MUNICIPAL DEVELOPMENT PLAN

ZONING REGULATIONS

SUBDIVISION REGULATIONS

MONKTON, VERMONT

Municipal Development Plan

Monkton first adopted a Town Plan some five years ago, pursuant to the Vermont Planning and Development Act ("the Act"), Title 24, Vermont Statutes Annotated, Chapter 117. The Plan was implemented by the adoption of Zoning Regulations.

A plan, however, is not a permanent document. Section 4387 of the Act mandates that the Municipality review, amend or adopt a new plan or re-adopt the existing plan at least every five years. The Town Plan is the foundation or supporting document for all other By-Laws. The Selectmen of the Town are responsible for the adoption of the Town Plan; the voters of the Town of Monkton are responsible for the final adoption of any By-Laws including Zoning Regulations, Subdivision Regulations or an official map, which, in effect, implement the purposes of any Town Plan.

The plan by itself may have some affect on the development in the Town through its implementation before the District and State Environmental Boards. Therefore, it is important that the voters in the Town consider the plan and consider its impact on the community so that it reflects the best interest of all concerned.

The Board of Selectmen expanded the Planning Commission in 1976. The Planning Commission and Selectmen have assessed the Town's objectives and goals and now submits for the consideration of the Town the following plan:

STATEMENT OF OBJECTIVES

The objectives of the Development Plan for the Town of Monkton are to retain the rural-residential atmosphere of the Town, develop recreation areas and open space for the use of the Town residents, restrict the location of commerce and business in order to provide orderly growth and provide a compatible mixture of residential and commercial properties.

Compared to other Towns in the regional planning area, Monkton has had a much more rapid growth rate. The Town can anticipate a continuing growth rate equal to the rate during the previous five-year planning period. It is the purpose of this Plan to best assimilate this growth and to maximize the use of existing Town facilities during the planning period.

The benefits derived from the objectives would be:

1. The retention and continuing economic viability of productive farms.
2. Maintenance of a more stable tax rate.
3. Protection of property values.
4. Development of a superior school system.

POPULATION, HOUSING AND ECONOMY OF MONKTON

Population information: According to the United States Census, the population of Monkton in 1960 was 551 persons. In 1970, the population had increased 38.8 percent to 765 persons. The State Planning Office has projected the population growth as follows:

1980	1,053
1985	1,176
1990	1,338

In this same study, the projected population for 1975 was 904 persons. Based upon the Town's own census and a 1976 survey of householders in Monkton, it appears the above projected figures are very conservative.

According to the 1960 and 1970 Census figures, the age distribution is as follows:

AGE	0-4	5-14	15-64	65+
1960	64	138	291	58
1970	87	202	426	50

Housing in Monkton: In 1970 there were 197 occupied housing units and according to a survey taken in 1976 by the Addison County Regional Planning Commission there were 334 occupied units. This marks an increase of 70 percent during the 1970-1976 period. The total number of housing units according to the 1970 Census was 247 contrasted to the 1976 survey of 386 housing units.

Based upon the projected population and the average household conservatively estimated at 3.0 persons, the projected number of housing unites in Monkton for the planning period will be as follows:

1975	301 (actual count of 334 units in 1976)
1980	351 units
1985	392 units
1990	446 units

In 1970 the average household size in Monkton was 3.9 persons. The average in the Addison County Region was 3.4 persons. It should also be noted that the State Planning Office based its projections on the basis of 3.0 persons per household.

ECONOMIC DATA FOR MONKTON

The major industry in Monkton is Agriculture. The Addison County Region and Monkton have followed a similar pattern of decreasing number of dairy herds, but increasing the size of the remaining herds. The number of herds of cows in Monkton have decreased since 1953 from 58 to 40 in 1968. That is a 41.2 percent change. The number of cows in Monkton were 2,260 in 1953 and 1,800 in 1968. It appears, therefore, that the remaining herds have increased greatly the size of the herds. This trend, however, flattened out in the period from 1968-1973.

In 1973, the number of herds had been reduced to 37 and the number of cows to 1673 with an average number of cows per herd of 44. The Planning Commission determined that there were only 32 operating dairy farms as of December, 1976.

Monkton does not have any other major industry of its own. According to a report of the Vermont Employment Security Office, Monkton has one contractor, two small transportation firms and two food stores and gas stations. The majority of the remaining population travels to the Burlington, Bristol, Middlebury and Vergennes areas for employment.

According to the 1970 Census, the median family income for Monkton was $9,123 per year, compared with the county average of $8,489. According to the Vermont Department of Taxes, Monkton's average adjusted income per tax return has increased 101 percent from $4,256 to $8,557 between 1976 and 1974, while the county average has risen only 61 percent from $5,760 to $9,254.

LAND USE PLAN

EXISTING CONDITIONS

Currently, Monkton has two general stores (both sell gasoline), one in Monkton Ridge and one in the Boro. In addition, there are four filling stations or garages (one sells gasoline). There is a picture frame shop located in Monkton Boro and one sawmill. There are 32 farms in various parts of the Town.

PROPOSED LAND USE PLAN

Three factors are the major influences in the suggested development patterns shown on the land use plan, which is incorporated herein by this reference. These factors include an examination of the soils and the capability of the soil to handle subsurface sewage disposal, the existing network of roads, which are referred to in the Transportation Plan and the concentration of commercial and industrial development in Chittenden County.

The tremendous growth of commercial and industrial development in Chittenden County has been and continues to be the major influence on the land use plan. The major objective for the Town of Monkton is to control the residential and accompanying commercial development to defined areas, so that the residential character and scenic beauty of the Town is not destroyed and the tax burden of the residents is not compromised by disproportionate expenses for the provision of services to the new development.

The soil surveys and mapping of Monkton by the Soil Conservation Service, USDA, provide essential information as to the capabilities of the soils to handle subsurface sewage disposal.

The Town may accomplish its objectives by striking a balance between the inevitable growth in the Town and the needs of the area to house its inhabitants. Through a recognition of the capabilities of the soils and the existing network of roads, the Plan sets out three districts where the highest density may occur. Development has already occurred around two of the centers, Monkton Ridge and Monkton Boro. Agricultural uses will be permitted in all districts.

Taking into consideration the three factors, hereinabove described, the following districts or land use categories are defined and set forth on a land use map:

Rural Agricultural (RA-1) District
Rural Agricultural (RA-2) District
Rural Agricultural (RA-5) District
Conservation District

Rural Agricultural District (RA-1)

This district is comprised of the areas where the soil has the best capability to take care of the more intensive development in the Town and the road network provides reasonably good access without major improvements to existing highways.

Some of the population is already centered in two of the areas, Monkton Ridge and Monkton Boro.

Limited commercial development will be permitted in this District, but subject to such regulations as may insure the compatibility of the residential and commercial uses and the burden on the existing highways. This might be accomplished in part by permitting commercial developments on a Conditional Use basis in the Zoning Regulations. The Town may also wish to curb commercial development from areas not serviced by paved highways.

It is anticipated that year round single family dwellings will make up the major part of the development in this area. It is the intention hereby to limit the lot sizes in this district to no less than one acre.

This district may also accommodate certain small or light industries with appropriate definitions thereof limiting the types and categories of such use and also on a conditional use basis.

Rural Agricultural District (RA-2)

The RA-2 district has reasonably good soil for development but is not located in the same geographic areas that warrant inclusion in one of the rural centers. It is the intention of this Plan to permit lot sizes in this District to not less than two acres for a single family residence.

Rural Agricultural District (RA-5)

Generally, these areas are not near the Town centers and-or do not have the soil characteristics with good residential or commercial development potential.

The land is well suited for agricultural uses and other compatible uses such as open space, conservation and certain forms of outdoor recreation. Development or extension of roads and other municipal facilities are not planned for this District.

Low density residential uses will be permitted, but it is anticipated that the minimum lot size in this district will be five acres.

Conservation District

The purpose of the conservation district is to protect high elevations, which have shallow soils, fragile and limited vegetation and which provide significant recharge to the ground and surface water supplies of the municipality and region. This district also includes wetlands and flood hazard areas, which are unsuited for residential or other conventional development.

These areas have no existing community facilities and there are no plans to provide services to these areas.

Land uses, compatible with the limitations of these areas, such as outdoor recreational activities not involving any structures, forestry which does not create any erosion problems and does not harm any significant resources, such as unique vegetation, and hiking trails, may be permitted in this district.

It is the intention of the Town to implement the purposes of this District by adopting appropriate regulations and redesignating these areas on a Zoning Map as Flood Hazard Zones, Wetland areas, Forest Districts or such other appropriate classifications.

TRANSPORTATION PLAN

Primary transportation routes in the Town consist of State Aid Highway 1, 2, 3 and 4. It is anticipated that these highways, supplemented by existing Town highways, will provide adequate access for many years. Therefore, no new highway locations are mapped at this time.

It is evident from the Transportation Plan Map, which is incorporated hereby, that State Aid No. 3 is a main artery for through traffic from Bristol and Middlebury (Route No. 116) north to Hinesburg and the Burlington area. Obviously, this route is a convenience for the local inhabitants as well.

State Aid No. 1 and together with No. 4 provides a critical east-west link between the Town and Vergennes and U.S. Route No. 7.

EDUCATION PLAN

Monkton's present school system consists of one elementary school for grades 1-6. Students in grades 7-12 attend Mount Abraham Union High School in Bristol, Vermont.

On March 2, 1976, the voters approved a two-room addition to the elementary school to be funded in part by revenue sharing money. Based upon the following table of statistics of September 1, 1976, it appears that the new addition will provide adequate space during the planning period.

The following statistics are derived from the census of children residents in this school district. Ages given as of Sept. 1, 1976.

	Boys	Girls	Total
1. Number of children under 1 yr.	6	6	12
2. Number of children 1 yr. old.	9	4	13
3. Number of children 2 yrs. old.	7	11	18
4. Number of children 3 yrs. old.	9	9	18
5. Number of children 4 yrs. old.	17	4	21
6. Number of children 5 yrs. old. (not yet attending school)	2	8	10
7. Number of children 5 yrs. old. (attending school)	3	5	8
8. Number of children 6 yrs. old.	12	12	24
9. Number of children 7 yrs. old.	10	9	19
10. Number of children 8 yrs. old.	11	10	21
11. Number of children 9 yrs. old.	10	13	23
12. Number of children 10 yrs. old.	10	10	20
13. Number of children 11 yrs. old.	8	18	26
14. Number of children 12 yrs. old.	8	18	26
15. Number of children 13 yrs. old.	10	10	20
16. Number of children 14 yrs. old.	13	12	25
17. Number of children 15 yrs. old.	11	5	16
18. Number of children 16 yrs. old.	14	8	22
19. Number of children 17 yrs. old.	5	13	18
20. Number of children 18 yrs. old. (attending school)	1	1	2
	176	186	362

COMMUNITY FACILITIES

Existing Facilities. In addition to the elementary school described in the Education Plan, the Town has a number of community facilities, which represent the tangible results of tax revenues. The Town hall serves as the center of a number of community activities including the location of the Town Clerk's office.

The Monkton Public Library is located across the highway from the Town hall and houses some volumes of books for the use of the general public.

