

CHARLOTTE ZONING REGULATIONS

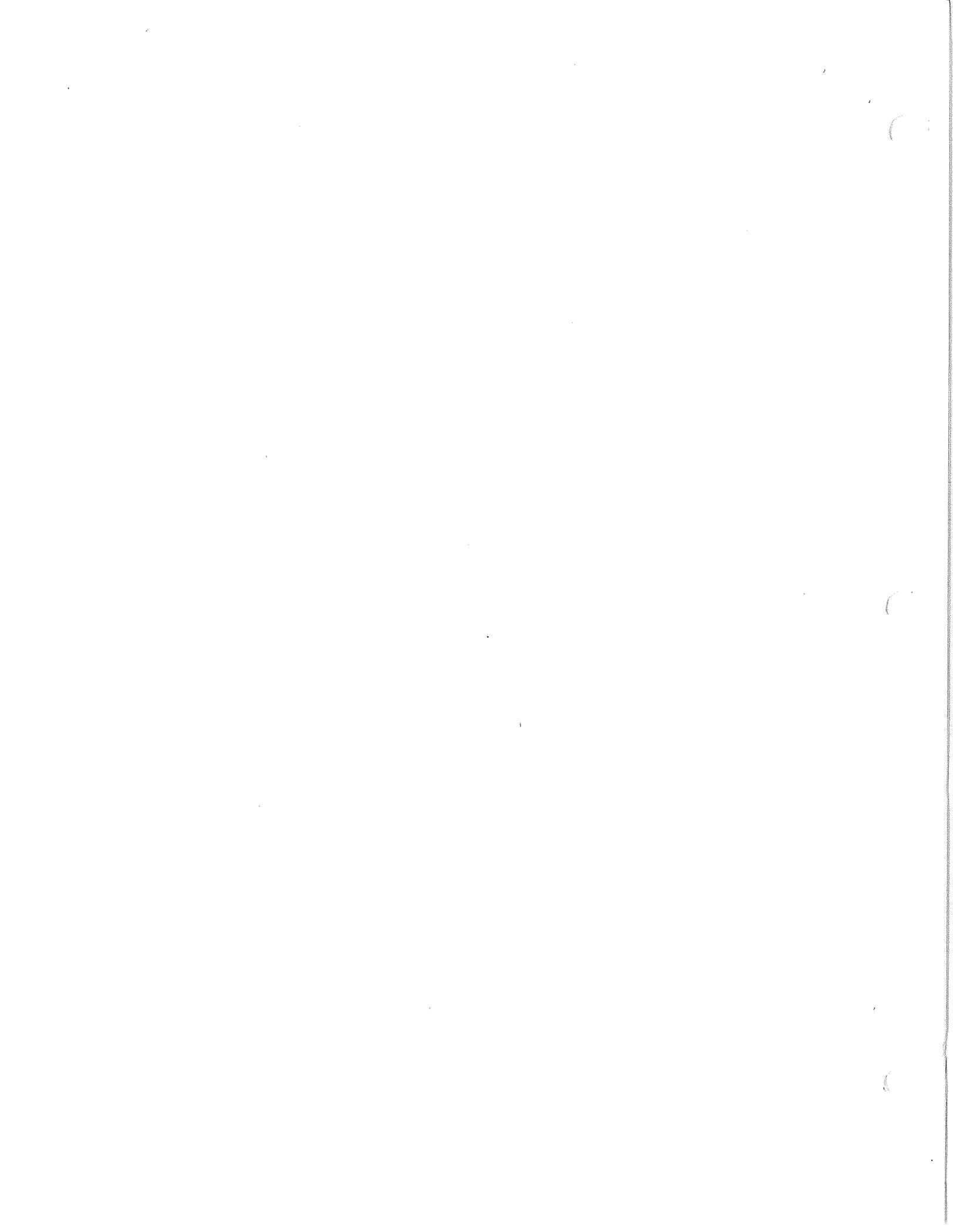
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CHARLOTTE ZONING REGULATIONS

ARTICLE I: PURPOSE

These regulations, which shall be known and cited as the Charlotte Zoning Regulations are intended to promote the general welfare of the inhabitants of the Town of Charlotte, to protect the value of property to prevent overcrowding, to facilitate provision of public requirements, and to provide for the orderly development in Charlotte of homes, agriculture, commerce and recreation.

The Zoning Regulations classify and guide the uses of land, buildings and structures in the Town of Charlotte in accordance with the Town's Municipal Development Plan and the Vermont Planning and Development Act. The regulations are designed to implement the purposes and policies set forth in the Plan and Act.

ARTICLE II: ZONING DISTRICTS

Section 200 Classes of Districts

For purposes of these regulations the Town of Charlotte is divided into the following zoning districts.

