

Draft of new Greensboro Flood Hazard Overlay Regulations

Version dated 2/1/2026

GPC approved 3/31/2026 submitted to SB 4/8/2026

The proposed new Greensboro flood regulations are based on the VT DEC's Model Flood Bylaw which includes River Corridor regulation (which is new to Greensboro) and updated FEMA Flood Hazard Area regulations. The Model Flood bylaw meets the minimum requirements for participation in the National Flood Insurance Program and for maximum reimbursement from the state's Emergency Relief and Assistance Fund.

This document includes 3 sections:

1. Starting on P 2*. The proposed new Article 6 Flood Hazard Overlay Regulations which will replace the current Article 6. For easier readability, the new Article 6 is presented here as a "clean copy". However, to allow the reader to easily identify portions that are new, provisions that have ***not changed*** from the current Article 6 *Flood Hazard Regulations* are highlighted. Portions not highlighted are new. Please note that the current Greensboro bylaw has no provisions for River Corridors, so the proposed section §6.4 River Corridor Protection is entirely new to the bylaw.
2. Starting on P 19*. Changes to the definitions of terms in Greensboro's Bylaw Article 9. Only definitions of flood terms which have been added, deleted or updated are included. This section is presented as a marked copy (red underlined is added text, blue strike-through is deleted text).
3. Starting on P 27*. Miscellaneous changes in Articles 1, 3, and 5 which are required to become consistent with state statute and the administrative provisions of the Model Flood Bylaw. This section is also presented as a marked copy and only includes provisions that are changed.

* Page numbers refer to those in the upper righthand corner of the pages (not the bottom).

Town of Greensboro

Article 6: Flood Hazard Overlay Regulations

§6.1. Statutory Authorization and Effect

To affect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, this Article 6 applies to areas at high risk of flood damage in the Town of Greensboro, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117, 44 CFR § 60.3(d), and Article 5 *Administration and Enforcement* in this Bylaw.

§6.2. Purpose

- (A) To implement the goals, policies, and recommendations in the municipal plan;
- (B) To protect health, safety and welfare of the public, minimize and prevent 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 hazards and other flood related hazards;
- (C) Support equitable wellbeing for the entire community;
- (D) Ensure that the design and construction of development in our community in Regulated Flood Hazard Areas protects floodplain and river corridor functions, avoid and reduce damage from flooding and erosion and are accomplished in a manner that minimizes or eliminates the potential for flood loss or damage to life and property;
- (E) Manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and
- (F) Make the Town of Greensboro, its landowners, residents and businesses eligible for federal flood insurance, federal disaster recovery funds, hazard mitigation funds, and enhanced state cost share under the Emergency Relief and Assistance Fund, as may be available.

§6.3. Applicability

- (A) The Flood Hazard Overlay regulations apply to the following areas, collectively hereafter called "Regulated Flood Hazard Areas".
 1. The River Corridors ("RC") in the Town of Greensboro, Vermont, as published by the Vermont Agency of Natural Resources ("ANR") including refinements to that data which are hereby adopted by reference. On streams with a drainage area more than 0.5 sq mi for which the River Corridors have not been mapped using detailed methods, the river corridor standards shall be applied to the area measured as 50 feet from the top of the stream bank or slope and must be measured on the ground. Regulations in Section §6.4 *River Corridor Protection* aim to minimize potential damage from flood-related erosion.
 2. The Special Flood Hazard Areas ("SFHA") in the Town of Greensboro, Vermont, identified 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 (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to

Article 6: Flood Hazard Overlay

be part of this bylaw. The Special Flood Hazard Areas are areas which have a 1% or greater chance of flooding in any given year (“the 100-year flood”). The FEMA/NFIP maps for Greensboro can be viewed in the Town office. Regulations in §6.5 *Special Flood Hazard Area Protection* aim to minimize potential damage from flood inundation.

3. Proposed development may be located in both a River Corridor and a Special Flood Hazard Area, in which case the more restrictive regulations will take precedence.

