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## CHAPTER III. GENERAL REGULATIONS

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### Section 3.1 Repair of Damaged Structures; Demolition

(A) **Damaged Structures.** No zoning permit shall be required for the stabilization, repair, restoration, or reconstruction of a damaged structure to the extent of its prior condition and use. Unless other timelines are approved by the Board of Adjustment, stabilization of a damaged structure shall occur in a reasonable amount of time following the event resulting in damage, in order to prevent hazards to public health and safety and adjoining properties. [Also see Section 3.8]

(B) **Demolition.** Immediately following demolition, all materials shall be disposed of according to solid waste district standards, the site shall be restored to a normal grade, and ground cover shall be established sufficient to prevent erosion.

### Section 3.2 Road, Driveway and Pedestrian Access Requirements

(A) **Access Requirement.** Pursuant to the Act [§4412(3)], land development may be permitted on lots which have either frontage on a maintained state or Class I, II or III public road or public waters, in accordance with district frontage requirements, or with the approval of the Planning Commission, access to such a road or waters by means of a Class IV road, legal trail and/or a permanent easement or right-of-way at least 50 feet wide, all in accordance with the standards of this section.

(1) **Substandard Access.** Use of a substandard right-of-way or easement (i.e., less than 50 feet in width) for the purpose of creating an access to proposed land development is only allowed subject to Planning Commission approval and in accordance with the following:

- (a) Use of a substandard access shall be limited to lots without required frontage which were legally in existence as of the effective date of these regulations.
- (b) Development on a pre-existing, non-frontage lot with a substandard access shall be limited to one (1) dwelling unit or principal use.

(2) **Review Process.** Consideration of a request for a right-of-way (road or driveway) will be undertaken within the subdivision review or site plan review process. If no subdivision or site plan review is required, the Commission shall review the request in accordance with Section 9.9 using standards within Section 3.2, subsections (C) and (D).

(B) **Highway Access Permit.** Access onto town highways is subject to the approval of the Charlotte Selectboard, or for U.S. 7 (Ethan Allen Highway), the Vermont Agency of Transportation (VTrans), in accordance with state statutes and the Town of Charlotte's "Policy and Procedure for Highway Access Permits" as most recently amended. Highway access permits must be issued prior to the issuance of a zoning permit.

(C) **Access Management Standards.** The following access management standards shall apply to all land uses and development within the town under the jurisdiction of these Charlotte Land Use Regulations:.

- (1) No lot may be served by more than one (1) access (curb cut), except for:
  - (a) a lot for which it is determined, subject to subdivision, site plan, or conditional use review, that one or more additional accesses are necessary to ensure vehicular and pedestrian safety; or
  - (b) instances in which strict compliance with this standard, due to the presence of one or more physical constraints (e.g., streams, wetlands, steep slopes) would result in adverse

- environmental impacts or a less desirable site design and layout than would be otherwise possible.
- (2) For a parcel having frontage on two (2) roads (i.e., a corner or through lot), the access shall be located on the less traveled road, unless otherwise approved by the Commission or Board due to particular site, safety or road conditions.
  - (3) If property has frontage on Route 7 the following shall also apply:
    - (a) For purposes of access management, a “property” or parcel that borders Route 7 shall include one or more contiguous parcels under common ownership, any of which have a property line conterminous with the Route 7 right-of-way line. If any of the contiguous parcels under common ownership also have frontage on a secondary road that intersects Route 7, the entire property shall be considered to have access to both Route 7 and to the secondary road.
    - (b) A property having frontage on Route 7 and no frontage on a secondary road shall be allowed a maximum of one (1) access point onto Route 7. Where feasible, said access point shall be located and designed so as to provide access to the entire property, and shall meet all applicable standards of these regulations. No access shall be permitted where traffic conditions, topography, or any physical site limitation would prevent the construction of a safe access.
    - (c) A property having frontage on Route 7 and on a secondary road shall be required to locate all access points on the secondary road, except where the Planning Commission or Board of Adjustment determines that the topographical or traffic safety conditions make such location impracticable. Such access points shall be located and designed to provide access to the entire property, and shall meet all applicable standards of these regulations.
  - (4) New driveways and roads should be located to achieve appropriate sight distances, at least 125 feet (on center) from the intersection with a private road, and at least 225 feet (on center) from an intersection with a public road.
  - (5) The width of a proposed driveway, road or parking area shall not exceed the applicable state standard (B-71, A-76 as most recently amended) for the proposed use.
  - (6) Shared access is encouraged, and may be required for development subject to subdivision, site plan or conditional use review. During subdivision review, site plan review, or conditional use review an access may be eliminated, combined, or relocated to meet the requirements of these regulations.
  - (7) A new access in the Town of Charlotte intended to serve a use or development in another town that is not an allowed use in the zoning district in which the proposed access is located is prohibited. All other proposed accesses serving another town shall be considered a conditional use subject to conditional use review by the Board of Adjustment under Section 5.4 and site plan review by the Planning Commission under Section 5.5, and other reviews as applicable. In addition to meeting the requirements of Section 5.4 and Section 5.5, such access may be approved only:
    - (a) if no access to the proposed development is possible in the town in which the development is located; and
    - (b) the access meets all applicable requirements of these regulations.
- (D) **Roads and Driveways.** Driveways, which may serve up to two (2) lots, and private roads, which serve three (3) or more lots, must be designed and constructed to meet the standards as set forth in the Town of Charlotte’s “Road and Driveway Standards” as most recently amended.