- 200.1 Agricultural/Residential District (AGR). This district shall include all land within the Town of Charlotte which is not included in the other four zoning districts.
- 200.2 Commercial District (CL). This district shall include all land on both sides of Route F5 beginning 350 feet east of Greenbush Road, to a depth of 500 feet from the street line, continuing east to U. S. Route 7, then continuing east along the south side only of Church Hill Road a distance of 750 feet, to a depth of 600 feet from the street line; also all land at Baptist Corners lying south of the former Hinesburg Road to a depth of 200 feet from the centerline of said road, beginning at its intersection with Spear Street and continuing east approximately 1,283 feet to its intersection with the present Hinesburg Road, thence continuing east along the southerly side of the latter road to a depth of 200 feet from its centerline, a distance of approximately 1,217 feet to a culvert beneath said road.
- 200.3 Manufacturing District (M). This district includes all land on the west side of the Vermont Railway Corporation tracts for a distance of 1,500 feet from the centerline of the tracks and extending from Route F5 southwardly for a distance of 2,600 feet; also all land on the west side of U. S. Route 7 beginning at a point 500 feet southerly of Route F5 (said point being the southwest corner of the commercial zone along the southside of Route F5) and continuing east to U. S. Route 7, thence southerly along the street line of U. S. Route 7 to

a point in a hedgerow marked by Green Mountain Power Corporation utility pole No. 14, which point is approximately 2,523 feet from the centerline of Route F5, thence continuing westerly a distance of 1,200 feet, thence continuing northerly a distance of 1,500 feet, thence continuing westerly a distance of 600 feet, thence continuing northerly a distance of 500 feet to the point or place of beginning.

This district also includes a parcel of land consisting of approximately 44 acres described as follows:

Commencing at the southeasterly corner of lands presently owned by Richard Frink, which point is at the intersection of the northerly side of the Ferry Road right of way and the westerly side of the railroad right of way; thence proceeding northerly 1,400 feet more or less, in and along the westerly sideline of the railroad right of way to a point which marks the northeasterly corner of lands presently owned by Knowles; thence deflecting to the left and proceeding in and along the northerly boundary of Knowles 1,450 feet, more or less, to a point; thence deflecting to the left and proceeding in a general southerly direction to a point located in the northerly sideline of the Ferry Road right of way, which point is 300 feet westerly of the southwest corner of the Frink property; thence deflecting to the left and proceeding in and along the northerly sideline of the Ferry Road right of way to the point of beginning.

This district also includes a parcel of land situated at the intersection of U. S. Route 7 and Thompson's Point Road consisting of approximately 30 acres which extends southerly on U.S. Route 7 for 1,000 feet, more or less, and westerly on Thompson's Point Road for 1,100 feet, more or less, and has a southerly sideline parallel to Thompson's Point Road and a westerly sideline parallel to U.S. Route 7.

- 200.4 Shoreland District (S). This district includes all lands bordering Lake Champlain to a depth of 1,000 feet from the mean low water mark.
- 200.5 Conservation District (CON). This district includes all lands lying 100 feet on both sides of the high water mark of named streams on the official zoning map, and all lands lying 50 feet on both sides of the high water mark of unnamed streams depicted on the official zoning map. This district also includes the town owned land on Thompson's Point, town owned Beach and Recreation Area, Pease Mt., Mt. Philo State Park, Scenic Overlook, and Whalley's West Woods, all as depicted on the official zoning map.

Section 210 Official Zoning Map

The location and boundaries of zoning districts are established as shown on the Official Zoning Map, which is attached to these regulations and made a part thereof.

Section 220 Interpretation of District Boundaries

Rules for Interpretation of District Boundaries - Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply.

- 220.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- 220.2 Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- 220.3 Any ambiguity between the description of district boundaries contained in Section 200 of these regulations and those depicted on the Official Zoning Map shall be resolved by those boundaries depicted on the map.
- 220.4 Boundaries indicated as following railroad lines shall be construed to the midway between the main tracts or to center line of right of way if no tracts are present.
- 220.5 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line.
- 220.6 Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map or described under each zone shall be determined by the scale of the map.
- 220.7 Where a district boundary line divides a lot which was in single ownership at the time of passage of these regulations, the Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE III: AGRICULTURAL/RESIDENTIAL DISTRICT

Section 300 Permitted Uses

The following uses are permitted in the Agricultural/Residential District. Any uses not expressly permitted are prohibited except those which may be allowed as conditional use.

- 300.1 Single-family dwellings.
- 300.2 Two-family dwellings.

- 300.3 Accessory uses customarily incidental to a permitted use such as private garages, swimming pools and tennis courts.
- 300.4 Church and parish house.
- 300.5 School, nursery school, college, library, museum or similar institution operated by a governmental unit or private organization.
- 300.6 Park or playground operated by a governmental unit.
- 300.7 Municipal owned and operated buildings and facilities and municipal landfills owned or leased by the Town of Charlotte for purposes of servicing the Town's inhabitants.
- 300.8 Farming, dairying, orchards, woodlots and forestry, truck gardens, raising of poultry or livestock, but specifically not including commercial slaughtering of animals or poultry.

Section 310 Conditional Uses

The following uses may be permitted in the Agricultural/Residential District as conditional uses by the Zoning Board of Adjustment in accordance with the provisions of Section 820 of these regulations:

- 310.1 Ski area.
- 310.2 Public or private outdoor recreation facilities, such as golf courses and tennis courts.
- 310.3 Conversion of single family or two family dwellings existing on January 1, 1982 to multi-family dwellings provided that the converted structure shall contain no more than 4 units and shall be serviced by an adequate sewage disposal system.

