LAND USE REGULATIONS
for the
TOWN OF CHARLOTTE, VT

Approved
March 3, 2009

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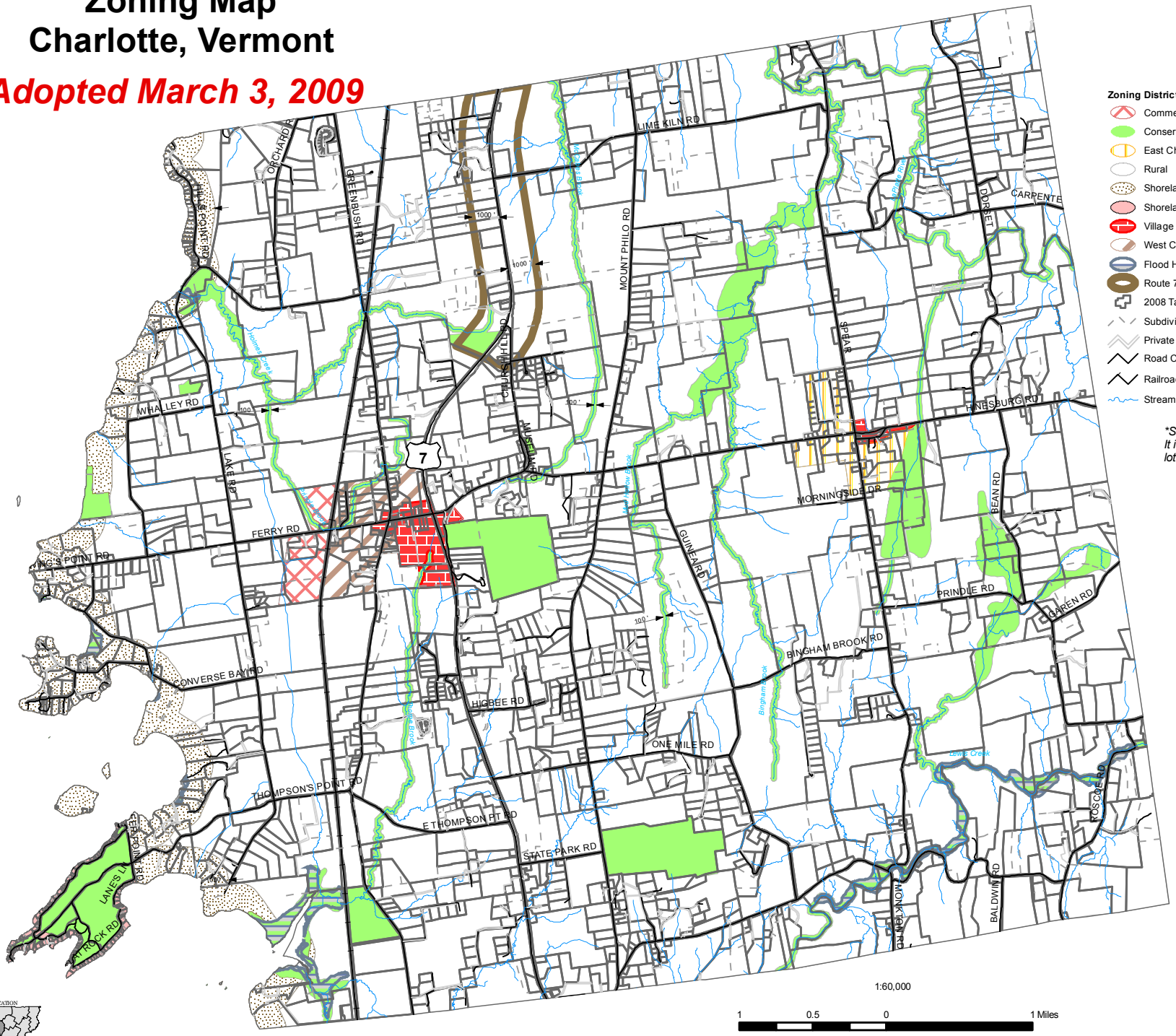
Zoning Map
Charlotte, Vermont

Adopted March 3, 2009



Legend

Zoning District

- Commercial/Light Industrial
- Conservation
- East Charlotte Village
- Rural
- Shoreland
- Shoreland Seasonal Home Management
- Village Commercial
- West Charlotte Village
- Flood Hazard Area Overlay
- Route 7 Scenic Overlay
- 2008 Tax Parcel Boundary
- Subdivision Line*
- Private ROWs
- Road Centerline
- Railroad
- Stream Centerline

**Subdivision Line data is not 100% complete. It is a work in progress and depicts only those lots that have been researched and verified.*

Sources:
zoning and overlays - 2008, developed by CCRPC w/ guidance from Charlotte Planning Office.
Parcel Boundary - Updated 2008 by Robert Turner.
roads - e911 road data, last updated September 2008.
surface water - VT Hydrography set - 2003.

NOTE:
Parcels depicted are from Town tax records as of April, 2008; these are depicted for informational purposes only, and are not part of the Zoning Map.

DISCLAIMER:
The accuracy of information presented is determined by its sources. Errors and omissions may exist. The Chittenden County Regional Planning Commission is not responsible for these. Questions of on-the-ground location can be resolved by site inspections and/or surveys by a registered surveyor. This map is not sufficient for delineation of features on-the-ground. This map identifies the presence of features, and may indicate relationships between features, but is not a replacement for surveyed information or engineering studies.

Chittenden County Regional Planning Commission
March 23, 2009

CHAPTER I. AUTHORITY & PURPOSE

Section 1.1 Enactment

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

Section 1.2 Purpose

The purposes of these regulations are to:

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

Section 1.3 Application & Interpretation

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

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

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

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

Land Development: Any of the following: 1) the division of a lot into two (2) or more lots; 2) the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; 3) any mining, excavation or landfill involving more than 300 cubic yards of material; 4) any change in the use of any building, structure, land or extension of use of land; or 5) installation of infrastructure or improvements including but not limited to roads, utilities, drainage, wastewater or water. [§4303]. Land Development does not include Interior construction or remodeling which does not affect the exterior appearance of a structure or the water or septic requirements for the structure.

Subdivision: The division of a parcel of land into two or more parcels, lots or other legal division of land for the purposes of offer, transfer, sale, lease of 30 years or more that allows land development or conveyance. The term also includes planned unit and planned residential development.

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

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

Section 1.4 Effective Date

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

Section 1.5 Amendment

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

Section 1.6 Severability

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

Section 1.7 Availability of Documents

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

Section 1.8 References to Act

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

TABLE 1.1 CHARLOTTE DEVELOPMENT PERMITS & APPROVALS			
Permit/Approval	**Required for**	**Issued by**	**See**
Zoning Regulations			
Zoning Permit [§4449]	All development, as defined in Section 10.2, including conversions and changes of use, unless specifically exempted under Section 9.2	Zoning Administrator	Section 9.3
Right-of-way Approval [§4412(3)]	Development on lots without frontage on a maintained public road or public waters	Planning Commission	Section 3.2
Site Plan Approval[§4416]	All development except for forestry, agriculture, single and two family dwellings, and associated accessory structures or uses, unless specifically exempted from these regulations	Planning Commission	Section 5.5
Conditional Use Approval [§4414(3)]	All uses classified as ”conditional uses” by district, or as otherwise specified in these regulations	Board of Adjustment	Section 5.4
Variance Approval [§4469]	Requests for a variance from the provisions of these regulations	Board of Adjustment	Section 9.7
Planned Unit or Planned Residential Development (PUD, PRD) Approval [§4417]	Development of land which modifies the provisions of these regulations, as specified for PUDs and PRDs, to be approved simultaneously with approval of a subdivision plan	Planning Commission	Chapter VIII
Certificate of Occupancy [§4449(a)(2)]	Use of a structure constructed after the effective date of these regulations for which a zoning permit has been issued	Zoning Administrator	Section 9.5
Subdivision Regulations			
Subdivision Approval [§§4418, 4463]	All subdivisions of land, as defined in Section 10.2,	Planning Commission	Chapter VI
Subdivision Amendment Boundary Adjustments	Changes to lot lines, easements, or conditions of a prior subdivision approval	Planning Commission	Chapter VI
Sketch Plan Approval [§4418(2)]	All applications for subdivision approval, subdivision amendments and boundary adjustments	Planning Commission	Section 6.3
Preliminary Plan Approval [§4418(2)]	All applications for major subdivisions	Planning Commission	Section 6.4
Final Plan Approval [Including plat approval] [§4414]	All applications for subdivision approval	Planning Commission	Section 6.5
Plat Recording [§4463(a)]	All approved subdivisions of land, including boundary (lot line) adjustments	Planning Commission	Section 6.7
Certificate of Compliance [§4464(b)(4)]	Improvements required by the Planning Commission in association with subdivision approval, prior to further land development	Zoning Administrator	Section 9.5
Other Municipal Approvals			
Highway Access	Development requiring access onto municipal highways	Selectboard	Highway Access Policy
Wastewater Systems	On-site wastewater management systems	Sewage Officer	Charlotte Sewage Ordinance
Road Acceptance, Upgrade, Naming	Road naming, upgrades, and the municipal acceptance of private roads	Selectboard	Local Ordinance

CHAPTER II. ZONING DISTRICTS

Section 2.1 Zoning Districts & Zoning Map

The following zoning districts are established for the Town of Charlotte, in accordance with the Act:

West Charlotte Village	(WCV)
East Charlotte Village	(ECV)
Village Commercial	(VCM)
Commercial/ Light Industrial	(C/LI)
Rural	(RUR)
Shoreland	(SHR)
Shoreland Seasonal Home Management	(SHM)
Conservation	(CON)
Route 7 Scenic Overlay	(R7O)
Flood Hazard Overlay	(FHO)

The location and boundaries of these zoning districts are established as shown on the "Charlotte Zoning Map," which is on file at the Town Offices and incorporated into these regulations and made part hereof. Flood Hazard Overlay District boundaries are as depicted on the most recent National Flood Insurance Program maps for the Town of Charlotte. These maps are adopted by reference and incorporated as part of these regulations.

Section 2.2 Interpretation of District Boundaries

(A) Where uncertainty exists as to the boundaries of districts shown on the zoning map, the following rules shall apply:

(1) Boundaries indicated as following roads, highways, or utility rights-of-way shall be interpreted to follow the centerlines of such features.

(2) Boundaries indicated as following railroad tracks shall be interpreted to be midway between the main tracks, or the centerline of the right-of-way if no tracks are present.

(3) Boundaries indicated as following property boundaries or platted lot lines shall be interpreted to follow such property boundaries.

(4) Boundaries indicated as following rivers or streams shall be interpreted to follow the channel centerline of such features, and shall move with the channel.

(5) Boundaries indicated as following shorelines shall be interpreted as following the mean high water mark (which for Lake Champlain is 98 feet above mean sea level), and shall move with the shoreline.

(6) Boundaries indicated as elevation contour lines shall be interpreted to follow a constant, specified elevation as measured from mean sea level or other accepted reference datum.

(7) Boundaries indicated as parallel or perpendicular to, or extensions of, the above features shall be interpreted as such on the ground.

(8) Distances not specifically indicated on the official zoning map or otherwise described in these regulations shall be determined by the scale of the map.

(B) The abandonment or relocation of a right-of-way or other feature that references a district boundary line after the effective date of these regulations, shall not effect the location of the district boundary line except as specified above for rivers, streams and shorelines.

(C) Where available (i.e., in Zones A1-A30, AE and AH), base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the most recent Flood Insurance Study for the Town of Charlotte and accompanying maps shall be used to administer and enforce the flood hazard area overlay district provisions of these regulations. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevation and floodway information available from state or federal agencies or other sources shall be obtained and reasonably used to administer and enforce flood hazard area regulations. Should the flood hazard areas and regulations be subsequently amended by state or federal law, agency or regulations, those revised flood hazard areas and regulations shall be automatically incorporated herein by reference.

(D) When the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission and/or appropriate state or federal official may be consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the Board of Adjustment under Section 9.6.

(E) Where a lot is divided by a town boundary, the standards of these regulations shall be applied to that portion of the lot located in the Town of Charlotte in the same manner as if the entire lot was located in the town.

Section 2.3 Application of District Standards

(A) Tables 2.1 through 2.9 set forth the stated purpose, allowed uses, and specific standards for each zoning district. Listed uses must meet all applicable district standards.

(B) Uses for each district are classified as either a “permitted use” to be reviewed by the Zoning Administrator prior to the issuance of a zoning permit under Section 9.3, or as a “conditional use” to be reviewed by the Board of Adjustment in accordance with Section 5.4. Both permitted and conditional uses must meet applicable district standards, and also general standards found in Chapter III and specific standards found in Chapter IV.

(C) In the event that a proposed use is not set forth as either a permitted or conditional uses, the Board of Adjustment may allow it as conditional use after a public hearing as provided in Section 5.4 if the Board of Adjustment finds that the proposed use is consistent with the purpose of the district (as stated in this chapter), is of the same general character as one or more permitted or conditional uses allowed within the district, and that such use will not be detrimental to adjoining land uses.

TABLE 2.1 WEST CHARLOTTE VILLAGE DISTRICT (WCV)

(A) **Purpose**. The purposes of the West Charlotte Village District are (1) to allow for residential and neighborhood uses that reinforce the function of West Charlotte Village as the town center, and (2) to ensure that new development is consistent with the district's village character and pattern of development as expressed in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section4.7]
4. Home Occupation I [see Section 4.11]
5. Outdoor Market (Max: 10 vendors)

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Bed & Breakfast
4. Community Center
5.
6. Dwelling/Accessory w/ one bedroom [see Section 4.2]
7. Dwelling/Single Family
8. Dwelling/Two Family
9. Dwelling/Multi-family (w/in a PRD or PUD)
10. Dwelling/Elderly (w/in a PRD or PUD)
11. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
12. Home Occupation II [see Section 4.11]
13. Outdoor Market (Max: 15 vendors)

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Community Care Facility
5. Cultural Facility
6. Day Care Facility [see Section 4.7]
7. Dwelling/Accessory w/ two bedrooms [see Section 4.2]
8. Dwelling/Elderly (not w/in PUD or PRD; Max:10 units)
9. Dwelling/Multi-Family (not w/in PUD or PRD; Max: 4 units)
10. Funeral Home
11. Health Clinic (Max: 3,500 sq. ft.)*
12. Home Occupation III [see Section 4.11]
13. Inn
14. Municipal Facility [see Section 4.15]
15. Office (Max: 3,500 sq. ft.)*
16. Outdoor Market (more than 15 vendors)
17. Personal Service (Max: 3,500 sq. ft.)*
18. Place of Worship [see Section 4.15]
19. Private Club
20. Public Facility [see (F)(1), Section 4.15]
21. Recreation/Outdoor
22. Restaurant (no fast food or drive-through)
23. Retail Store (Max: 2,000 sq. ft.)*
24. School [see Section 4.15]
25. Snack Bar
26. Veterinary Clinic

*** Note**: Square footage limitations in this district apply to the total gross floor area.

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area:	
Residential:	5 acres/dwelling unit
Non-Residential	1 acre
Minimum Density:	
Residential	5 acres/dwelling unit
Non-Residential	1 acre/principal use
Minimum Frontage:	150 feet (along ROW)
Minimum Setback/Front:	25 feet (from ROW)
Minimum Setback/Side:	25 feet
Minimum Setback/Rear:	25 feet
Maximum Height (Section 3.5):	35 feet
Maximum Building Coverage:	20%
Maximum Lot Coverage:	30%
PRDs:	Required [see (F)(2)]
PUDs:	Required [see (F)(2)]

(F) District Standards:

(1) Public facilities allowed within this district are limited to those publicly owned and/or operated institutions and facilities (other than municipal facilities) and regulated utilities which are open and accessible to the general public (e.g., offices), or which otherwise serve residents of the district and town. Solid and hazardous waste disposal facilities, state garages, and regional institutional uses (e.g., hospitals, correctional or other confined treatment facilities) are specifically excluded from this district.

(2) Planned unit or planned residential developments review is required for all subdivisions within this district in accordance with Section 8.2.

TABLE 2.2 EAST CHARLOTTE VILLAGE DISTRICT (ECV)

(A) **Purpose**. The purposes of the East Charlotte Village District are (1) to allow for residential, limited civic and neighborhood uses that reinforce East Charlotte Village as a principally residential hamlet, and (2) to ensure that new development is consistent with the district's village character and pattern of development as expressed in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section4.7]
4. Home Occupation I [see Section 4.11]
5. Outdoor Market (Max: 10 vendors)

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Bed & Breakfast
4. Community Center
5. Dwelling/Accessory w/ one bedroom [see Section 4.2]
6. Dwelling/Elderly (w/in a PRD or PUD)
7. Dwelling/Multi-family (w/in a PRD or PUD)
8. Dwelling/Single Family
9. Dwelling/Two Family
10. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
11. Home Occupation II [see Section 4.11]
12. Outdoor Market (Max: 15 vendors)

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Community Care Facility
5. Cultural Facility
6. Day Care Facility [see Section 4.7]
7. Dwelling/Accessory w/ two bedrooms [see Section 4.2]
8. Dwelling/Elderly (not w/in a PUD or PRD, Max: 10 units)
9. Dwelling/Multi-Family (not w/in a PUD or PRD, Max: 4 units)
10. Funeral Home
11. Health Clinic (Max: 2,000 sq. ft.) *
12. Home Occupation III [see Section 4.11]
13. Inn
14. Mobile Home Park [see Section 4.13]
15. Municipal Facility [see Section 4.15]
16. Office (Max: 2,000 sq. ft.) *
17. Outdoor Market (more than 15 vendors)
18. Personal Service (Max: 2,000 sq. ft.) *
19. Place of Worship [see Section 4.15]
20. Private Club
21. Public Facility [see (F)(1), Section 4.15]
22. Retail Store (Max: 2,000 sq. ft.) *
23. Recreation/Outdoor
24. Restaurant (no fast food or drive-through)
25. Snack Bar
26. Veterinary Clinic

*** Note**: Square footage limitations in this district apply to the total gross floor area.

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area:	
Residential:	5 acres/dwelling unit
Non-Residential	1 acre
Minimum Density:	
Residential	5 acres/dwelling unit
Non-Residential	1 acre/principal use
Minimum Frontage:	150 feet (along ROW)
Minimum Setback/Front:	25 feet (from ROW)
Minimum Setback/Side:	25 feet
Minimum Setback/Rear:	25 feet
Maximum Height (Section 3.5)	35 feet
Maximum Building Coverage:	20%
Maximum Lot Coverage:	30%
PRDs:	Required [see (F)(2)]
PUDs:	Required [see (F)(2)]

(F) District Standards:

(1) Public facilities allowed within this district are limited to those publicly owned, operated and/or regulated institutions and facilities (other than municipal facilities) which are open and accessible to the general public (e.g., offices) or which otherwise serve residents of the district and town (e.g. switching and substations). Solid and hazardous waste management facilities, state garages, and regional institutional uses and facilities (e.g., hospitals, correctional or confined treatment facilities) are specifically excluded from this district.

(2) Planned unit or planned residential developments review is required for subdivisions within this district in accordance with Section 8.2.

TABLE 2.3 VILLAGE COMMERCIAL DISTRICT (VCM)

(A) **Purpose**. The purposes of the Village Commercial District, located within the town's two village areas, are: (1) to offer retail and personal services primarily for residents of Charlotte, (2) to provide for office space, (3) to provide for civic uses including public and quasi-public facilities and services, (4) to allow for mixed residential and commercial development; and (5) to promote a density, scale and pattern of commercial development that is compatible with the character and pattern of development in Charlotte's villages as expressed in the *Charlotte Town Plan*.

(B) **Allowed By Right (No permit needed)**

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section4.7]
4. Home Occupation I [see Section 4.11]
5. Outdoor Market (Max: 10 vendors)

(C) **Permitted Uses**

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Bed & Breakfast
4. Commercial Farm Stand
5. Community Center
6. Dwelling/Accessory w/ one bedroom [see Section 4.2]
7. Dwelling/Elderly (w/in a PRD or PUD)
8. Dwelling/Multi-family (w/in a PRD or PUD)
9. Dwelling/Single Family
10. Dwelling/Two Family
11. Health Clinic (Max: 3,500 sq. ft.)*
12. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
13. Home Occupation II [see Section 4.11]
14. Municipal Facility [see Section 4.15]
15. Office (Max: 3,500 sq. ft.)*
16. Outdoor Market (Max:15 vendors)
17. Personal Service (Max: 3,500 sq. ft.)*
18. Post Office [see Section 4.15]
19. Private Club

West Charlotte Village—West of Route 7 only

20. Financial Institution (Max 2,500 sq. ft.; no drive-through)
21. Retail Store (Max: 3,500 sq. ft.)*

East Charlotte Village:

22. Financial Institution (Max 2,500 sq. ft.; no drive-through)
23. Retail Store (Max: 3,500 sq. ft.)*

*** Note**: Square footage limitations in this district apply to the total gross floor area.

(D) **Conditional Uses**

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Community Care Facility
5. Cultural Facility
6. Day Care Facility [see Section 4.7]
7. Dwelling/Accessory w/ two bedrooms [see Section 4.2]
8. Dwelling/Elderly (Max: 10 units)
9. Dwelling/Multi-Family (Max: 4 units)
10. Funeral Home
11. Health Care Facility (Max: 10,000 sq. ft.)*
12. Home Occupation III [see Section 4.11]
13. Inn
14. Office (Max: 10,000 sq. ft.)*
15. Outdoor Market (more than 15 vendors)
16. Place of Worship [see Section 4.15]
17. Public Facility [see (F)(1); Section 4.15]
18. Recreation/Indoor
19. Recreation/Outdoor
20. Restaurant (no fast food or drive-through)
21. School [see Section 4.15]
22. Snack Bar
23. Transit Facility (Max: 10,000 sq. ft.)*
24. Veterinary Clinic

West Charlotte Village—East of Route 7 only:

25. Agricultural Equipment Sales & Service [see (F)(1)]
26. Boat Sales & Service [see (F)(1)]
27. Contractor's Yard [see Section 4.6]
28. Gasoline Station [see Section 4.9]
29. Mobile Home Sales [see (F)(1)]
30. Motor Vehicle Sales & Service [see (F)(1); Section 4.14]
31. Parking Facility

West Charlotte Village—West of Route 7 only):

32. Retail Store (Max: 10,000 sq. ft.)*

East Charlotte Village:

33. Contractor's Yard [see Section 4.6]
34. Gasoline Station [see Section 4.9]
35. Retail Store (Max: 10,000 sq. ft.)*

TABLE 2.3 VILLAGE COMMERCIAL DISTRICT, CONTINUED

(E) **Dimensional Standards** (unless otherwise specified by use type):

Minimum Lot Area:
- Residential: 5 acres/dwelling unit
- Non residential: 1 acre

Minimum Density:
- Residential: 5 acres/dwelling unit
- Non-residential: No minimum density is required; such uses will be evaluated by coverage and other applicable requirements.

Minimum Frontage: 75 feet (along ROW)
- Route 7: 100 feet (along ROW)

Minimum Setback/Front: 15 feet (from ROW)
- Route 7, west side: 100 feet (from ROW)
- Route 7, east side: 30 feet (from ROW)

Minimum Setback/Side: 15 feet
Minimum Setback/Rear: 15 feet
Maximum Height (Section 3.6): 35 feet
Maximum Building Coverage: lesser of 25% or 10,000 sq.ft.
Maximum Lot Coverage: 40%

PRDs: Required [see (F)(3)]
PUDs: Required [see (F)(3)]

(F) **District Standards:**

(1) Agricultural equipment, boat, mobile home sales and motor vehicle sales and service facilities shall not exceed 10,000 sq. ft. in total occupied area, to include all interior show rooms, office, service and storage areas, and exterior (outdoor) display areas. Exterior display and storage areas shall be limited to a maximum of 1,500 square feet of contiguous open space.

(2) Public facilities allowed within this district are limited to those publicly owned, operated and/or regulated institutions and facilities (other than municipal facilities) which are typically open and accessible to the general public (e.g., offices*),* or which otherwise serve residents of the district and town. Solid and hazardous waste management facilities, state garages, and regional institutional uses (e.g., hospitals, correctional, and other confined care facilities) are specifically excluded from this district.

(3) Planned unit or planned residential development review is required for all subdivisions within this district in accordance with Section 8.2.

Note: *Within this district, West Charlotte Village refers to the Village Commercial District located adjacent to the West Charlotte Village District area, and the East Charlotte Village refers to the Village Commercial District located adjacent to the East Charlotte Village District area.*

TABLE 2.4 COMMERCIAL/ LIGHT INDUSTRIAL DISTRICT (C/LI)

(A) **Purpose**. The purpose of the Commercial/ Light Industrial District is to offer sites for the development of light industry that support small to medium work forces, especially those industries with low water usage which do not generate traffic, wastewater or pollutants in excess of local infrastructure, facility and assimilation capacities; which do not adversely affect the town's natural and scenic resources or properties and uses in the vicinity; and which are compatible with the village character and pattern of development, as expressed in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section4.7]
4. Home Occupation I [see Section 4.11]
5. Outdoor Market (Max: 10 vendors)

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Commercial Farm Stand
4. Dwelling/Accessory w/ one bedroom [see Section 4.2]
5. Dwelling/Single Family
6. Dwelling/Two Family
7. Financial Institution (Max: 4,000 sq. ft.; no drive-through.)*
8. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
9. Home Occupation II [see Section 4.11]
10. Light Industry (Max: 10,000 sq. ft)*
11. Office (Max: 4,000 sq. ft.)*
12. Outdoor Market (Max 15 vendors)
13. Warehouse Facility (Max: 10,000 sq. ft.)*

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Agricultural Equipment Sales & Service [see (F)(1)].
5. Boat Sales & Service [see (F)(1)]
6. Contractor's Yard [see Section 4.6]
7. Day Care Facility [see Section 4.7]
8. Dwelling/Accessory w/ two bedrooms [see Section 4.2]
9. Dwelling/Elderly (Max: 10 units)
10. Dwelling/Multi-Family (Max: 4 units)
11. Financial Institution (Max: 10,000 sq. ft.; drive-through allowed.)*
12. Health Clinic (Max: 20,000 sq. ft.)*
13. Home Occupation III [see Section 4.11]
14. Light Industry (> 10,000 sq. ft., Max: 20,000)*
15. Municipal Facility [see (F)(4); Section 4.15]
16. Mobile Home Sales [see (F)(1)]
17. Motor Vehicle Sales & Service [see (F)(1)]
18. Office (Max: 20,000 sq. ft.; only on a PUD)*
19. Outdoor Market (more than 15 vendors)
20. Personal Service (Max: 20,000 sq. ft.)*
21. Parking Facility
22. Public Facility [see (F)(4); Section 4.15]
23. Restaurant (no drive-through)
24. Recreation/Indoor
25. Recreation/Outdoor
26. Retail Store (Max: 20,000 sq. ft.; only in a PUD)*
27. School
28. Snack Bar
29. Transfer Station/Recycling Center [see Section 4.15]
30. Transit Facility
31. Veterinary Clinic
32. Warehouse Facility (>10,000 sq.ft.)*
33. Waste Management Facility [see (F)(4); Section 4.15]

*** Note**: Square footage limitations in this district apply to the total gross floor area.

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area:
- Residential: 5 acres/dwelling unit
- Non-Residential 1 acre

Minimum Density:
- Residential 5 acres/dwelling unit
- Non-residential No minimum density is required; such uses will be evaluated by coverage and other applicable requirements.

Minimum Frontage: 200 feet
Minimum Setback/Front: 25 feet (from ROW)
- Route 7: 100 feet (from ROW)

Minimum Setback/Side: 50 feet
Minimum Setback/Rear: 50 feet
Maximum Height (Section 3.5): 35 feet
Maximum Building Coverage: 25%
Maximum Lot Coverage: 40%

PRDs: Required [see (F)(3)]
PUDs: Required [see (F)(3)]

TABLE 2.4 COMMERCIAL/ LIGHT INDUSTRIAL DISTRICT, CONT.

(F) **District Standards:**

(1) Agricultural equipment, boat, mobile home and motor vehicle sales and service facilities shall not exceed 40,000 sq. ft. in total occupied area, to include all interior show rooms, office, service and storage areas, and exterior (outdoor) display areas. Exterior display and storage areas shall be limited to a maximum of 20,000 square feet of contiguous open space.

(2) Public facilities allowed within this district are limited to publicly owned, operated and/or regulated institutions and facilities (other than municipal facilities) which are not typically open and accessible to the general public (e.g., institutional uses) and solid and hazardous waste management facilities, transfer stations and recycling centers.

(3) Planned unit and planned residential development is required for all subdivisions within this district in accordance with Section 8.2.

TABLE 2.5 RURAL DISTRICT (RUR)

(A) **Purpose**. The purposes of the Rural District are (1) 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, cultural and scenic resources identified in the *Charlotte Town Plan*; and (2) to allow for low density or clustered residential development in accordance with the capability of the land to support such development, that does not adversely affect the town's natural and scenic resources or properties and uses in the vicinity, and is compatible with the rural character of the town as expressed in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section 4.7]
4. Home Occupation I [see Section 4.11]

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Dwelling/Accessory [see Section 4.2]
4. Dwelling/Single Family
5. Dwelling/Two Family
6. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
7. Home Occupation II [see Section 4.11]
8. Nature Center (Max: 2,000 sq. ft.)*

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Agricultural Sales & Services [see (F)(4) below]
5. Airstrip (private)
6. Bed & Breakfast
7. Campground
8. Cemetery
9. Commercial Farm Stand [see (F)(4) below]
10. Community Care Facility
11. Composting (Commercial)
12. Contractor's Yard [see (F)(4) below & Section 4.6]
13. Cultural Facility
14. Day Care Facility [see Section 4.7]
15. Dwelling/Accessory [see Section 4.2]
16. Dwelling/Elderly (Max:10 units; only in a PRD)
17. Dwelling/Multi-family (Max: 4 units; only in a PRD)
18. Extraction of Earth Resources
19. Garden Center [see (F)(4) below]
20. Golf Course [see Section 4.10]
21. Home Occupation III [see Section 4.11]
22. Kennel [see (F)(4) below]
23. Municipal Facility [see (F)(1); Section 4.15]
24. Outdoor Market [see (F)(4) below]
25. Place of Worship [see Section 4.15]
26. Public Facility [see (F)(2); Section 4.15]
27. Recreation/Outdoor
28. School
29. Snack Bar [see (F)(4) below]
30. Telecommunications Facility [see Section 4.16]
31. Transfer Station/Recycling Center [see Section 4.15]
32. Veterinary Clinic

*** Note**: Square footage limitations in this district apply to the total gross floor area.

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area:	5 acres
Minimum Density:	
Residential	5 acres/dwelling unit
Non-residential	5 acres/principal use
Minimum Frontage:	300 feet
Minimum Setback/Front:	50 feet (from ROW)
Route 7:	100 feet (from ROW)
Minimum Setback/Side:	50 feet
Minimum Setback/Rear:	50 feet

Maximum Height (Section 3.5):	35 feet
Maximum Building Coverage:	20%
Maximum Lot Coverage:	30%
PRDs:	May be Required [see (F)(3)]
PUDs:	Not Allowed

(F) District Standards:

(1) Municipal facilities allowed within this district are limited to municipal parks and recreational facilities, and other municipally owned and/or operated facilities which are not typically open or accessible to the general public (e.g., town garage, fire station).

(2) Public facilities allowed within this district are limited to publicly owned and/or operated park, recreation, conservation and wildlife management areas.

(3) Planned residential developments are allowed within this district, and may be required by the Planning Commission in accordance with Section 8.2.

(4) Agricultural Sales & Services, Commercial Farm Stand, Contractor's Yard, Garden Center, Kennel, Outdoor Market, and Snack Bar shall only be allowed as a Home Occupation III [see Section 4.11], or as an Adaptive Reuse [see Section 4.3], which allows a business to be owned and operated by a person other than the property owner. For the above uses to be approved as adaptive reuses, if the business owner does not reside on the property, the property owner must reside on the property.

TABLE 2.6 SHORELAND DISTRICT (SHR)

(A) **Purpose**. The purposes of the Shoreland District are: (1) to protect the scenic beauty, environmental qualities and recreational opportunities of Lake Champlain and its shoreline, as viewed from both the lakeshore and the water (2) to minimize runoff pollution and maintain bank stability by maintaining a vegetated buffer within 100 feet of the shoreline, and (3) to allow residential and limited commercial development that is consistent with these aims and is compatible with the rural character of the town as expressed in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section4.7]
4. Home Occupation I [see Section 4.11]

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Dwelling/Accessory w/ one bedroom [see Section 4.2]
4. Dwelling/Seasonal
5. Dwelling/Single Family
6. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
7. Home Occupation II [see Section 4.11]

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Bed & Breakfast
5. Boat Yard
6. Campground [see Section 4.5]
7. Cultural Facility
8. Dwelling/Accessory w/ two bedrooms [see Section 4.2]
9. Ferry Facility
10. Home Occupation III [see Section 4.11]
11. Inn
12. Marina [see (F)(4)]
13. Municipal Facility [see (F)(1); Section 4.15]
14. Public Facility [see (F)(2); Section 4.15]
15. Recreation/Outdoor
16. Restaurant (no drive-through)
17. Shoreline Improvements [see (F)(6)]

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area: 5 acres
Minimum Density: 5 acres/dwelling unit or use
Minimum Frontage/Road: 300 feet (along ROW)
Minimum Frontage/Shore: 300 feet (at MHW*)
Minimum Setback/Front: 50 feet (from ROW)
Minimum Setback/Side: 50 feet
Minimum Setback/Rear: 50 feet
Minimum Setback/Lakeshore:
Structures: 150 feet (from MHW*)
Septic Systems: 150 feet (from MHW*)

Maximum Height (Section 3.5):
Lesser of 30 ft. or 2 stories
Maximum Building Coverage: 5%
Maximum Lot Coverage: 10%

PRDs: May be Required [see(F)(10)]
PUDs: Allowed [see (F)(10)]

*MHW = mean high water mark

(F) District Standards:

(1) See Section 3.15(G) **Lakeshore Buffers** for restrictions on cutting vegetation, dredging, draining and filling.

