

Act 47 mandated changes to Charlotte LURs: proposed redline, v42: 4.239.24

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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 **type**)

Minimum Lot Area:		Minimum Setback/Side:	25 feet
Residential:	5 acres/ dwelling unit	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/ dwelling unit use	Maximum Lot Coverage:	30%
Non-Residential:	1 acre/ principal use		

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Table 2.2 – East Charlotte Village District (ECV)

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

Minimum Lot Area:		Minimum Setback/Side:	25 feet
Residential:	5 acres/ dwelling unit use/dwelling unit	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/ dwelling unit use	Maximum Lot Coverage:	30%
Non-Residential:	1 acre/ principal use		

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Table 2.3 – Village Commercial District (VCM)

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

Minimum Lot Area:		Minimum Setback/Side:	15 feet
Residential:	5 acres/ dwelling unit	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/ dwelling unit use	Maximum Lot Coverage:	40%
Non-Residential:	No minimum density is required; such uses will be evaluated by coverage and other applicable requirements.		

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

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

Minimum Lot Area:		Minimum Setback/Side:	50 feet
Residential:	5 acres/ dwelling unit use/dwelling unit	Minimum Setback/Rear:	50 feet
Non-Residential:	1 acre	Maximum Height (section 3.5):	35 feet

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Minimum Density:
 Residential: 5 acres/~~use~~
 Non-Residential: No minimum density is required; such uses will be evaluated by coverage and other applicable requirements.

Maximum Building Coverage: 25%
 Maximum Lot Coverage: 40%

Table 2.5 – Rural District (RUR)

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

Minimum Lot Area:	5 acres/ dwelling unit	Minimum Setback/Side:	50 feet
Minimum Density:		Minimum Setback/Rear:	50 feet
Residential:	5 acres/ use dwelling	Maximum Height (section 3.5):	35 feet
Non-Residential:	5 acres/ principal use	Maximum Building Coverage:	20%
Minimum Frontage:	300 feet	Maximum Lot Coverage:	30%

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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 type)

Minimum Lot Area:	5 acres	Minimum Setback/Front:	50 feet (from ROW)
Minimum Density:	5 acres/ dwelling unit or use	Minimum Setback/Side:	50 feet
Minimum Frontage/Road:	300 feet (along ROW)	Minimum Setback/Rear:	50 feet
Minimum Frontage/Shore:	300 feet (MHW*)	Maximum Building Coverage:	5%
Maximum Height (section 3.5):	Lesser of 30 ft. or 2 stories	Maximum Lot Coverage:	10%

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Section 3.6 Lot, Yard & Setback Requirements

(A) Principle & Accessory Structures. Only one (1) **principal use or structure** 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.

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... [Sec. B unchanged]

~~**(C) Development Review.** For development subject to site plan or conditional use review, the Development Review Board may require increased minimum setback distances, buffers, and landscaping and/or screening within designated setback areas, or limit the use of setback (yard) areas for parking and storage, to protect public health, safety, welfare, and adjoining properties. *[redundant to existing language in Sec. 5.4 and 5.5.]*~~

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

Tables 2.1 through 2.5: [language differs slightly, but generally:]

(1) ~~Public facilities allowed within this district are limited to those publicly owned and/or regulated institutions and facilities (other than municipal facilities) and regulated utilities which are open and accessible to the general public (e.g., offices), or which otherwise serve residents of the district and town.~~ Solid and hazardous waste facilities, state garages, and regional institutional uses (e.g., hospitals, correctional or other confined treatment facilities) are specifically excluded from this district. [See Table 4.2 for specific allowed uses.](#)

III. Affordable Housing provisions - height bonus

Section 4.4 Affordable Housing -

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

~~... (e) Affordable housing projects proposed for lands served by public wastewater and water supply may include an additional floor above the district height limit.~~

sub. (E) Design Requirements:

(2) The Development Review Board may require ~~increased setbacks, buffers,~~ 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

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V. Housing non-discrimination in Conditional Use & Site Plan reviews:

Section 5.4 Conditional Use Review; sub (c)(2):

(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. Except for residential developments in the Village districts, 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.

sub (D) Specific Review Standards; sub (2):

(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~~ Except for residential developments in the Village districts, 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.

Section 5.5 Site Plan Review Section; sub (E) Standards, (2):

Site Layout & Design.

a) Except for residential developments in the Village districts, the Development Review Board may require increased setback distances from property lines or public rights-of-way in relation to the height, scale, massing or density, and landscaping or screening to mitigate the visual impacts of development, in accordance with Subsection (5).

VI: Appeal Rights to DRB decisions:

Section 9.9 Municipal Administrative Requirements, sub (E):

(4) Appeals and Reconsideration.

a) **Appeals.** ~~Per Sec. 9.6 (A). Decisions of the Zoning Administrator may be appealed to the Development Review Board within 15 days of that decision. Decisions of the~~ Development Review Board may be appealed to the Vermont Environmental Court. ~~by the a~~The applicant, ~~or~~ an interested person who participated in the proceeding, or any combination of 10 or more residents, voters, or real property owners who have signed and submitted a valid petition to ~~are eligible to file -appeals.~~ Such appeals must be taken within 30 days of the date that the ~~permit signed decision~~ is issued, pursuant to 24 V.S.A. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings. ~~However In either case,~~ per 24 VSA 4465(b)(4), an appeal shall not address the character of the area affected if the project has a residential component that includes affordable housing.

VII: Required New Definitions:

- Add “Duplex” to “Dwelling/Two Family.” (Duplex is a residential building containing two connected principal dwelling units [with a shared wall or floor/ceiling](#), where neither is an Accessory Dwelling Unit.)
- Add definition for “Emergency Shelter”: “A residential facility whose purpose is to provide temporary shelter for formerly unhoused individuals or families, does not charge rent or fees, or require residents to sign a lease or occupancy agreement.” [\[per 24 V.S.A. §4303\]](#)
- ~~“Add “Multi-unit dwelling”: three or more dwelling units within same building.~~
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