

Table 2.6 – Shoreland District (SHR)

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

(B) Allowed By Right (No Permit Needed)

- 1. Agriculture [see Section 9.2]
- 2. Forestry [see Section 9.2]
- 3. Home Child Care serving 1-6 children [see 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/Seasonal
- 5. Dwelling/Single Family
- 6. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
- 7. Home Occupation II [see Section 4.11]

(D) Conditional Uses

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

* **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/Front:	50 feet (from ROW)
Minimum Density:	5 acres/dwelling unit or use	Minimum Setback/Side:	50 feet
Minimum Frontage/Road:	300 feet (along ROW)	Minimum Setback/Rear:	50 feet
Minimum Frontage/Shore:	300 feet (MHW*)	Maximum Building Coverage	5%
Maximum Height (section 3.5):	Lesser of 30 ft. or 2 stories	Maximum Lot Coverage	10%
Minimum Setback/Lakeshore:		PRDs:	May be Required [see (F)(10)]
Structures:	150 feet (MHW*)	PUDs:	Allowed [see (F)(10)]
Septic Systems:	50 feet (MHW*)		* MHW = Mean High Water level

(F) District Standards

- (1) See Section 3.15(G) **Lakeshore Buffers** for restrictions on cutting vegetation, dredging, draining, and filling.
- (2) Municipal facilities allowed within this district are limited to municipally owned and/or operated outdoor recreational facilities (parks, beaches, lake access, other outdoor facilities and associated accessory structures); and municipal water and wastewater treatment systems.
- (3) Public facilities allowed within this district (other than municipal facilities) are limited to publicly owned and/or operated outdoor recreational or environmental facilities (park, beach, outdoor recreation, boat and fishing access, wildlife management areas, and associated accessory structures); water safety and rescue facilities; and public or community water and wastewater treatment systems.
- (4) Temporary docks which are wooden or metal, used only for noncommercial purposes, are mounted on piles or floats, and removed at the end of each boating season do not require a zoning permit if the total (combined) length of all docks under single ownership does not exceed 50 feet (from the Mean High Water level), and the total (combined) area of all docks, including deck areas, does not exceed 500 sq. ft.
No concrete, masonry, earth or rock fill, sheet piling, bulkheading, cribwork, or similar construction may form any part of the dock. Other types of docks may be considered shoreline improvements.
- (5) Marinas and yacht clubs may be allowed only within town-designated Mooring Management Areas if and when mooring management plans have been adopted by the Selectboard. Due to the extent of existing development, fragile environmental conditions, and ferry facilities at McNeil Cove, no additional marinas, boat yards, or associated facilities shall be located at McNeil Cove.
- (6) Shoreline improvements are exempt from shoreline setback requirements, but shall be sited and designed to avoid wetlands, designated wildlife habitat, and other sensitive shoreline features; shall minimize surface runoff, channeling and soil erosion; and shall avoid adverse impacts and obstructions to adjoining shoreland areas.
- (7) Parking areas, with the exception of handicapped parking, shall be set back at least 150 feet from the shoreline, must be screened as viewed from the lake, and must not create unsafe traffic conditions in the area.
- (8) Fuel storage tanks, except as used in marina and ferry facilities, agricultural operations, or as required for residential or commercial heating and cooking, shall not exceed 20 gallons in volume.
- (9) For uses in this district subject to conditional use review under Section 5.4, the Development Review Board shall also find that:
 - (a) the proposed use will not cause unsafe or unsanitary conditions on land or on the water;
 - (b) the proposed use will not result in accelerated erosion, sedimentation or water pollution;
 - (c) the proposed use will not adversely impact wildlife habitat areas;
 - (d) the proposed use will not interfere with existing public lake access, or scenic views of the lake as designated in the town plan; and
 - (e) visual impacts, as viewed from the lake and from adjoining properties, are minimized.The Development Review Board may require for approval the submission of erosion control and/or shoreland management plan, prepared by a qualified professional, which identifies potential adverse environmental or visual impacts and associated mitigation measures. Such measures may be incorporated as a condition of approval.
- (10) Planned residential and planned unit developments are allowed within this district, and may be required by the Development Review Board in accordance with Section 8.2. PRD and PUD review and approval under Chapter VIII, however, shall not allow for any reduction in the minimum shoreland frontage required for this district, nor for any increase in the overall development density of a parcel within this district (e.g., through the application of density bonuses or transfers).
- (11) For the Cedar Beach Association parcel, there shall be a setback of 50 feet between structures.

