

CHARLOTTE ZONING BYLAWS

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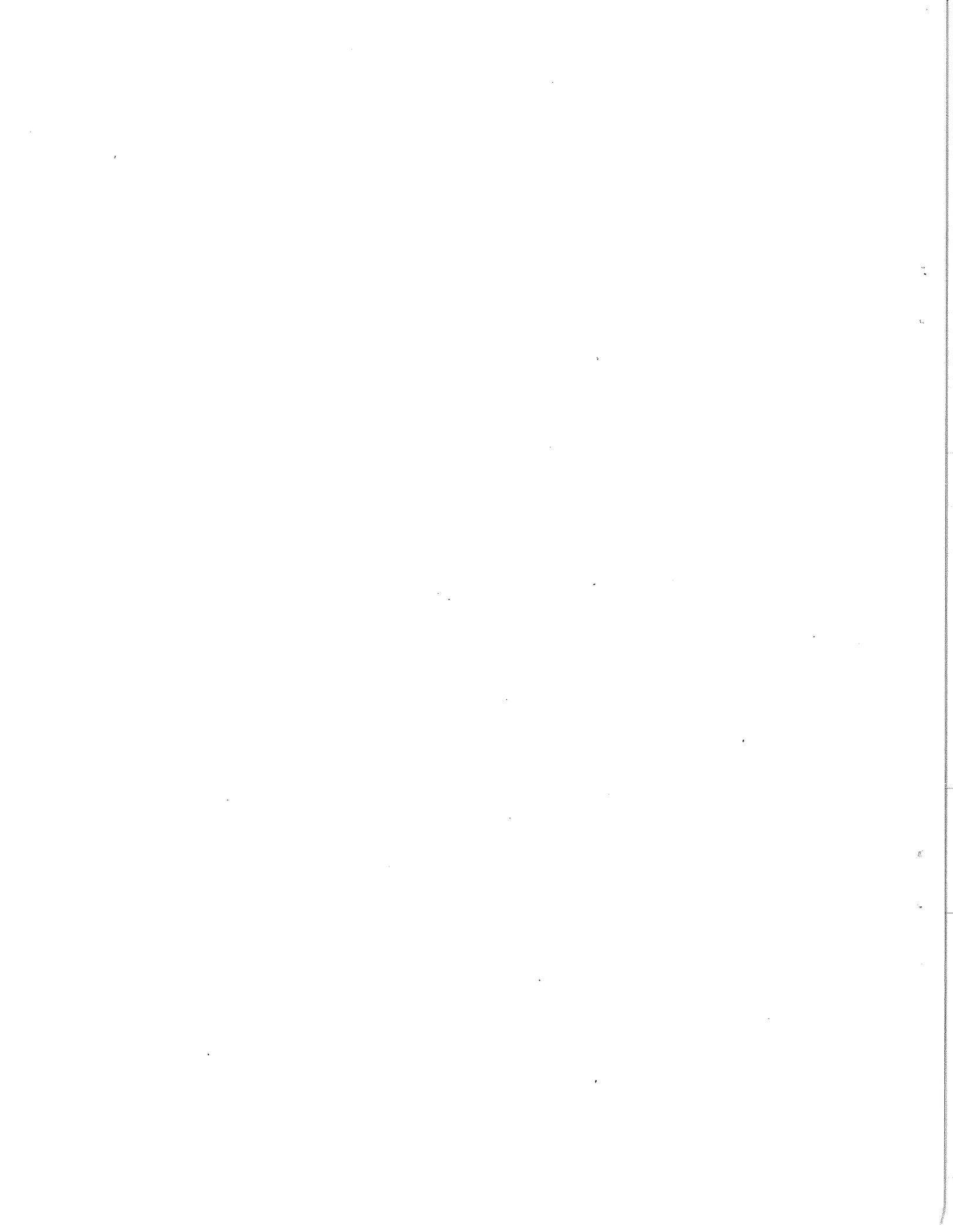
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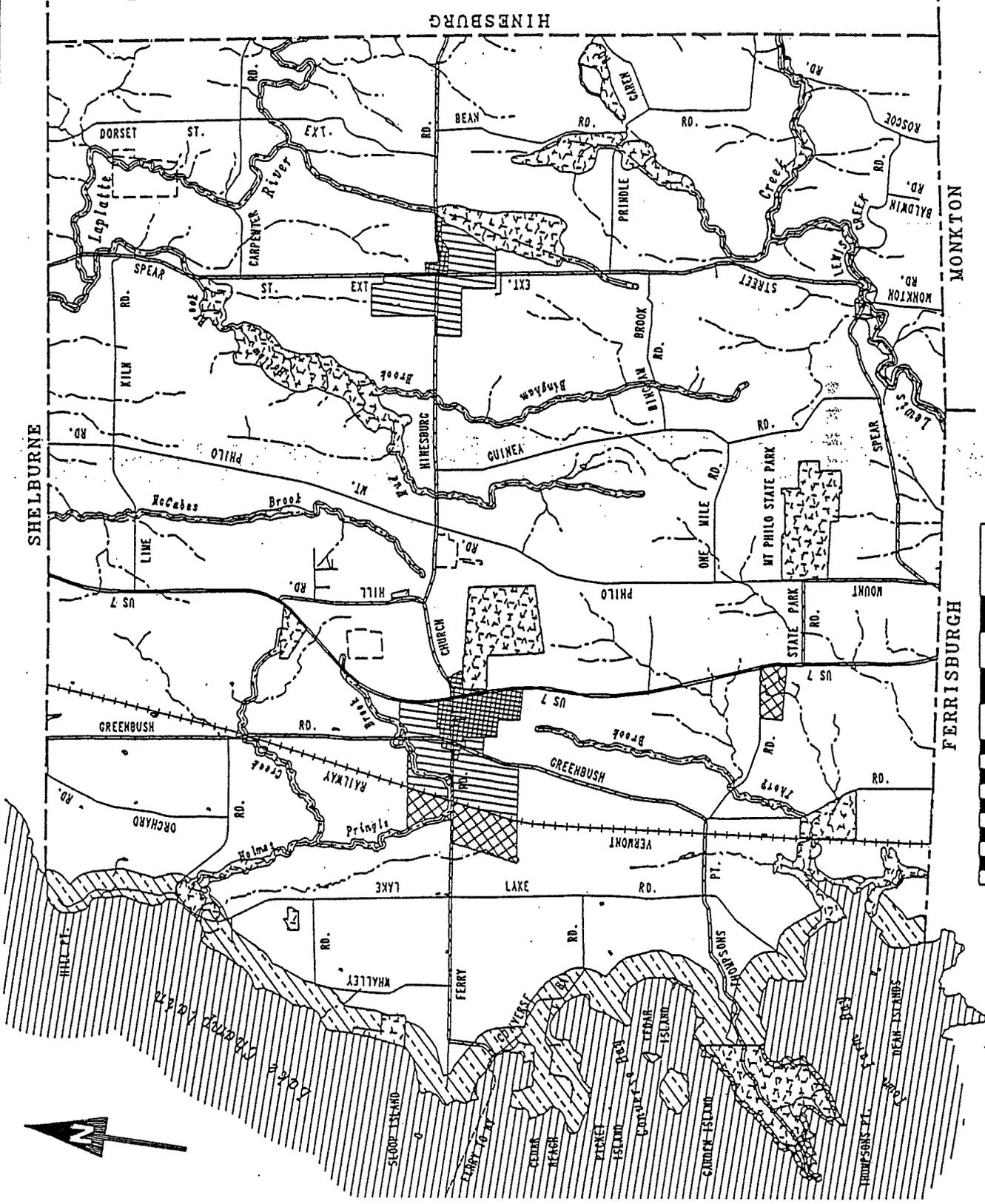
1995 ORDINANCE ZONING CHARLOTTE, VERMONT

Districts:

- Village
- Rural
- Commercial
- Industrial
- Shoreland
- Shoreland Seasonal Home Management
- Conservation

Other:

- US Route
- Class 1 or 2 road
- Class 3 road
- Railroad
- Town boundary
- County boundary
- Public parcel boundary
- Water body
- Stream centerline



**TABLE 1-1
SUMMARY TABLE OF DIMENSIONAL REQUIREMENTS**

DISTRICT	MINIMUM LOT SIZE (1)	DENSITY	LOT FRONTAGE (4)	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	MAXIMUM HEIGHT	LOT COVERAGE STRUCTURES	LOT COVERAGE OVERALL	MINIMUM SETBACK FROM EDGE OF RT.7 ROW
VILLAGE	5 acres	a) 5 acres per dwelling unit b) 5 acres for 10 elderly dwelling units in a PRD/PUD	150 feet	25 feet	25 feet	25 feet	35 feet	15%	30%	100 feet for all structures
RURAL	5 acres	a) 5 acres for each dwelling unit or use b) 5 acres for 10 elderly dwelling units in a PUD/PRD	300 feet	100 feet	50 feet	50 feet	35 feet	20%	30%	100 feet for all structures
COMMERCIAL	a) 1 acre commercial b) 5 acres residential	a) 5 acres per dwelling unit b) 5 acres for up to 10 elderly dwelling units in a PUD/PRD c) other permitted and conditional uses must meet min. lot size and lot coverage percentages.	100 feet	25 feet	25 feet	25 feet	35 feet	25%	40%	100 feet for all structures
INDUSTRIAL	5 acres	a) 5 acres per dwelling unit or use b) 5 acres for up to 10 elderly dwelling units in a PUD/PRD	200 feet	100 feet	50 feet	50 feet	35 feet	25%	40%	100 feet for all structures
SHORELAND	5 acres	5 acres for each dwelling unit or use	Lakeshore frontage minimum: 300 feet for each new lot on the shoreline. (3) This shall apply to PRD's also and shall not be reduced. (2) Lot frontage minimum 300 feet (3)	a) (Off road right-of-way): 75 feet (2) b) Shoreline setback of buildings, other structures and sanitary facilities, except boat ramps, launching facilities and docks is 100 feet for structures (2); and 250 feet for septic systems (2)	50 feet	50 feet (2)	35 feet or 2 stories whichever is less	15%	30%	
SHORELAND SEASONAL HOME MANAGEMENT (2)	5 acres (2)	5 acres for each dwelling unit or use (2)	Lakeshore frontage minimum: 300 feet for each new lot on the shoreline. (3) This shall apply to PRD's also and shall not be reduced. (2) Lot frontage minimum 300 feet. (3)	a) (Off road right-of-way): 75 feet (2) b) Shoreline setback of buildings, other structures and sanitary facilities, except boat ramps, launching facilities and docks: 100 feet for structures (2); and 250 feet for septic systems (2)	50 feet(2)	50 feet (2)	35 feet or 2 stories, whichever is less (2)		30%	
CONSERVATION	5 acres	5 acres for each use	Lakeshore frontage minimum: 300 feet for each new lot on the shoreline. (3) Lot frontage minimum: 300 feet (3)	a) Off road right-of-way: 100 feet b) Shoreline setback of buildings, other structures and sanitary facilities, except boat ramps, launching facilities and docks is 100 feet for structures and 250 feet for septic systems.	50 feet	50 feet	35 feet	5%	10%	100 feet for all structures

(1) Minimum Lot Sizes can be reduced within a PRD see Chapter V, Section 5.15

(2) The dimensional requirements of the Shoreland District shall apply except where otherwise noted in these district regulations

(3) All lots on the shoreline shall have the required lot frontage and lake shore frontage

(4) No land development may be permitted on lots which do not either have frontage on a public road or with the approval of the Planning Commission, access to such a road by a permanent easement or right-of-way at least 40 feet in width in the Village, Commercial Districts and at least 60 feet wide in all other districts according to the standards set forth in Chapter V, Section 5.1.A, 5.1.B and 5.1.C.

Chapter I. GENERAL PROVISIONS

These regulations shall be known as the Charlotte Zoning Bylaws.

Section 1.2 PURPOSE

These regulations are intended to promote the general welfare of the inhabitants of the Town of Charlotte, to protect the value of property, to prevent overcrowding, to facilitate the provision of public facilities and services, and to provide for the orderly development in Charlotte of homes, agriculture, commerce, industry, public uses, recreation and conservation.

These regulations are designed to implement the purposes and policies set forth in the Charlotte Town Plan (the Plan) and the Vermont Planning & Development Act, Title 24 VSA Chapter 117 (the Act). These regulations classify and guide the uses of land, buildings and structures in the Town of Charlotte in accordance with the Plan and the Act.

Section 1.3 APPLICATION

No land development (as defined in the Definitions section of these regulations) may commence except in conformance with these bylaws. Any land development commenced in violation of any prior Charlotte Zoning Regulation shall not be continued except in conformance with these regulations. Any use not expressly permitted in a district, unless otherwise stipulated, is prohibited in that district. These regulations shall not repeal, annul, or in any way impair any zoning permit previously issued.

Section 1.4 AMENDMENT OR REPEAL

Amendments to these regulations will be prepared in accordance with the requirements of Title 24 VSA, Chapter 117, §4403 and §4404.

Section 1.5 SEVERABILITY

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

Section 1.6 OTHER ORDINANCES

Upon the date this zoning regulation becomes effective, it shall amend in its entirety the Town of Charlotte Zoning Bylaws in effect prior to such date.

Chapter II. DEFINITIONS

Section 2.1 GENERAL

Definitions contained in the Act shall be applicable throughout these regulations unless otherwise specifically defined in this section.

Section 2.2 SPECIFIC DEFINITIONS

ACCESS POINT: A road cut onto a state or town highway for a private driveway, a common driveway serving three or fewer properties, private roads serving more than three residences, private roads or driveways serving commercial properties or parking lots, or new roads proposed to be dedicated to the Town.

ACCESSORY APARTMENT: An attached or detached dwelling unit that is incidental and subordinate to a principal use or structure with a maximum enclosed floor space of 650 square feet and which has no more than 2 bedrooms.

ACCESSORY USE: A use or structure on the same lot with, and of nature incidental and subordinate to, the principal use or structure. An accessory use does not include accessory apartments.

ACT: The Vermont Planning & Development Act, Title 24 VSA Chapter 117

AFFORDABLE BUILDING LOT: A lot created in a PRD or PUD designated as affordable, to be sold to a qualified non-profit housing organization at a pre-agreed upon price for its use in constructing an affordable single family dwelling.

AFFORDABLE HOUSING: See Dwelling Unit, Affordable

AGRICULTURAL OPERATION: Uses include but not limited to: feeding, fencing, watering, and management of livestock, poultry and game birds, fur bearing animals, and fresh water fish; handling of animal by-products; collection of maple sap (and other tree saps) and the production of syrup from sap; preparation, tilling, fertilization, planting, protection, management, and harvesting of crops and silvicultural commodities; operation of greenhouses; ditching and tilling of farm fields; rip rapping of farm field stream banks in accordance with the Soil Conservation Service, U.S. Department of Agriculture (SCS) standards or other standards approved by the Town and Commissioner of Agriculture; construction and maintenance of farm buildings; on-site production of fuel or power from agricultural products produced on the farm; and on-site preparation and sale of agricultural products principally produced on the farm.

AGRICULTURAL PRODUCTS: Products produced, prepared, and/or processed from an agricultural operation including but not limited to milk, vegetables, fruits, flowers, potting or bedding plants, soil or compost, trees, shrubs, greens, maple or other tree syrup products, meat, poultry, fish, honey, and other bee products, and silvicultural products.

AGRICULTURE-RELATED PRODUCTS: Products related to agricultural operations including but not limited to pots and accessories, peat moss, fertilizers, pesticides, garden tools and accessories, and related education products but not including mechanized equipment.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the exit facilities, an enlargement whether by extending on a side or by increasing in height, or increasing the number of bedroom or bathroom facilities.

BED AND BREAKFAST: A building designed to room and board transient persons on a nightly, weekly, or seasonal basis, accommodating not more than 10 guests and employing not more than three non-family full-time equivalent employees.

BOAT STORAGE AREA: An outdoor storage area where three or more boats are stored.

BOAT YARD: An outdoor area where boat maintenance, repair, and construction takes place.

BUILDING ENVELOPE: A specific area on a lot, delineated on a subdivision plat, within which structures shall be located and outside of which no structures may be located.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the ridge line or roof surface, excluding the chimney, or for a structure without a roof, to the highest point of the structure.

CAMPER TRAILER: A temporary dwelling designed for travel, which contains a holding tank for storage of sewage if bathroom facilities are present.

COMMERCIAL FARM STAND: see FARM STAND, COMMERCIAL

COMMERCIAL REMOVAL OF TOPSOIL, ROCK, OR GRAVEL: The removal of 300 cubic yards or more of topsoil, rock, or gravel from one parcel within any one year.

COMMUNITY CARE FACILITY: A facility providing room, board, and personal care which contains common cooking, dining and recreation facilities which serves the elderly and/or the infirm.

DENSITY: The number of acres or square feet of land area that are required for a given number of units, uses, or structures. The area within a lot that is subject to a road right-of-way or public easement shall not be included within the lot area for calculation of density.

DRIVEWAY: The portion of a lot and right-of-way used for vehicular access between an abutting road and a vehicular parking area.

DWELLING: See Dwelling Unit

DWELLING, SINGLE FAMILY: A building containing one dwelling unit.

DWELLING, TWO FAMILY: A building containing two dwelling units

DWELLING, THREE FAMILY: A building containing three dwelling units.

DWELLING, FOUR FAMILY: A building containing four dwelling units.

DWELLING UNIT: A dwelling structure or portion thereof, designed, constructed or used as separate living quarters for one family, and which includes facilities for food preparation, sleeping and sanitary facilities.

DWELLING UNIT, AFFORDABLE: A dwelling unit(s) that has a purchase price of no more than 2.7 times the estimate of the median income for a household in Chittenden County as established by the U.S. Department of Housing and Urban Development, and which has mechanisms in place to ensure that its selling price or rental does not appreciate faster than the normal rate of inflation. A dwelling unit is also considered affordable when households below the county median family income pay no more than 30% of their income on housing costs. Housing costs for renters are rent and utilities (including heat, hot water, trash removal, and electricity). Housing costs for homeowners are principal, interest, property taxes, property insurance, and utilities.

