

Planning Commission Reporting Form for Municipal Bylaw Amendments 3/19/2024

Proposed Revisions to Hinesburg's Zoning Regulations Zoning Modernization Revisions *Planning Commission draft proposal – for April 10, 2024 public hearing*

This report is in accordance with 24 V.S.A. §4441 (c) which states, “When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. The report shall provide:”

(A) Brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under section §4444 of this title,

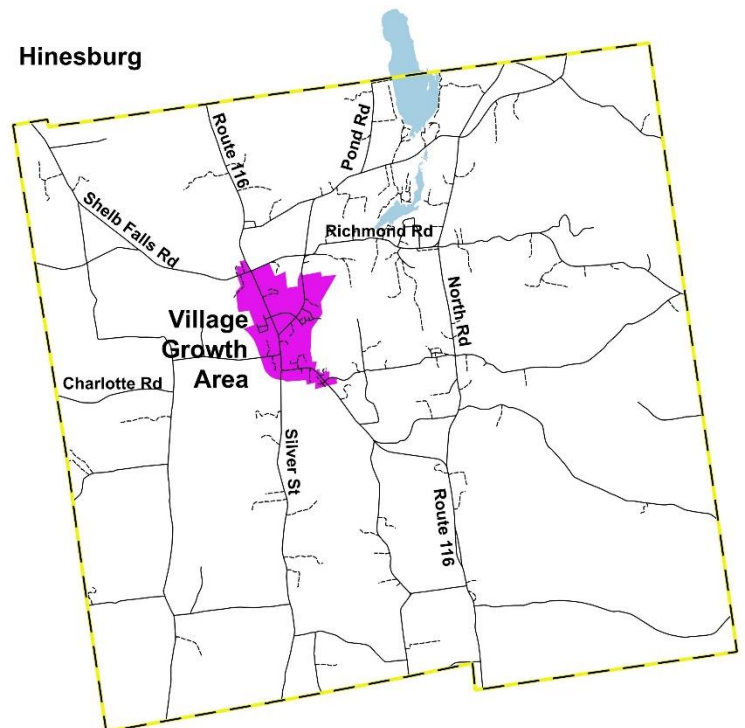
The Hinesburg Planning Commission will hold a public hearing on April 10, 2024 at 7pm to receive public comment on proposed changes to the Zoning Regulations. The purpose is to comply with recent changes to State law, and to make minor revisions to help enable the creation of more housing, including more affordable housing. The geographic area affected is principally the eight Village Growth Area zoning districts, but some changes will have a townwide effect.

Copies of the proposed revisions, as well as this report, are available on the Town web site (www.hinesburg.org), and/or by contacting Alex Weinhagen (Director of Planning & Zoning) at the Town Office or aweinhagen@hinesburg.org or 482-4209.

Background

Over the last few years, there have been significant changes to the State law that governs municipal zoning and land use regulations. These have largely been in response to Vermont's housing supply and affordability problems. Most of these changes were geared to make it easier to create new housing.

With funding from a State Municipal Bylaw Modernization Grant, the Planning Commission engaged a planning consultant (PlaceSense LLC) to analyze Hinesburg's existing land use regulations and help us make revisions to align with State law, and to enable the creation of more housing, especially more affordable housing. The area affected is principally the Village Growth Area, but some changes will have a townwide effect.



Some examples:

- Duplexes - treat the same as single-unit dwellings in terms of lot area, setbacks, etc.
- Three-plex and four-plex buildings – remove barriers and simplify required review.
- Accessory apartments - allow for at least 900 square feet of living space (more depending on the size of the principal home); remove bedroom limits and access drive restrictions.
- Affordable housing – increase the amount required in larger developments.
- Residential density – replace our current density bonus system with a more simple and consistent system that complies with State-mandated bonuses.