There is a Town highway garage located on Monkton Ridge and houses the equipment used by the Town.

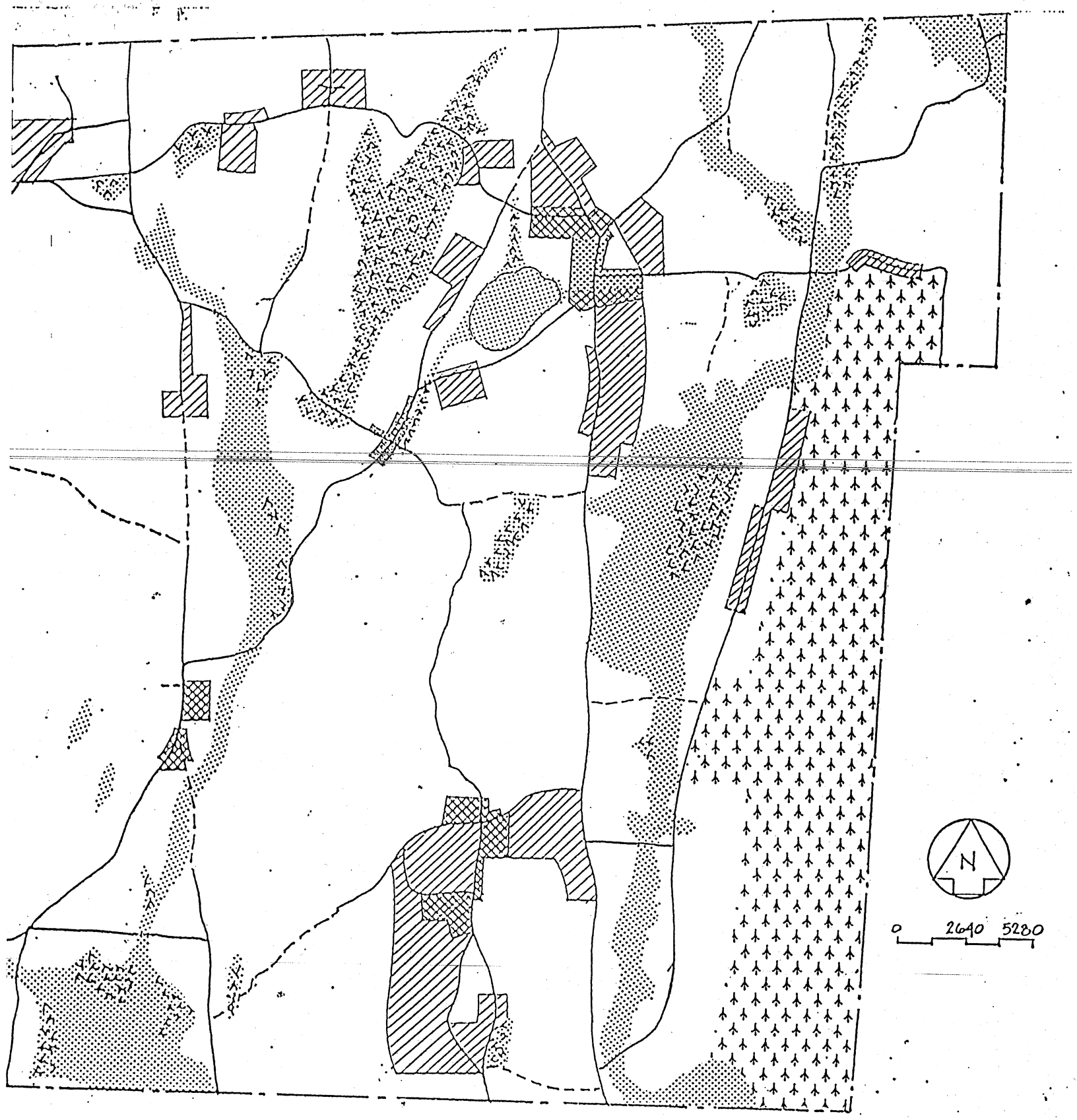
The Town owns approximately six acres of land in the Boro used for athletic fields. There are eight cemeteries scattered throughout the Town.

To service the needs of the payers, the Town has a 1971 R Grader, one truck and a snowp and a tractor and mower for mov the roadsides.

The Town has no police departm but derives most of its aid from State Police. Local residents use health care facilities in Burling Vergennes and Bristol.

The Fire Department has a Pumper, a retired pumper, and tankers. In addition, the volun firemen have portable pumps, ders, air packs and other necess equipment.

The Town is currently in the f year of a three year contract dispose of its waste in the Boo landfill in Bristol. No plans are un consideration for disposal of wa within the boundaries of Monkto



ROPOSED ZONING MAP

ONKTON, VERMONT JAN. 1986

GE 19

RA-1	RA-5-V
RA-1-V	FD
RA-2	WLD
RA-5	FHD

Zoning Regulations

ARTICLE I
Enactment, Intent, and Definitions

Section 110 - Enactment. In accordance with the Vermont Planning and Development Act hereinafter referred to as the "Act," 24 V.S.A., Chapter 117, there are hereby established Zoning Regulations for the Town of Monkton which are set forth in the text and map that constitutes these regulations. They shall be known and cited as the "Town of Monkton Zoning Regulations."

Section 120 - Intent. It is the intent of these Zoning Regulations to provide for orderly community growth and to further the purposes established in the Act, Section 4302.

Section 130 - Definitions. Except where specifically defined herein, all words used in these Regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" includes "plot;" the word "building" includes "structure;" the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied;" "person" includes individual, partnership, association, corporation, company or organization.

Doubt as to the precise meaning of a word used in these Regulations shall be clarified by the Board of Adjustment.

Accessory Use or Building: A use or building customarily incidental and subordinate to the principal use of building and located on the same lot.

Agricultural Use: Land containing at least two acres which is used for raising livestock, or agricultural or forest products, including farm structures and the storage of agricultural equipment; riding and boarding stables; and as an accessory use the sale of agricultural products raised on the property.

Alteration: Structural change, rearrangement, change of location, or addition to a building, other than repairs and modification in building equipment.

Basement: Story partly underground. A basement shall be counted as a story if the vertical distance between the basement ceiling and the average grade level of the adjoining ground is more than six feet.

Boarding House: Building wherein more than four people are sheltered for profit.

Building: Structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattel.

Building Area: Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

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 porches whether enclosed or unenclosed but does not include steps.

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front 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.

Camp: Land on which are located one or more cabins, trailers, shelters, houseboats or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes.

Clinic: An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.

Club, Private: Building or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.

Club House, Membership: Includes YMCA, YWCA, YMHA, fraternity, sorority, lodge, religious and similar clubs which may have dormitory accomodation.

Community Center: Includes public or private meeting hall, place of assembly, museum, art gallery, library, place of further education, church, not operated primarily for profit.

Coverage: That percentage of the lot area covered by the building area.

Dormitory Use: Includes fraternity, sorority, nurses' home, college dormitory.

Dump: Land used for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk discarded machinery vehicles or parts thereof, or waste material of any kind.

Dwelling Unit: Building or part thereof used as living quarters for one family. The terms "dwelling," "one-family dwelling," "two-family dwelling," or "dwelling group" shall not include a motel, hotel, boarding house, tourist home, mobile home, or similar structure.

Dwelling, One-Family: Detached building used as living quarters by one family.

Dwelling, Two-Family: Building used as living quarters by two families living independently of each other.

Dwelling, Multiple Family: Building used as living quarters by three or more families living independently of each other.

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than five members.

Floor Area: Sum of the gross horizontal area of the floors of a building, excluding basement floor areas. All dimensions shall be measured between interior faces of walls.

Floor Area or Room Habitable: Floor area of rooms in a dwelling unit used for bedrooms, living room, dining room and kitchen.

Gasoline Station: Building or land that is used for the sale of motor fuel, oil and motor vehicle accessories, and which may include facilities for lubricating, washing or servicing motor vehicles, but not including painting or major repairs.

Grade, Finished: Completed surfaces of ground, lawns, walks, paved areas and roads brought to grades as shown on plans relating thereto.

Home Occupation: Accessory use of a service character conducted within a dwelling by the resident thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.

Hospital: Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis, treatment of human ailments.

Junk Yard: Land or building used for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, wrecking, dismantling, storage, salvaging and sale of machinery parts or vehicles not in running condition.

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

Lot: Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width and depth required for a lot in the district in which such land is situated, and having frontage on a street, or other means of access as may be required elsewhere in these Regulations.

Lot Area: Total area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public street.

Lot Corner: Lot which has an interior angle of less than 135 degrees at the intersection of two streets. A lot abutting a curved street shall be considered a corner lot of the tangents to the curve at the points of intersection if the side lot lines intersect an inferior angle less than 135 degrees.

Lot Depth: Mean horizontal distance from the street line to the lot to its opposite rear line measured at right angles to the building front line.

Lot Frontage: Distance measured across the width of the lot at the building front line, or the proposed building front line.

Lot Line: Property lines bounding a lot.

Lot Width: Width measured at right angles to its lot depth, at the required building front line.

Mobile Home: Movable living unit with or without wheels, used for living quarters. A sectional prefabricated house shall not be considered a mobile home.

Motel: Building containing rooms which are rented as a series of sleeping units for automobile transients, each sleeping unit consisting of at least a bedroom and bathroom.

Motor Vehicle Sales Showroom: Enclosed establishment for the display and sale of new and used motor vehicles, trailers, mobile homes, and boats.

Non-Conforming Use: Use of land or structure which does not comply with all Zoning Regulations for the district in which it is located, where such use conformed to all applicable laws, ordinances and regulations prior to enactment of these Regulations.

Non-Complying Structure: Structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws, ordinances and regulations prior to enactment of these Regulations.

Non-Residential Use: All uses of buildings, structures or land except one-family dwellings, two-family dwellings and multiple-family dwellings.

Nursing Home: Building where persons are housed and furnished with meals and nursing or convalescent care.

Parking Space: Off-street space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and having direct access to a street or alley.

Personal Services: Includes barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, laundromat, dry cleaner, photographic studio, and businesses providing similar services of personal nature.

Professional Residence - Office Residence in which the occupant has a professional office of an architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath physiotherapist, planning consultant, podiatrist, engineer, or psychologist, which is clearly secondary to the dwelling used for living purposes and does not change the residential character thereof, and where not more than one person outside the family is employed.

Public Assembly Use: Includes auditorium, theater, public hall, school hall, meeting hall, church and temple.

Public Water, Public Sewer: Water supply and sewage disposal systems approved by the Town Board of Selectmen for municipal operation.

Recreation, Commercial Outdoor: Includes golf driving range, golf pitch and putt course, par three golf course, outdoor amusement park, hunting preserve.

Recreation, Indoor: Includes indoor bowling alley, theater, table tennis and pool hall, skating rink, gymnasium, swimming pool, hobby workshop, and similar places of indoor commercial recreation.

Recreation, Private Outdoor: Includes yacht club, golf course, trap, skeet and archery range, swimming pool, skating rink, riding stable, park, lake and beach, tennis court, recreation stadium and skiing facility.

