

Act 47 mandated changes to Charlotte LURs: clean, final rev: 6.17.24

I. Duplexes now allowed on any parcel where year-round single-unit housing is an allowed or permitted use:

Table 2.1 – West Charlotte Village District (WCV)

(E) Dimensional Standards (unless otherwise specified by use)

| | | | |
|--------------------------|---|-------------------------------|-----------------------|
| Minimum Lot Area: | | Minimum Setback/Side: | 25 feet |
| Residential: | 5 acres | Minimum Setback/Rear: | 25 feet |
| Non-Residential: | 1 acre | Maximum Height (section 3.5): | 35 feet |
| Minimum Density: | | Maximum Building Coverage: | 20% |
| Residential: | 5 acres/use | Maximum Lot Coverage: | 30% |
| Non-Residential: | Density is evaluated by coverage and other applicable requirements. | | |
| Minimum Frontage: | 150 feet (along ROW) | PRDs: | Required [see (F)(2)] |
| Minimum Setback/Front: | 25 feet (from ROW) | PUDs: | Required [see (F)(2)] |

Table 2.2 – East Charlotte Village District (ECV)

(E) Dimensional Standards (unless otherwise specified by use)

| | | | |
|--------------------------|---|-------------------------------|-----------------------|
| Minimum Lot Area: | | Minimum Setback/Side: | 25 feet |
| Residential: | 5 acres | Minimum Setback/Rear: | 25 feet |
| Non-Residential: | 1 acre | Maximum Height (section 3.5): | 35 feet |
| Minimum Density: | | Maximum Building Coverage: | 20% |
| Residential: | 5 acres/use | Maximum Lot Coverage: | 30% |
| Non-Residential: | Density is evaluated by coverage and other applicable requirements. | | |
| Minimum Frontage: | 150 feet (along ROW) | PRDs: | Required [see (F)(2)] |
| Minimum Setback/Front: | 25 feet (from ROW) | PUDs: | Required [see (F)(2)] |

Table 2.3 – Village Commercial District (VCM)

(E) Dimensional Standards (unless otherwise specified by use)

| | | | |
|--------------------------|---|-------------------------------|---------------------------------|
| Minimum Lot Area: | | Minimum Setback/Side: | 15 feet |
| Residential: | 5 acres | Minimum Setback/Rear: | 15 feet |
| Non-Residential: | 1 acre | Maximum Height (section 3.5): | 35 feet |
| Minimum Density: | | Maximum Building Coverage: | lesser of 25% or 10,000 sq. ft. |
| Residential: | 5 acres/use | Maximum Lot Coverage: | 40% |
| Non-Residential: | Density is evaluated by coverage and other applicable requirements. | | |
| Minimum Frontage: | 75 feet (along ROW) except: | | |
| Route 7: | 100 feet (along ROW) | | |
| Minimum Setback/Front: | 15 feet (from ROW) except: | | |
| Route 7, west side | 100 feet (from ROW) | PRDs: | Required [see (F)(3)] |
| Route 7, east side | 30 feet (from ROW) | PUDs: | Required [see (F)(3)] |

Table 2.4 – Commercial/Light Industrial District (C/LI)

(E) Dimensional Standards (unless otherwise specified by use)

| | | | |
|--------------------------|---|-------------------------------|-----------------------|
| Minimum Lot Area: | | Minimum Setback/Side: | 50 feet |
| Residential: | 5 acres/ | Minimum Setback/Rear: | 50 feet |
| Non-Residential: | 1 acre | Maximum Height (section 3.5): | 35 feet |
| Minimum Density: | | Maximum Building Coverage: | 25% |
| Residential: | 5 acres/use | Maximum Lot Coverage: | 40% |
| Non-Residential: | Density is evaluated by coverage and other applicable requirements. | | |
| Minimum Frontage: | 200 feet (along ROW) | PRDs: | Required [see (F)(3)] |
| Minimum Setback/Front: | 25 feet (from ROW) | PUDs: | Required [see (F)(3)] |

Table 2.5 – Rural District (RUR)

