

Proposed Miscellaneous Amendments to the 2022 Greensboro Zoning Bylaw

Approved by GPC 2/13/2024

MARKED AND ANNOTATED COPY

- This version of the Proposed Miscellaneous Amendments to the 2022 Greensboro Bylaw is the marked copy of the document which was the subject of the Selectboard's Public Hearing on 7/25/2024. In addition, the proposed changes have been annotated with comments which explain the reasons the changes have been proposed by the Planning Commission.
- The second page in this document discusses three changes to the Town bylaw required by changes to VT statutes in the 2024 Legislative Session and which changes have been approved by the Greensboro Selectboard prior to the 7/25/2025 public hearing but after the proposed amendments were delivered by the Planning Commission to the Selectboard for their consideration.

This document contains only pages on which there are miscellaneous amendments.

Includes changes to
Article 1 Authority and Purpose,
§2.2 Zoning Maps and District Boundaries,
§3.2 Lot Access Requirements,
§3.6 Limitations on Municipal Bylaws,
§3.7 Lots in Two Districts,
§3.12 Height Exceptions,
§4.2 Accessory Dwelling Unit,
§4.15 Parking,
§5.1 Zoning Permits,
§5.4 Conditional Uses,
§5.7 Appeals,
§5.8 Public Hearings,
Article 9 Definitions.

Key to the Marked Copy:

- **Blue text with strikethrough** = deleted text
- **Red underlined text** = new inserted text
- **Green text = moved text**
 - Text that appeared in the 2022 bylaw but its location in bylaw has been moved.
 - green text with strikethrough shows where text was moved from
 - green underlined text without strikethrough is where text was moved to
 - Note: moved text sometimes shows as **blue (deleted)** and **red (inserted)** instead of as **green text**.

7/10/2024 ADDENDUMTo Documents of Proposed Miscellaneous Bylaw Changes v061824

At the 7/10/2024 Selectboard meeting, the Greensboro Selectboard approved adding three items to the miscellaneous bylaw amendments that were warned on 6/26/2024 for a Selectboard public hearing scheduled for 7-25-2024.

These three changes update the 2022 bylaw to comply with recent amendments to the Vermont Statutes made during the 2024 Legislative Session.

The changes in the Greensboro Bylaw to reflect the changes in VT statute are:

- Bylaw §5.7(B)(4): In the definition of “Interested Person” which defines who has the right to appeal a municipal permit decision, “any 10 persons” is increased to “any 20 persons”.
- Bylaw Article 9 Definition of “two family dwelling”. The sentence “In any district that allows year-round residential development, two-family dwellings shall be a permitted use with the same dimensional standards as a single-unit dwelling.” is changed to “In any district that allows year-round residential development, two-family dwellings shall be a permitted use with dimensional standards that are not more restrictive than is required for a single-unit dwelling, including no additional land or lot area than would be required for a single-unit dwelling.”
- Added as the first sentence in Bylaw §5.8(B) Hearings: “Within 120 days of an application being deemed complete, the DRB shall notice and warn a hearing on the application.”

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Article 1. Authority and Purpose

§ 1.1 Enactment

In accordance with the Vermont Planning and Development Act, 24 V.S.A. §4401, there are hereby established Zoning regulations for the Town of Greensboro which are set forth in the text and maps that constitute these regulations. These regulations shall be known and cited as the “Town of Greensboro Zoning Bylaw.” This Bylaw is in addition to all other regulations of the Town of Greensboro and all applicable laws of the State of Vermont. State of Vermont permits may be required.

Commented [JS1]: Recommendation of NVDA

§ 1.2 Intent

It is the intent of this Bylaw to provide for orderly community growth and to further the purposes of the ~~2012 current~~ Greensboro Town Plan and 24 V.S.A. §4302.

Commented [JS2]: Recommendation of NVDA

§ 1.3 Application and Interpretation

- (A) Within the town of Greensboro, no land development or land subdivision shall commence, nor shall any structure be erected or altered, except in conformance with the requirements of this Bylaw.
- (B) In their interpretation and application, the provisions of this Bylaw shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
- (C) It is not intended by this Bylaw to repeal, annul or in any way impair any regulations or permits previously adopted or issued. or to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. provided, h However, ~~that~~ where these regulations impose a greater restriction upon use of a structure or land than are required by any other statute, rule, regulation permit, easement, or agreement, the provisions of this Bylaw shall control.
- (D) Where the meaning of the Bylaw is not apparent to the Administrative Officer or the Development Review Board, interpretation of the Bylaw will be made by the Planning Commission and that interpretation will be attached to the Zoning Permit and entered into the minutes of the hearing if a hearing is held.

Commented [JS3]: Consolidate language with similar provision from 2022 Article 8. Removed from Article 8

§ 1.4 ~~Severability~~parability

The invalidity of any article or section of this Bylaw shall not invalidate any other article or section thereof.

Commented [JS4]: Correct to standard legal terminology

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§ 1.5 Adoption and Effective Date

~~This Bylaw shall take effect in accordance with the procedures contained in 24 V.S.A. §4442, these Bylaws shall take effect 21 days after the date of adoption. Upon the effective date of these Bylaws, the zoning Bylaws previously in effect (Greensboro Zoning Bylaw, as amended and adopted March 1, 2022) shall be deemed repealed.~~

Commented [J55]: Combine §1.7 into §1.5

§ 1.6 Amendments

These Regulations may be amended according to the requirements and procedures established in 24 V.S.A., §§ 4441 and 4442.

~~**§ 1.7 Repeal**~~

~~With the adoption of this Zoning Bylaw, the former Greensboro Zoning Bylaw, adopted January 13, 2009, as amended on March 5, 2013, is hereby repealed.~~

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Article 2. Zoning Districts

§ 2.1 Establishment of Zoning Districts

The Town of Greensboro is hereby divided into the following districts with the correlating minimum lot size:

- (A) Greensboro Village District (one-half acre)
- (B) Greensboro Bend Village District (one-half acre)
- (C) Rural Lands District (ten acres)
- (D) Resource District (twenty-five acres)
- (E) Shoreland Protection District (one acre)
- (F) Extended Village District (two acres)

§ 2.2 Zoning Maps & District Boundaries

(A) The final authority as to the current district boundaries shall be the current "District Boundary Line Descriptions" "Official Greensboro Zoning Map—2008" located in the Greensboro Town Offices.

(B) District Boundaries, shown within the lines of roads, streams, bridges, culverts and transportation rights-of-way, shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of such district boundaries.

(C) When the Administrative Officer cannot definitely determine the location of a district boundary by such center lines, the Development Review Board shall interpret the location of the district boundary with reference to the district maps and descriptions included herein and the purposes set forth in all relevant provisions of this Bylaw.

Commented [JS6]: Correct "final authority" for district boundaries to "boundary line descriptions" instead of "maps".

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Article 3. General Regulations

§ 3.1 Applicability

The following general standards are applicable to all districts, unless specified.

§ 3.2 Lot Access Requirements

(A) No land development shall be permitted on lots which do not have either frontage on a public road or public waters or access to such a road or waters by means of a permanent easement or right-of-way. Such easement or right-of-way shall be at least 50 feet in width.

~~(B) The Vermont Agency of Transportation must approve access to a state highway before Town permits can be issued.~~

~~(B)~~(C) The Greensboro Selectboard must approve access to a town highway (a curb cut). Driveways are to be located at least 100 feet from the center point of an intersection; the Selectboard may, at its discretion, deviate from this provision if deemed necessary for road safety or if a driveway closer to an intersection does not present a safety hazard.

~~(C)(A) The Vermont Agency of Transportation must approve access to a state highway.~~

(D) Recreational easements have no width requirement.

Commented [JS7]: Recommended by NVDA. Vtrans regulation.

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§ 3.6 Limitations on Municipal Bylaws

(A) **Public Facilities.** The following uses may be regulated only 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 these regulations do not have the effect of interfering with the intended functional use. Except for state owned and operated institutions and facilities, this bylaw may regulate the below listed uses for compliance with the National Flood Insurance Program in accordance with Article 6 of this bylaw.

Commented [JS8]: Language recommended by NVDA because Grbo participates in NFIP.

1. State- or community-owned and operated institutions and facilities.
2. Public and private schools and other educational institutions certified by the state department of education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals
5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159.
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606(a).
- 6.7. Emergency Shelters. Regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use.