Table 2.7 – Shoreland Seasonal Home Management District (SHM)

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

(B) Allowed By Right (No Permit Needed)

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

(C) Permitted Uses

- 1. Dwelling/Seasonal (pre-existing only)

(D) Conditional Uses

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

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

Minimum Lot Area:	NA [see (F)(1)]	Maximum Height (section 3.5):	Lesser of 30 feet or 2 stories
Minimum Frontage/Road:	Existing	Maximum Building Coverage:	7% [see (F)(7)]
Minimum Frontage/Shore:	Existing	Maximum Lot Coverage:	10%
Minimum Setback/Front:	50 feet (from ROW)	Subdivision:	Not Allowed
Minimum Setback/Side:	50 feet	PRDs	Not Allowed
Minimum Setback/Rear:	50 feet	PUDs	Not Allowed
Minimum Setback/Shore:	Existing (see (F)(8))		

(F) District Standards

- (1) For the purposes of these regulations, leaseholds shall be considered lots. No further subdivision of leaseholds, other than boundary adjustments that do not result in the creation of additional leaseholds, is allowed.
- (2) Accessory structures to allowed residential uses within this district are limited to one structure per leasehold (e.g., a utility shed) that does not exceed eight (8) feet in width, 12 feet in length, or 12 feet in height. Accessory dwellings of any type are specifically prohibited in this district.
- (3) Municipal facilities allowed within this district are limited to municipally owned and/or operated outdoor recreational facilities (parks, beaches, lake access, other outdoor facilities and associated accessory structures), and municipal water and wastewater systems.
- (4) In addition to the provisions of Section 3.15, existing native woody vegetation between the shoreline and a structure shall be preserved and maintained. No existing or proposed use or activity shall result in soil erosion or adversely impact designated wildlife habitat areas. All trees on leased lots are owned by the Town, and permission from the Tree Warden shall be required for cutting or pruning within this district. Dead or storm damaged trees shall not be cut unless they are determined by the Tree Warden to be a hazard to structures or to public safety.
- (5) Ordinary maintenance and repair of an existing structure which does not alter its footprint, height, appearance, or historic character does not require a zoning permit.
- (6) No construction activity other than routine maintenance shall occur within this district between July 1 and Labor Day.
- (7) The alteration or expansion of an existing principal structure may be approved by the Development Review Board subject to conditional use review under Section 5.4, provided that:

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

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

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

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

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

(G) District Design Review Standards

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

- (1) The size, scale, style, design and materials of any structural alteration, expansion or replacement are consistent and harmonious with existing structures, and with the overall historic and aesthetic character of the area.
- (2) Natural features should be identified.
- (3) Alterations or additions to an historic structure shall preserve the historic appearance of the structure and not alter the structure's historic integrity.
- (4) Alterations to existing structures and new structures within the district shall be compatible with the visual elements of surrounding historic structures and the overall historic and aesthetic character of the area.
- (5) The demolition of structures of historic significance shall be discouraged.

Interference: An undesirable effect caused by electromagnetic signals. FCC “Type 1” interference refers to interference regulated by the FCC and affecting other FCC licensees or other entities over which the FCC has jurisdiction. FCC “Type 2” interference refers to electromagnetic disturbances to business, institutional, medical, and home electronic equipment.

Junk: Any scrap or waste material which is collected, stored, kept, or handled for salvage, resale or conversion to another use.

Junk Yard: See Salvage Yard.

Kennel: Any premises on which two or more domestic pets (dogs, cats or ferrets), or wolf-hybrids four months of age or older are kept for any of the following commercial purposes: sale, boarding, training or breeding purposes. (*See also: Veterinary Clinic.*)

Lakeshore Frontage: The distance of a lot along the shoreline of Lake Champlain, measured along the mean high water mark (98 feet above mean sea level) from the intersection of one property boundary to the intersection of the other property boundary.

Land Development: Any of the following: (A) the division of a lot into two (2) or more lots; (B) the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure; (C) any mining, excavation or landfill involving more than 300 cubic yards of material; (D) any material change in the use of any building, structure, land or extension of use of land; or (E) installation of infrastructure or improvements including but not limited to roads, utilities, drainage, wastewater or water. Land Development excludes interior construction or remodeling which does not affect the exterior structure, or affect the water or septic requirements of the structure, or adding, eliminating, enlarging, or reducing the size of windows and doors. See also: Subdivision.

Light Industry: The use of land and/or a structure for the manufacture, processing, fabrication, testing and/or assembly of products, which also include associated research and development, warehousing and shipping activities, and which meets all applicable requirements of these regulations, including performance standards. The processing of agricultural products on the premises where they are grown shall not be deemed to be light industry or manufacturing. See also Home Occupation.