Section 320 Dimensional Requirements

- 320.1 Lot Area Minimum - 5 acres for each residential unit with the exception of residential structures existing on January 1, 1982 which are converted to two family dwellings or multi-family dwellings in which case the lot area minimum shall be 2-1/2 acres per dwelling unit.
- 320.2 Lot frontage minimum - 300 feet.
- 320.3 Front yard minimum - 100 feet
- 320.4 Side and rear yard minimum - 50 feet

320.5 Maximum height - 35 feet, but no maximum height shall be applicable to farm structures.

Section 330 Site Plan Approval

Site plan approval is required for all uses in the Agricultural/Residential District except for single-family residences and two-family residences on pre-existing single lots.

Section 340 Planned Residential Development

Planned residential developments may be permitted in the Agricultural/Residential District upon approval of the Planning Commission in accordance with the provisions of Section 800 of these regulations.

ARTICLE IV: COMMERCIAL DISTRICT

Section 400 Permitted Uses

The following uses are permitted in the Commercial District. Any uses not expressly permitted are prohibited except those which may be allowed as conditional uses.

- 400.1 Any use which is set forth as a conditional use in the Agricultural/Residential District.
- 400.2 Bank or other monetary institution.
- 400.3 Personal service establishments; namely barbershops and beauty parlors, shoe repair and shine, drycleaning and laundry, tailor, photographic studios and funeral homes.
- 400.4 Retail stores and shops; namely those selling dry goods, novelties, flowers, gifts, books, music or stationery, hardware, household furnishings or appliances, jewelry, sporting goods, luggage, wearing apparel including shoes, photographic supplies, hobby, toy and game shops, bicycles, art supplies, newspapers and magazines, tobacco products, and drug stores.
- 400.5 Food stores for retail sales of groceries, meats and fish, fruits and vegetables, candy, nuts and confections, dairy products, bakery goods and health foods.
- 400.6 Restaurant or other place for the serving of food or beverages where the patrons are served and consume the food or beverage exclusively inside the building.
- 400.7 Public utility substations.

- 400.8 Real estate, insurance and other similar offices: and offices of the architectural, clerical, engineering, legal, dental, medical, veterinarian or other recognized professions in which only such personnel are employed as are customarily required for the practice of such business or profession.

Section 410 Conditional Uses

The following uses may be permitted in the Commercial District as conditional uses by the Zoning Board of Adjustment in accordance with the provisions of Section 820 of these regulations:

- 410.1 Indoor recreation such as bowling alley, theater, skating rink, gymnasium, swimming pool and similar places of indoor commercial recreation.
- 410.2 Any use similar to those permitted in the Commercial District under Section 400 of these regulations provided that the Zoning Board of Adjustment finds that in addition to other specific and general standards set forth in these regulations that the proposed use meets the following specific standards:
1. Such use is of the same general character as those permitted in the Commercial District.
 2. Such use will not be detrimental to the other uses within the district and the adjoining land uses.

Section 420 Dimensional Requirements

- 420.1 Lot Area Minimum - 40,000 square feet, except 2-1/2 acres per unit for single family or two family dwelling converted to multi-family dwellings.
- 420.2 Lot frontage minimum - 200 feet.
- 420.3 Front yard minimum - 50 feet.
- 420.4 Side and rear yard minimum - 20 feet.
- 420.5 Maximum height - 35 feet.
- 420.6 Maximum percentage of lot coverage - 20 per cent.
- 420.7 Maximum building size - 20,000 square feet. Any proposed building in excess of 20,000 square feet, which is designed to accommodate any of the uses set forth in Section 400 or Section 410 of these regulations shall require conditional use approval in accordance with the provisions of Section 820 of these regulations.

Section 430 Site Plan Approval

Site plan approval is required for all uses in the Commercial District.

ARTICLE V: MANUFACTURING DISTRICT

Section 500 Permitted Uses

The following uses are permitted in the Manufacturing District. Any uses not expressly permitted are prohibited except those which may be altered as conditional uses.

- 500.1 Those uses set forth as permitted uses in the Commercial District.

Section 510 Conditional Uses

The following uses may be permitted in the Manufacturing District as conditional uses by the Zoning Board of Adjustment in accordance with the provisions of 820 of these regulations:

- 510.1 Those uses set forth as conditional uses in the Commercial District.

- 510.2 Wholesaling, warehousing, storage, testing, and manufacturing provided that the Zoning Board of Adjustment finds that in addition to those applicable, general and specific standards set forth in these regulations, the proposed use meets the following specific standards:

1. Will not cause any hazard to health, property or property values through fire, traffic or unsanitary conditions, or through excessive noise, vibration, odor or other nuisance.
2. Is in harmony with the general character of neighborhood.

