

State of Vermont
Agency of Commerce &
Community Development
Department of Housing & Community Development

Municipal Planning Commission Bylaw Reporting Form

Provisional Form pursuant to Act 47 of 2023, The HOME Act
This provisional form issued pursuant to the Act 47 of 2023 is subject to change. The Department welcomes feedback on the form's implementation of the Act. A standing form will be issued by December 31, 2023.

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Why is this form required?

Vermont's Municipal & Regional Planning & Development Act (24 V.S.A 4441) requires a municipal planning commission to prepare a report when considering an amendment to a bylaw. Act 47 of 2023 adds a requirement to the report to include findings on conformance with sections 4412, 4413, and 4414 of the Act. It also adds a requirement that the municipal planning commission provide the report to the Department of Housing and Community Development upon approval of an adoption or amendment. The report must be submitted with GIS (Geographic Information Systems) files, a complete bylaw, and information about municipal planning and governance and systems. The form will be published on the Vermont Planning Data Center, here:

<https://accdm maps.vermont.gov/MunicipalPlanningDataCenter/>. Bylaw submission and posting supports the availability of Vermont's adopted municipal bylaws from a central digital source for statewide access and use.

Vermont Municipal Bylaw Reporting Form

How does a municipality submit the form?

Upon completion of the sections below, upload a saved version of the file [here](#). The form must be submitted with the approved bylaw(s) and any GIS shapefiles (when adding or amending district boundaries of record on the Vermont Open [Geodata Portal](#)). The form can be saved as a Microsoft Word document (DOC) or converted to a Portable Document Format (PDF) file. If you need assistance completing the form, please reach out to the contact above or your municipality's regional planning commission.

Type of Bylaw Filing

- ☐ New bylaw(s)
- ☐ Amendment to existing bylaw(s)
- ☐ Repeal of existing bylaw(s) *Explain multiple selections.*

Type of Bylaw(s)

Select all that apply.

- ☐ Unified Development *(select all bylaws included in the unified bylaws below)*
- ☐ Zoning
 - Does the bylaw add or change any zoning districts or boundaries?**
 - ☐ Yes
 - ☐ No
- ☐ Subdivision
- ☐ Interim
- ☐ Flood Hazard
- ☐ River Corridor
- ☐ Shoreland Protection
- ☐ Other: *(explain)*

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Date of Hearing(s)

Planning Commission Hearing(s): June 1, 2023

Legislative Body Hearing: August 14, 2023

Date of Adoption

Skip this section if the bylaw is proposed for hearing.

Date of Popular Election: November 7, 2023

Date of Last Action: November 7, 2023

Bylaw Summary & Statement of Purpose

Provide a brief explanation of the bylaw and a statement of purpose (per 24 V.S.A. 4441). Use as much space as needed.

These standards address 3 areas of focus:

- (A) Updates to dimensional standards, conditional uses in several zoning districts, and other provisions of Charlotte's Land Use Regulations
- (B) Specific review and performance standards for permitting cannabis businesses
- (C) New definitions of several types of cannabis businesses and uses

Statement of Purpose: The Planning Commission based these changes on how the Vermont legislature and other Vermont municipalities have framed the regulatory process for cannabis businesses. We also responded to specific community impacts to date from existing cannabis cultivation operations in town, as described during our meetings by town residents. The Commission tried its best to balance the interests of these businesses and residents, while also reflecting policy input and concerns of residents, business operators and Commission members.

Findings on Municipal Plan Furtherance:

Explain how the bylaw conforms with or furthers the goals and policies contained in the municipal plan. Use as much space as needed.

The Planning Commission finds that the proposal generally conforms with or furthers some of the goals and policies contained in the 2019 municipal plan. Such policies include but are not limited to the following Town Plan goals and policies:

Plan Goals (p. 1-1):

- To balance property owner rights to reasonably use their land in keeping with overall public health, safety, welfare and the goals of this Town Plan;
- To reinforce historic settlement patterns by focusing growth in our hamlets, and east and west villages, while conserving our Areas of High Public Value;

(continued next page)

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(continued from above)

The Planning Commission finds that the proposal would positively address and advance the foregoing policies, as well as related Municipal Plan goals and objectives:

- The cannabis standards clearly stipulate where in town cannabis businesses may locate, which provides an opportunity for the town to determine if they are compatible with the nearby residential, agricultural, commercial and conserved land uses, as stipulated in each zoning district's Purpose Statement, and other requirements stated in the Municipal Plan.
- The cannabis standards will provide clear guidance for the town's Development Review Board in evaluating and permitting proposed cannabis businesses. They will provide a level playing field with known parameters to such businesses to understand the town's standards and expectations.
- The proposed performance standards stipulate how some of the typical impacts of cannabis enterprises can be effectively regulated and mitigated through the town's permitting process. They provide a basis for zoning enforcement to hold these businesses accountable to community standards, if violations of those standards are alleged.
- Proposed new definitions ground these standards in specific, non-technical language, based on state statute.

