

**Interim Bylaw – 06/16/16 public hearing draft**

TOWN OF HINESBURG  
INTERIM BYLAW

**I. PURPOSE:**

The Town of Hinesburg is enacting interim bylaws for two related, but distinct, reasons:

1. The water and wastewater infrastructure of the Town is not capable of serving full- or partial-build out scenarios as envisioned in the current zoning regulations. Limitations exist with regards to capacity, water quality, and regulatory compliance.
2. The proposed pacing of new development and need for enhanced design and performance standards.

A pair of new wells slated for connection in 2016 will serve as replacement capacity, not additional capacity. The Town is continuing its water source exploration efforts; those efforts have not yielded an additional water source with the substantial allocable capacity necessary to justify the considerable capital investment.

Wastewater challenges are related to limited capacity (currently 250,000 gallons per day) and changing State and Federal regulations. The Town will be required to make capital improvements projected to be in excess of \$6 million to meet regulatory and water quality standards for phosphorous discharge and treatment of ammonia.

Concerns regarding project pacing, design, and performance standards are all rooted in the consistent feedback provided to the Planning Commission and Development Review Board during consideration of a number of projects, both small and particularly large. The Planning Commission also is currently considering amendments to the Town Plan that may require amendments to the Town Zoning Regulations in order to implement the Town Plan.

In order to protect the public health, safety and general welfare and to provide for orderly physical and economic growth in Hinesburg for which the Town can provide adequate services, the Town enacts this Interim Bylaw. In light of the above, one of the purposes of this Interim Bylaw is to halt, temporarily, land development in certain areas of Hinesburg. This pause on land development provides the Town time to complete municipal water supply explorations and an ongoing wastewater treatment study, to determine whether additional studies are needed and to study the need for and prepare amendments to the Town Zoning Regulations

**II. DESCRIPTION OF AREA AFFECTED:**

This Interim Bylaw shall apply to the Interim Bylaw Area as identified and depicted on the map entitled “Interim Bylaw Area Map,” which is attached hereto as Appendix A and incorporated into this Interim Bylaw by reference. If uncertainty exists as to the boundary of the Interim Bylaw Area, the Selectboard shall determine the location of the boundary.

**III. LIMITATIONS ON LAND DEVELOPMENT:**

New land development shall not be allowed.

**IV. EXCEPTIONS:**

The provisions of Section III, above, notwithstanding, this Interim Bylaw shall not prohibit:

- A. Expansion or redevelopment of existing structures,
- B. Residential development that creates three or fewer new dwelling units (e.g., accessory apartments, minor subdivisions, etc.),

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- 51 C. Issuance of zoning permits for land development that the Development Review Board has
- 52 approved, but which has not yet been constructed or developed, so long as the approval has not
- 53 expired,
- 54 D. Issuance of zoning permits to develop lots that are depicted on an approved final plat recorded in
- 55 the Hinesburg Land Records, and not yet developed,
- 56 E. Land development that is not required by a Town ordinance to connect to the municipal water
- 57 system,
- 58 F. Land development that is not required by a Town ordinance to connect to the municipal
- 59 wastewater system, or
- 60 G. Land development that does not otherwise require allocation of wastewater capacity or
- 61 connection to the municipal wastewater system.
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**V. DEFINITIONS:**

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- 65 A. Any definitions established in the adopted zoning and subdivision regulations of the Town of Hinesburg
- 66 shall carry the same meaning in this Interim Bylaw.
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- 68 B. “Existing structure” shall mean a structure for which the Town Administrative Officer has issued a
- 69 zoning permit on or before May 26, 2016.
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- 71 C. “New Land Development” shall mean any of the following:
- 72 Land development for which a complete application for any of the following had not been submitted to
- 73 the Hinesburg Planning and Zoning office on or before May 26, 2016:
- 74 1. Site plan approval,
- 75 2. Conditional use approval,
- 76 3. Sketch plan review, with reference to a subdivision,
- 77 4. Preliminary plat approval, with reference to a major subdivision,
- 78 5. Final plat approval, with reference to a minor subdivision, or
- 79 6. A zoning permit
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**VI. REVIEW OF APPLICATIONS**

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83 The Selectboard may, upon application, authorize the issuance of permits for any type of land development as a

84 conditional use not otherwise permitted by this Interim Bylaw, after public hearing preceded by notice in

85 accordance with 24 V.S.A. section 4464. The authorization by the Selectboard shall be granted only upon a

86 finding by the Selectboard that the proposed use is consistent with the health, safety, and welfare of the Town of

87 Hinesburg and the following standards. The proposed development shall not result in an undue adverse effect on

88 any of the following:

- 89 A. The capacity of existing or planned community facilities, services, or lands.
- 90 B. The existing patterns and uses of development in the area.
- 91 C. Traffic on roads and highways in the vicinity.
- 92 D. Environmental limitations of the site or area and significant natural resource areas and sites.
- 93 E. Utilization of renewable energy resources.
- 94 F. Municipal plans and other municipal bylaws, ordinance, or regulations in effect.

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95 **VII. EFFECT ON EXISTING REGULATIONS:**

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

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101 **VIII. SEVERABILITY**

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103 The validity of any section or provision of this Interim Bylaw shall not be held to invalidate any other section or  
104 provision.

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106 **IX. ENACTMENT PROVISIONS:**

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108 This Interim Bylaw is enacted pursuant to and shall be administered in the manner provided for in 24 V.S.A. §  
109 4415, as amended from time to time. This Interim Bylaw shall be effective upon passage.

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112 Adopted this \_\_\_\_ day of June 2016.

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