

Draft Charlotte LURs and Plan Amendments – v2,– as approved 9.24.20 by the Planning Commission

Key to edits from existing regulations: [\(additions\)](#) ~~(deletions from existing)~~ *[comments/explanation]*

See *Guide to Proposed Charlotte LURs and Plan Amendments* for rationale/effects for each proposed amendment (Guide key #, in column 5 below)

Amendment A: East Charlotte Village Commercial District

Article, Section	Page # (s)	Section Title	Proposed amendment	Guide key #
Table 2.3	8-9	Village Commercial District	<p><u>West Charlotte Village Commercial District:</u> <i>[new header over current dimensional standards at top of 2.3.E]</i></p> <p><u>East Charlotte Village Commercial District:</u></p> <p><u>Minimum Lot Area:</u></p> <p>Residential 1 acres/dwelling unit</p> <p>Non residential 1 acre</p> <p>Minimum Density:</p> <p>Residential 1 acres/dwelling unit</p> <p>Non-residential No minimum density is required; such uses will be evaluated by coverage and other applicable requirements.</p>	A.1.
Sec. 3.16	37	Water & Wastewater System Requirements	(C) Extensions of a water or sewer line across a public road right-of-way shall be allowed only in the following circumstances: 1)... 3) <i>[unchanged]</i> <u>or 4) to allow water supply and wastewater systems to service properties in the East Charlotte Village Commercial District (VCM) from the East Charlotte Village (ECV) or Rural (RUR) District.</u>	A.2.
Sec. 7.7	94	Subdivision Standards: Sewage Disposal	A) 3) ... <u>To support a development project within the East Charlotte Village, a septic system may terminate within the Rural District.</u>	A.3.
Sec. 8.4	102	Planned Residential Developments [PRDs]; Sec. D Village Standards	In addition to the general standards set forth under subsection (B), PRDs within the East Charlotte Village District; West Charlotte Village District; <u>the East Charlotte and West Charlotte Village Commercial Districts;</u> and the Commercial/Light Industrial District shall be designed so that the layout and configuration of lots and the subsequent placement of buildings are consistent with the historic pattern and scale of development found within these villages, and with historic structures in the vicinity. ...	A.4.
Town Plan (Zoning map change)				
Map 11	--	Existing Land Use Map (current zoning districts) – Map 11 in the 2019 Town Plan	<i>[Minor expansion of EC Village Commercial (overlay district) boundaries – see Proposed zoning district changes for East Charlotte village vs. current zoning district map at:]</i> http://bit.do/Charlotte-current-zoning	A.5.

Amendment B: Accessory On-Farm Businesses

Article, Section	Page # (s)	Section Title	Proposed amendment	Guide key #
Table 2.5	12	Rural District – conditional use table	19. Farm Café [see Sec.4.19] [removed from LURs—see new 4.19, below]	B.1
3.6	27	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 Planning Commission, as part of a Planned Residential Development (PRD) or Planned Unit Development (PUD) under Chapter VIII. ... [remainder of section unchanged]	B.2.
3.12	32-33	Performance Standards	(A) The following performance standards must be met and maintained for uses in all districts, inclusive of Accessory On-Farm Businesses (AOFBs) , as measured at the property line. Forestry and agriculture are excluded from compliance with these performance standards. In determining compliance, the burden of proof shall fall on the applicant. The Town or a complainant shall be required to provide reasonable proof if challenging compliance after a permit has been issued, as well as when a permit is not required, when the Zoning Administrator receives a complaint stating that an AOFB is not in compliance with the standards listed below. The Planning Commission or Board of Adjustment may require periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in: ... [items 1) – 8) remain, unchanged] (9) For Accessory On-Site Farm Businesses, the following additional standards are required: a. where an AOFB will be providing retail sales to the public, a curb cut permit for the new use must be obtained from the Selectboard for a new curb cut access point, or the continued use of an existing curb cut access point. b. Parking for the AOFB is not permitted to negatively impact the traveled way of roads, or driveways utilized for access to adjacent properties. c. Emergency vehicle access must be provided at all times to allow police, fire and ambulance access to and from the AOFB, including sufficient vehicle maneuvering areas to accommodate such equipment.	B.3.
4.19	65	Farm Café [replace with new:] Accessory On-Farm Business (AOFB)	[strike entire section and header; replace with new:] Accessory On-Farm Businesses (AOFBs) are allowed as a subordinate operation to a farm (as defined or determined by State statute). AOFBs must conform to Performance Standards (see Section 3.12). In the event that a business claiming to be	B.4.

