

CHAPTER X. DEFINITIONS

Section 10.1 Terms & Uses

(A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

- (1) the particular controls the general,
- (2) the present tense includes the future tense,
- (3) the word "shall" is mandatory; the word "may" is permissive; the word "should" means that an activity is encouraged but not mandated.

(C) For the purposes of flood hazard area regulation under Section 5.5, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms specific to the flood hazard area regulations are provided herein and designated with **(FH)** for "flood hazard".

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Board of Adjustment under Section 9.6. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

Section 10.2 Definitions

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Department of Agriculture, Food and Markets (see exemptions under Section 9.2). See also Agriculture, Farm Structure.

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department of Forests, Parks and Recreation (see exemptions under Section 9.2). See also Forestry.

Access: A defined area of ingress and/or egress between a property and an abutting road right-of-way (e.g., a curb cut) or surface water.

Accessory Dwelling: See Dwelling/Accessory.

Accessory Structure: A structure on a lot which is clearly and customarily related to the principal structure or use on that lot. For residential uses these include, but may not be limited to garages, garden and tool sheds, children's playhouses, boat houses for the storage of three (3) or fewer boats, and permanent swimming pools. See also Accessory Dwelling, Accessory Use.

Accessory Use: A use on a lot which is customarily related and subordinate to the principal use of that lot. See also Accessory Dwelling.

Act: 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as

most recently amended.

Adaptive Reuse: The rehabilitation or renovation of an existing historically, culturally or architecturally significant structure, as listed or as eligible to be listed on the *Vermont Historic Sites and Structures Survey for the Town of Charlotte* or the National Register of Historic Places, or as determined by a qualified architect or architectural historian, for another use as specified in these regulations (see Section 4.3).

Adequate Coverage: Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment like Charlotte, this would be a signal strength of at least -90 dBm. It is acceptable for there to be holes within the area of adequate coverage, as long as the signal regains its strength farther away from the base station. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain.

Administrative Officer: Zoning Administrator.

Affiliate: For the purposes of regulating telecommunications facilities, (1) when used in relation to an operator, an affiliate is another person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or common control with the operator, or an operator's principal partners, shareholders, or owners of some other ownership interest; or (2) when used in relation to the municipality, an affiliate is any agency, board, authority or political subdivision associated with the municipality or other person in which the municipality has legal or financial interest.

Affordable Housing: Housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed the median income for the Burlington MSA, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80% of the median income for the Burlington MSA, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income. **"Perpetually affordable"** shall mean housing that meets the affordability requirements of these regulations for a minimum period of 99 years from the date of first sale or lease (see Section.4.4).

Agricultural Sales & Service: A business supplying raw materials, feed, equipment and/or support services to producers of agricultural products.

Agriculture: As defined by the Vermont Secretary of Agriculture, to include the cultivation or other use of land for growing food, fiber, Christmas trees, maple syrup, or horticultural and orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple sap; the on-site storage, preparation and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes produced on the farm. The term shall include commercial riding stables, but specifically excludes the slaughtering of animals for commercial purposes.

As further defined by the Vermont Secretary of Agriculture, this includes agricultural production which meets one or more of the following: (A) the sale of \$1000 or more of agricultural products in a normal year; or (B) the raising, feeding and management of the specified number of adult animals: four (4) equines, five (5) cattle or bison, 15 swine, 15 goats, 15 sheep, 15 fallow or red deer, 50 turkeys or geese, 100 laying hens or ducks, 250 broilers, pheasant, Chular partridge or Coturnix quail, three (3) camelids,

four (4) ratites, 30 rabbits, or 1000 pounds of cultured trout. See also Accepted Agricultural Practices, Farm Structure.

Agricultural Easement: See Easement/Agricultural, Conservation

Agricultural Products: Products produced, prepared and/or processed from an agricultural operation including but not limited to milk, vegetables, fruits, flowers, potted or bedding plants, soil or compost, trees, shrubs, greens, maple syrup or other sap products, meat, poultry, eggs, fish, honey, and other bee products. This also includes products manufactured from these products, including cheese and other dairy products.

Airstrip (private): An area of land used as a runway to allow the landing, take-off, and storage of propeller airplanes used for private, non-commercial purposes.

Alteration: Any relocation, structural change, or addition to a building or structure, excluding normal maintenance and repair activities. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure, including its height, footprint, or gross floor area. It shall also include any increase in the number of bedrooms or bathrooms. See also Conversion, Improvement, Substantial Improvement.

Antenna: A device for transmitting and/or receiving electromagnetic signals.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic signals.

Applicant: The owner of property proposed to be subdivided and/or developed in accordance with these regulations and/or his or her duly authorized representative.

Architecturally Significant: Recognized as a fine example of a historically important architectural style.

Area of Shallow Flooding (FH): A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent 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 the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard (FH): Land in the floodplain which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making is completed in preparation for the Flood Insurance Rate Map, Zone A is refined into Zones A, AO, AH, A1-30, AE, or A99.

Authorized Agent/Representative: A person or group of persons who has been duly authorized by the applicant or subdivider, in writing, to act on his or her behalf.

Available Space: The space on a telecommunications tower or structure to which antennas of a telecommunications provider are both structurally able and electromagnetically able to be attached.

Base Flood (FH): The flood having a one percent (1%) chance of being equaled or exceeded in any given

year. Also defined as “the 100 year flood”.

Base Flood Elevation or BFE (FH): The elevation of the water surface elevation resulting from a flood that has a one (1) percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map, the elevation is usually in feet, in relation to the National Geodetic Vertical datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Base Station: The primary sending and receiving site in a telecommunications facility network. More than one base station and/or more than one variety of telecommunications provider can be located on a single tower or structure.

Basement: Any area of a building having a portion below ground level.

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than four (4) rooms accommodating up to ten (10) guests within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. Parking requirements also apply.

