.
1104. **LDR #4 (Cadys Falls).** Traveling in clockwise direction, from a point beginning at the intersection of Cadys Falls Road and the Lamoille River, turning west along the river passing the southern boundary of Lot 07-212 to a point where the westernmost boundary of 07-213 abuts the river, then turning north away from the river along the western boundary of lot 07-213 to a point of intersection with Lot 07-214, then traveling west along the southern boundaries of Lots 07-214 & 07-215, then turning north along the western boundary of Lot 07-215 to a point of intersection with Griggs Road, from said point turning east on Griggs Road, but including Lots 07-233 & 07-234, to a point of intersection with the southwest corner of Lot 07-236, then turning north along the western boundary of Lot 07-236 and continuing in the same northerly direction along the eastern property line of Lot 07-232 until a point of intersection with Lot 07-244-3, then turning briefly east until the intersection with Lot 07-244-1, then turning north and then northeast along the western boundary of Lot 07-244-1 and continuing in the same direction along the western boundary of Lot 07-245 until a the point of intersection with Cadys Fall Road, then turning south on Cadys Falls Road until a point of intersection with the northern boundary line of Lot 07-252, then heading east along the northern boundary line of Lot 07-252 until the point of intersection with the Lamoille Valley Rail Trail, then turning south along the Lamoille Valley Rail Trail until a point of intersection with the northernmost point of Lot 07-262, then traveling in a southwesterly direction along the westernmost boundary to Lot 07-262 to a point of intersection with Needle's Eye Road, then traveling southeast on Needle's Eye Road, including Lot 07-264, until the intersection with the easternmost point of Lot 07-294, then turning south and then west along the boundaries of Lot 07-294 to a point of intersection with the Lamoille River, then turning west with the flow of river to the point of beginning - at the intersection of the Lamoille River & Cadys Falls Road.
1105. **LDR #5 (Morristown Corners).** Traveling in a clockwise direction, from a point beginning at the intersection of Walton Rd and the back driveway to the nursery on Parcel 07-154-3, the following the nursery driveway northerly and projecting therefrom to the northern boundary line of said parcel. Then turning easterly along said northern boundary to the intersection with Stagecoach Rd. Then crossing Stagecoach Road and continuing east along the northern boundary of Parcel 07-169 to a point of intersection with Parcel 07-179, then turning south along the westerly boundary of Parcel 07-179 until the point of intersection with Lot 07-178 and then continuing to Morristown Corners Rd, crossing Morristown Corners Rd to include Lots 07-019, 07-020 & 07-021 on the east side of Stagecoach Road and then crossing Stagecoach Road to a point of intersection with Godfrey Ln. Then a line projecting from the intersection of Godfrey Lane to the point of beginning.

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

1111. RRA #1 (Rural Morristown).

All lands in the Town, excluding the Village of Morrisville, and the following Zones in the Town: Industrial #6 (Airport), MOR (partial), COM (partial), IND 2, IND 3, IND 4, IND 5, and LDR 1 (partial).

Section 1120. Sewer Service Management Area (SSMA).

The Sewer Service Management Area shall include all the land in the village and the town that has a zoning designation other than Rural Residential Agricultural (RRA), and Industrial #6 (Airport). The following areas, which would otherwise qualify for SSMA designation based on the preceding sentence, are specifically exempted therefrom: Low Density Residential (LDR) Zone 4 for Cadys Falls, LDR 5 for Morristown Corners, the area west of Ryder Brook in Industrial Zone #5 and parcels 08-157 and 08-164 on Silver Ridge Rd.

