

MEMORANDUM

To: Interested Parties
From: Larry Lewack, Town Planner, on behalf of Charlotte Planning Commission
Re: Proposed amendments to Charlotte's zoning regulations and Town Plan map
Date: September 15, 2020 (*revised & expanded 9.21.20*)

BACKGROUND:

On September 3, 2020, the Charlotte Planning Commission voted to warn a public hearing to present and solicit public feedback on several proposed amendments to Charlotte's Land Use Regulations, and a minor change to the Zoning District Map (part of the adopted Town Plan, thus a Plan Amendment). Staff was asked to prepare and distribute the text and detailed information about these proposed amendments, and a required report addressing conformance with the Town Plan. This memo and other materials were prepared in response to that decision.

PUBLIC HEARING WARNING:

The Charlotte Planning Commission will hold a public hearing online and via teleconference on October 1, 2020 at 7:00 p.m. on proposed amendments to the Charlotte Land Use Regulations and Town Plan. Drafts of these changes, the required report, and other supporting documents can be reviewed at the Town's website at: <http://bit.do/draft-LUR-updates>. The meeting agenda with call-in details can be found at: <http://bit.do/Charlotte-PC-agenda-Oct-1>. Comments may be made in writing to: Planning Office, Town of Charlotte, 159 Ferry Rd., Charlotte, VT 05445, or via email to: townplanner@townofcharlotte.com. (*notice required per 24 VSA § 4442*)

PROPOSED AMENDMENTS:

The Planning Commission has organized these proposed amendments into three sections, to support its upcoming decision process and their eventual consideration by the Selectboard, and then Charlotte voters at Town Meeting in March 2021. The sections address:

- (A) East Charlotte Village Commercial District
- (B) Accessory Farm Businesses
- (C) Technical Updates and Corrections

The attached *Draft Charlotte LURs and Plan Amendments* presents the full language of all amendments, as proposed. Language to be added to the Land Use Regulations is shown in [color with underscore](#). Language to be deleted is shown in **color** with strikethrough (~~strikethrough~~).

See attached *Guide to Proposed Charlotte LURs and Plan Amendments* for a non-technical summary of the purpose, rationale and effect of each proposed amendment. Also attached is a map illustrating the proposed zoning district changes to the East Charlotte Village Commercial District.

ZONING CHANGE REPORT:

Below appears two brief reports prepared in accordance with 24 V.S.A. §4441(c) and 24 V.S.A. §4384(c). These reports describes how the proposal "Conforms with or furthers the goals and policies contained in the municipal plan..." and "Is compatible with the proposed future land uses

and densities of the municipal plan.” It also addresses potential impacts of proposed town plan (zoning map) changes on nearby land uses within Charlotte, and (if applicable) on nearby towns.

Please contact me at townplanner@townofcharlotte.com or by phone at (802) 425-3533 ext. 206 if you have questions about these drafts, or about this process.

Planning Commission Reporting Form for Municipal Bylaw Amendments

Approved by Planning Commission on September 24, 2020

This report is 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 §4444 of this title,

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

- 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:*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan:*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

Brief explanation of the proposed bylaw amendments:

The proposed amendments to the Charlotte Land Use Regulations & Town Plan address:

- (A) East Charlotte Village Commercial District:** updates and revised zoning district boundaries to facilitate business and residential development in the village center
- (B) Accessory Farm Businesses:** to respond to Act 143, providing increased opportunity for farm-based accessory businesses to be launched and thrive in town, with a path for town regulation of potential impacts such as traffic, parking and pedestrian safety
- (C) Technical Updates, Corrections and Policy Changes:** A range of major & minor updates, corrections and a few policy changes to address needed updates and corrections and clarifications in the 2016 Land Use Regulations, as adopted.

The attached *Draft Charlotte LURs and Plan Amendments* presents the full language of all amendments, as proposed.

Purpose

The Planning Commission has developed the changes in response to requests and/or inquiries made by Charlotte property owners, and via input from Commission members, staff and town residents. The Commission believes the proposed changes address the issues expressed by the property owners, while also reflecting the policy input and prerogatives of the Commission. The proposal also responds to and contributes to the advancement of Municipal Plan policies.

