Zoning Regulations

Town of Hinesburg, Vermont

First Adopted November 7, 1972
As Amended November 5, 2013

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ARTICLE 1: ESTABLISHMENT OF DISTRICTS

Section 1.1 ZONING DISTRICTS

For the Purpose of this Regulation, the Town of Hinesburg is hereby divided into the fourteen (14) zoning districts shown on the official zoning map as follows. Eight of these districts make up the Village Growth Area as described in section 3.1.

(1)	AG	Agricultural District
(2)	RR-1	Rural Residential District 1
(3)	RR-2	Rural Residential District 2
(4)	VG	Village District
(5)	VG-NW	Village Northwest District
(6)	VG-NE	Village Northeast District
(7)	R-1	Residential 1 District
(8)	R-2	Residential 2 District
(9)	C	Commercial District
(10)	I-1	Industrial District 1
(11)	I-2	Industrial District 2
(12)	I-3	Industrial District 3
(13)	I-4	Industrial District 4
(14)	S	Shoreline District

Section 1.2 ZONING MAPS

The 3 official Zoning Maps (town-wide zoning districts, village growth area zoning districts, village growth area stream setbacks/buffers) describe generally the different and separate districts of the Town of Hinesburg as in Section 1.1. Said Zoning Maps are hereby adopted by reference and are declared to be a part of this Regulation. The exact boundaries of each district are described in words later in this Regulation. If uncertainty exists as to the boundary of any district, the Development Review Board shall determine the location of such boundary.

Section 1.3 LOTS IN TWO ZONING DISTRICTS

Where a district boundary line divides a lot in single ownership, which lot was in single ownership on November 7, 1972, the Development Review Board may permit, as a conditional use, the extension of the boundary for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 1.4 PURPOSE, AUTHORITY & APPLICATION OF ZONING REGULATIONS

The authority and application of the Regulation stems from VT Statutes Annotated Title 24, Chapter 117; hereafter referred to as the Planning Act. The purpose of the Regulations is to regulate land development in conformance with the Town Plan and to help achieve the objectives of section 4302 of the Planning Act. Except as hereinafter provided, the following shall also apply:

1.4.1 No structure shall be erected, moved, altered, rebuilt, or enlarged, nor shall any land or structures be used, designed, or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements, and restrictions specified in this Regulation for the district in which such structure or land is located.

1.4.2 Nothing contained in this Regulation shall require any change in plans, construction, or designated use of a building complying with applicable laws in force prior to this Regulation. Neither shall this Regulation require any change in development plans, which have been legally recorded in compliance with Vermont laws and local ordinances

prior to the adoption of this Regulation. This Regulation was initially adopted on November 7, 1972, and has been subsequently amended.

ARTICLE 2: USES, AREA, DENSITY AND DIMENSIONAL REQUIREMENTS

Section 2.1 PERMITTED USES

The permitted uses, as described in each of the following respective districts, are permitted as set forth in each specific district. Any use not expressly permitted is prohibited except those uses, which may be allowed as conditional uses as set forth hereafter.

Section 2.2 CONDITIONAL USES

The conditional uses, as described in each of the following respective districts, may be permitted as set forth in each specific district as conditional uses by the Development Review Board in accordance with provisions in Section 4.2.

Section 2.3 SPECIAL USES (V.S.A. TITLE 24, CHAPTER 117, SECTION 4413a)

Pursuant to State statute (V.S.A. Title 24, Chapter 117, Section 4413a), certain special uses (listed below) may only be regulated by municipalities with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.

All relevant provisions of the Hinesburg Zoning Regulations shall apply to these special uses (listed below) so long as the intent of the regulation is consistent with the above list of allowable review components. For conditional uses, the standards in section 4.2.2 shall still apply, but only as they relate to the allowable review components listed above. These special uses shall be allowed in locations as set forth in each specific zoning district (i.e., see list of permitted and conditional uses). For those uses not specifically mentioned in any zoning district, allowable locations shall be as shown below. The intent is to provide a reasonable opportunity for these uses to locate in compatible portions of Hinesburg.

1. State- or community-owned and operated institutions and facilities. Locations: as per zoning districts, except that State highway garages and other high traffic/impact State uses (e.g., State police barracks, State prison, etc.) shall be allowed as a conditional use in the Industrial 1 district.

2. Public and private schools and other educational institutions certified by the state department of education. Locations: as per zoning districts.

3. Churches and other places of worship, convents, and parish houses. Locations: as per zoning districts.

4. Public and private hospitals. Locations: as per zoning districts.

5. Regional solid waste management facilities certified under 10 V.S.A. chapter 159. Locations: as per zoning districts, as well as suitable municipally owned property in the VG, VG-NW, VG-NE, R-1, R-2, AG, RR 1 & 2 districts.

6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a. Locations: as per zoning districts, as well as suitable municipally owned property in the VG, VG-NW, VG-NE, R-1, R-2, AG, RR 1 & 2 districts.

TABLE 1

District	Minimum Lot Size	Minimum Lot Frontage[1]	Minimum Lot Depth	Minimum Building Setbacks Front[2,3]	Side[2,3]	Rear[2,3]	Maximum Lot Coverage [4]
AG	0.5 acres	200 ft.	100 ft.	60 ft. 80 ft. on Rt. 116	20 ft. (10 ft.)	30 ft. (10 ft.)	20%
RR 1	3 acres. 1 acre if on town sewer	200 ft. 400 ft. if fronting on Rt. 116	200 ft. 100 ft. if a 1 acre lot	60 ft. 80 ft on Rt. 116	20 ft. (10 ft.)	30 ft. (10 ft.)	20%[5]
RR 2	0.5 acres	200 ft.	100 ft.	60 ft. 80 ft. on Rt. 116	20 ft. (10 ft.)	30 ft. (10 ft.)	20%
VG	6,000 s.f.	60 ft.	100 ft.	10 ft.	10 ft.	10 ft.	75%
VG-NW	6,000 s.f.	60 ft.	100 ft.	10 ft. 50 ft. on Rt. 116	10 ft.	10 ft.	60%
VG-NE	6,000 s.f.	60 ft.	100 ft.	10 ft. 50 ft. on Rt. 116	10 ft.	10 ft.	60%
R-1	6,000 s.f.	60 ft.	100 ft.	10 ft.	10 ft.	10 ft.	60%
R-2	6,000 s.f.	60 ft.	100 ft.	10 ft.	10 ft.	10 ft.	60%
C	none	60 ft.	100 ft.	10 ft.	10 ft.	10 ft.	60%
I-1	40,000 s.f.	100 ft.	200 ft.	50 ft.[6]	10 ft. [6]	10 ft. [6]	75%
I-2	40,000 s.f.	150 ft.	250 ft.	75 ft.	25 ft.	50 ft.	60%
I-3[7]	TBD	TBD	TBD	TBD	TBD	TBD	80%
I-4	40,000 s.f.	75 ft.	100 ft.	50 ft.	25 ft.	25 ft.	80%
S	3 acres, 1acre if has >= 100 ft. lake frontage	100 ft.	100 ft.	60 ft.	20 ft. (10 ft.)	30 ft. (15 ft.)	10 %

(1) See "corner parcels," Section 2.6.

(2) Figures for accessory structures no larger than six hundred (600) square feet in floor area or no higher than twenty (20) feet in height are shown in parentheses if different from principal structures. See sections 2.5, 2.6.2, 5.22 for additional accessory structure setback provisions and requirements.

(3) In VG, VG-NW, VG-NE, C, R-1, R-2, I-3, I-4 districts, front yard setbacks are measured from the edge of the road right of way. In all other districts, front yard setbacks are measured from the centerline of the road or right of way, whichever is closer. See Section 10.1 for definition of "Setbacks" and their measurement in different situations. See sections 2.5, 2.6, and 5.22 for additional setback provisions and requirements.

(4) See Section 10.1 for definition of "Lot Coverage."
(5) Higher lot coverage may be allowed under conditional use for existing small lots and multi-family housing provided they are serviced by town sewer and water. See Section 3.3
(6) A minimum setback from any property line of 50 feet shall be provided around the perimeter of the district. The Development Review Board may require a larger yard and/or screening to reduce potential impacts on surrounding uses and roads as a part of site plan review.
(7) I-3 district dimensional standards (except lot coverage) are to be determined (TBD) by the DRB during development review. See purpose statement for I-3 district, section 3.13.

Section 2.4 AREA AND DIMENSIONAL REQUIREMENTS

In each district the minimum size and dimension of lots, structure setbacks, and the maximum percentage lot coverage shall be as shown on Table 1.

2.4.1 Accessory structures, which exceed six hundred (600) square feet in floor area and are greater than twenty (20) feet in height, shall meet the setback requirements for principal structures unless conditional use approval is received from the Development Review Board. In determining the appropriate setbacks the Board shall consider the standards outlined in Section 4.2.

2.4.2 **Village Growth Area Density & Build Out:** Residential base densities for the Village Growth Area zoning districts are shown below. As the Town's sole growth area, projects are encouraged to build to the base density, and preferably higher - to the maximum allowed density by taking advantage of the various density bonuses described in sections 2.9 and 5.21. Projects that trigger or utilize the inclusionary zoning provision in section 5.21 shall not exceed a residential density bonus of 120% of the base density. For all other projects, the residential density bonus shall not exceed 100% of the base density. For example, a 10-acre parcel in the Village zoning district (with no stream setback area) would have a residential base density of 40 units. If this project utilized the incentive/bonus provisions of section 2.9 to the maximum (e.g., small dwelling size, green certification, renewable energy, public spaces), it would acquire a 100% density bonus resulting in a build of 80 units. However, a project of that size also triggers the inclusionary zoning provision that requires 10% of the base density units to be affordable in return for a 20% density bonus. Therefore, the total density bonus for this project would be 120%, which equals a build out of 88 units (4 of which would have to be affordable). Note that non-residential densities are not formally defined and are instead determined by dimensional standards, height limits, parking requirements, and site planning standards.

Zone	Base Density
Village	4 units/acre
Village NE & NW	3 units/acre
Residential 1 & 2	2 units/acre

2.4.3 **Village Growth Area Density Calculation:** To maximize Village Growth Area development density, roads and shared right of way areas shall count toward the total lot area ONLY with respect to density calculations (unlike in rural districts, see "lot area" definition). However, to acknowledge truly unbuildable stream setback areas, portions of a parcel within the stream setback shall not count toward the total lot area ONLY with respect to density calculations. The standard "lot area" definition (which excludes only roads and shared right of ways) still applies to other dimensional determinations (e.g., lot size, lot coverage, etc.) in the Village Growth Area.

2.4.4 **Village Growth Area Density Transfer:** Base densities and density bonuses have been

designed to achieve desirable patterns of growth and specific public good elements. To achieve these goals, density shall not be transferred into or out of the Village Growth Area from/to other zoning districts, even within a single parcel divided by a district line with the exception of the 50' extension provision provided for in section 1.3.

2.4.5 **Rural Area Development Density & Maximum Build Out** – see section 2.10.

Section 2.5 LOT AND STRUCTURE REQUIREMENT

2.5.1 **Stream Setbacks:** Within the Village Growth Area zoning districts, all parking lots and structures, including accessory structures, shall be located outside of the stream setback area shown on the Village Growth Area Stream Setback/Buffer Map. Generally:

- LaPlatte River at and downstream of confluence with Canal – 130' on either side
- LaPlatte River and Patrick Brook – 100' on either side
- Streams in developed areas – 25' on either side (see map for clarification), unless waived by the DRB based as described below.
- Streams in undeveloped areas – 75' on either side (see map for clarification)

The DRB may, at its discretion, reduce the 25' setback & buffer area for projects that adequately address: 1) stormwater runoff control and treatment; 2) water quality preservation or improvement; 3) stream flow and any likely channel migration with no undue adverse impacts to upstream or downstream properties.

For all other zoning districts, all parking lots and structures, including accessory structures, shall be set back a minimum of seventy five (75) feet from the top of bank of any stream or body of water with the exception of swimming pools and small artificial ponds covering less than 0.5 acres. This requirement shall not apply to docks, boathouses, retaining walls or similar structures which must be located on the water provided that such structure is not used for the storage of any substance which would adversely affect water quality. The Development review board may provide relief to stream setbacks to allow for expansion of existing, non-complying structures and improvement of existing parking lots under conditional use review provided that the conditions listed below are satisfied.

(1) Water quality and stream values shall be protected.
(2) Structures shall not be located in a flood plain.
(3) Expansion or improvements do not impact adjoining uses in any manner.

2.5.2 **Stream Buffer Areas:** Stream buffers serve to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat, and maintain water quality. Within the Village Growth Area, stream buffer areas shall be established for the same area covered by the stream setback. Stream buffers shall be promoted through the establishment and protection of heavily vegetated areas of native vegetation and trees via the following provisions:

(1) Except as provided below, all lands within a stream buffer shall be left in an undisturbed, vegetated condition.
(2) Removal of dead trees or trees of immediate threat to human safety shall be permitted as well as reasonable pruning of existing trees is permitted.
(3) The control of non-native species of nuisance plants including Eurasian milfoil, water chestnut, purple loosestrife and reed grass (Phragmites), where such control is by hand pulling of plants or according to a written plan approved by the Vermont

Agency of Natural Resources and under any applicable state law.

(4) The creation of new lawn areas within stream buffers is not permitted. Property owners already encroaching on the stream buffer are encouraged to return these areas to their naturally vegetated state. Supplemental planting with appropriate native vegetation to restore and enhance the effective filtering and bank stabilization functions of a stream buffer is permitted and encouraged.

(5) The Development Review Board may provide relief to these requirements for the following encroachments, under conditional use review, if there is no practical alternative and if the stream buffer function will be addressed through erosion controls, plantings, and/or other measures:

(a) Clearing of vegetation and filling or excavating of earth materials, only to the extent directly necessitated for the construction or safe operation of an allowed use outside of the stream buffer area.

(b) Encroachments necessary for providing for or improving public facilities.

(c) Unimproved paths for the purpose of public recreation located at least ten (10) feet horizontal distance measured from the top of bank.

(d) Improved paths for the purpose of public recreation located at least fifty (50) feet horizontal distance measured from the top of bank.

(e) Stormwater treatment facilities meeting the stormwater treatment practices and sizing criteria set forth in the Vermont Stormwater Management Manuals Volumes I and II as most recently amended.

(f) Roadways, access drives, improved & unimproved paths for purposes of crossing a stream buffer to gain access to land on the opposite side of the buffer, or for purposes of providing safe access to an approved use, in cases where there is no feasible alternative for providing safe access.

(g) Utility lines, including telephone, cable, sewer and water, to the extent necessary to cross or encroach into the stream buffer where there is no practical alternative for providing or extending utility services.

(h) Outdoor recreation and education facilities provided that any building or structure (including parking and driveways) associated with such use is located outside the stream buffer.

(i) Stream restoration projects, including dam removals, in accordance with a plan approved by the Vermont Agency of Natural Resources.

2.5.3 **Setbacks Required:** All land development activity, regardless of building permit requirements as defined in section 4.1.1, is required to meet the setback and lot coverage requirements of Table #1 unless a variance or conditional use is granted. Signs and school bus shelters shall not be subject to front yard setback restrictions, but shall not be so placed as to create hazardous situations.

2.5.4 **Setbacks for Restoration of Older Structures:** Minimum setback requirements listed in Table #1 may be reduced, with conditional use approval, for the reconstruction or restoration of appurtenances (e.g., porches) to a structure built before 1940. Such appurtenances shall have been in existence prior to 1940, and shall be reconstructed or restored in keeping, to the extent practical, with the original/historic outward appearance of the structure. See section 4.2 for additional conditional use details, application requirements, and standards.

2.5.5 **Multiple Structures and Uses:** It shall be unlawful to locate more than one principal building or principal use on a parcel of land in the Rural Residential 1 and 2, Agricultural and Shoreline districts which is not in separate ownership or which has not received all local subdivision, zoning and /or other permits so that it could be separately owned or leased.

(1) Multiple uses and/or structures are allowed on one lot in the Village Growth Area Districts, Commercial, and Industrial Districts with Site Plan Approval, provided the applicant demonstrates there is sufficient space according to good planning standards.

(2) Within the Village, Village NW, Village NE, Commercial and Industrial districts, leasing of any portion of a lot, or other interest in land without subdivision may be allowed at the discretion of the Development Review Board as a conditional use provided that the multiple uses present are compatible, that screening or other means of separation be provided to separate uses and that good planning standards are met.

2.5.6 **Contiguous Area:** Each lot must have a contiguous area of at least the minimum lot size for the district in which the lot is located. Accordingly, if any lot is divided into two or more sub-parcels by the LaPlatte River, Hollow Brook (all portions West of Route 116; East of Route 116, only that portion along Hollow Brook Road), Lewis Creek, or the inflow or outflow to and from Lower Pond (Sunset Lake) and Lake Iroquois, private road (or any easement in which such a private road may be located) other than a private road serving the lot on which it is located and no more than one other lot, minimum lot size requirements must be satisfied by a single sub-parcel. Development on sub-parcels which do not themselves meet minimum lot size requirements is not precluded.

2.5.7 **Minimum Width and Depth Dimensions:** No lot created after the date of adoption of this Section (July 14, 1986) shall have a minimum width or depth dimension of less than 100 feet except as shown on Table 1. No lot or parcel of land under 5 acres in size which was created after this date (July 14, 1986) shall have a smaller lot dimension (width or depth) which is less than 20% of the other larger dimension. Triangular or other irregularly shaped lots may be allowed at the discretion of the Development Review Board provided that the configuration allows for reasonable use of the land and allows for development in accordance with applicable setback and lot coverage requirements.

Section 2.6 CORNER PARCEL

Lots which abut on more than one street or private right-of-way shall provide the front-yard setback from each street or private right-of-way and frontage requirements shall be met on each street or right-of-way, if access to the lot is available from each frontage. If access from one or more frontages is permanently restricted by deed condition and/or terrain features, frontage requirements need not be met on that side of the lot.

2.6.1 Although typical corner lots will have multiple front yards for setback purposes, no lot shall have more than one rear yard for setback purposes (see Yard, Rear Definition, section 10.1).

2.6.2 On any corner lot on which a front yard is required by this Regulation, no wall, fence, or other structure shall be erected, and no hedge, tree, shrub, or other growth shall be maintained in such location within such required front-yard span as to cause danger to traffic by obstructing the view.

Section 2.7 HEIGHT LIMITATIONS

2.7.1 Except as set forth in Section 2.7.2 and 2.7.3, the height of any structure, other than farm accessory structures, shall not exceed thirty-five (35) feet. The height of any fence shall not exceed eight (8) feet except as set forth in Section 2.7.2.

2.7.2 The Development Review Board may allow the following to exceed the height limitations set forth in Section 2.7.1 as a conditional use:

(1) Architectural elements of residential structures,

(2) Railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.

(3) Farm accessory structures exceeding eighty (80) feet,
(4) Industrial or commercial accessory structures exceeding thirty-five (35) feet, or
(5) Church spires, belfries, monuments or similar institutional structures.
(6) Fences up to ten (10) feet in height.

2.7.3 Small wind energy systems that conform to section 5.24, are permitted if less than 150' in height.

Section 2.8 OTHER ORDINANCES

The fact that a proposed land use is in compliance with the area, density, dimensional requirements, and other provisions of this Regulation shall not be construed as prohibiting limitations pursuant to site plan approval (Section 4.3 of this Regulation), pursuant to subdivision regulations, or pursuant to any other ordinances or regulations.

Section 2.9 VILLAGE GROWTH AREA DENSITY BONUS/INCENTIVE OPTIONS

PURPOSE: The purpose of this section is to provide density incentives to developers of residential, non-residential, and mixed-use lands in the Village Growth Area zoning districts, in exchange for providing public benefits that help achieve community goals expressed in the Town Plan – e.g., affordable and reasonably-priced housing*, energy conservation, important public spaces and infrastructure, use of renewable energy resources, and well designed, high density mixed use development. This is accomplished through these provisions by:

- Defining, in quantified terms, the benefits that can be used to earn density incentives;
- Providing rules and formulas for computing density incentives for each benefit;
- Providing a review process to allow evaluation of proposed public benefits and potential allowances, and to give the public opportunities to review and comment.

*NOTE - Density bonuses for perpetually affordable housing are included in section 5.21 (Inclusionary Zoning section). Affordable housing bonuses can be added to any bonuses achieved via this section; however, the total residential density bonus shall not exceed 120% of the base density for the district per section 2.4.2.

2.9.1 **Residential Density Bonus Incentives:** Residential density bonus incentives vary by zoning district and are based on a sliding scale formula. Greater bonuses are available to projects that best address the public benefit areas described below. Incentives accrue both to projects that address a single benefit extensively or multiple benefits. Density bonuses shown below represent the percent above the base residential density for the district. See below for guidelines on calculating the total incentive number.

Total Incentive #	% Density Bonus by District					
	VG	VG-NW	VG-NE	C	R-1	R-2
1	50	n/a	n/a	n/a	n/a	n/a
2	75	50	50	50	50	50
3+	100	100	100	75	100	100

2.9.2 **Residential Incentive Formula & Public Benefits:**

(1) Dwelling Unit Size – Smaller dwelling units help to: create more affordable and reasonably priced housing; allow for greater clustering and multi-family dwellings that make more efficient use of available space; require less energy for heating, cooling, electricity. To count toward the incentive for dwelling size, the livable floor area of the unit in question shall be no larger than:

(a) Single family units 1500 sq. ft

(b) 2-family & multi-family units 1200 sq. ft per unit

(2) Green Home Certification – Green certified homes typically have a lesser overall environmental impact than conventional homes, including: greater energy and water efficiency, reduced site impacts, environmentally preferable material choices, improved interior environment, and reduced construction waste. Green home certification programs eligible under this provision shall be regionally-based (i.e., for northern New England) and require third party review and certification (e.g., VT Builds Greener, LEED for Homes, etc.).

(3) Renewable Energy Technology - Substantial use of renewable energy technology (e.g., solar photovoltaic, solar hot water, wind, geothermal, biomass, etc.) helps to reduce Hinesburg's overall demand for electricity and non-renewable fossil fuels.

	Incentive #		
% of Units Providing Benefit*	Dwelling Size	Green Home Cert.	Renewable Energy
25%-49%	0.5	1	1
50%-74%	1	1.5	2
75%+	1.5	2	3

* Dwelling Size & Green Home Certification - percentages listed above refer to total number of dwelling units, including bonus units. Renewable Energy – percentage listed above based on the % of the overall project's projected ongoing/long-term energy needs that are provided by renewables - i.e., total energy usage including electricity, HVAC, etc.

(4) Important Public Spaces & Public Infrastructure – New development in the growth area will typically provide some amount of public infrastructure – i.e., sidewalks, roads, stormwater systems, water/wastewater lines, outdoor gathering areas, etc. Density incentives should therefore be reserved for developments that provide particularly important and significant public spaces and/or infrastructure. Since community needs and priorities vary over time, the incentive level/number (on a scale of 1-3) for a particular project shall be determined by DRB in consultation with the

Selectboard. Examples of project elements that might qualify include, but are not limited to: community/multigenerational center; town green; bandshell, amphitheater, or performance venue; farmers market area; recreation fields (preferably full size); community garden area, public buildings, public safety apparatus/equipment.

2.9.3 **Non-Residential Density Bonus Incentives:** Non-residential (commercial, industrial, etc.) incentives are handled differently because density is regulated by site planning constraints (lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.). Incentives are still based on a sliding scale formula. Greater incentives are available to projects that best address the public benefit areas described below. Incentives accrue both to projects that address a single benefit extensively or multiple benefits.

	Benefit/Incentive				
Total Incentive #	Maximum lot coverage*			Maximum Building height	Required parking
	VG	I-3 & I-4	Other Districts		
1	+5%	n/a	+10%	+5’	-10%
2	+10%	+5%	+15%	+7’	-20%
3	+15%	+10%	+20%	+10’	-25%

* Lot Coverage varies by growth area zoning district due to higher starting allowances for the Village (75%) and Industrial 3&4 (80%) districts.

2.9.4 **Non-Residential Incentive Formula & Public Benefits:**

(1) Multi-story Mixed-use Building(s) – Buildings with compatible non-residential & residential uses are typical of a village setting and help assure a vibrant village atmosphere during business hours and at other times (e.g., evenings, weekends). Furthermore, mixed-use buildings allow for greater clustering that makes more efficient use of available space, and tends to create more reasonably-priced residential units.

Percent of building area in residential use	Incentive number
20%-30%	0.5
31%-40%	1
41%+	1.5

(2) LEED Certification – LEED certified buildings are energy efficient and typically have a lesser overall environmental impact (site impacts, construction waste, etc.) than conventional development.

Certification level	Incentive number
Certified	1
Silver	2
Gold or above	3

(3) Renewable Energy Technology - Substantial use of renewable energy technology (e.g., solar photovoltaic, solar hot water, wind, geothermal, biomass, etc.) helps to reduce Hinesburg’s overall demand for electricity and non-renewable fossil fuels.

Overall projected ongoing/long-term energy needs provided by renewables	Incentive number
25%-49%	1
50%-74%	2
75%+	3

(4) Important Public Spaces & Public Infrastructure – New development in the growth area will typically provide some amount of public infrastructure – i.e., sidewalks, roads, stormwater systems, water/wastewater lines, outdoor gathering areas, etc. Density incentives should therefore be reserved for developments that provide particularly important and significant public spaces and/or infrastructure. Since community needs and priorities vary over time, the incentive level/number (on a scale of 1-3) for a particular project shall be determined by DRB in consultation with the Selectboard. Examples of project elements that might qualify include, but are not limited to: community/multigenerational center; town green; bandshell, amphitheater, or performance venue; farmers market area; recreation fields (preferably full size); community garden area, public buildings, public safety apparatus/equipment.

Section 2.10 RURAL AREA DEVELOPMENT DENSITY & MAXIMUM BUILD OUT

PURPOSE: The rural area development density options below serve two mutually compatible goals:

- Protect and enhance Hinesburg's natural features, cultural features (e.g., working landscape, dirt roads, trails, rural recreation, etc.) and its rural, small-town character.
- Provide landowners with flexibility and multiple options in the creation of new lots.

The very first goal & objective of the Town Plan (section 1.5) is to "guide development into locations that reinforce the rural pattern of compact settlements surrounded by open lands." In the face of development pressure as part of the greater Burlington metropolitan area, the standards below are intended to clarify what development densities are consistent with the community's goals and objectives. This should increase predictability for all parties and focus the review process on the best possible design for the development. When creating new lots, landowners must have the flexibility to design a subdivision or PUD that fits the landscape in question. Frequently this means clustering development on small lots to minimize impact on important resources and to reduce the cost of new infrastructure (roads, utility lines, etc.). However, a variety of lot sizes, including large lots with mixed residential and agricultural or forestry uses, can also be appropriate depending on the parcel, the intended use, and the resource areas in question. Combined with rural area design standards (covered elsewhere in the Zoning and Subdivision Regulations), these provisions will help landowners interested in doing low density development while protecting Hinesburg's rural character.

2.10.1 **Minimum Lot Size:** The minimum lot size for the Agricultural (AG) and Rural Residential 2 (RR2) Districts shall be 0.5 acres.

2.10.2 **Determination of Allowable Density:** Within the AG and RR2 Districts, the maximum allowable development density shall be based upon the type and condition of the road providing access to the parcel as outlined below. Densities may be further increased, and area and dimensional standards reduced, by the Development Review Board only for Planned

Unit Developments in accordance with Section 4.5 of the zoning regulations.

(1) The maximum allowable development density shall be determined based upon the public highway that provides direct access to the driveway or private road serving the subdivision, as outlined below. This shall be based on the road classification as of 11/5/2013 (date of adoption of this regulation) – i.e., future road reclassification shall require a change to these regulations before affecting allowed development density. For subdivisions served by public highways with different density allowances, the allowed density shall be based on the proposed access layout. For example, a 100-acre lot with frontage on both a class 2 and class 3 road, would have a build out of 10 lots/units if all lots accessed the class 2 road, and 8 lots/units if all lots accessed the class 3 road. This same parcel would have a build out of 9 lots/units if four lots accessed the class 3 road with the other five lots utilizing the class 2 road.
   (a) Access to VT Route 116 or class 2 Town highway, excluding Silver Street: One dwelling unit per 10 acres of lot area.
   (b) Access to class 3 Town highway, or Silver Street: One dwelling unit per 12 acres of lot area.
   (c) Access to class 4 Town highway: One dwelling unit per 15 acres of lot area.

(2) The number of purely non-residential lots shall be limited in new subdivisions. Non-residential lots in new subdivisions shall be limited to the greater of one lot or 34% of the maximum allowable development density.

(3) Subdivision decisions by the Development Review Board shall keep track of development potential of the resulting parcels such that the total development potential does not exceed the potential of the parcel prior to the subdivision.

(4) Existing Lots. Any lot lacking a residential dwelling unit (e.g., undeveloped lot, lot with a barn or other non-residential structures, etc.), and in existence prior to 11/5/2013 (date of adoption of this regulation), may be developed with a single-family dwelling without regard to the aforementioned maximum allowable development density. Such single-family dwelling lots may also add an accessory apartment pursuant to State statute and other provisions in the Zoning Regulations. For example, an existing 7-acre undeveloped lot with access via a Class 3 Town highway could be developed with a single-family home even though the maximum development density described above is one dwelling unit per 12 acres of lot area. However, such a lot could not be developed with duplex or multi-family dwelling.

2.10.3 **Pre-existing lot density subdivision exemptions:**

(1) As an exception to the density allocation allowance described above, any parcel in existence prior to 11/5/2013 (date of adoption of this regulation) with a minimum of 12 acres of total area may be subdivided to create one new lot, provided such subdivision meets the standards and requirements of all applicable Town Regulations (e.g., Zoning Regulations, Subdivision Regulations, road standards, etc.). This density exemption does not grant an absolute right for additional lots. Subdivision review is still necessary with consideration of site conditions, development suitability of the parcel, the project's conformance with the planned character of the surrounding neighborhood and zoning district, and the potential impact of proposed development on natural and cultural resources.

(2) **Temporary Provision** – The aforementioned exception for 12+ acre lots shall also be available to lots with a minimum of 10 acres for a limited period of time. The

purpose of this temporary provision is to give the large number of property owners with 10-12 acres a reasonable amount of time to consider and follow through with subdivision plans that will not be possible once the aforementioned development density provisions are fully in effect. In order to qualify for this provision, and landowner must:

(a) Submit the initial subdivision application to the Town Planning and Zoning office by March 30, 2015.

(b) Obtain final subdivision approval by the Development Review Board by March 30, 2018. Filing of the approved subdivision plat/mylar may occur after this date per the filing deadlines outlined in the Subdivision Regulations.

ARTICLE 3: ZONING DISTRICTS

Section 3.1 VILLAGE GROWTH AREA –PURPOSE & MASTER PLAN REQUIREMENT

DISTRICTS: Village, Village NW, Village NE, Commercial, Industrial 3, Industrial 4, Residential 1, Residential 2

PURPOSE: To encourage a vibrant mix of commercial, residential and civic activities in a compact, pedestrian-oriented village that is recognizable as the Town's social and economic center. To allow for development that brings value to the community and maintains Hinesburg's unique sense of place. Densities will be high relative to the rest of the town, and multi-story buildings are anticipated. The design of this area shall include public spaces to serve as focal points and gathering spaces, and to take advantage of important views. It should include internal streets that make pedestrians feel comfortable and welcome. A mix of uses within the Village NW, Village NE, Village, and Commercial districts is particularly important to provide a reason for the wider Hinesburg community to visit and spend time in this area (employment, walking, services, recreation, events, etc.).

Development densities should be maximized to the extent practical in order to better realize Hinesburg's overall "smart growth" strategy. Increased density opportunities should also serve as an incentive to promote the creation of affordable and moderately priced housing.

The density of the area makes it conducive to the use of transit. Suitable transit stops, including bus pull-offs, should be anticipated in the overall layout. Internal streets should, to the extent possible, form a circulation grid and accommodate on-street parking. To the greatest extent possible, the district shall favor pedestrian movement, minimizing traffic movement and parking conflicts with pedestrian ways.