Recreation, Public Outdoor: Includes publicly owned and operated playground, playfield, park, open space, swimming pool.

Religious Institution: Includes church, temple, parish house, convent, seminary and retreat house.

Residential Use: Includes one-family dwelling, two-family dwelling, multiple-family dwelling and professional residence office.

Retail Store: Includes enclosed restaurant, cafe, shop and store for the sale of retail goods, personal service shop and department store; and shall exclude any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

School: Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.

Sign: Any device, structure, building or part thereof, for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign, Advertising or Billboard: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold or offered elsewhere than upon the same lot.

Sign, Business: Sign which directs attention to a business, industry, profession, service, commodity, or entertainment sold or offered upon the same lot on which it is displayed, including real estate signs.

Story: Part of a building which is between one floor level and the next higher floor level, or if there is no floor above it then the ceiling above it.

Street: Public way for vehicular traffic which affords the principal means of access to abutting properties.

Street Frontage: Lot lines which abut a public street.

Street Grade: Officially

established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Street Line: Right of way line of a street as dedicated by a deed of record. Where the width of the street is not established, the street line shall be considered to be thirty feet from the center line of the street pavement.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground, except a wall or fence on an operating farm.

Trailer: Includes any vehicle used as sleeping or camping or living quarters mounted on wheels or a camper body usually mounted on a truck; and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment, machinery, boats or as an office.

Use, Permitted: Use specifically allowed in the district, excluding illegal uses and non-conforming uses.

Warehouse: Includes warehouse, wholesale establishment, discount house, bulk storage and bulk sales outlet.

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

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

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

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

ARTICLE II
Establishment of Zoning Districts and Zoning Map

Section 210 - Establishment of Zoning Districts. The Town of Monkton is hereby divided into six Zoning Districts as shown on the Town Zoning Map:

"RA-1" Rural Agricultural District
"RA-2" Rural Agricultural District
"RA-5" Rural Agricultural District
"FHD" Flood Hazard District
"WLD" Wet Land District
"FD" Forest District

Section 220 - Zoning Map. The locations and boundaries of Zoning Districts are established as shown on the attached Zoning Map. The Zoning Map is hereby made a part of these Regulations, together with all future amendments.

Section 230 - Interpretation of Zoning District Boundaries. If uncertainty exists with respect to the boundaries of any Zoning District on the Zoning Map, the Planning Commission shall determine the location of such boundary.

Section 240 - Application of Regulations. The application of these Regulations is subject to Sections 4405 and 4409 of the Act.

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations herein specified for the district in which it is located.

Any use not permitted by these Regulations shall be deemed prohibited.

Section 241 - Construction Approved Prior to Adoption or Amendment to Regulations. Nothing contained in these Regulations shall require any change in plans or construction of a non-complying structure for which a building permit has been issued, and which has been completed within one year from the effective date of these Regulations.

Section 250 - Non-Conforming Uses. The following provisions shall apply to all buildings and uses existing on the effective date of these Regulations which do not conform to the requirements set forth in these Regulations and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these Regulations.

Any non-conforming use of structures or land except those specified below, may be continued indefinitely, but:

1. Shall not be moved, enlarged, altered, extended, reconstructed or restored (except as provided below), nor shall any external evidence of such use be increased by any means whatsoever.
2. Shall not be changed to another non-conforming use without approval by the Planning Commission, and then only to a use which, in the opinion of the Commission is of the same or of a more restricted nature.
3. Shall not be re-established if such use has discontinued for a period of one year or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause unless the non-conforming use is reinstated by the commencement of construction within one year of such damage and the completion of construction and restoration of such building within two years; otherwise, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried or uninterrupted in the damaged part of the building.

Section 251 - Non-Complying Buildings. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance.

Section 252 - Termination of Non-Conforming Uses. As provided for in Section 4408 of the Act, the following non-conforming uses shall be terminated three years from the effective date of these Regulations:

1. In the Rural Residential and Neighborhood Commercial Districts, the use of any open land as a junk yard.

ARTICLE III
Administration and Enforcement

Section 310 - Administrative Officer. The Administrative Officer shall be appointed to administer the Zoning Regulations, as provided for in Section 4442 of the Act. Said Officer shall literally enforce the provisions of these Regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

Section 320 - Zoning Permit and Certificate of Occupancy. No land or building development may commence, nor shall any land or structure be used, extended in any way or be occupied, unless a Zoning Permit and, if required, Certificate of Occupancy, shall have been duly issued by the Administrative Officer, as provided for in Section 4443 of the Act. The Board of Selectmen may establish a fee schedule with respect to administration of these Regulations.

The Administrative Officer shall not issue a Permit unless an application is filed with him with the following:

1. Permit fee.
2. Plat Plan.
3. Written approval by the Board of Selectmen or their designated agent regarding access plans to any Town Road including location of driveway, culverts, and, if required, drainage along Town Roads.
4. Written approval by the Health Officer of the Town regarding applicant's plans for sewage disposal and water supply, and other matters within the jurisdiction of the Health Officer.
5. Written approval of any Federal, State, County, or Town agency or governmental body which may be required under existing laws.
6. Any other approvals required by this Regulation.

The Administrative Officer shall within 30 days of submission of application, data and approvals, either issue or deny a Zoning Permit. If denied, the Administrative Officer shall so notify the applicant in writing, stating his reasons therefor. If the Zoning Permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required.

Section 330 - Penalties. Violations of these Regulations shall be regulated as prescribed in Section 4444 and 4445 of the Act.

Section 340 - Board of Adjustment. There is hereby established a Board of Adjustment whose members may consist of the members of the Planning Commission. Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in Sub-Chapter 8 of the Act.

Section 341 - Conditional Uses. No Zoning Permit shall be issued by the Administrative Officer for any use or structure which requires Conditional Use approval in this Regulation until the Board of Adjustment grants such approval. In considering its action, the Board of Adjustment shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in Section 4407 (2) of the Act.

Section 350 - Referral to State Agency. In accordance with Section 4409 (c) of the Act, no Zoning Permit for the development of land in certain locations shall be issued by the Administrative Officer without first submitting a report to the appropriate State agency.

ARTICLE IV
Amendments, Interpretation, Effective Date

Section 410 - Amendments. These Regulations may be amended according to the requirements and procedures established in Section 4403 and 4404 of the Act.

Section 420 - Interpretation. In their interpretation and application, the provisions of these Regulations shall be held to minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Except for Section 4409 (b) of the Act and where, in these Regulations, specifically provided to the contrary, it is not intended by these Regulations to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these regulations impose a greater restriction upon use of a structure or land than are required by any statute, ordinance, rule, regulation permit, easement, or agreement, the provisions of these Regulations shall control.

Section 430 - Effective Date. This Regulation shall take effect in accordance with the voting and other procedures contained in Section 4404(c) of the Act.

Section 440 - Separability. The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

ARTICLE V
General Regulations

The provisions of these Regulations shall be subject to such additions, modifications or exceptions as herein provided by the following general regulations.

Section 500 - Miscellaneous Requirements of Act. In accordance with Section 4406 and 4409 of the Act, the following shall apply:

Section 500A - Existing Small Lots. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of any Zoning Regulation may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet.

Section 500B - Required Frontage on, or Access to, Public Roads or Public Waters. No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right of way at least twenty feet in width.

Section 500C - Protection of Home Occupations. No regulation may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof.

Section 500D - Equal Treatment o Housing.

a. Except as provided in section 440 (6) of this title, no zonin regulation shall have the effect c excluding mobile homes, modula housing, or other forms c prefabricated housing from th municipality, except upon th same terms and conditions a conventional housing is excludec
b. No zoning regulation shall have th effect of excluding from th municipality housing to meet th needs of the population a determined in section 4382(c) this title.
c. No provision of this chapter sha be construed to prevent t establishment of mobile hor parks pursuant to chapter 153 Title 10.

Section 501 - Special Public U Exceptions. The following uses m only be regulated with respect to si height, bulk, yards, courts, setbac density of buildings off-street parki and loading facilities and la scaping or screening requiremen

1. Public utility power generat plants and transmission lines.
2. State owned and operated stitutions and facilities.
3. Public and private schools a other educational institutions c tified by the Vermont Departmen Education.
4. Churches, convents and pa houses.

Section 502 - Front Yard Setba Notwithstanding provisions for fr yards elsewhere in th Regulations, on streets with less t 50-foot right of way, the front y requirement shall be measured f the center line of the exis roadway and 25 feet shall be ac to the front yard requirement.

Section 503 - Calculation Required Lot Area. In calculatin required lot area, lot width, d and yards, existing or prop rights of way shown on the Off Map shall not be considered.

Section 504. - Variation of Requirements in Reside

Districts. Upon approval by the Planning Commission, and after a public hearing, the requirements concerning lot area, frontage, side and rear yards may be varied for a unified residential development, provided that the maximum number of dwelling units of the overall development is not greater than that normally allowable in the district in which it is located, and provided that suitably landscaped open space at least forty feet in width shall surround the development. Such land as may be made available under this Section shall be devoted to common purposes for all residents, including a park, play area or gardens for use of residents.

The purpose and intent of this Section shall be implemented by appropriate restrictive covenants in the deeds to any lots in the development or by binding agreement with the Town of Monkton or any authorized subdivision or agency thereof.

The developer shall submit survey maps, plot plans, forms of agreements or restrictive covenants, water system and sewage disposal plans to the Planning Commission and Administrative Officer.

Section 510 - Other Miscellaneous Requirements.

Section 511 - Lots in Two Zoning Districts. Where a district boundary line divides a lot of record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend not more than thirty feet into the more restricted part, provided the lot has frontage on a street in the less restricted district.

Section 512 - Dwelling on Lots. There shall be only one residential building on a lot.

Section 513 - Building Coverage, Open Porches, Carports and Garages. In determining the percentage of building coverage of a lot or the size of yards, porches or carports open at the sides but roofed, and all principal and accessory buildings shall be included.

Section 514 - Reduction of Lot Area. No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage or other requirements of these regulations shall be smaller than herein prescribed for each district. The provisions of this Section shall not apply when part of a lot is taken for a public purpose.

Section 515 - Required Area or Yards. Space required under these Regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

Section 516 - Yards on Corner Lots. Any yard adjoining a street shall be considered a front yard for the purposes of these Regulations. Only one front yard is required to comply with the minimum depth requirement, all other front yards shall either equal the minimum, or be at least twenty-five feet in depth, whichever is less.

Section 517 - Water Front Lots in Residential Districts. Water front lots may have a one-story boat house for the sole purpose of boat storage, and one end may extend into the water ten feet beyond the high water mark. Width of the boat house is not to exceed twelve feet; height not to exceed ten feet above the high water mark.

Section 518 - Drive-In Establishments. Plans for the erection or structural alterations of any drive-in facility or business shall be submitted to the Planning Commission for approval.

The Commission may require such changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping, and the location and height of buildings and enclosures to insure safety, to minimize traffic or difficulties, and to safeguard adjacent properties.

Section 519 - Location of Driveways. All driveways are to be located at least one hundred feet from a street line intersection for all uses except one- and two-family residential uses.