DWELLING UNIT, ELDERLY HOUSING: A dwelling unit not exceeding two bedrooms and 650 square feet in size and which (a) is specifically designed to meet the physical and living requirements of the elderly; (b) is restricted in occupancy to one or more persons over 60 years of age as the principal tenant(s) of the units; and (c) is perpetually occupied by the elderly through a mechanism satisfactory to the Planning Commission.

ENLARGEMENT: The expansion of a structure whether by extending on any side or by increasing in height.

EXPANDED HOME OCCUPATION: See Home Occupation, Expanded

FAMILY: An individual, or two or more persons related by blood, marriage, legal adoption, or those placed in the home for adoption, and foster children, or a group of not more than six persons who need not be related by blood or marriage, living together as a single housekeeping unit.

FARM STAND, HOME: Agricultural structure, or a portion of an agricultural structure, less than 400 square feet in floor area, permanent or mobile, at which agricultural or agriculture-related products are sold where at least 25% of the dollar value of the total sales are from agricultural products from property owned or leased by the farm stand owner/lessee, 50% of the agricultural products may be obtained from other sources, and 25% may be agriculture-related products.

FARM STAND, COMMERCIAL: Agricultural structure, or a portion of an agricultural structure, greater than 400 square feet in floor area, permanent or mobile, at which agricultural or agriculture-related products are sold where at least 25% of the dollar value of the total sales are from agricultural products from property owned or leased by the farm stand owner/lessee, 50% of the agricultural products may be obtained from other sources, and 25% may be agricultural related products.

FARM STRUCTURE: A building for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with agricultural or farming practices, including a silo, but excluding a dwelling for human habitation as defined by Title 24, §4495, or as amended. To qualify as a farm structure, the structure has to be part of an active agricultural operation.

FENCE: An assemblage of materials (including metal, masonry, stone, wood or any combination) erected and placed on the ground for purposes of limiting visual or physical access.

FRONT YARD SETBACK: The required setback of a structure from the edge of a road right-of-way.

FULL-TIME EQUIVALENT EMPLOYEE (FTEE): The number of full-time equivalent employees is determined by the sum of part-time employees' total hours worked converted to full-time equivalent employees by dividing by 35 hours plus any full-time employees.

$$\text{Part time total hours} + \text{number of full time employees} = \text{FTEE}$$

$$35 \text{ hours}$$

HEALTH CARE FACILITY: A facility operated by physicians, dentists, chiropractors or other licensed practitioners for the treatment and examination of people, but which does not provide overnight hospitalization.

HISTORIC BUILDING OR STRUCTURE: A historic building or structure within the Town of Charlotte that has been certified in writing by the Vermont Division for Historic Preservation.

HOME FARM STAND: See Farm Stand, Home

HOME OCCUPATION: An occupation in residential areas which utilizes a part of an accessory building or a minor portion of a dwelling and which does not change the character of the area.

HOME OCCUPATION, EXPANDED: A home occupation that employs more than three full-time equivalent employees who are not occupants of the dwelling, or that results in more than 12 vehicle trips per day.

LAKE SHORE FRONTAGE: The distance 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: The division of a lot into two or more lots. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining operation, excavation or landfill. Any change in the use of any building or other structure, land, or extension of use of land.

LOT: A lot is a parcel of land, occupied or to be occupied, by not more than one principal building (except as allowed in Section 5.19), or other structure or use with any accessory building or open space (unless otherwise provided herein), not divided by any public road, highway, street or railroad, sufficient to meet the minimum zoning requirements, the Town subdivision bylaws and health regulations in effect at the time of creation of the lot.

LOT FRONTAGE: The boundary of a lot along a public road or approved right-of-way.

LOT COVERAGE, OVERALL: The percentage of a lot which is occupied by buildings, other structures, and impervious improvements including driveways, sidewalks, roads and parking lots.

LOT COVERAGE, STRUCTURES: The percentage of a lot which is occupied by buildings and other structures.

MARINA: Any shoreline property used to provide one or more of the following: a) access to public waters for docking or mooring of five or more boats with or without other services; or b) a small-craft harbor complex providing access to public waters characterized by such activities as boat manufacture, construction or repairs, sales, rentals, chartering, derricks, docks, wharfs, moorings, marine railways, boat storage and other marine-type facilities and commercial services which may include the sale of food or other services clearly incidental to the operation of the marine based activities.

MIXED USE: A lot or structure containing two or more uses.

MULTI-FAMILY DWELLING: See Definitions: Dwelling, Two Family; Dwelling, Three Family; Dwelling, Four Family.

NON-CONFORMING USE: A use which does not comply with current zoning regulations where such use conformed to all applicable laws, ordinances and regulations prior to the enactment of such regulations.

NON-COMPLYING STRUCTURES: A structure or part thereof not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, density or off-road parking or loading requirements, where such structure conformed to all applicable laws, ordinances, and regulations prior to the enactment of such zoning regulations.

OFF-ROAD PARKING: Space outside of the road right of way or at least 25 feet off the road centerline, whichever is greater.

OFFICE, BUSINESS OR PROFESSIONAL: The office of any real estate, insurance, finance or similar business, and offices of architectural, engineering, legal, medical, dental, veterinarian or other recognized professions, in which only such personnel are employed as are customarily required for the practice of the business or profession.

OPAQUE FENCE: Any fence which significantly restricts the visibility to objects behind it. Split rail fences and temporary snow fences are not considered opaque fences.

OUTDOOR RECREATION FACILITY: Any facility for outdoor recreation, including but not limited to: tennis courts, golf courses, athletic fields, swimming pools or beach, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing, except facilities that are accessory to a single-family dwelling unit.

PARCEL: A tract of land in the same ownership, which may be divided by a public road, and may contain more than one lot (see lot).

PARKING SPACE: An off-road area other than a loading space, of not less than nine feet minimum by eighteen feet minimum, exclusive of adequate access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for a single motor vehicle.

PERPETUALLY AFFORDABLE HOUSING: Housing that qualifies as affordable for a minimum of 99 years.

PERSONAL SERVICE: A facility which provides care to a person or a person's apparel, barber shops, beauty shops, seamstress shops, shoe repair shops, coin-operated laundries, optician shops, and similar uses. Sales of products must be clearly incidental to the services provided.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An allowed method of land development for residential use in which an area of land is planned as a single entity for a number of dwelling units. In a PRD, the standards set forth in the Zoning District Bylaws (Chapter IV) of these regulations including lot

size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

PLANNED UNIT DEVELOPMENT (PUD): An allowed method of land development in which an area of land is planned as a single entity for a number of mixed uses including dwelling units, commercial and industrial. In a PUD, the standards set forth in the district bylaws of these regulations including lot size, density, lot coverage and yard sizes, are given greater flexibility in order to promote patterns of development appropriate to the particular qualities of the land being developed.

PRINCIPAL STRUCTURE: A structure in which the main, primary, or principal use of the property is conducted. Attached garages, porches or carports are part of the principal structure.

PRIVATE COMMUNITY ORGANIZATION: An organization in the Town that operates for social, recreational, or educational purposes, is open to members and their guests, and is not operated primarily for profit.

RENEWABLE ENERGY RESOURCE STRUCTURE: A structure for the collection or conversion into energy of direct sunlight, wind, running water, organically derived fuels, including wood, agricultural sources, waste materials, waste heat, and geothermal sources.

RESTAURANT: An establishment of which the primary function is to serve food and beverages to the public for consumption only at tables or counters on the premises.

RESTAURANT, FAST FOOD: An establishment of which the sole or exclusive function is the sale of prepared foods or beverages for consumption either on or off the premises, and whose operation is characterized by (1) 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 short waiting time, and (3) insufficient seating facilities within the restaurant building for the volume of food sold.

RETAIL STORE: An establishment selling food products, dry goods, novelties, flowers, gifts, books, music or stationery, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, wearing apparel including shoes, photographic supplies, sporting goods, art supplies, newspapers and magazines, tobacco products, as well as hobby, toy and game shops and drug stores, and excluding recreational vehicle and mobile home sales and service.

ROAD: Any public or private way designed for use by motorized vehicles and providing access to adjoining lots.

SEASONAL RESIDENCE: A dwelling unit which is not a primary residence of the owner or occupant, and is occupied only on a part-time and seasonal basis, for no more than six consecutive months, including the summer months.

SETBACK: The shortest distance between the nearest portion of a structure on a lot and the edge of a road right-of-way, a shoreline, or a property line. This open space defined by the setback shall be referred to as he front yard, side yard, and rear yard.

SHORELINE: The mean high water mark of Lake Champlain -- 98 feet above mean sea level.

SIGN: Any material or object (including three-dimensional objects) used as a display for the advertising of a property, establishment, enterprise, profession, product, service or other matter visible from the public way.

SIGNIFICANT NATURAL RESOURCE: Any of the natural resources identified and/or mapped in the Town Plan.

STORY: That portion of a building, excluding the basement, between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between a floor and the ceiling above it.

STREAM: Any surface water course in the Town as depicted on the Official Zoning Map.

STRUCTURE: Any construction, assemblage or other combination of materials upon the land for

occupancy, use or display, including but not limited to buildings, mobile homes or trailers, swimming pools, tennis courts, airstrips, satellite dishes, relay or radio antennae, opaque fences, non-opaque fences greater than (six) 6 feet in height, gas station canopies, and tanks for storage of gas and/or oil consistent with Section 4303 of Title 24, Chapter 117 of Vermont Statutes Annotated. Structures include additions to existing buildings; buildings necessitating pilings, footings or a foundation attached to the land; and buildings exceeding 250 square feet in floor area. Structures do not include sidewalks, driveways, roads, parking lots, signs or subsurface components of sewage disposal systems.

USE: The specific purpose for which land or a building is designated, arranged, or intended; or for which it is or may be occupied or maintained.

VEHICLE TRIP: Round Trip.

WETLANDS: As defined by the Vermont Wetland Rules (adopted February 7, 1990, as amended): "those areas of the State which are inundated by surface or ground water with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include, but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas where food or crops are grown in connection with farming activities."

Chapter III. ZONING DISTRICTS AND ZONING MAP

Section 3.1 ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are established:

- Village
- Rural
- Commercial
- Industrial
- Shoreland
- Shoreland Seasonal Home Management District
- Conservation

Section 3.2 DESCRIPTION OF ZONING DISTRICT BOUNDARIES

A. Village District

In West Charlotte, the Village District shall include all lands depicted as "Village District" on the Zoning Map. In East Charlotte, the Village District shall include all lands depicted as "Village District" on the Zoning Map.

B. Rural District

All lands outside the Village, Commercial, Industrial, Shoreland, Shoreland Seasonal Home Management, and Conservation-Recreation Districts.

C. Commercial

In West Charlotte the Commercial District shall include all land depicted as "Commercial District" on the Zoning Map. In East Charlotte the Commercial District shall include all land depicted as "Commercial District" on the Zoning Map.

D. Industrial

The Industrial District shall include all land depicted as "Industrial District" on the Zoning Map.

E. Shoreland

This district shall include all lands between an elevation of 98 feet, the mean high water mark of Lake Champlain, inland 1,000 feet from such water mark along the shoreland of Lake Champlain, but excluding those lands in the Conservation-Recreation District.

F. Shoreland Seasonal Home Management District

This district shall include all lands within the Shoreland District that are presently leased from the Town for seasonal home purposes on Thompson's Point.

G. Conservation

1. The Conservation District shall include all lands within the following properties and areas as shown on the Official Zoning Map as Conservation. This District shall include all lands lying 100 feet on both sides of the high-water mark of named streams as depicted on the Official Zoning Map.

- a. Mt. Philo State Park
- b. Pease Mountain property now or formerly owned by the University of Vermont
- c. Whalley's Woods owned by the Town of Charlotte
- d. William's Woods owned by the Nature Conservancy
- e. Lawrence Conservation Easement on the property formerly owned by Mrs. Sheila Lawrence
- f. Town Scenic Overlook
- g. Town Forest on Old Route 7
- h. Thompson's Point land owned by the Town outside the Shoreland Seasonal Home Management District
- i. Town Beach and Recreation Area
- j. Town Canoe Launch
- k. Sloop Island, Picket Island, and the two small Dean Islands
- l. Flood Hazard Areas as shown on the Flood Insurance Rate Maps of the Federal Emergency Management Agency of the Federal Insurance Administration
- m. State Fishing Access on Converse Bay

2. The Conservation District shall include the following significant wetlands which are shown on the Town of Charlotte Environmental Assessment Map which is included in the Plan:

- a. East of Baptists Corners and south of Hinesburg Road (We 1)
- b. West of Bean Road and north of Prindle Road (We 2)
- c. South of Prindle Road (We 3)
- d. North of Garen Road and east of Bean Road (We 4)
- e. Mud Hollow and Bingham Brooks wetlands (We 5)
- f. West of Mt. Philo Road between Hinesburg Road and Lime Kiln Road (We 6)
- g. Holmes Creek wetland (We 7)
- h. Thorp Brook wetland (We 8).

Section 3.3 OFFICIAL ZONING MAP

The location and boundaries of Zoning Districts are established as shown on the Official Zoning Map, which is on file at the Town Offices and incorporated into these regulations and made part of hereof.

Section 3.4 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the zoning map or described in Chapter III, Section 3.2, the following rules shall apply:

A. General Boundary Rules

- 1. Boundaries approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
- 2. Boundaries approximately following property boundaries or platted lot lines shall be construed as following such lot lines.
- 3. Boundaries following railroad lines shall be construed to be the midway between the main tracks or to centerline of right of way if no tracks are present.
- 4. Boundaries following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. In the case of the Lake Champlain shoreline, the boundary of the shoreline shall be the mean high water mark, which is 98 feet above mean sea level.
- 5. Boundaries parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map or described under each zone shall be determined by the scale of the map.
- 6. Where a district boundary line divides a lot which was in undivided ownership at the time of passage

of these regulations (June 20, 1966), the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot. This section shall not permit extension of the regulations of any district into the Conservation-Recreation District.

7. Refer to Chapter V, Section 5.12 for the determination of wetland boundaries.

B. Administration of District Boundary Rules

The Administrative Officer shall resolve any uncertainty regarding the location of a district boundary taking into consideration the above-stated rules. A determination by the Administrative Officer regarding the location of a district boundary may be appealed to the Zoning Board of Adjustment.

Chapter IV. ZONING DISTRICT BYLAWS

Section 4.1 VILLAGE DISTRICTS

A. Purpose

The purpose of the Village Districts in East and West Charlotte are to enable growth in two existing centers of the Town and to ensure that new development is consistent with the historic character and pattern of development in these areas. An additional purpose for the West Charlotte Village is to coordinate future development with the implementation of a Town center.

B. Permitted Uses

The following uses are permitted in the Village Districts:

1. Single-family dwelling, including specifically state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, except that no such home shall be considered as a permitted single-family residential use if it is located within 1,000 feet of another such home.
2. Two-family dwelling
3. Three or four-family dwelling in a PRD only
4. A maximum of ten (10) elderly dwelling units in a structure in a PRD/PUD only
5. Accessory uses, customarily incidental to dwellings
6. School, nursery school, day care center, church and parish house
7. Library or museum owned and operated by a governmental or non-profit organization
8. Outdoor recreation facility owned and/or operated by a governmental or non-profit organization
9. Buildings and facilities used by the Town of Charlotte
10. Agricultural operation
11. Home farm stand
12. Health care facility having a total floor area of less than 3,500 square feet
13. Private community organization facility
14. Post Office
15. Home Occupation
16. Office, business or professional space having a total floor area of less than 3,500 square feet

C. Conditional Uses

The following uses may be permitted in the Village Districts as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4 of these regulations:

1. Bed and Breakfast
2. Private outdoor recreation facility used for commercial purposes, including athletic fields, nature trails, cross-country ski trails, bridle paths, and other outdoor recreational areas
3. Expanded home occupation
4. Commercial farm stand
5. State or federal building or facility
6. Community Care Facility
7. Veterinary Office
8. Restaurant, excluding fast food
9. Mixed uses, when the uses are a combination of permitted and conditional uses.

D. Dimensional Requirements

- 1. Minimum lot size: 5 acres
- 2. Density: 5 acres per dwelling unit
5 acres for ten (10) elderly dwelling units in a PRD/PUD
- 3. Lot frontage: 150 feet
- 4. Front yard setback: 25 feet
- 5. Side yard setback: 25 feet
- 6. Rear yard setback: 25 feet
- 7. Maximum height: 35 feet
- 8. Max. % of lot coverage,
overall: 30%
- 9. Max. % of lot coverage,
- 10. Minimum setback from edge
of Rt. 7 ROW: 100 feet for all structures

Section 4.2 RURAL DISTRICT

A. Purpose

The purpose of the Rural District is to protect important agricultural land and promote viable agriculture, wildlife habitat, productive woodland, natural areas, aquifers, scenic vistas and views, open spaces, and other significant natural resources identified in the Town Plan and to enable residential development of a rural character to occur without detracting from these features and in accordance with the capability of the land to support such development.

B. Permitted Uses

The following uses are permitted in the Rural District:

1. Single-family dwelling, including specifically state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, except that no such home shall be considered as a permitted single-family residential use if it is located within 1,000 feet of another such home.
2. Two-family dwelling
3. Three or four-family dwelling in a structure in a PRD only
4. A maximum of ten elderly dwelling units in a structure in a PRD/PUD only
5. Accessory uses, customarily incidental to a residence
6. School, nursery school, day care center
7. Library or museum owned and/or operated by a governmental unit or non-profit organization
8. Outdoor recreation facility owned and/or operated by a governmental or non-profit organization
9. Municipally owned and/or operated buildings and facilities excluding waste facilities
10. Agricultural operation
11. Forestry
12. Nature preserve, owned or operated by a governmental unit or non-profit corporation
13. Home farm stand
14. Church and parish house
15. Home occupation

C. Conditional Uses

The following uses may be permitted in the Rural District as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4 of these regulations:

1. Private outdoor recreation facility used for commercial purposes, including athletic fields, nature trails, cross-country ski trails, bridle paths, and other outdoor recreational areas.
2. Bed and Breakfast
3. State-certified landfills
4. Indoor riding facility
5. Expanded home occupation
6. Commercial farm stand
7. Solid waste transfer station, recycling center
8. Agricultural support services
9. Community care facilities

D. Dimensional Requirements

1. Minimum lot size: 5 acres
2. Density: 5 acres for each dwelling unit or use
5 acres for ten (10) elderly dwelling units in a PUD

- 3. Lot frontage: 300 feet
- 4. Front yard setback: 100 feet
- 5. Side yard setback: 50 feet
- 6. Rear yard setback: 50 feet
- 7. Maximum height: 35 feet
- 8. Max. % of lot coverage, overall: 30%
- 9. Max. % of lot coverage structures: 20%
- 10. Minimum setback
From edge of
Rt. 7 ROW: 100 feet for all structures

Section 4.3 COMMERCIAL DISTRICTS

A. Purpose

To offer retail and personal services, primarily for residents of Charlotte; to provide for office space; to provide for public and quasi-public facilities and services; to permit the development of mixed residential and commercial developments; to promote a scale and pattern of commercial development consistent with the Town's rural character; and in West Charlotte Village to establish a Town center.

B. Permitted Uses

The following uses are permitted in the Commercial District:

1. Bank or other financial institution, excluding drive-through bank facilities
2. Personal service, professional or business offices or health care facility
3. Retail stores
4. Restaurant, excluding fast food restaurants
5. Buildings and facilities owned or leased by the Town of Charlotte excluding waste facilities
6. Church and parish house
7. School, nursery school, day care center
8. Library or museum owned and operated by a governmental unit or private organization
9. Outdoor recreation facility owned and/or operated by a governmental or non-profit organization
10. Mixed uses where all proposed uses are permitted uses
11. PRDs and PUDs in accordance with Chapter V, Section 5.15 and Section 5.16 respectively. Single-family, including specifically state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, except that no such home shall be considered as a permitted single-family residential use if it is located within 1,000 feet of another such home; two-family, three-family or four-family dwellings in a PUD
12. Maximum of ten elderly dwelling units in a structure in a PRD/PUD
13. Home farm stand and commercial farm stand
14. Private community organization building or facility
15. Home occupation

C. Conditional Uses

The following uses may be permitted in the Commercial Districts as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4 of these regulations:

1. Personal service, professional or business offices and health care facilities having a total floor area of 3,500 square feet or more, but in no case more than 20,000 square feet
2. Retail stores having a floor area of 3,500 square feet or more, but in no case more than 20,000 square feet
3. Mixed uses, when the uses are a combination of permitted and conditional uses
4. Bed and breakfast
5. Indoor recreation facility
6. Gasoline service station, automotive repair or body shop having a floor area of no more than 20,000 square feet
7. Boat, automotive, mobile home, recreation vehicle or agricultural equipment sales and service having a total floor area of no more than 20,000 square feet
8. Solid waste transfer station, recycling center
9. Expanded home occupation
10. State or federal building or facility
11. Bank with drive through bank facilities

- 12. Veterinary Office
- 13. Private outdoor recreation facility used for commercial purposes, including athletic fields, nature trails, cross-country ski trails, bridle paths, and other outdoor recreational areas

D. Dimensional Requirements

- 1. Minimum lot size: 5 acres for residential uses, even if included in mixed use proposals; 1 acre for other permitted and conditional uses
- 2. Density: 5 acres per dwelling unit; 5 acres for up to ten (10) elderly dwelling units in a PRD/PUD; commercial uses must meet the minimum lot size, the required lot coverage percentages, and proposals involving more than one building or use on a lot shall be evaluated under the standards applicable to PUDs contained in these Bylaws.
- 3. Lot frontage: 100 feet
- 4. Front yard setback: 25 feet
- 5. Side & rear yard setback: 25 feet
- 6. Maximum height: 35 feet
- 7. Max. % of lot coverage, overall: 40%
- 8. Max. % of lot coverage, structures: 25%
- 9. Minimum setback from edge of Rt. 7 ROW: 100 feet for all structures

Section 4.4 INDUSTRIAL DISTRICT

A. Purpose

To offer sites for the development of industries with low water usage, which do not overburden the existing highway network, which cause the least harm to the environment, and which are compatible with the rural character of the Town.

B. Permitted Uses

All the permitted uses of the Commercial District are also permitted uses within the Industrial District. In addition, the following uses are permitted in the Industrial District:

1. Light industry having a floor area of not more than 10,000 square feet
2. Wholesaling, warehousing, or storage facilities having a floor area of not more than 10,000 square feet
3. Home farm stand and commercial farm stand
4. Single-family dwelling, including specifically state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, except that no such home shall be considered as a permitted single-family residential use if it is located within 1,000 feet of another such home.
5. Two-family dwelling
6. Mixed use where all proposed uses are permitted uses.

C. Conditional Uses

All conditional uses of the Commercial District as outlined in Chapter IV, Section 4.3.C are also conditional uses within the Industrial District. In addition, the following uses may be permitted in the Industrial Districts as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4 of these regulations:

1. Light industry, wholesaling, warehousing, or storage having a total floor area greater than 10,000 square feet
2. Professional, personal service or business offices, retail stores, and banks or financial institutions, excluding drive-through bank facilities, within PUDs only. The total floor area of each office or store shall not exceed 20,000 square feet
3. Mixed uses, when the uses are a combination of permitted and conditional uses.
4. Buildings and facilities owned or leased by the Town
5. Solid waste transfer stations, recycling centers
6. Restaurant, excluding fast food restaurants, within PUDs only
7. Expanded home occupation
8. Public utility substation
9. Boat, automotive, mobile home, recreation vehicle or agricultural equipment sales and service having a total floor area of no more than 20,000 square feet
10. Gasoline service station, automotive repair or body shop
11. Passenger railroad station

D. Dimensional Requirements

1. Minimum lot size: 5 acres
2. Density: 5 acres per dwelling unit or use
5 acres for up to ten (10) elderly dwelling units in a PRD/PUD
3. Lot frontage: 200 feet
4. Front yard setback: 100 feet

- 5. Side & rear yard setback: 50 feet
- 6. Maximum height: 35 feet
- 7. Max. % of lot coverage,overall: 40%
- 8. Max. % of lot coverage, structures: 25%
- Minimum setback from edge of Rt. 7 ROW: 100 feet for all structures

Section 4.5 SHORELAND DISTRICT

A. Purpose

To protect the scenic beauty, environmental quality and recreational opportunities of the lake and its shoreline, while permitting residential uses consistent with these aims.

B. Permitted Uses

The following uses are permitted in the Shoreland District:

1. Year round and seasonal single-family dwelling units, including specifically state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, except that no such home shall be considered as a permitted single-family residential use if it is located within 1,000 feet of another such home.
2. Accessory uses, customarily incidental to a single-family dwelling
3. Outdoor recreation uses, such as picnic areas, parks, natural areas, hunting and fishing areas, hiking and riding trails, owned and/or operated by a governmental and/or non-profit organization
4. Agricultural operation
5. Home farm stand
6. School, nursery school, day care center
7. Home occupation

C. Conditional Uses

The following uses may be permitted in the Shoreland District as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4 of these regulations:

1. Permanent boat hoists and launching ramps, permanent docks and stairways, manmade or improved beaches, shore stabilization, and retaining walls located on the shoreline
2. Marinas, yacht clubs only within areas designated as Mooring Management Areas by the Selectmen and only when a Mooring Management Plan is developed and adopted by the Selectmen
3. Boat storage areas and boat yards
4. Bed and Breakfast
5. Ferry transportation facilities, including parking areas, access drives, ticket areas, and rest rooms
6. Expanded home occupation
7. Commercial farm stand
8. Sales and/or storage of petroleum products and other fuel at marinas and ferry facilities
9. Parking areas

D. Dimensional Requirements

- | | |
|---|---|
| 1. Minimum lot size: | 5 acres |
| 2. Density: | 5 acres for each dwelling unit or use |
| 3. Lake shore frontage min.: | 300 feet for each new lot on the shoreline. This shall apply to PRDs also and shall not be reduced. |
| 4. Lot frontage min.: | 300 feet. All lots on the shoreline shall have the required lot frontage and lake shore frontage. |
| 5. Side and rear yard setback: | 50 feet |
| 6. Front yard setback
(off road right-of-way): | 75 feet |
| 7. Maximum height: | 35 feet or 2 stories, whichever is less |
| 8. Max. % of lot coverage,
overall: | 30% |

- | | |
|---|--|
| 9. Max. % of lot coverage, structures: | 15% |
| 10. Shoreline setback of buildings, other structures, and sanitary facilities, except boat ramps, launching facilities and docks. | 100 feet for structures
250 feet for septic systems |

E. Special Requirements for the Shoreland District

1. Within 100 feet of the shoreline, the following shall apply:
 - a. The Administrative Officer shall review and approve the cutting of all trees greater than (four) 4 inches in diameter.
 - b. There shall be no cutting or removal of any trees or shrubs in wildlife habitat areas.
 - c. Nothing in this section shall prohibit the removal of storm damaged, diseased or dead trees.
 - d. Cleared openings legally in existence on the effective date of these regulations may be maintained, but shall not be enlarged, except as permitted herein.
2. Due to the extent of existing development, fragile environmental conditions, and the ferry transportation service at McNeil Cove, only minor marina, commercial boat maintenance or repair, commercial boat yard or boat storage expansion and associated facilities will be considered in the McNeil Cove area.
3. Parking facilities, with the exception of handicapped parking, must be set back at least 100 feet from the shoreline, must be screened from the lake and must not create unsafe traffic conditions in the area.
4. Existing public access to the shoreline shall be preserved.
5. No boat launching areas or ramps, beaches, boat storage areas, boathouses, stairways, retaining walls, boat hoists, or docks shall be permitted in wetland areas. No cutting or removal of vegetation in wetland areas will be permitted.
6. There shall be no dredging, draining or filling of land in wetland areas or along the shoreline.
7. There will be no fuel storage in containers of more than twenty (20) gallons in the Shoreland District except in commercial marinas or ferry facilities, as part of an agricultural operation, or as required for home heating. Where applicable, all underground storage tanks shall be in conformance with Vermont Underground Storage Tank Regulations, the National Fire Protection Association (NFPA) 30A Guidelines, and all other applicable State and Federal rules, regulations, codes or guidelines. Where applicable, all above ground storage tanks shall comply with NFPA 30 and amendments, the Vermont State Fire Prevention Amendments, and all other applicable State and Federal rules, regulations, codes or guidelines.
8. For conditional uses, in addition to the above standards and the general and specific standards in Chapter VI, Section 6.4, the proposed use must meet the following standards:
 - a. The nature of the proposed use requires it to be located in the Shoreland District.
 - b. The proposed use will not cause unsafe or unhealthy conditions.
 - c. The proposed use will not cause water pollution.
 - d. The proposed use will not cause soil erosion.
 - e. The proposed use is in harmony with the general character of the neighborhood and adjacent Lands.
 - f. Wherever possible, shoreline docks, stairs, boat hoists and ramps shall be designed to be removed for the winter.
 - g. The proposed use will not adversely impact wildlife habitat areas.

Section 4.6 SHORELAND SEASONAL HOME MANAGEMENT DISTRICT

A. Purpose

To protect and preserve only for seasonal residential use those areas of Thompson's Point where groupings of seasonal residences and their accessory buildings have been developed and kept essentially unchanged for many years; to protect the unique physical characteristics and historic character of these areas; to protect the scenic beauty of the shoreline and the lake; and to protect the environmental quality of the area and the lake.

B. Permitted Uses

The following uses are permitted in the Shoreland Seasonal Home Management District:

1. Existing seasonal single-family dwellings, including specifically state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, except that no such home shall be considered as a permitted single-family residential use if it is located within 1,000 feet of another such home
2. Existing accessory structures
3. Outdoor recreation facility owned and/or operated by a governmental or non-profit organization
4. Ordinary maintenance and repair of existing structures

C. Conditional Uses

The following uses may be permitted in the Shoreland Seasonal Home Management District as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4 of these regulations:

1. Alteration or expansion of existing principal structures, providing that:
 - a. The building footprint which is covered by a roof (including covered porches and covered decks) does not exceed 7 percent of the area of the lot it occupies, and,
 - b. The alteration or expansion is not for the purpose of increasing occupancy; and,
 - c. The applicant can demonstrate that all provisions and conditions of the Town of Charlotte Sewage Ordinance and all other applicable regulations for sewage disposal including, where applicable, the Thompson's Point Wastewater System Sewer Use Ordinance and the State of Vermont Indirect Discharge Permit for the Thompson's Point Wastewater System, are met for each structure altered or expanded
2. Permanent boat hoists and launching ramps, permanent docks and stairways, manmade or improved beaches, shore stabilization, and retaining walls located on the shoreline
3. Demolition or removal of an existing structure or a portion thereof

D. Dimensional Requirements

The dimensional requirements of the Shoreland District shall apply except where otherwise noted in these district regulations.

E. Special Requirements

The Special Requirements for the Shoreland District shall apply in addition to the following requirements:

1. Alteration, expansion, or repair shall be no closer to the shoreline than the existing structure
2. Alteration, expansion, or repair shall not cause a structure to exceed two stories in height or 35 feet, whichever is less
3. Existing vegetation between the shoreline and the structure shall be preserved and maintained

4. No soil erosion shall occur as a result of any existing or proposed use or activity
5. The style and materials of any alteration, expansion, or repair shall be consistent and harmonious with the aesthetic character of the area

F. Design Review Provisions:

Before granting Conditional Use Approval for any alteration, expansion, demolition, or removal of any portion of any principal structure in this district, the Zoning Board of Adjustment shall seek the recommendation of a Design Review Committee established in accordance with this Section.

1. Establishment of Design Review Committee: A Design Review Committee shall be appointed by a selection committee consisting of two representatives from the Selectboard, two representatives from the Planning Commission, and one at large member selected by the Selectboard.

The Design Review Committee shall be composed of one professional person such as an architect, historic preservation specialist, landscape architect or other person with design experience, and two leaseholders from the district. Residency in Charlotte is not a requirement for appointment to the Design Review Committee.

The terms of the Committee members shall be three years each, and shall be staggered so as to provide continuity on the Committee. In the event of a vacancy, a selection committee composed as described above shall appoint a replacement for the unexpired term.

2. Procedure: Applicants for Conditional Use Approval or their agent shall meet with the Design Review Committee prior to submission of final Conditional Use Application materials. This meeting shall be informal, with the purpose of assisting applicants in improving their proposed alteration, or expansion, and/or providing the opportunity to review proposed demolition or removal plans. The Committee may require copies of preliminary plans and/or other information on which to base its recommendations. Within fourteen (14) days of the meeting, the Committee shall make written recommendations to the applicant or their agent, with a copy to the Administrative Officer who shall include it with material submitted to the Zoning Board of Adjustment. At its discretion, the Committee may appear before the Zoning Board of Adjustment.
3. Basis for Recommendations/Criteria: The Design Review Committee shall consider the following criteria in evaluating proposals.
 - a. The size, scale, style, design and materials of any alteration or expansion shall be consistent and harmonious with the existing structures and the overall historic and aesthetic character of the area
 - b. Height shall not exceed two stories or 35 feet, whichever is less
 - c. Natural features and resources should be identified and respected
 - d. In the area designated as an historic district, alterations of historic structures shall preserve the historic appearance of the structure, and alteration or replacement of other structures shall reflect the visual qualities of the surrounding historic structures and the overall character of the area
 - e. Demolition of structures of historic significance shall be discouraged.

The Committee shall base their recommendations on information found in the Historic Sites and Structures Survey prepared by the Vermont Division for Historic Preservation and a report titled "A Natural and Cultural Resource Inventory and Planning Recommendations for Thompson's Point, Charlotte, Vermont" dated September, 1990. Copies of both reports are available for review at the Planning and Zoning Office.

Section 4.7 CONSERVATION

A. Purpose

To protect lands which are in public ownership, under permanent conservation restriction, owned by a private non-profit conservation organization, or are of high public value due either to their uniqueness, or to their potential hazards to the public.

B. Permitted Uses

The following uses are permitted in the Conservation District:

1. Agricultural operation excluding structures
2. Forestry, excluding structures
3. Outdoor recreation facility owned and/or operated by a governmental or non-profit organization, exclusive of structures
4. Natural area owned or controlled by a governmental unit or nonprofit organization

C. Conditional Uses

The following uses may be permitted in the Conservation District as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4 of these regulations:

1. Structures, playgrounds and facilities, with the exception of dwellings customarily included in parks, owned and/or operated by a governmental unit or nonprofit organization
2. Farm or forestry roads, or a road or driveway to a lot or lots provided that said lot or lots are devoted to uses allowable under the Zoning Bylaws and provided further that access to said lot or lots is not otherwise practicable. In addition to vehicular and pedestrian access, a road or driveway may also be approved for utility services to the lot or lots. Utility services shall be consolidated with approved roads or driveways and roads and driveways shall be consolidated with other existing or proposed roads or driveways in order to minimize, to the greatest extent possible, intrusions into the Conservation district. In addition, a road or driveway shall be located so that it will have the least negative impact on the land and on the purposes of the Conservation district as stated in the Zoning Bylaws and in the Town Plan.
3. Sewage disposal facilities on Town-owned land on Thompson's Point to serve seasonal homes on adjacent lots provided that future use of the land by Charlotte residents for recreational and agricultural purposes is not adversely affected, and that all other standards of these regulations and Town and State of Vermont requirements for sewage disposal are met.
4. Parking lots not associated with a structure on publicly owned land.

