Rural Area Regulation Revisions

Objective #1 - Expanding Allowed Uses

Selectboard Revisions to PC Proposal – 5/31/2013

- Added text underlined (and in red if you have a color version)
- Deleted text under strikeouts

PC public hearing on 9/12/2012; PC vote to forward to Selectboard on 12/12/2012

Note: words in italics are for clarification and are not for inclusion in the regulations

Zoning District Purpose Statement Revisions

REVISIONS to sections 3.2 (AG district purpose) and 3.4 (RR2 district purpose). More descriptive, more substance, a more complete explanation of what the community's intent is. The current RR2 district purpose statement is sorely in need of revision. Currently it recognizes low density residential development (as the district's name implies), but makes no mention of the primary forest-based land uses and functions.

Agricultural Zoning District Purpose:

Purpose: To promote sustainable agricultural uses on land so suited, and other green/open space uses on lands less suitable for agriculture. Farms and interspersed woodlands dominate this district, and help define a critical aspect of Hinesburg's rural character. The working landscape and natural ecosystems shall continue to be the focus of this district. Innovative land uses listed below that serve to perpetuate the form and function of this working landscape are anticipated and encouraged.

Development densities will remain low relative to the rest of the town. The pattern and density of residential development varies across this district; however, the overall district is characterized by the lowest residential development density in Hinesburg. Low density, rural development shall be allowed primarily on land less suitable for green space and agricultural uses. Innovative residential development designs (e.g., clustering, smart siting of homes near/around compatible site features, variable lot sizes, etc.) are encouraged to reduce impact on important natural resources, as long as overall density remains low. Patterns of development shall serve to conserve important agricultural and other natural and cultural resource lands. Conflicts between development and these resource areas shall be minimized to retain the primary focus and function of this district.

Rural Residential 2 Zoning District Purpose:

Purpose: To promote sustainable forest-based land uses (e.g., timber & fuel wood production, recreation, sugaring, biodiversity & wildlife habitat protection, etc.) on land so suited, and allow for low density rural development that preserves important natural and cultural resources. Forests, dynamic topography, and large blocks of conserved public land (e.g., Town Forest, Fred Johnson Wildlife Management Area) dominate this district, and help define a critical aspect of Hinesburg's rural character. The working forest and natural ecosystems shall continue to be the focus of this district, with a priority on forest-based land uses – both existing and potential. Innovative land uses listed below that serve to perpetuate the form and function of this working landscape are anticipated and

encouraged.

Development densities will remain low relative to the rest of the town. Existing residential development is strongly associated with the four major hill roads (Sherman Hollow Rd, Texas Hill Rd, Hayden Hill Rd, Lincoln Hill Rd) plus Hollow Road to the south. When the residential density along these roads is averaged with the large areas of undeveloped core forest, the overall district has one of the lowest residential development densities in Hinesburg. Innovative residential development designs (e.g., clustering, smart siting of homes near/around compatible site features, variable lot sizes, etc.) are encouraged to reduce impact on important natural resources, as long as overall density remains low. Patterns of development shall serve to preserve existing core wildlife habitat, to retain access to other blocks of undeveloped forest land over 25 acres in size, and to work in concert with the natural topography and site limitations. Conflicts between development and important forest resource areas shall be minimized to retain the primary focus and function of this district.

New & Revised Allowed Uses

Permitted:
Commercial Agricultural Operations *(existing use) – See new definition for agriculture below. Add this as a permitted use in the Village Northeast district. It is already permitted in all other non-industrial districts.*

Commercial Forest Management *(new use) – See new definition below.*

Farm Stand *(already defined in regulations) – Allow this as a permitted use in the AG and RR2 districts. Currently only allowed as a permitted use in the Village and Commercial Zoning Districts.*

Agricultural Accessory Uses *(new use)* – Customary on-farm accessory uses that are directly related and subordinate to the commercial agricultural operations. Such activities need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (e.g., land area, structures utilized). Including, but not limited to: corn maze, petting zoo, farm tours, classes, scientific research, trails for non-motorized recreation, composting, u-pick operations, product tasting, retail sales of products produced on the farm (including products that are produced and then processed on the farm), retail sales of agricultural products not produced on the farm as long as such sales are clearly subordinate (in volume and revenue) to retail sales of on-farm products.

Forest Management Accessory Uses *(new use)* – Customary forest management accessory uses that are directly related to the commercial forest management operation. Including, but not limited to: forest tours, classes, scientific research, trails for non-motorized recreation, sales of products produced on the property (including products that are produced and then processed on the property).

Bed & Breakfast *(replace "Tourist Home" use in rural districts)* – An owner-occupied home that

is also used to provide overnight accommodations, and possibly one or more meals, to guests for short periods of stay (e.g., tourists). Bed & Breakfasts shall be located in the primary structure on the lot, and shall not exceed four guest rooms.