			an AOFB fails to meet the intended definition (e.g. it does not operate as an accessory to the “farm”, etc.), then the business will be required to conform with Home Occupation standards (see Section 4.11).	
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Amendment C: Technical Updates, Corrections and Policy Changes

Article, Section	Page # (s)	Section Title(s)	Proposed amendment	Guide key #
Tables 2.1, 2.2, 2.4 & 3.1	6-7, 10 & 32	<i>[Use tables for Rural district & commercial zoning districts & off-street minimum parking requirements table]</i>	<i>[delete footnotes specifying Gross and Net Floor Area and as unit of measurement for building square footage; also deleted these definitions from Article 10.]</i>	C.1.
3.3	26	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 use is a Conditional Use in that district [see zoning district standards under Chapter II].	C.2.
3.10	30	Outdoor Storage	<p>A. The outdoor storage of any commodities, merchandise, supplies, materials for processing or sale upon the premises, equipment, vehicles, or boats not enclosed within a building may be allowed, subject to screening and other mitigation measures, including: Performance Standards (Section 3.2), a Contractor’s Yard (Section 4.6), Extraction or Placement of Earth Resources (Section 4.8), Home Occupation standards (Section 4.11), Site Plan Review (Section 5.5), specific zoning district standards covered in Chapter II, and other relevant regulations.</p> <p><i>B. [unchanged except for division into sections]</i></p> <p>C. In accord with state statute (e.g. 10 V.S.A. § 6605k), individual property owners may dispose of organic solid waste generated by the household as part of the normal operation of their property and in a manner not injurious or obnoxious to the neighborhood or the natural environment.</p>	C.3.
4.3	40-41	Adaptive Reuse of an Existing Structure	<p>... <i>[Sections A thru F unchanged]</i></p> <p>(G) Conditional Use Review Standards. ...</p> <p>(1) A structure intended for adaptive reuse which is accessory to a principle structure shall be retained in common ownership with that principle structure. However the proposed business may be separately owned by a person other than the property owner.</p> <p>... <i>[remainder of section unchanged]</i></p>	C.4.

4.5	45	Camper	A camper trailer may be stored on a lot. Camper trailers may not be occupied for dwelling purposes for more than a cumulative time period of four (4) months during a calendar year 12-month period <i>[remainder of section unchanged]</i>	C.5.
4.8	46-47	Extraction of Earth Resources [new: Extraction or Placement of Earth Resources]	(A) The import, infill, placement , extraction, or removal of more than 300 cubic yards per year of topsoil, rock, sand, and gravel for sale or use off-site may be allowed in designated zoning districts subject to conditional use review under Section 5.4, site plan review under Section 5.5, and the following requirements. Extraction shall be limited to 5,000 cubic yards per year. ... <i>[remainder of section unchanged]</i>	C.6.
4.17	64	Temporary Structure or Use	A temporary structure used for office or storage space (e.g., trailer, mobile home, portable storage unit, outdoor storage area structure, etc.), or for special events may be allowed as a temporary accessory structure to a permitted use. Such a structure shall comply with all set back standards and other dimensional standards for the district in which it is located, and shall not be used for dwelling purposes unless specifically approved under Section 4.2. ... <i>[remainder of section unchanged]</i>	C.7.
6.1	79	Subdivision Review, Applicability	(C) Classification of Subdivisions (see Sketch Plan Review). For the purposes of these regulations, subdivisions shall be classified by the Planning Commission in accordance with the following: ... (2) Major Subdivision , which shall include any residential subdivision, or re-subdivision of land resulting in the creation of four (4) or more lots within any 10 year period, regardless of any change in ownership; and any nonresidential subdivision or PUD... All major subdivisions should be classified and reviewed as PRDs (see Section 8.2(B)) ... <i>[remainder of section unchanged]</i>	C.8.
Table 7.1	89	Subdivision Review Standards	Areas of high public value include land characterized by: ... • Special natural areas (listed in the Charlotte Town Plan – Chapter 2), • Wildlife habitat (as identified in <i>Charlotte Town Plan</i> or as field delineated), • Forest Habitat • Persistent Shrubland Habitat • Aquatic Habitat • Linkage Habitat and Connecting Corridors • Water supply and ground water recharge areas • Source Protection Areas (SPAs) ... <i>[remainder of section unchanged]</i>	C.9.
7.3	91-92	Subdivision Review: District Standards	(A) Rural, Shoreland & Conservation Districts.	C.10.

