

**TOWN OF SUTTON,**  
**VERMONT**

**ZONING AND**  
**SUBDIVISION**  
**REGULATIONS**

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**ZONING REGULATIONS**  
**TOWN OF SUTTON, VERMONT**

**ARTICLE I: ENACTMENT AND INTENT**

**§ 101: Enactment**

In accordance with 24 VSA, § 4401, there are hereby established zoning regulations for the Town of Sutton which are set forth in the text and map that constitutes these regulations. These regulations shall be known and cited as the "Town of Sutton Zoning Regulations".

**§ 102: Intent**

It is the intent of these regulations to implement the Sutton Municipal Development Plan, to provide for orderly community growth, and to further the purposes established in 24 VSA, § 4302.

**ARTICLE II: ZONING DISTRICTS & DISTRICT REGULATIONS**

**§ 201: Zoning Map and Districts**

The zoning map officially entitled "Town of Sutton Zoning Map" is hereby adopted as part of this bylaw. The Town of Sutton Zoning Map shows a division of the Town into the following districts.

"VIL" Village District

"RES" Residential District

"RUR" Rural District

"WR" Woodlands and Recreation District

**§ 202: Copies of Zoning Maps**

Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map which shall be located in the office of the Town Clerk shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the town.

# **Sutton Zoning Bylaw and Subdivision Regulations**

## **§ 203: District Boundaries**

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Board of Adjustment shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this bylaw.

## **§ 204: District Objectives and Land Use Control**

The following tables establish the objectives of each of the districts hereby established and the provisions of these regulations that apply respectively in each district. Any use designated as a "Permitted Use" in the table relating to a particular district may be commenced pursuant to § 206 of these regulations. Any use designated as a "Conditional Use" may be commenced pursuant to § 207 of these regulations. Any use not designated by these regulations as a "Permitted Use" or "conditional Use" shall be deemed to be prohibited.

## **§ 205: Application of District Regulations**

The application of these regulations is subject to 24 VSA, Chapter 117.

Except as hereinafter provided, no division of a lot into two or more lots, nor any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, nor any change in the use of any building or other structure, or land, or extension of use of land shall commence unless in conformity with the regulations herein specified for the district in which it is located.

# Sutton Zoning Bylaw and Subdivision Regulations

## TABLE 205.01: "VIL" Village District

### Purpose

The purpose of the village District is to provide for residential and other compatible uses at a density consistent with the physical capability of the land, the availability of services and the need to provide sufficient opportunities for housing.

### Permitted Uses

- |                             |                        |
|-----------------------------|------------------------|
| 1. Accessory use            | 8. Essential service   |
| 2. Agriculture              | 9. Forestry            |
| 3. Commercial accommodation | 10. Home occupation    |
| 4. Church                   | 11. Outdoor recreation |
| 5. Dwelling, accessory      | 12. Public facility    |
| 6. Dwelling, single family  | 13. School             |
| 7. Dwelling, two family     |                        |

### Conditional Uses

- |                           |  |
|---------------------------|--|
| 1. Commercial use         | 4. Manufacturing                         |
| 2. Dwelling, multi-family | 5. Raising of livestock as accessory use |
| 3. Hospital               |  |

### Minimum Lot Area and Dimensions Requirements

Lot area in acres:	1
Road frontage in feet:	200
Setback from center of road:	50
Setback from side lot lines in feet:	10
Setback from rear lot line in feet:	10

# Sutton Zoning Bylaw and Subdivision Regulations

## TABLE 205.02: "RES" RESIDENTIAL DISTRICT

### Purpose

The purpose of the Residential District is to provide for residential and other compatible uses at a density consistent with the physical capability of the land, the availability of services and the need to provide sufficient opportunities for housing.

### Permitted Uses

- |                             |                        |
|-----------------------------|------------------------|
| 1. Accessory use            | 8. Essential service   |
| 2. Agriculture              | 9. Forestry            |
| 3. Commercial accommodation | 10. Home occupation    |
| 4. Church                   | 11. Outdoor recreation |
| 5. Dwelling, accessory      | 12. Public facility    |
| 6. Dwelling, single family  | 13. School             |
| 7. Dwelling, two family     |                        |

### Conditional Uses

- |                           |  |
|---------------------------|--|
| 1. Commercial Use         | 4. Manufacturing                         |
| 2. Dwelling, multi-family | 5. Raising of livestock as accessory use |
| 3. Hospital               |  |

### Minimum Lot Area and Dimensions Requirements

Lot area in acres:	1
Road frontage in feet:	200
Setback from center of road:	75
Setback from side lot lines in feet:	25
Setback from rear lot line in feet:	25

# Sutton Zoning Bylaw and Subdivision Regulations

## TABLE 205.03: "RUR" Rural District

### Purpose

The purpose of the Rural District is to provide for limited residential and compatible development in areas that are rural in character with agriculture and forestry as their primary use. These areas are generally served by adequate town roads and the soils and slopes are suitable for development at a moderate density.

### Permitted Uses

- |                             |   |
|-----------------------------|---|
| 1. Accessory use            | 8. Essential service                      |
| 2. Agriculture              | 9. Forestry                               |
| 3. Commercial accommodation | 10. Home Occupation                       |
| 4. Church                   | 11. Outdoor recreation                    |
| 5. Dwelling, accessory      | 12. Public facility                       |
| 6. Dwelling, single family  | 13. Raising of livestock as accessory use |
| 7. Dwelling, two family     | 14. School                                |

### Conditional Uses

- |                   |                     |
|-------------------|---------------------|
| 1. Commercial Use | 3. Manufacturing    |
| 2. Hospital       | 4. Mobile home park |

### Minimum Lot Area and Dimensions Requirements

Lot area in acres:	2
Road frontage in feet:	300
Setback from center of road:	75
Setback from side lot lines in feet:	25
Setback from rear lot line in feet:	25

# Sutton Zoning Bylaw and Subdivision Regulations

## TABLE 205.04: "WR" Woodlands and Recreation District

### Purpose

The purpose of the Woodlands and Recreation District is to protect the natural resource value of lands which are essentially undeveloped, lack direct access to public roads, are important for wildlife habitat, have potential for forestry use, have one or more physical limitations to development, or include significant natural, recreational or scenic resources. No additional community facilities services will be provided in these areas in the future.

### Permitted Uses

1. Accessory use
2. Agriculture
3. Dwelling, accessory
4. Dwelling, single family
5. Dwelling, two family
6. Forestry
7. Outdoor recreation

### Minimum Lot Area and Dimensions Requirements

Lot area in acres:	10
Road frontage in feet:	400
Setback from center of road:	75
Setback from side lot lines in feet:	25
Setback from rear lot line in feet:	25

## § 206: Permitted Uses

Permitted uses are those uses that are allowed, provided the standards established by this bylaw are met. Unless a variance or other special action by the Board of Adjustment or Planning Commission is required, the necessary permit may be issued by the Zoning Officer.

## § 207: Conditional Uses

207.01 Conditional uses are those uses that may be allowed by the Board of Adjustment as provided for in 24 VSA, § 4414(3) after public notice and hearing. In order for the permit to be granted the proposed use shall not adversely affect:

- A. The capacity of existing or planned community facilities;
- B. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan;

## **Sutton Zoning Bylaw and Subdivision Regulations**

- C. Traffic on roads and highways in the vicinity;
  - D. By-laws then in effect.
  - E. Utilization of renewable energy resources.
- 207.02 Applications submitted to the Board of Adjustment shall be made on forms supplied by the Zoning Officer and include a site plan that complies with the requirements of § 401.01 of this bylaw.
- 207.03 In addition, the proposed use must be found to be in conformance with the specific standards for the district in which it is located.
- 207.04 As a condition of approval, the Board of Adjustment may attach such additional reasonable conditions and safeguards as it deems necessary to implement the purposes of 24 VSA, Chapter 117 and these zoning regulations.
- 207.05 When an application requires both Conditional use approval under this section and Site Plan Review under § 401, the Conditional Use review shall be conducted first.
- 207.06 Following the close of the public hearing the Board of Adjustment shall make a decision to approve or disapprove the requested conditional use. If the application is approved, the decision shall be in writing and shall include findings of fact, conclusions of law and appropriate and reasonable conditions.
- 207.07 Paragraph 207.03 notwithstanding, the expansion of any existing building, or the construction of an accessory building in connection with any permitted use, which does not conform to the minimum front, side, or rear yard setbacks in § 205 may be treated as a conditional use and such construction shall not commence prior to the issuance of such a permit. Such a conditional use permit may be issued without the need for a variance but under no circumstances shall such a permit authorize a setback of less than 5 feet.

