

CHAPTER I. AUTHORITY & PURPOSE

Section 1.1 Enactment

In accordance with the Vermont Planning and Development Act [24 V.S.A. Chapter 117, as amended], hereinafter referred to as the “Act,” there are hereby established zoning and subdivision regulations for the Town of Charlotte, Vermont. These regulations shall be known and cited as the “**Charlotte Land Use Regulations**,” hereinafter referred to as “Regulations.”

Section 1.2 Purpose

The purposes of these regulations are to:

- encourage the orderly, planned, efficient and economical development of the Town of Charlotte, in a manner which promotes and protects public health, safety and the general welfare of the community;
- guide future growth and development of the town in conformance with the purposes and policies set forth in the *Charlotte Town Plan* as most recently amended, the municipal capital budget and program, and all other regulations enabled under the Act for implementing the town plan;
- further the goals and purposes established under the Act [§4302]; and
- integrate all administrative and regulatory provisions of zoning and subdivision regulations as authorized by the Act [§4419] into a unified set of development regulations.

Section 1.3 Application & Interpretation

(A) The application of these regulations is subject to all provisions of the Act as most recently amended.

(B) The regulations shall be deemed to constitute permanent zoning and subdivision regulations for purposes of determining Act 250 jurisdiction in accordance with 10 V.S.A. Chapter 151.

(C) In accordance with the Act [§4446], no land development or subdivision of land shall commence in the Town of Charlotte except in conformance with these regulations (see Table 1.1). Any land development and/or subdivision of land not specifically authorized under these regulations, unless exempted under the Act or Section 9.2 (Exemptions) or approved in accordance with Section 2.3, is prohibited.

(D) All subdivisions of land, uses and structures lawfully in existence as of the effective date of these regulations are allowed to continue indefinitely. Changes, alterations or expansions to pre-existing subdivisions, structures or uses shall be subject to all applicable requirements of these regulations, including provisions applying to nonconforming lots under Section 3.7, and nonconforming uses and structures under Section 3.8.

(E) These regulations are not intended to repeal, annul or in anyway impair any permit or approval previously issued.

(F) Where these regulations impose a greater restriction on the use of land or a structure than is required by any other statute, ordinance, rule, regulation, permit, easement or agreement, the provisions of these regulations shall control. *See §9.2 Exemptions*

Section 1.4 Effective Date

These regulations shall take effect on the date of their adoption by the Town of Charlotte, in accordance with the Act [§4442]. All zoning and subdivision regulations previously in effect for the Town of Charlotte are repealed as of the effective date of these regulations.

Section 1.5 Amendment

(A) These regulations may be amended or repealed in accordance with the requirements and procedures established in the Act [§§4441, 4442].

(B) Proposed amendments to Flood Hazard Area Overlay District regulations under this bylaw shall be sent to the Vermont Agency of Natural Resources, River Management Program at least fifteen days prior to the first public hearing to be reviewed for conformance with federal and state program requirements.

Section 1.6 Severability

The provisions of these regulations are severable. In the event that any part of these regulations, or their application, is judicially determined to be invalid, such determination shall not affect the validity of any other part of these regulations or their application.

Section 1.7 Availability of Documents

In accordance with the Act [§4445], copies of these regulations as adopted have been provided to the Chittenden County Regional Planning Commission and the Vermont Department of Housing and Community Affairs, and shall be available to the public during normal business hours at the Charlotte Town Office.

Section 1.8 References to Act

All references to the Act as contained herein are intended to assist in the interpretation, understanding and reference to State statutory authority. Any conflict between the specific provisions contained within these regulations and the Act, it is intended that these Regulations shall be controlling.

From Chapter X:

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 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. [§4303]. Land Development does not include Interior construction or remodeling which does not affect the exterior appearance of a structure or the water or septic requirements for the structure.

Development within a Special Flood Hazard Area: 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).

Subdivision: The division of a 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 years or more that allows land development or conveyance. The term also includes planned unit and planned residential development.

TABLE 1.1 CHARLOTTE DEVELOPMENT PERMITS & APPROVALS

Permit/Approval	Required for	Issued by	See
Zoning Regulations			
Zoning Permit [§4449]	All development, as defined in Section 10.2, including conversions and changes of use, unless specifically exempted under Section 9.2	Zoning Administrator	Section 9.3
Right-of-way Approval [§4412(3)]	Development on lots without frontage on a maintained public road or public waters	Planning Commission	Section 3.2
Site Plan Approval[§4416]	All development except for forestry, agriculture, single and two family dwellings, and associated accessory structures or uses, unless specifically exempted from these regulations	Planning Commission	Section 5.5
Conditional Use Approval [§4414(3)]	All uses classified as "conditional uses" by district, or as otherwise specified in these regulations	Board of Adjustment	Sections 5.4 & 5.6
Variance Approval [§4469]	Requests for a variance from the provisions of these regulations	Board of Adjustment	Section 9.7
Planned Unit or Planned Residential Development (PUD, PRD) Approval [§4417]	Development of land which modifies the provisions of these regulations, as specified for PUDs and PRDs, to be approved simultaneously with approval of a subdivision plan	Planning Commission	Chapter VIII
Certificate of Occupancy [§4449(a)(2)]	Use of a structure constructed after the effective date of these regulations for which a zoning permit has been issued	Zoning Administrator	Section 9.5
Subdivision Regulations			
Subdivision Approval [§§4418, 4463]	All subdivisions of land, as defined in Section 10.2,	Planning Commission	Chapter VI
Subdivision Amendment Boundary Adjustments	Changes to lot lines, easements, or conditions of a prior subdivision approval	Planning Commission	Chapter VI
Sketch Plan Approval [§4418(2)]	All applications for subdivision approval, subdivision amendments and boundary adjustments	Planning Commission	Section 6.3
Preliminary Plan Approval [§4418(2)]	All applications for major subdivisions	Planning Commission	Section 6.4
Final Plan Approval [Including plat approval] [§4414]	All applications for subdivision approval	Planning Commission	Section 6.5
Plat Recording [§4463(a)]	All approved subdivisions of land, including boundary (lot line) adjustments	Planning Commission	Section 6.7
Certificate of Compliance [§4464(b)(4)]	Improvements required by the Planning Commission in association with subdivision approval, prior to further land development	Zoning Administrator	Section 9.5
Other Municipal Approvals			
Highway Access	Development requiring access onto municipal highways	Selectboard	Highway Access Policy
Road Acceptance, Upgrade, Naming	Road naming, upgrades, and the municipal acceptance of private roads	Selectboard	Local Ordinance