Board: The Charlotte Board of Adjustment, as established under the Act, unless otherwise specified.

Boat House: A building used for the storage of boats and boating equipment. See also Accessory Structure; Boat Sales & Service; Shoreline Improvement.

Boat Sales & Service: A facility for the commercial sale and/or rental of boats, which may include a boat yard. See also Boat House, Boat Yard, Marina.

Boat Yard: An outdoor area where boat maintenance, repair construction and/or storage of four (4) or more boats takes place. See also Boat Sales & Service, Marina.

Boundary Adjustment: An adjustment of boundaries between adjacent lots that were not created by subdivision (under town regulations), where no new lot is created.

Building: (1) A structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods, chattel or equipment; (2) for flood hazard area regulation only, this definition also includes a gas or liquid storage tank that is principally above ground.

Building Coverage: That portion of the lot area which is covered by buildings and other structures expressed, as specified, either as the sum of the area of all building footprints, or as a percentage calculated as the sum of the area of all building footprints divided by the lot area: $(\text{total building footprint}/\text{lot area}) \times 100 = \% \text{ building coverage}$.

Building Envelope: A specific area of a lot, delineated on a subdivision plat, within which structures, parking and loading areas, shall be located, and outside of which no structures, parking or loading areas shall be located except as specifically permitted by the Planning Commission or by these regulations. A building envelope shall be defined by required setback distances, unless otherwise specified in these regulations. This also may be referred to as the “buildable area” of a lot.

Camper: Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on

wheels, a truck or a camper body, or towed by a motor vehicle, and includes a holding tank for the storage of sewage if bathroom facilities are present. This definition includes recreation vehicles such as motor homes and travel trailers, but specifically excludes mobile homes (see Section 4.5). See also Mobile Home.

Campground: A parcel of land upon which three (3) or more campsites are located for occupancy by a tent, yurt or lean-to as temporary living quarters for recreation, education, or vacation purposes. For the purposes of these regulations, all campgrounds in the Town of Charlotte shall be limited to substantially unimproved camp sites intended for tenting use only; recreational vehicles such as motor homes are prohibited, except for one recreational vehicle for use by campground staff or a host. See also Camper

Cellular Telecommunications: A commercial Low Power Mobile Radio Service bandwidth licensed by the FCC to providers in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

Cemetery: Land used or dedicated to the burial of the dead, including cremains. A cemetery may include as accessory structures mausoleums, columbariums, or maintenance facilities; crematoriums are specifically prohibited. An individual burial site on private land, registered with the Charlotte Town Clerk in accordance with state law, is exempted from this definition. See also Funeral Home.

Channel: The segment of the radiation spectrum to or from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

Co-location: Locating wireless telecommunications equipment from more than one provider at a single site or structure.

Commercial Farm Stand: A booth, stand, or other structure greater than 400 square feet from which agricultural products not principally produced on the premises are sold to the general public. Such facilities may, but are not required to, be located on an active agricultural operation. This definition specifically does not include farm stands located on an active agricultural operation from which agricultural products principally produced on the premises are sold to the general public as part of the agricultural operation; these are included under the definition of Accepted Agricultural Practices. See also Accepted Agricultural Practices, Agriculture, Farm Structure, Outdoor Market.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commission: The Charlotte Planning Commission, as created under the Act.

Common Carrier: An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated rates.

Common Land: Land within a development or subdivision that is not individually owned, but which is designed to be held in common for the use, enjoyment, management and maintenance by the residents of a development or subdivision. Such land may include but not be limited to conservation and agricultural easement areas, parking lots, community water and wastewater systems, pedestrian walkways, utility and road rights-of way, and fire ponds and associated dry hydrants.

Community Care Facility: A facility licensed by the state which provides residential care, including rooming, boarding, recreation and personal care services, to elderly or infirmed individuals, on a 24-hour a

day basis. See also Dwelling/Single Family (Group Home).

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the residents of the town or the development in which it is located.

Community System (Water, Wastewater): Any water or wastewater disposal system other than a municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include associated collection, distribution and treatment facilities.

Composting (commercial): An area used for controlled decomposition of organic matter to create top soil and/or fill for re-sale. Such an operation may include the preparation of materials for composting, including grinding, chipping or shredding of organic matter, and the stockpiling of raw materials and finished product.

Condominium: A form of common ownership of property in which there is individual ownership of a unit and common ownership of common areas and elements, as established pursuant to 27A Vermont Statutes Annotated, or its predecessor or successor statutes. One form of condominium ownership is a unit in a multi-unit structure (as an apartment building). See also Dwelling, Multi-family.

Conservation Easement: See Easement/Agricultural, Conservation.

Construction Drawings: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary; or (2) two or more parcels which share a common parcel boundary or point.

Contractor's Yard: A parcel of land with or without buildings to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction, landscaping, and similar uses (see Section 4.6). See also Home Occupation.

Conversion: Changing the current use of a building to a different allowed use, with or without structural alteration. This includes, but may not be limited to, the conversion of seasonal or accessory dwellings to single family dwellings, or the conversion of a single family dwelling to a two-family or multi-family dwelling (see Section 3.3). See also Adaptive Reuse.

Coverage: See Building Coverage, Lot Coverage.

Cultural Facility: A museum, theater, concert hall, library, art gallery or other establishment offering programs, performances or exhibits of cultural, educational, historical, or scientific interest, excluding movie theaters as a principal use. See also Recreation/Indoor.

Curb Cut: See Access.

