

Frequently Asked Questions (FAQ)
Proposed Changes to the Moretown Zoning and Subdivision Regulations
September 2022

1. What are the Moretown Zoning and Subdivision Regulations?

The proposed Moretown Zoning and Subdivision Regulations represent a major update to the current Moretown Zoning Regulations. These local regulations implement the Moretown Municipal Plan and govern land use for the town. The addition of Subdivision to the name draws attention to the fact that the regulations also govern subdivision of existing parcels.

2. Why is the Planning Commission amending the Regulations?

As stated in the Planning Commission Report, the four major goals of the proposed amendments are to (1) streamline the permit process, (2) encourage housing; (3) realize energy and broadband goals; and 4) preserve Natural Resources. Among these four goals, encouragement of housing stands out.

Zoning ordinances are frequently cited as impediments to the construction and redevelopment of housing or growing a local economy. Vermont is facing a severe housing crisis. As a result, people are finding they need to travel further and further to find adequate housing. Those who might want to return to Moretown to raise a family and send their children to school are often unable to secure housing. The current housing market environment makes it difficult for individuals without significant financial resources (which is most of us) to afford living in towns like Moretown.

Your Planning Commission received a grant to update its zoning to achieve the four goals listed above, with a major focus of making Moretown's ordinance more friendly to the development of housing and to new business development, both of which would grow Moretown's tax base.

3. What are major impediments to housing development in the current Regulations?

Requirements for numbers of parking spaces per dwelling unit, particularly in the village, required setbacks from property lines for structures, restrictions on the height of buildings that could otherwise accommodate second or third floor apartments, and restrictions in certain districts that allow only single-family houses, are the most obvious features of the current regulations making it difficult to develop housing. Further, for some types of development, the process of obtaining building permits is seen as unnecessarily onerous.

4. What specific changes would address impediments to more housing?

- Eliminating requirements for parking spaces for a residential housing in all four zoning districts (Village, Commercial, Ag-Residential, and Preserve District)
- Reducing setback distances for structures in all four zoning districts

- Increasing maximum height for buildings from 35 feet to 45 feet in the Commercial, Ag-Res, and Preserve Districts
- Allowing the Zoning Administrator to issue an administrative permit for two unit dwellings in all districts. In current ordinances, a permit for a duplex requires a conditional use review, which means getting approval from the Development Review Board (DRB). In addition the current ordinance does not allow a duplex or any multi-unit dwelling in the Preserve District under any circumstance.
- Requiring a Site Plan Review instead of a Conditional Use Review Permit for dwellings with 3 to 4 units.
- Allowing an accessory dwelling unit when there is a multi-unit dwelling (previously allowed only with single-unit dwellings) and increasing the maximum square footage of the accessory unit.

5. How do the proposed Regulations streamline the permit process?

- Duplexes (two-unit dwellings) are a P use rather than a C use
- Introducing a new review process, Site Plan (SP) Review, that is intermediate the reviews for Permitted (P) and Conditional (C) uses. Like an application for a C use, an application for an SP use requires a public hearing and approval by the DRB, but the wait time for the hearing is shorter and does not require compliance with specific standards for (see the answer to Question 5 for more information)
- Multiple uses that currently require DRB approval under the C review process would only require approval under the SP process instead. See the answer to Question 8 for important examples
- Several changes will make it easier for anybody seeking a permit to navigate the regulations:
 - The AxisGIS map is incorporated in the ordinances, includes overlays for parcel boundaries and flood plains, and can be viewed interactively on the internet. This will make it easier to establish which regulations apply to a specific parcel.
 - Tables have been restructured to make it easy to see which uses are allowed in each district, the review process required, and the applicable dimensional standards (Tables 2.1 and 2.2).
 - The Subdivision regulations are in a new section and we improved the table that outlines application requirements (Table 5.2)
 - Two flow charts added to guide the applicants through the permit process (Table 1.1) and the subdivision review process (Table 5.2)
 - Reductions in required setback eliminates the need for setback waivers that the DRB can make under certain circumstances (deleted Section 4.5(C)).

6. If the proposed Regulations are more streamlined, then why are there more pages than in the current Regulations?

“Streamlining the permit process” is unfortunately not synonymous with “shortening the regulations.” Some of the changes did, in fact, shorten the regulations, such as the replacement of use and dimensional standard tables for each of four districts with tables that combined the information for all districts and elimination of setback waiver provisions. But other changes intended to streamline the permit process lengthened the regulations, such as

adding: the new, intermediate, review process (SP review); two flow charts to make it easier for applicants to understand the application process; and an expanded table to guide applicants through the Subdivision application process.

7. What is the difference between Site Plan Review and a Conditional Use Permit since both require review and approval by the Development Review Board?

