

# Hinesburg Zoning Regulation Revisions

## Home Occupation Contractor Yards & Vehicle Repair Services

*Draft 8 – Select Board Proposal - Last updated 6/16/2021*

*For Select Board public hearing on 8/4/2021*

*Changes to Planning Commission proposal shown in red – deletions under red strikeouts, new language underlined in red*

### **Contractor Yards**

*Revise Sections 5.3 & 10.1*

#### **Section 5.3 Contractor Yards as a Home Occupation**

**Section 5.3.1 Use Approval:** Home occupation contractor yards under this section are permitted only after conditional use review and site plan approval by the Development Review Board.

**Section 5.3.2 Definition & Applicability:** Per the definition in section 10.1, a contractor yard is a parcel of land, with or without buildings, used for the storage of equipment, materials, and/or vehicles used in off-site work (e.g., construction, excavating, landscaping, etc.), This includes the repair and maintenance of said equipment and vehicles. Contractor yards are allowed as a principal, stand-alone use in certain industrial zoning districts. Home occupation contractor yards are allowed more widely as outlined in section 5.3, but only on lots where the primary residence of the principal owner of the business is also located.

Small-scale exception – Small-scale home occupation contractor yards that have two or fewer of the following (in any combination), shall not be subject to section 5.3: registered vehicles used for the business; heavy equipment including but not limited to excavators, backhoes, bulldozers, graders, loaders, etc. Heavy equipment shall include smaller or light-duty versions – e.g., mini-loader, compact excavator, skid steer, etc. Lawn mowing equipment, field mowing equipment (including tractors and tractor attachments), and trailers (open or enclosed) shall not be considered heavy equipment for the purposes of this small-scale exception. Such small-scale home occupations shall be reviewed as a conditional use pursuant to the provisions of section 5.1.2.

**Section 5.3.3 Location & Setbacks:** All of the following provisions must be met for the establishment of a contractor yard:

1. Home occupation contractor yards are only allowed in the Agricultural, Rural Residential 1, and Rural Residential 2 Zoning Districts.
2. Contractor yards are allowed as a principal use in the Industrial 1, Industrial 2, and Industrial 4 Zoning Districts. Multiple principal uses are also allowed in these

districts pursuant to section 2.5.5(1). Therefore, contractor yards in these districts shall not be reviewed as home occupations under section 5.1, 5.2, or 5.3, and shall instead be reviewed as principal, stand-alone uses.

3. The business must be located on a lot at least 3 acres in size, inclusive of any roads and shared right of way areas on the lot.
4. Any portion of the lot used in connection with the business must be at least 50 feet away from an adjoining property line.
5. The business must not be located on a lot accessed by a Class 4 Town road – either directly, or via a private road or right-of-way. If access is by a shared private right-of-way, the applicant shall address how the costs of maintenance, repair, and snow plowing of the shared private right-of-way will be handled. Furthermore, the applicant shall notify all landowners that utilize the right-of-way of the conditional use application. This notification shall be concurrent with, or in advance of, submitting the conditional use application.

**5.3.4 Screening:** All trucks and all other materials and equipment, and all parking for employees, shall be well screened from adjoining properties, from public and private roads, and from waterways. Screening shall be predominantly a mixture of vegetation that creates a visual buffer (not necessarily an impervious “wall”). Fencing integrated with the vegetation, can also be used. The amount and type of plantings required will be determined by the Development Review Board based on

- (a) the location and context of the site,
- (b) the type of use,
- (c) proximity to neighbors, and
- (d) the pattern and extent of existing vegetation (on-site and in the immediate area).

In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum landscaping requirement.

**5.3.5 Amount of Equipment Allowed:** No more than a total of fifteen (15) business vehicles and pieces of equipment used for the business may be stored on the site at one time, regardless of the ownership of said vehicles and equipment. 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 but not including trailers (open or enclosed), or c) is not intended to be used by attachment to any other piece of equipment normally located on the site.

**5.3.6 Employee Parking:** No more than eight (8) employees may park on the site at any

one time. Sufficient off-street parking shall be provided for all employees.

**5.3.7 Size of Structures:** Any structures used in connection with the business shall be no larger than 4,000 square feet in floor area, and shall be designed for easy conversion to residential, accessory, or agricultural use if the business ceases to operate.

**5.3.8 Processing of Materials:** Outdoor storage and loading/unloading of materials is allowed, but outdoor processing of materials (e.g., screening topsoil, gravel, etc.) is prohibited.

**5.3.9 Hours of Operation:** The Development Review Board, as part of conditional use approval, shall establish hours of operation for the contractor yard. In any event, except for simple ingress and egress from the site (not including loading vehicles, equipment, or materials), contractor yard hours of operation shall be limited to 6am-9pm on weekdays and 8am-5pm on weekends. Outside of these hours, the intent is to prohibit on-site work (e.g., delivery, moving and loading materials; loading vehicles/equipment on trailers, repair work, etc.), while allowing the departure and arrival of vehicles.