All driveways shall have installed adjacent to all roadways tubing or culverts for the purpose of assisting the flow of surface water. The person so constructing such driveways shall have the approval of the Administrative Officer after an on-sight inspection of the area and the proposed locating of tubing and culverts. The Administrative Officer shall have the power to deny the use of such driveways or enjoin the owner from completing such driveways should the owner fail to obtain such permit and approval.

Section 520 - Access and Safety. The Planning Commission may require changes or additions in relation to yards, driveways, driveway entrances and exits, and landscaping and the location and height of buildings and enclosures to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

Section 521 - Temporary Uses and Structures. Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

Section 522 - Abandonment of Structures. Within six months after work on an excavation for a building has begun or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

Section 523 - Obstruction of Vision. In all districts on a corner lot, within the triangular area formed by the intersection of two street property lines and a third line joining them at points twenty-five feet away from their intersection, there shall be no obstruction to vision between the height of three feet and ten feet above the average grade of each street.

Section 524 - Height Exceptions. Except within 2,000 feet of an aircraft landing strip, nothing herein contained shall be interpreted to limit or restrict the height of silos, church spires, cupolas, bell, clock, fire and observation towers and essential public structures.

Section 525 - Height Exceptions by Special Permit. No radio or television tower, water or cooling tower, oil or gas holder, elevator bulkhead, chimney, or similar structures in excess of thirty-five feet may be erected unless approved by the Planning Commission and after a public hearing.

Section 526 - Radio Towers and Height Restrictions Around Airports. No radio towers for transmitting purposes shall be allowed in any district within 2,000 feet of an aircraft landing strip. Under no circumstances shall towers or other obstructions be built in excess of forty feet in height within 2,000 feet, or in excess of eighty feet in height within 3,000 feet of an aircraft landing strip.

Section 527 - Private Swimming Pool. A private swimming pool shall be installed and maintained in a manner sufficient to meet the standards established by the provisions of the State Health Code.

Section 528 - Public Utility Substations. Public utility substations and similar utility structures, where permitted, shall comply with the following:

1. The facility shall be surrounded by a fence set back from the property in conformance with the district regulations for front, side and rear yards.
2. A landscaped area at least twenty-five feet wide shall be maintained in front, rear and side yards.

Section 529 - Gasoline Stations. In all districts where permitted, gasoline or motor vehicle service stations shall comply with the following:

1. A gasoline station lot shall not be located within three hundred feet of any lot occupied by a school, hospital, library or religious institution.
2. Lot size shall conform to minimum requirements in District where permitted.
3. Lot frontage shall conform to minimum requirements in District where permitted.
4. Lot depth shall conform to minimum requirements in District where permitted.
5. Pumps, lubricating and other service devices shall be located at least fifty feet from the front lot line and side and rear lot lines.
6. All fuel and oil shall be stored at least thirty-five feet from any property line.
7. No signs shall extend beyond the pumps, nor exceed fifteen feet in height.
8. There shall be no more than two access driveways from the street. The maximum width of each access driveway shall be forty feet.
9. A suitably curbed landscaped area shall be maintained at least five feet in depth along all street frontage not used as driveway.

Section 530 - Private Garages. No required front yard or part thereof in any residential district shall be used to provide required parking or loading space, except as hereafter provided.

Where the topography is such that the slope of the land exceeds fifteen per cent and access to a private garage built back of the front building line is impracticable, it shall be permissible to place such garage, not exceeding ten feet in height, within the front yard space but not closer to any property line than twenty feet, after approval of the Planning Commission.

Section 550 - Signs. No signs or billboards shall be permitted except as specifically permitted herein as follows:

Section 551 Advertising Billboards. Advertising billboards won't be permitted except by special permit.

Outdoor advertising is regulated by State Act No. 333, entitled "An Act to Provide Services for Tourists and to Regulate Outdoor Advertising."

Section 552 - Signs. The following signs are permitted when located on the immediate property:

1. One professional or home occupation sign, not exceeding four square feet.
2. One temporary Real Estate sign, not exceeding six square feet.
3. Signs identifying any non-residential building or use permitted in residential districts, not exceeding a total of twenty square feet.
4. Directional or information sign, not exceeding four square feet
5. Signs necessary for public safety or welfare.

Section 553 - Wall, Projecting, Ground and Roof Signs. Every wall sign shall:

1. Not exceed the highest point of the building's roof.
2. Not exceed one hundred square feet in area.

Every projecting sign shall:

1. Not extend within a street line.
2. Not extend more than two feet from the building wall.
3. Not be less than ten feet above the surface of a public walkway area.
4. Not exceed thirty-two square feet in area.

Every ground sign shall:

1. Not exceed twenty feet in height above the finished grade.
2. Be set back at least twenty feet from any street line, and at least ten feet from any other lot line.
3. Not exceed thirty-two square feet in area.

Roof signs shall not be permitted in any zoning district.

Section 554 - Computation of Permissible Sign Area. When computing the total permissible sign area for any use:

1. Existing signs shall be included.
2. The total area of all signs shall not exceed the requirements as set forth in these Regulations.
3. Signs consisting of free standing letters, numerals or other device shall include any intervening spaces between them.
4. Only the larger face area of a double-faced of v-type sign shall be used.
5. Back to back signs may be counted as one sign.

Section 555 - Traffic Hazard, Safety and Obstruction. Every sign shall be designed and located in such a manner as to:

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.
5. Withstand a wind pressure load of at least thirty pounds per square foot.

Section 556 - Illuminated and Flashing Signs.

1. Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties.
2. Flashing, oscillating and revolving signs shall not be permitted, unless necessary for public safety or welfare.

Section 557 - Special Signs. Special signs may be permitted upon approval of the Planning Commission after a public hearing if the Commission finds that such sign:

1. Is in the public interest and not to the detriment of the public safety or welfare.
2. Is not detrimental to surrounding properties.
3. Generally complies with the regulations for district in which it is to be located.
4. Is of a character, size and location that it will be in harmony with the orderly development of the district.

Such signs shall conform to the following requirements:

1. No sign shall exceed thirty-two square feet in area.
2. No attached sign shall extend within a street line unless the street line is also the building line, in which case it may extend over the street line for a distance not exceeding two feet.

Section 560 - Performance Standards. In accordance with Section 4407(7) of the Act, in all districts the following performance standards together with all applicable State standards must be met. The Planning Commission shall decide whether proposed or existing uses meet the standards.

Section 561 - Uses Not Permitted. The following uses are not permitted: junk yards, machinery wrecking yards; bulk storage of fuel oil, butane, propane, gasoline; unen

closed manufacturing or processing of goods or materials, except in industrial districts with approval of the Planning Commission and after issuance of a Special Permit by the Board of Adjustment.

The following uses are not permitted: smelters; blast furnaces; slaughter houses; rendering plants; hide tanning or curing plants; manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia, chlorine, manufacture or refining of petroleum, gas, explosives; bulk storage of explosives; dumps except municipally operated sanitary landfill.

Section 562 - Standards. Uses are not permitted which exceed any of the following standards measured at the individual property line:

1. Emit noise in excess of seventy decibels.
2. Emit any odor which is considered offensive.
3. Emit dust or dirt which is considered offensive.
4. Emit any smoke, in excess of Ringlemann Chart No. 2.
5. Emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which have a tendency to cause injury or damage to property, business or vegetation.
6. Cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.
7. Lighting or signs which create glare, which could impair the vision of a driver of any vehicle.
8. Cause a fire, explosion or safety hazard.
9. Cause harmful wastes to be discharged into the sewer system, streams, or other bodies of water. Effluent disposal shall comply with the local and State sewer health standards.

Section 563 - Storage of Flammable Liquids. The storage of any highly flammable liquid in tanks above ground with unit capacity greater than five hundred and fifty gallons shall be prohibited, unless such tanks up to and including ten thousand gallon capacity are placed not less than eighty feet from all property lines, and unless all such tanks of more than ten thousand gallon capacity are placed not less than two hundred feet from all property lines.

All tanks having a capacity greater than five hundred and fifty gallons shall be properly retained with dikes having a capacity not less than one and one-half times the capacity of the tanks surrounded.

Section 564 - Extraction of Soil, Sand or Gravel. In accordance with Section 4407 (8) of the Act, 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 upon approval of a plan for the rehabilitation of the site by the Planning Commission and after a public hearing. In any district, the following provisions shall apply:

1. Before approval of any new or extension to a 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 shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake recreation area or other usable open space.
2. The removal of all material shall be conducted so as to result in the improvement of the land, having 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.
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 be fertilized, mulched and reseeded 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 Administrative Officer.
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 the provisions to control natural drainage water shall meet with the approval of the Administrative Officer.
5. No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
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.
7. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Administrative Officer.
8. Extension of an existing nonconforming operation shall not be permitted.
9. The Planning Commission may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

Section 565 - Landfill. Dumping of refuse and waste material for land fill is prohibited. Loam, rock, stone, gravel, sand, cinders and soil may be used for landfill to grades approved by the Administrative Officer, after approval by the Planning Commission.

Section 566 - Grading. No grading, cut or fill shall be carried out in any district which leaves the slope of the finished grade in excess of one to two.

ARTICLE VI
Flood Hazard Area Regulations

Section 601 Statement of Purpose. It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in **areas of special flood hazard,** and to minimize losses due to floods by

a.) restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;

b.) requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;

c.) protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

Section 602 Lands to which these Regulations apply. These regulations shall apply to all lands in the Town of Monkton

a.) indentified as areas of special flood hazard on the Federal Insurance Administration (FIA) Flood Insurance Rate Maps (FIRM), dated , and as a regulatory floodway on the FIA Flood Boundary and Floodway maps, dated

b.) within an area 100 feet from the center line of any stream or reach of stream not indentified on the FIRM maps but which is designated as an area of special flood hazard on the municipality's Official Flood Hazard Area Map.

Section 603 Official Flood Hazard Area Map The Official Flood Hazard Area Map shall consist of the FIA Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM), and Flood Boundary and Floodway Maps. The Official Flood Hazard Area Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of these regulations.

Section 604 Interpretation of District Boundaries The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by scaling distances on the Official Flood Hazard Area Map. Appeals with respect to a boundary interpretation shall be made by filing a notice with the secretary of the Board of Adjustment within fifteen days of the decision or act.

Section 605 Permitted Uses Upon issuance of a permit by the Administrative Officer, the following open space uses shall be permitted within the area of special flood hazard to the extent that they are not prohibited by any other By-Laws and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area, or channel modification or relocation, and do not obstruct flood flows, affect the water carrying capacity of the regulatory floodway or channel, or increase offsite flood damage potential.

a.) Agricultural uses, such as general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, and forestry.

b.) Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.

c.) Residential uses, such as lawns, gardens, parking areas, and play areas.

Section 606 Conditional Uses All new construction, substantial improvement, and development uses prescribed by the Town of Monkton zoning ordinance that do not meet the requirements of Section 605 and fall within the designated area of special flood hazard are permitted only upon the granting of a conditional use permit by the Board of Adjustment in accordance with the procedures and requirements of Sections 609,610 and 611 of these regulations.

