

Planning Commission Reporting Form for Municipal Bylaw Amendments

Written Report approved for distribution by the Planning Commission as a preliminary draft for the public hearing scheduled for March 19, 2020

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"](#):

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.

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

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 Planning Commission feels that reducing this Site Plan Review standard does not set a good precedent because any future application within the Town promoting front-yard parking design will compromise the Town’s long standing intent to maintain aesthetic character of the area, and alter it into a strip-mall style of development.

The limitation of parking to the side or rear of buildings is a standard smart growth/sustainability code requirement intended to institute an aesthetic, functional, and safe site design to: **1.** Promote a more traditional form of development (v.s. suburban sprawl). Historically (even within rural areas), parking was located to the side or rear of a building, and not in the front yard. Such a design provides the front of buildings and their front yards precedence over “car storage” areas in site design (and to a greater extent for the narrow local roadways within the Village Commercial District); **2.** Maintain, create a walkable, or re-establish a pedestrian-friendly environment, particularly where buildings and main entrances front on and are accessed by pedestrians directly, rather than through a fronting parking lot. This provides pedestrian access and safety precedence 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 (e.g. total numbers and width) along street frontage (e.g. to shared drives or service lanes). By consolidation of parking to the sides or rear of a building, the front area remains available for fire and emergency access; loading; and service area.

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 the provision or impact on safe and affordable housing, and is therefore not applicable.

The Planning Commission finds that the Town should undertake regulation of such development under Site Plan Review (by the Planning Commission).

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

Planning Commission Comment: It is a stated goal in Section 1.1 “*Vision & Goals*”, and throughout the [2019 Charlotte Town Plan](#) to preserve and protect the natural and cultural features with high public values, including “*Scenic views and vistas*”. The repeal of the Site Plan Review parking standard reduces 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)**” (on Page 1-3) in the [Town Plan](#); particularly with regard to US Route 7 (a “*Scenic Highway*” according to VTrans, and part of the “*Lake Champlain Byway*”) and the Town Highways identified as “*Most Scenic Roads*” in [Map 7–](#)

Cultural & Historic Resources. Furthermore, Transportation Policy #1 in Chapter 1 of the Town Plan (“**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.

Last Updated: February 26, 2020