

Guide to Proposed Charlotte LURs and Plan Amendments – v2, as approved by Planning Commission 9.24.20

Summary of purpose, rationale and effects of draft amendments. See *Draft Charlotte LURs and Plan Amendments* for text of proposed changes.

Amendment A: East Charlotte Village Commercial District

Overall intent: updates & revises East Charlotte Village Commercial zoning district (ECVCD) boundaries and regulations, to facilitate appropriate business and residential development in the village center.

Key #	Purpose:	Rationale:	Effect:
A.1.	Increase buildout potential for existing ECV properties	Enhance development potential for village-scale residential & commercial development	Removes key barrier to build-out of homes & businesses in village center
A.2.	Provide more flexibility to locate septic treatment and water supply from outside the tight boundaries of the ECVCD district	Reduces current constraint that all septic treatment and water supply must be within the ECVCD district boundaries (in General Standards)	Removes significant barrier to build-out of homes & businesses in village center
A.3.	Provide more flexibility to locate septic from outside the tight boundaries of the ECVCD	Reduces current constraint that all septic treatment must be within the EC Village district boundaries (in Subdivision rules)	Removes another barrier to build-out of homes & businesses in village center
A.4.	Constrain future development within the ECVCD to follow the same standards as are now applied to the other village districts in town	Require developers to design housing and commercial development lots and buildings within the established historic pattern of rural villages in Charlotte, e.g. West Village.	Provides additional leverage to Planning Commission and Zoning Board of Adjustment to hold developers to high standards in design which respect the vernacular of East Charlotte and West Charlotte Villages

Town Plan

(Zoning map change)

A.5.	Expand ECVCD boundary by 15.2 acres (73%) from its existing boundaries. (20.5 acres now)	Enable denser village-scale development of 8 more properties within village core, near existing commercial & residential properties	Foster commercial development at 3 corners at the crossroads (NW corner conserved per Open Space Agreement) & other properties south of Jackson Hill Rd.
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Amendment B: Accessory On-Farm Businesses

Overall intent: Provide increased opportunities for farm-based accessory businesses (AOFBs) to be launched and thrive in town, with a path for town regulation of potential impacts such as traffic, parking, and pedestrian safety (in compliance with Act 143)

Key #	Purpose:	Rationale:	Effect:
B.1.	Remove obsolete definition of Farm Café from Rural District table of Conditional Uses	Scope of AOFBs is much broader than just farm cafés; also, it's now illegal (per Act 143) to regulate AOFBs as a conditional use	Bring Charlotte LURs into compliance with state statutes (Act 143), in alignment with town plan goal to help farmers diversify their operations

B.2.	Identifies structures (such as barns, stores, cafés) that may be added or modified as accessory uses to a farm property, to house added AOFB functions	Identifies various regulatory pathways to seek permitting and approval of AOFBs per LURs	In this draft, AOFB applications under these provisions would be voluntary & may be done 'after the fact.' (See B. 4 below) (<i>Note: we are considering adding a trigger for requiring site plan approval of AOFBs, similar to Sec. 4.11 regs on permits for growing Home Occupations</i>)
B.3.	Hold AOFBs to the same standards as other properties if they generate noise, smells, smoke etc., and creates additional standards re: access, parking & emergency vehicle access	Clarifies both standards and a process for resolving complaints that may arise around neighborhood impacts of a growing AOFB.	Creates minimal standards for site access, parking and layout & a path to enforce zoning complaints if the AOFB does not meet these & performance standards listed in Sec. 3.12.
B.4.	Defines specific use standards for AOFBs (replaces former Farm Café standards)	Defines AOFBs as subordinate to a farm, ties them to state statute definitions of farm and AOFB, and provides a path for town to hold an alleged AOFB that actually functions as a business to Home Occupation standards.	Provides a path for Planning and Zoning staff to define and enforce minimal standards for AOFBs, and to require farms to apply as a Home Occupation in the event their operations do not meet this standard.

Amendment C: Technical Updates, Corrections and Policy Changes

Overall intent: Clarify unclear language, remove obsolete standards, add updates, and modify policies to reflect town's goals and standards to ensure more consistent, transparent review of projects. **Key to types:** **TU** = Technical Update; **CO** = Correction; **PC** = Policy change

Key #	Type:	Purpose:	Rationale:	Effect:
C.1.	TU	Remove unnecessary & complex calculations of gross and net floor area from LURs	Common-sense definition of floor area is adequate to determine allowed & conditional uses & required parking spaces	Simplify regulations to make it easier for applicants to understand and follow town standards & requirements
C.2.	TU & CO	Clarifies that conditional use review is required only when proposed use would be a conditional use in that district	Current language states that conditional use review <i>may</i> be required, but is silent about the circumstances; creates a grey area open to regulatory interpretation.	Simplify regulations & potentially removes complex application process & fees, when conditional use review is not appropriate for that type of project
C.3.	CO & TU	Rephrase to delineate some acceptable standards for outdoor storage. Update to reflect new state law re: food waste disposal (Act 148)	Current Outdoor Storage standard is overly restrictive & in conflict with other standards in the LURs now, and with Act 148 standards for managing food waste.	Recognizes limited outdoor storage of materials is appropriate for specified commercial, farm and residential uses. References current state standards for managing and disposing of food waste.

