Zoning Regulations

Town of Hinesburg, Vermont

First Adopted November 7, 1972
As Amended May 18, 2015 (effective July 28, 2015)

Solar Array & Commercial/Industrial Screening Revisions

Changes to Sections 4.3.8 #2c, 5.6 & 5.6.5 Only

- New language is underlined
- Deleted language is under strikeouts

Selectboard Proposal 8/4/2016
For Public Hearing on 9/12/2016

Selectboard discussion 6/23/2016 & 8/4/2016

Planning Commission review:

PC public hearing:	1/13/2016
Finalized:	2/24/2016
Discussed:	10/28/15, 12/9/15, 1/13/16, 1/27/16, 2/10/16, 2/24/16

the number permitted.

(6) Limiting the location of signs.

(7) Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

(8) Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.

4.2.4 Conditional use review of commercial or industrial development, as well as multiple-family dwellings, in any district shall incorporate site plan review standards in accordance with section 4.3.

4.2.5 All changes in use, including uses existing prior to November 7, 1972, shall conform to all regulations pertaining to conditional uses.

4.2.6 The Development Review Board may require that the applicant for a conditional use furnish the municipality with a performance bond or other form of financial surety acceptable to the Town of up to the value of the cost of the improvement to be guaranteed, as set forth in the Planning Act, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the Development Review Board and as set forth in this Regulation.

4.2.7 A conditional use approval shall expire after the period of time set forth in Section 8.5.

Section 4.3 SITE PLAN APPROVAL

With the exception of development undergoing conditional use review, no commercial or industrial structure, nor multiple-family dwelling, in any district shall be erected, moved, altered, rebuilt, or enlarged, whether by variance or otherwise, and no commercial or industrial use, nor multiple-family dwelling, shall be established whether by variance or otherwise without first obtaining site plan approval from the Development Review Board. Site plan review is also required for municipal and other public structures.

4.3.1 **Site Plan Revisions:** Major revisions to previously approved site plans must be reviewed by the DRB in the same fashion as any new site plan. Minor revisions to previously approved site plans may be reviewed and approved by the Zoning Administrator without DRB review pursuant to the administrative review procedures outlined in section 4.6.

4.3.2 In reviewing site plans, the Development Review Board may impose appropriate conditions and safeguards with respect to adequacy of traffic access, circulation, and parking; landscaping; screening; and other appropriate conditions and safeguards.

4.3.3 The applicant shall notify the secretary of the Development Review Board at least ten (10) days prior to the next regularly scheduled Development Review Board meeting at which the applicant desires the site plan to be considered. The applicant shall submit a completed application and fee together with two (2) sets of plans as well as one (1) set of 11" X 17" or 8.5" X 11" reductions of the plans, data, and information, which shall include the following:

(1) Site plan drawn to scale showing existing features, contours, structures, easements; all proposed improvements and land use area; proposed traffic access, circulation, parking and loading spaces, and pedestrian walks; landscaping, site grading, and screening;

(2) Landscaping plan (see section 4.3.8) including specifications of the materials and plantings to be used;

(3) Period of time in which all site improvements will be completed; and

(4) Any other information or data, which the Development Review Board shall reasonably require, not excluding a traffic study.

4.3.4 **Site Plan Review Standards:** The Development Review Board shall review the site plan

and supporting data before approval, approval with conditions, or disapproval is given, and shall take into consideration the following standards:

(1) Safety of vehicular and pedestrian circulation on site and on the adjacent street network;

(2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Provisions for refuse storage and disposal, snow removal, and emergency access shall also be addressed where applicable.

(3) Adequacy of landscaping, screening, setbacks, hours of operation and exterior building design in regard to achieving maximum compatibility with adjacent property and with the character of the neighborhood.

(4) Adequacy of exterior lighting for safe circulation on the site without creating off-site glare and excess illumination.

(5) Adequacy of sewer and water.

(6) Adequacy of drainage and grading plan, ensuring treatment and control of stormwater runoff, control of soil erosion during and after construction, and proper design solutions for steep slopes and poorly drained areas.

(7) Consistency with the Town Plan in regards to the pattern of development, preservation of significant natural and cultural resources, and the location and nature of existing and planned roadways and other public facilities.

(8) Proper planning and design in regard to hazardous wastes and avoidance of runoff.

(9) Conformance with design standards as stated in Sections 5.22 and 5.6, where they apply.

