

# Planning Commission Reporting Form for Municipal Bylaw Amendments 11/15/2017

## Proposed Revisions to Hinesburg's Zoning and Subdivision Regulations Miscellaneous Housekeeping Changes for Planning Commission draft proposal – December 13, 2017 public hearing

This report is 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. 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 Hinesburg Planning Commission will hold a public hearing at the Town Hall on December 13, 2017, at 7:30 pm to receive public comment on proposed changes to the Zoning Regulations (last revised September 12, 2016) and the Subdivision Regulations (last revised May 18, 2015). The purpose is to make a wide variety of revisions based on suggestions for clarification and improvement over the last 8-10 years. The geographic area affected is town-wide.

Copies of the proposed changes, a summary of the changes, as well as this report are available on the Town web site ([www.hinesburg.org](http://www.hinesburg.org)) and at the Planning & Zoning Office at the Town Office located at 10632 Route 116. The Planning & Zoning Office is open 9am to 4pm Monday through Friday. For information please contact the Planning & Zoning Office, 482-2281 ext 225. A list of the affected section headings follows, as required pursuant to Title 24, Chapter 117 V.S.A Section 4444 (b).

### **Zoning Regulations Sections:**

2.1 - Permitted Uses	3.13 - Industrial District
2.4 - Area And Dimensional Requirements	3.14 - Industrial District
2.5 - Lot And Structure Requirement	3.15 - Shoreline District
2.6 - Corner Parcel	4.1 - Application For Zoning Permits
2.9 - Village Growth Area Density	4.2 - Authorization To Grant Or Deny Conditional Uses
Bonus/Incentive Options	4.3 - Site Plan Approval
3.2 - Agricultural District	5.1 - Home Occupations
3.3 - Rural Residential District	5.2 - Cottage Industries And Larger Home Occupations
3.4 - Rural Residential District	5.3 - Contractors' Yards; Home Occup Vehicle Repair Services
3.5 - Village District	5.4 - Sign Regulations
3.6 - Village Northwest District	5.5 - Off-Street Parking Standards
3.7 - Village Northeast District	5.6 - Design Standards For Commercial And Industrial Uses
3.8 - Commercial District	5.7 - Access Requirements
3.9 - Residential 1 District	5.8 - Customary Accessory Uses
3.10 - Residential 2 District	
3.11 - Industrial District	
3.12 - Industrial District	

5.9 - Accessory Apartments  
 5.10 - Non-Conforming Uses And Non-Complying Structures  
 5.11 - Existing Small Lots  
 5.15 - Conversion Of Camps  
 5.18 - Temporary Uses And Structures  
 5.19 - Mobile Homes And Mobile Home Parks  
 5.20 - Camping Vehicles And Campgrounds  
 5.21 - Inclusionary Zoning  
 5.22 - Village Area Design Standards  
 5.24 - Small Wind Energy Systems  
 5.27 - Stormwater & Erosion Control  
 5.29 – NEW – Outdoor Lighting  
 8.2 - Development Review Board  
 8.4 - Appeals

10.1 - Definitions

**Subdivision Regulation Sections:**

2.1 – Zoning Permit Required  
 3.1 – Sketch Plan  
 3.2 – Minor Subdivision  
 3.3 – Major Subdivision  
 4.1 – Preliminary Plat Submission  
 6.6 – Stormwater & Erosion Control  
 6.8 – Sewage Disposal  
 6.10 – Lot Layout  
 6.12 – Design Standards for Rural Areas  
 7.1 – Number of Copies  
 7.7 – Revisions  
 8.3 – Enforcement and Penalties  
 Article 9 - Definitions

Background

The Planning and Zoning Office keeps a list of suggested changes to the Zoning and Subdivision Regulations. These suggestions come from a variety of sources – e.g., Development Review Board, Zoning Administrator or other staff, development applicants, landowners, etc. Many of these suggested changes are minor clarifications; however, some represent significantly different regulations or new policy. We typically refer to this collection of regulation revisions as “housekeeping changes”. It has been ten or more years since a broad set of housekeeping changes have been made. As a result, this proposed batch of changes is lengthy. In addition to a track changes version of the regulations, please refer to the summary document that provides the description and rationale for the significant changes. Although all the changes are important, what follows is a list of changes with larger policy implications:

**Landscaping standards for growing medium and plant health (Zoning, 4.3.8)** - Adds a standard requiring special attention to site preparation and adequate soil growing medium for plantings – especially trees. Greater emphasis on growing medium as recommended by the Town Tree Warden. Also clarifies that trees must be maintained so as to enable continued growth to maturity.

