

Public hearings held
Commission December 7, 1960
January 4, 1961
Selectmen - January 19, 1961

Voted by ballot
@ Town Meeting
3/7/61
NO - 149 - YES 99

PROPOSED PROTECTIVE ZONING ORDINANCE

CHARLOTTE, VERMONT

CHARLOTTE ZONING COMMISSION

November 16, 1960

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ZONING DISTRICTS - CHARLOTTE

AGRICULTURAL DISTRICT

Including all land within the Town of Charlotte which is not included in the following use district classifications.

SUMMER CAMP DISTRICT

Including all land along Lake Champlain from the town boundary line on the north at Shelburne to the town boundary line on the south at Ferrisburg, for a depth of 2,500 feet eastwardly from the lakeshore.

RESIDENTIAL DISTRICT

Including all land on both sides of the following roads for a depth of 500 feet from the center line of the road:

Route 7 along its entire length from the Shelburne town line southwardly to the Ferrisburg town line. The East Greenbush Road from the Shelburne town line extending southwardly to intersection with the Ferry Road. The East Charlotte Road from U.S. Route 7 to Taggerts Corners.

COMMERCIAL DISTRICTS

All land along the Ferry Road from U.S. Route 7 to the East Greenbush Road and extending north and south from said Ferry Road for a distance of 500 feet.

All land extending from Taggerts Corners in East Charlotte on the north-south road and the east-west road for a distance of 500 feet in length and depth, said district forming a 1,000 foot square with the center at Taggerts Corners.

INDUSTRIAL DISTRICT NO. 1

Including all land on both sides of the Rutland Railway tracks, for a distance of 1,000 feet from the center line of the tracks, and extending from the Ferry Road southwardly for a distance of one half mile.

INDUSTRIAL DISTRICT NO. 2

Including all land on both sides of the Rutland Railway tracks for a distance of 1,000 feet from the center line of the tracks, and extending from the Ferry Road northwardly for a distance of one half mile.

SECTION 1 - DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meaning indicated in this Article. The present tense includes the future; the singular number includes the plural, and the plural the singular; the word "used" includes the words "designed, arranged, or intended to be used"; the word "person" includes any individual, partnership, firm, association, corporation, or organization; the word "occupied" includes the words "designed or intended to be occupied"; and the word "shall" is always mandatory.

AUTOMOBILE COURT - A building or a group of two or more buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile-parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended, or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

BUILDING - Any structure having enclosing walls and roof, permanently located on the land.

BUILDING COVERAGE - The relation of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located.

DWELLING - A building designed for and occupied exclusively for year around residence purposes, excluding hotel, rooming house, tourist home, institutional home, residential club, automobile court and the like.

FAMILY - Any number of individuals living together as a single non-profit housekeeping unit and doing their cooking on the premises, excluding, however, occupants of a club, fraternity house, lodge, residential club or rooming house.

GARAGE, PRIVATE - An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles owned and used by persons other than the owner or tenant of the premises. Not more than one (1) commercial vehicle or truck may be stored in a private garage.

LOT - A parcel of land which is occupied or is to be occupied by one principal building or other structure of use, together with any accessory buildings or other structures or uses customarily incidental to such principal building or other structure or use, and such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this ordinance.

LOT AREA - The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area, the area of any lot abutting a street shall be measured to the street line only.

MOBILEHOME - Any vehicle used or so constructed as to permit its being used as a conveyance and constructed in such a manner as will permit occupancy as a dwelling or sleeping place for one or more persons, and provided with a toilet and bathtub or shower.

MOBILEHOME PARK - Any plot of ground upon which two or more mobile-homes, occupied for dwelling or sleeping purposes are located.

NON-CONFORMING - A building or other structure, use, or lot, which by reason of design, size or use, does not conform with the requirements of the District, or Districts, in which it is located.

PARKING SPACE ALL WEATHER - A reasonably level space, not less than ten (10) feet wide, available for the parking of one (1) motor vehicle, surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

SIGN - A structure, building wall or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.

SINGLE AND SEPARATE OWNERSHIP - The ownership of property by any person, which ownership is separate and distinct from that of any adjoining property.

SPECIAL EXCEPTION - Permission, approval or authorization granted by the Zoning Board of Appeals in situations where provision therefor is made by the terms of this ordinance.

STREET LINE - The dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally open or officially platted or between a lot and a privately owned street, road, or way over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right of way.

TRAILER CAMP - Any land used or designated to be used as a parking space for more than one house trailer.

TRAILER, HOUSE - A mobilehome which shall have a toilet and a bathtub or shower.

SEASONAL COTTAGES - A building designed for seasonal residency and lacking facilities for year around occupancy, but with a toilet and bathtub or shower.