The compactness of proposed development will inevitably lead to a loss or shifting of some scenic views now afforded in the undeveloped portion of the overall village growth center. However, new view opportunities should be provided from the new street network and from other perspectives available to the public. In the evolving design, it is important to pay close attention to the creation of green spaces such as parks, recreation areas, and community gathering places that will complement the pattern of streets, buildings, pathways and view corridors. Even with the proposed development densities, small scale agricultural operations and community gardens (e.g., Burlington's Intervale area) will be a viable and important element given the abundance of prime agricultural soils and the need for locally grown food. It is also important to retain functional connections to the surrounding rural landscape via public trails, contiguous green space, and other mechanisms.

3.1.1 MASTER PLAN REQUIREMENT

Within the Village Growth Area, new development proposals on parcels over 1 acre that are subject to subdivision, PUD, site plan, or conditional use review by the DRB (excluding minor amendments to previously approved projects, as determined by the DRB) shall include a conceptual-level master plan for the overall property owned or controlled by the applicant and/or landowner. This master plan shall further the purpose and goals of the Village Growth Area as outlined in the Zoning Regulations and the Town Plan. It shall delineate and address the following significant natural features: streams, mapped wetlands, flood hazard areas, steep slopes 25% or greater. Future or anticipated phases may have less detail and need not delineate individual lots or building sites. The focus of the master plan should be on

identification of critical infrastructure and the mix of future uses. Critical infrastructure to be addressed includes: access points, basic road and bike/pedestrian connections, areas reserved for public or community space, major water and sewer infrastructure (i.e., major service lines and pump station locations, not construction details or detailed lot by lot connections), major stormwater treatment areas. See the Town's Official Map for guidance on planned public infrastructure (roads, sidewalks, community facilities, etc.). Future uses shall include specific or broad categories such as residential, mixed use, retail, office, light industry, park, natural areas, agriculture, etc. For guidance on the desired mix of uses, see the overall Village Growth Area purpose statement above as well as the purpose statements for individual zoning districts. See section 5.22 for guidance on overall development design.

To the extent that current undeveloped uses (e.g., agriculture) will be continued, the master plan shall address the compatibility with the proposed development, and ensure that appropriate access is provided. Due to significant wetland constraints, master plans for properties in the Village Northwest, Village Northeast, and Residential 2 districts shall also include a wetland delineation for those portions of the property with development potential (immediate or long term). The DRB shall address the master plan in its decision(s), and subsequent applications shall be consistent with the master plan unless the application proposes a new master plan with suitable refinements and improvements.

Section 3.2 AGRICULTURAL DISTRICT

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.

3.2.1 DISTRICT BOUNDARIES AND LIMITS

This district encompasses all of the land west of Route #116 which is not in any other District.

3.2.2 PERMITTED USES

(1) One-family separate dwellings, not to exceed one dwelling on each lot.
(2) Two-family dwellings, each such structure on a lot which is at least twice the minimum size required for a single-family dwelling.
(3) Commercial agricultural operations and accessories thereto.
(4) Agricultural accessory uses
(5) Commercial forest management

(6) Forest management accessory uses
(7) Farm stand
(8) Bed & breakfast
(9) Buildings, structures, and uses owned and operated by the municipality.
(10) Home occupations as in Sections 5.1.1.
(11) Customary Accessory Uses as in Sections 5.8 and 5.9.
(12) PUDs are permitted in accordance with the conditions set forth in Section 4.5.
(13) Dead storage.
(14) Rooftop solar hot water.
(15) Rooftop photovoltaics.
(16) Rooftop wind turbines.
(17) Photovoltaic trackers.
(18) Small wind energy systems.
(19) Cemetery

3.2.3 CONDITIONAL USES

(1) Multi-family dwellings of 3 or 4 units, only as part of a PUD, and not to exceed three (3) bedrooms per unit. The number of units per lot shall be limited in relation to the lot size in the same manner as a one-family dwelling.
(2) Farm café
(3) Integrated agriculture
(4) Integrated forestry
(5) Low impact agribusiness
(6) Farm market on State highways or class 1 or 2 Town roads
(7) Places of worship, including parish houses.
(8) Public and private educational institutions, and accompanying customary recreational areas.
(9) Medical care facilities primarily providing in-patient services (e.g., rehabilitation, mental health, etc.) with beds to serve no more than 30 patients.
(10) Outdoor recreational facilities
(11) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(12) Mortuaries and funeral parlors.
(13) Day-care facilities.
(14) Inn
(15) Campgrounds for temporary accommodation for tourists with tents and/or travel trailers provided, however, that the owner of such established camp site shall provide adequate sewer disposal facilities and potable water supply, and provided further conditions or restrictions as are necessary to ensure the proper disposal of sewage and the safe provision of water usage.
(16) The excavation and processing of sand and gravel subject to the provisions of Section 5.13.
(17) Home occupations and cottage industries as defined in Section 5.1.2, 5.2 and 5.3.
(18) Function hall. Use of a barn or similar structure (exiting 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.

(19) Commercial cordwood operations (not including logging or processing of wood cut on-site, which are considered agricultural operations).

(20) Cemetery with on-site crematory services

Section 3.3 RURAL RESIDENTIAL DISTRICT 1

PURPOSE: To allow low density, rural residential development in an area with existing or potential access to public sewer and water facilities and access to major transportation routes. Development that preserves significant natural resources is encouraged.

3.3.1 DISTRICT BOUNDARIES AND LIMITS

This district encompasses all of the land east of Route #116 which is not in any other district.

3.3.2 PERMITTED USES

(1) One-family separate dwellings, not to exceed one dwelling on each lot.
(2) Commercial agricultural operations and accessory uses thereto.
(3) Buildings, structures, and uses owned and operated by the municipality.
(4) Two-family dwellings, each such structure on a lot which is at least twice the minimum size required for a single-family dwelling.
(5) Home occupations as in Sections 5.1.1.
(6) Customary accessory uses as in Sections 5.8 and 5.9.
(7) PUDs are permitted in accordance with the conditions set forth in Section 4.5.
(8) Dead storage.
(9) Rooftop solar hot water.
(10) Rooftop photovoltaics.
(11) Rooftop wind turbines.
(12) Photovoltaic trackers.
(13) Small wind energy systems.
(14) Cemetery.

3.3.3 CONDITIONAL USES

(1) Multi-family dwellings of 3 or 4 units, only as part of a PUD, and not to exceed three (3) bedrooms per unit. The number of units per lot shall be limited in relation to the lot size in the same manner as a one-family dwelling.
(2) Places of worship, including parish houses.
(3) Outdoor recreational facilities such as public playgrounds, golf clubs, swimming pools, tennis courts, fishing and hunting preserves, and cross-country ski trails.
(4) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(5) Manure pits or lagoons or any manure-storage facility.

(6) Retail sale of substantially unprocessed agricultural products.
(7) Day-care facilities.
(8) Tourist homes which do not exceed fifteen (15) guests located in the primary structure on the lot.
(9) Campgrounds for temporary accommodation for tourists with tents and/or travel trailer provided, however, that the owner of such established camp site shall provide adequate sewer disposal facilities and potable water supply, and provided further conditions or restrictions as are necessary to insure the proper disposal of sewage and safe provision of water usage.
(10) The excavation and processing of sand and gravel subject to the provision of Section 5.13.
(11) Home occupations and cottage industries as defined in Section 5.1.2, 5.2 and 5.3.
(12) Public and private educational institutions, and accompanying customary recreation areas.
(13) Public and private hospitals and other public institutions for general medical care.
(14) Cemetery with on-site crematory services

Section 3.4 RURAL RESIDENTIAL DISTRICT 2

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.

3.4.1 DISTRICT BOUNDARIES AND LIMITS

This district encompasses all the land, which is not in Industrial District 1, which lies east of the Richmond Road, North Road, and Route #116 (from its intersection with North Road to the southerly line of the Town of Hinesburg).

3.4.2 PERMITTED USES

(1) One-family separate dwellings, not to exceed one dwelling on each lot.

(2) Two-family dwellings, each such structure on a lot which is at least twice the minimum size required for a single-family dwelling.
(3) Commercial agricultural operations and accessories thereto.
(4) Agricultural accessory uses
(5) Commercial forest management
(6) Forest management accessory uses
(7) Farm stand
(8) Bed & breakfast
(9) Home occupations as in Section 5.1.1
(10) Customary Accessory Uses as in Sections 5.8 and 5.9.
(11) PUDs are permitted in accordance with the conditions set forth in Section 4.5.
(12) Dead storage.
(13) Rooftop solar hot water.
(14) Rooftop photovoltaics.
(15) Rooftop wind turbines.
(16) Photovoltaic trackers.
(17) Small wind energy systems.
(18) Cemetery.

3.4.3 CONDITIONAL USES

(1) Multi-family dwellings of 3 or 4 units, only as part of a PUD, and not to exceed three (3) bedrooms per unit. The number of units per lot shall be limited in relation to the lot size in the same manner as a one-family dwelling.
(2) Farm café
(3) Integrated agriculture
(4) Integrated forestry
(5) Low impact agribusiness
(6) Farm market on State highways or class 1 or 2 Town roads
(7) Function hall. Use of a barn or similar structure (exiting 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.
(8) Places of worship, including parish houses.
(9) Buildings, structures, and uses owned and operated by the municipality.
(10) Outdoor recreational facilities
(11) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(12) Day-care facilities.
(13) Inn
(14) Campgrounds for temporary accommodation for tourists with tents and/or travel

trailer provided, however, that the owner of such established camp site shall provide adequate sewer disposal facilities and potable water supply, and provided further conditions or restrictions as are necessary to insure the proper disposal of sewage and the safe provision of water usage.

(15) If within 2500 feet of the North Road or Route 116, the excavation and processing of sand and gravel subject to the provisions of Section 5.13.

(16) Home occupations and cottage industries as defined in Sections 5.1.2, 5.2 and 5.3.

(17) Commercial cordwood operations (not including logging or processing of wood cut on-site, which are considered agricultural operations).

(18) Cemetery with on-site crematory services

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

Section 3.5 VILLAGE DISTRICT

PURPOSE: To encourage a vibrant mix of commercial, residential and civic activities in the compact, pedestrian-oriented existing village core that maintains its historic character, and is integrated with the other growth area districts.

A mix of residential and non-residential (including retail) uses are envisioned for the northwest portion of this district (west of Route 116), which is currently undeveloped. Development proposals in this area should be consistent with this mixed-use vision, which is typical for the existing village core as a whole. The LaPlatte River, Patrick Brook, and other LaPlatte tributaries shall be protected with adequate building setbacks and vegetated buffers to allow for naturally occurring channel realignment and water quality protection. North/south connectivity across Patrick Brook should be planned for, although the type of connection (street, path, etc.) will depend on development proposals for the area, permitting issues, and the overall public interest.

3.5.1 DISTRICT BOUNDARIES AND LIMITS

This district is generally bounded by and follows parcel lines as depicted on the 2010 Tax Map (as depicted on Village Growth Area Zoning District Map), except as noted in the more specific description that follows. Starting at the southeast corner of parcel 09-01-52.000, proceed to northeast corner and then west to northwest corner. Proceed north along eastern boundary of parcel code COM.006 (formerly taxmap #20-50-73.000 on the 2008 taxmap) to northeast corner of parcel. Proceed due north (true north as shown on map), across parcel #09-01-50.000 to the southern property line of parcel 09-01-01.700 at a point approximately 300' east of the southwest corner of parcel 09-01-01.700. Proceed west and then northwest along the boundary of parcel 09-01-01.700, and then northwest along the western side of the Thornbush Road right of way to a point opposite the south corner of lot 1 of the Thistle Hill subdivision (plat/mylar recorded on slide 167B). Cross Thornbush Road and proceed northeast along the lot 1 boundary to the south corner of parcel 17-22-73.100. Proceed northwest along the parcel 17-22-73.100 boundary line to Mechanicsville Road. Cross Mechanicsville Road to the southeast corner of parcel 16-20-60.000, and proceed northwest along the parcel boundary to the Canal. Proceed southwesterly down the western bank of the Canal (downstream) across parcel 16-20-61.000 and across Commerce Street to the northeast corner of parcel 20-50-01.000. Proceed south (near Canal) along the boundaries of parcel 20-50-01.000 and then 20-50-02.100 to the southwest corner of parcel 20-50-02.100. Proceed north along parcel lines to the northeast corner of parcel 20-50-02.200. Proceed west along the northern boundary of this parcel, then across the Route 116 right of way, and

then north along the western edge of the right of way to the southeast corner of parcel 16-20-56.500. Proceed west along the parcel line approximately 950' and then south to the northwest corner of parcel 08-01-06.340, on a line parallel to the rear lot line of parcel 08-01-06.340. Proceed west along the southern parcel line of parcel 08-01-06.320 to the LaPlatte River. Proceed southeast up the east bank of the LaPlatte River (upstream) to Silver Street. Cross Silver Street and follow the north bank of the LaPlatte River easterly from the eastern edge of the road right of way approximately 240'. Proceed easterly across parcel 08-01-32.000 on a line parallel to Route 116, to the western boundary line of parcel 09-01-62.100. Proceed south to the southwestern corner of this parcel, and then easterly and northerly back to Route 116 to include all of parcels 09-01-62.100, 09-01-62.200, 09-01-61.000. Cross Route 116 to the southeast corner of parcel 09-01-52.000 (starting point). The areas within the Industrial 3 & 4 Districts are, however, excluded.

3.5.2 DIMENSIONAL STANDARDS

Min. Resid. Lot Size:	6,000 sq ft	Min. Front Setback:	10 ft (from ROW edge)
Min. Lot Frontage:	60 ft	Min. Side Setback:	10 ft
Minimum Lot Depth:	100 ft	Min. Rear Setback:	10 ft
		Max. Lot Coverage:	75%

3.5.3 DENSITY

Residential base density*: 4 units/per acre

Non-residential density: none defined; limits based on lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.

* Density limits shall not apply to congregate housing. <u>See density bonus/incentives section for opportunities to exceed base density.</u>

3.5.4 PERMITTED USES (RESIDENTIAL)

(1) One-family separate dwellings, not to exceed one dwelling on each lot.
(2) Two-family dwellings.
(3) Multi-family dwellings of 6 units or less, not to exceed three (3) bedrooms per unit.
(4) Home occupations as in Sections 5.1.1.
(5) Customary Accessory Uses as in Sections 5.8 and 5.9.
(6) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(7) Dead storage.
(8) Rooftop solar hot water.
(9) Rooftop photovoltaics.
(10) Rooftop wind turbines.
(11) Photovoltaic trackers.
(12) Small wind energy systems.

3.5.5 PERMITTED USES (COMMERCIAL)

(1) Buildings, structures, and uses owned and operated by the municipality of Hinesburg.
(2) Places of worship including parish houses.
(3) Offices (business, professional, medical, dental, and governmental) of one thousand (1000) square feet or less.
(4) Retail shops and stores of one thousand (1000) square feet or less.

(5) Service establishments of one thousand (1000) square feet or less meeting local needs and not listed as conditional uses, in which no substantial amounts of flammable or explosive solvents are used and no work is done on the premises for retail outlets elsewhere.
(6) Day-care facilities.
(7) Post offices.
(8) Libraries.
(9) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(10) Commercial agriculture operations and accessories thereto involving accepted agricultural or farming practices or accepted silvicultural practices are permitted without site plan approval.
(11) Dead storage.
(12) Farm stand.
(13) Farm market.
(14) Art studio or exhibition space.
(15) Community center.
(16) Rooftop solar hot water.
(17) Rooftop photovoltaics.
(18) Rooftop wind turbines.
(19) Photovoltaic trackers.
(20) Small wind energy systems.

3.5.6 CONDITIONAL USES (RESIDENTIAL AND COMMERCIAL)

(1) Offices (business, professional, medical, dental, and governmental) of over 1000 square feet.
(2) Retail shops and stores, and service establishments of over 1000 square feet up to a maximum of 20,000 sq. ft.
(3) Resturants and taverns. Drive-up windows and drive through service is prohibited.
(4) Public and private educational institutions and accompanying customary recreation areas.
(5) Public and private hospitals.
(6) Lodges and private clubs.
(7) Multi-family dwellings of more than 6 units, not to exceed three (3) bedrooms per unit.
(8) Congregate housing.
(9) Indoor recreation and theaters (except drive-in theaters).
(10) Printing facilities, including assembly of printed products, up to a maximum of fifteen hundred (1500) square feet.
(11) Hotels, motels, hostels, bed and breakfasts, rooming houses and inns.
(12) Mortuaries and funeral parlors.
(13) Banks and other monetary institutions.
(14) Dry-cleaning and pressing establishments which are primarily retail and in which no substantial amounts of flammable, toxic, or explosive solvents are used and no work is done on the premises for retail outlets elsewhere.
(15) Light manufacturing.
(16) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other

similar structures.

(17) Car Wash.

(18) Motor vehicle service and repair facilities with the following conditions:

(a) Entrance and exit driveways shall be located not nearer than fifteen (15) feet to any property line unless the driveway is designed for shared access between two lots, and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.

(b) Vehicle lifts or pits, dismantled and disabled motor vehicles, trailers and all parts or supplies shall be located within a building enclosed on all sides.

(c) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides.

(d) The storage of gasoline or flammable oils in bulk shall be located fully underground or screened and not nearer than thirty-five (35) feet to any property line other than the street line.

(e) No gasoline pumps shall be located nearer than fifteen (15) feet to any property line.

(f) No building permit shall be issued for a motor vehicle service station located within a distance of two hundred (200) feet of any school, church, hospital, or place of public assembly designed for the simultaneous use and occupancy by more than one hundred (100) persons; the said distance to be measured in a straight line between the nearest points of the improved portion of the lot, regardless of the district where either premises are located.

(19) Veterinary office, clinic and/or hospital.

(20) Production and processing of dairy-related products such as milk, cheese and ice cream.

(21) Public and private hospitals and other public institutions for general medical care.

(22) Parking lots and storage garages, including park and ride facilities.

(23) Home occupations as defined in Section 5.1.2.

Section 3.6 VILLAGE NORTHWEST DISTRICT

PURPOSE: To encourage a vibrant mix of commercial, residential and civic activities in a compact, pedestrian-oriented manner that is connected and integrated with adjacent growth area districts, especially the Village district. This district will be an integral part of the overall village and will serve to anchor the northern gateway to the existing village core and historic Main Street area. As such, new development shall address the need for uses, public spaces, and design elements that complement the wider village area and provide a draw to the overall Hinesburg community.

As a mixed use district, and to achieve the vision outlined above, mixed residential/non-residential developments are strongly encouraged, especially as planned unit developments (PUD). Mixed residential/non-residential PUDs shall meet the following standards to help assure that residential uses do not exclude non-residential uses:

- The non-residential space in a PUD shall either be constructed first or concurrently with the residential space in a PUD; and
- The first floor of each mixed residential/non-residential building shall be constructed as non-residential space.

All residential development shall be reviewed as a planned unit development (PUD) and must comply with PUD standards. Commercial uses are especially important near Shelburne Falls Road in order to blend with the existing commercial district to the north and to take advantage of the existing traffic light controlled intersection at Route 116. Additional VT Route 116 access points shall be limited in order to preserve this road's through function.

This district was previously zoned Agricultural and was largely undeveloped agricultural land. Expanding village development patterns into this zone will necessarily impact agricultural soils. Although seen as a critical natural feature informing and limiting development patterns throughout much of Hinesburg, the presence of agricultural soils should not be seen as constraint to well planned growth in the Village NW district. Furthermore, because of its undeveloped nature, this district lends itself to use of renewable energy resources, especially solar energy. Development in this district shall be designed, sited, and constructed to take advantage of passive and/or active solar energy resources (e.g., south facing buildings & windows, photo voltaics) as well as other compatible renewables (e.g., wind, geothermal, etc.).

The LaPlatte River, Patrick Brook, and other LaPlatte tributaries shall be protected with adequate building setbacks and vegetated buffers to allow for naturally occurring channel realignment and water quality protection. North/south connectivity across Patrick Brook should be planned for, although the type of connection (street, path, etc.) will depend on development proposals for the area, permitting issues, and the overall public interest.

3.6.1 DISTRICT BOUNDARIES AND LIMITS

This district is generally bounded by and follows parcel lines as depicted on the 2010 Tax Map (as depicted on Village Growth Area Zoning District Map), except as noted in the more specific description that follows. Starting at the southeast corner of parcel 16-20-56.500, proceed to the west approximately 1525', and then due north (true north) across the parcel to the southwest corner of parcel 16-20-56.400. Proceed northeast and then north along this parcel boundary to Shelburne Falls Road. Cross Shelburne Falls Road and proceed easterly along the north side of the Shelburne Falls Road right of way to the western side of the Route 116 right of way. Cross Shelburne Falls Road, and proceed south along the western boundary of the Route 116 right of way to the southeastern corner of parcel 16-20-56.500 (starting point).

3.6.2 DIMENSIONAL STANDARDS

Min. Resid. Lot Size:	6,000 sq ft	Min. Side Setback:	10 ft
Min. Lot Frontage:	60 ft	Min. Rear Setback:	10 ft
Minimum Lot Depth:	100 ft	Max. Lot Coverage:	60%
Min. Front Setback:	10 ft (from ROW edge) 50' (from Rt 116 ROW edge)		

3.6.3 DENSITY

Residential base density*: 3 units/per acre

Non-residential density: none defined; limits based on lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.

* Density limits shall not apply to congregate housing. <u>See density bonus/incentives section for opportunities to exceed base density.</u>

3.6.4 PERMITTED & CONDITIONAL USES
Same as Village District – See Section 3.5

Section 3.7 VILLAGE NORTHEAST DISTRICT

PURPOSE: To provide a location, with connectivity to adjacent growth center districts, for a mix of light industrial/manufacturing businesses and residential uses which take advantage of a range of renewable energy resources. Both residential structures and industrial / manufacturing facilities within the Village NE zone shall be designed, sited, and constructed to take advantage of renewable energy resources, including both solar and wind power through the incorporation of technologies such as photo voltaic panels, wind turbines, hydrothermal and/or geothermal devices. Facilities within the Village NE must be compatible with the mixed industrial and residential designation of the zone and must not emit unreasonable noise, smoke, light, odors or vibration discernable beyond the limits of their properties. Industrial development in this zone shall be sited to maximize both energy generation and conservation, and constructed in a manner that blends in with the surrounding topography and mitigates storm water runoff and aquifer recharge issues. Mixed-use PUDs incorporating compatible light industrial and residential uses, as well as residential PUDs with multi-family residential development are strongly encouraged.

Co-location of energy generation for all uses within the Village NE district is encouraged, but may be distributed throughout the zone and may be used to satisfy a portion of the open space requirements of the development. As soil characteristics vary within the district, industrial uses which require more stable soils shall be prioritized for development in the upland regions. Patrick Brook, and other LaPlatte tributaries shall be protected with adequate building setbacks and vegetated buffers to allow for naturally occurring channel realignment and water quality protection.

Southern access to this district is currently provided from Riggs Road and this access should serve both industrial and residential uses within this portion of the district. In addition, as part of the permitting process, development on the northern side of this district shall include a second access point from CVU road. North/south connectivity between these 2 major access points shall be planned for (at minimum via a right of way connection), although the type of connection (street, path, etc.) will depend on development proposals for the area, permitting issues, and the overall public interest.

3.7.1 DISTRICT BOUNDARIES AND LIMITS
This district is generally bounded by and follows parcel lines as depicted on the 2010 Tax Map (as depicted on Village Growth Area Zoning District Map), except as noted in the more specific description that follows. Starting at the southeast corner of parcel 16-20-56.500, north along the west side of the Route 116 right of way to the northeast corner of parcel 16-20-56.500. Proceed east across the Route 116 and along the south edge of the right of way to the northeast corner of parcel 16-20-53.000. Proceed south along this parcel boundary to the southwest corner of parcel 16-20-56.300. Continue northeast along the boundary of parcel 16-20-56.300 to the parcel's eastern-most corner. Proceed south along the boundary of parcel 17-22-62.000, and continue south across parcel 16-20-56.900 to Patrick Brook. Follow Patrick Brook to the southwest (downstream) nearly to a point approximately 55' east of the southwest corner of parcel 16-20-56.900. Proceed west along parcel boundaries to Route 116. Proceed west across the Route 116 right of way to the southeast corner of parcel 16-20-56.500 (starting point).

3.7.2 DIMENSIONAL STANDARDS

Min. Resid. Lot Size:	6,000 sq ft	Min. Side Setback:	10 ft
Min. Lot Frontage:	60 ft	Min. Rear Setback:	10 ft
Minimum Lot Depth:	100 ft	Max. Lot Coverage:	60%
Min. Front Setback:	10 ft (from ROW edge) 50' (from Rt 116 ROW edge)		

3.7.3 DENSITY

Residential base density*: 3 units/per acre

Non-residential density: none defined; limits based on lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.

* See density bonus/incentives section for opportunities to exceed base density.

3.7.4 PERMITTED USES (INDUSTRIAL)

The following uses are permitted when the total footprint area of all structures on the lot is less than 40,000 square feet.

(1) Manufacturing, warehousing and distribution facilities which substantially utilize renewable energy resources such as solar and wind power generation, geothermal or hydrothermal, and have low adverse environmental impact.
(2) Engineering and Product Design Facilities
(3) Office uses in conjunction with other permitted uses
(4) Corporate offices or headquarters
(5) Non Retail Business Incubation Facilities
(6) Retail sales which are accessory to the primary use
(7) Accessory uses for the benefit of employees such as childcare or eldercare facilities, health clubs or other employee conveniences.
(8) Other accessory uses
(9) PUDs incorporating any mixture of the above industrial uses with residential uses in accordance with Section 4.5 and incorporating substantial utilization of renewable energy resources.
(10) Structures associated with renewable energy generation such as solar tracking arrays and wind towers, with maximum height pursuant to section 2.7.
(11) Solar array farms located within the development.
(12) Rooftop solar hot water.
(13) Rooftop photovoltaics.
(14) Rooftop wind turbines.
(15) Photovoltaic trackers.
(16) Small wind energy systems.

3.7.5 PERMITTED USES (RESIDENTIAL)

(1) One-family and two-family dwellings which substantially utilize renewable energy resources such as solar, wind, geothermal or hydrothermal and have low adverse environmental impact.
(2) Multi-family dwellings of 6 units or less, not to exceed three (3) bedrooms per unit, which substantially utilize renewable energy resources such as solar, wind, geothermal or hydrothermal and have low adverse environmental impact.

(3) PUDs in accordance with section 4.5 and incorporating substantial utilization of renewable energy resources.
(4) Rooftop solar hot water.
(5) Rooftop photovoltaics.
(6) Rooftop wind turbines.
(7) Photovoltaic trackers.
(8) Small wind energy systems.
(9) Home occupations as defined in Section 5.1.1.

3.7.6 CONDITIONAL USES (INDUSTRIAL)

(1) Permitted uses as listed in section 3.7.4 where the total footprint area of all structures on the lot is 40,000 square feet or more.
(2) Without regard to height limitations: railroads, public utility towers, high voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(3) Production and processing of dairy-related products such as milk, cheese and ice cream.
(4) Erection of towers, platforms or similar structures for the purpose of product development / test associated with businesses located within the district. Structures must be temporary in nature, however re-application for conditional use is not required for recurring erection of same or similar structures.
(5) Small-scale solar array farms for use by industrial or residential development within the district but located on a lot separate from the target development.

3.7.7 CONDITIONAL USES (RESIDENTIAL)

(1) Multi-family dwellings of more than 6 units, not to exceed three (3) bedrooms per unit, which substantially utilize renewable energy resources such as solar, wind, geothermal or hydrothermal and have low adverse environmental impact.
(2) Home occupations and cottage industries as defined in Section 5.1.2, 5.2 and 5.3.

3.7.8 CONDITIONAL USES (OTHER)

(1) Educational facilities and museums related to the purpose of the district (i.e., renewable energy, energy efficiency, etc.).
(2) Buildings, structures, and uses owned and operated by the municipality.
(3) Retail sale of substantially unprocessed agricultural products.
(4) Day-care facilities.
(5) Without regard to height limitations: railroads, public utility towers, high voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.

Section 3.8 COMMERCIAL DISTRICT

PURPOSE: To provide a wide range of local services and employment opportunities in an orderly, village setting with safe and convenient vehicular and pedestrian access. To provide areas primarily for retail, office, service, and other non-residential uses that are connected and integrated with adjacent growth area districts, especially the Village district. Residential uses are allowed, but only in structures with a primary non-residential use – e.g., 2nd and/or 3rd story, above non-residential uses.

Patrick Brook shall be protected with adequate building setbacks and vegetated buffers to allow for naturally occurring channel realignment and water quality protection.

3.8.1 DISTRICT BOUNDARIES AND LIMITS

This district is divided into 2 geographically distinct areas that are generally bounded by and follow parcel lines as depicted on the 2010 Tax Map (as depicted on Village Growth Area Zoning District Map), except as noted in the more specific descriptions that follows.

(1) Commerce Park Area: Starting at the southeast corner of parcel 16-20-56.500, proceed east across the Route 116 right of way to the northwest corner of parcel 16-20-68.000, and then east along the northern boundary of this and the abutting parcels to the northeast corner of parcel 16-20-61.000. Proceed south along the eastern boundary of this parcel to the southwest corner of parcel 16-20-60.000. Proceed south along the western bank of the Canal (downstream) across parcel 16-20-61.000 and across Commerce Street to the northeast corner of parcel 20-50-01.000. Proceed south (near Canal) along this parcel's boundary and parcel 20-50-02.100 boundary to the southwest corner of parcel 20-50-02.100. Proceed north along parcel lines to the northeast corner of parcel 20-50-02.200. Proceed west along the northern boundary of this parcel, then across the Route 116 right of way, and then north along the western edge of the right of way to the southeast corner of parcel 16-20-56.500 (starting point).

(2) Ballards Corner Area: Starting at the southeast corner of parcel 16-20-39.000, proceed north along the western edge of the Route 116 right of way to the northeast corner of parcel 16-20-32.000. Proceed west and then south along the parcel boundary to the southwest corner of the parcel. Proceed generally west along the northern boundary of parcel 16-20-33.000 and then south along the western boundaries of parcels 16-20-35.000 & 16-20-37.000 to the southwest corner of parcel 16-20-37.000. Proceed east along the northern edge of the Shelburne Falls Road right of way to the southeast corner of parcel 16-20-39.000 (starting point).

3.8.2 DIMENSIONAL STANDARDS

Min. Resid. Lot Size:	none	Min. Side Setback:	10 ft
Min. Lot Frontage:	60 ft	Min. Rear Setback:	10 ft
Minimum Lot Depth:	100 ft	Max. Lot Coverage:	60%
Min. Front Setback:	10 ft (from ROW edge)		

3.8.3 DENSITY

Residential base density*: 3 units/per acre

Non-residential density: none defined; limits based on lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.

* <u>See density bonus/incentives section for opportunities to exceed base density.</u>

3.8.4 PERMITTED USES

(1) Retail businesses and services as follows:

(a) Retail establishments where all sales and storage of goods is indoors.

(b) Service establishments not listed as conditional uses in which no substantial amounts of flammable or explosive solvents are used and no work is done on the premises for retail outlets elsewhere.

(c) Private clubs, indoor recreation, and theaters (except drive-in theaters).
(d) Printing, engraving, bookbinding, and publishing.
(e) The sale of home garden supplies, nurseries, garden centers, and greenhouses having a retail outlet on the premises.
(f) Building materials and supplies outlets.

(2) Buildings, structures, and uses owned and operated by the municipality.
(3) Business, professional and governmental offices.
(4) Commercial agriculture operations and accessories thereto involving accepted agricultural or farming practices or accepted silvicultural practices are permitted without site plan approval.
(5) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(6) Banks or other monetary institutions excluding drive-through (drive-through banks are a conditional use under Section 3.8.5(6)).
(7) Medical and dental clinics.
(8) Day-care facilities.
(9) Dead storage.
(10) Residential dwellings on the second or third stories of structures with the following conditions:
(a) Residential use is compatible with the use occupying the first level of the structure including, but not limited to, noise levels, vibration levels, hours of operation and traffic/parking consideration.
(b) Residential uses shall not be permitted where toxic, flammable or otherwise hazardous materials not generally associated with residential uses are stored or used on the first level of the structure.
(11) Rooftop solar hot water.
(12) Rooftop photovoltaics.
(13) Rooftop wind turbines.
(14) Photovoltaic trackers.
(15) Small wind energy systems.
(16) Farm stand.
(17) Farm market.
(18) Art studio or exhibition space.
(19) Community center.

3.8.5 CONDITIONAL USES

(1) Laboratories for research or photo processing.
(2) Outdoor recreational facilities.
(3) Public utility substations and transmission lines.
(4) Convenience or variety stores.
(5) Restaurants and taverns (excluding drive-through).
(6) Banks or other monetary institutions with drive-through
(7) Hotels, motels, hostels, and inns.
(8) Public and private educational institutions and accompanying customary recreation areas.
(9) Public and private hospitals.
(10) Places of worship including parish houses.
(11) Parking lots and storage garages, including park and ride facilities.

(12) Motor vehicles, farm equipment sales, service, and repair facilities with the following conditions:
  (a) Entrance and exit driveways shall be located not nearer than fifteen (15) feet to any property line unless the driveway is designed for shared access between two lots, and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
  (b) Vehicle lifts or pits, dismantled and disabled motor vehicles, trailers and all parts or supplies shall be located within a building enclosed on all sides.
  (c) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides.
  (d) The storage of gasoline or flammable oils in bulk shall be located fully underground or screened and not nearer than thirty-five (35) feet to any property line other than the street line.
  (e) No gasoline pumps shall be located nearer than fifteen (15) feet to any property line.
  (f) No building permit shall be issued for a motor vehicle service station located within a distance of two hundred (200) feet of any school, church, hospital, or place of public assembly designed for the simultaneous use and occupancy by more than one hundred (100) persons; the said distance to be measured in a straight line between the nearest points of the improved portion of the lot, regardless of the district where either premises are located.

(13) Light manufacturing and warehousing. In any event, animal slaughtering or rendering of fats is not allowed.
(14) Without regard to height limitations: radio and television antennae, windmills and other wind instruments.
(15) Car wash
(16) Veterinary office, clinic and/or hospital.
(17) Pet grooming facility
(18) Mortuaries and funeral parlors.
(19) Production and processing of dairy-related products such as milk, cheese and ice cream.

Section 3.9 RESIDENTIAL 1 DISTRICT

PURPOSE: To allow for a medium to high density residential area within the village growth area and with access to public sewer and water facilities. Development in this district shall be connected and integrated with adjacent growth area districts, so as to complement and enhance the compact, pedestrian-oriented village environment. Development in this district shall preserve connections between the village and the surrounding rural landscape via trails, open space, riparian areas, etc.

Patrick Brook shall be protected with adequate building setbacks and vegetated buffers to allow for naturally occurring channel realignment and water quality protection.

3.9.1 DISTRICT BOUNDARIES AND LIMITS

This district is generally bounded by and follows parcel lines as depicted on the 2010 Tax Map (as depicted on Village Growth Area Zoning District Map), except as noted in the more specific description that follows. Starting at the west corner of parcel 17-22-73.100, proceed

west across Mechanicsville Road to the southeast corner of parcel 16-20-60.000, and proceed northwest to the southwest corner of the parcel. Proceed north along the western boundary of this parcel and parcels to the north to the southeast corner of parcel 16-20-56.900. Proceed west along the southern boundary of this parcel to a point approximately 55' east of the southwest corner of parcel 16-20-56.900. Proceed northeast along Patrick Brook (upstream), approximately 900', across parcel 16-20-56.900 to a point due south of the southwestern corner of parcel 17-22-62.000. Proceed due north to the southwestern corner of parcel 17-2-62.000. Proceed east along this parcel line to the west bank of the Canal. Follow the Canal north to the west side of the Mechanicsville Road right of way. Proceed south on the west side of the Mechanicsville Road right of way approximately 200', then cross Mechanicsville Road to the northwest corner of parcel 17-22-61.000. Follow the northern boundary of this parcel and parcel 17-22-62.000 to the southwest corner of parcel 17-22-45.100. Proceed southwest across parcel 17-22-62.000 to a point of inflection on the eastern boundary of parcel 17-22-66.000. Proceed south along parcel lines to the southeast corner of parcel 17-22-67.000, and then continue due south (true south) approximately 150' across parcel 09-01-01.670 to its southern boundary line. Proceed southwest to a point approximately 300' east of the southwest corner of parcel 09-01-01.700. Proceed west and then northwest along the boundary of parcel 09-01-01.700, and then northwest along the western side of the Thornbush Road right of way to a point opposite the south corner of lot 1 of the Thistle Hill subdivision (plat/mylar recorded on slide 167B). Cross Thornbush Road and proceed northeast along the lot 1 boundary to the south corner of parcel 17-22-73.100. Proceed northwest along the parcel boundary line to west corner of parcel 17-22-73.100 (starting point).

3.9.2 DIMENSIONAL STANDARDS

Min. Resid. Lot Size:	6,000 sq ft	Min. Side Setback:	10 ft
Min. Lot Frontage:	60 ft	Min. Rear Setback:	10 ft
Minimum Lot Depth:	100 ft	Max. Lot Coverage:	60%
Min. Front Setback:	10 ft (from ROW edge)		

3.9.3 DENSITY

Residential base density*: 2 units/per acre

Non-residential density: <u>Few non-residential uses allowed.</u> Density not defined; limits based on lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.

* Density limits shall not apply to congregate housing. <u>See density bonus/incentives section for opportunities to exceed base density.</u>

3.9.4 PERMITTED USES

(1) One-family and two-family dwellings.
(2) Multi-family dwellings of 4 units or less, not to exceed three (3) bedrooms per unit.
(3) Commercial agricultural operations and accessory uses thereto.
(4) Buildings, structures, and uses owned and operated by the municipality.
(5) Home occupations as in Sections 5.1.1.
(6) Customary residential accessory uses as in Sections 5.8 and 5.9.
(7) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(8) Dead storage.

(9) Rooftop solar hot water.
(10) Rooftop photovoltaics.
(11) Rooftop wind turbines.
(12) Photovoltaic trackers.
(13) Small wind energy systems.
(14) Cemetery.

3.9.5 CONDITIONAL USES

(1) Multi-family dwellings of more than 4 units, not to exceed three (3) bedrooms per unit.
(2) Congregate housing
(3) Places of worship, including parish houses.
(4) Outdoor recreational facilities such as public playgrounds, swimming pools, and tennis courts.
(5) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(6) Retail sale of substantially unprocessed agricultural products.
(7) Day-care facilities.
(8) Tourist homes which do not exceed fifteen (15) guests located in the primary structure on the lot.
(9) Home occupations and cottage industries as defined in Section 5.1.2 and 5.2 that are consistent with a high density residential neighborhood.
(10) Public and private educational institutions, and accompanying customary recreation areas.
(11) Cemetery with on-site crematory services

Section 3.10 RESIDENTIAL 2 DISTRICT

PURPOSE: To extend the southern village gateway along VT Route 116 further south to the Buck Hill Road West intersection by allowing a medium to high density residential area just south of the existing village core. The goal is to provide a strong visual cue to people entering the village in order to slow traffic and provide a defined village edge. As such, the VT Route 116 streetscape shall be enhanced to calm traffic (road design & striping, street trees, etc.) and ensure easy pedestrian access. Special attention shall be given to the design of the 116, Buck Hill Road intersection to ensure it serves the aforementioned goals. This district is within the village growth area and should have access to public sewer and water facilities in order to facilitate sufficient residential densities. Development in this district shall be connected and integrated with Village district, so as to complement and enhance the compact, pedestrian-oriented village environment. Development in this district shall also preserve connections between the village and the surrounding rural landscape via trails, open space, riparian areas, etc.

3.10.1 DISTRICT BOUNDARIES AND LIMITS

This district is generally bounded by and follows parcel lines as depicted on the 2010 Tax Map (as depicted on Village Growth Area Zoning District Map), except as noted in the more specific description that follows. Starting at the southeast corner of parcel 09-01-52.000, follow parcel lines to the east and southeast to include all parcel 09-01-64.100. From the southeast corner of parcel 09-01-64.100, proceed directly across Buck Hill Road to the south side of the road right of way. Proceed east to the northwest corner of parcel 09-01-65.000,

and then south to the southwest corner of this parcel. Proceed west, southwest across parcel 09-01-64.400 to a point on the east side of the Route 116 right of way approximately 275' from the south edge of the Buck Hill Road right of way (at its intersection with Route 116). Continue on the same west, southwest straight line bearing across the Route 116 right of way and across a triangular parcel to a point on the western boundary of this parcel approximately 360' south of the southeast corner of parcel 09-01-62.200. Proceed north along the western boundary of the triangular parcel to Route 116. Cross the Route 116 right of way to the southeast corner of parcel 09-01-52.000 (starting point).

3.10.2 DIMENSIONAL STANDARDS

Min. Resid. Lot Size:	6,000 sq ft	Min. Side Setback:	10 ft
Min. Lot Frontage:	60 ft	Min. Rear Setback:	10 ft
Minimum Lot Depth:	100 ft	Max. Lot Coverage:	60%
Min. Front Setback:	10 ft (from ROW edge)		

3.10.3 DENSITY

Residential base density*: 2 units/per acre

Non-residential density: <u>Few non-residential uses allowed.</u> Density not defined; limits based on lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.

* Density limits shall not apply to congregate housing. <u>See density bonus/incentives section for opportunities to exceed base density.</u>

3.10.4 PERMITTED USES

(1) One-family and two-family dwellings.
(2) Multi-family dwellings of 4 units or less, not to exceed three (3) bedrooms per unit.
(3) Commercial agricultural operations and accessory uses thereto.
(4) Buildings, structures, and uses owned and operated by the municipality.
(5) Home occupations as in Sections 5.1.1.
(6) Customary residential accessory uses as in Sections 5.8 and 5.9.
(7) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(8) Dead storage.
(9) Rooftop solar hot water.
(10) Rooftop photovoltaics.
(11) Rooftop wind turbines.
(12) Photovoltaic trackers.
(13) Small wind energy systems.
(14) Cemetery.

3.10.5 CONDITIONAL USES

(1) Multi-family dwellings of more than 4 units, not to exceed three (3) bedrooms per unit.
(2) Congregate housing
(3) Places of worship, including parish houses.
(4) Outdoor recreational facilities such as public playgrounds, swimming pools, and tennis courts.
(5) Without regard to height limitations: railroads, public utility towers, high-voltage

transmission lines, substations, radio and television antennae, windmills, and other similar structures.

(6) Retail sale of substantially unprocessed agricultural products.

(7) Day-care facilities.

(8) Tourist homes which do not exceed fifteen (15) guests located in the primary structure on the lot.

(9) Home occupations and cottage industries as defined in Section 5.1.2 and 5.2 that are consistent with a high density residential neighborhood.

(10) Public and private educational institutions, and accompanying customary recreation areas.

(11) Use of a structure in existence on the date this regulation became effective (5/25/2009) for one of the following purposes, but not to include retail sales except as a minor use accessory to those listed below:

a. Function hall for catering, dances, or similar activities.
b. Art Studio or exhibition space.
c. Community Center
d. Indoor Theater

(12) Cemetery with on-site crematory services

Section 3.11 INDUSTRIAL DISTRICT 1

PURPOSE: To provide a location in the Town for manufacturing, distribution and service facilities which do not emit unreasonable noise, smoke, light, odors or vibration discernable beyond the limits of their properties, and where materials may be stored outdoors. Industrial development in this location will be screened from public roads and separated from residences.

3.11.1 DISTRICT BOUNDARIES AND LIMITS

This district is bounded on the west by Route 116; on the north by a line parallel to and one mile north of the Addison County line, or by the Johnson State Forest if closer; on the east by a line parallel to and one mile east of the centerline of Route 116, or by the Tax Map Parcel #9-2-73 (Johnson State Forest) if closer, and on the south by the Addison County line.

3.11.2 PERMITTED USES

The following uses are permitted in buildings with footprints of less than 25,000 square feet:

(1) Warehousing and distributing and retail sales accessory to the primary use.

(2) Trucking terminals and repair shops.

(3) Farm and excavation, and related trailer, equipment sales, service, and repair.

(4) Contractors' yards which shall be exempt from the conditions of section 5.3.

(5) Lumber mills and yards.

(6) Manufacturing.

(7) Excavation and processing of sand and gravel subject to the provisions of Section 5.13.

(8) Auto and truck service, repair and body shops

(9) Office uses in conjunction with other permitted uses.

(10) Accessory uses customary to the principal uses above.

(11) Dead storage.

(12) Rooftop solar hot water.

(13) Rooftop photovoltaics.

(14) Rooftop wind turbines.

(15) Photovoltaic trackers.
(16) Small wind energy systems.

3.11.3 CONDITIONAL USES

All uses in buildings with footprints larger than 25,000 square feet or with more than one structure on a lot totaling 25,000 square feet, shall obtain conditional use approval. Additionally, the following uses shall obtain conditional use approval regardless of the size or number of buildings containing the use:

(1) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(2) Planned Unit Developments are permitted in accordance with the conditions set for in Section 4.5.
(3) Car wash.
(4) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
(5) Hazardous waste management facilities for which a notice of intent to construct has been received under section 6606a of Title 10.
(6) Public utility power generating plants and transmission lines.
(7) Petroleum and bottled gas storage and sales.
(8) Veterinary office, clinic and/or hospital.
(9) Kennel.
(10) Motor vehicles sales facilities.
(11) Production and processing of dairy-related products such as milk, cheese and ice cream.
(12) Manufactured home and recreational vehicle (e.g., campers) sales, service, and repair.

Section 3.12 INDUSTRIAL DISTRICT 2

PURPOSE: To accommodate pre-existing industrial uses in Mechanicsville, the historic industrial center of Hinesburg.

3.12.1 DISTRICT BOUNDARIES AND LIMITS

This district includes the land owned on the date of adoption of this Regulation by Iroquois Manufacturing Co., Inc., located on the south side of the Richmond Road; and, on the north side of the road, portions of two parcels also owned by Iroquois Manufacturing Co., Inc., bounded south by Richmond Road, east by the brook, west by Tax Map Parcel #17-20-57.320 and #17-20-59.000, and north by a line 415 feet from the center line of Richmond Road.

3.12.2 PERMITTED USES

(1) Metal fabrication and manufacturing and accessory uses thereto.
(2) Auto body repair, agricultural equipment repair, automotive service and repair, and accessory uses thereto.
(3) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(4) Dead storage.
(5) Rooftop solar hot water.
(6) Rooftop photovoltaics.
(7) Rooftop wind turbines.

(8) Photovoltaic trackers.
(9) Small wind energy systems.

3.12.3 CONDITIONAL USES
(1) Warehousing and distributing and retail sales accessory to the primary use.
(2) Trucking repair shops.
(3) Farming and excavating equipment sales, service, and repair.
(4) Contractors' yards.
(5) Lumber yards.
(6) Manufacturing other than that allowed as a permitted use.
(7) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(8) Production and processing of dairy-related products such as milk, cheese and ice cream.

Section 3.13 INDUSTRIAL DISTRICT 3

PURPOSE: To provide a location in the center of the village for light industrial and light manufacturing (and to a lesser degree other commercial businesses) that add to Hinesburg's economic vitality and tax base, provide employment, and to the extent possible maintain a link to the local and regional agricultural economy. There shall be no residential uses in this district. Any development in this district shall adhere to the performance standards outlined in section 5.12. A balance between the concerns of light industrial activity and development, and nearby residential areas in the Village District is intended. Continued industrial use here helps maintain the link to Hinesburg's industrial past (e.g., streamside mills, dairy processing, etc.) while bolstering the present and future vitality of the village area and the overall town. Certain non-industrial commercial uses are allowed throughout the district. The eastern side of the district (closest to Route 116) is particularly suited to destination commercial uses (e.g., restaurant) that integrate with adjacent uses in the portion of the Village district along Route 116.

Currently this district has access via private roads and drives, and does not front on any public roads. However, pursuant to the Hinesburg Official Map, the Town plans to take over both the private road (Stella Road, southerly access to Charlotte Road) and the private drive (easterly access to Route 116) as public roads in the future. Furthermore, the Official Map shows that, Stella Road may be extended to the north to connect to Farmall Drive and potentially all the way to Shelburne Falls Road ("West Side Road" concept). Any development plans must be integrated with development in the adjacent portions of the Village district to ensure proper access is retained. Furthermore, shared parking areas and parking facilities are encouraged to meet the needs of uses in both districts. It shall be important to provide pedestrian movement through this district. Development plans are encouraged to integrate the historic canal waterway and make portions of it readily available to residents and visitors as a link to Hinesburg's industrial past.

The western portion of the district includes wastewater treatment lagoons (no longer in operation) from the former cheese factory use. This area presents a number of potential future uses including, but not limited to: alternate location for the path of the future West Side Road, additional parking, stormwater treatment, continued wastewater treatment.

The LaPlatte River forms the western extent of this district, and this important waterway shall be

protected with adequate building setbacks and vegetated buffers to allow for naturally occurring channel realignment and water quality protection. Given how extensively this district has been developed (e.g., buildings, access, parking, wastewater lagoons, etc.) and the lack of any formal stormwater treatment infrastructure, any new development that adds to lot coverage shall explore stormwater treatment options.

Although previously occupied by a single-use industry (Saputo Cheese Factory), multiple non-residential uses are now envisioned and encouraged in this district and within the very large building footprint of approximately 84,000 square feet. Subdivision and other innovative ownership arrangements are possible; however, given the unique development pattern and history of the district, Planned Unit Developments (PUD) are encouraged. Lot coverage shall not exceed 80% unless waived by the DRB as part of the PUD review. With the exception of lot coverage, dimensional standards shown in Table 1 (e.g., minimum lot size, minimum frontage, minimum setbacks, lot depth, etc.) shall be determined by the DRB during the development review process in order to provide more flexibility for redevelopment within the district. Development proposals shall retain the existing building setback from the northern property line to allow for potential trail use along the Canal, and to retain the existing buffer between this district and the residential neighborhood to the north.

3.13.1 DISTRICT BOUNDARIES AND LIMITS

This district is generally bounded by and follows parcel lines as depicted on the 2010 Tax Map (as depicted on Village Growth Area Zoning District Map), except as noted in the more specific description that follows. Starting at the southwest corner of parcel 08-01-06.030 (Town parcel), proceed southeast along the east bank of the LaPlatte River (upstream) approximately 340' to the outlet of an unnamed stream. Proceed east along this stream to the northwest corner of parcel 20-50-65.000. Proceed east approximately 130' along the northern boundary of parcel 20-50-65.000, then turn northerly on a line perpendicular to the northern boundary of parcel 20-50-65.000, and proceed across parcel 20-50-66.000 to the northern boundary of this parcel along the Canal. Note – this line is approximately 15' east of the existing building (former milk receiving building of the Saputo cheese plant). Proceed west along the northern boundary of parcel 20-50-66.000 to the southwest corner of parcel 08-01-06.030 (starting point).

3.13.2 PERMITTED USES

(1) Production and processing of agricultural products, including animal products but not including slaughter, which may include secondary/accessory warehousing and distribution uses.

(2) Light industrial and/or light manufacturing, both of which may include secondary/accessory warehousing and distribution uses.

(3) Warehousing and distribution as a primary use utilizing no more than 16,000 square feet of the overall footprint of all structures in the district. Note: The intent of this provision is to cap the total amount of space dedicated to this permitted/primary use at 16,000 square feet, regardless of the number of discreet uses/businesses. In other words, one warehousing use of 15,000 square feet would be a permitted use; whereas the addition of a second warehousing use of 10,000 square feet would not be a permitted use because taken as a whole, the square footage dedicated to this type of use would exceed the cap. See Conditional Uses below to exceed this cap.

(4) Engineering and product design.

(5) Non retail business incubation facilities.
(6) Offices, retail shops and stores, service establishments, and restaurants that are secondary/accessory to other allowed uses, excluding any drive-through sales or pick up.
(7) Offices (business, professional, medical, dental, and governmental) as a primary use utilizing no more than 5,000 square feet of the overall footprint of all structures in the district. Note: The intent of this provision is to cap the total amount of space dedicated to this permitted/primary use at 5,000 square feet, regardless of the number of discreet uses/businesses. See Conditional Uses below to exceed this cap.
(8) Accessory uses for the benefit of employees such as day care facilities, health clubs or other employee conveniences.
(9) Buildings, structures, and uses owned and operated by the municipality.
(10) Planned Unit Developments.
(11) Rooftop solar hot water.
(12) Rooftop photovoltaics.
(13) Rooftop wind turbines.
(14) Photovoltaic trackers.
(15) Small wind energy systems.

3.13.3 CONDITIONAL USES
(1) Warehousing and distribution facilities as a primary use utilizing no more than 47,000 square feet of the overall footprint of all structures in the district. Note: The intent of this provision is to cap the total amount of space dedicated to this type of use (permitted & conditional) at 47,000 square feet, regardless of the number of discreet uses/businesses. In other words, one warehousing use of 15,000 square feet would be a permitted use; whereas the addition of a second warehousing use of 10,000 square feet would constitute a conditional use.
(2) Offices (business, professional, medical, dental, and governmental) as a primary use utilizing more than 5,000 square feet of the overall footprint of all structures in the district.
(3) Restaurants and taverns on the eastern side of the district (excluding drive-through).
(4) Health clubs and dance studios.
(5) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.

Section 3.14 INDUSTRIAL DISTRICT 4

PURPOSE: To accommodate pre-existing industrial uses and to offer a wide range of local services and economic opportunities in or near the Village with access to public services

3.14.1 DISTRICT BOUNDARIES AND LIMITS
Industrial District 4 encompasses an area bounded east by Route 116, north by land owned by the Town (Tax Map Parcel #20-50-71), west by Tax Map Parcel #08-01-06.000 and 08-01-06.001, and south by the south wall (and its extension) of the building on Tax Map Parcel #20-50-69.

3.14.2 PERMITTED USES
(1) Metal fabrication and manufacturing and accessory uses thereto.

(2) Auto body repair, agricultural equipment repair, automotive service and repair, and accessory uses thereto.
(3) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(4) Dead storage.
(5) Rooftop solar hot water.
(6) Rooftop photovoltaics.
(7) Rooftop wind turbines.
(8) Photovoltaic trackers.
(9) Small wind energy systems.

3.14.3 CONDITIONAL USES
(1) Warehousing and distributing and retail sales accessory to the primary use.
(2) Trucking repair shops.
(3) Farming and excavating equipment sales, service, and repair.
(4) Contractors' yards.
(5) Lumber yards.
(6) Manufacturing other than that allowed as a permitted use.
(7) Production and processing of dairy-related products such as milk, cheese and ice cream.

Section 3.15 SHORELINE DISTRICT

PURPOSE: to accommodate pre-existing camps around Lake Iroquois and Sunset Lake. All conversions from camps to year-round dwellings and any new development shall be designed to maintain the aesthetic and natural resources of the lakeshores and to protect water quality while ensuring adequate and safe vehicular access, water supply and sewage disposal.

3.15.1 DISTRICT BOUNDARIES AND LIMITS
The Shoreline District is defined as the area around Lake Iroquois and Lake Sunset, which is between the lake and a line 600 feet from the mean high-water mark.

3.15.2 PERMITTED USES
(1) One-family separate dwellings, not to exceed one dwelling on each lot.
(2) Commercial agricultural operations and accessories thereto.
(3) Buildings, structures, and uses owned and operated by the municipality.
(4) Two-family dwellings, each such structures on a lot which is at least twice the minimum size required for a single-family dwelling.
(5) Home occupations as in Section 5.1.1.
(6) Customary accessory uses as in Sections 5.8 and 5.9.
(7) Planned Unit Developments are permitted in accordance with the conditions set forth in Section 4.5.
(8) Rooftop solar hot water.
(9) Rooftop photovoltaics.
(10) Rooftop wind turbines.
(11) Photovoltaic trackers.
(12) Small wind energy systems.

3.15.3 CONDITIONAL USES

(1) Small-scale educational uses.
(2) Outdoor recreational facilities such as public playgrounds, golf clubs, swimming pools, tennis courts, fishing and hunting preserves, and cross-country ski trails.
(3) Without regard to height limitations: railroads, public utility towers, high-voltage transmission lines, substations, radio and television antennae, windmills, and other similar structures.
(4) Campgrounds for temporary accommodation for tourists with tents and/or travel trailers provided, however, that the owner of such established camp site shall provide adequate sewer disposal facilities and potable water supply, and provided further conditions or restrictions as are necessary to insure the proper disposal of sewage and the safe provision of water usage.
(5) Retail sale of substantially unprocessed agricultural products.
(6) Day-care facilities.
(7) Tourist homes which do not exceed fifteen (15) guests located in the primary structure on the lot.
(8) Home occupations as defined in Section 5.1.2.
(9) Dead storage.

ARTICLE 4: PERMITS AND APPROVALS

Section 4.1 APPLICATION FOR ZONING PERMITS

4.1.1 No person shall undertake any land development as defined in Section 10.1 of this Regulation or a change in use, except as exempted in Section 4.1.2 below, without a valid zoning permit issued by the Zoning Administrator that specifically authorizes the action. A permit shall be required for any action that:

(1) Constructs, places or relocates a structure (see definition of structure and accessory structure);

(2) Substantially changes or expands the use of lands;

(3) Substantially improves an existing residential structure or expands an existing residential structure by more than one hundred (100) square feet. Successive improvements or expansions of 100 feet or less shall require a building permit once the cumulative total of said improvements or expansions exceeds 100 square feet;

(4) Substantially changes the type of use or substantially expands the operations of a premises;

(5) Commences new, or expands, mineral or gas exploration or drilling, sanitary landfill, earth resource extraction, or processing operations;

(6) Demolishes a principal structure in the Village District;

(7) Excavates for a pond or swimming pool;

(8) Substantially changes, improves or expands an existing commercial or industrial structure or use;

(9) With the exception of leases, any transfer or division of land considered "not subdivision" in the Subdivision Regulations.

(10) Development within the Special Flood Hazard Area and/or the Fluvial Erosion Hazard Area, pursuant to Article 6.

4.1.2 No zoning permit shall be required for the transfer or division of land that has been approved by the Development Review Board as a Subdivision; however, all provisions of the Hinesburg Subdivision Regulations must be met.

4.1.3 Certificate of Occupancy. It shall be unlawful to use or occupy or permit the use or occupancy of, any premises until a certificate of occupancy is issued by the Zoning Administrator stating that the construction of the structure conforms to this Regulation, complies with all applicable conditions of the Development Review Board approval, and any necessary Town driveway permit. In the event that construction of the structure for which a certificate of occupancy is being sought has directly damaged a town facility or utility the Zoning Administrator shall not issue a certificate of occupancy until such damage has been repaired to the satisfaction of the Hinesburg Selectboard or unless a bond or other security in such amount and form as approved by the Selectboard is posted to ensure correction of the problem. A conditional certificate of occupancy may be issued where portions of a building may be ready for occupancy before the completion of an entire structure, or in the event that actual operation is needed to demonstrate compliance with performance standards (Section 5.12) of this Regulation, or when there are Development Review Board approval conditions which cannot be complied with immediately due to extenuating circumstances. A conditional certificate of occupancy shall clearly state the conditions, include a date certain for compliance, and the signature of the landowner indicating agreement.

4.1.4 As stated in Section 1.4.1, all structures and uses of land must be in conformance with this Regulation, even though a permit for construction is not required. Those uses classified as "conditional" require approval of the Development Review Board. If a use is not mentioned

in the district in which it is desired, it may not be newly established.

4.1.5 Application for a Zoning Permit shall be made by the owner, lessee, or any person having a contractual interest in the property, or the agent of the foregoing, to the Zoning Administrator on forms provided for that purpose. All permit applications shall be signed by the landowner(s), and the applicant (if different). These signatures shall attest that all the information provided with the application is accurate.

4.1.6 The application for a Zoning Permit shall be accompanied by one (1) or more copies of a property plan on an 11" x 17" or 8 ½" x 11" sheet showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposal is in conformance with this Regulation:

(1) The actual shape, proportions, dimensions, and location of the lot with evidence that actual corners of the lot are known and established on the ground, or from common usage property lines identifiable on the ground and mutually agreed upon by abutting landowners.

(2) The shape, size, and location of all structures to be erected, altered, or moved, and of any significant structure already existing on the lot.

(3) The location of any applicable recorded building envelopes, areas restricted by easements, and areas with any other legal restriction placed on the property by previous permits, approvals, or covenants.

(4) The intended uses and areas of use of the land and all buildings and other structures, including driveways, parking areas, wastewater systems, water supplies, and similar improvements that are relevant to the application.

(5) Evidence of any required State wastewater and water supply permits.

4.1.7 Within 30 days of receiving a complete application, the Zoning Administrator shall approve the permit, deny the permit, or refer the application to the DRB for scheduling and review. Otherwise, the permit shall be deemed approved on the 31st day. If, in the opinion of the Zoning Administrator, the proposal as set forth in the application is in conformity with the provisions of this Regulation and all other ordinances of the municipality, the Zoning Administrator shall issue a Zoning Permit which shall remain valid for a period of one (1) year from date of issue. The permit shall not become valid until fifteen (15) days after issuance by the Zoning Administrator, in order to allow sufficient time for any opposing legal appeal, as per the Planning Act. Within three days following the issuance of a zoning permit, the administrative officer shall post a copy of the permit in at least one public place in the town until the expiration of fifteen days from the date of issuance of the permit. A permit may be renewed for a period of one (1) year; it may be renewed only once unless construction has begun, in which case one additional renewal is allowed. When a zoning permit has expired before a certificate of occupancy has been issued, a new zoning permit must be obtained (under current regulations and fees) unless substantial construction (investment) has been done, in which case a zoning permit may be re-issued for an administrative fee.

4.1.8 If in the opinion of the Zoning Administrator, the proposal as set forth in the application is not in conformity with the provisions of this Regulation and all other ordinances of the municipality, the Zoning Administrator shall refuse to issue a Zoning Permit. He/she shall state in writing the reasons for such disapproval and instruct the applicant in procedures for filing an appeal with the Development Review Board in accordance with the Planning Act.

4.1.9 Any permit issued prior to the adoption of this Regulation, or any amendment thereto, for a structure or use not permitted under this Regulation, as amended, shall be null and void if construction has not started within ninety (90) days after adoption of this Regulation, as

amended.

4.1.10 Fees for Zoning Permits shall be regulated by the Selectboard.

4.1.11 Construction pursuant to a zoning permit shall not be initiated unless and until any required State wastewater and water supply permits are issued pursuant to 10 V.S.A. chapter 64.

Section 4.2 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

Uses designated in this Regulation as conditional uses shall be permitted, enlarged or altered only upon approval of the Development Review Board in accordance with the standards specified in this Regulation.

4.2.1 The applicant shall notify the secretary of the Development Review Board at least 21 days prior to the next regularly scheduled Development Review Board meeting at which the applicant desires the conditional use proposal to be considered. The applicant shall submit a completed application and fee together with two (2) sets of any 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) Description of the proposed use
(2) Hours of Operation (for non-residential uses)
(3) Number of Employees (for non-residential uses)
(4) Customer Traffic (for non-residential uses)
(5) Signage (for non-residential uses)
(6) Water and Sewer Requirements
(7) Visual, Noise, Light, Dust, Smoke and Other Emissions generated by the use.
(8) Applications, which involve new structures, shall include two (2) sets of detailed plans specifying building dimensions, elevations, lighting, and exterior treatments.
(9) Additional information requested by the board during a public hearing shall be submitted prior to the next scheduled hearing date for the proposal.

4.2.2 The Development Review Board shall ensure that the proposed conditional use shall not 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.

4.2.3 In permitting a conditional use, the Development Review Board may impose, in addition to the standards expressly specified by this Regulation, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the town as a whole. These conditions may include among others:

(1) Increasing the required lot size or yard dimensions.
(2) Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
(3) Controlling the location and number of vehicular access points to the property.
(4) Increasing the street width.
(5) Increasing the number of off-street parking or loading spaces required, or decreasing

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 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 incorporated into subdivision review shall not expire once an approved subdivision plat or

certification by the clerk is filed, pursuant to the Planning Act.

Section 4.5 PLANNED UNIT DEVELOPMENTS

4.5.1 **Purpose:** In accordance with the Planning Act, Planned Unit Developments (PUDs) are permitted in designated zoning districts to allow for innovative and flexible design and development that will promote the most appropriate use of land, and help implement the policies of the Town Plan, in accordance with the design standards outlined elsewhere in the Zoning Regulations and Subdivision Regulations. In return for greater flexibility and density bonuses, PUD projects are expected to design a master plan for the entire property and set aside substantial greenspace (or suitable community facilities).