### **ARTICLE III: GENERAL PROVISIONS**

The following provisions shall apply to all districts except where listed.

#### **§ 301: Existing Small Lots**

- 301.01 Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and was in existence on the effective date of this zoning bylaw may be developed for the purposes permitted in the district in which it is located, even though the small lot no longer conforms to the minimum lot size requirements of this bylaw.
- 301.02 Development of an existing small lot shall be prohibited if such lot:
- A. is less than one-eighth acre in area; or

## **Sutton Zoning Bylaw and Subdivision Regulations**

B. has a width or depth dimension of less than 40 feet.

301.03 If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the existing small lot shall be deemed merged with the contiguous lot. However, an existing small lot shall not be deemed merged and may be separately conveyed if all the following apply:

A. The lots are conveyed in their preexisting, nonconforming configuration.

B. On the effective date of this bylaw, each lot was developed with a water supply and wastewater disposal system.

C. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.

D. The deeds of conveyance create appropriate easements on the existing small lots being conveyed for the replacement of one or more wastewater systems, potable water systems, or both, in the event there is a failed system or failed supply as defined in 10 VSA chapter 64.

### **§ 302: Required Frontage on, or Access to, Public Roads or Public Waters**

Land development may be permitted on lots which do not have frontage either on a public road or public waters, provided that access through a permanent easement or right-of-way has been approved by the Planning Commission in accordance with the following standards:

302.01 The easement or right-of-way providing access to the landlocked parcel shall be at least 50 feet in width.

302.02 The private right-of-way shall intersect the public right-of-way as nearly as possible at a 90 degree angle, but in no case less than 60 degrees, and provide a clear line of site of at least 400 feet in each direction along the public road.

302.03 The grade of the private right-of-way shall not exceed 5% within 50 feet of the traveled portion of the public right-of-way.

302.04 A 15 inch culvert shall be installed when deemed necessary by the road commissioner where the access meets the public road. When deemed necessary a larger culvert may be required. At least 12 inches of fill shall be placed over the culvert.

302.05 All access drives fronting upon a paved road shall have a paved apron of at least 20 feet from the edge of the traveled portion of the right-of-way.

302.06 All access drives shall be at least 150 feet from any intersection involving two or more public streets.

302.07 Prior to the construction of a driveway, a public highway access permit shall be obtained as required by 19 VSA, § 1111(b). Such permit shall be issued by the Selectboard in the

## **Sutton Zoning Bylaw and Subdivision Regulations**

case of a Town road and from the Agency of Transportation in the case of a State road.

### **§ 303: Protection of Home Occupations**

No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. The floor area devoted to a home occupation shall not exceed 30% of the total floor area of the dwelling.

### **§ 304: Lots in Two Zoning Districts**

Where a district boundary line divides a lot a record at the time such line is adopted, the regulations for the less restricted part of such lot shall extend no more than fifty feet into the more restricted part, provided the lot has frontage on or approved access to a public road in the less restricted district.

### **§ 305: Lots Abutting More Than One Public Road**

Lots which abut on more than one public road shall provide the required frontage on at least one public road.

### **§ 306: Projections into Required Yards**

All structures, whether attached to the principal structure or not and, whether open or enclosed including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side or rear yard.

### **§ 307: Location of Driveways**

All driveways are to be located at least seventy-five feet from a road line intersection for all uses.

### **§ 308: Temporary Uses and Structures**

Temporary permits may be issued by the Zoning Officer for a period not exceeding six months, for non-conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding two years.

### **§ 309: Abandonment of Structures**

Within two years after work on an excavation has begun or within one year 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 normal grade by the owner.

# Sutton Zoning Bylaw and Subdivision Regulations

## § 310: Off-Street Parking

310.01 Off street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is changed to another use or enlarged.

### Off Street Parking Space Requirements

<u>Land Uses</u>	<u>Parking Requirements</u>
Accessory use	None
Agricultural use	None
Church	1 per 3 seats
Commercial accommodation	1 per room
Commercial use	1 per employee + 1per 250 square feet of floor space
Dwelling, accessory	2 per dwelling unit
Dwelling, single family	2 per dwelling unit
Dwelling, multi-family	2 per dwelling unit
Dwelling, two family	2 per dwelling unit
Essential service	4
Forestry	None
Home occupation	2 + those required for the dwelling unit
Hospital	1.5 per employee
Manufacturing	1 per employee + 10
Mobile home park	2 per dwelling unit
Outdoor recreation	25
Public facility	1 per employee + 10
Raising of livestock as accessory use	None
School	1.5 per employee

310.02 Parking spaces shall measure 9 feet by 18 feet and shall be marked with paint unless the parking lot has a gravel surface.

310.03 To provide for the necessary access and maneuvering room within a parking lot, parking lots shall have a total area of 300 square feet per parking space.

## § 311: Agricultural Buildings

311.01 Nothing contained herein shall be construed to regulate accepted agricultural or farming practices, or accepted silvicultural practices, including the construction of farm structures, as such practices are defined by the Commissioner of agriculture, food and markets or the Commissioner of forests, parks and recreation, respectively, under 10 VSA, §§ 1021(f) and 1259(f) and 6 VSA, § 4810.

311.02 Zoning permits need not be obtained for farm structures. However, any landowner proposing to erect a farm structure shall notify the Zoning Administrator of such intent prior to the erection of such structure.

## **Sutton Zoning Bylaw and Subdivision Regulations**

- 311.03 Farm structures shall comply with setbacks approved by the Commissioner of agriculture, food and markets. The approved setbacks are those setbacks contained in § 205 of this bylaw.
- 311.04 A person proposing to construct a farm structure with setbacks less restrictive than those contained herein shall submit, in writing, a request for a variance to the Commissioner of agriculture, food and markets. Such request must include the following information:
- A. A statement of the reason or reasons less restrictive setbacks are necessary;
  - B. A copy of this zoning bylaw;
  - C. A sketch plan of the proposed structure(s) showing the distance from all property lines, and;
  - D. A description of the adjoining land uses.

### **§ 312: Burned Buildings**

No owner or occupant of land in any district shall permit fire or other ruins to be left, but within one year shall remove or refill the same to clear ground level or shall repair, rebuild or replace the structure. A time extension of one year may be granted for repair or rebuilding.

### **§ 313: Flood Hazard Area Requirements**

- 313.01 Lands to Which These Regulations Apply. These regulations shall apply in all areas in the Town of Sutton identified as areas of special flood hazard on the National Flood Insurance Program maps, which are hereby adopted by reference and declared to be part of these regulations.
- 313.02 Development Permit Required. A permit issued by the Sutton Zoning Officer is required for all development in areas of special flood hazard.
- 313.03 Procedures
- A. Prior to issuing a permit a copy of the application shall be submitted to the Vermont Agency of Natural Resources, Flood Plain Management Section in accordance with Title 24 VSA § 4424(D). A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever comes first.
  - B. Adjacent communities and the Vermont Agency of Natural Resources shall be notified at least 15 days prior to issuing any permit for the alteration or relocation of a watercourse, Title 10 VSA Chapter 41, and copies of such notification shall be submitted to the administrator of the Federal Insurance Administration.
  - C. Proposed development shall be reviewed to assure that all necessary permits have been received from those government agencies from which approval is required by

## **Sutton Zoning Bylaw and Subdivision Regulations**

Federal, State or Municipal law.

### 313.04 Base Flood Elevations and Floodway Limits

- A. Where available (i.e. Zone A1-A30, AE and AH) the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- B. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program (i.e. Zone A) base flood elevations and floodway information available from State or Federal agencies or other sources, shall be obtained and reasonably utilized to administer and enforce these regulations.

### 313.05 Development Standards

#### A. Floodway areas:

- 1. 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.
- 2. Junkyards and storage facilities for floatable materials, chemicals explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

#### B. Fringe areas (i.e. flooded areas outside of the floodway):

- 1. All development shall be designed:
  - a. To minimize flood damage to the proposed development and to the public facilities and utilities, and
  - b. To provide adequate drainage to reduce exposure to flood hazards.
- 2. Structures shall be:
  - a. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
  - b. Constructed with materials resistant to flood damage,
  - c. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and / or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 3. The flood carrying capacity within any altered or relocated portion of a

## **Sutton Zoning Bylaw and Subdivision Regulations**

watercourse shall be maintained.

4. New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from these systems into flood waters.
5. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
6. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
7. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation
8. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of subsection 7.
9. Existing buildings to be substantially improved for non-residential purposes shall either:
  - a. Meet the requirements of subsection 8, or
  - b. Be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.
10. 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 floodwaters. Designs for meeting this requirement must either be certified by a 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.
11. Recreational vehicles placed on sites within Zones A1-A30, AH and AE shall either:

## **Sutton Zoning Bylaw and Subdivision Regulations**

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” of Section 60.3(c)(6).

313.06 Duties and Responsibilities of the Zoning Officer. The Sutton Zoning Officer shall maintain a record of:

- A. All permits issued for development in areas of special flood hazard
- B. The elevation, in relation to mean sea level, of the lowest floor including
- C. The elevation, in relation to mean sea level, to which buildings have been flood proofed
- D. All flood proofing certifications required under this bylaw
- E. All variance actions, including justification for their issuance.

313.07 Variances to the Development Standards. Variances may be granted by the Sutton Board of Adjustment only in accordance with Title 24 VSA, § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

313.08 Special Exceptions for Non-Conforming Structures. Special exceptions may be granted for the repair, relocation, replacement, or enlargement of a nonconforming structure within a regulated flood hazard area by the Sutton Board of Adjustment only in accordance with Title 24 VSA, § 4424(E) and in accordance with the criteria found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

### **§ 314: Reduction of Setbacks**

The Board of Adjustment may allow structures with setbacks less than those required by §§ 205.01 through 205.04 of this bylaw when the application for such structure is approved under the requirements of § 207, Conditional Uses. In addition to § 207, the Board shall take into consideration the following requirements:

314.01 Setbacks approved by the Board of Adjustment shall not be less than the setbacks for the existing structures in the immediate vicinity of the property for which the reduced setbacks have been requested.

314.02 In no case shall a required setback be reduced to less than 5 feet.

## **Sutton Zoning Bylaw and Subdivision Regulations**

### **§ 315: Fences**

- 315.01 Any land owner may erect a fence on his or her own property with a permit. However, any fence that is erected within a public right-of-way is subject to removal by the Town of Sutton.
- 315.02 Fences shall be a minimum of twenty-five feet from the center of the road. Property line fences are to be decided between the neighbors.
- 315.03 Permit applications for fences to be erected along a property line are to be signed by the owners of properties involved.
- 315.04 Fences erected along property lines shall not be subject to setbacks.
- 315.05 Permits shall not be required for fences on an operating farm.

### **§ 316: Accessory Dwellings**

No bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- 316.01 The property has sufficient wastewater capacity.
- 316.02 The maximum habitable floor for an accessory dwelling shall not exceed the following limitations:
- A. For single family dwellings with a habitable floor area less than or equal to 1,000 square feet, the habitable floor area of the accessory dwelling shall not exceed 50% of the primary dwelling.
  - B. For single family dwellings with a habitable floor area greater than 1,000 square feet, the habitable floor area of the accessory dwelling shall not exceed 30% of the primary dwelling.
- 316.03 Applicable setback, coverage, and parking requirements specified in this bylaw are met.

### **§ 317: Child Care Homes and Facilities**

- 317.01 No permit shall be necessary for the owner of single family dwelling to operate a child care home within their home as long as they are not caring for more than 6 children.
- 317.02 A child care facility, a facility designed and operated for the care of more than 6 children, shall not be established prior to the issuance of a zoning permit. Prior to the issuance of such permit, such facilities shall be subject to site plan review under § 401 of this bylaw.

## **Sutton Zoning Bylaw and Subdivision Regulations**

### **§ 318: Heights of certain structures.**

- 318.01 The height of antenna structures, wind turbines with blades less than 20 feet in diameter, or rooftop solar collectors less than 10 feet high, any of which are mounted on complying structures, shall not be regulated unless the bylaws provide specific standards for regulation.
- 318.02 The maximum height of a structure, measured from the top of the foundation to the eaves, shall not exceed 25 feet.

### **§ 319: Signs**

No signs shall be permitted in any district except as specifically permitted herein.

319.01 The following signs are permitted when located on the immediate property:

- A. One (1) professional or home occupation sign, not exceeding six (6) square feet.
- B. One (1) temporary real estate sign, not exceeding six (6) square feet.
- C. Signs identifying any pre-existing non-conforming or permitted non-residential use.
- D. Signs necessary for public welfare.

319.02 The following signs shall not be permitted in any district:

- A. Flashing, oscillating, or revolving signs.
- B. Roof signs.
- C. Free standing signs in excess of eight (8) feet in height.
- D. Signs which impair public safety.

319.03 Wall, Projecting, and Freestanding Signs:

- A. Every wall sign shall:
  - 1. Not exceed the highest point of the building's roof.
  - 2. Not exceed 9 square feet in area.
- B. Every projecting sign shall:
  - 1. Not extend into a highway right-of-way.
  - 2. Not extend horizontally more than 4 feet from the building wall.
  - 3. Not be less than 10 feet above the surface of a public walking area.

## **Sutton Zoning Bylaw and Subdivision Regulations**

4. Not exceed 9 square feet in area.
- C. Every freestanding sign shall:
1. Not exceed 8 feet in height
  2. Be set back at least 30 feet from the centerline of the traveled portion of the right-of-way, and at least 10 feet from any side or rear lot line.
  3. Not exceed 9 square feet in area
- 319.04 Computation of permissible sign area. When computing the total permissible sign area for any use:
- A. Existing signs shall be included.
  - B. The total area of all signs shall not exceed the requirements as set forth in these regulations.
  - C. Signs consisting of free standing letters, numerals, or other devices shall include any intervening space between them.
  - D. Only one side of a double sided sign shall be considered when calculating the sign area as long as both sides of the sign are identical.
- 319.05 Traffic hazard, safety, and obstruction. Every sign shall be designed and located in such a manner as to:
- A. Not impair public safety.
  - B. Not restrict clear vision between a sidewalk and a street.
  - C. Not be confused with any traffic sign or signal.
  - D. Not prevent free access to any door, window, or fire escape.
  - E. Withstand a wind pressure load of at least thirty (30) pounds per square foot.
- 319.06 Illuminated and flashing signs:
- A. Signs may be illuminated by a steady light provided that such lighting will not illuminate or reflect onto other properties.
  - B. Flashing, oscillating, and revolving signs shall not be permitted, unless necessary for public safety or welfare.

# **Sutton Zoning Bylaw and Subdivision Regulations**

## **§ 320: Planned Unit Developments (PUD's)**

In accordance with the provisions of 24 VSA 4417, Planned Unit Developments are hereby permitted to enable and encourage flexibility and innovation of design and development of land in such a manner as to promote the most appropriate and efficient use of land; to facilitate the adequate and economical provisions of streets and utilities, to maximize energy conservation, and to preserve the natural and scenic qualities of the open land of the Town.

To permit a Planned Unit Development the Planning Commission may modify these zoning regulations simultaneously with the approval of a site plan map, subject to the following standards, by which a proposed PUD shall be evaluated.

### 320.01 General Provisions

- A. The proposal shall be an effective and uniform treatment of the development possibilities of the project site, including common ingress and egress on and off public roads whenever practicable. The proposed development plan shall make appropriate provision for the preservation of streams and stream banks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique, natural and man-made features.
- B. The proposal shall be consistent with the Sutton Town Plan and all applicable bylaws.
- C. Mixed uses shall be arranged to be compatible and to insure visual and aural privacy for residents of the project.
- D. The development plan shall be phased over a reasonable period of time in order that adequate municipal facilities and services may be provided.
- E. Uses shall be limited to those permitted and conditional uses allowed within the district(s) in which the PUD is proposed.
- F. Density may vary within the PUD, but the overall density of residential, commercial, industrial, and other units shall not exceed 25% more than the number of lots which would be permitted, if the land were subdivided into lots in conformance with the zoning regulations for the district(s) in which the PUD is proposed.
- G. The Planning Commission may allow for a greater concentration of density or intensity of residential land use, within some sections or section of the development than upon others, which shall be offset by a lesser concentration in any other section.
- H. The minimum lot area for a PUD shall be either 5 acres or the minimum required lot area for the district in which the PUD is located, whichever is greater.
- I. Roadways, parking and unloading facilities shall be designed and constructed so as not to cause unreasonable highway congestion or unsafe traffic conditions. No roadway shall have a grade at any point in excess of 10 percent.

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- J. Signs not attached to buildings shall be consolidated in one location on the property, and be of uniform size, shape, and design. Signs attached to buildings shall be of comparable design with the consolidated signs.
- K. The outdoor storage of raw materials or inventory shall be screened or hidden from public highway view, or the view of persons in residential districts.
- L. Lot coverage for all structures shall not exceed 30 percent of the area included in the Planned Unit Development application. The proposed land use shall conform to all minimum setbacks for the district where located and all minimum parking and unloading requirements; the Planning Commission may increase these as may be necessary to prevent fire hazards and interference with the rights of neighboring property owners to reasonable enjoyment of their property.
- M. The maximum number of units per acre permitted shall be subject to approval by the Commission.
- N. Any community sewage disposal and water supply systems shall meet the regulations and standards of the Vermont Department of Health and any applicable Town regulations and standards. Installation of central water supply systems shall be required in PUD's. Such water supply when installed shall be of drinking quality. It shall have the necessary quantity, acceptable pressure, and connections to provide fire suppression when the PUD is fully developed.
- O. The proposal shall provide for the preservation of open space. Open space shall be in a location or locations, size and shape approved by the Planning Commission and shall be protected by appropriate legal devices to insure the continued use of such lands for the purpose of agriculture, forestry, recreation, or conservation.
- P. In addition to the foregoing, as may be applicable, travel trailer parks shall conform to the following:
  - 1. Parks shall provide for individual RV's access driveways and parking.
  - 2. Each site shall be at least 2,500 square feet in area, and have a compacted gravel or other suitable surface at least 20 feet in width and length.
  - 3. At least three trees (of at least one-inch diameter at base) shall be located on each site unless growing there, and shall be suitably maintained by the applicant.
  - 4. There shall be a minimum of 30 feet clearance between each travel trailer site.
  - 5. Each site shall be located in a well-drained area.
  - 6. An area between all travel trailers and the traveled portion of any adjacent public highway and any other boundary of the park abutting a property used for residential purposes shall be landscaped with existing or newly planted trees to a

## **Sutton Zoning Bylaw and Subdivision Regulations**

depth of twenty-five feet.

7. Travel trailers within the park shall be placed no closer than 200 feet to a dwelling (other than the owner's dwelling on the park property) or within 50 feet of a public right-of-way or abutting property line, whichever distance is greater.
- Q. The Planning Commission may attach such reasonable conditions and safeguards as may be necessary to implement the provisions of 24 VSA, Chapter 117, and this zoning bylaw in order to protect the public health, safety, and welfare. These may include provisions for landscaping.

### 320.02 Procedures

- A. The Planning Commission shall hold one or more public hearings, after public notice, on a Planned Unit Development application.
- B. The application shall contain a subdivision plan or plan of the proposed development, prepared by a licensed engineer or surveyor, legibly drawn to scale on sheets of no more than 24" by 36" outside measurement, showing the following:
  1. Property and lot boundaries.
  2. Location, height, and spacing of existing and proposed structures.
  3. Open spaces and their landscaping.
  4. Streets, driveways and off-street parking, unloading and service area.
  5. Utility lines, storm and natural drainage, and septic systems.
  6. Proposed lighting.
  7. Such other features as the Commission may require.
  8. The site plan shall be accompanied by a statement setting forth the proposed provisions for sewage disposal and for the maintenance of open lands.
- C. No buildings shall be constructed until all proposed streets, parking areas, water, sewer, and utility lines, and required drainage and landscaping requirements have been completed in accordance with the Planning Commission's final order, and these regulations. The Planning Commission shall waive this requirement if the applicant files a performance bond for the benefit of the Town, issued either by a bonding or surety company approved by the Selectmen, or a bond is filed by the applicant with security acceptable to the Selectmen, in an amount sufficient to cover the full cost of such improvements and their maintenance for a period of two (2) years after completion, as is estimated by the Board of Selectmen. Such bond or other security shall provide for and secure the completion of such improvements within two (2) years of the date it is approved by the Selectmen.

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- D. The Planning Commission shall act to approve or disapprove an application within 45 days of the last public hearing. Failure to act within such time shall be deemed approval.

### **ARTICLE IV: SPECIAL PROVISIONS**

#### **§ 401: Planning Commission - Site Plan Approval**

No zoning permit shall be issued by the Zoning Officer for any use other than one or two family dwellings until the Planning Commission grants site development plan approval.

401.01 Submission of Site Development Plan Map and Supporting Data. The owner shall submit two sets of site plan maps and supporting data to the Planning Commission. The site plan map shall be drawn to scale, accompanied by a written narrative and include the following information:

- A. Proposed structure locations and land use areas;
- B. Roads, driveways, traffic circulation and access, parking and loading spaces;
- C. Landscaping plans, including site grading, landscape design and screening;
- D. Exterior lighting and the size, location, and design of signs.

401.02 Site Development Plan Review Procedure

- A. The Planning Commission shall conform to requirements of 24 VSA, §§ 4416 and 4464 before acting upon any application.
- B. In considering its action the Planning Commission shall consider and may impose appropriate conditions and Safeguards only with respect to the adequacy of parking, traffic access and circulation for pedestrians and vehicles; landscaping and screening; the protection of the utilization of renewable energy resources; exterior lighting; the size, location, and design of signs; and other matters specified in the bylaws.
- C. The Planning Commission shall review the site plan map and supporting data before approval or approval with stated conditions, or disapproval, is given, and taking into consideration the following objectives.
  - 1. Maximum safety of vehicular circulation between the site and public roads.
  - 2. Adequacy of circulation, parking and loading facilities with particular attention to safety.
  - 3. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection of adjacent property.

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4. The compatibility of exterior lighting and signs with the surrounding environment.

### **ARTICLE V: MOBILE HOMES AND TRAVEL TRAILERS**

#### **§ 501: Travel Trailers**

It shall be unlawful for any person to park a camping trailer, travel trailer, pick-up coach or motor home on any public or private property except that a property owner may park his own travel trailer, pick-up coach or motor home or that of a visitor on his own property provided the vehicle is parked no closer than six feet to any lot line. A travel trailer so parked shall not be occupied for more than 30 days out of any calendar year and shall not be connected to any public utilities.

#### **§ 502: Mobile Home Park Standards**

The following regulations shall apply with respect to mobile home parks and all mobile homes in parks:

- 502.01 A mobile home park shall have an area of not less than 10 acres.
- 502.02 Mobile home parks shall provide for individual mobile home spaces, access driveways, parking and recreation open space.
- 502.03 Each mobile home space shall be at least 7,200 square feet in area, and at least sixty feet wide by at least one hundred and twenty feet in depth, and shall front on an access driveway.
- 502.04 All access driveways within a mobile home park shall have a right-of-way at least fifty feet in width and have a treated gravel surface at least twenty-four feet in width and twelve inches in depth of compacted gravel. All weather walkways shall be provided.
- 502.05 Two parking spaces with twelve inches (in depth) of compacted gravel for each mobile home space shall be provided. Such parking spaces shall be at least nine feet wide by eighteen feet long.
- 502.06 Mobile home parks shall provide at least ten percent of the total area for recreation and other open space purposes.
- 502.07 A suitable non-porous pad shall be provided for each mobile home.
- 502.08 Each mobile home space shall have an attachment for water supply which is adequate, safe and potable. The water supply source must be approved by the State Department of Health and meet all local and state regulations.
- 502.09 Each mobile home lot shall have an attachment for sewage disposal. The method of sewage disposal must be in compliance with the State Department of Health and local regulations. However, such sewage disposal system shall not be located on the mobile

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home space unless such mobile home space is at least one acre in size.

- 502.10 No mobile home office or service building shall be closer to a public street-right-of-way line than eight feet, or closer to a property line than fifty feet.
- 502.11 A strip of land at least twenty-five feet in width shall be maintained as a landscaped area abutting all mobile home park property lines except when the park boundary is adjacent to residential uses where the landscaped area shall be at least fifty feet in width.
- 502.12 No additions shall be made to a mobile home except for a canopy and/or porch open on three sides, or an addition made by the mobile home manufacturer.
- 502.13 Provisions for disposal of household garbage and rubbish shall be made.
- 502.14 A mobile home shall be located on the mobile home space so that it is at least twenty feet from the right-of-way of the access driveway and ten feet from any other lot line of the mobile home space.

### **ARTICLE VI: NON-CONFORMING USES AND STRUCTURES**

#### **§ 601: Construction Approved Prior to Adoption or Amendment to Regulations**

Permits issued under the January 7, 1992 Sutton Zoning Bylaw that are valid on the effective date of this Bylaw may be utilized even if such permits result in structures and/or uses considered non-conforming under the requirements of this Bylaw. In addition, nothing contained herein shall require any changes to the plans or construction of previously permitted structures and/or uses not yet constructed or established. However, such structures and/or uses shall be established within the permit's effective period of one year. Applications to renew expired permits issued under the January 7, 1992 Sutton Zoning Bylaw will not be approved unless the structure and/or use for which the original permit was issued conforms to the requirements of this Bylaw.

#### **§ 602: Non-Conforming Uses**

In accordance with 24 VSA, § 4412(7) the following provisions shall apply to all non-conforming uses existing on the effective date of this bylaw.

Any non-conforming use may be continued indefinitely but:

602.01 The Board of Adjustment may, after public notice and hearing, allow the expansion of any non-conforming use. Such expansions shall not exceed 20 percent of the original structure as it existed on March 2, 1976. Conditional use review by the Board of Adjustment shall be required prior to the issuance of a permit and such expansion shall conform to all other applicable requirements of this bylaw.

602.02 Shall not be changed to another non-conforming use.

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- 602.03 Shall not be reestablished if such use has been discontinued for a period of twelve (12) months, 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.
- 602.04 Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless carried on without interruption in the undamaged part of the building.

### **§ 603: Non-Conforming Structures**

In accordance with 24 VSA, § 4412(7) the following provisions shall apply to all non-conforming structures:

- 603.01 A non-conforming structure may be continued indefinitely and may be expanded without limitation provided the expansion is in accordance with all applicable requirements in this bylaw, does not increase the degree of nonconformance and meets the requirements regarding expansion of a non-conforming use if the structure contains a non-conforming use.
- 603.02 Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-conforming structure provided that such action does not increase the degree of non-conformance.
- 603.03 A non-conforming structure shall not be moved unless it is moved so as to conform with the setbacks specified in the appropriate district.

### **ARTICLE VII: DEFINITIONS**

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

#### **§ 701: Word Definitions**

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

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## **§ 702: Term Definitions**

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

Acre: One acre equals 43,560 square feet.

Agriculture: The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or waste produced on the farm; or the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

Area of Shallow Flooding: Means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-A30, AE, or A99.

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

Basement: Means any area of the building having its floor subgraded (below ground level) on all sides.

Building: Means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Commercial Accommodation: A building in which the rooms are rented with or without meals to four or more persons for profit. This shall include commercial establishments such as hotels, motels, bed and breakfasts, lodges, boarding houses and similar establishments.

Commercial Use: Any area of land, including structures thereon, that is used or designed to be used for the sale or storage of goods and merchandise, the transaction of business, or the provision of services or entertainment.

Dwelling, accessory: A dwelling unit that is located within or appurtenant to an owner-occupied single-family dwelling. An accessory dwelling unit means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

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Dwelling, single family: A detached dwelling unit designed for and occupied by one family only.

Dwelling, Multi Family: A building designed for and occupied by three or more families living independently of each other in individual dwelling units. Dwelling, Two Family: A building designed for and occupied by two families living independently of each other in individual dwelling units.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. It shall include prefabricated or modular units but shall not include motels, hotels, boarding houses or similar uses or structures.

Essential Service: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, boxes, police call boxes, traffic signals, hydrants, street signs and similar equipment and accessories in connection therewith, and including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family: One or more individuals occupying a dwelling unit and living as a single household unit.

Fences: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Flood Hazard Boundary Map (FHBM): Means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): Means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium applicable to the community.

Flood Insurance Study: Means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Proofing: Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: Means 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 a designated height.

Forestry: Any use directly related to the raising or harvesting of timber.

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

**Home Occupation:** Any commercial use conducted within a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

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

**Lot:** Land occupied or to be occupied by a building and its accessory building, together with the required open spaces, having not less than the minimum areas, width and depth required for a lot in the district in which such land is situated, and having frontage on a public road, or other means of access as may be determined by the planning commission to be adequate as a Condition of the issuance of a zoning permit. A lot may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these regulations.

**Lot Area:** Total area within the property lines of a lot excluding any part thereof lying within the boundaries of a public road, or proposed public road, or easement or right-of-way for access to the lot.

**Lot Line:** Property lines bounding a lot.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the Town Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lowest Floor:** Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR, § 60.3 (National Flood Insurance Program regulations).

**Manufactured Home:** Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term

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"manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Mean Sea Level: Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Manufacturing: Any assembly, manufacture, compounding, processing, packing, treatment or warehousing of goods and products.

Mobile Home Park: Land on which two or more mobile homes are parked and occupied for living purposes.

Mobile Home Space: A plot of ground within a mobile home park designated for the accommodation of one mobile home.

Nonconforming Lots or Parcels: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Non-Conforming Structure: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Public Assembly Use: Usage by agencies and departments of local, county, state and federal government.

Public Facility: Usage by agencies and departments of local, county, state and federal government.

Raising of livestock as accessory use: The raising, feeding, and management of no more than the following numbers of adult animals: three equines; four cattle or American bison; fourteen swine; fourteen goats; fourteen sheep; fourteen fallow deer; fourteen red deer; forty-nine turkeys; forty-nine geese; ninety-nine laying hens; one-hundred and forty-nine broilers, pheasant, Chukar partridge, or Coturnix quail; two camelids; three ratites (ostriches, rheas, and emus); twenty-nine rabbits; ninety-nine ducks; or nine hundred and ninety-nine pounds of cultured trout.

Recreation, Outdoor: Includes a playground, park, golf course, swimming pool, beach, skating rink, tennis court or similar place of outdoor recreation.

Recreational Vehicle: Any vehicle used or so constructed as to permit its being used as a conveyance whether licensed or not, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons and cannot readily be connected to a community water or sewer service. A travel trailer shall also mean tent trailers, truck

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campers, vehicles converted to sleeping facilities other than a mobile home and/or what normally constitutes a permanent dwelling unit.

**Road Frontage:** The distance between those lines connecting the front and rear lot lines at each side of the lot, measured along the public road right-of-way upon which the lot abuts or along the means of access to the lot.

**Road Line:** Right-of way of a public road as dedicated by a deed of record. Where the width of the public road is not established, the road line shall be considered to be twenty-five feet from the center line of the public road.

**Road, Public:** Publicly owned and maintained right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**School:** Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

**Structure:** An assembly of materials for occupancy or use including, a building, mobile home or trailer, sign, wall or fence.

**Substantial Improvement:** Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged, and is being restored, before the damage occurred. The term does not, however include either
  1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or
  2. Any alteration of a structure listed on the National Register of Historic places or a State Inventory of Historic Sites.

**Use, Permitted:** Any use specifically allowed in a district subject to the issuance of a permit by the Zoning Officer.

