

PUBLIC NOTICE
WARNED HEARING
August 17, 2010

TOWN OF MORRISTOWN/VILLAGE OF MORRISVILLE PLANNING COMMISSION
WARNED PUBLIC HEARING ON AMENDMENTS TO THE
MORRISVILLE/MORRISTOWN ZONING AND SUBDIVISION BYLAWS

The Morristown/Morrisville Planning Commission hereby provides notice of a public hearing being held pursuant to State Law V.S. A. 24, Chapter 117, § 4302, 4410, and 4441 for the purpose of hearing public comments on proposed amendments to the Morrisville/Morristown Zoning and Subdivision Bylaws. These amendments are being adopted in accordance with State Law V.S. A. 24, Chapter 117, §4302, 4410, 4411, 4412, 4413 and 4414.

The public hearing is scheduled for:

DATE: August 17, 2010 TIME: 7:00 PM.

PLACE: MORRISTOWN MUNICIPAL OFFICES, THE TEGU BUILDING'S COMMUNITY MEETING ROOM AT 43 PORTLAND STREET IN MORRISVILLE, VERMONT

Proposed amendments to the Village of Morrisville/Town of Morristown Zoning and Subdivision Bylaws:

- §265 Lower Village Gateway Commercial District – to add additional area to the district, including land on the opposite side of VT Route 100 and to make minor revisions to the existing bylaw, including changes to the Conditional Uses therein.
- §1130 Lower Village Gateway Commercial District Boundary – to amend the district description to include the additional area.
- §270 Airport Business District – to create a business / light industry zoning district complementary to the Morrisville-Stowe Airport, with the district located along each side of VT Route 100 adjacent to the airport.
- §1140 Airport Business District Boundary – to define the Airport Business District boundary description.
- §345 Protection of Prime Agricultural Soils (PAS) within the Sewer Service Market Area – to make the land comprising the new Airport Business District regulated under the §345 PAS Bylaw.
- §470 Signs – to streamline sign regulations, to regulate window signage, to increase and decrease specific sign size allowances and to add additional signage allowances for awnings and umbrellas.

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 V.S.A. 24, Chapter 117 and the Municipal Development Plan.

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

Location where full text may be examined:

Copies of the full text of the proposed amendments are available at the Morristown/Morrisville Town Clerk's Office and Zoning Administrator's office. Proposed amendments may also be viewed at:

<http://www.morristownvt.org/departments/zoning.html>. A copy is also available for inspection at the Lamoille County Planning Commission in Morrisville. For further information, contact the Morristown Zoning Office at 888-6373 or email: tthomas@morristownvt.org

Todd Thomas
Zoning Administrator

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §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 andinclude 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 V.S.A. 24, Chapter 117 and the Municipal Development Plan.

Proposed Amendments to the Bylaws and Respective Stated Objectives:

- §265 Lower Village Gateway Commercial District – to add additional area to the existing zoning district, including land on the opposite side of VT Route 100 and to make minor revisions to the bylaw, including changes to the Conditional Uses therein. Objective: *“To provide for mixed uses and space for businesses serving the community and the region. Good highway access and close proximity to the village characterize the area.”*
- §1130 Lower Village Gateway Commercial District Boundary – to amend the zoning district boundary description to include the additional area.
- §270 Airport Business District – to create a business / light industry zoning district complementary to the Morrisville-Stowe Airport, with the district located along each side of VT Route 100 adjacent to the airport. Objective: *“To provide for light industrial and business activities that are compatible and complimentary to the airport and that do not compete or conflict with the Central Business District; while clustering and buffering these activities as much as possible in order to protect the district’s prime agricultural soils and the corridor’s scenic quality. To also help provide the opportunity to construct a multi-use pathway between the villages of Morrisville and Stowe should the two communities decide to do so anytime in the future.”*
- §1140 Airport Business District Boundary – to define the Airport Business District boundary description.
- §345 Protection of Prime Agricultural Soils (PAS) within the Sewer Service Market Area – to amend the existing bylaw to make the land comprising the new Airport Business District regulated under the §345-§348 PAS Bylaw. Purpose: *“To promote compact, high density development in the Sewer Service Market Area and the Airport Business District.”*
- §470 Signs – to streamline sign regulations, to regulate window signage, to increase and decrease specific sign size allowances and to add additional signage allowances for awnings and umbrellas. Objective: *“To allow visual*

communication which is 1) compatible with the zoning district and the community character in which it is located; 2) clear and legible; 3) non-distracting for motorists; and 4) maintained in good repair.