(B) Other Provisions

1. **Overlay.** The Regulated Flood Hazard Areas are an overlay to the underlying Zoning Districts defined in Article 2 *Zoning Districts*. All development in a Regulated Flood Hazard Area must also comply with regulations for the Zoning District in which it is located and all other applicable provisions of this Bylaw.
2. **Allowed Uses.** Uses in a Regulated Flood Hazard Area are limited to those uses allowed in the underlying zoning district and not prohibited in the Regulated Flood Hazard Areas in which it is located, provided the proposed Development complies with (i) the regulations of that zoning district, (ii) the regulations of this Overlay and (iii) all other applicable provisions of this bylaw.
3. **Precedence.** The provisions of this Article 6 shall not in any way impair or remove the necessity of compliance with any other municipal, state, or federal laws or regulations. Where the provisions of Article 6 impose a greater restriction, the provisions here shall take precedence.
4. **Warning of Disclaimer of Liability.** This bylaw does not imply that land outside of the Regulated Flood Hazard Areas or land use permitted within the Regulated Flood Hazard Areas will be free from flooding or flood or erosion damage. This bylaw shall not create liability on the part of the Town of Greensboro, or any municipal official or employee thereof, for any flood or erosion damage that result from reliance on this bylaw, or any administrative decision lawfully made hereunder.

Article 6: Flood Hazard Overlay

§6.4. River Corridor Protection**(A) Purpose**

1. River Corridors provide rivers and stream channels with the space necessary to maintain or reestablish Floodplain Access. By allowing floodwater to spill over onto the floodplain, Floodplain Access reduces erosion hazards through natural physical processes. It is the intent of this bylaw to protect public health and safety by avoiding new encroachments into river corridors and minimizing erosion-related damage to existing structures.
2. A municipal zoning permit is required for all Development that is located within the River Corridor except as provided in Section §6.4(C)(1). Where River Corridors and Special Flood Hazard Areas overlap, the most restrictive of the River Corridor and SFHA regulations shall apply.

(B) Interpretation of River Corridor Boundaries

1. The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the Administrative Officer (AO).
2. If the applicant disagrees with the determination made by the AO or with the river corridor as mapped, the applicant has the option to either:
 - a. Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; or,
 - b. Provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and River Corridor Protection Procedure ("Procedure"); or
 - c. Request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure.

(C) Development Review in River Corridors**1. Exempted Activities in the River Corridor**

The following activities in a River Corridor do not require a municipal zoning permit under this section of the bylaw:

- a. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- b. Routine maintenance of existing buildings.
- c. Maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization;
- d. Functionally dependent uses that must be placed in or cross over rivers and streams, that are not located in a Special Flood Hazard Area, and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants;

Article 6: Flood Hazard Overlay

- e. Planting projects which do not include any construction, grading or fill;
- f. Subdivision of land that does not involve or authorize development;
- g. Activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including:
 - i. State-owned and operated institutions and facilities;
 - ii. Forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;
 - iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks;
 - iv. Public utilities regulated under 30 V.S.A. § 248;
 - v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

2. Prohibited Development in the River Corridor

- a. New structures, fill, and development that do not meet the standards in Section §6.4(D) *Development Standards in the River Corridor*;
- b. Junk yards;
- c. Any other development that is not listed as exempt, permitted, or a conditional use in this Section §6.4(C) and which would cause or contribute to fluvial erosion hazards.

3. Permitted by Administrative Officer Review in the River Corridor

The following development activities meeting the Development Standards in the River Corridor in Sections §6.4(D1 or D2), may be permitted directly by the AO:

- a. Small accessory structures not larger than 500 square feet used only for storage or parking;
- b. Improvements or repairs to a structure that will not change the Footprint or Total Habitable Floor Area of the structure and do not qualify as Substantial Improvement;
- c. Improvements to utilities along an existing right of way and serving a building;
- d. Replacement of on-site septic systems; a wastewater permit from the State may be required before the issuance of a municipal permit under this bylaw.

Article 6: Flood Hazard Overlay

- e. Access and parking at grade;
- f. A deck or patio attached to an existing structure in the River Corridor, where the deck or patio is 200 square feet or less and is located no less than 100 feet from the top of bank;
- g. Unimproved trails, on native grades and soils, that will be relocated as needed to accommodate channel adjustments and avoid degradation to bank stability and riparian habitat;
- h. River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

4. Conditional Use Review in the River Corridor

Conditional use review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the AO for the following activities. The DRB must find that the proposed activity meets the conditions of §6.4 *Development Standards in the River Corridor*.