D. Dimensional Requirements

1. Minimum lot size: 5 acres
2. Density: 5 acres per use
3. Lake shore frontage min.: 300 feet for each new lot on the shoreline.
4. Lot frontage min.: 300 feet. All lots on the shoreline shall have the required lot frontage and lake shore frontage.
5. Side and rear yard setback: 50 feet
6. Front yard setback
(off road right-of-way): 100 feet
7. Maximum height: 35 feet or 2 stories, whichever is less
8. Max. % of lot coverage, overall: 10%
9. Max. % of lot coverage,
structures: 5%

10. Shoreline setback of buildings, other structures, and sanitary facilities, except boat ramps, launching facilities and docks.

100 feet for structures
250 feet for septic systems

E. Special Requirements

1. No building of any kind, including any structure or construction, shall be permitted in this district, except as specified in Chapter IV, Section 4.7.C.
2. Uses shall not have an adverse effect on fragile soils or vegetation, impair the quantity or quality of surface and ground water, or cause soil erosion.
3. There shall be no draining or filling of wetlands.
4. Land in the Conservation District may be considered with contiguous land under the same ownership that is proposed for a Planned Residential Development in a contiguous district and such land may be counted for residential density purposes at one unit per 5 acres. In no case shall a new residential use be permitted within the Conservation District.

Chapter V. GENERAL BYLAWS

Section 5.1 REQUIRED FRONTAGE

No land development may be permitted on lots which do not either have frontage on a public road or, with the approval of the Planning Commission, access to such a road by a permanent easement or right of way at least 40 feet in width in the Village and Commercial Districts and at least 60 feet wide in all other districts, according to the following standards:

A. Existing Lots

May be developed in accordance with the provisions of Chapter V, Section 5.7 and if such lot is served by a permanent easement or right of way at least 20 feet in width. Any new lot created after March 4, 1986 shall conform to the requirements of Chapter V, Section 5.1.B

B. Private Roads

The commission may approve subdivision and/or development on a private access road in conformance with this section and with the requirements of the Charlotte Subdivision Bylaws.

1. Access across another lot or included as part of a lot to be served by such access shall be within a permanent right of way, the width of which shall be determined according to these Bylaws.
2. Dimensional requirements for any lot served by a private right of way shall be the same as the dimensional requirements for a lot served by a public right of way, the minimum lot frontage shall be required only along the right of way that is providing access to the lot.

C. Reduced Frontage at road termination points

The Commission may approve reduced frontage requirements for lots on termination points of public or private roads, however yard setback requirements on such lots shall not be reduced except for PRDs and PUDs as outlined in Chapter V, Sections 5.15 and 5.16 respectively.

Section 5.2 SIGNS

No signs, other than official street or highway signs shall be permitted in any zoning district except as specifically provided herein.

No outdoor advertising signs shall be permitted in any district except for purposes of identifying an on-premise recreational, commercial or manufacturing use, in those districts where such uses are permitted. A sign shall not exceed 20 square feet in area, have no internal illumination, and only be illuminated by a shielded, continuous non-flashing light. In the case of three-dimensional signs, the calculated area shall be the total surface area of the three-dimensional sign as viewed from the public way. No sign, with the exception of official street or highway signs, may be located in road right-of-ways. Only one sign for each recreational, commercial or manufacturing use shall be permitted. All signs must conform to State regulations.

A. Temporary Signs

Temporary signs used less than three months, unlighted, and not exceeding six square feet in total area per side, shall be allowed in accordance with State regulations. No Town permit is required.

B. Official Business Directional Signs and Sign Plazas

Official business directional signs and sign plazas as defined in and erected pursuant to Chapter 21 of

Title 10 VSA, are permitted.

C. Home Occupation Signs

One sign not exceeding six (6) square feet in total area per side is permitted in any district to identify a home occupation or an expanded home occupation.

D. Home Farm Stand Signs

One sign not exceeding six (6) square feet in total area per side is permitted in any district to identify a home farm stand. Off-premise signs must conform with Chapter 21 of Title 10 VSA.

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. All smaller signs shall be located out of the highway right-of-way except in accordance with Chapter 21 of Title 10 VSA.

F. Height

No sign in any district shall be higher than ten (10) feet from the average grade of the surrounding ground to the highest point of the sign unless otherwise approved by the Board of Adjustment.

G. Prohibited Signs

All signs not expressly authorized under Chapter V Section 5.2 are prohibited, including signs identifying residential subdivisions and/or developments.

Section 5.3 PARKING

For every building erected, altered, extended, or changed in use, there shall be provided off-road parking spaces at least as set forth below. Where there are multiple uses on a single property, total parking requirements shall be established by adding the parking requirements of each use as specified by the Parking Table.

A. Parking Table

- | | |
|----------------------------|--|
| 1. Residences | 2 spaces/dwelling unit |
| 2. Restaurants | 1 space/150 sq. ft. floor area |
| 3. Offices, retail stores, | 1 space/vehicle used in business and |
| | other commercial and 1 space/200 sq. ft. floor area |
| | public uses |
| 4. Industrial | 1 space/vehicle used in business and 1 space/2 employees |

B. Other Requirements

The Planning Commission may require additional off road parking for any use as a condition to site plan approval if it finds the minimal parking requirements set forth in this section are not sufficient. The Planning Commission may reduce the parking requirements for mixed use developments where information supports the reduction.

Section 5.4 HOME OCCUPATIONS

Nothing in these regulations shall infringe upon the right of any residents to use a minor part of their

dwelling or a part of an accessory structure for an occupation which is customary in residential areas in Vermont and which does not change the character of the residence or neighborhood. All home occupations must be operated by a resident of the dwelling.

A. Levels of Home Occupations

There shall be three levels of home occupations, described as follows:

1. HOME OCCUPATION I: Home Occupations that employ only the occupants of the residence, utilize the primary structure and/or an accessory building for the occupation, and have less than twelve vehicle trips per day require no Town permit.
2. HOME OCCUPATION II: Home Occupations that employ occupants of the residence and no more than three full-time equivalent employees who are not occupants of the dwelling, utilize the primary structure and/or an accessory building for the occupation, and have less than twelve vehicle trips per day shall be a permitted use in every district.
3. EXPANDED HOME OCCUPATION: All other home occupations, including those which utilize an accessory building or exterior storage of equipment require a conditional use permit from the Zoning Board of Adjustment and site plan approval by the Planning Commission.

B. Home Occupation Requirements

All home occupations and expanded home occupations shall meet the following requirements:

1. No traffic shall be generated in greater volume than would normally be expected in the neighborhood.
2. Excessive noise, smoke, vibration, dust, glare, odors, electrical interference, or heat that is detectable at the boundaries of the lot shall not be generated.
3. Parking shall be provided off-road and shall be located in side or rear yards unless otherwise approved by the Board of Adjustment.
4. No exterior storage of materials or equipment visible from the road or from any adjacent property shall be permitted.
5. Indoor storage in an agricultural structure existing at the time these regulations are adopted may be allowed provided all other standards in this section are met.

Section 5.5 ADAPTIVE REUSE OF EXISTING HISTORIC STRUCTURES

A. Purpose

To encourage the viability, adaptive reuse, restoration, and rehabilitation of designated historic buildings within the Town of Charlotte, provided such use does not significantly alter the facade of the building and is found to be in keeping with the essential character of the neighborhood.

B. Application

This provision shall apply to historic structures as defined herein. If more than one historic structure is located on a single lot, this provision shall allow adaptive reuse of all historic structures located on the lot, subject to the approval provisions in Chapter 5, Section 5.5.C.

C. Uses

Adaptive reuse of existing historic structures and historic rehabilitation under this provision will all be reviewed as conditional uses by the Zoning Board of Adjustment in accordance with Chapter VI, Section 6.4

of these regulations. The following uses may be permitted:

1. The uses permitted within the district where the historic structure is located.
2. The conditional uses permitted within the district where the historic structure is located.
3. The following uses may be considered conditional uses in the Village, Rural, Commercial and Industrial Districts if not otherwise stated:
 - a. Professional or business office having a total floor area of less than 3,000 square feet
 - b. Minimum lot size requirements and minimum dimensional requirements for accessory apartments may be waived for Historic Structures
 - c. Home and commercial farm stands, provided all farm standards are met
 - d. Home occupations and expanded home occupations, provided all standards in Chapter V, Section 5.4 of these regulations are met
 - e. Private community organization
 - f. Restaurants, bed and breakfasts, and inns
 - g. Library or museum owned or operated by government or non-profit organization
 - h. Antique shop, local arts and craft shop, woodworking, furniture repair
 - i. Two to four-family dwelling at a density not to exceed the designated density of the district in which the building is situated
 - j. Retail store with a total floor area of less than 3,500 square feet
 - k. A combination of the uses above

D. Special Requirements

1. The proposed rehabilitation or reuse shall be entirely within the footprint of the historic structure.
2. The proposed rehabilitation or reuse shall not significantly alter the facade or the historic character of the building.
3. Applications for Adaptive Reuse of an historic structure under the standards of this section will be subject to site plan approval by the Planning Commission, with added consideration given to the exterior design of the structure and site design appropriate to the structure. Applications shall include an appropriate site plan and building elevations drawn at ¼ inch scale, and shall conform to the guidelines set forth in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1983, 36 CFR 67).

Section 5.6 REMOVAL OF TOPSOIL, ROCK, AND GRAVEL

Commercial removal of more than 300 cubic yards per year of topsoil, rock, sand, gravel or similar material requires conditional use approval by the Zoning Board of Adjustment. This section shall not be construed as permitting mining or quarrying operations. A conditional use permit is not required for ordinary excavation and hauling associated with agricultural practices, including but not limited to: construction and maintenance of drainage ways; operation and maintenance of manure storage and handling facilities; and other general maintenance of agricultural operations.

The Zoning Board of Adjustment may approve the commercial removal of more than 300 cubic yards per year of topsoil, rock, sand, gravel or similar material in any district, provided it finds that the plan for removal as submitted by the applicant shall not cause any hazard to health, property, or property values; or result in excess soil erosion, noise, unsafe conditions, excess traffic, or damage to roadways.

A performance bond shall be required to insure reclamation of the land upon completion of the excavation of materials and topsoil. Reseeding and reforestation will be a requirement. In granting permission, the Zoning Board of Adjustment may consider and impose conditions, relating to the following factors and such other factors as they shall deem relevant:

1. Depth of excavation, in proximity to roads or adjacent properties
2. Slope created by removal
3. Effect upon public health or safety

4. Creation of a nuisance
5. Effect upon the use of adjacent property by reason of noise, dust, or vibration
6. Effect upon traffic hazards or excessive congestion or physical damage to public highways
7. Hours of operation
8. Temporary and permanent soil erosion control
9. Effect upon streams, wildlife habitat, and agricultural land
10. Aesthetic impact

Section 5.7 EXISTING SMALL LOTS

Any lot in existence on the effective date of these regulations, may be developed for the purposes permitted in the district in which it is located, without conforming to minimum lot size requirements. Such lot shall not be less than 1/8th acre in area with a minimum width or depth dimension of forty (40) feet, and shall meet all the other requirements of these regulations and pertinent Federal, State and Local regulations.

A. Merging Lots:

When an owner owns a lot which fails to meet minimum lot size requirements and such lot is contiguous to another lot owned by the same lot owner, such contiguous lots shall constitute a single lot, except that:

1. Contiguous lots which as of June 20, 1966 were devoted to separate and independent uses shall constitute separate lots so long as such lots continue to be devoted to separate and independent uses; or
2. Contiguous lots which are devoted to uses approved as separate uses under the Charlotte Zoning Regulations shall constitute separate lots provided such uses are conducted in compliance with the terms and conditions of the approvals granted; or
3. Contiguous lots which are shown on a plat approved by the Charlotte Planning Commission pursuant to subdivision regulations shall constitute separate lots provided such approval has not expired.

Section 5.8 ACCESSORY APARTMENT

There shall be only one principal structure on a lot, but one accessory apartment may be approved as a conditional use on a lot where the principal structure is a single-family dwelling. This apartment shall have a maximum total floor area of 650 square feet and no more than two bedrooms. An accessory apartment is allowed only where the principal structure meets the density requirements and both units meet the dimensional regulations and other requirements of these regulations. In the case of non-conforming lots where the principal structure is pre-existing, an attached accessory apartment will be allowed as long as the accessory apartment does not increase any non-compliance that may exist, with the exception of the lot density for existing small lots, and all state and Town requirements for the septic system are met. The accessory apartments shall share the existing access point to the property with the principal structure. Accessory apartments as defined in these bylaws are not allowed in the Shoreland Seasonal Home Management District.

Section 5.9 REDUCTION OF LOT SIZE

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage, or other requirements of these regulations shall be smaller than herein prescribed for each district, with the exception of PRDs and PUDs as discussed in Chapter V, Section 5.15 and Section 5.16, respectively.

Section 5.10 ANTENNAS, WINDMILLS, ETC:

Antenna structures which are exempted in Chapter IX, Section 9.4 of these Bylaws, and windmills shall be subject to the height limitations contained in these regulations, but antenna structures and windmills may exceed the maximum allowable height if approved by the Zoning Board of Adjustment as a conditional use in accordance with the provisions of Chapter VI, Section 6.4 of these regulations.

Section 5.11 STREAM BANK SETBACKS

A. Named Streams

All structures and sewage disposal systems shall be set back a minimum of 150 feet from the edge of the stream bed of all named streams, from the edge of the mapped flood hazard areas of the Town, and from the edge of the stream bed of the following two unnamed streams associated with wetlands:

1. A 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 Spear Street Extension.
2. A 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 confluence with Lewis Creek.

B. Unnamed Streams

All structures shall be set back a minimum of 75 feet and all sewage disposal systems shall be set back a minimum of 100 feet from the edge of the stream bed of all unnamed streams, except those identified in Chapter V, Section 5.11.A above.

Section 5.12 WETLAND BOUNDARIES AND BUFFER ZONES

A. Wetland Boundaries

Upon receipt of an application which involves land development in or near a wetland, the Town may require that the wetland boundaries be delineated by a qualified professional using the methodology set forth in the most recent edition of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The Town may also request an opinion from the State Agency of Natural Resources on the boundaries of the Wetland.

B. Buffer Zones

A minimum undisturbed buffer zone of 50 feet is required around all Class II wetlands. The required buffer zone around a Class III wetland will be determined by the Town on a case by case basis, utilizing recommendations from qualified professionals and/or State Agency of Natural Resources personnel.

The size of the buffer zone surrounding a wetland may be increased, and uses allowed within the buffer zone defined, at the discretion of the Town on the basis of the values supported by the wetland. Exemptions for wetland buffer zones, for example for farming purposes, will be consistent with the provisions of the Vermont Wetlands Rules, as amended, and other applicable legislation, regulations and rules.

Section 5.13 ELDERLY HOUSING

In order to encourage the creation of housing for the elderly, while maintaining the health and safety of the community, the following provisions shall be met:

A. Purpose

Elderly housing may include specific facilities and services intended for the support and care of the elderly.

B. Septic Systems

A site for elderly housing shall have a septic system designed for the flows anticipated from the proposed

number of elderly housing units and any additional support facilities.

C. Site Plan Approval

Site Plan Approval for elderly housing shall be obtained from the Planning Commission in accordance with Chapter VI, Section 6.5 of these regulations.

D. Density

The Planning Commission may allow a density of up to 10 elderly housing units per five (5) acre parcel provided the application is submitted as a PRD in accordance with Chapter V, Section 5.15 of these regulations and all other standards in this section are met.

In order to encourage the creation of perpetually affordable elderly housing, the Planning Commission may grant a density increase of up to 25% beyond the number of building lots or dwelling units permitted in a PRD for the number of dwelling units in a development that are designated perpetually affordable elderly. In order to maintain the health and safety of the community, the density increase for affordable elderly housing shall be allowed only as a PRD and under the following provisions.

Density permitted for a PRD shall be determined according to the provisions given in Chapter V, Section 5.13 of these regulations. Calculations of the 25% density increase for affordable elderly housing shall be based on whole numbers only. For example:

- 4 to 7 affordable elderly dwelling units = 1 additional dwelling unit
- 8 to 11 affordable elderly dwelling units = 2 additional dwelling units
- 12 to 15 affordable elderly dwelling units = 3 additional dwelling units

All affordable elderly building lots and dwelling units shall be kept perpetually affordable and for use by the elderly through a mechanism satisfactory to the Planning Commission.

E. Districts Where Permitted Use

Elderly housing will be a permitted use in all districts allowing residential use with the exception of the Shoreland and Shoreland Seasonal Home Management Districts.

F. Affordability

All elderly housing shall be kept perpetually for use by the elderly through a mechanism satisfactory to the Planning Commission.

Section 5.14 AFFORDABLE HOUSING

In order to encourage the creation of perpetually affordable housing, the Planning Commission may grant a density increase of up to 25% beyond the number of building lots or dwelling units permitted in a PRD for the number of dwelling units in a development that are designated perpetually affordable. In order to maintain the health and safety of the community, the density increase for affordable housing shall be allowed only as a PRD and under the following provisions.

A. Density

Density permitted for a PRD shall be determined according to the provisions given in Chapter V, Section 5.15 of these regulations. Calculations of the 25% density increase for affordable housing shall be based on whole numbers only. For example:

- 4 to 7 affordable dwelling units = 1 additional dwelling unit

8 to 11 affordable dwelling units = 2 additional dwelling units
 12 to 15 affordable dwelling units = 3 additional dwelling units

B. Septic Systems

An affordable housing site shall have an adequate septic system designed for the flows anticipated from the number of proposed dwelling units.

C. Affordability

All affordable building lots and dwelling units shall be kept perpetually affordable through a mechanism satisfactory to the Planning Commission.

Section 5.15 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

In accordance with the provisions of §4407(3) of the Act, Planned Residential Developments are permitted in order to encourage flexibility of design and the development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic provision of roads and utilities, and to preserve the natural, scenic and historic qualities of the Town as directed by the Plan. Accordingly, the Planning Commission may allow modification of the area and dimensional requirements of the zoning district bylaws found in Chapter IV of these regulations. Such modifications shall be subject to the following review procedures and evaluated in accordance with the following conditions and standards. Any subdivision creating building lots and involving 25 acres or more shall be evaluated under the standards applicable to PRDs contained in these regulations.

