
CHAPTER III. GENERAL REGULATIONS

Section 3.1 Repair of Damaged Structures; Demolition

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

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

Section 3.2 Road, Driveway and Pedestrian Access Requirements

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

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

- (a) Use of a substandard access shall be limited to lots without required frontage which were legally in existence as of the effective date of these regulations.
- (b) Development on a pre-existing, non-frontage lot with a substandard access shall be limited to one (1) dwelling unit or principal use.

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

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

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

- (1) No lot may be served by more than one (1) access (curb cut), except for:
 - (a) a lot for which it is determined, subject to subdivision, site plan, or conditional use review, that one or more additional accesses are necessary to ensure vehicular and pedestrian safety; or
 - (b) instances in which strict compliance with this standard, due to the presence of one or more physical constraints (e.g., streams, wetlands, steep slopes) would result in adverse

- environmental impacts or a less desirable site design and layout than would be otherwise possible.
- (2) For a parcel having frontage on two (2) roads (i.e., a corner or through lot), the access shall be located on the less traveled road, unless otherwise approved by the Commission or Board due to particular site, safety or road conditions.
 - (3) If property has frontage on Route 7 the following shall also apply:
 - (a) For purposes of access management, a “property” or parcel that borders Route 7 shall include one or more contiguous parcels under common ownership, any of which have a property line conterminous with the Route 7 right-of-way line. If any of the contiguous parcels under common ownership also have frontage on a secondary road that intersects Route 7, the entire property shall be considered to have access to both Route 7 and to the secondary road.
 - (b) A property having frontage on Route 7 and no frontage on a secondary road shall be allowed a maximum of one (1) access point onto Route 7. Where feasible, said access point shall be located and designed so as to provide access to the entire property, and shall meet all applicable standards of these regulations. No access shall be permitted where traffic conditions, topography, or any physical site limitation would prevent the construction of a safe access.
 - (c) A property having frontage on Route 7 and on a secondary road shall be required to locate all access points on the secondary road, except where the Planning Commission or Board of Adjustment determines that the topographical or traffic safety conditions make such location impracticable. Such access points shall be located and designed to provide access to the entire property, and shall meet all applicable standards of these regulations.
 - (4) New driveways and roads should be located to achieve appropriate sight distances, at least 125 feet (on center) from the intersection with a private road, and at least 225 feet (on center) from an intersection with a public road.
 - (5) The width of a proposed driveway, road or parking area shall not exceed the applicable state standard (B-71, A-76 as most recently amended) for the proposed use.
 - (6) Shared access is encouraged, and may be required for development subject to subdivision, site plan or conditional use review. During subdivision review, site plan review, or conditional use review an access may be eliminated, combined, or relocated to meet the requirements of these regulations.
 - (7) A new access in the Town of Charlotte intended to serve a use or development in another town that is not an allowed use in the zoning district in which the proposed access is located is prohibited. All other proposed accesses serving another town shall be considered a conditional use subject to conditional use review by the Board of Adjustment under Section 5.4 and site plan review by the Planning Commission under Section 5.5, and other reviews as applicable. In addition to meeting the requirements of Section 5.4 and Section 5.5, such access may be approved only:
 - (a) if no access to the proposed development is possible in the town in which the development is located; and
 - (b) the access meets all applicable requirements of these regulations.
- (D) **Roads and Driveways.** Driveways, which may serve up to two (2) lots, and private roads, which serve three (3) or more lots, must be designed and constructed to meet the standards as set forth in the Town of Charlotte’s “Road and Driveway Standards” as most recently amended.

