Unified Planning Document

For the Town of Monkton

Final Planning Commission Hearing:	2/24/2011
Select Board Hearing:	8/24/2011
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ADOPTED:	2/23/12

A Unified Planning Document combines the town Zoning Regulations and Subdivision Regulations into a single planning document.

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DEFINITIONS

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.

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.

Abutting Land Owner: A person who owns land in fee simple if that land:

A. Shares a boundary with the tract of land where a proposed or actual development or subdivision is located; or

B. Is adjacent to a tract of land where a proposed or actual development or subdivision is located and the two properties are separated only by a river, stream or road.

Accessibility and Visitability: Design standards which ensure that buildings in the town of Monkton are accessible to persons with physical disabilities.

Accessory Building: A single building incidental and subordinate to the principal building located on the same lot.

Accessory Dwelling Unit: An accessory dwelling unit means an efficiency or one bedroom apartment that is clearly subordinate to a single-family dwelling (less than 30% of the total habitable floor area of the single family dwelling or not more than 650 square feet whichever is greater), and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, as described in Section 503 of these regulations. The distance between the two structures may not exceed 50 feet.

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

Act: The "Act" constitutes Title 24, Chapter 117 of the Vermont Statutes Annotated, as it may be amended form time to time. These Regulations contain numerous references to Sections of the

Act, generally annotated as 24 V.S.A. §4413-4425, governing subdivision and in effect at the time of the adoption of these regulations.

Administrative Officer: The Administrative Officer in the Town of Monkton is the Zoning Administrator.

Adult Day Care: A facility which provides support services for non-residential adults. Said facility must meet all applicable state licenses and regulations.

Agricultural Use: Land used for raising livestock or agricultural or forest products, including farm structures and storage of agricultural or silviculture (forestry) 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 modifications within the building or on its operating systems, excluding its septic system.

Applicant/Sub-divider: Any person, firm, corporation, partnership or association owning the property to be subdivided, or their authorized agent who shall lay out for the purpose of conveyance, transfer, improvement, sale or development, any subdivision or part thereof as defined herein.

Appurtenant: Being attached or within 50 ft and clearly subordinate to the principle single family dwelling.

Authorized Agent or Representative: A person or group of persons, who have been duly authorized in writing filed with the Development Review Board by the Applicant to act in his or her behalf.

Barn: a usually large building for the storage of farm products or feed and usually for the housing of farm animals or farm equipment.

Basement: Basements are an area of a structure located at least partly underground. Basements will generally not be counted as a "story" so long as the vertical distance between the basement ceiling and the average grade level of the adjoining ground is less than six feet.

Bed and Breakfast: An inn or motel with less than ten guest rooms serving a transient traveling population.

Boarding House: A building wherein non-transient people are sheltered for profit.

Boundary adjustment: Any adjustment to a lot line between two adjoining parcels which creates no new building lots and which will have no impact on roads, right of way, or other public facilities.

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

Building Coverage: The building area of any lot shall constitute the footprint of the largest story of the principal structure and of all accessory structures (uncovered porches, terraces and steps shall not be used to calculate the building area). All dimensions shall be measured between the exterior limits of the building area.

Building Envelope: That portion of a lot, which the sub-divider identifies as the area within which, structures may be built. The building envelope may not impinge on any required setbacks, rights of way or existing easements.

Building Equipment: Equipment used in the ordinary course of constructing structures or other improvements to real estate.

Building Front Line: The building front line constitutes an imaginary line beginning at the point in any building face which is closest to the front lot line and extending in both directions along the front of the building in a direction parallel with the front lot line The building face includes porches whether enclosed or unenclosed but does not include steps.

Building Height: Vertical distance measured from the average elevation of the existing grade at the house site to ridge line of the building (or the highest point of flat or mansard roofs).

Camp/Seasonal Home: Land on which one or more cabins, trailers, shelters, or other accommodations are located suitable for seasonal or temporary (less than six months) living purposes. Such structures may not be occupied for more than six months of the year. Conversion to year round use requires approval of the Development Review Board.

Care Facility: (See daycare facility).

Certificate of Compliance: A Certificate of Compliance certifies that a subdivision or structure as implemented meets the requirements of approval and these regulations.

Certificate of Occupancy: A certificate of Occupancy certifies that a structure or improvement, as constructed or installed, meets the requirements of approval and these regulations, and is ready to be inhabited.

Clinic – Medical/Veterinary: An office building used by members of traditional or alternative medical professions for the diagnosis and outpatient treatment of human or animal 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, fraternity, sorority, and lodge, religious and similar clubs that may have dormitory accommodation.

Commission: The Planning Commission of the municipality created under 24 V.S.A.§4321.

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.

Conditional Use: A land use permitted only by approval of the Development Review Board after a public hearing and a review to determine whether the proposed use conforms to the general and specific standards prescribed in these regulations.

Conservation of Land: The setting aside of parcels of land for conservation through subdivision or legal documents.

Contractor's Yard: An area used for the long- or short-term storage of equipment or materials used in the construction service industries.

Convenience Store: A retail store in which more than 50 percent of the goods stocked are food and beverages sold for immediate offsite consumption.

Coverage: (See Lot Coverage).

Curb Cut: Private access to a public right of way approved by the Select Board.

Daycare Facility: A family Childcare home or facility means a home or facility where the owner or operator is licensed or registered by the state for childcare. A family childcare home serving not more than six children shall be considered to constitute a permitted single-family residential use of property. A family childcare home serving not more than six fulltime children and four part-time children, as defined in subdivision 33 V.S.A. §4902(3)(A), shall be considered a permitted use, but shall be subject to Site Plan approval. A family childcare facility serving more than 6 fulltime and four part-time children shall be subject to the portion of Article II of these regulations governing the uses allowed in each district.

Deemed Approval: If the Development Review Board fails to rule on an application within the required deadlines, the applicant may appeal to the Environmental Court and claim that the subdivision shall be "deemed" to have been approved. No action can be taken by the applicant as to sales or building until the Environmental Court shall have upheld his/her claim.

Dormitory Use: Includes fraternity, sorority, boarding primary and secondary schools and college dormitory.

DRB: The Development Review Board for the Town of Monkton.

Driveway: A private access road for vehicular travel serving up to and including two residences.

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, bed-and-breakfast, camp, 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.

Easement: A right of use over the property of another.

Family: One or more persons associated by blood, marriage, civil union, legal adoption, foster-care license or other familial relationships recognized by the State of Vermont living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

Farm: A parcel of land primarily used for commercial agricultural purposes.

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticulture or agronomic plants, or carrying out other practices associated with an acceptable agricultural practices, including a silo, as defined in Title 24 VSA§4413(d).

Fence: A fence constitutes a roofless structure designed to restrict the ingress or egress from an enclosed area.

First Cut: The first subdivision of any parcel in existence prior to the adoption of the first Zoning Regulations by the Town of Monkton in 1978.

Floor Area: The floor area of a dwelling is made up of the sum of the gross horizontal area of the floors of the habitable area of a building, excluding unfinished basement floor areas. All dimensions shall be measured between interior faces of walls.

Front Lot Line: The line measuring the distance of the boundary along that portion of the lot abutting the road, public waterway or ROW providing access to said lot.

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.

Historic Structure: A structure listed or eligible for listing on the National or State Register of Historic Places. In all districts alteration of the exterior of a building on any historic register shall be a conditional use.

Home Occupation: Accessory use of a small business conducted within a dwelling by the resident(s) thereof and up to two non-resident, fulltime equivalent employees. The use must be

clearly secondary to the dwelling used for living purposes and must not have an undue adverse impact upon the character of the residential area in which the dwelling is located, including an increase of traffic, incident to the home occupation.

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

Interested Person: A person owning or occupying real property in the immediate neighborhood of a parcel of land that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. An "interested party" is someone whose attendance at the public hearings is recorded. Please see 24 V.S.A., §4465 for a broader definition of an interested party and a more complete definition.

Land Development: The division of a parcel of land 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.

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 road, 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 road, or proposed public road.

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

Lot Coverage: The percentage of a lot that is occupied by the footprint of buildings, other structures and impervious improvements, including driveways, sidewalks, roads, parking lots and tennis courts.

Lot Depth: Mean horizontal distance from the road or front lot line to its opposite rear line.

Lot Frontage: Distance measured across the width of the lot along the edge of the road, public waterway, or Right Of Way (ROW) providing access to the lot. Required frontage for the purpose of creating a lot may also be measured at the front plane of the building.

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 modular or sectional prefabricated house shall not be considered a mobile home.

Mobile Home Park: Any parcel of land under single or common ownership or control that contains or is designed to accommodate three or more mobile homes.

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

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

Non-Conforming Structure: Structure not conforming to the Zoning Regulations for the district in which it is located, where such structure conformed to all applicable laws, ordinances and regulations prior to enactment of these regulations, including a structure improperly authorized as a result of error of the Zoning Administrator

Non-Conforming Use: Use of land or structure that 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, including a parcel improperly authorized as a result of error of the Zoning Administrator.

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.

Open Land: Land in a perceived natural state or in agricultural use, or the undeveloped portion of any developed parcel that is not occupied by buildings, septic systems, roads, rights of way, driveways, parking lots, commercial recreational facilities or other obvious evidence of development.

Open Space: Any parcel or area of land essentially unimproved and set aside, dedicated, designated or reserved for use and enjoyment of the residents and owners of the neighboring development or by the general public as playgrounds, parks or other recreational purposes.

Parcel: A contiguous tract of land in the possession of one or more owner(s) covered by one or more deeds.

Parking Space: Off-road space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and 22 feet long, not including access driveway, and having direct access to a private road or driveway.

Personal Services: Includes barber, hairstylist, nail parlor, shoe repair, shoeshine, laundry, Laundromat, dry cleaner, photographic studio and businesses providing similar services of a personal nature.

Plan, Sketch: Sketch of proposed subdivision to enable the Applicant and Development Review Board to reach general agreement as to the form of the subdivision in meeting objectives of these Regulations.

Planned Unit Development (PUD): One or more lots, or parcels of land to be developed as a single entity, the plan for which may propose any combination of density increases, or intensity transfers from one part of the parcel to another, as well as the mixing of land uses in return for benefits to the town as outlined in Section 905. This plan, as authorized by the Development Review Board, may deviate from by-law requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, density, intensity, lot coverage, parking, required common open space, or other standards so long as it conforms to the requirements set by the Development Review Board to accomplish the goals established for PUD's in the Town Plan and in these regulations.

Plat, Preliminary: Drawing clearly marked "Preliminary Layout" showing the relevant features of the proposed subdivision in sufficient detail, indicating the approximate proposed layout as a basis for study and consideration by the Development Review Board.

Plat, Final: Final drawing showing the exact plan of subdivision, containing all information required by law and these Regulations, submitted to the Development Review Board for approval.

Private Road: A road providing access to three or more residences.

Public Assembly Use: Includes, but not limited to, auditorium, theater, public hall, school hall, meeting hall, church and temple.

Public Right of Way: A "public right of way" can mean either a right that allows the general public to pass over the land of another or it can be a strip of land in public ownership. Some roads are owned by the State or Town in fee, others merely allow the public to travel over lands owned by others. "Public" the right of all, merely distinguishes the ROW from "private" or the right or one or few. A public right of way would be any land that the general public has the ability to travel over freely.

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

Recreation, Outdoor: Includes golf driving range, golf pitch and putt course, par three and regulation golf course, hunting preserve, trap, skeet, shooting and archery range, skating rink, riding stable, park, lake and beach, tennis court, skiing facility, playground, playfield, park, open space, swimming pool and other similar outdoor recreational uses.

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

Religious Institution: Includes church, temple, mosque, parish house, convent, seminary and retreat house or other similar facility used primarily by a group for religious purposes.

Residential Area: Includes the Village District and such areas as are primarily occupied by residential structures.

Residential Care or Group Home: A Residential Care or Group Home operated under state licensing or registration, serving not more than 8 persons, who have a disability as defined in 9 V.S.A. §4501, or is occupied by citizens in need of a supported living environment shall be considered by right to constitute a permitted single-family residential use of property.

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

Re-subdivision: 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.

Retail Store: Includes restaurant, café, ice cream stand, shop and store for the sale of retail goods, and department store.

Ridgeline: A line which follows the height of the land between any two or more high points within a ridgeline District.

Road: Public way for vehicular traffic which is recognized by the municipality, the state or county or affords the principal means of access to abutting properties. Roads shall include state highways, Class 1, 2, 3 and 4 town highways and roads in private ownership serving three or more residences.

Road End Turnaround: Turnaround at the end of a driveway serving a subdivision. The road end turnaround must be at least 20 ft wide and 40 ft in depth with an apron on each side of the turnaround which is twenty feet wide on each side of the intersection with the driveway, tapering to zero at the 20ft point of the actual turnaround.

Road Frontage: Front lot lines that abut a public or private road.

Road Line: Boundary of the Right-of-Way for a road as determined by a deed of record. Where the width of the road is not established, the road line shall be considered to be 25 feet from the centerline of the road.

Salvage Yard: Means any place of outdoor storage or deposit for storing, keeping, processing, buying, or selling junk as a scrap metal processing facility. "Salvage Yard" also means any

outdoor area used for the operation of an automobile graveyard. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

School: Includes parochial, private, public and nursery school, college, university, and similar uses.

Setback: Distance from the front, side or back lot lines within which the landowner is prohibited from erecting any structures.

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 that directs attention to a business, industry, profession, service, commodity, or entertainment conducted, sold or offered elsewhere than upon the same lot.

Sign; Business: Sign that 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.

Site Plan Review: Review by the Development Review Board of land which is proposed to be developed.

Spot Zoning: Granting of a zoning classification to a piece of land that differs from the zoning classification of other land in the immediate area and which singles out an area for treatment different from that of similar surrounding land and which cannot be justified on the bases of health, safety, morals or general welfare of the community and which is not in accordance with the community's comprehensive plan.

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

Street: Any road, highway, avenue, street, land or other way between right of way lines, commonly used by the public for vehicular traffic. Streets shall include private roads serving three or more principle structures.

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. For the purposes of these regulations, "structure" shall include permanent above ground and in-ground swimming pools, associated walks or decks and moveable structures

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 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 two or more lots each having frontage on the existing street. The only exception to this rule is that "first cuts" of original parcels shall remain grandfathered under these regulations and not constitute 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. A Minor subdivision may not reopen a prior subdivision.

Subdivision; Major: Any subdivision not included within the definition of a minor subdivision or a "first cut".

Town Highway: Town highway shall refer to any Class 1, 2, 3 or 4 town highway as defined in 19 V.S.A. §302 and as they have been designated by the Select Board

Town Plan: Town Plan shall refer to the Monkton Town Plan adopted and in force at the time of the application or as specified in 24 V.S.A. §4449(d).

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 a specified zoning district.

Variance: A departure from the Zoning Regulations granted by the Development Review Board after a public hearing. The conditions specified in 24 V.S.A. § 4469 must exist in order for the Development Review Board to grant a variance.

Vehicle Repair Garage: Building used for the repairing, washing, lubricating, and servicing of motor vehicles including painting, major mechanical repairs and sale of a limited selection of automobile accessories. Sale of gasoline or other motor fuels shall be prohibited.

Waiver: The ability of the Development Review Board to reduce dimensional requirements in accordance with specific standards that shall be in compliance with the Town Plan. As defined in 24V.S.A.§4414(8).

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. Covered 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 road 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.

TOWN OF MONKTON ZONING REGULATIONS

ARTICLE I
ENACTMENT AND INTENT

Section 100 – 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 110 – Intent

It is the intent of these Zoning Regulations to provide for orderly community growth in a manner implementing the Town Plan and to further the purposes established in Act 200, 24 V.S.A. §4302.

Section 120 – Amendments

These regulations may be amended according to the requirements and procedures established in 24 V.S.A. §§4441 and 4442.

Section 130 – Interpretation

In their interpretation and application, the provisions of these regulations shall be held to promote the public health, safety, comfort, convenience and general welfare.

These regulations repeal and replace the former Monkton Zoning Regulations. Except as specifically provided to the contrary, these regulations will not repeal, annul or in any way impair any ordinances or permits previously adopted or issued. Where these regulations impose a greater restriction upon use of a structure or land than required by any statute, ordinance, rule, regulation, permit, easement or agreement, the provisions of these regulations shall control.

Section 140 – Effective Date

These regulations shall be effective upon their adoption in accordance with the procedural requirements contained in 24 V.S.A. §4442.

Section 150 – Severability

The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.

Section 160 – Application of Regulations

The application of these regulations is subject to 24 V.S.A., Chapter 117. 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.

Section 170 – 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 is completed within one year from the effective date of these regulations.