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 and additions enhance the stated goals of the Morrisville/Morristown Town Plan 2008-2013 (the Plan). The Plan, on pages 12 & 13 of the Economic Development section, calls to “support existing and proposed businesses that provide jobs at a livable wage” and to “support and encourage development of businesses and industries that add value to the area’s natural resources.” We find that the addition of the Airport Business District zone is a positive effort to cultivate and grow a new business node that will provide good jobs with good pay, while also supporting an important regional land use, the Morrisville-Stowe Airport. The proposed area expansion of the town’s Lower Village Gateway Commercial zone hopes to continue the early success of this district, as evidenced by its recent enabling of the Rock Art Brewery to remain in town by relocating and expanding into the existing zoning district. We find that such a business truly adds value to the area’s natural resources by making a product that relies on local resources and farm products, while its waste is returned to feed local livestock, all while supporting and promoting the area’s growing agri-tourism offerings. We believe that a sustainable business such as this will allow the town to continue to use its natural resources to provide the raw ingredients for the brewery, draw more agri-tourism to the area, while also safeguarding these same natural resources from adverse development pressure.

We also believe that the inclusion of the proposed Airport Business District into the existing §345 Protection of Prime Agricultural Soils bylaw will help ensure that the town’s fertile agricultural lands are saved from development and hopefully preserved in perpetuity through the allowed use of PUD in the district. Additionally, we also hope that the revised sign bylaw will help our businesses grow by providing them with clearer, streamlined sign regulations. The proposed revisions to the existing bylaw also offer additional signage allowances for pedestrian friendly installations like awnings and umbrellas. None of the proposed bylaw revisions and additions deal with residential use, or affordable housing.

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

The proposed bylaw revisions and additions are compatible with the future land uses and densities in the Plan. The Plan, on page 17 of the Land Use section, calls for the promotion of compact “walkable neighborhoods where pedestrian and bicycle transportation allow for safe movement” and “a more pedestrian/bicycle friendly atmosphere in the village and town.” Both the expanded Lower Village Gateway Commercial District and the new Airport Business District rely on design review considerations that require development to serve all modes of transportation (especially the

pedestrian) by requiring bike racks and sidewalks. The Airport Business District, as stated in its objective, creates larger than normal setbacks on VT Route 100 to accommodate a future multi-use path connection to Stowe. The genesis of both of these zoning districts came from a multi-year planning process that evaluated future land use along Route 100. The Plan and the result of this multi-year planning process encouraged the protection of the scenic qualities presently found in this corridor and limited future development. It is our hope that by limiting business expansion on Route 100 to these two relatively small districts, we will have accomplished the goal of protecting the scenic value of the main thoroughfare into the village, while also accomplishing the kind of economic development called for by the Plan.

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

The existing and proposed area comprising the Lower Village Gateway Commercial District is already served by municipal water and sewer. The Airport Business District currently lies outside the town's sewer service market area. The Plan on page 23 of the Community Facilities, Utilities and Services section calls for "investments in infrastructure at the appropriate location and pace to support the local economy while mitigating physical and social impacts." We find that extending sewer capabilities to the Airport Business District at some point in the future is critical to the growth and success of this envisioned business node. Clearly, having such a critical piece of infrastructure as a regional airport serviced by septic is not a desirable long term goal. It is our hope that the Airport Business District can develop over the years to a point where the town can consider and support an investment to extend sewer capabilities to the area.

Please Note:

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
 1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;
 3. the department of housing and community affairs within the agency of commerce and community development.
- ❖ The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.

Section 265. Lower Village Gateway Commercial District (LVGC).