Section 520 Dimensional Requirements

| | <u>Manufacturing Use</u> | <u>Commercial Use</u> |
|-----------------------------|---|---------------------------|
| 520.1 Lot area minimum: | 5 acres | 40,000 square feet |
| | Lot area minimum for multi-family dwelling conversions is 2-1/2 acres per unit. | |
| 520.2 Lot frontage minimum: | 500 feet | 200 feet |
| 520.3 Front yard minimum: | 100 feet | 50 feet |

- 520.4 Side and rear yard minimum: 150 feet 20 feet
- 520.5 Maximum height: 35 feet 35 feet
- 520.6 Maximum percentage of lot coverage: 15 per cent 20 per cent

Section 530 Site Plan Approval

Site plan approval is required for all uses in the Manufacturing District.

ARTICLE VI: SHORELAND DISTRICT

Section 600 Permitted Uses

The following uses are permitted in the Shoreland District. Any uses not expressly permitted are prohibited except those which may be allowed as conditional uses.

- 600.1 Year-round and seasonal single-family dwellings.
- 600.2 Accessory uses customarily incidental to a single-family dwelling such as private garages, swimming pools and tennis courts.
- 600.3 Recreation uses such as picnic grounds, boat launching ramps, swimming areas (beaches), parks, natural areas, fish hatcheries, hunting and fishing areas, hiking and riding trails.
- 600.4 Agricultural uses such as farming, dairying, orchards, nurseries, woodlots and forestry, and truck gardens, provided that a 50-foot buffer strip (of any existing or introduced permanent vegetation or of natural character) be maintained between the area of use and the mean high water mark.

Section 610 Conditional Uses

The following uses may be permitted in the Shoreland District as conditional uses by the Zoning Board of Adjustment in accordance with the provisions of Section 820 of these regulations.

- 610.1 Marinas and boat houses provided that the Zoning Board of Adjustment finds that in addition to those applicable general and specific standards set forth in these regulations, the proposed use meets the following specific standards:
 1. The need for the proposed use to be located in the Shoreland.
 2. Will not cause unsafe or unhealthy conditions.

3. Will not cause water pollution.
4. Will not cause erosion.
5. Is in harmony with the general character of the neighborhood and adjacent lands.

610.2 Conditions to nonconforming year-round or seasonal single-family dwellings provided the Zoning Board of Adjustment finds that in addition to those applicable, general and specific standards set forth in these regulations, the proposed addition does not extend any closer to the lake than the existing structure and the proposed addition is as far from the lake as practical according to reasonable design construction and engineering standards.

Section 620 Dimension Requirements

620.1 Lot area minimum - 5 acres.

620.2 Lakeshore frontage minimum - 300 feet.

620.3 Buildings and structures set back from mean high water mark of Lake Champlain - 100 feet. Existing trees and ground cover along the shoreline shall be preserved, maintained and supplemented by selective cutting, transplanting, and the addition of new trees, shrubs and ground cover for the depth of the required setback. The extent of such planting and/or seeding will be sufficient to prevent erosion.

620.4 Side and rear yard minimum - 50 feet.

620.5 Maximum height - 35 feet.

620.6 Placement of subsurface sanitary facilities from mean high water mark of Lake Champlain - 100 feet.

Section 630 Site Plan Approval

Site plan approval is required for all uses in the Shoreland District except for single-family dwellings on pre-existing single lots.

ARTICLE VII: CONSERVATION DISTRICT

Section 700 Permitted Uses

The following uses are permitted in the Conservation District. Any uses not expressly permitted are prohibited except those which may be allowed as conditional uses.

700.1 Farming, agricultural, horticulture, forestry and/or the keeping of poultry, pigs, cattle, horses or other domestic farm animals provided that any building appurtenant to such uses is located outside the conservation district.

700.2 Park or playground operated by a governmental unit.

Section 710 Special Use Limitations

Uses granted under Section 700 or 710 shall be subject to the following limitations:

710.1 No building of any kind, including any structure or construction such as parking lots, tennis courts, or farm buildings shall be permitted within this district.

710.2 No use shall be permitted that will in any way damage or alter the character of soils, vegetation or impair the quantity or quality of surface water and ground water.

ARTICLE VIII: GENERAL REGULATIONS

Section 800 Planned Residential Developments

In accordance with the provisions of 24 V.S.A. §4407 (3), Planned Residential Developments are hereby permitted in the Agricultural/Rural Residential District to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of the open lands of the Town. Accordingly, the Planning Commission may modify the area and dimensional requirements of the Zoning Regulations simultaneously with the approval of a subdivision plat. Such modifications shall be subject to the following conditions, and all Planned Residential Development proposals will be evaluated in accordance with the following general and specific standards:

800.1 General Standards

1. A site plan shall be submitted to the Planning Commission showing the location, height and space of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces and all other physical features, accompanied by a statement setting forth the nature of all proposed modifications, changes or supplementations of the area and dimensional requirements of the existing zoning regulations.