Section 180 – Fees

The Select Board may establish a fee schedule with respect to administration of these regulations.

ARTICLE II
ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAP

Section 200 – Establishment of Planning and Zoning Districts

The Town of Monkton is hereby divided into two planning regions. They include four land use (zoning) districts and four overlay districts as shown on the Town Zoning Map.

A. **Planning Regions**

1. Village/Residential Planning Region
2. Rural/Residential Planning Region

B. **Land Use (Zoning) Districts**

1. R 1 V High Density Village District
2. RA 2 MD Medium Density Rural Agricultural District
3. RA 5 LDLow Density Rural Agricultural District
4. CON-P Conservation District – Prohibited
   a. Ridgelines
   b. Wetlands
   c. Forest

C. **Overlay Districts**

1. POND Monkton Pond Overlay District
2. NAT Natural Heritage Protection Overlay District (as specified by the state)
3. FLHD Flood Hazard Overlay District
4. RLA Ridgeline Overlay District

Section 210 – Zoning Map

The locations and boundaries of Zoning Districts are established as shown on the most recent Zoning Map drafted by Addison County Regional Planning Commission and recorded in the town clerk's office. A non-official reproduction is included herein for convenience only. The Zoning Map is hereby made a part of these regulations, together with all future amendments.

Section 220 – 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 230 – District Objectives and Guidelines

The purpose of each of the districts listed in Article II is as follows:

A. **"R 1 -V" High Density Village District:** This district is comprised of the areas where the land has reasonably good access to the existing network of highways in the town and where it is appropriate to continue to allow limited expansion of commercial uses and high density residential structures traditionally associated with rural "villages." This district may be appropriate for multi-unit and multi-family dwellings. A compatible mixture of residential, commercial and other complimenting uses shall be permitted in this district at densities set forth hereafter. The Development Review Board shall take into consideration if proposed developments in the village zone are compatible with the function and appearance of a Vermont village. Non-residential uses will only be allowed on a conditional use basis.

B. **"RA 2 MD" Medium Density Rural Agricultural District:** These are areas in town which have historically been deemed suitable for residential and commercial uses based on 2 acre zoning. These areas are situated outside of the geographical area occupied by the village center.

C. **"RA 5 LD " Low Density Rural Agricultural District:** These lands are outside the Village District and are typically well suited for agricultural, and other compatible uses such as conservation and certain types of outdoor recreation. It forms much of the landscape that gives Monkton its character. Maximum residential density should be based upon overall dwellings per number of acres, not on minimum lot sizes. This is to encourage Planned Unit Developments (PUDs) – see Section 905 -, and other forms of development that will enhance the goals of the Town Plan.
An average density shall be one dwelling per 5 acres; except as part of a subdivision master plan or PUD.

D. **"CON-P" Conservation District, Prohibited:** This includes areas unsuitable for development due to topographical, soil, or wetland conditions. Uses on this land will be limited to agriculture, forestry, outdoor recreation and wildlife refuge. Due to the scale and filters of the maps used to identify these districts there may be areas within this district which are not restricted by the factors for which it was established. A landowner may submit evidence to that effect to the Development Review Board which shall consider whether a conditional use may be granted should sufficient acreage for building lot(s) with appropriate access be found.

1. The District includes all land designated as Class I and II wetlands as defined by the Vermont Wetland Rules and generally consists of mapped wetlands on the National Wetlands Inventory Maps. Other than the exception noted above, uses on this land will be limited to agriculture, forestry, public outdoor recreation and wildlife refuge.
2. This District includes the traditional forested areas that are deemed unsuitable for development due to slope, topography or soils. Uses on this land will be limited to agriculture, forestry, public outdoor recreation, and /or wildlife refuge.

Overlay Districts:

E. **"POND" Monkton Pond Overlay District:** This area includes the areas surrounding Monkton Pond, bounded on the inside by the pond and on the outside by Pond Road, Rotax Road, Davis Road, Monkton Ridge and Monkton Road. Any building development within this zone shall be by conditional use, and shall not unnecessarily impede the view of the pond from the surrounding roads.

F. **"NAT" Natural Heritage Protection Overlay District:** These areas have been identified as containing critical wildlife transit corridors, or fragile or endangered plant or wildlife communities. Areas designated as the Natural Heritage Protection Overlay District include:

1. Identified ANR Natural Heritage Sites;
2. ANR determined Deer Wintering Areas;
3. The White Cedar Community identified on the Important Resource Areas and Wildlife Habitat Map;
4. The Wood Turtle Habitat identified on the Important Resource Areas and Wildlife Habitat Map;
5. The Spring Amphibian Migration Area identified on the Important Resource Areas and Wildlife Habitat Map;
6. Any property within 150 feet of the Bobcat Transit Corridors, or with frontage adjacent to the Bear, Bobcat or Deer Road Crossings identified on the Important Resource Areas and Wildlife Habitat Map;

All development within these mapped overlay areas shall be planned in such a manner as to mitigate potential adverse impact upon these plant or wildlife communities. The Natural Heritage protection overlay district must be shown on all maps submitted to the Development Review Board.

G. **"FLHD" - Flood Hazard Overlay District:** These include areas throughout Monkton designated as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), dated November 1, 1985, as amended. All shall be regulated pursuant to Article VI of these regulations.

H. **"RLA" - Ridgeline Overlay District:** This District includes the ridgelines of Monkton Vermont. As per the Town Plan adopted in September 2007 said Ridgelines are determined by measuring the distance from the nearest public highway (Classes 1, 2 or 3) to the top of the ridge. The ridgelines consist of the upper 42% of that measurement and are usually steeply sloped. No development shall be permitted with in this overlay district.

Section 240 – District Uses and Regulations

The Town of Monkton shall be divided in the following zoning districts: Village Residential District (R 1V), Medium Density Rural Agricultural District (RA2 MD), Low Density Rural District (RA5 LD) and Conservation District, Prohibited (CON-P). The regulations for each district are contained in each section.

Section 250 – Village Residential District (RA1 V):

A. Permitted Uses:

1. Agricultural and Forest Uses
2. One Family Dwelling
3. Dwellings of up to four units per structure
4. Daycare Facility
5. Residential Care or Group Home as defined in the Definitions.
6. Public Outdoor Recreation
7. Cemetery
8. Wildlife Refuge
9. Home Occupation
10. One accessory building

B. Article II and the general standards designated in 24 V.S.A. Chapter 117 § 4414(3) govern conditional uses, in addition to the specific standards set forth in Section 290 and Articles IV and V of these regulations.

C. Area, Yard, Height and Size Regulations – (RA 1-V):

Lot Area Minimum	1 acre
Lot Frontage Minimum	100 feet
Lot Depth Minimum	100 feet
Front Yard Minimum Setback	30 feet
Rear Yard Minimum Setback	25 feet
Side Yard Minimum Setback	25 feet each side
Building Height Maximum	3 stories or 35 feet, whichever is less
Accessory Building Height	20 feet high

Section 260 – Medium Density Rural Agricultural District (RA 2 MD)

A. Permitted Uses:

1. Agricultural and forest uses
2. One Family Dwelling
3. Multi-family Housing (up to 4 units per structure)
4. Daycare facility as defined in Definitions

5. Residential Care or Group Home as defined in Definitions
6. Public Outdoor Recreation
7. Cemetery
8. Wildlife Refuge
9. Home Occupation
10. Accessory Buildings
11. Office(s) located in a residential structure

B. Article II and the general standards designated in 24 VSA § 4414 (3) govern conditional uses, in addition to the specific standards set forth in Section 290 and Articles IV and V of these regulations.

C. Area, Yard, height and Size Regulations – (RA-2):

Lot Area Minimum	2 acre
Lot Frontage Minimum	200 feet
Lot Depth Minimum	150 feet
Front Yard Minimum Setback	50 feet
Rear Yard Minimum Setback	50 feet
Side Yard Minimum Setback	50 feet each side
Building Height Maximum	3 stories or 35 feet, whichever is less
Accessory Building Height	25 feet high

Section 270 – Low Density Rural District (RA5 LD)

A. Permitted Uses:

1. Agricultural and Forest Uses
2. One Family Dwelling
3. Daycare Facility
4. Residential Care or Group Home as defined in Definitions
5. Public Outdoor Recreation
6. Cemetery
7. Wildlife Refuge
8. Home Occupation
9. Accessory buildings
10. Office(s) located in a residential structure
11. Multi- family housing (up to 4 units)
12. Barn

B. Article II and the general standards designated in 24 V.S.A. Chapter 117§4414(3) govern conditional uses, in addition to the specific standards set forth in Section 290 and Articles IV and V of these regulations.

C. Area, Yard, Height and Size Regulations – (LDRA):

Lot Area Minimum	5 acre (See Section 700(5)
Lot Frontage Minimum	300 feet
Lot Depth Minimum	150 feet
Front Yard Minimum Setback	50 feet
Rear Yard Minimum Setback	50 feet
Side Yard Minimum Setback	50 feet each side
Building Height Maximum	3 stories or 35 feet, whichever is less
Accessory Building Height	25 feet

Section 280 – Conservation District, Prohibited (CON-P):

A. Permitted Uses:

1. Agricultural and Forest Uses
2. Public Outdoor Recreation
3. Wildlife Refuge

B. Article II and the general standards designated in 24 V.S.A. Chapter 117 §4414(3) of the Act govern conditional uses, in addition to the specific standards set forth in Section 290 and Articles IV and V of these regulations.

C. Area, Yard, Height, and Size Regulations – (CON-P):

Lot Area Minimum	25 acres
Lot Frontage Minimum	400 feet
Lot Depth Minimum	150 feet
Setbacks	A minimum of 50 feet –structures cannot be visible from the road

Section 290 – Conditional Uses:

Uses identified in these regulations as conditional uses are recognized as those that are not, by their nature incompatible with the Land Use Section of the Town Plan for the district in which they are proposed. They may represent desirable community facilities and services, or compatible commercial and industrial uses. Approval of conditional uses shall require Site Plan approval from the Development Review Board for those uses subject to Site Plan review as per Section 364 of these regulations. The Development Review Board shall conduct the Site Plan review pursuant to Section 364 of these regulations. Conditional uses shall be allowed only in districts where they are specifically permitted. The Board shall review conditional uses pursuant to the procedures set forth in Section 360 of these regulations. In all districts alteration of the exterior of a building on any historic register shall be a conditional use.

The following categories of conditional uses shall be permitted in the town of Monkton:

A. **Category 1- A Conditional Use in RA 1V, RA 2 MD and RA 5 LD Zoning Districts**

- Art Gallery
- Commercial Day Care Center for Children
- Community Care Home
- Community Center
- Commercial Solar Fields
- Funeral Home
- Multi Family Dwellings (five or more units)
- Private Residential Wind Generation
- Office Building
- Religious Institution
- Restaurant
- Retail Nursery
- Veterinary Clinic

B. **Category 2 – A Conditional Use in MD RA 2 and LDRD 5 Zoning Districts**

- Emergency Care Facility
- Fire Station
- Licensed Nursing Home & Elder Care
- Medical Clinic
- Private Commercial Outdoor Recreation
- Public Utilities
- Vehicle Repair Garage

C. **Category 3 – A Conditional Use in Zoning District LDRD (RA-5)**

- Commercial Storage Units
- Contractor Yards
- Light Manufacturing
- Research and Testing Facilities
- Slaughterhouse
- Wholesale Nursery
- Storage of unregistered trucks or trailers, and shipping containers or other apparatus manufactured for transportation of freight

D. **Category 4 – A Conditional Use in Zoning District RA1 V Village**

- Bank
- Educational Facilities
- Mini-Mart / Gas Station
- Library, Museum
- Personal Service Establishment
- Retail Store
- Office(s) located in a residential structure

E. **Category 5** - Permitted or Conditional uses allowed in a district, subject to conditional review because of criteria protected by an overlay district or single family homes (or uses protected and defined as single family homes) as a special use exception to the Conservation Prohibited District.

F. **Category 6** – A landowner may make an application to the DRB for a proposed use that is neither specifically prohibited nor permitted nor listed above. The DRB may at its discretion, and upon findings of fact, elect to hear the application as a conditional use when in the opinion of the DRB the proposed use does not detract from the traditional rural agricultural character of the town, and is compatible with other uses in zoning district.

G. **Category 7** - Conditional uses include development within the Flood Hazard, Pond or Conservation Prohibited District and therefore subject to conditional use review for single-family homes (or uses protected and defined as single family homes) demonstrating less slope within the Conservation Prohibited District.

When determining if a use is compatible the DRB shall consider (but is not limited to) such issues as potential noise, traffic, light pollution and chemical or similar pollution.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

Section 300 – Application of Regulations

The application of these Regulations is subject to Chapter 117 of the Vermont Municipal and Regional Planning and Development Act. Except as otherwise 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 for the district in which it is located, or it is exempt as per the Act, or Section 304 of these regulations.

Section 304 – Exemptions

No zoning (building) permits shall be required for the following structures:

A. **FARM STRUCTURES DO NOT GENERALLY REQUIRE PERMITS-** Pursuant to 24 V.S.A.§ 4413(d) farm structures, excluding dwellings, accepted agricultural practices and accepted silvicultural practices are exempt from local permitting requirements. However, farmers intending to erect a farm structure must notify the municipality of the intent to build a farm structure, and abide by setbacks contained within the zoning ordinance, unless they provide an approval of lesser setbacks by the Commissioner of Agriculture, Food and Markets. The notification must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the road right-of-way. Additionally, all farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program. Lastly, the municipality may report violations of Accepted Agricultural Practices or accepted Silvicultural practices to the appropriate state authorities for enforcement.

B. **RESIDENTIAL FENCES DO NOT GENERALLY REQUIRE A PERMIT**
Except within the Pond Overlay District, any residential fences, walls or landscaping features less than seven feet in height above ground level and which do not extend into or obstruct public rights of way or do not interfere with corner visibility or sight distances for vehicular traffic. Setbacks shall not apply to complying fences, walls or landscaping. Fences within the Pond overlay district are subject to Conditional Use Review.

C. **OTHER STRUCTURES OR ACTIVITIES NOT REQUIRING PERMITS**

1. Unroofed and unenclosed residential terraces or patios, entry stairs, "accessibility" ramps, decks on the ground floor meeting all setback requirements.
2. Any single accessory structure such as a child's play house, doghouse, shed, tree house or similar structure with a floor area of not more than 96 square feet and a structural height of not more than ten feet, which is located within the required setback from the property.
3. Signs as exempted under Section 569.
4. Garage sales, yard sales, auctions or similar events provided that they extend for a period of less than four consecutive days, nor more than ten days in a calendar year,

and are managed in a way not to cause traffic or parking problems or create other nuisances for neighbors.

5. Renovations to the interior of a building that do not alter or change its use.
6. Infrastructure integral to a permitted building or structure and located primarily underground, such as drainage wells and water systems.

Section 308 – Zoning Administrator

A. Zoning Administrator shall be appointed to administer the Zoning Regulations, as provided for in Section 4448 of the Act. Said Officer shall literally enforce the provisions of these regulations. Said officer shall also inspect developments, maintain records and perform all necessary tasks to carry out the provisions of these regulations, including providing interested persons with forms and information necessary to obtain municipal permits and coordinating a unified effort on behalf of the municipality in administering its Development Review Program.

Section 312 – Zoning (Building) Permit

Except as noted in Section 304 of these regulations, or as specifically exempted in the Act, no land or building development may begin, nor shall any land or structure be used, extended in any way without a zoning permit.

Section 316 – Permit Application

Application for a Permit must be made to the Zoning Administrator. The application shall include the following:

A. Payment of the necessary permit fee.

B. A completed Zoning Permit Application identifying the applicant, the owner(s), the location of the parcel to be improved, the parcel identification number, the book and page number of the deed and a description of the improvements and uses proposed. The application shall also include a Site Plan identifying the location of the parcel (including its zoning and/or overlay district) and accurately depicting the improvement proposed in relationship to (indicating distances from) the lot lines and other structures on the parcel. Any sheet of the Site Plan shall be not more than 24" wide x 36" long drawn to scale, with the scale clearly identified and large enough to depict the details clearly. An arrow should depict north. The drawing shall depict the shape, size and height of the proposed structure, plus the location of all infrastructure proposed to serve the structure, including driveways, parking areas, utilities, drainage and other proposed improvements.

C. Written approval by the Select Board regarding access plans to any town road (where none currently exist) including location of driveway, culverts, and, if required, drainage along town roads;

D. Written notice by the Town Zoning Administrator noting receipt of applicant's state approved plans for sewage disposal and water supply.

