

TOWN OF MONKTON

ZONING REGULATIONS

(Adopted March 1978, amended 1986)

Town of Monkton
Zoning Regulations
1978, Am 1986 certified to be a true copy
of the original as same appears on file in the
Town of Monkton.

Sharon M. Gomez
Monkton Town Clerk / Treasurer



ZONING ADMINISTRATOR: KENNETH WHEELING, 453-3759

Town of Montclair
of the original as same appears on file in the
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Town Clerk / Treasurer

TABLE OF CONTENTS

Section 110 - Enactment.	1
Section 120 - Intent.	1
Section 130 - Definitions.	1
Accessory Use or Building:	1
Agricultural Use:	1
Alteration:	1
Basement:	1
Boarding House:	1
Building:	2
Building Area:	2
Building Front Line:	2
Building Height:	2
Camp:	2
Clinic:	2
Clubs, Private:	2
Club House, Membership:	2
Community Center:	2
Coverage:	2
Dormitory Use:	2
Dump:	2
Dwelling Unit:	3
Dwelling, One-Family:	3
Dwelling, Two-Family:	3
Dwelling: Multiple Family:	3
Family:	3
Floor Area:	3
Floor Area or Room Habitable:	3
Gasoline Station:	3
Grade, Finished:	3
Home Occupation:	3
Hospital	3
Junk Yard:	3
Land Development:	4
Loading Space:	4
Lot:	4
Lot Area:	4
Lot Corner:	4
Lot Depth:	4
Lot Frontage:	4
Lot Line:	4
Lot Width:	4
Mobile Home:	4
Motel:	4
Motor Vehicle Sales Showroom:	4
Non-Conforming Use:	5
Non-Complying Structure:	5
Non-Residential Use:	5
Nursing Home:	5
Parking Space:	5
Personal Services:	5
Professional Residence - Office:	5
Public Assembly Use:	5
Public Water, Public Sewer:	5

Recreation, Commercial Outdoor:	5
Recreation, Indoor:	5
Recreation, Private Outdoor:	6
Recreation, Public Outdoor:	6
Religious Institution:	6
Residential Use:	6
Retail Store:	6
School:	6
Sign:	6
Sign, Advertising or Billboard:	6
Sign, Business:	6
Story:	6
Street:	6
Street Frontage:	6
Street Grade:	6
Street Line:	7
Structure:	7
Trailer:	7
Use, Permitted:	7
Vehicle Repair Garage:	7
Warehouse:	7
Yard:	7
Yard, Front:	7
Yard, Rear:	7
Yard, Side:	7

ARTICLE II

Establishment of Zoning Districts
and Zoning Map

.	8
Section 210 - Establishment of Zoning Districts:	8
Section 220 - Zoning Map.	8
Section 230 - Interpretation of Zoning District Boundaries.	8
Section 240 - Application of Regulations.	8
Section 241 - Construction Approved Prior to Adoption or Amendment to Regulations.	8
Section 250 - Non-Conforming Uses:	8
Section 251 - Non-Complying Buildings.	9
Section 252 - Termination of Non-Conforming Uses	9

ARTICLE III

Administration and Enforcement

Section 310 - Administrative Officer	10
Section 320 - Zoning Permit and Certificate of Occupancy	10
Section 321 - Exemptions	11
Section 330 - Penalties	11
Section 340 - Board of Adjustment	11
Section 341 - Conditional Uses	11
Section 350 - Referral to State Agency.	11

ARTICLE IV

Amendments, Interpretation,
Effective Date

Section 410 - Amendments	12
Section 420 - Interpretation.	12
Section 430 - Effective Date.	12
Section 440 - Separability.	12

ARTICLE V

General Regulations

Section 500 - Miscellaneous Requirements of Act.	13
Section 500A - Existing Small Lots.	13
Section 500B - Required Frontage on, or Access to Public Roads or Public Waters.	13
Section 500C - Protection of Home Occupations.	13
Section 500D - Equal Treatment of Housing.	13
Section 501 - Special Public Use Exceptions.	14
Section 502 - Front Yard Setback.	14
Section 503 - Calculation of Required Lot Area.	14
Section 504 - Variation of Yard Requirements in Residential Districts.	14
Section 510 - Other Miscellaneous Requirements.	14
Section 511 - Lots in Two Zoning Districts.	15
Section 512 - Dwelling on Lots.	15
Section 513 - Building Coverage, Open Porches, Carports and Garages.	15
Section 514 - Reduction of Lot Area.	15
Section 515 - Required Area or Yards.	15
Section 516 - Yards on Corner Lots.	15
Section 517 - Water Front Lots in Residential Districts.	15
Section 518 - Drive-In Establishments.	15
Section 519 - Driveways.	16
Section 520 - Access and Safety.	16
Section 521 - Temporary Uses and Structures.	16
Section 522 - Abandonment of Structures.	17
Section 523 - Obstruction of Vision.	17
Section 524 - Height Exceptions.	17
Section 525 - Height Exceptions by Special Permit.	17
Section 526 - Radio Towers and Height Restrictions Around Airports.	17
Section 527 - Private Swimming Pool.	17
Section 528 - Public Utility Substations.	17
Section 529 - Gasoline Stations.	18
Section 530 - Private Garages.	18
Section 550 - Signs.	18
Section 551 - Advertising Billboards.	19
Section 552 - Signs.	19
Section 553 - Wall, Projecting, Ground and Roof Signs.	19
Section 554 - Computation of Permissible Sign Area.	19
Section 555 - Traffic Hazard, Safety and Obstruction.	20
Section 556 - Illuminated and Flashing Signs.	20
Section 557 - Special Signs.	20

Section 560 - Performance Standards.	20
Section 561 - Uses Not Permitted.	21
Section 562 - Standards.	21
Section 563 - Storage of Flammable Liquids.	21
Section 564 - Extraction of Soil, Sand or Gravel.	22
Section 565 - Landfill.	23
Section 566 - Grading.	23
Section 567 - Vehicle Repair Garages.	23
Section 568 - Light Manufacturing.	24
Section 569 - Contractor Yards.	24
Section 570 - Accessory Uses and Buildings.	24
Section 571 - Projection in Yards.	24
ARTICLE VI: FLOOD HAZARD AREA REGULATIONS	25
Section 601 - STATUTORY AUTHORIZATION	25
Section 602 - STATEMENT OF PURPOSE	25
Section 603 - LANDS TO WHICH THESE REGULATIONS APPLY	25
Section 604 - OFFICIAL FLOOD HAZARD AREA MAP	25
Section 605 - INTERPRETATION OF DISTRICT BOUNDARIES	25
Section 606 - PERMITTED USES	26
Section 607 - CONDITIONAL USES	26
Section 608 - Permitted Requirements and Application Procedures.	26
Section 609 - Records.	27
Section 610: CONDITIONAL USE REVIEW PROCEDURES	27
Section 611 - CONSIDERATIONS BY THE BOARD OF ADJUSTMENT	28
Section 612 - CONDITIONS ATTACHED TO CONDITIONAL USE APPROVAL	29
Section 613 - TIME FOR ACTING ON APPLICATION	31
Section 614 - ISSUANCE AND TRANSMISSION OF PERMITS.	31
Section 615 - EFFECTIVE DATE.	31
Section 616 - APPEALS	32
Section 617 - VARIANCES	32
Section 618 - FEES	32
Section 619 - WARNING OF DISCLAIMER OF LIABILITY	32
Section 620 - PRECEDENCE OF REGULATIONS	33
Section 621 - ANNUAL REPORT TO FEDERAL EMERGENCY MANAGEMENT AGENCY	33
Section 622 - DEFINITIONS	33
ARTICLE VII	
ZONING DISTRICT GUIDELINES	35
Section 700 - District Objectives and Guidelines	35
Section 701 - Rural Agricultural District ("RA-1"):	36
Section 702 - Rural Agricultural District - Village ("RA-1-V"):	37
Section 703 - Rural Agricultural District ("RA-2")	37
Section 704 - Reserved	38
Section 705 - Rural Agricultural District ("RA-5"):	38
Section 706 - Rural Agricultural District - Village ("RA-5-V"):	39
Section 707 - Wet Land District ("WLD") and Forest District ("FD"):	39