Loading Space: Space for bulk pickups and deliveries, scaled to delivery vehicles. Required off street loading space is not to be included as off-street parking space in computation of required off-street parking space (see Section 3.11).

Location: For purposes of regulating telecommunications facilities, references to site location shall be the exact longitude and latitude, to the nearest tenth of a second. Bearing or orientation should be referenced to true north.

Lot: (1) An identifiable and separate parcel of land legally in existence as of the effective date of these regulations which has sufficient area to meet the lot area requirements of these regulations; or (2) a portion of land in an approved subdivision as depicted on an approved plat that is separated from other portions of land by a property line. Where an existing public road right-of-way bisects an existing parcel, the right-of-way shall be considered a boundary dividing the parcel into two lots. The merger of any lot prior to the effective date of these regulations shall terminate its separate existence for the purpose of these regulations (see also Section 3.7 regarding Nonconforming Lots). (*See also: Contiguous Land, Lot Area, Lot of Record.*)

Lot Area (Lot Size): The total land area within the boundaries (lot lines) of a lot, exclusive of the area designated for any existing or proposed road rights-of-way.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting roads where the interior angle

the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Marina: (1) Any shoreline property used to provide access to public waters for the docking or mooring of five (5) or more boats, with or without services, and/or (2) a small-craft harbor complex that provides access to public waters, includes launching, docking and/or mooring facilities, and may include boat manufacturing, repair and storage services; boat sales, charters and rentals; the sale of marine supplies; and associated marine services such as fueling, pump-out, water taxi, charter, cruise, and towing services. (*See also: Boat Yard, Boat Sales, Service & Repairs, Ferry Facility, Mixed Use.*)

Mean High Water level: For Lake Champlain this is considered to be 98 feet above mean sea level.

Mean Sea Level (FH): The standard datum to which base flood elevations shown on the Flood Insurance Rate Map, lake elevations, and typical contour elevations, are referenced.

Mixed Use: A building or parcel containing two (2) or more principal uses which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.12). Also see Planned Unit Development.

Mobile Home: A prefabricated dwelling unit which: (1) is designed for continuous residential occupancy; (2) is designed to be moved on wheels, as a whole; (3) on arrival at the site, is complete and ready for occupancy except for incidental unpacking, assembly, utility connections, and placing on supports or a permanent foundation; and (4) contains the same water supply and wastewater disposal systems as immovable housing (see Section 3.4). (*See also Camper, Mobile Home Park.*)

Mobile Home Park: A parcel of land under single or common ownership or control which is designed to accommodate, three (3) or more mobile homes to be occupied for living purposes (see Sections 3.4, 4.13). (*See also: Mobile Home.*)

Mobile Home Sales: An establishment, including land and/or a building, for which the principal use is the sale of mobile homes. This may include customary accessory structures or uses, such as an office, an enclosed sales room, and a parking area.

Modification of an Existing Telecommunications Facility: Any change, or proposed change, in power input or output, number of antennas, change in antenna type(s) or model(s), repositioning of antenna(s), or change in number of channels per antenna above the maximum number approved under an existing permit.

Modification of an Existing Telecommunications Tower or Structure: Any change, or proposed change, in dimensions of an existing and permitted tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment.

Monitoring: For purposes of regulating telecommunications facilities, the measurement, by the use of instruments in the field, of non-ionizing radiation exposure at a site as a whole, or from telecommunications facilities, towers, antennas or repeaters.

Monitoring Protocol: For purposes of regulating and monitoring telecommunications facilities, the testing protocol, such as the Cobbs Protocol, or the FCC Regulations (Title 47, Part 1, Section 1.1307 referenced as IEEE C95.3 1991), or one substantially similar, including compliance determined in accordance with the National Council on Radiation Protection and Measurements, (Reports 86 and 119) which is to be used to monitor the emissions and determine exposure risk from existing and new telecommunications facilities.

Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted metal or a wooden pole with below-grade foundations.

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 protecting these features.

Sign: Any structure, display, device, material, object or representation which is designed or used to advertise, direct or call attention to any property, establishment, business, enterprise, profession, product, or service or other matter from any public right-of-way (see Section 3.14). This definition includes logos and other outdoor advertising displayed on walls, canopies, and exterior windows.

Silviculture: See Forestry.

Slope: An inclined surface, expressed as a percentage, to be calculated as the amount of vertical elevation gained (rise) over a horizontal distance (run): $(\text{vertical rise}/\text{horizontal run}) \times 100 = \% \text{ slope}$. A **steep slope** is a slope equal to or greater than 15%; a **very steep slope** is a slope equal to or greater than 25% (see Section 3.14).