E. Written approval of any federal, state, county or town agency or governmental body that may be required under existing laws. If any of these permits cannot be secured until after a town permit has been granted, the Zoning Administrator may accept an application to

the entity as sufficient to satisfy the submission requirement and issue any permit contingent upon the applicant's securing and filing a permit from the entity in question; but shall not issue a certificate of occupancy / compliance unless said permits are obtained.

F. Any other approvals required by these regulations.

Section 320 – Zoning Administrator Action on Permit Applications

The Zoning Administrator shall within thirty days of submission of a complete application shall approve, deny or refer an application to the appropriate municipal panel. If the Zoning Administrator fails to act upon a complete application within 30 days, a permit shall be deemed issued on the 31st day.

If denied, the Zoning Administrator shall notify the applicant in writing, stating the reasons therefore. If the zoning permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issuance. The Zoning Administrator shall extend the permit for one additional year after payment of a fee for projects begun but not completed. If the applicant fails to complete the activity authorized by the zoning permit the time limits listed above the zoning permit shall become null and void and reapplication to complete any activities shall be required.

Section 324 – Effect of Issuance of a Zoning Permit

No permit issued pursuant to this section shall take effect until the time for appeal in Section 4465 of Title 24 has passed (15 days), or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the appropriate municipal or higher panel is completed and the time for taking an appeal to the Environmental Court has passed without an appeal being taken. If an appeal is taken to the Environmental Court, the permit shall not take effect until the environmental court rules in accordance with 10 V.S.A. §8504 on whether to issue a stay, or until the expiration of 15 days whichever comes first.

Section 328 – Posting of a Zoning Permit

Each permit issued under this section shall contain a statement of the period of time within which an appeal may be taken. The applicant shall be required to post a notice of permit on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until the time for appeal (15 days) has passed.

Section 332 – Enforcement of Zoning Permit

When a building, structure, premises or part thereof is staked, the Zoning Administrator shall be notified and inspect the site within 3 business days to assure conformity with the Site Plan the permit was issued under. Should the Zoning Administrator determine that the structure is not in compliance with the permit he shall issue a notice of violation and bring the issue before the DRB.

Section 336 – Waste Water System Inspection

A copy of the approved septic design state permits are required as part of the application process. Letter of compliance (certification) submitted by the state licensed representative is required for

a certificate of occupancy. If the systems do not appear to be constructed as permitted, the Zoning Administrator shall request the Secretary of the Vermont Agency of Natural Resources to initiate an enforcement action pursuant to section 1-405 of the State of Vermont, Agency of Natural Resources, Department of Environmental Conservation, Wastewater Management Division, Environmental Protection Rules, Chapter 1, Wastewater System and Potable Water Supply Rules (2007), as amended.

Section 340 – Certificate of Occupancy

Upon completion of any work or change in use requiring a permit under these regulations and prior to its occupancy, the permittee, shall request a Certificate of Occupancy from the Zoning Administrator as provided for in 24 V.S.A. Chapter 117 §4449.

An application for a certificate of occupancy shall be provided with the zoning permit issued by the zoning administrator. The applicant shall have submitted a completed application and associated fees to the Zoning Administrator upon completion of required improvements. Said application and fees must be submitted prior to the use or occupancy of the building or addition.

When the building or structure is completed, or ready for occupancy or use, or as otherwise required, the administrative officer shall make inspection of it. At a minimum there should be functional toilet facilities, water supply, cooking facilities and heating prior to a Certificate of Occupancy being issued. Upon determining that the structure conforms with the provisions of these regulations, and evidence being supplied by the owner demonstrating compliance with any other conditions contained within a validly issued zoning permit, including letters or certificates certifying compliance with the permits issued by the State of Vermont, the Agency of Natural Resources and with applicable standards of the Division of Fire and Safety, the Zoning Administrator shall issue or deny a Certificate of Occupancy within ten business days.

Section 344 – Penalties

Violations of these regulations shall be regulated as prescribed in 24 V.S.A. §4451 and §4452 of the Act, as may be amended from time to time. Penalties may include fines up to the amount listed in the statute at the time of the offense. (As of 6-1-2010 penalties are up to $100 per day, per offense, doubled in the event of default), injunctive action or any other remedy the town may lawfully seek under the statute.

Section 348 – Appeals of Decisions of the Zoning Administrator

Appeals of any decision of the zoning administrator shall be made to the Development Review Board. The Development Review Board shall conduct hearings on appeals pursuant to the authority derived from and the procedures contained in 24 V.S.A. Chapter 117 §4465, 4466, 4468, and 4470.

A. Deadline for Appeal

An appeal taken with respect to an act or a decision of the zoning administrator must be filed within 15 days of such act or decision.

B. Interested Persons

Only an "interested person" as defined by 24 V.S.A. § 4465(b) may appeal the decision or action of the zoning administrator under these regulations.

C. Notice of Appeal

The appellant shall file a notice of appeal with the secretary of the Development Review Board or with the town clerk if no such secretary has been elected. The following information shall be included as part of the submittal:

1. Name and address of the appellant.
2. Names and addresses of the applicant, co-applicant or any person party to the original application;
3. A brief description of the property from which the appeal is taken;
4. A reference to the regulatory provisions applicable to that appeal;
5. The relief requested;
6. The grounds as to why the relief requested is proper under the circumstances;

D. Public Notice

Public notice of hearing shall be given as required by Section 356(A)(1) of these regulations.

E. Review Procedure

The Development Review Board shall review all appeals pursuant to the procedure established in Section 331(2) of these regulations.

F. Decisions

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection C of Section 356 of these regulations.

Section 352 – Development Review Board

There is hereby established a Development Review Board whose members are appointed by the Monkton Select Board for three year terms. Rules of procedures, rules of ethics and all other matters governing the functioning of the Development Review Board shall be established as provided by the Act and as set forth in this article of these regulations. The Development Review Board shall constitute the appropriate municipal panel in the Town of Monkton responsible for all development review functions within the Town of Monkton not listed as a permitted use reviewable by the Zoning Administrator, including the following:

A. Review of rights of way or easements for land development without frontage;

B. Review of land development or use within an historic district or with respect to historic landmarks;

C. Review of land development or use within a design control district;

D. Review of proposed conditional uses;

E. Review of planned unit developments;

F. Review of requests for waivers;

G. Site Plan review;

H. Review of proposed subdivisions;

I. Review of wireless telecommunications facilities

J. Appeals from a decision of the Zoning Administrator;

K. Reviews of requests for variances.

L. Any other form of land use request for which it is the appropriate panel as authorized by these regulations and 24 V.S.A. §4460.

If more than one review is required, for a project, the reviews, to the extent feasible, shall be conducted concurrently.

Section 356 – Public Notice and Development Review Board Procedure

The applicant shall submit to the Zoning Administrator, three copies of those materials required by the appropriate section of these regulations governing the type of action requested:

Conditional Use: See Section 360
Site Plan: See Section 364
Variance: See Section 368
Waivers: See Section 372
Boundary Adjustments See Section 380
Subdivision: See Subdivision Regulations.

A. Notice Procedures:

1. All development review applications or appeals before the Development Review Board shall require notice for a warned public hearing as follows:

   a. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.

   b. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. §312(c)(2),

2. Public Notice of Hearings on all types of development review, shall be given not less than 15 days prior to the date of the public hearing, and shall include, at a minimum all the following:

   a. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected

   b. Posting of the date, place, and purpose of the hearing in three or more public places within the municipality in compliance with the notice requirements for

special meetings contained in 1 V.S.A. §312(c)(2) including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.

c. Written notification to the applicant or appellant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

B. Review Procedures:

Pursuant to the requirements of 24 V.S.A. Chapter 117 §4461, for development review and §4468 for appeals, the Development Review Board shall set a date and place for a public hearing of an application or an appeal under this chapter that shall be within 60 days of the DRB's certification that a complete application or the notice of appeal with the Development Review Board has been filed. The Development Review Board shall give public notice of the hearing pursuant to the procedure described in Subsection A of this section and shall mail to the applicant, or in the case of appeals, the appellant, a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by Section 4465 of the Act to participate as an interested party or to take an appeal with respect to that property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. The Development Review Board may adjourn for the purpose of continuing the hearing from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810, Vermont Statute.

C. Decisions:

The Development Review Board shall issue a written decision within 45 days of completing the final hearing which shall include findings of fact, any conditions, and provisions for appeal, and shall within that period send the applicant or appellant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested (as defined by the 24 V.S.A Chapter 117) person who appeared and was heard at the hearing. A copy of the decision shall be filed with the Zoning Administrator and the town clerk who shall record the decision as a public record.

If the Development Review Board fails to make a decision within 45 days after the final hearing, on the 46th day after the final hearing the Development Review Board shall be deemed to have rendered a decision in favor of the applicant.

Section 360 – Conditional Use Approval

The Zoning Administrator shall not issue a Zoning Permit for any use or structure that requires conditional use approval until the Development Review Board grants such approval. Uses

requiring conditional use approval and the Districts within which they may be located are listed in Section 290. Permitted uses for each district are listed in Article II. In considering its action, the Development Review Board shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in 24 V.S.A.§ 4414(3) of the Act and all applicable sections of these regulations.

A. Application

The applicant shall submit to the Zoning Administrator, three copies of a letter summarizing the proposed conditional use which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision including property identification numbers of the property taken from the latest tax records and the applicable zoning districts; Name and address of the owner of record and those of adjoining lands; Name and address of person or firm preparing the map; Scale of Map, north point and date.

In addition to the information noted above, the Development Review Board shall require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, roads, utility easements, rights of way, land use and deed restrictions.
2. A scaled plan, showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Development Review Board.

B. Public Notice

Public notice of hearing shall be given as specified in Section 356 of these regulations.

C. Review Procedure

The Development Review Board will schedule and hold a public hearing to consider the application pursuant to the review procedures outlined in Section 356 of these regulations. In addition to the general review procedure outlined in Section 356(B) the Development Review Board shall review the application for a conditional use subject to the following general and specific standards.

General standards shall require that the proposed conditional use will not result in any undue adverse effect on any of the following:

1. The capacity of existing or planned community facilities;

2. The character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the municipal plan;
3. Traffic on roadways and highways in the vicinity;
4. Bylaws and ordinances then in effect; or
5. Utilization of renewable energy resources.

Specific standards relating to a number of uses are listed in ARTICLE IV (Special Uses) of these regulations. ARTICLE V (Miscellaneous Requirements) contains general standards applicable to many uses, such as driveway standards and signage standards.

D. Decisions

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection C of Section 356 of these regulations.

E. Unlawful Use Not Authorized

Nothing in this regulation shall be interpreted as authorization for, or approval of, the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this regulation.

F. Existing Conditional Uses

If an existing conditional use is enlarged or changed to another conditional use, or through a change in circumstances becomes a safety hazard, or if the lot on which it is located is reduced in area, it shall be considered as a new conditional use and shall require approval of the Development Review Board and shall conform to all regulations pertaining to conditional uses.

G. Performance Bond

The Development Review Board may require that the applicant furnish the town with a performance bond up to the value of the cost of the work/improvement to be guaranteed by such bond as set forth in 24 V.S.A. Chapter 117 §4440, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the Development Review Board and as set forth in these regulations. The Development Review Board may determine the amount of the bond or certified check based upon the recommendations of a professional architect/engineer hired by the town.

H. State and Federal Permits

When any proposed conditional use requires a permit from the State of Vermont or federal government, the applicant shall submit to the Development Review Board three

copies of all applications, interim and final permits, and supporting materials in order for his application to be considered complete. However, if the State of Vermont or the federal government requires final local permit approval prior to issuance of their permits, the applicant shall submit three copies of the state/federal permit applications and supporting materials at the time of his original conditional use application.

Section 364 – Site Plan Approval

Pursuant to 24 V.S.A.§4416 these regulations shall require Site Plan approval by the Development Review Board for any use or structure other than single family dwellings or two family dwellings, home occupations within a single or two family dwelling, agriculture and/or forestry. Site Plan is also required for Subdivision (see Subdivision requirements.)

A. Application

The applicant shall submit to the Zoning Administrator, three copies of those materials required by this section. The following information shall be included as part of the submittal:

1. Name of recorded owner of land or an affidavit from said developer that a purchase and sale agreement exists and that title with transfer upon approval of permit.
2. Names and addresses of abutting landowners.
3. Site Plan drawn to a scale of not smaller than 1" equals 40'. The Site Plan shall bear the seal of a licensed land surveyor or professional architect/engineer. Site Plan information shall include north arrow; scale; date; boundary angles and dimensions; location of existing and proposed buildings); layout of existing and proposed roads, drives, and parking areas, proposed landscaping, location of existing water, sewer, electric, and telephone facilities; location and design of proposed water, sewer, electric, and telephone facilities; location and design of existing and proposed storm drainage facilities, location and design of proposed outdoor lighting and signs; existing and proposed topographic information. The Natural Heritage protection overlay district must be shown on this map.
4. Plans and elevations of proposed structure(s) drawn to a scale not smaller than 1/8th inch.
5. General description of the proposed use including number of employees/inhabitants, operating hours, listing of any hazardous or toxic materials/chemicals to be used/stored onsite, description of proposed emissions (smoke, dust, noise, etc.) and wastes (sewage, process water, chemicals, etc.) along with proposed treatment/ disposal methods.
6. Other information pertinent to the proposed use that the Development Review Board requests.

B. Public Notice

Public notice of hearing shall be given as required by 331(1)(b) of these regulations.

C. Review Procedure

The Development Review Board shall review all Site Plan applications pursuant to the procedure established in 331(2) of these regulations. In addition, while reviewing the project, The Development Review Board may consider and impose appropriate safeguards, modifications and conditions to ensure:

1. The adequacy and safety of traffic access, circulation and parking including emergency vehicles.
2. The adequacy of landscaping and screening.
3. The protection of the utilization of renewable energy resources.
4. That exterior lighting does not have an undue adverse impact on neighboring properties.
5. That signs are appropriately located, designed and sized. Signs specifications are specifically included in Sections 563-569 of these regulations.
6. Other matters specified in the bylaws.
7. Freedom from flooding and ponding.
8. That the proposed development will not have an undue adverse impact on important natural features located on or near the parcel.
9. That, to the extent feasible, continued use of existing historic structures shall be encouraged, the exterior appearance of historic structures shall be protected, and the visual context of historic structures shall be maintained.
10. That the size, scale, arrangement, and appearance of the proposed development is in keeping and harmonious with its surroundings.

D. Decisions

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in subsection C of Section 360 of these regulations. In approving a project with conditions, the Development Review Board may require specific modifications to the design, scale, layout and/or design or configuration of the project.

Section 368 – Variances

Requests for variances shall be made to the Development review board pursuant to the following procedure.

A. Application

The applicant shall submit to the Zoning Administrator, three copies of a letter summarizing the proposed variance which addresses all elements of this article, and all other information necessary to illustrate compliance with these regulations and for the Development Review Board to make its decision, including property identification numbers of the property taken from the latest tax records; name and address of the owner of record and those of adjoining lands; name and address of person or firm preparing the map; scale of map, north point and date.

In addition to the information noted above, the Development Review Board may require the following:

1. An accurate map of the property showing existing features, including contours, structures, large trees, roads, utility easements, rights of way, land use and deed restrictions. The Natural Heritage protection overlay district must be shown this map.
2. A scaled plan, showing proposed structure locations and land use areas; roads, driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.
3. Construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas of the entire development.
4. A description of energy utilization and conservation measures for each heated structure.
5. Other information pertinent to the issue before the Development Review Board.

B. Public Notice

Public notice of hearing shall be given as required by 331(A)(1) of these regulations.

C. Review Procedure

The Development Review Board shall review all variance requests pursuant to the procedure established in Section 360(B) of these regulations and only after a finding that **all** of the following standards will be met:

1. There are unique physical circumstances or conditions, including irregularity, narrowness, topography or other physical conditions and that the hardship is due to these condition and not the circumstances or provisions of the bylaw in the district in which the property is located;
2. Because of these conditions or circumstances, there is no possibility that the property can be developed in strict conformity with the bylaws and that therefore a variance is necessary to enable the reasonable use of the property.
3. The unnecessary hardship has not been created by the appellant;
4. The variance, if authorized will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable resources or be detrimental to the public welfare;
5. The variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the plan.

Please see, 24 V.S.A. Chapter 117 §4469 for more information or for matters dealing with variances relating to renewable energy resource structures.

D. Decision

The Development Review Board shall make its decision on the request for variance by applying the facts presented in the application and at hearing to the criteria, listed above, and incorporating all into its decision.

E. Conditions

In approving a project the Development Review Board shall act to ensure, and may impose conditions requiring that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

F. Enforcement

The nature of any variance and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

Section 372 – Waiver

Pursuant to 24 V.S.A. Chapter 117 §4414(8), the Development Review Board may grant waivers to reduce dimensional requirements according to the specific standards established below.