ARTICLE VIII - CONDITIONAL USES	41
Section 800 - Application and Public Notice:	41
Section 801 - Unlawful Use Not Authorized:	41
Section 802 - Existing Conditional Uses:	41
Section 803 - Conditional Uses:	41
Type "A" Uses:	41
Type "B" Uses:	41
Type "C" Uses:	42
Section 804 - Conditional Use Locations:	42
Section 805 - Additional Regulations.	43
Section 806 - Effect on The Master Plan:	43
Section 807 - Performance Bond:	44
Section 808 - State and Federal Permits:	44
Section 809 - Review Procedure:	44
 ARTICLE IX - SITE PLAN APPROVAL	 46
Section 900 - Application and Public Notice:	46
Section 901 - Plan Review:	46
Section 902 - Conditions:	47
Section 903 - Review Procedure:	47
Section 904 - Notice to Abutting Landowners.	47



ZONING REGULATIONS

ARTICLE I

ENACTMENT, INTENT, AND DEFINITIONS

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

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

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

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

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

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

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

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

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

Town of Monkton Zoning Regulations

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

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

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

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

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

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

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

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

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

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

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

Town of Monkton Zoning Regulations

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

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

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

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

Family: One or more persons living, sleeping, cooking, and eating on the same premises as a single housekeeping unit.

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

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

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

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

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

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

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

Town of Monkton Zoning Regulations

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.

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

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

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

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

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

Lot Frontage: Total linear distance of a lot line abutting an existing street or a proposed street (amended 3/6/79).

Lot Line: Property lines bounding a lot.

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

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

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

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

Town of Monkton Zoning Regulations

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

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

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

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

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

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

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

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

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

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

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

Town of Monkton Zoning Regulations

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

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

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

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

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

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

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

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

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

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

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

Street Frontage: Lot lines which abut a public street.

Street Grade: Officially established grade of the street upon which a lot fronts. If there is no officially established

Town of Monkton Zoning Regulations

grade, the existing grade of the street shall be taken as the street grade.

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

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground, except a well or fence on an operating farm. For the purpose of these Regulations, "Structure" shall include satellite dishes, above-ground and in-ground swimming pools and associated walks or decks.

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

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

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

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

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

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

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

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

Town of Monkton Zoning Regulations

ARTICLE II
Establishment of Zoning Districts
and Zoning Map

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

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

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

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

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

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

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

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

Section 250 - Non-Conforming Uses: The following provisions shall apply to all buildings and uses existing on the effective date of these Regulations which do not conform to the requirements set forth in these Regulations and to all buildings

Town of Monkton Zoning Regulations

and uses that in the future do not conform by reason of any subsequent amendment to these Regulations.

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

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

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

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

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

Town of Monkton Zoning Regulations

ARTICLE III
Administration and Enforcement

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

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

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

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

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

Town of Monkton Zoning Regulations

Section 321 - Exemptions Each residence may have a single accessory building not intended for human habitation and not exceeding 81 square feet in building area or 730 cubic feet in volume without the requirement of a permit.

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

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

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

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

Town of Monkton Zoning Regulations

ARTICLE IV
Amendments, Interpretation,
Effective Date

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

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

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

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

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

Town of Monkton Zoning Regulations

ARTICLE V
General Regulations

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

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

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

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

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

Section 500D - Equal Treatment of Housing.

- a. Except as provided in Section 4407 (b) of this title, no zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded.
- b. No zoning regulation shall have the effect of excluding from the municipality housing to meet the needs of the population as determined in section 4382(c) of this title.
- c. No provision of this chapter shall be construed to prevent the establishment of mobile home parks pursuant to chapter 153 of Title 10.

Town of Monkton Zoning Regulations

Section 501 - Special Public Use Exceptions. The following uses may only be regulated with respect to size, height, bulk, yards, courts, setbacks, density of buildings, off-street parking and loading facilities and landscaping or screening requirements:

1. Public utility power generating plants and transmission lines.
2. State owned and operated institutions and facilities.
3. Public and private schools and other educational institutions certified by the Vermont Department of Education.
4. Churches, convents and parish houses

Section 502 - Front Yard Setback. Notwithstanding provisions for front yards elsewhere in these Regulations, on streets with less than 50 foot right of way, the front yard requirement shall be measured from the center line of the existing roadway and 25 feet shall be added to the front yard requirement.

Section 503 - Calculation of Required Lot Area. In calculating the required lot area, lot width, depth and yards, existing or proposed rights of way shown on the Official Map shall not be considered.

Section 504 - Variation of Yard Requirements in Residential Districts. Upon approval by the Planning Commission, and after a public hearing, the requirements concerning lot area, frontage, side and rear yards may be varied for a unified residential development, provided that the maximum number of dwelling units of the overall development is not greater than that normally allowable in the district in which it is located, and provided that suitably landscaped open space at least forty feet in width shall surround the development. Such land as may be made available under this Section shall be devoted to common purposes for all residents, including a park, play area or gardens for use of residents.

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

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

Section 510 - Other Miscellaneous Requirements.

Town of Monkton Zoning Regulations

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

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

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

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

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

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

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

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

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



Town of Monkton Zoning Regulations

Section 519 - Driveways. The following sections shall control the location and design of driveways.

1. Location of Driveways: All driveways are to be located at least 100 feet from a street line intersection and shall conform with the Vermont Department of Transportation Standard B-71. Required site distances shall be based upon the highest prevailing speed limit on the road within 1,000 feet of the proposed driveway location.
2. Design Standards. In order to facilitate the access of fire fighting and other emergency vehicles, all driveways shall conform to the following standards:
 1. Roadbed Width - Minimum of 10 feet
 2. Roadbed Slope - Maximum of 10 percent
 3. Turning Radius - Minimum of 35 feet on all bends and turns.
 4. Clear Width - Minimum of 14 feet
 5. Clear Height - Minimum of 10 feet
 6. Turnaround Area - All driveways shall have a turnaround area of at least 35 feet by 35 feet
 7. Road Base Material - A minimum of well compacted gravel graded to provide positive drainage.
3. Culverts and Drainage: Driveways shall be designed and constructed to provide positive drainage of surface waters away from roadways and driveways. Tubing and culverts shall be installed as required to maintain drainage. The person constructing the driveway shall arrange an onsite inspection of the proposed driveway location and design approved by the Administrative Officer prior to beginning construction. The Administrative Officer shall have the power to deny the use of such driveways or enjoin the owner from completing such driveways should the owner fail to obtain such approval.