266. **Objective.** To provide for mixed uses and space for businesses serving the community and the region. Good highway access and close proximity to the village characterize the area.
267. **Permitted Uses.** Accessory structures under 500 square feet and fences (see Section 425.1).
268. **Conditional Uses.**
- a. Retail & Wholesale Delivery of Goods and Services
 - b. Business Service
 - c. Full Service Restaurant
 - d. Business & Professional Offices
 - e. Transient Lodging Facilities
 - f. Other commercial uses
 - g. Essential Services
 - h. Home business (see Section 460 of these bylaws)
 - i. Fences (see Section 425.2)
 - j. Research and Development Facilities and Testing Labs
 - k. Day Care Facilities
 - l. Light Industry
 - m. Computer Services
 - n. Structures exceeding 35 feet in height
 - o. Finance and Banking Institutions
 - p. Accessory Retail and Food Uses
 - q. Data processing and telecommunications services
 - r. Direct sale of goods produced on-site
 - s. Manufacturing
 - t. Visitors Centers

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

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

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

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

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

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

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

primary or secondary street, on at least one side of the structure not fronting a parking area, and shall be connected to sidewalk infrastructure within the lot and along adjoining streets.

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

Section 1130. Lower Village Gateway Commercial (LVGC) District.

From the intersection of the town/village boundary and the center line of the proposed Alternate Truck Route right of way in lot 328 on tax map 7, south along the town/village boundary to Route 100, along the centerline of Route 100 west to a point where Jersey Way intersects Route 100, and then south along the westerly edge of Jersey Way to the southernmost point of lot 3 on tax map 7 fronting on Jersey Way, and then west along the southerly lot line of lot 3 and lot 4 on tax map 7 to the intersection of the town/village boundary in lot 6 of tax map 328, and then north along the town/village boundary to the centerline of Route 100, then west along the centerline Route 100 to the intersection of Route 100 and the center line of the proposed Alternate Truck route, then northeast along the proposed Alternate Truck Route center line to the intersection of the town/village boundary in lot 328 on tax map 7. Also as shown for references purposes on a map entitled "Proposed Lower Village Gateway Commercial District Morrystown, Vermont" dated July 2010 and prepared by LCPC.

Section 270. Airport Business District (ABD)

271 **Objective.** To provide for light industrial and business activities that are compatible and complimentary to the airport and that do not compete or conflict with the Central Business District; while clustering and buffering these activities as much as possible in order to protect the district's primary agricultural soils and the corridor's scenic quality. To also help provide the opportunity to construct a multi-use pathway between the villages of Morrisville and Stowe should the two communities decide to do so anytime in the future.

272. **Permitted Uses.** Due to this district having no municipal water or sewer services available, and the need for thorough review of traffic access and circulation in the area, and aesthetic considerations, all development except accessory structures under 500 square feet and fences (see Section 425.1) and Agricultural and Forestry Uses shall be reviewed as Conditional Use.

273. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to criteria set forth in Section 630 of this bylaw:

- a. Business and Professional Offices
- b. Research and Development Facilities and Testing Labs\
- c. Day Care Facilities
- d. Light Industry
- e. Computer Services
- f. Structures Exceeding 35 feet in height
- g. Fences (see Section 425.2)
- h. Accessory Retail and Food Uses
- i. Data Processing and Telecommunication Services
- j. Wholesale Distribution of Goods
- k. Direct Sale of Goods Produced On-Site
- l. Food Services in no more than 25% of developed indoor floor space
- m. Manufacturing
- n. Garden Center / Nursery
- o. Airplane Hangars on the east side of VT Route 100, provided they are on property either owned by the State of Vermont or are on a property adjacent to the State of Vermont's land, which the State of Vermont has legal rights to and control over, such as through a long term lease agreement, etc., and do not violate any Federal Aviation Administration Regulations
- p. Planned Unit Development (see Section 510) (NOTE, PUDs in this district are for nonresidential uses only)

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

AIRPORT BUSINESS DISTRICT						
Development Class	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
3	2 acres	90 ft	45-75 ft	25-45ft	25-45 ft	50 ft
Special requirement for ALL Class 3 Uses with frontage along VT Route 100	2 acres	90 ft	All development on the east side of the highway has a front setback from centerline of road of 45 feet. All development on the west side of the highway has front setback from centerline of road of 75 feet.	All development on the east side of the highway has a 25 foot rear setback All development on the west side of the highway has a 45 foot rear setback	All development on the east side of the highway has a 25 foot side setback All development on the west side of the highway has a 45 foot side setback	50 ft
Special requirement for ALL Class 3 Uses with frontage along Cochran Road	2 acres	90 ft	All development has a front setback from centerline of road of 45 feet.	All development has a 45 foot rear setback	All development has a 45 foot rear setback	50 ft

