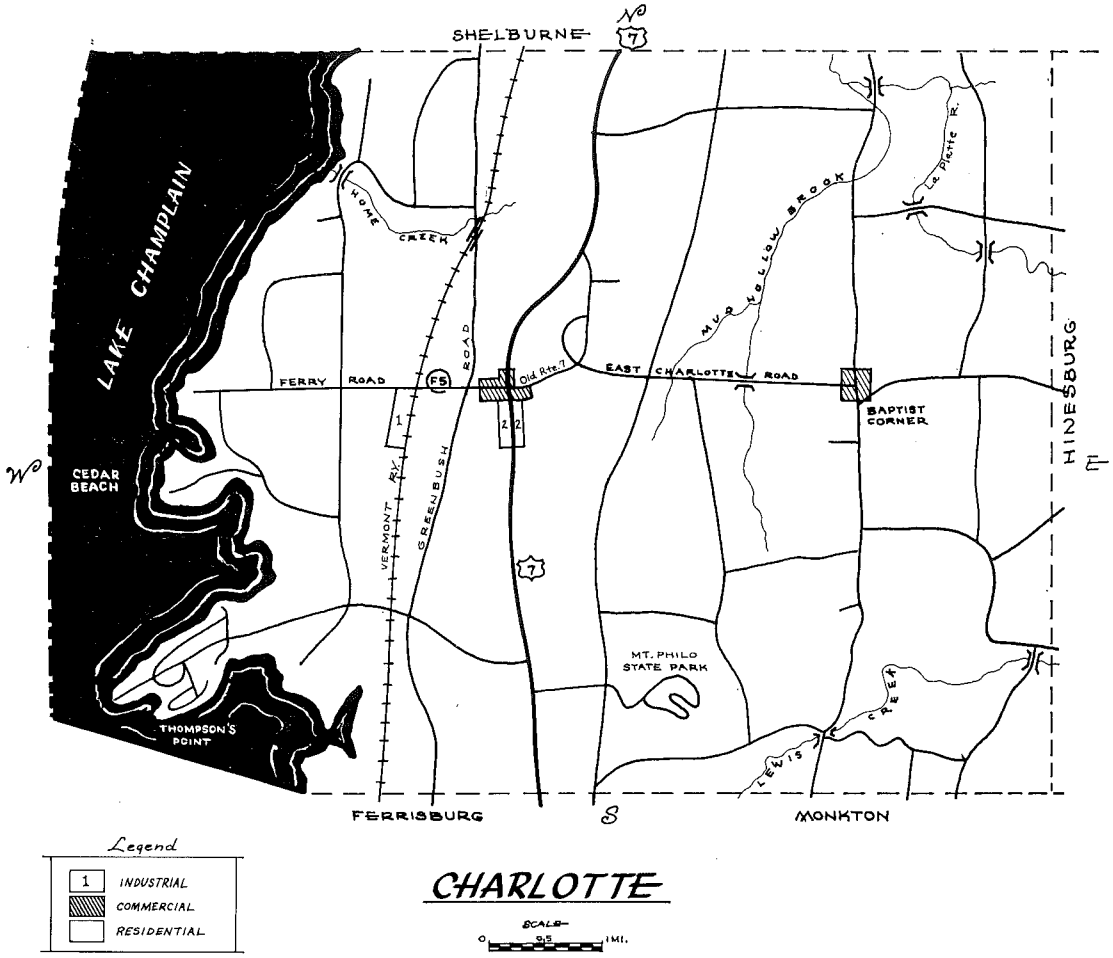

CHARLOTTE ZONING ORDINANCE

Date:

SECTION 1. PURPOSE

This ordinance, which shall be known and cited as the Charlotte Zoning Ordinance is 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 provision of public requirements, and to provide for the orderly development in Charlotte of homes, agriculture, commerce and recreation.

SECTION 2. CLASSES OF DISTRICTS

For the purpose of this Ordinance the area of the Town of Charlotte is hereby divided into the following classes of districts:

A. The RURAL-RESIDENTIAL district shall include all land within the Town of Charlotte, which is not included in the following use district classifications.

B. The COMMERCIAL districts shall include all land on both sides of Route F5, beginning 500′ east of Greenbush Road, to a depth of 500 feet from the street line, continuing east to US7, then continuing east on the south side only of old US7 750 feet and to a depth of 500 feet; also along Route US7 on both sides for a distance of 1000 feet north of the intersection of the centerlines of said Route 7 and Vermont Route F5, to a depth on west side of Route 7 for 500 feet from the street line and 300 feet on the east side of US7; also all land extending from Baptist Corners in East Charlotte bordering the four intersecting roads for a distance of 500 feet in length and depth, length measurements to be made from the intersection of the present roads running west and north from said Baptist Corners.

C. The INDUSTRIAL districts shall include:
1. All land on the west side of the Vermont Railway Corporation tracks for a distance of 1000 feet from the center line of the tracks and extending from Route F5 southwardly for a distance of one-half mile.
2. All land on the west side of US7 beginning 500 feet south of the street line of Route F5 and continuing for a distance south along US7 of 2000 feet and to a depth of 500 feet, and on the east side of US7 beginning at a point 500 feet south of the intersection of Route F5 from which point the depth is 350 feet, with depth limits to the south parallel to the line of the base of Pease Mountain as it exists today, for a distance south on US7 of 2000 feet.
The boundaries of these districts are and shall be established as shown on the Zoning Map of the Town of Charlotte, which map is hereby declared to be a part of this Ordinance.

SECTION 3. PERMITTED USES

A. The following uses shall be permitted in the Rural-Residential District:
1. Residential uses permitted:
   a. Single family dwelling.
   b. Multi-family dwelling.
   c. Mobile homes meeting requirements as defined in Sections 6 and 7.
   d. Accessory uses customarily incidental to the per-

mitted use. Such uses shall include building for the housing of automobiles, equipment, supplies, pets or animals.

e. Customary home industry or home occupation carried on exclusively by a resident of the premises, entirely within a building, employing not more than three people not living on the premises, provided such use is secondary to the use of the premises for dwelling purposes, provided such use does not create a nuisance, odor or noise off the premises, and provided that no material is stored outside a building.

2. Group Service uses permitted:

a. Church, parish house or other religious use.

b. School, college, library, museum or similar institution operated by a governmental unit or private organization.

c. Community center, hall, lodge, club, park or playground operated by a governmental unit or non-profit organization.

d. Accessory uses customarily incidental to the permitted use. Such uses shall include buildings for housing automobiles, equipment and supplies.

3. Agricultural uses permitted:

There shall be permitted in the Rural-Residential District use for farms, dairying, orchards, woodlots, and forestry, truck gardens, raising of poultry or livestock, and other similar enterprises in the field of agriculture or forestry not including commercial slaughtering of animals or poultry except such as are raised on the premises for home use or occasional sale.

4. Special exception uses:

If authorized by the Board of Adjustment the following uses may be permitted in the Rural-Residential District as special exceptions, providing any such use shall not, in the opinion of the Board of Adjustment, cause any hazard to health, property or property values through fire, traffic or unsanitary conditions, or through excessive noise, vibration, or odor or other nuisances and provided also that the Board shall approve the proposed architecture and landscaping as being in harmony with the general character of the neighborhood:

a. Ski area, marina, beach, skating rink, bowling alley and similar cultural or recreational activities except as specifically cited or regulated by the provisions of Sections 4 and 6, and accessory uses and buildings customarily incidental to such use.

b. Professional or personal office, or studio, and accessory uses and buildings customarily incidental to such use.

c. Motel, hotel, motor inn, tourist home or similar establishment letting rooms and which may also serve meals.

d. Outdoor signs as reasonably necessary to assist the public in locating and identifying a place of business in the Town of Charlotte.

B. Commercial Districts:

1. In the Commercial Districts there shall be permitted stores and offices devoted to retail and wholesale sale of goods and rendition of services including banking, utility, indoor amusement, food services and any special exception uses permitted in the Rural-Residential District.

2. As special exceptions in the Commercial District, auto sales and service and repair establishments and filling stations shall be authorized when not injurious or obnoxious to nearby properties.

C. Industrial Districts:

1. There shall be permitted in Industrial District No. 2 any use permitted in a Commercial District (including special exception uses of a Commercial District when approved as such).

2. There shall be permitted in Industrial Districts No. 1 and No. 2 use for wholesaling, warehousing, storage, testing, processing, and manufacturing, providing any such use shall not, in the opinion of the Board of Adjustment, cause any hazard to health, property or property values through fire, traffic or unsanitary conditions, or through excessive noise, vibration, odor or other nuisances and provided also that the Board shall approve the proposed architecture and landscaping as being in harmony with the general character of the neighborhood.

SECTION 4. USES PROHIBITED IN ALL DISTRICTS

All uses not permitted or authorized as special exceptions in a district are prohibited in such district. Uses prohibited in all districts are:

A. Dumping or storage of trash, garbage, automobile junk or any refuse, except such activity carried on at a place as may be provided by the Board of Selectmen. However, individual property owners shall be permitted to dispose of refuse as a part of normal operation of their property and in a manner not injurious or obnoxious to the neighborhood.

B. Bulk petroleum or petroleum products stored in tanks above ground, except in Industrial District Number 1 where such use is permitted, and except for use on the premises and not exceeding 1000-gallon total capacity.

C. Privately-owned amusement parks or commercial amusements out of doors.

D. Storage outside a building and on the same lot of more than five used or second-hand motor vehicles in operating condition held for resale unless in connection with a business primarily devoted to the sale of new motor vehicles on the same premises.

SECTION 5. OUTDOOR ADVERTISING

Outdoor advertising where permitted in accordance with this ordinance, shall be subject to the following regulations:

A. An outdoor sign shall not be larger than 15 square feet in area. However, where the Board of Adjustment shall find it to be in the best interest of the Town, it may permit larger signs advertising local enterprises, subject to the Board's approval of the design and location not in conflict with State Regulations.

B. An outdoor sign shall not be placed within 25 feet of a street line or within 150 feet of any intersection of streets unless affixed to a building and not extending beyond or above the same more than three feet.

C. An outdoor sign shall be illuminated only by a continuous, non-flashing light. Further, in the Rural-Residential District, such illumination shall not be provided by neon or similar sources furnishing inherent color.

SECTION 6. AREA REQUIREMENTS

No building or premises permitted in Section 3 shall be used and no building shall be erected except in conformity with the following regulations:

A. In Industrial Districts No. 1 and No. 2, for industrial uses, no lot shall be less than 5 acres in area and each lot shall have at least 500 feet frontage on a public street, except in Industrial District No. 1, where the minimum frontage for each lot shall be established by the Board of Adjustment. Buildings shall be placed at least 100 feet from street lines and at least 150 feet from side and rear property lines and the total area of all building on a lot shall not exceed 15% of the lot area; for commercial uses, no lot shall be less than 1½ acres in area and each lot shall have at least 150 feet frontage on a public street, bulidings shall be placed at least 50 feet from street lines and at least 50 feet from side and rear property lines and the total area of all buildings on a lot shall not exceed 20% of the lot area; a building for any use shall not exceed 35 feet in height.

B. In commercial districts, no lot shall be less than 40,000 sq. ft. in area nor have less than 200 feet frontage on a

public street and buildings shall be at least 50 feet from street lines, 20 feet from side and rear property lines, not over 35 feet in height, and the total area of all buildings on a lot shall not exceed 20% of the lot area.

C. In the Rural-Residential Districts, for all uses, a lot shall be not less than one acre in area, except not less than 1½ acres for a multi-family dwelling, and shall have at least 150 feet frontage on a public street, or on a right of way approved by the Selectmen as a future public street, and buildings shall be at least 50 feet from street lines, at least 25 feet from side and rear property lines and shall not exceed 35 feet in height unless incidental to farm use.

SECTION 7. MOBILE HOMES

The use of mobile homes for living purposes shall be permitted by the Board of Adjustment in the Rural-Residential District provided such requirements as apply to single-family dwellings are met. The Board of Adjustment, before issuing approval, shall find that the location for such proposed use is in keeping with the general character of the neighborhood and that the proposed use shall not cause any hazard to health, property or property values. Approval by the Board of Adjustment is not required for use on a farm as a residence for persons associated with the operation of the farm, and their families, but must meet the requirements for single-family dwellings.

SECTION 8. REMOVAL OF TOP SOIL, ROCK, SAND AND GRAVEL

Commercial removal of top soil, rock, sand, gravel or similar material may be permitted by the Board of Adjustment as a special exception provided it finds that the plan for the removal thereof, as submitted by the applicant, shall not cause any hazard to health, property or property values. When the removal is completed, finish grades shall conform to the plan submitted.

SECTION 9. PARKING FACILITIES

Parking facilities shall be provided for all permitted uses, and, in all instances, off the street and outside of the public right-of-way. All permitted uses shall also be provided with adequate access facilities.

A. Each family dwelling unit or mobile home shall be provided with at least one parking space of at least 200 square feet.

B. Group Service uses shall be provided with at least 200 square feet of parking space for every four persons to be accommodated on the premises.

C. Commercial uses shall be provided, except as noted below, with at least 3 square feet of parking space for each square foot of floor area to be used for business, excluding storage. However, restaurants shall be provided with at least one parking space of 200 square feet for each three seats; hotels, motels, tourist homes, boarding houses, and similar establishments shall be provided with at least 200 square feet of parking space for every 2 persons to be accommodated on the premises.

D. Manufacturing, processing and wholesale establishments shall be provided with at least 200 square feet of parking space for every three persons normally employed.

SECTION 10. NON-CONFORMING USES

Any non-conforming use of land or buildings legally existing at the time of the adoption of this ordinance, or of any pertinent amendment thereto, may be continued, subject to the following regulations:

A. A non-conforming use may be changed to another non-conforming use only upon approval by the Board of Adjustment which shall find that such use is no more objectionable in character than the old use.

B. A non-conforming building or lot may be extended or expanded, including construction of new non-conforming buildings thereon for the same non-conforming use, only upon approval by the Board of Adjustment which shall find that (1) such extension or expansion does not create a greater nuisance or detriment; (2) the use is in conformity with such pertinent requirements and regulations governing that particular use as are contained in Section 6.

C. No non-conforming use of building or lot which has been discontinued for a continuous period of one year shall be thereafter resumed.

D. A non-conforming use, damaged or destroyed by fire, accident, or other causes, may be repaired or reconstructed to its condition prior to such damage or destruction, provided such work is undertaken and completed within two years after damage or destruction.

SECTION 11. ADMINISTRATION AND ENFORCEMENT

A. Administrative Officer. The provisions of this ordinance shall be enforced and administered by an Administrative Officer appointed by the Selectmen as provided by law. He shall issue a permit for each new or changed land use and construction where such is in conformity with the provisions of this ordinance. He shall keep on file and available to the public, a full and accurate record of all applications, permits, and violations received, issued or incurred during the course of his administration.

B. Violations. Any person who violates a provision of this ordinance shall be subject to a fine of $10 per day for the first 15 days in which he is in violation after notification by the Administrative Officer, after which the fine shall be increased to $20 per day for the next 15 days. After 30 days the fine shall be $50 per day for each day during which such violation shall continue. Appropriate action or proceedings to prevent continuance or furtherance of the violation. Recovery of the sum of money constituting the fine shall be made through an action before a justice of the peace in the Town of Charlotte, a municipal court, or the county court.

SECTION 12. BOARD OF ADJUSTMENT

A. The Selectmen shall appoint a Board of Adjustment consisting of five members as provided by law. The Board of Adjujstment shall adopt rules of procedure, and shall have the following powers, in accordance with statutory provisions:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this ordinance.

2. To hear and decide within reasonable time all matters including special exceptions, upon which such Board is required to pass by the provisions of this ordinance, in conformity with standards set forth herein and any supplementary requirements adopted and made public by such Board. Hearings on special exception applications shall be public and allow appearance in person by any party or taxpayer and agents or attorneys for same, and shall be advertised in a suitable manner at least seven days prior to the date fixed for hearing.

3. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

B. Before any variance is granted, the Board of Adjustment shall make a written finding in its minutes as part of the record in each case, stating specifically:

1. The special circumstances, described in detail, that attach to the property in question, but do not generally apply to other property in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of this ordinance.

2. That relief can be granted without detriment to the public welfare or to the impairment of this ordinance and that the variance is the minimum necessary to relieve an unnecessary hardship.

C. The cost of advertising and processing applications and appeals shall be reimbursed to the Board by the applicant or appellant.

SECTION 13. AMENDMENTS

This ordinance and the boundaries of zoning districts established hereby may from time to time be amended or changed by the Selectmen after approval by the voters at any special or regular Town Meeting under an Article in the Warning for the meeting, which Article calls only for the approval or disapproval of such amendment, describing the amendment by reference to copies of the same posted in four public places.

SECTION 14. DEFINITIONS

Unless otherwise expressly stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "person" includes a partnership, corporation or other entity. The word "building" includes the word "structure." The word "shall" is mandatory, not directory.

Building. Any structure having enclosed walls and roof, permanently located on the land. Measurements to street lines, property lines and other reference points are from the nearest portion of the building to such point.

Building Height. The vertical distance from the average finished grade surrounding the building to a point midway between the highest and lowest points of the roof.

Dwelling. A building or part of a building which contains living and sleeping accommodations for permanent occupancy or seasonal residences.

Family. A person or persons living together in the same building and sharing the same kitchen and other facilities, excluding, however, occupants of a lodge, club or rooming house.

Lot. A parcel of land occupied or to be occupied by a building, together with such open spaces as are required by the provisions of this ordinance.

Mobile Home. Any vehicle used, or so constructed as to permit its being used as a conveyance upon a public street, and designed to permit occupancy as a dwelling for one or more persons, whether or not equipped with running water and sanitary facilities, bath and toilet, whether used for temporary or permanent occupancy, and whether it rests on wheels or on other foundation.

Non-Conforming Use. A use of land, building or premises which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premises is situated.

Sign. Any outdoor surface, structure or device which advertises or which is used as an outdoor display for the advertising of a property, establishment, enterprise, goods, services or other matter.

Street. A thoroughfare, road, highway or public way open and available to public use. "Street" shall mean the entire width of the right-of-way.

Street Line. The line dividing the street and a lot. Where the width of a street is not established or cannot be determined, the street line shall be considered to be 30′ from the center of the street.

SECTION 15. SEPARABILITY

In the event any part of this ordinance shall hereafter be judicially determined to be invalid, such determination shall not affect the validity of any other part of the ordinance, and all parts of the ordinance not held invalid shall be construed as if such invalid part or parts had never been included therein.

SECTION 16. EFFECTIVE DATE

This ordinance shall take effect upon approval by the voters according to law at any regular or special town meeting duly warned for that purpose.