APPENDIX 1: Summary of Changes from 2019 Zoning Bylaw changes:

- a. §200 Delete Business Enterprise & Special Industrial zones, plus HOS Zone name change
- b. §201 Minor revisions to boundary interpretation and rounding requirements
- c. §204 Revise variance and waiver language, incentivize affordable housing through new waiver
- d. §204.5a Add “use matrix” to revise and summarize permitted and conditional allowances in all zones
- e. §204.5b Add “dimensional matrix” to revise and summarize dimensional requirements in all zones
- f. §205 Housekeeping for General Zoning Requirements
- g. §206 Revise existing design criteria rules
- h. §207 Add historic preservation criteria for core downtown streets
- i. §320 Modernize and update various areas of §320 Special Flood Hazard Area (SFHA) bylaw
- j. §340 Housekeeping changes in the Environmental Resource Area bylaw (EPA)
- k. §400 Housekeeping changes throughout section
- l. §401.1 Remove permit exemption for accessory structures within the §320 SFHA
- m. §401.6 Delete prohibition on marijuana dispensaries
- n. §402.1 Create 10 year sunset for permit renewals
- o. §422 Clarify and add road frontage eligibility to 20 foot right-of-way allowance
- p. §423.4 Increase accessory apartment size limit from 30% to 40% of heated part of total dwellings
- q. §424 Clarify and increase Tiny Dwelling Unit footprint size from 300 ft² to 500 ft²
- r. §432 Clarify that non-conforming uses and structures can be maintained and repaired
- s. §433 Clarify non-conforming uses in the §320 SFHA
- t. §434 Delete temporary use regulations
- u. §450 Make housekeeping changes to minimum parking requirements for deleted uses
- v. §470 Exempt downtown wayfinding signs, good-repair rules, and housekeeping for zone changes
- w. §480 Clarify that the Bulk Storage of Fuel Use is not allowed in the §320 SFHA
- x. §482 Requires that development on Class 4 Road, regardless of use, requires Conditional Use
- y. §483-4 Housekeeping changes to auto repair and gas station uses and new gas station canopy rules
- z. §488 Condense recreation vehicle and storage trailer language into a single section
- aa. §495 Delete land use regulations for Private Airstrips
- bb. §503 Allow DRB to require pedestrian and/or vehicular connection to adjacent properties
- cc. §510 Add in protecting §320 SFHA as a purpose of the Conservation Subdivision bylaw
- dd. §610 Modernize DRB membership number and alternate number
- ee. §700 Condense and streamline §700 subdivision application and approval procedure
- ff. §800 Condense and streamline §800 subdivision requirements and design, and require cul-de-sacs
- gg. §900 Definitions: Housekeeping changes, including the modification of existing uses, the creation of the following new uses (Base Flood Elevation, Compensatory Storage, New and Start of Construction, Recreational Vehicle, Special Flood Hazard Area, Substantial Damage, Violation), and the deletion of the following uses (Area of Special Flood Hazard, Auction Facility, Drive-In Restaurant or Refreshment Stand, Flood Hazard Boundary Map, Floodproofed or Floodproofing, Floodway Fringe Area, Light Industry, Manufacturing, Personal Use Airstrip, Public Office and Facilities, Regional Planning Commission, Salvage Depot, Seasonal Storage, Special Industry, Storage Yard, Wholesale Distribution, Yard, Front Yard, Side Yard, and Rear Yard).
- hh. §1000-§1120 Zone Boundaries: Make various small housekeeping changes to all zones with the goal reducing the reliance on using property lines as zoning boundaries, reduce the area of the Uptown Commercial Zone by downzoning the northern half of the old Langdell Farm parcel to Low Density Residential, change the Business Enterprise Zone into the Mixed Office Residential Zone, downzone the James Rd lots from Commercial to Industrial, make the northern peninsula of the Business Enterprise Zone into an Industrial Zone, delete the Special Industrial Zone, bring the High Density Residential Zone out to Jersey Hghts and east to the bottom of high school hill (Park St), delete the tail of the former Mixed Office Residential Zone on Park St and downzone it to Medium Density Residential, clarify that a portion of B&B nursery is included in the adjacent Low Density Residential Zone, expand the Low Density Residential Zone at Route 100 south in close proximity to the village including underutilized areas such as Hess’s junkyard and the vacant daycare land across the street.

APPENDIX 2: Town & Village Zoning Maps: