



# CHARLOTTE ZONING ORDINANCE

Adopted: June 20, 1966

Amended: March 7, 1967, August 25, 1969, March 3, 1970, March 2, 1971, March 6, 1973

## SECTION 1. PURPOSE

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

This Zoning Ordinance classifies and guides the uses of land, buildings and structures in the Town of Charlotte in accordance with the duly adopted comprehensive plan.

## SECTION 2. CLASSES OF DISTRICTS

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

- A. The RURAL-RESIDENTIAL district shall include all land within the Town of Charlotte, which is not included in the following use district classifications.
- B. The COMMERCIAL districts shall include all land on both sides of Route F5, beginning 500 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 along U.S. Route 7 on the west side only, beginning at the intersection of the north line of Route F5 and the west line of U.S. Route 7, and continuing northerly along Route 7 a distance of 1000 feet, to a depth of 500 feet from the street line; also land lying westerly of Industrial District No. 2, beginning 500 feet south of the street line of Route F5 and continuing south along the entire westerly boundary of Industrial District #2, to a depth in a westerly direction of 500 feet from the said westerly boundary of Industrial District No. 2.

Also, at Baptist Corners all land lying south of the former Hinesburg Road to a depth of 250 feet from the center line of said road, beginning at its intersection with Spear Street and continuing east approximately 1283 feet to its intersection with the present Hinesburg Road, thence continuing east along the southerly side of the latter road to a depth of 250 feet from its center line, a distance of approximately 1217 feet to a culvert beneath said road.

C. The INDUSTRIAL districts shall include:

1. All land on the west side of the Vermont Railway Corporation tracks for a distance of 1000 feet from the center line of the tracks and extending from Route F5 southwardly for a distance of one-half mile.
2. All land on the west side of U.S. Route 7 beginning 500 feet south of the street line of Route F5 and continuing south to a point in a hedgerow marked by Green Mountain Power Corp. utility pole No. 14, which point is approximately 2523 feet from the center line of Route F5, to a depth of 500 feet from the street line of U.S. Route 7.

### SECTION 3. PERMITTED USES

A. The following uses shall be permitted in the Rural-Residential District:

1. Residential uses permitted:
  - a. Single family dwelling.
  - b. Multi-family dwelling.
  - c. Mobile homes meeting requirements as defined in Sections 6 and 7.
  - d. Accessory uses customarily incidental to the permitted use. Such uses shall include building for the housing of automobiles, equipment, supplies, pets or animals.
  - e. Customary home industry or home occupation carried on exclusively by a resident of the premises, entirely within a building, employing not more than three people not living on the premises, provided such use is secondary to the use of the premises for dwelling purposes, provided such use does not create a nuisance, odor or noise off the premises, and provided that no material is stored outside a building.
  - f. Signs advertising the premises for sale. One sign is permitted, unlighted, not to exceed four feet square in size.
2. Group Service uses permitted:
  - a. Church, parish house or other religious use.
  - b. School, college, library, museum or similar institution operated by a governmental unit or private organization.
  - c. Community center, hall, lodge, club, park or playground operated by a governmental unit or non-profit organization.
  - d. Accessory uses customarily incidental to the permitted use. Such uses shall include buildings for housing automobiles, equipment and supplies.
3. Agricultural uses permitted:

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

4. Special exception uses:

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

- a. Ski area, marina, beach, skating rink, bowling alley and similar cultural or recreational activities except as specifically cited or regulated by the provisions of Sections 4 and 6, and accessory uses and buildings customarily incidental to such use.
- b. Professional or personal office, or studio, and accessory uses and buildings customarily incidental to such use.
- c. Motel, hotel, motor inn, tourist home or similar establishment letting rooms and which may also serve meals.
- d. Outdoor signs as reasonably necessary to assist the public in locating and identifying a place of business in the Town of Charlotte.

B. Commercial Districts:

1. In the Commercial Districts there shall be permitted stores and offices devoted to retail and wholesale sale of goods and rendition of services including banking, utility, indoor amusement, food services and any special exception uses permitted in the Rural-Residential District.
2. As special exception in the Commercial District, auto sales and service and repair establishments and filling stations shall be authorized when not injurious or obnoxious to nearby properties.
3. Signs advertising the premises for sale. One sign is permitted, unlighted, not to exceed four feet square in size.