2. The permitted number of dwelling units shall in no case exceed the number which could be permitted in the Planning Commission's judgment, if the land were subdivided into lots in conformance with the Zoning Regulations applicable to the Agricultural/Rural Residential District.
3. The proposal is an effective and unified treatment of the development possibilities on the project site, and the proposed development plan makes appropriate provision for the preservation of streams and streambanks, steep slopes, wet areas, soils unsuitable for development, forested areas, and unique, natural and manmade features.
4. The proposal is consistent with the Town Municipal Development Plan and all applicable By-Laws.
5. The proposal is consistent with all evaluation standards set forth in the existing Charlotte Subdivision Regulations.
6. The proposal provides for the preservation of open space.
7. The dwelling units permitted may, at the discretion of the Planning Commission, be of varied types including one-family, two-family or multi-family construction.

800.2 Specific Standards

1. Minimum total area of development - 30 acres.
2. Maximum building height - 35 feet.
3. Minimum lot requirements - 2-1/2 acres for detached single-family dwellings.
4. Minimum side and rear yards pertaining to the periphery of the Planned Residential Development - 50 feet. This buffer zone must be kept free of buildings, or structures and must be landscaped, screened or protected by natural features, so that adverse effects on surrounding areas are minimized.
5. Any community sewage disposal and water supply systems shall meet the regulations and standards of the Vermont Department of Health and any applicable Town regulations and standards.
6. Open space or common land shall be in a location or locations, size and shape approved by the Planning Commission and shall be protected by appropriate legal devices to insure the continued use of such lands for the purpose

of agriculture, forestry, recreation or conservation. Such mechanisms may include but shall not be limited to: dedication of development rights, conservation easements, homeowners' associations and restrictive covenants or other appropriate grants or restrictions approved by the Commission.

Section 810 Site Plan Review

The approval of site plans by the Charlotte Planning Commission shall be required for the approval of any use in any district, other than one and two-family dwellings on single lots. In reviewing site plans, the Planning Commission may impose appropriate conditions and safeguards with respect to only the adequacy of traffic access, circulation and parking, and landscaping and screening. The Planning Commission shall act to approve or disapprove any such site plan within 60 days after the day upon which it receives the proposed plan, and failure to so act within such period shall be deemed approval. The following data and other information shall be presented with an application for site plan approval:

1. Map or survey, showing all improvements to be placed thereon and showing in detail the proposed traffic access, circulation, parking, landscaping and screening.
2. Specifications of the materials and plantings to be used.
3. Period of time in which all site improvements will be completed.
4. Any other information or data that the Planning Commission shall reasonably require.

When site plan approval is required, the Planning Commission may require planting not to exceed in cost three per cent of the total development costs. The owner or developer shall provide a suitable performance bond or other form of security to guarantee the performance and completion of all planting required pursuant to this section, which bond or security shall also guarantee plantings for a period of five years. In determining the amount of planting to be required, the Planning Commission shall take into account:

1. Existing trees, shrubs, evergreens and other vegetation to be preserved on the site.
2. Visibility of incompatible or unsightly areas from roads and/or adjoining properties.

Section 820 Conditional Uses

A use designated as a conditional use in any district shall only be permitted by approval of the Board of Adjustment after public notice and public hearing, and the Board of Adjustment determines that the proposed conditional use complies with the specific dimensional and other standards applicable to it as set forth in these regulations, and that the proposed conditional use does not adversely affect:

1. The capacity of existing or planned community facilities.
2. The character of the area affected.
3. Traffic on roads and highways in the vicinity.
4. The Town's Municipal Development Plan and all by-laws then in effect.
5. The essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

In granting such conditional use, the Board of Adjustment may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the provisions and these regulations. The Board of Adjustment shall act to approve or disapprove any such requested conditional use within sixty (60) days after the date of the final public hearing held under this section, and failure to so act within such period shall be deemed approval.

Section 830 Signs and Outdoor Advertising

- 830.1 No outdoor advertising signs shall be permitted in any district except for purposes of identifying an on-premise recreational, commercial or manufacturing use in those districts where such uses are permitted, and in such case, the sign shall not exceed 20 square feet in area and may only be illuminated by a continuous nonflashing light. Such illumination, however, may not be provided by neon or similar sources furnishing inherent color. Only one sign for each recreational, commercial or manufacturing use shall be permitted.

- 830.2 One temporary sign, unlighted, and not exceeding four square feet in size, shall be permitted for the purpose of advertising premises for sale or rent.
- 830.3 Official business directional signs and sign plazas as defined in and erected pursuant to Chapter 21 of Title 10, Vermont Statutes Annotated, are permitted.
- 830.4 Notwithstanding any provisions herein to the contrary, one sign not exceeding four square feet in total area is permitted in any district to identify a home occupation.

Section 840 Parking

For every building erected, altered, extended or changed in use, there shall be provided offstreet parking spaces at least as set forth below:

- 840.1 Residential uses - two parking spaces for each unit.
- 840.2 Offices - one space for every 200 square feet of office space.
- 840.3 Commercial, business and unspecified uses - one parking space for every motor vehicle used in the business and one parking space for every 200 square feet of floor area.
- 840.4 Restaurant and drinking establishments - one parking space for every 150 square feet of floor space.
- 840.5 Manufacturing uses - one parking space for every motor vehicle used in the business and one parking space for every two employees.
- 840.6 The Planning Commission may require additional off street parking for any use as a condition to site plan approval if it finds the minimal parking requirements set forth in this section are not sufficient.