Day Care Facility: Any establishment, except those supported in whole by tax funds, operated as a business or service on a regular or continual basis, whether for compensation or not, which provides care, protection, supervision and/or education for more than six (6) full-time and four (4) part-time children for periods of less than 24 hours. This definition shall encompass all those facilities that are required to be

licensed by the State of Vermont as a day care facility, kindergarten, and/or nursery school which have an enrollment of over 10 children (see Section 4.7). See also Home Child Care

dBm: Unit of measure of the power level of an electromagnetic signal at the input of a receiver, given its antenna system gain at a particular frequency, expressed as decibels (dB) above one milliwatt. Signal predictions with this measure are applicable at a particular frequency, and may be ambiguous unless all receivers and antenna combinations utilize an identical frequency.

dBu: Unit of measure of the field intensity of an electromagnetic signal, expressed as decibels (dB) above one microvolt per meter, an absolute measure for describing and comparing service areas, independent of the many variables (see dBm) introduced by different receiver configurations. This unit shall be used for coverage prediction plots

Demolition: The razing of an entire structure (see Section 3.1).

Density: The number of acres or square feet of land that are required for a given number of units, uses, or structures, excluding the land area where development rights have been removed or area within a public road right-of-way.

Density Bonus: An increase of the number of dwelling units allowed per acre above what is allowed in a particular zoning district.

Development: See Land Development.

Development Right: The right to undertake Land Development on a specific parcel of land in accordance with the zoning regulations for the district in which the parcel is located. See also Land Development.

Development within a Special Flood Hazard Area (FH): Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials within the Special Flood Hazard Area, identified on the most current Federal Insurance Rate Map (FIRM).

Drive-through: An establishment which, by design, physical facilities, and/or service encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A private travel way, easement or right-of-way serving up to two (2) parcels, which provides vehicular access to a parking area(s) associated with the principal structure or use (see Section 3.2). See also Access, Road.

Dwelling/Accessory: A secondary dwelling unit established in conjunction with and clearly subordinate to a single-family dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation which is retained in common ownership. Accessory dwellings may be contained within or attached to a single-family dwelling or may be within an accessory structure.(see Section 4.2).

Dwelling/Elderly: See Elderly Housing.

Dwelling/Multi-Family: A building or portion thereof containing three (3) or more dwelling units. See also Dwelling Unit, Two Family Dwelling, Family.

Dwelling/Seasonal: A dwelling unit located within the Shoreland or Shoreland Seasonal Home Management Districts which is not the primary residence of the owner or occupant, and is occupied only on a part-time or seasonal basis, for no more than six (6) consecutive months during any one (1) year period, including the summer months, or as otherwise specified in a lease agreement with the town.

Dwelling/Single Family: (1) A building containing one principal dwelling unit for year-round use, and up to one (1) accessory dwelling in accordance with Section 4.2; or (2) in accordance with the Act [§4412(1)] a state licensed or registered residential care home, or group home, serving not more than eight (8) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another such home. See also Accessory Dwelling, Community Care Home. See also Family.

Dwelling/Two Family: A building containing two (2) principal dwelling units. See also Family

Dwelling Unit: A building, or portion thereof, designed, constructed, or used as separate living quarters for one family, including any domestic employees employed on the premises, which includes food preparation, sleeping and sanitary facilities. This definition specifically excludes boarding or rooming houses, community care facilities, inns and other types of lodging facilities. See also Family.

Dwelling Unit/Affordable: See Affordable Housing.

Dwelling Unit/Elderly: See Elderly Housing.

Easement: The authorization of a property owner for the use by another of any designated part of the property for a specified purpose.

Easement/Agricultural, Conservation: A document establishing a legal agreement between the property owner and the town which identifies features with high public and natural resource values, and indicates allowed and prohibited uses within a prescribed area for the purpose of protecting these features.

Elderly Housing: Dwellings in one or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is 55 years of age or older. In accordance with the federal Fair Housing Act, elderly housing includes housing that: (1) is specifically designed for and occupied by elderly persons under a federal or state housing program; (2) is to be occupied by a person 62 years or older; or (3) at least 80% of the dwelling units are to be occupied by at least one (1) person who is 55 years or older, in adherence to adopted policies to house persons who are 55 years or older. Such housing may include, as accessories, congregate dining and recreational facilities, and assisted living services (see also Section 4.4). See also Community Care Facility.

Enlargement: Any increase in the height or the footprint of a structure.

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock, minerals or similar materials. Typical uses include sand and gravel pits and related operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.8). Specifically excluded from this definition is the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an accepted agricultural practice. See also Quarrying.

Family: One or more persons related by blood, marriage, civil union, adoption or other form of legal guardianship as recognized by the State of Vermont, or a group of not more than four (4) unrelated

persons, [except as allowed under 24 VSA 4412(1)] exclusive of domestic servants, living together as a household. See also Dwelling/Single Family

Farm Café: A use that is auxiliary to the agricultural use of the parcel of which the primary function is to serve to the public, for consumption primarily on the premises, food and/or beverages that include but are not exclusively created from agricultural products grown on the parcel on which it is located. This definition excludes Restaurant/Fast Food and Restaurant/Drive-through.

Farm Structure: A building, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with an accepted agricultural practice; or is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or is on a farm with a business and farm management plan approved by the Secretary. This definition specifically excludes dwellings for human habitation, in accordance with the Act [§4413(d)]. See also Agriculture, Accepted Agricultural Practices.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

Fence: An assemblage of materials, which may include metal, stone, wood, or any combination, erected and placed on the ground for purposes of limiting visual or physical access, and/or to mark a property boundary. (See Sections 3.5 and 9.2).

Ferry Facility: A shoreland facility principally used for the ferrying of passengers and vehicles across surface waters (Lake Champlain), which may include as accessory structures or uses supporting parking, docking, loading, storage and service facilities. See also Marina.

FIA (FH): Federal Insurance Administration.

Financial Institution: A bank, savings and loan, finance, mortgage or investment company.

Flood (FH): (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation of runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Hazard Area (FH): See Special Flood Hazard Area.

Flood Hazard Boundary Map or FHMB (FH): An official map of Charlotte, issued by the Flood Insurance Administration, where the boundaries of flood and mudslide (i.e., mudflow) related erosion areas having special hazards are designated as Zone A, M, and/or E.

Flood Insurance Rate Map or FIRM (FH): An official map of the town, issued by the Federal Insurance Administrator, on which both the areas of special flood hazard and the applicable risk premium zones have been delineated.

Flood Insurance Study (FH): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodproofing (FH): Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, structures, and their contents.

Floodway (FH): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any given point. Please note that Special Flood Hazard Areas and floodways may be shown on separate map panels.

Floor Area, Gross: The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached garages, porches, and balconies, but excluding interior vehicular parking, unfinished basements, or any space where the floor to ceiling height is less than six (6) feet. If applied to a use within a mixed use building, it shall include the total of such floor area allocated to that use as measured to the outside surface of exterior (outside) walls, and from the centerline of partition walls separating uses.

Floor Area/ Habitable: The total floor area of all enclosed, heated and habitable rooms in a dwelling unit.

Floor Area, Net: The total area of all floors of a building as measured to the outside surfaces of exterior walls, excluding halls, stairwells, elevator shafts, equipment rooms, interior vehicular parking and loading spaces, any space where the floor to ceiling height is less than six (6) feet, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. If applied to a mixed use, it shall include the total such floor area allocated to that use as measured to the outside surface of exterior (outside) walls, and from the centerline of partition walls separating uses.

Forestry: The use and management of timber land for purposes of conservation and/or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products, with the exception of portable sawmills and other equipment used on site in association with timber harvesting activities. See also Accepted Management Practices, Light Industry.

Frequency: The number of cycles completed each second by an electromagnetic wave measured in hertz (Hz).

Frontage: See Lake Shore Frontage, Lot Frontage.

Funeral Home: A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for internment or cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

Garage Sale: The casual sale or offering at any one time of ten or more new, used, or second hand items of tangible personal property to the general public, which is generally advertised by such terms "garage sale," "rummage sale," "attic sale," "lawn sale," "porch sale" "barn sale" or similar phrase (see exemptions under Section 9.2). See also Outdoor Market.

Garden Center: The use of land, buildings and/or structures for the purpose of selling lawn and garden equipment, furnishings and supplies. This definition specifically does not include nurseries and greenhouses that are defined as “Agriculture” or “Accepted Agricultural Practices” and are therefore exempted from these regulations. See also Agriculture, Accepted Agricultural Practices, Commercial Farm Stand.

Gasoline Station: Any lot or area of land including the building or buildings thereon, which is used for the sale of motor vehicle fuels, lubricants, and related motor vehicles products, and/or which has facilities for fueling, or servicing motor vehicles (see Section 4.14). This definition includes gas stations and car washes; but specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Motor Vehicle Sales & Service, Mixed Use.

Grade/Finished: Completed surface of grounds, lawns, walks, paved areas and roads which have been brought to grades as shown in associated plans.

Grade/Natural: The initial, original surface of ground within a proposed building or structure footprint, as measured from contour elevations prior to any site clearing, filling or excavation.

Greenhouse: A commercial agricultural business or farm structure for growing flowering and other plants, and/or produce, and/or animals, all for wholesale or retail sale. See also Accepted Agriculture Practices, Agriculture, Farm Structure, Garden Center.

Group Home: See Dwelling/Single Family (Group Home), Community Care Facility.

Health Clinic: A building or part thereof operated by physicians, surgeons, dentists, chiropractors, therapists, or other licensed health care professionals for the examination and treatment of patients on an out-patient basis. This definition does not include a public or private hospital, or the professional office of a licensed health care provider located in his or her residence. See also Home Occupation, Health Care Facility.

Health Care Facility: A public facility or other institution licensed by the state of Vermont that provides medical and other health care services to persons on both an in-patient and out-patient basis (see Section 4.15). See also Public Facility.

Height: The distance above ground of a structure as measured vertically from the average natural grade at the base of the structure, determined from pre-development surface elevations within the proposed footprint, to the highest point of the structure or roof surface, or, for a structure without a roof, to the highest point of the structure, excluding the chimney (see Section 3.5). See also Grade, Natural.

Hertz: (Hz) One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

High Public Value: Areas of land containing the resources listed in Table 7.1 of these regulations. Such areas are as identified on town resource maps and databases, or may be field delineated and/or evaluated by a qualified professional during a land development or subdivision application review process.

Historic Structure: A structure that is: (a) listed, or that meets the criteria to be listed, in the Vermont State Register of Historic Places; (b) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (c) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered

historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Home Child Care: A state registered or licensed facility serving ten (10) or fewer children of which six (6) or fewer are on a full-time basis, and up to four (4) additional children on a part-time basis as defined in statute [33 V.S.A. ' 4902(3)(A)] which is considered to constitute a permitted single family residential use of property (see Section 4.7). See also Home Occupation, Day Care Facility.

Home Occupation: A home-based business which is conducted by one or more residents of the dwelling. For purposes of these regulations, home occupations are classified as Home Occupations I, II or III and are regulated accordingly (see Section 4.11). See also Home Child Care.

Improvement: Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement). See also Shoreline Improvement, Public Improvement, Substantial Improvement.

Inn: A building or group of buildings containing a maximum of 10 guest rooms for occupancy and use by transients on a short-term basis (less than one month on average), and providing such services as maid service, a central switchboard, or dining facilities for guests. Owner occupancy is required. See also Bed & Breakfast, Mixed Use, Restaurant.

Interested Person: As defined under the Act [24 VSA 4465(b)].

Interference: An undesirable effect caused by electromagnetic signals. FCC “Type 1” interference refers to interference regulated by the FCC and affecting other FCC licensees or other entities over which the FCC has jurisdiction. FCC “Type 2” interference refers to electromagnetic disturbances to business, institutional, medical, and home electronic equipment.

Junk: Any scrap or waste material which is collected, stored, kept, or handled for salvage, resale or conversion to another use.

Junk Yard: See Salvage Yard.

Kennel: Any premises on which two or more domestic pets (dogs, cats or ferrets), or wolf-hybrids four months of age or older are kept for any of the following commercial purposes: sale, boarding, training or breeding purposes. See also Veterinary Clinic.

Lakeshore Frontage: The distance of a lot along the shoreline of Lake Champlain, measured along the mean high water mark (98 feet above mean sea level) from the intersection of one property boundary to the intersection of the other property boundary.

Land Development: Any of the following: 1) the division of a lot into two (2) or more lots; 2) the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; 3) any mining, excavation or landfill involving more than 300 cubic yards of material; 4) any material change in the use of any building, structure, land or extension of use of land; or 5) installation of infrastructure or improvements including but not limited to roads, utilities, drainage, wastewater or water. Land Development does not include interior construction or remodeling which does not affect the exterior appearance of a structure, or affect the water or septic requirements of the structure. See also Subdivision.

Light Industry: The use of land and/or a structure for the manufacture, processing, fabrication, testing and/or assembly of products, which also include associated research and development, warehousing and shipping activities, and which meets all applicable requirements of these regulations, including performance standards. The processing of agricultural products on the premises where they are grown shall not be deemed to be light industry or manufacturing. See also Home Occupation.

Loading Space: Space for bulk pickups and deliveries, scaled to delivery vehicles. Required off street loading space is not to be included as off-street parking space in computation of required off-street parking space (see Section 3.11).

Location: For purposes of regulating telecommunications facilities, references to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true north.

Lot: (1) An identifiable and separate parcel of land legally in existence as of the effective date of these regulations which has sufficient area to meet the lot area requirements of these regulations; or (2) a portion of land in an approved subdivision as depicted on an approved plat that is separated from other portions of land by a property line. Where an existing public road right-of-way bisects an existing parcel, the right-of-way shall be considered a boundary dividing the parcel into two lots. The merger of any lot prior to the effective date of these regulations shall terminate its separate existence for the purpose of these regulations (see also Section 3.7 regarding Nonconforming Lots). See also Contiguous Land; Lot Area; Lot of Record.

Lot Area (Lot Size): The total land area within the boundaries (lot lines) of a lot, exclusive of the area designated for any existing or proposed road rights-of-way.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting roads where the interior angle of the intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve are the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads, service areas, and other impermeable surfaces which prevent the infiltration of storm water.

Lot Frontage: The distance that a lot fronts a road or right-of-way, measured along the road or right-of-way from the intersection of one property boundary to the intersection of the other property boundary.

Lot Line: The boundary line of a lot.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Charlotte Town Office.

Lot Size: See Lot Area.

Lowest Floor (FH): The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the 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 Section 60.3.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent

frame or foundation and is connected to required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on the site for greater than 180 consecutive days. For insurance purposes, and the other provisions of these regulations, the term “manufactured home” does not include park trailers, recreation vehicles, travel trailers, and other similar vehicles.

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

Manufactured Home Park or Subdivision/Existing (FH): A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the initial floodplain management regulations adopted by the town.

Manufactured Home Park or Subdivision/Existing, Expansion of (FH): The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Park or Subdivision/New (FH): A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Marina: (1) Any shoreline property used to provide access to public waters for the docking or mooring of five (5) or more boats, with or without services, and/or (2) a small-craft harbor complex that provides access to public waters, includes launching, docking and/or mooring facilities, and may include boat manufacturing, repair and storage services; boat sales, charters and rentals; the sale of marine supplies; and associated marine services such as fueling, pump-out, water taxi, charter, cruise, and towing services. See also Boat Yard; Boat Sales, Service & Repairs; Ferry Facility; Mixed Use.

Mean High Water Mark: For Lake Champlain this is considered to be 98 feet above mean sea level.

Mean Sea Level (FH): The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, lake elevations, and typical contour elevations, are referenced.

Mixed Use: A building or parcel containing two (2) or more principal uses which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.12). Also see Planned Unit Development.

Mobile Home: A prefabricated dwelling unit which: (1) is designed for continuous residential occupancy; (2) is designed to be moved on wheels, as a whole; (3) on arrival at the site, is complete and ready for occupancy except for incidental unpacking, assembly, utility connections, and placing on supports or a permanent foundation; and (4) contains the same water supply and wastewater disposal systems as immovable housing (see Section 3.4). See also Camper, Mobile Home Park.

Mobile Home Park: A parcel of land under single or common ownership or control which is designed to accommodate, three (3) or more mobile homes to be occupied for living purposes (see Sections 3.4, 4.13). See also Mobile Home.

Mobile Home Sales: An establishment, including land and/or a building, for which the principal use is the sale of mobile homes. This may include customary accessory structures or uses, such as an office, an enclosed sales room, and a parking area.

Modification of an Existing Telecommunications Facility: Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

Modification of an Existing Telecommunications Tower or Structure: Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

Monitoring: For purposes of regulating telecommunications facilities, the measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from telecommunications facilities, towers, antennas or repeaters.

Monitoring Protocol: For purposes of regulating and monitoring telecommunications facilities, the testing protocol, such as the Cobbs Protocol, or the FCC Regulations (Title 47, Part 1, Section 1.1307 referenced as IEEE C95.3 1991), or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, (Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities.

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below-grade foundations.

Motor Vehicles Sales & Service: An establishment, including land and buildings, for which the principal use is the sale and repair of automobiles and other motor vehicles, to include the sale and/or leasing of motor vehicles and accessory products, general vehicle and engine repair shops, rebuilding and/or reconditioning shops, and body shops. This does not include gasoline stations except if approved as a mixed use (see Section 4.14). See also Gasoline Station, Mixed Use.

Municipal Facility: A type of public facility that is owned, leased, operated and/or managed by the Town of Charlotte (see Section 4.15). Also see Public Facility.

Municipal Land Use Permit: As defined in the Act [24 VSA 4303]

Municipal Plan: The municipal plan for the Town of Charlotte as most recently adopted in accordance with the Act.

Nature Center: A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/or displays promoting understanding, sound management and protection of the natural environment.

New Construction (FH): Structures for which the start of construction commenced on or after the effective date of these floodplain management regulations, and includes any subsequent improvements to such structures.

Nonconforming Structure: A structure or part thereof lawfully in existence as of the effective date of these regulations which does not conform to the requirements of these regulations including, but not limited to, building bulk, dimensions, height, setbacks, area, density or off-street parking or loading

requirements.

Nonconforming Lot (Parcel): A lot or parcel lawfully in existence as of the effective date of these regulations that does not conform to the requirements of these regulations including, but not limited to lot size, frontage, density and coverage requirements.

Nonconforming Use: The use of a land or structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations including, but not limited to, allowed uses within the district in which it is located.

Office: A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations, or which is clearly accessory to another allowed principal use. It also specifically excludes the on-premise retail sale of goods. See also Home Occupation.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, and parking lots. Open space may or may not be held in common. Open space may be placed under an easement with the town or a conservation organization such as a land trust, in which case allowed uses of the area shall be specified in a “Conservation Agreement and Easement” with the town, or a “Grant of Development Rights” with a land trust, which identifies those natural and cultural features with high public value and how they are to be protected. See also Easement/Agricultural, Conservation; High Public Value (Areas, Features).

Outdoor Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public, including “farmers’ and “flea” markets. See also Commercial Farm Stand, Garage Sale.

Parcel: A “Lot”.

Parking Facility: A separate off-street parking area, garage or similar structure that is the principal use of a lot.

Parking Space: An off-street area which is not less than nine (9) feet in width or 18 feet in depth, exclusive of adequate access or maneuvering area, ramps, columns, etc., which is to be used exclusively as a temporary storage space for a single vehicle (see Section 3.11).

Permit: For purposes of regulating a telecommunications facility, an official action which sets forth the rights and obligations extended by the municipality to an operator to own, construct, maintain, and operate its telecommunications facility within the boundaries of the municipality. See also Municipal Land Use Permit.

Permittee: For purposes of regulating telecommunications facilities, an applicant who is granted a permit for a tower and/or telecommunications facility by the Town of Charlotte.

Perpetually affordable (housing): housing that meets the affordability requirements of these regulations for a minimum period of 99 years from the date of first sale or lease (see Section.4.4).

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership, which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word “person” shall also include any municipality or other government agency.

Personal Service: A business which provides services of a personal nature, including but not limited to laundry and dry cleaning, beauty and barber shops, tailoring and shoe repair, photographic studios, and similar businesses. Sales of products must be clearly related and incidental to services provided. See also Funeral Parlor.

Place of Worship: A building used for purposes of assembly and worship by an established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses (see Section 4.15).

Planned Residential Development (PRD): An allowed method of land development for primarily residential use in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity, to include primarily residential dwelling units allowed within a zoning district(s), associated accessory structures and facilities and uses allowed within the district in which the PRD is located. In a PRD, zoning district dimensional standards under these regulations (Chapter II), including lot size, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of development (see Chapter VIII). See also Planned Unit Development.

Planned Unit Development (PUD): An allowed method of land development for mixed use development in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity for two or more uses allowed within a zoning district(s), and associated accessory structures and facilities. In a PUD, zoning district dimensional standards under these regulations (Chapter II), including lot size, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of mixed use development (see Chapter VIII). See also Mixed Use, Planned Residential Development.

Plat: A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

Post Office: A facility operated by the United States Postal Service for the collection and distribution of mail, and associated mailing and delivery services.

Primary (prime and statewide) Agricultural Soils: As defined by the State of Vermont.

Principal Structure: A structure or building in which the main, primary or principal use of the property is conducted. Attached accessory dwellings, garages, porches or carports, or other structures which share a common wall and/or roof, or are connected by a breezeway, are considered to part of the principal structure.

Private Club: An establishment operated for social, recreational, educational or cultural purposes that is open only to members and their invited guests, and not the general public, and is not operated primarily for profit

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipality, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, and educational facilities (see Section 4.15).

Quarrying: The removal of rock or minerals by means of open excavation to supply material for construction, industrial or manufacturing purposes (see Section 4.8). See also Extraction.

Radial Plots: Radial plots are the result of drawing equally spaced lines (radials) from the point of the antenna, calculating the expected signal and indicating this graphically on a map. The relative signal strength may be indicated by varying the size or color at each point being studied along the radial. A threshold plot uses a mark to indicate whether that point would be strong enough to provide adequate coverage i.e., the points meeting the threshold of adequate coverage. The draw back is the concentration of points close to the antenna and the divergence of points far from the site near the ends of the radials.

Recreation/Indoor: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, fitness centers, and swimming pools.

Recreation/Outdoor: A facility for outdoor recreation, including but not limited to a stadium, tennis courts, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use, or are otherwise exempted from these regulations under Section 9.2. Golf courses as separately defined and regulated are specifically excluded from this definition. See also Golf Course.

Recreational Vehicle (FH): A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed not for use as a permanent dwelling but as temporary living quarters for camping, travel or seasonal use.

Repeater: A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

Restaurant: An establishment of which the primary function is to serve food and beverages to the public for consumption primarily at tables or counters on the premises. This definition includes cafes, bakeries with table or counter service, bars and taverns. This definition excludes Restaurant/Fast Food Restaurants and Restaurant/Drive-through.

Restaurant/ Drive-through: An establishment which, by design, physical facilities, and/or service encourages or permits customers to receive food or beverages while remaining in their motor vehicles. See also Restaurant; Restaurant/ Fast Food.