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

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

Town of Monkton Zoning Regulations

expiration of the permit. Such permits may be renewed upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

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

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

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

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

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

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

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

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

Town of Monkton Zoning Regulations

2. A landscaped area at least twenty-five feet wide shall be maintained in front, rear and side yards.

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

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

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

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

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

Town of Monkton Zoning Regulations

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

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

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

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

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

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

Every projecting sign shall:

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

Every ground sign shall:

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

Roof signs shall not be permitted in any zoning district.

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

1. Existing signs shall be included.

Town of Monkton Zoning Regulations

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

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

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

Section 556 - Illuminated and Flashing Signs.

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

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

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

Such signs shall conform to the following requirements:

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

Section 560 - Performance Standards. In accordance with Section 4407(7) of the Act, in all districts the following performance standards together with all applicable State

Town of Monkton Zoning Regulations

standards must be met. The Planning Commission shall decide whether proposed or existing uses meet the standards.

Section 561 - Uses Not Permitted. The following uses are not permitted in any zoning district:

1. Smelters or blast furnaces.
2. Slaughter houses, rendering plants, hide tanning or curing plants.
3. Manufacture or processing of fertilizer, bone, rubber, asphalt, ammonia, and/or chlorine.
4. Manufacture or refining of petroleum, gas, or explosives.
5. Bulk storage of wholesale fuel oil, butane, propane, or gasoline.
6. Junk yards, machinery wrecking yards.
7. Unenclosed manufacturing or processing of goods.
8. Motor vehicle or equipment sales.

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

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

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

All tanks having a capacity greater than five hundred and fifty gallons shall be properly retained with dikes having a

Town of Monkton Zoning Regulations

capacity not less than one and one-half times the capacity of the tanks surrounded.

Section 564 - Extraction of Soil, Sand or Gravel. In accordance with Section 4407(8) of the Act, the removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises, shall be permitted only upon approval of a plan for the rehabilitation of the site by the Planning Commission and after a public hearing. In any district the following provisions shall apply:

1. Before approval of any new or extension to a sand or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redevelopment of the site as a park, lake recreation area or other usable open space.

The removal of all material shall be conducted so as to result in the improvement of the land, having due regard to the contours in the vicinity such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted unless provision is made to refill such pit.

3. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall be fertilized, mulched and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Administrative Officer.
4. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All the provisions to control natural drainage water shall meet with the approval of the Administrative Officer.
5. No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
6. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.

Town of Monkton Zoning Regulations

7. All excavation slopes in excess of one to two shall be adequately fenced as determined by the Administrative Officer.
8. Extension of an existing non-conforming operation shall not be permitted.
9. The Planning Commission may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

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

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

Section 567 - Vehicle Repair Garages. In all districts where permitted, vehicle repair garages shall comply with the following:

1. All service and repair activities will take place within an enclosed building. There shall be no outdoor repair of motor vehicles.
2. All driveways and parking areas will be paved.
3. There shall be a minimum of one curb cut at the street line with a maximum width of 20 feet.
4. There shall be no outdoor storage of unregistered or inoperable vehicles.
5. No more than five operable/registered vehicles may be stored outdoors.
6. There shall be no sale of vehicles or goods. Notwithstanding this provision, 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.
7. 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.
8. The Planning Commission may require landscaping, screening, or other measures they deem appropriate.

Town of Monkton Zoning Regulations

Section 568 - Light Manufacturing. In all districts where permitted, light manufacturing facilities shall comply with the following:

1. All manufacturing and processing operations will take place within an enclosed building. There shall be no outdoor manufacturing/processing.
2. Outdoor storage of raw materials or finished goods may be permitted by the Board in accordance with Sections 805 and 806.
3. 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 569 - Contractor Yards. In all districts where permitted, contractor yards shall comply with the following:

1. Equipment and tools may be stored onsite provided they are stored within a building or in an approved landscaped/screened location.
2. Onsite storage of raw materials shall not be permitted.

Section 570 - 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.

Section 571 - Projection in 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.

Town of Monkton Zoning Regulations

ARTICLE VI: FLOOD HAZARD AREA REGULATIONS

Section 601 - STATUTORY AUTHORIZATION. To effect the purposes of 10 V.S.A. Chapter 32, and in accord with the Vermont Planning and Development Act, 24 V.S.A., Chapter 117, Section 4405, 4407(a), 4410, or 4412, there are hereby established zoning regulations for areas of special flood hazard in the Town of Monkton.

Section 602 - STATEMENT OF PURPOSE It is the purpose of these regulations to promote the public health, safety, and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

- (a) restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or cause excessive increase in flood heights or velocities;
- (b) requiring that uses vulnerable to floods, including public facilities that serve such uses, shall be protected against flood damage at the time of initial construction;
- (c) protecting individuals from buying lands that are unsuited for their intended purposes because of flood hazard.

Section 603 - LANDS TO WHICH THESE REGULATIONS APPLY. These regulations shall apply to all lands in the Town of Monkton identified as areas of special flood hazard on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), dated November 1, 1985, and any revisions thereto.

Section 604 - 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), and Flood Boundary and Floodway Maps. The Official Flood Hazard Area Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of these regulations.

Section 605 - INTERPRETATION OF DISTRICT BOUNDARIES. The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by utilizing the base flood elevation data contained in the Flood Insurance Study or, in the absence of such data, by obtaining, reviewing, and reasonably utilizing any base flood elevation data available from a federal or state agency. Appeals with respect to a boundary interpretation shall be made by filing a notice with the Secretary of the Board of Adjustment within fifteen days of the decision or act.

Town of Monkton Zoning Regulations

Section 606 - PERMITTED USES. Upon issuance of a permit by the Administrative Officer, the following open space uses shall be permitted within the area of special flood hazard to the extent that they are not prohibited by any other ordinance and provided that they do not require the erection of structures or storage of materials and equipment, the borrowing of fill from outside the flood hazard area, or channel modification or relocation, and do not obstruct flood flows, affect the water-carrying capacity of the regulatory floodway or channel, or increase offsite flood damage potential.

- (a) Agricultural uses, such as general farming, pasture, orchard grazing, outdoor plant nurseries, truck farming, and forestry.
- (b) Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses, golf driving ranges, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farms, fish hatcheries, wildlife sanctuaries, nature preserves, swimming areas, and boat launching sites.
- (c) Accessory residential uses, such as lawns, gardens, parking areas, and play areas.

Section 607 - CONDITIONAL USES. All new construction, substantial improvement, and development uses prescribed by the Town of Monkton zoning ordinance that do not meet the requirements of Section 606 and fall within the designated area of special flood hazard are permitted only by the granting of a conditional use permit by the Board of Adjustment in accordance with the procedures and requirements of Sections 610, 611, and 612 of these regulations.

Section 608 - Permitted Requirements and Application Procedures. Permits are required for all proposed new construction, substantial improvements, and other developments, including the placement of manufactured homes, within all lands to which these regulations apply.

All zoning permit applications shall be submitted to the Administrative Officer, on forms furnished by him, who shall determine, on application, whether or not the proposed development is located within the area of special flood hazard by the procedures established in Section 605 of these regulations.

If the proposed use will be located in the areas of special flood hazard and meets the requirements of Section 606 of these regulations, the Administrative officer shall issue a permit. If the proposed use does not meet the requirements of Section 606, the Administrative Officer shall refer all applicants to the Secretary of the Board of Adjustment.