(E) Dimensional Standards (unless otherwise specified by use)

| | | | |
|------------------------|---|-------------------------------|------------------------------|
| Minimum Lot Area: | 5 acres | Minimum Setback/Side: | 50 feet |
| Minimum Density: | | Minimum Setback/Rear: | 50 feet |
| Residential: | 5 acres/ use | Maximum Height (section 3.5): | 35 feet |
| Non-Residential: | Density is evaluated by coverage and other applicable requirements. | | |
| Minimum Frontage: | 300 feet | Maximum Building Coverage: | 20% |
| Minimum Setback/Front: | 50 feet (from ROW) | Maximum Lot Coverage: | 30% |
| Route 7 | 100 feet (from ROW) | PRDs: | May be Required [see (F)(3)] |
| | | PUDs: | Not Allowed |

Table 2.6 – Shoreland District (SHR)

[Add “[Dwelling/Two Family](#)” to list of (C) Permitted Uses] and:]

(E) Dimensional Standards (unless otherwise specified by use)

| | | | |
|-------------------------------|---|-------------------------------|-------------------------------|
| Minimum Lot Area: | 5 acres | Minimum Setback/Front: | 50 feet (from ROW) |
| Minimum Density: | Density is evaluated by coverage and other applicable requirements. | | |
| Minimum Frontage/Road: | 300 feet (along ROW) | Minimum Setback/Side: | 50 feet |
| Minimum Frontage/Shore: | 300 feet (MHW*) | Minimum Setback/Rear: | 50 feet |
| Maximum Height (section 3.5): | Lesser of 30 ft. or 2 stories | Maximum Building Coverage: | 5% |
| Minimum Setback/Lakeshore: | | Maximum Lot Coverage: | 10% |
| Structures: | 150 feet (MHW*) | PRDs: | May be Required [see (F)(10)] |
| Septic Systems: | 50 feet (MHW*) | PUDs: | Allowed [see (F)(10)] |
| | | * MHW = Mean High Water level | |

Section 3.6 Lot, Yard & Setback Requirements

(A) Principal Uses. Only one (1) principal use shall be located on a single lot, unless otherwise allowed as an agricultural use under Section 4.2(B), an Accessory On-Farm Business (AOFB) under Section 4.19, or an adaptive reuse under Section 4.3, a mixed use under Section 4.12, or with the approval of the Development Review Board, as part of a Planned Residential Development (PRD) or Planned Unit Development (PUD) under Chapter VIII. *[Sub. (1) and (2) deleted]*

... *[sub. Sec. B unchanged]*

... *[sub. Sec. C deleted]*

II. Clean up 'Public Facilities' language in District Standards:

Tables 2.1 through 2.6: *[language differs somewhat between Tables, but generally:]*

(1) Public facilities allowed within this district: [See Table 4.2 for specific uses allowed by district.](#)

III. Affordable Housing provisions – height bonus

Section 4.4 Affordable Housing –

(D) Lot Size & Density Requirements, sub 1) Existing Lots & Subdivisions (including PRD's & PUDs):

[... \(e\) Affordable housing projects proposed for districts that allow year-round housing that are served by public wastewater and public water supply may include an additional floor above the district height limit.](#)

(E) Design Requirements:

(2) The Development Review Board may require landscaping, screening or building design modifications to mitigate the physical and visual impacts of higher density development on adjoining properties, and to maintain the historic appearance and integrity of historic structures.

IV. Public Facility Use Types allowed:

Sec. 4.15 – Public Facility:

| TABLE 4.2 PUBLIC FACILITIES | |
|---|---|
| Facility | Zoning District(s) |
| Public utility power generating plants and transmission lines. | All Districts [see Subsection (B)] |
| Emergency Shelters [per 24 V.S.A. §4303] | (All Districts [see Subsection (B)]) |
| State or community owned and operated institutions and facilities [see Public Facility]. | See District Tables 2.1-2.10 for district-specific limitations |
| Public and private schools and other educational institutions certified by the Vermont Department of Education [see School] | East/West Charlotte Village, Village Commercial, Commercial/Light Industrial, & Rural Districts |
| Places of Worship [such as churches, synagogues, mosques, and parish houses] [see Place of Worship] | East/West Charlotte Village, Village Commercial & Rural Districts |