**Use, Conditional:** Any use specifically allowed in a district subject to the issuance of a conditional use permit by the Board of Adjustment following a public hearing.

**Village District:** The East boundary shall be the small brook (not named) from the point it crosses Town Highway #24, State Aid Highway #2, State Aid Highway #1 and Town Highway #39; The north boundary shall be from the indicated point on Town Highway #24 to the northeast corner of the cemetery and along the cemetery line to the State Aid Highway #2; From this point the boundary shall extend southerly to the site of the town garage on Town Highway #33 and then to the junction point of Town Highways #38 and #39. Town Highway #39 shall

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form the balance of the south boundary line.

Woodlands and Recreation: All lands that are more than 800 feet from the Center line of any town road, Classes 1, 2, 3, and 4.

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 front line of a building extended to the side lot lines of the lot. The depth of the front yard shall be measured from the road line to the front line of the building.

Yard, Rear: Yard between the rear lot line and rear line of 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 line of the building.

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

### **ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT**

#### **§ 801: Zoning Officer**

The Zoning Officer shall be appointed to administer the zoning regulations pursuant to 24 VSA, § 4448 . 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. Appeals from any decision or Act taken by the Zoning Officer shall be made as provided for in 24 VSA, Chapter 117, Subchapter 11. An acting Zoning Officer may be appointed pursuant to 24 VSA, § 4448(b).

#### **§ 802: Zoning Permits**

802.01 No land development, as defined in 24 VSA, § 4303(10) of the Act, may be commenced without a permit issued by the Zoning Officer. No zoning permit may be issued by the Zoning Officer except in conformance with these regulations.

802.02 Applications for zoning permits shall be made to the Zoning Officer on forms provided by him for that purpose.

802.03 Prior to the issuance of any zoning permit the Zoning Officer shall first satisfy himself that the subject of the application is in conformance with these regulations. He may enter upon the land or premises of an applicant and may request from an applicant any information he deems necessary for this purpose. No such permit shall be issued unless an application, fee, plot plan and any other approvals of the Planning Commission or the Board of Adjustment required by this bylaw have been properly obtained and are submitted in connection with the application. The Zoning Officer shall, within 30 days of submission of the application, data and approvals, either issue or deny a zoning

## **Sutton Zoning Bylaw and Subdivision Regulations**

permit. If denied, the Zoning Officer shall so notify the applicant in writing, stating his reasons therefore. If a zoning permit is issued, all activities authorized by its issuance shall be completed within two years of its date of issue, or the zoning permit shall be null and void and reapplication to undertake any activities shall be required.

- 802.04 In the issuance of zoning permits, the Zoning Officer shall comply with all of the provisions of 24 VSA, § 4449.
- 802.05 The fee for a zoning permit shall be established by the Legislative Body. It may be a sliding scale depending on the cost of the land development. Said fee shall accompany each application for a permit.
- 802.06 No zoning permit issued pursuant to 24 VSA, § 4449 shall take effect until the time for Appeal in 24 VSA, § 4465(a) has passed, or in the event that a notice of appeal is properly filed, such permit shall not take effect until final adjudication of said appeal.
- 802.07 No zoning permit shall be necessary for any structure that is 100 square feet or smaller that is not located on a permanent foundation.

### **§ 803: Penalties**

Any violation of these regulations after the effective date thereof shall be subject to penalties as provided in 24 VSA, §§ 4451 and 4452 .

### **§ 804: Board of Adjustment**

- 804.01 The Board of Selectmen shall appoint a Board of Adjustment whose members shall serve without remuneration and act on all matters within its jurisdiction under these regulations in the manner prescribed in 24 VSA, Chapter 117, Subchapters 10 and 11 provided however, that the members of the Board of Adjustment incumbent on the effective date of this bylaw shall continue in office for the duration of the terms to which they were respectively appointed.
- 804.02 A board of adjustment may employ or contract for clerks, secretaries, legal counsel, consultants and other technical and clerical services. All members of the board may be compensated for the performance of their duties, and may be reimbursed by the municipality for necessary and reasonable expenses.
- 804.03 Rules of procedure applicable to the Board of Adjustment, the nature of appeals to the Board from actions of the Zoning Officer, notice requirements, public notice, conditions for variance relief, and all other matters governing the action of said Board shall be as provided in 24 VSA, Chapter 117, Subchapters 10 and 11.

# **Sutton Zoning Bylaw and Subdivision Regulations**

## **§ 805: Public Notice**

Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all the following:

- 805.01 Publication of the date, place, and purpose of the hearing in a newspaper of general circulation in the municipality affected.
- 805.02 Posting of the same information in three or more public places within the municipality in conformance with location requirements of 1 VSA § 312(c)(2), including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made.
- 805.03 Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
- 805.04 When notification of abutting property owners is required by § 805.03, such notice shall be the responsibility of the applicant and the applicant shall submit proof of such notification to either the Planning Commission or Zoning Board, whichever board is responsible for the review of the applicant's permit application. Acceptable proof of notification shall include return receipt cards or a signed affidavit from each abutting property owner indicating that they received the required notice.

## **§ 806: Appeals**

- 806.01 Appeals of decisions made by the Zoning Officer may be made in the following manner:
  - A. An interested person, as defined in 24 VSA, § 4465, may appeal any decision or act taken by the Zoning Officer in any municipality by filing a notice of appeal with the secretary of the Sutton Zoning Board of Adjustment or with the Sutton Town Clerk if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Officer.
  - B. A notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.
  - C. The Sutton Zoning Board of Adjustment shall set a date and place for a public hearing of an appeal that shall be within 60 days of the filing of the notice of appeal under subsection 806.01 of this bylaw. The Sutton Zoning Board of Adjustment shall

## **Sutton Zoning Bylaw and Subdivision Regulations**

give public notice of the hearing and shall mail to the appellant a copy of that notice at least 15 days prior to the hearing date. Any person or body empowered by 24 VSA, § 4465 to take an appeal with respect to the property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. Any hearing held under this section may be adjourned by the Sutton Zoning Board of Adjustment from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 VSA § 810.

806.02 Appeals of decisions made by the Planning Commission or Zoning Board of Adjustment may be made in the following manner:

- A. An interested person who has participated in a public hearing held in the Town of Sutton with regard to an application for a permit authorized under this bylaw may appeal a decision rendered by either the Planning Commission or the Zoning Board of Adjustment to the environmental court. Participation in such a public hearing shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the hearing. An appeal from a decision of the Planning Commission or Zoning Board of Adjustment shall be taken in such manner as the supreme court may by rule provide for appeals from state agencies governed by 3 VSA, §§ 801 through 816.
- B. Notice of the appeal shall be filed by certified mailing, with fees, to the environmental court and by mailing a copy to the municipal clerk or the Zoning Officer, if so designated, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

### **ARTICLE IX: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE**

#### **§ 901: Amendments**

These regulations may be amended according to the requirements and procedures established in 24 VSA, §§ 4441 and 4442.

#### **§ 902: Interpretation**

902.01 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

902.02 It is not the intent of these regulations to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these

## **Sutton Zoning Bylaw and Subdivision Regulations**

regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, regulation permit, easement, or agreement, the provision of these regulations shall control.

### **§ 903: Effective Date**

This bylaw shall take effect 21 days after adoption in accordance with the procedures set forth in 24 VSA, §§ 4441 and 4442 .

### **§ 904: Separability**

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

### **§ 905: Repeal**

Upon the date of adoption of this bylaw, the former Town of Sutton Zoning Bylaw, adopted March 2, 1976 and revised January 7, 1992 is hereby declared repealed and shall have no further force or effect.

# Sutton Zoning Bylaw and Subdivision Regulations

## SUBDIVISION REGULATIONS

### TOWN OF SUTTON, VERMONT

#### ARTICLE I: ENACTMENT AND INTENT

##### § 101: Enactment

In accordance with the 24 VSA, § 4418, there are hereby established subdivision regulations for the Town of Sutton which are set forth in the text that constitutes these regulations. These regulations shall be known and cited as the "Town of Sutton Subdivision Regulations".

##### § 102: Intent

It is the intent of these regulations to implement the Sutton Municipal Development Plan, to provide for orderly community growth, and to further the purposes established in 24 VSA, § 4302.