Section 850 Removal of Topsoil, Rock and Gravel

Commercial removal of topsoil, rock, sand, gravel or similar material may be permitted by the Zoning Board of Adjustment as a conditional use in any district provided it finds that the plan for removal as submitted by the applicant, shall not cause any hazard to health, property or property values. A performance bond shall be required to assure reclamation of the land upon completion of the excavation of materials and topsoiling, reseeding and reforestation will be a requirement. This section shall not be construed as permitting mining or quarrying operations. In granting permission, the Zoning Board of Adjustment may consider and impose conditions, relating to the following factors and such other factors as they shall deem relevant:

1. Depth of excavation, in proximity to roads or adjacent properties.
2. Slope created by removal.
3. Effect upon public health or safety.
4. Creation of a nuisance.
5. Effect upon the use of adjacent property by reason of noise, dust or vibration.
6. Effect upon traffic hazards or excessive congestion or physical damage on public ways.

Section 860 Design Control Districts

The establishment of design control districts is hereby authorized in accordance with 24 V.S.A. §4407(6) as presently enacted or from time to time hereinafter amended.

Section 870 Home Occupations

Nothing in these regulations shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character thereof, and which meets the following standards:

1. The home occupation shall be carried on by members of the family and no more than two non-family employees are permitted.
2. No exterior displays or signs shall be permitted.
3. No traffic shall be generated in greater volumes than would normally be expected in the neighborhood.
4. Parking shall be provided off street and shall not be located in front yards.
5. No exterior storage or materials shall be permitted.

Section 880 Nonconforming Uses

- 800.0 The following provisions shall apply to all buildings and uses existing on the effective date of these regulations which do not conform to the requirements set forth in these regulations and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these regulations.

880.2 Any nonconforming use of structures or land except those specified below, may be continued indefinitely, but:

1. Shall not be moved, enlarged, altered, extended, reconstructed, or restored, nor shall any external evidence of such use be increased by any means whatsoever.
2. Shall not be changed to another nonconforming use without approval by the Board of Adjustment, and then only to a use which, in the opinion of the Board is of the same or of a more restricted nature.
3. Shall not be re-established if such use has been discontinued for a period of six months, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.
4. Shall not be restored for other than a conforming use after damage from any cause, unless the nonconforming use is reinstated within one year of such damage; if the restoration of such building is not completed within one year, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged part of the building.

880.3 Nothing in this section shall be deemed to prevent normal maintenance and repair of a noncomplying building provided that such action does not increase the degree of noncompliance.

1. Is in harmony with the general character of the neighborhood.
2. Will not cause any unsanitary conditions, and the proposed sewage disposal system is in compliance with all state and municipal regulations and standards.
3. Will not cause any unsafe traffic conditions on roads in the vicinity.

Section 890 Miscellaneous Provisions

890.1 Required Frontage and Approved Access

No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right of way at least 20 feet in width.

890.2 Existing Small Lots

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than 1/8th acre in area with a minimum width or depth dimension of 40 feet.

890.3 Principal Structure

There shall be only one principal building or structure on a lot.

890.4 Reduction of Lot Size

No lot shall be so reduced in area that the area, yards, lot width, frontage, coverage, or other requirements of these regulations shall be smaller than herein prescribed for each district.

890.5 Height Limitations for Windmills and Other Structures.

Antenna structures shall be subject to the height limitations contained in these regulations, but antenna structures and windmills may exceed the maximum allowable height if approved by the Zoning Board of Adjustment as a conditional use in accordance with the provisions of 820 of these regulations.

ARTICLE IX: ADMINISTRATION AND ENFORCEMENT

Section 900 Applicability of Vermont Planning and Development Act

Administration and enforcement of these regulations, the effect of the adoption of these regulations, the appointment and powers of the administrative officer, the requirement for zoning permits, penalties and remedies, administration and finance, public notice, the appointment and powers of the Zoning Board of Adjustment, appeals and the granting of variances, and other related provisions of the Vermont Planning and Development Act shall be applicable to these regulations, as such provisions now provide or may hereinafter be amended.

Section 910 Zoning Permits

No land development may be commenced within the area affected by these regulations without a zoning permit being issued by

the administrative officer. No zoning permit may be issued by the administrative officer except in conformance with these regulations and the provisions of the Vermont Planning and Development Act.

Section 920 Certificates of Occupancy

- 920.1 New Buildings - No building hereafter erected shall be occupied or used, in whole or in part, for any purpose whatever, until a certificate of occupancy shall have been issued by the administrative officer, certifying that such building conforms to the approved plans and specifications and the requirements of these regulations.
- 920.2 Alterations of buildings - No building hereafter altered, which was vacant during the progress of the work of alteration, shall be occupied or used, in whole or in part, for any purpose whatever, until a certificate of occupancy shall have been issued by the administrative officer certifying that the work for which the permit was issued was completed in accordance with the approved plans and specifications and the requirements of these regulations.
- 920.3 Temporary Certificate of Occupancy - Upon request of the owner or his authorized representative, the administrative officer shall issue a temporary certificate of occupancy for part of a building, provided that such temporary occupancy or use would not in any way jeopardize life or property.