			<p>Within the Rural, Shoreland and Conservation Districts, all subdivisions and associated site development shall be designed and reviewed according to the following standards:</p> <p>...</p> <p>(5) Clustering of development, including the creation of lots with an area less than the minimum lot size for the district, <u>shall be</u> off-set with the dedication of open space...</p> <p>... <i>[remainder of section unchanged]</i></p>	
9.2	108-109	Exemptions <i>(from need for a zoning permit)</i>	<p>(A) Except as regulated by the Flood Hazard Area Overlay District, the following uses and structures are exempt from these regulations. No zoning permit or approval shall be required for:</p> <p>...</p> <p>(2) <u>ADA standard</u> ramps and walkways that do not obstruct public rights-of-way or pedestrian traffic.</p> <p>...</p> <p>(10) <u>Required Agricultural Practices (RAPs) and Best Management Practices (BMPs)</u>, including farm structures, as defined by the Secretary of the <u>Agency of Agriculture, Food and Markets</u> in accordance with the Act [§4413(d)]. ... <i>[remainder of section unchanged]</i></p>	C.11.
9.5	112	Certificates of Occupancy or Compliance	<p>...</p> <p>(B) Certificate of Compliance. In accordance with Sections <u>5.5 and 6.5</u>, after the effective date of these regulations, the Planning Commission <u>shall</u> require, as a condition of subdivision approval, that a certificate of compliance be obtained to ensure that public and private improvements have been installed in accordance with the conditions of approval.</p>	C.12.
10.2	121-144	Definitions	<p>Added definitions for: <i>Accessory On-Farm Businesses, Highway Access Permit, Highway Right-of-Way, Impervious Surface, Outdoor Storage, Portable Storage Unit, Required Agricultural Practices, Shipping Container, Variance. Technical corrections to: Accessory Structures, Certificates of Compliance, Dwelling/Accessory, Land Development, Lot Coverage, Retail Store, Storage Facility, Waste Management Facility. Deleted: Accepted Agricultural Practices; Floor Area, Gross; Floor Area, Net. [See Table D, below for text.]</i></p>	C.13.

Table D: Amended Definitions

Page #	Definition:	Proposed amendment:
121	Accepted Agricultural Practices (AAPs)	<i>[deleted except for:]</i> <u>See Required Agricultural Practices (RAPs); Agriculture.</u>
121	<u>Accessory On-Farm Business (AOFB):</u> <i>[new/added]</i>	<u>A business activity operated as accessory to an existing farm use, per state statute definitions at 24 V.S.A. 4412(11). AOFBs must conform to Performance Standards (see Section 3.12).</u>
121	Accessory Structure	A structure on a lot which is clearly and customarily related to the principal structure or use on that lot. For residential uses these include, but may not be limited to garages, garden and tool

		sheds, children’s playhouses, boat houses for the storage of three (3) or fewer boats, portable storage units , outdoor storage area structures , and permanent swimming pools. See Section 4.18 , and Section 3.5(B) pertaining to height requirements. <i>See also: Accessory Use, Dwelling/Accessory, Outdoor Storage, Portable Storage Unit.</i>
121	Accessory Use	A use on a lot which is customarily related and subordinate to the principle use of that lot. See also Accessory Dwelling Dwelling/Accessory .
125	Certificate of Compliance (CC or CoC) <i>[new/added]</i>	Often requested by finance or bonding agencies, a Certificate of Compliance is an official verification by the Zoning Administrator that a property complies with all of the Town's Land Use regulations and conditions of approval, and has no outstanding violations. A CoC may require a site inspection.
125	Certificate of Occupancy (CO or COO) <i>[new/added]</i>	A Certificate of Occupancy may be required by a zoning permit as the official verification by the Zoning Administrator that the structure abides by the submitted plans of the original permit approval, and is therefore suitable for Occupancy.
125	Commercial Farm Stand	A booth, stand, or other structure greater than 400 square feet from which agricultural products not principally produced on the premises are sold to the general public. Such facilities may, but are not required to, be located on an active agricultural operation. This definition specifically does not include farm stands located on an active agricultural operation from which agricultural products principally produced on the premises are sold to the general public as part of the agricultural operation; these are included under the definition of Required Agricultural Practices (RAPs) . <i>See also: Agriculture, Agricultural On-Farm Businesses, Farm Structure, Outdoor Market.</i>
127	Dwelling/Accessory:	A secondary dwelling unit established in conjunction with and clearly subordinate to a single-family dwelling, which has facilities and provisions for independent living, including sleeping, food preparation, and sanitation which is retained in common ownership. Accessory dwellings may be contained within or attached to a single-family dwelling or may be within a stand-alone accessory structure. (see Section 4.2).
129	Farm Café	<i>[deleted; replaced by Accessory On-Farm Business]</i>
130	Floor Area, Gross; Floor Area, Net	<i>[deleted; see first entry in Amendment C table]</i>
131	Highway Access Permit <i>[new/added]</i>	A permit that is required for all driveways, entrances, curb-cuts, and approaches (i.e. access points) within the right-of-way of a Town highway. No such construction may take place until the Town has issued a permit, which must be approved by the Selectboard. An existing farm road access may not be re-purposed for residential or any commercial use until the Selectboard has approved that access. For more information, see Sec. 3.2(B) and town ordinance "Policy and Procedure for Highway Access Permit".
132	Impervious Surface <i>[new/added]</i>	A surface that either prevents or impedes the natural infiltration of water into the soil, or which causes water to run off the surface in increased quantities or a rate of flow than would occur under natural conditions. Common impervious surfaces include, but are not limited to: rooftops; roads, driveways, and parking lots; sidewalks and walkways; patios; porches and decks; or other