C. Industrial Districts:

1. There shall be permitted in Industrial District No. 2 any use permitted in a Commercial District (including special exception uses of a Commercial District when approved as such).
2. There shall be permitted in Industrial Districts No. 1 and No. 2 use for wholesaling, warehousing, storage, testing, processing, and manufacturing, providing any such use shall not, in the opinion of the Board of Adjustment, cause any hazard to health, property or property values through fire, traffic or unsanitary conditions, or through excessive noise, vibration, odor or other nuisances and provided also that the Board shall approve the proposed architecture and landscaping as being in harmony with the general character of the neighborhood.
3. Signs advertising the premises for sale. One sign is permitted, unlighted, not to exceed four feet square in size.

### SECTION 4. USES PROHIBITED IN ALL DISTRICTS

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

- A. Dumping or storage of trash, garbage, automobile junk or any refuse, except such activity carried on at a place as may be provided by the Board of Selectmen. However, indi-

vidual property owners shall be permitted to dispose of refuse as a part of normal operation of their property and in a manner not injurious or obnoxious to the neighborhood.

- B. Bulk petroleum or petroleum products stored in tanks above ground, except in Industrial District Number 1 where such use is permitted, and except for use on the premises and not exceeding 1000-gallon total capacity.
- C. Privately-owned amusement parks or commercial amusements out of doors.
- D. Storage outside a building and on the same lot of more than five used or second-hand motor vehicles in operating condition held for resale unless in connection with a business primarily devoted to the sale of new motor vehicles on the same premises.

## SECTION 5. OUTDOOR ADVERTISING

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

- A. An outdoor sign shall not be larger than 15 square feet in area, excluding structural parts clearly designed and used solely for support of such signs. However, where the Board of Adjustment shall find it to be in the best interest of the Town, it may permit larger signs advertising local enterprises, subject to the Board's approval of the design and location not in conflict with State Regulations.
- B. An outdoor sign shall not be placed within 25 feet of a street line or within 150 feet of any intersection of streets unless affixed to a building and not extending beyond or above the same more than three feet.
- C. An outdoor sign shall be illuminated only by a continuous, non-flashing light. Further, in the Rural-Residential District, such illumination shall not be provided by neon or similar sources furnishing inherent color.

## SECTION 6. AREA REQUIREMENTS

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

- A. In Industrial District No. 1 and No. 2, for industrial uses, no lot shall be less than 5 acres in area and each lot shall have at least 500 feet frontage on a public street, or on a right-of-way approved by the Charlotte Planning Commission, except in Industrial District No. 1 where the minimum frontage for each lot may be reduced by action of the Board of Adjustment after public hearing, after public notice. Buildings shall be placed at least 100 feet from street lines and at least 150 feet from side and rear property lines and the total area of all building on a lot shall not exceed 15% of the lot area; for commercial uses, no lot shall be less than 1-1/2 acres in area and each lot shall have at least 150 feet frontage on a public street, buildings shall be placed at least 50 feet from street lines and at least 50 feet from side and rear property lines and the total area of all buildings on a lot shall not exceed 20% of the lot area; a building for any use shall not exceed 35 feet in height.
- B. In commercial districts, no lot shall be less than 40,000 sq. ft. in area nor have less than 200 feet frontage on a public street, or on a right-of-way approved by the Charlotte Planning Commission, and buildings shall be at least 50 feet from street lines, 20 feet from side and rear property

lines, not over 35 feet in height, and the total area of all buildings on a lot shall not exceed 20% of the lot area.

- C. In the Rural-Residential Districts, for all uses, a lot shall be not less than one acre in area, except that in the case of a multi-family dwelling, each household unit added shall require an additional one-half acre, and shall have at least 150 feet frontage on a public street, or on a right of way approved by the Charlotte Planning Commission, and buildings shall be at least 50 feet from street lines, at least 25 feet from side and rear property lines and shall not exceed 35 feet in height. The height requirement will not apply for farm uses.

### D. Cluster Zoning Regulations.

Lot size requirements may be varied, for the purpose of making available open space for recreation and conservation, in accordance with the "Cluster Zoning Regulations" for single family and multi-family units, attached to this Ordinance as Appendix A and Appendix B.

### E. Existing Small Lots.

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of the Charlotte Zoning Ordinance (June 20, 1966) 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 forty feet.

## SECTION 7. MOBILE HOMES

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

In all cases, at the time a permit is issued for such use, there shall be filed in the Charlotte Town Clerk's office a description of the location of such mobile home use and the conditions attached to such use.

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

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

## SECTION 9. PARKING FACILITIES

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

- A. Each family dwelling unit or mobile home shall be provided with at least one parking space of at least 200 square feet.
- B. Group Service uses shall be provided with at least 200 square feet of parking space for every four persons to be accommodated on the premises.