Section 607 Permit Requirements and Application Procedures Permits are required for all proposed new construction, substantial improvements, and other developments, including the placement of mobile homes, within all lands to which these regulations apply.

All zoning permit applications shall be submitted to the administrative officer, on forms furnished by him, who shall determine, on application, whether or not the proposed development is located within the area of special flood hazard by the procedures established in Section 604 of these regulations.

If the proposed use will be located in the areas of special flood hazard and meets the requirements of Section 605 of these regulations, the Administrative Officer shall issue a permit. If the proposed use does not meet the requirements of Section 605, the Administrative Officer shall refer all applicants to the secretary of the Board of Adjustment.

Section 608 Records The administrative officer shall maintain a record of

a.) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures, and whether or not such structures contain a basement; and

b.) the elevation, in relation to mean sea level, to which such structures have been floodproofed.

Section 609 Conditional Use Review Procedures

1. Upon receiving an application for a conditional use permit under these regulations, the board of adjustment shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant.

a.)base flood elevation data for all subdivisions and other proposed new developments greater than 50 lots or 5 acres, whichever is the smaller;

b.) the evelation, in relation to mean sea level of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures.

c.) where floodproofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been floodproofed;

d.) certification from the registered professional engineer or architect that the floodproofed structure meets the floodproofing criteria of section 611 of these regulations;

e.) a descritpion of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

2. In addition, the Board of Adjustment shall require such of the following information as it seems necessary for determining the suitability of the particular site for the proposed use:

a.) Plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above to the location of the channel, floodway, and base flood elevation.

b.) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross-sectional areas to be occupied by the proposed development.

c.) A profile showing the slope of the bottom of the channel or flow line of the stream.

d.) Specifications for building construction and materials, floodproofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel improvement, storage of materials, water supply, and sanitary facilities.

3. In unnumbered A zones, the Board of Adjustment shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, as criteria for approval of all new construction and substantial improvements under Section 611 (1) (a), (b) and (c).

4. The Board of Adjustment shall notify adjacent communities and the Vermont Department of Water Resources prior to approval of any alteration or relocation of a watercourse and shall submit copies of such notifications to the FIA Administrator.

5. The secretary of the Board of Adjustment shall transmit one copy of

the information required by sections 609 (1) and (2) to the Vermont Department of Water Resources in accordance with 24 V.S.A. section 4409 (c) (2) (A).

6. In reviewing each application, the Board of Adjustment shall consider the evaluation of the Vermont Department of Water Resources and shall determine that the proposed use will conform to the development standards of section 611 of these regulations.

7. In accordance with 24 V.S.A. section 4409 (c) (2) (A), no permit may be granted for new construction or the development of land in any area designated as a flood plain by the Vermont Department of Water Resources prior to the expiration of a period of 30 days following the submission of a report to the Vermont Department of Water Resources under section 609 (5) above.

Section 610 Considerations by the Board of Adjustment

1. In reviewing each application, the Board of Adjustment shall consider

a.) the danger to life and property due to increased flood heights or velocities caused by encroachments;

b.) the danger that materials may be swept onto other lands or downstream to the injury of others;

c.) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding;

d.) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

e.) the importance of the services provided by the proposed facility to the community;

f.) the necessity to the facility of a waterfront location;

g.) the availability of alternative locations not subject to flooding for the proposed use;

h.) the compatibility of the proposed use with existing development and development anticipated in the forseeable future;

i.) the relationship of the proposed use to the proposed comprehensive plan, insofar as it has been developed;

j.) the safety of access to the property in times of flood of ordinary and emergency vehicles;

k.) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;

l.) the costs of providing governmental and public facilities and services during and after flooding;

m.) such other factors as are relevant to the purposes of this ordinance.

Section 611 Conditions Attached to Conditional Use Approval

1. As a condition of approval, the Board of Adjustment shall specifically require that

a.) all new construction or substantial improvement of any residential structure have the first floor and basement floor elevated to or above the base flood elevation unless the Town of Monkton has been granted an exception by the Administrator for the allowance of basements floodproofed below the base flood level;

b.) all new construction or substantial improvement of nonresidential structures have the lowest floor, including basement, elevated to or above the base level elevation, or be floodproofed below the base flood level in accordance with subsection (c) of this section;

c.) the lowest floor, including [illegible] and attendant utility and sanitary facilities of all new construction or substantial improvement below the base flood elevation be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;

d.) structures be designed and anchored to resist flotation, collapse, or lateral movement;

e.) any encroachment, including fill, new construction, substantial improvement, or other development, be prohibited that will result in any increase in flood levels within the regulatory floodway during the occurence of the base flood discharge, except as a flood control measure;

f.) the flood carrying capacity within any portion of an altered or relocated watercourse be maintained;

g.) all gas and electrical equipment, circuits, and appliances be located and constructed to minimize or eliminate flood damage;

h.) all new and replacement water supply systems be designed so as to minimize or prevent the infiltration of flood waters into the systems;

i.) all new and replacement sanitary sewage systems be designed to minimize or prevent infiltration of flood waters into the systems and discharges from the systems into flood waters;

j.) on-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding;

k.) no mobile home shall be placed in the floodway, except in an existing mobile home park or existing mobile home subdivision;

l.) all mobile homes to be placed in the designated area of special flood hazard or regulatory floodway be anchored to resist flotation, collapse, or lateral movement by

1. over-the-top ties at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than 50 feet long requiring one additional tie per side;

2. frame ties at each corner of the home, with five additional ties per side at intermediate points, and mobile homes less than 50 feet long requiring four additional ties per side;

m.) all components of the mobile home achoring system required for mobile homes placed in the designated area of special flood hazard or regulatory floodway shall be capable of carrying a force of 4,800 pounds and any additions to the mobile home shall be similarly anchored;

n.) within zones A 1-30, for new mobile home parks and subdivisions, for expansions to existing mobile home parks and subdivisions, for existing mobile home parks and subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 per cent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement has commenced, and for mobile homes not placed in a mobile home park or subdivision.

(1.) stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(2.) adequate surface drainage and access for a hauler be provided; and

(3.) in the instance of elevation on pilings, (1) the lots are large enough to permit steps, (2) piling foundations are placed in stable soil no more than ten feet apart, and (3) reinforcement is provided for pilings more than six feet above the ground level.

o.) an evacuation plan indicating alternate vehicular access and escape routes be filed with and approved by the Deputy Civil Defense Director for mobile home parks and mobile home subdivisions located within the designated area of special flood hazard;

p.) all necessary permits be obtained from those governmental agencies from which approval is required by federal or state law.

q.) all subdivision proposals be reasonably safe from flooding and that

1.) all public utilities and facilities serving subdivisions, such as sewer, gas, electrical, and water systems, be located and constructed to minimize or eliminate flood damage; and

2.)adequate drainage be provided within subdivisions to reduce exposure to flood hazards.

2. Upon consideration of those factors in section 610, above, and the purposes of these regulations, the Board of Adjustment shall attach such additional conditions to the granting of a permit as are necessary to meet the purposes and flood hazard area management requirements of these Zoning Regulations.

Section 612 Variances

1.) Variances shall be granted by the Board of Adjustment only

a.) in accordance with the provisions of 24 V.S.A. section 4468;

b.) upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

2 The secretary of the Board of Adjustment shall notify the applicant that the issuance of a variance to construct a structure below the base flood level

a.) will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as $25 for $100 of insurance coverage.

b.) increase risks to life and property.

3. the secretary of the Board of Adjustment shall

a.) maintain a record of all variance actions, including justification for their issuance, and

b. report such variances issued to the Administrator upon request.

Section 613 Warning of Disclaimer of Liability

These regulations do not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Monkton or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any adminstrative decision lawfully made thereunder.

Section 614 Precedence of Regulations The provisions of these flood hazard areas regulations shall take precedence over any conflicting and less restrictive local laws.

Section 615 Annual Report to Federal Insurance Administration

1.) The administrative officer shall, to the extent possible, submit to the Administrator the information required by the FIA annual report form with respect to the administration and enforcement of these flood hazard area bylaws.

2.) A copy of the annual report shall be submitted to the state coordinating agency.

Section 616 Definitions in Article VI.

Administrator. The Federal Insurance Administrator

Area of special flood hazard. The land in the flood plain within a community subject to a one per cent or greater chance of flooding in a given year. The area includes all A zone designations on the FIRM. It does not include Zones B and C.

Base Flood. The flood having a one per cent chance of being equaled or exceeded in any given year.

Development. The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

FIA. Federal Insurance Administration

FIRM. An official map of a community, on which the Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

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

Mobile Home. A structure, transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile home park or mobile home subdivision. A parcel of land divided into two or more mobile home lots for rent or sale.

New construction. Structures commenced on or after the effective date of this ordinance.

Structure. An assembly of material for occupancy or use, including but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Start of Construction. See FIA definition in section 1909.1 of the current National Flood Insurance Program rules and regulations.

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

ARTICLE VII: ZONING DISTRICT REGULATIONS

Section 600 District Objectives and Guidelines The purpose of each of the districts listed in Article VI is as follows:

1. "RA-1" Rural Agricultural District

This district is comprised of the areas where the soil has the best capability to take care of the more intensive development in the Town and the land has reasonably good access to the existing network of highways in the Town. A compatible mixture of residential, commercial and other compatible and complementing uses shall be permitted in this district at densities set forth hereafter. The commercial uses will be allowed on a conditional use basis and should provide for the food and hardware needs of the area. The purpose of allowing for this type of mixture in the three areas shown on the Zoning Map is to create a Village atmosphere in the designated areas.

2. "RA-2" Rural Agricultural District

This area has reasonably good soil for development but is not located in the same geographic areas that warrant inclusion in one of the rural centers. The purpose, therefore, is to limit uses to agricultural, residential and other compatible and complimenting uses at the designated densities.

3. "RA-5" Rural Agricultural District

These areas are not near the Town centers and do not have soil characteristics with good residential or commercial development potential. The land in this area is well suited for agricultural uses and other compatible uses such as open space, conservation and certain forms of outdoor recreation. Low density residential uses will be permitted as hereinafter specified.

4. "FHD" Flood Hazard District

These areas are set forth on the Flood Hazard Boundary Map, which is a part of these regulations, and the regulations for which areas, are set forth in a separate Article of these regulations.

5. "WLD" Wet Land District

The land comprising these areas are technically not located in a Flood Hazard Area, but due to the location of the property, the condition of the soil and the remoteness of community facilities, development would not be in the best interest of the community or the developer. The only uses permitted in these areas will be outdoor recreational uses not involving any structures and which do not harm any significant resources.

6. "FD" Forest District

Those areas designated in the Town Plan as a Conservation District and which do not fall into the category of a Flood Hazard District or Wet Land District. The only permitted uses in this district would be commercial or private forest uses, which would not create any erosion problems and would not harm any significant resources. In this area, some very limited camp or temporary residential uses will be permitted on a conditional use basis and subject to all of the limitations set forth in these regulations.

Section 601 - Rural Agricultural District ("RA-1"). In this District the following uses are permitted:

1. Agricultural and Forest uses.
2. One or two family dwelling.
3. Professional residence office.
4. Tourist home and-or boarding house.
5. Hospital.
6. Private Club.
7. Membership Club house.
8. Private outdoor recreation.
9. Public outdoor recreation.
10. Wildlife refuge.
11. Cemetery.
12. Accessory use.
13. Home occupation.