Town of Monkton Zoning Regulations

Section 609 - Records. The Administrative Officer shall maintain a record of:

- (a) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures and whether or not such structures contain a basement; and
- (b) The elevation, in relation to mean sea level, to which such structures have been floodproofed.

Section 610: CONDITIONAL USE REVIEW PROCEDURES.

1. Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to holding a hearing and rendering a decision thereon, obtain from the applicant:
 - (a) base flood elevation data for all subdivisions and other proposed new developments greater than 50 lots or 5 acres, whichever is the smaller;
 - (b) the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new construction or substantial improvement of structures;
 - (c) where floodproofing is proposed in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement will be floodproofed;
 - (d) certification from a registered professional engineer or architect that the designed and proposed method of construction of buildings to be floodproofed are in accordance with accepted standards of practice for meeting the floodproofing criteria of Section 612(1)(b) of these regulations;
 - (e) a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
2. In addition, the Board of Adjustment shall require such of the following information as it deems necessary for determining the suitability of the particular site for the proposed use:
 - (a) Plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above to

Town of Monkton Zoning Regulations

the location of the channel, floodway, and base flood elevation.

- (b) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, and cross-sectional areas to be occupied by the proposed development.
 - (c) A profile showing the slope of the bottom of the channel or flow line of the stream.
 - (d) Specifications for building construction and materials, floodproofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel improvement, storage of materials, water supply, and sanitary facilities.
3. In unnumbered A zones, the Board of Adjustment shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for approval of all land development under Section 612.
 4. The Board of Adjustment shall notify adjacent communities and the Vermont Department of Water Resources prior to approval of an alteration or relocation of a watercourse and shall submit copies of such notifications to the FEMA Administrator.
 5. The Secretary of the Board of Adjustment shall transmit one copy of the information required by subsections 610(1) and 610(2) to the Vermont Department of Water Resources in accordance with 24 V.S.A., Section 4409(c)(2)(A).
 6. In reviewing each application, the Board of Adjustment shall consider the evaluation of the Vermont Department of Water Resources and shall determine that the proposed use will conform to the development standards of Section 612 of these regulations.
 7. In accordance with 24 V.S.A., Section 4409(c)(2)(A), no permit may be granted for new construction or the development of land in any area designated as a flood plain by the Vermont Department of Water Resources prior to the expiration of a period of 30 days following the submission of a report to the Vermont Department of Water Resources under Section 610(5) above.

Section 611 - CONSIDERATIONS BY THE BOARD OF ADJUSTMENT. In reviewing each application, the Board of Adjustment shall consider:

Town of Monkton Zoning Regulations

- (a) the danger to life and property due to increased flood heights or velocities caused by encroachments;
- (b) the danger that materials may be swept onto other lands or downstream to the injury of others;
- (c) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding;
- (d) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (e) the importance of the services provided by the proposed facility to the community;
- (f) the necessity to the facility of a waterfront location;
- (g) the availability of alternative locations not subject to flooding for the proposed use;
- (h) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) the relationship of the proposed use to the proposed comprehensive plan, insofar as it has been developed;
- (j) the safety of access to the property in times of flood of ordinary and emergency vehicles;
- (k) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
- (l) the costs of providing governmental and public facilities and services during and after flooding;
- (m) such other factors as are relevant to the purposes of this ordinance.

Section 612 - CONDITIONS ATTACHED TO CONDITIONAL USE

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

- (a) all new construction or substantial improvement of any residential structure shall have the first floor and basement floor elevated to or above the base flood elevation;
- (b) all new construction or substantial improvement of nonresidential structures shall have the lowest floor, including basement, elevated to or above the base flood elevation, or be floodproofed below the base flood level so

Town of Monkton Zoning Regulations

that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;

- (c) all new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of the floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria; A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- (d) structures shall be (1) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (2) be constructed with materials resistant to flood damage, (3) be constructed by methods and practices that minimize flood damage, and (4) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other services facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (e) development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood;
- (f) all new and replacement water supply systems shall be designed so as to minimize or prevent the infiltration of flood waters into the system;
- (g) all new and replacement sanitary sewage systems shall be designed and located so as to minimize or prevent the infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (h) all onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (i) new and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the

Town of Monkton Zoning Regulations

pad) under the entire manufactured home is above the base flood elevation;

- (j) all necessary permits shall be obtained from those governmental agencies from which approval is required by federal or state law;
- (k) the flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained;
- (l) all land development shall be reasonably safe from flooding and that;
 - 1. all public utilities and facilities serving subdivisions, such as sewer, gas, electrical, and water systems, to be located and constructed to minimize or eliminate flood damage, and
 - 2. adequate drainage be provided within subdivisions to reduce exposure to flood hazards.
- 2. Upon consideration of those factors in Section 611, and the purposes of these regulations, the Board of Adjustment shall attach such additional conditions to the granting of a permit as are necessary to meet the purposes and flood hazard area management requirements of these zoning regulations.

Section 613 - TIME FOR ACTING ON APPLICATION

- 1. The Board of Adjustment shall hold a properly warned hearing within 30 days of receiving an application, and shall act on such application in a manner described in Sections 611 and 612 within (30) days of the final hearing, subject to the limitations of Section 610(6) of these regulations.
- 2. A copy of the public notice shall be mailed to the applicant at least 15 days prior to the hearing date.

Section 614 - ISSUANCE AND TRANSMISSION OF PERMITS. Upon granting a permit, the Board of Adjustment shall send to the applicant, by certified mail, a copy of the decision. Copies of the decision shall also be mailed to every person appearing and having been heard at the hearing, to the Administrative Officer, who shall forthwith issue a permit, and to the Town Clerk, as a part of the public records.

Section 615 - EFFECTIVE DATE.

- 1. A permitted use permit shall take effect 15 days from the date of issuance.

Town of Monkton Zoning Regulations

2. Conditional use permits shall take effect upon adjudication by the Board of Adjustment.

Section 616 - APPEALS.

An interested person, as defined in 24 V.S.A., Section 4464(b), may appeal a decision of the Board of Adjustment to the Superior Court in accordance with the provisions of 24 V.S.A., Section 4471.

Section 617 - VARIANCES.

1. Variances shall be granted by the Board of Adjustment only:
 - (a) in accordance with the provisions of 24 V.S.A., Section 4468;
 - (b) upon a determination that during the base flood discharge the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. The Secretary of the Board of Adjustment shall notify the applicant that the issuance of a variance to construct a structure below the base flood level:
 - (a) will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as \$25 for \$100 of insurance coverage;
 - (b) increase risks to life and property.
3. The Secretary of the Board of Adjustment shall:
 - (a) maintain a record of all variance actions, including justification of their issuance, and
 - (b) report such variances issued to the Administrator upon request.

Section 618 - FEES. The Board of Selectmen shall establish such fees as may be necessary for the filing of notices and the processing of hearings and action thereon. All such fees shall be paid to the Secretary of the Board of Adjustment upon application for a conditional use permit under these regulations.

Section 619 - 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

Town of Monkton Zoning Regulations

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 thereunder.

Section 620 - Precedence of Regulations. The provisions of these regulations shall take precedence over any conflicting and less restrictive local laws.