##### § 103: Statement of Purpose

The following regulations have been adopted to govern the subdivision of land. The Commission shall be the administering body and so under the authority provided by 24 VSA, § 4418, the Commission shall administer these regulations for the purpose of assuring orderly growth and coordinated development in the Town of Sutton and to assure the comfort, convenience, safety, health, and welfare of the people as well as conformance with the various parts of the Sutton Town Plan and Zoning Regulations.

#### ARTICLE II: DEFINITIONS

##### § 201: Definitions

For the purposes of these regulations, which shall be known and may be cited as the "Town of Sutton Subdivision Regulations," certain means of reference and words used herein shall be used and defined as follows.

Unless the context clearly indicates to the contrary, reference made to a section, to a part of a section, or to a paragraph, or a part of a section, is to such section or paragraph of these regulations.

Developer: Any person, firm, corporation, partnership, or association, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others. Easement: The authorization of a property owner, for the use by another, and for a specified purpose, of any designated part of his property.

Final Subdivision Plat: The final drawings, on which the developer's plan of subdivision is presented to the Commission for approval and which, if approved, may be filed for record with the Town Clerk.

# **Sutton Zoning Bylaw and Subdivision Regulations**

Land Surveyor: A surveyor licensed by the State of Vermont.

Official Submittal Date: The official date of submission of a completed subdivision permit application shall be the date of the next regular meeting of the Commission. The submission of an application for a subdivision permit must be made to the Clerk of the commission at least ten (10) days prior to the date of any regular meeting. To be considered complete, a subdivision permit application must be accompanied by the required fee and all data required by Article IV of these regulations. Planning Commission or Commission: Means a Planning Commission for a Town created under 24 VSA, § 4323.

Preliminary Subdivision Sketch: The preliminary drawings indicating the proposed layout of the Subdivision to be submitted to the Commission for its consideration.

Regional Planning Commission: Planning Commission for a region created under 24 VSA, § 4341.

Sketch Plan: A sketch of the proposed subdivision showing the information necessary for the developer and the Planning Commission to reach general agreement as to the form of the subdivision and objectives and requirements of these regulations.

Street: Any road, highway, avenue, street, parkway, lane or other way between right-of-way lines, commonly used by the public for street purposes.

Subdivision: The division of any parcel of land, other than for agricultural or forestry purposes, with or without streets into two (2) or more lots, plots, or other legal division of land for immediate or future transfer of ownership.

## **§ 202: Other Definitions**

The definitions established in the "Town of Sutton Zoning Regulations" shall apply to these regulations unless these regulations specifically provide for a different definition.

## **ARTICLE III: PROCEDURE FOR REVIEW OF SUBDIVISION APPLICATION**

Before any contract for the sale of land or any offer to sell such subdivision or any part thereof is made, or any grading, clearing, construction, or other improvement is undertaken, the developer shall apply to the Commission for approval.

## **§ 301: Permit Fee**

The fee for a subdivision permit shall be established by the Legislative Body. It may be a sliding scale depending on the cost of the land development. Said fee shall accompany each application for a permit.

# **Sutton Zoning Bylaw and Subdivision Regulations**

## **§ 302: Application and Fee**

All applications for approval of Subdivisions shall be accompanied by a fee payable by check to the Town of Sutton, Vermont, stating the specific purpose of the fee. Said fee shall not include the cost of publication of notices required hereunder.

- 302.01 Number of Copies: Two (2) copies of the Subdivision Sketch shall be presented to the Clerk of the Commission at least ten (10) days prior to a scheduled monthly meeting of the Commission.
- 302.02 Developer to Attend Planning Commission Meeting: The developer, or his duly authorized representative, shall attend the meeting of the Commission to discuss the Subdivision Sketch.
- 302.03 Public Hearing: A public hearing shall be held by the Commission within thirty (30) days from the date of submission of the Subdivision sketch for approval. Said hearing shall be advertised in the official Town newspaper at least fifteen (15) days before such hearing and notice of said hearing shall be posted in three or more prominent places, including posting within view from the public right-of-way most nearly adjacent to the property for which an application is made, at least fifteen (15) days prior to the hearing. At least 15 days prior to the public hearing, notice of such hearing shall be forwarded to the Northeastern Vermont Development Association, regional planning commission for the Northeast Kingdom, and to the clerk of an adjacent town in the case of a proposed subdivision located within five hundred feet of a Town boundary.
- 302.04 Decision: The Commission shall, within forty-five (45) days from the close of the public hearing approve, modify and approve or disapprove the Subdivision Sketch. The Commission shall specify in writing its reasons for any such disapproval. In the event that a hearing is not held or if the Commission fails to disapprove the subdivision within the forty-five (45) days specified above, the plan shall be deemed approved.
- 302.05 Filing of Approved Subdivision Sketch: Any subdivision sketch not so filed or recorded within one hundred and eighty (180) days of the date upon which such sketch is approved or considered approved by reason of the Planning Commission's failure to so act, shall become null and void.

## **§ 303: Subdivision Review**

- 303.01 Approval of plats. Before any plat is approved, a public hearing on the plat shall be held by the Planning Commission after public notice. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.
- 303.02 Plat; record. The approval of the Planning Commission shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification

## **Sutton Zoning Bylaw and Subdivision Regulations**

shall be applicable.

- A. This regulation may allow the administrative officer to extend the date for filing the plat by an additional 90 days, if final local or state permits or approvals are still pending.
- B. No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the Planning Commission, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the Planning Commission to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality.

303.03 Acceptance of streets; improvements. Every street or highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by ordinance or resolution of the Selectboard of the municipality. No public municipal street, utility, or improvement may be constructed by the municipality in or on any street or highway until it has become a public street or highway as provided in this section. The Selectboard shall have authority after a public hearing on the subject to name and rename all public streets and to number and renumber lots so as to provide for existing as well as future structures.

### **ARTICLE IV: REQUIRED SUBMISSIONS**

#### **§ 401: Subdivision Sketch**

In the case of a Subdivision, the Subdivision Sketch application shall include the following information.

- 401.01 A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- 401.02 A map drawn to scale.
- 401.03 All site sanitation and water supply facilities shall be shown designed to meet the minimum specifications of the State Departments of Health and Water Resources, and a note to this affect shall be stated, with the sketch and signed by a licensed engineer.
- 401.04 Proposed name of the subdivision or identifying title, name of the town in which it is located.
- 401.05 The date, north point, map scale, name and address of record owner and developer, and names of adjoining property owners.

# **Sutton Zoning Bylaw and Subdivision Regulations**

## **§ 402: Sketch Plan**

The Sketch Plan, which is the initial submission to the Commission, shall show the proposed layout of streets, lots and other features.

## **§ 403: Final Subdivision Plat**

The Subdivision Sketch may be accepted as final plat at the discretion of the Commission. The Final Plat may be required to be upon linen or mylar or polyester film reproduction clearly and legibly drawn, and the size of the sheets shall be specified by the Vermont Model Plat Law. Space shall be reserved thereon for endorsement by all appropriate agencies. The Subdivision Plat shall conform in all respects to the Preliminary Subdivision Sketch as approved by the Commission and show some or all of the following:

- 403.01 Proposed subdivision name or identifying title, the name of the Town, the name and address of the record owner and developer, the name, license number and seal of the licensed surveyor, the boundaries of the subdivision and its general location in relation to existing streets or other landmarks and graphic scale, date and true north point.
- 403.02 Street names, and lines, pedestrian ways, lots, reservations, easements and area to be dedicated to public use.
- 403.03 Sufficient data acceptable to the Commission to determine readily the total area of each lot, the location, bearing and length of every street line, lot line, boundary line and reproduce such lines on the ground. Where practical, these lines should be tied to reference points previously established by a public authority.
- 403.04 By proper designation on such Plat, all public open space for which offers of cession are made by the developer and those spaces title to which is reserved by him.
- 403.05 Lots within the subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- 403.06 All lot corner markers shall be shown thus: "0".