Findings regarding how the proposal conforms with or furthers the goals and policies contained in the municipal plan:

Under state law, the Zoning Regulations must be “in conformance with” the adopted Municipal Plan. To be “in conformance with” the Plan, the bylaw must: make progress toward attaining, or at least not interfere with, the goals and policies contained in the Plan; provide for proposed future

land uses, densities, and intensities of development contained in the Plan; and carry out any specific proposals for community facilities, or other proposed actions contained in the Plan.

The Planning Commission finds that the proposal conforms with or furthers the goals and policies contained in the 2019 municipal plan. Such policies include but are not necessarily limited to the following:

Goals

- To balance property owner rights to reasonably use their land in keeping with overall public health, safety, welfare and the goals of this Town Plan;
- To reinforce historic settlement patterns by focusing growth in our hamlets, and east and west villages, while conserving our Areas of High Public Value;
- To maintain and enhance the integrity and continued viability of natural and cultural features with high public value, including land and active agricultural use, prime and statewide agricultural soils; steep slopes; flood hazard areas, surface and groundwater resources; shoreland buffers; special natural areas, wildlife habitats, water supply source protection areas, and other ecologically important natural areas; scenic views and vistas; historic districts, sites and structures; and conserved land;

Land Use Policies:

- We will identify and preserve the important features of Charlotte that are treasured by residents including the working landscape, natural resources, water quality, scenic views and gravel roads, public access to Lake Champlain, historic and cultural resources and small town character.
- We will preserve the best of the past, embrace the new opportunities and meet the challenges of the present and future, such as the new food economy, technological advances and climate change, with investments and regulations that provide livability, flexibility and encourage creativity and entrepreneurship.
- Non-agricultural commercial services will primarily be located within or near the village areas. Locations for light industrial development will be provided in the Commercial/Light Industrial District within the West Charlotte Village. Home occupations are encouraged by the Town. Agriculturally related businesses may be allowed in conjunction with active farms.

Planning Commissioners find that the proposal would positively address and advance the foregoing policies, as well as related Municipal Plan goals and objectives. They believe that:

- The proposed changes to the boundaries of the East Charlotte Village Commercial District would advance the goals & objectives which emerged from the 2010 East Charlotte Village master plan, the result of an inclusive public process that identified recommended policy goals and regulatory changes. These are outlined on pp. 1-28 & 1-29 of the Municipal Plan, including its rationale and a map with redrawn zoning district boundaries. (That project's report is also posted on the town website.)
- The proposed new rules and definitions for Accessory On-Farm Businesses would support the following planning goals, as enumerated on p. 1-20 and 1-22 & 1-23:
 - New business models, including on-farm and farm-related businesses are critical to the economic viability of Charlotte farms. Local agricultural cooperatives, community supported

agriculture (CSAs), direct and online marketing operations, value-added production (e.g., specialty foods and commercial composting), farm equipment sales, supply and support services, farm cafes, and “rural or agricultural enterprises” can benefit farms and keep them economically viable.

- Update town land use regulations as needed to accommodate farm-related businesses on farm property in the Rural District – including but not limited to direct-marketing, value added production (such as cheese and wine), farm equipment sales, supply and support services, associated services, commercial on-farm composting facilities, methane digesters and services, and agri-tourism events and activities – with consideration given to the scale of the operation, frequency of events and the potential impacts on the community, community facilities and services, local traffic and neighboring properties.
- The proposed technical updates, corrections and policy changes and amended definitions provide increased clarity, flexibility and enhanced focus enabling the volunteer members of the Planning Commission and Zoning Board of Adjustment to fairly and consistently apply the town’s Land Use and Development Regulations to reviewing future projects and developments.

Findings regarding how the proposal is compatible with the proposed future land uses and densities of the municipal plan:

The default development densities authorized by the zoning bylaws are not affected by the proposal. Thus, the Planning Commission finds that the zoning amendment proposal that is the subject of this report would be entirely compatible with the 2019 Municipal Plan.

Findings regarding how the proposal carries out, as applicable, any specific proposals for any planned community facilities:

The proposed amendment does not directly carry out specific proposals for any planned community facilities. In addition, the proposed amendment does not conflict with any specific proposals for planned community facilities.