Section 621 - Annual report to Federal Emergency Management Agency

1. The Administrative Officer shall, to the extent possible, submit to the Administrator the information required by the FEMA annual report form with respect to the administration and enforcement of these flood hazard area bylaws.
2. A copy of the annual report shall be submitted to the state coordinating agency.

Section 622 - Definitions.

Administrator: The Federal Emergency Management 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, or in the absence of the FIRM, on the FHBM. It does not include Zones B and C

Base Flood: The flood having a one percent chance of being equaled or exceeded in a given year.

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

FEMA: Federal Emergency Management Agency

FHBM: Flood Hazard Boundary 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. A FHBM is issued before the FEMA has conducted a flood study of the community.

FIRM: Flood 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

Town of Monkton Zoning Regulations

to the community. A FIRM is issued after the FEMA has completed a flood study of the community.

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

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

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

Manufactured Home Park or Manufactured Home Subdivision: A parcel of land divided into two or more manufactured home lots for rent or sale.

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

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

Start of Construction: See FEMA definition in Section 1609.1 of the current National Flood Insurance program rules and regulations.

Substantial Improvement: Any repair, construction, 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 damage has 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.

Town of Monkton Zoning Regulations

ARTICLE VII
ZONING DISTRICT GUIDELINES

Section 700 - District Objectives and Guidelines. The purpose of each of the districts listed in Article VII is as follows:

1. "RA-1" - Rural Agricultural District: This district is comprised of the areas where the soil has the best capability to take care of the more intensive development in the Town and the land has reasonably good access to the existing network of highways in the Town. A compatible mixture of residential, commercial and other compatible and complementing uses shall be permitted in this district at densities set forth hereafter. The commercial uses will be allowed on a conditional use basis.
2. "RA-1-V": This district is comprised of the areas where the soil has the best capability to take care of the more intensive development in the Town, 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. A compatible mixture of residential, commercial and other compatible and complementing uses shall be permitted in this district at densities set forth hereafter. Most non-residential uses will be allowed on a conditional use basis.
3. "RA-2": This area has reasonably good soil for development but is not located in the same geographic areas that warrant inclusion in one of the rural centers. The purpose, therefore, is to limit uses to agricultural, residential and other compatible and complementing uses at the designated densities.
4. "RA-5": These areas are not near the Town centers and do not have soil characteristics with good residential or commercial development potential. The land in this area is well suited for agricultural uses and other compatible uses such as open space, conservation and certain forms of outdoor recreation. Low density residential uses will be permitted as hereinafter specified.
5. "RA-5-V": This district does not have good soil characteristics but is located in the areas of the Town with a Village atmosphere and has reasonably good access to the existing network of highways. Although there exist drawbacks to allowing traditional Village type uses, carefully conceived conditional uses that

Town of Monkton Zoning Regulations

take into account the soil limitations and the existing abutting uses may be allowed on a conditional use basis.

6. "FHD": Flood Hazard District: These areas are set forth on the Flood Insurance Rate Map (dated November 1, 1985) which is part of these regulations, and the regulations for which areas are set forth in a separate Article of these regulations.
7. "WLD": Wet Land District. The land comprising these areas are technically not located in a Flood Hazard Area, but due to the location of the property, the condition of the soil and the remoteness of community facilities, development would not be in the best interest of the community or developer. The only uses permitted in these areas will be outdoor recreational uses not involving any structures and which do not harm any significant resources.
8. "FD": - Forest District: Those areas designated in the Town Plan as a Conservation District and which do not fall into the category of a Flood Hazard District or Wet Land District. The only permitted uses in this district would be commercial or private forest uses, which would not create any erosion problems and would not harm any significant resources. In this area, some very limited camp or temporary residential uses will be permitted on a conditional use basis and subject to all of the limitations set forth in these regulations.

Section 701 - Rural Agricultural District ("RA-1"):

1. Permitted Uses:

- a. Agricultural and Forest Uses
- b. One or Two Family Dwelling
- c. Public Outdoor Recreation
- d. Cemetery
- e. Wildlife Refuge
- f. Home Occupation
- g. Accessory Use
- h. Professional Residence - Office

2. Conditional Uses are governed by Article VIII and the general standards designated in Section 4407(2) of the Act, and are subject to the specific standards set forth in 701.3

Town of Monkton Zoning Regulations

3. Area, Yard, Height and Size Regulations - ("RA-1")

- a. Lot Area Minimum 1 acre
- b. Lot Frontage Minimum 150 feet
- c. Lot Depth Minimum 150 feet
- d. Front Yard Minimum 50 feet
- e. Rear Yard Minimum 50 feet
- f. Side Yard Minimum 50 feet each side
- g. Building Height Maximum Two stories or 23 feet,
whichever is less; Accessory Building - 20 feet.

Section 702 - Rural Agricultural District - Village ("RA-1-V"):

1. Permitted Uses:

- a. Agricultural and Forest Uses
- b. One or Two Family Dwelling
- c. Public Outdoor Recreation
- d. Cemetery
- e. Wildlife Refuge
- f. Home Occupation
- g. Accessory Use
- h. Professional Residence - Office

2. Conditional Uses are governed by Article VIII and the general standards designated in Section 4407(2) of the Act, and are subject to the specific standards set forth in 702.3

3. Area, Yard, Height, and Size Regulations - ("RA-1-V"):

- a. Lot Area Minimum 1 acre
- b. Lot Frontage Minimum 150 feet
- c. Lot Depth Minimum 150 feet
- d. Front Yard Minimum 50 feet
- e. Rear Yard Minimum 50 feet
- f. Side Yard Minimum 50 feet each side
- g. Building Height Maximum Two Stories or 23 feet,
whichever is less; Accessory Building - 20 feet.

Section 703 - Rural Agricultural District ("RA-2"):

1. Permitted Uses:

- a. Agricultural and Forest Uses
- b. One or Two Family Dwelling
- c. Public Outdoor Recreation
- d. Cemetery
- e. Wildlife Refuge
- f. Home Occupation
- g. Accessory Use
- h. Professional Residence - Office

Town of Monkton Zoning Regulations

2. Conditional Uses are governed by Article VIII and the general standards designated in Section 4407(2) of the Act, and are subject to the specific standards set forth in 703.3

3. Area, Yard, Height, and Size Regulations - ("RA-2"):

- a. Lot Area Minimum 2 acre
- b. Lot Frontage Minimum 150 feet
- c. Lot Depth Minimum 150 feet
- d. Front Yard Minimum 50 feet
- e. Rear Yard Minimum 50 feet
- f. Side Yard Minimum 50 feet each side
- g. Building Height Maximum Two Stories or 23 feet, whichever is less; Accessory Building - 20 feet.

Section 704 - ReservedSection 705 - Rural Agricultural District ("RA-5"):

1. Permitted Uses:

- a. Agricultural and Forest Uses
- b. One or Two Family Dwelling
- c. Public Outdoor Recreation
- d. Cemetery
- e. Wildlife Refuge
- f. Home Occupation
- g. Accessory Use
- h. Professional Residence - Office

2. Conditional Uses are governed by Article VIII and the general standards designated in Section 4407(2) of the Act, and are subject to the specific standards set forth in 705.3

3. Area, Yard, Height, and Size Regulations - ("RA-5"):

- a. Lot Area Minimum 5 acre
- b. Lot Frontage Minimum 300 feet
- c. Lot Depth Minimum 150 feet
- d. Front Yard Minimum 50 feet
- e. Rear Yard Minimum 50 feet
- f. Side Yard Minimum 50 feet each side
- g. Building Height Maximum Two Stories or 23 feet, whichever is less; Accessory Building - 20 feet.