## **ARTICLE V: DEVELOPMENT REQUIREMENTS**

### **§ 501: Streets**

501.01 Dead end streets shall:

- A. Not exceed twelve hundred (1200) feet in length and shall not provide entrance to other streets.
- B. Be designed to serve no more than twenty-five (25) lots.
- C. Have a turn-around at the end of the street with a minimum radius of 60 feet.

## **Sutton Zoning Bylaw and Subdivision Regulations**

501.02 All streets shall be constructed by the developer in accordance with Class 3 standards.

501.03 Layout:

- A. New streets shall be laid out so as to provide for the continuation of existing streets that serve the abutting lands. Where topographic or other conditions make such continuance undesirable or impracticable, this requirement may be modified.
- B. Streets shall be logically related to the topography so as to produce usable lots, reasonable grades and safe intersections.
- C. No curve shall have a center line radius of less than one hundred and fifty (150) feet. Changes in grade exceeding one (1) percent shall be designed in such a manner so as to provide a minimum sight distance of one hundred and fifty (150) feet.
- D. Street grades shall be adequate to provide satisfactory drainage. The maximum allowable grade shall be ten (10) percent. In no case shall a grade greater than three (3) percent be allowed at or within thirty (30) feet of an intersection.
- E. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than sixty (60) degrees.
- F. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall not be allowed.
- G. A fifty (50) foot minimum right-of-way shall be required for all public and private streets within a proposed subdivision.
- H. Streets shall be identified by name on the preliminary plat. Proposed streets which are in alignment with existing named streets shall bear the same names. In no case shall the names for proposed streets duplicate or resemble the names of existing streets.

501.04 Curbs and Sidewalks: Curbs and/or sidewalks may be required on one or both sides of all streets. This requirement may be modified or waived by the Planning Commission.

### **§ 502: Utilities**

502.01 Electric, telephone and cable TV distribution systems shall be installed underground, including services to residences and to street lights, unless waived by the Commission. Utility lines shall be placed as close as possible to the edge of the right-of-way.

502.02 Street lights shall be installed according to lighting and spacing standards established by the Selectmen.

502.03 All street signs and posts shall be provided and installed by the Town at the expense of the developer.

## **Sutton Zoning Bylaw and Subdivision Regulations**

### 502.04 Storm Drainage

- A. The developer shall be required to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- B. Culverts or other drainage facilities shall, in each case, be large enough to accommodate potential run-off from the entire subdivision. The Commission shall approve the design and size of facilities for anticipated run-off under conditions of total potential development. The developer's engineer shall provide such information as the Commission deems necessary to determine the adequacy of the facilities.
- C. The developer's engineer shall provide such information as the Commission deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where the Commission anticipates that the additional run-off incidental to the development of the subdivision will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Commission shall not approve the subdivision until the developer agrees to assume or contribute to the cost of the necessary improvements required. The Town's share, if any, shall be based upon the portion of run-off which the developed area downstream from the developer's subdivision contributes to the necessary improvement, except that there shall be credited to the Town's share that portion of the need which can be met by existing facilities.
- D. When designing the drainage system, the natural waterways shall be utilized to the fullest extent feasible. There shall be at least eighteen (18) inches of cover over culverts crossing roadways and for culverts over fifteen (15) inches in diameter the Selectmen may specify additional depth of cover. The minimum size culvert installed shall be fifteen (15) inches. Where catch basins are installed the street shall have curbing unless the Commission shall approve an alternate method. Open roadside drainage ditches in excess of a five (5) percent grade shall be paved with stone or asphalt as required by the Commission. All culverts shall have headers. Header design shall be approved by the Commission. Wherever possible, natural drainage courses should be extended across a road and not diverted to roadside drainage ditches.

### **§ 503: Layout and Marking of Lots**

- 503.01 All lots proposed in a subdivision shall comply with the requirements for lot area and frontage or access as set forth in the Sutton Zoning Bylaw.
- 503.02 All land to be used for building purposes on the plat submitted for approval shall be of such character that it can be used for building purposes without danger to health.
- 503.03 The lot arrangement shall be such that in constructing or building in compliance with the

## **Sutton Zoning Bylaw and Subdivision Regulations**

Zoning Bylaw, there will be no foreseeable difficulties for reasons of topography or other natural conditions. All lots shall have frontage on or access to public roads or waters as required by § 302 of the Sutton Zoning Bylaw.

- 503.04 Monuments constructed of concrete or stone at least 4 x 4 inches on the top and at least thirty-six (36) inches long shall be set at all lot corners

### **§ 504: Open Space and Recreation Area**

The Planning Commission may require that a portion of the subdivision be set aside in perpetuity for playground or other recreational purposes. Such land shall be reserved for the common use of all property owners by covenant in the deed as determined by the Commission. All area shall be of reasonable size, slope and character for a neighborhood playground or other recreational uses, including open space. At least fifteen (15) percent of the area of the entire subdivision shall be reserved for open space and recreation

### **§ 505: Site Preservation**

- 505.01 Existing features which would add value to the subdivision, such as trees, watercourses and falls, brooks, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design.
- 505.02 Land shall be subdivided and improved in reasonable conformity with the existing topography in order to minimize grading, cutting and filling, and to retain, insofar as possible, the natural contours, limit storm water run off, and conserve the natural cover and soil.
- 505.03 The smallest practical area of land should be exposed at any one time during development. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months. Where necessary temporary vegetation and/or mulching and structural measures may be required by the Commission to protect areas exposed during the development. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained during development to remove sediment from run-off water and from land undergoing development. Where possible, natural drainage-ways should be utilized and left open to remove excess surface water. The permanent final vegetation and structures should be installed as soon as practical in the subdivision.
- 505.04 The owner of the subdivision may place restrictions on the subdivision greater than those required by this bylaw, the Zoning Bylaw and any other State or local regulations. Such restrictions shall be attached to the plan and shall also, when applicable, be included as covenants in the deeds conveyed with each lot.

### **§ 506: Excavation and Grading**

- 506.01 All excavating and filling required for construction of Improvements shall be as specified herein. The entire area of work shall be brought to the required lines and

## **Sutton Zoning Bylaw and Subdivision Regulations**

grades by excavation or filling. Excavation material, if suitable, may be used for the grading of embankments and in filling low areas. A minimum of four (4) inches of top soil shall be provided to cover over all finished slopes. This material shall be spread uniformly over all finished slopes. All streets shall be graded from property line to property line to the approved grade and cross section,

- 506.02 No stumps, wood, roots, other fibrous materials shall be placed in any embankment. In those locations where the alignment crosses swamp or marsh lands, or other similar soil that is incapable of withstanding expected loads, such inadequate soil shall be entirely removed and replaced with adequate material. The materials so removed shall not be placed in embankment, but may be used in flattening embankment slopes or for filling low spots outside the road section. The Commission may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section.
- 506.03 Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth extending across the entire fill area. They shall be spread by a bulldozer or other acceptable methods, and shall be thoroughly compacted. Successive layers shall not be placed until the layer under construction has been thoroughly compacted. Where embankments are made of rock, the rock shall be so deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.
- 506.04 Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with acceptable material and the process of leveling and rolling continued until no further depression results.
- 506.05 Side slopes on an embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least each two (2) feet horizontally (2 on 1). Surplus material resulting from excavation of the road shall be used to flatten slopes of embankments so that they ascend one (1) foot vertically for at least two (2) feet horizontally (2 on 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 on 6). Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the road right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

### **ARTICLE VI: WAIVERS**

#### **§ 601: Waivers**

Where the Commission finds that, due to special circumstances of a particular Plat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities

## **Sutton Zoning Bylaw and Subdivision Regulations**

adjacent or in proximity to the proposed subdivision; it may reduce or waive such requirements, subject to appropriate conditions.

### **§ 602: Conditions**

In granting variances and modifications, the Commission shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

## **ARTICLE VII: SEPARABILITY AND EFFECTIVE DATE**

### **§ 701: Separability**

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

### **§ 702: Effective Date**

This regulation shall take effect 21 days after adoption in accordance with the provisions set forth in 24 VSA, § 4442.

### **§ 703: Repeal**

Upon the date of adoption of this regulation, the former Town of Sutton Subdivision Regulation, adopted March 2, 1976 and revised January 7, 1992 is hereby declared repealed and shall have no further force or effect.