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

276. **Specific Requirements.**

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

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

- a. Parking areas shall be located to the sides or rear of structures away from primary streets, as well as secondary streets, where possible. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way.
- b. All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials.
- c. Sites shall be landscaped with appropriate grass, shrubs and trees. Landscaping shall be designed to place vegetation at intervals along the façade fronting primary and secondary streets and as to break up the view of parking lot(s) and loading areas from all roads (see Section 639 for more detail).
- d. Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater and/or more intensive lighting because of the large scale development, nuisance glare is prohibited.
- e. All loading docks and garbage storage and pick-up areas shall be located on sides of structures away from public rights-of-way. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way.
- f. Whenever possible, parking areas, loading/unloading zones and garbage storage and pick-up areas shall not be located on sides of structures facing residential uses. When this is not possible, these areas shall be totally obscured from residential uses through the use of vegetation, landscaping and/or screening structures designed in the same style as the principal structures.
- g. Large-scale development should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, especially the pedestrian.
- h. “Dead walls” (any uniform blank wall that is 29 or more feet long) are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarcated entrances; functional windows, including display windows; architectural

detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

- i. All utilities shall be buried.

Section 1140. Airport Business District (ABD).

From the intersection of Ryder River and the centerline of Route 100 east along said river until a point where the river intersects with lot 130-1 on tax map 12, then north along the western property line of said lot to the lot's northwest corner, then east approximately 800 feet along the northerly lot line of said lot to the lot's northeast corner, then southwest along the eastern lot line for approximately 337 feet, turning south along the eastern lot line there from for approximately 631 feet, then northwest along the lot's southern lot line to a point of intersection with lot 136 on tax map 12, then south along the eastern lot line of lot 136 on tax map 12 to a point of intersection with lot 143-1 on tax map 12, then southeast along the northern lot line of lot 143-1 on tax map 12, then turning south along the eastern lot line of said lot for approximately 309 feet, then turning west along the southern lot line of said lot to a point of intersection with the Ryder River and lot 144-1 on tax map 12, then south along the Ryder River to its intersection with Goeltz Road, then west along the centerline of Goeltz Road until its intersection with Route 100, then north along the westerly right of way line in Route 100 until a point of intersection with lot 111 on tax map 12, then northwest along the southern lot line of lot 111 on tax map 12, continuing along the southern lot line of lot 113 on tax map 12, then turning mostly northeast along the western lot line of 113 on tax map 12, continuing mostly north past the rear lot lines of lots 113-3, 113-2 and 113-1 on tax map 12, to a point of intersection with Cochran Road, then northeast along the easterly right of way line of Cochran Road to its intersection with Route 100, then north along the center line of Route 100 to the beginning point of intersection with the Ryder River. Also as shown for references purposes on a map entitled "Route 100 Corridor: Proposed Airport Business District Morristown, Vermont" dated February 2010 and prepared by LCPC.

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

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

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

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

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

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

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

Example

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

346.4 Waiver of developable density restriction. The PSA developable area allotment restriction of subsection 346.3 shall be waived for any development for which 75% or more of the area of PAS in the lot are preserved through the PUD process, as outlined in subsection 346.5. As an alternative, Morristown's Development Review Board (DRB) may also consider requiring a mitigation fee in lieu of waiving some or all of the developable density restrictions. If the DRB decides to require a mitigation fee, the applicant shall pay the appropriate fee according to the Town of Morristown's Official Fee Schedule. All fees received by the

town under this subsection shall be deposited into the Morristown Conservation Commission Fund, or upon the recommendation of the DRB, into an alternative local conservation fund or the Vermont housing and conservation trust fund (10 V.S.A. § 312).

Example

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

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

347. **Addition of protection of PAS to current PUD standards.** Notwithstanding the provisions of existing bylaws and ordinances, the protection of primary

agricultural soils shall be included in the purpose and standards for review for any planned unit development in Morristown (see Sections 510, 512 and 515 of Morristown zoning and subdivision bylaws).