- (1) **Acceptance.** Acceptance of private roads by the municipality is subject to the approval of the Charlotte Selectboard, pursuant to state law for the laying out of public rights-of-way. Construction of a road to town standards in no way ensures such acceptance.
- (2) **Design.** All roads, driveways and intersections shall be designed and constructed in accordance with the Town of Charlotte “Road and Driveway Standards” as most recently amended, and the following:
  - (a) In evaluating use of an access, the Planning Commission may consider the intended use of the property, safety, traffic, road and site conditions in granting, conditioning or denying access approval. Conditions imposed by the Commission may include, but are not limited to, agreements that the town shall not be required to provide school busing beyond the public right-of-way, and that the owner of the property shall have the responsibility to upgrade and maintain the right-of-way for access by emergency vehicles.
  - (b) Roads and driveways should logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads.
  - (c) Roads and driveways should be located to avoid fragmentation of and/or adverse impacts to areas of high public value listed in Table 7.1. Additionally, to the extent feasible, roads should follow existing linear features such as utility corridors, tree lines, hedgerows and fence lines.
  - (d) Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads, including but not limited to the selection of visually compatible materials, the preservation of existing features, and appropriate management of vegetation within the road corridor. The use of surfacing material that minimizes driveway visibility and enhances surface permeability is encouraged, and may be required by the Commission or Board for development subject to subdivision, site plan, or conditional use review. A crushed stone or gravel surface is recommended.
  - (e) Roads and driveways should be designed to enhance the connectivity of the road network, particularly within village areas.
  - (f) The arrangement of lots and road rights-of-way in a proposed subdivision should allow for the future extension of roads to serve adjoining parcels and allow for efficient traffic circulation, access management, and emergency vehicle access. Proposed road easements shall be shown on the plat, and may be required to extend to the subdivision and/or property boundary.
  - (g) Shared driveways are encouraged, and may be required for development subject to subdivision, site plan or conditional use review. The owner of each lot upon which the common or shared driveway crosses shall provide a deeded easement to the benefited landowner which shall be recorded in the town land records.
  - (h) Driveways constructed in the Flood Hazard Area District must also meet applicable requirements for that district (see: Table 2.10 and Section 5.6).
- (3) **Drainage.** Stormwater management shall be provided to manage stormwater runoff from all proposed roads and/or parking areas in accordance with Section 7.8 of these regulations.

- (4) **Maintenance.** The maintenance of all roads not designated as a Class I, II or III Town Highways or a State Highway shall be the responsibility of the applicant and subsequent owners. The applicant shall supply evidence and assurance that such roads will be adequately maintained either by the applicant, lot owners or an owners' association via an acceptable legal mechanism. For developments involving access by a Class IV Town Highways or a legal trail, a road/trail maintenance agreement approved by the Selectboard shall be required in association with final subdivision approval.
- (5) **Road Names & Signs.** Road names proposed by the applicant shall be approved by the Charlotte Selectboard in accordance with the Town of Charlotte's *Road Naming & Numbering Ordinance* currently in effect. Roads shall be identified by signs approved by the Selectboard.
- (6) **Modification of Road & Driveway Standards.** In the case of unusual topographic conditions or other circumstances which would make strict adherence to these standards a substantial hardship, or result in a safety hazard, the Planning Commission may modify the application of one or more standards under this section, providing that the applicant demonstrates that the proposed road or driveway is accessible to emergency vehicles, does not pose a threat to motorists or pedestrians, will not result in unreasonable maintenance requirements for property owners, and is designed in a manner that is consistent with other applicable standards of these regulations.
- (E) **Parking Areas & Transit Stops.** Common or shared parking areas shall be designed in accordance with Section 3.12, and indicated on the site plan and the subdivision plat if applicable. In addition:
- (1) The Commission may require common or shared parking areas to serve multiple lots or uses in order to allow for reduced lot sizes and/or higher densities of development, to reduce access points onto public roads, and/or to reduce the total amount of impervious surface within a development.
  - (2) For major subdivisions that will be served by school buses or other public transit services, the Commission also may require pull-offs and/or turn-arounds, and/or the provision of one or more sheltered bus stops for use by residents of the subdivision.
- (F) **Trails.** Trails or walkways should be provided as needed to facilitate pedestrian access and circulation within the subdivision, or to connect to adjoining roads, recreation and pedestrian paths, or sidewalks serving the subdivision. Accordingly:
- (1) The Commission may encourage the applicant to provide unobstructed pedestrian easements at least 20 feet in width, which shall be shown on the plat.
  - (2) Within East Village, West Village and Commercial Districts, the Commission may encourage the installation of pedestrian paths or sidewalks along one or both sides of roads within the subdivision, or along public roads bordering the subdivision, or to connect to existing sidewalks on adjoining properties.
- (G) **Class IV Roads & Legal Trails.** The town, under state law and adopted town road policies, is not required to maintain designated Class IV roads or legal trails to provide year-round access to properties. The use of a Class IV road or legal trail for permanent vehicular access for non-recreational use of a property will be allowed only in accordance with the following:
- (1) Such use may be allowed only to minimize the number of curb cuts on a town or state road, or as otherwise deemed necessary to improve traffic safety.

- (2) The upgrade and maintenance of the road as required for development and emergency vehicle access shall be the responsibility of the applicant and subsequent landowners. Selectboard approval is required prior to undertaking any improvements to a Class IV road or legal trail.

### Section 3.3 Conversion or Change in Use

A conversion or change of use that involves the subdivision of land also requires subdivision approval under Chapter VI.

### Section 3.4 Fences & Walls

(A) Fences and walls (6) feet in height or greater require a zoning permit, and shall be located outside of setback areas.

(B) Fences and walls less than six (6) feet height may be constructed without a zoning permit and may be located within setback areas, but shall not interfere with visibility for vehicles traveling on public or private roads or sight distances at driveway intersections with public or private roads.

### Section 3.5 Height Requirements

(A) No structure shall exceed maximum district height requirements except as allowed under Subsection (B), and the following structures which are exempted from these requirements:

- (1) farm structures, including barns and silos, in accordance with Section 9.2(10);
- (2) church steeples, spires and belfries;
- (3) water towers;
- (4) utility structures regulated by the Vermont Public Service Board which are exempted from the requirements of these regulations, including wind generation and transmission towers [see Section 9.2(12)];
- (5) wind generation towers and equipment (wind turbines) that are not regulated by the Vermont Public Service Board (for example, those that are not engaged in “net metering”), where allowed by the Zoning Board of Adjustment in association with review under Section 5.4; and
- (6) telecommunications facilities that are in accordance with Section 4.16.

**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 ridgeline or roof surface or, for a structure without a roof, to the highest point of the structure, excluding the chimney.

(B) The following accessory structures to a residential or public use require a zoning permit if, when mounted or installed, they will exceed five (5) feet in height above the maximum height in the district or, if mounted on a roof, five (5) feet in height above the highest roof surface:

- (1) radio antennas,
- (2) flag poles,
- (3) satellite dishes less than three (3) feet in diameter,
- (4) rooftop solar collectors, and
- (5) chimneys and weather vanes.

(C) The Board of Adjustment or Planning Commission may require a reduction in the height of a structure below the district maximum for structures subject to conditional use, site plan or subdivision review, based upon a determination that such a reduction is necessary to comply with applicable review standards.

### Section 3.6 Lot, Yard & Setback Requirements

(A) **Principal & Accessory Structures.** Only one (1) principal use or structure shall be located on a single lot, unless otherwise allowed as an agricultural use under Section 4.2(B), or an adaptive reuse under Section 4.3, a mixed use under Section 4.12, or with the approval of the Planning Commission, as part of a planned residential or planned unit development under Chapter VIII.

- (1) In the Rural District barns may be considered principal structures, and dwellings for farm owners, the farm operator, or farm workers may be considered accessory structures, if associated with an active agricultural operation, and in accordance with Section 4.2(B).
- (2) An accessory structure or use must conform to all lot, setback, coverage and other dimensional requirements for the district in which it is located, unless specifically exempted from such requirements under Section 9.2.

(B) **Dimensional Standards.** The following requirements apply to lots within all zoning districts, with the exception of existing nonconforming lots in accordance with Section 3.7.

- (1) No lot shall be so reduced in area that it cannot meet area, yard, setback, frontage, coverage and other dimensional requirements for the district in which it is located, except as approved by the Planning Commission for a planned residential or planned unit development under Chapter VIII.
- (2) Legal trails and rights-of-way associated with private roads and driveways shall not be considered boundaries that subdivide an existing parcel into two or more lots.
- (3) The area required for a use to meet the dimensional, density or open space provisions under these regulations shall not be used to also meet the dimensional, density or open space requirements for another use, except as allowed for a mixed use.
- (4) Frontage requirements for lots served by private roads (rights-of-way serving three or more lots) shall be the same as frontage requirements for lots served by public roads, unless otherwise approved by the Planning Commission, such as for lots located at the road terminus and for planned residential or planned unit developments under Chapter VIII.
- (5) Only continuous, uninterrupted frontage along a road right-of-way shall be used to meet district frontage requirements.
- (6) Side setback requirements shall apply to all lot boundaries for any lot which does not have frontage on a public or private road or public waters.
- (7) All portions of a parcel that adjoin a public or private road shall be considered a front yard, and shall meet applicable front setback requirements.

(C) **Development Review.** For development subject to site plan or conditional use review, the Planning Commission or Board of Adjustment may require increased minimum setback distances, buffers, and landscaping and/or screening within designated setback areas, or limit the use of setback (yard) areas for parking and storage, to protect public health, safety, and welfare, and adjoining properties.

### Section 3.7 Nonconforming Lots (Existing Small Lots)

In accordance with the Act [§4412(2)], any lot in individual and separate, nonaffiliated ownership from surrounding properties, lawfully in existence as of the effective date of these regulations, which does not meet the dimensional requirements of these regulations, may be developed for the purposes permitted in the district in which it is located if all other applicable requirements of these regulations are met; however, development is prohibited on existing small lots which either:

- (1) are less than one-eighth (1/8<sup>th</sup>) acre in area; or
- (2) have a width or depth dimension of less than 40 feet.

### Section 3.8 Nonconforming Uses of Land & Structures

(A) **Nonconforming Use.** Any use of land or use of a structure legally in existence as of the effective date of these regulations which does not comply with the requirements of these regulations, as adopted or as subsequently amended, shall be considered a nonconforming use. A nonconforming use may be continued indefinitely in accordance with the Act [§4412(7)], subject to the following limitations. A nonconforming use:

- (1) may not be moved or altered except with the approval of the Board of Adjustment in association with conditional use review under Section 5.4;
- (2) shall not be changed to another nonconforming use without approval under conditional use review under Section 5.4, and a determination by the Board of Adjustment that the proposed nonconforming use is of the same or a more restricted nature as the existing nonconforming use;
- (3) shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of six (6) months, regardless of the intent to resume the prior use;
- (4) shall not be reestablished following abandonment or discontinuance resulting from structural damage from any cause, unless the nonconforming use is carried on uninterrupted in the undamaged part of the structure, or the use is reinstated within one (1) year of such damage. The Board of Adjustment may, on appeal, grant a one (1) year extension to reestablish the nonconforming use for situations it determines are beyond the applicant's control.

(B) **Nonconforming Structures.** Any structure, or portion thereof, legally in existence as of the effective date of these regulations which does not comply with the requirements of these regulations as adopted, or as subsequently amended, shall be considered a nonconforming structure. A nonconforming structure may continue to be occupied indefinitely in accordance with the Act [4412(7)], subject to the following limitations. A nonconforming structure:

- (1) may undergo routine maintenance and repair, provided that such action does not increase the degree of noncompliance;
- (2) may only be structurally modified or moved in a manner that will not increase the degree of noncompliance, unless approved by the Board of Adjustment in association with conditional use review under Section 5.4. For purposes of these regulations, any structural alteration which extends the footprint, height or volume of a structure within any required setback or above the required maximum height (i.e., the amount of encroachment), shall be considered to increase the degree of noncompliance. Any structural alteration of a nonconforming structure which extends the footprint, height or volume of a structure outside of any required setback or below the required maximum height shall not be considered to increase the degree of noncompliance.

- (3) may be repaired, restored or reconstructed after damage from any cause provided that the repair or reconstruction does not increase the degree of noncompliance which existed prior to the damage, is commenced within one year of the date of the event that led to the damage, and is substantially completed within two (2) years of the damage or destruction, in accordance with Section 3.1. The Board of Adjustment may, on appeal, grant a one (1)-year extension to this deadline upon a determination that the delay was unavoidable and that the owner had acted to substantially complete the repair, restoration or reconstruction within the initial one (1)-year period. Any non-conforming structure in the Flood Hazard Overlay Area District must meet the standards of Section 5.6
- (C) Nothing in these regulations shall be construed as allowing the continuation of a use or occupancy of a structure that has been declared by an appropriate governmental authority (e.g., Health Officer) to be unsafe or to pose a threat to public health or safety.