A. Application

Applications for waivers shall be filed in the same manner and contain the same information as that required for applications for variances outlined in Section 368 above.

B. Public Notice

Public notice of hearing shall be given as required by 331(A)(1) of these regulations.

C. Review Procedure

The Development Review Board shall review all waivers pursuant to the procedure established in Section 360 (B) of these regulations and may grant waivers to reduce dimensional requirements, if the applicant can satisfy the following standards:

1. The waiver requested is for a use permitted within the district in question as by right use (as opposed to a conditional use.)
2. The waiver requested is in conformance with the town plan and the goals set forth in Section 4302 of the Act.
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon ones neighbors.
4. The design used incorporates design techniques (restricted height, lack of windows) screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon ones neighbors.
5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures.

D. Decisions

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in Section 360 subsection C of these regulations.

E. Conditions

If the Development Review Board approves a waiver request, the Development Review Board shall act to insure, and may impose conditions requiring that the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

F. Enforcement

The nature of any waiver and any conditions attached to it shall be entered on the face of the zoning permit, incorporated therein and shall be enforceable in the same manner as all other applicable requirements of these regulations.

Section 376 – First Cuts

If a parcel has not been subdivided since the inception of zoning in the Town of Monkton (1978), the landowner is entitled "by right" to a "First Cut" (a single division of the parcel) with minimal procedures:

A. A single warned public hearing shall be required.

B. The application fee shall be less than the fee for a Minor Subdivision.

C. A survey consisting only of meets and bounds must be submitted to the Development Review Board.

Section 380 – Boundary Adjustments

As the use of land evolves, as the needs of the community change, when inadvertent errors contained in previously approved subdivisions come to light, when abutting land owners desire to make minor changes in common boundaries, boundary adjustments may be necessary.

A. Purpose and Restrictions

1. The purpose of a boundary adjustment is to shift the common boundary between two adjoining parcels of land by two willing landowners or one owner of both parcels.
2. The area of change shall not be disproportionate to the size of either lot affected, considering all circumstances that the Development Review Board deem appropriate.
3. If affecting a prior non-conforming lot, the adjustment does not increase the degree of non-conformance.
4. The boundary adjustment cannot increase the number of buildable lots on either parcel.

5. The boundary adjustment will not impair or negatively affect third party rights in shared or individually held right of way or easements.

B. Procedure:

A Boundary Adjustment Application and the required fee shall be filed with the Zoning Administrator. The application shall consist of a letter signed by the record owners of all the affected lots, stating they are in agreement with the request for an adjustment and two copies of a plan showing:

1. The lots affected by the Adjustment with sufficient data to determine the exact location, bearing and length of all lot lines.
2. The names of record owners of lots affected.
3. The location of the existing boundary.
4. The location of the proposed new boundary.
5. The acreage of the lots prior to adjustment and the approximate acreage of the lots after the adjustment.
6. All easements and their location on all lots affected by the adjustment.
7. Zoning boundary lines, if located within any lot affected by the adjustment.
8. Wooded areas, public facilities on or within any lot affected by the adjustment.
9. The location of any existing or proposed buildings on any affected lot.

C. Hearing:

The adjustment hearing shall be warned as required in Section 810 of these regulations, except that written notification to owners of all properties adjoining the property subject to adjustment shall not be required.

All applicants or their duly authorized agents shall appear at the hearing.

D. Decision:

The Development Review Board shall issue a written decision, as required by 24VSA§ 4464(B)(1)which shall include findings of fact, any conditions, and provisions for appeal within 45 days after completing the Boundary Adjustment hearing and shall within that period send the applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the zoning administrator and the town clerk who shall record the decision as a public record.

The Development Review Board shall determine if the proposed adjustment fulfills the criteria set forth in these in these procedures. The Development Review Board may issue a Boundary Adjustment permit, including any conditions it may deem appropriate, but shall require the filing of a mylar of a survey that shall contain:

1. All of the affected lots.

2. The adjusted boundary.
3. The acreage of all affected lots after adjustment.
4. A location map.
5. Sufficient data to determine the location, length and course of each lot line.
6. A title that shall included Boundary and Adjustment: and the names of all record owners of all affected lots.
7. Any miscellaneous provisions.

Section 384 – Appealing Decisions of the Development Review Board

A. An interested person who has participated in a proceeding before the Development Review Board may appeal a decision rendered in that proceeding to the environmental court. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. An appeal from a decision of the Development Review Board shall be taken by filing a notice of appeal as outlined below. Appeals form the Development Review Board shall be governed in the same manner as appeals from state agencies outlined in 3 V.S.A. Sections 801 through 816 governing administrative procedures.

B. Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the municipal clerk or the zoning administrator, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

ARTICLE IV
SPECIAL USES

Section 400 – Non-Conforming Uses, Structures and Lots

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:

A. 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, without approval by the Development Review Board, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Section 384 in a manner, which, in the opinion of the Board does not enlarge the nature of the non-conformance.

B. Shall not be changed to another non-conforming use without approval by the Development Review Board, and then only after a public hearing carried out pursuant to the provisions governing a conditional use review in Section 384 and only to a use, which, in the opinion of the Board is of the same or of a more restricted nature.

C. 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.

D. 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 on uninterrupted in the damaged part of the building.

Section 405 – Maintenance of Non-Conforming Buildings

Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming building provided that such action does not increase the degree of non-conformance

Section 410 – Special Public Use Exceptions

Pursuant to 24 V.S.A. Chapter 117 §4409, unless these regulations make reasonable provisions for any of the following in any of the Zoning Districts outlined herein, the following uses may only be regulated with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-road parking, traffic, noise, lighting and loading facilities and landscaping or screening requirements and only to the extent that the regulations do not have the effect of interfering with the intended functional use:

A. State or community owned and operated institutions and facilities.

B. Public and private schools and other educational institutions certified by the state Department of Education

C. Churches, and other places of worship, convents and parish houses.

D. Public and private hospitals.

E. Regional Solid Waste Management Facilities certified under 10 V.S.A. Chapter 159.

F. Hazardous Waste Management Facilities for which a notice of intent to construct has been received under §6606(a) of Title 10.

It is the intent of these regulations to regulate these facilities to the maximum extent allowable under law. The uses noted above shall be subject to Site Plan Review under Article III of these regulations and any other portion of these regulations that pertain to aspects of the project that may be regulated.

Section 415 – Public Utility Substations

Public utility substations and similar utility structures, where permitted, shall comply with the following:

A. The facility shall be surrounded by a fence setback from the property in conformance with the district regulations for front, side and rear yards.

B. A landscaped area of up to 50 feet wide shall be maintained in front, rear and side yards. Such landscaping shall be designed to screen the view of the facility from the neighboring properties.

Section 420-Private Power Generation Facilities

The outer most extremities of the private power generation facility (including solar, wind and hydro) will meet the Town of Monkton setback requirements.

Section 425 – Private Swimming Pool

A private swimming pool must be installed and maintained in a manner sufficient to meet the standards established by the provisions of the State Health and Safety Codes.

Section 430 – Private Garages

No required front yard or part thereof in any residential district shall be used to provide required parking or loading space, except through a variance.

Section 435 – Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator 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 application for one additional period not exceeding one year.

Section 440 – Out Door Storage

The dumping or outdoor storage of trash, garbage, salvage materials, radioactive waste, hazardous or corrosive chemicals, automobile junk or any refuse is prohibited except in solid waste or hazardous waste management facilities approved in accordance with the regulations and state law. However, individual property owners are permitted to dispose of compostable organic solid waste generated by the household as part of the normal operation of their property and in a manner not injurious or obnoxious to the neighborhood or the environment.

Section 445 – Gasoline Stations

In all districts where permitted, gasoline or motor vehicle service stations shall comply with all state and federal regulations and with the following:

A. A gasoline station lot shall not be located within 1000 feet of any lot occupied by a school, hospital, library or religious institution.

B. Lot size shall conform to minimum requirements in district where permitted.

C. Lot frontage shall conform to minimum requirements in district where permitted.

D. Lot depth shall conform to minimum requirements in district where permitted.

E. Pumps, lubricating and other service devices shall be located at least 50 feet from the front lot line and side and rear lot lines.

F. All fuel and oil shall be stored at least 50 feet from any property line.

G. All vehicle parts and dismantled vehicles shall be stored within a building or screened from public view.

H. No signs shall extend beyond the pumps, nor exceed 15 feet in height.

I. There shall be no more than two access driveways from the road. The maximum width of each access driveway shall be 40 feet.

J. A suitably curbed landscaped area shall be maintained at least five feet in depth along all road frontage not used as driveway.

K. Lighting shall be in accordance with Section 815(B) of these regulations.

L. Architecture shall be designed to conform to the character of the surrounding neighborhood, including its size, scale, materials and architectural period design.

Section 450 – Vehicle Repair Garages

In all districts where this Conditional Use is permitted, vehicle repair garages shall comply with all applicable State and Federal regulations. A vehicle repair garage shall also comply with the following:

All service and repair activities shall take place within an enclosed building with paved or concrete floor. All necessary steps shall be taken to control drainage and spillage. There shall be no floor drains except to a self contained tank.

A. There shall be a minimum of one curb cut at the road line with a maximum width of 20 feet.

B. There shall be no more than four unregistered or inoperable vehicles stored outdoors.

C. The sale of vehicles shall be incidental to the primary business of vehicle repairs.

D. A vehicle repair garage may sell a limited selection of automobile accessories that are normal and usual for a business primarily devoted to the repair of motor vehicles.

E. Site Plan approval shall be required for initial construction and for any subsequent alteration of exterior dimensions of any structures, driveways, walks or permanently affixed equipment.

F. The Development Review Board may require landscaping, screening, or other measures they deem appropriate.

Section 455 – Storage of Flammable Liquids

Tanks for the above ground storage of flammable liquid with unit capacity of 550 gallons or more are permitted only by Conditional Use. Fuel storage containment between 550 gallons and 5,000 gallons must be at least 80 feet from all property lines. No fuel storage capacity larger than 5.000 gallons is permitted. Any storage of flammable liquids shall conform to all state and federal safety standards.

All fuel storage capacity greater than 550 gallons shall be properly retained with dikes having a capacity not less than 1.5 times the capacity of the tanks surrounded.

Section 460- Extraction of Soil, Sand, or Gravel

The removal of soil, sand, or gravel shall be permitted for the landowner's own use or for sale incidental to the main purpose of which the land is held. All such activity is a conditional use and must be approved by the Development Review Board. Commercial mining or extraction operations are prohibited. The Town of Monkton may obtain or lease land for the purpose of extracting sand, soil, or gravel for use by the town road crew, but not for sale. Said extraction or mining may take place only on the approval from the Development Review Board for the rehabilitation of the site.

Section 465 – Light Manufacturing

In all districts where permitted, light-manufacturing facilities shall comply with the following:

A. All manufacturing and processing operations will take place within an enclosed building. There shall be no outdoor manufacturing/processing except by Conditional Use and only when such activities do not disturb the surrounding landowners.

B. As a Conditional Use, the DRB may permit outdoor storage of finished or raw materials.

C. Site Plan approval shall be required for initial construction and for any subsequent alteration of exterior dimensions of any structures, driveways, walks or permanently affixed equipment.

Section 470 – Contractor Yards

In all districts where permitted, contractor yards shall comply with the following:

A. Equipment, tools and materials may be stored onsite provided they are stored within a building or in an approved landscaped/screened location that complies with the zone's setback requirements.

B. Site Plan approval shall be required for initial construction and for any subsequent alteration of exterior dimensions of any structures, driveways, walks or permanently affixed equipment.

Section 475 – Storage Rental Units

The creation of storage rental units, whether by new construction or conversion of existing structures, shall be permitted as a conditional use. It shall be permitted in the LDRD 5 Acre zoning district. Such units shall not obviously change the character of the surrounding area. It shall conform to all required state permits as well as the zoning regulations of the town of Monkton.

Section 480 – Salvage Yards

Salvage yards shall comply with the requirements of 24 V.S.A. Chapter 61, Subchapter 10, including screening the yard from public view. The Select Board may inspect a salvage yard to determine compliance with the requirements of this subchapter and a certificate of approved location. The Select Board may inspect a salvage yard to determine compliance with the requirements of this subchapter and a certificate of approved location. The Select Board may request the Secretary of the Agency of Natural Resources to initiate an enforcement proceeding against a salvage yard for violation of the requirements of this subchapter, a statute, or regulation.

Section 485 – Uses Not Permitted

The following uses are not permitted in any zoning district:

A. Smelters or blast furnaces.

B. Rendering plants, hide tanning/curing plants, or bone processing facilities.

C. Chemical plants, manufacture or processing of chemical fertilizer, rubber, asphalt, ammonia and/or chlorine.

D. Manufacture or refining or petroleum, gas, or explosives.

E. Bulk storage of wholesale fuel oil, butane, propane or gasoline.

F. Nuclear power plants

Section 490 – Storage of Unregistered Trucks and Trailers

The storage of unregistered trucks and trailers, and shipping containers or other apparatus manufactured for transportation of freight shall not be permitted except as a conditional use in the RA5, RA2 districts.

The Town Zoning Administrator may grant a temporary permit for a period of up to one year for storage during construction, moving, remodeling, storm damage repair etc. This permit may be extended once for a second one year period.

ARTICLE V
MISCELLANEOUS REQUIREMENTS OF THE ACT

In accordance with 24 V.S.A. Chapter 117 §4412 of the Act, the following shall apply:

Section 500 – Equal Treatment of Housing

A. No provision of this regulation shall have the effect of excluding from the town housing to meet the needs of any population as identified in the housing element of the municipal plan as required under 24 V.S.A. Chapter 117 §4382(a)(10).

B. Except as provided in 24 V.S.A. Chapter 117 §4414(1)(E) and (F) no provision of these regulations shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the town, except upon the same terms and conditions as conventional housing is excluded.

C. No provision of this regulation shall be construed to prevent the establishment of mobile home parks pursuant to Chapter 153 of Title 10.

D. A residential care home or group care home as defined in these regulations is permitted as set forth in Article II of these regulations.

Section 503 – Accessory Dwelling Unit

One accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling is permitted. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

A. The property has sufficient permitted wastewater capacity.

B. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or not more than 650 square feet whichever is greater

C. Applicable setback, coverage, and parking requirements specified in the bylaws are met.

D. Accessory dwelling units shall share a common driveway with the primary residence.

E. The distance between the two structures shall not exceed 50 feet.

Section 506 – Existing Small Lots

Any lot that is legally subdivided and is individual and separate, and non affiliated ownership with the surrounding properties in existence on the effective date of any Zoning Regulation, including interim 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 40 feet.

Section 509 – 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 Development Review Board, access to such a

road or waters by a permanent easement or right-of-way that conforms to the Monkton Driveway ordinance.

Section 512 – 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 have an undue adverse effect on the character of the residential area in which the dwelling is located. See Section "Definitions" for the definition of the type and scope of home occupations allowed.

Section 515 – 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 or a legal easement to a road. Additionally, where an existing parcel contains land in any zoning district and land in or access to the lot through a Conservation District, a landowner may further subdivide lots from the existing parcel if they meet the following criteria:

All lot(s) created contain the minimum acreage required for the other district in which it is located, not including any acreage within the Conservation District.

Section 518 – Dwelling on Lots

Except as allowed in PUDs and as provided for in Section 503, governing accessory dwelling units, there shall be no more than one dwelling unit on a lot.

Section 521 – Calculation of Required Lot Area

Existing or proposed rights of way, will not be considered when calculating the required lot area, lot width, depth and yards shown on the Official Map of the Town of Monkton.

Section 524 – 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, the Development Review Board determines a variance is appropriate or the Development Review Board amends the district requirements as part of a PUD.

Section 527 – 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 530 – Yards on Corner Lots

Any yard adjoining a road shall be considered a front yard for the purposes of these regulations. The front yard must be designated.

Section 533 – Water Front Lots in Residential Districts

Waterfront lots may have a one-story boathouse 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 boathouse is not to exceed 12 feet; height is not to exceed ten feet above the high water mark.

Section 536 – Driveways

The following sections shall control the location and design of driveways. Prior to submittal of a zoning permit application, a conditional use application or a Site Plan application, the applicant shall secure an access permit from the Select Board as required by the Monkton Driveway Ordinance.