4.3.5 The Development Review Board may limit the number and width of access drives to secure traffic mobility and safety. It may also require the provision of joint facilities for access, parking, and utilities.

4.3.6 No commercial or industrial use shall operate outside the hours of 6:00 a.m. to 10:00 p.m. without the conditional use approval of the Development Review Board. Hours of operation may be established by the Development Review Board in instances where site plan approval is required but no conditional use approval is required.

4.3.7 Site plan approval shall expire after the period of time set forth in Section 8.5.

4.3.8 **Landscaping Plan & Standards:**

PURPOSE: The Town of Hinesburg recognizes the importance of trees, landscaping, and well-planned green spaces in promoting the health, safety, and welfare of residents through improved drainage, water supply recharge, flood control, air quality, sun control, shade, and aesthetics. Landscaping shall be required and a landscape plan submitted for all uses subject to site plan review, and, within the village growth area districts, for subdivisions and planned unit developments. In evaluating landscaping, screening, and street tree plan elements, the Development Review Board shall promote the retention of existing, healthy trees while encouraging the use of a variety of plant species that are suited to the site and soil conditions. Native plant species are preferred, and under no circumstances shall non-native invasive species be used. See "Invasive Plants of the Eastern US" website (www.invasive.org/eastern) for a list of non-native invasive species. Also see the Vermont Invasive Plant Council website (www.vtinvasiveplants.org) for more information on invasive species management and statewide restrictions. Contact the Planning & Zoning Office and/or the Hinesburg Tree Warden for street tree species recommendations.

Waiver Option: The DRB may waive specific standards where it determines there is good cause to do so, and only if the wavier does not have the effect of nullifying the overall

purpose and intent of these standards. When deciding whether to grant a waiver, the DRB shall take into consideration the nature and degree of the exception requested, and the extent to which suitable/necessary mitigation is proposed.

(1) Landscaping Plan: Applicants are encouraged, but not required, to have the plan crafted by a landscape architect, professional landscape designer, or other landscape professional. For subdivisions and planned unit developments in the village growth area, such plans shall be submitted with the preliminary and final plat applications. The plan shall include:

(a) All proposed physical improvements, such as buildings, parking areas, sidewalks, etc.

(b) The location of existing natural features, such as significant trees, streams, wetlands, and rock outcroppings.

(c) Proposed landscaping location and materials, including existing vegetation to remain, types of new plant materials, identified by common name and botanical name, sizes of all new plant materials by height and/or diameter at time of planting and at maturity, quantities of each of the planting materials, tree planting specifications, and treatment of the ground surface (paving, seeding, mulch, etc.).

(d) Methods for controlling erosion and protecting landscaped areas.

(e) An explanation of when the landscaping will be installed relative to construction activities and phasing.

(2) Landscaping Standards: Landscaping can be seen as "green infrastructure" both for individual projects and for the Town as a whole. As such, a well-designed landscape plan is just as important as a properly-engineered road, sewer system, or stormwater control system.

(a) The Development Review Board shall require compliance with any Tree Ordinance or Landscaping Design Standards enacted by the Town, subsequent to the effective date of these regulations.

(b) There shall be a mix of large canopy tree species within each landscaping plan. To the extent practicable, these trees shall not be limited solely to street trees, and shall be included throughout the project area (e.g., front, side, rear yards).

(c) Landscaping of Parking Areas. Except for parking spaces accessory to a single-family or two-family dwelling, all off-street parking areas subject to review by the Development Review Board, shall be landscaped with appropriate trees, shrubs, and other plants including ground covers, as approved by the Development Review Board. Deciduous shade trees shall be utilized to provide shade and reduce glare, and large expanses of parking (excluding storage areas for equipment and materials) shall include landscaped islands. The Development Review Board shall consider the adequacy of the proposed landscaping to assure the establishment of a safe, convenient, and attractive parking area.

(d) Landscaping Budget Requirements. The Development Review Board shall require the following minimum planting costs for all landscape plans. Landscaping standards must be addressed, regardless of the minimum planting cost calculation – i.e., spending above the minimum may be necessary. Total landscaping improvement cost (not including cost to develop the plan) shall

be no less than 3% of the first $250,000 in construction and site improvement cost, plus an additional 2% of the next $250,000 in construction and site improvement cost, plus an additional 1% of the remaining construction and site improvement cost over $500,000. For example, a project with a construction and site improvement cost of $150,000 would require $4,500 in landscaping improvements; whereas, a $2,500,000 project would require landscaping of at least $32,500 ($7,500+$5,000+$20,000). In evaluating landscaping requirements, the DRB may grant some credit for existing trees or for site improvements other than plantings (e.g., berms, stone walls, public art installations, etc.) as long as the objectives of this section are not reduced.