Commented [JS9]: Comply with Vt Statute as per S.100 (2023), 24 VSA §4413

(B) **Agricultural Practices & Farm Structures.** This Bylaw shall not regulate ~~accepted~~required agricultural practices, as defined by the Secretary of Agriculture, Food, and Markets, including the construction of farm structures. No municipal permit for a farm structure shall be required; however, a person shall notify the Town of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food, and Markets.

Commented [JS10]: Per NVDA, Act 64 in 2015 changed this language Note "required" agricultural practices is consistent with VT Statute 4413(d)(1)(A)

(C) **Silvicultural Practices and Forestry Operations.** This Bylaw shall not regulate accepted silvicultural practices, as those practices are defined by the Commissioner of Forest, Parks, and Recreation under Title 10, §1021(f) and §1259(f), and Title 6 §4810. Landowners and loggers should follow the best management practices, as contained in the guide "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont." Per 24 V.S.A. §4413(d), this Bylaw shall not regulate forestry operations as defined in 10 V.S.A. §2602.

Commented [JS11]: Added "Forestry" to this provision to be consistent with terms used in "Permitted Uses" in Article 2. Note "accepted" silvicultural practices is consistent with VT Statute 4413(d)(1)(B)

§ 3.7 Lots in Two Districts

Where a district boundary line divides a lot of record at the time such line is adopted, a use established in one district may not extend more than fifty feet into a district in which it is not permitted.

Commented [JS12]: Broadens the applicability of the prohibition on extending a use established in one district more than 50' into a district in which it is not permitted, whenever a boundary line divides a lot of record.

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§ 3.12 Height Exceptions

The height limitations of these Regulations, shall not apply to barns and silos, private home antennae, spires, belfries, steeples, cupolas, water tanks, ventilators, chimneys, solar equipment, windmills, transmission towers, flag poles, or other appurtenances not used for human occupancy up to a maximum of 50 feet. Windmills over 35 feet in height shall require a conditional use review. ~~There shall be no exception of height limitations for the above items w~~Within the Shoreland Protection District, ~~the only exception to height limitations shall be for chimneys.~~

Commented [JS13]: Correction. Change approved by PC in 2021. Omitted in 2022 Bylaw. Now added.

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§ 4.2 Accessory Dwelling Unit

- ~~(B)~~(A) An accessory dwelling unit shall be a permitted use in all districts.
- ~~(C)~~(B) An accessory dwelling unit can be either *located within, attached to, or detached from* an existing owner-occupied single-family dwelling.
- ~~(D)~~(C) The following criteria shall be met for all accessory dwelling units:
 - ~~2.1~~ The unit shall be clearly subordinate to an existing single-family dwelling on an owner-occupied lot~~single-family dwelling~~;
 - ~~3.2~~ The unit ~~shall be an efficiency or one-bedroom apartment, and is a distinct unit that~~ shall have facilities and provisions for independent living, including sleeping, food preparation, and sanitation;
 - ~~4.3~~ The property shall have received a state Wastewater and Potable Water Supply permit for the addition of the unit;
 - ~~5.4~~ Applicable setback, coverage, and parking requirements specified in this Bylaw are met;
 - ~~6.5~~ The unit ~~shall does~~ not exceed 1,200 square feet of total habitable floor area or 30% of the total habitable floor area of the principal dwelling, whichever is greater in every district except the Shoreland Protection District. In the Shoreland Protection District, the unit ~~shall does~~ not exceed 900 square feet of total habitable floor area, which ~~excludes~~includes porches and decks, or 30% of the total habitable floor area of the principal dwelling, ~~whichever is greater.~~¹
 - ~~7.6~~ Each new accessory dwelling unit ~~must~~shall have~~include~~ one designated parking space.
 - ~~7.~~ ~~A modified or reconstruction accessory dwelling unit may not increase in footprint within 150 feet of the shoreline. The structure's degree of nonconformity may not increase. In the Shoreland Protection District, there is a limit of one (1) accessory dwelling unit per single-family dwelling. Any development of an existing accessory dwelling unit within the Shoreland Buffer Zone must comply with §8.8 Nonconforming Structures in the Shoreland Buffer Zone.~~
 - 8. If the accessory dwelling unit is rented overnight or for a longer term, the ADU is considered to be a 'public building'. Additional state permits may be required, and the unit must meet Vermont Division of Fire Safety and Vermont Department of Health safety standards for rentals.