4.5.2 **Applicability:** To qualify, a PUD project shall:

(1) be a prescribed use within the district in which it is to be located;

(2) meet the purposes of Section 4.5.1 and conform with the standards set forth below; and

(3) conform to the definitions herein and to the requirements of the Planning Act (Section 4417).

4.5.3 **Review Process:** All PUDs shall be reviewed as subdivisions in accordance with the Hinesburg Subdivision Regulations.

4.5.4 **Coordination with Conditional Use/Site Plan Review:** When applicable (see sections 4.2 & 4.3), conditional use and/or site plan review shall occur simultaneously with the PUD review. The Development Review Board shall grant site plan and/or conditional use approval concurrently with PUD approval.

4.5.5 **Application Requirements:** Applications for PUDs shall be submitted in accordance with the requirements for subdivisions set forth in the Hinesburg Subdivision Regulations. Applications shall also address site plan and/or conditional use review submission requirements, in cases where site plan and/or conditional use approval is necessary. In addition to the application materials specified above, applications for PUDs must include the following:

(1) A statement setting forth the nature of all proposed modifications or changes of existing land use and development regulations; and

(2) A brief summary of the project and how it meets the standards set forth in this section.

(3) A master plan for the overall parcel(s) including both proposed and likely future development areas, greenspace, access and infrastructure.

4.5.6 **General Standards:** To achieve the objectives set forth in this section, the Development Review Board may modify other sections of the Zoning Regulations. Regardless of such modifications, all PUDs shall be in accordance with the following provisions:

(1) The project shall be consistent with the Hinesburg Town Plan, and the uses of the site shall not differ from the uses allowed in the district in which the project is located.

(2) The project shall be an efficient and unified treatment of the development possibilities of the site. The master plan shall anticipate and describe a full build out of the property.

(3) Upon approval of the PUD by the Development Review Board, the necessary modifications of the Zoning Regulations shall be noted in the conditions of Subdivision approval and shall be noted on the approved subdivision plat recorded in the Town land records. All other provisions of the Zoning Regulations not specifically modified shall remain in force and be applicable to this project.

(4) In the Village Growth Area zoning districts, projects are encouraged to build to the maximum allowed density by taking advantage of the substantial density bonuses described in section 2.9 & 5.21. These bonuses are available to both conventional or PUD projects, and no additional PUD-specific density bonuses shall be granted.

(5) Outside of the Village Growth Area zoning districts, residential density bonuses of up to 25% will be granted if requested by the applicant. Unless a residential density bonus is granted, the overall density shall not exceed that which could be permitted, in the Board's judgment, if the land were subdivided or developed in conformance with the Subdivision & Zoning Regulations, and giving due consideration to site conditions limiting development.

(6) Outside of the Village Growth Area, where a district boundary line divides a parcel, the Development Review Board may allow the development of a single PUD with a total density based on the combined allowable density of each district. Development densities within the Village Growth Area shall not be supplemented by nor transferred to portions of the same parcel in a surrounding zoning district. However, the location of greenspace and/or community facilities (per section 4.5.7) is not restricted.

(7) Within the Village growth area, two or more parcels (contiguous or non-contiguous, and regardless of ownership) within the same zoning district may be combined for review as a PUD. The total development density of the parcels may be concentrated on specific parcels or portions thereof in order to promote the most appropriate use of the land. Such PUDs shall include an integrated master plan that includes all involved parcels.

(8) Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as a PUD. The permitted density on one parcel may be increased as long as the total density for the combined parcels, not including any density bonus granted by the Development Review Board, does not exceed that which could be permitted, in the Development Review Board's judgment, if the land were subdivided into lots in conformance with the Subdivision & Zoning regulations.

(9) Provisions shall be made for the preservation of greenspace and/or creation of suitable community facilities as prescribed in section 4.5.7.

(10) The minimum setback requirements for the district in which the project is located shall apply to the periphery of the development, with the exception of front yard setback requirements, which may be modified at the discretion of the DRB.

4.5.7 **Greenspace.** Provision shall be made for the preservation of greenspace or the creation of suitable community facilities, unless the Development Review Board determines that the applicant has made other provisions along these lines through alternative mitigation measures. The location, type, size and shape of lands set aside for greenspace and/or community facilities should be sufficient to meet the intended use, and shall be approved by the Board, in accordance with the following:

(1) Greenspace within the Agricultural, Rural Residential 1, Rural Residential 2, Shoreline, and Industrial 1 Zoning Districts shall reflect the context of the project by preserving agricultural, recreational or natural resources, or by providing pedestrian amenities, recreational or other community facilities. PUD greenspace in the Agricultural and Rural Residential 2 districts shall constitute no less than 50% of the parcel area, and no less than 25% in the Rural Residential 1, Shoreline, and Industrial 1 districts, unless the Board determines that the creation of suitable community facilities warrants a lesser area. Acceptable greenspace and community facility

categories are as follows:

(a) Agricultural Land
(b) Upland forest, especially large tracts of forest contiguous to other large, undeveloped forest land
(c) Fragile Features (e.g., wetlands, steep slopes, floodplain, riparian areas)
(d) Critical wildlife habitat, including deeryards, core bear habitat and identified wildlife travel corridors
(e) Existing or potential trail corridors
(f) Gateways; areas defining contrast between the Village Growth Area and surrounding countryside
(g) Community facilities (e.g., water supply, community buildings, transit shelters)
(h) Green space & outdoor recreation (greens, playgrounds, parks, playing fields)
(i) Pathways (paved & unpaved), sidewalks
(j) Forest areas, including smaller patches of forest, that constitute significant natural communities (e.g., remnant patches of clayplain forest).

(2) Greenspace within the non-industrial Village Growth Area Zoning Districts (i.e., VG, VG NW, VG NE, C, R1, R2) serves more limited purposes due to the Town's desire to see higher densities and/or specialized uses in these areas. Greenspace in these districts shall reflect the context of the project primarily through providing pedestrian and recreational amenities as well as community facilities. PUD greenspace in these districts shall constitute no less than 10% of the parcel area, unless the Board determines that the creation of suitable community facilities warrants a lesser area. Acceptable greenspace and community facility categories are as follows:

(a) Fragile Features (e.g., wetlands, steep slopes, floodplain, riparian areas)
(b) Gateways; areas defining contrast between the Village Growth Area and surrounding countryside
(c) Public facilities (e.g., water supply, community buildings, transit shelters)
(d) Green space & outdoor recreation (greens, playgrounds, parks, playing fields)
(e) Pathways (paved & unpaved), sidewalks

(3) Community facilities are favored over greenspace within the Industrial 2, 3, 4 districts due to the Town's desire to see higher densities and/or specialized uses in these areas. Community facilities in these districts shall reflect the context of the project primarily through providing public access, public roads, pedestrian and recreational amenities, or other community facilities. Appropriate facilities shall be based on the site, the surrounding area, and the development project in question. The number/amount and type of facilities shall be determined by the DRB, and shall be roughly proportional to the scale and cost of the development project - i.e., large, expensive project = greater number/amount of community facilities; small, low cost project = lesser number/amount of community facilities required. Acceptable greenspace and community facility categories are as follows:

(a) New public roads and improvements to existing public roads, or private roads proposed to become public.
(b) Pathways (paved & unpaved), sidewalks, and other pedestrian infrastructure.
(c) Public facilities (e.g., water supply, community buildings, transit shelters, etc.).
(d) Green space & outdoor recreation (greens, playgrounds, parks, playing fields).
(e) Art installations (e.g., sculpture, fountains, murals, etc.), including those on

private property that benefit the public.

(4) Greenspace may be set aside as common land, as a separate undevelopable lot or as a portion of a single lot, outside of the development envelope, to be held in private ownership, and/or may encompass the contiguous boundaries of a specific feature located on multiple lots. The ownership of the greenspace should be consistent with the best means of maintaining the resources on the site.

(5) Areas preserved for agricultural and forestry use should be of a size that allows for continued productive use of the land and retains their eligibility for available tax abatement programs.

(6) Sewage disposal areas, utility and road rights-of-way or easements, access and parking areas shall not be counted as greenspace areas, except where the applicant can prove, to the satisfaction of the Development Review Board, that they will in no way disrupt or detract from the values for which the greenspace is to be protected.

(7) The Development Review Board may require that protected greenspace be dedicated, either in fee or through a conservation easement approved by the Board, to the Town of Hinesburg (with Selectboard approval), a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated greenspace shall be indicated with appropriate notation on the final plat.

Section 4.6 ADMINISTRATIVE REVIEW

Minor revisions to DRB approvals for site plan and signs may be reviewed and approved by the Zoning Administrator without DRB review. Minor revisions are those that have no substantial impact under any of the standards outlined in relevant sections of the regulations. Conditions from prior approvals shall only be modified if the original rationale for the condition(s) is understood and has been adequately addressed in a manner consistent with current Town regulations. Furthermore, no revision issued via administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval.

4.6.1 Application & Classification: Submission requirements shall be the same as those outlined in the relevant section of the regulations. Classification as a minor or major (i.e., requiring DRB review) revision is at the discretion of the Zoning Administrator.

4.6.2 Notice & Posting: Public notice and posting requirements shall occur after the permit is issued as specified for zoning permits in the Planning Act (Section 4449). In addition, written notice shall be sent to abutting landowners and the DRB within 3 days of the issuance of the permit.

4.6.3 Decision: The Zoning Administrator shall act within 30 days of the receipt of a complete application, either by issuing a decision or by making a referral to the DRB. The permit shall be deemed issued on the 31st day, if not acted upon. Decisions shall be sent by certified mail to the applicant and landowner. Decisions shall also be sent to anyone else who makes a specific request. Pursuant to the Planning Act (Section 4449 #3), these permits shall not take effect until the time for appeal has passed.

4.6.4 Appeals: Any interested person may appeal to the Development Review Board within 15 days of the date of the decision, in the same manner as other zoning permit appeals pursuant to the Planning Act (Section 4465).

Section 4.7 WAIVERS

4.7.1 The DRB may approve waivers to reduce minimum dimensional and maximum lot coverage requirements (see Table 1) for structures or portions of structures providing: disability

accessibility, fire safety, and other similar requirements of law, renewable energy, energy conservation. Waiver requests shall require a formal public hearing, and be publicly noticed in the same manner as a conditional use request. Waiver requests shall be considered using the following review standards:

(1) The project is designed in such a way that the applicable standards are modified as little as practicable in order to serve the aforementioned purposes.

(2) The waiver shall not create an undue adverse impact on the use of adjoining properties or any public interest, including existing or planned community facilities.

(3) The waiver shall be in conformance with the Town Plan and the goals set forth in the Planning Act (Section 4302).

Section 4.8 ADEQUATE PUBLIC FACILITIES & PHASING

For projects undergoing site plan, conditional use, subdivision, or planned unit development review, the DRB may limit development or require phasing to assure orderly growth in coordination with the construction or implementation of related public facilities and services as outlined in the Capital Budget & Program. Project build out must take place over a sufficient period of time to allow for the provision of adequate and necessary public facilities as determined by the DRB. Consideration shall be given to public facilities and services including, but not limited to: school capacity, fire and police protection, municipal water and wastewater treatment capacity, parks and recreation, road and intersection capacity, non-vehicular access (e.g., bike/ped).

ARTICLE 5: GENERAL PROVISIONS

Section 5.1 HOME OCCUPATIONS

5.1.1 **Permitted Use:** Any resident has a right to use a minor portion of a dwelling for a home occupation which is customary in residential areas if the following standards are met, and if the home occupation is not of the type which requires a conditional use approval from the Development Review Board pursuant to Section 5.1.2 of this Regulation. Home occupations, which are permitted uses under this Section, do not require site plan review by the Development Review Board pursuant to Section 4.3.

(1) **Home Occupation Must be Within House:** The home occupation shall be conducted wholly within the principal dwelling structure.

(2) **Floor Area; Incidental Use:** Not more than twenty percent (20%) of the total livable floor area in a dwelling is to be used for the home occupation. The home occupation must be incidental to the residential use of the premises. See definition of "Floor Area, Livable" in Section 10.1.

(3) **Number of Employees:** No more than two (2) non-members of the immediate family residing in a dwelling are to be engaged in said home occupation at any one time (in other words, three part-time employees are permissible provided no more than two are present at any one time), except that up to four non-members may be employed for a period not exceeding a total of 60 days in any calendar year.

(4) **Number of Vehicles:** Other than passenger automobiles, only one vehicle, not exceeding a carrying capacity of three tons, owned by a resident of the dwelling, shall be used in connection with the home occupation. The vehicle shall be parked in an adequate off-street parking area.

(5) **Traffic:** No traffic shall be generated in volumes that would be greater than normally expected in a neighborhood of a similar type. Traffic shall in no event increase by more than five (5) vehicle round trips in any one day (with the exception of unusual special events) over the number of trips that serve the primary residential use.

(a) **Day Care Traffic Exception:** Section 5.1.1(5) shall not apply to a family day care home which provides care for up to six (6) children at any one time and, in addition to the six, may care for up to four (4) school-age children for not more than four (4) hours daily per child.

(6) **No Exterior Storage:** There shall be no exterior storage of materials or equipment (other than motor vehicles) for use in connection with the home occupation.

5.1.2 **Conditional Use:** The following home occupations are permitted only after review and approval by the Development Review Board under the provisions of Section 4.2 (conditional use review). Home occupations, which meet the requirements of this Section 5.1.2, do not require site plan review by the Development Review Board pursuant to Section 4.3.

(1) **Location in Accessory Building:** Home occupations may be located in an accessory building, provided:

(a) The use occupies not more than 600 square feet.

(b) Any accessory building constructed for a home occupation after June 3, 1996 shall be designed for easy conversion to an allowed use in the district and shall conform to the design of other structures in the neighborhood.

(2) **Allowed Portion of House:** Home occupations, which receive conditional use approval, may occupy up to fifty percent (50%) of the total livable floor area in a dwelling, or 1,000 square feet of space in the dwelling, whichever is less. The exterior character of the dwelling must remain unchanged.

(a) **Home Occupations Located in Both a Dwelling and an Accessory Building:** If a home occupation is located both in a dwelling and in an accessory building, the total livable floor area used in connection with the home occupation, including both the area within the dwelling and the area within the accessory building, may not exceed fifty percent (50%) of the total livable floor area in the dwelling, or a total of 1,000 square feet, whichever is less. See Section 10.1 for the definition of "floor area, livable."

(b) **Treatment of Storage in Calculating Floor Area:** Storage not located within the livable floor area shall not be considered to be used in connection with the business. The "livable floor area" of an accessory building shall be determined as if the structure were a dwelling.

(3) **Number of Employees:** No more than five (5) non-members of the immediate family residing in the dwelling are to be engaged in said home occupation at any one time. Sufficient off-street parking is to be provided for all employees.

(4) **Traffic:** No traffic shall be generated in volumes that would be greater than normally expected in a neighborhood of a similar type. Traffic shall in no event increase by more than fifteen (15) vehicle round trips in any one day, over the number of trips that serve the primary residential use.

5.1.3 **Performance Standards:** All home occupations, whether permitted uses or conditional uses, must meet the following performance standards:

(1) **No Window or Outside Display:** There shall be no window display, and no sample commodities shall be displayed outside the building.

(2) **Exterior Storage:** In accordance with Section 5.1.1(6), exterior storage is not permitted for home occupations under Section 5.1.1. For other home occupations, no exterior storage of materials or equipment for use in connection with the business (other than motor vehicles) shall be allowed unless the materials and equipment are completely screened from adjoining properties and roadways.

(3) **Exterior Impacts:** At no time shall any premises be used in such a manner as to cause noxious or offensive odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise, or radiation, polluted or excessive run-off, or cause disturbance to any of the surrounding properties or their occupants. Home occupations shall strictly meet the performance standards set forth in Section 5.12. No home occupation shall use other than a minimal amount of hazardous chemicals, and no home occupation shall present any danger of explosion, fire, or pollution greater than that usually presented by a residence.

(4) **Signs:** Only one (1) non-illuminated sign shall be located on the premises. This sign shall not exceed five (5) square feet in area, and shall bear only the name of the resident or business name, occupation of the resident or type of business, and telephone number.

(5) **Must Not Change Character of the Neighborhood:** All home occupations, described in Sections 5.1.1 and 5.1.2, shall produce no change in the character of the neighborhood.

5.1.4 **Conditional Use Approval Not Transferable:** Any approval by the Development Review Board of a home occupation pursuant to Section 5.1.2 or pursuant to Section 5.2 shall be granted to the applicant for the length of time that the applicant occupies the accompanying dwelling, or such shorter time as the Development Review Board believes is required for specific reasons. Approval shall terminate upon relocation by the applicant, and shall neither remain with a subsequent occupant of the dwelling, nor transfer to a new location with the

original applicant.

5.1.5 **Pet Breeding, Boarding, or Grooming Services:** Pet breeding, boarding, or grooming services shall be allowed only in areas in which the Development Review Board finds that the potential for noise and traffic impacts on neighboring properties is minimal, and are allowed only as home occupations, not cottage industries. All such home occupations shall require conditional use approval from the Development Review Board pursuant to Section 4.2, even if such a use would otherwise be a permitted home occupation pursuant to Section 5.1.1. This Section 5.1.5 shall not apply to breeding of horses, breeding of animals for agricultural purposes, commercial pet breeding where no more than one litter is raised per year, or non-commercial raising of pets.

5.1.6 **More Restrictive Conditions:** As part of its approval under conditional use review, the Development Review Board may impose more restrictive conditions than those set forth herein (as is true anywhere in this Zoning Ordinance pursuant to conditional use review). In particular, the Development Review Board may permit only the construction of a building of a smaller size, may allow fewer vehicle round trips, may permit fewer employees, may require shorter hours of operation, and may impose such other conditions as are appropriate and reasonable.

5.1.7 **Multiple Home Occupations:** Multiple home occupations in one dwelling shall be considered together as one home occupation.

Section 5.2 COTTAGE INDUSTRIES AND LARGER HOME OCCUPATIONS

The following larger home occupations and cottage industries are permitted only after review and approval by the Development Review Board under the provisions of Section 4.2 (conditional use review), and under the provisions of Section 4.3 (site plan review). The larger home occupations and cottage industries provided in this Section 5.2 shall not be located in the Shoreline District.

5.2.1 **Types of Uses:** This Section 5.2 shall apply only to commercial, manufacturing, or light industrial uses, such as woodworking shops, arts/crafts studios, food processing kitchens, or computer services shops, that (a) operate on the same scale and intensity as a home occupation, (b) do not change the character of the neighborhood, and meet the performance standards of Section 5.1.3 for home occupations. Retail sales are not permitted under this Section 5.2, except as an incidental aspect of one of the uses just set forth. The Development Review Board, in determining whether to grant conditional use approval, shall determine that each of the foregoing requirements will be met, in addition to the other provisions of Section 4.2.

5.2.2 **Size and Type of Building**

(1) **Larger Home Occupation:** A larger home occupation, which meets the requirements of Section 5.2, may be located in an accessory building. Any accessory building constructed for a larger home occupation after June 3, 1996 shall look like a garage, barn, or other accessory structure which is common in the neighborhood, shall conform with the design of other structures in the neighborhood, and shall be designed for easy conversion to an allowed use in the district if the larger home occupation ceases to operate.

(2) **Cottage Industry:** A cottage industry which meets the requirements of this Section must be the principal structure on a lot, or the parcel of land on which it is located must have received all necessary permits so that it could be divided with the cottage industry as a principal structure on the resulting lot. Multiple cottage industries on a lot shall be considered together as one cottage industry, for all purposes of this Zoning Ordinance, and shall be located in one structure. The building housing the

cottage industry shall have the outward appearance of a residence or barn. The building housing the cottage industry must be designed for easy conversion to a residence or barn, if the cottage industry ceases to operate. The Development Review Board shall have the right to require building plans or architectural drawings (elevations) showing the design of the structure, to evaluate whether the structure has the required outward appearance. The inclusion of the previous sentence in this Section 5.2.2(2) shall not be construed as limiting the right of the Development Review Board to request other plans or information, or as limiting the right of the Development Review Board to request such plans or any other information in connection with any other Section of this Zoning Ordinance.

(a) **Size of Building In Which Cottage Industry is Located.** A cottage industry may be located in a structure that looks like a structure common in the community and that fits in the neighborhood. The structure shall conform with the design of other structures in the neighborhood, and shall be designed for easy conversion to an allowed use in the district, if the cottage industry ceases to operate. However, if the cottage industry is located in a house or barn constructed prior to June 3, 1996, the entire house or barn may be used for the cottage industry, unless the Development Review Board, as part of conditional use review, restricts the cottage industry to a portion of the structure.

5.2.3 **Size of Lot:** The larger home occupation or cottage industry must be located on a lot at least three (3) acres in size if the lot is in Rural Residential District 1 or Rural Residential District 2, and must otherwise be located on a lot at least two (2) acres in size.

5.2.4 **Hours of Operation:** The Development Review Board, as part of conditional use approval, shall establish hours of operation, which assure that the larger home occupation or cottage industry does not disturb neighboring residences.

5.2.5 **Number of Employees:** No more than five (5) non-members of the immediate family residing in the accompanying dwelling are to be engaged in the larger home occupation at any one time. No more than seven (7) employees may be engaged in a cottage industry at any one time. Sufficient off-street parking is to be provided for all employees.

5.2.6 **Traffic:** No traffic shall be generated in volumes that would be greater than normally expected in a neighborhood of a similar type. Cottage industries shall not create more than twenty (20) vehicle round trips in any one day. Larger home occupations shall not create more than twenty (20) vehicle round trips in any one day over the number of round trips that serve the primary residential use.

5.2.7 **Other Provisions:** The provisions of Sections 5.1.3 through and including 5.1.7 specifically apply to larger home occupations and cottage industries under this Section 5.2.

Section 5.3 CONTRACTORS' YARDS; HOME OCCUPATION VEHICLE REPAIR SERVICES

5.3.1 **Approvals Required:** Contractors' yards and home occupation vehicle repair services which meet the provisions of this Section are permitted only after review and approval by the Development Review Board under the provisions of Section 4.2 (Conditional Use Review) and Section 4.3 (Site Plan Approval). The repair of bulldozers, backhoes, and other heavy equipment shall be considered a contractor's yard for the purposes of this Section. Contractors' yards and home occupation vehicle repair services are allowed only if they meet the requirements of this Section 5.3, in addition to the requirements of Section 5.1.

5.3.2 **Not Applicable to Certain Districts:** Section 5.3 shall not apply to contractor’s yards or

home occupation vehicle repair services in Industrial districts 1-4. Section 5.3 shall not apply to home occupation vehicle repair services in the Village and Commercial districts. It is the purpose of section 5.3 to provide for contractor's yards and vehicle repair services as home occupations in certain areas where they are not otherwise allowed. Section 5.3 is not needed in the districts mentioned above because these uses are already allowed.

5.3.3 **Allowed Only as a Home Occupation:** Contractors' yards and home occupation vehicle repair services, which are subject to this Section, are permitted only on lots on which the primary residence of an owner of the business is also located.

5.3.4 **Definition of Contractor's Yard:** A contractor's yard is property, which is used for storage of equipment and material for use in off-site construction. Except as set forth in Section 5.3.4(1), storage of one or more pieces of heavy equipment, including but not limited to trucks, excavators, graders, and cranes, and trailers for the same, shall constitute a contractor's yard. Temporary storage of such equipment for use on the site on which the construction is taking place shall not constitute a contractor's yard.

(1) **Exception to Definition:** If no more than three trucks, only one of which may be larger than a panel truck or pickup truck, and all of which have a carrying capacity under three tons, are used in a home occupation, the business shall not be considered to be a contractor's yard, but shall be considered a home occupation, subject to the provisions of Section 5.1.2.

5.3.5 **Definition of Vehicle Repair Service:** Any property used for the commercial repair of motor vehicles if more than one vehicle on which service is to be performed, is being performed or has been performed, and not registered to an owner or leasee of the property, is present at any given time.

5.3.6 **Screening:** All trucks and all other materials and equipment, and all parking for employees, shall be well screened from adjoining properties and from public roads.

5.3.7 **Amount of Equipment Allowed:** In addition to passenger vehicles and pickup trucks, no more than a total of fifteen (15) trucks and pieces of heavy equipment may be stored on the site at one time. Any piece of equipment shall be considered a separate piece of equipment for the purposes of this Section if it a) has its own means of propulsion, or b) is registered or registerable, or c) is not intended to be used by attachment to any other piece of equipment normally located on the site.

5.3.8 **Employee Parking:** No more than eight (8) employees may park on the site at any one time. Sufficient off-street parking is to be provided for all employees.

5.3.9 **Size of Structures:** Any structures used in connection with the business shall be no larger than 2,000 square feet in floor area, and shall be designed for easy conversion to residential, accessory, or agricultural use if the business ceases to operate.

5.3.10 **Business to Be Kept in Neat Order:** All contractors' yards and vehicle repair services shall be kept in neat order and good condition at all times.

5.3.11 **Hours of Operation:** The Development Review Board, as part of conditional use approval, shall establish hours of operation for the contractor's yard or vehicle repair service. In any event, except for infrequent, unusual circumstances, a contractor's yard or vehicle repair service shall not be used before 7:00 a.m. or after 10:00 p.m., except that if noise cannot be heard from a neighboring residence, the contractor's yard may be operated beginning at 6:00 a.m.

5.3.12 **Location:** Contractors' yards and home occupation vehicle repair services may only be located in the following areas:

(1) **Grandfathering:** Contractors' yards located on lots at least three (3) acres in size, in Rural Residential District 1, Rural Residential District 2, or the Agricultural District,

which were in existence as of June 3, 1996 are permitted to operate, without obtaining site plan review or conditional use approval, provided the owner of the contractor's yard provides a notice to the Hinesburg Zoning Administrator within one year from the date of adoption (June 3, 1996) of this ordinance, setting forth the name of the owner, the location of the contractor's yard, and a listing of the equipment normally located at the contractor's yard on the date of adoption (June 3, 1996) of this Zoning Ordinance. Except for their location and the necessity of obtaining a conditional use approval or site plan review, contractor's yards to which this Section is applicable shall meet all the other provisions of this Section 5.3.

(2) **Expansion of Grandfathered Yards:** A contractor's yard meeting the provisions of Section 5.3.12(1) shall not erect any new structure in connection with the use of the contractor's yard, and shall not increase in size by more than 20% (i.e., shall not contain storage for more than 20% additional vehicles or pieces of equipment), unless conditional use approval is first obtained from the Development Review Board pursuant to Section 4.2, and site plan approval is obtained from the Development Review Board pursuant to Section 4.3.

(3) **Allowed Locations:** In addition to Grandfathered contractors' yards allowed pursuant to Section 5.3.12(1), contractors' yards and home occupation vehicle repair services may be located in Rural Residential District 1, Rural Residential District 2, or the Agricultural District, provided all of the following provisions are met:

(a) The business is located on a lot at least two acres in size, if the lot is located in the Agricultural District, and three (3) acres in size if the lot is located in Rural Residential District 1 or Rural Residential District 2.

(b) Any structure or portion of the lot used in connection with the business is located more than 600 feet from any existing dwelling (other than the dwelling located on the same lot as the business, which dwelling is the primary residence of an owner of the business).

(c) Any structure or portion of the lot used in connection with the business is located more than 200 feet from an adjoining property line, and more than 100 feet from the centerline of any road.

(d) The business is located on a lot which is: a) accessed by a Class 1, Class 2 or Class 3 public road, or b) accessed by a private right-of-way, which provides access to a Class 1, Class 2 or Class 3 public road, provided the owners of all land accessed by the private right-of-way have notified the Development Review Board, in writing, at the time conditional use approval is sought, that they have no objection to the use of said road for said business, and also provided that an agreement is entered into by the owner of the business and the other users of the private right-of-way as to the method of paying for the costs of maintenance, repair, and snow plowing of the private right-of-way (unless the owner of said business has agreed to pay all said costs).

5.3.13 **Performance Standards:** The vehicle repair service or contractor's yard must meet the performance standards set forth in Sections 5.1.3(3), 5.1.3(4) and 5.1.3(5), and must produce no change in the character of the neighborhood.

Section 5.4 SIGN REGULATIONS

Signs, as defined in Article 10, are permitted only as set forth in this Section 5.4, and are subject to any other restrictions of this Regulation.

5.4.1 **Permitted Signs:** Commercial and industrial signs are permitted in accordance with tables

5.4.1(1) and 5.4.1(2), and other signs are permitted in accordance with table 5.4.1(2) Signs in accordance with table 5.4.1(3)are also permitted. Signs of a type not specified in these tables may be permitted, if approval is obtained from the Development Review Board.

(1) **COMMERCIAL AND INDUSTRIAL SIGNS**

Type	**Number Permitted**	**Maximum Area**	**Maximum Height**	**Restrictions**
		One side of a two-sided sign	**Measured from the top of the sign to the normal grade of the ground**	
a) Free-standing signs	1 per lot (additional signs may be allowed with Development Review Board approval)	16 square feet (s.f.). Gas station signs may be up to 24 s.f. if the sign advertises both the brand of gasoline and the price, and if the gas station sign will not have appendage signs.	15 ft.	Development Review Board approval required. May not be "product signs" (note that trademarks such as "IGA" or "BP Gas" are not defined as product signs in the definitions.

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
b) Appendage to free-standing signs, hanging by hooks or similar devices underneath the primary sign in a non-rigid manner.	Limited only by area requirement.	Each not more than 1/3 the area of the primary sign. The total area of all appendage signs must not exceed 50% of the area of the primary sign. Note: if the appendage signs do not meet these area requirements, but the primary sign and all appendages meet the requirements for a "free-standing sign" the sign may be considered a free-standing sign.		Must be of the same character and material as the principal sign. May be "product signs" if Development Review Board approval is obtained.

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
c) Clustered signs - a number of signs hanging from one post or physically connected to one another. Any other collection of signs not all physically connected with one another may be considered a clustered sign if approved by the Development Review Board.	1 common sign identifying the commercial or industrial develop-ment, and if the sign-post contains signs for at least 3 other businesses or uses. 1 sign for each business on the lot (see definition of "business.") Any of the signs on the signpost shall be in lieu of the free-standing signs allowed on the lot to which the sign refers and shall accordingly be in lieu of a free-standing sign on said lot, unless the Development Review Board approves additional signs.	4 s.f. for each business advertized, and 6 s.f. for any additional sign identifying the commercial development, not to exceed a total of 50 s.f.	15 ft.	Development Review Board approval required. If the signs refer to businesses or uses conducted on a number of adjoining lots, the sign post may be located on any such lot, or on a separate lot adjoining any of such lots. May not include "product signs."

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
d) Wall-mounted signs, mounted parallel to the building.	1 per lot (additional signs may be allowed with Development Review Board approval)	If business is all or in substantial part on ground level: 2 s.f. for each linear foot of building frontage devoted to the business; otherwise 1 s.f. for each such linear foot. In no event may the total area exceed 100 s.f., or 10%, whichever is less, of the area of the wall to which the sign is attached including windows, door area and cornices. Signage maximums for businesses located in multi-business buildings are to be determined by the frontage occupied by the business.	May not extend above the roof line.	Lettering may not exceed 20 inches in height. Where a sign consists of individual letters or symbols the area shall be considered the smallest rectangle encom-passing all the letters and symbols. May not be product signs. Development Review Board approval required for signs exceeding a total of 16 s.f. in area per business.

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
e) Wall-mounted product signs, mounted parallel to the building.	2 per business	1 product sign not to exceed 6 s.f., and the second product sign not to exceed 3 s.f.	May not extend above the roof line.	
f) Sandwich board or portable signs, for retail businesses. A gas station may not have a sandwich board or portable sign (except for a sign related to a convenience store or other retail business) if the gas station has a free-standing sign which, together with all appendage signs, exceeds 16 s.f.	1 per lot	10 s.f.	4 ft.	Must be removed when business is closed. Must be at least 5 ft. from the traveled portion of the roadway and not interfere with traffic circulation or sight lines. (See section 5.4.5(10) for additional standards)
g) Sale or special event banners, attached at all four corners to a wall of a building,	1 per business	16 s.f. A banner no larger than those allowed under the maximum area requirements for	May not extend above the roof line.	Permitted only for bona fide sales and special events. A business may not display such

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
parallel to the building, and not protruding from the building by more than the minimum dimension of the sign.		wall-mounted signs in Section 5.4.1(1)(d) are permitted, but no business shall display banners larger than 16 sq. ft. for more than a total of 14 days in any calendar year.		banners for a total of more than 30 days in any 6 month period, including all banners permitted under this section.
h) Flags stating "open"	1 per business	15 s.f.	15 ft.	Must be removed when business is closed
i) Signs in or on windows (whether painted on or affixed to the inside or outside of the window)		Sign areas are to be considered part of the total square footage allowed for wall mounted signs. (See Sections 5.4.1(1d) and 5.4.1(1e).		