A. Review Procedures

PRD proposals shall be reviewed under the following conditions and standards during Planning Commission review of the subdivision plat under the Town Subdivision Bylaws. The procedures and time table for review are set forth in the Subdivision Bylaws. In addition to the submission requirements for major or minor subdivisions, PRD proposals shall submit the following:

1. A site plan shall be submitted to the Planning Commission showing the locations, height and space of buildings, open spaces and their landscaping, roads, driveways and off-road parking spaces and all other physical features, and a statement describing the nature of all proposed modifications, changes, or additions from the existing zoning regulations and the proposed standards and criteria for the development, including standards for the design, dimensions, and spacing of buildings and sizes of lots and open spaces.
2. A statement describing the mechanisms through which any common land, agricultural operations, recreational facilities, roads, parking areas, community water and sewer systems, or other facilities will be used, owned, or maintained in common.

B. General Standards for PRDs

All PRDs shall meet the following standards in addition to the standards of the Town of Charlotte Subdivision Bylaws:

1. The PRD shall be an effective and unified treatment of the development possibilities of the project site, and shall make appropriate provision for preservation of streams, stream banks, the lake shore and water bodies, aquifers, slopes greater than 25%, wetlands, shoreline wetland areas, soils unsuitable for development due to shallow depth to bedrock or high water table conditions, limitations for on-site sewage disposal, agricultural lands, productive woodlands, historic or archaeological sites, natural areas, wildlife habitat, high elevations and ridge tops, flood plains, open spaces, and views and vistas.

2. The total number of allowable units within the PRD shall not exceed the number which could be permitted in the Planning Commission's judgment if the land were subdivided into lots without a PRD, in conformance with the regulations for the districts in which the land is situated, except for affordable housing units within a PRD, as outlined in Section 5.14, and affordable elderly housing, as outlined in Section 5.13.
3. The minimum side and rear yard setbacks at the periphery of the PRD shall be as dictated for the particular district.
4. The Planning Commission may allow for a greater concentration or intensity of residential land use within some section(s) of the development than in others, provided there is an offset by a lesser concentration in another section(s) or an appropriate reservation of open space on the remaining land in accordance with the conditions in this section.
5. The PRD shall be consistent with the Town Plan and all applicable regulations.
6. The PRD will meet the Site Plan Approval standards in Chapter VI, Section 6.5 and all evaluation standards set forth in the existing Charlotte Subdivision Bylaws.
7. The proposal provides for preservation of open space.
8. The dwelling units permitted may, at the discretion of the Planning Commission, be of various types including one-family, two-family or multi-family construction.

C. Specific Standards for PRDs

The following standards may be required for the approval of PRDs in addition to the General Conditions for PRDs and the standards of the Town of Charlotte Subdivision Bylaws.

1. Further restrictions on the height and spacing between buildings
2. Greater setback and screening requirements for structures and parking areas and other development along the perimeter of the PRD and between the development areas and the common open space areas
3. Provision of adequate pedestrian circulation
4. Building envelopes may be required for present and future phases.

D. Open Space Standards for PRDs

The location(s), size and shape of lands set aside for open space shall be approved by the Planning Commission. Provision of open space shall include but not be limited to the following:

1. Open space land shall provide for the protection of resources on the site including agricultural land, productive woodland, wildlife habitat, natural areas, aquifer protection areas, wetlands, views and vistas, streams, stream banks, bodies of water, the lake shoreline, and historic and archeological sites.
2. The location, shape, size, and character of the open space land shall be suitable for its intended use.
3. Open space land shall be suitably improved and/or maintained for its intended use, except for open space containing natural resources worthy of preservation which may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and forestry to be utilized for these purposes. Management plans for forestry and wildlife habitat may be required.
4. Land shown as open space shall be protected for its intended use through a mechanism approved by the Planning Commission, such as the granting of a conservation restriction to the Town. All costs for creating and maintaining open space are the responsibility of the land owner.
5. The Planning Commission shall consider the following guidelines when establishing open space area requirements: for PRD parcels of 25 to 100 acres in size, open space areas are recommended to be 15% to 50+% of the total area; for PRD parcels over 100 acres in size, open space areas are recommended to be 50+% of the total area.
6. Open space land shall be located so as to conform with and extend existing and potential open space on adjacent parcels.
7. Additional measures that may be imposed to protect resources identified on the parcel include, but

are not limited to, restrictions on building sites through designation of building envelopes and clearing limits.

8. The Commission shall require the Town be a party to legal mechanisms for the protection of open space. In certain cases the Planning Commission may require a third party to be party to the agreement. All costs associated with administering and maintaining the open space shall be born by the applicant.
9. Sewage disposal and water supply areas and road rights of way shall not be counted as open space areas, except where the applicant can prove, to the satisfaction of the Planning Commission, that the sewage disposal, water supply facilities and road right of way will in no way disrupt or detract from the values for which the open space is to be protected.
10. Areas in agricultural and productive woodland should be of a size that retains their eligibility for State and Town tax abatement programs.

E. Specific Standards for PRDs in the Shoreland District

PRDs within the Shoreland District will comply with the following standards:

1. Open space areas in the Shoreland District shall have a minimum area of one acre.
2. Boat docks or moorings accessed through the open space area shall be limited to one per 75 feet of open space frontage or two per unit in the PRD whichever is less

F. PRDs on Two or More Parcels

Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PRD. The permitted number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the district regulations. Parcels separated by a public or private road or railroad right of way may be considered contiguous by the Planning Commission for the purposes of this section provided:

1. The Planning Commission finds that the boundaries overlay adequately.
2. The PRD promotes the protection of significant natural resources and unique features in the Town.

G. PRDs in Two or More Districts

PRDs on properties that are within two or more districts shall comply with the following standards:

1. The total number of dwelling units in any one district shall not exceed the number otherwise allowed in that district.
2. The density provisions of Chapter IV, Section 4.7.D shall be met for PRDs overlapping on property within the Conservation District.

Section 5.16 PLANNED UNIT DEVELOPMENT (PUD)

Where specified in the district regulations, Planned Unit Developments (PUDs) are allowed to encourage mixed use development in the commercial districts and development in the industrial districts that is innovative in its design and layout, efficient in its use of the land, economical in the provision of roads and utilities, and preserves the natural and scenic qualities of the Town. Accordingly, the Planning Commission may allow modification of the area and dimensional requirements of the zoning district bylaws. Such modifications shall be subject to the following review procedures and evaluated in accordance with the following conditions and standards.

A. Review Procedures for PUDs

The application and review procedures for PRDs in Chapter V, Section 5.15.A shall apply to PUDs.

B. General Conditions for PUDs

All PUDs shall meet the following conditions:

1. The General Conditions for PRDs in Chapter V, Section 5.15.B above except as indicated below.
2. The total number of allowable residential units and/or commercial or industrial space within the PUD shall not exceed the number which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the zoning regulations for the districts in which such land is situated.

C. Specific Standards for PUDs

The Specific Standards for PRDs in Chapter V, Section 5.15.E shall apply to PUDs as well.

D. Open Space Standards for PUDs

The Open Space Standards for PRDs in Chapter V, Section 5.15.D shall apply to PUDs as well with the addition of the following provision: Areas in common ownership by tenants or homeowners association that are used for parking, loading, vehicular or railway access, sewage disposal or water supply shall not be included in the open space land.

E. PUDs on Two or More Parcels

Two or more contiguous parcels within one district may be combined for review as a PUD. The permitted number of dwelling units on one parcel may be increased as long as the overall number of units for the combined parcels does not exceed that which could be permitted in the Planning Commission's judgment if the land were subdivided into lots in conformance with the district regulations.

F. PUDs within Two Districts

PUDs on properties that are within two districts where PUDs are allowed shall comply with the following standards:

1. The total development in any one district shall not exceed the development otherwise allowed in that district.
2. No uses are permitted in a district that are not listed as a permitted or conditional use in that district, except as noted in Sections 5.5 and 5.8 of Chapter V.

Section 5.17 CAMPER TRAILERS

A camper trailer may be stored on a lot. Camper trailers may not be occupied for dwelling purposes for more than a cumulative time period of four (4) months during a calendar year. In no case shall a camper trailer be attached to a septic system. Any sewage generated by a camper trailer shall be disposed of off-site in accordance with all applicable State and Federal regulations.

Section 5.18 FENCES

Non-opaque fences less than or equal to six (6) feet in height may be located in any district without a zoning permit according to the following standards:

1. No fence may be erected or constructed in such a manner as to interfere with required visibility for vehicles traveling along thoroughfares.
2. Any fence to be located on private property adjacent to a publicly owned or maintained sidewalk, bikepath or pedestrian way shall be located outside the legal right-of-way of said sidewalk, bikepath or pedestrian way.
3. A chain link fence, not to exceed six (6) feet in height, may be located along the side or front property lines within Commercial or Industrial Districts after Site Plan approval. The fence shall be

located and maintained in such a manner that it does not interfere with pedestrian or vehicular vision. The Planning Commission may require landscaping.

Non-opaque fences greater than six (6) feet in height, and all opaque fences shall be deemed structures and shall require a zoning permit.

Section 5.19 PRINCIPAL STRUCTURES

Except as specified in this Section, no more than one principal structure, as defined in Chapter II, shall be allowed on any lot.

A. Principal Structures in the Rural District:

In the Rural District, one or more barns may be considered principal structures, provided they are utilized and actively serve a working agricultural operation. The dwellings on the farm may be considered accessory structures as long as they provide housing for the farm owner, operator and/or full-time employees and providing further that a sufficient area can be allocated to each dwelling in accordance with the district minimum lot size and density requirements at the time of such designation in the event of the future subdivision of the property.

B. Non-Residential Properties in the Village, Industrial and Commercial Districts:

In the Village, Industrial and Commercial Districts, non-residential properties may have multiple principal structures containing one or more related uses. In all cases, setback and coverage requirements of the district must be satisfied, along with parking and sewage treatment requirements established by these Regulations.

C. Residential Properties in the Village District:

In the Village District, residential properties may have only one principal structure. However, one accessory structure may be used for non-residential uses permitted in the district, provided that parking requirements and sewage treatment requirements are met. A new accessory structure created for this purpose, or an addition to an existing structure for this purpose must meet all setback and coverage requirements.

Section 5.20 COMMUNITY WATER SYSTEMS

The Administrative Officer 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.

Section 5.21 DEMOLITION

Within one year after a permanent or temporary building or structure in any district has been destroyed or demolished, the owner shall remove or bury all structural materials in accordance with all applicable State and/or Federal regulations, and shall cover over or fill any excavation materials, to normal grade.

CHAPTER VI. PERMITS AND APPROVALS

Section 6.1 ZONING PERMIT

No land development may be commenced within the area affected by these regulations without a zoning permit being issued by the Administrative Officer. No zoning permit may be issued by the Administrative Officer except in conformance with these bylaws and the provisions of the Vermont Planning and Development Act.

Section 6.2 CERTIFICATE OF OCCUPANCY

A. Construction of New Buildings

No building hereafter erected shall be occupied or used in whole or in part, for any purpose whatever, until a certificate of occupancy shall have been issued by the Administrative Officer, certifying that such building conforms to the approved plans and specifications and the requirements of these regulations.

B. Alterations of Buildings

No building hereafter altered, which was vacant during the progress of the work or alterations, shall be occupied or used, in whole or in part, for any purpose whatever, until a certificate of occupancy is issued by the Administrative Officer certifying that the work for which the permit was issued was completed in accordance with the approved plans and specifications and the requirements of these regulations.

C. Temporary Certificate of Occupancy

Upon request of the owner or his authorized representative, the Administrative Officer may issue a temporary certificate of occupancy for part of a building, provided that such temporary occupancy or use would not in any way jeopardize life or property.

Section 6.3 EXPIRATION OF APPROVALS

A zoning permit shall expire two years from its date of issue, and may be extended once for an additional two years. Variance, conditional use, and site plan approvals by the Zoning Board and/or the Planning Commission shall not expire for approvals granted after the effective date of these bylaws.

In addition to any other remedies provided by law, such permit or approvals may be canceled or revoked by the Administrative Officer, Zoning Board of Adjustment, or Planning Commission which grants the permit or approval, for violation of these regulations or the terms and conditions of the permit or approval.

Section 6.4 CONDITIONAL USES

A. Applicability

A zoning permit that involves any structure requiring conditional use approval shall not be issued by the Administrative Officer until the Board of Adjustment grants such approval. A zoning permit application that involves any use requiring conditional use approval shall not be allowed until the Board of Adjustment grants such approval.

B. Application Procedures

For conditional use applications that also require site plan approval under Section 6.5, the applicant shall

submit two sets of plans and supporting data to the Board of Adjustment, which shall include the following information:

1. Name and address for owners of record of the property and adjoining lands; name and address of person or firm preparing the plan, date of the plan, scale of the plan, north arrow, and name, address, and interest of the applicant in the subject property.
2. A plan drawn to scale, prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect, as appropriate, and/or as approved by the Board of Adjustment, showing:
 - a. Legal property boundaries for the parcel prepared by a registered land surveyor
 - b. Existing and proposed features, to include topography, land use, natural resources, existing structures, proposed building envelopes, parking areas, roads, easements, right of way, deed restrictions, and zoning district boundaries in the area(s) of the property affected by the change in use
 - c. Preliminary architectural elevations for new structures, as required by the Board of Adjustment
3. Site location map showing the location of the project in relation to nearby town highways and developed areas
4. Photographs of the site
5. Any other supporting information required by the Board of Adjustment to demonstrate that the proposed use meets the applicable standards

For conditional use applications that do not also require site plan approval under Section 6.5, all of the above applies except that the plan is not required to be prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect as long as it is clearly and accurately drawn at an appropriate scale. This exception, however, shall not limit the Board of Adjustment from requiring a professionally prepared plan if, in its judgment, the application warrants one.

Applications shall not be deemed complete until all of the applicable materials described above have been submitted.

C. Public Hearing

A public hearing after public notice shall be held by the Board of Adjustment to determine whether the proposed use conforms to the general and specific standards for conditional uses in these regulations.

D. Decisions

The Board of Adjustment shall act to approve or disapprove any such requested conditional uses within sixty (60) days after the date of the final public hearing held under this section. Failure to do so within such period shall be deemed approval. The Board of Adjustment shall prepare findings of fact upon each decision made under this section, setting forth the reasons for approval, approval with conditions, or denial addressing each of the standards of these regulations. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this bylaw.

E. General Standards

A permit shall be granted by the Board of Adjustment after the applicant presents information to demonstrate that the proposal will not adversely affect the following:

1. The capacity of existing or planned community facilities or services
2. The character of the neighborhood, area, or district affected
3. Traffic on roads and highways in the vicinity
4. The Town Plan and all Town regulations in effect
5. The utilization of renewable energy resources

6. Existing water supplies and aquifers
7. Views and vistas, natural areas, wildlife habitat, productive woodlands, historic sites, and agricultural land, as designated in the Town Plan

F. Specific Standards

A permit shall be granted only upon a finding by the Board of Adjustment that the following specific standards, in addition to the standards and requirements in the district regulations, will be met:

1. Obnoxious or excessive noise, smoke, vibration, dust, glare, odors, electrical interference or heat that is detectable at the boundaries of the lot shall not be generated
2. There shall be no outside displays except those that are brought in at the end of the business hours and are the actual product of the business, except as specifically permitted in Chapter V, Section 5.2
3. Storage of goods, parts, supplies, vehicles or machinery being worked on or finished or partially finished shall be inside a building or behind a site plan approved screen
4. Applicable permits for water supply and sewage disposal have been obtained
5. No fire, explosive, or safety hazard shall be permitted which, in the judgment of the Board, after consideration of the advice of the Charlotte Fire Department, significantly endangers other property owners or emergency personnel
6. Additional standards for the Shoreline District as found in Chapter IV, Section 4.5 of these regulations
7. In determining the appropriateness of the use in the district, the Board shall consider the scale of the proposal in relation to the scale of existing uses and buildings and the effect of the use on the continued enjoyment and access to existing and approved uses in the vicinity of the proposed use

Section 6.5 SITE PLAN APPROVAL

A. Applicability

Any use, other than single- or two-family dwellings, home occupations (Site Plan Review is required for an expanded home occupation), accessory uses, accessory apartments or agricultural operations requires Site Plan Approval by the Planning Commission before the Administrative Officer may issue a permit.

B. Application Procedures

The applicant shall submit two sets of site plans and supporting data to the Planning Commission, which shall include the following information:

1. Name and address for owners of record of the property and adjoining lands; name and address of person or firm preparing the plan; scale of plan, north arrow, and date; name, address and interest of the applicant in the subject property.
2. Site Plan, drawn to scale, prepared by a landscape architect, registered land surveyor, registered civil engineer, or registered architect, as appropriate, and/or as approved by the Planning Commission, showing:
 - a. Legal property boundaries for the parcel prepared by a registered land surveyor
 - b. Existing features, to include topography, land use, natural resources, existing structures, parking areas, roads, easements, rights of way, and deed restrictions in the area(s) of the property affected by the change in use
 - c. Proposed structures, land use areas, roads, driveways, traffic circulation, parking and loading spaces, and pedestrian walkways
 - d. Proposed landscaping, screening, site grading, drainage, signs and lighting
 - e. Water supply and sewage disposal locations
 - f. Preliminary architectural elevations for new structures, as required by the Planning Commission
3. Construction sequence and timing schedule for completion of each phase for buildings, parking

- spaces, and landscaped areas of the entire project.
- 4. Specifications of the materials and plantings to be used.
- 5. Site Location Map showing the location of the project in relation to nearby Town highways and developed areas.
- 6. Photographs of the site.
- 7. Any other supporting information required by the Planning Commission to demonstrate that the proposed use meets the applicable standards.

The application shall not be deemed complete until all of the applicable materials above have been submitted.

C. Decisions

The Planning Commission shall act to approve, approve with conditions, or disapprove a site plan within sixty (60) days of the date upon which the proposed plan is received. The failure to so act within such period shall be deemed approval.