		similar hard-surfaces whether constructed of concrete, asphalt, stone, brick, gravel, macadam, or compacted earthen materials.
132	Land Development	... Land Development does not include interior construction or remodeling which does not affect the exterior appearance of a structure (except for adding, enlarging, or reducing the size of new windows and doors) , or affect the water or septic requirements of the structure. <i>See also:</i> Subdivision.
133	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 impermeable impervious surfaces which prevent the infiltration of storm water.
136	Outdoor Storage <i>[new/added]</i>	The storage of any goods, commodities, merchandise, supplies, materials for processing or sale upon the premises, equipment, vehicles, boats, junk, waste, or debris, which is not contained within a structure comprising a roof, floor, and at least three (3) sides that are constructed of impervious material. <i>See also:</i> Accessory Structure, Contractor’s Yard, Home Occupation.
137	Portable Storage Unit (PSU) <i>[new/added]</i>	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. <i>See also:</i> Accessory Structure.
138	Required Agricultural Practices (RAPs) <i>[new/added]</i>	Required practices for agriculture are the management standards defined by the State by which farms are required to reduce their impact upon water quality. RAPs establish nutrient, manure, and waste storage standards, make recommendations for soil health and establish requirements for vegetated buffer zones and livestock exclusion from surface water. In addition, the RAPs establish standards for nutrient management planning and soil conservation. RAPs also apply to farm structures other than dwellings, as currently defined by the Secretary of the Vermont Agency of Agriculture, Food and Markets (see exemptions under Section 9.2). <i>See also:</i> Agriculture, Farm Structure.
138-139	Retail Store	Premises where goods or merchandise are offered for retail sale to the general public ... <i>See also:</i> Agricultural Sales & Service, Accessory On-Farm Businesses (AOFB) , Boat Sales & Service, Commercial Farm Stand, Gasoline Station, Mobile Home Sales, Motor Vehicle Sales & Service, Personal Service, and Restaurant.
139	Right-of-Way (ROW) <i>[new/added]</i>	A designated land easement 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.
139	Shipping Container <i>[new/added]</i>	See Portable Storage Unit (PSU)
139	Self Storage Facility	A multi-unit storage facility that provides separate storage spaces for rent. Self storage facilities are not an allowed use in the Town of Charlotte. <i>See also:</i> Storage Facility.

141	Storage Facility	A building for storing goods as an accessory to a business . Self-storage facilities are prohibited in the Town of Charlotte. See also: Outdoor Storage, Portable Storage Unit (PSU) , Adaptive Reuse (see definition above and Section 4.3) , Warehouse.
143	Use	The specific purpose for which a parcel of land or structure is designated, designed or intended, or for which it may be used and maintained. See also: Change of Use (Section 3.3) , Accessory Use, Structure.
143	Variance <i>[new/added]</i>	A variance may be granted by the Zoning Board of Adjustment to allow the construction or alteration of a structure (or development) in a way that does not comply with the strict application of a zoning requirement, but which does conform with the requirements of 24 VSA 4469. See Section 9.7.
143	Waste Management Facility	A public facility licensed or certified by the state of Vermont for the collection, storage, transfer, shipment or disposal of solid or hazardous waste materials (see Section 4.15). See also: Outdoor Storage , Public Facility, Salvage Yard, Transfer Station/Recycling Center.