Findings on Safe & Affordable Housing

Explain the effect of the bylaw on the availability of safe and affordable housing. Use as much space as needed.

As this amendment exclusively addresses commercial uses, largely focusing on re-purposing existing commercial and agricultural structures and uses, it will likely have little (if any) impact on the availability of safe and affordable housing.

Findings on Required Provisions & Prohibited Effects

Explain how the bylaw conforms with 24 V.S.A. 4412. Use as much space as needed. Include explanations on how the bylaws conform with these provisions (as applicable):

This amendment does not revise and will have no anticipated impacts on any of the below-listed required provisions & prohibited effects in Charlotte's zoning bylaw.

- Mobile, modular and prefabricated housing
- Mobile home parks
- Duplex uses
- Multi-unit dwelling uses
- Accessory dwelling unit uses
- Residential care homes or group homes
- Hotels for emergency housing
- Existing small lots
- Required frontage
- Home occupations
- Childcare home or facility
- Heights of renewable energy structures
- Nonconformities
- Communications antennae and facilities
- Planting projects in flood hazards
- Accessory on-farm businesses
- Lot and dimensional standards for minimum dwelling unit density
- Density for affordable housing

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Findings on Limitations on Municipal Bylaws

Explain how the bylaw conforms with 24 V.S.A. 4413. Use as much space as needed.

This amendment does not create new restrictions nor impacts on any of the listed uses or facilities as enumerated in 24 V.S.A. 4413.

Include explanations on how the bylaws conform with these provisions (as applicable):

- *State- or community-owned and -operated institutions and facilities*
- *Public and private schools and other institutions*
- *Places of worship*
- *Public and private hospitals*
- *Regional solid waste management facilities*
- *Hazardous waste management facilities*
- *Emergency shelters*
- *Required agricultural practices*
- *Accepted silvicultural practices*
- *Solar energy devices*
- *Ancillary telecommunications improvements and lines*

Findings on Permissible Types of Regulation

Explain how the bylaw conforms with 24 V.S.A. 4414. Use as much space as needed.

The amendment includes changes to permitted and conditional uses in two zoning districts, and define specific review and performance standards for permitting cannabis businesses. It also adds new definitions of several types of cannabis businesses and uses to the town's zoning bylaw, in alignment with 7 VSA 863(b).

Select all regulations adopted by the municipality:

- ☐ Zoning (§4414)
 - ☐ Downtown, Village Center, and Growth Center Districts
 - ☐ Agricultural, Rural Residential, Forest & Recreation Districts
 - ☐ Airport Hazard Areas
 - ☐ Shorelands
 - ☐ Design Review Districts
 - ☐ Historic District/Landmark Bylaws
 - ☐ River Corridors and Buffers
- ☐ Overlay Districts (§4414)
 - List overlays:*
 - ☐ Flood Hazard Overlay District
 - ☐ Route 7 Scenic Corridor Overlay District

- ☐ Conditional Use Review (§4414) (yes)
- ☐ Parking & Loading Standards (§4414)
- ☐ Performance Standards (§4414) (yes)
- ☐ Energy Resource Standards (§4414)
- ☐ Inclusionary Zoning (§4414)
- ☐ Waiver Provisions (§4414)
- ☐ Stormwater Management Standards (§4414)
- ☐ Wireless Telecommunication Bylaws (§4414)
- ☐ Water/Wastewater Permit Sequencing Standards (§4414)
- ☐ Green Development Incentives (§4414)
- ☐ Solar Screening Standards (§4414)

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Municipal Plan Future Land Uses & Density Compatibility

Explain how the bylaw is compatible with the proposed future land uses and densities of the municipal plan.

The default development densities authorized by the zoning bylaws are not affected by the proposal. Thus, the Planning Commission finds that the zoning amendment proposals that are the subject of this report would be entirely compatible with the 2018 Municipal Plan.

Planned Community Facilities

Explain how the bylaw carries out, as applicable, any specific proposals for any planned community facilities.

The proposed amendment does not entail or generate new demand for any planned (or existing) community facilities. In addition, the proposed amendment does not conflict with any specific proposals for planned community facilities.