Commented [JS14]: Correction to comply with VT Statute. Owner must live on the lot but can live in either the SFD or the ADU.

Commented [JS15]: Correction. Reverts change made in the 2022 Bylaw to 2015 Bylaw language for consistency with the definition of habitable floor area, which excludes porches and decks.

Commented [JS16]: Language deleted here was inserted in the 2022 bylaw, but was not presented for Town Vote in 2022. At its 12/2022 bylaw working session, the PC agreed with the deleted language. For consistency, the PC has moved provisions for development of nonconforming existing ADUs in the SPD into Article 8 where all development in the SPD is regulated.

Commented [JS17]: Comply with VT statute, S.100 (2023), moved from footnote and updated. 20 VSA §2730(b)(4)

¹If the accessory unit's square footage exceeds 30% of the total habitable floor area of the principal dwelling, the unit is considered to be a "rental" and additional state permits are required.

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§ 4.15 — Accessory Structure

~~(A) A modified or reconstructed accessory structure may not increase in the footprint within 150' of the shoreline; the structure's degree of nonconformity may not increase.~~

Commented [JS18]: Moved. This was approved by PC in 2021 and included in 2022 Bylaw. For consistency, this restriction is now incorporated into Article 8, Shoreland Protection District.

§ 4.156 Parking

(A) A new single-family dwelling must include at least two designated parking spaces.

~~(B) A new accessory dwelling unit must have at least one designated parking space.~~

Commented [JS19]: After review of the inconsistencies in parking provisions in various 2021/2022 versions of bylaw documents, PC agreed on this language for parking for SFDs and ADUs at the PC's 12/2022 bylaw working session.

~~(B)(C) A new two-family dwelling must include at least three designated parking spaces.~~

Commented [JS20]: Requirements for parking for duplexes added after enactment of S.100 (2023).

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Article 5. Administration and Enforcement

§ 5.1 Zoning Permits

- (A) No land or building development may commence, nor shall any land or structure be used, extended in any way or be occupied, unless a Zoning Permit has been duly issued by the Administrative Officer (AO), as provided for in 24 V.S.A. §4449. The fee for such a zoning permit shall be as established by the Selectboard.
- (B) A building permit for any building requiring the installation of an on-site potable water supply and/or wastewater disposal system shall not be issued until such time that a potable water supply and/or wastewater system permit has been issued by the State of Vermont under 10 V.S.A. chapter 64.
- (C) Handicap Accessibility Ramps which comply with The Americans with Disabilities Act (ADA) guidelines and provide access to a building do not require a zoning permit, nor do fences and stairs.

(D) Subdivisions and Boundary Line Adjustments

1. A zoning permit is required for the subdivision of land or for a Boundary Line Adjustment (BLA).
2. The total number of parcels resulting from a Boundary Line Adjustment (BLA) will not be greater than the number of parcels that existed prior to the proposed BLA. The BLA will not make complying lots nonconforming and it will not increase the nonconformance of any existing lot.
3. All lots created by or resulting from subdivision shall conform to all regulations governing the zoning district in which the property is located.
 - (a) Minor Subdivision: A division of land resulting in no more than two (2) lots within a three-year period requires ~~an administrative permit~~ **Conditional Use approval by the DRB.**
 - (b) Major Subdivision: A division of land resulting in more than two (2) lots within a three-year period, or where a portion of the land falls in a different district, a **Conditional Use approval and Site Plan Review by the DRB** are required.
4. A contiguous parcel of land in the town of Greensboro may be subdivided into no more than four (4) lots in any given 12-month period unless in conjunction with a PUD approved by the Development Review Board in accordance with Article 4.9 Planned Unit Development.
5. **Subdivision and BLA** Application requirements:
 - (a) All relevant State permits must be obtained.
 - (b) A survey map prepared by a licensed surveyor **within the last twenty-four months** which includes existing and proposed property lines, lot lines, boundary dimensions, location of roads, driveways, ROWs, easements, culverts, waterways, wetlands, floodplains, existing structures, wells, septic systems.
 - (c) Recording fee and other local fees.
 - (d) The Town Clerk of Greensboro shall not record any deed which evidences a subdivision of land unless the **Development Review Board** **ZA** certifies that such subdivision is in compliance with town zoning and subdivision regulations and after the appeal period and all

Commented [JS21]: Changes prepared by ZA and approved by DRB were submitted to PC and accepted. Requires DRB approval for **all** boundary line adjustments and subdivisions. Requires a recent survey map.