(2) Municipal facilities allowed within this district are limited to municipally owned and/or operated outdoor recreational facilities (parks, beaches, lake access, other outdoor facilities and associated accessory structures); and municipal water and wastewater treatment systems.

(3) Public facilities allowed within this district (other than municipal facilities) are limited to publicly owned and/or operated outdoor recreational or environmental facilities (park, beach, outdoor recreation, boat and fishing access, wildlife management areas, and associated accessory structures); water safety and rescue facilities; and public or community water and wastewater treatment systems.

(4) Temporary docks which are wooden or metal, used only for noncommercial purposes, are mounted on piles or floats, and removed at the end of each season do not require a zoning permit if the total (combined) length of all docks under single ownership does not exceed 50 feet (from Mean High Water), and the total (combined) area of all docks, including deck areas, does not exceed 500 square feet.

TABLE 2.6 SHORELAND DISTRICT, CONTINUED

No concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork, or similar construction may form any part of the dock. Other types of docks shall be considered shoreline improvements.

(5) Marinas and yacht clubs may be allowed only within town-designated Mooring Management Areas if and when mooring management plans have been adopted by the Selectboard. Due to the extent of existing development, fragile environmental conditions, and ferry facilities at McNeil Cove, no additional marinas, boat yards, or associated facilities shall be located at McNeil Cove.

(6) Shoreline improvements are exempt from shoreline setback requirements, but shall be sited and designed to avoid wetlands, designated wildlife habitat, and other sensitive shoreline features; shall minimize surface runoff, channeling and soil erosion; and shall avoid adverse impacts and obstructions to adjoining shoreland areas.

(7) Parking areas, with the exception of handicapped parking, shall be set back at least 150 feet from the shoreline, must be screened as viewed from the lake, and must not create unsafe traffic conditions in the area.

(8) Fuel storage tanks, except as used in marina and ferry facilities, agricultural operations, or as required for residential or commercial heating and cooking, shall not exceed 20 gallons in volume.

(9) For uses in this district subject to conditional use review under Section 5.4, the Board of Adjustment shall also find that:

(a) the proposed use will not cause unsafe or unsanitary conditions on land or on the water;
(b) the proposed use will not result in accelerated erosion, sedimentation or water pollution;
(c) the proposed use will not adversely impact wildlife habitat areas;
(d) the proposed use will not interfere with existing public lake access, or scenic views of the lake as designated in the town plan; and
(e) visual impacts, as viewed from the lake and from adjoining properties, are minimized.

The Board of Adjustment may require for approval the submission of erosion control and/or shoreland management plan, prepared by a qualified professional, which identifies potential adverse environmental or visual impacts and associated mitigation measures. Such measures may be incorporated as a condition of approval.

(10) Planned residential and planned unit developments are allowed within this district, and may be required by the Planning Commission in accordance with Section 8.2. PRD and PUD review and approval under Chapter VIII, however, shall not allow for any reduction in the minimum shoreland frontage required for this district, nor for any increase in the overall development density of a parcel within this district (e.g., through the application of density bonuses or transfers).

(11) For the Cedar Beach Association parcel, there shall be a setback of 50 feet between structures.

TABLE 2.7 SHORELAND SEASONAL HOME MANAGEMENT DISTRICT (SHM)

(A) **Purpose**. The purposes of the Shoreland Seasonal Home Management District are (1) to protect and preserve, for seasonal residential use only, those areas of Thompson's Point that have been historically developed for seasonal residential use and have remained essentially unchanged over the years; (2) to protect the unique historic and physical character of these areas; (3) to protect the scenic beauty of the shoreland and lake, as viewed from the lakeshore and the water; (4) to protect the environmental quality of the area and the lake, and (5) to allow for development which does not adversely affect the town's natural and scenic resources or properties and uses in the vicinity, and is compatible with the rural character of the town as expressed in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]

(C) Permitted Uses

1. Dwelling/Seasonal (pre-existing only)

(D) Conditional Uses

1. Accessory Structure [see (F)(2)]
2. Municipal Facility [see (F)(3); Section 4.15]
3. Demolition of an existing structure or portion thereof [see (F)(9)]
4. Alteration of an existing structure [see (F)(7) and (F)(8)]
5. Replacement of an existing structure see (F)(9)]
6. Shoreline Improvements [see (F)(11)]

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot (Leasehold) Area: NA [see F(1)]
Minimum Frontage/Road: Existing
Minimum Frontage/Shore: Existing
Minimum Setback/Front: 50 feet (from ROW)
Minimum Setback/Side: 50 feet
Minimum Setback/Rear: 50 feet
Minimum Setback/Shore: Existing (see (F)(8)]

Maximum Height: (Section 3.5):
Lesser of 30 ft or 2 stories

Maximum Building Coverage: 7% [see (F)(7)]
Maximum Lot Coverage: 10%

Subdivision: Not allowed
PRDs: Not Allowed
PUDs: Not Allowed

(F) District Standards:

(1) For the purposes of these regulations, leaseholds shall be considered lots. No further subdivision of leaseholds, other than boundary adjustments that do not result in the creation of additional leaseholds, is allowed.

(2) Accessory structures to allowed residential uses within this district are limited to one structure per leasehold (e.g., a utility shed) that does not exceed eight (8) feet in width, 12 feet in length, or 12 feet in height. Accessory dwellings of any type are specifically prohibited in this district.

(3) Municipal facilities allowed within this district are limited to municipally owned and/or operated outdoor recreational facilities (parks, beaches, lake access, other outdoor facilities and associated accessory structures), and municipal water and wastewater systems.

(4) In addition to the provisions of Section 3.15, existing native woody vegetation between the shoreline and a structure shall be preserved and maintained. No existing or proposed use or activity shall result in soil erosion or adversely impact designated wildlife habitat areas. All trees on leased lots are owned by the Town, and permission from the Tree Warden shall be required for cutting or pruning within this district. Dead or storm damaged trees shall not be cut unless they are determined by the Tree Warden to be a hazard to structures or to public safety.

(5) Ordinary maintenance and repair of an existing structure which does not alter its footprint, height, appearance or historic character does not require a zoning permit.

(6) No construction activity other than routine maintenance shall occur within this district between July 1 and Labor Day.

TABLE 2.7 SHORELAND SEASONAL HOME MANAGEMENT DISTRICT, CONTINUED

(7) The alteration or expansion of an existing principal structure may be approved by the Board of Adjustment subject to conditional use review under Section 5.4, provided that:

(a) the building footprint which is covered by a roof (including covered porches and decks) does not exceed seven percent (7%) of the area of the leasehold it occupies; and
(b) the alteration or expansion is not for the purpose of increasing occupancy; and
(c) the applicant can demonstrate that all municipal and state regulations for sewage disposal are met for each structure altered or expanded including, where applicable, the Thompson's Point Wastewater System Sewer Ordinance.

(8) The alteration, expansion or repair of any structure shall not reduce the structure's existing setback distance from the shoreline (mean high water mark) as of the effective date of these regulations, nor increase the height of the structure so that it exceeds two (2) stories or 30 feet, whichever is less.

(9) Demolition and alterations, expansions or repairs that change the appearance, height, footprint or historic character of an existing structure are subject to conditional use under Section 5.4, design review under Subsection (G), and the requirements of Section 3.1. Historic structures damaged beyond repair may be replaced within the same footprint, subject to conditional use review under Sections 5.4, and design review under Subsection (G).

(10) Temporary docks which are wooden or metal, used only for noncommercial purposes, are mounted on piles or floats, and removed at the end of each season do not require a zoning permit if the total (combined) length of all docks under single ownership does not exceed 50 feet (from Mean High Water), and the total (combined) area of all docks, including deck areas, does not exceed 500 square feet. No concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork, or similar construction may form any part of the dock. Other types of docks shall be considered shoreline improvements.

(11) Shoreline improvements are exempted from shoreline setback requirements, but shall be sited and designed to avoid wetlands, designated wildlife habitat, and other sensitive shoreline features; shall minimize surface runoff, channeling and soil erosion; and shall avoid adverse impacts and obstructions to adjoining shoreland areas.

(G) **District Design Review Standards**. Before granting conditional use approval for any alteration, expansion, demolition, or removal of any portion of any principal structure in this district, the Board of Adjustment shall seek the recommendations of the Design Review Committee, based on information found in the Historic Sites and Structures Survey for the Town of Charlotte, prepared by the Vermont Division for Historic Preservation, and the report titled "A Natural and Cultural Resource Inventory and Planning Recommendations for Thompson's Point, Charlotte, Vermont" (September 1990, as may be amended). Copies of both reports are available for review at the Planning and Zoning Office. In addition, the Committee's recommendation to the Board shall include its findings with regard to the following design review criteria:

(1) The size, scale, style, design and materials of any structural alteration, expansion or replacement are consistent and harmonious with existing structures, and with the overall historic and aesthetic character of the area.

(2) Natural features should be identified.

(3) Alterations or additions to an historic structure shall preserve the historic appearance of the structure and not alter the structure's historic integrity.

(4) Alterations to existing structures and new structures within the district shall be compatible with the visual elements of surrounding historic structures and the overall historic and aesthetic character of the area.

(5) The demolition of structures of historic significance shall be discouraged.

TABLE 2.8 CONSERVATION DISTRICT (CON)

(A) **Purpose**. The purposes of the Conservation District is to protect lands designated on the accompanying zoning map which include areas of high public value or which present public hazards, as specified in the *Charlotte Town Plan*.

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]

(C) Permitted Uses

1. Recreation/Outdoor (excluding structures)

(D) Conditional Uses

1. Accessory Structure/Use (to an allowed use)
2. Municipal Facility [see (F)(1), (F)(2) & Section 4.15]
3. Nature Center
4. Parking Facility (unpaved surface only)
5. Shoreland Improvements [see (F)(3)]

(E) Dimensional Standards (unless otherwise specified by use type):

Minimum Lot Area: 5 acres
Minimum Density: 5 acres/ use
Minimum Frontage/Road: 300 feet
Minimum Frontage/Shore: 300 feet (at MHW*)
Minimum Setback/Front: 100 feet (from ROW)
Minimum Setback/Side: 50 feet
Minimum Setback/Rear: 50 feet
Minimum Setback/Lakeshore:
Structures: 150 feet (from MHW*)
Septic Systems: 150 feet (from MHW*)

Maximum Height (Section 3.5):
Lesser of 25 feet or 2 stories;
Maximum Building Coverage: 5%
Maximum Lot Coverage: 10%

PRDs: Not allowed except as provided in (F)(7)
PUDs: Not allowed except as provided in (F)(7)

*MHW = mean high water mark

(F) District Standards:

(1) No structures, except for accessory structures to an allowed use, are allowed within this district.

(2) Municipal facilities allowed within this district are limited to municipally owned and/or operated parks, beaches, lake accesses, outdoor recreational facilities, trails and associated accessory structures, and municipal water and wastewater systems to serve seasonal dwellings on Thompson's Point.

(3) Shoreline improvements are exempted from shoreline setback requirements, but shall be sited and designed to avoid wetlands, designated wildlife habitat, and other sensitive shoreline features; shall minimize surface runoff, channeling and soil erosion; and shall avoid adverse impacts and obstructions to adjoining shoreland areas.

(4) Parking areas, with the exception of handicapped parking, shall be set back at least 150 feet from the shoreline, must be screened as viewed from the lake.

(5) Driveways, access roads and utility corridors within this district, to the extent feasible, shall share existing or proposed corridors, and conform with Section 3.2.

(6) Uses shall not adversely affect fragile soils or vegetation, impair the quantity or quality of surface and ground water or cause soil erosion.

(7) Land in the Conservation District may be considered with contiguous and noncontiguous land for a planned residential development or planned unit development in another zoning district, and such land may be counted for density and coverage purposes. In no case, however, shall a new residential use be permitted on land within the Conservation District.

TABLE 2.9 ROUTE 7 SCENIC OVERLAY DISTRICT (R7O)

(A) **Purpose.** The purpose of the Route 7 Scenic Overlay District is to protect scenic resources within a designated area along the Route 7 corridor which are identified in the *Charlotte Town Plan* as special features. The scenic resources of this section of the corridor are significant because of the high level of public and private investment in conservation in this area, the openness of both easterly and westerly views to mountains, lake and fields, the importance of Route 7 as a major transportation artery and the additional importance of agricultural and historic resources in this area.

(B) Permitted Uses

Any use allowed as a permitted use in the underlying zoning district that does not involve the construction or expansion of a structure(s).

(C) Conditional Uses

The construction or expansion of any structure, as allowed in the underlying zoning district [see Subsection (E)].

(D) Dimensional Standards

Dimensional standards will be as required for the underlying district, except that greater standards may be required in order to meet the district purpose and specific standards under Subsection (E).

(E) District Standards

(1) For properties with an existing conservation easement (as of the effective date of these regulations) or a building envelope(s) established by the Planning Commission, construction or expansion of any structures allowed as a permitted use in the underlying zoning district shall be a permitted use, unless a driveway or road is proposed that is to be located outside of the approved building envelope or an approved driveway or road location, in which case the use will be reviewed as a Conditional Use. The applicant shall, to the greatest extent possible, consider and implement the standards in section 2 below in connection with such permitted use.

(2) Construction of new principal and accessory structures or the expansion of existing structures may be approved by the Board of Adjustment subject to conditional use review under Section 5.4, and findings that the proposed construction or expansion will have no undue adverse effect on the scenic resources of the area and, to the greatest extent possible, the standards below are met.

(a) Structures are sited so that they do not protrude above a ridgeline.

(b) Structures are sited in wooded areas or on field edges.

(c) Structures are sited in such a way that agricultural resources are not fragmented or otherwise impacted.

(d) New structures are sited in proximity to existing structures.

(e) Existing vegetation is retained and supplemented with new plantings compatible with existing vegetation to screen structures and minimize impacts on views from Route 7.

(f) New driveways, roads and parking areas are sited away from open fields, follow existing contours to minimize the visual impact of cut and fill, are screened from Route 7, and sited in such a way that agricultural resources are not fragmented or otherwise impacted.

(g) Structures are designed and sited so that the visual impact is minimized through means such as:
   (i) placing gable ends toward the road;
   (ii) avoiding long unbroken planes of building frontage;
   (iii) use of colors and materials that are compatible with surrounding structures and natural features, and;
   (iv) use of materials which minimize glare from reflective surfaces or siting so that glare is not visible from Route 7.

2.10 FLOOD HAZARD AREA OVERLAY DISTRICT (FHO)

(A) **Purpose**. The purpose of the Flood Hazard Area Overlay District is to (1) protect public health, safety, and welfare by preventing or minimizing hazards to life and property due to flooding (e.g.: inundation, fluvial erosion and land slides), and (2) to ensure that private property owners within designated flood hazard areas are eligible for flood insurance under the National Flood Insurance Program (NFIP).

(B) Allowed By Right (No permit needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care [see Section4.7]*
4. Home Occupation I [see Section 4.11]*

* Only within an existing single family dwelling (see E)(2).

(C) Permitted Uses:

1. Recreation/Outdoor (no structures)

(D) Conditional Uses:

All other uses allowed within the underlying zoning district, except for contractor's yards, salvage yards, and solid and hazardous waste management facilities which are specifically excluded from this district.

(E) Dimensional Standards (unless otherwise specified for a particular use):

As required for the underlying zoning district.

(F) District Standards:

(1) Where the standards of this overlay district differ from underlying district standards, the more restrictive shall apply.

(2) Uses permitted within the Flood Hazard Area Overlay include those uses generally allowed within single family dwellings in existence as of the effective date of these regulations which do not require structural alterations (i.e., home child care and home occupations). All other uses and structures, including but not limited to new or expanded single family dwellings, additions and accessory structures, are subject to review under Section 5.6, as well as all other applicable municipal and state regulations. A "permitted" use in the underlying zoning district will be reviewed only in accordance with the standards set forth in Section 5.6, and not other conditional use standards under Section 5.4.

(3) Mandatory state [§4424] and federal [44 CFR 60.3 and 60.6] requirements for continued eligibility in the National Flood Insurance Program, including but not limited to associated structural standards, definitions, administrative and variance requirements, are hereby adopted by reference and shall be applied to all development in this district. Accordingly:

(a) Applications for development within the Flood Hazard Area Overlay District must include information required under Section 5.2, and are subject to state and federal agency referral requirements under Section 5.6.

(b) Development in the Flood Hazard Area Overlay District shall be subject to flood hazard area review standards under Section 5.6, in addition to applicable requirements of the underlying zoning district.

(c) Requests for variances for development within the Flood Hazard Area Overlay District must meet the requirements of Section 9.7(C) in addition to variance requirements under Section 9.7(A).

(d) Permits, certifications and variance actions for development within the Flood Hazard Area Overlay District shall be recorded by the Zoning Administrator in accordance with Section 9.9.

CHAPTER III. GENERAL REGULATIONS

Section 3.1 Repair of Damaged Structures; Demolition

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

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

Section 3.2 Road, Driveway and Pedestrian Access Requirements

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

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

   (a) Use of a substandard access shall be limited to lots without required frontage which were legally in existence as of the effective date of these regulations.

   (b) Development on a pre-existing, non-frontage lot with a substandard access shall be limited to one (1) dwelling unit or principal use.

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

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

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

(1) No lot may be served by more than one (1) access (curb cut), except for:

   (a) a lot for which it is determined, subject to subdivision, site plan, or conditional use review, that one or more additional accesses are necessary to ensure vehicular and pedestrian safety; or
   (b) instances in which strict compliance with this standard, due to the presence of one or more physical constraints (e.g., streams, wetlands, steep slopes) would result in adverse

environmental impacts or a less desirable site design and layout than would be otherwise possible.

(2) For a parcel having frontage on two (2) roads (i.e., a corner or through lot), the access shall be located on the less traveled road, unless otherwise approved by the Commission or Board due to particular site, safety or road conditions.

(3) If property has frontage on Route 7 the following shall also apply:

(a) For purposes of access management, a "property" or parcel that borders Route 7 shall include one or more contiguous parcels under common ownership, any of which have a property line conterminous with the Route 7 right-of-way line. If any of the contiguous parcels under common ownership also have frontage on a secondary road that intersects Route 7, the entire property shall be considered to have access to both Route 7 and to the secondary road.

(b) A property having frontage on Route 7 and no frontage on a secondary road shall be allowed a maximum of one (1) access point onto Route 7. Where feasible, said access point shall be located and designed so as to provide access to the entire property, and shall meet all applicable standards of these regulations. No access shall be permitted where traffic conditions, topography, or any physical site limitation would prevent the construction of a safe access.

(c) A property having frontage on Route 7 and on a secondary road shall be required to locate all access points on the secondary road, except where the Planning Commission or Board of Adjustment determines that the topographical or traffic safety conditions make such location impracticable. Such access points shall be located and designed to provide access to the entire property, and shall meet all applicable standards of these regulations.

(4) New driveways and roads should be located to achieve appropriate sight distances, at least 125 feet (on center) from the intersection with a private road, and at least 225 feet (on center) from an intersection with a public road.

(5) The width of a proposed driveway, road or parking area shall not exceed the applicable state standard (B-71, A-76 as most recently amended) for the proposed use.

(6) Shared access is encouraged, and may be required for development subject to subdivision, site plan or conditional use review. During subdivision review, site plan review, or conditional use review an access may be eliminated, combined, or relocated to meet the requirements of these regulations.

(7) A new access in the Town of Charlotte intended to serve a use or development in another town that is not an allowed use in the zoning district in which the proposed access is located is prohibited. All other proposed accesses serving another town shall be considered a conditional use subject to conditional use review by the Board of Adjustment under Section 5.4 and site plan review by the Planning Commission under Section 5.5, and other reviews as applicable. In addition to meeting the requirements of Section 5.4 and Section 5.5, such access may be approved only:

(a) if no access to the proposed development is possible in the town in which the development is located; and
(b) the access meets all applicable requirements of these regulations.

(D) **Roads and Driveways**. Driveways, which may serve up to two (2) lots, and private roads, which serve three (3) or more lots, must be designed and constructed to meet the standards as set forth in the Town of Charlotte's "Road and Driveway Standards" as most recently amended.

(1) **Acceptance**. Acceptance of private roads by the municipality is subject to the approval of the Charlotte Selectboard, pursuant to state law for the laying out of public rights-of-way. Construction of a road to town standards in no way ensures such acceptance.

(2) **Design**. All roads, driveways and intersections shall be designed and constructed in accordance with the Town of Charlotte "Road and Driveway Standards" as most recently amended, and the following:

(a) In evaluating use of an access, the Planning Commission may consider the intended use of the property, safety, traffic, road and site conditions in granting, conditioning or denying access approval. Conditions imposed by the Commission may include, but are not limited to, agreements that the town shall not be required to provide school busing beyond the public right-of-way, and that the owner of the property shall have the responsibility to upgrade and maintain the right-of-way for access by emergency vehicles.

(b) Roads and driveways should logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads.

(c) Roads and driveways should be located to avoid fragmentation of and/or adverse impacts to areas of high public value listed in Table 7.1. Additionally, to the extent feasible, roads should follow existing linear features such as utility corridors, tree lines, hedgerows and fence lines.

(d) Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads, including but not limited to the selection of visually compatible materials, the preservation of existing features, and appropriate management of vegetation within the road corridor. The use of surfacing material that minimizes driveway visibility and enhances surface permeability is encouraged, and may be required by the Commission or Board for development subject to subdivision, site plan, or conditional use review. A crushed stone or gravel surface is recommended.

(e) Roads and driveways should be designed to enhance the connectivity of the road network, particularly within village areas.

(f) The arrangement of lots and road rights-of-way in a proposed subdivision should allow for the future extension of roads to serve adjoining parcels and allow for efficient traffic circulation, access management, and emergency vehicle access. Proposed road easements shall be shown on the plat, and may be required to extend to the subdivision and/or property boundary.

(g) Shared driveways are encouraged, and may be required for development subject to subdivision, site plan or conditional use review. The owner of each lot upon which the common or shared driveway crosses shall provide a deeded easement to the benefited landowner which shall be recorded in the town land records.

(3) **Drainage**. Stormwater management shall be provided to manage stormwater runoff from all proposed roads and/or parking areas in accordance with Section 7.8 of these regulations.

(4) **Maintenance**. The maintenance of all roads not designated as a Class I, II or III Town Highways or a State Highway shall be the responsibility of the applicant and subsequent owners. The applicant shall supply evidence and assurance that such roads will be adequately maintained either by the applicant, lot owners or an owners' association via an acceptable legal mechanism. For

developments involving access by a Class IV Town Highways or a legal trail, a road/trail maintenance agreement approved by the Selectboard shall be required in association with final subdivision approval.

(5) **Road Names & Signs**. Road names proposed by the applicant shall be approved by the Charlotte Selectboard in accordance with the Town of Charlotte's *Road Naming & Numbering Ordinance* currently in effect. Roads shall be identified by signs approved by the Selectboard.

(6) **Modification of Road & Driveway Standards**. In the case of unusual topographic conditions or other circumstances which would make strict adherence to these standards a substantial hardship, or result in a safety hazard, the Planning Commission may modify the application of one or more standards under this section, providing that the applicant demonstrates that the proposed road or driveway is accessible to emergency vehicles, does not pose a threat to motorists or pedestrians, will not result in unreasonable maintenance requirements for property owners, and is designed in a manner that is consistent with other applicable standards of these regulations.

(E) **Parking Areas & Transit Stops.** Common or shared parking areas shall be designed in accordance with Section 3.12, and indicated on the site plan and the subdivision plat if applicable. In addition:

(1) The Commission may require common or shared parking areas to serve multiple lots or uses in order to allow for reduced lot sizes and/or higher densities of development, to reduce access points onto public roads, and/or to reduce the total amount of impervious surface within a development.

(2) For major subdivisions that will be served by school buses or other public transit services, the Commission also may require pull-offs and/or turn-arounds, and/or the provision of one or more sheltered bus stops for use by residents of the subdivision.

(F) **Trails**. Trails or walkways should be provided as needed to facilitate pedestrian access and circulation within the subdivision, or to connect to adjoining roads, recreation and pedestrian paths, or sidewalks serving the subdivision. Accordingly:

(1) The Commission may encourage the applicant to provide unobstructed pedestrian easements at least 20 feet in width, which shall be shown on the plat.

(2) Within East Village, West Village and Commercial Districts, the Commission may encourage the installation of pedestrian paths or sidewalks along one or both sides of roads within the subdivision, or along public roads bordering the subdivision, or to connect to existing sidewalks on adjoining properties.

(G) **Class IV Roads & Legal Trails**. The town, under state law and adopted town road policies, is not required to maintain designated Class IV roads or legal trails to provide year-round access to properties. The use of a Class IV road or legal trail for permanent vehicular access for non-recreational use of a property will be allowed only in accordance with the following:

(1) Such use may be allowed only to minimize the number of curb cuts on a town or state road, or as otherwise deemed necessary to improve traffic safety.

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

Section 3.3 Conversion or Change in Use

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

Section 3.4 Fences & Walls

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

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

Section 3.5 Height Requirements

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

Height: The distance above ground of a structure as measured vertically from the average natural grade at the base of the structure, determined from pre-development surface elevations within the proposed footprint, to the highest point of the ridgeline or roof surface or, for a structure without a roof, to the highest point of the structure, excluding the chimney.

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

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

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

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

Section 3.6 Lot, Yard & Setback Requirements

(A) **Principal & Accessory Structures.** Only one (1) principal use or structure shall be located on a single lot, unless otherwise allowed as an agricultural use under Section 4.2(B), or an adaptive reuse

under Section 4.3, a mixed use under Section 4.12, or with the approval of the Planning Commission, as part of a planned residential or planned unit development under Chapter VIII.

(1) In the Rural District barns may be considered principal structures, and dwellings for farm owners, the farm operator, or farm workers may be considered accessory structures, if associated with an active agricultural operation, and in accordance with Section 4.2(B).

(2) An accessory structure or use must conform to all lot, setback, coverage and other dimensional requirements for the district in which it is located, unless specifically exempted from such requirements under Section 9.2.

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

(1) No lot shall be so reduced in area that it cannot meet area, yard, setback, frontage, coverage and other dimensional requirements for the district in which it is located, except as approved by the Planning Commission for a planned residential or planned unit development under Chapter VIII.

(2) Legal trails and rights-of-way associated with private roads and driveways shall not be considered boundaries that subdivide an existing parcel into two or more lots.

(3) The area required for a use to meet the dimensional, density or open space provisions under these regulations shall not be used to also meet the dimensional, density or open space requirements for another use, except as allowed for a mixed use.

(4) Frontage requirements for lots served by private roads (rights-of-way serving three or more lots) shall be the same as frontage requirements for lots served by public roads, unless otherwise approved by the Planning Commission, such as for lots located at the road terminus and for planned residential or planned unit developments under Chapter VIII.

(5) Only continuous, uninterrupted frontage along a road right-of-way shall be used to meet district frontage requirements.

(6) Side setback requirements shall apply to all lot boundaries for any lot which does not have frontage on a public or private road or public waters.

(7) All portions of a parcel that adjoin a public or private road shall be considered a front yard, and shall meet applicable front setback requirements.

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

Section 3.7 Nonconforming Lots (Existing Small Lots)

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

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

Section 3.8 Nonconforming Uses of Land & Structures

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

(1) may not be moved or altered except with the approval of the Board of Adjustment in association with conditional use review under Section 5.4;

(2) shall not be changed to another nonconforming use without approval under conditional use review under Section 5.4, and a determination by the Board of Adjustment that the proposed nonconforming use is of the same or a more restricted nature as the existing nonconforming use;

(3) shall not be re-established if such use has been changed to, or replaced by, a conforming use, or if such use has been discontinued for a period of six (6) months, regardless of the intent to resume the prior use;

(4) shall not be reestablished following abandonment or discontinuance resulting from structural damage from any cause, unless the nonconforming use is carried on uninterrupted in the undamaged part of the structure, or the use is reinstated within one (1) year of such damage. The Board of Adjustment may, on appeal, grant a one (1) year extension to reestablish the nonconforming use for situations it determines are beyond the applicant's control.

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

(1) may undergo routine maintenance and repair, provided that such action does not increase the degree of noncompliance;

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

(3) may be repaired, restored or reconstructed after damage from any cause provided that the repair or reconstruction does not increase the degree of noncompliance which existed prior to the damage, is commenced within one year of the date of the event that led to the damage, and is substantially completed within two (2) years of the damage or destruction, in accordance with Section 3.1. The Board of Adjustment may, on appeal, grant a one (1)-year extension to this deadline upon a

determination that the delay was unavoidable and that the owner had acted to substantially complete the repair, restoration or reconstruction within the initial one (1)-year period.

(C) Nothing in these regulations shall be construed as allowing the continuation of a use or occupancy of a structure that has been declared by an appropriate governmental authority (e.g., Health Officer) to be unsafe or to pose a threat to public health or safety.

Section 3.9 Outdoor Lighting

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

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

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

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

(1) Information regarding exterior lighting fixtures, including fixture type, mounting locations and heights, illumination levels and distribution, and color, to be submitted as part of the development review application under Section 5.3. A lighting plan, prepared by a qualified lighting expert, may be required as appropriate for projects requiring outdoor parking area, street, or security lighting.

(2) The burial of electrical service to outdoor lighting fixtures.

(3) The use of security or street lighting only if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Commission, shall be shielded and aimed so that only designated surfaces or areas are illuminated.

(4) Street lighting shall not be provided except where it is deemed necessary by the Commission for safety or security, such as at road intersections, or pedestrian crossings or walkways.

(5) Outdoor lighting fixtures associated with nonresidential uses, except for approved security lighting, shall be illuminated only during business hours, unless otherwise specifically approved by the Planning Commission.

(D) **Waiver**. The Planning Commission may waive or modify the requirements of this Section if it finds that doing so will not:

(1) jeopardize the stated intent of these provisions under Subsection (A), or that

(2) such a modification or waiver is needed for public safety, or to meet an overriding public purpose, such as the illumination of a public building or monument.

Section 3.10 Outdoor Storage

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

Section 3.11 Parking, Loading & Service Area Requirements

(A) **Parking**. Off-street parking spaces shall be provided, on the same lot as the associated use, or on adjacent lots under the same ownership or under permanent easement, as set forth below:

(1) A required parking space shall have a minimum width of nine (9) feet, a minimum length of 18 feet, unobstructed access and maneuvering room, and a gravel or paved surface sufficient for year-round use.

(2) A minimum number of parking spaces as determined by the proposed use shall be provided in accordance with the requirements listed in Table 3.1, unless otherwise waived under Subsection C.

(3) In addition to the requirements listed in Table 3.1, all public, commercial and industrial uses must provide adequate clearly marked accessible parking spaces in accordance with state and federal Americans with Disabilities Act (ADA) requirements, and at least one (1) bicycle rack for use by employees and/or the general public.

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

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

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

(1) green areas are to be set aside and maintained as open space for future conversion to parking, loading and/or services areas in the event that the spaces initially permitted are subsequently deemed inadequate to meet demonstrated need;

(2) adequate shared parking, loading, and/or services areas for use by two (2) or more businesses exist on the same or contiguous lots, which are either under common ownership or a long-term lease agreement;

(3) adequate off-site public parking exists within reasonable walking distance of the establishment; and/or

(4) the proposal is for the development of affordable or elderly housing as defined under Section 4.4.

Table 3.1 Minimum Off-Street Parking Requirements

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

Section 3.12 Performance Standards

(A) The following performance standards must be met and maintained for uses in all districts, except for agriculture and forestry, as measured at the property line. In determining compliance, the burden of proof shall fall on the applicant. The Town or a complainant shall be required to provide reasonable proof if challenging compliance after a permit has been issued. The Planning Commission or Board of Adjustment may require periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in:

(1) **noise** in excess of 70 decibels, or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or within the Commercial/ Light Industrial District, noise in excess of 75 decibels;

(2) **clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;

(3) **smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;

(4) **releases of heat, cold, moisture, mist, fog or condensation** which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;

(5) **electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare, except from facilities which are specifically licensed and regulated through the Federal Communications Commission (FCC).

(6) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

(7) **liquid or solid waste or refuse** which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or ground waters, or which is otherwise detrimental to public health, safety and welfare; or

(8) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services.

Section 3.13 Sign Requirements

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

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

(1) A plot plan (does not need to be survey) showing the proposed location of sign with distances to property lines, structures, rights-of-way and setbacks.

(2) A sketch showing the design of the proposed sign, with overall dimensions.

(3) A lighting plan (if applicable).

(C) General Standards. No sign, with the exception of official highway signs, road-name signs, and official business directional signs erected in accordance with Chapter 21 of Title 10 VSA, may be located in a road right-of-way. Additionally, all signs, other than those specified under Subsection (F), shall comply with the following requirements:

(1) Only one permanent outdoor advertising sign for each commercial use shall be permitted.

(2) Off premise signs are prohibited, with the exception of official business directional signs erected in accordance with Chapter 21 of Title 10 VSA.

(3) A sign shall have no internal illumination, and may only be illuminated by a downward directed, shielded, continuous (non-flashing) light.

(4) No sign shall be illuminated during hours when premises are unoccupied or are not open for business. Lodging facilities, including bed and breakfasts and inns, may be considered open on a 24-hour basis.