C.4.	CO	Correct wording to regulate proposed adaptive re-uses of existing structure	Current language uses 'principal' instead of 'principle' (more accurate); does not address ownership of the proposed adaptive re-use structure.	Clarify regulations; require common ownership of a structure proposed for adaptive re-use with ownership of the underlying property (strengthens accountability)
C.5.	TU	Clarify effective time limits on continuous occupancy for campers/RVs (when used actively as a dwelling)	Current language is unclear about time limits on continuous occupancy of a camper/RV & makes it difficult to enforce.	Clarify regulations to provide a specific and measurable standard that can easily be determined from occupancy start date.
C.6.	CO	Adds regulatory review of proposed infill or placement of sand, gravel, topsoil and other earth resources (in large quantities) to standards	Current language only addresses removal of large quantities of earth materials from a site, not the addition of such materials. Infill and placement of earth materials can drastically impact a site.	Clarify regulations to ensure the town can regulate infill, import and placement of large quantities of earth resources through site plan and conditional use reviews.
C.7.	TU	Adds common types of outdoor storage structures now in common use to allowed temporary structures	Current standard does not include shipping containers and steel or aluminum frame garages with fabric skins. These are increasingly used today for outdoor storage on residential, farm and commercial properties.	Updates regulations to include new types of outdoor storage structures, to apply clear standards for this type of use.
C.8.	PC	Require all proposed subdivisions involving 4 or more residential lots to be follow Planned Residential Development (PRD) standards	Current standard for major subdivisions gives developers discretion to propose low-density lot layouts. PRD standards require clustering of dwellings in a small area, with setback waivers if requested, consolidated driveways, and the permanent conservation of at least 50% of remaining land as open space.	Updates subdivision standards to reflect town's recent regulatory approach to encourage compact and efficient development of open land, and conserving open space.
C.9.	TU	Clarify standards for evaluating impacts of proposed development on high-value natural resources	Current standard does not specify for what types of habitat developers should minimize impacts, and does not reference existing studies and special natural areas enumerated in Town Plan,	References identified special natural areas, specific types of wildlife habitat and groundwater protection areas to be protected from development, for subdivision project reviews.
C.10.	PC	Clarify application of subdivision review standards to require conservation of open space in the town's Rural, Shoreland or Conservation districts	Current standard provides the possibility of approving clustered housing and setback waivers but does not REQUIRE them in these districts.	Clarifies that PRD standards should be applied in these districts for proposed subdivisions of any size, when applicant requests waivers. Reinforces proposed change in Sec. 6.1 (see C.8, above) for any subdivision, potentially.

C.11.	TU	Update two definitions of uses exempt from the need for a zoning permit, to reflect current terminology	Ramps and walkways built to accommodate building access for people with mobility impairments are now referred to as 'ADA standard.' 'Accepted Agricultural Practices' are now redefined in state statute and LURs as 'Required Agricultural Practices,' because they are no longer optional for many farms (to protect water quality).	Updates definitions of two types of uses that do not require a zoning permit in Charlotte.
C.12.	PC	Adds site plan approvals as projects required to obtain a certificate documenting the installation of required infrastructure	Certificates of Compliance require an on-site inspection by the Zoning Administrator to verify that driveways, wells, septic and other required infrastructure were installed per conditions of approval. It's an important step to ensure the project meets interim standards before applicant proceeds with further development; it's also often required by lenders.	Adds an additional step with fees for projects that have earned Site Plan approval. But, this is a potentially critical 'quality control' measure that protects future buyers from the cost of installing or repairing incomplete or non-functional infrastructure that was required by the town for a permitted project.
C.13.	TU & CO	Add definitions of key terms used throughout LURs; correct, spell out or update previously unclear terms; delete obsolete terms	Provide a clear, updated reference to understand terms used throughout LURs. Updates were driven by requests from applicants, changes in (or reinforcement of) LUR standards, and a goal of demystifying technical language in the regs.	Clean-up, update and demystify terms important to understanding LUR standards for permitting and approval.

Comments, questions & feedback are invited. Contact Larry Lewack, Town Planner, at townplanner@townofcharlotte.com; or call (802) 425-3533 ext. 206.