The following uses are permitted after issuance of a Conditional Use Permit by the Board of Adjustment:

1. Retail store.
2. Business office.
3. Personal service.
4. Religious institution.
5. Community center.
6. Mortuary, funeral home.
7. Bank.
8. Restaurant.
9. Parking.
10. Accessory uses customarily incidental to the above commercial uses.

The general standards designated in Section 4407 (2) of the Act shall act as the general standards and shall be required for any proposed conditional use under this Section. The permitted use and uses to be permitted after issuance of a Conditional Use Permit, shall be subject to the specific standards as set forth in Section 601A.

Section 601A - Area, Yard, Height, Size and General Regulations for Rural Agricultural District ("RD-1").

1. Lot area minimum	1 acre
2. Lot frontage minimum	150 feet
3. Lot depth minimum	150 feet
4. Front yard minimum	50 feet
5. Rear yard minimum	50 feet
6. Side yard minimum	50 feet each side
7. Building height maximum	two stories or 23 feet, whichever is less; accessory building - 20 feet

Section 602 - Rural Agricultural District ("RA-2"). In this district the following uses are permitted:

1. Agricultural and Forest uses.
2. One or two family dwelling.
3. Professional residence office.
4. Tourist home and-or boarding house.
5. Hospital.
6. Private Club.
7. Membership Club house.
8. Private outdoor recreation.
9. Public outdoor recreation.
10. Wildlife refuge.
11. Cemetery.
12. Accessory use.
13. Home occupation.

The permitted uses shall be subject to the specific standards set forth in Section 602A.

Section 602A - Area, Yard, Height, Size and General Regulations for Rural Agricultural District ("RA-2").

1. Lot areaminimum	2 acres
2. Lot frontage minimum	150 feet
3. Lot depth minimum	150 feet
4. Front yard minimum	50 feet
5. Rear yard minimum	50 feet
6. Side yard minimum	50 feet each side
7. Building height maximum	two stories or 23 feet, whichever is less; accessory building - 20 feet

Section 603 - Rural Agricultural District ("RA-5"). In this District the following uses are permitted:

1. Agricultural and Forest uses
2. One or two family dwelling.
3. Professional residence office.
4. Tourist home and-or boarding house.
5. Hospital.
6. Private Club.
7. Membership Club house.
8. Private outdoor recreation.
9. Public outdoor recreation.
10. Wildlife refuge.
11. Cemetery.
12. Accessory use.
13. Home occupation.

The permitted uses shall be subject to the specific standards set forth in Section 603A.

Section 603A - Area, Yard, Height, Size and General Regulations for Rural Agricultural District ("RA-2").

1. Lot area minimum	5 acres
2. Lot frontage minimum	300 feet
3. Lot depth minimum	150 feet
4. Front yard minimum	50 feet
5. Rear yard minimum	50 feet
6. Side yard minimum	50 feet each side
7. Building height maximum	two stories or 23 feet, whichever is less; accessory building - 20 feet

Section 604 - Wet Land District ("WLD") and Forest District ("FD"). In these Districts the following uses are permitted:

1. Agricultural and Forest uses.
2. Private outdoor recreation.
3. Public outdoor recreation.
4. Wildlife refuge.
5. Cemetery.
6. Accessory use.

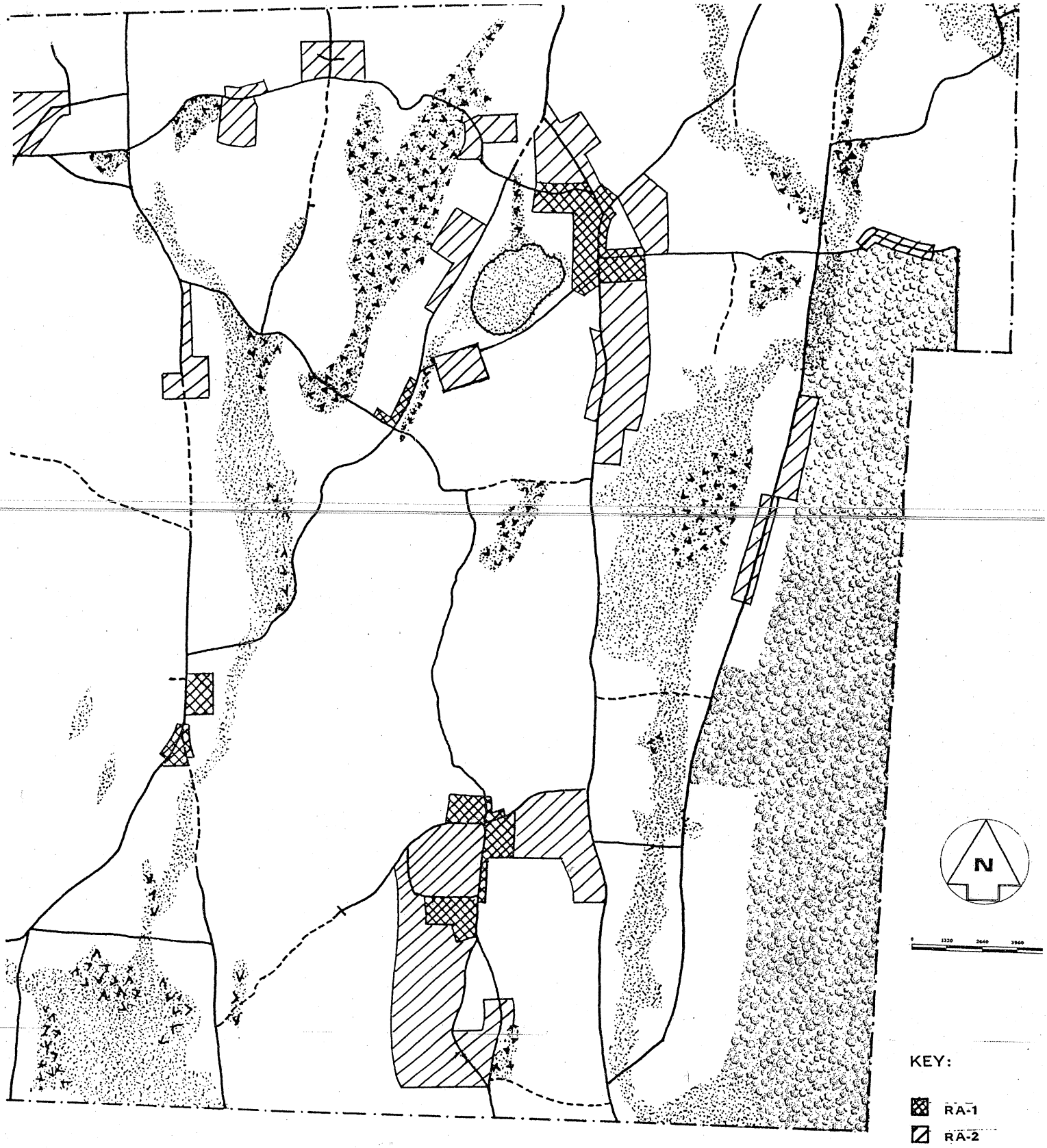
The following uses are permitted after issuance of a Conditional Use Permit by the Board of Adjustment:

1. Single family dwellings or hunting camps.

The general standards designated in Section 4407 (2) of the Act shall act as the general standards and shall be required for any proposed conditional use under this Section. The permitted use and uses to be permitted after issuance of a Conditional Use Permit, shall be subject to the specific standards set forth in Section 604A.

Section 604A - Area, Yard, Height, Size and General Regulations for Wet Land District ("WLD") and Forest District ("FD").

1. Lot area minimum	25 acres
2. Lot frontage minimum	400 feet
3. Lot depth minimum	150 feet
4. Front yard minimum	50 feet
5. Rear yard minimum	50 feet
6. Side yard minimum	50 feet each side
7. Building height maximum	two stories or 23 feet, whichever is less; accessory building - 20 feet



ZONING PLAN

MONKTON, VERMONT

ADDISON COUNTY
REGIONAL PLANNING AND
DEVELOPMENT COMMISION

OCT. 1977

NOTE: DISTRICT BOUNDARY MEASUREMENTS ARE INDICATED ON LARGE-SCALE MAP AT THE TOWN CLERK'S OFFICE.

Subdivision Regulations

ARTICLE I: ENACTMENT, PURPOSE, AUTHORIZATION, WAIVERS AND DEFINITIONS

Section 110: Enactment

In accordance with the Vermont Planning and Development, Act, hereinafter referred to as the "Act," 24 V.S.A., Chapter 117, Subchapter 6, Section 4401 and Sections 4413 through 4421, there are hereby established Subdivision Regulations. These Regulations shall be known as the "Town of Monkton Subdivision Regulations."

Section 120: Purposes

It is the intent of the Subdivision Regulations to provide for the orderly Town growth, and to further the purposes of the Act, Section 4302.

Section 130. Authority

The Commission is hereby authorized and empowered to do all acts and things set forth and provided in § 4401 (b) (2) and § 4413-4421 of the Act including but not limited to the approval of the development of such plats previously filed in the municipal clerk's office if such plat or plats are entirely or partially undeveloped under the subdivision regulations.

Section 140. Waivers and Variances

1. Where the Planning Commission finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular plat, it may vary these regulations so that substantial justice may be done and the public interest secured.
2. Where the Planning Commission finds that, due to the special circumstances, of a particular plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
3. In granting variances and modifications, the Planning Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied.
4. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Regulations, the Official Map or these Subdivision Regulations.

Section 150. Amendments

These regulations may be amended according to the requirements and procedures established in sections 4403 and 4404 of the Act.

Section 160. Enforcement, Violations and Penalties

These regulations shall be enforced in accordance with sections 4444 and 4445 of the Act.

Section 170 Severability

The invalidity of any provision of these regulations shall not invalidate any other part.

Section 180 Effective Date

The Regulations shall take effect in accordance with the voting and other procedures contained in Section 4404 (c) of the Act.

Section 190 Definitions

Except where specifically defined herein, all words in these Regulations shall carry their customary meanings. Unless otherwise defined herein, definitions of words used in Section 4303 of the Vermont Planning and Development Act and definitions used in the Town Zoning Regulations shall apply.

AUTHORIZED AGENT OR REPRESENTATIVE: A person or group of persons, who have been duly authorized in writing filed with the Commission by the subdivider to act in his or her behalf.

COMMISSION: The Planning Commission of the municipality created under 24 V.S.A. Chapter 117, Subchapter 2.

PLAN, SKETCH: Sketch of proposed subdivision to enable the subdivider and Planning Commission to reach general agreement as to the form of the subdivision in meeting objectives of these Regulations.

PLAT, PRELIMINARY: Drawing clearly marked "Preliminary Layout" showing the salient features of the proposed subdivision in sufficient detail, indicating the approximate proposed layout as a basis for study and consideration by the Planning Commission.

PLAT, FINAL: Final drawing showing the exact plan of subdivision, containing all information required by law and these Regulations, submitted to the Planning Commission for approval.

