

Interim Bylaw – 07/16/15 Discussion draft

TOWN OF HINESBURG
INTERIM BYLAW

I. PURPOSE:

The Town of Hinesburg’s water and wastewater capacity is not sufficient to support development as envisioned in the current zoning and subdivision regulations.

Diminished capacity of and contamination in the existing water supply wells created an additional, unexpected water capacity challenge. Two new wells slated for connection in fall 2015 will serve as replacement capacity as opposed to additional capacity, while a State-imposed moratorium on new connections remains in effect until those wells are connected in late 2015 or early 2016.

The Town is continuing its water source exploration efforts, using a 2013 water source feasibility study as a guide and focusing first on the areas nearest the new wells.

The Town has a permitted wastewater capacity of 250,000 gallons per day (gpd); and a current design capacity of 308,000 gpd. The Town is operating on a permit that expired years ago, as it awaits changes in State and Federal regulations that will lower phosphorous discharge limits further. Changes to those discharge limits may also limit the Town’s overall wastewater capacity.

The Selectboard enacted a wastewater moratorium in April that became fully effective in June 2015. As stated in the notice of ordinance amendment, the moratorium’s purpose is to: “...provide the time necessary to complete a wastewater capacity study (to determine the facility’s ultimate capacity); plan for and/or implement regulatory and statutory changes (such as the anticipated reduction in phosphorous discharge limits); connect the new water supply and treatment wells; budget for and begin capacity recapture efforts; and change the allocation award system.”

All existing water and wastewater ordinances will be modified within the next year to provide greater clarity and reflect current and future capacity.

Effective and orderly development of the village growth area without the corresponding infrastructure is a difficult, if not impossible, task.

II. DESCRIPTION OF DISTRICTS AFFECTED:

This Interim Bylaw shall apply to the following zoning districts within the Town of Hinesburg. Districts not listed are not subject to these Interim Bylaws.

- A. Commercial
- B. Industrial 3
- C. Industrial 4
- D. Residential 1
- E. Residential 2
- F. Village
- G. Village Northeast
- H. Village Northwest

III. LIMITATIONS ON LAND DEVELOPMENT:

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52 All development or projects requiring allocation and connection to the municipal water and wastewater systems
53 are prohibited.

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55 **IV. EXCEPTIONS:**

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57 The following exceptions apply to the limitations on land development listed in Section III.

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- 59 1. Development that requires new water or wastewater allocation shall be prohibited in the Village zoning
60 district with the following exceptions:
- 61 a. Expansion or redevelopment of existing structures.
 - 62 b. Residential development that creates three or fewer new dwelling units (e.g., accessory apartments,
63 minor subdivisions, etc.).
 - 64 c. Housing that is age-restricted (55+; independent living, assisted living, etc.) and designed for
65 seniors (e.g., accessible dwelling units).
 - 66 d. Perpetually affordable housing as defined in section 5.21 of the Zoning Regulations.
 - 67 e. The following related uses: manufacturing, light manufacturing, light industrial, engineering and
68 product design facilities. Such uses must conform to the goals and regulatory provisions of the zoning
69 district they are proposed for.

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- 71 2. Development in the Industrial 3 and Industrial 4 zoning districts may be approved by the Selectboard.

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- 73 3. Buildings, structures, and uses owned and operated by the municipality.

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75 This moratorium shall not apply to the issuance of zoning permits for development projects that have already
76 received final Development Review Board approvals but are not yet built or are partially built, nor shall it apply
77 to applications for minor revisions to such projects as long as no additional water or wastewater capacity is
78 required.

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80 **V. DEFINITIONS:**

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82 Any definitions established in the adopted zoning and subdivision regulations of the Town of Hinesburg shall
83 carry the same meaning in this Interim Bylaw.

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85 **VI. EFFECT ON EXISTING REGULATIONS:**

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87 This Interim Bylaw shall not repeal or alter any existing ordinances, regulations or bylaws of the Town of
88 Hinesburg. This Interim Bylaw establishes restrictions that are in addition to those contained in any other
89 municipal ordinance, bylaw or regulation.

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91 **VIII. ENACTMENT PROVISIONS:**

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93 This Interim Bylaw is enacted pursuant to and shall be administered in the manner provided for in 24 V.S.A. §
94 4415. This Interim Bylaw shall be effective upon passage.

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