### Section 3.9 Outdoor Lighting

(A) **Purpose.** The town's rural character is enhanced by the ability to clearly view and enjoy a night sky that is free of light pollution. While some outdoor lighting may be necessary for safety and security, inappropriate, poorly designed or improperly installed outdoor lighting can create unsafe conditions and nuisances for adjoining property owners, cause sky glow which obstructs views of the night sky, and result in unnecessary power consumption.

(B) **General Standards.** To allow for appropriate outdoor lighting, while minimizing its undesirable effects, the following standards apply to all outdoor lighting installations in the Town of Charlotte, with the exception of temporary holiday light displays which are exempted from these requirements:

- (1) All outdoor lighting shall be kept to the minimum required for safety, security, and intended use, consistent with the character of the neighborhood in which it is located.
- (2) Permanent outdoor lighting fixtures shall be designed to minimize glare, and shall not direct light upward or onto adjacent properties, roads, or public waters, or result in excessive lighting levels that are uncharacteristic of the surrounding neighborhood or area.

(C) **Specific Standards.** For outdoor lighting installations associated with development that is subject to subdivision or site plan, the Planning Commission may also require the following, and condition approval accordingly:

- (1) Information regarding exterior lighting fixtures, including fixture type, mounting locations and heights, illumination levels and distribution, and color, to be submitted as part of the development review application under Section 5.3. A lighting plan, prepared by a qualified lighting expert, may be required as appropriate for projects requiring outdoor parking area, street, or security lighting.
- (2) The burial of electrical service to outdoor lighting fixtures.
- (3) The use of security or street lighting only if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Commission, shall be shielded and aimed so that only designated surfaces or areas are illuminated.
- (4) Street lighting shall not be provided except where it is deemed necessary by the Commission for safety or security, such as at road intersections, or pedestrian crossings or walkways.

- (5) Outdoor lighting fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during business hours, unless otherwise specifically approved by the Planning Commission.
- (D) **Waiver.** The Planning Commission may waive or modify the requirements of this Section if it finds that doing so will not:
- (1) jeopardize the stated intent of these provisions under Subsection (A), or that
  - (2) such a modification or waiver is needed for public safety, or to meet an overriding public purpose, such as the illumination of a public building or monument.

### **Section 3.10 Outdoor Storage**

The dumping or outdoor storage of trash, garbage, radioactive waste, hazardous or corrosive chemicals, automobile junk or any refuse is prohibited except in solid or hazardous waste management facilities approved in accordance with these regulations (see Section 4.15) and state law. However, individual property owners are permitted to dispose of organic solid waste generated by the household as part of the normal operation of their property and in a manner not injurious or obnoxious to the neighborhood or the natural environment.

### **Section 3.11 Parking, Loading & Service Area Requirements**

- (A) **Parking.** Off-street parking spaces shall be provided, on the same lot as the associated use, or on adjacent lots under the same ownership or under permanent easement, as set forth below:
- (1) A required parking space shall have a minimum width of nine (9) feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient for year-round use.
  - (2) A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in Table 3.1, unless otherwise waived under Subsection C.
  - (3) In addition to the requirements listed in Table 3.1, all public, commercial and industrial uses must provide adequate clearly marked accessible parking spaces in accordance with state and federal Americans with Disabilities Act (ADA) requirements, and at least one (1) bicycle rack for use by employees and/or the general public.

Additional conditions may be required for development that requires conditional use review or site plan review, under Sections 5.4 and 5.5.

(B) **Loading & Service Areas.** Where a proposed development will require the frequent or regular loading or unloading of goods, sufficient on-site loading areas shall be provided. Service areas also may be required for emergency vehicles, waste disposal and collection, bus, taxi, or van service, and other purposes as necessitated by the proposed use.

(C) **Waivers.** The Planning Commission, under subdivision or site plan review, may modify or waive on-site parking, loading and/or service area requirements based on the determination under one or more of the following provisions that, due to circumstances unique to the development, the strict application of these standards is unnecessary or inappropriate:

- (1) green areas are to be set aside and maintained as open space for future conversion to parking, loading and/or services areas in the event that the spaces initially permitted are subsequently deemed inadequate to meet demonstrated need;
- (2) adequate shared parking, loading, and/or services areas for use by two (2) or more businesses exist on the same or contiguous lots, which are either under common ownership or a long-term lease agreement;
- (3) adequate off-site public parking exists within reasonable walking distance of the establishment; and/or
- (4) the proposal is for the development of affordable or elderly housing as defined under Section 4.4.

