

## Planning Commission Reporting Form for Municipal Bylaw Amendments

**Written Report approved for distribution by the Planning Commission as a draft for the public hearing scheduled for July 16, 2020 (postponed from March 2020, due to Gov. Scott's Covid-19 emergency order restricting public gatherings)**

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 and ....include a statement of purpose as required for notice under section §4444 of this title,*

The petition seeks to repeal a portion of the Charlotte Land Use Regulations (LUR) to reduce the **"Parking, Loading, & Service Areas"** standards for Site Plan Review (Section 5.5).

The petition outlines the following changes to the "Land Use Regulations for the Town of Charlotte, Vermont", which include:

Section 5.5 (E)(4)(b) which provides *"Parking, loading and service areas, to the extent feasible, shall be located to the side or rear of buildings. Parking is prohibited within the front yard setback areas unless there is no alternative location on the lot."* shall be deleted in its entirety and Section 5.5 (E)(4)(c), 5.5 (E)(4)(d), and 5.5 (E)(4)(e) shall be renumbered to Section 5.5 (E)(4)(b), 5.5 (E)(4)(c), and 5.5 (E)(4)(d) respectively.

### **Correction of Technical Deficiency:**

The proposed language does not contain any technical deficiencies.

### **Charlotte Planning Commission Comments:**

The Planning Commission does not support the repeal of **Section 5.5(E)(4)(b)** of the Charlotte Land Use Regulation for this petition. Site Plan Review as stated within the Land Use Regulations is *"Intended to ensure that site layout is safe, functional, and of a scale that is compatible with its setting and context, and consistent with these regulations"*

The site plan review standard at issue in this proposed repeal, which currently limits parking to the side or rear of buildings, is a standard smart growth/ sustainability requirement to encourage aesthetic, functional, and safe site design. Its purpose is to:

- 1. Promote a more traditional form of development (vs. suburban sprawl).**  
Historically (even within rural areas), parking was located to the side or rear of a building (for carriage houses, stables, barns, etc.), not in the front yard. This standard gives the front of buildings and their front yards visual priority over “car storage” areas in site design;
- 2. Maintain, create or re-establish a walkable, pedestrian-friendly environment,** particularly where buildings and main entrances front on and are accessed by pedestrians directly, rather than through a front parking lot. This enhances pedestrian access and safety in the site design; and
- 3. Manage highway access:** by accommodating shared parking, off-street cross connections that serve adjoining buildings and uses, and thereby limit access/curb cuts (numbers, width) along street frontage (e.g., to shared drives or service lanes). By consolidating parking to the sides or rear of a building, the front area remains available for fire and emergency access, loading, and service area.

*(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:**

**Planning Commission Comment:** Not applicable; the proposed language does not address provision or impact on safe and affordable housing.

**Note:** affordable housing regulations, standards and incentives are addressed in Sec. 4.4 of the Charlotte LURs, not within Site Plan Review standards (sec. 5.5).

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

**Planning Commission Comment:** The repeal of this Site Plan Review parking standard would reduce the ability of the Town to prevent undue adverse impacts to “*Scenic views and vistas*” listed under **Figure 1** - Town of Charlotte, Areas of High Public Value (AHPV) in the 2019 Charlotte Town Plan; particularly with regard to US Route 7, a “*Scenic Highway*” (in the Town Plan, according to VTrans, and (in the Town Plan). Transportation Policy #1 in the Chapter 1 (“Charlotte Tomorrow” – Page 1-49) states: “*The Route 7 corridor shall be protected as a scenic travel corridor.*”

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

**Planning Commission Comment:** 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.
- 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.