



Town of Hinesburg
Planning & Zoning Department
10632 Route 116, Hinesburg, VT 05461
802-482-2281 (ph) 802-482-5404 (fax)
www.hinesburg.org

MEMORANDUM

TO: Select Board & Town Manager
FROM: Alex Weinhausen, Director of Planning & Zoning
DATE: May 16, 2021
RE: Zoning Regulation Revision – Home Occupation Contractor Yards, Vehicle Repair Services

At their May 12, 2021 meeting, the Planning Commission (PC) voted to forward a Zoning Regulation revision proposal to the Select Board. The purpose is to revise regulations for home occupation contractor yards and home occupation vehicle repair services. It focuses on revisions to section 5.3 of the Zoning Regulations. I'd like to attend an upcoming Select Board meeting to briefly explain the proposal and discuss next steps.

The proposal stems from Action item 4.3.5 of the 2017 Town Plan (page 41), which directs the PC to, "Review zoning regulations for contractor yards with a goal of developing performance standards that would allow the separation distances to be reduced to facilitate the review/approval of new yards that are compatible with the surroundings." Over the years, the Town has heard from landowners interested in relocating an existing contractor yard or starting a new one. The existing zoning regulations include minimum separation distances from property lines and adjacent homes makes this very difficult.

A subcommittee of the PC worked on draft language in the fall of 2019. Work stalled in early 2020, and the full PC began took up the draft language more intensively in the fall of 2020. Changes were made based on the legal review by Town counsel (Brian Monaghan, Monaghan Safar Ducham PLLC), and the PC held a public hearing on April 14, 2021. We made a special effort to reach out to existing home occupation contractor yard and vehicle repair service owners ahead of the hearing, but only received specific comments from two vehicle repair service owners. With that said, we did receive helpful feedback at the public hearing. The proposal was revised based on feedback received.

See attached for the proposal and a PC reporting form that details the rationale for the proposal. The rewrite is substantial enough that we've provided a clean version of the proposed language rather than a track changes version of the existing regulations. Some major changes include:

Contractor Yards

- Revised definition with more specificity in terms of the types and numbers of vehicles.
- Removal of the 600-foot setback to any surrounding homes.
- Reduction of the 200-foot setback from property lines and 100-foot setback from roads. Now proposed as 50 feet from property lines.
- More specific screening requirements.

- Increased size allowance for buildings used for the business – increased limit from 2,000 to 4,000 square feet.
- Clarifies that processing of materials is not allowed.
- New requirement for containment of materials stored outside.

Vehicle Repair Services

- Requires conditional use review for all new home occupation vehicle repair services. Even for shops that service just one vehicle at a time.
- Clarifies that repair work must be conducted indoors.
- Allows for up to ten customer vehicles to be stored outside at one time, unless reduced by the Development Review Board due to site constraints.
- Allows the home business to occupy up to 1,000 square feet of a building. The current allowance for businesses with a simple zoning permit is home occupation vehicle repair services that get conditional use approval is 2,000 square feet.
- Greatly reduces required setbacks from property lines, surrounding homes, etc. Proposed setbacks: 10 feet from property boundaries, 20 feet from the traveled edge of any road, 75 feet from streams and water bodies.

Select Board Review Protocol:

1. Review the material and decide if you want to make any further changes.
2. Make any changes and then schedule a public hearing.
 - a. Public notice/warning must be 15 days prior to a hearing.
 - b. There are special warning requirements (VSA Title 24, Chapter 117, Section 4444).
 - c. Any changes to the proposal must be filed with the Town Clerk and PC.
3. Hold the public hearing.
4. Decide if further changes are needed.
 - a. If you make ANY further changes (except for grammar, punctuation, numbering, etc.), then you must warn and notice another public hearing.
 - b. If you make no changes, then you can proceed with adoption.
5. Adopt the revisions*. You can do this at the same meeting as the public hearing if there are no additional changes. You simply need to close the hearing first.

*** Note – if the revisions are not approved by 4/14/2022 (one year from the PC public hearing), they are considered disapproved.**

Normally, the Select Board takes action by voting on regulation revisions. However, you can defer to the voters, and hold a town-wide vote (via Australian ballot) on the proposal instead of a simple Select Board vote. If the Select Board does take action to adopt changes, citizens do have the right to petition for a popular vote on the proposed changes. A petition by at least five percent of the voters, filed within 20 days of Select Board adoption can force a popular vote on the regulation revisions – via Australian ballot.

If the Select Board feels there are problems with the proposal, you can choose to take no action or vote to reject the proposal (after a public hearing), and return it to the Planning Commission with guidance on the issues that need further work.