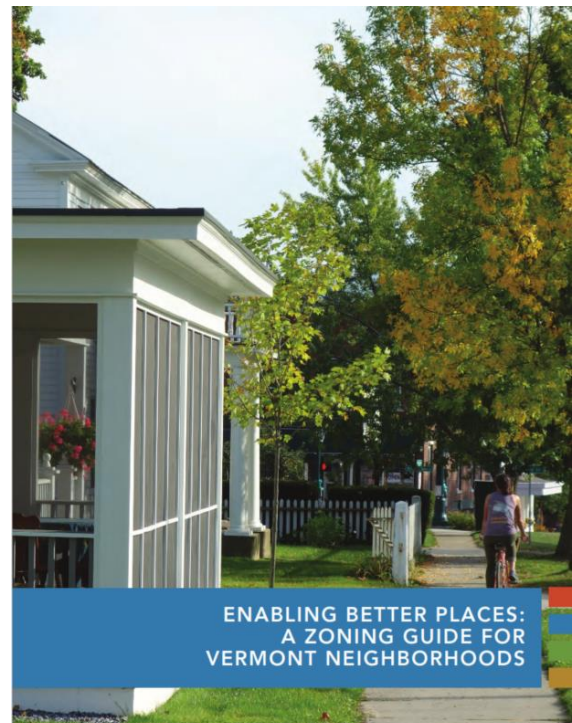
Why Are These Changes Needed?

We are compelled to make many of the changes because of revisions to State law over the last few years. In Vermont, land use decisions and most development review/permitting happen at the local level – i.e., towns and cities. However, municipalities only have the regulatory powers that are prescribed in State law. Many State officials feel that municipalities are partially to blame for Vermont’s housing crisis – because of outdated zoning and a reticence to plan for and accept significant residential development. As a result, laws have been passed over the last few years to pre-empt municipal zoning authority, in favor of limited statewide zoning mandates.

Vermont's housing crisis is real and stems from a number of factors – e.g., a slowdown in residential construction after the 2008 economic collapse, lending restrictions enacted after the great recession, increased cost of building materials, supply chain shortages since the onset of the covid pandemic in 2020, a shortage of skilled labor, rising cost of land, inadequate State and Federal funding for infrastructure, antiquated municipal and State permitting, and unwieldy and slow appeals processes. Hinesburg is not immune, as evidenced by the real estate market (limited supply, high house prices, fast sales) and frequent housing queries on Front Porch Forum. For more information, check out the "[Locked Out](#)" series by Seven Days.

Admittedly, a large amount of new housing in Hinesburg's village area was permitted in 2022. The Kelley’s Field 2 senior housing project is under construction, and the Haystack Crossing and Hinesburg Center 2 projects could break ground in 2024 pending State permits. With that said, zoning updates are still needed to better enable infill and redevelopment. Some zoning regulations were designed with single unit homes in mind, and discriminate against other types of housing like duplexes. Sometimes zoning regulations don’t even allow for new development that looks like what we already have.

In 2020, the State launched the [Zoning for Great Neighborhoods](#) project to help municipalities improve their zoning regulations and incrementally remove unnecessary barriers to creating more homes. Together with this guide and the expertise of our consultant, we’ve crafted zoning revisions to comply with State law and allow a wider range of housing types.



Substantive Zoning Revisions:

- 1.4 - overall purpose section - REVISED - more detail added to better align with State statute
- 2.3 - special uses - REVISED - emergency shelter use added per State statute
- Table 1 - dimensional standards - STILL NEEDS UPDATING - per other sections and separate Rural Residential 1 zoning revision proposal, currently under consideration by the Select Board
- 2.4.1 - two-unit dwelling allowance - ADDED - treats two-unit dwellings (duplex) the same as a single-unit dwelling per State mandate
- 2.4.2, 2.4.3, 2.4.4 - village growth area density - DELETED - new/simple density allowance required per new State mandates, contained in revised section 3.1
- 2.9 - village growth area density bonuses - DELETED - new/simple density allowance with State mandated bonus for affordable housing
- 3.1, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.13, 3.14 - village growth area zoning district descriptions - REVISED/REPLACED - revised/consolidated section 3.1, common purpose statement, simplified allowed uses table
- New use allowances - ADDED or REVISED - per State mandates and consultant recommendations:
 - Emergency shelter
 - Family childcare home
 - Group home
 - Recovery residence
 - Residential care home
 - Residential care facility - replaces existing "Congregate Housing"
 - Rooming house
 - Storage facilities
 - Transitional housing
- 5.5 - off-street parking requirements - REVISED - reduced parking for dwellings per State mandates
- 5.9 - accessory dwelling units - REVISED - updated to comply with State mandates
- 5.14 - conversion of one-unit dwellings - REVISED - added more flexibility to convert an existing one-unit dwelling to a multi-unit dwelling.