(5) A planned unit development, such as a business or industrial park, is allowed one (1) freestanding sign for the entire development, to be located near the principal entrance, which shall not exceed 24 square feet in area, in addition to a sign for each use as allowed herein, to be located on or immediately adjacent to the structure(s) or use(s). Signs identifying residential subdivisions and/or developments are prohibited.

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

(1) With the exception of a sign identifying a Home Occupation or a Home Farm Stand, no sign shall exceed 20 square feet in total area per side.

(2) A sign identifying a Home Occupation or a Home Farm Stand shall not exceed six (6) square feet in total area per side.

(3) A freestanding sign shall not be higher than ten (10) feet from the average grade of the surrounding ground to the highest point of the sign or the supporting structure, whichever is higher.

(4) A sign mounted on a building shall not protrude above the eave of the roof.

(5) The sign area shall be calculated as the total area of the sign face at the outer edge, including any supporting frame.

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

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

(1) Signs erected by the town or state on public roads for directional, safety or public service purposes, including Official Business Directional Signs and sign plazas erected in accordance with 10 VSA Chapter 21.

(2) An ornamental sign incidental to a residential use and not used for advertising purposes, not exceeding six (6) square feet in area.

(3) Signs identifying historic, landmark or conserved property, not exceeding six (6) square feet in area.

(5) Temporary signs not exceeding six (6) square feet in area per face, used less than three consecutive months.

(6) Unlit, non-advertising informational signs which do not exceed three (3) square feet in area, for the direction, instruction, or convenience of the public (e.g., that identify restrooms, public telephones, freight entrances, vacancies, or are related to posted areas, trespassing, hunting or trail markers).

(5) Gasoline stations, in addition to the sign allowed for businesses under Subsection (C), are allowed to have either one (1) pricing sign which does not exceed 12 feet in area, and pump-top pricing signs, each not to exceed two (2) square feet in area;

Section 3.14 Steep Slopes

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

(1) The site development plan submitted under Section 5.2 shall include contour intervals of five (5) feet or less, slope profiles showing existing gradients and proposed cut and fill sections, and a stormwater management and erosion control plan, prepared by a professional licensed by the state, that covers all phases of development (site preparation, construction, post construction).

(2) Development shall be sited and constructed, and slopes stabilized in accordance with accepted engineering and best management practices for stormwater management and erosion control to:

(a) prevent runoff, erosion, slumps, and other down slope movements of material, and

(b) to minimize associated risks to surface and ground waters, public facilities and roads, and neighboring properties.

(3) Development, including road and utility corridors, on slopes equal to or in excess of 15% shall be sited and designed to minimize visual impacts from public vantage points. The use of landscaping and natural screening materials is encouraged, and may be required to lessen the visual impact of such development.

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

Section 3.15 Surface Waters & Wetlands

(A) **Setbacks from Streams.** To prevent surface runoff and accelerated soil erosion, and to protect water quality and wildlife habitat, all structures and wastewater disposal systems (septic tanks, leach fields) and other impervious surfaces shall be set back a minimum of 100 feet from all named streams, and a minimum of 50 feet from all unnamed streams as depicted on the zoning map or as identified through field investigation, and as measured horizontally from the top of the nearest stream bank. In addition, all structures and wastewater disposal systems shall be set back a minimum of 150 feet from the top of the nearest stream bank of the following:

(1) The tributary of the LaPlatte River which originates near the intersection of Bingham Brook Road and Spear Street Extension and flows generally north through a large wetland adjacent to the microwave tower east of the Spear Street Extension.

(2) The stream which originates in a wetland parallel to and west of Bean Road, flows into and out of a wetland near the intersection of Bean Road and Prindle Road, and then generally south to its intersection with Lewis Creek.

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

(C) **Stream-bank Buffers.** In order to protect water quality and riparian habitat, and to prevent surface runoff and accelerated soil erosion, stream-bank buffers of 25 feet (minimum) are required, within which vegetation shall be maintained and fertilizers and pesticides should be avoided.

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

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

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

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

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

Section 3.16 Water & Wastewater System Requirements

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

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

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

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

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

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

Section 3.17 Utilities

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

CHAPTER IV. SPECIFIC USE STANDARDS

Section 4.1 Applicability

The following standards apply to specified uses in all zoning districts in which such uses are allowed. Specified uses may be subject to conditional use review in accordance with Section 5.4 and/or site plan review under Section 5.5. If there is a conflict between a standard in this section and a standard in another section of these regulations, the more restrictive shall apply.

Section 4.2 Accessory Dwelling

(A) **Accessory to a Single Family Dwelling**. In accordance with the Act [§4412(1)(E)], one (1) accessory dwelling to a single family dwelling may be allowed in any zoning district in which a single family dwelling is allowed, except in the Shoreland Seasonal Home Management District, subject to the following requirements:

(1) The accessory dwelling must meet *all* of the following requirements:

(a) The single family dwelling or accessory dwelling must be occupied by the owner.

(b) If a designated building envelope has been approved for the parcel, the accessory dwelling must be located within the building envelope.

(c) The accessory dwelling is not subject to district density requirements. It must, however, meet all applicable setback and coverage requirements specified in these regulations and, for nonconforming structures, shall not increase the degree of noncompliance in accordance with Section 3.8.

(d) The accessory dwelling must be clearly subordinate to the single family dwelling. The total floor area of the accessory dwelling shall not exceed 30% of the total habitable floor area of the single family dwelling, or 1,000 square feet, whichever is larger.

(e) The accessory dwelling shall share the same road access as the single family dwelling. Additional off-street parking space shall be provided for residents of the accessory dwelling, in accordance with Section 3.11.

(f) There must be sufficient water and wastewater system capacities to serve both the single family dwelling and the accessory dwelling, in accordance with Section 3.16.

(2) Accessory dwellings are allowed as a permitted use unless one or more of the following apply, in which case the accessory dwelling is subject to conditional use review by the Board of Adjustment under Section 5.4:

(a) The accessory dwelling is to be located in a new accessory structure.

(b) The accessory dwelling results in an increase in the height or floor area of the existing single family dwelling or an existing accessory structure.

(c) The accessory dwelling will have two (2) bedrooms. (No accessory dwelling shall have more than two (2) bedrooms).

(3) For the purposes of these regulations, dwellings that do not meet the above requirements shall be considered either two-family dwellings if attached, or two (2) detached, single family dwellings for which subdivision approval is also required under Chapter VI.

(B) **Accessory Dwelling to an Agricultural Operation (Farm Worker Housing)**. In the Rural District dwelling units for housing farm labor, excluding the principal farm dwelling occupied by the farm owner or operator and any accessory dwelling to the principal dwelling as permitted under Subsection (A), may be allowed as accessory dwellings to an operating farm without prior subdivision review or approval under Chapter VI, subject to the following requirements:

(1) The accessory dwelling(s) shall be occupied only by the owner, operator, and/or full-time employees (and their immediate families) of an active farm.

(2) The accessory dwelling(s) may include single family dwellings multi-family dwelling(s), or accessory apartments within, or immediately adjacent to, or attached to another farm building.

(3) The accessory dwelling(s) shall be located on the same parcel in the vicinity of other farm structures and utilities, and not on fields or other bare lands that are otherwise undeveloped. If a designated building envelope has been approved for that parcel, the accessory dwelling(s) must be located within the building envelope.

(4) In the event of future subdivision, additional acreage shall be assigned to that portion that is developed and to be subdivided, as required to meet applicable district density requirements.

(5) Accessory dwellings should share the same road access with the principal farm dwelling or other farm structures located on-site. Parking for accessory dwelling units shall be provided in accordance with Section 3.11.

(6) There must be sufficient water and wastewater system capacities to serve the principal and all accessory dwellings, in accordance with Section 3.16.

(C) A zoning permit issued for an accessory dwelling under Subsections (A) or (B) shall clearly state that the dwelling is permitted only as an accessory to the principal residential or agricultural use of the property, and as such shall be retained in common ownership.

(D) **Conversion of an Accessory Dwelling to a Principal Dwelling**. An accessory dwelling may be subdivided and/or converted for conveyance or use as a principal dwelling only if it is found to meet all current municipal regulations applying to a single (or two) family dwelling, including all density and dimensional requirements for the district in which it is located. All applicable municipal permits and approvals shall be obtained prior to subdivision, conversion and/or conveyance as a principal dwelling.

Section 4.3 Adaptive Reuse of an Existing Structure

(A) Adaptive reuse is intended to encourage the continued viability, reuse, restoration and rehabilitation of historically, culturally or architecturally significant structures within the Town of Charlotte. The adaptive reuse of such a structure may be allowed in any zoning district except the Seasonal Shoreland Home Management District, subject to conditional use review under Section 5.4, site plan review under Section 5.5 and the provisions below.

(B) **Applicability**. Structures eligible for adaptive reuse are limited to those which:

(1) are no less than 50 years old and are listed in, or eligible for listing in, the *Vermont Historic Sites and Structures Survey for the Town of Charlotte*; or

(2) have historical, cultural or architectural significance to the town, as determined by the Board of Adjustment upon application. The Board of Adjustment may make a determination regarding the eligibility of a particular structure for adaptive reuse in consultation with the Vermont Division of Historic Preservation or a qualified architect or architectural historian.

A proposed business may be owned by a person other than the property owner.

(C) **Application Requirements.** In addition to development review application requirements under Section 5.2, the application for an adaptive reuse shall also include following:

(1) Elevation drawings showing the existing view and proposed renovations for all walls that are proposed to have alterations, including new or altered windows or doors.

(2) Written documentation of the structure's significance (particularly historical significance) prepared by a qualified architect, architectural historian, or the Vermont Division of Historic Preservation.

(D) **Density.** An adaptive reuse is not subject to the minimum district density requirement, except for residential uses as provided below.

(E) **Size.** An adaptive reuse is not subject to the maximum size (square footage) requirements that may be required for particular uses by the district standards.

(F) **Uses**. The following uses may be allowed in structures which are determined by the Board to be eligible for adaptive reuse:

(1) any permitted and conditional use allowed within the district in which the structure is located;
(2) accessory dwelling;
(3) single and multi-family dwelling, at a density not less than the density (acres/unit) required for the district in which the building is located; except as allowed for planned residential developments (including noncontiguous PRDs) under Section 8.4 and affordable housing under Section 4.4;
(4) home occupation III (see Section 4.11);
(5) office(s).;
(6) restaurant or snack bar;
(7) bed and breakfast or inn;
(8) agricultural processing, sales and service (e.g., specialty food production, commercial farm stand, food cooperative, farm services) excluding slaughter house facilities;
(9) cultural facility (e.g., library, museum, theater, performance space);
(10) community center or private club;
(11) retail store;
(12) enclosed storage facility, but not self storage facility;
(13) health clinic
(14) veterinary clinic
(15) other similar uses; or
(16) a combination of the above.

(G) **Conditional Use Review Standards**. In addition to conditional use review requirements under Section 5.4, it shall be demonstrated to the satisfaction of the Board of Adjustment that:

(1) A structure intended for adaptive reuse which is accessory to a principal structure shall be retained in common ownership with the principle structure; however the proposed business may be separately owned by a person other than the property owner.
(2) There shall be adequate water supply and wastewater system capacities to accommodate the proposed reuse in accordance with Section 3.16.

(3) The Performance Standards identified in Section 3.12 shall also apply.

(H) **Site Plan Review Standards**. In addition to site plan review requirements under Section 5.5, it shall be demonstrated to the satisfaction of the Planning Commission that:

(1) Access (curb cuts), driveways, and parking shall meet the requirements of Sections 3.2 and 3.11 and shall, to the extent feasible, be shared with other uses on the same parcel.

(2) Any rehabilitation or restoration associated with an adaptive reuse shall not significantly alter the façade or historic character of the structure. Any proposed exterior renovations shall conform to guidelines set forth in the most recent edition of *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* [36 CFR 67].

(3) The Planning Commission may require an independent technical review of the proposed rehabilitation or restoration, prepared by a qualified professional architectural historian, in accordance with Section 9.9(D). Administrative review and approval of completed renovations may also be required as a condition of site plan approval under Section 9.9(E).

Section 4.4 Affordable Housing

(A) **Intent**. The affordable housing provisions under this section are intended to:

(1) provide incentives for residential development that meets the needs of Charlotte's population, including housing for low and moderate income individuals and families, in accordance with the Act [§§4412(1), 4417(a)(2) and(d)];
(2) increase opportunities for home ownership and rental units;
(3) allow for the development of a variety of affordable housing types including single and two family dwellings and multi-family units;
(4) ensure that affordable housing units will remain affordable and available into the future; and
(5) encourage mixed-income development.

(B) **Applicability**. For the purposes of these regulations, affordable housing shall be considered a specific type of use within West Charlotte Village, East Charlotte Village, Village Commercial, Commercial/Light Industrial, Rural and Shoreland Districts.

(C) **General Standards**.

(1) Housing proposed under this section shall meet the definition of "affordable housing" in Section 10.2., except as allowed in subsection 4.4(D)(1)(d) below.

(2) Affordable dwelling units shall be maintained as affordable units in perpetuity (see Section 10.2), through deed restrictions, covenants, or other accepted legal mechanisms.
(D) **Lot Size & Density Requirements**.

(1) **Existing Lots & Subdivisions (including PRD's & PUDs)**. Notwithstanding minimum lot size and density requirements for zoning districts in Chapter II, or as otherwise specified in these regulations, lot size and density requirements that apply to affordable housing units and market rate units created within an affordable housing development, including affordable single family, two family, multi-family and elderly housing dwellings, shall be as specified in Tables 4.1a. and subsection (a), (b), (c) and (d) below.

Table 4.1a Affordable Housing Lot Size & Density Requirements For Existing Lots & Subdivisions:

	Village & Commercial Districts [WCV, ECV, VCM, C/LI]	Rural and Shoreland Districts [RUR, SHR]
Minimum Lot Size	1/4 acre	New Construction: 1 acre Adaptive Reuse (see Section 4.3): 1/2 acre
Maximum Density	1 dwelling unit per 1/4 acre	New Construction: 1 dwelling unit per acre Adaptive Reuse: 1 dwelling unit per 1/2 acre
Maximum Units Using Affordable Density Provision Per Project [see (a) below]	10 dwelling units or 20 units of elderly housing	5 dwelling units or 10 units of elderly housing
Maximum Units Using Affordable Density Provision within Ten Year Period [see (b) below]	10 dwelling units or 20 units of elderly housing	5 dwelling units or 10 units of elderly housing

(a) The density requirements provided herein may be applied to a maximum of ten (10) dwelling units or twenty (20) elderly housing units within a subdivision, development or project in the Village and Commercial Districts (WCV, ECV, VCM & C/LI), and five (5) dwelling units or ten (10) elderly housing units within a subdivision, development or project in the Rural and Shoreland Districts;

(b) A maximum of ten (10) dwelling units or twenty (20) elderly housing units in the Village and Commercial Districts (WCV, ECV, VCM & C/LI) and five (5) dwelling units or ten (10) elderly housing units in the Rural and Shoreland Districts which are created using the density requirements provided herein may be created from a parent parcel within a 10-year period. The 10-year period shall be measured from the date of approval (of the earlier project) to the date of Sketch Plan Review (for the latter project).

(c) Within planned residential, planned unit developments, and hamlets, lot sizes may be less than the minimum lot sizes indicated in Table 4.1a in accordance with Sections 8.4 and 8.5, but no additional density bonuses shall apply.

(d) At least 75% of dwelling units in a subdivision, development or project which uses the densities allowed in this section must meet the definition of "affordable housing" in Section 10.2 (round up if 75% is not a whole number of units), and up to 25% of dwelling units in a subdivision, development or project which uses the densities allowed in this section may be market rate housing (round down if 25% is not a whole number of units), except for projects that consist of one two-family dwelling, which can be 50% affordable housing and 50% market rate housing.

(2) **Maximum Units Per Structure.** The maximum number of affordable housing units per structure shall be as specified in Table 4.1b. Review under the Planned Residential Development or Planned

Unit Development provisions is not required for the development of one multi-unit structure unless a subdivision is proposed, or unless several buildings or uses are proposed to be located on one parcel.

Table 4.1b Affordable Housing--Maximum Units/Structure	
Maximum Units/Structure	**All Districts: [RUR, SHR, WCV, ECV, VCM, C/LI]**
New Structures	4 units
Conversion of Non-Historic Structures	6 units
Adaptive Reuse of Historic Structures (see Section 4.3)	10 units
Elderly Dwellings	10 units

(E) **Design Requirements**.

(1) Although specific development standards and requirements may be modified or waived under Subsection (G); new and rehabilitated affordable housing, to the extent that it is not deemed exclusionary, shall be designed to:

(a) be energy efficient, to minimize utility costs;

(b) be physically and visually compatible with its setting and context, with regard to building orientation, size, scale, massing, height, and appearance, with due consideration given to the cost to the applicant;

(c) retain, to the extent feasible, a historic structure's historic setting, appearance and integrity, in association with an adaptive reuse, and to

(d) integrate, in mixed income housing developments, affordable housing with market rate housing.

(2) The Planning Commission or Board of Adjustment may require increased setbacks, buffers, landscaping, screening or building design modifications to mitigate the physical and visual impacts of higher density development on adjoining properties, and to maintain the historic appearance and integrity of historic structures.

(F) **Application Requirements**. Affordable housing shall be reviewed by the Planning Commission in association with subdivision review where applicable (subdivisions and planned residential or planned unit development), or by the Board of Adjustment as a conditional use under Section 5.5 for development that does not require subdivision review (e.g., development on existing lots, including conversions, adaptive reuses, and mixed uses). Site plan review is also required. Hearings may be combined.

In addition to a subdivision or site development plan, an application for affordable housing shall include the following information:

(1) The number of affordable housing units to be created, and for affordable housing developments, the percentage of total units proposed as affordable units.

(2) A general description of affordable units, including type, size, square footage, and number of bedrooms.

(3) A description of the exterior appearance of affordable unit(s) in relation to existing structures on site and on neighboring properties and, where applicable, proposed market rate units.

(4) Documentation of proposed selling prices and/or rental rates, financing requirements, housing costs, and associated household income limitations, in accordance with definitions of affordability. For the purposes of determining unit affordability based on median household income, as adjusted for household size, the following relationship between housing unit and household size shall apply:

Type of Unit	Household Size Income Limit
Efficiency	1-person
1 bedroom	2-person
2-bedroom	3-person
3 bedroom	4 person
4 bedroom	5 person

For example, the affordability of a 3-bedroom unit shall be determined based on the median income limit specified by the U.S. Department of Housing and Urban Development for a 4-person household.

(5) Information on how resale prices shall be determined.

(6) Information regarding the administration and management of affordable units, including the person(s) and/or organization who will be responsible for choosing purchasers or tenants, and monitoring and insuring long-term affordability.

(7) Legal documentation to be approved by the Town including, at minimum, proposed deed restrictions or covenants for affordable units which require that such dwelling units be sold and leased at or below prices that will preserve their affordability, as defined herein, in perpetuity.

(8) Any requested modification of standards or requirements as allowed under Subsection (G).

(9) Any other information required by the Planning Commission or Board of Adjustment as needed to determine conformance with these regulations.

(G) **Modifications or Waivers**. The Planning Commission or Board of Adjustment, upon written request of the applicant, may modify or waive any of the following requirements if it finds that the modification or waiver is necessary to improve the financial feasibility of an affordable housing project, and that public health, safety, and welfare will not be jeopardized:

(1) access requirements under Section 3.2;
(2) parking requirements under Section 3.11, including a reduction in the minimum number of spaces required;
(3) underground utility requirements under Section 3.17;
(4) subdivision standards under Chapter VII, including but not limited to applicable road standards;
(5) minimum lot size, frontage, setback, coverage and open space requirements, as allowed for planned residential and planned unit developments under Chapter VIII; and
(6) application and development fees, as approved by the Charlotte Selectboard for affordable housing.

(H) **Administrative Requirements**. The Planning Commission or Board of Adjustment may require, as a condition of approval, a partnership agreement and/or covenant with an established public or nonprofit housing trust or provider that will be responsible for the long-term administration and management of affordable units, including the selection of tenants and buyers in accordance with income limits and federal and state fair housing laws, the resale of affordable units, and ongoing property management and monitoring activities.

Section 4.5 Camper

A camper trailer may be stored on a lot. Camper trailers may not be occupied for dwelling purposes for more than a cumlative 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 town, state and federal regulations.

Section 4.6 Contractor's Yard

(A) A contractor's yard may be permitted in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following provisions:

(1) The Planning Commission or Board of Adjustment may, as a condition of approval, require larger setback and buffer areas, and/or landscaping or screening as deemed necessary to protect neighboring properties, public rights-of-way, and water quality.

(2) An associated accessory structure may include an office, garage, or other enclosed area for the storage of equipment and materials. The maintenance and repair of vehicles and equipment shall be conducted only within an enclosed building or designated yard areas.

(3) The operation of the contractor's yard shall meet all performance standards under Section 3.12. The Board of Adjustment may, as a condition of approval, limit the hours of operation as appropriate.

(4) There shall be no on-site storage of hazardous waste or materials. Fuel storage shall be limited to that needed for space heating and the operation of equipment and vehicles associated with the business, and meet the requirements of Section 3.10.

Section 4.7 Day Care Facility [Home Child Care, Day Care]

(A) **Home Child Care**. In accordance with the Act [4412(5)], a state registered or licensed family child care home that serves six (6) or fewer children, which is conducted within a single family dwelling by a resident of that dwelling, shall be considered an allowed use of the single family residence for which no zoning permit is required. The day care provider shall submit a letter to the Zoning Administrator detailing the use, which will be kept on file for informational purposes only. A registered or licensed family child care home that serves more than six (6) children on a full-time basis, or up to ten (10) children on a full- or part-time basis, shall be considered an allowed use of a single family dwelling, subject to site plan approval under Section 5.5 and the issuance of a zoning permit.

(B) **Day Care Facility**. Nonresidential day care facilities, adult day care facilities, and child care homes operated within a single family dwelling that do not meet the requirements of Subsection (A) may be allowed as a day care facility in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the issuance of a zoning permit.

Section 4.8 Extraction of Earth Resources

(A) The extraction or removal of more than 300 cubic yards per year of topsoil, rock, sand, and gravel for sale or use off-site may be allowed in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following requirements. Extraction shall be limited to 5,000 cubic yards per year.

(B) In addition to application information required in Table 5.1, the applicant shall submit stormwater management, erosion control and site reclamation plans showing:

(1) existing grades, drainage patterns and depths to bedrock and seasonal high water tables;
(2) setbacks and buffers as required under Chapter II and Section 3.15 for streams, wetlands and shoreline;
(3) the extent and magnitude of proposed extraction operations, including the type and proposed timing and/or phasing of extraction and processing activities;
(4) the types and locations of proposed temporary and permanent stormwater management and erosion control measures;
(5) finished grades and drainage at the conclusion of the operation; and
(6) a detailed plan for site restoration, including final grading and revegetation.

(C) No extraction, excavation, dredging or filling activities shall occur within streams, wetlands, or buffer areas, in accordance with the requirements of Section 3.15, or within designated shoreland setback areas under Chapter II.

(D) In granting conditional use approval, the Board of Adjustment shall find that the proposed extraction will not cause any hazard to public health and safety, nor adversely affect neighboring properties or property values, public facilities and services, surface water and groundwater supplies or quality, or natural, cultural, historic or scenic features identified in the *Charlotte Town Plan*. To ensure compliance with this Section, the Board may impose conditions with regard to any of the following factors:

(1) the storage of equipment and stockpiling of materials on-site;
(2) hours of operation, (e.g., for blasting, and the processing and trucking of materials);
(3) the depth of excavation; particularly in proximity to roads, adjacent properties and seasonal high water tables;
(4) slopes created by the removal of materials;
(5) effect on surface drainage on- and off-site;
(6) effect on ground and surface water quality, and drinking water supplies in the vicinity;
(7) effect on adjacent properties due to noise, dust, or vibration;
(8) effect on traffic and road conditions, including potential physical damage to public highways;
(9) effect on natural, cultural, historic, and scenic resources on-site or in the vicinity of the project,
(10) effect on agricultural land
(11) creation of public nuisances; and
(12) effect on public health, safety and general welfare.

(E) Pursuant to the Act [§4464(b)(4)], a performance bond, escrow account, or other surety acceptable to the Charlotte Selectboard may be required to ensure reclamation of the land upon completion of the extraction activities, to include any re-grading, reseeding, reforestation or other activities specified in an approved reclamation plan.

(F) This section shall not apply to extraction activities associated with publicly owned and operated gravel pits used solely for road construction and maintenance, or extraction activities which are incidental

to exempted agricultural or forestry operations, the operation of cemeteries, or another permitted use or activity which involves the removal of less than 300 cubic yards of earth resources per year.

Section 4.9 Gasoline Station

(A) Gasoline stations may be allowed in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following requirements:

(1) The Board of Adjustment or Planning Commission may require, as necessary to avoid undue impacts to adjoining properties and rights-of-way, that no vehicles may be parked or serviced within front, side or rear setback areas.

(2) Additional curbing, landscaping and screening, and pedestrian walkways may be required by the Board of Adjustment and/or Planning Commission as needed to manage vehicle and pedestrian circulation on- and off-site, and to minimize adverse impacts to adjoining properties.

(3) In addition to the signs allowed under Section 3.13, gasoline stations may have one (1) pricing sign which does not exceed 12 square feet in area, and/or pump-top pricing signs, each not to exceed two (2) square feet in area.

(4) Station canopies, if determined by the Planning Commission under site plan review to be necessary and appropriate to their context, may be limited to the minimum area required for adequate pump and apron coverage, and the minimum ceiling height necessary to meet applicable state and federal safety requirements. Canopy scale and design shall be compatible with station design and with surrounding buildings. Corporate logos are specifically prohibited on station canopies. Canopy fascias shall not be illuminated or used for advertising.

(5) The Planning Commission or Board of Adjustment may require the submission of an outdoor lighting plan for review and approval in accordance with Section 3.9. In addition:

(a) light fixtures mounted on station canopies shall either be recessed so that the lens cover is flush with the bottom surface (ceiling) of the canopy; or for indirect lighting, mounted and shielded or skirted so that direct illumination is focused exclusively on the underside of the canopy; and

(b) interior station lighting shall not be used to contribute to or increase outdoor lighting levels, nor be used for advertising purposes.

(B) The use of a gasoline station is limited to the retail sale of gasoline, diesel fuel and other automotive fluids and products, and no more than 30 square feet of non-automotive retail products. The sale of other types of retail items (e.g., food or convenience items), or the provision of other services (e.g., motor vehicle repair, sales or rentals, car washes, towing services or restaurant seating) may be allowed only as a “Mixed Use” (see Section 4.12), and shall be required to meet applicable standards of these regulations pertaining to each use.

Section 4.10 Golf Course

(A) **Applicability**. New golf courses and driving ranges, may be allowed in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following requirements. Miniature golf courses and “chip and putts” shall be considered types of outdoor recreation facilities that are specifically exempted from the requirements of this section.

(B) **Application Requirements**. In addition to the application information required in Table 5.1, applicants for a golf course or driving range shall also submit the following:

(1) A site development plan showing:
  (a) site features (surface waters, wetlands, floodplains, vegetation, and natural areas),
  (b) proposed site modifications, and
  (c) the location of existing and proposed wells and water quality monitoring stations.

(C) **General Design Standards**. Golf courses shall be designed to:

(1) preserve and enhance the ecological function of existing natural features, including but not limited to surface waters, wetlands, and critical wildlife habitats and corridors within and adjacent to the site;
(2) incorporate natural terrain to the extent feasible to minimize the amount of site modification (e.g., grading, filling, clear cutting) required, and to avoid areas of steep slope;
(3) minimize the number and length of stream crossings;
(4) preserve and/or re-establish streambank habitat within required buffer areas; and
(5) minimize the use of fertilizers and pesticides and associated impacts to water quality through the selection of disease resistant turf grass, integrated pest management, resource efficient irrigation and drainage systems, biofilters, and other accepted best management practices.

(D) **Monitoring**. The Board of Adjustment may require the establishment of preconstruction (baseline) surface and ground water quality conditions, and the subsequent monitoring of surface and ground waters to determine the effects of golf course development and operation on water quality.

Section 4.11 Home Occupation [I, II, III]

(A) **Applicability**. In accordance with the Act [§4412(4)], this section is intended to allow any resident to use a portion of their dwelling and/or all or a portion of an accessory structure for an occupation which is customary in residential areas in Vermont and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located. For the purposes of these regulations, three types of occupations have been defined. All home occupations shall comply with the wastewater disposal requirements (see Section 3.16), parking requirements (see Section 3.11), sign requirements (see Section 3.13) and performance standards (see Section 3.12) of these regulations. Home Occupations are not subject to minimum district density requirements.

(1) **Home Occupation I.** This includes home occupations that employ only the resident(s) of a dwelling; that occurs within a portion of the dwelling and/or within an accessory structure to the dwelling; and generates no more than 12 business-related vehicle trips per day. This type of home occupation does not require a zoning permit.
(2) **Home Occupation II**. This includes home occupations that employ one (1) or more residents of a single family dwelling and no more than five (5) nonresident employees on-site at any time; occur within the dwelling or an accessory structure to the dwelling, and generate no more than 20 business-related vehicle trips per day. A zoning permit is required. Prior to the issuance of a permit, the Zoning Administrator shall find that the proposed home occupation also meets the requirements of Subsection (B).

(3) **Home Occupation III**. This may be allowed in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the requirements of Subsection (C).

(B) **Home Occupation II Standards**. A zoning permit issued in accordance with Section 9.3 is required for this type of home occupation. Prior to issuing a permit, the Zoning Administrator shall find that the proposed home occupation meets the following requirements:

(1) The home occupation shall be conducted by residents of the dwelling and not more than five (5) nonresident employees on-site at any time.

(2) The home occupation shall be carried out within the principal dwelling and/or within an accessory structure to the dwelling as provided for in Section 4.18; the total area used for the home occupation is not to exceed 2,500 square feet.

(3) The storage of hazardous materials anywhere on the premises is prohibited, with the exception of materials customary and characteristic of residential uses (e.g., heating oil).

(4) The home occupation shall generate no more than 20 business-related vehicle trips per day.

(5) Parking areas shall be located in side or rear yard areas.

(6) Outdoor storage and uses are limited to those materials, goods, equipment, or activities that are typical of a residential use and meet the requirements of Section 3.10.

(7) The home occupation shall not change the character of the neighborhood.

(C) **Home Occupation III Standards**. This type of home-based business may be allowed as an accessory to a single family dwelling in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following provisions:

(1) The home business shall be conducted in the principal structure or an accessory structure by residents of the dwelling, and no more than nine (9) nonresident employees on-site at any time.

(2) The home business shall be carried out primarily within the principal dwelling and/or an accessory structure to the dwelling as provided for in Section 4.18.

(3) Outdoor areas for the storage of materials and equipment, and activities associated with the home business, may be approved by the Board of Adjustment provided that such areas are clearly designated and located or adequately screened so that they are not visible from public rights-of-way or neighboring properties. Designated storage areas at minimum shall meet all district setback requirements. The Board of Adjustment may also require increased setbacks and/or additional landscaping and screening to avoid impacts to neighboring properties.

(4) The storage of hazardous materials anywhere on the premises is prohibited, with the exception of materials customary and characteristic of residential uses (in terms of type and quantity).

(5) The home business shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home business is located.

(6) Parking areas shall be located in side or rear yard areas unless otherwise approved by the Board of Adjustment as a condition of approval under Section 5.4. The Board of Adjustment may also limit the number of commercial vehicles that may be parked on-site.

(7) The home business shall not change the character of the neighborhood.

Section 4.12 Mixed Use

In the West Charlotte Village District, East Charlotte Village District, Village Commercial District, Commercial Light Industrial District, and Shoreland District, more than one principal use may be allowed as a mixed use within a single building, or on a single lot, subject to the following provisions:

(1) Each of the proposed uses is allowed as a permitted or conditional use within the zoning district in which the mixed use is located. If any of the uses is a conditional use, the mixed use will be reviewed as a conditional use.

(2) Only one residential dwelling unit will be allowed within the mixed use, unless the development is a planned unit development (PUD).

(3) The uses, in combination, shall meet all applicable dimensional standards for the district in which the mixed use is located, including lot, frontage, setback and coverage requirements. If the mixed use is part of a planned unit development (PUD), it will be reviewed in accordance with Section 8.5.

(4) For purposes of meeting the minimum lot-size and density requirements, the uses, in combination, shall be considered as one use. If all uses are non-residential, the minimum lot size and density requirement is one (1) acre. If any of the uses are residential, the minimum lot-size and density requirement is five (5) acres.

(5) There shall be sufficient water and wastewater system capacities to serve each of the proposed uses in accordance with Section 3.16.

Section 4.13 Mobile Home Park

(A) In accordance with the Act [§4412(1)(B)], a mobile home park may be permitted in designated zoning districts subject to conditional use review under Section 5.4, site plan review under section 5.5, and the following requirements:

(1) Each mobile home shall be located on a dedicated site not less than 3,000 square feet in area, as shown on the site development plan. The density requirements as described for the zoning district (Table 2.2) apply unless units are perpetually affordable as defined in these regulations, in which case the density requirements for affordable housing (Section 4.4) apply.

(2) A minimum of 20% of the total land area shall be set aside as common land for recreational use or open space.

(3) Each mobile home and any accessory structure to a mobile home shall be set back a minimum of 10 feet from adjacent mobile home sites and park roads.

(4) A minimum of 100 square feet of indoor storage space separate from individual mobile homes (e.g., storage sheds, or a common storage building) shall be allowed for each mobile home.

(5) Parking spaces shall be provided in accordance with Section 3.12 for single family dwellings, however they may be at each mobile home or they may be in a shared (common) parking area(s).

(6) At least one common, screened service area shall be provided for the storage and collection of trash and recyclables generated by park residents.