Applications for access must meet the following criteria:

Any non-agricultural business use or construction of any dwelling unit which involves the construction or modification of a driveway intersecting with a road designated as a Class IV town road or higher shall obtain an access permit (curb cut) from the Select Board prior to the issuance of a zoning permit. Additionally, the administrative body overseeing these Regulations may attach additional conditions governing access to the property subject to these Regulations with respect to the design, construction, landscaping, or location of such driveways in order to ensure safety, provide access by emergency vehicles, and minimize traffic difficulties.

Each driveway shall meet the following criteria:

Location of Driveways: All driveways will be constructed to within 100 feet of the structure they serve and are to be located at least 100 feet away from a public road line intersection and shall conform to the Vermont Department of Transportation Standard B-71. The required sight distances shall be based on the Monkton curb cut policy.

Design Standards: In order to facilitate the access of fire fighting and other emergency vehicles, all driveways shall conform to the following standards below. The person constructing the driveway shall arrange an onsite inspection of the approved driveway location by the Zoning Administrator prior to beginning construction. The Zoning Administrator 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 approval

Roadbed Width .....Minimum of 10 feet
Roadbed Slope .....Maximum of 10 percent; With the approval of the Development Review Board short spans of the driveway not to exceed 100 feet may include slopes of up to 15 percent so long as the average slope of the driveway does not exceed 10%.
Turning Radius .....Minimum of 35 feet on all bends and turns
Clear Width .....Minimum of 14 feet
Clear Height.....Minimum of 10 feet
Turnaround Area.....All driveways over 300 feet in length shall have a turnaround area of at least 35 feet by 35 feet
Road Base Material....A minimum of 12 inches of well-compacted gravel graded to provide positive drainage

Culverts and Drainage: Driveways shall be designed and constructed to provide positive drainage of surface waters away from roads and driveways. Tubing and culverts shall be installed as required to maintain drainage.

Waiver: Individual criteria may be waived at the discretion of the Development Review Board provided the overall objective of providing safety is met. For use of Class IV roads any activity for which a zoning permit is required and which involves the construction or modification of a driveway intersecting with a road designated as a Class IV town road, the applicant shall improve the Class IV road to an appropriate level of service as the Select Board determines is necessary to support the development proposed. The minimum level of service should meet the requirements for a driveway described above. The Select Board's requirement of improvements shall in no way obligate the Town of Monkton to maintain the road so improved, or to reclassify its status.

Section 539 – Access and Safety

The appropriate authority reviewing a permit application should ensure any access permit required meets the standards noted above. The Development Review Board 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. However, the Select Board retains the ultimate authority to decide the requirements necessary for an access permit to a town road.

Section 542 – Abandonment of Structures

Within six months after work on an excavation for a building has halted 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 545 – Obstruction of Vision

In all districts on a corner lot, within the triangular area formed by the intersection of two road property lines and a third line joining them at points 25 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 road.

Section 548 – 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 church spires, bell, clock, fire and observation towers and essential public structures.

Section 551 – Height Exceptions by Special Permit

No telecommunications, water or cooling tower, oil or gasholder, elevator bulkhead, chimney or similar structures in excess of 35 feet may be erected unless a Site Plan has been approved by the Development Review Board after a public hearing.

Section 554 – Height Exception by Conditional Use

No building may be greater than two stories or 35 feet, unless it has been granted a conditional use permit by the Development Review Board. In order to secure a conditional use permit, in

addition to the general requirements, the applicant will need to demonstrate that the structure will be constructed so as to satisfy the latest edition of the Vermont Fire Prevention and Building Code for the type of structure proposed as well as the egress requirements of Chapter 21 NFPA 101 and Appendix 3 of Vermont Fire and Prevention Code.

Section 557 – Accessory Uses and Buildings

An accessory use or building must conform to lot setback, lot coverage and building height requirements for the district in which it is located, unless it is specifically exempted in Section 304 of these regulations.

Section 560 – Projection in Required Yards

Every part of a required yard shall be open from grade level to the sky unobstructed, except for vegetation and for the ordinary projections of sills, cornices, pilasters, chimneys and eaves, provided that no such projections may extend more than two feet into any required yard.

Section 563 – Signs

No signs or billboards shall be permitted without a zoning permit, except as specifically permitted herein as follows:

Section 566 – Advertising Billboards

Advertising billboards will not be permitted except under the State Act No. 333, entitled "An Act to Provide Services for Tourists and to Regulate Outdoor Advertising," regulates outdoor advertising.

Section 569 – Exempt Signs

The following signs are permitted without a permit when located on the immediate property:

A. One unlit professional or home occupation sign, not exceeding four square feet.

B. One temporary real estate sign, not exceeding six square feet.

C. Directional or information sign not exceeding four square feet.

D. Non-advertising signs necessary for public safety or welfare.

E. Signs erected by the state or town.

F. One residential sign per dwelling identifying the occupant, not to exceed three square feet in area and residential flags or banners not intended for advertising purposes.

G. Temporary lawn auction or garage sale signs removed immediately following the event.

H. Temporary election signs to be posted and removed according to state law.

I. Temporary signs or banners displayed on Town property with the permission of the Select Board advertising a public or community event that are removed immediately following the event.

J. Unlit permanent signs associated with agricultural operations not to exceed 16 square feet in area and ten feet above the ground.

K. Signs related to trespass or hunting not exceeding two square feet.

L. Historic landmark signs less than 8 square feet in area and 10 feet above the ground.

M. Unlit seasonal signs associated with farm operations not to exceed 4 square feet may be put on town property with the permission of the Select Board.

Section 572 – Wall, Projecting Ground and Roof Signs

Every wall sign shall:

A. Not exceed the highest point of the building's roof.

Every projecting sign shall:

B. Not extend within a road right of way.

C. Not extend more than two feet from the building wall.

D. Not be less than ten feet above the surface of a public walkway area.

E. Not exceed eight square feet in area.

Every ground sign shall:

F. Not exceed 10 feet in height above the finished grade.

G. Be set back at least 20 feet from any road right of way and at least ten feet from any other lot line.

H. Not exceed eight square feet in area

Roof signs shall not be permitted in any zoning district.

Section 575 – Computation of Permissible Sign Area

When computing the total permissible sign area for any use:

A. Existing signs shall be included.

B. The total area of all signs shall not exceed the requirements as set forth in these regulations.

C. Signs consisting of freestanding letters, numerals or other device shall include any intervening spaces between them.

D. Only the larger face area of a double-faced or v-type sign shall be used.

E. Back-to-back signs may be counted as one sign.

Section 578 – Traffic Hazard, Safety and Obstruction

Every sign shall be designed and located in such a manner as to:

A. Not impair public safety.

B. Not restrict clear vision between a sidewalk and road.

C. Not prevent free access to any door, window or fire escape.

D. Withstand a wind pressure load of at least 30 pounds per square foot.

Section 581 – Illuminated and Flashing Signs

A. A steady light may illuminate signs provided that such lighting will not illuminate or reflect onto other properties and satisfies Section 815 (B) of these regulations governing outdoor lighting. Such illumination shall be used only during business hours.

B. Flashing, oscillating and revolving signs shall not be permitted, unless necessary for public safety or welfare.

C. Permanent illuminated general notice or advertising signs are prohibited

Section 584 - General Performance Standards

In accordance with Section 4414(5) of Title 24, the following Performance Standards together with all applicable State standards shall be met by all uses in all districts on a continuing basis. The Zoning Administrator shall decide whether a proposed or existing use meets the standards. A use which exceeds these standards may be permitted upon receipt of Conditional Use Approval to do so. No existing or proposed use, under normal conditions, shall cause, create, or result in:

A. **Persistent, repetitive, or reoccurring noise** which represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the reasonable use of the surrounding lots;

B. **Noticeable, clearly apparent vibration** beyond the property on which the use is located during normal operations of a use so as to be incompatible with the reasonable use of the surrounding area.

C. **Persistent smoke, dust, odors, noxious gases or other forms of air pollution**, which constitute a nuisance or recognized health hazard beyond the property on which the use is located so as to be incompatible with the reasonable use of the surrounding area. However, customary agriculture practices shall not be restricted under this subsection.

D. **Releases of heat, cold, moisture, mist, fog, precipitation, or condensation** likely to be detrimental to public safety, health or welfare beyond the property on which the use is located so as to be incompatible with the reasonable use of the surrounding area.

E. **Electronic emissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals beyond the lines of the property on which the use is located.

F. **Glare, lights or reflections** which are a nuisance to traffic or neighboring properties or which are detrimental to the public safety, health or welfare.

G. **Liquid or solid wastes or refuse** which cannot be disposed of by available or existing methods, or which place an unreasonable burden on municipal facilities, or which if buried or allowed to seep into the ground will in any way endanger the health, comfort, safety, or welfare of any person, or which have a tendency to cause injury or damage to property, plants, or animals.

H. **Undue fire, safety, explosive or other hazards** which significantly endanger any property, including the applicant's or lot owner's, or which result in a significantly increased burden on municipal facilities, such as the Fire Department.

I. **Soil erosion and/or the discharge of sediment** into a brook, stream, river, culvert, or catch basin. The smallest practical area of land should be exposed at any one time during development. Lands should not be left exposed during the winter months. Where necessary, temporary vegetation and/or mulching and structural measures may be required to protect areas exposed during development. Sediment basins shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development. Development shall be accomplished so as to minimize adverse affects upon the natural or existing topography and soil conditions and to minimize the potential for erosion. Grading and storm drainage plans shall maximize the amount of natural drainage which can infiltrate into the soil and minimize direct run-off onto adjoining streets, properties, and watercourses or water bodies. Areas of grading, cut or fill and ditches shall be designed, constructed, and kept in good repair to minimize erosion and sedimentation. All changes in grade shall be controlled so as not to cause a nuisance or damage to other properties or erosion of soil.

J. **A significant increase in any storm water flow levels** beyond the property on which the development is located. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. The exception of this rule is discharge into an approved storm drainage system. The Design Review Board may require that the drainage system be designed and installed under the direction of a certified engineer. Any changes in grading shall be made so that runoff is directed to established drainage courses and will not cause ponding or flooding of other properties, or exceed the capacity of downstream drainage facilities.

Section 587 – Fill

Dumping of refuse and waste material for fill is prohibited. Loam, rock, stone, gravel, sand, cinders and soil may be used for fill to grades approved by the Development Review Board and inspected by the Zoning Administrator.

Section 590 – Grading

No grading, cut, or fill shall be carried out in any district that leaves the slope of the finished grade in excess of one-to-two. The owner shall control all surface drainage affected by excavation operations to prevent erosion debris and other loose materials from filling any drainage course, road or private property. All the provisions to control natural drainage water

shall conform to the requirements of the Vermont Erosion Control and Storm Water Regulations where appropriate.

ARTICLE VI
FLOOD HAZARD AREA REGULATIONS

Section 600 – 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 due to flood hazard.

Section 605 – Definitions Specific to 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 percent 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 percent 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 excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land

FEMA: Federal Emergency Management Agency.

FIRM: (Federal Insurance Rate Map) 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.

Flood proofed or flood proofing: 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.

Manufactured/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 three or more mobile home lots for rent or sale.

New Construction: Structures, or filling, commenced on or after the effective date of the original flood hazard ordinance.

Structure: An assembly of materials 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: The date the permit was issued if work starts within 180 days from that date. Otherwise, the date shall be that on which a structure is placed on the site. See also FEMA 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 percent 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.

Section 610 – Lands to Which These Regulations Apply

These regulations shall apply to all lands in the Town of Monkton:

A. Identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), dated November 1, 1985.

B. Within an area 100 feet from the centerline of any stream or reach of stream not identified 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 615 – Official Flood Hazard Area Map

The Official Flood Hazard Area Map shall consist of the FEMA Flood Insurance Study, including the Flood Insurance Rate Maps (FIRM) 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 620 – Interpretation of District Boundaries

The Zoning Administrator 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 Development Review Board within 15 days of the decision or act, pursuant to the requirements of Sections 384 of these regulations

Section 625 – Permitted Uses

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 transferring 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. 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.

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

Section 630 – Prohibited 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 625 and fall within the designated area of special flood hazard are permitted only upon the granting of a conditional use permit by the Development Review Board in accordance with the procedures and requirements of Section 360 of these regulations.

Section 635 – Permit Requirements and Application Procedures

All zoning permit applications shall be submitted to the Zoning Administrator, 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 625 of these regulations.

Additionally, pursuant to 24 V.S.A.§ 4424(2)(D) no permits for new construction, substantial improvement, filling or installation of a structure shall be granted for a flood hazard area until:

A. A copy of the application is mailed or delivered by the Zoning Administrator or Development Review Board to the Agency of Natural Resources (proof of mailing is required); and

B. Either 30 days elapse following the mailing, or the agency delivers comments on the application.

Section 640 – Variances

A. The Development Review Board shall grant variances only:

    1. In accordance with the provisions of these regulations governing the issuance of a variance, Section 368 and 44 C.F.R. 60.6

a. 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.

B. The secretary of the Development Review Board shall notify the applicant that the issuance of a variance to construct a structure below the base flood level:

1. Will result in increased premium rates for flood insurance commensurate with the resulting increase in risks to life and property.

C. The secretary of the Development Review Board shall:

1. Maintain a record of all variance actions, including justification for their issuance
2. Report such variances issued to the administrator upon request.

D. Upon receipt of a request for a variance, the Development Review Board shall submit a copy of the application to the Agency of Natural Resources for review and comment as required in 24 V.S.A.§ 4424(2)(D) and shall consider the comments of the agency prior to acting on the application.

Section 645 – 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 administrative decision lawfully made hereunder.

Section 650 – Precedence of Regulations

The provisions of these flood hazard area regulations shall take precedence over any conflicting and less restrictive local laws.

Section 655 – Annual Report to Federal Emergency Management Agency

A. The Zoning Administrator shall, to the extent possible, submit to the Federal Insurance Administrator the information required by FEMA annual report form with respect to the administration and enforcement of these flood hazard area bylaws.

B. A copy of the annual report shall be submitted to the state-coordinating agency by the Zoning Administrator.

TOWN OF MONKTON SUBDIVISION REGULATIONS

These regulations are designed to allow the town of Monkton's to reasonably regulate the subdivision of land in a thoughtful and efficient manner. We have substantially reorganized the previous subdivision regulations. These regulations are organized to proceed from the general to the specific.

Article VII - and the sections within it relate to broad issues such as purpose and authority.

Article VIII - addresses the process with which an applicant will be expected to comply, the materials an applicant is required to submit, when meetings will take place, and how decisions will be rendered.

Article IX - addresses the substantive content of the application. For example, this includes standards for roads, storm water and wastewater disposal and other more technical data applicants will be asked to submit. These standards ensure that the proposed subdivision constitutes a well-planned venture with infrastructure capable of protecting the health and welfare of any adjoining property owners and potential future purchasers of the properties.

ARTICLE VII
ENACTMENT, PURPOSE, AUTHORIZATION, WAIVERS AND DEFINITIONS

Section 700 - Enactment

In accordance with the Vermont Planning and Development Act, 24 V.S.A. Chapter 117, Subchapter 6, §4401, 4402 and 4418, there are hereby established Subdivision Regulations. These regulations shall be known as the "Town of Monkton Subdivision Regulations."

Section 710 - Purposes

It is the intent of the Subdivision Regulations to provide for orderly town growth, implement the Monkton Town Plan and to further the purposes of the Act.

Section 720 - Repeal of Former Regulations

The Subdivision Regulations for the Town of Monkton in effect prior to the adoption of these regulations are hereby amended in their entirety and replaced by these regulations as of the effective date of these regulations.

Section 730 - Authority

The Development Review Board is hereby authorized and empowered to do all acts and things set forth and provided in 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 740 - Amendments

These Regulations may be amended according to the requirements and procedures established in Sections 4441 and 4442 of the Act.

Section 750 - Severability

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

Section 760 - Effective Date

The Regulations shall take effect immediately after adoption in accordance with the voting and other procedures contained in §4442(c)(1) or (2) 4442(d) or 4442(g) of the Act.

Section 770 - Waivers and Variances

The standards and criteria for Waivers and Variances is established by 24 VSA Chapter 117 §4469.

A. Where the Development Review Board 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.

B. Where the Development Review Board 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 infrastructure adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

C. In granting variances and modifications, the Development Review Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or varied. Variances granted for the Planned Unit Development must accomplish the goals of preserving useable blocks of open land or important natural features as called for in the Planned Unit Development Section of the Zoning Regulations.

D. No such waiver or variance may be granted if it would have the effect of nullifying the intent and purpose of the Town Plan, the Zoning Regulations, the Official Map or these Subdivision Regulations.

Section 780 - Enforcement, Violations, and Penalties

These Regulations shall be enforced in accordance with Sections 4451 and 4452 of the Act.