- 5.21 - inclusionary zoning - MOVED/REVISED - added to section 3.1, required affordable units increased to 15%, ownership affordability price increased from 80% to 100% of area median income, State mandated density bonus replaces prior density bonus
- 5.22 - village growth area design standards - MOVED/REVISED - added to section 3.1, simplified in places but largely kept as is
- Various terminology updated for consistency with State statute. Significant new/revised definitions:
 - Accessory use
 - Affordable housing
 - Arcade, Gallery, Open Porch, Portico
 - Community center
 - Dwelling unit
 - Emergency shelter
 - Family childcare home
 - Government facility
 - Group home
 - Household
 - Nursery or garden supply center
 - Principal use
 - Recovery residence
 - Residential care home
 - Residential care facility - replaces existing "Congregate Housing"
 - Rooming house
 - Storage facilities
 - Transitional housing

** Note - Certain terms were updated simply for clarity throughout the entire document. Two examples: the term “single family dwelling” was replaced with “single-unit dwelling”; and “building permit” was replaced with “zoning permit”. These sorts of non-substantive changes are not listed above, but are shown in the Zoning Regulation Revision document.

Findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing, and sections 4412, 4413, and 4414 of Title 24 of Vermont Statutes Annotated:***

Many of the proposed changes are driven by changes to State statute. In other words, the changes are not discretionary and do not stem from specific goals and policies contained in the Hinesburg Town Plan. With that said, the following Town Plan general objectives and specific action items do address the general goals of the proposed changes – i.e., simplify the regulations related to housing creation, particularly in the village growth area; diversify available housing types; increase the amount of affordable housing. Town Plan excerpts:

- Objective #1a - Guide development into locations that reinforce the rural pattern of compact settlements surrounded by open lands.
- Objective #2a - Encourage and support the development of a supply of safe and affordable housing in a variety of types and price ranges.
- Action Item 2.1.2 - Support affordable, senior, and reasonably priced housing town-wide within existing density allowances, with emphasis on higher densities of such housing in the Village Growth Area.
- Action Item 2.4.1 - Review and implement means of streamlining the development review process as a way of reducing housing costs. Remove unnecessary barriers to well-planned housing projects.

24 V.S.A. § 4412 - Required provisions and prohibited effects:

The proposed changes conform with all provisions of section 4412. Specific changes related to section 4412 are described below. The proposed revisions do not address other aspects of section 4412.

- Duplexes allowed with the same dimensional standards as a single-unit dwelling.
- Multi-unit dwellings with four or fewer units allowed as a permitted use in areas served by municipal water and sewer.
- Accessory dwelling units allowed with the same review and controls as required for a single-unit dwelling, except for those special controls outlined in sections 4412 & 4303(38) – i.e., subordinate to a single-unit dwelling, owner occupancy of the property, maximum size.
- Residential Care Home, Group Home, Recovery Residence uses allowed as a permitted use in all districts that allow single-unit dwellings.
- Residential density allowance is greater than five dwelling units per acre in areas served by municipal water and sewer that allow for residential development. *NOTE – will require additional fine tuning for the Residential 3 zoning district that is proposed in the separate RRI zoning revision changes.*
- Affordable housing projects in areas served by municipal water and sewer are allowed a 40% density bonus and one additional floor beyond maximum building height restrictions. As required in section 4412(13). *NOTE – will require additional fine tuning for the Residential 3 zoning district that is proposed in the separate RRI zoning revision changes.*

24 V.S.A. § 4413 - Limitations on municipal bylaws:

The proposed changes conform with all provisions of section 4413. Specific changes related to section 4413 are described below. The proposed revisions do not address other aspects of section 4413.

- Emergency Shelters was added as a special use in section 2.3 of the Zoning Regulations, and the statutory definition was added to section 10.1.

24 V.S.A. § 4414 - Zoning; permissible types of regulations:

The proposed changes conform with all provisions of section 4414, including the provisions that don't take effect until 12/1/2024, per Act 47 of 2023. Specific changes related to section 4414 are described below. The proposed revisions do not address other aspects of section 4414.

- Parking requirements for residential development were adjusted to comply with section 4414(4) – the version that takes effect on 12/1/2024.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

As noted above, the proposed changes are designed to refine future land uses and development densities pursuant to new State statutory requirements – particularly in areas served by municipal water and sewer. The changes are compatible with the land uses and densities outlined in the plan. The proposed village growth area development density of six dwelling units per acre is slightly higher than that required in State statute (five units per acre), but still within the middle of the range currently allowed in Hinesburg's existing zoning regulations (4.4-8.8 units per acre).

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

Not applicable.