Section 930 Expiration of Approvals

A zoning permit shall expire one year from its date of issue. Variances, conditional uses and approvals for planned residential developments shall expire one year from the date of their approval by the Zoning Board of Adjustment or Planning Commission as the case may be.

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

ARTICLE X: DEFINITIONS

Section 1000 General

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

Section 1010 Specific Definitions

- 1010.1 Accessory - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
- 1010.2 Alterations - As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height.
- 1010.3 Building Height - Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.
- 1010.4 Dwelling, Single Family - A detached residential dwelling unit designed for and occupied by one family only.
- 1010.5 Dwelling, Two Family - A detached residential building containing two dwelling units designed for occupancy by not more than two families.
- 1010.6 Dwelling, Multiple Family - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- 1010.7 Family - An individual, or two or more persons related by blood, marriage, legal adoption, or those placed in the home for adoption, and foster children, or a group of not more than five persons who need not be related by blood or marriage, living together as a single housekeeping unit.
- 1010.8 Lot - A lot is a parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required.
- 1010.9 Lot Frontage - The boundary of a lot along a public street.
- 1010.10 Maximum Percentage of Lot Coverage - The percentage of the minimum lot size for that district which may be occupied by building and other structures.
- 1010.11 Planned Residential Development - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot

coverage or yard sizes to the standards set forth in these regulations. A Planned Residential Development shall also include any multi-family dwelling containing three or more units.

- 1010.12 Public Notice - Public notice shall be defined and regulated by 24 V.S.A. §4447, as the same now provides or may hereafter be amended.
- 1010.13 Setback - The distance between the nearest portion of a building on a lot and a street line, a property line or a roadway right-of-way.
- 1010.14 Structure - Any construction, erection, assemblage or other combination of materials upon the land, including in general swimming pools, tennis courts and utility sheds necessitating pilings, footings or a foundation attached to the land, or exceeding 225 square feet in floor area.
- 1010.15 Use - The specific purpose for which land or a building is designated, arranged, or intended; or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
- 1010.16 Yard - An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.
- 1010.17 Yard, Front - A yard on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building extended to the side lines of the lot.
- 1010.18 Yard, Rear - A yard on the same lot with a principal building between the rear line of the building and the rear line of the lot extending the full width of the lot.
- 1010.19 Yard, Side - A yard situated between the principal building and a side line and extending from the front yard to the rear yard. The distance between the principal building and the side line shall be measured from the building to the nearest point on the side line along a line parallel to the front lot line.

ARTICLE XI: IMPLEMENTATION

Section 1100 All zoning ordinance or interim zoning ordinances heretofore in effect in the Town of Charlotte shall be deemed repealed upon the effective date of the adoption of these regulations.

Section 1110 Severability

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

ARTICLE XII: FLOODPLAIN REGULATIONS

Section 1200 Authority and Purposes

1200.1 This Article is enacted pursuant to 24 V.S.A. §§4410 and 4412 to achieve the general purposes set forth in 10 V.S.A., Chapter 32, to promote the public health, safety and general welfare, to prevent increases in flooding caused by the uncontrolled development of lands in areas of special flood hazard, and to minimize losses due to floods by:

- a. Restricting or prohibiting land use and development that is dangerous to health, safety, or property in times of flood or which causes excessive increase in flood heights or velocities.
- b. Requiring that structures and uses vulnerable to flood, including public facilities that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- c. Protecting individuals from the acquisition of property that is unsuited for their intended purposes because of flood hazards.

1200.2 The provisions of this Article shall, to the extent of the geographic coverage set forth in Section 1200.3 below, supercede all inconsistent provisions previously set forth in these Zoning Regulations. However, this Article shall not be construed to permit any use or any land development which would not be permitted under the previously set forth terms of these Regulations and all land development must comply with the requirements of those regulations.

1200.3 This Article shall apply to all areas designated as "Areas of Special Flood Hazard" on the Charlotte Flood Insurance Rate Map dated September 3, 1980, and as amended from time to time.

1200.4 This Article does not imply that land outside the areas of special flood hazard or land uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of the Town of Charlotte or any town official or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1210 Administration

- 1210.1 The Zoning Administrative Officer shall determine the boundaries of any designated area of special flood hazard by scaling distances on the applicable Charlotte Flood Insurance Rate Map. On receipt of an application for a zoning permit, the Zoning Administrative Officer shall determine whether the proposed development is located within the area of special flood hazard. Appeals with respect to a boundary interpretation shall be made by filing a written notice with the Secretary of the Zoning Board of Adjustment within fifteen (15) days of the Zoning Administrative Officer's decision.
- 1210.2 The Zoning Administrative Officer shall maintain a record of the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement, as well as the elevation, in relation to mean sea level, to which such structures have been floodproofed.
- 1210.3 The Zoning Administrative Officer shall notify adjacent communities and the Vermont Department of Water Resources prior to approval of any alteration or relocation of a watercourse and shall submit copies of such notification to the Federal Flood Insurance Administrator.