Town of Monkton Zoning Regulations

Section 706 - Rural Agricultural District - Village ("RA-5-V"):

1. Permitted Uses:

- a. Agricultural and Forest Uses
- b. One or Two Family Dwelling
- c. Public Outdoor Recreation
- d. Cemetery
- e. Wildlife Refuge
- f. Home Occupation
- g. Accessory Use
- h. Professional Residence - Office

2. Conditional Uses are governed by Article VIII and the general standards designated in Section 4407(2) of the Act, and are subject to the specific standards set forth in 706.3

3. Area, Yard, Height, and Size Regulations - ("RA-5-V"):

- a. Lot Area Minimum 5 acre
- b. Lot Frontage Minimum 300 feet
- c. Lot Depth Minimum 150 feet
- d. Front Yard Minimum 50 feet
- e. Rear Yard Minimum 50 feet
- f. Side Yard Minimum 50 feet each side
- g. Building Height Maximum Two Stories or 23 feet, whichever is less; Accessory Building - 20 feet.

Section 707 - Wet Land District ("WLD") and Forest District ("FD"):

1. Permitted Uses:

- a. Agricultural and Forest Uses
- b. Public Outdoor Recreation
- c. Cemetery
- d. Wildlife Refuge

2. Conditional Uses: The following uses are permitted after the issuance of a conditional use permit by the Zoning Board of Adjustment:

- a. Single Family Residence
- b. Hunting or Seasonal Recreation Camp
- c. Private Commercial Outdoor Recreation
- d. Public Outdoor Recreation

3. Conditional Uses are governed by Article VIII and the general standards designated in Section 4407(2) of the Act, and are subject to the specific standards set forth in 707.4.

Town of Monkton Zoning Regulations

4. Area, Yard, Height, and Size Regulations - ("WLD" and "FD"):

- a. Lot Area Minimum 25 acre
- b. Lot Frontage Minimum 400 feet
- c. Lot Depth Minimum 150 feet
- d. Front Yard Minimum 50 feet
- e. Rear Yard Minimum 50 feet
- f. Side Yard Minimum 50 feet each side
- g. Building Height Maximum Two Stories or 23 feet, whichever is less; Accessory Building - 20 feet.

Town of Monkton Zoning Regulations

ARTICLE VIII - CONDITIONAL USES

Section 800 - Application and Public Notice: The applicant shall submit to the Town Clerk, at least 15 days prior to the regular meeting of the Zoning Board of Adjustment, three copies of a letter summarizing the proposed conditional use which addresses all elements of this Article. Public Notice of hearing shall be given as required by the Act.

Section 801 - Unlawful Use Not Authorized: Nothing in this Regulation shall be interpreted as authorization for, or approval of, the use of a structure of premises in violation of zoning regulations in effect at the time of the effective date of this regulation.

Section 802 - 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 Board of Adjustment and shall conform to all regulations pertaining to conditional uses.

Section 803 - Conditional Uses: Uses recognized in these Regulations as Conditional Uses are recognized as those which are not, by their nature, incompatible with the Town Plan. They represent desirable community facilities and services, or compatible commercial and industrial uses. Approval of a Conditional Use shall require Site Plan Approval from the Planning Commission and a Conditional Use Permit from the Board of Adjustment. Conditional Uses shall be allowed only in Districts where they are specifically permitted.

(May 23, 1990: An Administrative Rule was adopted by the Zoning Board of Adjustment to read:

If a use is neither permitted nor prohibited, it will be treated as a conditional use, provided such use meets the criteria for conditional uses as outlined in Title 24, Section 4407 (2) Conditional Uses.)

1. Type "A" Uses:
 - Private Club
 - Seasonal Farm Stand
 - Wholesale Nurseries
 - Public Utilities
 - Private Commercial Outdoor Recreation

2. Type "B" Uses:
 - Professional Office
 - Business Office
 - Medical Clinic
 - Dental Clinic

Town of Monkton Zoning Regulations

Veterinary Clinic
Fire Station
Education Facilities
Research & Testing Facilities
Light Manufacturing
Vehicle Repair Garage
Parking
Contractor Yards

3. Type "C" Uses:

Retail Store
Library, Art Gallery, Museum
Restaurant
Personal Service
Religious Institution
Community Center
Hospital
Community Care Home
Licensed Nursing Home
Convalescent Home
Group Home, Home for the Aged
Day Care Center
Mortuary, Funeral Home
Bank

Section 804 - Conditional Use Locations: Conditional use locations are limited to the following areas in the Town:

1. Type "A" Conditional Uses are limited to those Districts in the Town designated as RA-1, RA-2, RA-3, RA-1-V, or RA-3-V.
2. Type "B" Conditional Uses, except Vehicle Repair Garages and Contractor Yards, are limited to Districts designated as RA-1, RA-2, RA-3, RA-1-V, or RA-3-V where the proposed use has frontage on and access to a paved road. Frontage on said paved road shall be at least the minimum required in the appropriate district and access from said road to the proposed use is subject to all applicable Board requirements.
3. Vehicle Repair Garages and Contractor Yards are limited to those Districts designated as RA-1, RA-2, or RA-3 where the proposed use has frontage on and access to a paved road. Frontage on said paved road shall be at least the minimum required in the appropriate district and access from said road to the proposed use is subject to all applicable Board requirements.
4. Type "C" Conditional Uses are limited to those Districts designated RA-1-V or RA-3-V where the

Town of Monkton Zoning Regulations

proposed use has frontage on and access to a paved road. Frontage on said paved road shall be at least the minimum required in the appropriate district and access from said road to the proposed use is subject to all applicable Board requirements.

Section 805 - Additional Regulations. In permitting a conditional use, the Board of Adjustment may impose in addition to the regulations and standards expressly specified, other reasonable conditions and safeguards as it may deem necessary to protect the public interest, health, safety, and welfare, or to implement the purpose of this Zoning Regulation and the Town of Monkton Master Plan. These conditions may include but are not limited to the following:

1. Increasing the required lot size or yard dimensions
2. Limiting the coverage or height of buildings because of obstruction to view or reduction of light and air to adjacent property.
3. Controlling the location and number of vehicular access points to the property.
4. Increasing the street width.
5. Increasing the number of off-street parking or loading spaces required.
6. Limiting the number, location and size of signs.
7. Requiring suitable pavement for access roads and parking areas. It is presumed that pavement is to be required where it is anticipated there will be more than a minimal level of vehicle traffic.
8. Requiring suitable landscaping where necessary to reduce noise and to maintain the property in a character in keeping with the surrounding area.

Section 806 - Effect on The Master Plan: The Board of Adjustment may deny a Conditional Use Permit to any conditional use if in the opinion of the Board the proposed use will violate the spirit of the Town Master Plan with respect to the following:

1. Maintenance of the rural residential character of the Town.
2. Preservation of open land for light, air, and views.

Town of Monkton Zoning Regulations

3. Preservation of the existing village centers in the Town.
4. Retention and continuing economic viability of productive farms.
5. Maintenance of a more stable tax base.
6. Development of a superior school system.
7. Providing an orderly growth of business/commercial interests in the Town.
8. Providing a compatible mix of commercial and residential properties.