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

Section 470. Signs

470.1 **Objective.** The purpose guiding these regulations is to allow visual communication which is 1) compatible with the zoning district and community character in which it is located; 2) clear and legible; 3) non-distracting for motorists; and 4) maintained in good repair.

471. **Permanent Signs in Residential Districts.** In any residential district, including the Office Residential district, a maximum of one permanent sign not exceeding 6 square feet is allowed per lot for any residential and business use on the premises. No free standing sign in a residential district shall extend higher than 10 feet from the average grade of the surrounding ground to the highest point of the sign

472. **Permanent Signs in Central Business District, Neighborhood Commercial, Industrial District, Commercial District, Business Enterprise District, Lower Village Gateway Commercial District, Airport Business District and Special Use District.**

472.1 No business shall have a sign or combination of signs that exceeds a total area of 70 square feet in the CBD and COM zoning districts, 50 square feet in total area in the NCD, BED, IND, LVGD and ABB zoning districts, and no more than 15 square feet in total area for non residential business structures in the SUD zoning district (except campus signs in the SUD which shall be permitted as specified below). Each business shall be limited to a maximum of one free standing sign, one sign on the facade of the structure, and a sign on a directory board for a business that does not face the street. However, businesses that face multiple streets shall be allowed an additional façade sign above and beyond the district's area maximum per business, provided that the sign be identical to a façade sign being counted towards the district sign area allowance.

472.2 No free standing sign shall extend higher than 15 feet from the average grade of the surrounding ground to the highest point of the sign, except in the CBD zoning district, where no sign shall extend higher than 10 feet from the average grade of the surrounding ground to the highest point of the sign.

472.3 A business that does not face the street shall be permitted to have one sign on a directory board that does not exceed 6" X 24".

472.4 **Awning Signage.** Additional on-premise business signage in excess of the total area of signage otherwise permissible per business is allowed on awnings, provided that the signage for each awning is not greater than twenty-five percent of that total awning area. Awning shall be defined as a retractable or permanent structure of flexible material (plastic, canvas, etc.) on a frame attached to the façade of a building and projecting there from as a protection against sun or rain.

- 472.5 **Umbrella Signage.** Additional on-premise business signage in excess of the total area of signage otherwise permissible per business is allowed on umbrella canopies, provided that the signage thereon is not greater than ten percent of the total umbrella area. Umbrella signage shall offer protection against sun or rain and shall only be allowed when attached to, or reasonably in conjunction with, tables or chairs.
473. **Permitted Campus Signs.** Educational and medical campuses shall be allowed no more than 50 square feet of signage to display the name of the institution. Signs in a complex shall be harmonious throughout the entire complex in some manner, such as but not limited to, background board, trim, mounting brackets, etc. A graphic or sign must be located on that part of the building or lot occupied by the activity.
- 473.1 One sign shall be permitted in each parking area to direct students/patients to particular buildings or sections of buildings that does not exceed fifteen square feet.
- 473.2 One sign shall be permitted beside or over each public entrance to identify the entrance that does not exceed 3 square feet.
- 473.3 Signs of less than 1 square foot and are not illuminated for public warning such as but not limited to: do not enter, employees only, danger, etc...shall be permitted.
474. **Computation of Sign Area and Number.** Existing signs shall be included in the calculation of total sign area.
- 474.1 Signs printed back to back shall be counted as one sign.
- 474.2 Signs consisting of freestanding letters shall include intervening spaces in area calculation.
- 474.3 Sign measurement shall be the area included within the extreme limits of the sign surface.
475. **General Sign Requirements.** A permit from the zoning administrator is required for all signs except those exempt from these regulations (see Section 479 below).
- 475.1 All signs not specifically permitted by these regulations are prohibited.
- 475.2 All signs including their supports and hardware shall be of substantial and sturdy construction and shall be kept in good repair.
- 475.3 No sign shall be erected or maintained in such a manner that it obstructs free and clear vision or is a hazard to drivers.