SECTION 2. USE NOT PERMITTED IS PROHIBITED

The town is divided into the use districts hereinafter described and shown on "The Town of Charlotte Zoning Map, Adopted _____", recorded in Volume _____, Page _____, of the Town Land Records. No building may be erected, altered, or used, nor may any lot be used or occupied in any use district, as now established or hereafter modified, except in compliance with this Ordinance. Any use not expressly permitted in any District is prohibited in that District.

SECTION 3 USE PERMITTED IN RESIDENTIAL DISTRICT

There shall be permitted in the residential district use for family dwelling, private garage, farm, garden, or forestry activity which is not injurious, obnoxious or offensive to the neighborhood, and, with the permission of the Board of Adjustment, use for the following special purposes:

1. Boarding, lodging, rooming, tourist houses or hotels.
2. Clubs, lodges, social and recreation centers, greenhouse or

nursery, public parks and playgrounds, golf courses, except those of which the chief activity is customarily carried on for gain.

3. Professional offices, such as doctor, dentist, lawyer, architect, engineer.
4. Church or similar places of worship, parish houses, convent, nursing or convalescent home.
5. Public utilities and municipal use, public schools and institutions of higher education, public libraries, nursery schools.
6. Philanthropic or charitable institutions.
7. Cemetery, hospital, sanitorium, correctional institution or institution for the insane.
8. Customary home occupations, such as hairdressing, dress-making, manufacture of craft products, manufacture of food products, provided that there shall be no external evidence of such occupations except a small announcement or professional sign not over two (2) square feet in area and that not more than two (2) persons shall be employed in addition to the owner or tenant.
9. Storage of equipment other than in a private garage.

SECTION 4. USE PERMITTED IN AGRICULTURAL DISTRICT

There shall be permitted in the agricultural district, use for farms, dairying, orchards, woodlots and forestry, truck gardens, keeping of poultry and other similar enterprises in the field of agriculture or forestry, residences for the owners, operators and employees engaged in such activity, and with the permission of the Board of Adjustment, as a special exception, any use permitted in industrial district No. 2, commercial district, residential district, and summer camp district.

SECTION 5. USE PERMITTED IN COMMERCIAL DISTRICT

There shall be permitted in the commercial district use for stores and offices devoted to retail sales and rendition of services,

including professional, personal, banking, utility, indoor amusement, and similar or related sales and services, and with the permission of the Board of Adjustment, use for motor vehicle sales and service, gasoline filling station, wholesale distributing or warehousing when carried on in connection with any permitted retail sales or service use, food services such as snack bars, soda fountains, root beer or frozen custard stands and outdoor amusement facility.

SECTION 6. USE PERMITTED IN INDUSTRIAL DISTRICT NO. 1

There shall be permitted in industrial district No. 1 use for wholesaling, warehousing, distributing, trucking, laundering, cleaning and dyeing, storage and sale of lumber, plumbing, other building materials and supplies, ice, coal, fuel oil, monuments, metal smithing, extrusion of small metals, welding, body repair, plating, coal storage plant, frozen food locker, laboratory for research and testing, manufacturing or processing of beverages, confections, cream, food products (other than meat or fish packing) and any use permitted in industrial district No. 2. With the permission of the Board of Adjustment, there shall be permitted any use of the same general character as the uses hereinabove specifically permitted, and any of the following uses:

1. Manufacture, processing or storage of explosives, paint, petroleum or gas.
2. Slaughter house, breweries, meat packing, tanning, curing or storage of leather, rawhides or skins, manufacture or processing of fertilizer, wood, pulp, disinfectants or soap.
3. Lime kilns, flour mills, manufacture of cement.
4. Foundries, manufacture or processing of rubber products.
5. Any other use which is or may be in comparable degree to any of the foregoing, or noxious and offensive by reason of odor, dust, fumes, smoke, gas, vibration, illumination or noise, or further which is or may be dangerous to the public health, welfare or safety, or which constitutes, or may constitute, a public hazard whether by fire, explosion or otherwise.

Any applicant for special exception for any of the above uses shall have the burden of showing to the satisfaction of the Zoning Board of Appeals that provision is made to adequately reduce or minimize the noxious, offensive, dangerous or hazardous feature

or features thereof, as the case may be.

SECTION 7. USE PERMITTED IN INDUSTRIAL DISTRICT NO. 2.

There shall be permitted in industrial district No. 2 use for manufacturing, processing or assembling of woods, ceramics, clothing, plastic, electrical appliances, furniture, hardware, tools, dyes, patterns, scientific instruments, jewelry, time pieces, optical goods, musical instruments, toys, cosmetics, tobacco products, drugs or manufacturing of products from the following previously prepared materials: wood, glass, textiles, cork, leather, bone, horn, shell, fur, feathers, hair, sheet rubber, or paper.