| | |
|---|---|
| Public and private Health Clinic, Health Care Facility [see Health Clinic, Health Care Facility] | Health Clinic: East/West Charlotte Village, Village Commercial Districts Health Care Facility: Village Commercial District & Commercial/Industrial District |
| Regional solid waste management facilities certified by the State (10 V.S.A., Chapter 159). [see Transfer Station/Recycling Center, Waste Management Facility] | Transfer Station/ Recycling Center: Village Commercial, Commercial/ Light Industrial & Rural Districts. Waste Management Facility: Commercial/Light Industrial District |
| Hazardous waste management facilities for which a notice of intent to construct has been received under state law [10 V.S.A., §6606a] [see Waste Management Facility] | Commercial/ Light Industrial District |

VI: Appeal Rights to ZA decisions:

Section 9.6 Appeals

(A) **Zoning Administrator Decisions.** In accordance with the Act [§4465], an interested person is eligible to file an appeal of a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Chair of the Development Review Board, and by filing a copy of the notice with the Zoning Administrator. The property owner or any combination of 20* or more residents, voters, or real property owners who have signed and submitted a valid petition are also eligible to file appeals. Per 24 VSA 4465(b)(4), an appeal shall not be based upon the character of the area affected if the project has a residential component that includes affordable housing.

VII: Revised Definitions:

- **Dwelling/Two Family** (also known as a **Duplex**): a residential building that has two dwelling units in the same building and neither unit is an Accessory Dwelling Unit.
- **Dwelling/Multi-Family:** Three (3) or more dwelling units within same building.

* H. 687, which became law today, changed Act 47's threshold of 10 people signing a petition to qualify for interested party status to appeal a ZA action to 20 people.

Proposed amendments for Sec. 3.8.B., Nonconforming Uses of Land & Structures – **as approved by the Planning Commission 11.7.2024**

(A) Nonconforming Uses *[unchanged]*

(B) Nonconforming Structures. Any structure, or portion thereof, legally in existence as of the effective date of these regulations which does not comply with the requirements of these regulations as adopted, or as subsequently amended, shall be considered a nonconforming structure. A nonconforming structure:-

- 1) .. may undergo routine maintenance and repair, or be reconstructed within the existing footprint, see figures 1)a), or may be altered (see figure 1)b), provided that:
 - a) it does not extend deeper into any setback (see figure 2);
 - b) no point of the proposed addition is higher than the highest point on the existing non-conforming structure, as measured on the nonconforming portion of the structure; and
 - c) the average height of the plane of the roof of the proposed addition is no higher than the average height of the plane of the roof of the nonconforming structure, as measured on the nonconforming portion of the structure.
- 2) ..may be relocated or demolished and re-constructed on the same parcel, provided that the new location of the rebuilt structure is more conforming to dimensional standards than the original structure (as measured by total area of the new structure built into the setbacks before vs. after reconstruction), and that the reconstruction retains at least 10% of the original footprint of the existing structure. (see figure 3) These projects may be allowed only if approved by the Development Review Board through conditional use review.
- 3) .. may be structurally-altered in a manner that will increase the extent of non-conformity only if approved by the Development Review Board through conditional use review under Section 5.4. (see figure 4)

(C) A nonconforming structure may be repaired, restored or reconstructed after damage from any cause, provided that the repair or reconstruction does not increase the extent of **nonconformity** which existed prior to the damage, is commenced within two (2) years of the date of the event that led to the damage, and is substantially completed within three (3) years of the damage or destruction, in accordance with Section 3.1. The Zoning Administrator may grant an extension to this deadline upon a determination that the delay was unavoidable and that the owner had acted in good faith to substantially complete the repair, restoration or reconstruction within the initial two (2) years. Any non-conforming structure in the Flood Hazard Overlay Area District must meet the standards of Section 5.6.