Municipal Planning Implementation Information

Upon adoption of the bylaw(s), select all elements of the municipal planning program that apply in the municipality:

- ☐ Unexpired Municipal Plan (yes)
- ☐ RPC-Approved Municipal Plan & Confirmed Planning Process (§4350) (yes)
- ☐ Interim Bylaws (§4415)
- ☐ Site Plan Review (§4416) (yes)
- ☐ Planned Unit Development (§4417)
- ☐ Subdivision (§4418)
- ☐ Administrative approvals of minor subdivisions/boundary adjustments (§4463)
- ☐ Unified Development Bylaws (§4419) (yes)
- ☐ Local Act 250 Review of Municipal Impacts (§4419)
- ☐ On The Record Review/Adopted Municipal Administrative Procedures (§4471)
- ☐ Official Map (§4421)

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- ☐ Public Facilities Phasing (§4422)
- ☐ Transfer Development Rights (§4423)
- ☐ Freestanding Shorelands Bylaws (§4424)
- ☐ Freestanding River Corridor Protection Areas (§4424)
- ☐ Freestanding Flood or Hazard Areas (§4424)
- ☐ Enrolled in the National Flood Insurance Program
- ☐ Other Special or Freestanding Bylaws (§4424)

List

- ☐ Capital Budget & Program (§4430)
- ☐ Impact Fees (Chapter 131, §4422)
- ☐ Judicial Bureau Ticketing Option for Enforcement (§4452 & 1974a of Title)
- ☐ Advisory Commissions/Committees (§4433(1))
- ☐ Historic Preservation Commissions (§4433(3))
- ☐ Design Review Commissions (§4433(4))
- ☐ Housing Commissions (§4433(5))
- ☐ Development Review Board (§4460) (yes)
- ☐ Zoning Board of Adjustment (§4460)
- ☐ Joint Board of Adjustment Development Review Board (§4460)
- ☐ Full-time Administrative Officer (yes)
- ☐ Part-time Administrative Officer
- ☐ Volunteer/stipend Administrative Officer
- ☐ Staff planner(s) (yes)
- ☐ Availability of planning Information on municipal website:
 - ☐ Municipal plan and maps (yes)
 - ☐ Bylaws (yes)
 - ☐ Fee schedule (yes)
 - ☐ Contact information for administrative officer (yes)
 - ☐ Information about Planning Commission (yes)
 - ☐ Information about the Appropriate Municipal Panel (ZBA/DRB) (yes)

Primary website URL: www.charlottevt.org

‘Redline’ version of prop. changes to LURs in context – cannabis standards – as approved by Charlotte voters in special town mtg. 11.7.23

(proposed additions to current LURs underlined in blue, below; deletions in ~~red strike-through~~)

from p. 10:

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

(B) Allowed By Right (No Permit Needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section 4.7]
4. Home Occupation I [see Section 4.11]
5. Outdoor Market (Max: 10 vendors)

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]
3. Cannabis Cultivation—Indoor (up to 10,000 SF)
4. Cannabis—Manufacturing (up to 10,000 SF)
5. Cannabis—Testing (up to 10,000 SF)
6. Cannabis—Wholesale (up to 10,000 SF)
7. Commercial Farm Stand
8. Dwelling/Accessory [see Section 4.2]
9. Dwelling/Single Family
10. Dwelling/Two Family
11. Financial Institution (Max: 4,000 sq. ft.*; no drive-through)
12. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
13. Home Occupation II [see Section 4.11]
14. Light Industry (Max: 10,000 sq. ft.*)
15. Office (Max: 4,000 sq. ft.*)
16. Outdoor Market (Max: 15 vendors)
17. Warehouse Facility (Max: 10,000 sq. ft.*)

* Note: Square footage limitations in this district apply to the total floor area.