(B) The mobile home park owner, or designated operator, may be required as a condition of approval to maintain all park buildings, roads, parking areas, paths, utilities, infrastructure, landscaping, open space and common areas in good condition, and offer residents a contract for the regular collection and removal of recyclables, waste and garbage (in accordance with statute—see 10 V.S.A. § 6239).

(C) Changes or alterations to park area, design, number of sites, layout or common facilities are subject to conditional use and site plan review in accordance with the above provisions; however:

(1) The owner of a mobile home within an approved mobile home park may apply for a zoning permit under Section 9.3 for a deck or accessory structure which meets site setback requirements under Subsection (A)(6), without additional approval by the Board of Adjustment under Section 5.4 or the Planning Commission under Section 5.5.

(2) The replacement of a mobile home within an approved mobile home park shall require a zoning permit issued by the Zoning Administrator in accordance with Section 9.3, only to ensure ongoing compliance with all conditions of conditional use and/or site plan approval. In no case shall the application of standards under this section prohibit the replacement of a mobile home on a mobile home site legally in existence as of the effective date of these regulations.

(D) In accordance with the Act [§4412(7)(B)], if a mobile home park, as defined in 10 V.S.A. Chapter 153, that is legally in existence as of the effective date of these regulations does not conform to these regulations, it shall be considered a nonconformity under Section 3.8. This nonconforming status shall apply to the park as a whole, and not to individual mobile home sites within the park. An individual mobile home lot that is vacant shall not be considered a discontinuance or abandonment of a nonconformity.

Section 4.14 Motor Vehicle Sales & Service

(A) Motor vehicle sales and service stations may be allowed in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following requirements:

(1) Motor vehicle sale and service facilities shall occupy a total area of not more than 20,000 square feet, to include all interior showroom, garage, storage and office areas, and exterior (outdoor) display areas.

(2) All service, parking and storage areas shall meet all district setback requirements, and setback and buffering requirements for surface waters and wetlands under Section 3.15, and shorelands under Chapter II. The Board of Adjustment or Planning Commission may require increased setback and buffer areas as needed to protect water quality, public rights-of-way or neighboring properties.

(3) All motor vehicle repair activities, including engine repair and body work, shall occur within an enclosed building. Vehicles to be repaired shall be stored in a designated area that is located behind the building, or otherwise screened from view of public rights-of-way and neighboring properties.

(B) The use of a motor vehicle sales and service facility is limited to the sale, rental and/or repair of motor vehicles, which may also include towing services as an accessory use.

Section 4.15 Public Facility

(A) In accordance with the Act [§4413(a)], the following public facilities are subject to conditional use approval under Section 5.4, and site plan review under Section 5.5, but may be regulated under these review proceedings only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking and loading facilities, traffic, noise, lighting, landscaping and screening requirements. Reasonable provision has been made for these uses within designated zoning districts as shown in Table 4.2.

(B) In accordance with the Act [§4413(b)], public utility power generating plants, transmission lines and other facilities that require a certificate of public good issued by the Vermont Public Service Board are specifically exempt from these regulations. All other such facilities must meet the requirements of these regulations.

TABLE 4.2 PUBLIC FACILITIES

Facility	Zoning District(s)
Public utility power generating plants and transmission lines.	All Districts [see Subsection (B)]
State or community owned and operated institutions and facilities [see Public Facility].	See District Tables 2.1-2.10 for district-specific limitations
Public and private schools and other educational institutions certified by the Vermont Department of Education [see School]	East/West Charlotte Village, Village Commercial, Commercial/Light Industrial, & Rural Districts
Churches, convents and parish houses [see Place of Worship]	East/West Charlotte Village, Village Commercial & Rural Districts
Public and private hospitals [see Health Clinic, Health Care Facility]	Health Clinic: East/West Charlotte Village, Village Commercial Districts Health Care Facility: Village Commercial District
Regional solid waste management facilities certified by the State (10 V.S.A., Chapter 159). [see Transfer Station/Recycling Center, Waste Management Facility]	Transfer Station/ Recycling Center: Village Commercial, Commercial/ Light Industrial & Rural Districts Waste Management Facility: Commercial/Light Industrial District
Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a] [see Waste Management Facility]	Commercial/ Light Industrial District

Section 4.16 Telecommunications Facility

(A) **Purpose.** The purpose of the following provisions 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 section shall:

(1) preserve the character and appearance of the Town of Charlotte, while allowing adequate telecommunications services to be developed;

(2) protect the scenic, historic, environmental, and natural resources of the Town of Charlotte, and property values therein;

(3) provide standards and requirements for the operation, siting, design, appearance, construction, monitoring, modification, and removal of telecommunications facilities and towers;

(4) minimize tower and antenna proliferation by encouraging the sharing of existing telecommunications facilities, towers, and sites where possible and appropriate;

(5) facilitate the provision of telecommunications services to the residences and businesses of the Town of Charlotte;

(6) minimize the adverse aesthetic, health, and interference effects of towers through careful design and siting standards; and,

(7) 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.

(B) **Consistency with Federal Law.** In addition to other findings required by these regulations, 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 section is not intended to:

(1) Prohibit or have the effect of prohibiting the provision of personal wireless services;

(2) Unreasonably discriminate among providers of functionally equivalent services; or

(3) 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.

(C) **Exemptions.** The following telecommunications facilities and uses are exempt from the requirements of this Section:

(1) police, fire, ambulance, and other emergency dispatch;
(2) amateur (ham) radio, citizens-band radio, single-use local business radio dispatch;
(3) television antennas for home use; and
(4) temporary mobile facilities for television or radio broadcasts.

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

(D) **Authority to Hire Independent Consultants**. Upon review of an application for conditional use approval and/or site plan review for a tower or telecommunications facility, the Board of Adjustment and/or the 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) landscape architecture/visual impact assessment;
(6) other areas, if determined necessary by the Board of Adjustment or Planning Commission.

The Board of Adjustment 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 Board and/or the Commission.

(E) **Applicability**. 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 Board of Adjustment in accordance with Section 5.4, and without site plan approval first being obtained from the Planning Commission in accordance with Section 5.5.

(F) **Conditional Use Review.** Telecommunications towers and/or facilities may be allowed as a conditional use within designated zoning districts in accordance with Section 5.4 and the following:

(1) An 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 5.4 of these regulations, 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:

(i) Describes the telecommunications facility height, design, elevation, width, support system and reasons and design implications for use or non-use of guy wires.

(ii) 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.

(iii) 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.

(iv) Describes the output frequency, number of channels and power output per channel for each proposed antenna.

(v) 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.

(vi) Describes the output frequency of the transmitter(s).

(vii) 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.

(viii) Demonstrates the tower's compliance with accepted structural engineering standards.

(ix) 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.

(x) 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 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.

(xi) Includes other information required by the Board that is necessary to evaluate the request and its impact upon the health and safety of the residents of Charlotte.

(g) Documentation that the applicant can not achieve adequate coverage through the use of an existing structure located within a 30-mile radius of the proposed site, and/or that the applicant is not reasonably able to use repeaters or microcells on existing structures to achieve desired coverage from existing facilities, including written documentation from other facility owners that no suitable sites are available.

(h) 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.

(i) 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 regulations.

(j) 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.

(k) 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.

(l) 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 Board.

(m) Detailed plans for emergency power generation, including:

(i) Demonstration of percent of electrical demand being proposed in event of loss of commercial power.
(ii) Type of fuel, storage method, and expected means and frequency of fuel delivery to the site for power generation.
(iii) 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.
(iv) Feasibility of wind and/or solar power in conjunction with storage batteries.

(n) Two (2) 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.

(o) 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.

(p) 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

(q) An existing conditions and proposed site plan as defined in Subsection (G).

(r) All pertinent submittals and showings pertaining to:

(i) FCC permitting/licensing;
(ii) Environmental Assessments and Environmental Impact Statements;
(iii) FAA Notice of Construction or Alteration;
(iv) aeronautical studies;
(v) all pertinent data, assumptions, and calculations relating to service coverage; and
(vi) 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.

(s) An emergency plan to be implemented in the event that the tower structure is deemed unsafe after inspection as described in Subsection (I). 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.

(t) Details of proposed method of financial surety as required in subsection (H)(2) (Landscaping & Screening) and Subsection (N) (Abandoned, Unused, Obsolete, Damaged, or Dangerous Towers or Portions of Towers).

(G) **Site Plan Review.** In addition to site plan requirements found in Section 5.5 of these regulations, site plan applications for telecommunications towers or facilities shall include the following information:

(1) **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).

(2) **Vicinity Map.** A 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 three 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.

(3) **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.

(4) **Proposed Site Plan.** Site plan(s) 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:

(a) 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.

(b) 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.

(c) 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.

(d) Any direct or indirect wetlands alteration proposed.

(e) Detailed plans for drainage of surface and sub-surface water, to control erosion and sedimentation both during construction and as a permanent measure.

(f) 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).

(g) 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.

(h) 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.

(i) 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.

(5) **Proposed Tower/Facility and Appurtenances.**

(a) 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.

(b) Proposed exterior finish and color of the tower.

(c) 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.

(6) **Plans of Proposed Telecommunications Facility Shelter.**

(a) Floor plans and cross sections at a scale of no smaller than 3 inch = 1 foot (1:48) of any proposed appurtenant structure.

(b) Elevation views, indicating exterior appearance and materials.

(7) **Proposed Equipment Plan.**

(a) Plans, elevations, sections and details at a scale no smaller than 1 inch = 10 feet.

(b) 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.

(c) Mounting locations on tower or structure, including height above ground.

(d) Identification of all mounting frames, arms, brackets or other devices or equipment used to hold antennas and other equipment in place.

(e) Identification of all equipment or devices either attached to the structure or on the ground.

(8) **Visibility Maps & 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 45 degree intervals. A minimum of eight (8) 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 Subsection (9), taken from at least 10 different perspectives within the town of Charlotte and any other visual analysis it may have developed or processed.

(9) **Balloon Test**. Within 35 days of submitting an application, applicant shall arrange to fly, or raise upon a temporary mast, a three (3) foot-diameter, brightly colored balloon at the maximum height of the proposed tower and within 50 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 seven (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 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 (6) consecutive hours, between 7 a.m. and 5 p.m. (and/or at least two (2) 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.

(10) **Construction Plan**. Construction sequence and time schedule for completion of each phase of the entire project.

(H) **General Requirements & Standards.** The following requirements and standards shall be applied to all applications reviewed under this Section:

(1) **Access Roads & 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.

(2) **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.

(3) **Fencing & Signs**. The area around the tower and telecommunications facilities shelter(s) shall be completely fenced and gated for security to a height of six (6) 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).

(4) **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.

(5) **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 subsection (F). The Town may require an applicant to build a telecommunications tower to provide for the availability of co-location, although no tower may exceed 199 feet in height.

(6) **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 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*. Narrow structures with guyed supports may be preferred for aesthetic purposes.

(7) **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 Subsection (8), below.

(8) **Setback Requirements.**

(a) No telecommunications facility or tower, including guy-wire anchors and protective fencing, if any, shall be located:
   (i) Closer than 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;
   (ii) Within the habitat of any state-listed rare or endangered wildlife or plant species;
   (iii) Within stream setbacks or riparian buffers (see Section 3.15); or
   (iv) Within the town, state or federal setback requirements of an archeological site or historic structure.

(b) Telecommunications towers shall be located a distance from all property lines and public rights of-way that is at least equal to their total height, including attached antennas, unless otherwise

permitted by the Board of Adjustment if tower design and construction guarantees that it will collapse inwardly upon itself, and that no liability or risk to adjoining private or public property shall be assumed by the municipality.

(I) **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 Subsection (F)) shall be on file with the Town Clerk.

(1) **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 Administrator, who may verify the results using an independent consultant.

(2) **Post-transmission Testing.** After transmission begins, the owner of the tower or facility shall provide testing of the site as follows:

(a) 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.

(b) A report of the monitoring results shall be prepared by the engineer and submitted to the Zoning Administrator, 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.

(c) 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.

(3) **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 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 regulations and subject to fines and other sanctions consistent with these regulations and the Act.

(4) **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 (3) years unless there is cause to conduct an inspection more frequently. Monopoles and non-guyed lattice towers shall be inspected every five (5) 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 Administrator 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.

(5) **Unsafe Towers.** Should the inspection required in subsection (4), above, 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:

(a) 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 Administrator, 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.

(b) Within 10 business days of notification of any structural defect(s) which render(s) a tower unsafe, submit to the Zoning Administrator 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.

(J) **Amendments to Existing Facilities.** In the event of an alteration or addition to a previously approved telecommunications facility, the tower owner(s) shall submit to the Board of Adjustment an application for conditional use approval under Section 5.4 when any of the following are proposed:

(1) Change in the number of buildings or telecommunications facilities permitted on the site;

(2) Material change in technology used by the telecommunications facility; or

(3) Addition or change of any equipment resulting in greater visibility or structural wind loading, or additional height of the tower, including profile of additional antennas, not specified in the original application.

(K) **Lighting, Signage & Noise**. The following standards apply to all telecommunications towers:

(1) 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:

(a) require that the tower height be reduced to eliminate the need for lighting;
(b) require another suitable location be utilized; or
(c) make selection among lighting alternatives.

(2) No commercial signs shall be placed on towers.

(3) Manually operated emergency lights are permitted for use only when telecommunications facility operating personnel are on site.

(4) 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 at the site perimeter.

(L) **Antennas Mounted on Existing Structures.** Antennas mounted on structures, roofs, and walls, and on existing towers shall be subject to this Section, except as exempted under Subsection (C). Antennas hidden within buildings or structures such as in a steeple or façade are not necessarily preferred to antennas mounted in visible locations.

(M) **Temporary Wireless Telecommunications Facilities.** Temporary wireless telecommunications facilities (as defined in this Section) are subject to the following:

(1) Use of a temporary wireless telecommunications facility requires a conditional use permit from the Board.

(2) Temporary wireless telecommunications facilities are allowed for no longer than five days use during a special event.

(3) The maximum height of a temporary telecommunications facility is 50 feet from grade.

(4) Temporary wireless telecommunications facilities shall comply with all applicable provisions of this Section.

(N) **Abandoned/Dangerous Towers.** Abandoned or unused towers or portions of towers and their facilities shall be removed as follows:

(1) The owner of a telecommunications facility/tower shall annually, on January 15th, file a declaration with the Zoning Administrator certifying the continuing safe operation of every telecommunications facility/tower installed subject to these Regulations. Failure to file a declaration shall mean that the telecommunications facility/tower is no longer in use and considered abandoned.

(2) 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 Board of Adjustment 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 Administrator shall initiate enforcement in accordance with Section 9.8 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.

(3) 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 Board.

(4) An owner who has failed to file an annual declaration with the Zoning Administrator by January 15th may, by February 15th, file a declaration of use or intended use and may request the ability to continue use of the telecommunications facility/tower.

(O) **Insurance Requirements.** 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 $1 million for the telecommunications tower/facility owner unless there are reasons for the insurance to be more or less. It 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 Administrator. 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 Administrator 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 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.

Section 4.17 Temporary Structure or Use

Temporary Structure. A temporary structure used for office or storage space (e.g., trailer, mobile home), or for special events may be allowed as a temporary accessory structure to a permitted use. Such a structure shall comply with all set back standards and other dimensional standards for the district in which it is located, and shall not be used for dwelling purposes unless specifically approved under Section 4.2. Temporary structures may be issued a zoning permit by the Zoning Administrator, for a specified period of time not to exceed one (1) year from the date of issuance, with the provision that the structures will be dismantled and/or removed upon expiration of the permit. The Zoning Administrator may renew a permit for a temporary structure for a period not to exceed one (1) additional year.

Section 4.18 Accessory Structure

An accessory structure with a footprint larger than 2,000 square feet or with a building height greater than 25 feet requires a conditional use permit in accordance with Section 5.4.

CHAPTER V. DEVELOPMENT REVIEW

Section 5.1 Coordination of Review

(A) **Subdivision Review**. Subdivision review under Chapter VI, where required, will precede site plan, conditional use or flood hazard area review. In the event that a condition of site plan, conditional use or flood hazard area approval is inconsistent with the conditions of subdivision approval, the more restrictive shall apply. A subdivision amendment may be required as appropriate.

(B) **Site Plan & Conditional Use Review**. For development that requires both conditional use and site plan approval, the Board of Adjustment and the Planning Commissions will conduct joint hearings if practical. Otherwise, conditional use review by the Board of Adjustment under Section 5.4 will normally precede site plan review by the Planning Commission under Section 5.5.

(C) **Flood Hazard Area Review**. For development that requires both conditional use review under Section 5.4 and flood hazard area review under Section 5.6, the Board of Adjustment may combine conditional use and flood hazard area review into one conditional use review process, as long as applicable notice, hearing, review standards and recording requirements under each are met. For development that requires both site plan review under Section 5.5 and flood hazard area review, flood hazard area review shall precede site plan review, and the Planning Commission shall incorporate applicable conditions of flood hazard area review under site plan review.

Section 5.2 Development Review Application

(A) An applicant for site plan, conditional use and/or flood hazard area review must submit the appropriate application form, the required fee, and the information specified in Table 5.1. An application may not be considered complete until all necessary materials have been submitted.

(B) The Planning Commission or Board of Adjustment may waive one or more required application materials if they determine that such information is unnecessary for a comprehensive review of the application.

(C) In accordance with the Act [§4440(d)], the Commission or Board may request additional information as needed, including independent technical analyses to be paid for by the applicant, to determine conformance with these regulations.

Section 5.3 Reconsideration

An applicant or interested party may request that the Board of Adjustment or Planning Commission reconsider any decision issued under this chapter by reopening the hearing in accordance with Section 9.9(E). The Board or Commission may also reopen a hearing on their own motion.

Section 5.4 Conditional Use Review

(A) **Applicability**. Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Zoning Administrator until the Board of Adjustment grants such approval in accordance with the Act [§4414(3)], and the following standards and procedures.

(B) **Review Process**. Upon determination that an application is complete, a public hearing will be warned in accordance with Section 9.9(C). In accordance with the Act [§4464(b)] and Section 9.9(E), the Board shall act to approve, approve with conditions, or disapprove on each matter of an application for conditional use review; and shall issue a written decision within 45 days of the date of the final public

hearing to include findings, conditions of approval, and provisions for appeal to Environmental Court. Failure to act within the 45 day period shall be deemed approval, effective on the 46th day.

(C) **General Standards**. In accordance with the Act [§4414(3)], the Board shall determine that the proposed conditional use shall not result in an undue adverse effect on any of the following:

(1) **The capacity of existing or planned community facilities and services**. The Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and the adopted municipal capital budget and program currently in effect. The Board may request information or testimony from appropriate local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.

TABLE 5.1 DEVELOPMENT REVIEW APPLICATION MATERIALS

Required Information (unless waived)	Site Plan Review	Conditional Use Review	Flood Hazard Area Review
1. Names, addresses of property owner(s) of record and persons preparing the application	Y	Y	Y
2. Names, addresses of the owner(s) of record of adjoining properties; proof of notification of hearing or stamped and addressed envelopes	Y	Y	Y
3. Project description [maximum one page summary]	Y	Y	Y
4. Site location map showing project location in relation to town roads, surface drainage and adjoining and facing parcels	Y	Y	Y
5. Legal deeds, decisions, and all recorded plats relative to the property/application	Y	Y	Y
6. Town data overlay map (provided by the town) with a sketch of the project footprint(s)	Y	Y	Y
7. Site plan, drawn to scale, prepared by a registered land surveyor, civil engineer, architect, landscape architect and/or other person(s) approved by the Board or Commission, showing as applicable:	Y	Y	Y
a. Date, scale, north arrow, title block, preparer information	Y	Y	Y
b. Legal property boundaries	Y	Y	Y
c. Zoning district boundaries (inc. designated flood hazard areas)	Y	Y	Y
d. Required setbacks and designated building envelope, if any	Y	Y	Y
e. Site features and vegetation in the vicinity of the project: prime agricultural soils, active agricultural areas, surface waters, wetlands, shorelines and associated setback and buffer areas, wildlife habitat areas, prominent ridgelines and hill tops, steep slopes (15% to 25%, 25%+); structures (e.g., buildings, walls, fence lines, signs), including known historic sites and structures; existing parking, loading and service areas, roads and driveways, utility corridors, water supply and wastewater system locations; rights-of-way and easements.	Y	Y	Y
f. Proposed structures (footprints); land use; roads, driveways, and pedestrian walkways; parking, loading and service areas; utility corridors; water supply and wastewater system locations; rights-of-way and easements	Y	Y	Y
g. Proposed site grading and drainage	Y	Y	Y
h. Proposed landscaping, screening, lighting and signage	Y	Y	
i. Channel, floodway and base elevations			Y
8. Photographs of the site	Y	Y	
9. Preliminary architectural elevations (for new structures, additions)	Y		
10. Draft legal documents (e.g., proposed easements, improvement or maintenance agreements)	Y	Y	
11. Construction schedule, including the sequence and timing of proposed site development and related improvements	Y	Y	Y

12. The following information, as applicable for a particular use or zoning district, or as requested by the Board or Commission to determine conformance with these regulations:			
a. Landscaping plan (including landscaping material specifications)	Y	Y	
b. Lighting plan (including lighting fixture specifications)	Y	Y	
c. Shoreland management plan	Y	Y	
d. Stormwater management and erosion control plan	Y	Y	
e. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)	Y	Y	
f. Environmental impact analysis (analysis of potential environmental impacts, proposed mitigation measures)	Y	Y	
g. Visual impact analysis (analysis of potential visual impacts, proposed mitigation measures)	Y	Y	
h. FEMA Elevation Certificate			Y
i. FEMA Floodproofing Certificate [nonresidential buildings]			Y
j. Hydraulic analysis [for development located within the floodway]			Y
k. Description of any proposed watercourse alterations or relocations			Y

(2) **Character of the area affected.** The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area, as defined by zoning district purpose statements, and specifically stated policies and standards of the municipal plan. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use.

(3) **Traffic on roads and highways in the vicinity.** The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.

(4) **Bylaws in effect.** The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, including but not limited to road, water or wastewater ordinances. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.

(5) **The use of renewable energy resources**. The Board will consider whether the proposed development will interfere with the sustainable use of renewable energy resources by either diminishing their future availability on the subject parcel, or by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.

(D) **Specific Review Standards**. In addition to general standards under subsection 5.4(C), the Board may also consider the following and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:

(1) **Conformance with the Town Plan.** Whether aapplicationsconform to policies and objectives of the *Charlotte Town Plan,* and do not adversely affect significant natural, cultural or scenic features identified in the town plan, including natural areas, wildlife habitat, productive forests and farmland, surface waters, wetlands, water supplies and aquifers, historic sites, and scenic views or vistas in the vicinity of the proposed development.

(2) **Additional Restrictions.** All conditional uses shall comply with the dimensional, density, siting and associated standards for the district(s) in which the use or development is located, including overlay districts, however the Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.

(3) **Performance Standards**. The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.12, and may impose conditions on the installation, operation, storage or maintenance of devices or materials necessary to meet these standards. In determining appropriate performance standards, the Board may consult with state officials, and consider accepted industry standards. In addition, the Board may limit hours of operation so that the use shall be consistent with the character of the area. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not unreasonably interfere with surrounding uses.

Section 5.5 Site Plan Review

(A) **Applicability**. In accordance with the Act [§4416], site plan review by the Planning Commission is required for all development except for agriculture, forestry, single and two family dwellings and associated accessory uses and structures (unless otherwise specified in these regulations), and subdivisions (unless a specific use is being proposed in association with a proposed subdivision and the specific use is not exempt from Site Plan Review), and except for development that is specifically exempted from these regulations under Section 9.2.

(B) **Purpose**. Site plan review is intended to ensure that site layout and design is safe, functional, and of a scale that is compatible with its setting and context, and consistent with these regulations.

(C) **Sketch Plan Review**. An applicant for site plan review shall submit a Sketch Plan Review application prior to the submission of an application for site plan review to discuss the project and to identify any additional application materials required to determine conformance with site plan review criteria under Subsection (D) unless deemed unnecessary by the Town Planner if proposed project or amendment is very minor. Any request to waive application requirements under Section 5.2(B) should be submitted at this meeting. Following Sketch Plan Review, the Commission will submit a letter to the applicant listing the Commission's suggestions for the project.

(D) **Review Process**. Following the submission of a complete application, the Planning Commission shall hold a public hearing, warned in accordance with Section 9.9(C), to receive public comment on the site design and layout of a particular proposal. In accordance with the Act [§4464] and Section 9.9(E), the Planning Commission shall act to approve, approve with conditions, or deny an application for site plan approval within 45 days of the final adjournment of the public hearing. Failure to act within the 45 day period shall be deemed approval, effective the 46th day. The decision of the Planning Commission shall be issued in writing, in accordance with Section 9.9(E), to include procedures for appeal to the Environmental Court under Section 9.6, and shall be recorded in accordance with Section 9.9(F).

(E) **Standards**. In reviewing a site plan, the Commission may consider and impose appropriate safeguards and conditions with respect to the following standards and conditions.

(1) **Site Features.** Site layout and design shall incorporate and protect significant site features, including but not limited to: existing vegetation, prime agricultural soils and active agricultural areas; surface waters, wetlands, shorelines and associated buffer areas; special natural areas and wildlife habitat; prominent ridgelines, hilltops, and areas with slopes 15% or greater; and historic sites and structures, including stone walls and fences. Conditions may be imposed as appropriate with regard to site clearing and preparation, the siting of structures and associated improvements,

and the establishment of increased setbacks and/or buffers to incorporate or protect existing site features. In addition:

(a) The development plan shall fit the topographic, soil and vegetation characteristics of the site.

(b) Existing natural drainage patterns shall be preserved wherever possible; no clearing or grading shall take place within shoreland, surface water and wetland setback areas in accordance with Chapter II and Section 3.15.

(c) Structures shall be located to avoid areas of steep slope, highly visible ridgelines or hilltops, special natural areas and significant wildlife habitat areas.

Historic features on the site, including historic sites and structures, shall, to the extent feasible, be preserved and incorporated into site design and layout, and the visual context of a historic structure shall be maintained. Continued use, or the adaptive reuse of an historic structure is encouraged in accordance with Section 4.3.

(2) **Site Layout & Design**. The Commission shall ensure that the size, scale, arrangement and appearance of the proposed development are in keeping and harmonious with its surroundings, and that the development will not have an undue adverse aesthetic impact on site features or the surrounding area. Conditions may be imposed as appropriate to ensure that development is compatible with its setting and context. Accordingly:

(a) The Planning Commission may require increased setback distances from property lines or public rights-of-way in relation to the height, scale, massing or density of development, and landscaping or screening to mitigate the visual impacts of development, in accordance with Subsection (6).

(b) Structures should be architecturally and visually compatible with historic structures on the site and in the vicinity of the development.

(c) Building should be oriented parallel to the road unless otherwise approved by the Planning Commission in relation to site conditions, or to allow for solar orientation.

(3) **Access**. Provision shall be made for adequate and safe vehicle and pedestrian access to and from the site in accordance with the requirements of Section 3.2. Additionally, the Commission may:

(a) limit vehicular access to the property to a side or secondary road;
(b) require shared access between adjoining properties and/or uses on the remainder of the parcel;
(c) require the dedication of an easement or right-of-way extending to the parcel boundary, which allows for future vehicular and/or pedestrian access to an adjoining parcel;
(d) require the reduction, consolidation or elimination of non-complying accesses or curb cuts;
(e) require relocation of an existing or proposed access in relation to topography, site conditions, or to improve safety and sight visibility.
(f) require pedestrian paths, walkways or trails that connect to public paths, walkways, adjoining parcels, or the town trail system.

(4) **Parking, Loading, & Service Areas**. On-site parking, loading and service areas shall be provided in accordance with the requirements of Section 3.11. Conditions may be imposed with regard to the extent, location, landscaping, screening, paving, curbing and/or sharing of parking, loading and service areas as appropriate to ensure site safety, function and attractiveness, and to avoid or minimize adverse off-site impacts. Accordingly:

(a) Shared parking between multiple uses on the site and/or adjoining properties may be required where appropriate; common parking areas to serve multiple properties are encouraged.

(b) Parking, loading and service areas, to the extent feasible, shall be located to the side or rear of buildings. Parking is prohibited within front yard setback areas unless there is no alternative location on the lot.

(c) Relocation or redesign of existing parking areas may be required to meet all applicable requirements of these regulations.

(d) Surfaces of parking, loading and service areas shall be non-white crushed stone wherever feasible.

(e) Provision shall be made for adequate and safe on-site vehicular and non-vehicular circulation in relation to the intended use and the location of buildings and parking areas. Accordingly, a safe and attractive pedestrian environment shall be provided as appropriate to the use. In the West and East Charlotte Village Districts, the Village Commercial Districts, and the Commercial/Light Industrial District, pedestrian paths, sidewalks and trails to nearby residential areas may be required.

(5) **Landscaping & Screening**. Site plans shall incorporate landscaping and screening which preserves and incorporates existing vegetation, is suited to existing site conditions, enhances development and features unique to the site, integrates the development and site with surrounding properties, and/or serves to buffer or screen incompatible or unsightly development from neighboring properties or public rights-of-way. Accordingly:

(a) In determining the amount and type of plantings to be required, at minimum the following shall be considered: local terrain, drainage, soil, weather and light conditions; the use of landscaping within the context of the overall site development plan, including vegetation to be preserved on site; the need for additional screening or buffering to mitigate adverse impacts to natural and scenic features, public rights-of-way and adjoining properties and uses.

(b) Landscaping may be required to be installed and maintained adjacent to parking, loading and outdoor storage areas, where they abut adjacent properties or public roads. Landscaping may also be required within Route 7 front setback areas.

(c) Landscaping and screening may be required in appropriate locations on the site as necessary to physically or visually separate and buffer incompatible land uses or densities of development, or to screen incompatible or unsightly development from public rights-of-way and neighboring properties and uses.

(d) Landscaping shall take the form of shade trees, deciduous shrubs, evergreens, well kept grasses, wildflowers, and groundcover. Invasive, non-native species are to be avoided. [Refer to *Landscape Plants for Vermont*, University of Vermont Extenstion Service, 2002.]

(e) Street trees, to include a mix of salt and drought tolerant species, may be required along public rights-of-way.

(f) The Commission also may require a three (3) year landscaping plan, and/or a bond or other surety acceptable to the Charlotte Selectboard, to ensure landscaping installation and maintenance.

(6) **Stormwater Management & Erosion Control**. Stormwater management and erosion control shall be provided on-site in accordance with applicable standards under Section 7.8. In addition:

(a) The site development plan shall integrate the topographic, soil and vegetation characteristics of the site to minimize site disturbance, including clearing and grading.

(b) The size and extent of impervious surface may be limited by the Planning Commission to minimize stormwater runoff and erosion from the site.

(7) **Outdoor Lighting**. Information regarding the location, type and level of illumination of all outdoor lighting shall be provided. Such lighting shall be designed in conformance with the standards set forth in Section 3.9. In addition the Planning Commission may allow or require outdoor lighting, where deemed necessary, to illuminate intersections, parking areas, and pedestrian walkways.

Section 5.6 Flood Hazard Area Review [ZB Chapter VIII; updated]

(A) **Applicability**. Development on land located within the Flood Hazard Overlay District is limited to the improvement or expansion of an existing structure, the construction of an addition or accessory structure to an existing structure, or other uses listed in Table 2.10. Other new construction may be permitted, as allowed within the underlying district, only if a parcel is located entirely within the district and no alternative building site exists outside of the flood hazard area. All development within the flood hazard area overlay district, with the exception of permitted uses within the district as identified in Table 2.10, shall be subject to conditional use review by the Board of Adjustment under Section 5.4, and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.4(C) and (D). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements.

(B) **Application Requirements**. In addition to a development review application prepared in accordance with Section 5.2, an applicant for conditional use review within the flood hazard area overlay district shall submit the following:

(1) the location on the site plan, and elevations of all roads, water supply and wastewater facilities in relation to the channel, floodway, and base flood elevations;
(2) a completed FEMA "Elevation Certificate" prepared by a registered surveyor, engineer, architect or other state official who is authorized by the state to certify building elevation information;

(3) where floodproofing is proposed, as allowed for nonresidential buildings, a completed FEMA "floodproofing certificate" prepared by a registered professional engineer or architect who is authorized by the state to certify floodproofing design and construction;

(4) a hydraulic analysis for development located within the floodway; and

(5) a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(C) **Additional Notice & Referral Requirements**. In addition to public hearing notice requirements for conditional use review under Subsection 5.4(B), the following shall also apply:

(1) Prior to issuing a permit, a copy of the application shall be submitted to the Flood Plain Management Section of the Vermont Department of Environmental Conservation in accordance with the Act [§4424(2)(D)] and Section 9.9. A permit may be issued only following the receipt of comments from the Department, or the expiration of 30 days from the date of application, whichever is sooner.

(2) Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least 15 days prior to issuing a permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

(D) **Flood Hazard Overlay District Standards**. The Board of Adjustment may impose specific conditions or require project modifications for development within the Flood Hazard Area Overlay District in accordance with the following standards:

(1) Development within floodways is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are specifically prohibited within the floodway.

(2) All development shall be designed to (a) minimize flood damage to the proposed development and to public facilities and utilities; and (b) to provide adequate drainage to reduce exposure to flood hazards.

(3) Structures shall be (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood, (b) be constructed with materials resistant to flood damage, (c) be constructed by methods and practices that minimize flood damage, and (d) be 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.

(4) The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

(5) New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems and discharges from the systems into flood waters.

(6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(7) 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.

(8) The lowest floor, including basement, of all new buildings, except for accessory buildings allowed under Section 9.2, shall be at or above the base flood elevation.