D. Standards

In reviewing a site plan, the Commission may consider and impose appropriate safeguards and conditions with respect to the adequacy of: traffic access and safety; circulation and parking; landscaping and screening; the use of renewable energy resources; recognition of historic structures; the overall aesthetics of the development and structure; recognition of significant natural resources on the site; and the adequacy of water supply and sewage treatment and disposal.

The Planning Commission shall consider the following standards and conditions in reviewing a site plan:

1. **Route 7 Access Requirements:** If a property has frontage on Route 7, the following regulations shall apply. A property having frontage on Route 7 is defined to be one or more contiguous parcels under common ownership on March 4, 1986, which has any property line conterminous with a right of way line of Route 7. If any of the contiguous parcels under common ownership also have frontage on a secondary road which intersects Route 7, the property is deemed to have access both to Route 7 and to the secondary road.
 - a. Properties having frontage on Route 7 and no frontage on a secondary road shall be allowed a maximum of one access point onto Route 7. Said access point shall be located and designed so as to provide access to the entire property, and shall satisfy all relevant standards in the Charlotte Subdivision Bylaws. These regulations do not permit any access where traffic conditions, topography, or any other physical site limitation would prevent the construction of a safe access.
 - b. Properties having frontage on Route 7 and on a secondary road as defined in paragraph 1. above shall be required to locate all access points on the secondary road, except where the Planning Commission 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 satisfy all relevant standards in the Charlotte Subdivision Bylaws.
 - c. On Route 7 or secondary roads carrying through traffic, common access points serving multiple properties are encouraged. The provisions above shall also apply to Ferry Road, Church Hill Road and Thompson's Point Road within the Commercial or Industrial Districts.
2. **Maximum safety of vehicular circulation between the site and the road network:** Particular consideration shall be given to visibility at intersections, to traffic flow and control, to pedestrian safety and convenience, and to access in case of emergency.
 - a. The Planning Commission may require shared access to adjoining properties or may limit access to the property to a side road or secondary road.

- b. Where traffic access is required to only a portion of the land, the Planning Commission may require sharing that access with future uses of the remainder of the parcel.
 - c. The Planning Commission may require that the applicant have a traffic impact study conducted by a qualified consultant.
3. Adequacy of circulation, parking and loading facilities: Particular consideration shall be given to the effect of noise, glare or odors on adjoining properties and State and Town highways. Adequacy of provisions for soil erosion control, runoff, refuse removal, service areas, and snow removal shall also be considered.
- a. Adequate space for maneuvering in and out of parking and loading areas shall be provided and located so as not to interfere with circulation to and within the site.
 - b. Parking areas will be required to be landscaped or screened from adjacent uses and from the roadways in the vicinity.
 - c. Parking will be prohibited within the front yard setback area where alternate space for parking is available elsewhere on the lot.
 - d. Relocation or redesign of parking areas may be required to limit runoff and control soil erosion.
 - e. A safe and attractive pedestrian environment shall be provided as appropriate to the use. In the Commercial Districts in West and East Charlotte Villages, pedestrian circulation on sidewalks and paths to nearby residential areas may be required.
 - f. The size and location of any paved area may be limited by the Planning Commission.
 - g. Exterior storage of vehicles, equipment and boats for commercial sales, shall be limited to a maximum of 1,500 square feet of contiguous space.
4. Adequacy of landscaping and screening: Particular consideration shall be given to preservation of existing vegetation and important features of the site, including large trees, views and vistas, fences, stone walls, and shrubs; visibility of unsightly or incompatible areas from the road and adjoining properties; and the adequacy of landscaping materials to meet seasonal conditions, soil conditions and erosion control, and light on the site.
- a. Landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well kept grasses, wild flowers and ground cover.
 - b. Landscaping is required to be installed and maintained in front and side yards and may be required where rear yards abut residential properties or public roads. Adequate setbacks and site grading may be required to insure that the plantings are not adversely affected by traffic and road salt. Road trees may be required along State and Town highways. Landscaping is required in the Route 7 front yard setback; no parking is permitted within this area. Landscaping shall be installed within a time frame established by the Planning Commission.
 - c. In determining the amount and type of plantings to be required, the Planning Commission shall take into account at least the following:
 - (1) Existing trees, shrubs, evergreens and other vegetation to be preserved on the site;
 - (2) The visibility of incompatible or unsightly areas from public roads and/or adjacent properties;
 - (3) The land form and overall landscaping plan for the development;
 - (4) Other factors which, in the Commission's judgment, affect the safety and appearance of the development.
 - d. To control soil erosion, the site plan shall meet the following standards:
 - (1) The development plan shall fit the topographic, soil and vegetation characteristics of the site with a minimum of clearing and grading;
 - (2) No clearing or grading shall take place within stream bank setback areas;

- (3) Existing natural drainage patterns shall be preserved wherever possible;
 - (4) The sequence of construction activities shall be designed so that the smallest area possible is disturbed at any one time. Only areas where active construction is taking place should be exposed. All other areas should be protected by vegetative and structural control measures;
 - (5) Seed and mulch shall be applied as soon as possible to disturbed soils;
 - (6) Disturbance should be avoided as much as possible between October 15 and May 1.
- e. Outdoor lighting may be required where deemed necessary by the Commission to illuminate areas such as roads, sidewalks, and parking areas. Outdoor lighting fixtures shall be designed to direct light downward and adjusted so light is not cast directly on adjacent roadways or properties. The Planning Commission may prohibit fixtures that cause excessive glare within the property or on adjoining properties.
 - f. All roads, whether public or private, shall be required to be named and identified by a road sign which meets the Town standard.
5. Adequacy of recognition of historic structures: Consideration shall be given to the impact of the proposed development on historic structures on the site or on adjacent properties.
 - a. Continued use and/or adaptive reuse of historic structures, in accordance with Chapter V, Section 5.5, shall be encouraged.
 - b. To the extent practicable, the exterior appearance of historic structures shall be protected.
 - c. To the extent practicable, the visual context of the historic structures shall be maintained.
 6. The overall aesthetics of the development and structures: The Commission shall ensure that the size, scale, arrangement and appearance of the proposed development is in keeping and harmonious with its surroundings, and that the development does not have an undue adverse impact on the scenic qualities of the surrounding area.
 7. Adequacy of recognition of important natural features: The Commission shall ensure that the proposed development will not have an adverse impact on the important natural features on the parcel.
 8. Adequacy of water supply and sewage treatment and disposal: Before approving a proposed site plan, the Commission may request that the applicant provide information sufficient to ensure that the water supply, and sewage treatment and disposal systems serving all structures are adequate and in conformance with all Town and other applicable regulations.

Section 6.6 NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

A. Applicability

The following provisions shall apply to all structures and uses existing on the effective date of these regulations which do not conform to the requirements set forth in these regulations and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these regulations. Bylaws regarding the Adaptive Reuse of Existing Historic Structures, Chapter V, Section 5.5, shall override the following standards for Non-Conforming Uses and Non-complying Structures, where there may be a conflict.

B. Standards for Non-Conforming Uses

Any non-conforming use of a structure or parcel of land may be continued indefinitely but shall be

subject to the following conditions. Non-conforming uses:

1. Shall not be moved, enlarged, altered, extended, reconstructed, or restored, nor shall any external evidence of such use be increased, however, routine maintenance is permitted;
2. Shall not be changed to another non-conforming use without approval by the Board of Adjustment, and then only to a use which, in the opinion of the Board is of the same or of a more restricted nature;
3. Shall not be reestablished if such use has been discontinued for a period of six months, or has as been changed to, or replaced by a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage; if the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged part of the building. The Zoning Board of Adjustment may grant a one year extension of the provisions of #4 above for situations beyond the applicant's control.

C. Standards for Non-Complying Structures

A non-complying structure may continue to be occupied, subject to the following:

1. Nothing in these regulations shall be construed as permitting the use of a structure declared unsafe by an appropriate governmental authority nor the continuation of a condition declared to be a health hazard by an appropriate governmental authority.
2. A non-complying structure shall not be extended, expanded or modified to make it more non-complying without the approval of the Board of Adjustment.
3. A non-complying structure which has been abandoned for a continuous period of two (2) years shall not be re-occupied. A structure shall be considered abandoned if the following conditions exist:
 - a. The structure is unoccupied and not actively offered for sale.
Regular maintenance of the structure is not performed.
4. A non-complying structure which is damaged or destroyed by fire, collapse, explosion or other similar cause may be reconstructed, repaired or restored, provided that the reconstruction or repair results in a structure that is no more non-complying than the original structure, and that the work is completed within one year of the damage or destruction. The Zoning Board of Adjustment may grant one year extensions to this deadline if it is demonstrated that the delays were unavoidable and that the work is progressing.
5. Nothing in this section shall prevent normal maintenance and repair of a non-complying structure provided that such action does not increase the degree of non-compliance.

Chapter VII. ADMINISTRATION, APPEALS, ENFORCEMENT

Section 7.1 ADMINISTRATIVE OFFICER

An Administrative Officer shall be appointed by the Planning Commission with the approval of the Board of Selectmen for a term of three years and shall be charged with the responsibility of administering these Bylaws. The Administrative Officer shall not permit any land development which is not in conformance with these Bylaws.

Section 7.2 ZONING BOARD OF ADJUSTMENT

There shall be a Zoning Board of Adjustment whose members, as well as their number and term of office, shall be determined by the Board of Selectmen.

A. Functions

The Board of Adjustment shall have the following functions:

1. Consider decisions of the Administrative Officer upon appeal (Chapter VII, Section 7.4.A)
2. Consider and grant or deny requests for variances upon appeal (Chapter VII, Section 7.4.B)
3. Consider and grant or deny applications for a conditional use (Chapter VI, Section 6.4)
4. Consider and grant or deny applications for expansions of non-conforming uses and non-complying structures (Chapter VI, Section 6.6)
5. Consider applications for flood plain approval (Chapter VIII, Section 8.5)

Section 7.3 PLANNING COMMISSION

There shall be a Planning Commission, the number of members of which shall be determined by the Board of Selectmen.

A. Functions

The Planning Commission shall have the following functions:

1. Prepare amendments to these regulations and other regulations as permitted by the Act
2. Prepare and update the Town Plan every five years and prepare amendments to the Plan as necessary
3. Resolve any uncertainties on the Zoning Map
4. Consider and grant or deny Site Plan Approval (Chapter VI, Section 6.5)
5. Consider and grant or deny requests to modify Zoning District Bylaws for PRDs and PUDs (Chapter V, Section 5.15 and Section 5.16)
6. Consider and grant or deny applications under the Subdivision Bylaws
7. Undertake comprehensive planning, including related preliminary planning and engineering studies
8. Undertake studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, and historic and scenic preservation
9. Retain staff and consultant assistance in carrying out its duties and powers
10. Perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of the Act

Section 7.4 APPEALS

A. General Procedures

An interested person, as defined in §4464 of the Act, may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the Zoning Board of Adjustment. If an appeal is filed with respect to a decision or act of the Administrative Officer, a notice of appeal must be filed within 15 days of the date of such decision or act, and a copy of the notice of appeal shall be filed with the Administrative Officer. The Board of Adjustment shall conduct a hearing of the appeal, as provided in §4467 of the Act, and such hearing shall be held within sixty days of the filing of the notice of the hearing. This provision shall apply to requests for variances under Chapter VII, Section 7.4.B of these regulations. The Board shall render its decision within forty-five days after completing the hearing. The decision shall include findings of fact setting forth its basis. A copy of the decision and findings of fact shall be distributed as provided in Chapter VII, Section 7.4.C of these regulations.

B. Variances

On appeal wherein the relief requested by the applicant is a variance from the provisions of these regulations or for a structure which is not primarily a renewable energy resource structure, the Board of Adjustment may grant such a variance after public hearing, only if all of the following facts are found affirmatively and these findings are specified in its decision:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning regulations in the neighborhood or district in which the property is located
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that a variance is therefore necessary to enable the reasonable use of the property
3. That the unnecessary hardship has not been created by the appellant(s)
4. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare; and
5. That the variance, if granted, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Plan

In no case shall the Board of Adjustment grant a variance for a use or condition which is not permitted or conditionally permitted in the applicable district. The Board of Adjustment is also prohibited from granting a variance which results in a density increase.

On an appeal wherein the variance requested is for a structure which is primarily a renewable energy resource structure, the Board may grant the variance only if it finds that all of the facts listed in §4468(b) of the Act are found in the affirmative.

C. Decisions

The Board shall prepare findings of fact upon each decision under this section setting forth its determination upon each of the criteria. Copies of the decision shall be sent, certified mail, to the appellant within forty-five days after completing the hearing. Copies shall also be mailed to every person or body

having been heard at the hearing, and a copy shall be filed with the Administrative Officer and the Town Clerk as part of the public record. If a decision is not rendered within forty-five days, the Board shall have been deemed to render a decision in favor of the appellant and granted the relief requested on the forty-fifth day.

D. Appeals to Environmental Court

In accordance with the provisions of §4471 of the Act, an interested person may appeal a decision of the Board of Adjustment to Environmental Court. Notice of appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the Board of Adjustment.

E. Appeals of Planning Commission Decisions

An appeal from the decision of the Planning Commission shall be to Environmental Court in accordance with the provisions of §4471 and §4475 of the Act.

Section 7.5 VIOLATIONS AND ENFORCEMENT

Violations of these regulations shall be prosecuted in accordance with §4444 and §4445 of the Act, as may be amended from time to time. Any person who violates these bylaws shall be fined not more than \$50 for each offense per lot or parcel, unless a higher fine is permitted under amendments to §4444 of the Act in which case the highest possible fine shall be imposed. Each day that a violation is continued shall constitute a separate offense. In default of payment of the fine, such person, the members of any partnership or association, or the principal officers of such corporation, shall each pay double the amount of such fine. All fines collected shall be paid over to the Town.

If any structure or land is or is proposed to be subdivided, constructed, reconstructed, altered, converted, maintained, or used in violation of these regulations, the Administrative Officer, with the approval of the Board of Selectmen, shall institute in the name of the Town any appropriate action, injunction or other proceeding to prevent, restrain, correct, or abate such construction or use, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.

The commencement or continuation of land development to which these zoning regulations are applicable, as set forth in Chapter I, Section 1.2, which is not in conformance with these regulations, shall constitute a violation of these regulations. These regulations shall not repeal, annul or in any way impair any zoning permit previously issued.

Chapter VIII. FLOOD PLAIN REGULATIONS

Section 8.1. AUTHORITY AND PURPOSES

A. Purpose

This article is enacted pursuant to §4410 and §4412 of the Act to achieve the general purposes set forth in 10 VSA, Chapter 32, to promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

1. Restricting or prohibiting land use and development that is dangerous to health, safety, or property in times of flood or which causes excessive increase in flood heights or velocities.
2. Requiring that structures and uses vulnerable to flood, including public facilities that serve such uses be protected against flood damage at the time of initial construction or substantial improvement.

B. Applicability

1. The provisions of this Article shall, to the extent of the geographic coverage set forth in Chapter VIII, Section 8.1.C below, supersede all inconsistent provisions previously set forth in these Zoning Bylaws. However, this Article shall not be construed to permit any use or any land development which would not be permitted under the previously set forth terms of these regulations and all land development must comply with the requirements of those regulations.
2. This Article shall apply to all areas designated as "Areas of Special Flood Hazard" on the Charlotte Flood Insurance Rate Map dated September 3, 1980, and as amended from time to time.
3. This article does not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of the Town of Charlotte or any Town official or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 8.2 ADMINISTRATION

A. Determination Of Flood Boundary

The Administrative Officer shall determine the boundaries of any designated area of special flood hazard by scaling distances on the applicable Charlotte Flood Insurance Rate Map. On receipt of an application for a zoning permit, the Administrative Officer shall determine whether the proposed development is located within the area of special flood hazard. Appeals with respect to a boundary interpretation shall be made by filing a written notice with the Clerk of the Zoning Board of Adjustment within fifteen (15) days of the Administrative Officer's decision.

B. Documentation

The Administrative Officer shall maintain a record of:

1. All permits issued for development in areas of special flood hazard
2. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings
3. The elevation, in relation to mean sea level, to which buildings have been flood-proofed
4. All flood-proofing certifications required under this regulation
5. All variance actions, including justification for their issuance

C. Notification

In accordance with Chapter VIII, Section 8.5.C below, the Administrative Officer shall notify adjacent communities and the Vermont Department of Environmental Conservation prior to approval of any alteration or relocation of a watercourse and shall submit copies of such notification to the Federal Flood Insurance Administrator.

Section 8.3 PERMITTED AND CONDITIONAL USES

Permitted and conditional uses for those areas covered by this regulation shall be limited to those uses designated as permitted and conditional in the underlying zone as previously described in these regulations. In addition to complying with those regulations, all permitted and conditional uses, within the area described in Chapter VIII, Section 8.1.C require flood plain approval pursuant to Chapter VIII, Section 8.5.

Section 8.4 NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

Structures and land uses which do not comply with the requirements of this regulation may be continued provided the conditions set forth in Chapter VI, Section 6.8 are met. Said uses and structures may be altered, restored, repaired, replaced enlarged or changed only upon receipt of flood plain approval according to the procedures and conditions set forth in Chapter VIII, Section 8.5 of this regulation.

Section 8.5 FLOOD PLAIN APPROVAL**A. Documentation**

Any application under this regulation for flood plain approval shall include:

1. The elevation in relation to mean sea level, of the lowest habitable floor, including basement, of all substantial improvements or new structures
2. Where flood-proofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure of substantial improvement has been flood-proofed
3. Certification from a registered professional engineer or architect that the flood-proofed structure meets the flood-proofing criteria of Chapter VIII, Section 8.5.E of these regulations, and
4. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development

B. Requirements

If deemed necessary for determining the suitability of a particular site for the proposed development, the Board of Adjustment may require the following additional information:

1. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel and cross-sectional areas to be occupied by the proposed development.
2. A profile showing the slope of the bottom of the channel or flow line of the stream.
3. Specifications for building construction and materials in relation to proposed flood-proofing.