(e) Maintenance & Responsibility. Plantings shown on an approved landscaping plan shall be maintained by the property owner in a vigorous growing condition throughout the duration of the use. Plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

Section 4.4 DEVELOPMENT ON A PRIVATE RIGHT OF WAY OR CLASS 4 TOWN ROAD

Development Review Board approval is required before an easement or right of way or Class 4 Town Road may be used as the primary access to any lot whether or not the lot has frontage on a public road or public waters, regardless of whether the lot is in Hinesburg or an adjacent town.

4.4.1 The applicant shall notify the secretary of the Development Review Board at least ten (10) days prior to the next regularly scheduled Development Review Board meeting at which the applicant desires the right of way proposal to be considered. The applicant shall submit a completed application and fee together with two (2) sets plans as well as one (1) set of 11" X 17" or 8.5" X 11" reductions of the plans, data, and information which shall include:

(1) Site plan drawn to scale showing, existing features, proposed access and 50 foot right of way, existing and proposed structures, north arrow and scale, title block (names, date, location), any existing and/or proposed wells & septic systems within 100 feet of the proposed right of way.

(2) Legal language for deed that addresses the method for sharing the maintenance, repair, and snow plowing of the common portion of the road.

(3) If the right of way is to be used by more than one dwelling, evidence that the road will permit emergency vehicle access to the site at all seasons and meet appropriate road standards as determined by the Development Review Board.

4.4.2 The Development Review Board shall review the application and supporting information for evidence that safe and legal year-round access is assured to the lot.

4.4.3 In keeping with Section 5.7.1, Development Review Board approval is required before an easement or right-of-way may be used as primary access to any lot.

4.4.4 Except as detailed in section 4.4.5, development on a private right of way approval shall expire three (3) years after the date of issue if substantial construction has not begun at that time. A single one-year extension from the original expiration date may be granted by the Development Review Board, if the Board determines that conditions are essentially unchanged from the time of the original approval. In the case of administrative or court appeal, the one-year shall not start until the decision has become final. See Section 4.1.7 concerning renewal of Zoning Permits.

4.4.5 For Development undergoing subdivision review, approval for development on a private right-of-way shall be incorporated into subdivision review and shall not require separate review under section 4.4. Furthermore, development on a private right-of-way approvals

Section 5.6 DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES

PURPOSE/APPLICABILITY: The intent of these design standards is to help ensure that new commercial and industrial development respects and bolsters Hinesburg's unique sense of place and rural landscape by guiding the pattern and aesthetics of such development.

These design standards shall apply to non-residential development that requires site plan approval, including ground-mounted solar energy plant/installations with a capacity more than 15kW. These standards shall not apply to: home occupations described in sections 5.1.1 and 5.1.2, accessory apartments as described in section 5.9, commercial agricultural operations, agricultural accessory uses, commercial forest management, and forest management accessory uses. The design standards in section 5.22 also apply to commercial and industrial uses in five village growth area districts (VG, VG-NW, VG-NE, R1, R2); however, where there are any contradictions or inconsistencies, the standards of section 5.22 shall prevail.

5.6.1 **New Streets:** All newly constructed streets will be paved and be constructed according to Town Road Standards, which are in effect at the time that the street is constructed. All newly constructed streets in the Village Growth Area zoning districts shall have sidewalks at least 5 ft. wide and street trees as specified in the Subdivision Regulations which are in effect at the time the street is constructed. The Development Review Board may require sidewalks and street trees as part of site plan approval or subdivision approval in other districts.

5.6.2 **Road Cuts:** Any parcel of land in commercial and industrial districts in single ownership on November 7, 1972, shall be served by no more than one (1) road-cut. (The present access to the former Giroux Building Supply, Inc. property shall not be included in the foregoing calculation.) Additional curb cuts may be allowed by the Development Review Board for a lot in single ownership that obtains site plan approval for the entire parcel of land.