<b>Table 3.1 Minimum Off-Street Parking Requirements</b>	
<b>Use</b>	<b>Parking Spaces</b>
Bed & Breakfast	2 per dwelling unit, and 1 per guest room
Dwelling/Accessory	1 per bedroom
Dwelling/ Elderly	1 per dwelling unit
Dwelling/ Multi-Family	3 per every 2 dwelling units
Dwelling/ Single or Two Family	2 per dwelling unit
Financial Institution	1 per employee on site at any one time, 3 per teller window/counter
Health Clinic	5 per physician, dentist or other primary care giver
Home Child Care	2 per dwelling unit, and 1 per additional employee
Home Occupation II, III	2 per dwelling unit, and 1 per nonresident employee
Industry	1 space per vehicle used in business, and 1 per 2 employees for the largest shift
Lodging (hotel, motel, inn)	1 per guest room, and 1 per employee for the largest shift
Mixed Use	Total as required per each individual use
Motor Vehicle Service Station	5 per service bay
Office/ Professional, Government, Business	1 per 300 sq. ft. of gross floor area
Recreation/Outdoor	1 per every 3 patrons at capacity
Personal Service	1 per employee, and one per customer service station
Private Club	1 per 4 members
Public Assembly (church, theater, meeting hall, etc.)	1 per 200 sq. ft. of gross floor area, or 1 per 4 seats at capacity, whichever is greater
Public Facility [with limited/no public access] (e.g., garage, fire station)	1 per 1,000 sq. ft. of gross floor area, and 1 per on-site employee
Residential Care Facility	1 per 4 beds, and 1 per employee for the largest shift
Restaurant	1 per 150 square feet of seating area
Retail Sales & Service	1 per 250 sq. ft. of gross floor area
School/ Day Care (10 or more children)	3 spaces per 10 children permitted daily at the facility
Warehouse	1 per 1,000 sq. ft. of gross floor area, and 1 per employee
Unspecified	As determined by the Planning Commission or Board of Adjustment, in accordance with ITE (Institute of Transportation Engineers) standards.

### Section 3.12 Performance Standards

(A) The following performance standards must be met and maintained for uses in all districts, except for agriculture and forestry, as measured at the property line. In determining compliance, the burden of proof shall fall on the applicant. The Town or a complainant shall be required to provide reasonable proof if challenging compliance after a permit has been issued. The Planning Commission or Board of

Adjustment may require periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in:

- (1) **noise** in excess of 70 decibels, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or within the Commercial/Light Industrial District, noise in excess of 75 decibels;
- (2) **clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;
- (3) **smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;
- (4) **releases of heat, cold, moisture, mist, fog or condensation** which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;
- (5) **electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare, except from facilities which are specifically licensed and regulated through the Federal Communications Commission (FCC).
- (6) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;
- (7) **liquid or solid waste or refuse** which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare; or
- (8) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services.

### Section 3.13 Sign Requirements

(A) **Applicability.** No signs of a fixed or permanent nature shall be allowed in any zoning district except as specifically provided herein.

(B) **Submission.** A permit is not required for a sign, however the following information shall be submitted to the Zoning Administrator in advance of construction:

- (1) A plot plan (does not need to be survey) showing the proposed location of sign with distances to property lines, structures, rights-of-way and setbacks.
- (2) A sketch showing the design of the proposed sign, with overall dimensions.
- (3) A lighting plan (if applicable).

(C) **General Standards.** No sign, with the exception of official highway signs, road-name signs, and official business directional signs erected in accordance with Chapter 21 of Title 10 VSA, may be located

in a road right-of-way. Additionally, all signs, other than those specified under Subsection (F), shall comply with the following requirements:

- (1) Only one permanent outdoor advertising sign for each commercial use shall be permitted.
- (2) Off premise signs are prohibited, with the exception of official business directional signs erected in accordance with Chapter 21 of Title 10 VSA.
- (3) A sign shall have no internal illumination, and may only be illuminated by a downward directed, shielded, continuous (non-flashing) light.
- (4) No sign shall be illuminated during hours when premises are unoccupied or are not open for business. Lodging facilities, including bed and breakfasts and inns, may be considered open on a 24-hour basis.
- (5) A planned unit development, such as a business or industrial park, is allowed one (1) freestanding sign for the entire development, to be located near the principal entrance, which shall not exceed 24 square feet in area, in addition to a sign for each use as allowed herein, to be located on or immediately adjacent to the structure(s) or use(s). Signs identifying residential subdivisions and/or developments are prohibited.