Nonconforming structure scenario illustrations

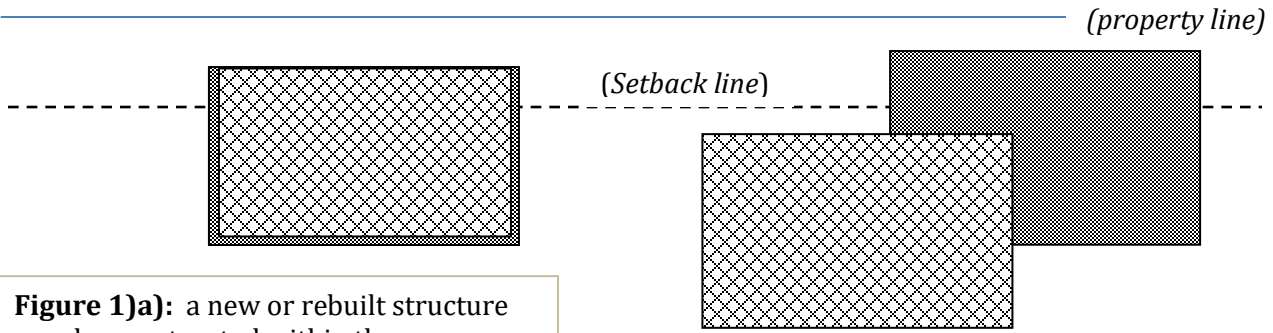


Figure 1)a): a new or rebuilt structure may be constructed within the non-conforming structure's previous footprint, with no increase in nonconformity. (Sec.3.8.B.1)

Figure 1)b): non-conforming structure may be moved or rebuilt on site, provided that the new location meets all dimensional standards. (Sec. 3.8.B.1)

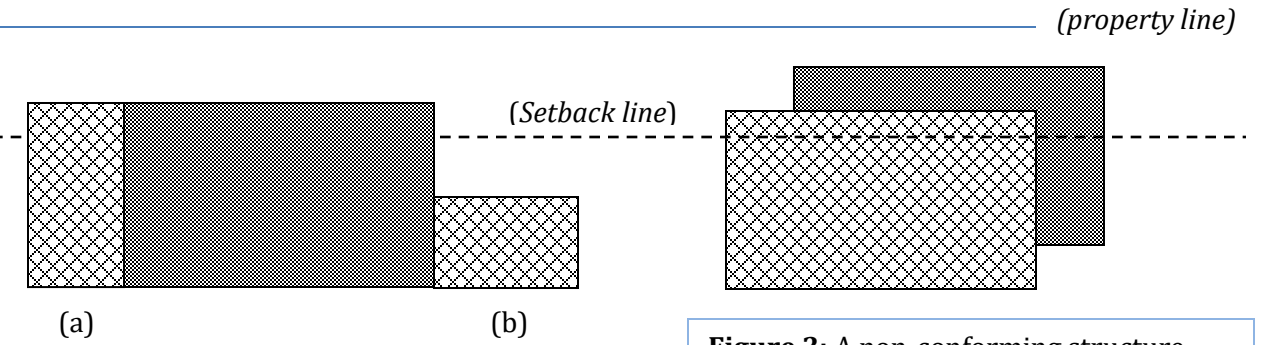
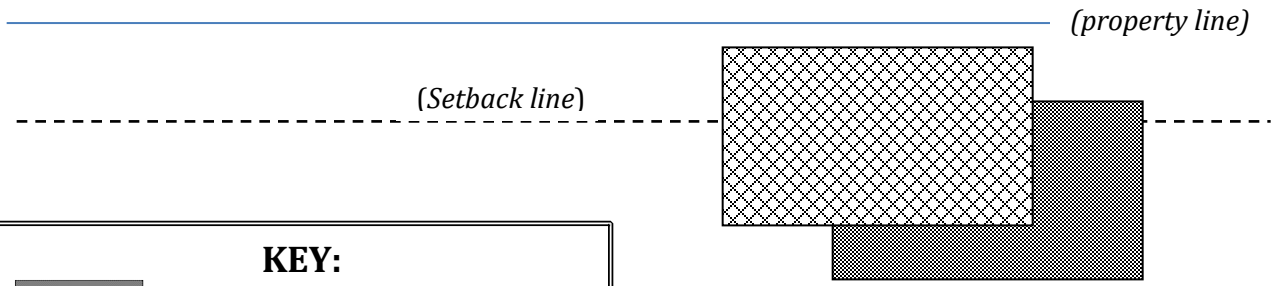