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appeals are considered. ~~The ZA may refer any subdivision to the Development Review Board, if deemed necessary.~~

(E) The AO shall not issue a Zoning Permit unless an application, fee, plot plan and any other approvals required by the regulation have been properly submitted. The AO shall, within 30 days of submission of a complete application, data, and approvals, either issue, deny, or refer a zoning permit to the Development Review Board (DRB). If denied, the AO shall so notify the applicant in writing, stating the reasons therefore. If the Zoning Permit is approved, all activities authorized by its issuance shall be completed within two years of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required. The AO may renew such an application before the expiration period provided that the proposed development still meets the criteria of the permit issued.

~~(F) Whenever an application goes before the DRB all adjoining landowners shall be notified by mail, by the DRB's clerk, at least fifteen days in advance of the hearing, of the date and time of the hearing and shall be provided with a copy of the permit. However, failure to make this notification shall not constitute grounds for nullifying the results of such a hearing. In addition, all notices required by Vermont law shall be given.~~

~~(F)~~ **(F) Permit Posting Requirements.** Within three days following the issuance of a zoning permit, the AO shall post a copy of the permit in the Town Clerk's office until the expiration of the appeal period. The applicant must also post a permit notice, in a form prescribed by the Town, within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed. The notice shall contain a statement of the appeal period and information as to where a full description of the project and approval can be found.

~~(H)~~ **(G)** All applications require drawings to scale.

Commented [JS22]: This is redundant and deleted. Notification complying with VT statute is addressed in §5.8.

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§ 5.4 Conditional Uses

- (A) No Zoning Permit shall be issued by the Administrative Officer for any use or structure which requires Conditional Use approval in this Bylaw until the DRB grants such approval. In considering its action, the DRB shall make findings on general and specific standards, hold hearings and attach conditions, if any, as provided for in 24 V.S.A. §4414(3).
- (B) Such general standards shall require that the proposed conditional use shall not result in an undue adverse effect on:
1. The capacity of existing or planned community facilities;
 2. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the Town Plan;
 3. Traffic on roads and highways in the vicinity;
 4. Bylaw and ordinances then in effect; the proposed development shall comply with all applicable bylaws and ordinances in effect at the time of application.
 5. Utilization of renewable energy resources.

(C) Specific standards shall include:

1. Minimum lot size shall be that which is required for the district in which the use occurs unless other standards are given for conditional use lot size in the district in question.
2. Setbacks for conditional uses will be the same as for permitted uses unless other standards are given for conditional use setbacks in the district in question.
3. Exterior signs shall conform to the following in all districts:
 - (a) No internally lit signs shall be permitted
 - (b) All signs shall be compatible in size, materials, and workmanship to the area in which they are located.
4. Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected.
5. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.
6. Noise, air pollution, exterior light, viewshed, and effects on the character of the neighborhood shall be considered.
7. In the Shoreland Protection District, the DRB must find that the district's purposes will be protected through erosion controls, supplemental planting of native species, protection of existing vegetation, and/or other measures.

Commented [JS23]: Added to provide guidance to the DRB/applicants regarding how this provision is to be interpreted. (This language is consistent with other VT Towns' bylaws that provide similar guidance.)

Commented [JS24]: This language previously appeared in §2.7(D) and 8.7(B) Conditional Uses in the SPD. DRB requested the language be included in §5.4, which is referenced by them in deliberations for CU applications.

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8. In the Shoreland Protection District, the visual impact of man-made development shall be softened by existing vegetation or additional planting of natural vegetation to provide visual breaks to and filtered views of building facades when viewed from the lake or the shoreline during summer leaf-on conditions.

~~6.~~ (D) A multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.

Commented [JS25]: The 2022 Bylaw added “viewshed” to §5.4(C6) without providing adequate guidance on acceptable standards to applicants and the DRB. This new provision provides SPD viewshed standards which are consistent with SPD purposes and Town Plan goals. (They are similar to standards in several other VT Towns’ bylaws.)