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

## SECTION 10. NON-CONFORMING USES

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

- A. A non-conforming use may be changed to another non-conforming use only upon approval by the Board of Adjustment which shall find that such use is no more objectionable in character than the old use.
- B. A non-conforming building or lot may be extended or expanded, including construction of new non-conforming buildings thereon for the same non-conforming use, only upon approval by the Board of Adjustment which shall find that (1) such extension or expansion does not create a greater nuisance or detriment; (2) the use is in conformity with such pertinent requirements and regulations governing that particular use as are contained in Section 6.
- C. No non-conforming use of building or lot which has been discontinued for a continuous period of one year shall be thereafter resumed.
- D. A non-conforming use, damage or destroyed by fire, accident, or other causes, may be repaired or reconstructed to its condition prior to such damage or destruction, provided such work is undertaken and completed within two years after damage or destruction.
- E. A non-conforming use may not be created within or from a previously conforming use or by any other means.

## SECTION 10A. SITE PLAN APPROVAL

The approval of site plans by the Charlotte Planning Commission shall be required for the approval of any subdivision, and any use in any commercial or industrial district. In reviewing site plans, the Planning Commission may impose appropriate conditions and safeguards with respect only to 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 sixty days after the date 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.

## SECTION 11. ADMINISTRATION & ENFORCEMENT

### A. Administrative Officer.

The provisions of this Ordinance shall be enforced and administered by the Administrative Officer appointed as prescribed in Chapter 24 of Title 91, Vermont Statutes Annotated. The Administrative Officer shall issue permits for new or changed land use and construction where such is in conformance with the provisions of this Ordinance or where such has been authorized by the Charlotte Board of Adjustment. Construction or development for which a permit is issued must be substantially completed within eighteen months of the date of issue. No land development may be commenced without a permit therefor except that no permit shall be required for construction of a new structure or addition to an existing structure not intended for human habitation provided the new structure or addition does not cover or enclose an area greater than 150 square feet and provided that the set-back requirements and proposed use have been reviewed by the Administrative Officer and found to be in conformance with the intent of this Ordinance.

### B. Violations.

Enforcement of this Ordinance, penalties and remedies, and other related provisions shall be as set forth in Chapter 91 of Title 24, Vermont Statutes Annotated.

## SECTION 12. BOARD OF ADJUSTMENT

The members of the Board of Adjustment shall be appointed in accordance with the provisions of the Vermont Planning and Development Act, and said Board shall have the powers and duties set forth in said Act.

An interested person may appeal any decision or act taken, or any failure to act, under this Ordinance pursuant to the procedures set forth in the Vermont Planning and Development Act, and requests for special exceptions and variances shall be governed by the applicable provisions of said Act or other applicable law.

## SECTION 13. AMENDMENTS

This Ordinance, including the boundaries of the zoning districts, may be amended in accordance with the procedures set forth in the Vermont Planning and Development Act.

## SECTION 14. DEFINITIONS

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

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

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

**Construction.** A new structure or an addition to an existing structure that would change the external dimension.

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

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

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

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

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

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

**Street.** A thoroughfare, road, highway or public way open and available to public use. "Street" shall mean the entire width of the right-of-way. Right-of-way as used in Section 6 shall be not less than sixty (60) feet in width.

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

## SECTION 15. SEPARABILITY

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

## SECTION 16. EFFECTIVE DATE

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

## APPENDIX A

### TOWN OF CHARLOTTE CLUSTER ZONING REGULATIONS FOR SINGLE FAMILY DWELLING UNITS

In order to promote the health and general welfare of the community and to preserve and make available upon space for recreation and conservation, the planning and zoning commission may grant a developer the option to vary the lot size requirements in the areas zoned R-40 (1-acre lots), leaving a substantial area free of building lots. Any variation in density shall be subject to the following requirements.

- A. The minimum size of plot to be considered for variation as stated above shall be 25 acres.
- B. The maximum number of building lots shall not exceed the number permitted in an R-40 zone and shall be determined by subtracting 15% of the gross acreage of the tract (for streets) from the gross acreage of the tract, and dividing the remainder by the lot area specified for an R-40 zone. The gross area of the tract shall include only land that is not encumbered with easements or other restrictions that will prevent the full use of the area.
- C. The land area not allocated to building lots and streets shall be permanently reserved as open space. Such areas shall be in areas designated as open space or greenbelts on the Comprehensive Plan or, where the subdivider proposes open space in other areas, such proposals shall be subject to the approval of the planning commission.
- D. No proposed cluster subdivision shall be considered or approved unless the dwelling units in the proposed lots are to be serviced by public water supply, state approved community sewage disposal, or public sewage disposal. In cases where the proposed cluster subdivision is to be serviced by a public water supply system, and private sewage disposal, the developer shall submit proper percolation tests and other soil data in accord with applicable provisions of the subdivision regulations.
- E. In cluster subdivisions the lots shall satisfy the following requirements with regard to area, width, setback, etc.