5.6.3 **Parking and loading areas:** Parking and loading areas for any new structures shall be located in the side or rear yards of the structure. Where sufficient screening is provided, and with Development Review Board approval, up to 20% of the total number of parking spaces may be located in the front yard of the structure. If more than one structure is served by the parking area, the parking area may be located in the front yard of half of the structures.

(1) Parking and loading areas shall be set back a minimum of five (5) feet from any property line to allow sufficient space for screening, grading and or control of storm water. No such setback shall be required from property lines crossed by shared parking facilities.

(2) Shared parking facilities including those crossing property lines are encouraged where such arrangements reduce curb-cuts, improve circulation and provide for maximum efficiency in the use of parking spaces.

5.6.4 **Exterior lighting:** All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector/refractor areas from view from points beyond the perimeter of the area to be illuminated.

5.6.5 **Landscaping:** With the exception of ground mounted solar installations, all projects shall provide landscaping as outlined in section 4.3.8.

5.6.6 **Screening:** All projects (including ground mounted solar installations) shall provide visual screening from public roads and adjacent residential uses, if such residential uses are an allowed use for the zoning district where the residence is located. However, visual screening shall not be required for minor use or minor site plan revisions of existing non-residential uses – e.g., change of tenants under the same site plan, new/revised signage or lighting, stormwater control improvements, etc. Development areas to be screened shall at minimum

include parking areas, unbroken building facades, dumpsters, and ground-mounted solar arrays. Visual screening is required not to hide development, but rather to ensure it blends with the surroundings. As such, the character of the area shall be considered in determining the type and amount of screening required – e.g., industrial or other highly developed areas will not require as much screening as residential or lesser developed areas. Visual screening shall be designed as follows: ~~In addition to generally improving the appearance of a site, plantings, fencing and other landscape features shall be designed to~~

(1) ~~serve a clear function such as: screening between incompatible uses or structures: visually screening expanses of pavement or large un-broken building facades; providing shade in summer for roads, parking lots and buildings; defining street edges and other public spaces; giving visual emphasis to entryways; providing privacy; controlling erosion, and/or to filter, absorb and slow storm water runoff.~~

(2) Screening material must be either vegetation (preferred) or wood; however, other types fencing material (e.g., chain link) may be allowed with appropriate coverings in combination with natural landscaping. Reflective screening materials are prohibited.

(3) Existing and/or proposed screening or topography shall break up the visual impact of the development (particularly at the perimeter of the project), such that development is visually absorbed into the surroundings.

(4) Screening shall be maintained and effective year round. Plant materials shall be placed such that they fulfill the landscaping/screening objective within five years of planting.

~~5.6.5 See section 4.3.8 for more comprehensive landscaping requirements for projects subject to site plan review standards.~~

~~5.6.6~~5.6.7 **Storage of Materials and Equipment:** To reduce impacts on adjoining uses, all materials and equipment in the Village Growth Area zoning districts as well as Industrial District 2 shall be screened from adjoining properties and roads and all uses shall conform to the performance standards in Section 5.12 of this Regulation.

~~5.6.7~~5.6.8 **Sidewalks and Trails:** At the discretion of the Development Review Board, sidewalks a minimum of five (5) feet wide, bike lanes or trails may be required for projects in the Industrial and Village Growth Area zoning districts where, in the judgment of the Development Review Board, these facilities are necessary to improve public safety, reduce vehicular traffic, provide access to services or otherwise promote continuity within the zoning district.

~~5.6.8~~5.6.9 **Gas Station Separation Distance:** No new gas station shall be permitted within 1,500 feet linear feet in any direction from the property boundaries of an existing gas station. Gas station in this context refers to any business that sells gas for motor vehicles, regardless of whether this is the primary or accessory use of the property – i.e., inclusive of service stations and convenience stores that sell gas.

~~5.6.9~~5.6.10 **Roof Materials:** Highly reflective and lighter roof colors designed for building energy savings shall be allowed.

Section 5.7 ACCESS REQUIREMENTS

5.7.1 Required frontage on, or access to, public roads or public waters:

(1) No land development may be permitted on lots which do not either have frontage on a public road (Class I, II, or III) or on public waters, or, with the approval of the Development Review Board, access by means of a Class IV road or a permanent easement or a right-of-way on record at least fifty (50) feet in width. Refer to Table 1 for required frontages.