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 & Service [see (F)(4) below]
5. Airstrip and Helipad (private)
6. Bed & Breakfast
7. Campground
8. Cannabis Cultivation—Indoor (as Adaptive Reuse only)
9. Cannabis—Manufacturing (as Adaptive Reuse only)
10. Cannabis—Testing (as Adaptive Reuse only)
11. Cemetery
12. Commercial Farm Stand [see (F)(4) below]
13. Community Care Facility
14. Composting (Commercial)
15. Contractor's Yard [see (F)(4) below & Section 4.6]
16. Cultural Facility
17. Day Care Facility [see Section 4.7]
18. Dwelling Elderly (Max: 10 units; only in a PRD)
19. Dwelling/Multi-family (Max: 4 units; only in a PRD)
20. Extraction of Earth Resources
21. Garden Center [see (F)(4) below]
22. Golf Couse [see Section 4.10]
23. Home Occupation III [see Section 4.11]
24. Kennel [see (F)(4) below]
25. Municipal Facility [see (F)(1); Section 4.15]
26. Outdoor Market [see (F)(4) below]
27. Place of Worship [see Section 4.15]
28. Recreation/Outdoor
29. School
30. Snack Bar [see (F)(4) below]
31. Telecommunications Facility [see Section 4.16]
32. Transfer Station/Recycling Center [see Section 4.15]
33. Veterinary Clinic

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

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

Minimum Lot Area:	5 acres	Minimum Setback/Side:	50 feet
Minimum Density:		Minimum Setback/Rear:	50 feet
Residential:	5 acres/dwelling unit	Maximum Height (section 3.5):	35 feet
Non-Residential:	5 acres/principal use	Maximum Building Coverage:	20%
Minimum Frontage:	300 feet	Maximum Lot Coverage:	30%
Minimum Setback/Front:	50 feet (from ROW)	PRDs:	May be Required [see (F)(3)]
Route 7	100 feet (from ROW)	PUDs:	Not Allowed

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 Development Review Board, 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. [*see also 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 Development Review Board, 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 Development Review Board 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 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 Development Review Board shall review the request in accordance with Section 9.9 using standards within Section 3.2, subsections (C) and (D).

(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 Development Review Board due to

particular site, safety or road conditions.

(3) If a 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 Development Review Board 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 subject to conditional use and site plan review by the Development Review Board , 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 Development Review Board 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 Board 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 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.

h) Driveways constructed in the Flood Hazard Area District must also meet applicable requirements for that district (*see:* Table 2.10 and Section 5.6).

(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. Adding a 3rd or additional residences to an existing driveway or access road whose current addresses are on the main road will require property owners to apply via Selectboard and the Charlotte E-911 Coordinator to name that access road as a private road, in connection with the town's approval of a zoning permit for construction.

(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 Development Review Board 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 3.11, and indicated on the site plan and the subdivision plat if applicable. In addition:

(1) The Board 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 Board 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 Board 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 Board 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, and shall require Conditional Use approval under Chapter V if proposed or existing use is a conditional use in that district [see zoning district standards under Chapter II].

Section 3.4 Fences & Walls

(A) Fences and walls greater than six (6) feet in height require a zoning permit.

(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(12);

(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(14)]; and

(5) telecommunications facilities if locally permitted 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 Development Review Board 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) **Principle & 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), an Accessory On-Farm Business (AOFB) under Section 4.19, or an adaptive reuse under Section 4.3, a mixed use under Section 4.12, or with the approval of the Development Review Board, as part of a Planned Residential Development (PRD) or Planned Unit Development (PUD) 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 modified such that it cannot meet area, setback, frontage, lot and building coverage and other dimensional requirements for the district in which it is located, except as approved by the Development Review Board for a planned residential or planned unit development under Chapter VIII, or

for affordable housing (see Section 4.4).

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

b) 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.

c) Frontage requirements for lots served by private roads (rights-of-way serving three (3) (or more) lots shall be the same as frontage requirements for lots served by public roads, unless otherwise approved by the Development Review Board, such as for lots located at the road terminus and for planned residential or planned unit developments under Chapter VIII.

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

e) 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.

f) 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 Development Review Board 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, welfare, and adjoining properties.

Section 3.7 Nonconforming Lots (Existing Small Lots)

(A) In accordance with the Act [§4412(2)], any lot in individual ownership from surrounding properties, lawfully in existence as of the effective date of these regulations, which does not meet the minimum lot size 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.

(B) A nonconforming lot under common ownership with a contiguous lot may be separately conveyed if such lot is conveyed in its preexisting, nonconforming configuration.

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 Development Review Board in association with conditional use review under Section 5.4;

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

addressed in the application.

(A) Unless otherwise allowed by the Development Review Board, subdivisions shall not designate development on those areas that are characterized by periodic flooding (including designated special 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) The 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) Standards under Chapter II are required, unless waived or modified by the Development Review Board for planned residential or planned unit development (see Chapter VIII), or affordable housing (see Section 4.4).

(2) The Development Review Board 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, dog-legs; 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 Development Review Board may also may require the identification of specific building footprints if such information is needed to determine conformance with these regulations.

(F) Markers & Monuments. The Development Review Board 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:

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 impervious 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 (FH): 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.

Maintenance and Repair: 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. Includes interior construction or remodeling which does not affect the exterior appearance of a structure, or affect the water or septic requirements for the structure. (*see Sec. 9.2*)

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, recreation vehicles, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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.*)

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.*)

Outdoor Storage: The storage of any goods, commodities, merchandise, supplies, materials for processing or sale upon the premises, or the storage or parking of equipment, vehicles, boats, junk, waste, or debris for or associated with business purposes which is not contained within a structure comprising a roof, floor, and at least three (3) sides that are constructed of impervious material. (*See also*: *Accessory Structure, Contractor's Yard, Home Occupation.*)

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, chapels and parish halls (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.

Portable Storage Unit (PSU): Otherwise known as a Portable Storage Container or Shipping Container, a PSU is a container without a chassis, axles, or wheels that was manufactured for use in multi-modal transportation via ship, rail, or semi-trailer truck. Shipping containers may be utilized for business or residential use as on-site or off-site storage, or for other purposes, with an approved zoning permit per Sec. 4.17 (Temporary Structure or Use). A PSU may also be approved as a permanent accessory structure if granted a permit by the Zoning Administrator. (*See also: Accessory Structure*.)

Post Office: A facility operated by the United States Postal Service for the collection and distribution of mail, and associated mailing and delivery services.

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, and/or used for public purposes by a municipality, state or federal government, state-licensed school, community nonprofit, religious entity, health care provider, regulated utility or railroad. (See specific review standards at Section 4.15, and allowed locations listed in Table 4.2).

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

Right-of-Way (ROW): A designated strip of land or easement created by conveyance, reservation, dedication, prescription or condemnation, and intended for a roadway, trail, utility (e.g., water supply, septic, electrical transmission lines, pipelines, etc.), or for crossing a property for access to and from another parcel.

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 (3) 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. Self-storage facilities are prohibited in the Town of Charlotte.

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.

Shipping Container: See Portable Storage Unit (PSU).

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