**(D) Dimensions.** All signs will comply with the following dimensional requirements:

- (1) With the exception of a sign identifying a Home Occupation or a Home Farm Stand, no sign shall exceed 20 square feet in total area per side.
- (2) A sign identifying a Home Occupation or a Home Farm Stand shall not exceed six (6) square feet in total area per side.
- (3) A freestanding sign shall not be higher than ten (10) feet from the average grade of the surrounding ground to the highest point of the sign or the supporting structure, whichever is higher.
- (4) A sign mounted on a building shall not protrude above the eave of the roof.
- (5) The sign area shall be calculated as the total area of the sign face at the outer edge, including any supporting frame.

**(E) Sign Setback.** All signs greater than six (6) square feet in size shall be set back at least twenty-five (25) feet from the edge of the highway right-of-way, unless the sign is mounted flush on the wall of an allowed structure.

**(F) Exempt Signs.** The following signs do not need to meet the requirement in Subsections (B), (C), (D) and (E) above:

- (1) Signs erected by the town or state on public roads for directional, safety or public service purposes, including Official Business Directional Signs and sign plazas erected in accordance with 10 VSA Chapter 21.
- (2) An ornamental sign incidental to a residential use and not used for advertising purposes, not exceeding six (6) square feet in area.

- (3) Signs identifying historic, landmark or conserved property, not exceeding six (6) square feet in area.
- (5) Temporary signs not exceeding six (6) square feet in area per face, used less than three consecutive months.
- (6) Unlit, non-advertising informational signs which do not exceed three (3) square feet in area, for the direction, instruction, or convenience of the public (e.g., that identify restrooms, public telephones, freight entrances, vacancies, or are related to posted areas, trespassing, hunting or trail markers).
- (5) Gasoline stations, in addition to the sign allowed for businesses under Subsection (C), are allowed to have either one (1) pricing sign which does not exceed 12 feet in area, and pump-top pricing signs, each not to exceed two (2) square feet in area;

### Section 3.14 Steep Slopes

(A) **Steep Slopes.** Development impacting an area of 200 square feet or greater which has a slope with an existing grade equal to or in excess of 15% (prior to any site improvement, excavation or blasting), or which results in such slopes over such an area, if not being reviewed as a subdivision or Planned Residential or Unit Development under the provisions of Chapters 6, 7 and 8, shall be subject to conditional use review by the Board of Adjustment under Section 5.4 and the following provisions:

- (1) The site development plan submitted under Section 5.2 shall include contour intervals of five (5) feet or less, slope profiles showing existing gradients and proposed cut and fill sections, and a stormwater management and erosion control plan, prepared by a professional licensed by the state, that covers all phases of development (site preparation, construction, post construction).
- (2) Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to:
  - (a) prevent runoff, erosion, slumps, and other down slope movements of material, and
  - (b) to minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties.
- (3) Development, including road and utility corridors, on slopes equal to or in excess of 15% shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.

(B) **Very Steep Slopes.** Development is specifically prohibited on slopes equal to or in excess of 25%, with the exception of stairways to the shoreline within the Shoreland District and the Shoreland Seasonal Home Management District, which are subject to conditional use review under Section 5.4

### Section 3.15 Surface Waters & Wetlands

(A) **Setbacks from Streams.** To prevent surface runoff and accelerated soil erosion, and to protect water quality and wildlife habitat, all structures and wastewater disposal systems (septic tanks, leach fields) and other impervious surfaces shall be set back a minimum of 100 feet from all named streams, and a minimum of 50 feet from all unnamed streams as depicted on the zoning map or as identified through field investigation, and as measured horizontally from the top of the nearest stream bank. Where the standards of this section differ from other applicable standards under the Flood Hazard Hazard Area

Overlay District, the more restrictive shall apply. In addition, all structures and wastewater disposal systems shall be set back a minimum of 150 feet from the top of the nearest stream bank of the following:

- (1) The tributary of the LaPlatte River which originates near the intersection of Bingham Brook Road and Spear Street Extension and flows generally north through a large wetland adjacent to the microwave tower east of the Spear Street Extension.
- (2) The stream which originates in a wetland parallel to and west of Bean Road, flows into and out of a wetland near the intersection of Bean Road and Prindle Road, and then generally south to its intersection with Lewis Creek.

(B) **Encroachments.** The expansion or enlargement of any structure that is legally in existence prior to the effective date of these regulations within required stream setback areas shall be subject to review as a nonconforming structure under Section 3.8 and applicable overlay district requirements in addition to the standards set forth in this section. The expansion or enlargement of existing structures within designated flood hazard areas is also subject to flood hazard area review under Section 5.6.

(C) **Stream-bank Buffers.** In order to protect water quality and riparian habitat, and to prevent surface runoff and accelerated soil erosion, an undisturbed, naturally vegetated buffer shall be maintained along streams and rivers. The buffer will be a minimum of 25 feet in width and will be measured from the top of the streambank or from the regular high water mark in instances where no stream bank is discernable.