Restaurant/ Fast Food: An establishment of which the sole or exclusive function is the sale of prepared foods or beverages either on or off the premises, and whose operation is characterized by (1) the service of food or beverage in containers or in paper, plastic or other disposable containers, (2) availability of food or beverages for immediate consumption upon a short waiting time, and (3) insufficient seating facilities within the building for the volume of food being sold. See also Restaurant; Restaurant/ Drive-through.

Resubdivision: A change of a recorded subdivision plat, including but not limited to changes that affect any lot lines, street or road layouts, areas reserved for public use, or any map or plan that has been legally recorded.

Retail Store: Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption, and where services incidental to the sale of such goods are provided. This definition excludes the retail sale of gasoline and automobiles and other goods and services that are otherwise more specifically identified under these regulations. See also Agricultural Sales & Service, Boat Sales & Service, Commercial Farm Stand, Gasoline Station, Mobile Home Sales, Motor

Vehicle Sales & Service, Personal Service, and Restaurant.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

Road: Any public or private right-of-way serving three (3) or more lots, which is designed and intended for use by motor vehicles. The word “road” shall mean the entire right-of-way. See also Driveway.

Road/ Private: Any road or street which is not publicly owned and maintained, excluding private driveways serving less than three lots. See also Road, Driveway.

Road/ Public: A road which is constructed within the boundaries of an officially deeded and accepted public right-of-way, including municipal, state and federal highways.

Roof and/or Building Mount Telecommunications Facility: A telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or a building face.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to “junkyards” as defined by the state.

Scenic View: A scenic view is a view from a publicly accessible location which may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or public path. A scenic view may be to a faraway object, such as a mountain, or a nearby object. Many scenic views of particular importance in Charlotte are noted in the *Charlotte Town Plan*.

School: A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters (see Section 4.15). See also Public Facility.

Self Storage Facility: A multi-unit storage facility that provides separate storage spaces for rent.

Setback: The horizontal distance from a road (see below), lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest part of a structure (as defined herein) or, where applicable, a wastewater system (including leach field and septic tank) located on the premises. In the case of a public highway, the setback distance shall be measured from the limit of the highway right-of-way or 25 feet from the centerline of the highway, whichever is greater. In the case of a private road, the distance shall be measured from the edge of the road right-of-way. In the case of a driveway, no front setback to structures is required or created.

Shoreline: The mean high water mark. For Lake Champlain this is considered 98 feet above mean sea level.

Shoreline Improvement: Physical improvements located at or above the mean high water mark within the shoreline area which are intended to provide access to public waters or to prevent shoreline erosion, including permanent docks, stairways and fishing piers; boat hoists, boat houses, launches and ramps; manmade or improved beach areas; and retaining walls or other permanent stabilization measures. See also Ferry Facility, Marina, Shoreline.

Shoreland Management Plan: A document establishing a legal agreement between a property owner and the town which identifies features of high public value within the Shoreland, Shoreland Seasonal Home Management, or Conservation Districts, and indicates allowed and prohibited uses for the purpose of protecting these features.

Sign: Any structure, display, device, material, object or representation which is designed or used to advertise, direct or call attention to any property, establishment, business, enterprise, profession, product, or service or other matter from any public right-of-way (see Section 3.14). This definition includes logos and other outdoor advertising displayed on walls, canopies, and exterior windows.

Silviculture: See Forestry.

Slope: An inclined surface, expressed as a percentage, to be calculated as the amount of vertical elevation gained (rise) over a horizontal distance (run): $(\text{vertical rise}/\text{horizontal run}) \times 100 = \% \text{ slope}$. A **steep slope** is a slope equal to or greater than 15%; a **very steep slope** is a slope equal to or greater than 25% (see Section 3.14).

Snack Bar. A seasonal stand or enclosed structure operated for a maximum of six (6) months in any calendar year including the summer months, for the preparation and sale of food and beverages to the general public for consumption on- or off- the premises. A snack bar may include outdoor seating for up to 30 people (e.g., five tables seating 6 patrons each) as an accessory to the use. Drive-through facilities are specifically prohibited. Indoor restaurant seating and/or year-round use shall be allowed only as, or in association with, a restaurant. See also Restaurant.

Special Flood Hazard Area (FH): Land in the floodplain which is subject to a one (1) percent or greater chance of flooding (e.g., inundation, fluvial erosion and land slides) in any given year (also commonly referred to as the 100-year flood), as defined in the existing or subsequently revised “Flood Insurance Study for the Town of Charlotte, Vermont” dated September 1, 1977 and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Charlotte Town Clerk’s Office. For the purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.” This area is usually labeled Zone A, ZA, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined, they may be shown on separate maps panels from the Flood Insurance Rate Maps.

Start of Construction (FH): For purposes of flood hazard area regulation, determines the effective maps or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation of a basement, footing, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building,

regardless whether that alteration affects the external dimensions of the building.

Storage Facility: A building for storing goods as an accessory to a retail store, or for the temporary storage of goods (e.g., household goods) by the general public. Self-storage facilities are prohibited in the Town of Charlotte, except in association with an Adaptive Reuse under Section 4.3. See also Adaptive Reuse, Warehouse.

Stream: Any surface water course in the Town of Charlotte as depicted by the U.S. Geological Survey on topographic maps, Vermont Base Mapping Program orthophotos, the zoning map, or as identified through site investigation; excluding artificially created irrigation and drainage channels. See also Stream Channel, Streambanks.

Stream Channel: A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A stream bank may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as agricultural irrigation and drainage ditches are specifically excluded from this definition. See also Stream, Streambanks.

Streambanks: Physiographic features that normally contain streams within a channel. The banks are distinct from the streambed, which is normally wetted and provides a substrate that supports aquatic organisms. For purposes of these regulations (see Section 3.15) “top of bank” is defined as the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain only during flows at or exceeding the average annual high water stage.