Section 790 - Fees

Fees to cover the administration of subdivision review shall be set by the Select Board. Such fees shall be payable by the applicant at the beginning of the subdivision process, payable upon filing of the preliminary plat application or, at the latest, at the hearing on the preliminary plat. (Fees are posted in the Town Hall).

Additionally, Pursuant to 24 V.S.A. Chapter 117 §4440, an applicant may be required to pay the reasonable costs and fees incident to an independent technical review of the application, public improvements installed by the applicant, or legal documents associated with the application. The applicant shall pay these fees in a timely manner, upon presentation of a bill for services by the Town and prior to the town's acceptance of any of the improvements.

ARTICLE VIII
SUBDIVISION APPLICATION AND REVIEW PROCEDURE

Section 800 - Application of Regulations

An approved application for subdivision by the Development Review Board is required before any contract for sale of any part of said subdivision may be executed and before any permit for building a structure in said proposed subdivision shall be granted

Section 805- General Overview

Article II explains the process applicants will need to go through to secure a subdivision permit. It begins with the sketch plan review, a meeting between the applicant and the Development Review Board at which the applicant presents the general idea of the proposed subdivision. In all but "first cuts", (a general exception to these regulations for the subdivision of the first lot from any lot predating Monkton's first zoning regulations), the process moves to a hearing on preliminary plat, a more formal hearing process offering the opportunity for all parties with an interest in the project as it is proposed to participate before the Board. If an applicant's proposed subdivision is approved at the preliminary plat phase, the process moves to the hearings on the final plat. After the hearing on the final plat closes, the Development Review Board will issue a written decision on the proposed project. The project will be approved or denied for cause. The DRB, at its' discretion and upon stipulating its' reasons, may require a performance Bond as a condition of final approval. If approved, the process ends with the filing of the Final Plat in the town land records and fulfillment of conditions, if any, on the approved application. Anyone who meets the statutory definition of an interested party may appeal the decision.

Section 810 – Time and Notice

The application for approval of the Subdivision plat, complete with all other requirements, shall be submitted to the Zoning Administrator on behalf of the Development Review Board. Assuming the application is complete, the official submission date shall be the date of the first review of the Development Review Board. The Development Review Board will set a date and place for a public hearing within 60 days of the filing of the application.

Notice procedures: Public Notice of hearing shall be given as required by the Act. Public Notice is required at the Preliminary and Final Plat application stages before the Development Review Board. Preliminary and Final Plat shall require a warned public hearing. Public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

A. Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.

B. Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 V.S.A. § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.

C. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall

include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained.

D. When a plat is located within five hundred feet of a municipal boundary, a copy of the notice shall be sent to the clerk of an adjacent municipality at least fifteen days prior to the hearing.

Section 815 – Performance Standards

In accordance with 24 V.S.A. Chapter 117 §4414(5), in all districts the following performance standards together with all applicable State standards must be met. The Development Review Board shall decide whether proposed or existing uses meet the standards. All new land development and substantial changes in existing land development shall be constructed and maintained to comply with the following performance standards:

A. **Noise** volume shall be limited to levels that will not be a nuisance to adjacent uses. Noise levels or frequencies which are not customary in the district or neighborhood or which represent a substantial repeated disturbance to others, or which exceeds decibel levels specified in state law or in these regulations, shall be presumed to constitute a nuisance. Under no circumstances can the noise level exceed 70dB at the property line.

B. **Lighting** All outdoor lighting and illuminated signs shall be installed, constructed and maintained to minimize the intrusion of light across property lines, eliminate upward illumination and reduce glare and to maximize the effectiveness of site lighting by limiting light to a target area. Up lighting is prohibited. All parking area lighting will be full cut-off type fixtures. Lights on poles will be smaller than the building whose area they illuminate or not greater than 15 feet high, whichever is less. Commercial signs may be internally illuminated or externally lit if the light is fully cut off or shielded or shown from the top down. All external building lighting for security or aesthetics will be cut off or shielded and targeted. Wall pack lights are prohibited. All outdoor lighting fixtures, including display fixtures shall be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be minimized. Technical definitions and lighting levels should conform to those recommended by the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, as revised from time to time.

C. **Earth moving** and hauling, rock drilling or crushing, jackhammer and similar excessively loud equipment shall not be operated on Sundays or between the hours of 5:30 p.m. and 7:00 a.m. This shall not apply to emergency activities such as utility repairs.

D. **Blasting** and other activities causing substantial vibration shall require evidence to demonstrate that it will not cause vibrations or sound waves that would cause damage beyond their property line. A copy of all state and/or federal permits must be filed with the town zoning administrator.

E. **Dust and air pollution** shall be controlled to conform to the State of Vermont Air Quality Performance Standards.

F. **Electromagnetic & microwave transmissions** shall be shielded or otherwise controlled so as not to cause a health hazard or a nuisance to adjacent land uses. Transmissions

regulated by the Federal Communications Commission shall be exempt from this provision.

G. **Drainage** shall be managed so as not to cause a nuisance or damage to other properties and conform to all Vermont Storm Water permit regulations. Changes in grading shall be done so that drainage is directed to established drainage courses and controlled so as not to cause ponding, flooding or siltation of other properties, or to exceed the capacity of downstream drainage facilities. Changes to natural drainage patterns shall not be allowed to alter wetlands or stream flows.

H. **Excavation**, filling and re-grading shall conform to the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites (1982 edition - as amended). The location of fill sites and access restrictions for hauling equipment shall be reviewed and approved by the Town Zoning Administrator consistent with State Solid Waste Management (Rule 6-309 or as amended).

I. **Noxious odors** shall not be detectable beyond property lines (Note: odors from customary agricultural activities are not restricted.)

J. **Fire, explosive and similar safety hazards** which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the Fire Department, shall be prohibited.

K. **Water pollution** All sewage and other wastes shall be safely disposed of so that there will not be a hazard to public health. Any activity which poses a clear threat to water supplies or which would cause undue water pollution shall be prohibited.

L. **Fuel storage facilities.** Commercial, industrial or institutional fuel storage facilities, where regulated by the Vermont Department of Labor and Industry, shall maintain all tanks and related equipment with leak detection and spill control systems incorporating the best available safety practices and technology, consistent with government and industry standards.

Section 820 - "First Cut" Plat Approval Procedure

Monkton has a tradition of permitting one lot to be taken as a first cut, by right, with a minimal review process, subject to both lots created from the cut being in compliance with the appropriate provisions of the Monkton Zoning Regulations and the plot of land to be subdivided either never having been subdivided before or subdivided before the enactment of zoning regulations in the town of Monkton (1978).

Applicant shall file a "First Cut Plan" with the required fee including two copies of a survey for approval by the Development Review Board.

A. A public "First Cut" hearing shall be warned as required under Section 830(B).

B. The applicant, or his duly authorized representative, shall attend the public hearing.

C. The application shall include a survey consisting of meets and bounds.

Section 825 - Sketch Plan

The Sketch Plan phase of an application is the most informal phase of the process and constitutes a chance for the Applicant to provide the broad outlines of a proposal and receive feedback and guidance from the Development Review Board regarding the proposal's general compliance with the goals of the Town Plan, and with specific requirements for items to be included in the preliminary plat.

The Development Review Board shall classify the proposed subdivision as either a Major or Minor Subdivision.

Section 830 - Preliminary Plat Application and Review

A. Application

The Applicant shall file an original application and drawings and two (2) copies of all material necessary for the Development Review Board to conduct its review of the Application. The Application and Preliminary Plat shall contain information and references necessary for the Development Review Board to put the application into the context of its location within the town and on the parcel it occupies. As such, they shall include the following information, except where a waiver may be specifically authorized by the Development Review Board pursuant to its authority under Section 352 of these regulations. The following information shall be submitted for consideration with an application for a Subdivision:

1. Subdivision name or title, address at which it is located, scale, north point, date and site location map.
2. Names and addresses of Applicant and professional advisers.
3. A vicinity map drawn at a scale sufficient to depict the entire parcel subject to the subdivision application and to allow the Development Review Board to locate the parcel within the municipality and to view it in the context of the land surrounding the parcel.
4. Deed description of the property to be subdivided
5. Description of any existing easements or covenants encumbering the property.
6. Description of proposed easements and/or covenants encumbering the property.
7. A statement by the Applicant concerning the use of any adjoining property owned or controlled by the landowner or Applicant, if different.

In addition to the information above, the Applicant shall provide a preliminary plat and backup detail drawings. All drawing sheets shall be clearly marked with a Subdivision

name or title, the address at which it is located, a scale, north point, date and key of other information.

8. The preliminary plat and other drawings 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" x 100'. A one-half (1/2) inch marginal borderline shall be drawn around the outer edge of each plan and all data to appear thereon shall be within said marginal lines. The preliminary plat and backup drawings shall depict the following:

   a. A Survey of the property to be subdivided depicting Subdivision boundaries and boundaries of contiguous properties and names of owners of all parcels of land directly abutting or directly across any street abutting the proposed subdivision or an abutting parcel owned or controlled by the applicant. Depending upon the proposed use and the size of the parcel involved, the Development Review Board may require a survey of only the relevant portion of the parcel being subdivided.

   b. Existing restrictions on the use of land including easements, covenants and zoning boundaries.

   c. Total acreage of subdivision and number of lots proposed.

   d. Zoning or other existing district boundaries (including the Natural Heritage protection overlay district).

   e. Existing infrastructure or landmarks or features:
      1) Existing streets and structures, existing sewers, water mains, storm drainage, culverts, with pipe sizes and direction of flow.
      2) Existing utilities, including gas lines, fire hydrants, electric and telephone facilities, streetlights.
      3) Existing watercourses, marshes, wooded areas, public facilities and other significant physical features in and near the subdivision.
      4) Contours with intervals of not more than five feet. Contours with intervals of not more than two feet, established by a field survey, shall be shown where the septic facilities and the building are to be locate

   f. Proposed lot layout and infrastructure:
      1) Proposed pattern of the lots including typical lot width, depth, street layout, open space systems of drainage, sewerage and water supply within the subdivided area
      2) Location, width and approximate grade of proposed streets.
      3) Location, dimensions, area and number of lots and blocks.
      4) Location and dimensions of property to be dedicated for public use.
      5) Boundaries of proposed easements over private property.
      6) Location of proposed wastewater or water systems;
      7) Location of other proposed utilities including telephone, electric and cable.
      8) Location of proposed provision of water supply, fire protection, disposal of sanitary waste, storm water drainage and sidewalks.

Where appropriate, the Preliminary Plat shall be accompanied by construction detail drawings. Plans and profiles showing existing and proposed elevations along centerlines of all streets within the subdivision, including re-grading plans, as applicable including:

9. Plans and profiles showing location of streets, pavement, curbs, gutters, sidewalks, manholes, catch basins and culverts. Proposed streets shall be named in accordance with the guidelines in Section 920 J of these regulations.
10. Construction Details for proposed roads and driveways are required.
11. 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.

The Preliminary Plat application shall also include the required permits including:

12. A State of Vermont Water Supply and Wastewater Permit Application and the supporting designs and plans.
13. Applicable State of Vermont Stormwater Permit Applications, Erosion Control Permits including supporting designs and plans where required.
14. Other applicable State or Federal Permit Applications.

B. Hearing

The development review board shall conduct its hearing pursuant to the requirements of 24v.s.a. §4468 as follows:

1. The Applicant or its agent shall attend the Development Review Board preliminary hearings.
2. Any person or body empowered by Section 4465 of the Act to participate with respect to the property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. The Development Review Board may adjourn the hearing from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 V.S.A. §810, Vermont Statute.
3. The Development Review Board shall review the information submitted for conformity to these Regulations.
4. For any subdivision other than one designed to create one and two family dwellings, Site Plan is required as described in Section 364 of these regulations.
5. The Development Review Board may conduct a site visit where it deems appropriate and shall have the right to continue the hearings to a date certain if it deems it necessary to gather further information. If the DRB requests a site visit, the

Applicant shall provide markings noting the approximate location of the lots to be subdivided, roads and other important features.

6. In addition, the DRB may require that the Applicant submit its plans to an engineer representing the town for an independent review. The cost of the review shall be in addition to the application fee and shall be born by the Applicant. Before the Town engages the services of a person or firm to conduct a specific independent technical review, it shall provide an applicant with notice of the same and an opportunity to be heard on any proposed review.
7. After submittal of all evidence and testimony, the Development Review Board shall close the hearing.

C. Decision

The Development Review Board shall issue a written decision, as required by 24VSA§ 4464(B)(1) which shall include findings of fact, any conditions, and provisions for appeal within 45 days after completing the Preliminary Plat hearing and shall within that period send the applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the zoning administrator and the town clerk who shall record the decision as a public record. Note the statute states minutes of a meeting may be sufficient if certain criteria are addressed.

If the Development Review Board fails to make a decision within 45 days, on the 46th day the Development Review Board shall be deemed to have rendered a decision in favor of the applicant.

When granting approval to a Preliminary Plat, the Development Review Board will state the conditions with respect to:

1. Special changes that it may require.
2. Character and extent of the required modifications.
3. Amount of improvement or the amount of all bonds that it will require.

Approval of a Preliminary Plat shall not constitute approval of the Subdivision. Prior to the approval of the Final Plat, the Development Review Board may require additional changes as a result of further study.

Section 835 - Final Plat Application and Review

A. Application

Within one year of approval of the preliminary plat, unless waived for cause by the DRB, the Applicant shall file an original and two (2) copies of all material necessary for submittal of a complete application for approval of the Final Plat. The Final Plat shall:

1. Conform to the approved Preliminary Plat, with any additional information as required by the Development Review Board.

2. Include a deed description and a map of survey of tract boundary made and certified by a licensed land surveyor, tied into established boundary monuments.
3. Include sufficient data to determine readily the location, bearing and length of all street, lot and boundary lines, referenced to established monuments.
4. Identify and include the location, dimensions and names of all sites for residential, commercial, industrial, public, non-public, dedicated and reserved uses.
5. Include the location, material and size of monuments.
6. Carry the following endorsements:

APPROVED BY RESOLUTION OF THE TOWN OF MONKTON DEVELOPMENT REVIEW BOARD, VERMONT, ON THE _____DAY OF _____ 20__, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS _____ OF ____ SAID RESOLUTION.

SIGNED THIS _____DAY OF _____ 20__.

BY
CHAIRPERSON _____

7. The application shall be accompanied by:
   a. Construction detail drawings required in the preliminary plat and reflecting any changes required by the preliminary plat.
   b. A Water Supply and Wastewater Disposal Permit issued by the Vermont Department of Environmental Conservation and the accompanying plans.
   c. The appropriate permit from the Vermont Department of Environmental Conservation related to the discharge of Stormwater, as applicable, both during construction and upon completion of construction.
   d. Offers of cession to streets and public areas and any agreements with the Select Board pertaining to the Town of Monkton taking streets or permits issued by the Select Board authorizing the applicant to work within existing Town Streets.
   e. Copies of agreements showing the manner in which areas reserved by the Applicant are to be maintained.
   f. Draft protective covenants whereby the Applicant proposes to regulate land use in the subdivision and otherwise protect the proposed development.
   g. A street name, if applicable, approved by the 911 commission.
   h. Other information that the Development Review Board requires.
8. The Development Review Board may waive the requirement of Applicant having final state permits prior to granting final plat approval, but will condition the approval upon the issuance of the state permits and compliance with them.

9. The DRB may require the Final Plat to be divided into phases of not less then twenty percent of the proposed lots, subject to such conditions necessary to assure orderly development.

10. The Board may request that the Town Attorney certify any of the above noted plans or documents as to their legal sufficiency prior to their acceptance of any document.

B. Decision

The Development Review Board shall, within 45 days after completing the hearing, issue a written decision, which shall include findings of fact, any conditions, and provisions for appeal. It shall within that period send the applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every interested person who appeared and was heard at the hearing. A copy of the decision shall be filed with the zoning administrator and the town clerk who shall record the decision as a public record. The Development Review Board may grant approval to the final plat as presented, or grant approval with conditions with respect to:

1. Special conditions that it may require.
2. Character and extent of the required improvements.
3. The amount of improvement or the amount of all bonds that it will require.

If the Development Review Board fails to make a decision within 45 days, on the 46th day the Development Review Board shall be deemed to have approved the application. The Applicant is then required to appeal to the Environmental Court for a direct approval on their favor.

C. Offer and Acceptance of Land, Streets, Easements, or Other Interests in Real Property

1. Formal offers of cession by the Applicant of all streets, rights of way, park and other sites for public use shall be presented to the Development Review Board and Select Board prior to Final Plat approval.
2. Offers of cession must be in a form certified as satisfactory by the Town Attorney prior to their acceptance by the Select Board. The Select Board has the option to reject any offer of land, streets, easements or other improvements.
3. The Final Plat shall be endorsed with the necessary agreements in connection with required easements or releases after the Development Review Board has had the opportunity to coordinate with the Select Board.