- (1) **Acceptance.** Acceptance of private roads by the municipality is subject to the approval of the Charlotte Selectboard, pursuant to state law for the laying out of public rights-of-way. Construction of a road to town standards in no way ensures such acceptance.
- (2) **Design.** All roads, driveways and intersections shall be designed and constructed in accordance with the Town of Charlotte “Road and Driveway Standards” as most recently amended, and the following:
 - (a) In evaluating use of an access, the Planning Commission may consider the intended use of the property, safety, traffic, road and site conditions in granting, conditioning or denying access approval. Conditions imposed by the Commission may include, but are not limited to, agreements that the town shall not be required to provide school busing beyond the public right-of-way, and that the owner of the property shall have the responsibility to upgrade and maintain the right-of-way for access by emergency vehicles.
 - (b) Roads and driveways should logically relate to topography to minimize site disturbance, including the amount of cut and fill required, and to produce usable lots, reasonable grades and safe intersections in relation to the proposed use of the land to be served by such roads.
 - (c) Roads and driveways should be located to avoid fragmentation of and/or adverse impacts to areas of high public value listed in Table 7.1. Additionally, to the extent feasible, roads should follow existing linear features such as utility corridors, tree lines, hedgerows and fence lines.
 - (d) Techniques for the preservation of scenic views and cultural features should be employed for the construction and maintenance of roads, including but not limited to the selection of visually compatible materials, the preservation of existing features, and appropriate management of vegetation within the road corridor. The use of surfacing material that minimizes driveway visibility and enhances surface permeability is encouraged, and may be required by the Commission or Board for development subject to subdivision, site plan, or conditional use review. A crushed stone or gravel surface is recommended.
 - (e) Roads and driveways should be designed to enhance the connectivity of the road network, particularly within village areas.
 - (f) The arrangement of lots and road rights-of-way in a proposed subdivision should allow for the future extension of roads to serve adjoining parcels and allow for efficient traffic circulation, access management, and emergency vehicle access. Proposed road easements shall be shown on the plat, and may be required to extend to the subdivision and/or property boundary.
 - (g) Shared driveways are encouraged, and may be required for development subject to subdivision, site plan or conditional use review. The owner of each lot upon which the common or shared driveway crosses shall provide a deeded easement to the benefited landowner which shall be recorded in the town land records.
- (3) **Drainage.** Stormwater management shall be provided to manage stormwater runoff from all proposed roads and/or parking areas in accordance with Section 7.8 of these regulations.
- (4) **Maintenance.** The maintenance of all roads not designated as a Class I, II or III Town Highways or a State Highway shall be the responsibility of the applicant and subsequent owners. The applicant shall supply evidence and assurance that such roads will be adequately maintained either by the applicant, lot owners or an owners’ association via an acceptable legal mechanism. For

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

- (5) **Road Names & Signs.** Road names proposed by the applicant shall be approved by the Charlotte Selectboard in accordance with the Town of Charlotte's *Road Naming & Numbering Ordinance* currently in effect. Roads shall be identified by signs approved by the Selectboard.
 - (6) **Modification of Road & Driveway Standards.** In the case of unusual topographic conditions or other circumstances which would make strict adherence to these standards a substantial hardship, or result in a safety hazard, the Planning Commission may modify the application of one or more standards under this section, providing that the applicant demonstrates that the proposed road or driveway is accessible to emergency vehicles, does not pose a threat to motorists or pedestrians, will not result in unreasonable maintenance requirements for property owners, and is designed in a manner that is consistent with other applicable standards of these regulations.
- (E) **Parking Areas & Transit Stops.** Common or shared parking areas shall be designed in accordance with Section 3.12, and indicated on the site plan and the subdivision plat if applicable. In addition:
- (1) The Commission may require common or shared parking areas to serve multiple lots or uses in order to allow for reduced lot sizes and/or higher densities of development, to reduce access points onto public roads, and/or to reduce the total amount of impervious surface within a development.
 - (2) For major subdivisions that will be served by school buses or other public transit services, the Commission also may require pull-offs and/or turn-arounds, and/or the provision of one or more sheltered bus stops for use by residents of the subdivision.
- (F) **Trails.** Trails or walkways should be provided as needed to facilitate pedestrian access and circulation within the subdivision, or to connect to adjoining roads, recreation and pedestrian paths, or sidewalks serving the subdivision. Accordingly:
- (1) The Commission may encourage the applicant to provide unobstructed pedestrian easements at least 20 feet in width, which shall be shown on the plat.
 - (2) Within East Village, West Village and Commercial Districts, the Commission may encourage the installation of pedestrian paths or sidewalks along one or both sides of roads within the subdivision, or along public roads bordering the subdivision, or to connect to existing sidewalks on adjoining properties.
- (G) **Class IV Roads & Legal Trails.** The town, under state law and adopted town road policies, is not required to maintain designated Class IV roads or legal trails to provide year-round access to properties. The use of a Class IV road or legal trail for permanent vehicular access for non-recreational use of a property will be allowed only in accordance with the following:
- (1) Such use may be allowed only to minimize the number of curb cuts on a town or state road, or as otherwise deemed necessary to improve traffic safety.
 - (2) The upgrade and maintenance of the road as required for development and emergency vehicle access shall be the responsibility of the applicant and subsequent landowners. Selectboard approval is required prior to any undertaking any improvements to a Class IV road or legal trail.