(9) Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Subsection (D)(8).

(10) Existing buildings to be substantially improved for nonresidential purposes shall either (a) meet the requirements of Subsection (D)(8), or (b) be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood-proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(11) 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 floodwaters. 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 cover coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(12) Recreational vehicles shall either (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the standards of Subsection (7) for manufactured homes.

(E) **Other Permits**. Proposed development within the flood hazard area overlay district shall also be reviewed to assure that all necessary permits have been received from federal or state agencies from which approval is required under federal or state law.

(F) **Variances**. In addition to the standards for granting variances set forth in Section 9.7(A), requests for variances within the Flood Hazard Area Overlay District must also comply with the standards set forth in Section 9.7(C).

(G) **Recording Requirements**. See Sections 9.9(F)(1) and 9.9(F)(2).

Section 6.1 Applicability

(A) In accordance with the Act [§4401(2)], whenever any subdivision of land is proposed that is not specifically exempt from these regulations under Subsection (B), the applicant or his/her authorized agent shall apply for and obtain Planning Commission approval of the proposed subdivision prior to undertaking:

(1) any construction or building development,
(2) any sale or conveyance of any portion of a property to be subdivided,
(3) the application for any town permit for any land development involving land to be subdivided, or
(4) the filing of a subdivision plat with the Town Clerk.

Such approval shall be granted in accordance with the procedures outlined in Table 6.1 and as provided below.

(B) **Exemptions**. The following are exempted from subdivision review under this Chapter:

(1) Creation of rights-of-way or easements which do not result in the subdivision of land into two or more lots.

(2) The leasing of a portion of a lot for agricultural or forestry purposes, provided no new roads are created for uses other than accepted agricultural or forestry practices.

(C) **Classification of Subdivisions** (see Sketch Plan Review). For the purposes of these regulations, subdivisions shall be classified by the Planning Commission in accordance with the following:

(1) **Minor Subdivision**, which shall include any residential subdivision, or resubdivision, of land resulting in the creation of three (3) or fewer lots within any 10 year period, regardless of any change in ownership. Minor Subdivisions requires Final Plan Approval (see Section 6.5). Applications for Final Plan Approval will be reviewed under the standards within Chapter VII, and if applicable, Chapter VIII.

(2) **Major Subdivision**, which shall include any residential subdivision, or resubdivision of land resulting in the creation of four (4) or more lots within any 10 year period, regardless of any change in ownership; and any nonresidential subdivision or PUD. Major Subdivisions require Preliminary Approval (see Section 6.4) and Final Plan Approval (see Section 6.5). Applications for Preliminary Approval and Final Plan Approval will be reviewed under the standards within Chapter VII, and if applicable, Chapter VIII.

(3) **Boundary Adjustment**, which shall include any realignment of boundary lines between existing adjacent lots which are not included in an approved subdivision. Boundary Adjustments require Final Plan Approval (see Section 6.5). Applications for Boundary Adjustments will be reviewed under the standards within Chapter VII.

(4) **Subdivision Amendment**, which shall include changes to an approved subdivision including, but not limited to: parcel lines; or easements, building envelopes or improvements which were required by a prior subdivision approval. A resubdivision may also be considered a Subdivision Amendment if no additional lots are to be created. Applications for Subdivision Amendments will be reviewed under the standards within Chapter VII.

(a) A Subdivision Amendment that affects three or fewer lots and which does not substantially alter the nature of the subdivision or conditions of a prior subdivision approval will be a Minor Subdivision Amendment. Minor Subdivision Amendments require Final Plan Approval (see Section 6.5).
(b) A Subdivision Amendment that affects four or more lots or that will substantially alter the nature of the subdivision or conditions of a prior subdivision approval will be a Major Subdivision Amendment. Major Subdivision Amendments require Preliminary Approval (see Section 6.4) and Final Plan Approval (see Section 6.5).

(D) **Coordination with Planned Residential or Planned Unit Development Review**. The review of subdivision applications for projects that are submitted as a planned residential development or a planned unit development (PRD or PUD) under the provisions of Chapter VIII shall be concurrent with the PRD/PUD review.

Section 6.2 Waiver Authority

(A) In accordance with the Act [§4418(2)(A)], the Planning Commission may waive or modify subdivision application and/or review standards set forth in Chapter VII (except density requirement) pertaining to a particular application, subject to appropriate conditions, which in its judgment:

(1) are not necessary to protect public health, safety and general welfare; or
(2) are inappropriate due to the extraordinary or unnecessary hardship that may result from strict compliance with these regulations; or
(3) are inappropriate because of an inadequacy or lack of connecting facilities adjacent to or within proximity of the subdivision.

(B) The request for a waiver from subdivision application requirements and/or standards shall be submitted by the applicant in writing with the application. It shall be the responsibility of the applicant to provide sufficient information to justify any waiver or modification to be granted by the Commission. In granting waivers, the Commission may require such conditions that will, in its judgment, substantially meet the objectives of the requirements so waived or modified. No such waiver may be granted if it would have the effect of nullifying the intent and purpose of the *Charlotte Town Plan* or varying other applicable provisions of these regulations or other municipal ordinances or regulations in effect.

Section 6.3 Sketch Plan Review [required for all subdivisions; also required for boundary adjustments and subdivision amendments unless deemed unnecessary by the Town Planner]

(A) **Application Requirements**. For the purposes of classification under Section 6.1(C) and a preliminary discussion of compliance with these regulations, a applicant shall, prior to submitting an application for subdivision approval, submit to the Administrative Officer a sketch plan (or multiple plans) of the proposed subdivision and associated fee. At minimum, the following information shall be submitted to the Planning Commission:

(1) Name and address of the owner of record and the applicant, and other information requested on the municipal application form.
(2) Copy of the parcel (tax) map showing contiguous and facing properties, available from the Charlotte Planning Office.
(3) An orthophoto map of the parcel, available from the Charlotte Planning Office.

Table 6.1 Subdivision Review At A Glance	
Action	**Responsibility/Time Frame**
Sketch Plan [all subdivisions]:	
1. Submission of sketch plan	Applicant – any time (applications for sketch plan review will be placed on the next available regularly scheduled planning commission meeting agenda on a first-come, first-serve basis).
2. Planning Commission meeting	Applicant's or designee's attendance required
3. Classification of subdivision as boundary adjustment, minor or major subdivision; written sketch plan review recommendations.	Planning Commission – within 45 days of determining that the sketch plan is complete
Minor Subdivision [residential < 4 lots]:	
1. Submission of final subdivision plan, including any waiver requests, proposed plat and supporting documentation	Applicant – within 6 months of the date of sketch plan review, unless extended
2. Final Planning Commission public hearing	Planning Commission – upon submission of a complete final application, a hearing will be warned for the next available regularly scheduled planning commission meeting agenda on a first-come, first-serve basis
3. Subdivision/plat decision	Planning Commission – within 45 days of the hearing adjournment date
4. Final plat recording in the town records	Applicant – within 180 days of the date of subdivision approval
5. Certificate of Compliance (as required)	Zoning Administrator – following submission of as-built drawings/engineer's certification upon completion of improvements
Major Subdivision [other than minor]:	
1. Submission of preliminary subdivision plan including any waiver requests, supporting documentation	Applicant – within 6 months of the date of sketch plan review, unless extended
2. Preliminary Planning Commission public hearing	Planning Commission – upon submission of a complete preliminary application, a hearing will be warned for the next available regularly scheduled planning commission meeting on a first-come, first-serve basis
3. Preliminary subdivision/plat decision	Planning Commission – within 45 days of the hearing adjournment date
4. Submission of final subdivision plan, including supporting documentation	Applicant – within 6 months of the date of preliminary plan approval
5. Final Planning Commission public hearing	Planning Commission – upon submission of a complete final application, a hearing will be warned for the next available regularly scheduled planning commission meeting on a first-come, first-serve basis
6. Subdivision/plat decision	Planning Commission – within 45 days of the hearing adjournment date
7. Final plat recording in the town records	Applicant – within 180 days of the date of subdivision approval
8. Certificate of Compliance (as required)	Zoning Administrator – following submission of as-built drawings/engineer's certification upon completion of improvements

(4) A brief narrative describing the proposed subdivision, including the phasing schedule for any associated development.

(5) A request, in writing, for waivers of subdivision application requirements or review standards under Section 6.2.

(6) A conceptual plan of the proposed subdivision, a minimum of 11" X 17", with a date and north arrow, showing the proposed lot layout, roads, easements, drainage and existing structures; all proposed development, including building envelopes; and other land uses (e.g., agriculture, forestry) and areas suitable for conservation or open space designation. Such conceptual plan shall be drawn on a base map, which is available from the Charlotte Planning Office, showing all areas of high public value, including:

(a) the approximate location and boundaries of very steep slopes (equal to or greater than 25%) and steep slopes (15% to 25%);
(b) surface waters, wetlands, and associated setback and buffer areas regulated under Section 3.16;
(c) shoreline setbacks and buffers as required under Chapter II;
(d) designated flood hazard areas regulated under Chapters II and Section 5.6;
(e) primary (prime and statewide) agricultural soils;
(f) special natural areas (as identified in the *Charlotte Town Plan*);
(g) wildlife habitat (as identified in *Charlotte Town Plan*);
(h) water supply source protection areas (SPAs); and
(i) important views and vistas (as identified in *Charlotte Town Plan*).

(B) **Sketch Plan Review**. The applicant and/or an authorized representative shall attend an initial meeting with the Planning Commission, to be held at a regularly scheduled meeting of the Commission, to discuss the proposed sketch plan and applicable review requirements and standards. At this meeting the Planning Commission may request any additional information as needed to act on the sketch plan, and may schedule additional meetings to continue the sketch plan review. A site visit may also be scheduled.

(C) **Action on Sketch Plan.** Within 45 days of the conclusion of the final meeting to review the sketch plan, the Planning Commission, based on the information provided, shall issue in writing:

(1) a determination of whether the subdivision proposal is to be reviewed as a minor subdivision, boundary adjustment, or minor subdivision amendment under Section 6.5, or as a major subdivision or major subdivision amendment under Sections 6.4 and 6.5;

(2) a determination whether the subdivision must be reviewed as a Planned Residential Development or Planned Unit Development under Chapter VIII due to the subdivision's location within specific zoning district(s), the proposed mix of uses, and/or a determination that the clustering of development is required to avoid or mitigate the potential adverse impacts to one or more areas of high public value.

(3) an opinion as to whether a request for a waiver, submitted in accordance with section 6.2, is appropriate;

(4) if multiple sketch plans have been submitted, an indication of the preferred alternative;

(5) recommendations for proposed changes in subsequent applications necessary to achieve compliance with all applicable provisions of these regulations, including the standards set forth in Chapter VII, the policies of the town plan, any approved capital budget and program, and any other municipal regulation or bylaw in effect; and

(6) any requests for additional studies or supporting documentation, as provided in Table 6.2.

(D) **Effect of Sketch Plan Determinations**. Planning Commission determinations and associated recommendations shall remain in effect for six (6) months from the date of issuance, unless otherwise extended by the Planning Commission, during which the applicant may apply to the Planning Commission for preliminary plan review under Section 6.4 or final plan review under Section 6.5. In no case will an extension be granted for more than one year from the issuance of the Sketch Plan Determination.

Section 6.4 Preliminary Plan Application [required for major subdivisions and major subdivision amendments]

(A) **Application Requirements**. Within six (6) months (or as extended by the Planning Commission) of classification of the proposal as a major subdivision or major subdivision amendment by the Planning Commission, the applicant shall submit a preliminary subdivision plan application and associated fees to the Administrative Officer. The application shall include associated fees and one (1) original and ten (10) copies of the information required for preliminary plan review as specified in Table 6.2. A preliminary plan shall substantially conform to the layout shown on the sketch plan and should reflect the recommendations made by the Planning Commission during sketch plan review. applicant

(B) **Public Hearing**. Upon deeming the preliminary plan application complete, the Administrative Officer shall schedule a public hearing warned in accordance with Section 9.9(C)(1) to consider the preliminary plan.

(C) **Preliminary Plan Decision**. Within 45days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with modifications, or disapprove the preliminary plan and associated plat based on a determination of whether or not the preliminary plan conforms to applicable provisions of these regulations, including subdivision review standards under Chapter VII, or would be in conflict with the town plan and other municipal regulations in effect, in accordance with Section 9.9(E). The Planning Commission may also require, as a condition of approval, the submission of proposed changes or modifications resulting from preliminary review.

Section 6.5 Final Plan Application [required for all subdivisions, boundary adjustments and subdivision amendments]

(A) **Application Requirements**. Within six (6) months (or as extended by the Planning Commission) of the date of the classification of the proposal as a minor subdivision, boundary adjustment or a minor subdivision amendment, or within six (6) months (or as extended by the Planning Commission) of the preliminary plan approval for a major subdivision or a major subdivision amendment, the applicant shall submit an application for final subdivision plan approval. The application for final subdivision plan and plat approval shall include associated fees and one (1) original and ten (10) copies of the information for final plan review specified under Table 6.2.

(B) **Public Hearing**. In accordance with the Act [§4463], upon deeming the final plan application complete, the Administrative Officer shall schedule a public hearing warned under Section 9.9(C)(1) to consider the final plan and associated application materials.

Table 6.2 Subdivision Application Requirements		
	Preliminary Plan	**Final Plan**
(A) Application Information		
1. Application Form [number of copies]	1 original & 10 copies	1 original & 10 copies
2. Application Fee	√	√
3. Name of project, if any	√	√
4. Name, address of applicant (landowner and/or applicant)	√	√
5. Written description of proposed development plans, including number and size of lots; general timing of development	√	√
6. Waiver request, in writing [optional]	√	
7. Names, addresses of all adjoining property owners	√	√
8. Evidence of written notification to adjoiners of intent to subdivide; to include copies of any waiver request	√	√
(B) Plan/Plat Mapping Requirements	**Draft Plat**	**Final Plat**
1. Material	Paper	Paper
2. Preparer Information, Certifications, North Arrow, Legend, Date	√	√
3. Scale (minimum 1 inch = 200' ; 1 inch = 100' preferred)	√	√
4. Vicinity map, which may consist of town parcel map, and which may be an inset on the preliminary/final plan; minimum scale = 1"=2,000'	√	√
5. Project boundaries, property lines, existing and proposed lot lines, dimensions	Drawn	Surveyed
6. Roads and drainage infrastructure, facilities and improvements in the immediate vicinity of the project and which may be affected or used by the project	√	√
7. Zoning district designations and boundaries	√	√
8. General indication of existing land cover (e.g., forested areas, tree lines, and land in agricultural production within the last five years)	√	√
9. Location of all areas of high public value. (See Table 7.1)	√	√
10. Existing conservation and agricultural easement areas or open space areas, including any on adjacent parcels	√	√
11. Proposed conservation and agricultural easement areas or open space areas.	√	√
12. Existing and proposed elevations (contour lines) near the development area*	5' interval	5' interval
13. Existing buildings (footprints) near area to be developed or conserved	√	√
14. Proposed building envelopes, dimensions	√	√
15. Existing and proposed roads, parking areas, associated rights-of- way or easements, dimensions and distances	Drawn	Surveyed
16. Existing and proposed park, playground, public access or other recreational areas	Drawn	Surveyed
17. Existing and proposed utility, water and wastewater system locations and associated rights-of-way or easements*	√	√
18. Proposed conservation easement areas*	√	√
19. Existing and proposed monument locations*	√	√

Table 6.2 Subdivision Application Requirements (cont.)

(C) Supporting Information & Documentation	Preliminary Plan	Final Plan
1. Statement of compliance with the town plan and applicable local regulations	√	√
2. Engineering reports (water and wastewater systems); wastewater disposal plan (plan and section views) shall be presented at a minimum scale of 1"=100', although a scale of 1"=30' is preferred	√	√
3. Existing and proposed traffic generation rates, volumes*	Estimated	Documented
4. Road profiles; road, intersection and parking area geometry and construction schematics (or as shown on the plat)*	Draft	√
5. Proposed landscaping and screening*	√	√
6. Off-site easements (e.g., for water, wastewater, access)*	Draft	Final
7. Proposed phasing schedule*	Draft	Final
8. Proposed covenants, easements, conserved land agreement, road maintenance agreement, roadway waiver, wastewater system maintenance agreement, wastewater waiver, fire pond agreement, trail easement and offer, and other associated deed restrictions, in both paper and electronic formats (Microsoft Word® preferred)*	Draft	Final
9. Proposed homeowner or tenant association or agreements*	Draft	Final
10. Proposed performance bond or surety*	Description	Final
(D) As may be required by the Planning Commission		
1. Stormwater and erosion control plan	As required under sketch plan approval	As required under sketch plan or preliminary approval
2. Grading plan (showing proposed areas of cut and fill)		
3. Shoreland management plan (for projects subdivisions involving lakeshore)		
4. Proposed driveway and trail locations		
5. Conservation and Agricultural Land (open space) management plan		
6. Site reclamation plan (for subdivisions involving extraction)		
7. Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)		
8. Fiscal impact analysis (analysis of fiscal costs and benefits to the town)		
9. Environmental assessment (analysis of potential environmental impacts, proposed mitigation measures)		
10. Other		
*** Upon written request may be waived by the Planning Commission**.		

TABLE 6.3 SUBDIVISION DESIGN GUIDE

Step 1. Identify Areas of High Public Value. The applicant shall clearly identify and delineate the boundaries of all Areas of High Public Value, as defined in Section 7.2(A), from maps, orthophotos, and site investigation. Appropriate management strategies shall be identified to ensure their preservation to the extent feasible. The Charlotte Conservation Commission and other appropriate organizations should be consulted with regard to determining which management strategies are most appropriate for particular resources.

Step 2. Identify Potential Development Areas. The applicant will identify potential development areas that minimize impact on Areas of High Public Value.

TABLE 6.3 SUBDIVISION DESIGN GUIDE

Step 3. Identify Building Envelopes. Building envelopes, to include all areas to be set aside for structures and parking areas, shall be identified. (See Section 7.2(D))

Step 4. Identify Connecting Roads, Pedestrian Paths, Trails & Utilities. See Section 7.3(D).

Step 5. Identify Lot Lines (Boundaries). See Section 7.3(D).

(C) **Final Plan Decision**. Within 45 days of the date of adjournment of the public hearing, the Planning Commission shall approve, approve with conditions, or disapprove the final subdivision plan, based on a determination of whether the plan and associated plat conform to subdivision review standards under Chapter VII, the town plan, and other municipal regulations in effect. Failure to act within such 45-day period shall be deemed approval, as certified by the Town Clerk. Approval, conditions of approval, or grounds for disapprovals, and provisions for appeal under Section 9.6, shall be set forth in a written decision in accordance with Section 9.9(E). Within the 45 day period copies of the written decision shall be sent to the applicant and any other interested parties participating in the public hearing, and recorded in the Charlotte land records.

(D) **Performance Bonding**. In accordance with the Act [§4464(b)(2),(6)] and Section 9.9(E), for any subdivision which requires the construction of roads or other public improvements, the Planning Commission may require that the applicant post a performance bond or comparable surety to cover the cost and to ensure completion of specified improvements, and their maintenance for two years following completion, in accordance with the conditions of approval. Such bond or surety must be approved by the Charlotte Selectboard prior to final plan approval. The term of the bond or surety may be fixed by the Commission for a maximum of three (3) years, within which all improvements must be completed. The term of such bond or surety, by mutual consent of Commission and applicant, may be extended for an additional period not to exceed (3) three years.

(E) **Installation of infrastructure and other improvements; Certificate of Compliance**. In order to facilitate the orderly build-out of a subdivision, the Planning Commission may require, as a condition of final subdivision approval, the installation of infrastructure (eg: roads, septic systems, and fire ponds) or other improvements (eg: landscaping) prior to the conveyance of lots or the submission of an application for a Zoning Permit or a Certificate of Occupancy. The Planning Commission may also require, that a Certificate of Compliance be obtained from the Zoning Administrator in accordance with Section 9.5(B), based on certification by an engineer or other applicable professional that all proposed site improvements have been installed in accordance with the conditions of subdivision approval, or the submission of record (as built) drawings of required improvements, prior to the issuance of a zoning permit for further development.

(1) A Final Plan Approval may specify a time limit within which all improvements (e.g., infrastructure, landscaping) shall be completed.

(2) **Record (As Built) Drawings**. If required by the Planning Commission, prior to the issuance of a Certificate of Compliance, the applicant shall submit record drawings stamped by a Vermont licensed engineer, with a signed and dated statement by the engineer that the construction materials were installed and the work was performed substantially in accordance with approved plans and specifications. Such drawings also shall be stamped by a Vermont licensed land surveyor with a signed and dated statement by the surveyor that all property corner markers have been set in

accordance with the approved property plat. Record drawings should include plans, profiles, and cross-sections to accurately identify the horizontal and vertical positions of the following items:

(a) Accurate locations of all roads, streets, driveways, parking lots, sidewalks, bike paths, street lights, and traffic islands, including right-of-way and easement widths, and widths of the traveled surfaces.

(b) Accurate locations of all water lines and fire hydrants, including at least three field measured ties and an as-built elevation to each valve, tee, elbow, curb stop, and other fitting. Such ties should be measured from permanent structures such as telephone poles, hydrants, buildings, transformers, etc., and should indicate the waterline depth.

(c) Accurate locations of all sewer lines including the distances between manholes or clean-outs, and the type, size, and slope of pipe installed. Accurate locations of all septic tanks, manholes, clean-outs, pump stations, disposal areas, and tees/wyes for building connections including at least three field measure ties and invert and rim elevations.

(d) Accurate locations of all drainage ways, water courses, storm drainage, catch basins, and other storm drainage structures, including the type, size, and slope of pipe for all storm drain lines, culverts, and underdrains and rim and invert elevations where applicable.

(e) Accurate locations of all underground telephone, electric, and television lines including transformer and service box locations and the depth of cover.

(f) Accurate locations and widths of all utility, drainage, water, sewer, and road and pedestrian easements and rights-of-way.

(g) Accurate locations and elevations of any other improvement or structure within the subdivision if required by the Planning Commission.

Section 6.6 Appeals and Reconsideration

An applicant or interested party may appeal any decision issued under this chapter in accordance with Section 9.9(E)(4). An applicant or interested party may also request that the Planning Commission reconsider any decision issued under this chapter by reopening the hearing in accordance with Section 9.9(E)(4). The Planning Commission may also reopen a hearing on its own motion.

Section 6.7 Plat Recording Requirements [all approved subdivisions]

(A) In accordance with the Act [§4463], within 180 days of the date of receipt of final plan approval under Section 6.3(C), the applicant shall file four (4) copies of the final subdivision plat, including one (1) One (1) digital copy, two (2) paper copies, and one mylar copy for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Such plats shall be 18” x 24”, with a margin of two inches outside of the border line for binding on the left edge of the sheet, and a one inch border on all remaining edges. Approved plats not filed and recorded within this 180 day period shall expire.

(B) Prior to plat recording, the plat must be signed by the current Planning Commission Chair or, in the Chair’s absence, the Vice-Chair.

(C) The municipality shall meet all recording requirements for final subdivision plan approval as specified for municipal land use permits under Section 9.9(F).

Section 6.8 Revisions to an Approved Plat

No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Planning Commission and the Commission approves such revisions after review of the proposed modifications in accordance with Section 6.1. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void.

Section 7.1 Application of Subdivision Standards

In accordance with the Act [§4418], the Planning Commission will evaluate all subdivisions in accordance with the standards set forth in Sections 7.2 – 7.12, unless specifically waived under Section 6.2. For subdivision evaluation and approval, the Commission also may require:

(1) disclosure of the intended use of land to be subdivided, and a general indication of future development plans for retained land when only a minor portion of an existing parcel is to be subdivided;

(2) in the event the Commission determines that development of additional portions of the parcel is reasonably likely in the foreseeable future, a master plan for the entire parcel which identifies Areas of High Public Value and other common land; the general location of potential infrastructure, including road, utility, green space or recreation corridors; and an estimate of the type, density and timing of future development;

(3) an independent technical review of the proposed subdivision under one or more standards, prepared by a qualified professional, to be paid for by the applicant; or

(4) modification of the subdivision design, the phasing of development, and/or other conditions of approval as appropriate to ensure conformance with these regulations.

Section 7.2 General Standards

Development Suitability. All land to be subdivided shall be suitable for the intended use and proposed density of development, and shall not result in undue adverse impacts to public health and safety, public facilities and infrastructure, or the character of the surrounding area. Moreover, to the extent feasible, land development should not have an undue adverse impact on Areas of High Public Value (see Table 7.1). During the review process, the Planning Commission will identify specific characteristics of each subject parcel which may be of concern, and will prioritize those resources the Planning Commission considers most important to be addressed in the application.

Table 7.1 Areas of High Public Value

Areas of high public value include land characterized by:

- Land in active agricultural use,
- Primary (prime & statewide) agricultural soils,
- Steep slopes (equal to or in excess of 15%),
- Flood hazard areas,
- Surface waters, wetlands and associated setback and buffer areas,
- Shoreland setback and buffer areas,
- Special natural areas (identified in *Charlotte Town Plan*),
- Wildlife habitat (as identified in *Charlotte Town Plan* or as field delineated),
- Water supply source protection areas (SPAs),
- Historic districts, sites and structures,
- Scenic views and vistas (as identified in *Charlotte Town Plan*), or
- Conserved land on adjacent parcels.

(A) Unless otherwise allowed by the Planning Commission, subdivisions shall not designate development on those areas that are characterized by periodic flooding (including designated flood hazard

areas), wetland, very steep topography (slopes in excess of 25%), or other hazardous or clearly unsuitable conditions, or is otherwise inadequate to support structures and infrastructure. However such land may be used for lot size and density calculations.

(B) **Charlotte Town Plan & Regulations**. Subdivision review will be guided by the policies and recommendations set forth in the Charlotte Town Plan, other provisions of these regulations, a duly adopted capital improvement program, and all other applicable town regulations in effect at the time of application.

(C) **Lot Layout**. The layout of lots shall include consideration of topography, drainage, and soil conditions, and shall conform to all applicable zoning district standards (Chapter II), general regulations (Chapter III), and specific use standards (Chapter IV), including surface water, wetland, and shoreland setback and buffer requirements, and steep slope area limitations. In addition:

(1) Zoning district lot size, frontage and density requirements under Chapter II are the minimum required, unless waived or modified by the Planning Commission for planned residential or planned unit development (see Chapter VIII), affordable housing (see Section 4.4) or access by a right-of-way (see Section 3.2).

(2) The Planning Commission may require different lot sizes than proposed by the applicant based upon site limitations and the presence of physical and natural features, and to ensure that the parcel may accommodate anticipated development without undue adverse impact to public health and safety, and to minimize undue adverse impacts to Areas with High Public Value.

(3) Corner lots shall have sufficient width to meet frontage requirements along both roads, and front yard setbacks from each road.

(4) Side lot lines shall generally form right angles to the road.

(5) Irregularly shaped lots (e.g., with curves, jogs, doglegs; excessively rectilinear, etc.) shall not be created unless warranted by topography, surface waters, or to avoid the fragmentation of significant natural or cultural features.

(D) **Density**. Development density shall be based on the allowed densities for the zoning district(s) in which the subdivision is located. Areas of High Public Value can be used for development density unless the property has been conserved through a legal mechanism such as a Grant of Development Rights, Conservation Easement, or Open Space Agreement.

(E) **Building Envelopes.** All proposed lots intended for development shall include designated building envelopes within which all structures and parking areas shall be located, unless waived in accordance with Section 6.2. The size and shape of each building envelope shall be established in accordance with these regulations, including all applicable standards under this chapter and the district. The Commission also may require the identification of specific building footprints if such information is needed to determine conformance with these regulations.

(F) **Markers & Monuments**. The Planning Commission may require that temporary markers, showing proposed lots, road rights-of-way, building envelopes, and areas dedicated for public use, be placed on site to assist in evaluating the proposed layout in the field. The locations of all permanent surveying monuments and lot corner markers, as required under the Commission of Land Surveyors' *Standards for the Practice of Land Surveying,* shall be identified on the final subdivision plat.

Section 7.3 District Standards

(A) **Settlement Patterns.** A subdivision shall be designed to achieve the purpose, objectives and intended settlement pattern of the zoning district(s) in which it is located, as defined in Chapter II and the *Charlotte Town Plan*. Subdivisions of land shall, to the extent feasible:

(1) maintain and extend traditional or planned settlement patterns, including lot areas and configurations, building locations, and road networks;

(2) maintain contiguous tracts of open land with adjoining parcels, including but not necessarily limited to Areas of High Public Value as defined under Section Subsection 7.2 (A); and

(3) connect with and extend existing roads, trails, and utility corridors.

(B) **Village & Commercial Districts**.
Subdivisions within the West Charlotte Village, East Charlotte Village, Village Commercial and Commercial/Light Industrial Districts shall be designed to reflect and reinforce the historic character and the intended village neighborhood pattern of development in these districts. To achieve this objective, all subdivisions within these districts shall be designed and reviewed as either a planned residential development or planned unit development in accordance with the terms and standards under Chapter VIII, which allows greater flexibility with regard to the respective district dimensional standards.

(C) **Route 7 Scenic Overlay District.**
Subdivisions of land located within the Route 7 Scenic Overlay District shall be configured and developed in accordance with applicable criteria under Table 2.9.

(D) **Rural, Shoreland & Conservation Districts**.
Within the Rural, Shoreland and Conservation Districts, all subdivisions and associated site development shall be designed and reviewed according to the following standards:

(1) Building envelopes, to the extent feasible, shall be located, sited and configured so as not to create any undue adverse impacts on Areas of High Public Value. In the event that no other land in the parcel to be subdivided is suitable for development, building envelopes shall be designed to minimize encroachments into these areas and to minimize undue adverse impacts.

(2) Lot lines, infrastructure, and roads, driveways and utility corridors shall be located so as to not create any undue adverse impacts on Areas of High Public Value by the parcelization, fragmentation, isolation, or destruction of such areas.

(3) Roads, driveways and utility corridors, to the extent feasible shall be shared, and located to follow existing linear site feature such as existing roads and utility corridors, tree lines, or field edges, and to avoid creating undue adverse impacts by fragmenting Areas of High Public Value.

(4) Areas of High Public Value should be identified and considered for inclusion as designated open space on the subdivision plat. Buffer areas, management plans, conservation easements, restrictions on further subdivision or comparable site protection mechanisms and mitigation measures may be required to ensure the long-term conservation of these areas.

(5) Clustering of development, including the creation of lots with an area less than the minimum lot size for the district, is be off-set with the dedication of open space. In instances in which clustering and/or the creation of small lots is needed to avoid undue adverse impacts to Areas of High Public Value, the

Commission may require that the subdivision be reviewed concurrently as a planned residential development in accordance with Chapter VIII.

(6) To encourage ongoing production of productive agricultural land and forest-based natural features, the Planning Commission may encourage applicants to configure lots of a size necessary to remain eligible for state and municipal tax abatement programs and which enables effective management and/or long term conservation.

Section 7.4 Compatibility with Agricultural Operations

To avoid conflicts between agricultural operations and non-agricultural land uses, subdivisions of land either adjacent to or encompassing agricultural land either presently or potentially in production shall meet the following requirements.

(1) Residential building envelopes and wells shall, to the extent feasible, be sited to minimize conflicts with agricultural operations located within the subject property and on adjoining properties. Building envelopes and wells shall be located a minimum of 200 feet from any lot line shared with an agricultural operation unless the Planning Commission determines that such a setback is unnecessary to protect water supplies and to avoid potential conflicts with agricultural uses.

(2) Buffer areas, consisting of existing vegetation or additional plantings, may be required within all or a portion of designated setback areas.

(3) The applicant may be required to provide a management plan detailing how conflicts between adjacent land uses will be avoided or mitigated.

(4) An easement shall be required for the protective distance as required by the Vermont Wastewater and Water Supply Rules for drilled wells or springs which will impact adjoining parcels.

Section 7.5 Facilities, Services & Utilities

(A) **Municipal Facilities & Services**. The proposed subdivision shall not create an unreasonable burden on existing or planned municipal and educational facilities and services. The Planning Commission may consult with appropriate officials to determine whether adequate capacity exists, require a fiscal impact analysis to be paid for by the applicant, and/or require the phasing of development in accordance with a duly adopted municipal or school capital budget and program.

(B) **Emergency Services**. The Planning Commission, in consultation with the Charlotte Volunteer Fire and Rescue Service, shall ensure that the applicant provide adequate access, water storage and/or distribution facilities for fire protection in accordance with the Charlotte Fire and Safety Standards as most recently amended.

(1) **Testing** The fire pond and dry hydrant/drafting basin shall be tested by the Charlotte Volunteer Fire and Rescue Service and deemed operational prior to the issuance of a zoning permit or occupancy permit for any dwelling located within a proposed subdivision that requires such facilities.

(2) **Maintenance**. The maintenance of all fire ponds, dry hydrants, drafting basins, pond access and related facilities shall be the responsibility of the applicant and subsequent owners. The applicant shall supply evidence and assurance that such facilities will be adequately maintained either by the applicant, an owners' association, or other acceptable legal mechanism. The Charlotte Volunteer Fire and Rescue Service shall be ensured access to the facility for use in the case of an emergency and for periodic testing on a year-round basis.

(C) **Utilities**.

(1) All utility lines connecting to and within the subdivision, including but not limited to electric, gas, telephone, and cable television, shall be located underground. The Planning Commission may require that all utility systems and associated easements, existing and proposed, throughout the subdivision and along any connecting feeds outside of the subdivision, be shown on the final plat.

(2) Utility corridors shall, to the extent feasible, be shared with other utility and/or transportation corridors, and be located to minimize site disturbance, fragmentation of Areas of High Public Value, and undue adverse impacts to significant natural, cultural and scenic features, and to public health.