D. Filing of Approved Final Plat

When the Final Plat is approved, the Applicant shall:

1. Deliver a Mylar of the plat for execution by the DRB and filing to the Town Clerk within 90 days from the date of approval, plus three copies of the final plat. Delivery of the Mylar to the clerk does not relieve the Applicant of the duty to

ensure that the Mylar is executed and filed in the land records within 180 days from the date of approval.

2. The Zoning Administrator may extend the date of filing the plat for an additional 90 days if other approvals are still pending.
3. The Plat is void if changes are made to it after the Development Review Board has endorsed it in writing.

After filing with the Town Clerk, the Plat shall become part of the Official Map.

Section 840 - Bonding Requirements

A. Where a performance bond is required by the Development Review Board, the Applicant 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. The bond must be submitted and approved by the Development Review Board and Town Attorney as to form, sufficiency, manner of execution and surety, for completion of required improvements.

B. The Development Review Board shall specify the time period within which the required improvements must be completed, but in no case for a longer term than three years, unless agreed to by the Applicant. The time period shall be expressed in the bond.

C. Upon completion of the work secured by the bond, prior to the bonds release, the Zoning Administrator or Town Engineer must file a certificate stating that all required improvements constructed by the Applicant have been designed and inspected and meet standards in these Regulations, and are as required by law.

D. If any required improvements have not been installed or maintained as provided within the term of such bond, the Town may deem the bond forfeited and use the proceeds to install or maintain such improvements.

Section 845 - Required Improvements

A. Local municipal required improvements shall be installed to the satisfaction of the Development Review Board. Any state/federal required improvements shall require documentation of compliance. The Applicant may be required to post a performance bond.

B. The following are required improvements: Survey monuments, ditches, streets, street signs, curbs, gutters, sanitary sewers, storm drains, and landscaping; except where the Development Review Board may waive or vary such improvements.

Section 850 - Inspection of Required Improvements

The DRB may require that:

A. The Zoning Administrator town engineer shall inspect all required local/ municipal improvements prior to acceptance to ascertain whether they have been completed satisfactorily.

B. The Applicant shall inform the Zoning Administrator or town engineer at least 48 hours before such inspection is required and shall not cover any part of an improvement until the town official's approval has been granted.

C. Drawings showing the location of all required improvements as built shall be certified by an engineer or land surveyor and filed with the Development Review Board 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 855 - Public Acceptance of Streets and Improvements

A. 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 the Town has formally accepted it.

B. No public street, utility or improvement may be constructed by the Town until it has been accepted and become a public street.

C. Approval of the Final Plat shall not be deemed to constitute or imply acceptance of any street or park shown on the Plat.

D. Upon completion of the construction and installation of required improvements in accordance with the approved plans, the Applicant shall deliver to the Town deeds, abstracts and easements for streets, parks, water lines, storm sewers, sanitary sewers and other required improvements.

E. Prior to public acceptance of any required improvements, the Applicant 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.

ARTICLE IX
DESIGN DEVELOPMENT STANDARDS

Section 900 - General Planning and Design Standards

A. The Applicant shall be guided by the minimum planning and design development standards of the subdivision.

B. Subdivision shall conform to the Zoning Regulations and be in conformance with the general goals of the Town Plan.

C. Land to be subdivided for building purposes shall be of such character that it can be used safely without danger to health or peril from flood or other menace .

D. Where the Development Review Board finds that because of exceptional and unique conditions of topography, location, shape, size, drainage or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards specified herein would not reasonably protect or provide for public health, safety or welfare, a stricter standard shall be required.

E. Energy Conservation: In order to conserve energy and water, all subdivisions shall use the least areas of roadway and the least length of sewer, water and utility lines within environmentally and economically sound limits.

Section 905 – Planned Unit Developments (PUDs)

A. Purpose

In accordance with 24 V.S.A. §4417 Planned Unit Developments (PUDs) are hereby permitted in the RA 1V, MD 2 Acre and LDRD 5 Acre zoning districts to encourage flexibility of design and the development of lands. in such a manner as to promote the concentration of development to permit the appropriate use of land, to ensure the preservation and maintenance of agricultural land, ground water recharge areas and open land, affordable and elderly housing: and to protect natural, cultural and scenic features of the town as identified in the Monkton Town Plan. These protections may include the use of screening. Accordingly, the Development Review Board may modify applicable area and dimensional requirements under these zoning regulations simultaneously with the approval of a subdivision plan.

B. Applicability

PUD provisions may be applied, at the request of the applicant, to any sized parcel to be subdivided, but they are required for any major subdivision greater than 40 acres in size. If only a portion of the subdivision is to be developed at the time of application, the plat for that portion must meet all requirements of this regulation. A statement of intent for the remaining acreage must also be provided outlining, if applicable, potential configuration of roadways and lot dimensions, along with other information requested by the DRB.

C. Review Procedures

PUDs shall be reviewed as major subdivisions under the Monkton Subdivision Regulations; and shall also be subject to Site Plan approval under the provisions of Sections 364 of these regulations. Site Plan review must occur concurrently with subdivision review. Upon approval of the PUD, approved modifications of these regulations shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required, and these shall be noted or appended to the plat. All other provisions of these regulations not specifically modified shall remain in force and be applicable to the project. Applicants are encouraged to consult with the DRB at an informational meeting and sketch plan review about the nature of their proposed PUD in order to demonstrate that the subdivision proposal meets the general planning and design standards.

D. Application Requirements

In addition to preliminary plat submission requirements under the Subdivision Regulations, PUD applications shall include the following:

1. A statement describing the nature of all proposed modifications, changes or additions from the existing zoning regulations, and the proposed standards and criteria for the development, including standards for the design, dimensions and spacing of buildings and sizes of lots and open spaces.
2. Any other supporting information that the Development Review Board deems necessary to determine whether the proposed PUD meets applicable standards.

E. General Standards

PUDs, including any modifications of the zoning regulations to be approved by the Development Review Board, shall be subject to the following general conditions and standards:

1. The PUD will meet Site Plan approval standards under Section 364 of these regulations and all applicable standards set forth in the existing Monkton Subdivision Regulations.
2. The PUD shall be consistent with the Monkton Town Plan. The overall density of the project shall not exceed the number of units that could be permitted in the Development Review Board's judgment, if the land (excluding the area within the boundaries of any proposed road) were subdivided into lots in accordance with the district regulations. The Development Review Board may modify this for all proposals pursuant to the guidance provided by subsection F below.
3. The PUD shall make appropriate provision for the preservation of the streams, stream banks, steep slopes, wet areas, and unique natural areas.
4. The development plan may be implemented over a reasonable period of time in order that adequate municipal facilities and services may be provided. Where possible no building in the development shall cast a shadow that will preclude the proposed or planned use of attached solar energy collectors.
5. The PUD shall meet all state regulations for sewage disposal and the protection of water quality.

Any modification of the zoning regulations approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be noted on or appended to the application.

Provision shall be made for the conservation of open land. The location, size and shape of lands set aside to be preserved for open land shall be approved by the Development Review Board in accordance with the Monkton Subdivision Regulations.

Noncontiguous parcels of land under the same ownership may be combined for the purposes of creating a PUD.

Contiguous (including lands divided by a road) parcels, with multiple owners, may be considered as a single development for purposes of density calculation, provided that they are presented as a PUD application and carry appropriate deed restrictions to assure retention of open land against future development.

F. Specific Standards for Planned Unit Developments

In addition to the general standards, PUDs shall also meet the following specific standards: The total number of allowable residential units and /or commercial space within the parcel shall not exceed the number that, in the Development Review Board's judgment, could be permitted if the land were subdivided into lots in conformance with the zoning regulation for the district in which the project is located. Provision shall be made for the conservation of 20% of the subdivision as acreage as open land. The conserved land that is to be set aside will be determined by the applicant in consultation with the DRB. The subdivision acreage includes the total area being subdivided excluding any land not included in the Subdivision Plat.

The number of dwelling units allowed in a PUD may, at the discretion of the Development Review Board, be increased by up to 25% if the landowner restricts the development to no more than 40% of the parcel while simultaneously placing deed restrictions on the remaining acreage restricting future residential or commercial use. An additional increase of 25% may be granted at the discretion of the Development Review Board for PUDs which incorporate affordable housing (as established by VHFA) or housing for the elderly.

A PUD may include any permitted or conditional uses allowed in the district in which it is located. Multiple principal structures and/or uses on a lot, or multiple ownership of a single structure may be permitted.

Section 910 – General Street Planning Standards

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

B. Streets shall be arranged as to cause no undue hardship to adjoining properties, and shall be coordinated so as to provide for continuation of existing streets to compose an integrated system.

C. The arrangement, width and grade of all streets shall conform as closely as possible to original topography, be considered in relation to existing and planned streets, topographic conditions, public convenience and safety, and be in their appropriate relation to proposed land uses. Steep grades and sharp curves should be avoided.

D. Streets within a subdivision shall be planned so their use by arterial through traffic will be discouraged.

E. 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 Development Review Board may request that streets and lots be laid out to permit future re-subdivision.

F. 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 Development Review Board mayrequire that such areas be shown and marked on the Final Plat "Reserved for Street Realignment (or Widening) Purposes."

G. Intersections of streets shall be held to a minimum. Cross street intersections shall be avoided, except at important traffic intersections. Clear site distances shall be maintained between offset intersections. Street intersections shall be approximately at right angles, wherever possible. Specific distances governing each of these goals shall be governed by the State of Vermont; Agency of Transportation State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets dated July 1, 1997 as it may be revised from time to time.

H. A circular turn or back around shall be provided at the end of any cul-de-sac with a minimum turning radius of 60 feet, together with such additional radius over and above said 60 feet as may be necessary for proper drainage and sloping.

I. If adjacent property is part of a phased development, the street must be a dead-end temporary right of way and improvements shall be extended to the property line. A temporary circular turn or back 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.

J. Streets shall be identified by name on the preliminary Plat. Proposed streets that are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the names for proposed streets duplicate or be so similar to existing names as to cause confusion, irrespective of the suffix, be it street, avenue, boulevard, driveway, place or court. Prior to the issuance of a final plat, the Applicant shall secure approval of the name of any new street from the Emergency 911 Coordinator.

Section 915 - Required Street Construction Standards

These construction standards are required for all major subdivisions. Street improvements shall be installed at the expense of the Applicant pursuant to the guidance established in the State of Vermont, Agency of Transportation, "Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads and Streets," dated July1, 1997 as it may be amended from time to time.

Section 920 - Fire Protection Facilities

Adequate fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board and the Fire Chief.

Section 925 - Natural Conditions, Shade Trees and Landscaping

A. 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, screening and soil. The Development Review Board may require building envelopes surrounding the disturbed area of construction and limit cutting of trees or grading outside of such envelope. After application for approval has been granted by the Development Review Board, no topsoil, sand or gravel shall be removed from the subdivision for any other purpose except as allowed under these regulations.

B. The Development Review Board may require landscaping and/or berming, to preserve view sheds from roads or other sensitive areas or for public safety.

Section 930 - Water and Wastewater

Applicants shall demonstrate compliance with the Water Supply and Wastewater Disposal Rules of the State of Vermont.

Section 935 – Storm Water Facilities

Applicants shall demonstrate compliance with all applicable State of Vermont Stormwater Permitting requirements for both construction and development. 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 Development Review Board shall not approve the subdivision until provision has been made for the improvement of said condition.

A. **Erosion and Sediment Control**: Applicant must meet state regulations and permits for erosion and sediment control/

B. **Excavation and Grading:** The entire area of work shall be brought to the required lines and grades by excavation or filling. A minimum of four (4) inches of topsoil shall be provided to cover all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section. The Development Review Board may require the developer to submit evidence of boring and or other soil investigations to determine the depth composition and stability of the sub-grade within the road section.

Section 940 - Public Utilities

Public utilities shall generally be placed according to the following specifications:

A. Easements shall be at least twenty feet in width and indicated on the Preliminary and Final Plat and preferably located within a right of way for streets or driveways.

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

C. The Development Review Board may require, as it deems appropriate, that easements for pedestrian access to schools, public open space or streets, and a four-foot wide paved walk be installed.

D. The Applicant 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 within the schematic 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. Distribution systems should be built underground, except when technology and/or distance or terrain shall make it economically unfeasible. The Applicant shall bear the burden of demonstrating economic hardship.

Section 945 - Required Surveying Monuments

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

Section 950 - Public Improvements

The Development Review Board may require certain subdivisions to dedicate certain land or other infrastructure for public improvements in order to offset their impacts.

Section 955 - School Site Dedication

Where a subdivision will accommodate a total of more than one hundred dwellings units, the Development Review Board 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 Development Review Board 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 Development Review Board shall require the Applicant to set aside the site and to show such area on the Plat. If the Development Review Board determines that there is no interest in a school site or that a school site cannot be suitably located within the proposed subdivision, the Development Review Board 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 960 - Energy and Water Conservation

Taking other planning goals stated in these regulations into consideration, streets shall be laid out, buildings orientated and vegetation controlled to promote the conservation of energy, water and to permit the utilization of renewable resources.

REPORT OF THE MONKTON PLANNING COMMISSION SUMMARIZING THE PROPOSED CHANGES TO THE MONKTON ZONING AND SUBDIVISION REGULATIONS

The Monkton Planning Commission has spent a considerable amount of time re-writing Monkton's Zoning and Subdivision Regulations and has completed a draft that it is formally proposing for review by the Selectboard and citizens of Monkton. The Planning Commission will hold a public hearing on Wednesday January 12, at 7:30PM at the Monkton Elementary School to consider the adoption of the Zoning Ordinance and Subdivision Regulations it has proposed. This report summarizes the material changes the Planning Commission believes the Selectboard and citizens should consider. As the proposed changes are nearly universal, this summary does not capture every change. Rather, this report is meant to serve as an informational summary of the highlights of the changes.

The Planning Commission believes it is necessary for Monkton to amend its regulations accomplish the following purposes:

- Monkton adopted its current zoning regulations in 1986. It adopted its newest town plan in September of 2007. The proposed revisions amend the current zoning regulations to allow them to reflect and to implement the vision contained in the current Monkton Town Plan.
- The State's statutory requirements regarding what zoning and subdivision regulations must contain and the procedures governing how they are applied have changed significantly since Monkton adopted its current Zoning Regulations in 1986. These changes incorporate the mandatory permit reform requirements of Act 115 and the most current legislative amendments to 24 VSA Chapter 117 into Monkton's regulations.
- Monkton created a Development Review Board in the late1990s. These revisions reflect and incorporate Monkton's establishment of the Development Review Board.
- The proposed revisions combine the Zoning Ordinance and the Subdivision Regulations into a single unified set of regulations.
- The proposed revisions make the definitions, procedures, review standards and interpretations consistent with recent decisions.
- The Proposed revisions update the zoning map of the Town of Monkton

The proposed regulations include the following new provisions, which the Planning Commission believes are noteworthy:

1. Adjustments of land use density regulations to provide for the establishment of a village center and encourage the traditional compact growth pattern within the Village District
2. Maintain the rural character of the town.
3. Establishes the use of overlay districts, to allow for consistent development regulations town-wide under certain criteria.
4. Incorporates the restrictions on ridgeline development as stated in the Town Plan.
5. Maintains natural resource protection areas
6. Establishes a Planned Unit Development (PUD) process for the town.
7. Expands the by right uses within the town and clarifies the standards for Conditional Uses.

Each of these items is discussed in slightly greater detail below.

1. Adjustments of land use density regulations to provide for the establishment of a village center and encourage the traditional compact growth pattern within the Village District.

As we moved through the process of creating our Town Plan and then the rewrite of our Zoning and Subdivision Regulations, the most frequent comment we received spoke to the need to preserve Monkton's rural agricultural landscape. The new zoning regulations will direct growth within a village

center while maintaining traditional compact development. This area will allow for and encourage continued growth within the Town of Monkton.

2. Maintain the rural character of the town the outside village.

Beyond the expanded Village District we created a single Low Density Rural District (5 aces) and a Conservation Prohibited District (25 acres), as well as the elimination of the 2-acre zone and an expanded Village District in the proposed regulations to help conserve the rural, agricultural nature of the rest of Town. This seemed to the Planning Commission to be in line with the opinions of large numbers of townspeople as demonstrated by the survey of Monkton citizens (to which over one third of Monktonians responded) and the opinions of many people who spoke at the two public hearings on the Town Plan. We also spelled out how the rural areas of town could be developed with greater density by creating a Planned Unit Development process that offers density bonuses for thoughtful well planned development. The Conservation Prohibited District and the Overlay Districts restrict development in important natural areas and protect the ridges (as provided by the Town Plan) and view sheds of the town.