C. Review Process

In reviewing an application for flood plain approval, the Zoning Board of Adjustment shall:

1. Obtain, review and reasonably utilize any base flood elevation and floodway data available from the National Flood Insurance Program in the Flood Insurance Study and accompanying maps or from a federal, state or other source where base flood elevation is not already provided, to enforce the standards of Chapter VIII, Section 8.5.E
2. Notify adjacent communities and the Vermont Department of Environmental Conservation at least 15 days prior to approval of any alteration or relocation of a watercourse and submit copies of such

- notifications to the Federal Insurance Administration
3. Transmit one copy of the information required by Chapter VIII, Section 8.5.A to the Vermont Department of Environmental Conservation in accordance with 24 VSA §4409 (c)(2)(A) and §4412(f)
 4. Consider the evaluation of the Vermont Department of Environmental Conservation and determine that the proposed use will conform to the development standards of Chapter VIII, Section 8.5.D
 5. In accordance with 24 VSA §4409 (c)(2)(A) and §4412(f), not issue a permit for the development of any land in any area designated as flood plain by the Vermont Department of Environmental Conservation prior to the expiration of a period of thirty (30) days following the submission of a report to the Vermont Department of Environmental Conservation under subparagraph (C) above

D. Additional Review Requirements

In reviewing an application for flood plain approval, the Zoning Board of Adjustment shall consider:

1. The danger to life and property due to flooding or erosion damage
2. The danger that materials may be swept onto other lands or downstream to the injury of others
3. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding
4. The susceptibility of the proposed development to flood damage and the effect of such damage on individual owners
5. The necessity to the project of a waterfront location
6. The availability to the applicant of alternative locations not subject to flooding
7. The safety of access by ordinary and emergency vehicles to the property in times of flood
8. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and effects of wave action expected at the site
9. The cost of providing governmental and public facilities during and after flooding

E. Conditions of Approval

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

1. Development within floodway areas is prohibited
2. Development within floodway fringe:
 - a. All substantial improvement or new construction of any residential structure have the first floor and basement floor elevated to or above the base flood elevation.
 - b. All substantial improvement or new construction of nonresidential structures have the lowest floor, including basement, elevated to or above the base level elevation, or be flood-proofed below the base flood level in accordance with subsection (c) of this section.
 - c. The lowest floor, including basement and attendant utility and sanitary facilities of all substantial improvements or new construction below the base flood elevation be flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - d. Structures be (i) designed (or modified) and anchored to resist flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (ii) constructed with materials resistant to flood damage, (iii) constructed by methods and practices that minimize flood damage, and (iv) constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e. The flood carrying capacity within any portion of an altered or relocated watercourse be maintained.
 - f. All gas and electrical equipment, circuits and appliances be located and constructed to minimize or eliminate flood damage.

- g. All new and replacement water supply and sewage disposal systems be designed so as to minimize or prevent the infiltration of flood waters into the systems.
- h. On site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.
- i. All necessary permits be obtained from those government agencies from which approval is required by federal or state law.
- j. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- k. All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- l. All development shall be designed (i) to minimize flood damage to the proposed development and to public facilities and utilities, and (ii) to provide adequate drainage to reduce exposure to flood hazards.

Section 8.6 VARIANCES

A. Requirements

Variations from the requirements of this regulation shall be granted by the Zoning Board of Adjustment only in accordance with the provisions of 24 VSA §4468 and §4412(h) and Chapter VII, Section 7.4 of these regulations upon a determination that during the base flood discharge, the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

B. Notification

The Board of Adjustment shall notify the applicant that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as \$25.00 for \$100.00 of insurance coverage and will result in increased risks to life and property.

C. Documentation

The Board of Adjustment shall maintain a record of all variance actions, including justification for their issuance and report such variances issued to the Federal Insurance Administrator upon request.

Section 8.7 DEFINITIONS

Definitions contained in the Act shall be applicable throughout this Article unless specifically defined below. Definitions contained in this section are for Chapter VIII only, and do not pertain to these Zoning Bylaws as a whole.

AREA OF SPECIAL FLOOD HAZARD: The land within the Charlotte flood plain which is subject to a one percent or greater chance of flooding in a given year. The area includes all "A" zone designations on the FIRM. It does not include zones "B" and "C".

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor sub graded (below ground level) on all sides.

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

FIRM: The official map of Charlotte, on which the Federal Insurance Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD-PROOFED OR FLOOD-PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

FRINGE: The area of special flood hazard less the floodway.

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

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

Chapter IX: TELECOMMUNICATIONS TOWERS AND FACILITIES

Section 9.1 PURPOSE

The purpose of this Chapter is to protect the public health, safety, and general welfare of the citizens of the town of Charlotte and of those who visit this community, while accommodating the telecommunication needs of residents, visitors, community services and businesses. This Chapter shall:

- A. Preserve the character and appearance of the town of Charlotte, while allowing adequate telecommunications services to be developed;
- B. Protect the scenic, historic, environmental, and natural resources of the town of Charlotte, and property values therein;
- C. Provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of telecommunications facilities and towers;
- D. Minimize tower and antenna proliferation by encouraging the sharing of existing telecommunications facilities, towers, and sites where possible and appropriate;
- E. Facilitate the provision of telecommunications services to the residences and businesses of the town of Charlotte;
- F. Minimize the adverse aesthetic, health, and interference effects of towers through careful design and siting standards; and,
- G. Require, through performance standards, the location of towers and antennas in non-residential areas and away from other sensitive areas such as schools, hospitals, senior centers, and child care facilities.

Section 9.2 AUTHORITY TO HIRE INDEPENDENT CONSULTANTS

- A. Upon review of an application for conditional use approval and/or Site Plan Review for a tower or telecommunications facility, the Charlotte Zoning Board of Adjustment (hereinafter "Zoning Board") and/or the Charlotte Planning Commission (hereinafter "Planning Commission") may determine that it needs the assistance of an independent consultant or consultants to evaluate the application. Upon making such a determination, it may hire independent consultants, the reasonable costs of whose services shall be paid for by the applicant. Upon such determination, the applicant shall place in escrow sufficient funds to cover such costs, as estimated by said independent consultant. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one or more of the following areas of expertise: 1) telecommunications/radio frequency engineering; 2) structural engineering; 3) assessment of electromagnetic fields; 4) legal issues; 5) other areas, if determined necessary by the Zoning Board or the Planning Commission.
- B. The Zoning Board and Planning Commission may provide the full application to any independent consultant(s) hired pursuant to this section for their analysis and review. Consultants shall report directly to the Zoning Board and/or the Planning Commission.

Section 9.3 CONSISTANCY WITH FEDERAL LAW

In addition to other findings required by these Zoning Bylaws, the Board shall find that its decision regarding an application is intended to be in agreement with federal law, particularly the Telecommunications Act of 1996 as it may be amended. This Chapter is not intended to:

- A. Prohibit or have the effect of prohibiting the provision of personal wireless services;
- B. Unreasonably discriminate among providers of functionally equivalent services; or
- C. Regulate personal wireless services on the basis of the environmental effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the Federal Communications Commission (FCC) regulations concerning such emissions.

Section 9.4 EXEMPTIONS

The following telecommunications facilities and uses are exempt from the requirements of this Chapter: police, fire, ambulance, and other emergency dispatch; amateur (ham) radio, citizens-band radio, single-use local business radio dispatch, television antennas for home use, or temporary mobile facilities for television or radio broadcasts ("Exempt Facilities").

No FCC-licensed telecommunications facility or use shall be considered exempt from this Chapter for any reason, whether or not said facility or use is proposed to share a tower or other structure with Exempt Facilities.

Section 9.5 DEFINITIONS

Definitions contained in this Chapter shall be applicable to this Chapter only, and do not pertain to the remainder of the Charlotte Zoning Bylaws. Definitions in the Charlotte Zoning Bylaws will pertain to this Chapter unless the term is specifically defined in this Chapter.

ADEQUATE CAPACITY: Capacity is considered to be adequate if during the busiest hour of the day on at least fifty percent (50%) of the days in any month preceding the date of application, ninety five (95%) or more of the attempted calls are able to connect on their first attempt, as measured using direct measurement of the coverage area in question.

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.

AFFILIATE: 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. 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.

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: A person who applies for a telecommunications facility siting. An applicant can be the landowner of record, or the telecommunications service provider or agent of record, with the landowner's (or other legally designated representative) written permission.

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

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.

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.

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.

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.

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

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

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

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

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.

LOCATION: 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.

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 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: 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: 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.

PERMIT: 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.

PERMITTEE: An applicant who is granted a permit for a tower and/or telecommunications facility by the Town of Charlotte.

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.

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.

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.

SCENIC VIEW: A scenic view is a wide angle or panoramic field of sight and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a faraway object, such as a mountain, or a nearby object. Scenic views of particular importance in Charlotte are noted in the Charlotte Town Plan in Section 4.4.4 (Agriculture), 4.4.5 (Natural Resources) and 4.4.6 (Special Features), as well as Map 12 (Cultural and Recreational Resources) and Map 13 (Public Roads with High Scenic or Conservation Values).

STRUCTURALLY ABLE: 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.

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.

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.

TILED COVERAGE PLOTS: Tiled plots result from calculating the signal at uniformly spaced locations

on a rectangular grid, or tile, of the area of concern. Tiled plots (in comparison to radial plots) 1) provide a uniform distribution of points over the area of interest, 2) usually allow the same grid to be used as different sites are examined, and 3) do not necessitate the transmitter site be within the grid or area of interest. As with radial plots, the graphic display or plot can be either signal strength or adequate threshold. Tile plotting require more topographic data and longer (computer) execution time than radial plotting, but is preferable for comparative analysis.

VIEW CORRIDOR: A three-dimensional area extending out from a viewpoint. 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.

Section 9.6 PERMITS

No construction, alteration, modification (including the installation of antennas for new uses), installation or operation of any tower or telecommunications facility shall commence without conditional use approval first being obtained by the Zoning Board in accordance with Sections 6.4 and 9.6.1 of these Bylaws, and without site plan approval first being obtained from the Planning Commission in accordance with Sections 6.5 and 9.6.2 of these Bylaws.

Section 9.6.1 CONDITIONAL USE

Telecommunications towers and/or facilities may be allowed as conditional uses, upon compliance with the provisions of this Chapter, in all zoning districts.

A conditional use applicant for a telecommunications tower or facility shall be a telecommunications provider, or must have a letter of intent or an executed contract to provide land or facilities to such an entity.

A permit shall not be granted for a tower or facility built on speculation of a future letter of intent or contract with a telecommunications provider. A conditional use permit shall be granted only for a telecommunications facility with a user that has a current FCC license.

In addition to requirements found in Section 6.4 of these Bylaws, conditional use applicants for telecommunications towers or facilities shall include the following information:

- A. The legal name, address, and telephone number of the applicant, tower owner (if other than applicant), and landowner(s) of record. If the applicant, tower owner or landowner is not a natural person, the name and address of the company, the type of business entity, the state in which the company is incorporated and has its principal office. Written permission of the tower owner and landowner(s) to apply for the conditional use permit shall be submitted along with written permission from the tower owner and landowner(s) allowing the Town's independent consultant(s) to conduct any necessary site visit(s).
- B. The name, address and telephone number of the person to be contacted with regard to the application. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to be service upon the applicant's registered agent.
- C. The name, address, and telephone number of someone who is available on a 24-hour basis that is authorized to act in the event of an emergency regarding the structure or safety of the telecommunications facility.
- D. A copy of the applicant's letter of intent or executed contract with the telecommunication service provider if the applicant is not the provider.
- E. The names and addresses of the landowners of record of all abutting property.
- F. A report from qualified and Vermont-licensed professional engineer(s) that:
 1. Describes the telecommunications facility height, design, elevation, width, support system and

reasons and design implications for use or non-use of guy wires.

2. Documents the height above grade for all proposed mounting positions for antennas to be collocated on a tower or telecommunications facility and the minimum separation distances between antennas.
 3. Describes the tower's proposed capacity, including the number, height, and type(s) of antennas, including manufacturer(s) and model number(s) that the applicant expects the tower to accommodate.
 4. Provides evidence of need, as described in Section 9.7 of this Chapter.
 5. Describes the output frequency, number of channels and power output per channel for each proposed antenna.
 6. For each antenna, describes the antenna gain (projected and maximum), polarization and radiation pattern (composite pattern for an antenna array), the power input to antenna(s), including power input in normal use and at maximum output for each antenna and all antennas as an aggregate if tower is fully utilized.
 7. Describes the output frequency of the transmitter(s).
 8. For a telecommunications facility with multiple emitters, describes the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.
 9. Demonstrates the tower's compliance with accepted structural engineering standards.
 10. Provides proof that at the proposed site the applicant will be in at least minimum compliance with all federal, state, and local regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain such compliance with both radio frequency interference (RFI) and radio frequency radiation (RFR) standards including all Environmental Assessments and Historic Preservation requirements and the basis for such representations.
 11. Describes any foundations to be built upon which telecommunications towers and or facilities are located. Identifies any blasting and earth movement that may be required, and provides plans and elevations of the area to be blasted or affected and describes the steps to be taken to reduce or eliminate potential effects of the blasting including vibrations and impacts to foundations, wells and other structures in the area. Provides a plan to identify abutters prior to blasting. The Zoning Board may, in its discretion, require the Applicant to notify additional property owners prior to blasting that may be sufficiently close to the proposed location and may reasonably require additional information related to such site preparation.
 12. Includes other information required by the Zoning Board that is necessary to evaluate the request and its impact upon the health and safety of the residents of Charlotte.
- G.** A letter of intent committing the tower owner and future tenant(s) to permit shared use of the tower by other telecommunications providers, without discrimination, if the additional users agrees to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and provisions of these Zoning Bylaws.
- H.** For a telecommunications facility to be installed on an existing structure, a copy of the applicant's letter of intent or executed contract with the owner of the existing structure.
- I.** To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the expected impacts of the proposed telecommunications facility. To the extent the applicant claims that an EA is not required, it should provide an explanation as to why an EA is not required in the form of an opinion, ruling, or other certification from the FCC.
- J.** A copy of the application for an Act 250 permit, if it has been filed with the District Environmental Commission. If the applicant claims it is exempt from Act 250, s/he shall clearly provide the basis for

the exemption to the Zoning Board.

- K. Detailed plans for emergency power generation, including:
 1. Demonstration of percent of electrical demand being proposed in event of loss of commercial power.
 2. Type of fuel, storage method, and expected means and frequency of fuel delivery to the site for power generation.
 3. Amount of generator time, based on historical power reliability for the area of the telecommunications facility, proposed frequency and duration of tests, and description of muffler system and methods for noise abatement.
 4. Feasibility of wind and/or solar power in conjunction with storage batteries.
- L. Two cross-sections of proposed tower and or facility, drawn at right angles to each other, showing any guy wires or supports. This shall show the proposed height of the tower above the average grade at the base. This shall also show all proposed antennas, including their location on the tower and or facility as well as all electrical wires, cables, and support equipment.
- M. Illustration of the modular structure of the proposed tower indicating the heights of sections which could be removed or added in the future to adapt to changing telecommunications conditions or demands.
- N. A professional structural engineer's written description of the proposed tower structure and its capacity to support additional antennas or other telecommunications facilities at different heights and the ability of the tower to be shortened if future telecommunications facilities no longer require the original height
- O. An Existing Conditions Plan and Proposed Site Plan as defined in Section 9.6.2 of this Chapter.
- P. All pertinent submittals and showings pertaining to: FCC permitting/licensing; Environmental Assessments and Environmental Impact Statements; FAA Notice of Construction or Alteration; aeronautical studies; all pertinent data, assumptions, and calculations relating to service coverage; and all pertinent calculations and/or measurement data related to non-ionizing radiation emissions and exposure, regardless of whether categorical exemption from routine environmental evaluation under the FCC rules is claimed.
- Q. An emergency plan to be implemented in the event that the tower structure is deemed unsafe after inspection as described in Section 9.9.E and F. The plan shall include measures to warn abutting landowners of an unsafe situation, to evacuate a zone where injury or property damage may occur, and to notify local authorities.
- R. Details of proposed method of financial surety as required in Sections 9.8.B (Landscaping/Screening) and 9.14 (Abandoned, Unused, Obsolete, Damaged, or Dangerous Towers or Portions of Towers) of this Chapter.

Section 9.6.2 SITE PLAN REVIEW

In addition to site plan requirements found in Section 6.5 of these Bylaws, site plan applications for telecommunications towers or facilities shall include the following information:

- A. **Location Map:** a copy of a portion of the most recent USGS Quadrangle map showing the area within at least a two-mile radius of the proposed tower site. It shall indicate the tower location including the exact latitude and longitude (degrees, minutes, seconds to the nearest tenth).
- B. **Vicinity Map** at a scale of no smaller than 1 inch = 416 feet (or metric equivalent 1:5,000) with contour intervals no greater than 10 feet (or 3 meters) showing the entire vicinity within a 2,500-foot radius of the tower site, including the telecommunications facility and/or tower, topography, public and private roads and driveways, buildings and structures, water bodies, wetlands, landscape features, historic sites, and habitats for endangered species. It shall indicate the property lines of the proposed tower site parcel and all access easements or rights of way needed for access from a public way to the tower, and the

names of all abutters or property owners along the access easement or who have deeded rights to the easement.