**5.3.10 Hazardous Materials:** On-site storage of hazardous materials shall be allowed only in accordance with applicable state and federal regulations. Storage of fuel and other hazardous materials shall be limited to that needed for heating of buildings and the operation of equipment and vehicles that are part of the business. The intent is to minimize the quantity of fuel and other hazardous materials stored on the site. Businesses which principally deal with toxic or radioactive materials, fuels, garbage or other refuse are not allowed as home occupations under this section.

**5.3.11 Erosion Control:** In addition to any applicable erosion and stormwater control measures required in section 5.27, the contractor yard shall be managed to minimize erosion. Stabilized gravel or paved surfaces shall be used for the storage/parking of equipment or vehicles. Materials such as dirt, gravel, mulch, compost, and vegetative debris shall be contained and/or stabilized to prevent erosion, as well as adverse impacts to streams, wetlands, and other water bodies. Unless contained in a concrete or similar barrier, these materials shall be stabilized and treated in accordance with the following provisions in the State of Vermont's "Low Risk Site Handbook for Erosion Prevention and Sediment Control" (February 2020, or most recent update):

#2 – Pollution Prevention

#4 – Site Stabilization - specifically, stabilize exposed soil stockpiles that are not in use for more than 14 days, through the use of seed/mulch, erosion control matting, hydroseeding, etc.

#7 - Install Perimeter Controls – e.g., silt fence, erosion control berms, filter socks, straw wattles.

#10 – Slow Down Channelized Runoff

#13 – Dewatering Activities

#16 – Inspection, Maintenance – specifically, inspect and perform maintenance to ensure the above practices are functioning properly.

### **5.3.12 Pre-existing Non-conforming ~~and Grandfathered yards~~ Contractor Yards:**

Home occupation contractor yards that constitute a valid pre-existing non-conforming use shall conform with the provisions of section 5.10 rather than section 5.3. This includes home occupation contractor yards that were deemed ~~pre-existing “grandfathered yards”~~ when zoning regulations for contractor yards were first adopted on June 3, 1996. Any such pre-existing non-conforming home occupation contractor yard may also seek conditional use approval under section 5.3 in order to become a conforming use, and to enjoy the greater ability to expand said use as provided in section 5.3.

**5.3.13 Transferability:** Contractor yard approvals shall not be transferable to a new owner/occupant of the property without first obtaining a zoning permit, and only if the property is in compliance with all applicable regulations, including, but not limited to, Section 5.3, as determined by the Zoning Administrator. The applicant shall provide any and all information the Zoning Administrator may require to assess compliance with the zoning regulations. If any compliance issues are not resolved to the satisfaction of the Zoning Administrator, the zoning permit shall be denied, and the applicant may either appeal that ruling or simply apply for a new conditional use approval under Section 5.3.

**5.3.14 Performance Standards:** Contractor yards must meet the performance standards set forth for home occupations in Sections 5.1.3(3), 5.1.3(4) and 5.1.3(5), and must not have an undue adverse effect upon the character of the residential area in which the contractor yard is located.

### **Section 10.1 – Revised Definition**

Contractor 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.~~

A parcel of land, with or without buildings, used for the storage of equipment, materials, and/or vehicles used in off-site work (e.g., construction, excavating, landscaping, etc.). This includes the repair and maintenance of said equipment and vehicles. Home occupation contractor yards are more fully set forth in Section 5.3.

## **Vehicle Repair Service**

*Remove from Section 5.3. Add to section 5.1 & 10.1*

### **Section 10.1 – New Definition**

**Vehicle Repair Service:** Any property used for the commercial repair, detailing, restoration, or re-upholstering of motor vehicles and recreational vehicles (e.g., cars, pickup trucks, recreational vehicles, motorcycles, boats, snowmobiles, all-terrain vehicles, etc.).

**Section 5.1.8 Vehicle Repair Service:** Vehicle repair services shall require conditional use approval from the Development Review Board pursuant to section 5.1.2, even if such a use would otherwise be a permitted home occupation pursuant to Section 5.1.1. The following special standards shall apply:

1. Only allowed in the RR1, RR2, and AG zoning districts.
2. Repair work must be conducted indoors with the exception of work needed to get a vehicle inside for repairs. The intent is to allow for a simple visual inspection or a change of a flat tire outdoors, but otherwise keep the impacts of the repair work inside a building (e.g., noise, fluids, etc.).
3. No more than ten customer vehicles shall be outside at one time; however, the Development Review Board shall reduce this number if there are limitations due to small lot size, available parking, traffic circulation, and screening.
4. The use shall occupy not more than 1,000 square feet of a building – either in an accessory structure, the principal dwelling, or a combination of both.
5. Outdoor storage associated with the business (vehicles or equipment) must be setback at least 10 feet from property boundaries, 20 feet from the travelled edge of any road, and at least 75 feet from streams and water bodies.
6. Outdoor storage (vehicles and equipment) shall be screened from public roads, private roads, and adjacent ~~residential~~ uses by evergreen vegetation and/or fencing. This is not intended to require screening across the driveway access (e.g., gate).
7. The applicant shall demonstrate that the generation or accumulation of motor oil, gasoline, coolant and other hazardous chemicals/substances will be controlled in order to minimize risk to soils, surface water, ground water, and public health.