Minimum Lot Area	28,000 sq. ft.
Minimum Lot Width	130 ft.
Maximum Lot Coverage	30%
Minimum Side Yard	16 feet
Minimum Both Side Yards	32 feet
Minimum Rear Yard	30 feet
Minimum Parking	2 spaces
Maximum Building Height	30 feet
Minimum Setback Required	40 feet

- F. The balance of the land not contained in building lots shall be in such condition, size and shape as to be readily useable for recreation or conservation. Such land shall be reserved by one of the following means:
  1. Deeded to the Town.
  2. Held in corporate ownership by the owners of the lots within the subdivision and such other nearby landowners who may wish to become members of the corporation. However, membership in said corporation shall be mandatory for all residents of the proposed subdivision. In the case of a corporate ownership, the developer shall include in the deed to the owners of the Building lots the membership stipulation and the beneficial right in the use of the open land.
  3. Held in ownership by the developer subject to a legal agreement with the Town regarding the developer's responsibility for maintenance of the balance of the land as noted above.
  4. Governed by a Special Tax District.
  5. A combination of the above.

## APPENDIX B

### TOWN OF CHARLOTTE CLUSTER ZONING REGULATIONS FOR MULTI-FAMILY STRUCTURES

Maximum Building Height 30 feet  
Minimum Setback Required 40 feet

Minimum horizontal distance between facing walls of a court and between buildings on a lot or on separate lots:

In order to promote the health and general welfare of the community and to preserve and make available open space for recreation and conservation, the planning and zoning commission may grant a developer the option to vary the lot size requirements in the areas zoned R-40 (1-acre lots), leaving a substantial area free of building lots. Any variation in density shall be subject to the following requirements:

- A. The minimum size of plot to be considered for variation as stated above shall be 25 acres.
- B. The maximum number of dwelling units shall not exceed the number permitted in an R-40 zone and shall be determined by subtracting 15% of the gross acreage of the tract (for streets) from the gross acreage of the tract, and dividing the remainder by the lot area specified for an R-40 zone. The gross area of the tract shall include only land that is not encumbered with easements or other restrictions that will prevent the full use of the area.
- C. The land area not allocated to building lots and streets shall be permanently reserved as open space. Such areas shall be in areas designated as open space or greenbelts on the Comprehensive Plan or, where the subdivider proposes open space in other areas, such proposals shall be subject to the approval of the planning commission.
- D. No proposed cluster subdivision shall be considered or approved unless the dwelling units in the proposed lots are to be serviced by public water supply and state approved community sewage disposal or public sewage disposal.
- E. In cluster subdivisions the lots shall satisfy the following requirements with regard to area, width, setback, etc.

Minimum Lot Area	25 acres
Maximum Lot Coverage	30%
Minimum Side Yard	16 feet
Minimum Both Side Yards	32 feet
Minimum Rear Yard	30 feet
Minimum Parking	2 spaces per dwelling unit

1. Where both facing walls contain a window or windows: such distance shall be no less than one and one-half feet for each foot of height of the higher facing wall above the lowest adjacent ground elevation.
  2. Where only one of the facing walls contains a window or windows: such distance shall be no less than one foot for each foot of height of the facing wall with no windows, above the lowest adjacent ground elevation.
  3. Where neither of the facing walls contains a window or windows: such distance shall be no less than twenty feet.
  4. Between corners of two buildings where no exterior wall of one building lies such that it can be intersected by a line drawn perpendicular to any exterior wall of the other building, other than such a line that results from colinear exterior walls: ten feet.
- F. The balance of the land not contained in building lots shall be in such condition, size and shape as to be readily useable for recreation or conservation. Such land shall be reserved by one of the following means:
1. Deeded to the Town.
  2. Held in corporate ownership by the owners of the lots within the subdivision and such other nearby landowners who may wish to become members of the corporation. However, membership in said corporation shall be mandatory for all residents of the proposed subdivision. In the case of a corporate ownership, the developer shall include in the deed to the owners of the building lots the membership stipulation and the beneficial right in the use of the open land.
  3. Held in ownership by the developer subject to a legal agreement with the Town regarding the developer's responsibility for maintenance of the balance of the land as noted above.
  4. Governed by a Special Tax District.
  5. A combination of the above.