Figure 2: a) NC structure addition that does not get closer to property line(s) or the road than the existing structure, **OR** b) an addition to a NC structure that does not extend into the setback at all. (see Sec. 3.8.B.1.a)

Figure 3: A non-conforming structure may be demolished and re-built in a new location on site, provided the new location better conforms to dimensional standards. (Requires Conditional Use review & approval by Development Review Board.) (Sec. 3.8.B.2)



KEY:

Existing non-conforming structure

Altered/moved/rebuilt structure

Figure 4: NC structure moved or altered further into a setback. (Requires Conditional Use review & approval by Development Review Board.) (Sec. 3.8.B.3)

[revised Setback definition, from p. 129:]

Setback: A setback is the distance from a road, lot line, boundary or other delineated feature (e.g., a stream bank, shoreline, or wetland area), to the nearest part of a structure (as defined herein).

Setbacks between buildings and property lines provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of buildings and open spaces between them and to the road. In the case of a public highway, the front setback distance shall be measured from the limit of the highway right-of-way or 25 feet from the centerline of the highway, whichever is greater. In the case of a private road, the distance shall be measured from the edge of the road right-of-way. In the case of a driveway, no front setback to structures is required or created.

Section 3.1 Damaged Structures

No zoning permit shall be required for the demolition, stabilization, repair, restoration, or reconstruction of a damaged structure to its prior dimensions, extent and use. However:

- 1) To reduce risks to public safety or an adjoining property, a severely damaged structure shall be secured and/or stabilized within a reasonable amount of time.
- 2) If the property owner chooses to demolish the structure, immediately following demolition, all materials shall be disposed of according to solid waste district standards, the site shall be restored to a normal grade, and ground cover shall be established sufficient to prevent erosion.
- 3) Nothing in these regulations shall be construed to allow the continuation of a use or occupancy of a structure that has been declared by the Authority Having Jurisdiction (AHJ) to be unsafe, or pose a threat to public health or safety.

(revised, clean version)- 2.23.24, v. 6

Section 3.1 Repair of Damaged Structures

No zoning permit shall be required for the demolition, stabilization, repair, restoration, or reconstruction of a damaged structure to its prior dimensions, extent and use.

- 1) To ~~prevent a hazard~~ reduce risks to public safety or an adjoining property, a severely damaged structure shall be secured and/or stabilized within a reasonable amount of time.
- 2) Immediately following demolition, all materials shall be disposed of according to solid waste district standards, the site shall be restored to a normal grade, and ground cover shall be established sufficient to prevent erosion.

Section 5.4 Conditional Use Review – proposed amends, v.2f (clean, full text)

Approved by the Planning Commission for public hearing 11.21.24

(A) Applicability. Any use or structure requiring conditional use approval shall not be issued a zoning permit by the Zoning Administrator until the Development Review Board grants such approval in accordance with the Act [§4414(3)], and the following standards and procedures.

(B) Review Process. Upon determination that an application is complete, a public hearing will be warned in accordance with Section 9.9(C). In accordance with the Act [§4464(b)] and Section 9.9(E), the Board shall act to approve, approve with conditions, or disapprove on each matter of an application for conditional use review; and shall issue a written decision within 45 days of the date of the final public hearing to include findings, conditions of approval, and provisions for appeal to Environmental Court. Failure to act within the 45 day period shall be deemed approval, effective on the 46th day.

(C) General Standards. In accordance with the Act [§4414(3)], the Board shall determine that the proposed conditional use meets the intent of the Town Plan, and shall not result in an undue adverse effect on any of the following:

(1) The capacity of existing or planned community facilities and services. The Board shall consider the demand for community facilities and services that will result from the proposed development in relation to the existing and planned capacity of such services and facilities, and the adopted municipal capital budget and program currently in effect. The Board may request information or testimony from appropriate local officials to help evaluate potential project impacts on existing and proposed community facilities and services. Conditions may be imposed regarding the provision of services and facilities, and/or the timing and phasing of development in relation to anticipated municipal capital expenditures or improvements, to minimize any adverse impacts to community facilities and services.