(D) **Parks & Playgrounds**. The Planning Commission may require the dedication of up to 15% of the total plat area for a park, playground, trail, pathway or other recreation area to serve the proposed subdivision. Such land shall be suitable for recreational use, and may be included as designated open space. Priority will be given to land that is identified for such a use in a duly adopted town map or town plan. The Commission also may require, as a condition of subdivision approval, the right of first refusal for the purchase of park or recreation lands shown on the town's official map, for municipal or other public purposes.

(E) **Outdoor Lighting.** Outdoor lighting shall meet the requirements of Section 3.10.

Section 7.6 Water Supply

The applicant shall demonstrate to the satisfaction of the Planning Commission that an adequate, potable water supply exists on- or off-site to serve the proposed subdivision without adverse impacts to existing water supplies in the vicinity, in accordance with section 3.17. In addition, water systems shall meet the following requirements.

(1) **Community Water Supplies**. Community water systems are permitted in accordance with the following:

(a) Community systems may be required to be designed in such a way that they may eventually be connected to a municipal water supply system, should such a system become available. The extension of water lines that are part of or connected to the Champlain Water District or any other water district within the District's boundaries, however, and the creation of lots served by such lines, is prohibited.

(b) Long term provisions may be required for the maintenance of community systems by the users in a form acceptable to the Planning Commission. The applicant may be required to file a proposed annual service contract for maintaining the system.

(c) Where connection to a pre-existing water system is proposed, the applicant shall provide evidence as to the adequacy of the system, and supporting legal documentation concerning the use of, access to and maintenance of the system.

(d) Where applicable, the designated source protection area (SPA) for a community water supply shall be identified on the final subdivision plat.

(2) **Individual Wells**. If the proposed subdivision is to be serviced by individual wells, the applicant may be required to provide evidence of the availability of potable water in adequate quantities. The Planning Commission may require hydrological testing, or that a well be developed and appropriately tested, prior to subdivision approval or prior to the sale of a lot or the issuance of a zoning permit for development.

(3) **Water Supply Standards** Water systems, including individual or community water supply systems, shall be designed and installed in accordance with all applicable state regulations, as certified by a professional licensed by the state. The Commission may require as a condition of approval, or as a condition of issuing a zoning permit or a certificate of occupancy, that the applicant provide the results of water sample tests by the Vermont Health Department.

(4) An easement shall be required for the protective distance as required by the Vermont Wastewater and Water Supply Rules for proposed wells if such protective distances will impact adjoining properties.

Section 7.7 Sewage Disposal

(A) **Sewage Disposal Standards**. The applicant shall demonstrate to the satisfaction of the Planning Commission that wastewater collection and disposal capacity is available to serve the proposed subdivision in compliance with applicable municipal and state regulations, including Section 3.16 of these regulations, and the standards below. The Planning Commission may require the applicant to obtain a Wastewater System and Potable Water Supply Permit prior to submitting a Final Plan Application or prior to submitting the approved plat in accordance with Section 6.7 of the Charlotte Land Use Regulations. The following standards also apply:

(1) The extension of sewer lines from any wastewater treatment and/or disposal facility not located within the Town of Charlotte, as well as the creation of lots served by any such lines, is prohibited.

(2) Where connection to a pre-existing wastewater system is proposed, the applicant shall provide evidence as to system adequacy and supporting legal documentation concerning use of, access to, and maintenance of the system.

(3) A privately-owned septic system that is proposed to cross Town property or a Town Highway right-of-way shall only be allowed if the proposed project meets Planned Residential Development (PRD) standards (see Chapter VIII), or if the development site is located within either the West Charlotte Village District, the East Charlotte Village District, the Village Commercial District, or the Commercial/Light Industrial District.

(4) Long term provisions may be required for the replacement and maintenance of community systems by the users in a form acceptable to the Planning Commission. The applicant may be required to file a proposed annual service contract for maintaining the system.

(B) **Standards for Developed Parcels**. The following requirements apply to the subdivision of parcels involving existing sewage disposal systems.

(1) A septic system that has been approved by the state shall be deemed adequate provided the applicant:

(a) provides a copy of the permit and associated septic system design drawings and the Commission, in consultation with the Town Sewage Officer, the Town's wastewater consultant, or another qualified professional, determines that the septic system was installed in accordance with the permitted design.

(b) demonstrates that all applicable isolation distances and setbacks will be maintained; and

(c) demonstrates that the proposed subdivision and associated development, including all proposed water supplies, will not be adversely affected by the existing septic system.

(2) In the event of uncertainty regarding the location of the septic system or whether it was constructed in accordance with approved design plans, the Commission may require the applicant to demonstrate, through field testing paid for by the applicant, that the existing system was constructed in accordance with the plans.

(3) The existing septic tank shall be pumped and inspected by the applicant in the presence of a designee of the Planning Commission. In the event that the septic tank is not adequately sized to meet current state or municipal regulations, is not functioning properly, or if the existing tank is fabricated of steel, the tank shall be replaced in accordance with current state and municipal standards (no permit is necessary to replace a septic tank).

(4) The applicant's system designer or engineer shall provide a certification that the system is functioning appropriately and that infiltration area shows no indication of surfacing.

(C) **Exemptions.** The Planning Commission may waive the requirement for submission of a design for a sewage disposal system for one lot created by a subdivision in accordance with the following:

(1) The applicant will still be required to demonstrate sewage disposal capability by submission of test pit data.

(2) The waived parcel will be 25 acres or more and is in the Use Value Appraisal Program established under 32 VSA Chapter 124.

(3) The proposed parcel boundaries follow natural and existing features, such as hedge rows, fence lines and agricultural patterns, and do not fragment or negatively impact Areas of High Public Value described in Table 7.1 on the subject parcel or on adjacent parcels.

(4) The Planning Commission may evaluate the proposed subdivision under other standards within these Land Use Regulations.

(5) In the event the Planning Commission determines that development of additional portions of the parcel is reasonably likely in the foreseeable future, it may require a master plan showing potential future development may be required by the Planning Commission.

(6) A notice that the parcel has not been approved for sewage disposal shall be clearly stated on the approved plat and set forth in any deed conveying the property.

(7) No zoning permit shall be issued for any use on the parcel requiring sewage disposal until such time as the owner seeks and receives an amendment to the subdivision approval resulting in the parcel's creation. The Commission shall, in granting such an amendment, determine that the proposed development of the parcel conforms to all applicable standards of these regulations.

Section 7.8 Stormwater Management & Erosion Control

(A) Subdivisions shall incorporate temporary and permanent storm water management and erosion control practices as appropriate for the type and density of proposed development and lot coverage to ensure that the subdivision and subsequent development does not result in soil erosion, the degradation of surface waters and/or hazards to properties within the vicinity. Accordingly:

(1) All stormwater management systems shall be designed to:

(a) use natural drainage systems to the extent feasible, and minimize the need for system maintenance,
(b) maximize on-site infiltration and treatment of storm water, and minimize surface runoff,
(c) accommodate anticipated flows, including existing surface water runoff and total runoff generated by the proposed development at build-out, including anticipated flows from storm events,
(d) provide storage areas and treatment to manage flows and protect water quality; and
(e) avoid damage to adjoining properties and downstream drainage facilities.

(2) The Planning Commission may require the submission of stormwater management and/or erosion control plans, prepared by a licensed professional, for all phases of development. Such plans shall incorporate accepted management practices as recommended by the state in the *Vermont Stormwater Management Manual*, and the *Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites*, as most recently amended, and identify the person(s) or organization responsible for system maintenance.

(3) The applicant shall demonstrate that existing downstream drainage facilities will be able to accommodate any additional runoff from the subdivision. If increased runoff exceeds the capacity of downstream drainage, storage or treatment facilities, the Commission may require that the applicant phase the subdivision and/or delay construction until such capacity exists, or install off-site improvements as needed to increase downstream capacity.

(4) The Planning Commission also may require project phasing to minimize the extent of soil disturbance and erosion during each phase of development.

(5) Unless the applicant provides sufficient information that supports an alternative design, or the Planning Commission determines that it is appropriate to design for a less frequent event, all drainage facilities shall be designed for the following storm frequency:
Facilities only impacting subdivision system: 10 Year Storm
Facilities impacting town road system: 25 Year Storm
Facilities impacting state highway system: 50 Year Storm.

Section 7.9 Landscaping & Screening

The preservation of existing vegetation or additional landscaping and screening may be required by the Planning Commission as needed to:

(1) preserve existing specimen trees, tree lines, or wooded areas of particular natural or aesthetic value;

(2) provide vegetative buffers to protect water quality or other natural features, in accordance with Section 3.15;

(3) provide a buffer between developed and undeveloped areas of the subdivision, or the subdivision and adjoining properties, to increase privacy, reduce noise or glare, or to establish a barrier between incompatible land uses, including between residential and agricultural uses in accordance with Section 7.4; and/or

(4) establish or maintain a tree canopy along roads or pedestrian paths where the Planning Commission deems it appropriate.

(5) The Commission also may require a three (3) year landscaping plan, and/or a bond or other surety acceptable to the Charlotte Selectboard, to ensure landscaping installation and maintenance.

Section 7.10 Roads, Driveways & Pedestrian Access

(A) **Capacity of Existing Roads**. Traffic to be generated by the proposed subdivision will not create unreasonable traffic congestion or cause unsafe conditions on public roads in the vicinity of the proposed subdivision. Accordingly:

(1) The Planning Commission may request the preparation of a traffic impact or safety study, the cost of which is to be borne by the applicant.

(2) Where a study identifies impacts and mitigation measures necessary to ensure traffic safety and/or efficiency, an applicant may be required to make improvements to an existing road, such as realignment or widening, or install traffic control devices on or off-site that are necessary to ensure public safety and welfare.

(3) Where the municipal plan or capital program indicate that improvements will be needed in the future on adjacent town roads, a applicant may be required to reserve land for such improvements, and show such reservations on the plat.

(B) **Standards**. All subdivision intended for development must meet the road, driveway, and pedestrian access standards set forth in Section 3.2.

Section 7.11 Common Facilities, Common Land, & Land to be Conserved

(A) Land that is to be dedicated for common facilities or for the preservation and maintenance of Areas of High Public Value (as identified in Table 7.1) may be held in common or individual ownership, or it may be conveyed to the Town, should the Town choose to accept it.

(B) **Common Land.** Land to be dedicated to shared facilities (e.g., private road, community wastewater and water supply systems, or other community facilities,), may be held in common, and will be subject to the legal requirements set forth below and in Section 7.12. Land and/or facilities to be held in common shall be subject to appropriate deed restrictions and/or covenants stipulating their allowed use, and establishing the person or entity responsible for their regular maintenance and long term management. All costs associated with administering and maintaining common land and associated facilities shall be the responsibility of applicant and subsequent property owners.

(C) **Land to be Conserved.** Land to be dedicated to the preservation and maintenance of Areas with High Public Value may be held in common or individual ownership, and may be located on one or more lots, although isolating such resources on a single lot is preferred by the Town. The ownership of the land or the benefit of an easement preserving such land shall be in a manner and form approved by the Planning Commission; such ownership or easement may be held by the municipality or a nonprofit land conservation organization, if such entities choose to accept such ownership or easement. Conservation and agricultural easement areas (“open space areas”) shall be indicated with an appropriate notation on the final plat.

Section 7.12 Legal Requirements

(A) Documentation and assurances shall be provided that all required improvements and associated rights-of-way and easements and other common facilities and land will be adequately maintained either by the applicant, subsequent or other landowners, a homeowners' association, or through other accepted legal mechanism. Such documentation shall be in a form approved by the Planning Commission and filed in the Charlotte Land Records.

(B) All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the Planning Commission. The Commission may require that all such improvements be completed prior to the issuance of a zoning permit or certificate of occupancy for subsequent development on approved lots. A performance bond or comparable surety acceptable to the Selectboard may be required to ensure that all improvements are completed to specification, in accordance with Section 6.5.

CHAPTER VIII. PLANNED RESIDENTIAL & PLANNED UNIT DEVELOPMENT

Section 8.1 Purpose

(A) In accordance with the Act [§4417] for the purposes of these regulations the following two categories of Planned Unit Development are established:

(1) Planned Residential Development, and
(2) Planned Unit Development.

(B) **Planned Residential Development (PRD)**. PRD provisions are intended to allow clustering of residential development and innovative design to promote the most appropriate use of land and the preservation of Areas of High Public Value identified in Table 7.1;

(C) **Planned Unit Development (PUD)**. PUD provisions are intended to allow compact, mixed-use, pedestrian scale development in village centers and commercial districts, innovative design and layout, and more efficient use of land in order to maintain Charlotte's traditional settlement patterns;

Section 8.2 Applicability

(A) To achieve the purposes set forth in Section 8.1, the Planning Commission may modify applicable area and dimensional requirements required elsewhere in these regulations simultaneously with the approval of a subdivision plan and associated plat. [Density requirements cannot be modified except as allowed under Section 4.4 and/or Section 8.4(C)(2)]. Such modifications shall be made in accordance with the following provisions.

(B) **Planned Residential Development (PRD)** provisions shall be applied to any of the following:

(1) All major subdivisions.

(2) All subdivisions proposed within the East Charlotte Village District, West Charlotte Village District, the Village Commercial District or the Commercial/Light Industrial District in which the proposed uses of the subdivided parcels are exclusively residential and associated accessory uses.

(3) Minor subdivisions in the Rural District or Shoreland Districts in which the applicant or the Planning Commission determine that the modification of dimensional standards that allow the clustering of development, such as a reduction in the minimum lot size or building setbacks, is desirable or necessary to meet the standards set forth in Chapter 7.

(C) **Planned Unit Development (PUD)** provisions shall be applied to the following:

(1) All proposed subdivisions within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District in which the proposed uses of the subdivided parcels are nonresidential or are a mixture of residential and nonresidential uses and associated accessory uses.

(2) The development of two or more principle uses on a single parcel within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District in which the proposed uses are nonresidential or are a mixture of residential and nonresidential uses and associated accessory uses. Such projects will submit applications and be reviewed as subdivisions, even though the development is proposed to be located on a single parcel.

Section 8.3 Coordination with Other Review Processes

The Planning Commission, Zoning Board, and all other town boards or commissions should attempt to coordinate review processes for all applications for development.

(A) **Subdivision Review.** Applications for PRDs and PUDs shall be reviewed concurrently with applications for minor or major subdivision review, whichever is applicable, in accordance with the requirements and procedures set forth in Chapter VI.
(B) **Site Plan Review**. Applications for Site Plan Review may be reviewed concurrently with an application for subdivision for the same lot, including PRD or PUD approval. Approval granted by the Planning Commission under this section for a PRD or PUD that involves a type of development that requires site plan approval under Section 5.5 shall not exempt the proposed development from such site plan review.
(C) **Conditional Use Review**. Approval granted by the Planning Commission under this section for a PUD or PRD that involves the development of one or more conditional uses shall not exempt the proposed development from conditional use review in accordance with Section 5.4.

Section 8.4 Planned Residential Developments [PRDs]

(A) **Application Requirements**. Applications for PRDs shall be submitted in accordance with the requirements set forth in Chapter 6. In addition to and simultaneous with the submission of application materials specified in Table 6.2, applications for PRDs must include the following:

(1) A statement setting forth the nature of all proposed modifications or changes of existing land use regulations and the standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces; and

(2) A brief summary of the project and how it meets the standards set forth in this section.

(B) **General Standards**. In addition to applicable subdivision standards in Chapter VII, PRDs shall meet the following:

(1) The PRD shall be an effective and unified treatment of the development possibilities of the site, which is consistent with the goals and policies of the *Charlotte Town Plan*.

(2) A PRD shall include only residential uses and associated accessory structures and uses allowed within the district in which the PRD is located. Dwelling units may, at the discretion of the Planning Commission, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached. In no case shall the multi-family dwellings exceed four (4) dwelling units per building, unless the dwelling units are affordable housing as defined in Section 4.4., and meet the requirements of Table 4.1b. Associated uses may include, but not be limited to, those uses allowed within single dwelling units, such as home occupations and home child care.

(3) The overall density of the project shall not exceed the density which could be permitted, in the Planning Commission's judgment, if the land were subdivided into lots which meet the standards for the district(s) in which the land is situated, except where specifically allowed in these regulations as provided for in Section 4.4 and/or Subsection (C)(2) below.

(4) With the approval of the Planning Commission, two (2) or more contiguous or noncontiguous parcels may be combined in a single application for review as a PRD. The removal of density from one parcel for use on another parcel shall meet the requirements of Subsection (F).
(5) The Planning Commission, in addition to applying subdivision standards under Chapter VII, may impose further restrictions on the height and spacing of buildings; and greater setback and screening

requirements for structures, parking areas and other development along the perimeter of the project, and between built and conservation/open space areas to mitigate any adverse impacts on adjoining properties, uses or resource areas.

(6) In order to approve a PRD, the Planning Commission must find:

(a) that the project will minimize the adverse affects upon the resources identified as significant in Table 7.1 (Areas of High Public Value); and

(b) the development area is appropriate for the proposed density, in terms of the existing settlement pattern, the zoning district, and the standards in Chapter VII.

(C) **Rural District and Shoreland District Standards.** In addition to the general standards set forth under Subsection (B), PRDs within the Rural District and Shoreland District shall be designed to blend new development into the historic, agricultural landscape and to maintain important natural, scenic and cultural resources as described in the *Charlotte Town Plan*. To this end, PRDs shall be designed in accordance with the standards for either conservation projects or hamlets, as described below:

(1) **Conservation Projects**. At the request of the applicant, or as otherwise required under Section 8.2(B), the proposed PRD shall be designed in a manner that maximizes the reduction of lot sizes and modification of setbacks and other dimensional standards to minimize undue adverse impacts to, and fragmentation of, Areas with High Public Value. The conservation subdivision design process described in Table 6.3 shall be followed by the applicant, and modifications to standards shall be allowed by the Commission to the extent that such modifications better achieve the standards set forth under Chapter 7. A minimum of 50% of the lot(s) shall be designated as open space in accordance with Section 8.6.

(2) **Hamlets.** At the request of the applicant, proposed PRDs may be designed in a manner that replicates a traditional hamlet, characterized by a concentration of residential buildings and associated accessory, cultural and/or recreational uses and structures, which are bounded by farmland or forest. To replicate this traditional a pattern, hamlets shall be designed in accordance with the following:

(a) the parcel(s) shall comprise a minimum of 40 acres;
(b) a contiguous grouping of dwellings, associated accessory, cultural or community buildings, shall be located within a compact area not to exceed 15% of the total project acreage;
(c) a minimum of 80% of the parcel(s) shall be designated as open space in accordance with Section 8.6 – one or more common or public areas (e.g., village green or park) may be applied toward this requirement;
(d) a density bonus of up to 25% of the permitted overall density may be allowed;
(e) building envelopes or footprints shall be configured to front upon road(s) and/or a common green, so that buildings will be oriented toward the road, one another and/or the common green; and
(f) the project creates a well-defined edge between the hamlet and surrounding open space – in the event that non-contiguous parcels are involved a minimum of 50% of the designated open space shall be located immediately adjacent to the dwellings to ensure the pattern of compact hamlet surrounded by open countryside.

(D) **Village Standards**. In addition to the general standards set forth under subsection (B), PRDs within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District shall be designed so that the layout and configuration of lots and the subsequent placement of buildings are consistent with the historic pattern and scale of development found within these villages, and with historic structures in the vicinity. At minimum, PRDs located within these districts shall:

(1) Incorporate the following features in the subdivision design:

(a) pedestrian scale and orientation, as determined by the location and size of building envelopes or footprints;
(b) functional and visual integration with neighboring properties, especially if the site incorporates, or is adjacent to, historic districts, neighborhoods, sites or structures;
(c) an interconnected network of streets and well defined streetscapes; and
(d) sidewalks and pathways to facilitate pedestrian circulation.

(2) Include at least 50% open space, common areas, or land dedicated to public use, such as a village green or park, which serve as a central organizing feature within the subdivision. Where subdivisions abut the Rural District, the location of building envelopes and configuration of lots and open space shall reinforce a well defined contrast between the compact village and the surrounding rural countryside.

(3) Accommodate a scale of development that is compatible with the scale and massing of neighboring structures. To this end, the Commission may, as a condition of subdivision approval, establish a maximum gross floor area, building footprint and/or building height for structures to be constructed on the subdivided parcel that are more restrictive than the standards set forth in Chapter II.

(E) **PRDS in Two or More Districts.** In the event that all or a portion of one or more parcels involved in a single PRD is located in a different zoning district than another involved parcel, the total allowable density shall be calculated based on the dimensional standards for each district established in Chapter II, and the total acreage of each parcel(s) located within the respective district.

(F) **PRDs Involving Two or More Parcels.** Two or more parcels, whether contiguous or non-contiguous may be combined in a single application for review as a PRD. Prior to approving such an application, the Planning Commission shall determine that the application complies with the standards of this Section as well as the following standards:

(1) Total density based upon the cumulative acreage of the parcels may be aggregated unto a single parcel to allow for greater concentrations of development and corresponding preservation of open space, providing the overall density 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 these regulations.

(2) The application will result in the conservation of resources identified in Table 7.1 and the Charlotte Town Plan.

(3) The area to be developed is appropriate for the proposed density, such as a hamlet, village, or other settlement area.

(4) Density from parcels located within the Rural and Shoreland Districts may be aggregated onto parcels located within the Rural, Shoreland, East and West Charlotte Village Districts; and density from parcels located within the East and West Charlotte Village District may be aggregated onto parcels located elsewhere within those same village districts. In no case shall density from parcels located in the East and West Charlotte Village Districts be aggregated onto parcels located within the

Rural or Shoreland Districts.

(5) Density from one parcel may be aggregated onto another parcel only in whole increments of one (1) dwelling unit per five (5) acres. The number of units removed from a parcel to be protected as open space shall be added to the maximum number of units allowed on the parcel to be developed as prescribed by applicable district standards. Any parcel(s) which retains a portion of the total allowable density that is not proposed for development as part of an approved PRD shall retain a minimum of five (5) acres per dwelling unit.

(6) The aggregation of density from one or more parcels onto another parcel shall be administered in accordance with the following:

(a) The removal of density from a parcel shall be accomplished through a conservation easement, of a form and content approved by the Planning Commission, to be recorded in the Charlotte Land Records. Such easement shall specify that the protected portions of the parcel are to be used only for open space, agriculture, forestry and non-commercial outdoor recreation purposes. No structures or roads are to be allowed within the conservation easement area. Wastewater disposal may be allowed within the conservation easement area if it does not disrupt, detract from or limit the values for which the conservation area is to be protected. In addition, the easement shall be accompanied by a recordable plat which clearly depicts:
(i) the boundaries of the parcel;
(ii) the boundaries of the portion of the parcel to be designated as open space and restricted by the conservation easement; and
(iii) the total, unallocated density available under current zoning regulations prior to the PRD approval, and shall specify the total reduction of density resulting from that approval, in tabular format.

(b) The aggregation of density on a parcel shall be accomplished through a written agreement, approved by the Planning Commission concurrently with PRD approval under this Chapter. Said written agreement shall be of a form and content approved by the Commission, and may be in the form of a written decision approving the PRD, and shall be recorded in the Charlotte Land Records. Such agreement shall specify the total density being aggregated onto the parcel from other parcels and shall include a deed reference to the easement covering the parcel(s) from which the density originated.

(7) The density from parcels subject to conservation easements or comparable deed restrictions may not be used to increase the allowable density on another parcel, ie: other than the parcel which is identified in the application as the parcel designated for increased density.

Section 8.5 Planned Unit Developments [PUDs]

(A) **Application Procedure**. Applications for PUD shall be submitted simultaneously with applications for major subdivision under Chapter VI. In addition to the information required for sketch plan review under Section 6.3, applications for PUDs must include the following:

(1) A statement setting forth the nature of all proposed modifications or changes of existing land use regulations and the standards and criteria which the applicant proposes for the development, including standards for the design, bulk and spacing of buildings and sizes of lots and open spaces.

(2) A brief summary of the project and how it meets the standards in this section.

(3) In instances in which a applicant proposes development of a portion of a larger parcel, or development of a parcel contiguous to another parcel(s) in common or affiliated ownership, a general

indication of the intended use of the remaining (undeveloped) portion of the land, in accordance with Section 7.1.

(4) Any additional information required by the Planning Commission to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth in Chapter VII and below.

(B) **General Standards**. In addition to the subdivision standards set forth in Chapter VII, PUDs shall meet the following:

(1) The PUD shall be an effective and unified treatment of the development possibilities of the site, which is consistent with the goals and policies of the *Charlotte Town Plan*.

(2) A PUD may include any use allowed within the district(s) in which it is located, including a mix of residential and nonresidential development, and associated accessory structures and uses. Dwelling units within a PUD may, at the discretion of the Planning Commission, be of varied types, including single-family, two-family, or multi-family construction, and may be attached or detached. In no case shall multi-family dwellings exceed six (6) dwelling units per building, except as provided in Section 4.4 and for Elderly Housing.

(3) A greater concentration or intensity of development may be located within some portion(s) of the site provided there is an offset by a lesser concentration in another portion(s) or an appropriate reservation of open space on the remaining land in accordance with Section 8.6.

(4) The overall density of the project shall not exceed the density allowed, in the Planning Commission's judgment, if the land were subdivided into lots in accordance with the standards for the district(s) in which the land is situated, except as provided for in Section 4.4 with regard to PUDs that incorporate affordable housing.

(5) A PUD may involve the creation of separate building lots, or may include a development in which multiple buildings and uses are constructed on a single parcel in common ownership.

(6) The PUD shall be designed to establish or extend an interconnected network of streets, and distinct streetscapes defined by consistent building setbacks, sidewalks, and street trees.

(7) Provision shall be made for year-round pedestrian circulation within the site, and for pedestrian access to adjacent properties. Pedestrian circulation should include a network of pathways and sidewalks connecting existing land uses within and adjacent to the site. Provision for safe and efficient transit access also may be required.

(8) Buildings envelopes (or footprints) shall front toward and relate to streets, entrance drives and public spaces (e.g. greens, parks, plazas), both functionally and visually, and not be oriented toward parking lots. Proposed building envelopes (or footprints and elevations) shall reflect a diversity of building scale and massing. Excessively large, monolithic buildings shall be avoided. Lots and building envelopes within Village Districts shall be configured to be consistent with the pattern created by historic structures within the district/vicinity.

(9) Proposed building sites shall be clustered and integrated within a compact village pattern, present a well-defined edge between the built environment and surrounding open space, and visually enhance village entrances.

(10) Site design and landscaping shall be compatible with neighboring properties. In instance in which a PUD abuts a residential property, greater setback requirements for structures and parking areas and appropriate screening may be required.

(11) All proposals shall demonstrate the extent to which they protect and utilize renewable energy resources through such means as developing south-facing slopes in lot layout and enabling solar access to all future buildings.

(C) **PUDS in Two or More Districts.** In the event that a parcel involved in a single PUD is located in two or more zoning districts, the total allowable density shall be calculated based on the dimensional standards for each district established in Chapter II, and the total acreage of each portion of the parcel located within the respective district.

(D) **PUDs on Two or More Parcels**. Two or more contiguous or non-contiguous parcels may be combined for review as a PUD. For such PUDs that incorporate residential uses, 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, in the Planning Commission's judgement, should be permitted if the land were subdivided into lots in conformance with these regulations.

Section 8.6 Open Space & Common Land

(A) PRDs and PUDs shall make adequate provision for the protection of open space and common land in accordance with Section 7.11, Section 7.12 and the following provisions. In determining the appropriateness of the open space and common land, the applicant and the Planning Commission shall consider the location, shape, size, and character of the designated open space and common land relative to the size, density, topography, and the number and type of units proposed in the PRD or PUD. In designating open space and/or common land, applicants and the Planning Commission shall consider the location of the project and associated site features as identified in Table 8.1.

Table 8.1 Open Space and Common Land Guidelines

Type of Feature	Protection	Applicable Zoning Districts
1. Areas of High Public Value (Section 7.2)	Open Space or Common Land	All districts
2. Common areas (greens, playgrounds, parks)	Common Land	East and West Charlotte Village, Commercial, Commercial/Light Industrial
3. Existing or potential trail corridors, including preservation of established trail networks	Open Space or Common Land	Rural, Shoreland, Conservation East and West Charlotte Village, Village Commercial, Commercial/Light Industrial
4. Pathways (paved & unpaved), sidewalks	Common Land	East and West Charlotte Village, Village Commercial, Commercial/Light Industrial
5. Gateways; open green space defining visual and physical edge of village or hamlet	Open Space	Rural, Shoreland, Conservation, East and West Charlotte Village, Village Commercial, Commercial/Light Industrial
6. Community facilities (e.g. roads, parking areas, water and septic systems, community buildings)	Common Land	Rural, Shoreland, Conservation, East and West Charlotte Village, Village Commercial, Commercial/Light Industrial

(B) In addition to the considerations set forth in section 8.6(A) and Table 8.1, open space and common land shall be delineated in accordance with the following standards:

(1) Open space 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, the lake shoreline, and historic and archeological sites.

(2) The location, shape, size and character of the open space and common area shall be suitable for its intended use.

(3) Open space land shall be suitably improved and/or maintained for its 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) Open space land shall be located so as to conform with and extend existing and potential open space and common areas on adjacent lots.

(5) 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.

(6) Sewage disposal, water supply areas, and road rights-of-way shall not be counted as open space except where the applicant can prove to the satisfaction of the Planning Commission that the sewage disposal, water supply facility and road right-of-way will in no way disrupt or detract from the values for which the open space is to be protected.

(7) Fire ponds may be included in open space areas.

(8) In approving a minor subdivision, the designation of open space may be deferred by the Planning Commission until a further subdivision is proposed; at that time the Planning Commission may require that the designated open space include sufficient acreage to account for the original minor subdivision under the open-space requirements of these regulations.

CHAPTER IX. ADMINISTRATION & ENFORCEMENT

Section 9.1 Permits & Approvals

(A) **Permit Requirements**. No development or subdivision of land may commence in the Town of Charlotte until all applicable **municipal land use permits** and approvals have been issued, unless the development is specifically exempted from these regulations under Section 9.2. Such permits and approvals include:

(1) **Zoning Permits** issued by the Zoning Administrator under Section 9.3 for all development except for subdivisions of land requiring subdivision approval, and any activity exempted under Section 9.2;

(2) **Variance Approval** issued by the Board of Adjustment under Section 9.7 for variance requests on appeal of a Zoning Administrator decision.

(3) **Conditional Use Approval** issued by the Board of Adjustment under Section 5.4 for uses subject to conditional use review.

(4) **Site Plan Approval** issued by the Planning Commission under Section 5.5 for all uses subject to site plan review.

(5) **Subdivision Approval,** including preliminary and/or final approval, issued by the Planning Commission under Chapter VI for the subdivision of land; and also including Planned Unit or Planned Residential Development (PRD or PUD) Approval issued by the Planning Commission under Chapter VIII in association with subdivision approval.

(6) **Boundary Adjustments and Subdivision Amendments** issued by the Planning Commission for changes to parcel boundaries, easements, or conditions of approved subdivisions.

(7) **Certificates of Occupancy and Certificates of Compliance** issued by the Zoning Administrator under Section 9.5.

(B) **Additional Permits & Approvals.** Additional permits or approvals may be required for activities associated with subdivision and development including, but not necessarily limited to, the following:

(1) **Wastewater Disposal System and Water Supply Construction Permits** issued by the Charlotte Sewage Officer for the Vermont Agency of Natural Resources in accordance with the the Vermont Wastewater and Water Supply Rules.

(2) **Highway Access Permit** issued by the Charlotte Selectboard and/or the Vermont Agency of Transportation.

(C) In accordance with the Act [§4448], the Zoning Administrator will coordinate the development review process on behalf of the Town of Charlotte, refer applications to the appropriate board or municipal officer, and provide information and assistance to applicants for municipal land use permits as appropriate.

Section 9.2 Exemptions

(A) The following uses and structures are exempt from these regulations. No zoning permit or approval shall be required for:

(1) The normal maintenance and repair of existing structures, utilities and infrastructure which does not result in any change to the footprint or height of a building, the historic character of a designated historic structure, or a change in use. Interior construction or remodeling which does not affect the exterior appearance of a structure, or affect the water or septic requirements for the structure.

(2) Handicap ramps and walkways that do not obstruct public rights-of-way or pedestrian traffic.

(3) Fences and walls less than six (6) feet in height which do not obstruct public rights-of-way, or interfere with corner visibility or sight distances for vehicular traffic (see Section 3.4).

(4) Minor grading and excavation associated with normal road, driveway, and parking area maintenance (including ditching, culvert replacement and resurfacing), This does not include site grading or excavation in preparation for the construction of a road, major infrastructure, or a structure.

(5) Landscaping, for example: installation of plants, soils, arbors, terraces, and patios.

(6) Outdoor recreational facilities associated with a residential use, and which do not involve the development or use of structures or parking areas (e.g., walking, hiking, cross-country skiing and/or snow mobile trails).

(7) Up to two (2) detached accessory structures per lot provided that the combined area of both structures does not exceed 250 square feet in floor area, and neither structure is taller than twelve (12) feet in height. Structures housing or sheltering animals must meet all setback distances for the district in which they are located; otherwise structures must be at least 10 feet from property lines.

(8) School bus shelters which do not exceed 36 square feet in area and 8 feet in height, are not located within the road right-of-way, and do not otherwise interfere with corner visibility or sight distances for vehicular traffic and shall be no less than 25 feet from an adjoining property line.

(9) Garage sales, yard sales, auctions or related activities not exceeding three (3) consecutive days, nor more than twelve (12) days in any calendar year.