Section 807 - Performance Bond: The Board of Adjustment 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 Section 4417 of the Vermont Planning Act, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the Board of Adjustment and as set forth in these regulations. The Board of Adjustment may determine the amount of the bond or certified check based upon the recommendations of a professional architect/engineer hired by the Town.

Section 808 - State and Federal Permits: When any proposed Conditional Use requires a permit under the existing State of Vermont or United States of America statutes, the applicant shall submit to the Zoning Board of Adjustment six (6) 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 United States of America requires final local permit approval prior to issuance of their permits, the applicant shall submit six copies of the State/Federal permit applications and supporting materials at the time of his original Conditional Use application.

Section 809 - Review Procedure: The Board of Adjustment will hold a public hearing to consider the application. The Board of Adjustment shall act and reply within sixty days of this hearing. Failure to act within this time shall denote acceptance. The Board of Adjustment may act by approving the site plan as submitted, approving subject to conditions, or disapproving with/without conditions describing required corrective actions.

1. Upon approval, the Board of Adjustment shall note the approval date and any conditions on each of the three submittal copies of the Conditional Use request. The Board of Adjustment shall retain one copy, and

Town of Monkton Zoning Regulations

transmit one each to the owner and to the Administrative Officer.

2. Upon disapproval, the Board of Adjustment shall return one copy with reason for disapproval and corrective action, if applicable, noted.

Town of Monkton Zoning Regulations

ARTICLE IX - SITE PLAN APPROVAL

Section 900 - Application and Public Notice: The applicant shall submit to the Town Clerk, at least fifteen days prior to the regular meeting of the Planning Commission, three copies of those materials required by this Article. Public Notice of hearing shall be given as required by the Act.

Section 901 - Plan Review: The Planning Commission shall review the proposed site plan to insure that it complies with the standards of these regulations; town health, highway, and utility standards; and with subdivision regulations, where applicable. Three prints of the plan(s) shall be submitted. The following information shall be included as part of the submittal:

1. Name of record owner of land.
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 building(s); layout of existing and proposed streets, drives, and parking areas, proposed landscaping, location of existing water, sewer, electric and telephone facilities; location and design of proposed storm drainage facilities, location and design of proposed outdoor lighting and signs; existing and proposed topographic information.
4. Plans and elevations of proposed structure(s) drawn to a scale not smaller than 1" equals 8'. Plans and elevations shall include information describing proposed building materials, location and size of doors and windows, general interior layout.
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 as may be requested by the Planning Commission.

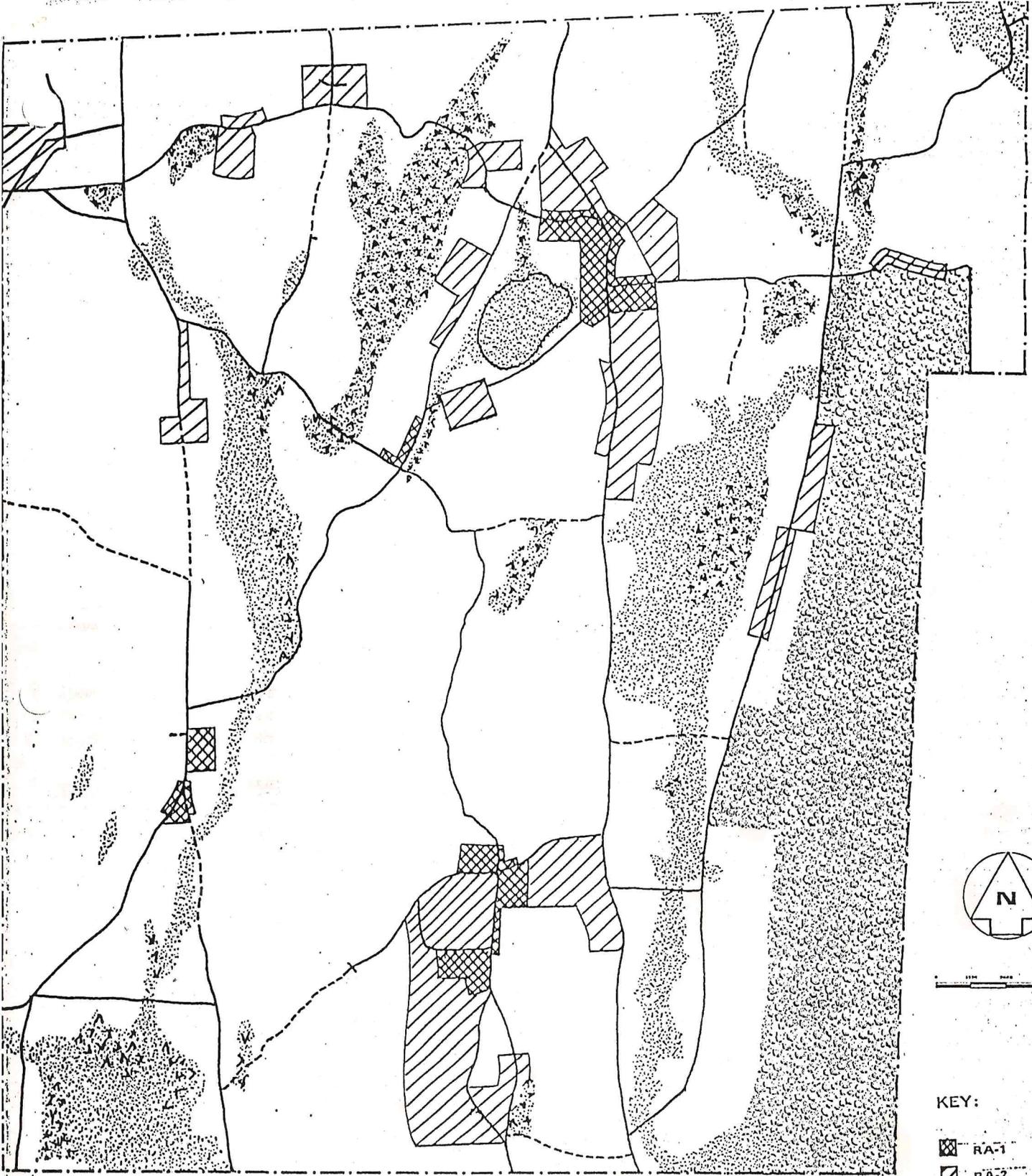
Town of Monkton Zoning Regulations

Section 902 - Conditions: In approving a site plan, the Planning Commission may require such modifications as it may determine are required to insure public health, safety, or convenience.

Section 903 - Review Procedure: The Planning Commission will hold a public hearing to consider the application. The Planning Commission shall act and reply within forty-five days of this hearing. Failure to act within this time shall denote acceptance. The Planning Commission may act by approving the site plan as submitted, approving subject to conditions, or disapproving with/without conditions describing required corrective actions.

1. Upon approval, the Planning Commission shall note the approval date and any conditions on each of the three submittal copies of the site plan submittal. The Planning Commission shall retain one copy, and transmit one each to the owner and to the Administrative Officer.
2. Upon disapproval, the Planning Commission shall return one copy with reason for disapproval and corrective action, if applicable, noted.