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

STREET: Any road, highway, avenue, street, land or other way between right of way lines, commonly used by the public for vehicular traffic.

SUBDIVIDER: Any person, firm, corporation, partnership or association, or his or their authorized agent who shall lay out for the purpose of sale or development, any subdivision or part thereof as defined herein.

SUBDIVISION: A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds, into lots or parcels three or more in number for the purpose of conveyance, transfer, improvement or sale with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon. A subdivision as defined above includes division of a parcel of land having frontage on an existing street, into three or more lots each having frontage on the existing street. However, for the purposes of these regulations, division of land for agricultural purposes in parcels of more than ten (10) acres, not involving any new street or easement, shall not be deemed a subdivision.

SUBDIVISION, MINOR: A subdivision containing no more than three lots fronting on an existing street and not requiring a new street or extension of municipal facilities.

SUBDIVISION, MAJOR: Any subdivision not included within the definition of a minor subdivision.

ARTICLE II: SUBDIVISION REVIEW AND APPROVAL PROCEDURE (Section 4413 (a) 1)

Section 205: Application of Regulations

Whenever any subdivision of land is proposed to be made, before any contract for sale of any part and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdivider shall apply in writing to the Planning Commission for and secure approval of the proposed subdivision.

Section 210: Information Required on all Plan Submissions

The following information shall be submitted for consideration with an application for a Minor Subdivision:

1.) Subdivision name or title, address at which it is located, scale, north point, date and site location map.
2.) Drawing sheet size shall not be more than 36" long nor more than 24" wide and shall be drawn to a scale large enough to show the details clearly but shall not be less than 1"=100'. A one-half (½) inch marginal border line shall be drawn around the outer edge of each plan and all data to appear thereon shall be within said marginal lines.
3.) Subdivision boundaries and boundaries of contiguous properties and names of owners.
4.) Existing restrictions on the use of land including easements, covenants and zoning boundaries.
5.) Total acreage of subdivision and number of lots proposed.
6.) Building types, approximate size and cost.

The following information shall be submitted for consideration with an application for a Major Subdivision:

1.) All of the information submitted with a Minor Subdivision application.
2.) Names and addresses of subdivider and professional advisers.
3.) Existing and proposed streets and structures; water courses, marshes, wooded areas, public facilities and other significant physical features in and near the subdivision.
4.) Utilities available, and streets which are proposed, mapped or built.
5.) Proposed pattern of lot including typical lot width, depth, street lay-out, open space, systems of drainage, sewerage and water supply within the subdivided area.

Section 211: Official Submission Date

The application for approval of the subdivision plat, complete with all other requirements, shall be filed with the Town Clerk at least fifteen days prior to the date of the regular monthly meeting of the Planning Commission. The official submission date shall then be the date of the regular monthly meeting.

Section 212: Public Hearing (Sections 4414 and 4447)

Before any plat is approved a public hearing shall be held by the Planning Commission after public notice. This hearing shall be advertised in a newspaper of local circulation and notice shall be posted in the Town at least fifteen days prior to the hearing.

A copy of the notice shall be sent to the regional planning commission and to the clerk of an adjacent municipality in the case of a plat located within five hundred feet of a municipal boundary at least fifteen days prior to the hearing.

Section 220: Sketch Plan Procedure

1.) The subdivider shall submit to the Town Clerk at least fifteen days prior to the regular meeting of the Planning Commission, two copies of a Sketch Plan of the proposed subdivision.
2.) The subdivider, or his duly authorized representative, shall attend the meeting.
3.) The Commission shall classify the proposed subdivision as either a Major or Minor Subdivision.
4.) The Commission shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with: Zoning Regulations, the Town Plan; developments proposed by any public agency; existing private and public development, facilities and services; and for any special problems that may be encountered.
5.) The Commission shall determine whether the Sketch Plan meets the purposes of these Regulations and may make specific written recommendations for changes.
6.) Where the subdivider submits a proposed unified residential development pursuant to Section of the Monkton Zoning Regulations, requirements of Section shall be met in addition to the requirements of these Regulations.

Section 230: Minor Subdivision Plat Approval Procedure

The subdivider shall file an application with drawings for approval and a fee as established by the Board of Selectmen pursuant to Section 4420.

1.) A public hearing may be called and held at the regular monthly meeting to consider the application filed by the subdivider.
2.) The subdivider, or his duly authorized representative, shall attend the public hearing.
3.) The application shall include all information required under Section 210.
4.) The subdivider shall provide a copy of covenants or deed restrictions intended to cover the tract.
5.) The Commission shall within 45 days after the public hearing, approve, modify and approve or disapprove the application. Grounds for disapproval shall be stated in the Commission Minutes.
6.) If the plat is approved, it shall be filed in accordance with Section 271 of these Regulations.

Section 240: Major Subdivision Preliminary Plat Procedure

The subdivider shall file application and four copies of drawings, and the fee established by the Board of Selectmen pursuant to Section 4420.

1.) The Preliminary Plat shall comply with the requirements of these Regulations except where a waiver may be specifically authorized by the Planning Commission.
2.) The subdivider shall attend the Commission preliminary hearings.
3.) The Commission shall review the Preliminary Plat submitted for conformity to these Regulations.
4.) Within forty-five days of the official submission date, the Comiission shall take action to approve, with or without modifications, or disapprove the Preliminary Plat. Grounds for any modification required or for disapproval shall be stated in the Commission minutes.
5.) When granting approval to a Preliminary Plat, the Commission shall state the conditions with respect to:
   a.) Special changes which it may require.
   b.) Character and extent of the required improvements for waivers.
   c.) Amount of improvement or the amount of all bonds which it will require.
6.) The action of the Commission, plus any conditions, shall be noted on three copies of the Preliminary Plat. One copy shall be returned to the subdivider, and one copy to the Selectmen.
7.) Approval of a Preliminary Plat shall not constitute approval of the Subdivision.

8.) Prior to approval of the Final Plat, the Commission may require additional changes as a result of further study.

Section 241: Major Subdivision Preliminary Plat Data

The following information shall be submitted with a Major Subdivision Preliminary Plat.

1.) Information required under Section 210 updated and accurate.
2.) Contours with intervals of not more than five feet. Contours with intervals of not more than two feet shall be shown where the grade is less than five per cent; or where the high ground water elevation is within six feet of the existing or proposed ground level; or in the case of waterfront or riverfront property. Datum plane shall be that of the U.S. Geological Survey. Grading plan if existing contours are to be changed.
3.) Survey of the tract boundary lines and deed description giving bearings and distances, certified by a land surveyor.
4.) Location, width and approximate grade of proposed streets.
5.) Location, dimensions, area and number of lots and blocks.
6.) Location and dimensions of property to be dedicated for public use.
7.) Boundaries of proposed easements over private property.
8.) Location of existing sewers, water mains, storm drainage, culverts, with pipe sizes and direction of flow.
9.) Location of existing utilities, including gas lines, fire hydrants, electric and telephone facilities, street lights.
10.) Proposed provision of water supply, fire protection, disposal of sanitary wastes, storm water drainage and sidewalks.

Section 250: Major Subdivision Final Plat Approval Procedure

The subdivider shall file application and six copies of drawings for approval of the Final Plat.

1.) The application shall:
   a.) Be accompanied by construction detail drawings.
   b.) Be endorsed by the Vermont Department of Health and Environmental Board or any approval shall be subject to final approval of appropriate Boards and Agencies of the State.
   c.) Include offers of cession to streets and public areas
   d.) Include other information which the Planning Commission requires.
2.) A public hearing shall be held by the Commission within thirty days after the official submission of the plat for approval.
3.) The subdivider shall attend the hearing.
4.) The Final Plat shall conform to the approved Preliminary Plat, plus any recommendations made by the Commission.
5.) The Commission may permit the Final Plat to be divided into parts comprising at least twenty per cent of total number of lots on the plat, subject to such conditions as it deems necessary to assure orderly development.
6.) a.) Either: The Administrative Officer must file a certificate stating that all required improvements constructed by the subdivider have been designed and inspected and meet standards in these Regulations, and are as required by law.
   b.) Or: A performance bond must be submitted and approved by the Commission and Town Attorney as to form, sufficiency, manner of execution and surety, for completion of required improvements.
7.) Offers of cession, in a form certified as satisfactory by the Town Attorney, of all land to be dedicated for streets, easements, parks and other facilities.
8.) Drawings, certified by a land surveyor, showing the location of all required improvements that may have been constructed prior to Final Plat submission.

Section 251: Major Subdivision Final Plat Data

The following information shall be submitted with a Final Plat:

1.) All information required on the Preliminary Plat updated and accurate.
2.) Sufficient data to determine readily the location, bearing and length of all street, lot and boundary lines, referenced to established monuments.
3.) Location, dimensions and names of all sites for residential, commercial, industrial, public, non-public, dedicated and reserved uses.
4.) Location, material and size of monuments.

Section 255: Soil Percolation Tests

Soil percolation tests shall be conducted in proposed subdivisions where no public sewers are available in accordance with State Department of Health standards.

Soil percolation test results and their locations shall appear on the Final Plat which is to be approved and recorded.

Section 256: Endorsement of Subdivision Plat

The subdivider shall submit the Plat to the Division of Environmental Protection or other appropriate State Agencies to secure their endorsement and approval of sewer and water facility proposals and construction drawings.

Section 257: Information Required On Construction Detail Drawings

The Preliminary Plat shall be accompanied by construction detail drawings. All plans shall be subject to approval of the Administrative Officer.

1.) Plans and profiles showing existing and proposed elevations along center lines of all streets within the subdivision.
2.) Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins and culverts.
3.) Plans showing location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; and location and size of water, gas, electricity and any other utilities or structures.

Section 260: Legal Data

The subdivider shall submit the following data to the Planning Commission before any Final Plat can be approved; before acceptance, the Town Attorney shall certify as to their legal sufficiency:

1.) Deed description and a map of survey of tract boundary made and certified by a licensed land surveyor, tied into established boundary monuments.
2.) Offers of cession dedicating streets, rights of way and sites for public uses.
3.) Copies of agreements showing the manner in which areas reserved by the subdivider are to be maintained.
4.) Draft protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
5.) Any other data as may be required by the Commission in enforcement of these Regulations.

Section 261: Performance Bond (Sections 4418 and 4419)

1.) Where a performance bond is required by the Planning Commission, the subdivider shall file with the Town a bond in an amount sufficient to provide for, and secure to the public the full cost of completion of all streets, other required improvements, and their maintenance for a period of two years.
2.) The Commission shall specify the time period within which the required improvements must be completed, but in no case for a longer term than three years. The time period shall be expressed in the bond.
3.) If any required improvements have not been installed or maintained as provided within the term of such bond, it shall be forfeited and the Town shall install or maintain such improvements.

Section 262: Offers of Cession and Release

1.) Formal offers of cession by the subdivider of all streets, rights of way, parks and other sites for public use shall be presented to the Planning Commission prior to Final Plat approval.
2.) The Final Plat shall be endorsed with the necessary agreements in connection with required easements or releases.