(10) Accepted agricultural practices (AAPs), including farm structures (but excluding dwellings for human occupation), as defined by the Secretary of Agriculture, Food and Markets in accordance with the Act [§4413(d)]. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required under AAPs. Such structures shall meet all setback requirements under these regulations, unless waived by the Secretary.

(11) Accepted management practices (AMPs) for silviculture (forestry) as defined by the Commissioner of Forests, Parks, and Recreation, in accordance with the Act [§4413(d)].

(12) Utility generation and transmission facilities requiring the issuance of a certificate of public good by the Vermont Public Service Board, in accordance with the Act [§4413(b)].

(B) Decisions of the Zoning Administrator as to whether a use is exempt under this section may be appealed to the Board of Adjustment under Section 9.6(A).

Section 9.3 Zoning Permit

(A) **Applicability**. No development requiring a zoning permit shall commence until a permit has been issued by the Zoning Administrator in accordance with the Act [§4449] and these regulations.

(B) **Application Requirements**. The application for a zoning permit must be submitted to the Zoning Administrator on forms provided by the town, along with any application fees as established by the Selectboard. In addition:

(1) Applications for permitted uses shall include a statement describing the existing and intended use of the land and structures and/or any proposed structural changes, and be accompanied by two copies of a sketch plan, "11" x 17", drawn to scale, that accurately depicts the following as required by the Zoning Administrator:

(a) the dimensions of the lot, including existing property boundaries;
(b) any approved building envelope;
(c) the location, footprint, and height of existing and proposed structures and additions;
(d) the location and dimensions of existing and proposed accesses (curb cuts), driveways and parking areas;
(e) the location of existing and proposed easements, rights-of-way and utilities;
(f) setbacks from property boundaries, road rights-of-way, surface waters, and wetlands;
(g) the location of existing and proposed water and wastewater systems; and
(h) such other information as may be needed to determine compliance with these regulations.

(2) The application for a zoning permit shall also include, as applicable, the following submissions:

(a) a copy of the approved subdivision plat;
(b) relevant Planning Commission and Board of Adjustment decisions; and
(c) deeds, and relevant easements, covenants or restrictions;

(3) Applications that require review and approval by the Planning Commission, Board of Adjustment, Selectboard or Sewage Officer must also include information required for such review (see Section 5.2). In accordance with the Act [§4448(d)], the Zoning Administrator shall refer the application to the appropriate board or municipal official following submission as follows:

(a) applications to the Planning Commission will be forwarded to the Town Planner,
(b) applications to the Board of Adjustment will be forwarded to the Clerk of the Board,
(c) applications to the Selectboard will be forwarded to the Selectboard Assistant, and
(d) applications for Wastewater System and Potable Water Supply Permits will be forwarded to Sewage Officer.

(C) **Issuance**. A zoning permit shall be issued by the Zoning Administrator only in accordance with the Act [§4449] and the following:

(1) No zoning permit shall be issued by the Zoning Administrator for any use or structure that requires approval of the Planning Commission, Board of Adjustment, Selectboard and/or Sewage Officer until such approval has been obtained.

(2) No zoning permit shall be issued by the Zoning Administrator for the development of a lot for which subdivision approval is required until subdivision approval has been obtained, the plat has been properly recorded and, if required as a condition of subdivision approval, a certificate of compliance has been issued.

(3) For uses requiring state agency referral, including applications for development within the Flood Hazard Area Overlay District, no zoning permit shall be issued until the expiration of 30 days following the submission of a copy of the application to the appropriate state agency or department.

(4) Within 30 days of receipt of a complete application, including all application materials, fees and required approvals, the Zoning Administrator shall either refer the application to the appropriate municipal panel, or issue or deny a permit in writing, in accordance with the Act [§4448(d)]. If the Zoning Administrator fails to act within the 30-day period, whether by issuing a decision or making a referral, a permit shall be deemed issued on the 31st day.

(5) In accordance with the Act [§4449(b)], all zoning permits and denials shall include a statement of the time within which an appeal may be taken under Section 9.6. A Notice of Permit shall be posted on a form and in a manner prescribed by the municipality on the property within view of the nearest public right-of-way during the appeal period, and the permit shall be posted until construction is completed.

(6) The Zoning Administrator shall, within three (3) days of the date of issuance, deliver a copy of the permit to the Listers, and post a copy of the permit at the town office. The permit shall be posted for a period of 15 days from the date of issuance.

(7) If public notice has been issued by the Selectboard for their first public hearing on a proposed amendment to these regulations, the Zoning Administrator shall review any new application under both the proposed amendment and the applicable existing bylaws and ordinances in accordance with the requirements of the Act [§4449(d)].

(D) **Effective Date & Expiration.**

(1) In accordance with the Act [§4449], no zoning permit shall take effect until the time for appeal under Section 9.6 has passed or, in the event that a notice of appeal is properly filed, until the appeal has been decided. If an appeal is taken to the Environmental Court, the permit shall not take effect until the Environmental Court rules in accordance with state statutes [10 V.S.A. §8504] on whether to issue a stay, or until the expiration of 15 days, which ever comes first.

(2) Zoning permits shall remain in effect for two (2) years from the date of issuance (which shall be deemed the date a decision of the applicable Board or Court became final if the decision was appealed), unless the permit specifies otherwise. All development authorized by a zoning permit shall be substantially commenced within this period or the zoning permit shall become null and void and reapplication and approval for further development shall be required. A single, two-year administrative extension may be granted by the Zoning Administrator, if the extension is requested prior to the permit expiration date, and the Administrator determines that any improvements completed to date conform to permit requirements and these regulations.

Section 9.4 Scheduled Site Inspections

(A) One or more of the following scheduled site inspections may be required in association with the issuance of a zoning permit by the Zoning Administrator under Section 9.3 to ensure that development conforms to permit requirements and these regulations:

(1) following the staking or flagging of building footprints, and prior to the laying of a foundation or footings;
(2) following the laying of the foundation or footings; and/or
(3) following substantial completion of the project, prior to the issuance of a certificate of occupancy.

(B) One or more site inspections may be required as a condition of subdivision approval, prior to the issuance of a certificate of compliance by the Zoning Administrator, to ensure that the installation of

infrastructure conforms to the conditions and specifications of subdivision approval and other applicable municipal regulations.
(C) The applicant shall give the Zoning Administrator a minimum of five (5) days notice to schedule a site inspection. No further work shall be initiated until after the site inspection has been completed.

Section 9.5 Certificates of Occupancy & Compliance

(A) **Certificate of Occupancy.** In accordance with the Act [§4449(a)(2)]**,** no building or building addition for which a zoning permit has been issued shall be occupied or used, in whole or in part, until a certificate of occupancy has been issued by the Zoning Administrator, certifying that such building or addition conforms to the approved plans, specifications, and requirements of the permit and these regulations.

Note: Charlotte does not have a building code. However a State building permit may be required for any structure to be used for human occupancy which is not a single family residence on its own lot.

(1) A certificate of occupancy may be issued for a substantially completed structure if the Zoning Administrator determines that it meets all applicable permit conditions.

(2) A certificate of occupancy shall be issued or denied by the Zoning Administrator within 15 days of receipt of the application If the Zoning Administrator fails to either grant or deny the certificate of occupancy within 15 days of the submission of an application, the certificate shall be deemed issued on the 16th day. The decision of the Zoning Administrator may be appealed to the Board of Adjustment under Section 9.6.

(B) **Certificate of Compliance.** In accordance with Section 6.5, after the effective date of these regulations, the Planning Commission may require, as a condition of subdivision approval, that a certificate of compliance be obtained to ensure that public and private improvements have been installed in accordance with the conditions of approval prior to any further land development.

(1) The application for a certificate of compliance shall be submitted to the Zoning Administrator, to include information required by the Planning Commission.

(2) Within 15 days of receipt of the application for a certificate of compliance, the Zoning Administrator may inspect the subdivision to ensure that all work has been completed in conformance with the conditions of subdivision approval. If the Zoning Administrator fails to either grant or deny the certificate of compliance within 15 days of the submission of an application, the certificate shall be deemed issued on the 16th day.

(3) In the event that there are discrepancies between the approved subdivision and as-built drawings or completed work, the Zoning Administrator shall deny the certificate of compliance. The Zoning Administrator, in consultation with the Planning Commission, may require the subdivider to submit an application for an amendment to the subdivision approval, or initiate enforcement action under Section 9.8.

Section 9.6 Appeals

(A) **Zoning Administrator Decisions.** In accordance with the Act [§4465], an **interested person** may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by

filing a notice of appeal with the Secretary of the Board of Adjustment, or the Town Clerk if no Secretary has been elected, and by filing a copy of the notice with the Zoning Administrator.

(1) **Notice of Appeal.** In accordance with the Act [§4466], the notice of appeal shall be in writing and include the following information:

(a) the name and address of the appellant;
(b) a brief description of the property;
(c) a reference to applicable provisions of these regulations;
(d) the relief requested by the appellant, including any request for a variance from one or more provisions of these regulations [see Section 9.7]; and
(e) the alleged grounds why such relief is believed proper under the circumstances.

(2) The Board of Adjustment shall conduct a hearing of an appeal within sixty days of the filing of the notice of appeal as provided in the Act [§4468]. 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 issued as provided under Section 9.9(E).

(B) **Planning Commission & Board of Adjustment Decisions.** In accordance with the Act [§4471], an **interested person who has participated** in a proceeding of the Planning Commission or Board of Adjustment may appeal a decision rendered in that proceeding within 30 days of such decision to the Vermont Environmental Court. In addition:

(1) "Participation" in a proceeding shall have consisted of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.

(2) The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court, and by mailing a copy to the Charlotte Town Clerk, or the Zoning Administrator if so designated, who shall supply a list of interested persons to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Section 9.7 Variances

(A) The Board of Adjustment shall hear and decide requests for variances in accordance with the Act [§4469(a)] and associated appeal procedures under Section 9.6(A). A variance may be granted upon approval of the Board only if enforcement of these regulations will result in an undue hardship. **The Board may grant a variance, and render a decision in favor of the appellant, only if *all* of the following facts are found, and the findings are specified in its written decision**:

(1) 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 these regulations in the neighborhood or district in which the property is located.

(2) Because of these physical circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is necessary to enable the reasonable use of the property.

(3) The unnecessary hardship has not been created by the appellant.

(4) The variance, if authorized, 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, or be detrimental to the public welfare.

(5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

(B) **Renewable Energy Structures**. Where a variance is requested for a structure that is primarily a renewable energy resource structure (solar structure, wind generator, and other similar renewable energy structures), in accordance with the Act [§4469(b)], **the Board may grant such variance only if *all* of the following facts are found in the affirmative and specified in its written decision:**

(1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations.

(2) The hardship was not created by the appellant.

(3) The variance, if authorized, 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, or be detrimental to the public welfare.

(4) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

(C) **Variances within the Flood Hazard Area**. In addition to requirements under Subsection (A), variances for development within the Flood Hazard Overlay District shall be granted by the Board of Adjustment only:

(1) in accordance with the Act [§4424] and the criteria for granting variances found in CFR Section 60.6 of the National Flood Insurance Program;

(2) upon determination that during the base flood discharge the variance will not result in increased flood levels; and

(3) upon determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(D) In granting a variance under this section, the Board of Adjustment may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. In no case shall the Board of Adjustment grant a variance for a use or condition prohibited in the applicable zoning district, or a variance which results in a density increase.

Section 9.8 Violations & Enforcement

(A) **Violations**. The commencement or continuation of any land development, subdivision or use that is not in conformance with the provisions of these regulations or conditions of a permit or approval shall constitute a violation. All violations will be pursued in accordance with the Act [§§4451, 4452]. Each

day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute in the name of the town any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected for violations shall be paid over to the town.

(B) **Notice of Violation**. No action may be brought under this section unless the alleged offender has had at least seven (7) days notice by certified mail that a violation exists, as required under the Act [§4451]. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within seven (7) days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven-day period. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven-day notice period and within the next succeeding 12 months.

(C) **Limitations on Enforcement**. An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit or condition of an approval may be instituted against the alleged offender only if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit that has not been recorded in the land records of the municipality in accordance with Section 9.9(F).

Section 9.9 Municipal Administrative Requirements

(A) **Appointments**. The following appointments shall be made in association with the administration and enforcement of these regulations, as provided for in the Act:

(1) **Zoning Administrator (Administrative Officer)**. The Selectboard shall appoint a Zoning Administrator, from nominations submitted by the Planning Commission, for a term of three (3) years in accordance with the Act [§4448]. In the absence of the Zoning Administrator, an acting Zoning Administrator may be appointed by the Selectboard from Planning Commission nominations, who shall have the same duties and responsibilities of the Zoning Administrator in his or her absence. The Zoning Administrator shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as are necessary and appropriate.

(2) **Board of Adjustment**. Board of Adjustment members and alternates shall be appointed by the Selectboard for specified terms in accordance with the Act [§4460]. The Board shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct as required under the Act and Vermont's Open Meeting Law. The Board shall have all powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- applications for conditional use approval (Section 5.4),
- appeals of any decision, act or failure to act by the Zoning Administrator (Section 9.6), and
- variance requests (Section 9.7).

(3) **Planning Commission**. Planning Commission members shall be appointed by the Selectboard for specified terms in accordance with the Act [§§4321–4323]. The Commission shall adopt rules of procedure and rules of ethics with regard to conflicts of interest to guide its official conduct as required under the Act [§4460] and Vermont's Open Meeting Law. The Commission shall have all

powers and duties as set forth in the Act to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- requests and petitions for amendments to these regulations, including zoning map changes (Sections 1.5, 2.1);
- applications for access to parcels not having frontage on maintained public roads or public waters (Section 3.2),
- applications for site plan approval (Section 5.5),
- applications for subdivision approval (Chapter VI), and
- applications for planned residential and planned unit development (Chapter VIII).

(4) **Design Review Committee**. A design review committee shall be appointed by the Selectboard in accordance with the Act [§4433(1)]. The Design Review Committee shall not have fewer than three (3) members, the majority of which shall reside within the town. The committee shall include professional and lay members with specific areas of expertise in historic preservation, architecture, and landscape architecture. The terms of the Committee members shall be three years each. The Committee shall adopt rules of procedure, comply with Vermont Open Meeting Laws and all ethical policies and ordinances as adopted by the town, and keep records of all its transactions, to be filed with the Town Clerk as a public record of the municipality. The committee functions in an advisory capacity to the Board of Adjustment, not as a quasi-judicial body in and of itself. In accordance with the Act [§4464(d)], for purposes of these regulations the Design Review Committee shall have the authority to:

- review applications subject to design review criteria under the Shoreland Seasonal Home Management;
- meet with the applicant and interested parties, conduct site visits, and perform other fact-finding that will enable the preparation of recommendations on an application subject to design review;
- present its recommendations on an application to the Board of Adjustment either in writing prior to or at a warned public hearing, or orally at a public hearing of the Board;
- notify the applicant prior to the public hearing if the Committee finds that the application fails to meet one or more of the review standards, giving the applicant the opportunity to either address and correct identified deficiencies, or withdraw the application; and
- suggest to the applicant remedies to correct identified deficiencies.

(B) **Fee Schedule**. In accordance with the Act [§4440], the Selectboard may establish a schedule of reasonable fees to be charged in administering these regulations with the intent of covering the town's administrative costs. Such fees may include the cost of posting and publishing notices, holding public hearings, and conducting periodic inspections during the installation of public improvements. Fees may be required to be payable by the applicant upon submission of an application or prior to the issuance of a permit or approval. In addition:

(1) The Selectboard may set reasonable fees for filing notices of appeal and for other acts it deems proper, the payment of which shall be a condition to the validity of the filing or act under these regulations.

(2) The Selectboard may establish procedures and standards for requiring an applicant to pay for reasonable costs of an independent technical review of all or portions of an application, as requested by the Board of Adjustment or Planning Commission.

(C) **Public Notice.**

(1) In accordance with the Act [§4464], a warned public hearing shall be required for conditional use review (Section 5.4), appeals and variances (Sections 9.6 and 9.7), and preliminary and final subdivision approval (Sections 6.4 and 6.5). Any notice for a public hearing required under these proceedings shall be given at least 15 days prior to the date of the hearing by *all* of the following:

(a) publication of the date, place and purpose of the hearing in a newspaper of general circulation in the town;
(b) posting of the same information in three (3) or more public places within the town in conformance with the requirements of state statute [1 V.S.A. §312(c)(2)], including the posting of a hearing notice within view from the public right-of-way nearest to the property for which the application is being made;
(c) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public or private rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the proceeding is a prerequisite to the right to take any subsequent appeal;
(d) for hearings required in association with the review of subdivision plats located within 500 feet of a municipal boundary, to the clerk of the adjoining municipality; and

(2) Public notice of all other types of quasi-judicial proceedings, including site plan review hearings under Section 5.5, shall be given not less than seven (7) days prior to the date of the public hearing, and at minimum shall include the following:

(a) Posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality in conformance with the requirements of state statutes [1 V.S.A. §312 (c)(2)], and
(b) written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public or private rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the proceeding is a prerequisite to the right to take any subsequent appeal.

(3) The applicant shall be required to bear the cost of the public warning and the cost and responsibility of notifying adjoining property owners. The applicant shall be required to demonstrate proof of delivery to adjoining property owners either by certified mail, return receipt requested, or by notice hand delivered or mailed to the last known address supported by a sworn certificate of service.

(4) In accordance with the Act [§4464(a)(5)], no defect in the form or substance of a notice under Subsections (C)(1) or (C)(2) shall invalidate an action of the Board of Adjustment or Planning Commission where reasonable efforts have been made to provide adequate posting and notice. An action will be invalid when the defective posting or notice was materially misleading in content.

(D) **Meetings & Hearings**.

(1) **Board of Adjustment & Planning Commission**. In accordance with the Act [§§4461, 4464], all meetings and hearings of the Board of Adjustment and Planning Commission, except for deliberative and executive sessions, shall be open to the public. In addition:

(a) **Quorum**. To conduct a meeting and to take any action a quorum shall be not less than a majority of the members of the Board or Commission.

(b) **Records**. The Board and Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating this, and shall keep records of its examinations and other official actions which shall be filed in the Town Office as public records.

(c) **Party Status**. In any regulatory hearing of the Board or Commission there shall be an opportunity for each person wishing to achieve status as an interested person, for purposes of participation or appeal under Section 9.6, to demonstrate that the criteria for achieving such status are met. The Board or Commission shall keep a written record of the name, address, and participation of each of these persons.

(d) **Recess and Closing of Hearing**. The Board or Commission may recess the proceedings on any application pending submission of additional information, and should close evidence promptly after all parties have submitted requested information.

(e) **Ex Parte Communications**. No member of the Board or Commission shall communicate on any issue in an application proceeding, directly or indirectly, with any party, party's representative, party's counsel, or any interested person in the outcome of the proceeding while the proceeding is pending without additional notice and opportunity for all parties to participate. All ex parte communications received by Board or Commission members, all written responses to such communications, and the identity of the person making the communication shall be entered into the record.

(f) **Review of Testimony**. Members of the Board or Commission shall not participate in the decision on an application unless they have heard all the testimony and reviewed all the evidence submitted in the hearing. This may include listening to a recording, or reading the transcripts of testimony they have missed, and reviewing all exhibits and other evidence prior to deliberation.

(E) **Decisions.** The Board or Commission shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective the 46th day.

(1) **Form**. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under Section 9.6.

(2) **Conditions**. In rendering a decision in favor of the applicant, the Board or Commission may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of the Act, these regulations, and the town plan currently in effect. These may include, as a condition of approval:

(a) the submission of a three (3)-year performance bond, escrow account, or other form or surety acceptable to the Charlotte Selectboard, which may be extended for an additional three (3)-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project; and/or

(b) a requirement that no certificate of occupancy or certificate of compliance be issued for an approved development until required improvements have been satisfactorily installed in accordance with the conditions of approval.

(3) **Distribution**. All decisions shall be sent by certified mail, within the required 45-day period, to the applicant or to the appellant on matters of appeal. Copies of the decision also shall be mailed to every person or body appearing and having been heard at the hearing, and filed with the Zoning Administrator and Town Clerk as part of the public record of the municipality, in accordance with Subsection 9.9(F).

(4) **Appeals and Reconsideration**.

(a) **Appeals**. Decisions of the Board of Adjustment and Planning Commission may be appealed to the Vermont Environmental Court by the applicant or an interested person who participated in the proceeding. Such appeals must be taken within 30 days of the date that the permit is issued, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

(b) **Reconsideration**. At the request of the applicant or interested parties, or on its own motion, the Board of Adjustment or Planning Commission may reopen a public hearing for reconsideration of findings, conclusions, or conditions of the decision. A request by the applicant or interested parties must be submitted to the Planning and Zoning Office within the 30-day appeal period in accordance with Section 9.6(B). To reopen a hearing on its own motion, the Board of Adjustment or Planning Commission must approve such a motion within the 30-day appeal period.

1) In order to reopen a public hearing the Board or Commission must find that new evidence can be presented that could not have previously been presented which indicates a substantial change of conditions or circumstances, or that the prior decision was induced by fraud, surprise, error or oversight, or that an unintended negative consequence will result.

2) The reopened hearing will be warned in accordance with Section 9.9(C).

3) The submission of a request for reconsideration will terminate the running of the 30 day appeal period. A new 30 day appeal period will start after the Board or Commission either 1) decides to not reopen the hearing, or 2) votes to reopen and issues a reconsidered decision on the application.

(5) **Expiration**. Approvals granted by the Board or Commission under these regulations, except for legally recorded subdivision plats, shall expire two (2) years from the date of issuance if development has not commenced within that time. The Board or Commission may grant a longer approval period to accommodate phased development, or for development that reasonably requires a longer period of time for project commencement. In addition, the Board or Commission may grant a single two-year extension of an approval if the extension is requested prior to the approval expiration date, and the Board or Commission determines that conditions are essentially unchanged from the time of the initial approval.

(6) **Administrative Review**. In accordance with the Act [§4464(c)], any decision issued by the Board of Adjustment or Planning Commission may authorize that subsequent changes or amendments to an approved project may be allowed subject to administrative review by the Zoning Administrator, rather than Board or Commission review, in accordance with the following:

(a) The decision shall clearly specify the thresholds and conditions under which administrative review and approval shall be allowed.
(b) The thresholds and conditions shall be structured such that no new development shall be approved that results in substantial impact under the requirements of these regulations, or under any of the thresholds or conditions set forth in the decision.

(c) An administrative review shall not have the effect of substantially altering the findings of fact of any Board or Commission approval in effect.

(d) Any decision of the Zoning Administrator authorized in this manner may be appealed to the Board in accordance with Section 9.6(A).

(F) **Recording Requirements**.

(1) Within 30 days of the issuance or denial of a municipal land use permit, or notice of violation, the Zoning Administrator shall deliver either the original, a legible copy, or a notice of a municipal land use permit, denial or violation to the Town Clerk for recording in the land records of the town as provided in 24 V.S.A. §1154, and as required under the Act [§4449(c)]. The applicant may be charged reasonable recording costs.

(2) For development within the Flood Hazard Area Overlay District, the Zoning Administrator shall also maintain a record of:

(a) all permits issued for development in areas of special flood hazard;
(b) elevation certificates that show the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
(c) the elevation, in relation to mean sea level, to which buildings have been floodproofed;
(d) all floodproofing certifications required under this regulation; and
(e) all variance actions, including the justification for their issuance.

(G) **Availability of Documents**. In accordance with the Act [§4445], copies of these regulations, other related municipal regulations, policies and ordinances, and the town plan shall be made available to the public during normal business hours in the Charlotte Town Office.

CHAPTER X. DEFINITIONS

Section 10.1 Terms & Uses

(A) Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in these regulations shall have their usual, customary meanings.

(B) In the interpretation of words and terms used, defined, or further described herein, the following shall apply:

(1) the particular controls the general,
(2) the present tense includes the future tense,
(3) the word "shall" is mandatory; the word "may" is permissive; the word “should” means that an activity is encouraged but not mandated.

(C) For the purposes of flood hazard area regulation under Section 5.5, National Flood Insurance Program definitions contained in 44 CFR Section 59.1 are hereby adopted by reference and shall be used to interpret and enforce these regulations. Definitions of some commonly used terms are provided herein.

(D) Any interpretation of words, phrases or terms by the Zoning Administrator may be appealed to the Board of Adjustment under Section 9.6. In such cases, the Board shall base its decision upon the following definitions, state statute, and the need for reasonable and effective implementation of these regulations. The Board shall publish and update from time to time such written interpretation, to ensure consistent and uniform application of the provisions of these regulations.

Section 10.2 Definitions

Accepted Agricultural Practices (AAPs): Accepted practices for agriculture, including farm structures other than dwellings, as currently defined by the Secretary of the Vermont Department of Agriculture, Food and Markets (see exemptions under Section 9.2). See also Agriculture, Farm Structure.

Accepted Management Practices (AMPs): Accepted practices for silviculture (forestry) as currently defined by the Commissioner of the Vermont Department or Forests, Parks and Recreation (see exemptions under Section 9.2). See also Forestry.

Access: A defined area of ingress and/or egress between a property and an abutting road right-of-way (e.g., a curb cut) or surface water.

Accessory Dwelling: See Dwelling/Accessory.

Accessory Structure: A structure on a lot which is clearly and customarily related to the principal structure or use on that lot. For residential uses these include, but may not be limited to garages, garden and tool sheds, children’s playhouses, boat houses for the storage of three (3) or fewer boats, and permanent swimming pools. See also Accessory Dwelling, Accessory Use.

Accessory Use: A use on a lot which is customarily related and subordinate to the principal use of that lot. See also Accessory Dwelling.

Act: 24 V.S.A., Chapter 117, the Vermont Municipal and Regional Planning and Development Act as most recently amended.

Adaptive Reuse: The rehabilitation or renovation of an existing historically, culturally or architecturally significant structure, as listed or as eligible to be listed on the *Vermont Historic Sites and Structures Survey for the Town of Charlotte* or the National Register of Historic Places, or as determined by a qualified architect or architectural historian, for another use as specified in these regulations (see Section 4.3).

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.

Administrative Officer: Zoning Administrator.

Affiliate: For the purposes of regulating telecommunications facilities, (1) 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; or (2) 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.

Affordable Housing: Housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed the median income for the Burlington MSA, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 80% of the median income for the Burlington MSA, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income. **"Perpetually affordable"** shall mean housing that meets the affordability requirements of these regulations for a minimum period of 99 years from the date of first sale or lease (see Section.4.4).

Agricultural Sales & Service: A business supplying raw materials, feed, equipment and/or support services to producers of agricultural products.

Agriculture: As defined by the Vermont Secretary of Agriculture, to include the cultivation or other use of land for growing food, fiber, Christmas trees, maple syrup, or horticultural and orchard crops; the raising, feeding or management of livestock, poultry, equines, fish or bees; the operation of greenhouses; the production of maple sap; the on-site storage, preparation and sale of agricultural products principally produced on the farm; and the on-site production of fuel or power from agricultural products or wastes produced on the farm. The term shall include commercial riding stables, but specifically excludes the slaughtering of animals for commercial purposes.

As further defined by the Vermont Secretary of Agriculture, this includes agricultural production which meets one or more of the following: (A) the sale of $1000 or more of agricultural products in a normal year; or (B) the raising, feeding and management of the specified number of adult animals: four (4) equines, five (5) cattle or bison, 15 swine, 15 goats, 15 sheep, 15 fallow or red deer, 50 turkeys or geese, 100 laying hens or ducks, 250 broilers, pheasant, Chular partridge or Coturnix quail, three (3) camelids, four (4) ratites, 30 rabbits, or 1000 pounds of cultured trout. See also Accepted Agricultural

Practices, Farm Structure.

Agricultural Easement: See Easement/Agricultural, Conservation

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 syrup or other sap products, meat, poultry, eggs, fish, honey, and other bee products. This also includes products manufactured from these products, including cheese and other dairy products.

Airstrip (private): An area of land used as a runway to allow the landing, take-off, and storage of propeller airplanes used for private, non-commercial purposes.

Alteration: Any relocation, structural change, or addition to a building or structure, excluding normal maintenance and repair activities. Alterations shall include any construction that changes the number of dwelling units, or increases the size of a building or structure, including its height, footprint, or gross floor area. It shall also include any increase in the number of bedrooms or bathrooms. See also Conversion, Improvement, Substantial Improvement.

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: The owner of property proposed to be subdivided and/or developed in accordance with these regulations and/or his or her duly authorized representative.

Architecturally Significant: Recognized as a fine example of a historically important architectural style.

Area of Shallow Flooding: A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) having a one percent greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where the velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Land in the floodplain which is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making is completed in preparation for the Flood Insurance Rate Map, Zone A is refined into Zones A, AO, AH, A1-30, AE, or A99.

Authorized Agent/Representative: A person or group of persons who has been duly authorized by the applicant or subdivider, in writing, to act on his or her behalf.

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

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also defined as “the 100 year flood”.

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.

Basement: Any area of a building having a portion below ground level.

Bed & Breakfast (B&B): A single family dwelling occupied by the owner or operator, in which not more than four (4) rooms accommodating up to ten (10) guests within the dwelling and/or in an accessory structure located on the same lot, are rented out to provide overnight accommodations to transient travelers. Individual cooking and eating facilities shall not be provided; breakfast shall be the only meal served and shall be limited to overnight guests. The bed and breakfast shall function as a private home with house guests. Parking requirements also apply.

Board: The Charlotte Board of Adjustment, as established under the Act, unless otherwise specified.

Boat House: A building used for the storage of boats and boating equipment. See also Accessory Structure; Boat Sales & Service; Shoreline Improvement.

Boat Sales & Service: A facility for the commercial sale and/or rental of boats, which may include a boat yard. See also Boat House, Boat Yard, Marina.

Boat Yard: An outdoor area where boat maintenance, repair construction and/or storage of four (4) or more boats takes place. See also Boat Sales & Service, Marina.

Boundary Adjustment: An adjustment of boundaries between adjacent lots that were not created by subdivision (under town regulations), where no new lot is created.

Building: (1) A structure having a roof supported by columns or walls and intended for the shelter or accommodation of persons, animals, goods, chattel or equipment; (2) for flood hazard area regulation only, this definition also includes a gas or liquid storage tank that is principally above ground.

Building Coverage: That portion of the lot area which is covered by buildings and other structures expressed, as specified, either as the sum of the area of all building footprints, or as a percentage calculated as the sum of the area of all building footprints divided by the lot area: (total building footprint/lot area) x 100 = % building coverage.

Building Envelope: A specific area of a lot, delineated on a subdivision plat, within which structures, parking and loading areas, shall be located, and outside of which no structures, parking or loading areas shall be located except as specifically permitted by the Planning Commission or by these regulations. A building envelope shall be defined by required setback distances, unless otherwise specified in these regulations. This also may be referred to as the “buildable area” of a lot.

Camper: Any vehicle used as temporary sleeping, camping or living quarters, which is mounted on wheels, a truck or a camper body, or towed by a motor vehicle, and includes a holding tank for the storage of sewage if bathroom facilities are present. This definition includes recreation vehicles such as motor homes and travel trailers, but specifically excludes mobile homes (see Section 4.5). See also Mobile Home.

Campground: A parcel of land upon which three (3) or more campsites are located for occupancy by a tent, yurt or lean-to as temporary living quarters for recreation, education, or vacation purposes. For the

purposes of these regulations, all campgrounds in the Town of Charlotte shall be limited to substantially unimproved camp sites intended for tenting use only; recreational vehicles such as motor homes are prohibited, except for one recreational vehicle for use by campground staff or a host. See also Camper

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.

Cemetery: Land used or dedicated to the burial of the dead, including cremains. A cemetery may include as accessory structures mausoleums, columbariums, or maintenance facilities; crematoriums are specifically prohibited. An individual burial site on private land, registered with the Charlotte Town Clerk in accordance with state law, is exempted from this definition. See also Funeral Home.

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.

Commercial Farm Stand: A booth, stand, or other structure greater than 400 square feet from which agricultural products not principally produced on the premises are sold to the general public. Such facilities may, but are not required to, be located on an active agricultural operation. This definition specifically does not include farm stands located on an active agricultural operation from which agricultural products principally produced on the premises are sold to the general public as part of the agricultural operation; these are included under the definition of Accepted Agricultural Practices**.** See also Accepted Agricultural Practices, Agriculture, Farm Structure, Outdoor Market.

Commercial Use: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commission: The Charlotte Planning Commission, as created under the Act.

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.

Common Land: Land within a development or subdivision that is not individually owned, but which is designed to be held in common for the use, enjoyment, management and maintenance by the residents of a development or subdivision. Such land may include but not be limited to conservation and agricultural easement areas, parking lots, community water and wastewater systems, pedestrian walkways, utility and road rights-of way, and fire ponds and associated dry hydrants.

Community Care Facility: A facility licensed by the state which provides residential care, including rooming, boarding, recreation and personal care services, to elderly or infirmed individuals, on a 24-hour a day basis. See also Dwelling/Single Family (Group Home).

Community Center: A building used for recreational, social, and cultural activities which is not operated for profit and is intended primarily to serve the residents of the town or the development in which it is located.

Community System (Water, Wastewater): Any water or wastewater disposal system other than a

municipally-owned system which provides potable water to or disposes of wastewater from two or more domestic, commercial, industrial, or institutional uses. Such systems shall include associated collection, distribution and treatment facilities.

Composting (commercial): An area used for controlled decomposition of organic matter to create top soil and/or fill for re-sale. Such an operation may include the preparation of materials for composting, including grinding, chipping or shredding of organic matter, and the stockpiling of raw materials and finished product.

Condominium: A form of common ownership of property in which there is individual ownership of a unit and common ownership of common areas and elements, as established pursuant to 27A Vermont Statutes Annotated, or its predecessor or successor statutes. One form of condominium ownership is a unit in a multi-unit structure (as an apartment building). See also Dwelling, Multi-family.