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Agricultural Equipment Sales & Service [see (F)(1)]
5. Boat Sales & Service [see (F)(1)]
6. Cannabis Cultivation—Indoor (>10,000 – 25,000 SF)
7. Cannabis—Testing & Manufacturing & Wholesale (>10,000 - 20,000 SF)
8. Contractor's Yard [see Section 4.6]
9. Day Care Facility [see Section 4.7]
10. Dwelling Elderly (Max: 10 units)
11. Dwelling/Multi-family (Max: 4 units)
12. Financial Institution (Max: 10,000 sq. ft.*; drive-through allowed)
13. Health Clinic (Max: 20,000 sq. ft.*)
14. Home Occupation III [see Section 4.11]
15. Light Industry (>10,000 sq. ft.; Max: 20,000 sq. ft.*)
16. Municipal Facility [See (F)(4); Section 4.15]
17. Mobile Home Sales [see (F)(1)]
18. Motor Vehicle Sales & Service [see (F)(1)]
19. Office (Max: 20,000 sq. ft.*; only in a PUD)
20. Outdoor Market (more than 15 Vendors)
21. Personal Service (Max: 20,000 sq. ft.*)
22. Parking Facility
23. Restaurant (no drive-through)
24. Recreation/Indoor
25. Recreation/Outdoor
26. Retail Store (Max: 20,000 sq. ft.*; only in a PUD)
27. School
28. Snack Bar
29. Transfer Station/Recycling Center [see Section 4.15]
30. Transit Facility
31. Veterinary Clinic
32. Warehouse Facility (>10,000 sq. ft.*)
33. Waste Management Facility [see Section 4.15]

From p. 12:

Table 2.5 – Rural District (RUR)

(B) Allowed By Right (No Permit Needed)

1. Agriculture [see Section 9.2]
2. Forestry [see Section 9.2]
3. Home Child Care serving 1-6 children [see Section 4.7]
4. Home Occupation I [see Section 4.11]

(C) Permitted Uses

1. Accessory Structure/Use (to a permitted use)
2. Affordable Housing [see Section 4.4]

(D) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Adaptive Reuse [see Section 4.3]
3. Affordable Housing [see Section 4.4]
4. Agricultural Sales & Service [see (F)(4) below]
5. Airstrip and Helipad (private)
6. Bed & Breakfast
7. Campground
8. Cannabis Cultivation—Indoor (as Adaptive Reuse only)

3. Accessory Structure/Use (to a permitted use)
4. Affordable Housing [see Section 4.4]
5. Dwelling/Accessory [see Section 4.2]
6. Dwelling/Single Family
7. Dwelling/Two Family
8. Home Child Care serving 7-10 children, inclusive, as provided in Section 4.7
9. Home Occupation II [see Section 4.11]
10. Nature Center (Max: 2,000 sq. ft.) *

- [9. Cannabis—Manufacturing \(as Adaptive Reuse only\)](#)
- [10. Cannabis—Testing \(as Adaptive Reuse only\)](#)
11. Cemetery
12. Commercial Farm Stand [see (F)(4) below]
13. Community Care Facility
14. Composting (Commercial)
15. Contractor's Yard [see (F)(4) below & Section 4.6]
16. Cultural Facility
17. Day Care Facility [see Section 4.7]
18. Dwelling Elderly (Max: 10 units; only in a PRD)
19. Dwelling/Multi-family (Max: 4 units; only in a PRD)
20. Extraction of Earth Resources
21. Garden Center [see (F)(4) below]
22. Golf Course [see Section 4.10]
23. Home Occupation III [see Section 4.11]
24. Kennel [see (F)(4) below]
25. Municipal Facility [see (F)(1); Section 4.15]
26. Outdoor Market [see (F)(4) below]
27. Place of Worship [see Section 4.15]
28. Recreation/Outdoor
29. School
30. Snack Bar [see (F)(4) below]
31. Telecommunications Facility [see Section 4.16]
32. Transfer Station/Recycling Center [see Section 4.15]
33. Veterinary Clinic

* **Note:** Square footage limitations in this district apply to the total floor area.

Modify Sec. 3.12 Performance Standards, p. 32:

A) The following performance standards must be met and maintained for uses in all districts, inclusive of Accessory On-Farm Businesses (AOFBs), as measured at the property line... The Development Review Board may require [the installation of air filtration, screening and other mitigation measures to limit impacts on neighboring properties, and](#) periodic reporting as a permit condition to confirm ongoing compliance. No use, under normal conditions, shall cause or result in:

...

3) smoke, dust, odors, noxious gases, or other forms of airborne pollution which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area. [A persistent odor which is verified by persons of normal odor sensitivity to exist for three consecutive days within any two-week period constitutes a nuisance under this standard.](#)

...