SECTION 8. USE PERMITTED IN SUMMER CAMP DISTRICT

There shall be permitted in the summer camp district use for seasonal cottages, and with the permission of the Zoning Board of Adjustment, use for the following special purposes:

1. Year around residences
2. Public recreation facilities
3. Professional offices such as dentist, doctor, lawyer, architect, or engineer.
4. Customary home occupations as outlined in the residential use district classification.

SECTION 9. USES PROHIBITED IN ALL DISTRICTS

A. Dumping or storage of trash, garbage, automobile junk, or any refuse, shall be prohibited in every district, except as a part of the normal operation of the town dump established by the Selectmen.

B. Except with the permission of the Board of Adjustment as a special exception for the purposes of providing accessory dwelling accommodation to serve an existing farm or residential dwelling, or as transient or tourist dwelling accommodations, no house trailer or trailer camp, mobile home, or mobile home park, shall be permitted in any use district.

C. Except when permitted by the Board of Adjustment as a special exception, no existing single family dwelling shall be con-

verted into a two-family or multi-family dwelling.

D. No sign, other than official street signs, shall be erected or maintained within any street right of way, nor shall any sign be placed in such a position as to endanger traffic on a street either by obscuring a clear view or by confusion with official street signs or signals. The following types of sign or artificial light are prohibited:

- (1) Flashing signs;
- (11) Signs which project more than one (1) foot over a walk way or parking area;
- (111) Illuminated signs outlining any part of the building such as a gable, roof, sidewalk or corner.

Unless authorized by the Board of Adjustment, there shall not be permitted in a residential or agricultural/^{or summer camp}district any sign larger than two (2) square feet, nor in a commercial or industrial district, any sign larger than ten (10) square feet. Every sign permitted shall be constructed of durable materials and shall be maintained in good condition and repair at all times.

SECTION 10. AREA REQUIREMENTS AND YARD LIMITS

A. Every portion of a building in the commercial district shall be located at least one hundred (100) feet from the front, and twenty-five (25) feet from the side, or rear boundary of the lot on which it is constructed; and every portion of a building in any other district shall be located at least twenty-five (25) feet distant from the front, or street line of the lot on which it is constructed, and at least ten (10) feet distant from the side and rear boundary, except

- (1) In the residential district, on U.S. Route 7, the setback shall be fifty (50) feet from the street line where buildings front on U.S. Route 7.

B. No building shall be constructed on any lot of less than one (1) acre size or one hundred fifty (150) feet frontage in the residential or summer camp district; nor shall any building be constructed on any lot of less than two (2) acres size in the agricultural or industrial district No. 1, nor shall any building be constructed on any lot of less than three (3) acres size in a commercial

district or in industrial district No. 2. No building shall occupy more than thirty percent (30%) of the lot on which it is constructed in the residential district, agricultural district, or in the summer camp district; nor shall any building occupy more than twenty-five percent (25%) of the lot on which it is constructed in industrial district No. 1 or in industrial district No. 2; nor shall any building occupy more than twenty percent (20%) of the lot on which it is constructed in the commercial district.

C. No building shall be constructed on any lot in any district if part or all of such lot shall consist of land taken from an adjoining lot upon which a building has been constructed whenever the effect of taking land from such adjoining lot shall have been to reduce the area or alter any boundary of the adjoining lot and cause such lot to fail to conform to the standards of this section with respect to the building located thereon.

SECTION 11. DEVELOPER TO PROVIDE EASEMENTS FOR ADJOINING OWNERS AND OFF-STREET PARKING

A. Unless otherwise directed by the Board of Adjustment, no new building shall be constructed in the summer camp district, commercial district, or in industrial district No's 1 and 2, unless the owner of the lot shall grant an easement across a portion of the lot of not more than one hundred (100) feet in width, or less than twenty-five (25) feet, so located as to connect with a public highway, or utilities, or other like easements across adjoining property, for the purpose of furnishing access to a public highway and utilities or either for the benefit of other land in the town having no adequate access thereto.