Conditional:

Farm Café *(new use)* – A restaurant with indoor seating for no more than 40 people, and no more than 1,000 square feet of outdoor seating that meets the following criteria:

1. Is subordinate to a commercial agricultural operation that is the primary use of the land on which the café is located.
2. The café must use some products produced on the farm.
3. Is located on a farm of at least 15 total acres.
4. Is located in proximity to the farm operation, and is on a parcel used for the farm operation.

This use need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (e.g., land area, structures utilized). Includes dining on the premises (indoor and/or outdoor), take out dining, and delivery, but excludes drive-through service.

Integrated Agriculture *(new use)* – Commercial agricultural operations that include activities that may not be directly related to the agricultural use. Such activities need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (e.g., land area, structures utilized). Activities must fall within one or more of the following categories:

- On-site processing, storage, sampling and tasting of crops or farm products not principally produced on the farm.
- Retail sales of crops or farm products not principally produced on the farm.
- Retail sales of non-farm products related to the farm and/or what is produced on the farm. Such retail sales of non-farm products must be clearly subordinate to the farming operation and/or other integrated uses.
- Education, cultural, recreation programming – e.g., classes, day camp, etc.
- Event hosting as long as such events are clearly subordinate to the farming operation – e.g., wedding venue, dinner/dance venue, theater production, etc.

Integrated Forestry *(new use)* – Commercial forest management uses that include activities that may not be directly related to the forest use. Such activities need not be subordinate to the forest management operation in terms of revenue, but shall be subordinate in terms of overall land use (e.g., land area). Activities must fall within one or more of the following categories:

- Education and cultural programming – e.g., classes, day camp, etc.
- Event hosting as long as such events are clearly subordinate to the forest management operation – e.g., wedding venue, dinner/dance venue, theater production, etc.

Low Impact Agribusiness *(new use)* – A business that supports the agricultural economy of Hinesburg and/or the surrounding communities, integrates into the rural character of the neighborhood and greater zoning district, has a negligible to small impact on surrounding

properties and public services, and fits in to one or more of the broad categories below. This use shall meet the provisions and spirit of this section, the full complement of conditional use standards, and shall protect and preserve important natural resources. Note: Growth and expansion of such uses will be limited due to their rural location (e.g., road impacts, neighborhood impacts, etc.). Businesses that cease to be low impact will have to relocate to areas with more compatible zoning allowances.

1. Animal health, breeding and boarded care facilities such as veterinary clinics principally servicing livestock and poultry.

2. Horticultural facilities including selective seed storage and sales, as well as demonstration plots.

3. Farm product storage facilities such as vacuum or cold orchard storage and grain silos with associated service structures.

4. Slaughter and meat processing facilities.

5. Food processing facilities including but not limited to produce washing, flash freezing, canning or value added processing production of food products.

6. Craft-scale dairies, cheese and other dairy product makers, wineries, juice and cider producers or similar.

7. Agricultural and residential byproduct processors such as composting and bio-electric generators.

8. Agricultural and forestry equipment ~~sales and~~ repair. The incidental sales of equipment and parts allowed only if a minor part of the business that is subordinate to the repair use.

9. Facilities or workshops supporting historically on-site agricultural services such as farriers, breeders, etc.

Outdoor Recreational Facilities *(revise several existing uses)* – Land and/or structures used for outdoor recreational activities that require substantial alteration or maintenance of the land, such as: developed parks and playing fields, playgrounds, hunting preserves, cross-country ski centers and associated trails, mountain bike centers and associated trails, golf courses and clubs, swimming pools, ice rinks, etc. Such activities may include minor supporting structures such as benches, bridges, backstops, dugouts, warming huts, etc. Such activities may include larger supporting structures (e.g., customer reception, rental equipment, restrooms, locker rooms, clubhouses, etc.) as long as such structures indeed support the outdoor recreation activity, and do not constitute an indoor recreational facility.

Specifically exempted from this use are outdoor recreational activities that require no substantial alteration or maintenance of the land, such as: undeveloped green space or park land, primitive hiking trails, cross-country ski trails, mountain bike trails, VT Association of Snow

Travelers (VAST) trails, sleigh rides, etc. Such activities shall be considered customary accessory uses, and shall be deemed permitted. Outdoor recreational activities that are incidental or accessory to a primary residential use, and used primarily by the residents of the property shall also constitute permitted accessory uses, and shall not be considered outdoor recreational facilities – e.g., backyard badminton courts, horseshoe pits, tennis courts, outdoor hockey rinks, swimming pools, etc.

Inn *(new use)* – An owner-occupied building or group of buildings used to provide overnight accommodations, and possibly one or more meals, to guests for short periods of stay (e.g., tourists). Inns may incorporate the primary structure on the lot as well as accessory structures, but shall not exceed 10 guest rooms.