(2) **OTHER SIGNS**

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
a) Home occupa-tions, cottage industries, and dead storage in accordance with Sec. 5.1.3(4)	1 per lot	5 s.f.	10 ft.	May not be a "product sign" (see definitions)
b) Signs setting forth the name of a permanent residential development (e.g. for a multi-family development or subdivision such a "Maplewood Estates")	1 per development	12 s.f.	10 ft.	Development Review Board approval required. Development Review Board may deny approval in accordance with any other provision of the Regulation, and may also deny approval if it

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
				determines that such a sign is not is the best interests of the community.
c) Signs stating the name of a farm or agricultural operation	1 free-standing sign per farm; 2 signs mounted or painted on structures per farm (additional signs may be allowed with Development Review Board approval)	10 s.f. for a free-standing sign. For a sign painted or mounted on a structure, the area may be the same as a wall-mounted commercial or industrial sign, as set for in Sec. 5.4.1(1)	12 ft. for a free-standing sign. A sign on a building may not extend above the roofline or the top of the structure.	May not be a "product sign."
d) Public bulletin boards (e.g., for a school or similar public structure)	1 per lot	24 s.f.	10 ft.	Development Review Board approval required. May not be a "product sign."
e) "For Sale" signs advertising wood and agricultural products produced or processed on site	1 per lot	5 s.f.	10 ft.	May not be a "product sign."

(3) **MISCELLANEOUS SIGNS**

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
a) Non-advertising signs placed for direction or safety purposes (e.g. "rest rooms," "telephone," "office," "exit," "falling ice," "fire extinguisher," etc.)	No limit	A reasonable size for its purpose, not to exceed 4 s.f.	10 ft.	
b) Temporary	1 per lot (may be	4 s.f.	5 ft. unless on a	May not be in place

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
"auction," "lawn sale," "garage sale," "for sale" signs and the like.	placed in private right-of-way serving the lot adjacent to a public highway)		building.	for more than 10 days in any 30 day period. Must be promptly removed when function completed.
c) Temporary residential real estate "for sale" sign	1 per lot (may be placed in private right-of-way serving the lot adjacent to a public highway)	6 s.f.	5 ft. unless on a building	
d) Temporary commercial "for sale" sign.	1 per lot (may be placed in private right-of-way serving the lot adjacent to a public highway)	16 s.f.	10 ft.	
e) Temporary construction sign setting forth information about the construction project.	1 per lot (may be placed in private right-of-way serving the lot adjacent to a public highway)	32 s.f.	10 ft.	Must be promptly removed when construction has been completed.
f) Residential sign announcing the name and/or address of the occupant of a residence.	1 per residence	2 s.f.	10 ft.	
g) Roadside stand sign	2 per lot	16 s.f. total for all such signs	10 ft. Unless on a building.	Sign shall be removed during the season when the stand is not open for business, except that the Development Review Board may grant permission for one sign to remain in place

Type	Number Permitted	Maximum Area	Maximum Height	Restrictions
				year-round. May not be "product signs."
h) Signs erected by fairs or expositions or signs announcing an auction, campaign drive, or event of a civic, political or philanthropic service or religious organization	1 per lot	16 s.f., except that the size of signs over a public road shall be determined by the Selectboard.	10 ft.	Signs shall not be maintained for more than 6 weeks in any 6 month period.
i) Signs providing direction to a place of business offering for sale agricultural products harvested or produced on the premises		4 s.f.	6 ft.	These signs may be in place only during the harvesting season. These signs may be installed off premises only if permitted under state law and if they are located at appropriate locations to provide direction to the place of business. These signs shall under no circumstances be permitted to interfere with traffic safety.

5.4.2 **Gas Station Canopies**

Unless prohibited by the Development Review Board pursuant to site plan review or the Development Review Board pursuant to conditional use approval, signs on gas station canopies may be used in place of wall mounted signs on the gas station itself (either/or, not both). Such gas station canopy signs may only have the store name, gas company logos, or the name of the type of gas provided each such sign shall not exceed 8 square feet in area, and the total of all such signs on the canopy do not exceed 16 square feet in area. Lettering may not exceed 20 inches in height, and signs shall not extend above the top of the canopy. Where a sign consists of individual letters or symbols the area shall be considered the smallest rectangle encompassing all the letters and symbols.

(1) Gas station canopies shall be used to shelter pump station areas from the elements, and not as a landmark or advertisement for the business beyond the canopy sign allowances

mentioned above. Beyond the area occupied by signs, the canopy shall utilize colors that blend with the gas station itself – i.e., no bright, garish, or company/logo colors to call attention to the canopy.

(2) A gas station canopy must be of a height and size which is in scale with neighboring structures, and must not be of a size which is larger than required for its functional purposes (the use of a canopy as a structure for placement of signs shall not be considered a "functional purpose" in this regard).

(3) New or substantially modified gas station canopies require Development Review Board approval under site plan review.

5.4.3 **Signs on Motor Vehicles:** Signs are not permitted on motor vehicles if they are for the purpose of circumventing the provisions of this Section 5.4 or when the display of such a sign is the primary purpose of the vehicle. Except as just set forth, signs on motor vehicles are permitted, without a permit.

5.4.4 **Flags:** Patriotic flags on residential or public institutional property are not signs. One American flag on a commercial or industrial lot, of a normal size, shall not be considered a sign. If additional flags, or a flag of unusual size, are located on a lot, this shall be presumed to be for the purpose of attracting attention to a business, and the flag or flags shall be considered a sign. The Development Review Board shall determine whether a flag is of "unusual size" in the event of a dispute.

5.4.5 Restrictions:

(1) **Illumination.** All illuminated signs, whether internally lit or lighted from external sources, require Development Review Board approval. No sign may have any neon, flashing, intermittent, or moving lights, moving parts, or fluorescent paint. Internally illuminated signs with dark lettering on light backgrounds are not preferred, but may be permitted with the approval of the Development Review Board. Signs with internal illumination shall not be lit when the premises are not open for business. Signs, which are illuminated from external sources, may be lighted when the premises are not open if so approved by the Development Review Board.

(2) **Lighting not to cause a hazard.** Lighting is permitted only in cases where the fixture has been shielded to prevent any beam or ray of light from causing a hazard to a moving vehicle on a public or private road, or to interfere with the use or enjoyment of neighboring property.

(3) **No interference with driver's view.** No sign may interfere with or prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signals, and of approaching, entering, or emerging traffic.

(4) **No interference with traffic.** No sign shall be situated so as to interfere with pedestrian or vehicular traffic.

(5) **No imitation of official sign.** No sign may interfere with or imitate or appear to be an official sign or signal.

(6) **Signs on natural features.** No sign may be maintained on natural features, or trees, or on utility poles, unless specifically authorized by the Development Review Board. This section shall not apply to signs referred to in the table at Sections 5.4.1(3)(b), 5.4.1(3)(c), 5.4.1(3)(f), and 5.4.1(3)(I), and non-commercial signs of those listed in Section 5.4.1(3)(a), although this paragraph shall not be construed as encouraging placement of such signs on natural features; placement of signs on utility poles may be prohibited by the utility company.

(7) **Advertising businesses in other towns.** No sign shall be erected or maintained within the Town of Hinesburg unless the business or occupation it advertises is

legally carried on within the boundary limits of the Town of Hinesburg.

(8) **Off premises signs.** No sign will be allowed off the premises which the sign advertises or serves, unless specifically authorized by the Development Review Board or as allowed in Section 5.4.1(3)(h) and 5.4.1(3)(I). Under no circumstances will such approval be given unless the premises advertised are within the neighborhood of the location of the sign, and the location of the sign is appropriate and necessary in order to identify the location of the premises advertised. State law may also prohibit off-premises signs.

(9) **Setbacks.** No sign may be closer to a side or rear lot line than the minimum building side-yard or rear-yard setbacks for accessory structures set forth in Section 2.5 of this Regulation, unless specifically authorized by the Development Review Board.

(10) **No signs within or over a right-of-way.** No sign is permitted within a right-of-way or over a right-of-way, unless specifically authorized by the Development Review Board. This section does not apply to the signs referred to in the table at Section 5.4.1(3)(h), if approval for a sign over a right-of-way is obtained from the appropriate entity with jurisdiction over the road. Signs along Route 116 are required to be a minimum distance from the centerline of the highway in accordance with state statutes.

(11) **Setbacks from streets.** No sign, other than a sandwich board or portable sign, may be closer than 15 feet to the traveled portion of a street. Under extraordinary circumstances, the Development Review Board may permit a sign to be closer than 15 feet.

(12) **Maintenance of signs.** All signs shall be kept properly painted and well-maintained, whether or not a permit is required for the sign.

5.4.6 **Removal of Signs:** Any sign which no longer advertises an existing business conducted or product sold on the premises, or which has fallen into disrepair, shall be removed by the owner of the premises upon which such sign is located.

5.4.7 **Additional Restrictions:** Additional limitations may be imposed on signs pursuant to any other portion of this Regulation, and any other ordinance or law. The Development Review Board may further restrict any signs pursuant to site plan review, conditional use approval, subdivision approval, or any other applicable ordinances. These further restrictions may require signs to be smaller than what is otherwise permitted under this Zoning Regulation, may permit fewer signs, may require signs not to be as high, or may impose any other appropriate restrictions consonant with the applicable ordinance of law.

5.4.8 **Governmental Signs:** These Regulations do not apply to official street or highway signs, or signs erected by the State pursuant to Title 10, V.S.A., Chapter 21.

5.4.9 **Procedures for Obtaining Permits:** Except for signs set forth in Section 5.4.9(1), a zoning permit is required for all signs.

(1) **Approvals Required from Development Review Board.** Development Review Board approval is required as set forth in the tables in Section 5.4.1, or as required elsewhere in this Regulation. As set forth in Section 5.4.5(1), all illuminated signs require Development Review Board approval.

(a) **Development Review Board Procedure.** Where this Regulation requires approval by the Development Review Board of a sign, that approval may be obtained at the time of site plan review, or by separate application (utilizing the same procedures as site plan review) to the Development Review Board.

(b) **Standards for Development Review Board Review.** As set forth in Section 5.4.7 additional limitations may be imposed on signs pursuant to any other

ordinance or law, based upon the standards expressed or implied in such ordinance or law. Where this Zoning Regulation permits changes based upon Development Review Board review, the Development Review Board shall permit changes only if they are clearly necessary and do not adversely affect the character of the neighborhood or district in which the property is located or the public welfare in any other manner. If a court or other proceeding determines that the Development Review Board does not have the authority to authorize the change as specified above, then there shall be no changes (for example, the Development Review Board may not then authorize additional signs).

(2) **Approvals Required from Zoning Administrator.** The Zoning Administrator, without Development Review Board approval, may grant a zoning permit for any other sign, except that he or she shall not grant approval for any sign if the sign is for a use requiring site plan approval or conditional use approval, and such approval has not been obtained, and shall not grant a zoning permit if any previous conditional use review or site plan review prohibits such a sign. If site plan or conditional use approval was granted prior to the date of this revised Regulation, the Zoning Administrator may issue a zoning permit for a sign which meets the provisions of this Regulation, if the Zoning Administrator concludes that the prohibition in the previous approval was based solely on the sign limitations which had previously been in force. If the Development Review Board has previously granted approval for a sign, the Zoning Administrator may grant a zoning permit, without further Development Review Board approval, for a replacement sign in the same location which meets the provisions of this Regulation, provided the Zoning Administrator concludes that there was nothing in the previous approval which was intended to prohibit such a replacement sign.

(3) **Signs for Which No Permit Is Required.** No permit shall be required for a sandwich board or portable sign, a sale or special event banner, a flag stating that the business is "open," or for any of the signs referred to in the table set forth in Section 5.4.1(3), or for wall-mounted product signs which meet the requirements of Section 5.4.1(1)(e). No permit shall be required to replace one sign with another sign, which is no more than 110%, the size of the original sign, and is of the same type and character as the original sign, and does not exceed the maximum size permitted under this Regulation. Whether or not a permit is required, signs must comply with all provisions of this Regulation.

(4) **Sign Approval Revisions.** Major revisions to signs previously approved by the DRB must be reviewed and approved by the DRB. Minor revisions to signs previously approved by the DRB may be reviewed and approved by the Zoning Administrator without DRB review, pursuant to the administrative review procedures outlined in section 4.6. Classification as a minor or major revision is at the discretion of the Zoning Administrator. Minor revisions are those that have no substantial impact under any of the standards outlined in relevant sections of the regulations. Conditions from prior approvals shall only be modified if the original rationale for the condition(s) is understood and has been adequately addressed in a manner consistent with current Town regulations. Furthermore, no revision issued via administrative review shall have the effect of substantively altering any of the findings of fact of the most recent approval.

(5) **Application for Permit.** Application for Permit shall be made to the Zoning

Administrator in writing in three (3) copies, upon forms prescribed and provided by the Zoning Administrator, and shall contain the following information:

(a) Name, address, and telephone number of applicant.

(b) Location of building, structure, or land to which or upon which the sign is to be erected.

(c) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign, position of lighting, or other extraneous devices; a location plan showing the position in relation to nearby buildings or structures and adjoining property and to any private or public street or highway.

(d) Written consent of the owner of the building, structure, or land to which, or on which, the sign is to be erected; in the event the applicant is not the owner thereof.

(e) Such other pertinent information as the Zoning Administrator may require insuring compliance with the Regulation.

(6) **Issuance of Permit.** It shall be the duty of the Zoning Administrator, upon the filing of an application for a permit to erect a sign, to examine such plans, specifications, and other data submitted to him/her with the application, and if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all the requirements of this Regulation and all other regulations of the municipality, he/she shall then, within thirty (30) days, issue a permit for the erection of the proposed sign.

Section 5.5 OFF-STREET PARKING STANDARDS

5.5.1 Off-street parking requirements shall apply only to buildings and uses newly constructed, extended, or restored after enactment of this Regulation, and shall not apply to buildings lawfully repaired or improved where no increase of floor area is made. For any change of use, including those involving no increase in floor area, the new use shall comply with the parking requirements set forth in an existing site plan or via a new DRB site plan review/approval. Each parking space shall be a minimum of 162 square feet (9'x18') exclusive of access drive or aisles thereto unless the Development Review Board in its judgment finds the minimum space size to be excessive. Each space shall be provided access to a public street through a drive or aisle of not less than 12 feet in width for one-way and 24 feet in width for two-way aisles. Stacked parking spaces (certain spaces do not have direct access to the street) are acceptable for residential uses, so long as each dwelling unit has at least 1 parking space with unimpeded access to the street.

5.5.2 Parking lots shall include parking for the physically handicapped where required by state or federal regulation or where required by the Development Review Board under site plan review. Each such space shall be a minimum of twelve (12) feet in width. Parking spaces designated for the physically handicapped shall be counted toward satisfying the total number of required spaces.

5.5.3 Shared Parking: Two or more uses may provide the required parking in a common parking lot if the total number of spaces available meets the combined parking needs and an easement or agreement is provided which sets forth the terms for the availability, construction, repair and maintenance of the shared lot. The total number of spaces required in a shared lot shall be reduced by the Development Review Board under site plan review if it can be demonstrated that the hours of peak parking need are different for each use. Shared parking may be noncontiguous to the use being served upon site plan review and approval by the

Development Review Board.

5.5.4 The DRB shall have the authority to determine the necessary amount of parking. The parking guidelines shown in Table 2 are generalized, and should be refined based on the specific use, predicted parking needs, public and shared parking availability, and other factors – including, but not limited to:

(1) unique use, or
(2) overlapping coverage, or
(3) nearby public parking areas with adequate capacity, or
(4) nearby on-street parking with adequate capacity.

5.5.5 Bicycle Parking or Storage Facility. A bicycle parking or storage facility shall be provided for properties with 20 or greater parking spaces. At least one bicycle parking space shall be provided for each 10 car spaces.

5.5.6 The Development Review Board shall make the determination of the general category a specific use should come under in the event uncertainty exists as to what category applies.

Table 2
OFF-STREET PARKING GUIDELINES

Structure	Parking Spaces
Dwellings, residential units	2 per dwelling unit
Establishments for overnight commercial lodging	1 per room for hire, plus 1 per full-time equivalent employee
Campgrounds	1 per tent or trailer site, plus 1 per full-time equivalent employee
Place of amusement or assembly containing fixed seating	1 per 3 fixed seats
Place of amusement or assembly without fixed seating	Building/room capacity divided by 3
Restaurants, sit down	Seating capacity divided by 2, plus 1 per full-time equivalent employee
Restaurants, drive-in	DRB determined – based on peak customer traffic
Retail establishments	1 per 400 s.f. floor area
Manufacturing/industrial	1 per full-time equivalent employee, plus 1 per vehicle used in the business
Offices, stores, service shops, banks, etc.	1 per 400 square feet of floor area.

Section 5.6 DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES

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:** In addition to generally improving the appearance of a site, plantings, fencing and other landscape features shall be designed to 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. See section 4.3.8 for more comprehensive landscaping requirements for projects subject to site plan review standards.

5.6.6 **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 **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 **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 **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.

(2) If an easement or right-of-way is to be used as the primary access to any lot, such easement or right-of-way shall be a permanent, deeded easement at least fifty (50) feet in width, and Development Review Board approval shall be required whether or not the lot has frontage on a public road or public waters. See Section 4.4 for approval process.

(3) Access to a lot by means of a strip of land included as part of the lot shall be reviewed and approved by the Development Review Board. Access strips shall be no less than fifty (50') feet in width and no wider than sixty (60') feet. The Development Review Board may allow access strips greater than 60' in width to provide sufficient space for utilities, roadway side slopes, sidewalks, recreational paths, planting strips, or similar improvements. Land within an access strip shall not count toward meeting minimum lot size or density. An access strip shall be considered as a right-of-way for purposes of setback requirements.

(4) A lot served by an easement or right-of-way in existence prior to November 7, 1972, which is less than the minimum width as defined in section 5.7.1(2), may be developed for the purposes permitted in the district in which the land is located if the Development Review Board determines that the width of the easement or right-of-way is adequate for the proposed use.

(5) All driveways entering onto public roads must meet the Town specifications for grade, culverts, ditching, and visibility.

5.7.2 Dead-end private roads: despite any other provisions of this Regulation, up to 2 lots at the terminus of a private right-of-way, need not have any specific amount of frontage on said right-of-way, unless required by the Development Review Board in accordance with Section 5.7.1.

5.7.3 Reduced easement widths in Village district: despite the above access provisions, land development in the Village district that is served by access easements of as little as 20’ in width may be approved by the Development Review Board via conditional use review. The purpose of this provision is to better allow for infill and innovative development design in the Village district, which serves as the core of the overall Village Growth Area.

Section 5.8 CUSTOMARY ACCESSORY USES

5.8.1 Accessory uses incidental to a principal use are permitted uses in all districts provided as follows:

(1) Customary home occupations as in Section 5.1.

(2) As accessory to a residential use: customary uses incidental to residential use, such as private garages, garden houses, tool houses, playhouses.

(3) Animal houses, providing the use does not result in unreasonable noise or odor nor change the character of the neighborhood;

(4) Wading pool or swimming pool incidental to the residential use of the premises and not operated for gain. The edge of permanent above ground or in-ground swimming pools shall be kept a distance of not less than twenty (20) feet from all property lines.
(5) As accessory to a commercial farm operation, the sale on a seasonal basis, other than from a permanent structure, of farm produce produced on site.
(6) Utility poles unless provided as a conditional use.

5.8.2 **Private sale of used cars and trucks:** The private sale of cars and trucks, however, is a property use that does not require a permit but is restricted to the occasional sale of vehicles titled to the property owner (or his/her tenant) and further restricted to the offering for sale on the property of a maximum of two vehicles at any given time, with a maximum of 6 cars sold within any 12 month period.

Section 5.9 ACCESSORY APARTMENTS

5.9.1 An accessory apartment (i.e., accessory dwelling unit) means an efficiency, 1-bedroom, or 2-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Pursuant to the provisions below, a single accessory apartment shall be a permitted use, except as noted in section 5.9.3.

(1) There is no more than 1 accessory apartment associated with a single-family dwelling.
(2) The owner must reside in the single-family dwelling or the accessory apartment.
(3) The accessory apartment is clearly subordinate to the principal unit and contains no more than two (2) bedrooms. Furthermore, the accessory apartment shall not exceed the greater of 660 square feet or 30% of the total floor area of the single family dwelling prior to the creation of the apartment.
(4) At least two (2) parking spaces shall be provided for each dwelling unit.
(5) No additional access drives are to be created.
(6) An accessory structure, which contains an accessory apartment, shall meet the applicable setback standards for a principal structure.
(7) No accessory apartment shall be permitted unless adequate water and sewage disposal is provided by town water and sewer or on-site water and sewage disposal is available which meets all applicable local or state regulations.

5.9.2 A zoning permit shall be issued by the Zoning Administrator for all accessory apartments.

5.9.3 Conditional use approval by the Development Review Board is required for any accessory apartment in a new accessory structure and for those in existing accessory structures that involve changes to the exterior form or function of the structure, but not including cosmetic improvements to the facade alone (e.g., siding, windows, doors, etc.). Conditional use approval is also required for any accessory apartment in the Village Growth Area zoning districts that requires an increase in the dimensions of the parking area.

Section 5.10 NON-CONFORMING USES AND NON-COMPLYING STRUCTURES

The following provisions shall apply to all structures and uses existing on the effective date of this Regulation which do not conform to the requirements set forth in this Regulation, and to all structures and uses that in the future do not conform by reason of any subsequent amendment to this Regulation.

5.10.1 Non-conforming uses or non-complying structures shall not be moved, enlarged, altered, extended, reconstructed, or restored (except as provided below). Any external evidence of such use shall not be increased by any means whatsoever without conditional use approval of

the Development Review Board, and only if the Board finds that the proposed use is no more nonconforming than the previous use and conforms to the standards of Section 5.12 of these regulations.

5.10.2 **Non-conforming Uses:** Any non-conforming use of structures or land, except those specified below, may be continued indefinitely, except such non-conforming uses shall conform with the following provisions:

(1) It shall not be changed to another non-conforming use without conditional use approval of the Development Review Board, and then only to a use, which in the opinion of the Board, is of the same or of a more restricted nature.

(2) It shall not be re-established if such use has been discontinued for any reason, except damage, for a period of six (6) months, or has been changed to, or replaced by, a conforming use.

(3) It shall not be restored to other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If reinstatement is not completed within the said one year, the non-conforming use shall be considered to have been discontinued, unless such non-conforming use has been carried on without interruption in the undamaged portion of such structure.

(4) Residential use of previously converted buildings in the Village District may be restored any time.

5.10.3 **Maintenance and Expansion of Non-complying Structures:** A non-complying structure may continue to be occupied, or maintained and expanded subject to the following provisions:

(1) Nothing in these regulations shall be construed as permitting the use of a structure declared unsafe by an appropriate governmental authority nor the continuation of a condition declared to be a health hazard by an appropriate governmental authority.

(2) A non-complying structure which is damaged or destroyed by fire, collapse, explosion or other similar cause may be reconstructed, repaired or restored, provided that the reconstruction or repair results in a structure that is no more non-complying than the original structure and that the work is commenced within twelve (12) months and substantially completed within twenty four (24) months of the damage or destruction. The Development Review Board may grant additional 12 month extensions if it is demonstrated that the delays were unavoidable and that work is progressing.

(3) Nothing in this Regulation shall be deemed to prevent normal maintenance, repairs, additions and/or re-modeling of a non-complying structure provided that such action does not increase the degree of non-compliance.

(4) An expansion to a non-complying residential structure which does not meet the setback or lot coverage standards of this Regulation may be allowed upon conditional use approval of the Development Review Board provided that all of the following provisions are met:

(a) The expansion is planned and constructed in such a way that the applicable setback standards are modified as little as practicable based on the existing building orientation, lot size and site constraints and that the modification will meet the standards of Section 4.2.2.

(b) The expansion shall not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks to adjoining properties and bodies of water.

(c) The resulting structure's character, footprint and height shall be compatible

with the character and scale of surrounding structures.

(d) In no case shall the enlargement result in any upper floor's floor area exceeding that of the ground floor.

Section 5.11 EXISTING SMALL LOTS

Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence prior to the effective date of this Regulation (November 7, 1972), or prior to any applicable amendment, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet and if standards in Section 5.11.1 are met. Development on such lots must still meet all applicable setbacks, use allowances, etc. described in these regulations. Any lot in a subdivision, the plans for which have been approved and legally recorded may be developed in accordance with those plans provided that the standards of Section 5.11.1 are met. Within all zoning districts except the Shoreline District, an existing small lot that comes under common ownership with one or more contiguous lots after July 1, 2004, shall not require a merger, and the nonconforming lot may remain a separate, individual lot. Within the Shoreline Zoning District, an existing small lot (wholly or partially in the Shoreline Zoning District) that comes under common ownership with one or more contiguous lots after July 1, 2004, shall be deemed merged with the contiguous lot unless all of the following apply:

a. The lots are conveyed in their preexisting, nonconforming configuration.

b. On the effective date of any bylaw, each lot was developed with a water supply and wastewater disposal system.

c. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.

d. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. chapter 64.

5.11.1 The Zoning Administrator shall require the following standards be met before development may occur on any existing small lot defined in this section:

(1) Any wastewater disposal system shall be approved or designed and constructed under the supervision of a registered professional engineer or certified site technician. The registered professional engineer or certified site technician shall certify in writing to the Zoning Administrator that he/she supervised the design and construction of the system, and that it was installed as designed.

(2) Safe and adequate water supply shall be assured.

(3) State Wastewater and Potable Water Supply System Permits may be required for new dwellings on existing small lots.

Section 5.12 PERFORMANCE STANDARDS

No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or objectionable hazards by nature of smoke, noise, dust, odor, or vibration, as per the following restriction:

5.12.1 Unreasonable noises are not permitted. A determination of “unreasonable” shall include

factors such as intensity, duration, and frequency (i.e., how often it occurs). No noise other than noises that would be part of the normal coming and going by occupants shall be discernable at property lines during the following hours:

Commercial and Industrial Districts: before 6:00 a.m. or after 10:00 p.m. on weekdays, or before 7:00 a.m. or after 9:00 p.m. on weekends and holidays.

All other districts: before 6:00 a.m. or after 10:00 p.m. on weekdays or before 8:00 a.m. or after 9:00 p.m. on weekends.

The Development Review Board may permit noises at other times, as a conditional use if it finds that reasonable steps have been taken to accommodate adjoining property owners, and if it finds that it is reasonable to permit noise at other times. This Section 5.12.1 shall not be construed to prohibit usual and customary residential activities or property maintenance.

5.12.2 No damaging or injurious vibration shall be measurable at the outer boundaries of the parcel.

5.12.3 No noxious odors shall be discernible at the outer boundaries of the parcel. This provision shall not be construed to apply to otherwise permitted farming operation, but such operations shall not create odors substantially beyond what is normal for such operation.

5.12.4 No fire, explosive, or safety hazard shall be permitted which significantly endangers other property owners or which results in a significantly increased burden on municipal facilities.

5.12.5 Smoke emission shall not exceed number two (2) on the Ringleman Chart. (The Ringleman Chart is a device used to measure the opacity of smoke emitted from stacks and other sources.)

5.12.6 No dust or fly ash shall exceed two-tenths (.2) grain per cubic foot of flue gas at a stack temperature of five hundred degrees (500°) Fahrenheit.

5.12.7 No noxious or injurious gases shall be discernible at the outer boundaries of the parcel.

5.12.8 No heat or unreasonable glare shall be discernible beyond the outer boundaries of the parcel.

5.12.9 Industrial wastes shall be so deposited, stored, and transmitted from parcels as to not be objectionable to adjacent properties nor create a public nuisance. No wastes shall be discharged into any water course nor into any wastewater disposal system beyond its property capacity. All local, state, and federal regulations and standards shall be complied with.

Section 5.13 LAND FILLING, EXCAVATION, AND EARTH RESOURCE EXPLORATION

5.13.1 No mineral or gas exploration or drilling (see definition of "Mineral or Gas Exploration," Article 10), no sanitary landfill, no new earth resource extraction or processing operation (see definition of "Land filling and Excavation," Article 10), nor expansion of any such existing operation, and no resumption of such an inactive operation, shall be permitted until a zoning permit has been issued therefore. For a gravel pit, "expansion" of an existing operation shall include, but not necessarily be limited to, any substantial increase in the rate of gravel removed from a pit, or any use of an area which was not previously part of an existing operation. No such zoning permits shall be issued until all conditions below are met:

(1) a conditional use permit has been issued for such operation, and

(2) a site plan including a plan for the rehabilitation of the site has been approved by the Development Review Board.

(3) the operation does not alter stream beds without State approval.

5.13.2 **Application for approval:** Applicants shall provide the following information in addition to whatever other specific materials that may be requested:

(1) a site plan showing the location and scope of all proposed development activity,

(2) a screening plan,

(3) an erosion and sedimentation control plan,

(4) a site rehabilitation plan, including schedule of implementation,

(5) a description of the proposed methods of operation including operating hours and the duration of the proposed activities, types and quantity of equipment and trucks, location and method of waste disposal, and a transportation plan addressing both on- and off-site trucking activities.

5.13.3 The burden of proof shall be on the applicant to show that the proposed operations may be feasibly undertaken without violating the standards contained within this section and without substantial damage or hazard to the public or to adjoining properties.

5.13.4 **Conditional Use Permit:**

(1) In considering an application for a Conditional Use Permit under this Section, the Development Review Board shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:

(a) Adjoining land areas should be protected from undue adverse impacts resulting from dust, noise, or air pollution. There shall be a minimum setback of 200 feet from adjoining properties for all extraction or processing activities, except for offices and accessory automobile parking.

(b) Within the required setback areas, the natural vegetation shall be retained and supplementary planting may be required in order to buffer impacts from the proposed operation.

(c) An erosion and sedimentation control plan shall be submitted and shall provide that increased run-off shall not be permitted beyond the property boundaries of the proposed project area.

(d) No operation shall be permitted which may result in the pollution of surface or groundwater through by-products of the proposed operation.

(e) Suitable fencing or other appropriate safety precautions may be required around extraction sites, sedimentation ponds, and waste or equipment storage area.

(f) Proposed operations shall not create unusual or unreasonable traffic hazards, or the need for special public improvements or maintenance of public streets or bridges, which would place an unreasonable additional financial burden on the Town.

(g) Explosives may be utilized only in accordance with a plan approved under this section and only after it has been demonstrated by the applicant that the use of such materials will not have an adverse impact on adjoining properties.

5.13.5 Site Rehabilitation

(1) Activities involving the extraction, exploration, or processing of earth resources, by their very nature disturb the natural landscape and utility of the site. These provisions are intended to ensure that the entire site, at the conclusion of such activities, is restored to a condition, which is free of hazards to the public and is conducive to subsequent use for other activities.

(2) Applicants for an earth resources extraction, exploration, or processing operation shall provide a site rehabilitation plan which shall include the following information, in addition to whatever other specific materials that may be required by the Development Review Board:

(a) A plan of the entire site affected by the proposed operation which shall indicate:

i. final grading and topography, including drainage patterns:

ii. location and depth of relocated topsoil;

iii. location, type, size, and quantity of restoration plan materials;

(b) Sequence and timing of rehabilitation activities;

(c) Provision for adequate bonding or surety to cover rehabilitation.