B. Any building or other structure erected, altered or used, and any lot used or occupied, for any of the following purposes, shall be provided with the minimum off-street parking spaces as set forth below, together with adequate passageways, driveways or other means of circulation and access to and from a street or way:

1. One all-weather parking space for each family unit in a residential dwelling, each room for rent in a rooming or boarding house, or for each rental unit in a hotel, motel or tourist home, or for each two occupants in a

residential club, or for every ten occupants in an institutional home; or for every ten seats in a stadium, church, school, public auditorium, assembly room, or indoor theater; or for every four beds in a hospital, convalescent home or sanitorium; or for every two hundred square feet of floor space in a retail store or shop, department store or super market, office building or wholesale establishment; or for each fifty square feet devoted to patron use in a restaurant, cafe or tea room; or for each three employees in any laboratory or industrial building; or for each one thousand square feet of floor area, or fraction thereof, in any commercial or industrial building not hereinabove enumerated; or for each fifteen hundred square feet of area in any open area used for commercial purposes.

2. The parking spaces hereinabove required may be located elsewhere than on the same lot, or the requirements for parking may be reduced, upon application to the Board of Adjustment, subject to the following conditions:

- (1) The owners of two or more establishments shall submit with their application for special exception, a site plan showing joint use and location of a common off-street parking area;
- (11) That some portion of the off-street parking area lies within two hundred feet of an entrance regularly used by patrons into the building served thereby; and
- (111) Greater efficiency is effected by joint use of a common parking area.

SECTION 12. NON-CONFORMING BUILDINGS, STRUCTURES, USES AND LOTS

A. Any lawful building or other structure, or any lawful use of a building or other structure or land, existing on the effective date of this Ordinance, which does not conform with the provisions

of this Ordinance, shall be considered a lawful non-conforming building, structure or use, and may be continued, except as otherwise herein provided.

B. Any lawful non-conforming building or use may be increased in area up to twenty-five percent (25%) of its area on the effective date of this Ordinance, provided that any structural alteration, extension or addition shall conform with all requirements as to lot size and open spaces, and building coverages unless a special exception is granted pursuant to Paragraph F hereof.

C. Any lawful non-conforming use of a building or land in a commercial or industrial district may be changed to another non-conforming use of the same classification, which shall thereafter not be subject to any further change except to a conforming use, and for such purpose a building may be extended in accordance with Paragraphs "B" and "C" of this section hereinabove. Whenever a non-conforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

D. Any lawful non-conforming building or other structure which has been damaged or destroyed by fire, explosion, windstorm, or other similar active cause, to an extent of not more than fifty percent (50%), may be reconstructed in the same location, provided that (1) the reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure, except as provided in Paragraph "C" of this section, hereinabove, and (2) the reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption. If a lawful non-conforming building has been damaged or destroyed by the aforementioned active causes to an extent of more than fifty percent (50%), such building may be reconstructed subject to the provisions of this Ordinance only if permitted by the Board of Adjustment.

E. If a lawful non-conforming use of a building or other structure is abandoned or discontinued for a continuous period of one (1) year or more, or if a lawful non-conforming use of land is

abandoned or discontinued for a continuous period of one (1) year or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this Ordinance.

F. When authorized as a special exception by the Board of Adjustment, a building may be erected or altered on any lot held in single and separate ownership on the effective date of this Ordinance which is not of the minimum area required for lot size and building coverage, or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which the lot is situated.

G. Notwithstanding the other provisions of this section, any industrial non-conforming use of buildings or land existing on the effective date of this Ordinance may be extended, enlarged or otherwise added to, and new buildings may be constructed on such land provided that (1) this activity may occur only on land owned and used for industrial purposes and adjacent thereto on or before the effective date of this Ordinance, and (2) this activity shall comply with the requirements of the district in which, by virtue of its uses, it would be conforming.

SECTION 13. ENFORCEMENT AND PENALTY

No building shall be constructed or altered if the cost thereof shall exceed three hundred dollars (\$300.00) unless there shall first be filed with the administrative officer appointed to administer the provisions of this Ordinance an application containing such information as the administrative officer may reasonably require for the purpose of disclosing whether or not the proposed construction and its intended use will be in compliance with this Ordinance. The administrative officer shall endorse thereon the date upon which such information was received and the date upon which any building permit relating thereto was granted, and such application so endorsed shall be maintained on file as a public record for a period of not less than two (2) years. Whosoever shall construct, reconstruct or alter any building without such application having been filed, or shall file such application and thereafter construct, reconstruct or alter

any building in a manner which shall fail to conform to the application so filed, and such construction, reconstruction or alteration shall not conform to the terms of this Ordinance, shall pay to the Town for its use and benefit a sum not to exceed ten dollars (\$10.00) for each day during which such violation shall continue. Such violation shall be prosecuted in the name of the Town by the administrative officer appointed to administer the provisions of this Ordinance, and shall be in addition to, and not in substitution for, the right of the Town and of private individuals, or either, to the enforcement of, or damages for, the violation of, the terms of this Ordinance.

SECTION 14. VALIDITY

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision hereof.