However, at both the open discussion and the Public Hearing on the Zoning Regulations very few people spoke up in favor of these changes. Most of those who did so were against this change. While we still believe that large numbers of townspeople agree with this approach, they did not speak out. At the very least this made us realize that there is need for more discussion before such a major change can be made. Nor did we think that we could ignore those who spoke against the changes, since they were the dominant voice in the meetings. Therefore the Planning Commission decided to withdraw both the proposal for the elimination of 2-acre zones (treating all those in Monkton whose property lies in those zones equally) **and** the expansion of an expanded village district with half acre zoning to direct density of development to the town center.

3. Establishes the use of overlay districts, to allow for consistent development regulations town wide under certain criteria.

4. Incorporates the restrictions on ridgeline development as stated in the Town Plan.

5. Maintains natural resource protection areas

Monkton is blessed with a number of different natural resources, wetlands, ridgelines, forests and other natural communities. These resources are scattered around the town in a manner that does not easily allow them to be protected with traditional zoning layers. Therefore, this proposal creates overlay districts based upon the location of specified resources. The overlay districts then guide development into areas that lessen the impact on the resources that are protected. The restrictions on ridgeline development protect the community views all citizens and visitors to Monkton enjoy.

6. Establishes a Planned Unit Development (PUD) process for the town.

As noted above, the proposed regulations encourage the use of Planned Unit Developments (PUDs) to promote thoughtful development. PUDs reduce certain zoning restrictions (setbacks, acreage requirements, etc.) in exchange for a thoughtful overall plan designed generally to preserve open spaces and natural resources. Developers benefit from reduced infrastructure costs. All other citizens' benefit because of the quality of the open spaces preserved.

7. Expands the by right uses within the town and clarifies the standards for Conditional Uses.

The proposed Zoning Regulations also address Conditional Uses within the Town of Monkton. Uses that are allowed "By-Right," without a hearing before the DRB, are defined and standardized across the town.

The current list of Conditional Uses was reviewed against the usual and customary standards and practices, and the number of By Right Uses has been expanded.

These changes individually and cumulatively support the goals of our Town Plan. They support the preservation of open land; encourage smart growth development patterns, energy efficiency and the wise use of resources.

01-12-2012: Amended Zoning Statement of Purpose

At the conclusion of the Planning's Commission public hearing, the Planning Commission voted to accept the Unified Planning Document and passed the document onto the Select Board who began their public hearing process. As part of their review of the Unified Planning Document, the Select Board made changes to the text of document. Many of these changes were small administrative changes such as moving a section from the front to the back of the documents, minor grammatical changes, renumbering of sections. Other changes were more complex and made substantial changes to the document. Vermont Statutes Annotated Title 24, Chapter 117 §4442 (c) requires the Select Board to return their document upon the completion of their review and prior to the public hearing so that the Planning Commission may amend the original Statement of Purpose and respond to the Select Board's suggested changes. This is our response.

The Monkton Planning Commission accepts the minor administrative changes made by the Select Board. In our opinion these changes, serve to strengthen the overall document and in some instances say it better. All changes of this nature uphold and support the goals of our Town Plan.

For the same reason, the Planning Commission also accepts the changes made by the Select Board to the definitions as listed below:

Page 6: Revised the definition of Accessory Dwelling Unit

Page 7: Revised the definition of Appurtenant

Page 9: Revised the definition of Driveway

Page 10: Revised the definition of Home Occupation

Page 13: Revised the definition of Private Road

Page 14: Added a definition for a Road End Turn Around

Page 15: Revised the definition of Structure

Page 16: Revised the definition of a Subdivision Major

More substantial changes have a greater impact on the document and its relationship to the Town Plan. These changes and the Planning Commission's response are called out individually below:

Page 30 Section 336 - Waste Water System Inspection: The Select Board revision removes language that would charge the Town's Zoning Administrator with visually inspecting a wastewater system before it is covered. The Planning Commission believes that this inspection is an important step that will allow the Town to prevent system failures and potential health issues in the future. While this change is not in conflict with the Town Plan it does take away a level of protection that the Planning Commission believes is important. The Planning Commission recommends that the original language be reinstated.

Page 31 Section 340 – Certificate of Occupancy: The Select Board reorganized this section and added language of their own. The end result appears to be a composite of their rewritten section and the original language. The Planning Commission believes that this section as presented is confusing and urges that the section be clarified.

Page 38 Section 364 – Site Plan Approval C. Review Procedure #10: In this section the Select Board has removed the phrase "and the development does not have an undue adverse impact on the scenic or functional qualities of the surrounding area." The Planning Commission believes that the capacity of the land to carry a development without a detrimental effect upon the neighborhood is an important consideration that should be address during the subdivision approval process. We urge that this language be reinstated to strengthen the Development Review Board's ability.

Page 45 Section 420 – Private Power Generation Facilities: In this section the Select Board has added language that requires that each private power generation facility meet the Town of Monkton's setback requirements. The Planning Commission supports this addition and believes it upholds the goals of the Town Plan.

Page 47 Section 460 – Extraction of Soil, Sand and Gravel: The Select Board removed language that spoke to the steps that should be taken as a gravel or soil extraction is stopped to return the site to it's previous condition. The Planning Commission believes that these requirements were reasonable and clearly spelled out the actions required to properly close a pit. The Planning Commission accepts this change and encourages the town to undertake an inventory to determine amount and location of these resources.

Page 50 Section 503 – Accessory Dwelling Unit A & E: The Select Board added the word "permitted" to item A. changing the item to read The property has sufficient permitted wastewater capacity. A new item E has been added that reads, "The distance between the two structures shall not exceed 50 feet. The Planning Commission accepts these changes.

Page 67 Section 815 – Performance Standards A.: The Select Board has added the sentence "Under no circumstances can the noise level exceed 70dB at the property line. The Planning Commission accepts this change.

Page 77 Section 905 – Planned Unit Developments (PUDs) B.: The Select Board deleted the phase "Applicant must present a Comprehensive Land Use Development Plan for the total proposed subdivision." The Planning Commission accepts this change.

Page 79 Section 905 – F. Specific Standards for Planned Unit Developments: The Select Board has made several changes to the wording of this subsection. The Planning Commission believes that the revisions do not change the intent of this section and believes that they uphold the intent of the Town Plan. The Planning Commission accepts this change

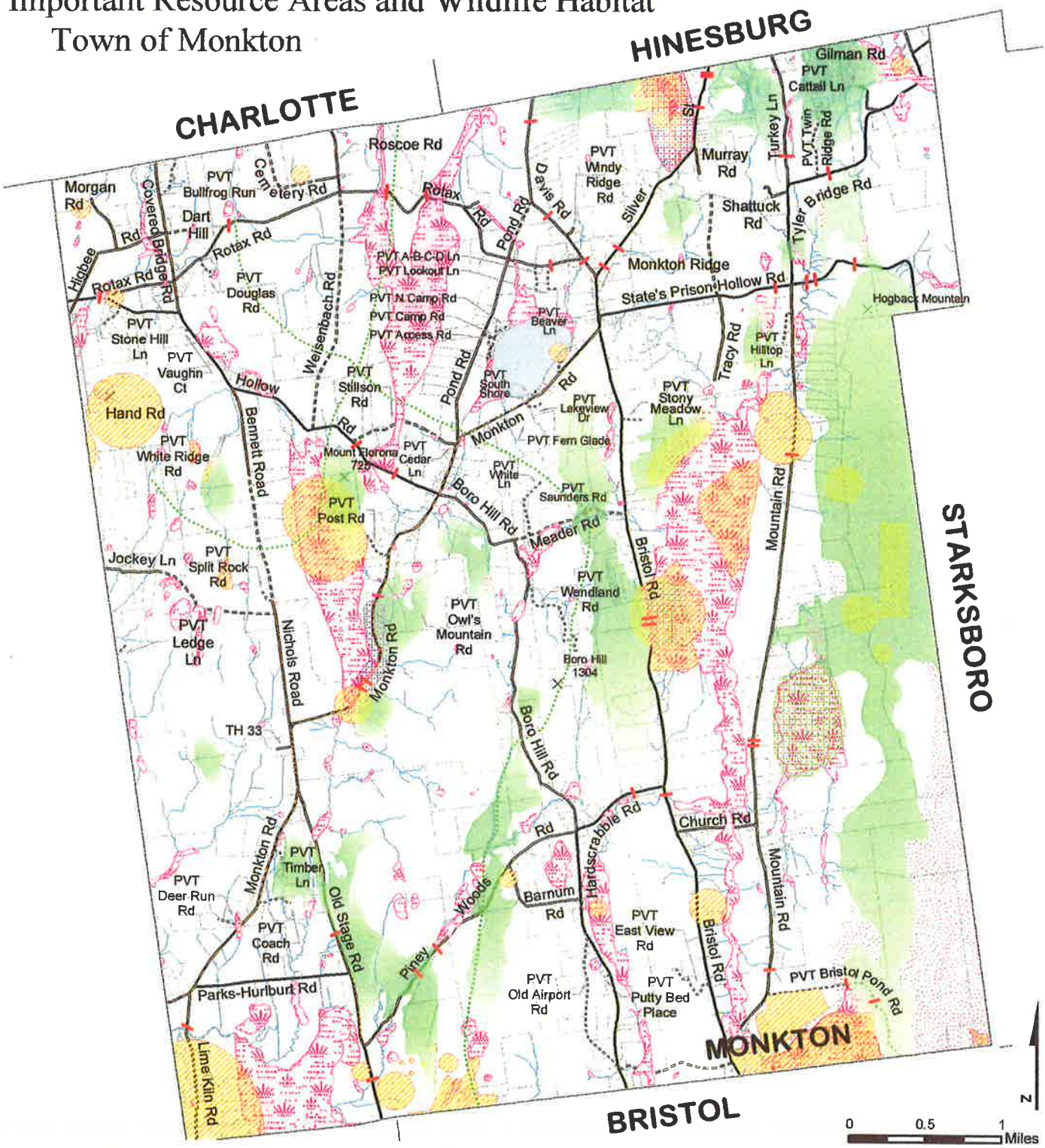
Page 80 Section 910 – General Street Planning Standards C.: The Select Board removed the last sentence of this subsection "Steep Grades and sharp curves should be avoided." The Planning Commission accepts this change.

Page 81 Section 920 – Fire Protection Facilities: The Select Board has substantially rewritten this section removing many of the specific fire protection requirements for large subdivisions. However, the proposed language does not change the intent of the section and the Planning Commission accepts this change.

Page 81 Section 935 – Storm Water Facilities: The Select Board has substantially rewritten the first paragraph of this section. The revised section requires "that the applicant must meet state regulations and permits for erosion and sediment control." The Planning Commission accepts this change.

Page 82 Section 935 D Excavation and Grading: The Select Board revised this section by changing the minimum requirement from 6 inches of topsoil to 3". The Planning Commission objects to this change and recommends that the minimum depth be changed back to six inches. While writing the original section, The Planning Commission research the basic requirements of turf grass establishment and found depth recommendations ranging from a depth of 4 to 6 inches of topsoil to add when establishing lawns. We believe that the many issues can occur when not enough topsoil is used such as poor grass establishment allowing for poor storm water control, erosion concerns in general and the potential adverse impact on ground water quality from an increased use of chemicals.

Important Resource Areas and Wildlife Habitat
Town of Monkton



Rare, Threatened and Endangered Species and Significant Communities (Natural Heritage)

Bobcat Migration Corridor

Wildlife Crossing

White Cedar Community

Reptile Migration Area

Turtle Habitat

Bear Habitat

Vermont Significant Wetlands

Deer Wintering Areas

Sources:
Rare, Threatened and Endangered and Significant Communities, VT ANR, 2011.
Deer Wintering Areas, VT ANR, 2010.
Vermont Significant Wetlands, VT ANR 2010
Bear Habitat, VT ANR undated.

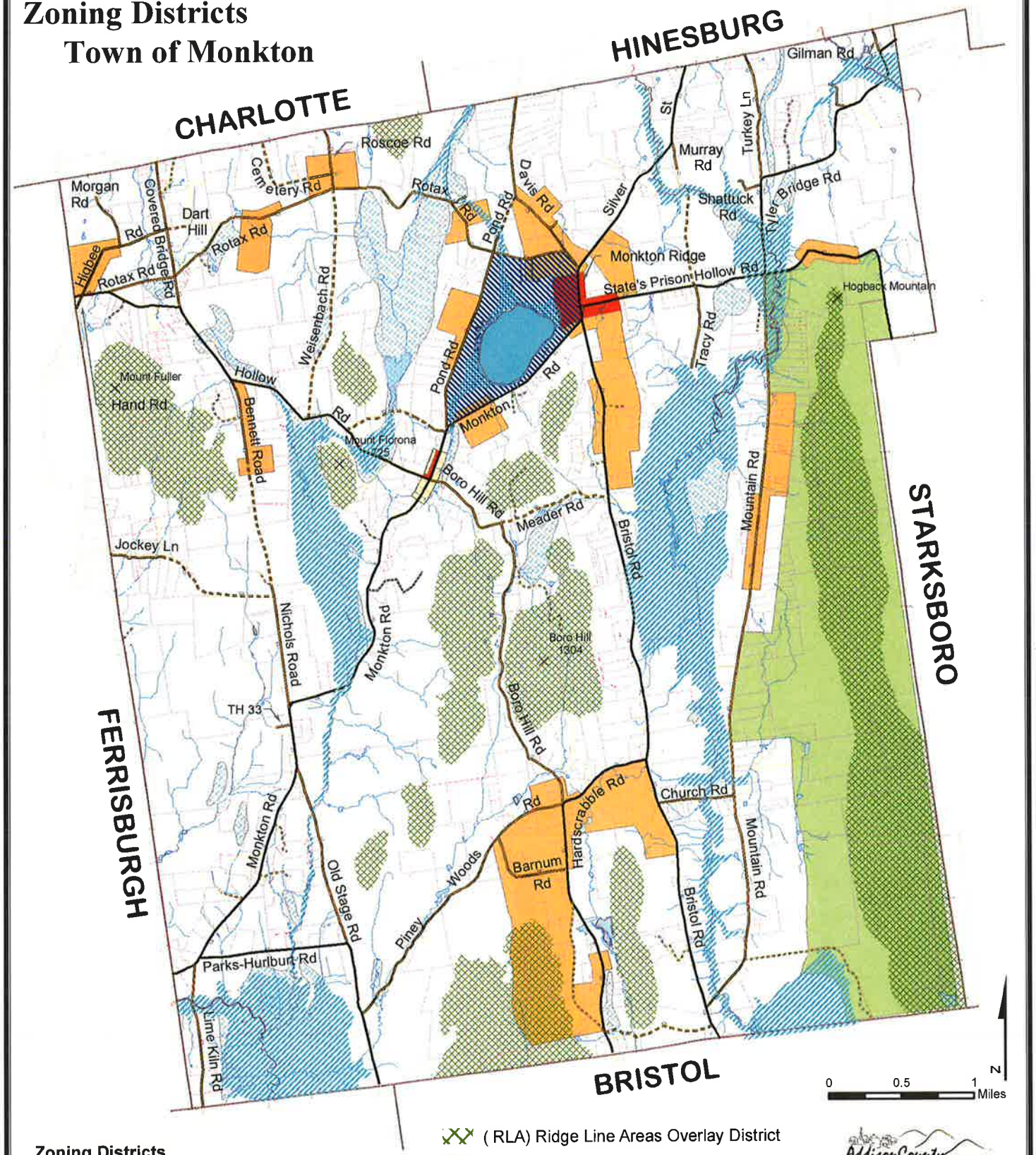
All other local resource mapped data, 2007.

Addison County Regional Planning Commission GIS

This map intended for planning purposes

ACRPC 12/2011

Zoning Districts
Town of Monkton



Zoning Districts

- RA-1-V Rural Agriculture - Village
- RA-2 Rural Agriculture
- RA-5 Rural Agriculture
- RA-5-V Rural Agricultural - Village
- FD Forest District
- WLD Wetland District

- (RLA) Ridge Line Areas Overlay District
- (FLHD) Floodplain Overlay District
- (POND) Monkton Pond Overlay District

Sources:
Zoning Districts:
As reviewed by Select Board, DATE 12/12/2011
Tax Parcels: 2008
South Mountain Surveying, Bristol, VT

Addison County
REGIONAL PLANNING COMMISSION
GIS
This map intended for planning purposes

File Name: zoning_prop_11

ACRPC 12/2011