6) glare, lumen, light or reflection which constitute a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

From pp. 38-39:

Section 4.3 Adaptive Reuse of an Existing Structure

... **(F) Uses.** The following uses may be allowed in structures which are determined by the Board to be eligible for adaptive reuse:

- 1) any permitted and conditional use allowed within the district in which the structure is located;
- 2) accessory dwelling;
- 3) single and multi-family dwelling, at a density not less than the density (acres/unit) required for the district in which the building is located, except as allowed for planned residential developments (including noncontiguous PRDs) under Section 8.4 and affordable housing under Section 4.4;

- 4) home occupation III (see Section 4.11);
- 5) office(s);
- 6) [Cannabis Cultivation—Indoor;](#)
- 7) [Cannabis—Testing;](#)
- 8) [Cannabis—Manufacturing;](#)
- 9) restaurant or snack bar;
- 10) bed and breakfast or inn;
- 11) agricultural processing, sales and service (e.g., specialty food production, commercial farm stand, food cooperative, farm services) excluding slaughter house facilities;
- 12) cultural facility (e.g., library, museum, theater, performance space);
- 13) community center or private club;
- 14) retail store;
- 15) enclosed storage facility, but not self-storage facility;
- 16) health clinic;
- 17) veterinary clinic;
- 18) other similar uses; or
- 19) a combination of the above.

Sec. 4.17 Temporary Structures, p. 60:

(A) Temporary Structure. A temporary structure used for office or storage space (such as a trailer, mobile home, portable storage unit, outdoor storage structure), [or a hoophouse used for non-exempt agriculture or commercial cannabis cultivation](#), or [a covered area for seasonal outdoor seating or for special events](#), may be allowed as a temporary accessory structure to a permitted use. ~~Such a~~ [A temporary](#) structure shall comply with all setback standards and other dimensional standards for the district in which it is located, and shall not be used for dwelling purposes, unless specifically approved under Section 4.2. Temporary structures require a zoning permit, for a specified period of time not to exceed one (1) year from the date of issuance. Structures will be dismantled and/or removed upon expiration. This permit may be renewed for a period not to exceed one (1) additional year.

All new section, to be inserted after Sec. 4.19 on p. 60:

4.20 Cannabis Establishment

(A) Applicability: [Cannabis establishments other than outdoor cultivation are considered a commercial use under these regulations. As such, they are subject to conditional use review per Sec. 5.4 and site plan review per Sec. 5.5., contingent upon restrictions in 7 VSA §863\(d\)\(1\). They are also subject to local licensing review and approval by the Charlotte Cannabis Control Commission, prior to obtaining a state license from the Vermont Cannabis Control Board.](#)

(B) Application procedures:

[With the exception of permitted cannabis uses as specified in Table 2.4., proposed cannabis establishments shall follow application procedures for site plan review per Sec. 5.5, and conditional use review per Sec. 5.4.](#)

(C) Review standards: [Cannabis establishments are subject to the following requirements:](#)

1) **Setbacks:** [The Development Review Board may require additional setback distances to such uses beyond those applicable pursuant to these regulations.](#)

2) Performance Standards:

a) **Fencing:** [Cannabis businesses shall document compliance with Sec. 3.4 \(Fences and Walls\) of these regulations in site and sketch plans.](#)

b) **Screening:** [Screening for any cannabis establishment involving construction of new facilities, may be required per the provisions of Sec. 5.5.\(E\)\(5\).](#)

- c) **Security:** Applications for cannabis establishments shall include a security plan describing how the establishment will be secured during and after business hours, per requirements of Vermont Cannabis Control Board Rule 1 and Rule 2.
- d) **Water and Wastewater Supply:** Applicants for cannabis establishments must document sufficient wastewater capacity and water supply required by these businesses when operating at scale per Sec. 3.16 of these regulations. If increased occupancy by employees or water withdrawals for cultivation requires expansion of an existing permitted septic and/or water supply system, permit amendment applications must be filed simultaneously with their Conditional Use permit application.

New Definitions: inserted in alpha order, beginning on p. 115

Definition of:	Proposed:
<u>Cannabis</u>	<u>Cannabis shall have the same meaning as defined under 7 V.S.A. § 831 and 7 V.S.A. § 861. Cannabis does not include hemp or hemp products, as defined in 6 VSA §562.</u>
<u>Cannabis Control Commission</u>	<u>The Charlotte Cannabis Control Commission, as established by resolution of the Charlotte Selectboard November 21, 2022, per 7 V.S.A. § 863(b).</u>
<u>Cannabis Establishment</u>	<u>Cannabis establishment means a cannabis cultivator (indoor only), wholesaler, product manufacturer, retailer, propagator or testing laboratory that meets criteria for licensure by the Vermont Cannabis Control Board to engage in commercial cannabis activity, as defined in 7 V.S.A. § 831 and 7 V.S.A. § 861.</u>
<u>Cannabis Cultivation—mixed license</u>	<u>An establishment that meets criteria for mixed use licensure by the Vermont Cannabis Control Board to grow cannabis plants both indoors and outdoors on the same SPAN parcels.</u>