

October 23, 2025 PC Meeting to review the October 16, 2025 PC Public Hearing on LUR Amendments Public Comments

Public Comments:

1. East Side of Route 7 Conditional Uses removed from Table 2.3

Peter Carreiro found that some of the permitted uses that are up for elimination in this section, such as vehicle repair shops, gas stations, or contractor's yard, would be beneficial to remain listed as ~~permitted use~~ (incorrectly stated as permitted use while it used to be Conditional Use in the West Charlotte Village East of Route 7 Only Conditional Use section). Peter noted that removing options devalues property and reduces ability for mixed use.

Reason Uses Originally Removed:

1. It streamlines this table and avoids spot zoning
2. They were previously only allowed on parcels where they were infeasible, indicating the Town didn't really want them to happen here.
3. They would consume a large amount of limited Village land area with relatively low-value uses inconsistent with the goals of the district.
4. They are also allowed in other nearby districts.

Suggested Considerations:

1. Planning Commission should consider reinstating Gasoline Station and Motor Vehicle Sales and Services as Conditional Use in West Charlotte Village Commercial District [TP1][TP2].
2. Planning Commission should consider keeping Parking Facility as Conditional Use, not Permitted Use per the reason above—Parking Facility would consume large amount of limited Village land area with relatively low-value uses inconsistent with the goals of the district.

11/20/25 Peter commented wanted contractor's yard motor vehicle sales reinstated as conditional use for West Charlotte Village Commercial District.

PC Decision:

1. Reinstating Gasoline Station, Motor Vehicle Sales and Services, and Contractor's Yard as Conditional Use in West Charlotte Village Commercial District [TP3][TP4].
2. Section 4.14 A 1 add parking area after showroom under 20,000 square feet.
3. Parking Facility to remain as Conditional Use.

2. Peter Joslin asked about the rationale behind keeping restrictions in place for residential but not commercial.

Suggested Consideration:

This language was not changed and was what was in the LURs previously. Thus, the Planning Commission did keep the restrictions for non-residential uses in the East and West Charlotte Village Commercial Districts such that there is no density restriction but there are other dimensional standards such as setback and frontage requirements.

PC: No action

3. JD Herlihy discussed the issue with enforcement of mixed use. Such that how does the town prevent someone from using mixed use density for residential alone?

Suggested Consideration:

Since this only applies to the East and West Village Commercial Districts, the Planning Commission could consider revising zoning district tables 2.3 and 2.4. **The edits could include adding (F) District Standards (4) For West Charlotte Commercial: A single certificate of occupancy will be issued for each 1-acre mixed use development once both the non-residential and residential requirements have been satisfied. For East Charlotte Commercial: A single certificate of occupancy will be issued for each 2-acre mixed use development once both the non-residential and residential requirements have been satisfied.**

Other considerations the PC discussed during the 10/23/25 meeting include:

- Temporary Certificate of Occupancy: 6 months...
 - *The process of issuing, tracking, and enforcing TCOs can be time-consuming and complex, requiring extra administrative effort from the building department.*
 - *Banks may be hesitant to issue mortgages for properties with a TCO, and insurance companies may deny coverage, complicating the sale or financing of the property.*
- PC Suggestion: If 1 acre, mixed use must be in one building.—add to dimensional standards?
 - *Why be more prohibitive, the dimensional standards already dictate what is allowable.*
- PC Suggestion: WVCM: For the 1 acre mixed use density, the non-residential mixed use portion must have a certificate of occupancy before the residential use can receive a certificate of occupancy. EVCN: For the 2 acre mixed use density, the non-residential mixed use portion must have a certificate of occupancy before the residential use can receive a certificate of occupancy.
 - *The section of the building for which the CO is requested (in this case, the commercial part) must be in substantial compliance with all applicable building, fire, safety, and zoning codes. Unsafe conditions in the incomplete residential portion must not affect the safety of the occupied commercial area.*
 - *Separation: The completed portion must be adequately separated from the construction area of the incomplete portion, ensuring that the active construction does not pose a hazard to the occupants of the finished area.*
- If the residential portion of the mixed use includes a third floor, the two upper floors can be maximized for residential with the ground floor reserved for commercial. Some discussion of dictating amount by sqft for commercial versus residential.
 - *Again, why be more prohibitive?*

PC Decision: **The edits could include adding (F) District Standards (4) For West Charlotte Commercial: A single certificate of occupancy will be issued for each 1-acre mixed use development once both the non-residential and residential requirements have been satisfied. For East Charlotte Commercial: A single certificate of occupancy will be issued for each 2-acre mixed use development once both the non-residential and residential requirements have been satisfied. Separate article. **Minimum required: 500 sqft. for commercial mixed use...****

4. Resulting suggestion based on JD Herlihy conversation is to address how to treat parcels in two zoning districts.

Suggested Consideration:

~~The Planning Commission should consider adding language to Section 2.2 Interpretation of District Boundaries, such that it appears in D moving D and E to E and F respectively. The language should read, The regulations for each zoning district apply only to the portion of the parcel that lies within that~~

~~district. For example, if a parcel is split between Village District and a Village Commercial District, each portion of the parcel must adhere to the overlaying zoning district standards.~~

PC Decision: Support existing regulations.

5. Frank Tenney asked about how to decipher between what is residential versus commercial.

Suggested Consideration:

One of the proposed edits included in the PC Public Hearing on proposed LUR amendments was such that the definition of Mixed Use in Section 10.2 was changed to, *A building or parcel containing residential uses and non-residential uses (e.g., office, commercial, industrial, institutional) which are otherwise allowed as permitted or conditional uses in the district in which the building or parcel is located (see Section 4.12). Also see Planned Unit Development.* Otherwise, we must entrust that the DRB is able to decipher what is residential versus non-residential.

PC Decision: Support existing regulations.