The major differences are the amount of time that must be warned prior to the initial public hearing and the number of specific standards that must be addressed and evaluated before the DRB renders a decision. For developments requiring a site plan review, the initial public hearing must be warned at least seven (7) days prior to the hearing compared to at least fifteen (15) days prior to the hearing for conditional uses. For site plan review, the DRB must consider nine specific standards. For conditional use, the DRB must consider the same nine standards as for site plan review and an additional five specific standards. Therefore, the application for a conditional use requires more information to support the application than for a site plan review application. See Sections 5.2 and 5.3 of the proposed ordinances describing the specific standards that must be considered for the site plan and conditional use, respectively. Several other towns, including Middlesex, Waitsfield, Warren, and Waterbury have adopted site plan review into their zoning ordinances.

8. What uses that previously required a conditional use permit will require a site plan review in the future?

For example, banks, bed and breakfasts, childcare facilities for more than seven children, dwellings of three (3) to four (4) units dwelling, restaurants, retail space, and professional offices. Appendix B of the Planning Commission Report shows all of the changes.

9. Do any changes allow more flexibility for accessory dwelling units?

The current Regulations allow single-family dwellings to have a single accessory dwelling unit (ADU) within, attached to, or detached from a single-unit dwelling. The proposed Regulations allow multi-unit dwellings to have a single accessory dwelling unit (ADU) within, attached to, or detached from a multi-unit dwelling. To illustrate how this change creates greater flexibility, when combined with the proposal to make two-unit dwellings (duplexes) a permitted (P) use in any zone, this provision provides a way for an owner to expand from a single-unit dwelling with an ADU to a two-unit dwelling with an ADU. The proposal also expands the maximum size of an ADU from 1,050 square feet to 2,000 square feet.

10. Will revising the regulations impact the Moretown school system?

It could. The revisions are intended to make it easier to develop housing opportunities in Moretown in ways that will make it more attractive for families with school age children (as well as others) to relocate to Moretown. An increase in enrollment in Moretown Elementary and other schools in the Harwood Unified Union School District will help ensure the viability of our education system.

11. How will revising the Regulations impact my tax bill?

Revising the regulations is likely to broaden the tax base by encouraging the development of housing businesses in Moretown. This could result in some reduction to municipal taxes. Any reduction to the education property tax is likely to be negligible as the rate is set statewide.

12. The amendments to the subdivision regulations approved by the town in 2021 allowed the Zoning Administrator to review applications for Minor Subdivisions. The proposed regulations require DRB review for all subdivisions. Why the change? And why was the Subdivision of Land section moved?

The town’s attorney advised the Planning Commission that the current regulations are out of compliance with state law (24 V.S.A. § 4463). This change brings the regulations into compliance with state law. It is important to note that, as stated in the regulations, the landowner can ask the DRB to waive its right to review, in which case the Zoning Administrator would review the application. Should the DRB deny a request for a waiver the DRB hearing process is simpler than the process for a Major Subdivision. It is also worth noting that the standards for a Minor Subdivision are unchanged and remain considerably less than those for a Major Subdivision, regardless of how the review is performed.

The Subdivision of Land section was previously located in ARTICLE III, SPECIFIC USE PROVISIONS (Section 3.14). As these regulations govern the process for subdividing land, our CVRPC consultant advised us to move them to ARTICLE V, DEVELOPMENT REVIEW. There were no other substantive changes.

13. What changes, if any, were made pertaining to floodplain management or river corridors?

We made no substantive changes pertaining to floodplain management or river corridors. We did, however, consolidate most of the information about rules for the Flood Hazard Overlay District, in Article V, Section 5.4.

14. What is the timeline for adoption of the Regulations, and will residents be able to vote on them?

The Planning Commission’s goal is to add one or more articles to the ballot on the next town meeting day (March 7, 2023). Prior to that, the Commission plans to hold two public hearings during its regularly scheduled meetings (September 7 and 21), after which we will submit the proposal to the Selectboard for its own public review process. If the Selectboard votes to support the proposal, it will place the appropriate article(s) on the March ballot. The proposed Regulations will replace the existing Regulations if a majority of voters favor them.

15. Where can I find a copy of the draft Regulations?

The current and proposed Regulations, the Planning Commission Report on them, the FAQ, and a red-line version of the proposed regulations (showing changes) appear on Moretown's website at the following address: **TBD**. Printed copies are available at the Moretown Town Office.

16. When are the public hearings and how else can I make my voice heard?

The Planning Commission will hold a public hearing during a special meeting on September 28, at 6:30. The public may attend in person at the Town Office or by Zoom (<https://us02web.zoom.us/j/6201042716>; meeting ID 620 104 2716), or by phone (929-205-6099). Some members of the Commission will be available to discuss the proposed Regulations at Morefest on September 24. You may send written comments to mplanning@moretownvt.org.

17. Does the proposed Zoning Ordinance change the Zoning Districts or the boundaries of the Districts?

No, the proposed Zoning Ordinance does not change the four zoning districts (Village, Commercial, Agricultural Residential, and Preserve) or the boundaries to the districts.