Street: See Road.

Street Line: The dividing line between a lot and a public or private road or street, typically defined by the edge of the road right-of-way.

Structurally Able: For purposes of regulating telecommunications facilities, the determination that a tower or structure is capable of safely carrying the load imposed by the proposed new antenna(s) under all reasonably predictable conditions as determined by professional structural engineering analysis including the windload or any other structural requirements.

Structure: Any construction, assemblage or other combination of materials on the land for occupancy or use, including but not limited to buildings, additions to buildings, mobile homes, tennis courts, in-ground swimming pools, above ground swimming pools on permanent foundations, airstrips, satellite dishes, relay or radio antennae, walls and fences six feet in height or greater, gas station canopies, and tanks for the outdoor storage of gas or oil. Fences and walls less than six feet in height, lamp posts, arbors, mail boxes, sidewalks, driveways, roads, parking areas, signs, service lines, and the subsurface components of potable water and sewage disposal systems are specifically excluded from this definition. Structures shall be exempted from these regulations only in accordance with the Act and these regulations (see Section 9.2). See also Accessory Structure, Building.

Subdivider: Any person(s) who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval. See also Applicant.

Subdivision: The division of any parcel of land into two or more parcels, lots or other legal division of land for the purposes of offer, transfer, sale, lease of 30 or more years that allows land development or

conveyance (see Section 6.1). The term also includes planned unit and planned residential development (see Section 6.1). See also Boundary Adjustment; Subdivision Amendment; Subdivision/Major; Subdivision/Minor.

Subdivision Amendment: changes to an approved subdivision including, but not limited to, modifications to parcel lines, easement lines, building envelopes, the location of improvements, or conditions of approval. A resubdivision may only be considered a Subdivision Amendment if no additional lots are to be created. (see Section 6.1).

Subdivision/ Major: (1) A residential subdivision, or resubdivision, of land that results in the creation of four (4) or more lots within any 10 year period, regardless of any change in ownership; or (2) a nonresidential subdivision. (see Section 6.1).

Subdivision/ Minor: A subdivision, or resubdivision, of land that results in the creation of three (3) or fewer lots within any 10 year period, regardless of any change in ownership. (see Section 6.1).

Substantial Damage (FH): Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement (FH): Any repair, reconstruction or improvement of a structure, the cost of which over three years cumulatively equals or exceeds 50% percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. This definition does not apply to either: (1) any project for improvement of the structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Substantially Commenced: For purposes of these regulations, to include initial site preparation, the installation of an access, and the installation of a foundation, water and/or wastewater system on-site, in accordance with these regulations, including all permits and approvals.

Substantially Completed: The stage at which a permitted structure has been constructed so that it may be safely occupied or used for its intended purpose.

Telecommunications Equipment Shelter: A structure located at a base station designed principally to enclose equipment used in connection with telecommunications transmissions including any foundation that may be required.

Telecommunications Facility: All equipment (including repeaters) with which a telecommunications provider broadcasts and receives radio frequency signals which carry their services. This facility may be sited on one or more towers or structure(s) owned and permitted by the provider or its agent of record or another owner or entity (see Section 4.16). [Note: this differs somewhat from state definitions (e.g., Act 250) and that included in the Act.

Telecommunications Facility Site: A property, or any part thereof, which is owned or leased by one or more telecommunications providers and upon which one or more telecommunications facility(ies) and any required landscaping are located.

Telecommunications Provider: An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

Telecommunications Tower: A guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Temporary Wireless Telecommunications Facilities: Any tower, pole, antenna, or other facility designed for use while a permanent wireless telecommunications facility is under construction, rehabilitation or restoration.

Transfer Station/Recycling Center: A facility certified by the state that functions as a collection point for solid waste and recyclable material that will subsequently be transported to a state-approved landfill or disposal facility. The facility will include, at minimum, a receiving hopper and compacting equipment (see Section 4.15). See also Public Facility.

Transit Facility: A building, structure, or area designed and intended for use by persons changing transportation modes, including but not limited to bus and train stations. See also Parking Facility.

Undue Adverse Effect (Impact): A prospective effect or impact that would result from a proposed development that violates a clear, written community standard, including a provision of these regulations or a specific policy of the municipal plan, with regard to which the applicant has failed to take generally available reasonable, mitigating steps to reduce such effect or impact. When considering prospective impacts on scenic areas of high public value or other prospective aesthetic impacts, an additional criterion to be considered is whether the proposed development would offend the sensibilities of the average person.

Use: The specific purpose for which a parcel of land or structure is designated, designed or intended, or for which it may be used and maintained. See also Accessory Use, Structure.

Veterinary Clinic: A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. See also Kennel.

View Corridor/Viewshed: A three-dimensional space extending outward from a stationary viewpoint or as one moves along a publicly accessible route. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as a mountain, which would result in a narrow corridor, or a group of objects, such as a range of mountains, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective.

Violation (FH): The failure of a structure or other development to be fully compliant with this bylaw. With respect to the flood hazard regulation, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Warehouse Facility: A building used primarily for the storage, wholesale and distribution of manufactured goods and materials, and not as a primary location or outlet for business or retail uses.

Waste Management Facility: A public facility licensed or certified by the state of Vermont for the collection, storage, transfer, shipment or disposal of solid or hazardous waste materials (see Section 4.15). See also Public Facility, Salvage Yard, Transfer Station/Recycling Center.

Wetland: As defined by Vermont Wetland Rules, as most recently amended.

Wildlife Habitat: Areas identified as wildlife habitat on maps and within the text of the Charlotte Town

Plan (as amended), or as field delineated by a qualified professional.

Yard: An unoccupied area of ground, as defined by required setback distances, in which no structure, building or portion thereof, may be located. See also Setback.

Zoning Administrator: Administrative Officer.