Conservation Easement: See Easement/Agricultural, Conservation.

Construction Drawings: Drawings showing the location, profile grades, size and types of drains, sewers, water mains, underground fire alarm ducts, underground power and telephone ducts, pavements, cross sections of streets, miscellaneous structures, etc.

Contiguous Land: (1) A parcel of land contained within a single, unbroken parcel boundary; or (2) two or more parcels which share a common parcel boundary or point.

Contractor's Yard: A parcel of land with or without buildings to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction, landscaping, and similar uses (see Section 4.6). See also Home Occupation.

Conversion: Changing the current use of a building to a different allowed use, with or without structural alteration. This includes, but may not be limited to, the conversion of seasonal or accessory dwellings to single family dwellings, or the conversion of a single family dwelling to a two-family or multi-family dwelling (see Section 3.3). See also Adaptive Reuse.

Coverage: See Building Coverage, Lot Coverage.

Cultural Facility: A museum, theater, concert hall, library, art gallery or other establishment offering programs, performances or exhibits or cultural, educational, historical, or scientific interest, excluding movie theaters as a principal use. See also Recreation/Indoor.

Curb Cut: See Access.

Day Care Facility: Any establishment, except those supported in whole by tax funds, operated as a business or service on a regular or continual basis, whether for compensation or not, which provides care, protection, supervision and/or education for more than six (6) full-time and four (4) part-time children for periods of less than 24 hours. This definition shall encompass all those facilities that are required to be licensed by the State of Vermont as a day care facility, kindergarten, and/or nursery school which have an enrollment of over 10 children (see Section 4.7). See also Home Child Care

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

Demolition: The razing of an entire structure (see Section 3.1).

Density: The number of acres or square feet of land that are required for a given number of units, uses, or structures, excluding the land area where development rights have been removed or area within a public road right-of-way.

Density Bonus: An increase of the number of dwelling units allowed per acre above what is allowed in a particular zoning district.

Development: See Land Development.

Development Right: The right to undertake Land Development on a specific parcel of land in accordance with the zoning regulations for the district in which the parcel is located. See also Land Development.

Drive-through: An establishment which, by design, physical facilities, and/or service encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A private travel way, easement or right-of-way serving up to two (2) parcels, which provides vehicular access to a parking area(s) associated with the principal structure or use (see Section 3.2). See also Access, Road.

Dwelling/Accessory: A secondary dwelling unit established in conjunction with and clearly subordinate to the primary structure or use, such as a single family dwelling or a farm, which is retained in common ownership, is located within, attached to or on the same lot as the primary structure or use, and which otherwise meets applicable requirements of these regulations (see Section 4.2).

Dwelling/Elderly: See Elderly Housing.

Dwelling/Multi-Family: A building or portion thereof containing three (3) or more dwelling units. See also Dwelling Unit, Two Family Dwelling, Family.

Dwelling/Seasonal: A dwelling unit located within the Shoreland or Shoreland Seasonal Home Management Districts which is not the primary residence of the owner or occupant, and is occupied only on a part-time or seasonal basis, for no more than six (6) consecutive months during any one (1) year period, including the summer months, or as otherwise specified in a lease agreement with the town.

Dwelling/Single Family: (1) A building containing one principal dwelling unit for year-round use, and up to one (1) accessory dwelling in accordance with Section 4.2; or (2) in accordance with the Act [§4412(1)] a state licensed or registered residential care home, or group home, serving not more than eight (8) persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another such home. See also Accessory Dwelling, Community Care Home. See also Family.

Dwelling/Two Family: A building containing two (2) principal dwelling units. See also Family

Dwelling Unit: A building, or portion thereof, designed, constructed, or used as separate living quarters for one family, including any domestic employees employed on the premises, which includes food preparation, sleeping and sanitary facilities. This definition specifically excludes boarding or rooming houses, community care facilities, inns and other types of lodging facilities. See also Family.

Dwelling Unit/Affordable: See Affordable Housing.

Dwelling Unit/Elderly: See Elderly Housing.

Easement: The authorization of a property owner for the use by another of any designated part of the property for a specified purpose.

Easement/Agricultural, Conservation: A document establishing a legal agreement between the property owner and the town which identifies features with high public and natural resource values, and indicates allowed and prohibited uses within a prescribed area for the purpose of protecting these features.

Elderly Housing: Dwellings in one or more buildings, each unit of which is specifically designed and intended for occupancy by at least one person who is 55 years of age or older. In accordance with the federal Fair Housing Act, elderly housing includes housing that: (1) is specifically designed for and occupied by elderly persons under a federal or state housing program; (2) is to be occupied by a person 62 years or older; or (3) at least 80% of the dwelling units are to be occupied by at least one (1) person who is 55 years or older, in adherence to adopted policies to house persons who are 55 years or older. Such housing may include, as accessories, congregate dining and recreational facilities, and assisted living services (see also Section 4.4). See also Community Care Facility.

Enlargement: Any increase in the height or the footprint of a structure.

Extraction: A use involving the on-site removal of surface and subsurface materials, including soil, sand, gravel, stone, rock, minerals or similar materials. Typical uses include sand and gravel pits and related operations such as the crushing, screening, and temporary storage of materials on-site (see Section 4.8). Specifically excluded from this definition is the grading and removal of dirt which is associated with and incidental to an approved site plan or subdivision, or an excavation associated with an accepted agricultural practice. See also Quarrying.

Family: One or more persons related by blood, marriage, civil union, adoption or other form of legal guardianship as recognized by the State of Vermont, or a group of not more than four (4) unrelated persons, [except as allowed under 24 VSA 4412(1)] exclusive of domestic servants, living together as a household. See also Dwelling/Single Family

Farm Structure: A building, enclosure or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with an accepted agricultural practice; or is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or is on a farm with a business and farm management plan approved by the Secretary. This definition specifically excludes dwellings for human habitation, in accordance with the Act [§4413(d)]. See also Agriculture, Accepted Agricultural Practices.

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

Fence: An assemblage of materials, which may include metal, stone, wood, or any combination, erected and placed on the ground for purposes of limiting visual or physical access, and/or to mark a property boundary. (See Sections 3.5 and 9.2).

Ferry Facility: A shoreland facility principally used for the ferrying of passengers and vehicles across surface waters (Lake Champlain), which may include as accessory structures or uses supporting parking, docking, loading, storage and service facilities. See also Marina.

Financial Institution: A bank, savings and loan, finance, mortgage or investment company.

Flood Hazard Area: Those lands subject to flooding (eg: inundation, fluvial erosion and land slides) from the 100-year flood, as defined in the existing or subsequently revised "Flood Insurance Study for the Town of Charlotte, Vermont" dated September 1, 1977 and the Flood Hazard Boundary Map (FHBM) or subsequent Flood Insurance Rate Map (FIRM), published by the Flood Insurance Administration, and available at the Charlotte Town Clerk's Office.

Flood Hazard Boundary Map (FHMB): An official map of Charlotte, issued by the Flood Insurance Administration, where the boundaries of flood and mudslide (i.e., mudflow) related erosion areas having special hazards are designated as Zone A, M, and/or E.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improve 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 one foot. The definition guides inundation risk.

Floor Area, Gross: The total area of all floors of a building as measured to the outside surfaces of exterior walls, including halls, stairways, elevator shafts, attached garages, porches, and balconies, but excluding interior vehicular parking, unfinished basements, or any space where the floor to ceiling height is less than six (6) feet. If applied to a use within a mixed use building, it shall include the total of such floor area allocated to that use as measured to the outside surface of exterior (outside) walls, and from the centerline of partition walls separating uses.

Floor Area/ Habitable: The total floor area of all enclosed, heated and habitable rooms in a dwelling unit.

Floor Area, Net: The total area of all floors of a building as measured to the outside surfaces of exterior walls, excluding halls, stairwells, elevator shafts, equipment rooms, interior vehicular parking and loading spaces, any space where the floor to ceiling height is less than six (6) feet, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. If applied to a mixed use, it shall include the total such floor area allocated to that use as measured to the outside surface of exterior (outside) walls, and from the centerline of partition walls separating uses.

Forestry: The use and management of timber land for purposes of conservation and/or wood production and timber harvesting. This definition specifically excludes sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products, with the exception of

portable sawmills and other equipment used on site in association with timber harvesting activities. See also Accepted Management Practices, Light Industry.

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

Frontage: See Lake Shore Frontage, Lot Frontage.

Funeral Home: A building or part thereof used for human funeral services. Such building may also contain space and facilities for preparation of the dead for internment or cremation; the performance of autopsies and associated surgical procedures; the storage and sale of caskets, funeral urns and related funeral supplies; and the storage of funeral vehicles.

Garage Sale: The casual sale or offering at any one time of ten or more new, used, or second hand items of tangible personal property to the general public, which is generally advertised by such terms "garage sale," "rummage sale," "attic sale," "lawn sale," "porch sale" "barn sale" or similar phrase (see exemptions under Section 9.2). See also Outdoor Market.

Garden Center: The use of land, buildings and/or structures for the purpose of selling lawn and garden equipment, furnishings and supplies. This definition specifically does not include nurseries and greenhouses that are defined as "Agriculture" or "Accepted Agricultural Practices" and are therefore exempted from these regulations. See also Agriculture, Accepted Agricultural Practices, Commercial Farm Stand.

Gasoline Station: Any lot or area of land including the building or buildings thereon, which is used for the sale of motor vehicle fuels, lubricants, and related motor vehicles products, and/or which has facilities for fueling, or servicing motor vehicles (see Section 4.14). This definition includes gas stations and car washes; but specifically excludes automobile and motor vehicle repair services and sales, and the sale of food and unrelated convenience or grocery items. See also Motor Vehicle Sales & Service, Mixed Use.

Grade/Finished: Completed surface of grounds, lawns, walks, paved areas and roads which have been brought to grades as shown in associated plans.

Grade/Natural: The initial, original surface of ground within a proposed building or structure footprint, as measured from contour elevations prior to any site clearing, filling or excavation.

Greenhouse: A commercial agricultural business or farm structure for growing flowering and other plants, and/or produce, and/or animals, all for wholesale or retail sale. See also Accepted Agriculture Practices, Agriculture, Farm Structure, Garden Center.

Group Home: See Dwelling/Single Family (Group Home), Community Care Facility.

Health Clinic: A building or part thereof operated by physicians, surgeons, dentists, chiropractors, therapists, or other licensed health care professionals for the examination and treatment of patients on an out-patient basis. This definition does not include a public or private hospital, or the professional office of a licensed health care provider located in his or her residence. See also Home Occupation, Health Care Facility.

Health Care Facility: A public facility or other institution licensed by the state of Vermont that provides medical and other health care services to persons on both an in-patient and out-patient basis (see Section 4.15). See also Public Facility.

Height: The distance above ground of a structure as measured vertically from the average natural grade at the base of the structure, determined from pre-development surface elevations within the proposed footprint, to the highest point of the structure or roof surface, or, for a structure without a roof, to the highest point of the structure, excluding the chimney (see Section 3.5). See also Grade, Natural.

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

High Public Value: Areas of land containing the resources listed in Table 7.1 of these regulations. Such areas are as identified on town resource maps and databases, or may be field delineated and/or evaluated by a qualified professional during a land development or subdivision application review process.

Historic Structure: A structure that is listed, or that meets the criteria to be listed, in the Vermont State Register of Historic Places.

Home Child Care: A state registered or licensed facility serving ten (10) or fewer children of which six (6) or fewer are on a full-time basis, and up to four (4) additional children on a part-time basis as defined in statute [33 V.S.A. ' 4902(3)(A)] which is considered to constitute a permitted single family residential use of property (see Section 4.7). See also Home Occupation, Day Care Facility.

Home Occupation: A home-based business which is conducted by one or more residents of the dwelling. For purposes of these regulations, home occupations are classified as Home Occupations I, II or III and are regulated accordingly (see Section 4.11). See also Home Child Care.

Improvement: Any physical addition to real property, or any part of such addition, including but not limited to any building, structure, parking facility, wall, fencing, or landscaping (see also Substantial Improvement). See also Shoreline Improvement, Public Improvement, Substantial Improvement.

Inn: A building or group of buildings containing a maximum of 10 guest rooms for occupancy and use by transients on a short-term basis (less than one month on average), and providing such services as maid service, a central switchboard, or dining facilities for guests. Owner occupancy is required. See also Bed & Breakfast, Mixed Use, Restaurant.

Interested Person: As defined under the Act [24 VSA 4465(b)].

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.

Junk: Any scrap or waste material which is collected, stored, kept, or handled for salvage, resale or conversion to another use.

Junk Yard: See Salvage Yard.

Kennel: Any premises on which two or more domestic pets (dogs, cats or ferrets), or wolf-hybrids four months of age or older are kept for any of the following commercial purposes: sale, boarding, training or breeding purposes. See also Veterinary Clinic.

Lakeshore Frontage: The distance of a lot 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: Any of the following: 1) the division of a lot into two (2) or more lots; 2) the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; 3) any mining, excavation or landfill involving more than 300 cubic yards of material; 4) any material change in the use of any building, structure, land or extension of use of land; or 5) installation of infrastructure or improvements including but not limited to roads, utilities, drainage, wastewater or water. Land Development does not include interior construction or remodeling which des not affect the exterior appearance of a structure, or affect the water or septic requirements of the structure. See also Subdivision.

Light Industry: The use of land and/or a structure for the manufacture, processing, fabrication, testing and/or assembly of products, which also include associated research and development, warehousing and shipping activities, and which meets all applicable requirements of these regulations, including performance standards. The processing of agricultural products on the premises where they are grown shall not be deemed to be light industry or manufacturing. See also Home Occupation.

Loading Space: Space for bulk pickups and deliveries, scaled to delivery vehicles. Required off street loading space is not to be included as off-street parking space in computation of required off-street parking space (see Section 3.11).

Location: For purposes of regulating telecommunications facilities, 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.

Lot: (1) An identifiable and separate parcel of land legally in existence as of the effective date of these regulations which has sufficient area to meet the lot area requirements of these regulations; or (2) a portion of land in an approved subdivision as depicted on an approved plat that is separated from other portions of land by a property line. Where an existing public road right-of-way bisects an existing parcel, the right-of-way shall be considered a boundary dividing the parcel into two lots. The merger of any lot prior to the effective date of these regulations shall terminate its separate existence for the purpose of these regulations (see also Section 3.7 regarding Nonconforming Lots). See also Contiguous Land; Lot Area; Lot of Record.

Lot Area (Lot Size): The total land area within the boundaries (lot lines) of a lot, exclusive of the area designated for any existing or proposed road rights-of-way.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting roads where the interior angle of the intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve are the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot Coverage: That portion (percentage) of a lot area which is covered by buildings, structures and other man-made improvements, including parking and loading areas, access roads, service areas, and other impermeable surfaces which prevent the infiltration of storm water.

Lot Frontage: The distance that a lot fronts a road or right-of-way, measured along the road or right-of-way from the intersection of one property boundary to the intersection of the other property boundary.
Lot Line: The boundary line of a lot.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Charlotte Town Office.

Lot Size: See Lot Area.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the 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 frame or foundation and is connected to required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on the site for greater than 180 consecutive days. For insurance purposes, and the other provisions of these regulations, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Marina: (1) Any shoreline property used to provide access to public waters for the docking or mooring of five (5) or more boats, with or without services, and/or (2) a small-craft harbor complex that provides access to public waters, includes launching, docking and/or mooring facilities, and may include boat manufacturing, repair and storage services; boat sales, charters and rentals; the sale of marine supplies; and associated marine services such as fueling, pump-out, water taxi, charter, cruise, and towing services. See also Boat Yard; Boat Sales, Service & Repairs; Ferry Facility; Mixed Use.

Mean High Water Mark: For Lake Champlain this is considered to be 98 feet above mean sea level.

Mean Sea Level: The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, lake elevations, and typical contour elevations, are referenced.

Mixed Use: A building or parcel containing two (2) or more principal uses which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.12). Also see Planned Unit Development.

Mobile Home: A prefabricated dwelling unit which: (1) is designed for continuous residential occupancy; (2) is designed to be moved on wheels, as a whole; (3) on arrival at the site, is complete and ready for occupancy except for incidental unpacking, assembly, utility connections, and placing on supports or a permanent foundation; and (4) contains the same water supply and wastewater disposal systems as immovable housing (see Section 3.4). See also Camper, Mobile Home Park.

Mobile Home Park: A parcel of land under single or common ownership or control which is designed to accommodate, three (3) or more mobile homes to be occupied for living purposes (see Sections 3.4, 4.13). See also Mobile Home.

Mobile Home Sales: An establishment, including land and/or a building, for which the principal use is the sale of mobile homes. This may include customary accessory structures or uses, such as an office, an enclosed sales room, and a parking area.

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 Telecommunications 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: For purposes of regulating telecommunications facilities, 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: For purposes of regulating and monitoring telecommunications facilities, 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.

Motor Vehicles Sales & Service: An establishment, including land and buildings, for which the principal use is the sale and repair of automobiles and other motor vehicles, to include the sale and/or leasing of motor vehicles and accessory products, general vehicle and engine repair shops, rebuilding and/or reconditioning shops, and body shops. This does not include gasoline stations except if approved as a mixed use (see Section 4.14). See also Gasoline Station, Mixed Use.

Municipal Facility: A type of public facility that is owned, leased, operated and/or managed by the Town of Charlotte (see Section 4.15). Also see Public Facility.

Municipal Land Use Permit: As defined in the Act [24 VSA 4303]

Municipal Plan: The municipal plan for the Town of Charlotte as most recently adopted in accordance with the Act.

Nature Center: A scientific or educational facility open to the public that provides facilities, services, research, materials, educational programs, exhibits and/or displays promoting understanding, sound management and protection of the natural environment.

Nonconforming Structure: A structure or part thereof lawfully in existence as of the effective date of these regulations which does not conform to the requirements of these regulations including, but not limited to, building bulk, dimensions, height, setbacks, area, density or off-street parking or loading requirements.

Nonconforming Lot (Parcel): A lot or parcel lawfully in existence as of the effective date of these regulations that does not conform to the requirements of these regulations including, but not limited to lot size, frontage, density and coverage requirements.

Nonconforming Use: The use of a land or structure lawfully in existence as of the effective date of these regulations, which does not conform with these regulations including, but not limited to, allowed uses within the district in which it is located.

Office: A room, suite of rooms or building principally used for conducting the affairs of a business, profession, or service industry. This definition specifically excludes office space which is associated with home occupations, or which is clearly accessory to another allowed principal use. It also specifically excludes the on-premise retail sale of goods. See also Home Occupation.

Open Space: Land not occupied by structures, buildings, roads, rights-of-way, and parking lots. Open space may or may not be held in common. Open space may be placed under an easement with the town or a conservation organization such as a land trust, in which case allowed uses of the area shall be specified in a "Conservation Agreement and Easement" with the town, or a "Grant of Development Rights" with a land trust, which identifies those natural and cultural features with high public value and how they are to be protected. See also Easement/Agricultural, Conservation; High Public Value (Areas, Features).

Outdoor Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public, including "farmers' and "flea" markets. See also Commercial Farm Stand, Garage Sale.

Parcel: A "Lot".

Parking Facility: A separate off-street parking area, garage or similar structure that is the principal use of a lot.

Parking Space: An off-street area which is not less than nine (9) feet in width or 18 feet in depth, exclusive of adequate access or maneuvering area, ramps, columns, etc., which is to be used exclusively as a temporary storage space for a single vehicle (see Section 3.11).

Permit: For purposes of regulating a telecommunications facility, 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. See also Municipal Land Use Permit.

Permittee: For purposes of regulating telecommunications facilities, an applicant who is granted a permit for a tower and/or telecommunications facility by the Town of Charlotte.

Perpetually affordable (housing): housing that meets the affordability requirements of these regulations for a minimum period of 99 years from the date of first sale or lease (see Section.4.4).

Person: Any individual, partnership, corporation, association, unincorporated organization, trust, or any other legal or commercial entity, including a joint venture or affiliated ownership, which owns or controls land or other property to be subdivided and/or developed under the provisions of these regulations. The word "person" shall also include any municipality or other government agency.

Personal Service: A business which provides services of a personal nature, including but not limited to laundry and dry cleaning, beauty and barber shops, tailoring and shoe repair, photographic studios, and similar businesses. Sales of products must be clearly related and incidental to services provided. See also Funeral Parlor.

Place of Worship: A building used for purposes of assembly and worship by an established and recognized religious institution. This definition also includes such customary accessory structures such as parish houses (see Section 4.15).

Planned Residential Development (PRD): An allowed method of land development for primarily residential use in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity, to include primarily residential dwelling units allowed within a zoning district(s), associated accessory structures and facilities and uses allowed within the district in which the PRD is located. In a PRD, zoning district dimensional standards under these regulations (Chapter II), including lot size, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of development (see Chapter VIII). See also Planned Unit Development.

Planned Unit Development (PUD): An allowed method of land development for mixed use development in which an area of land, consisting of one or more parcels, is planned to be developed as a single entity for two or more uses allowed within a zoning district(s), and associated accessory structures and facilities. In a PUD, zoning district dimensional standards under these regulations (Chapter II), including lot size, coverage, frontage and setback requirements, may be modified or waived to provide flexibility in subdivision and site design in order to promote desired types and patterns of mixed use development (see Chapter VIII). See also Mixed Use, Planned Residential Development.

Plat: A map or representation on paper, Mylar or other accepted material, of a piece of land subdivided into lots and roads, drawn to scale.

Post Office: A facility operated by the United States Postal Service for the collection and distribution of mail, and associated mailing and delivery services.

Primary (prime and statewide) Agricultural Soils: As defined by the State of Vermont.

Principal Structure: A structure or building in which the main, primary or principal use of the property is conducted. Attached accessory dwellings, garages, porches or carports, or other structures which share a common wall and/or roof, or are connected by a breezeway, are considered to part of the principal structure.

Private Club: An establishment operated for social, recreational, educational or cultural purposes that is open only to members and their invited guests, and not the general public, and is not operated primarily for profit

Public Facility: A building or other facility owned, leased, held, used, and/or controlled exclusively for public purposes by a municipality, state or federal government, regulated utility or railroad. Such facilities include, but may not be limited to municipal buildings and garages, water and wastewater facilities, power generation and transmission facilities, and educational facilities (see Section 4.15).

Quarrying: The removal of rock or minerals by means of open excavation to supply material for construction, industrial or manufacturing purposes (see Section 4.8). See also Extraction.

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.

Recreation/Indoor: A building or structure designed, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational

facility or a residential use. This includes, but may not be limited to bowling alleys, movie theaters, pool halls, skating rinks, gymnasiums, fitness centers, and swimming pools.

Recreation/Outdoor: A facility for outdoor recreation, including but not limited to a stadium, tennis courts, athletic fields, swimming pools, and trails for hiking, horseback riding, bicycling, snowmobiling, and cross-country skiing; except for such facilities which are accessory to an approved educational facility or a residential use, or are otherwise exempted from these regulations under Section 9.2. Golf courses as separately defined and regulated are specifically excluded from this definition. See also Golf Course.

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.

Restaurant: An establishment of which the primary function is to serve food and beverages to the public for consumption primarily at tables or counters on the premises. This definition includes cafes, bakeries with table or counter service, bars and taverns. This definition excludes Restaurant/Fast Food Restaurants and Restaurant/Drive-through.

Restaurant/ Drive-through: An establishment which, by design, physical facilities, and/or service encourages or permits customers to receive food or beverages while remaining in their motor vehicles. See also Restaurant; Restaurant/ Fast Food.

Restaurant/ Fast Food: An establishment of which the sole or exclusive function is the sale of prepared foods or beverages either on or off the premises, and whose operation is characterized by (1) the 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 a short waiting time, and (3) insufficient seating facilities within the building for the volume of food being sold. See also Restaurant; Restaurant/ Drive-through.

Resubdivision: A change of a recorded subdivision plat, including but not limited to changes that affect any lot lines, street or road layouts, areas reserved for public use, or any map or plan that has been legally recorded.

Retail Store: Premises where goods or merchandise are offered for retail sale to the general public for personal, business, or household consumption, and where services incidental to the sale of such goods are provided. This definition excludes the retail sale of gasoline and automobiles and other goods and services that are otherwise more specifically identified under these regulations. See also Agricultural Sales & Service, Boat Sales & Service, Commercial Farm Stand, Gasoline Station, Mobile Home Sales, Motor Vehicle Sales & Service, Personal Service, and Restaurant.

Ridgeline: The uppermost point of a ridge, hill, cliff, slope or face. It may coincide with the top (highest elevation) of a rock cliff or, where the bedrock is not exposed, the most obvious break in slope associated with the underlying bedrock. The term does not include intermediate terraces, steps, or elevations along the face of a slope.

Road: Any public or private right-of-way serving three (3) or more lots, which is designed and intended for use by motor vehicles. The word “road” shall mean the entire right-of-way. See also Driveway.

Road/ Private: Any road or street which is not publicly owned and maintained, excluding private driveways serving less than three lots. See also Road, Driveway.

Road/ Public: A road which is constructed within the boundaries of an officially deeded and accepted public right-of-way, including municipal, state and federal highways.

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.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, or salvaging of discarded material or scrap metal. This definition includes, but is not limited to "junkyards" as defined by the state.

Scenic View: A scenic view is a view from a publicly accessible location which may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or public path. A scenic view may be to a faraway object, such as a mountain, or a nearby object. Many scenic views of particular importance in Charlotte are noted in the *Charlotte Town Plan*.

School: A public, private or parochial institution licensed by the State of Vermont to provide educational instruction to students. Such facilities may also include accessory recreational and dining facilities, and be used as officially designated, temporary emergency shelters (see Section 4.15). See also Public Facility.

Self Storage Facility: A multi-unit storage facility that provides separate storage spaces for rent.

Setback: The horizontal distance from a road (see below), lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest part of a structure (as defined herein) or, where applicable, a wastewater system (including leach field and septic tank) located on the premises. In the case of a public highway, the setback distance shall be measured from the limit of the highway right-of-way or 25 feet from the centerline of the highway, whichever is greater. In the case of a private road, the distance shall be measured from the edge of the road right-of-way. In the case of a driveway, no front setback to structures is required or created.

Shoreline: The mean high water mark. For Lake Champlain this is considered 98 feet above mean sea level.

Shoreline Improvement: Physical improvements located at or above the mean high water mark within the shoreline area which are intended to provide access to public waters or to prevent shoreline erosion, including permanent docks, stairways and fishing piers; boat hoists, boat houses, launches and ramps; manmade or improved beach areas; and retaining walls or other permanent stabilization measures. See also Ferry Facility, Marina, Shoreline.

Shoreland Management Plan: A document establishing a legal agreement between a property owner and the town which identifies features of high public value within the Shoreland, Shoreland Seasonal Home Management, or Conservation Districts, and indicates allowed and prohibited uses for the purpose of protecting these features.

Sign: Any structure, display, device, material, object or representation which is designed or used to advertise, direct or call attention to any property, establishment, business, enterprise, profession, product, or service or other matter from any public right-of-way (see Section 3.14). This definition includes logos and other outdoor advertising displayed on walls, canopies, and exterior windows.

Silviculture: See Forestry.

Slope: An inclined surface, expressed as a percentage, to be calculated as the amount of vertical elevation gained (rise) over a horizontal distance (run): (vertical rise/horizontal run) x 100 = % slope. A **steep slope** is a slope equal to or greater than 15%; a **very steep slope** is a slope equal to or greater than 25% (see Section 3.15).

Snack Bar. A seasonal stand or enclosed structure operated for a maximum of six (6) months in any calendar year including the summer months, for the preparation and sale of food and beverages to the general public for consumption on- or off- the premises. A snack bar may include outdoor seating for up to 30 people (e.g., five tables seating 6 patrons each) as an accessory to the use. Drive-through facilities are specifically prohibited. Indoor restaurant seating and/or year-round use shall be allowed only as, or in association with, a restaurant. See also Restaurant.

Storage Facility: A building for storing goods as an accessory to a retail store, or for the temporary storage of goods (e.g., household goods) by the general public. Self-storage facilities are prohibited in the Town of Charlotte, except in association with an Adaptive Reuse under Section 4.3. See also Adaptive Reuse, Warehouse.

Stream: Any surface water course in the Town of Charlotte as depicted by the U.S. Geological Survey on topographic maps, Vermont Base Mapping Program orthophotos, the zoning map, or as identified through site investigation; excluding artificially created irrigation and drainage channels. See also Stream Channel, Streambanks.

Stream Channel: A defined area that demonstrates clear evidence of the permanent or intermittent passage of water and includes, but may not be limited to bedrock channels, gravel beds, sand and silt beds, and swales. A stream bank may define the usual boundaries, but not the flood boundaries, of a stream channel. Artificially created water courses such as agricultural irrigation and drainage ditches are specifically excluded from this definition. See also Stream, Streambanks.

Streambanks: Physiographic features that normally contain streams within a channel. The banks are distinct from the streambed, which is normally wetted and provides a substrate that supports aquatic organisms. For purposes of these regulations (see Section 3.16) **"Top of Bank"** is defined as the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain only during flows at or exceeding the average annual high water stage. **"Top of Slope"** is defined as a break in the slope adjacent to steep-banked streams that have little or no floodplain.

Street: See Road.

Street Line: The dividing line between a lot and a public or private road or street, typically defined by the edge of the road right-of-way.

Structurally Able: For purposes of regulating telecommunications facilities, 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.

Structure: Any construction, assemblage or other combination of materials on the land for occupancy or use, including but not limited to buildings, additions to buildings, mobile homes, tennis courts, in-ground swimming pools, above ground swimming pools on permanent foundations, airstrips, satellite dishes, relay or radio antennae, walls and fences six feet in height or greater, gas station canopies, and tanks for the outdoor storage of gas or oil. Fences and walls less than six feet in height, lamp posts, arbors, mail

boxes, sidewalks, driveways, roads, parking areas, signs, service lines, and the subsurface components of potable water and sewage disposal systems are specifically excluded from this definition. Structures shall be exempted from these regulations only in accordance with the Act and these regulations (see Section 9.2). See also Accessory Structure, Building.

Subdivider: Any person(s) who shall lay out for the purpose of transfer of ownership or right to use any subdivision or part thereof. The term shall include an applicant for subdivision approval. See also Applicant.

Subdivision: The division of any parcel of land into two or more parcels, lots or other legal division of land for the purposes of offer, transfer, sale, lease of 30 or more years that allows land development or conveyance (see Section 6.1). The term also includes planned unit and planned residential development (see Section 6.1). See also Boundary Adjustment; Subdivision Amendment; Subdivision/Major; Subdivision/Minor.

Subdivision Amendment: changes to an approved subdivision including, but not limited to, modifications to parcel lines, easement lines, building envelopes, the location of improvements, or conditions of approval. A resubdivision may only be considered a Subdivision Amendment if no additional lots are to be created. (see Section 6.1).

Subdivision/ Major: (1) A residential subdivision, or resubdivision, of land that results in the creation of four (4) or more lots within any 10 year period, regardless of any change in ownership; or (2) a nonresidential subdivision. (see Section 6.1).

Subdivision/ Minor: A subdivision, or resubdivision, of land that results in the creation of three (3) or fewer lots within any 10 year period, regardless of any change in ownership. (see Section 6.1).

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and restored, before the damage occurred. For the purpose of administering flood hazard area regulations, this definition excludes the improvement of a structure to comply with existing municipal or state health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the state or National Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially Commenced: For purposes of these regulations, to include initial site preparation, the installation of an access, and the installation of a foundation, water and/or wastewater system on-site, in accordance with these regulations, including all permits and approvals.

Substantially Completed: The stage at which a permitted structure has been constructed so that it may be safely occupied or used for its intended purpose.

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 (see Section 4.16). [Note: this differs somewhat from state definitions (e.g., Act

250) and that included in the Act.

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.

Transfer Station/Recycling Center: A facility certified by the state that functions as a collection point for solid waste and recyclable material that will subsequently be transported to a state-approved landfill or disposal facility. The facility will include, at minimum, a receiving hopper and compacting equipment (see Section 4.15). See also Public Facility.
Transit Facility: A building, structure, or area designed and intended for use by persons changing transportation modes, including but not limited to bus and train stations. See also Parking Facility.

Undue Adverse Effect (Impact): An effect or impact resulting from a proposed development that (1) violates a clear, written community standard, including a provision of these regulations or a specific policy of the municipal plan, (2) offends the sensibilities of the average person, or (3) with regard to which the applicant has failed to take generally available reasonable mitigating steps to improve the harmony between the proposed development and its surroundings.

Use: The specific purpose for which a parcel of land or structure is designated, designed or intended, or for which it may be used and maintained. See also Accessory Use, Structure.

Veterinary Clinic: A building or part thereof used for the care, diagnosis, treatment and temporary boarding of animals. See also Kennel.

View Corridor/Viewshed: A three-dimensional space extending outward from a stationary viewpoint or as one moves along a publicly accessible route. 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.

Warehouse Facility: A building used primarily for the storage, wholesale and distribution of manufactured goods and materials, and not as a primary location or outlet for business or retail uses.

Waste Management Facility: A public facility licensed or certified by the state of Vermont for the collection, storage, transfer, shipment or disposal of solid or hazardous waste materials (see Section 4.15). See also Public Facility, Salvage Yard, Transfer Station/Recycling Center.

Wetland: As defined by Vermont Wetland Rules, as most recently amended.

Wildlife Habitat: Areas identified as wildlife habitat on maps and within the text of the Charlotte Town Plan (as amended), or as field delineated by a qualified professional.

Yard: An unoccupied area of ground, as defined by required setback distances, in which no structure, building or portion thereof, may be located. See also Setback.

Zoning Administrator: Administrative Officer.