Section 265: Inspection of Required Improvements

1.) The Administrative Officer shall inspect all required improvements prior to acceptance to ascertain whether they have been completed satisfactorily.
2.) The subdivider shall inform the Administrative Officer at least 48 hours before such inspection is required and shall not cover any part of an improvement until writer's approval has been granted.
3.) Drawings showing the location of all required improvements as built shall be certified by an engineer or land surveyor and filed with the Planning Commission prior to acceptance of the improvements. Until as-built plans have been filed, no performance bond guaranteeing the completion of the improvements shall be released.

Section 266: Public Acceptance of Streets and Improvements (Section 4421)

1.) Every street shown on a plat filed or recorded as provided in these Regulations shall be deemed to be a private street until such time as it has been formally accepted by the Town.
2.) No public street, utility or improvement may be constructed by the Town in or on any street until it has become a public street.
3.) Approval of the Final Plat shall not be deemed to constitute or imply acceptance of any street or park shown on the Plat.
4.) Upon completion of the construction and installation of required improvements in accordance with the approved plans, the subdivider shall deliver to the Town deeds, abstracts and easements for streets, parks, water lines, storm sewers, sanitary sewers and other required improvements.
5.) Prior to public acceptance of any required improvements, the subdivider shall submit an affidavit stating that all bills and accounts for material and labor used in the construction of improvements have been paid in full.

Section 270: Planning Commission Decision on Final Plat (Section 4415)

1.) The Planning Commission shall within forty-five days from the public hearing on the Final Plat approve, modify and approve, or disapprove the Plat.
2.) If the Final Plat is disapproved, grounds for such action shall be stated in the Commission minutes.
3.) If the Final Plat is approv
   Commission officers shal
   the Plat. One copy sh
   retained by the Commissi
4.) Every Final Plat shall car
   following endorsements:
   APPROVED BY RESOL
   OF THE TOWN OF MON
   PLANNING COMMIS
   VERMONT, ON THE
   OF _____ 19___, SU
   TO ALL REQUIREMENT
   CONDITIONS ___ OF ___
   RESOLUTION.
   SIGNED THIS _____ DA
   _____ 19___
   BY
   CHAIRMAN _____

   _____ SECRE

Section 271: Filing of Approve Plat (Section 4416)

When the Final Plat is app the subdivider shall:

1.) File one approved copy dr ink or mylar with the Towr within 90 days from the c approval, or the approval Plat will be void.
2.) File one approved copy w Town Board before bu permits are made availab
3.) File one approved copy wi Town Assessor.
4.) The Plat is void if chang made to it after the Comm has endorsed it in writing.
5.) After filing with the Town the Plat shall become part Official Map.

ARTICLE III: DE DEVELOPMENT STAND AND REQUIRED IMPR MENTS FOR SUBDIVISION LAND

(Section 4413 (a) (2)

Section 305: Planning and D Standards

1.) The subdivider shall be guic the minimum planning and c development standards in c of the subdivision.
2.) Subdivision shall conform Zoning Regulations and harmony with the Town (Section 4417 (2)).
3.) Land to be subdivided for bu purposes shall be of character that it can be safely without danger to hea peril from flood or other m (Section 4417 (3)).
4.) Where the Planning Comm finds that because of excep and unique conditions topography, location, shape, drainage or other phy features of the site, or becau the special nature and char of surrounding developmen minimum standards spec herein would not reasor protect or provide for health, safety or welfare, a h standard shall be required.
5.) Energy Conservation: In orc conserve energy, all subdivi shall use the least area roadway and the least leng sewer, water and utility within environmentally economically sound limits.

Section 310: Required Improver (Section 4418)

1.) Required improvements sha installed to the satisfaction c Administrative Officer pri approval of Final Plat alternatively, the subdivider post a performance bond.
2.) The following are requirec provements: Monuments, ches, streets, street signs, c gutters, sanitary sewers, s drains, and trees; except w the Planning Commission waive or vary such improvem in accordance with Section (b).

Section 320: Required Street struction Standards

Street improvements shall b stalled at the expense of the

divider. The specifications for the minimum standards for construction and improvements of streets are the State Highway Department Standards, A-76.

Section 321: Streets -- Planning Standards (Section 4417 (1)).

1.) Streets shall be suitably located to accommodate the prospective traffic and to afford satisfactory access to fire fighting, snow removal and road maintenance equipment.

2.) Streets shall be arranged as to cause no undue hardship to adjoining properties, and shall be coordinated so as to compose a convenient system.

3.) The arrangement, width and grade of all streets shall be considered in relation to existing and planned streets, topographic conditions, public convenience and safety, and in their appropriate relation to proposed land uses.

4.) Minor streets shall be planned so their use by through traffic will be discouraged.

5.) Grades of streets shall conform as closely as possible to original topography and shall be arranged so that building sites are at or above street grade. Steep grades and sharp curves shall be avoided.

6.) Where a tract is subdivided into lots much larger than the minimum size required in the Zoning District in which a subdivision is located, the Planning Commission may require that streets and lots be laid out to permit future re-subdivision.

7.) Where the subdivision borders on an existing street and the Town Plan or Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Commission shall require that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."

8.) Intersections of streets shall be held to a minimum and shall be at least 800 feet apart, if possible. Cross street intersections shall be avoided, except at important traffic intersections. A distance of at least 250 feet shall be maintained between offset intersections. Within 100 feet of an intersection right of way, streets shall be approximately at right angles.

9.) Half streets and privately owned reserve strips controlling access to streets or adjacent property shall be prohibited.

10.) A circular turn around shall be provided at the end of cul-de-sac with a minimum turning radius of 120 feet.

11.) Arrangement of streets shall provide for continuation of existing streets between adjacent properties where necessary for convenient movement of traffic, fire protection or efficient provision of utilities.

12.) If adjacent property is undeveloped and the street must be a dead-end temporarily right of way and improvements shall be extended to the property line. A temporary circular turn around shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right of way shall revert to abutting lots whenever the street is continued.

13.) No dead-end streets shall be permitted except when topographic or physical conditions make it impossible, at the time, to extend it or connect it with another proposed or existing street. In such case, a dead-end street may be permitted provided that such dead-end street shall not exceed in length the frontage of ten (10) lots per side or a maximum of 1500 feet and shall have a circular turnaround at its terminus, the operating or traveled surface of which has a radius of 60 feet, together with such additional radius over and above said 60 feet as may be necessary for proper drainage and sloping.

14.) Streets shall be identified by name on the Preliminary Plat. Proposed streets which 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, boulevard, driveway, place or court.

Section 335: Required Easements for Utilities, Drainage and Access

1.) Easements shall be at least twenty feet in width and indicated on the Final Plat.

2.) Where conditions are such as to make impractical the inclusion of utilities on drainage facilities within street rights of way, easements shall be provided centered on rear or side lot lines with access to the street.

3.) The Planning Commission may require easements for pedestrians access to schools, public open space or streets, and a four foot wide paved walk to be installed.

Section 336. Required Monuments (Section 4415 (4)).

1.) Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two feet long set in the center, located in the ground at final grade level, and indicated on the Final Plat.

2.) Permanent monuments shall be set at all corners and angle points of the subdivision boundaries.

Section 340: Land for Recreation

As a condition to the approval of any subdivision as defined in Section 180 "Subdivision", the Planning Commission may require the subdivider to show on his plan and dedicate to the Town an area of useable land equal to 15 per cent of the total parcel to be subdivided, for a park or parks suitably located for playground or other recreational purposes. However, if the Planning Commission determines that a suitable park or parks of adequate size cannot be properly located in the subdivision, or is otherwise not practical, the Commission may require as a condition of approval, a payment to the Town of an amount to be determined by the Selectmen, not to exceed 15 per cent of the fair market value of the total tract as of the time the application for plan approval is filed. This amount shall be available for use by the Town to serve the needs of the surrounding area, including the acquisition of property for a neighborhood park, or playground, or for other recreational purposes.

Section 445. Utilities.

Easements: The Commission may require that underground utilities be placed either in the street right-of-way between the paved roadway and street line or placed horizontally underneath the roadway. Where inclusion of utilities in the street right-of-way is impractical, perpetual, unobstructed easements twenty (20) feet in width shall be provided with satisfactory access to the street.

Electric, Telephone, Cable TV: The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when technology and terrain make it economically feasible, distribution systems should be built underground.

Fire Protection Facilities: Adequate water storage facilities for fire protection within the subdivision shall be provided to the satisfaction of the Commission and the Fire Chief. Fire hydrants shall be installed by the subdivider.

Section 450. Drainage Improvements

An adequate surface storm water drainage system for the entire subdivision area shall be provided. The subdivider may be required by the Commission 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 subdivisions. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. Where it is anticipated that additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be drainage to private property or an increase in the expenditure of public funds, the Commission shall not approve the subdivision until provision has been made for the improvement of said condition. Where a subdivision is traversed by a water course or drainage way, there shall be provided a storm water drainage easement of such width as to encompass the 25-year flood area of such water course, which easement shall be indicated on the Final Plat.

Section 470. School Site Dedication.

Where a subdivision will accommodate a total of more than one hundred dwellings, the Commission may require the designation of necessary public school sites or a payment in lieu thereof. Prior to imposing a condition of school site dedication, the Commission shall contact the Board of Education of the school district(s) of which the municipality is a part. If a Board of Education declares an interest in a site within the proposed subdivision, the Commission shall require the subdivider to set aside the site and to show such area on the Plat. If the Commission determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Commission may require as a condition to the approval of such plat payment to the municipality of an amount to be determined by the legislative body. The payment shall be used by the municipality for the acquisition and development of school sites or capital improvements to school structures.

Section 480. Site Preservation and Improvements

Natural Cover: Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff and conserve the natural cover and soil. After application for approval has been made to the Commission, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs for that particular subdivision or to meet any requirements of these regulations.

Shade Trees: The Commission may require that suitable hardwood shade trees (such as Sugar Maple, Norway Maple, Maple, Ash or Oak), be pla along streets where trees do exist. All trees shall measur least 10 feet in height and at l two inches in diameter meas at a point six inches at finished grade level. All trees to be planted within 5-8 feet f the street line.

Erosion and Sediment Con The smallest practical are land should be exposed at any time during development. L should not be left exposed du the winter months. Wh necessary, temporary vegeta and-or mulching and struct measures may be required by Commission to protect ar exposed during the developm Sediment basins shall be insta and maintained du development to remove sedin from run-off water and from undergoing development.

Excavation and Grading: entire area of work shall brought to the required lines grades by excavation or fillin minimum of four (4) inches of soil shall be provided to cove finished slopes. All streets s be graded from property lin property line to approved gr and cross section. The C mission may require developer to submit evidenc boring and-or other soil vestigations to determine depth composition and stabilit the subgrade within the r section. Materials for barkment shall be placed successive horizontal layers exceeding six (6) inches in de They shall be thoroughly c pacted. The Commission r require embankments to planted with stabilizing shrub ground cover and seeded wi deep root perennial grass prevent erosion.

Copies of the complete te of the Subdivision Regulatio shall be available for revie and examination at the Tov Clerk's Office in Monkton ar posted in one or more publ places of Monkton.

submitted by the

Board of Selectmen
of the
Town of Monkton