- C. Existing Conditions Plan:** A recent survey of the area within 500 feet of the telecommunications facility site at a scale no smaller than 1 inch = 40 feet (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 5 feet (1.5 meters) contour intervals, showing existing utilities, property lines, existing buildings or structures, wooded areas, existing water wells and springs. It shall show the boundary of any wetlands or flood plains or watercourses, and of any bodies of water included in the Official Flood Hazard Area within 500 feet from the tower or any related facilities or access ways or appurtenances. The survey plan shall have been completed, on the ground, by a Vermont-registered land surveyor no more than two years prior to the application date.
- D. Proposed Site Plans of the entire telecommunications facility site,** indicating all improvements, including landscaping, utility lines, guy wires, screening, and roads, at the same scale as or larger than the Existing Conditions Plan showing the following:
1. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (telecommunications facility or other). It shall indicate property boundaries and setback distances to the base(s) of the tower and the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements. Where protective fencing is proposed, it shall indicate setback distances from the edge of the fencing.
 2. Proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.
 3. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or telecommunications lines, and whether underground or above ground.
 4. Any direct or indirect wetlands alteration proposed.
 5. Detailed plans for drainage of surface and sub-surface water, to control erosion and sedimentation both during construction and as a permanent measure.
 6. Plans indicating locations and specifics of proposed screening, landscaping, grading, ground cover, fencing, and additional information that may be required; any exterior light(s) or sign(s).
 7. Plans of proposed access driveway or roadway and parking area at the tower site. This shall include grading, drainage, and traveled width. This shall also include a cross-section of the access drive indicating the width, depth of gravel, paving or surface materials.
 8. Plans showing any changes to be made to an existing telecommunications facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking or other infrastructure as a result of a proposed modification of said facility.
 9. Horizontal and radial distances of proposed antenna(s) to nearest point on property line, and to the nearest primary or secondary residence, school, hospital, senior center, child care facility, religious structure, or any other public building.
- E. Proposed Tower/Facility and Appurtenances**
1. Details of proposed tower/facility and building foundations, including cross-sections and details at a scale no smaller than 1 inch = 10 feet. This shall show all ground attachments, specifications for anchor bolts and other anchoring hardware.
 2. Proposed exterior finish and color of the tower.
 3. The relative height of the tower to the tops of surrounding trees, as they presently exist and the height to which they are expected to grow in 10 years.
- F. Plans of Proposed Telecommunications Facility Shelter**
1. Floor plans and cross sections at a scale of no smaller than 3 inch = 1 foot (1:48) of any proposed appurtenant structure.
 2. Elevation views, indicating exterior appearance and materials.
- G. Proposed Equipment Plan**
1. Plans, elevations, sections and details at a scale no smaller than 1 inch = 10 feet.
 2. Number of antennas and repeaters, as well as the exact locations of antenna(s) and of all repeaters (if any) located on a map, as well as by degrees, minutes, and seconds to the nearest tenth of latitude

and longitude.

3. Mounting locations on tower or structure, including height above ground.
4. Identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.
5. Identification of all equipment or devices either attached to the structure or on the ground.

H. Visibility Maps and Visual Analysis: The applicant shall provide photographs with a simulation of the proposed facility. Photographs shall show views towards the proposed site, from a two-mile radius around the site, at forty-five-degree intervals. A minimum of eight views should be presented.

The applicant shall also develop and submit to the Planning Commission a written analysis of the visual impact of the proposed tower by a registered landscape architect. This analysis shall include photographs of the balloon test, as described in Section 9.6.2.I., taken from at least 10 different perspectives within the town of Charlotte and any other visual analysis it may have developed or processed.

I. Balloon Test: Within thirty-five days of submitting an application, applicant shall arrange to fly, or raise upon a temporary mast, a three-foot-diameter, brightly colored balloon at the maximum height of the proposed tower and within fifty horizontal feet of the center of the proposed tower. The date, time, and location of this balloon test shall be advertised by the applicant at 7 and 14 days in advance of the test date in the *Charlotte News* and in the *Burlington Free Press*. The applicant shall inform the Zoning Board, the Planning Commission, and abutting property owners in writing of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least six consecutive hours, between 7 a.m. and 5 p.m. (and/or at least two hours before sunset as posted for the test dates by the National Weather Service) on the dates chosen. In the event of application for co-location at an existing telecommunications facility, the applicant shall be exempt from this balloon test. The applicant shall record the weather during the balloon test including the wind velocity and direction.

J. Construction sequence and time schedule for completion of each phase of the entire project.

Section 9.7 EVIDENCE OF NEED

A. Existing Coverage: Applicant shall provide written documentation to the Zoning Board demonstrating that existing telecommunications facility sites within a 30-mile radius of the proposed site cannot reasonably be made to provide adequate coverage and/or adequate capacity to areas within the town which lack such coverage and/or capacity. The documentation shall include, for each telecommunications facility site listed which is owned or operated by the applicant, the exact location (in longitude and latitude, to degrees, minutes and seconds to the nearest tenth), ground elevation, height of tower or structure, type of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing telecommunications facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified. Tiled coverage plots showing each of these telecommunications facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.

B. Use of Repeaters: The applicant shall demonstrate that it is not reasonably able to create adequate coverage in the Town of Charlotte from wireless base stations located in other towns or to fill holes within the area of otherwise adequate coverage by use of repeaters. Applicants shall detail the number, location, power output, and coverage of any proposed Repeaters in their systems and provide engineering data to justify their use.

C. Five-Year Plan: All applications shall be accompanied by a written five-year plan for the utilization of the proposed facilities. This plan should include justification for capacity in excess of immediate

needs, as well as plans for any further development within the town.

Section 9.8 GENERAL PROJECT REQUIREMENTS AND STANDARDS

- A. Access Roads and Utilities:** Where new telecommunications towers and facilities require construction of, or improvement to, access roads, roads shall follow the contour of the land and be constructed or improved at the edge of fields and/or forests. Utility or service lines shall be underground, and designed and located so as to minimize disruption to wildlife habitat, agricultural lands, and scenic areas.
- B. Landscaping/Screening:** Natural or planted vegetative screening or other screening should be considered at the perimeter of the site as needed to ensure that ground equipment and structures associated with the tower or telecommunications facility are hidden from adjacent public roadways. Existing on-site vegetation outside the immediate site for the telecommunications facility shall be preserved. Disturbance to existing topography shall be minimized, unless the disturbance is demonstrated to result in less visual impact on the telecommunications facility from surrounding properties and other vantage points. The applicant shall obtain a financial surety to cover the cost of remediation of any damage to the landscape resulting from clearing of the site or construction of facility, and also for the installation of landscaping.
- C. Fencing and Signs:** The area around the tower and telecommunications facilities shelter(s) shall be completely fenced and gated for security to a height of six feet. Use of razor wire is not permitted. A sign no greater than two (2) square feet indicating the name of the telecommunications facility owner(s) and a 24-hour emergency telephone number, either local or toll-free, shall be posted adjacent to the entry gate. In addition, radio frequency radiation (RFR) warning signs, and the federal tower registration plate, where applicable, shall be posted on the fence or as required to meet federal requirements. "No Trespassing" signs may be posted at the discretion of the telecommunications facility/tower owner(s).
- D. Building Design:** Telecommunications facilities shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12 feet high. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building.
- E. Height of Towers:** New towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower and allow for co-location consistent with the provisions of 9.6.1. The Town may require an applicant to build a telecommunications tower to provide for the availability of co-location. Towers higher than 199 feet must address Federal Aviation Administration (FAA) and FCC guidelines on lighting and aviation safety issues.
- F. Visual Impact:** Towers, antennas, and any necessary support structures shall be designed to blend into the surrounding environment. New towers shall have a galvanized finish unless otherwise required. The Zoning Board may require the tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact except in cases in which the Federal Aviation Administration (FAA) or other state or federal authorities have dictated color.
- Proposed facilities shall not unreasonably interfere with the view from any public park, conservation area, natural scenic vista, historic building or district, or major view corridor or other special features as described in the Charlotte Town Plan (see sections 4.4.4, 4.4.5, and 4.4.6, as well as Maps 12 and 13). Narrow structures with guyed supports may be preferred for aesthetic purposes.
- G. Zoning Compliance:** All telecommunications facilities shall be located on lots which meet the minimum size requirement and other regulations for the zoning district in which they are to be located, in addition to the setback requirements as provided in Section 9.8.H, below.
- H. Setback Requirements:** No telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:
1. Closer than 300 feet horizontally to any property boundary of the site on which the tower is located, or the height of the tower, whichever is greater.
 2. Closer than 1,500 feet horizontally to any structure existing at the time of application which is used as a primary or secondary residence, school property (both public and private), a hospital,

senior center, child care facility, building used for religious worship, or to any other building used regularly by the public. Primary or secondary residences are those dwelling units that include toilet facilities and facilities for food preparation and sleeping.

3. Within the habitat of any state-listed rare or endangered wildlife or plant species.
4. Within 300 feet horizontally of any Vermont or federally regulated wetland.
5. Within the 300 feet horizontally of the outer riparian zone, measured horizontally from any river or perennial stream.
6. Within the town, state or federal setback requirements of an archeological site or historic structure.

Section 9.9 MONITORING PROTOCOL

- A. Monitoring Protocol:** The Selectboard may, as the technology changes, amend these bylaws to require the use of testing protocols other than the approved monitoring protocol. A copy of the currently approved monitoring protocol (see Monitoring Protocol in Section 9.5 of this Chapter) shall be on file with the Town Clerk.
- B. Pre-transmission Testing:** After the granting of a conditional use permit and before applicant's telecommunications facilities begin transmission, the applicant shall submit a report, prepared by a qualified telecommunications or radio frequency engineer, on the cumulative background levels of non-ionizing radio frequency radiation around the proposed telecommunications facility site and/or any repeater locations to be utilized for applicant's telecommunications facilities. The engineer shall use the monitoring protocol, or one substantially similar. This report shall be submitted to the Zoning Administrative Officer, who may verify the results using an independent consultant.
- C. Post-transmission Testing:** After transmission begins, the owner of the tower or facility shall provide testing of the site as follows:

There shall be routine annual monitoring of emissions/exposure by a qualified engineer using actual field measurement of radiation, utilizing the Monitoring Protocol. This monitoring shall measure levels of non-ionizing radio frequency radiation (RFR) exposure at the telecommunications facility site and any repeaters. Each permittee shall provide a list of the most recent RFR readings at or near the site, their distances from the tower/transmitter, dates of the readings, and the name of the person and company who took the readings and verify the operational levels of each telecommunications transmitter at the time of testing. In addition, each permittee shall provide additional RFR readings taken at sensitive areas within 3 miles of the proposed tower. A report should indicate whether other permittees at the facility were notified prior to testing that RFR monitoring would occur. The notification should be attached to the report.

A report of the monitoring results shall be prepared by the engineer and submitted to the Zoning Administrative Officer, who may verify the results using an independent consultant. In the case of co-located telecommunications equipment, permittee may bill all telecommunications providers and the telecommunications facilities owner(s) equally or according to a predetermined proportionality.

In the event of any major modification of existing telecommunications facility, or the activation of any additional channels, the telecommunications facility owner(s) shall immediately perform new monitoring, as described in this Section. Minor changes, such as slight changes in frequency, shall not require additional monitoring.

Permittees shall have the opportunity to demonstrate reasons for inability to comply with these provisions.

- D. Excessive Exposure:** Should the monitoring of a telecommunications facility site reveal that the site exceeds the current FCC standard and guidelines in existence at the time of the violation, the owner(s) of all telecommunications facilities utilizing that site shall be so notified. In accordance with FCC requirements, the telecommunications facility owner(s) shall immediately reduce power or cease operation as necessary to protect persons having access to the site, tower, or antennas. Additionally, the telecommunications facility owner(s) shall submit to the Deputy Health Officer a plan for the correction of the situation that resulted in excessive exposure. Failure to act as described above shall be a violation of these Zoning Bylaws and subject to fines and other sanctions consistent with these Bylaws and 24

V.S.A. Chapter 117.

- E. Structural Inspection:** Tower owner(s) shall arrange for a qualified consultant (a licensed professional structural engineer) to conduct inspections of the tower's structural integrity and safety. Guyed towers shall be inspected every three years unless there is cause to conduct an inspection more frequently. Monopoles and non-guyed lattice towers shall be inspected every five years unless there is cause to conduct an inspection more frequently. A report of the inspection results shall be prepared by the consultant, and a copy shall be sent to the Zoning Administrative Officer within 10 business days. In the event of any major modification of the existing tower, which includes changes to tower dimensions, increase in number or types of antennas or other devices or structural modifications, the tower owner(s) shall immediately perform a new structural inspection.
- F. Unsafe Towers:** Should the inspection required in Section 9.9.E. reveal any structural defect(s) which, in the opinion of the qualified consultant (a licensed professional structural engineer), render(s) that tower unsafe, the tower owner(s) shall undertake the following action:
1. Immediately upon notification of any structural defect(s) which render(s) a tower unsafe, post warnings of same at access points to the tower; notify appropriate emergency authorities; notify the Zoning Administrative Officer, and notify the landowner and owners of record of the abutting properties within the unsafe area (minimally a 360-degree area the radius of the height of the tower); when appropriate, in consultation with emergency authorities, restrict access to the unsafe area and/or encourage evacuation of residents.
 2. Within 10 business days of notification of any structural defect(s) which render(s) a tower unsafe, submit to the Zoning Administrative Officer a plan to correct the structural defect(s) as soon as reasonably possible. The tower owner(s) shall implement its remediation plan immediately but in no event later than 10 business days.

Section 9.10 AMENDMENTS TO EXISTING TELECOMMUNICATIONS FACILITY PERMIT

In the event of an alteration or addition to a previously approved telecommunications facility, the tower owner(s) shall submit to the Zoning Board an application for a permit amendment when any of the following are proposed:

- A.** Change in the number of buildings or telecommunications facilities permitted on the site;
- B.** Material change in technology used by the telecommunications facility; or
- C.** Addition or change of any equipment resulting in greater visibility or structural windloading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

Section 9.11 TOWER LIGHTING AND SIGNAGE; NOISE GENERATED BY TELECOMMUNICATIONS FACILITY

- A.** Towers shall not be illuminated by artificial means and shall not display lights unless such lighting is specifically required by the FAA, FCC or other federal or state authority. In the event that any lighting is required solely as a result of tower height, the tower owner(s) shall submit for review by the Planning Commission (under Site Plan Review or Site Plan Amendment, as applicable). The Planning Commission may 1) require that the tower height be reduced to eliminate the need for lighting, 2) require another suitable location be utilized, or 3) make selection among lighting alternatives.
- B.** No commercial signs shall be placed on towers.
- C.** Manually operated emergency lights are permitted for use only when telecommunications facility operating personnel are on site.
- D.** The owner(s) of the facilities shall take reasonable measures to minimize noise from the operation of any machinery or equipment, as detected at the site perimeter. The noise level of the machinery shall be no louder than 40 decibels.

Section 9.12 ANTENNAS MOUNTED ON STRUCTURES, ROOFS AND WALLS, AND ON EXISTING TOWERS

Antennas mounted on structures, roofs, and walls, and on existing towers shall be subject to this Chapter, except as exempted under Section 9.4. Antennas hidden within buildings or structures such as in a steeple or façade are not necessarily preferred to antennas mounted in visible locations.

Section 9.13 TEMPORARY WIRELESS TELECOMMUNICATIONS FACILITIES

Temporary wireless telecommunications facilities (as defined in this Chapter) are subject to the following:

- A. Use of a temporary wireless telecommunications facility requires a conditional use permit from the Zoning Board.
- B. Temporary wireless telecommunications facilities are allowed for no longer than five days use during a special event.
- C. The maximum height of a temporary telecommunications facility is 50 feet from grade.
- D. Temporary wireless telecommunications facilities shall comply with all applicable sections of this Chapter.

Section 9.14 ABANDONED, UNUSED, OBSOLETE, DAMAGED, OR DANGEROUS TOWERS OR PORTIONS OF TOWERS

Abandoned or unused towers or portions of towers and their facilities shall be removed as follows:

- A. The owner of a telecommunications facility/tower shall annually, on January 15, file a declaration with the Zoning Administrative Officer certifying the continuing safe operation of every telecommunications facility/tower installed subject to these Zoning Bylaws. Failure to file a declaration shall mean that the telecommunications facility/tower is no longer in use and considered abandoned.
- B. Abandoned or unused towers and associated facilities shall be removed within 180 days of cessation of operations at the site, unless a time extension is approved by the Zoning Board within the 180-day period. In the event the tower is not removed within 180 days of the cessation of operations at a site, the Zoning Administrative Officer shall send the owner(s) of the tower a Notice of Zoning Violation and, following the expiration of the period for remediation of the violation, shall request the Town of Charlotte to remove the tower and all associated facilities. Costs of removal shall be assessed against the tower owner, including any regulatory costs, disposal costs, clean up, and final landscaping costs.
- C. Unused portions of towers shall be removed by tower owner(s) within 180 days of the time that such portion is no longer used for antennas. The replacement of portions of a tower previously removed shall require the issuance of a new telecommunications facility conditional-use permit by the Zoning Board.
- D. An owner who has failed to file an annual declaration with the Zoning Administrative Officer by January 15 may, by February 15, file a declaration of use or intended use and may request the ability to continue use of the telecommunications facility/tower.

Section 9.15 MAINTENANCE OF TELECOMMUNICATIONS FACILITIES INSURANCE

The telecommunications facility owner(s) shall maintain adequate property and liability insurance on all telecommunications facilities within the town of Charlotte. The minimum insurance coverage shall be \$1million for the telecommunications tower/facility owner unless there are reasons for the insurance to be more or less. If the tower/facilities owner(s) wishes to reduce the insurance coverage he/she shall have the burden to demonstrate why the coverage should be reduced. The owner(s) shall arrange with the insurance carrier(s) for original certificates of insurance for all renewals or cancellations of said insurance coverage to

be delivered to the Zoning Administrative Officer. At a minimum the following insurance requirements shall be satisfied:

1. The required insurance must be obtained and maintained for the entire period the telecommunications facility is in existence from pre-construction through final decommissioning and rehabilitation. If the operator, its contractors or subcontractors do not have the required insurance, the town will order such entities to cease operation of the facility until such insurance is obtained.
2. Certificate(s) of insurance verifying such insurance shall be filed with the Zoning Administrative Officer at the time of application. For entities that are entering the market, the certificate(s) shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse of coverage. Such certificate(s) should provide the name, address and phone number of the insurance carrier and identify an agent in case of inquiries.
3. The certificate(s) of insurance shall contain a provision that coverages afforded under such policies shall not be canceled until at least thirty (30) days prior written notice had been given to the town. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Vermont.

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