(3) In considering a site rehabilitation plan, the Development Review Board shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:

(a) Suitability of the site following rehabilitation for uses that are permissible under the applicable zoning district;

(b) Landscape in the vicinity of the site;

(c) The top twelve (12) inches of topsoil on all disturbed areas shall be stockpiled for use in rehabilitating the site;

(d) Implementation of rehabilitation activities shall be on a continuing basis commencing as soon as practical where extractive activities have been completed;

(e) Storm water runoff and erosion/sedimentation following rehabilitation shall not exceed that which existed prior to development;

(f) Bonding or surety shall be at a level to cover the costs of rehabilitation all disturbed areas, and may be adjusted periodically by the Development Review Board.

Section 5.14 CONVERSION OF ONE-FAMILY DWELLINGS

Conversion of an existing structure from a one-family dwelling to a two-or-more-family dwelling is permitted in accordance with the provisions of this Regulation. However, if not otherwise permitted by this Regulation, conversion of an existing structure from a one-family dwelling to a two-or-more-family dwelling is permitted, under conditional use review, subject to the following conditions:

5.14.1 Both the structure and the lot shall have been in existence on November 7, 1972 and have contained on that date at least one thousand (1000) square feet of livable floor area for the first dwelling unit plus six hundred (600) square feet of livable floor area for each additional dwelling unit to be created.

(1) There shall be provided on the lot two (2) parking spaces for each dwelling unit.

(2) There shall be provided a minimum lot area per dwelling unit of 15,000 square feet, except in the Village Growth Area zoning districts.

(3) If not connected to town water and sewer, a professional registered engineer shall certify in writing to the Zoning Administrator that, in his/her opinion, such structure contains an adequate potable water supply.

(4) All new units are subject to state septic regulations and require state septic permits.

Section 5.15 CONVERSION OF CAMPS

Conversion of a camp to use as a full-time residence is subject to conditional use review by the Development Review Board in accordance with the provisions of Section 4.2. In addition to the standards provided in Section 4.2, the Development Review Board shall require the following for any conversion of a camp:

5.15.1 Such structure shall contain a minimum of five hundred seventy-six (576) square feet of livable floor area.

5.15.2 Any wastewater disposal system shall be designed and constructed under the supervision of a registered professional engineer or certified site technician. The registered professional engineer or certified site technician shall certify in writing to the Zoning Administrator that he/she supervised the design and construction of the system, and that it was installed as

designed.

5.15.3 Safe and adequate water supply shall be assured.

5.15.4 Access shall be by a public or private right-of-way and permanently maintained for the easy access of emergency vehicles to the site in all seasons. Any camp on a private right-of-way shall obtain Development on a Private Right of Way approval from the Development Review Board in accordance with Section 4.4 prior to obtaining Conditional Use Approval for conversion to a full-time dwelling.

Section 5.16 ABANDONMENT

Within one (1) year after the abandonment of any structure or use which has been destroyed by fire or damage from any cause, the owner shall either:

5.16.1 Remove all ruins and structural materials and restore the site to a smooth grade; or

5.16.2 Resume construction or repair of the structure.

This 1-year period may be extended by the Zoning Administrator if evidence is provided to demonstrate that an insurance claim for the structure or use has not been settled. However, such an extension may only be granted if the site is reasonably secured to address public safety.

Section 5.17 OPEN STORAGE OF VEHICLES AND JUNK

Junkyards (as defined in Article 10 of this Regulation) are prohibited in all districts. Vehicles that are both non-operative and non-inspected (vehicles being used in farm operations are exempt) and junk (see Article 10 for definition) shall not be allowed in any setbacks, and shall be effectively screened from view of a public highway and adjacent private property at all seasons of the year.

Section 5.18 TEMPORARY USES AND STRUCTURES

5.18.1 Temporary permits may be issued by the Zoning Administrator for non-conforming uses and non-complying structures incidental to construction projects, provided that the property owner shall remove the temporary structure or use upon the expiration of the construction project permit.

5.18.2 Temporary and seasonal roadside stands that sell only locally grown agricultural products shall be permitted if sufficient customer parking is provided off the traveled surface of the road and the stand is erected at least twenty (20) feet back from the nearest edge of the highway right-of-way.

5.18.3 No more than three (3) garage/lawn sales shall be conducted on the same premises in any 12-month period. These sales are not to exceed three (3) days in duration.

5.18.4 In the case of the loss of a building, the Zoning Administrator may issue a permit for such temporary structures, including a mobile home, as are necessary. Said permit shall expire six (6) months from date of issue, and may be renewed for one (1) additional six-month period.

5.18.5 Temporary structures of 100 square feet or more including, but not limited to green houses, large collapsible or inflatable pools and tent-garages require a permit if in existence for more than six (6) months. Trailers that were intended for on-road usage, box vans, shipping containers and similar conveyances shall be considered structures if they are used for storage for more than six (6) months. Structures in existence for more than one year shall be considered permanent, require a permit, and meet all applicable standards. All structures must be kept in good repair.

Section 5.19 MOBILE HOMES AND MOBILE HOME PARKS

5.19.1 Pursuant to the Planning Act, a mobile home shall be considered a single-family dwelling

and shall meet the same zoning requirements applicable to single-family dwellings, except when occupied and displayed in a mobile home sales establishment or allowed as a temporary structure under Section 5.18.4 of this Regulation. In addition, mobile homes may be permitted in a mobile home park subject to the requirements of this section and State Law. (Note: the State definition of a Mobile Home Park shall be applicable for this section; see Article 10).

5.19.2 **Permits and Approvals**

(1) Replacement of an existing mobile home in an existing park with the same or smaller size mobile home shall require a building permit from the Zoning Administrator.

(2) Replacement of an existing mobile home in an existing park with a larger mobile home that meets the setback requirements of Section 5.19.7 below shall require a building permit from the Zoning Administrator.

(3) Replacement of an existing mobile home in an existing park with a larger mobile home, which would not meet the setback requirements of Section 5.19.7 below, shall require conditional use approval by the Development Review Board. In granting such approval the Board shall not modify the mobile home lot line setback standards by more than 50% and shall ensure that the expansion does not encroach upon any public or private right-of-way.

(4) New mobile home parks, and any addition or alteration to an existing mobile home park, shall require conditional use approval and site plan review by the Development Review Board. "Addition" shall mean modifying an existing mobile home park by increasing the number of sites or mobile homes in the park. Alterations involving the erection, construction, or placement of accessory structures shall not be required to obtain conditional use approval by the Development Review Board; however, a building permit will be required for all accessory structures.

5.19.3 A mobile home park shall have a contiguous area of not less than five (5) acres nor more than fifty (50) acres. The maximum density of a mobile home park shall not exceed the maximum density of the district in which it is located.

5.19.4 A strip of land at least fifty (50) feet wide shall be maintained as a landscaped area abutting all new mobile home park boundary lines. No mobile home unit, office, or service building may be placed in this buffer area. However, the Development Review Board may reduce or eliminate this landscaped area requirement if such a modification or waiver will make it possible to preserve a scenic view from the mobile home park, provided that privacy for adjacent property owners can be maintained.

5.19.5 The minimum mobile home lot size in a mobile home park shall meet the district requirement unless all lots are provided with off-site sewage disposal, in which case the minimum mobile home lot size in a mobile home park shall be 50% less than the district minimum lot size or 10,000 square feet, whichever area is greater.

5.19.6 Each mobile home lot in a mobile home park shall have at least fifty (50) feet of frontage on a mobile home park road. Said road shall be constructed to the Town of Hinesburg's Road Standards.

5.19.7 Mobile Home and accessory structure placement on a lot in a mobile home park shall conform to the following minimum setback requirements:

(1)	Front yard (from the center line of park access road)	30 feet
(2)	Side yard (from mobile home lot line or mobile home park 50' buffer)	10 feet
(3)	Rear yard (from mobile home lot line or mobile home park 50' buffer)	10 feet
(4)	From stream, pond or lakeshore	75 feet
(5)	From the centerline of any public road	

that serves as a rear yard 35 feet

5.19.8 Individual tenants of a mobile home park may erect, construct or place no more than two (2) accessory structures on a mobile home lot, with setbacks in accordance with section 5.19.7, provided that such structures combined do not exceed sixty percent (60%) of the floor area of the mobile home. Individual building permits shall be required for each such structure in each case.

5.19.9 A suitable non-porous pad at least four (4) inches thick shall be provided for each mobile home lot in a mobile home park.

5.19.10 Sewage disposal, water supply, and garbage facilities shall comply with state regulations. All electric, telephone, and other utility lines shall be underground, unless the applicant can demonstrate that, due to utility company standards or pricing procedures, a financial hardship will be created.

5.19.11 Each mobile home park shall provide at least 10% of its total size for recreational purposes. All open space is subject to the provisions of PUDs (See Section 4.5).

5.19.12 Replacement of an existing mobile home on any lot outside the Shoreline District, and not including mobile home parks, with a larger mobile home which would not meet the setback requirements of the zone in which the lot is located may be allowed under conditional use review by the Development Review Board. In all cases, the following shall be assured:

(1) The existing mobile home is of a size no longer available or not up to present standards for permanent housing.

(2) Replacement of the existing home, to include its appearance and placement on the lot constitutes an improvement in the surrounding neighborhood.

(3) Siting of the new home shall consider existing trees and other significant vegetation on the lot with an interest in preserving natural features

(4) Replacement will not have an undue adverse impact on adjoining properties, the character of the neighborhood or impact any other public interest, which would be protected in maintaining the existing setbacks to adjoining properties and bodies of water.

(5) At the discretion of the Development Review Board, screening, which may include fencing, or plantings may be required.

Section 5.20 CAMPING VEHICLES AND CAMPGROUNDS

5.20.1 Any camping vehicle used for living quarters and sited so as not to be readily movable shall be deemed a dwelling and shall be subject to all zoning and health regulations applicable to dwellings.

5.20.2 Camping vehicles may be parked or stored on the owner's property, or, with permission, upon the property of a relative or friend. The vehicle must meet all district setback requirements if the period of occupancy exceeds forty-five (45) days in six (6) months.

5.20.3 Owners of lots used for camping are responsible for the sanitary disposal of wastewater either in an on-lot system or by special permit issued by the Zoning Administrator authorizing use of a holding tank or chemical toilet. Procedures for utilizing and dumping the holding tank/chemical toilet will be as specified in their permit.

5.20.4 New campgrounds, and any addition or alteration to any existing campground, shall be subject to the following regulations:

(1) Conditional use approval and site plan approval are required.

(2) Campgrounds shall provide for lavatory, shower, and toilet facilities, and individual camping vehicle or tent spaces. All campgrounds shall comply with State regulations.

(3) A strip of land at least one hundred (100) feet wide shall be maintained as a landscaped or buffer area abutting all campground property lines. No camping vehicle, tent, or service building shall be located in this buffer area. The Development Review Board may reduce or eliminate this landscaped area provision if such a modification or waiver will make it possible to preserve a scenic view from the campground, providing that privacy for adjacent property owners can be maintained.

(4) Every campground operator shall maintain a register available to any authorized person inspecting the facility or emergency officials. Said register, which shall contain the names and addresses of all campground occupants, shall be preserved for a period of at least one (1) year.

Section 5.21 INCLUSIONARY ZONING

PURPOSE/INTENT: Traditionally, Hinesburg has had a diversity of housing opportunities, a fact reflected in the wide social and economic range of its population. Housing trends, however, have begun to narrow the diversity of housing available, not only in Hinesburg but throughout the county. This trend has an impact on the diversity of the Town's population, the continuity of residents from one generation to the next, and the ability of local employees and employers to live and work in Hinesburg. The Town recognizes that a range of housing should be available to meet demand at all income levels, including those families earning below the median income.

The purpose of this section is to increase the supply of housing in the Town of Hinesburg that is available to and affordable by low or moderate income households, and to ensure that such housing remains affordable over the long-term. This section seeks to further statewide planning goals to ensure the availability of affordable housing, particularly for those citizens of low and moderate income, and is specifically authorized by the inclusionary zoning provision of the Planning Act. This regulation is informed by an analysis of the need for affordable housing both in Hinesburg and the surrounding area. It also serves as one means among many to implement the specific policy goals and objectives of the Town Plan, which include:

- To maintain diversity in Hinesburg's population. (Section 1.6, General Goals)
- To encourage and support the development of a supply of safe and affordable housing in a variety of types and price ranges. (Section 2.1, General Goals)
- Consider establishing goals or targets for affordable and reasonably priced housing, especially where municipal services (e.g., water, sewer, etc.) make affordable housing projects easier to accomplish. (Section 2.2.1d)

The Town has partnered with the Champlain Housing Trust (CHT) to provide the bulk of the administration and stewardship of affordable units created under this section. Champlain Housing Trust brings to the table many resources that provide real benefits to the Town, the developer, and potential buyers and renters.

5.21.1 **Applicability:** Section 5.21 shall apply only to applications that seek to create 10 or more new dwelling units in the village growth area – i.e., Village, Village NW, Village NE, Commercial, Industrial 3 (if residential uses are allowed), Industrial 4 (if residential uses are allowed), Residential 1, Residential 2, and any interim zoning districts that encompass these areas. At least 10% of the new units (rounded to the nearest whole number) shall be designated and sold or rented as perpetually affordable units to income eligible buyers or

renters. The percentage of affordable units shall be calculated from the number of units allowed via the base density for the parcel per section 2.4 – e.g., a project including 2 affordable units on a 5-acre parcel in the Village district would equal 10% since the base density in that district is 4 units/acre, or 20 units for a 5-acre parcel.

Multiple developments or projects within a 5-year period by the same applicant, landowner, responsible party or "person" as defined by Title 10 VSA 6001(14) that do not individually trigger section 5.21 but, in aggregate, equal or exceed 10 new dwelling units within the greater village area zoning districts listed above shall be subject to section 5.21. Said 5-year period shall be measured from the final DRB approval of a prior project (not including amendments resulting in no additional units) to the date of the receipt of the application for the subsequent project.

Smaller projects (i.e., projects with less than 10 new dwelling units) that do not trigger section 5.21 may take advantage of the density bonus and other incentives listed below as long as the project provides at least 1 affordable unit, and complies with all other inclusionary zoning provisions.

5.21.2 **Affordable For Sale Units: Income Eligibility & Maximum Initial Sale Price:** Affordable for sale units shall be sold at an initial price that is affordable for a household with an annual income that is 80% of the median income for the Burlington Metropolitan Statistical Area, adjusted for household size as specified below. CHT may elect to purchase units above this initial price, if it so chooses – e.g., for "turn key" partnerships with developers made possible by grants and other special funding. Affordable units shall be marketed for purchase to households earning less than 100% of the median income for the Burlington Metropolitan Statistical Area, adjusted for household size, as specified below. See Article 10 for the definition of "affordable". The median income shall be determined on the basis of the data which is most recent to the time that the units are ready for occupancy.

After the initial sale, any subsequent maximum sale prices shall be calculated in accordance with the perpetual affordability provisions in section 5.21.9.

In calculating the maximum initial sale price of affordable units, the following relationship between unit size and household size shall apply (based on HUD formula of 1.5 persons per bedroom):

Efficiency units:	1 person household;
1-bedroom units:	1.5 person household (average of one and two-person household incomes);
2-bedroom units:	3 person household;
3-bedroom units:	4.5 person household (average of four and five-person household incomes);
4-bedroom units:	6 person household

With respect to affordable units offered for initial sale, maximum prices will be calculated on the basis of:

- An available Vermont Housing Finance Agency fixed-rate thirty-year mortgage plus

1%, declared semi-annually (January and July) by the Champlain Housing Trust. A lower rate may be used in calculating affordable prices if the developer can guarantee the availability of a fixed-rate thirty-year mortgage at this lower rate from the Vermont Housing Finance Agency for all of the required affordable units;

- A down payment of no more than 5% of the purchase price;
- Annual property taxes; and
- Homeowner insurance, homeowner association fees or condo fees. Homeowner association fees shall be calculated in the same manner as the fees for the market units in the same development.

5.21.3 **Affordable Rental Units: Income Eligibility & Maximum:** Affordable rental units shall be rented at a price that is affordable for a household with an annual income that is 80% of the median income for the Burlington Metropolitan Statistical Area, adjusted for household size as specified above for for-sale units. These units shall be marketed for rent/lease to households earning less than 100% of the median income for the Burlington Metropolitan Statistical Area, adjusted for household size, as specified above. See Article 10 for the definition of "affordable". The median income shall be determined on the basis of the data which is most recent to the time that the units are ready for occupancy. Subletting of affordable rental units shall maintain a price that is affordable as described above.

5.21.4 **General Requirements for Affordable Units:**

(1) The project application shall identify those lots/units selected for affordable dwelling units. Affordable dwelling units shall be integrated with the rest of the development and shall be compatible to the extent practicable in exterior design and appearance with other units with the exception of garages (attached or unattached) or other accessory structures. Affordable dwelling units constructed on site may be in less desirable locations than market-rate units in the development, but shall, on average, be no less accessible to public amenities, such as open space or community facilities, as the market-rate units.

(2) In order to assure an adequate distribution of affordable units by household size, the bedroom mix of affordable units in any project shall be in the same ratio as the bedroom mix of the market units of the project, unless waived by the DRB with input from the Champlain Housing Trust.

(3) Affordable units may differ from the market units with regard to interior amenities and floor area; provided that:

(a) These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units; and

(b) These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units; and

(c) The livable floor area of the affordable units is not less than the following minimum requirements, unless waived by the DRB with input from the Champlain Housing Trust:

- 1-bedroom - 750 square feet
- 2-bedroom - 1000 square feet
- 3-bedroom - 1100 square feet
- 4-bedroom - 1250 square feet

(4) Affordable for sale units must be occupied as a primary residence for at least 6 months of each year. Occupancy by the owner's children or other family members or

dependents shall be deemed occupancy by the owner. If the owner desires to lease or vacate the unit for a period exceeding 6 months in one year, the owner must seek prior written approval from CHT.

(5) Except for household income limitations and owner occupancy limitations as set forth herein, sale or rent of any affordable unit shall not be limited by any conditions that are not otherwise applicable to a majority of, but preferably all, units within the project.

(6) Affordable units shall be made available for occupancy on approximately the same schedule as the project's market units, except that certificates of occupancy for the last 10% of the market units (rounded to nearest whole number) shall be withheld until certificates of occupancy have been issued for all of the affordable units.

5.21.5 **Density Bonus & Other Development Incentives:** In order to contribute to the economic feasibility of providing affordable housing units, all projects covered by Section 5.21 are entitled by right to the following density bonuses and other incentives, at the discretion of the applicant:

(1) Density Bonus as follows:

% of Affordable Units	Bonus (beyond allowed base density; rounded to the nearest whole number of units)
10% (required minimum)	20%
20%	40%
30%	50%
40%	60%
50%	70%
60%	80%
70%	90%
75%+	100%

(2) Expedited review. Projects under this section, and with a complete application, will be scheduled ahead of projects with no affordable units to the extent practicable.

(3) A waiver of the DRB application per unit fee for the required affordable units.

(4) A 100% reduction in the municipal wastewater allocation fee for the required affordable units – obtained and paid during DRB review process for projects using the Town wastewater treatment system.

(5) A 100% reduction in the municipal water & wastewater connection fee for the required affordable units – paid when unit is finished and ready for connection to municipal system.

(6) A 100% reduction in the building permit fee for the required affordable units.

5.21.6 **Off-Site & Existing Dwelling Options:** The intent of section 5.21 is to create on-site affordable units that are integrated into projects covered by these provisions. The required affordable units should be provided on-site whenever possible. However, to ensure flexibility for both the Town and the applicant, the DRB, at its sole discretion, may allow the required affordable units to be constructed on an off-site Hinesburg location, subject to all of the following conditions:

(1) Preference shall be for off-site locations within the village growth area zoning districts (Village, Village NW, Village NE, Commercial, Residential 1, Residential 2). Off-site locations in other zoning districts are allowed to the extent that

residential uses are permitted, but not in the Shoreline District.

(2) The required number of affordable units to be provided by the developer or by the developer's designee through off-site development shall be no fewer than 1.5 times the number normally required.

(3) Any density bonuses shall not be utilized at the off-site location.

(4) All other provisions of section 5.21 shall apply without exception to off-site affordable units under the provisions of this section.

Alternatively, the DRB, at its sole discretion, may allow the required affordable units to be created from the preservation of on-site or off-site existing dwellings (in Hinesburg) as perpetually affordable dwellings. Utilization of this option is subject to the following conditions:

- The required number of affordable units to be provided by the developer or by the developer's designee through off-site existing dwellings shall be no fewer than 1.5 times the number normally required.
- All other provisions of section 5.21 shall apply without exception to the affordable units under the provisions of this section.

5.21.7 **Affordable For Sale Units: Marketing at Initial Sale:** To ensure the benefits of the Town's partnership with CHT accrue to all parties, effective communication between the developer, the Town (via the Planning & Zoning Department and the Affordable Housing Committee), and CHT must begin during the development review process. To this end, developers shall consult with CHT staff and the Town's Affordable Housing Committee to discuss the project prior to submitting a preliminary plat application, and shall adhere to the following:

(1) CHT Notification. The developer shall notify CHT of the prospective availability of any for sale affordable units at the time that the building permit is issued for such units.

(2) CHT Option. CHT shall then have an exclusive option for 90 days from the issuance of the building permit to purchase each affordable unit offered for sale from the developer unless waived or assigned.

(3) CHT Waiver. If CHT, or its designee, fails to exercise its option by failing to negotiate and sign a purchase and sale agreement for the for sale affordable units, or if CHT declares its intent not to exercise its option, the developer shall offer the units for purchase or rent to income eligible buyers as defined in section 5.21, and shall refer prospective buyers to CHT for homeownership educational information. If requested by the developer, CHT shall execute documents that may be recorded in the Hinesburg Land Records to evidence said waiver of the option.

(4) Buyer Eligibility Certification. CHT shall certify whether buyers of for sale affordable units are income-eligible and have met CHT's homeownership education requirements.

(5) Time of Closing. Closing on affordable units purchased by CHT, or its designee, shall occur on or after the time of issuance of the certificate of occupancy. If CHT, or its designee, fails to close on these affordable units, the developer shall offer the unit for purchase or rent to income eligible buyers as defined in section 5.21.

(6) Subsequent Sales. After the initial sale, marketing of affordable units for any subsequent sale shall be in accordance with the perpetual affordability provisions in section 5.21.9.

5.21.8 **Affordable Rental Units Marketing:** In the case that the affordable units are being offered for rent rather than for sale, CHT and the Town's Affordable Housing Committee shall also be notified in the manner prescribed above, and CHT and the developer shall cooperate in order to rent such units income eligible renters as defined in section 5.21.

5.21.9 **Perpetual Affordability Provisions:**

(1) Deed restrictions, reviewed and/or provided by CHT and acceptable to the Town, shall be placed on the appropriate property to ensure that affordable units created under this section shall remain affordable in perpetuity, or for as long a period as is allowed by law.

(2) Resale Restrictions. Provisions to ensure continued affordability of affordable units offered for sale shall include a formula for limiting equity appreciation to an amount not to exceed 25% of the increase in the affordable unit's value, as determined by the difference between fair market appraisal at the time of purchase of the property and a fair market appraisal at the time of resale, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by CHT. Resale prices shall be based on the initial sale plus the allowed equity appreciation that accrues to the seller, plus a fee approved by the Town and payable to CHT to cover the administration and stewardship of this program.

(3) Rent Increases. Provisions for continued affordability of affordable rental units shall limit annual rent increases to the percentage increase in the median household income within the Burlington Metropolitan Statistical Area (MSA), except to the extent that further increases are made necessary by hardship or other unusual conditions. No rent increase may take effect until it has received the approval of the CHT in writing.

(4) Purchase Option. Provisions for continued affordability of affordable units shall provide that CHT, or its designee, shall have an exclusive option to purchase any affordable unit when it is offered for resale for a period of 180 days from the date on which CHT is notified of the availability of the unit.

Section 5.22 VILLAGE AREA DESIGN STANDARDS

PURPOSE/APPLICABILITY: The village area of Hinesburg has a unique sense of place for many reasons, including the surrounding rural landscape, its location relative to other municipalities and at the southern edge of Chittenden County, the natural features (e.g., streams, hills, agricultural fields) that inform and connect it to the surrounding landscape, historical buildings and architecture, vibrant mix of uses related both to present day needs as well as traditions and influences from the past. Hinesburg is not now, and should not be allowed to become, "anyplace USA". With that said, the Town recognizes the need to allow for innovation, evolving architecture, and progressive design.

Therefore, the intent of these design standards is to help ensure that new development respects and bolsters the village area's important design elements and features. Furthermore, these standards are intended to guide new development such that its pattern and essential aesthetics facilitate the functional priorities of the village growth area (as described in the Town Plan), which include but are not limited to: a compact built landscape, public and private places for people to gather and interact, full and safe pedestrian access and connectivity, logical and efficient traffic flow, economic development and local employment, the provision of housing. These design standards shall apply to the following village growth area zoning districts: Village, Village NW, Village NE, Residential 1, Residential 2. The design standards in section 5.6 shall also apply to commercial and industrial uses

in these 5 districts; however, where there are any contradictions or inconsistencies, the standards of section 5.22 shall prevail. Standards for the other 3 village growth area districts (Commercial, Industrial 3, and Industrial 4) are sufficiently addressed in section 5.6 – "Design Standards for Commercial and Industrial Uses".

5.22.1 **Waiver Option:** The DRB may waive specific design review provisions 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 mitigation is proposed via other design elements.

5.22.2 **Site-level Standards:**

(1) Wastewater and Water: All wastewater disposal and water supplies are to be by connection to the town wastewater and water systems.

(2) Parking Lots: All parking lots for any new buildings shall be located on the side or rear yards of lots and shall include landscaping to address views from adjoining properties and roads. When considering waivers to this standard, the Development Review Board should provide some flexibility in areas with severe topographic constraints, particularly in portions of the Village and Village NE districts. New parking spaces in front yards of existing buildings (excluding on-street parking spaces) shall be prohibited unless they are well screened and approved by the Development Review Board. On-street parking and shared parking lots shall be utilized when feasible.

(3) New Streets and Road Cuts: All newly constructed streets shall meet Town Road Standards and shall also include sidewalks and street trees.

(4) Road Connectivity: Dead-end roads shall be discouraged unless no other options are feasible.

(5) Integration with Surrounding Area: Building sites (especially street frontage, road and pedestrian networks) shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.

(6) Pedestrian Connectivity: Clearly defined pedestrian walkways shall be provided through parking areas, between buildings, and from public sidewalks to the site.

(7) Building Location & Streetscape: New buildings relate both functionally and visually to the streetscape, including on-street parking wherever appropriate. The community benefits (pedestrian safety, traffic calming, etc.) when well-traveled village streets have a defined streetscape including proximate building facades.

5.22.3 **Building Standards:**

(1) Historic Building Removal: Demolition or removal of any barn or any principal structure in existence before 1940 shall require conditional use approval, unless the Zoning Administrator determines that the structure poses an imminent public health/safety threat.

(2) Exterior Building Character: All uses proposed for buildings existing before 1940 shall retain the historical character of said buildings.

(3) Front Facades: Road-facing facades of all structures shall include windows and shall be architecturally compatible with the surrounding neighborhood. Non-residential and multi-family residential building facades along streets and pedestrian ways shall be clearly defined through the placement of pedestrian scale architectural features

such as: prominent entryways, display windows, interesting architectural details, landscaping features, etc.

(4) Village "Main Street" Setbacks: Minimum front yard setbacks from Route 116 may be greater for lots fronting on the portion of Route 116 from the Mechanicsville Road intersection to the Silver Street intersection. For such lots, where both neighboring principal structures within 150 feet of either side of a proposed structure have a front yard setback greater than specified in Table 1, the proposed structure shall be set back at least as far from Route 116 as the neighboring principal structure with the shortest setback. In no event is a setback greater than 50 feet from the right of way edge required.

(5) Garage Setbacks: Garages or other accessory buildings attached or unattached to the primary building shall be placed at least 10 feet farther back from the front property line than the principal structure.

(6) Roof Lines: Buildings shall incorporate moderately to steeply pitched roofs, unless the DRB determines that another roof type is appropriate (e.g., rooflines that emulate the historic flat roof buildings along the "Main Street" section of Route 116 in the village core).

(7) Large Buildings: Building facades and rooflines of large buildings shall be designed so as to reduce the perceived mass, scale, and impersonal appearance, and to provide visual interest.

5.22.4 **Northern Gateway Area Design Guidelines & Access Management:**

PURPOSE: A special planning area to help ensure that new development creates an attractive and functional northern village gateway by ensuring appropriate development patterns and access management along VT Route 116 from Shelburne Falls Road to Patrick Brook. Village area design standards shall be complied with in addition to these special guidelines.

LOCATION: The Route 116 frontage area and development adjacent to it (generally within 100' of the right of way) between Shelburne Falls Road and Patrick Brook – i.e., portion of Village NW & Village NE zoning districts.

(1) Retain the through function and capacity of this section of Route 116 by limiting access points to a small number of key 4-way intersections reflected on the Town's Official Map, and currently envisioned at Commerce Street, Riggs Road, and Shelburne Falls Road.

(2) Rather than placing buildings, sidewalks, driveways, etc. directly on the Route 116 frontage (traditional village design), development shall be set back to allow for pedestrian and multi-use paths that are separated from Route 116 (and connected to new, interior street networks and sidewalks) and properly landscaped. The idea is to create a green buffer at least 50' wide (from edge of right of way) along this portion of the Route 116 frontage, which provides a functional and visual connection between the northern village gateway and the village core.

(3) Create more traditional and vibrant village streetscapes on new street networks outside of the Route 116 corridor. This alternative design is envisioned so that mixed use, residential, and commercial development can still take advantage of the Route 116 frontage while interfacing with a more traditional village streetscape on an interior street network.

(4) Within this area, public infrastructure will be critical, and shared access shall be required to ensure the build out potential can be realized for all portions of the village

growth area.

(5) Free-standing commercial signs should be limited in this area to avoid the appearance of strip development. Wall-mounted signs incorporated into building facades are more compatible in this area.

Section 5.23 ENERGY & GREEN BUILDING STANDARDS

PURPOSE/APPLICABILITY: Non-renewable fossil fuels are currently Hinesburg's primary source of energy for transportation, electricity, heating, and cooling. The reliance on imported and non-renewable fuels negatively affects the local economy. Foreign fuel sources are insecure, unstable, and supplies are shrinking. Rising fuel costs, the finite quantity of these fuels, and the adverse impacts on human health and the environment are concerns. Energy efficiency measures make properties more affordable in the long term due to energy savings that continue to accrue over time. Efficiency measures are consistent with the overall vision of "environmental sustainability" expressed in the Town Plan as well as a variety of community's goals for energy and resource conservation (e.g., section 1.5 – goals 4.4, 5.3; section 7.1).

Therefore, the intent of these energy and green building standards is to help ensure that new development is sited and built such that energy and overall resource use is minimized over the long term. These standards shall apply to all new structures in Hinesburg, not including purely accessory and unoccupied structures such as sheds, barns, garages, etc. See Village Growth Area Density Bonus/Incentive Options section (section 2.9) for incentives to go beyond these standards.

5.23.1 **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 mitigation is proposed.

5.23.2 **Standards:**

(1) New residential structures (including modular homes) shall be designed and built to be Energy Star qualified by the Vermont Energy Star Homes program. Mobile homes are exempted from this standard because it is currently extremely difficult, if not impossible, to find Energy Star rated mobile homes.

(2) Non-residential site plan applications for new structures must complete/submit a LEED scorecard, regardless of whether LEED certification is sought.

(3) New structures with non-residential space of 10,000 square feet or more to be used for office, retail, education, public assembly, public safety, or health care uses, shall exceed the building envelope, mechanical system (i.e., heating, ventilation, air conditioning), and interior lighting energy standards required by the VT Commercial Building Energy Standards. Such structures shall meet the Core Performance requirements in the Vermont edition of the Core Performance Guide utilized by Efficiency Vermont and published by the New Buildings Institute (originally published January 2008, and as amended from time to time). The Core Performance requirements in section 2 of the guide include specific building performance requirements that exceed the VT Commercial Building Energy Standards, lead to measurable energy savings, and support the persistence of those savings. If there is uncertainty as to the applicability of the Core Performance requirements to the proposed use, the DRB shall make the determination based on the Core Performance Guide (see Table 1 of the Introduction, page 16, for applicability) and the broad

building categories in the US Energy Information Administration's Commercial Building Energy Consumption Survey (CBECS). LEED certified projects may opt out of this requirement.