Section 1220 Permitted and Conditional Uses

Permitted and conditional uses for those areas covered by this regulation shall be limited to those uses designated as permitted and conditional in the underlying zone as previously described in these Regulations. In addition to complying with those regulations, all permitted and conditional uses, within the area described in §1200.3, require floodplain approval pursuant to §§1240.1 through 1240.4.

Section 1230 Non-Conforming Uses and Non-Complying Structures

Structures and land uses which do not comply with the requirements of this regulation may be continued provided the conditions set forth in Section 880 are met. Said uses and structures may be altered, restored, repaired, replaced enlarged or changed only upon receipt of floodplain approval according to the procedures and conditions set forth in Sections 1240.1 through 1240.4 of this regulation and only if the criteria set forth in 24 V.S.A. §4412 (f) are met.

Section 1240 Floodplain Approval

1240.1 Any application under this regulation for floodplain approval shall include:

- a. The elevation in relation to mean sea level, of the lowest habitable floor, including basement, of all substantial improvements or new structures;
- b. Where floodproofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement has been floodproofed;
- c. Certification from a registered professional engineer or architect that the floodproofed structure meets the floodproofing criteria of Section 1240.4 of these regulations; and
- d. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

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

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

1240.2 In reviewing an application for floodplain approval, the Zoning Board of Adjustment shall:

- a. Obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source as criteria for new construction approval of all substantial improvements under this section, where base flood elevation is not already provided.
- b. Notify adjacent communities and the Vermont Department of Water Resources prior to approval of any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Insurance Administration.

- c. Transmit one copy of the information required by Section 1240.1 to the Vermont Department of Water Resources in accordance with 24 V.S.A. Section 4409 (c) (2) (A).
- d. Consider the evaluation of the Vermont Department of Water Resources and determine that the proposed use will conform to the development standards of Section 1240.3.
- e. In accordance with 24 V.S.A. §4409(c) (2) (A), not issue a permit for the development of any land in any area designated as a floodplain by the Vermont Department of Water Resources prior to the expiration of a period of thirty (30) days following the submission of a report to the Vermont Department of Water Resources under subparagraph (c) above.

1240.3 In reviewing an application for floodplain approval, the Zoning Board of Adjustment shall consider:

- a. The danger to life and property due to flooding or erosion damage.
- b. The danger that materials may be swept onto other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination, and unsanitary conditions under conditions of flooding.
- d. The susceptibility of the proposed development to flood damage and the effect of such damage on individual owners.
- e. The necessity to the project of a waterfront location.
- f. The availability to the applicant of alternative locations not subject to flooding.
- g. The safety of access by ordinary and emergency vehicles to the property in times of flood.
- h. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action expected at the site.

- i. The cost of providing governmental and public facilities during and after flooding.

1240.4 As a condition of approval, the Board of Adjustment shall specifically require that:

- a. All substantial improvement or new construction of any residential structure have the first floor and basement floor elevated to or above the base flood elevation, unless the Town is granted an exception by the Administrator for the allowance of basements flood-proofed below the base flood level.
- b. All substantial improvement or new construction of non-residential structures have the lowest floor, including basement, elevated to or above the base level elevation, or be floodproofed below the base flood level in accordance with subsection (c) of this section.
- c. The lowest floor, including basement and attendant utility and sanitary facilities of all substantial improvements or new construction below the base flood elevation be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- d. Structures be designed and anchored to resist flotation, collapse, or lateral movement. Construction methods shall minimize flood damages.
- e. The flood carrying capacity within any portion of an altered or relocated watercourse be maintained.
- f. All gas and electrical equipment, circuits and appliances be located and constructed to minimize or eliminate flood damage.
- g. All new and replacement water supply systems be designed so as to minimize or prevent the infiltration of flood waters into the systems.
- h. On-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.
- i. All necessary permits be obtained from those governmental agencies from which approval is required by federal or state law.

Section 1250 Variances

- 1250.1 Variances from the requirements of this regulation shall be granted by the Zoning Board of Adjustment only in accordance with the provisions of 24 V.S.A. §4468 and upon a determination that during the base flood discharge, the variance will not result in increased flood levels in the designated regulatory floodway, threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 1250.2 The Board of Adjustment shall notify the applicant that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance commensurate with the resulting increase in risk up to amounts as high as \$25.00 for \$100.00 of insurance coverage and will result in increased risks to life and property.
- 1250.3 The Board of Adjustment shall maintain a record of all variance actions, including justification for their issuance and report such variances issued to the Federal Insurance Administrator upon request.

Section 1260 Definitions

Definitions contained in the Vermont Planning and Development Act shall be applicable throughout this Article unless specifically defined below.

- 1260.1 Area of Special Flood Hazard - The land within the Charlotte floodplain which is subject to a one percent or greater chance of flooding in a given year. The area includes all "A" zone designations on the FIRM. It does not include zones "B" and "C".
- 1260.2 Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- 1260.3 FIRM - The official map of Charlotte, on which the Federal Insurance Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- 1260.4 Floodproofed or Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

1260.5 Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