(2) Character of the area affected. The Board shall consider the design, location, scale, and intensity of the proposed development in relation to the character of adjoining and other properties likely to be affected by the proposed use. Conditions may be imposed as appropriate to ensure that the proposed development is compatible with the character of the area, as defined by zoning district purpose statements, and specifically stated policies and standards of the municipal plan. Conditions may be imposed as necessary to eliminate or mitigate adverse impacts, including but not limited to conditions on the design, scale, intensity or operation of the proposed use. Per state statute 24 VSA 4413(3)(E), a multi-unit dwelling project consisting of four or fewer units located in any district allowing multi-unit dwellings may not be denied solely due to a finding of undue adverse effect on the character of the area.

(3) Traffic on roads and highways in the vicinity. The Board shall consider the potential impact of traffic generated by the proposed development on the capacity, safety, efficiency, and maintenance of roads, highways, intersections, and bridges in the vicinity. A traffic impact assessment may be required. Conditions may be imposed as necessary to ensure that a proposed development will not result in unsafe conditions for pedestrians or motorists, including but not limited to physical improvements on or off site, or the use of accepted traffic management strategies.

(4) Bylaws in effect. The Board shall determine whether the proposed development conforms to other municipal bylaws and ordinances currently in effect, ~~including but not limited to road, water or wastewater ordinances. The Board shall not approve a proposed development that does not meet the requirements of other bylaws and ordinances in effect at the time of application.~~

(5) The use of renewable energy resources. The Board will consider whether the proposed development will have an undue adverse impact on the utilization of ~~interfere with the sustainable use of~~ renewable energy resources ~~by either diminishing their future availability on the subject parcel, or~~ by interfering with neighboring property owners' access to such resources (e.g., for solar or wind power). Conditions may be

imposed as appropriate to ensure access to and the long-term availability of renewable energy resources.

(6) The Board shall evaluate potential impacts on areas of High Public Value (see Table 7.1), including natural areas, wildlife habitat, productive forests and farmland, surface waters, wetlands, water supplies and aquifers, historic sites, and scenic views or vistas in the vicinity of the proposed development.

(D) Specific Review Standards. In addition to general standards under subsection 5.4(C), the Board may also consider the following criteria, and impose conditions as appropriate to reduce or mitigate the adverse impacts of a proposed development:

~~(2) **Additional Restrictions.** All conditional uses shall comply with the dimensional, density, siting and associated standards for the district(s) in which the use or development is located, including overlay districts, however the Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.~~

(1) Additional Requirements. For any proposed conditional use, the Board shall determine that:

- a. The project shall not substantially or permanently impair or interfere with the use or development of, or access to, an adjacent property, right-of-way, surface water or wetland.
- b. For projects involving construction of new buildings or additions, the Board may require increased setbacks and buffers, or reduced lot coverage or densities of development to avoid, minimize or mitigate adverse impacts to adjoining properties or significant natural, cultural or scenic features in the vicinity of the site.
- c. Adverse impacts to adjoining properties or rights-of-way shall be mitigated through site design, landscaping, screening, or other mitigation measures acceptable to the Development Review Board.

(2) Performance Standards. The Board shall consider whether the proposed development will meet applicable performance standards under Section 3.12, and may impose conditions on the installation, operation, storage or maintenance of devices or materials necessary to meet these standards. In determining appropriate performance standards, the Board may consult with state officials, and consider accepted industry standards. In addition, the Board may limit hours of operation so that the use shall be consistent with the character of the area. Evening or night operations shall be permitted only if noise levels, lighting and traffic will not unreasonably interfere with surrounding uses.

Draft LURs amends – for PC review, 6.29.23 -- v.3

EV Charging:

Add the following to Sec. 9.2 (A), Exemptions:

15) An electric vehicle charging station, consisting of a single pedestal with either a single or dual **Level 1 or Level 2** charger, adjacent to support an existing vehicle parking area, at any permitted Commercial or Residential use, location.