Section 5.24 SMALL WIND ENERGY SYSTEMS

5.24.1 Small wind energy systems are allowed on any lot in any district as an accessory use subject to the limitations below. Larger wind energy systems require conditional use review as stipulated in the list of allowed uses for each zoning district. Pursuant to the Planning Act, all net-metered wind energy systems (regardless of size) are reviewed by the VT Public Service Board rather than via the local development review system.

(1) The total height of the system (including tower and turbine blades) is less than 150'.

(2) The system shall be set back a distance equal to or greater than the total height of the system from property lines, public road rights of way, and overhead utility lines that provide service beyond the subject property.

(3) The system includes no illumination.

(4) A Zoning Permit shall be obtained and the system shall conform to the performance standards in section 5.12.

(5) The system shall be considered abandoned if it is out-of-service or otherwise unused for a continuous 1-year period. This 1-year period may be extended by the Zoning Administrator if evidence is provided to demonstrate that repairs or maintenance is actively underway, or if an insurance claim for damage to the system has not been settled. If the system is determined to be abandoned, the Zoning Administrator shall notify the owner in writing, and the owner shall take the system down within 3 months of this notification.

Section 5.25 FARM WORKER HOUSING

PURPOSE/APPLICABILITY: To provide farmers greater flexibility beyond the simple accessory apartment provisions in order to house employees without strict compliance with housing density provisions. Both adaptive reuse of existing farm buildings and the construction of new buildings (including the use of mobile homes) are envisioned. Farm worker dwellings may be allowed as a conditional use subject to the review standards in section 4.2 and the following special provisions:

5.25.1 The dwelling(s) must be located on, or adjacent to and in the same ownership as, a parcel that is being actively farmed. The dwelling(s) shall be occupied only by the operator, farm workers and their immediate families. Qualifying farm workers may be part-time or full-time, seasonal or year-round, but must do substantial work on the farm. Year round use of the dwelling by a farm worker is allowed regardless of the worker's classification – i.e., full-time or part-time, seasonal or year-round.

5.25.2 The dwelling(s) may be single-family dwellings, multi-family dwellings, or farm worker dormitory dwellings (see "Farm Worker Dormitory" definition for limitations); however, the size and type of dwelling(s) must conform reasonably to the size and scope of the farming activity.

5.25.3 The dwelling(s) shall comply with the same setback and other dimensional and access requirements required of other dwellings for the zoning district in which it is located. The dwelling(s) shall not count toward density calculations for the parcel in question, and shall be exempt from the prohibition on multiple structures/uses in section 2.5.5.

5.25.4 The dwelling(s) shall comply with applicable State and Federal health and safety regulations (e.g., fire codes, potable water supply, wastewater disposal system, etc.) and municipal off-

street parking standards, and shall conform to the design of other structures in the neighborhood. The dwelling shall comply with prior approvals (e.g., subdivision) for the parcel in question. Farm worker dwellings that meet one of the following criteria may be permitted without Subdivision review/approval (otherwise Subdivision review/approval is necessary):

(1) The dwelling(s) is on an existing lot that lacks a residential use (e.g., undeveloped, only accessory structures – barns, sheds, etc.); or

(2) The dwelling(s) is designed for easy removal (i.e., mobile home); or

(3) The dwelling(s) is designed for easy conversion to an allowed accessory use in the district (e.g., barn, garage, accessory apartment).

Section 5.26 RURAL AREA DESIGN STANDARDS

PURPOSE/APPLICABILITY: It is the intent of these standards to ensure that development areas are located so as to protect important resources while taking advantage of natural landscape features, green spaces, and views to create well planned and desirable projects. These design standards shall apply to projects requiring site plan review within the Agricultural and Rural Residential 2 zoning districts. They shall only apply to home occupations that require site plan review – i.e., larger home occupations or cottage industries discussed in section 5.2. Although required for only certain types of projects as noted above, landowners and applicants are encouraged to consider these design standards for all land development.

5.26.1 **Waiver Option:** The DRB may waive specific design review provisions where it determines there is good cause to do so, and only if the wavier does not have the effect of substantially impairing 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 mitigation is proposed via other design elements.

5.26.2 **Design Standards:**

(1) **Resource Areas:** Building sites and related development areas (e.g., roads, driveway, lawn, etc.) shall avoid primary resource areas and minimize impact on secondary resource areas. Primary resource areas are extremely sensitive or generally unbuildable areas, including: wetlands and associated buffers pursuant to State of Vermont wetland rules/regulations (see wetland definition); flood hazard areas (FEMA special flood hazard area and fluvial erosion hazard area); steep slopes of 25% or greater; surface waters and setback area; rare, threatened & endangered species locations and significant natural communities identified by VT Department of Fish and Wildlife. Secondary resource areas include: moderately steep slopes between 15-25%, prime and statewide agricultural soils (including conditional classes), core wildlife habitat, wildlife corridors, deer wintering areas, important cultural features (e.g., historic structures, stone walls).

(2) **Agricultural & Forestry:** Development areas (structures, roads, driveway, lawn, etc.) shall be placed on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural and forestry uses and keeps such existing areas largely intact. Access shall be preserved to facilitate future farming and/or forest management including timber harvesting equipment (skidders, log trucks, etc.) and suitable area for landing and processing logs.

(3) **Visual Impact:** New structures shall be sited to enable new construction to be visually absorbed by natural landscape features and to not protrude above ridgelines.

(4) **Sidewalks & Trails:** It is a goal to enhance non-motorized transportation within Hinesburg as depicted on Town Plan Map 13: "Trail Network Vision: Existing Routes and Gaps". Accordingly, developers are encouraged to locate new construction and related site improvements so as not to preclude trail or sidewalk connectivity along the identified "gaps," or between existing public trails and dedicated trail easements. Developers are also encouraged to design projects that facilitate pedestrian access to the extent practical via trail and/or sidewalk connections between neighborhoods and as shown on the Trail Network Vision map.

(5) **Energy & Solar Aspect:** After the aforementioned design standards are considered, projects should be sited and designed to take maximum advantage of solar gain – to ensure passive solar gain and to allow for the use of active photovoltaics, thermal panels, and other solar technologies now or in the future. Solar access should be considered for individual uses/structures as well as for the property as a whole to allow for solar installation areas when individual uses/structures can't be located to take maximum advantage of solar gain.

ARTICLE 6: FLOOD HAZARD AREA

Section 6.1 STATUTORY AUTHORIZATION AND EFFECT

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 and §4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Hinesburg, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

Section 6.2 STATEMENT OF PURPOSE

It is the purpose of this bylaw to:

1. Implement the goals, policies, and recommendations in the current municipal plan;
2. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
3. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, and does not have an undue adverse impact on stream equilibrium, flood plain services, or the stream corridor;
4. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan; and make the Town of Hinesburg, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

Section 6.3 PRECENDENCE, VALIDITY, LIABILITY

6.3.1 **Precedence of Bylaw:** The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

6.3.2 **Validity and Severability:** If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

6.3.3 **Warning of Disclaimer of Liability:** This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Hinesburg, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

Section 6.4 LANDS TO WHICH THESE REGULATIONS APPLY

6.4.1 **Regulated Flood Hazard Areas:** These regulations shall apply to the Fluvial Erosion Hazard Areas and Special Flood Hazard Areas (the SFHA area includes the floodway, see definition section), hereafter called "hazard areas", in the Town of Hinesburg, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

(1) The Fluvial Erosion Hazard Zone as determined on the most current Fluvial Erosion Hazard Zone Map published by the Vermont Agency of Natural Resources which are hereby adopted by reference and declared to be part of these regulations. The Fluvial Erosion Hazard Zone (as defined in section 10.1) is a zone where built structures are

predictably vulnerable to destruction from stream channel adjustments over time or in catastrophic events.

(2) The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, are hereby adopted by reference and declared to be part of these regulations. The Floodway (as defined in section 10.1) is part of the Special Flood Hazard Area.

6.4.2 **Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas:** Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

6.4.3 **Interpretation:** The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

(1) If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall constitute proof.

(2) If uncertainty exists with respect to the boundaries of the Fluvial Erosion Hazard Zone, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall constitute proof.

Section 6.5 GENERAL POLICY & DEVELOPMENT REVIEW IN HAZARD AREAS

6.5.1 The hazard areas are generally not appropriate sites for new structures or for development that increases the elevation of the base flood or obstructs the ability of streams to establish and maintain geomorphic equilibrium. In limited areas, or for certain types of specific uses, development in the hazard areas may be appropriate if it can be adequately demonstrated that there will be no undue adverse impact on upstream and downstream properties, stream geomorphic equilibrium, and water quality.

6.5.2 **Permit:** A permit is required from the Administrative Officer for all development in all areas defined in section 6.4. Development that requires conditional use approval, non-conforming use approval, or a variance from the Development Review Board (DRB) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in section 6.12. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

Section 6.6 PROHIBITED USES

Per section 2.1, any use not specifically listed as a permitted or conditional use is prohibited. The following list merely provides clarity on certain prohibited uses that are of note.

6.6.1 Prohibited uses in the Special Flood Hazard Area:

(1) Critical Facilities.

(2) Storage or junk yards (see definitions).

6.6.2 Prohibited uses in the Fluvial Erosion Hazard Area and the Floodway:

(1) Critical facilities.
(2) Storage or junk yards (see definitions).
(3) New residential or non-residential structures (including the placement of manufactured homes and new structures with accessory apartments), with the exception of accessory structures as outlined under conditional uses below.
(4) New fill except as necessary for:
  (a) Elevation of existing structures and new accessory structures above the base flood elevation.
  (b) Improvement to existing roads and existing driveways.
  (c) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing.
(5) All new structures in the floodway.
(6) Stormwater treatment facilities and ponds.
(7) All development not exempted, permitted, or conditionally permitted.

Section 6.7 DEVELOPMENT IN THE FLUVIAL EROSION HAZARD AREA

6.7.1 PERMITTED USES - None

6.7.2 CONDITIONAL USES

(1) Improvements to an existing structure that expand the footprint by no more than 200 square feet, as well as any substantial improvements (see definition), elevation, relocation, or flood proofing of existing structures.
(2) Creation of a new accessory apartment in an existing accessory structure.
(3) Parking areas for existing structures.
(4) New accessory structures with a footprint of no more than 200 square feet.
(5) New or replacement storage tanks for existing structures.
(6) Grading, excavation, alteration of a watercourse.
(7) Improvements to existing roads, existing driveways, and/or the creation of new roads deemed necessary by the Town of Hinesburg.
(8) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing.
(9) Utilities (e.g., electric, phone, water, sewer, gas, etc.).
(10) New fill only for:
  (a) Elevation of existing structures and new accessory structures above the base flood elevation.
  (b) Improvement to existing roads and existing driveways.
  (c) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing.

Section 6.8 DEVELOPMENT IN THE FLOODWAY AREA

6.8.1 PERMITTED USES – None

6.8.2 CONDITIONAL USES

(1) All improvements to existing structures.
(2) Creation of a new accessory apartment in an existing accessory structure.
(3) Grading, excavation, alteration of a watercourse.
(4) Improvements to existing roads, existing driveways, and/or the creation of new roads deemed necessary by the Town of Hinesburg.

(5) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing.
(6) Utilities (e.g., electric, phone, water, sewer, gas, etc.).
(7) New fill only for:
  (a) Elevation of existing structures above the base flood elevation.
  (b) Improvement to existing roads and existing driveways.
  (c) Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing.

Section 6.9 DEVELOPMENT IN THE SPECIAL FLOOD HAZARD AREA AND OUTSIDE OF THE FLOODWAY AREA

6.9.1 PERMITTED USES
(1) Non-substantial improvements to existing structures that do not increase the structure's footprint.
(2) Development related to on-site septic or water supply systems. The Town cannot regulate the technical standards of such systems as this review is reserved by the State. The zoning permit is simply for the "development or ground-breaking" component of such systems due to FEMA and NFIP review requirements.
(3) Recreational vehicles.

6.9.2 CONDITIONAL USES
(1) New residential structures, non-residential structures, and accessory structures (including the placement of manufactured homes and new structures with accessory apartments);
(2) Substantial improvements (see definition), elevation, relocation, or flood proofing of an existing structure.
(3) Creation of a new accessory apartment in an existing accessory structure.
(4) Parking areas.
(5) New or replacement storage tanks for existing structures;
(6) Grading, excavation, alteration of a watercourse, or the creation of a pond;
(7) Stormwater treatment facilities
(8) Improvements to existing roads, existing driveways, and/or the creation of new roads deemed necessary by the Town of Hinesburg;
(9) Bridges, culverts, channel management activities, or public projects.
(10) Utilities (e.g., electric, phone, water, sewer, gas, etc.);
(11) New fill.

Section 6.10 EXEMPTED ACTIVITIES

6.10.1 The following are exempt from regulation under Article 6:
(1) The removal of a building or other structure in whole or in part.
(2) Maintenance of existing roads, existing driveways, and existing storm water drainage.
(3) Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices.
(4) Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must apply for a zoning permit and if the structure is deemed to meet the State definition of "farm structure" no permit will be required.

Section 6.11 NONCOMPLYING STRUCTURES, NONCONFORMING USES & VARIANCES

6.11.1 The use, repair, relocation, replacement, or enlargement of noncomplying structures and nonconforming uses (with regard to Article 6 compliance/conformance) shall be consistent with and reviewed pursuant to sections 5.10, provided that:

(1) The proposed development complies with all the Development Standards in Section 6.12.

(2) A noncomplying structure that is substantially damaged or destroyed may be reconstructed only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. The lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program.

6.11.2 **Variances:** Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in section 6.13. Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of the community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property, and will result in increased flood insurance premiums up to amounts as high as $25 for $100 of coverage. Such notification shall be maintained with a record of all variance actions.

Section 6.12 DEVELOPMENT STANDARDS

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence. The applicant shall provide evidence regarding the following standards. The Zoning Administrator or DRB may require the applicant to provide additional information or certifications from qualified professionals if necessary to assess compliance.

6.12.1 Special Flood Hazard Area

(1) All development shall be:

(a) Reasonably safe from flooding.

(b) Designed, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure.

(c) Constructed with materials resistant to flood damage.

(d) Constructed by methods and practices that minimize flood damage.

(e) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) Adequately drained to reduce exposure to flood hazards.

(g) Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes.

(h) Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

(2) In Zones AE, AH, and A1 – A30 (not including Zone A) <u>where base flood elevations and/or floodway limits have not been determined</u>, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development,

when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

(3) New residential structures or existing residential structures to be substantially improved in Zones A, AE, AH, and A1 – A30A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate.

(4) New non-residential structures or existing non-residential structures to be substantially improved shall:

(a) Meet the standards in 6.12.1 #3; or,

(b) Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood proofing shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

(5) Proposals for new development or new fill shall demonstrate that there will be no undue adverse impact on the following:

(a) Upstream and downstream properties.

(b) Upstream and downstream public and private infrastructure – e.g., roads, driveways, culverts, etc.

(c) Water quality – e.g., nutrient and sediment load, temperature, toxics, biological integrity.

A demonstration of no undue adverse impact shall be supported by objective data and assessment by a licensed civil engineer. The scope and intensity of the assessment should relate to the amount of development or fill proposed for the hazard area, while taking into account the cumulative effect of other existing and anticipated encroachments into the hazard area. In other words, a simple certification from a licensed civil engineer may be sufficient for a small project; whereas, a more labor intensive engineering study and hydrologic assessment may be necessary for a larger project. This no undue adverse impact standard shall not apply to: accessory structures of 200 square feet or less; fill used to elevate of existing structures above the base flood elevation; improvements to existing roads and existing driveways.

(6) Fully enclosed areas below grade on all sides (including portions of below grade crawlspaces and basements) are prohibited.

(7) Fully enclosed areas that are above grade, below the lowest floor, below BFE and subject to flooding, shall:

(a) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits.

(b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be

certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(8) Recreational vehicles must be fully licensed and ready for highway use.

(9) An accessory structure of 200 square feet or less need not be elevated to the base flood elevation in this area, provided the structure is:

(a) Placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(b) Meets the criteria in section 6.12.1.

(10) Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(11) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(12) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(13) The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

(14) Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

(15) Subdivisions and Planned Unit Developments must be accessible by dry land access outside the special flood hazard area unless there is no other reasonable option due to topography or other site constraints.

6.12.2 Floodway Areas

(1) Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

(a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood.

(b) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

(2) Utilities (water, sewer, electric, gas, phone, etc.) may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

6.12.3 Fluvial Erosion Hazard Zone

(1) Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank.

(2) Accessory structures may be located within 50 feet of the existing primary building provided that the location is not closer to the top of bank than the existing primary structure.

(3) Development shall not increase the susceptibility of that or other properties to fluvial

erosion damage.

(4) Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion.

(5) Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.

(6) Bridge and culvert projects must have a Stream Alteration Permit where applicable.

(7) Channel management activities must be authorized by the Agency of Natural Resources where applicable.

Section 6.13 ADMINISTRATION

6.13.1 **Application Submission Requirements:** Applications for development shall include:

(1) Where applicable, a site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, Fluvial Erosion Hazard Zone, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps. Applications for accessory structures no more than 200 square feet need not include a lowest floor elevation.

(2) A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin.

6.13.2 Referrals

(1) Upon receipt of a complete application for a substantial improvement or new construction the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

(2) If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

6.13.3 **Decisions:** The ZA and/or the DRB shall consider comments from the NFIP Coordinator at ANR. The DRB may recess the proceedings on any application pending submission of additional information.

6.13.4 **Records:** The Administrative Officer shall properly file and maintain a record of:

(1) All permits issued in areas covered by this bylaw.

(2) An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area.

(3) All flood proofing and other certifications required under this regulation.

(4) All decisions of the DRB (including variances and appeals) and all supporting findings of fact, conclusions and conditions.

Section 6.14 CERTIFICATE OF OCCUPANCY

Pursuant to section 4.1.3, a certificate of occupancy/use from the ZA is required prior to the use or occupancy of a permitted project. The ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit.

Section 6.15 ENFORCEMENT AND PENALTIES

6.15.1 This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA § 1974a, § 4451, and § 4452. A copy of the notice of violation will be mailed to the State NFIP Coordinator.

6.15.2 If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

6.15.3 Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

ARTICLE 7: WIRELESS TELECOMMUNICATION FACILITIES

Section 7.1 AUTHORITY

Pursuant to the Planning Act, the Hinesburg Development Review Board shall have the authority to regulate construction, alteration, development and dismantling of Wireless Telecommunication Facilities in the Town of Hinesburg.

Section 7.2 PURPOSE

7.2.1 The purpose of this regulation is to promote the public health, safety, welfare, and convenience of the residents of the Town of Hinesburg while accommodating the telecommunication needs of Town residents. The goals of this regulation are to:

(1) Create a clear review process to address the considerations specific to Wireless Telecommunication Facilities and to provide all parties (providers, landowners, surrounding neighbors, and overall community) with an understanding of the relevant review criteria.

(2) Ensure that Wireless Telecommunication Facilities are designed to minimize adverse aesthetic impact by encouraging providers to utilize careful design, siting, screening, and camouflaging techniques; and

(3) Minimize the total number of wireless telecommunication towers in the Town by encouraging the collocation of Wireless Telecommunication Facilities and the use of existing towers and structures for placement of facilities and equipment; and

(4) Facilitate the ability of the providers of telecommunications services to provide such services to Town residents in a manner consistent with the community values and goals contained in the Town Plan.

Section 7.3 CONSISTENCY WITH FEDERAL AND STATE LAW; SEVERABILITY

This Article 7 of the Hinesburg Zoning Regulations is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated. If any section of this regulation is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this regulation.

Section 7.4 DEFINITIONS

The following terms shall have the meanings indicated:

7.4.1 <u>Wireless Telecommunication Service</u> Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, public or private radio dispatch service, or wireless internet service.

7.4.2 <u>Wireless Telecommunication Facility</u> Any existing or proposed tower or other support structure and any accompanying structure, access road, service utility, antennae, or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunication Services.

7.4.3 <u>Wireless Telecommunication Service Provider</u> Any person or entity providing Wireless Telecommunication Services.

Section 7.5 PERMIT REQUIRED; DE MINIMIS IMPACT REVIEW; CONDITIONAL USE REVIEW

7.5.1 Wireless Telecommunication Facilities may be allowed in any zoning district as conditional

uses upon compliance with the provisions of this Article 7.

7.5.2 No installation or construction of, or significant addition or modification to, any Wireless Telecommunication Facility shall commence until an application for the Wireless Telecommunication Facility has been approved in accordance with this regulation.

7.5.3 All applications for Wireless Telecommunications Facilities shall be reviewed by the Town of Hinesburg Zoning Administrator. Notwithstanding Section 7.5.1, in accordance with the Planning Act (Section 4412 #9), a permit shall be issued for a Wireless Telecommunication Facility if the Zoning Administrator determines that the Facility will impose no impact or de minimis impact under the criteria established in Section 7.11 of this regulation.

(1) The Zoning Administrator's determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal to the Development Review Board in accordance with the Planning Act (Section 4465). Furthermore, the Zoning Administrator shall mail a copy of any positive determination to all abutting landowners.

(2) If the Zoning Administrator determines that a Facility will have more than a de minimis impact under the criteria established in Section 7.11, the Zoning Administrator shall refer the application to the Development Review Board for review as a conditional use.

Section 7.6 EXEMPTIONS

7.6.1 No permit shall be required for a Wireless Telecommunication Facility that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.

7.6.2 This regulation shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.

7.6.3 No permit shall be required for a Wireless Telecommunication Facility that has received a certificate of public good pursuant to Title 30 V.S.A. § 248a.

7.6.4 Except to the extent Town of Hinesburg Zoning Regulations protect historic landmarks and structures listed on the state or national register of historic places, no permit shall be required for placement of antennae used to transmit, receive, or transmit and receive communications signals on that property owner's premises if the aggregate area of the largest faces of the antennae is not more than eight square feet, and if the antennae and any mast support does not extend more than 12 feet above the roof of that portion of the building to which the mast is attached.

Section 7.7 MULTIPLE STRUCTURES; LEASING OF PROPERTY FOR WIRELESS TELECOMMUNICATION FACILITIES

7.7.1 Notwithstanding section 2.5.5 of the Hinesburg Zoning Regulation, in furtherance of the goal of promoting collocation of Wireless Telecommunication Facilities, it shall be lawful to locate more than one principal building and/or use on a parcel of land provided that the second and each additional principal building is constructed and/or used as part of Wireless Telecommunication Facility. See Subdivision Regulations (definition of "Subdivision") to determine if subdivision review is necessary for lease areas.

Section 7.8 PERMIT APPLICATION REQUIREMENTS

7.8.1 Applicants shall include the following information:

(1) A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and

driveways, structures, utilities, water bodies, wetlands, historic sites, property lines of the proposed Facility site parcel and all easements or rights of way needed for access from a public way to the Facility.

(2) The location of the Facility on a USGS Topographic Map or a GIS-generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of any proposed tower site.

(3) Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, landscaping, utility wires, guy wires and screening. All plans shall be drawn at a minimum scale of 1 inch = 50 feet.

(4) In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.

(5) A report from a qualified engineer that:

(a) Describes any tower's design and elevation.

(b) Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas.

(c) Describes a tower's capacity, including the number, elevation and types of antennas that the tower is proposed to accommodate.

(d) In the case of new Facilities, demonstrates that existing towers and structures within 5 miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.

(e) Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.

(f) Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.

(g) Demonstrates that the proposed Facility will be in compliance with all FCC regulations, standards and requirements for radio frequency radiation.

(6) A letter of intent committing the Facility owner and its successors shared use of any tower if additional Wireless Telecommunication Service Providers agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards and requirements and the provisions of this regulation.

(7) In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing Facility.

(8) A stormwater runoff and erosion control plan designed by a qualified engineer to address how disturbed areas will be treated both during and after construction.

Section 7.9 INDEPENDENT CONSULTANTS

7.9.1 The Development Review Board may retain independent consultants whose services shall be paid for by the applicant. The consultant(s) shall work at the Development Review Board's direction and shall provide the Development Review Board such reports and assistance, as the Development Review Board deems necessary to review an application.

Section 7.10 BALLOON TEST

7.10.1 The Development Review Board may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower.

7.10.2 The applicant shall coordinate with the Development Review Board on the date, time and location of the test, so that participating interested persons are made aware of the test.

Section 7.11 CRITERIA FOR APPROVAL AND CONDITIONS

7.11.1 An application for a Wireless Telecommunication Facility permit shall be reviewed by the Development Review Board using the following criteria:

(1) The Facility will not be built on speculation. If the applicant is not a Wireless Telecommunication Service Provider, the Development Review Board may require the applicant to provide a copy of a contract or letter of intent showing that a Wireless Telecommunication Service Provider is legally obligated to locate a Wireless Telecommunication Facility on lands owned or leased by the applicant.

(2) The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the Wireless Telecommunication Facility, unless the proposed elevation is reasonably necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of equipment.

(3) The minimum distance from the base of any tower to any property line is not less than 100 % the total elevation of the tower, including antenna or equipment.

(4) The Facility will not be illuminated by artificial means and will not display any signs except for such lights and signs as required by federal or state law, or this regulation.

(5) The Facility will be in compliance with all FCC standards and requirements regarding radio frequency radiation.

(6) The Facility will be properly identified with appropriate warnings indicating the presence of radio frequency radiation. The Development Review Board may condition a permit on the provision of appropriate fencing.

(7) The proposed equipment cannot be reasonably collocated at an existing Wireless Telecommunication Facility. In determining whether the proposed equipment cannot be reasonably collocated at an existing facility, the Development Review Board may consider, among other things, the following factors:

(a) The proposed equipment would exceed the structural or spatial capacity of existing facilities and the existing facilities cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.

(b) The proposed equipment would materially impact the usefulness of other equipment at an existing facility and such impact cannot be mitigated or prevented at a reasonable cost.

(c) The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or radio frequency radiation in violation of federal standards.

(d) Existing facilities cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.

(e) Collocation of the equipment upon an existing facility would cause an undue aesthetic impact.

(f) The owners of existing facilities will not allow collocation of new equipment.

(8) The Facility provides reasonable opportunity for collocation of other equipment.

(9) The Facility will not unreasonably interrupt or degrade any significant scenic view as seen from a well utilized public area, such as a public road, Town park, or public gathering area.

(10) The Facility, and associated access roads, will not have an undue adverse ecological or aesthetic impact. In determining whether a facility has an undue adverse ecological or aesthetic impact, the Development Review Board shall consider the following factors:
   (a) The results of the balloon test, if conducted.
   (b) The extent to which the proposed towers, structures, buildings, roads and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
   (c) The extent to which the width and length of access roads and related impacts to extensively forested areas and agricultural landscapes are minimized.
   (d) The extent to which impacts to important natural resources mentioned in the Town Plan (e.g., wetlands, critical wildlife habitat, sensitive natural areas) are minimized.

(11) The Facility will comply with the performance standards in section 5.12 of the Hinesburg Zoning Regulation.

(12) The Facility shall be served by underground utility systems, including but not limited to electric, gas, telephone and cable TV, unless deemed unreasonable and prohibitively expensive by the Development Review Board. Above ground utility systems are acceptable if already in place for other existing uses.

(13) The Facility, and associated access roads, shall not have an undue adverse impact on water quality due to stormwater runoff or erosion. A State stormwater permit and/or general construction permit shall be sufficient to demonstrate compliance with this criterion.

Section 7.12 CONTINUING OBLIGATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES

The owner of a Wireless Telecommunication Facility shall, at such times as requested by the Zoning Administrator, file a certificate showing that it is in compliance with all FCC standards and requirements regarding radio frequency radiation.

Section 7.13 REMOVAL OF ABANDONED OR UNUSED FACILITIES

7.13.1 Unless otherwise approved by the Development Review Board, an abandoned or unused Wireless Telecommunication Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, after written notice to the Facility owner, the Town may cause the Facility to be removed at the owner's expense.

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

Section 8.1 ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed for a term of three (3) years to carry out the provisions of this Regulation by the Planning Commission, with the approval of the Selectboard. The Zoning Administrator shall administer and enforce this Regulation literally under authority and guidance of the Planning Act as amended from time to time, and shall not have the power to permit any land development which is not in conformance with this Regulation and any applicable conditions of Development Review Board approvals. Suitable compensation may be made for his/her services.

Section 8.2 DEVELOPMENT REVIEW BOARD

8.2.1 **Appointment:** A Development Review Board is hereby created as provided in the Planning Act. The Board may consist of not less than five (5) nor more than nine (9) members appointed by the Selectboard for terms as determined by the Selectboard. Any member of the Development Review Board may be removed for cause by the Selectboard upon written charges and after public hearing.

8.2.2 **Organization and Meetings:** The Development Review Board shall elect its own officers and adopt rules of procedure. A quorum shall be not less than a majority of the Board, and a concurring vote of a majority of the Board shall be necessary to affect an order. Meetings shall be at the call of the chairperson and at such times as the board may determine. The officers of the board may administer oaths and compel the attendance of witnesses and the production of materials related to any issue under appeal, in accord with the Planning Act.

8.2.3 **Application:** The Development Review Board is hereby authorized to:

(1) Administer the Hinesburg Zoning and Subdivision Regulations with due regard to the Hinesburg Town Plan, specifically, but not limited to the following duties;

(2) Hear and decide requests for subdivision permits.

(3) Hear and decide requests for site plan permits.

(4) Hear and decide requests for conditional use permits as governed by the terms of this Regulation;

(5) Hear and decide appeals from refusal of the Zoning Administrator to issue a Zoning Permit, and appeals from issuance of notice of violation or refusal of the Zoning Administrator to act on reports of violation of provisions in this Regulation;

(6) Hear and decide appeals for a variance from the strict application of this Regulation under the guidelines of the Planning Act (Section 4469); and

(7) Attach such requirements, conditions, and/or reviews to actions on applications presented to it as it feels necessary to carry out the intent and purposes of this Regulation.

Section 8.3 PENALTY

The violation of any provision of this Regulation after it has been adopted shall be punished as provided in the Planning Act.

Section 8.4 APPEALS

8.4.1 Any interested person, as defined in the Planning Act may appeal a decision or act of the Zoning Administrator by filing notice of appeal with the Secretary of the Development Review Board, within fifteen (15) days if in respect to being denied a Zoning Permit, and within seven (7) days if in respect to notification of violation issued by the Zoning Administrator. A copy of the appeal notice shall be filed with the Zoning Administrator and,

upon such filing; the Zoning Administrator shall transmit all papers of record related to the appeal to the Secretary of the Development Review Board within fifteen (15) days.

8.4.2 Variances: On an appeal for a variance from the provisions of these regulations for a structure which is not primarily a renewable energy resource structure, the Development Review Board may grant variances and render a decision in favor of the applicant only if all of the criteria set forth in the Planning Act (Section 4469, as amended from time to time), are found in the affirmative and the finding is specified in its decision. In no case shall the Board grant a variance for a use, which is not permitted or conditionally permitted in the applicable district, or grant a variance for an increase in the maximum density allowed in a district. On an appeal wherein the variance requested is for a structure which is primarily a renewable energy resource structure, the Board may grant the variance only if it finds that all of the facts listed in the Planning Act (Section 4469b) are found in the affirmative.

8.4.3 Appeals to the Environmental court: An interested person may appeal a decision of the Development Review Board to the Environmental court as specified in the Planning Act (Section 4471, as amended from time to time).

Section 8.5 EXPIRATION OF PERMITS, VARIANCES AND APPROVALS

The following section does NOT apply to the expiration or renewal of zoning permits. See section 4.1.7 regarding expiration and renewal of zoning permits. Conditional use approval, site plan approval, sign approval, and variances shall expire one year from the date of the approval, if a zoning permit has not first been obtained for the project, or upon the expiration of the zoning permit which has been obtained. If no zoning permit is necessary, these approvals shall expire if the use has not been instituted within one year from the date of approval. 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 body (i.e., DRB or Zoning Administrator) granting the original approval, if the body determines that conditions are essentially unchanged from the time of the original approval. In the case of administrative or court appeal, expiration periods shall not start until the decision has become final. Pursuant to the Planning Act (Section 4463b), subdivision approvals do not expire. PUD approvals (regardless of whether new lots are created) shall not expire since they are also reviewed under the subdivision regulations.

