

Planning Commission Reporting Form for Municipal Bylaw Amendments

Approved for distribution by the Planning Commission on February 26, 2017
Following a Public Hearing held on February 16, 2017

This report is intended to be in accordance with 24 V.S.A. §4441 (c), which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide (:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under section §4444 of this title,

The petition seeks to amend the Charlotte Land Use Regulations (LUR) to permit any existing “**Event Facility**” as an “**Allowed by Right**” use within the existing West Charlotte Village (WCV) zoning district.

The petition outlines the following additions and amendments to the “Land Use Regulations for the Town of Charlotte, Vermont”, which include:

Chapter 10, Section 10.2 – Definitions.

Add – “Event Facility: Any lot or structure where events take place on a regular basis involving the gathering of individuals assembled for the common purpose of attending an event. Such events or gatherings may include community or civic events; or celebrations or ceremonies (such as weddings, funerals, receptions, parties, etc.); or entertainment performances (such as concerts, plays, etc.); or private or public functions (whether held by profit or not for profit or governmental entities); or banquets or food and drink service, including alcoholic drinks; or similar activities to the foregoing. The events may occur entirely within a structure, outside of a structure on the lot, or both inside and outside of the structure and on the lot. The facility owner operator may or may not charge fees for the use of the facility and the services provided at the facility.”

Table 2.1 (B) Allowed By Right (No permit needed)

Add – “6. Event Facility in existence and operating as of January 1, 2016.”

Section 3.12 Performance Standards

Amend - (1) noise in excess of 70 decibels (DbA), or which otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or within the Commercial/Light Industrial District, noise in excess of 75 decibels (DbA); **With -** “or within the West Charlotte Village District (WCV), noise in excess of 65 decibels by any Event Facility in existence and operating as of January 1, 2016.”

Correction of Technical Deficiency:

Decibels (DbA) is corrected to be (dBA)

The Planning Commission feels that lowering the current performance standard of 70 decibels down to 65 decibels does not set a good precedent because any future application within the Town for such a use might inherit this constraint. Additionally, collateral activities upon the property (e.g. lawn mowing, snow removal, physical maintenance, or the unloading of a refrigeration truck, etc.) should be excluded within the performance standards.

Setting a specific standard for this one location is considered a technical deficiency. The Planning Commission is interested in determining an appropriate method to measure sound and are currently researching methods for this end that are pertinent to the development of new municipal ordinances.

(A)nd shall include findings regarding how the proposal:

Charlotte Planning Commission Comments:

The Planning Commission does not support “Allowed by Right” for this petition to amend the LUR.

The petition has the specific intent to define the “Old Lantern” facility as an “Event Facility”. The Planning Commission supports a grandfathered use of the facility with adherence to specific performance standards as a means to regulate the proposed use category of “Event Facility” within the LUR. Such standards would include but are not limited to; Number of Events per Year, Hours of Operation, and noise levels.

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

Planning Commission Comment: The proposed language does not address provision or impact on safe and affordable housing and is not applicable.

The “Old Lantern” exists as a pre-existing nonconforming use within the West Charlotte Village District (WCV).

By granting “**Allowed By Right**” status, the current facility could significantly increase its capacity without ever having to submit for a permit (notwithstanding any constraints with respect to wastewater capacity). Normally, these items are vetted through the Conditional Use or Site Plan Review processes.

The Planning Commission finds that the Town should undertake regulation of such development under Site Plan Review (by the Planning Commission) and Conditional Use Review (by the Zoning Board of Adjustment).

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The Planning Commission finds the following sections address how such a facility might further the goals and policies of the Town Plan:

5.1 Future Pattern of Development

5.1.1 General Policies and Strategies

“1. Charlotte supports landowner’s rights to reasonable use of their property.
(Charlotte Town Plan adopted March 5, 2013, Page 96)

Planning Commission Comment: “Allowed by Right” is not a permitted use and is not under the purview of performance standards and therefore does not support a landowner’s reasonable use of their property.

5.1.2 Land Use Policies and Strategies

The Town recognizes that there are areas of the Town with unique characteristics and opportunities and that each area requires special provisions for guiding development.

**Village and Hamlet
Village and Hamlet Policies**

2. The West Charlotte and East Charlotte Villages will provide for housing, commercial services and public buildings and facilities. Projects directing additional growth into the existing village areas should balance the overall clustering goals of the Town Plan with the existing character, charm and livability in these areas (Charlotte Town Plan adopted March 5, 2013, Page 97).

Planning Commission Comment: “Allowed by Right” is not a permitted use and is not under the purview of performance standards and therefore does not support a landowner’s reasonable use of their property.

5.3.1 General Policies

3. Commercial development is encouraged in the West Charlotte and East Charlotte village areas, in accordance with other policies and strategies of the Town Plan.” (page 101.)

Planning Commission Comment: “Allowed by Right” does not require the development to comply with other policies and strategies of the Town Plan and could therefore be in direct conflict with these policies and strategies.

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

The Planning Commission finds that the language does not carry out any specific proposals for any planned community facilities.

Please Note:

- The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- At least **15** days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
 1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that abutting municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;
 3. the Department of Economic, Housing and Community Development within the Agency of Commerce and Community Development.

Plan and Bylaw Adoption Tools – Bylaw Amendment Reporting Form
September 2010 – Land Use Education and Training Collaborative

- The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality. If requested by the legislative body or supported by petition the planning commission shall promptly submit the amendment with changes only to correct technical deficiencies, together with any recommendations.
- Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.