Commented [JS26]: Added to **comply with VT Statute** (per Act 179 enacted in 2020).

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§ 5.7 Appeals

(A) **Administrative Officer Actions.** Any interested person as defined under 24 V.S.A. §4465 may appeal a decision or act of the Administrative Officer (AO) within 15 days following~~of~~ the date of the decision or act by filing a notice of appeal with the secretary of the DRB or the municipal clerk if no secretary has been elected, and by filing a copy of the notice with the AO.

Commented [JS27]: Update to comply with VT Statute

1. The DRB shall hold a public hearing on a notice of appeal within 60 days of its filing, give public notice of the hearing, and mail a copy of the hearing notice to the appellant not less than 15 days prior to the hearing date. (24 V.S.A. §4468)
2. The DRB may reject an appeal or request for reconsideration without hearing, and render a decision which shall include findings of fact within 10 days of the filing of a notice of appeal, if the DRB -determines that the issues raised by the appellant have been decided in an earlier appeal or are based on substantially or materially the same facts by or on behalf of the appellant. (24 V.S.A. §4470)
3. In accordance with 24 V.S.A. §4468 all appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in state statutes (3 V.S.A. §810). Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be adjourned by the DRB -from time to time, provided that the date and place of the resumption of the hearing is announced at the adjourned hearing.
4. A decision on appeal shall be rendered within 45 days after the final adjournment of the hearing, as required under 24 V.S.A. §4464. The decision shall be sent by certified mail to the appellant within the 45 day period. Copies of the decision shall be mailed to every person or body appearing and having been heard at the hearing; and filed with the AO and the Municipal Clerk as part of the public records of the municipality, in accordance with 24 V.S.A. §4464(b). Failure of the Board to issue a decision within this 45 day period shall be deemed approval and shall be effective on the 46th day.

(B) **Interested Persons.** The definition of an interested person under 24 V.S.A. §4465(b) ~~means one of~~ ~~includes~~ the following:

Commented [JS28]: Update to comply with VT Statute

1. A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a Bylaw, who alleges that the Bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case;
2. The municipality that has a plan or a Bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality;
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under these regulations, who can demonstrate a physical or

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environmental impact on the person’s interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes or terms of the plan or Bylaw of that municipality;

4. Any ten persons who may be any combination of voters, residents or real property owners within a municipality listed in §5.7(B)(2-) above who, by signed petition to the DRB of the Town of Greensboro, the Town plan or Bylaw of which is at issue in any appeal brought under these regulations, allege that any relief requested by a person under this section, if granted, will not be in accordance with the policies, purposes or terms of the Town plan or Bylaw of Greensboro, that municipality. This petition to the DRB must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For the purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing; and
5. Any department and administrative subdivision of the state of Vermont owning property or any interest in property a municipality listed in §5.7 (B)(2-) above, and the Vermont Agency of Commerce and Community Development.

Commented [JS29]: Add “residents” to **comply with VT Statute, S.100 (2023)**

Commented [JS30]: **Correct** problem with legacy language.

Commented [JS31]: Change to **comply with VT Statute S.100 (2023)**

(C) Notice of Appeal. A notice of appeal filed under this section shall be in writing and include the following information, in accordance with 24 V.S.A. §4466.

1. The name and address of the appellant,
2. A brief description of the property with respect to which the appeal is taken,
3. A reference to applicable provisions of these regulations,
4. The relief requested by the appellant, including any request for a variance from one or more provisions of these regulations, and
5. The alleged grounds why such relief is believed proper under the circumstances.