Sec 4.12 – Mixed Use:

~~In the West Charlotte Village District, East Charlotte Village District, Village Commercial District, Commercial Light Industrial District, and Shoreland District, In any district other than the Conservation District, Seasonal Shoreland Management District, and the Flood Hazard Overlay District, more than one principal use may be permitted~~ allowed as a mixed use within a single building, or on a single lot, subject to the following provisions:

~~(2) Only one residential dwelling unit will be allowed within the mixed use, unless the development is a planned unit development (PUD). (renumber other sections accordingly)~~

[note: also need to look at PUD standards re: multiple commercial uses on a site (PUD review required in that situation)—see below]

Sec. 8.2. Applicability

(C) **Planned Unit Development (PUD)** provisions shall be applied to the following:

1) All proposed subdivisions within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District in which the proposed uses of the subdivided parcels are nonresidential or are a mixture of residential and nonresidential uses and associated accessory uses.

~~2) The development of two or more principle uses on a single parcel within the East Charlotte Village District, West Charlotte Village District, Village Commercial District and the Commercial/Light Industrial District in which the proposed uses are nonresidential or are a mixture of residential and nonresidential uses and associated development is proposed to be located on a single parcel.~~

(see Rationale on next page)

[to allow reducing setbacks outside of subdivision reviews, e.g. for site plans, ZPs:]

Section 9.7 Setback Modifications and Variances

(A) Purpose. The purpose of this section is to allow for the reasonable use and development or redevelopment of an existing, legally established **nonconforming** lot, while ensuring that the proposed development does not have an adverse effect on adjoining properties, resources or uses.

(B) **Setback Modifications.** The Development Review Board (DRB), in association with site plan review, conditional use review, or on appeal of a Zoning Administrator's determination under Section 9.3 may, for an existing, legally established **nonconforming** lot, reduce minimum district setback requirements (under Tables 2.1 – 2.8) ~~or minimum surface water and wetland setbacks (under Section 3.15)~~ in accordance with the Act [§ 4414(8)] and the following requirements:

(1) A setback modification under this section may be granted by the DRB only as necessary to:

- (a) allow for the reasonable development and use of a **nonconforming** lot under Section 3.7(C).
- (b) comply with federal or state public health, safety, access and disability standards, or
- (c) allow for the siting of a renewable energy structure.

(2) A waiver request, including information regarding the specific circumstances, need and justification for the waiver shall be submitted in writing with the application for site plan or conditional use review, or with the filing of an appeal under Section 9.5 of a Zoning Administrator's determination that the proposed development does not conform to required setbacks.

(3) The minimum required setback distance shall be reduced by no more than 50% under this provision. In granting a waiver, a minimum setback distance of at least 10 feet shall be maintained. Variance approval under subsection (C) shall be required for any further reduction in the required setback distance beyond 50% or ten feet.

(4) In granting a waiver under this section, the DRB shall find, based upon clear and convincing evidence, that the standards for allowing a waiver under Section 9.7(B)(1) have been met, and that:

(a) Due to physical site or lot line constraints, no reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area, in conformance with the regulations.

(b) The waiver, if authorized, will not:

- 1) alter the essential character of the neighborhood or district in which the property is located;
- 2) substantially or permanently impair or interfere with the use or development of, or access to, an adjacent property, right-of-way, surface water or wetland;
- 3) reduce access to renewable energy resources; or
- 4) be detrimental to the public welfare.

(c) The waiver, if authorized, represents the minimum setback reduction necessary to allow for the proposed development.

(d) Any adverse impacts to adjoining properties, rights-of-way, surface waters or wetlands resulting from reduced setbacks shall be mitigated through site design, landscaping and screening, additional vegetated buffering or other mitigation measures proposed by the applicant that are acceptable to the Development Review Board.

9.7.C. Variances *[otherwise unchanged]*

[alternative: consider making this a new Sec. 3.9, instead of folding into Sec. 9.7]