Section 904 - Notice to Abutting Landowners. Not less than 10 days nor more than 30 days prior to the hearing on the Site Plan Approval, the applicant shall notify by First Class Mail all abutting landowners at their current Grand List address of the date, time, place, and subject matter of the hearing. The applicant shall submit to the Planning Commission on or before the date of the hearing a U.S. Postal Service Proof-of-Mailing and a copy of the notice. Notice shall be on forms provided by the Planning Commission.



KEY:

-  RA-1
-  RA-2
-  RA-5
-  FOR
-  FHA
-  WLD

ZONING PLAN

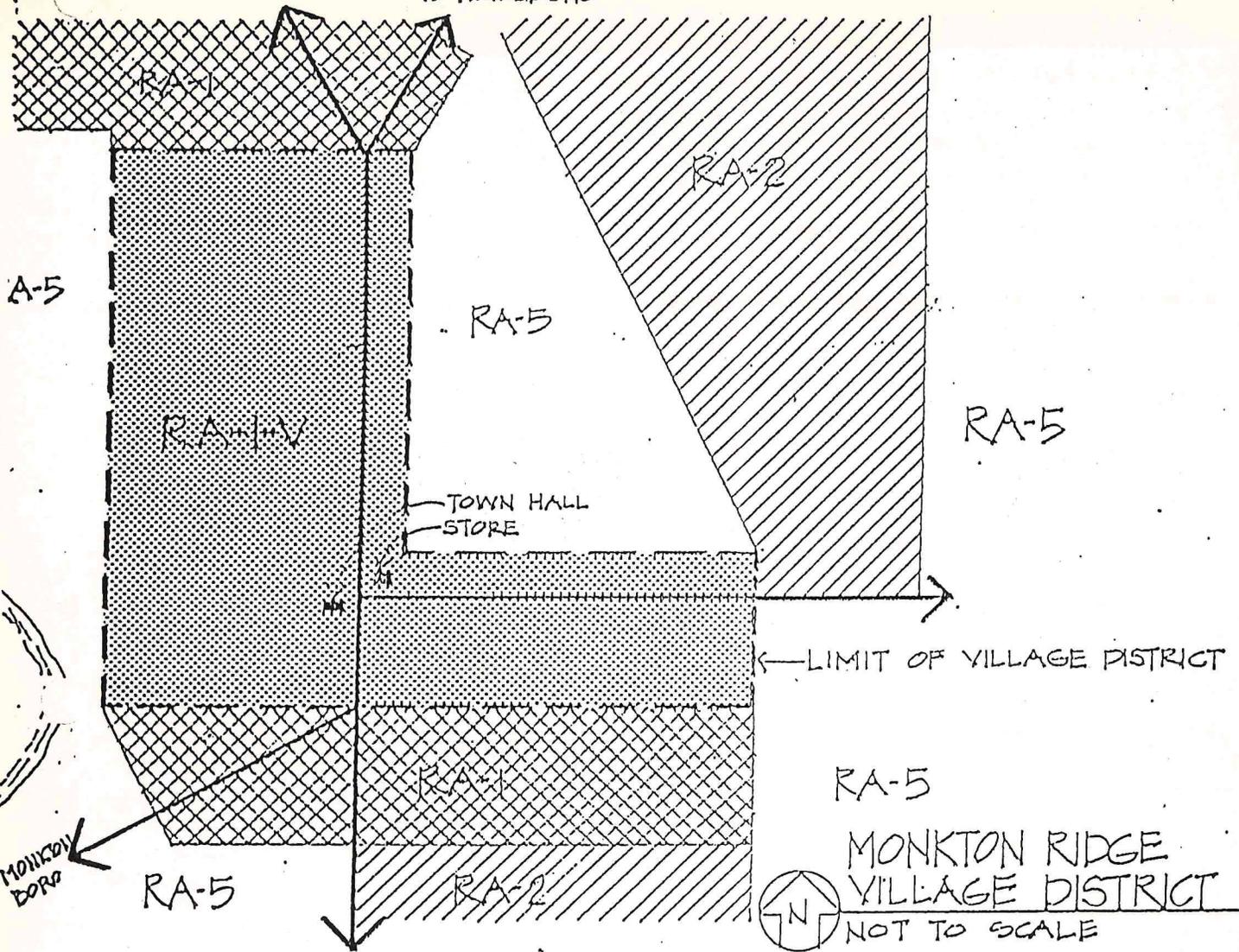
MONKTON, VERMONT

ADDISON COUNTY
REGIONAL PLANNING AND
DEVELOPMENT COMMISSION

OCT. 1977

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

TO HINESBURG

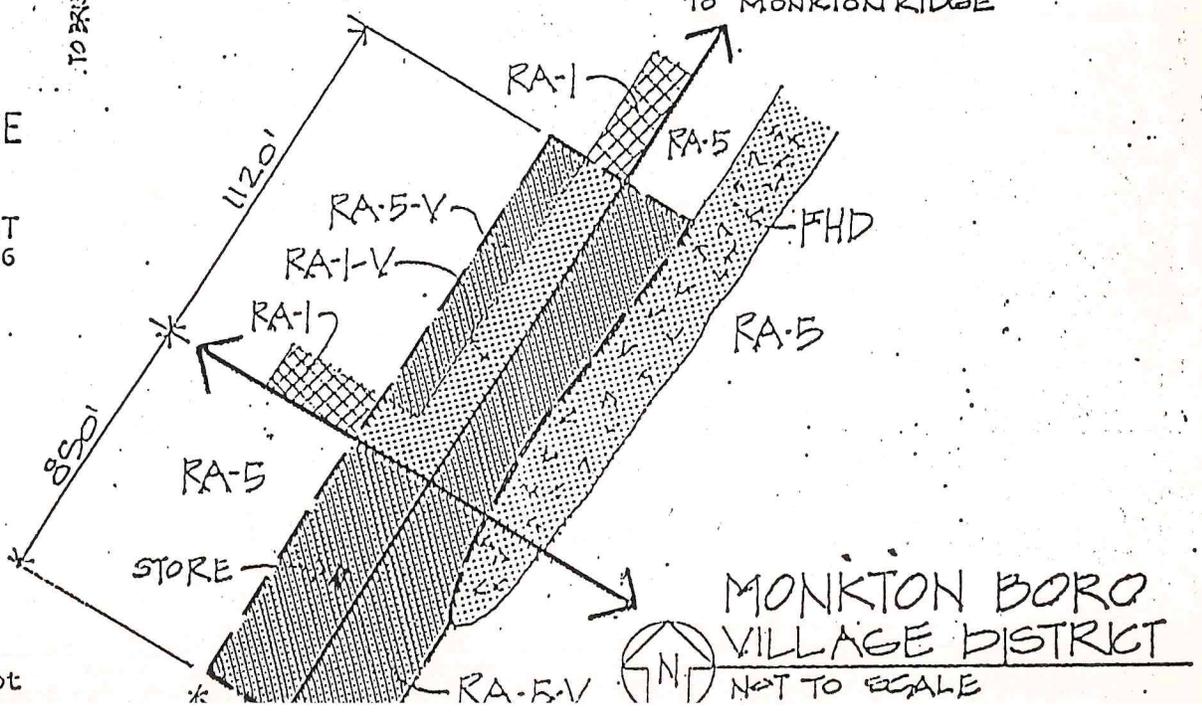


TO BRISTOL

TO MONKTON RIDGE

PROPOSED VILLAGE DISTRICTS

MONKTON, VERMONT
January 1986



Note: For dimensions not

11201

8501