(D) Appeals to Environmental Court. In accordance with 24 V.S.A. §4471, an interested person who has participated in a regulatory proceeding of the Development Review Board (DRB)- may appeal a decision rendered, within 30 days of such decision, to the Vermont Environmental Court. Appeals to Environmental Court shall also meet the following requirements:

1. “Participation” in a DRB ~~proceeding~~ shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
2. Within 30 days following the date of decision rendered by the DRB-, notice of the appeal shall be filed by certified mail, with fees, to the Environmental Court, and by mailing a copy to the Administrative Officer (AO) who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

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§ 5.8 Public Hearings

A. Public Notice.

~~(A)~~1. In accordance with 24 V.S.A. § 4464, all development review applications before the DRB shall require notice as follows. A warned public hearing shall be required for conditional use review (§5.4), variances (§5.5), ~~and~~ appeals of decisions of the Administrative Officer (AO) [~~§5.7-5-6~~], final plat review for subdivisions, site plan review for commercial use (§4.4) and all other types of Development Review Board (DRB) hearings. Any public notice for a warned public hearing shall include the date, time, place and purpose of the hearing and be given not less than 15 days prior to the date of the public hearing by all of the following:

a. For DRB hearings for conditional use review, variances, appeals of decisions of the Administrative Officer, and final plat review for subdivisions,

publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;

~~—~~b. Posting of the ~~same~~ information in three (3) or more public places within the municipality, including the posting of a notice within view from the public right-of-way nearest to the property for which the application is being made;

c. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to the interposition of a highway or other public rights-of-way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal. ~~and~~ When a variance is sought regarding setbacks from a State highway, notification shall also be given to the Secretary of Transportation. The DRB clerk and applicant will make all reasonable efforts to provide notice to adjoining property owners. The applicant will be required to provide the DRB clerk with a list of all adjoining property owners and their contact information for written notification. Written notice shall be delivered to the Town's address of record for the adjoining property owners and to the local property address. When email addresses for neighboring property owners are available, the notice shall also be emailed.

d. Posting on the Town's website in an easy-to-access location such as the Town calendar or notice board.

2. The locations of all postings and names of all those notified shall be recorded in the minutes of the public hearing.

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Commented [JS32]: Consolidation/Consistency. Section amended to avoid significant repetition of notice requirements. Require 15 days advanced notice for all DRB hearings instead of 15 days for some and 7 days for others.

Commented [JS33]: Comply with VT Statute

Commented [JS34]: Changed to provide more reliable notice to adjoining property owners. Applicant, in addition to DRB clerk, has responsibility in providing notice.

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~~Public notice of all other types of Development Review Board (DRB) hearings, including commercial use review (§4.4), shall be given not less than seven (7) days prior to the date of the public hearing, and shall at minimum include the following:~~

~~1. Posting of the date, place and purpose of the hearing in three (3) or more public places within the municipality; and~~

~~2. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to public rights of way, which includes a description of the proposed project, information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding, is a prerequisite to the right to take any subsequent appeal.~~

~~3. No defect in the form or substance of any public hearing notice warned under this section shall invalidate the action of the DRB-, where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Environmental Court or by the DRB itself, the action shall be remanded to the DRB- to provide new posting and notice, hold a new hearing, and take a new action.~~

Commented [JS35]: Change to **comply with VT Statute**

(B) Hearings. In accordance with 24 V.S.A. §4461, all meetings and hearings of the DRB-, except for deliberative sessions, shall be open to the public. For the conduct of any hearing, and the taking of any action, a quorum shall be not less than the majority of members of the DRB-. The DRB-, in conjunction with any hearing under this Bylaw, may:

3. Examine or caused to be examined any property, maps, books, or records bearing upon the matters concerned in that proceeding;
4. Require the attendance of any person having knowledge in the premises;
5. Take testimony and require proof material for its information; and
6. Administer oaths or take acknowledgement in respect of those matters.

In any public hearing there shall be an opportunity for each person wishing to achieve status as an interested person to demonstrate that the criteria set forth under ~~§5-65.7~~(B) are met. The DRB -shall keep a record of the name, address, and participation of each of these persons.

In accordance with 24 V.S.A. §4464(b) and 4468, the DRB -may recess a hearing on any application or appeal pending the submission of additional information, provided that the next hearing date and place is announced at the hearing.

(C) Decisions. Any action or decision of the DRB -shall be taken by the concurrence of a majority of its members. In accordance with 24 V.S.A. §4464(b), the DRB -shall issue a decision within 45 days after the adjournment of the hearing. Failure to issue a decision within the 45-day period shall be deemed approval and shall be effective on the 46th day. In addition:

Commented [JS36]: Change to **comply with VT Statute**

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1. All decisions shall be issued in writing and shall separately state findings of fact and conclusions of law. Findings of fact shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions shall be based on the findings of fact. The decision shall also include a statement of the time within which appeals may be taken under §~~5.75-6~~ of this Bylaw. The minutes of a meeting may suffice, provided that the factual basis and conclusions relating to the review standards are provided in accordance with these requirements.