Function Hall *(revise an existing use) – Revise section 3.2.3 #15 to read as follows, and add this use to other rural area districts…* Use of a barn or similar structure (existing or new) provided the following special conditions are met:

a) Road access is via a state highway or a class 1,2,3 Town road.
b) The structure and any portion of the lot used in connection with the business shall be set back at least 50 feet from side and rear property lines. No residential dwellings are closer than 500 feet to the structure, other than those owned by the applicant or the applicant's immediate family.
c) The use shall be integrated into the rural landscape, and the structure shall have an exterior design that is compatible with the character of the neighborhood.
d) All other relevant provisions of the Zoning Regulations are complied with – e.g., performance standards, off-street parking, site plan review standards.

Function Hall *(definition)* – A structure used for hosting parties, banquets, receptions, or other social events.

Farm Market *(already defined in regulations) – Allow this as a conditional use on State Highways, Class 1, and Class 2 roads in the AG and RR2 districts. Currently only allowed as a permitted use in the Village and Commercial Zoning Districts.*

Revisions to existing AG district conditional uses listed in section 3.2.3 – also to be utilized in RR2 district conditional uses in section 3.4.3:

#4 *(REVISE)* – Medical care facilities primarily providing in-patient services (e.g., rehabilitation, mental health, etc.) with beds to serve no more than 30 patients.

#8 *(DELETE)* – Manure pits or lagoons or any manure-storage facility – *this is already permitted if part of an agricultural use.*

#9 *(DELETE)* – Retail sale of substantially unprocessed agricultural products – *this will become permitted under the Farm Stand and Farm Market uses to be added.*

#11 *(REVISE)* – Tourist homes… - *this will be covered by Bed & Breakfasts and Inns.*

#17 *(DELETE)* – Production and processing of dairy-related products… - *this will be covered by addition of low impact agribusiness use.*

#18 *(DELETE)* – Public and private hospitals… - *redundant, already covered by use #4*

Conditional Use Review Standards Revision

Revise language to conform to State statute (Title 24, Chapter 117, Section 4414 #3). Add language to 4.2.2 #3 to clarify road impacts. Currently, this standard could be construed simply to ensure there is no adverse impact on traffic, regardless of the impact to the Town's road maintenance budget. If we're going to allow more types of uses in the rural parts of town, we need to make sure they will not adversely affect our rural road network.

4.2.2 The Development Review Board shall ensure that the proposed conditional use shall not ~~adversely affect~~ **have an undue adverse effect on**:

1. The capacity of existing or planned community facilities.
2. The character of the area affected, and the essential character of the neighborhood or district in which the property is located.
3. Traffic on the roads and highways in the vicinity**, including the vehicular, bicycle, pedestrian, and recreational uses of the road**. **Maintenance of public roads in the vicinity, including the cost to the Town to provide this maintenance.**
4. The Town Plan and Regulations in effect.
5. Utilization of renewable energy resources.
6. The appropriate use or development of adjacent property.
7. The public welfare in any other manner.

Zoning Definitions Revisions

Commercial Agricultural Operations: Agricultural operations operating in a commercial manner, but without an income test or requirement. Such operations may be small scale, but still must be commercial in nature – i.e., not to include purely residential accessory uses like a household garden, a few chickens and a chicken coop, a two-sheep "farm", etc. Agriculture is: 1) the cultivation or other use of land for growing food, fiber, Christmas trees, maple trees for sap/sugaring, or horticultural crops, or orchard crops, or 2) the raising, feeding, or management of livestock, poultry, equines, fish, or bees, or 3) the operation of greenhouses, or 4) the production of maple syrup, or 5) the on-site storage, preparation, and sale of agricultural products principally produced on the farm, or 6) the on-site production of fuel or power from agricultural products or wastes produced on the farm. For additional options and flexibility for innovative uses in combination with agriculture, see Agricultural Accessory Use and Integrated Agriculture definitions and allowances. Note – Pursuant to the Planning Act and VSA Title 10 Section 6001 #22, accepted agricultural practices and certain farm structures are exempt from local zoning.

Commercial Forest Management: Forest management operations operating in a commercial manner, but without an income test or requirement. Such operations may have infrequent management activities, but still must be commercial in nature – i.e., not to include management of small woodlots (e.g., under 25 acres) where a residential use is the principal use. Includes activities conducted on forest land relating to growing, managing, or harvesting

of trees and other forest products. Beyond basic silviculture and production of other forest products (e.g., mushrooms), other aspects of this use may include green space preservation, watershed protection, wildlife habitat conservation and management, soil conservation, maintenance of clean air and water, and informal outdoor recreation. For additional options and flexibility for innovative uses in combination with forestry, see Forest Management Accessory Use and Integrated Forestry definitions and allowances. Note – Pursuant to the Planning Act, accepted silvicultural practices are exempt from local zoning.

Cordwood Operation: A business involving the production, processing, storage, or sale of wood in lengths suitable for stacking, typically for firewood use. Byproducts of the cordwood operation that are incidental and accessory (e.g., wood chips) may also be part of such a business.

Subordinate: Secondary to and subject to the control of another use or entity.