ARTICLE 9: AMENDMENTS, INTERPRETATION, EFFECTIVE DATE

Section 9.1 AMENDMENTS

This Regulation may be amended to change the boundaries of zoned districts or to change any other provision whenever the public necessity and convenience, the general welfare, and good zoning practice justify such amendment. Any such amendment shall be made only in accord with the Planning Act and in keeping with the following procedure:

9.1.1 **Procedure for Amendment:** an amendment for repeal thereof may be prepared by the Planning Commission or by any person or body other than the Planning Commission in respect to the following requirements:

(1) All proposed amendments for changes in the Zoning Map shall be accompanied by a bona fide economic and social justification study made at the applicant's expense (if proposed by other than the Planning Commission) which documents the economic and social necessity for such zone district change and any other specific data felt necessary by the Planning Commission.

(2) During the first thirty (30) days following the one-year anniversary of the effective date of any amendment changing the Zoning Map, the Planning Commission shall review the proposed development of the subject area in the field to determine whether the development intended by the amendment is being undertaken in good faith. If such development is not under way in keeping with the stated intent, the Planning commission may begin action to rezone the subject area back to the classification it had prior to the change in zoning, or any other more appropriate classification.

Section 9.2 INTERPRETATION

Where this Regulation imposes a greater restriction upon the use of a building premises, or required larger open spaces than are imposed or required by any other statute, ordinance, rule, or regulation, or by any easement or agreement, the provisions of this Regulation shall rule.

9.2.1 The headings set forth in this Regulation are for ease of review, and shall not be considered in interpreting this Regulation.

9.2.2 An index may be provided for ease of use: it may change from time to time and is not part of this Regulation.

Section 9.3 SEVERABILITY

Should any section or provision of this Regulation be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulation as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

ARTICLE 10: DEFINITIONS

Section 10.1 DEFINITIONS

Definitions contained in the Planning Act shall be applicable throughout this Regulation, unless further modified below. The additional terms below shall, for the purpose of this Regulation, have the meaning indicated. Words used in the present tense include the future; the singular number includes the plural and plural includes the singular; the word "lot" includes the word "plot." The term "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be occupied or used."

Accessory Apartment: A dwelling unit located on the same lot with a principal one-family dwelling but subordinate to the principal dwelling in terms of size, location and appearance.

Accessory Use/Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, such as a porch, deck, above-grade landing, garage, tool shed, carport, satellite-dish antennas, swimming pool with an area less than 100 square feet, and the like (See Section 5.8). Accessory structures attached to the principal building shall be considered an integral part of the principal building and, as such, shall be subject to front, side, and rear-yard requirements applicable to the principal building (See Section 5.8). A building used for dwelling purposes shall not be considered an accessory structure except as provided for in Section 5.9 of these regulations.

Agricultural Accessory Uses: 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.

Agricultural Soils: Soil types delineated and identified by the US Department of Agriculture's Natural Resource Conservation Service (NRCS) as being the most suitable for crop production pursuant to a June 2006 report titled "Farmland Classification Systems for Vermont Soils". Prime agricultural soils constitute the best of the best for crop production. Statewide agricultural soils are also very well suited for crop production; however, some statewide soils have a conditional classification based on the ability to address certain constraints. Possible constraints include: steep slopes, severe wetness limitations, bedrock outcrops. If these conditions exist, the area in question does not qualify as a soil of statewide importance.

Area of Special Flood Hazard: Synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations.

Affordable housing or Affordable: Housing priced such that the total cost of the housing, including principal, interest taxes and insurance and condominium association fees, if owned housing, or the total cost of the housing, including rent, utilities and condominium association fees, if rental

housing, is not more than 30% of the gross annual income of a household earning not more than 80% of the county median income or 80% of the standard metropolitan statistical area (MSA) income, as defined by the US Department of Housing and Urban Development, and adjusted for household size.

Art Studio or Exhibition Space: Work and/or exhibition space for 1 or more artists, which can also be used for related instruction and the accessory sale of art work.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

Base Flood Elevation (BFE): The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Basement: A story in a building, the structural ceiling of which is four (4) feet or less above the average level of finished grade and where the floor level is below finished grade at any point.

Bed & Breakfast: 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.

Boathouse: Any structure on or near the water used solely for the storage of boats and related items. Boathouses shall be no more than 16' in height and shall be less than 2 stories, with any space above the 1st story used solely for storage of boat related items.

Building face: The side or edge of a structure. Measurements shall be taken from the greatest extension of that structure including support posts for roof overhangs and smaller portions of the structure that extend out from a face, but not including roof overhangs, mobile home "tongues", stairs necessary for access to a structure and accompanying landings of no more than 20 square feet.

Building Height: The vertical distance measured from the average elevation of the finished grade to the highest point of the roof line.

Business: Businesses are considered separate if they each have a separate entrance (either an exterior entrance or an interior entrance off a hall), and provided that each business is clearly separate and distinct.

Camp: A building that was not occupied as a dwelling for more than 7 months in each of the 3 calendar years preceeding March 23, 1981.

Campground: A place of business providing tenting or camping vehicle accommodations for commercial purposes, including travel trailer parks and the like.

Camping Vehicle: Means travel trailer, tent trailer, motor home, camper trailer, truck camper, or any other device or conveyance so constructed as to permit its ready transport on public highways, and

designed as temporary living/sleeping quarters. A camping vehicle is in no way included under the Mobile Home definition.

Cemetery: Property used, or intended to be used, for the burial or disposition permanently of the remains of the human and animal dead in a grave, a mausoleum, a columbarium, a vault, or other receptacle.

Cemetery with on-site crematory services: A cemetery that also includes facilities for the provision of crematory services as an accessory use.

Channel: As used in Article 6 only, means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Channel width (or bankfull width): As used in Article 6 only, is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

Commercial Agricultural Accessory Uses: see "Agricultural Accessory Uses".

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 Accessory Uses: see "Forest Management Accessory Uses".

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.

Community Center: A facility used for recreational, social, educational, and cultural activities for

the benefit of the Hinesburg community.

Conditional Use: A building or use which may be appropriate or necessary in a district in which it is allowed, but which by reason of adverse conditions may be injurious to the public health, safety, or welfare unless appropriate conditions are imposed.

Congregate Housing: A housing facility that has significant facilities and services specifically designed to meet the physical or social needs of older or handicapped persons. Significant facilities and services may include, but are not limited to, social and recreational programs, continuing education, information and counseling, recreational, homemaker, outside maintenance and referral services, emergency and preventive health care programs, congregate dining facilities and transportation to social services. Such housing shall be in an accessible physical environment, normally in a limited number of buildings with internal hallways.

Contractor's Yard: Property used for storage of heavy equipment and construction materials for use in off-site construction, as more fully set forth in Section 5.3.4.

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.

Core Wildlife Habitat: Significant forest and wetland areas that are removed from roads, house sites, and other similarly developed areas as shown on map 14 of the Town Plan. Specifically, a subset of the overall habitat blocks delineated by the VT Fish and Wildlife Department in their 2011 "Habitat Block and Connectivity Analysis" dataset:

1. Habitat blocks of 700 acres or more – these blocks comprise the largest and most contiguous habitat areas.
2. Interior portions of smaller habitat blocks that are at least 100 meters from the edge of the habitat block (typically the edge of human disturbance).

Note – The extent of this core wildlife habitat shall be as described above and as conditions on the ground existed as of 9/9/2013 (date of Town Plan adoption with Map 14), such that incremental reductions in habitat blocks do not result in currently mapped habitat blocks losing the core designation - e.g., a large block becoming less than 700 acres, or the reduction interior area of a smaller block due to edge encroachment.

Cottage Industry: A commercial, manufacturing, or light industrial use such as a woodworking shop, arts/crafts studio, food processing kitchen, or computer service shop, that operates on the same scale and intensity as a home occupation but is a principal use on the lot, all as more fully set forth in Section 5.2. A cottage industry may not engage in retail sales, except as an incidental aspect of one of the uses just set forth.

Crematory: A building or structure containing one or more retorts, used or intended to be used, for the reducing of the bodies of deceased persons or animals to cremated remains.

Critical facilities: As used in Article 6 only, include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may

raise its status to a Critical Facility, such as a grocery or gas station.

Day Care Facility: A licensed establishment operated as a business or service on regular or continual basis, whether for compensation or not, to provide partial day (i.e., without overnight stays) care, protection, and/or education for the elderly, pre-school children, or for school aged children outside of school hours. For day care facilities of six or less full time pre-school children and four or less part-time school age children, refer to the Planning Act.

Dead Storage: Storage in buildings previously constructed for another purpose, even if rental is involved, provided that such storage shall generate minimal additional traffic and shall not extend to the outside view.

Deer Wintering Area: White-tailed deer in Vermont live near the northern limit of their range in eastern North America. To cope with Vermont's severe climatic conditions, deer have developed a survival mechanism that relies upon the use, access, and availability of winter habitat. These habitat areas are known as deer wintering areas, deer winter habitat or, more commonly, 'deer yards.' Deer winter habitat is mapped by the VT Fish and Wildlife Department and defined as areas of mature or maturing softwood cover, with aspects tending towards the south, southeast, southwest, or even westerly and easterly facing slopes. It is shown on Map 9 of the Town Plan.

Development: As used in Article 6 only, means human-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Dwelling, Farm Worker: A building that is associated with an active farm and is utilized to house farm workers. They may include the adaptive reuse of existing farm buildings or the construction of new buildings (including the use of mobile homes), including Farm Worker Dormitories (see separate definition). Farm worker dwellings require conditional use review, and must comply with the special farm worker housing provisions outlined in section 5.25.

Dwelling, One-Family: A separate building containing only one (1) dwelling unit.

Dwelling, Two-Family: A building or part thereof containing two (2) dwelling units. A duplex shall be considered a two-family dwelling.

Dwelling, Multiple-Family: A building or part thereof containing three (3) or more dwelling units.

Dwelling, Part-time: See “Camp” Definition.

Dwelling Unit: A building or portion thereof having independent cooking, bathing and sleeping facilities for one (1) family, including any domestic servants employed on the premises. A boarding house, convalescent home, fraternity or sorority house, hotel, motel, or tourist home shall not be deemed to constitute a dwelling unit.

Family: One or more persons occupying a dwelling unit as a single non-profit housekeeping unit.

Farm, Active: A farming operation as defined by the VT Agency of Agriculture and further spelled out in section 2.06 of the Agency’s Accepted Agricultural Practices (4/24/2006 and future

modifications thereto) for agricultural structures exempt from local zoning.

Farm Café: 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 10 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.

Farm Stand: A temporary or seasonally used structure for the display and sale of locally grown agricultural products. May also include the accessory sales of other unprocessed foodstuffs, home-made crafts, and home processed food products (e.g., jams, jellies, pickles, sauces, baked goods).

Farm Market: A market held in an open area or in a structure where groups of individual sellers offer agricultural and related products for sale to the public. Products typically include fresh produce, seasonal fruits and flowers, arts & craft items, food & beverages.

Farm Worker: An employee, intern, or volunteer of an active farm who may be part-time or full-time, seasonal or year-round, but must do substantial work on the farm.

Farm Worker Dormitory: A special type of farm worker dwelling that is used as group living quarters. Dormitories don't typically include individual kitchen facilities or private bathroom facilities as do dwelling units. Farm worker dormitories require conditional use review, and must comply with the special farm worker housing provisions outlined in section 5.25.

Farm Worker Dwelling: See definition under "Dwelling, Farm Worker".

Fill: As used in Article 6 only, means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM: See Flood Insurance Rate Map

Flood: Means (a) a general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, the corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Flood Hazard Area, Special: See Special Flood Hazard Area.

Flood Plain (or flood-prone area): Any land area susceptible to being inundated by water from any source (see definition of "flood").

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

Floodway, Regulatory in Hinesburg: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Flood proofed or flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area: The total of the horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building. Garage area shall also be excluded from the "total floor area" of a single-family dwelling for the purpose of determining maximum allowable size of accessory apartments (see section 5.9.1#3).

Floor Area, Livable: All spaces within the exterior walls of a dwelling unit (exclusive of garages, breezeways, unheated porches, cellars, heater rooms, and portions of basements not having a finished room) including attic space having a clear height of six (6) feet from finished floor level to pitch of roof rafter and with a clear height of seven feet six inches (7'6") from finished floor level to ceiling level consisting of fifty percent (50%) or more of the area of such attic.

Forest Management Accessory Uses – 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).

Fluvial Erosion: Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

Fluvial Erosion Hazard Zone: Includes the stream and adjacent lands necessary to accommodate the slope and plan form requirements of a geomorphically stable channel, and is subject to fluvial erosion as defined by the Vermont Agency of Natural Resources and delineated on the current Fluvial Erosion Hazard Zone Map.

Function Hall: A structure used for hosting parties, banquets, receptions, or other social events.

Functionally dependent use: As used in Article 6 only, means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Gas Station: See definition for motor vehicle service and repair facilities.

Greenspace: Areas valued for their natural resources, ecosystem services, agricultural or forest production, recreational opportunities, scenic views, or other public benefits. Greenspace lands are typically undeveloped and have no building structures in current service, with the notable exception of recreational lands and farmlands (active or not), maple sugaring operations, or other similar enterprises directly related to traditional farming practices. Spatial context and land use are key considerations in classifying greenspace. The size of an area may also be important. Greenspace lands may be actively managed or left in their natural state. They can be publicly or privately owned and may or may not be legally protected. Regardless of size, ownership status, management, or landscape context, greenspace serves to protect sensitive ecosystems, air and water resources, wildlife habitat, scenic landscapes, and other important features of the natural environment. Examples of greenspace include (but are not limited to) agricultural lands, forest lands, shrub lands, ridgelines, wetlands, undeveloped shorelines, lakes, ponds, scenic views, public parks, and preserves.

Health Club: A place of business with equipment and facilities for exercising and maintaining or improving physical fitness.

Historic structure: As used in Article 6 only, means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Home Occupation: Use of a portion of a residential lot by a resident for an occupational business which could normally be expected to be customarily located in the area, that will not change the character of the neighborhood, and that is in compliance with Section 5.1 or 5.2 of this Regulation.

Industrial, Light: see definition for “Light Manufacturing” (same definition).

Inn: 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.

Integrated Agriculture – 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 – 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.

Junk: Junk means old or scrap copper, brass, iron, steel, and other old or scrap or nonferrous material, including but not limited to rope, rags, batteries, glass, rubber debris, wood, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicles or parts thereof.

Junkyard: any place of outdoor storage or deposit, which is maintained, operated, or used in connection with a business for storing, keeping, processing, buying or selling junk, or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for storing or keeping four (4) or more junk motor vehicles, or junk in excess of 200 square feet in area. However, the term does not include a private garbage dump or a sanitary landfill which is in compliance with Section 2202a of Title 24 and the regulations of the Secretary of Human Services. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than ninety (90) days for inspection or repairs.

Kennel: A lot, premises, use or structure intended and used for the breeding, training, sale, and overnight boarding of well dogs, cats, or other domestic animals belonging to a person or persons other than the owner of the lot but not including a veterinary office, clinic and/or hospital.

Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, or any substantial change in the use of any building or other structure, or land, or extension of use of land. For Article 6 only, utilize

"Development" definition instead.

Land filling and Excavation: Any land alteration or excavation for commercial purposes which involves the moving or extraction of sand, gravel, topsoil, loam, sod, landfill, or similar substance, except when incidental to or in connection with the construction of a building or other site improvements related to a Town-approved development (See Section 5.13).

Letter of Map Amendment (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

Light Industrial: see definition for "Light Manufacturing" (same definition).

Light Manufacturing: Manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

Lot: Lot means a parcel of land under single ownership, and not divided by a State or Town road, with defined boundaries created by the act of subdivision or as described below. A deed may describe one or more lots. Multiple lots described in a single deed remain separate lots provided that they are described as having separate and distinct boundaries and that any subsequent deed or survey describing the lots does not eliminate the separate and distinct boundaries. Lots are:

1. Described as a single parcel of land in a deed recorded in the Town of Hinesburg land records prior to Septmeber 4, 1979. If such a deed describes two or more parcels of land, each described parcel shall constitute a lot; or
2. Described as a single parcel of land in a deed recorded in the Town of Hinesburg land records after Septmeber 4, 1979, provided the conveyance creating such parcel did not violate any Town of Hinesburg regulations or ordinances in effect at the time of conveyance. This includes deed descriptions of the first 3 lots created through October 6, 1997 from any parcel existing on September 4, 1979. If such a deed describes two or more parcels of land, each described parcel shall constitute a lot; or
3. Described as a lot in a zoning permit issued after September 4, 1979 by the Town of Hinesburg for the division of land not constituting a subdivision pursuant to the Subdivision Regulations in effect when the permit was issued, provided the development activity authorized by the permit was completed in conformance with the permit and prior to the expiration of the permit. Examples of such land divisions include simple parceling (option eliminated on October 20, 2003) and lots for agriculture, forestry, or conservation; or
4. Depicted as a separate lot on a subdivision plat approved by the Town of Hinesburg pursuant to regulations in effect, and provided the plat was signed and filed in accordance with the requirements of State statute and applicable Hinesburg regulations.

Lot Area: Total area within the property line excluding any part thereof lying within the boundaries of a public street, proposed street, private easement, or right-of-way for ingress or egress. Public

roads shall, for the purposes of this definition, be considered to be three rods (49 1/2 feet) wide, except that the actual width of Route #116 will be used. A private right-of-way for which a width is not specified shall be considered to be fifty (50) feet wide for the purposes of this definition.

Lot, Corner: A lot at the junction of and abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed 135 degrees (135°). A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve are the points of intersection of the side lot lines with the street lines intersecting at an interior angle of less than 135 degrees (135°).

Lot Coverage: For residential, commercial, industrial, institutional and multi-family uses, the percentage of the area of a lot which is covered by structures and other improvements including parking, loading and service areas, and access roads. Lawns, planting areas, walkways, and pedestrian amenities shall not be considered improvements for the purposes of calculating lot coverage.

Lot, Depth: The minimum distance from the road right-of-way sideline, or sideline of the right-of-way providing access, to the rear lot line. Where a parcel accesses a public road or other right-of-way by means of a strip of land owned and included as part of the lot, which is narrower than the required frontage for the district in which the lot is located, the lot depth shall be measured from a point at which the lot meets the required frontage width to the rear lot line.

Lot Line: any boundary of a lot other than a street line.

Lot Line, Rear: The lot line generally opposite to the street line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line not less than ten (10) feet long lying farthest from the street line.

Lot, Width: The distance between side lot lines taken at the setback line and measured at right angles to the side lot lines or along a line parallel to the street.

Low Impact Agribusiness – 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.

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

Lowest floor: As used in Article 6 only, means the lowest floor of the lowest enclosed area, including basement, except an unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home: As used in Article 6 only – see mobile home definition.

Manufacturing: Any process whereby the nature, size, or shape of articles or raw materials is changed, or where articles are assembled and packaged.

Manufacturing, Light: See "Light Manufacturing".

Master Plan: A document that describes, in narrative and with maps, an overall and long-term land use concept for a property or collection of properties, including natural resource areas, present property uses, and future land development plans.

Mineral or Gas Exploration: For the purposes of this Regulation, mineral or gas exploration shall mean any land alteration undertaken by a person or firm in search of oil, gas, or minerals. This would include drilling, pad installation, site clearing, access road improvements or construction, etc. Exploration efforts that do not significantly alter the land and that do not pose potential nuisances to adjoining properties would be excluded. Included in this category are boundary survey work, geophysical testing along public roads, and the like. (See Section 5.13.)

Mixed Use: A development or area in which residential uses and non-residential uses (e.g., office, commercial, industrial, institutional) are combined in a single building or in an integrated development project with significant functional interrelationships and a coherent physical design.

Mobile homes: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile Home Park: A parcel of land, under single or common ownership or control, which is used (or is to be used) to accommodate two (2) or more mobile homes.

Mortuary or funeral parlor: A place of business involved in the arranging, directing, or providing for the care, preparation, or disposition of dead human bodies. This includes, but is not limited to:

- meeting with the public to select a method of disposition or funeral observance and merchandise;
- entering into contracts, either at-need or pre-need, for the provision of dispositions, funeral observances, and merchandise;
- arranging, directing, or performing the removal or transportation of a dead human body;
- securing or filing certificates, permits, forms or other documents;
- supervising or arranging a funeral, memorial, viewing, or graveside observance

Motor Vehicle Service and Repair Facility: A business which has as a primary purpose the sale of gasoline for motor vehicles or the repair of motor vehicles for profit.

New Construction: Structures commences on or after the effective date of this ordinance. As used in Article 6 only, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Nonconformity: means a nonconforming or noncomplying use, structure, lot, or parcel.

Non-complying Structure: A structure or part thereof not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, density or off-street parking or loading requirements, where such structure either: 1) was improperly authorized as a result of an error by the Zoning Administrator; or 2) conformed to all applicable Regulations, ordinances and regulations prior to the enactment of such zoning regulations.

Non-conforming Use: A use of land or a structure which does not comply with all zoning regulations where such use either: 1) was improperly authorized as a result of an error by the Zoning Administrator; or 2) conformed to all applicable laws, ordinances and regulations prior to the enactment of such regulations.

Non-residential: As used in Article 6 only, includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Non Retail Business Incubation Facility: A facility used for the start-up and growth of one or more small non-retail businesses, typically providing rental space with common areas, shared resources (e.g., clerical staff, office equipment, etc.), hands-on management training , marketing support, etc.

Outdoor Recreational Facilities: 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.

Patio: A surface built at grade without a foundation or pier support.

Planned Unit Development: A proposal to the Development Review Board for a unique and innovative project to provide a different mixture, density, and arrangement of uses than otherwise possible under this Regulation. Only those classifications of uses that are allowed in a particular district may be included within a PUD for that same district.

Planning Act: Vermont Statute that authorizes municipal and regional planning – i.e., Title 24, Chapter 117.

Principal Building: A building in which is conducted the main use of the lot on which the building is located.

Product Sign: A sign or signs for the purpose of making advertising claims with respect to products sold on the premises (for example "Coca- Cola," "Vermont Lottery Tickets Sold Here," "budweiser") is a "product sign." A sign the purpose of which is solely for identification and which states only the name of the establishment, trademark of the establishment (e.g., "I.G.A.," "B.P. Gas"), and/or the business or activity conducted on the premises upon which the sign is located is not a "product sign."

Rare, Threatened, or Endangered Species Habitat & Significant Natural Communities: Known locations for these habitats are documented via the Heritage Database that is maintained by the VT Fish and Wildlife Department. This database does not represent a complete town-wide inventory, so other undocumented occurrences are possible and should be considered if properly identified. These data are made available to municipalities for planning purposes, and are one of the many Geographic Information System (GIS) datasets utilized in Hinesburg's development review process.

Recreation, Indoor: A building or portion thereof containing recreation facilities including but not limited to: swimming pools, skating rinks, health clubs, gymnasia, yoga studios, dance studios, fitness centers, training rooms, playing fields, tennis courts, handball/racquet ball/squash courts, volleyball courts, including associated locker rooms, dressing areas, shower/steam bath/sauna spaces, and administrative spaces.

Recreation, Outdoor: As used in section 4.5.7 only, one or more parcels used for outdoor activities. Outdoor recreation may range from passive (those requiring no substantial alteration or maintenance

of the land such as primitive hiking trails) to active (those requiring substantial alteration or maintenance of the land such as developed parks, organized athletic facilities, mountain bike trails VAST trails, ski runs, etc.).

- Outdoor recreation facilities with no structures, which may include minimal structures such as benches and bridges taking trails over streams.
- Outdoor recreational facilities with minor structures, which may include such associated structures as backstops, dugouts, fences, storage buildings, portable ice rinks, warming huts, restrooms, etc.
- Outdoor recreation facilities with major structures, which may include such structures as clubhouses or locker rooms.

Recreational vehicle: With the exception of Article 6, see 'Camping Vehicle' definition. As used in Article 6 only, recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Restaurant: An establishment where the principal use is the preparation and sale of meals to the public – includes dining on the premises (indoor and/or outdoor), take out dining, and delivery.

Setback: In VG, VG-NW, VG-NE, C, R-1, R-2, I-3, I-4 districts, front yard setbacks are measured as the nearest distance between a building face and the nearest edge of the road right of way. In all other districts, front yard setbacks are measured as the nearest distance between a building face and the centerline of a public road or right-of-way for a front setback, and between a building face and the nearest section of a property line for side and rear setbacks. For the purpose of this definition, a "building face" shall include porches, whether enclosed or unenclosed, but does not include steps or patios. A "centerline" of a cul-de-sac shall be measured from a point along the radius of the cul-de-sac which lies half the distance between the center point of the cul-de-sac and the outer boundary of the cul-de-sac right-of-way. A "centerline" of a right-of-way serving a property at the terminus of a dead-end road shall be at the point where the centerline of the right-of-way and the property line intersect.

Service Establishment: A business primarily engaged in providing assistance (as opposed to products) to individuals, business, government, or other enterprises. Examples include, but are not limited to: hair salon, caterer, appliance repair shop, real estate agency, laundry mat, tailor, pet grooming business, etc.

Sign: Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, symbols, or trademarks by which anything is made known, whether placed on natural objects or on a building, fence, or other man-made structure, which are visible from any public right-of-way. "Sign" includes a banner, flag (except as otherwise defined in this Regulation) and all types of temporary or portable signs whether or not they have a rigid structure.

Slaughter: A use that includes the killing of animals, typically for processing, packing, and/or distribution of food or other animal products.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that is not connected to the electric utility system grid (i.e., not a net-metered system) with a total height (tower and turbine blades) less than 150'.

Special Flood Hazard Area: The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled Zone A, ZA, AH, AE, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Currently, the only zones mapped for Hinesburg include Zone A & AE. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of construction: As used in Article 6 only, for purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Storage: As used in Article 6 only, the placement of equipment or material of more than 10 cubic yards of average volume for more than 180 days.

Story: That part of any building, including basements, which is between the level of one floor and the level of the next higher floor, or, if there be no higher floor, then that part of the building which is between the level of the highest floor and the top of the roof plate.

Story, Half: Any space partially within the floor framing, where the clear height to not more than 50% of such space between the top of the floor beams and the structural ceiling level is 7 feet 6 inches or more.

Stream: Streams are water courses with a visible stream bed of exposed rock, gravel or other sediment, even if water is not present in the stream bed during seasonal dry periods. For regulatory purposes, streams shall be identified as those shown as stream lines in the Vermont Hydrography

Dataset (VHD) as published by the Vermont Center for Geographic Information (VCGI) in 2008, with occasional updates. If questions arise about inaccuracies or omissions in this dataset, the Zoning Administrator shall make the determination (appealable to the Development Review Board).

Street: Public or private road or right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure: ***As used in Article 6 only***, means a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

Structure or Building: anything constructed, erected, or placed and which requires a fixed location on the ground in order to be used, including, but not limited to, a building in excess of 100 square feet, mobile home or trailer, signs, manure lagoons and pits, silos, tennis courts, and swimming pools with an area greater than 100 square feet. Not included are sidewalks, patios, driveways, utility poles, compost bins, steps, planters, fences, or temporary docks or floats.

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

Sub-Parcel: A portion of a single lot separated from any other portion of the same lot by a private road, easement or body of water.

Substantial Completion: The point at which a structure or building can be used for its intended purpose. This corresponds to the point at which a certificate of occupancy is typically granted.

Substantial Construction: As defined by the Development Review Board on an application by application basis.

Substantial Damage: As used in Article 6 only, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: ***As used in Article 6 only***, means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantial Improvement: As used outside of Article 6, means exterior construction, reconstruction, addition, alteration, or replacement of a structure which results in new floor space or building area in excess of one hundred (100) square feet. In the case of commercial and industrial uses, substantial improvement shall also include a change in access and exit facilities.

Tavern: An establishment where the principal use is the serving of alcoholic beverages to the public to be consumed on the premises.

Theater: A facility used for cultural arts performances (e.g., motion pictures, drama, dance, musical, etc.) that are open to the public. Incidental uses for private meetings, exhibits, and presentations are also allowed.

Top of bank: The point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage. For steep and narrow valleys, it will generally be the same as the top of slope.

Top of slope: A break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut channel meet floodplains that have been abandoned or are undergoing abandonment.

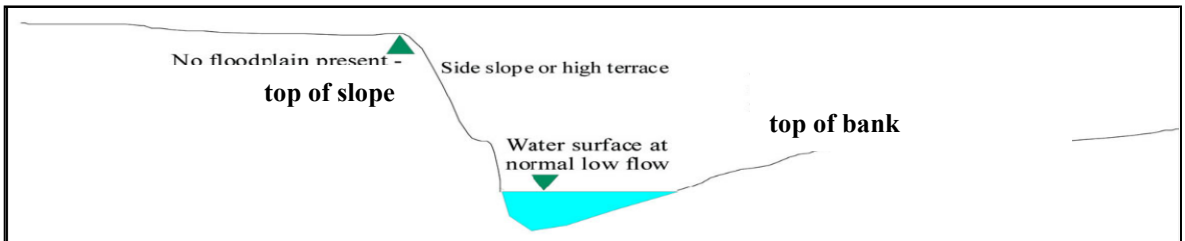

Figure C.3. Top of slope typical of streams that run adjacent to steep slopes or high terraces on one side of the valley but have adequate floodplain on the opposite side of the valley.

Trip: For the purposes of this Zoning Regulation, a vehicle "trip" is a round trip, not a one-way trip.

Vehicle Trip: See "Trip."

Variance: The relaxation of the terms of this Regulation in compliance with the Planning Act (Section 4469), whereby, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Regulation would result in unnecessary and undue hardship.

Veterinary office, clinic and/or hospital: An establishment intended primarily for the medical and surgical treatment of small animals including (a) the boarding of animals while receiving treatment, (b) boarding of well animals provided not more than thirty percent of the total floor area is used for that purpose, and (c) pet grooming.

Violation: As used in Article 6 only, means the failure of a structure or other development to be fully compliant with this bylaw. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Wetland: For the purpose of these regulations, the definition of a wetland, as well as the types of wetlands actually regulated, shall be the same as the State of Vermont wetland rules and regulations. A wetland is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of

vegetation adapted for life in saturated soil conditions. Wetlands are delineated pursuant to protocols established by the Federal and State government, which focus on soil type, hydrology, and vegetation. Class 1 and 2 wetlands tend to be larger, more significant wetlands and are regulated by the State. Class 3 wetlands are smaller wetlands that may or may not be regulated by the State depending on their significance and proximity to other wetlands. Regulated class 3 wetlands are functionally intact enough to provide for wildlife habitat, water quality, or flood prevention. Vernal pools fall into this category. Unregulated class 3 wetlands do not serve these functions in a meaningful way, typically due to: small size, isolation from other wetlands and hydrological features, or past land use practices that have altered the hydrology of the area (e.g., agricultural drainage ditches, tiles, etc.).

Wildlife Corridor: Stream/riparian, wetland, or forested areas that provide connections between patches of significant wildlife habitat types listed in sections 4.7 and 4.8 of the Town Plan – see map 14 from the Town Plan. Stream/riparian and wetland wildlife corridors are easily identified while upland forest corridors can range from highly constrained to more diffuse. The width and effectiveness of wildlife corridors vary widely, both being highly dependent on the wildlife species and habitat type in question. Smaller, unmapped wildlife corridors (particularly smaller stream/riparian corridors) should also be considered if their importance is substantiated by scientific study or field assessment by a qualified expert (e.g., VT Fish and Wildlife assessment, university research, etc.).

Yard: An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Regulation. The required area of yards shall be determined with reference to the lot line and the "building face" in the same manner as the setback (see definition of setback).

Yard, Front: A yard on the same lot with a principal building, extending the full width of the lot and situated between the centerline of the street or right-of-way and the front line of the building extending to the side lines of the lot.

Yard, Side: A yard situated between the principal building and a side line and extending from the front yard to the rear yard. The distance between the principal building and the side line shall be measured from the building to the nearest point on the side line along a line parallel to the front lot line.

Yard, Rear: A yard on the same lot with a principal building between the rear line of the building and the rear line of the lot extending the full length of the lot. No lot shall have more than 1 rear yard with regard to setback requirements. For lots with multiple front yards, the rear yard shall be opposite the front yard that provides the primary access to the lot.

Zoning Permit: A document issued in accordance with this Regulation by the Zoning Administrator before any land development, other than usual repairs and except as herein exempted, may commence.