~~1.~~ ~~2.~~ 2. In rendering a decision in favor of the applicant, the DRB may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of 24 V.S.A. Ch. 117, these regulations, and the municipal plan currently in effect. This may include, as a condition of approval:

(a) the submission of a three-year performance bond, escrow account, or other form or surety acceptable to the Greensboro Selectboard, which may be extended for an additional three-year period with the consent of the owner, to assure the completion of a project, adequate stabilization, or protection of public facilities that may be affected by a project; and/or

(b) ~~3. A~~ all decisions of a DRB shall be sent by certified mail, within the required 45-day period, to the applicant or the appellant on matters of appeal. Copies of the decision also shall be mailed or emailed to every person or body appearing and having been heard at the hearing, and filed with the AO and ~~DRB/ZBA~~ clerk as part of the public record of the municipality.

Commented [JS37]: Correct numbering to agree with VT Statute intent. Previous 2(b) applies to all decisions, not only those in favor of applicant.

Commented [JS38]: Correction

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Article 9. Definitions and Acronyms

§9.1 Terms & Use

For the purposes of these regulations, words shall be presumed to have their usual meaning, except those words defined in this article which shall have the meaning herein ascribed to them.

§ 9.2 Definitions ONLY CHANGES TO MISC DEFINITIONS SHOWN

Accessory Dwelling Unit: ~~An efficiency or one-bedroom apartment.~~ A distinct unit located within or appurtenant to ~~an owner-occupied~~ a single-family dwelling on an owner-occupied lot, that is clearly subordinate to the single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation.

Commented [JS39]: Comply with VT Statute

Affordable Housing:

(A) Housing that is owned by its inhabitants, whose gross annual household income does not exceed 12080 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household’s gross annual income, or

Commented [JS40]: Comply with VT Statute

(B) Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household’s gross annual income. (24 V.S.A. §4303(1)(A))

Cemetery: Land used or dedicated to the burial of the dead, which includes as accessory structures mausoleums, columbariaums, and maintenance facilities, but specifically excludes crematoriums. An individual or family burial plot on private land, registered with the Greensboro town clerk in accordance with state law, is exempted from this definition.

Commented [JS41]: Correct plural.

Duplex: See Two Family Dwelling.

Dwelling, Two Family, or Duplex: A residential building that has two (2) dwelling units in the same building and neither unit is an Accessory Dwelling Unit. In any district that allows year-round residential development, two family dwellings shall be a permitted use with the same dimensional

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~~standards as a single-unit dwelling. A building or portion thereof designed for or occupied solely as a home by two (2) families living independently of each other.~~

Commented [JS42]: Comply with VT Statute per S.100 (2023)

Emergency Shelter: Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements. See §3.6(A).

Commented [JS43]: Comply with VT Statute per S.100(2023)

Height (of Structures): The vertical distance height of any structure is the average height measured from the average finished grade at the outer building wall ground to the roof ridge line.

Commented [JS44]: Correction. Change approved by PC in 2021, but omitted in 2022 Bylaw. Now included.

~~Low Income Housing: Rental or ownership housing that is affordable to households with a gross annual household income that is less than or equal to 50% of the county median income for that household size as published by the U.S. Department of Housing and Urban Development.~~

Commented [JS45]: "Low Income Housing" does not appear in bylaw.

Residential Care or Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. §4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs. ~~Such home shall not be located within 1000 feet of another existing or permitted such home.~~

Commented [JS46]: Comply with VT Statute

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to ~~it's~~ its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Commented [JS47]: Correction grammar

~~Waiver. An intentional relinquishment of some right, interest, or the like.~~

Commented [JS48]: "Waiver" deleted per request of DRB. This dictionary definition is not appropriate for how the term is used in the bylaw.a

§ 9.3 Acronyms Used In This Bylaw

AO: Administrative Officer

BLA: Boundary Line ~~Adjustment~~ Adjustment

DRB: Development Review Board

PC: Planning Commission

PUD: Planned Unit Development

RFR: Radio Frequency Radiation

RV: Recreational Vehicle