Planning Commission Reporting Form for Municipal Plan Amendments

As approved by the Planning Commission - September 24, 2020

This report is in accordance with 24 V.S.A. §4384(c) which states:

*“When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. **The report shall address the extent to which the plan, as amended, is consistent with the goals established in §4302 of this title.**”*

If the proposal would alter the designation of any land area, the report should cover the following points:

1. *The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.*

The proposal would enlarge the existing Village Commercial District Zone within the East Charlotte Village District by approximately 73%, or 15.2 acres. While future land development plans are unknown, proposed increased density allowed within this enlarged district could

increase traffic, depending on the type, scale and intensity of new commercial development or housing proposed.

2. *The long-term cost or benefit to the municipality, based upon consideration of the probable impact on:*
 - (A) *the municipal tax base; and*

Some increase in assessed value on newly developed commercial and residential properties can be anticipated, if properties are built out as could be allowed per expanded district boundaries. That depends on building projects not yet proposed, of course.

- (B) *the need for public facilities;*

Any proposed need for added school capacity, emergency services and other public facilities would be assessed in connection with specific development proposals for commercial or housing uses. Charlotte does not currently have the authority to assess impact fees. However, developers would typically be required to document the likely impacts of large projects on traffic and pedestrian safety. If approved, they may be required to make improvements such as sidewalks, crosswalks, lighting etc. to safely accommodate the impacts of intensified use on nearby public infrastructure.

3. *The amount of vacant land which is:*
 - (A) *already subject to the proposed new designation; and*

The existing Commercial District in East Charlotte Village is approximately 20.75 acres.

- (B) *actually available for that purpose, and the need for additional land for that purpose.*

Lands that comprise the current Commercial District in East Charlotte Village are built out to approximately 50% of their current capacity, depending on the proposed use. The need for additional or more intensive development within an expanded village commercial district is spelled out in the report on Bylaw Amendments, above.

4. *The suitability of the area in question for the proposed purpose, after consideration of:*
 - (A) *appropriate alternative locations;*
 - (B) *alternative uses for the area under consideration; and*
 - (C) *the probable impact of the proposed change on other areas similarly designated*

The unique characteristics of East Charlotte Village (known historically as ‘Baptist Corners’) were recognized in the Charlotte Town Plan. The proposed enlargement of the Commercial District in East Charlotte Village aligns well with the objectives enumerated on pages 1-28 and 1-29 of the Plan (2019). The proposed district boundary change, which would increase allowed density and reduce minimum lot sizes for residential development, would implement important elements of the 2010 East Charlotte Village master plan study, if adopted.

If the proposed change is not adopted, development of the village would remain severely constrained by current rules, which incorporate rural density standards. If adopted, East Charlotte Village could grow incrementally to allow appropriate increased housing and commercial opportunities that would enhance activity in this historically vibrant crossroads.

5. *The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area.”*

The proposed enlargement of the zoning district boundary includes several additional parcels which already contain some existing commercial and housing uses, and could accommodate additional development if higher densities are allowed. This would also facilitate more diverse and complementary activity and service offerings within the walkable village center than are currently available to residents of that neighborhood.

CERTIFICATE OF SERVICE

I, Larry Lewack, hereby certify that this memorandum and enclosure were sent to the following entities and individuals, via email, on September 16, 2020:

Department of Housing and Community Affairs via Jenni Lavoie, Administrative Services Coordinator
Montpelier, VT 05620

Chittenden County Regional Planning Commission, via Charles Baker, **Executive Director** / Regina Mahoney,
Senior Planner
Winooski, Vermont 05404

Ferrisburg Planning Commission via **Bonnie Barnes, Zoning Administrator**
Ferrisburg, Vermont 05456

Monkton Planning Commission and Development Review Board via **Kris Perlee, Zoning Administrator**
Monkton, Vermont 05473

Hinesburg Planning Commission via **Alex Weinhagen, Director of Planning and Zoning**
Hinesburg, Vermont 05461

Shelburne Planning Commission via **Dean Pierce, Director of Planning & Zoning**
Shelburne, Vermont 05482

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Larry Lewack, Town Planner

Date: September 16, 2020