**Home occupation traffic allowance (Zoning, 5.1 & 5.2)** - Eliminates arbitrary and inflexible traffic volume allowances for home occupations. Consistent with many other municipalities and DRB recommendations. Retains requirement that traffic still be characteristic of the neighborhood, but recognizes that different types of roads have different “background” traffic volumes.

**Prohibition on internally illuminated signs (Zoning 5.4.5 #1)** - Creates a prohibition on internally illuminated signs including traditional and electronic message boards with two exceptions – 1) one illuminated “open” sign in a window; 2) gas station price signs. Existing, internally illuminated signs can continue as pre-existing non-conforming sign lighting – e.g., Jiffy Mart, University of VT Health Center, Kinney Drugs, Jolley Mobil, CVU, etc.

**Prohibition on drive-thru windows/service (Zoning 5.6.11)** - Extends existing prohibition on drive-thru windows/service from restaurants to all uses. This is a policy decision to eliminate new drive thrus to improve site planning and emphasize pedestrian access. The three existing drive thrus can continue as a pre-existing non-conforming use, including: Community Bank (Ballards Corner Road), Kinney Drugs (Route 116), National Bank of Middlebury (Commerce Street).

**Accessory uses and structures (Zoning 5.8)** - Wholesale rewrite of this section to: distinguish accessory uses for accessory structures; differentiate between residential and non-residential; create more comprehensive lists with examples; include section references for those accessory uses/structures that have additional standards or permitting; address special exceptions – e.g., agricultural and forestry accessory uses, utility uses/structures; address accessory structures on lots without a principal structure.

**Accessory apartment size and access (Zoning 5.9)** - Allows for larger accessory apartments. Allows for the creation of new access points (i.e., driveway) for the accessory apartment. Replaces the current prohibition on creating new access points with avoidance of primary and secondary resources (e.g., wetlands, steep slopes, streams, etc.) in the Agricultural and Rural Residential 2 zoning districts – consistent with the rural area zoning adopted in 2013.

**Camping limitations (Zoning 5.20)** - Clarifies when non-commercial camping on a property needs a zoning permit. Establishes a clear limit to prevent someone from allowing camping on their property for more than 180 days per year. Also requires review as a campground if a property is occupied by four or more camping units for more than 14 days per year, even if not a commercial campground.

**Outdoor lighting standards (Zoning 5.29)** - Completely new section to create clear and specific standards for outdoor lighting (residential, non-residential, etc.) based on industry norms, dark sky recommendations, other Chittenden County municipalities, and recent developments in Hinesburg.

**Structure/Building definition (Zoning 10.1)** - Revised definition: eliminates requirement for a fixed location on the ground (no more loophole for structures on wheels or skids); clarifies that all buildings are structures regardless of size; provides a longer list of exemptions (e.g., fuel tanks, stairs or ramps for ingress/egress, recreation structures, etc.).

**Boundary adjustment survey requirement (Subdivision 2.1)** - Adds a new requirement to provide a survey of the boundary adjustment area.

**Building envelopes (Subdivision 6.10.7)** - Adds language to provide the DRB guidance on the use and delineation of building envelopes to define buildable areas on a lot. Allows for multiple building envelopes at the discretion of the DRB.

**Building envelope definition (Subdivision Article 9)** - Revised. Clarifies that a building envelope applies to the location of all structures requiring a zoning permit, not just principal structures. Deletes reference to delineation on a survey/plat so that delineation on engineering plans can suffice.

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***Findings regarding how the proposal:***

***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:***

The proposal furthers the goals and policies of the Town Plan in a couple specific ways; however, many of the changes are technical in nature, and are designed to clarify regulations and improve the development review process. As such, many of the regulation revisions are not tied to specific action items in the Town Plan.

The proposal will improve the availability of affordable housing by leading the creation of more rental stock via accessory apartments. Landowners interested in creating accessory apartments have frequently identified the maximum size limitation as a reason not to pursue such projects. The proposal (Zoning 5.8) increases the size allowance substantially, which will likely spur the creation of more accessory apartments. This helps further top priority action item 2.1.2 from the Town Plan, “Support affordable, senior, and reasonably priced housing town-wide within existing density allowances, with emphasis on higher densities of such housing in the Village Growth Area.”

The new outdoor lighting regulations (Zoning, 5.29) directly addresses Town Plan action item 5.14.1, “Update the land use regulations to provide much greater clarity and specificity with regard to acceptable outdoor lighting and sign lighting, as well as standards or design specifications for outdoor lighting plans.”

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

The proposed changes will have no substantial effect on future land uses and development densities.

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***3. Carries out, as applicable, any specific proposals for any planned community facilities.”***

Not applicable.