(D) **Modification of Stream Setbacks & Buffers.** For development subject to subdivision, site plan, or conditional use review, the Planning Commission or Board of Adjustment may require increased setback and buffer distances, limited or shared access to surface waters, a buffer management plan and/or other mitigation or enhancement measures to protect water quality and riparian habitat. A geomorphic assessment, prepared by a qualified professional or geomorphologist approved by the town, may be required to determine appropriate stream setback and buffering requirements.

(E) **Delineation of Wetland Boundaries.** Upon receipt of an application for subdivision or land development within 50 feet of a potentially significant wetland, as informed by the National Wetland Inventory (NWI) map, the Vermont Significant Wetland Inventory (VSWI) map, and Charlotte's wetland planning map entitled "Wetlands of Charlotte Vermont", all as most recently amended, the Zoning Administrator, Planning Commission or Board of Adjustment may require the applicant to provide a delineation of wetland boundaries within an area bounded by the nearer of either 200 feet from any proposed site improvements or the property line, unless the adjoining property-owner allows delineation on his/her property, in which case the delineation shall extend the full 200 feet regardless of property line. Such delineation shall be performed by a qualified professional in accordance with accepted federal and state methodologies to determine the wetland classification, and whether or not the wetland is significant and warrants protection.

(F) **Wetland Permits.** In order to protect water quality and wetland functions, land development in or near a classified wetland or buffer may require a permit from the Army Corps of Engineers or the State of Vermont Agency of Natural Resources.

(G) **Lakeshore Buffers.** A vegetated buffer zone shall be maintained within 100 feet of the shoreline of Lake Champlain in order to minimize runoff and pollution, and to maintain bank stability and environmental quality. Within 100 feet of the shoreline, the following shall apply:

- (1) There shall be no cutting or removal of trees or shrubs except with administrative review and approval by the Zoning Administrator; such review will determine whether the proposed cutting or removal is in conformance with any approved wildlife habitat plan or shoreland management plan.

- (2) Limited pruning of branches of trees and shrubs is allowed to maintain cleared openings or views legally in existence as of the effective date of these regulations. Such openings or views shall not be enlarged except as allowed herein.
- (3) Nothing in this section shall prohibit the cutting and removal of storm-damaged, diseased or dead trees which pose a hazard as determined by the Zoning Administrator.
- (4) There shall be no dredging, draining or filling of land along the shoreline, or in wetland areas, and no cutting or removal of wetland vegetation shall be permitted, except in conformance with a shoreland management plan approved by the Board of Adjustment.

### **Section 3.16 Water & Wastewater System Requirements**

(A) No building or structure intended for human occupancy shall be erected, altered or converted to another use unless adequate potable water and wastewater disposal systems are provided in compliance with the Vermont Wastewater System and Potable Water Supply Rules and applicable state regulations.

(B) A lot or use may be connected to and serviced by a potable water supply and/or sewage disposal system located on another parcel, including across a town road right-of-way. The crossing of a town right-of-way shall only be allowed as provided in Subsection (C) below.

(C) Extensions of a water or sewer line across a public road right-of-way shall be allowed only in the following circumstances: 1) to replace a failed system; or 2) the proposed development site is located within either the West Charlotte Village District, the East Charlotte Village District, the Village Commercial District, or the Commercial/Light Industrial District; or 3) if the proposed project meets the Planned Residential Development (PRD) standards (see Chapter VIII). The crossing of a Town right-of-way requires approval from the Selectboard in accordance with 19 V.S.A. §1111. The use of, or connection to, an off-site system shall be secured through an easement or other form of legal conveyance.

(D) Connections to water supply facilities operated under the jurisdiction of the Champlain Water District are specifically prohibited. The Zoning Administrator shall not issue a zoning permit for any structure or lot that is part of or connected to the Champlain Water District or any other water district within the Champlain Water District's boundaries, except for the existing nine lots on Orchard Road that were connected to the district as of the effective date of these regulations.

(E) Community sewage disposal systems may be required to be designed in such a way that they may eventually be connected to a municipal sewage disposal system, should such a system become available.

(F) Prior to the issuance of a certificate of occupancy under Section 9.5(A) for any use requiring a wastewater permit from the Charlotte Sewage Officer and/or a Wastewater System and Potable Water Supply Permit from the Vermont Department of Environmental Conservation, the applicant shall document that all such permits have been issued.

### **Section 3.17 Utilities**

Utility lines including but not limited to those that provide power or telecommunication service, and which serve a new structure are required to be located underground.