- 475.4 No sign shall be designed, painted, or erected in a manner that causes it to be confused with any authorized traffic sign, signal, or device.
- 475.5 No sign shall be erected, relocated, or maintained so as to prevent free movement from any door, window, or fire escape.
- 475.6 No sign shall extend above the highest roofline of the building upon which it is located.
- 475.7 When use of a property is changed or terminated, any sign associated with such use, including frames and supports, shall be removed within 7 days. Any sign not so removed may result in an enforcement order being issued by the zoning administrator.
- 475.8 Off-Premise Advertising. No permanent sign or display promoting a business or activity that is not the main activity of the facility on the premises shall be permitted.

476. **Illumination and Animation of 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 commercially zoned districts. It is the intent of this section to allow illuminated signs but to ensure that they do not create glare or unduly illuminate the surrounding area. As such, signs may be lighted by use of down lighted, down shaded light fixtures. The applicant shall provide sufficient technical and design information to demonstrate that the following provisions are met.

476.1 **Externally Illuminated Signs.**

- a. The average level of illumination on vertical surface of the sign shall not exceed 3.0 foot candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.
- b. Lighting fixtures illuminating signs shall be carefully located, aimed and shielded so that the light is directed only onto the sign. Lighting fixtures shall not be aimed towards adjacent street, roads, or properties.
- c. Lighting fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.
- d. To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizon).
- e. Signs shall be illuminated by a steady light, which must be of one color only.

- 476.2 **Internally illuminated Signs.** Internally illuminated signs are prohibited in all districts. Internally illuminated signs with a valid sign permit issued prior to the effective date of these amendments may continue to be used provided they meet all other requirements of this section.
- 476.3 **Animated and/or Flashing Signs.** Signs which are animated, flashing, moving or with intermittent illumination are prohibited with the exception of barber poles and signs containing clocks and temperature readings.
477. **Temporary Signs.** All signs not maintained in place continuously throughout the year shall be considered temporary signs. Temporary signs are permitted for business window and for non-commercial events or activities of a limited duration. No temporary sign shall be displayed for more than 180 days within a 12-month period, beginning on the date the sign is first displayed. All temporary signs shall have the name address and phone number of the owner of the sign.
- 477.1 Application for temporary signs shall be made on forms supplied by the zoning administrator and shall include the location, duration, and type of activity to be advertised; the size of sign to be used; and the proposed location(s) for the sign(s).
- 477.2 Temporary signs shall not be in place more than one week prior to the event that it advertises.
- 477.3 The applicant shall remove all temporary signs within 24 hours of the completion of the event that they advertise.
- 477.4 Temporary signs shall not be affixed to utility poles, directional or street signs, or other public property.
- 477.5 Business window signs displayed inside of a window shall be considered temporary signs and are allowed in the CBD, NCD, IND, COM, BED, LVGC, ABB, and SUD zoning districts. No business window sign shall cover more than twenty-five percent of the window glass. Business window signs do not require a permit or owner information listed thereon.
478. **Unsafe and Unlawful Signs and Their Removal.** If the zoning administrator finds that any permanent sign is unsafe or is in violation of the provisions of this ordinance, he or she shall immediately give written notice by certified mail to the owner of the sign and/or the owner of the premises. If the owner fails to bring the sign into conformity within seven days following receipt of such notice, the Zoning Administrator shall commence enforcement pursuant to Section 622 of this bylaw.

478.1 The zoning administrator shall be empowered to remove all temporary signs in violation of their authorized use, and to charge a reasonable fee for the return of any unlawful sign.

478.2 Consistent violation of regulations governing the use of temporary signs shall be noticed and fined by the zoning administrator.

479. **Exemptions.** The provisions of this Section shall not apply to the following signs: Signs identifying directions to the location of Memorial, historical, and religious locations; traffic signs; legal notices; directional signs authorized by the State of Vermont; "for sale" signs attached to vehicles; one temporary, non-illuminated real estate sign per broker not to exceed 6 square feet; signs for trespassing, safety zone, or other legal posting of property not to exceed two (2) square feet in area; one (1) construction site identification sign per site not to exceed six (6) square feet; signs designating handicapped access and parking.

479.1 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.

479.2 Banners, signs, and other similar displays intended to promote the Town of Morristown and/or the Village of Morrisville under the auspices of a non-profit community or civic organization are exempt from these regulations, provided that any commercial sponsorship information (logo, name, etc) does not exceed 15% of the total area of the banner or display.