- a. All new structures (including accessory dwelling units) unless exempt, prohibited or eligible to be permitted by AO.
- b. Improvements or repairs from damage to existing structures that expand the existing Footprint or Total Habitable Floor Area or meet the definition of Substantial Improvement or Substantial Damage;
- c. Road improvements.
- d. Storage of materials.
- e. Any activity that is not exempt, prohibited, or eligible for administrative officer review.
- f. For any activity in the River Corridor that does not meet the *Development Standards in the River Corridor* in §6.4(D1 and D2), the DRB must find that the standards in Section §6.4(D3 and D4) are met.

D. Development Standards within the River Corridor

These are the minimum standards for development in the River Corridor. Where more than one Regulated Flood Hazard Area is involved, the most restrictive standard shall take precedence.

Article 6: Flood Hazard Overlay

1. In-Fill: When proposed new In-fill Development is located in an area that is not previously developed and is surrounded by existing development with a gap of no more than 300' between existing primary structures, new Development must be located no closer to the top of bank than the existing primary structures(see Figure 1), or

2. Down River Shadow: An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2). Only primary structures existing before this bylaw may be considered for shadowing other development.

3. River Corridor Performance Standard

Proposals that do not meet the infill or shadowing criteria in either Section §6.4(D1) or Section §6.4(D2) may be allowed with Conditional Use approval from the DRB.

a. The applicant must demonstrate, and the DRB must find, that the proposed development will:

- i. not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion; and,
- ii. not increase the susceptibility of other properties to fluvial erosion or cause damage to other properties.
- ii. not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and,
- iii. not result in a need for bank armoring or stream channelization as a result of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

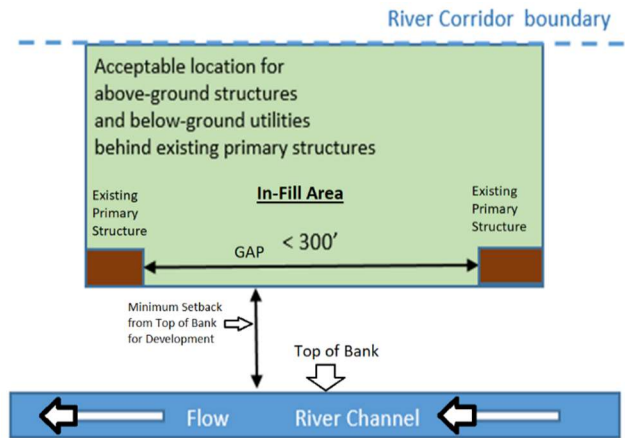


Figure 1: In-fill Development Standard

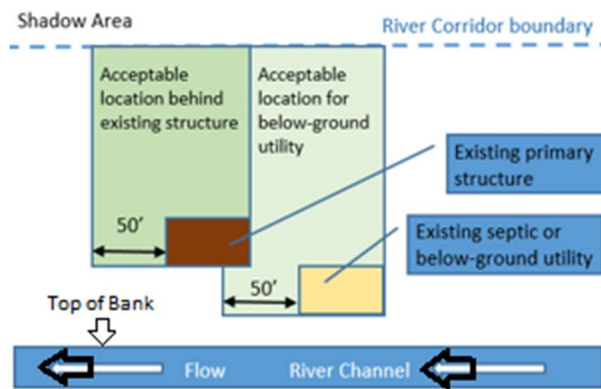


Figure 2: Shadow Area Development Standard

Article 6: Flood Hazard Overlay

b. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; and a review by the Vermont ANR Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

4. Paths. New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring and must be relocated when the channel adjusts toward the path.

§6.5. Special Flood Hazard Area Protection

A. Purpose - To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone. Where River Corridors and Special Flood Hazard Areas overlap, the most restrictive of the River Corridor and SFHA regulations shall apply.

B. Base Flood Elevations and Floodway Limits

1. Where available, Base Flood Elevations (BFE) and Floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.

2. Within a SFHA, the Floodway shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

3. In the SFHA where Base Flood Elevations and/or Floodway limits have not been provided by the NFIP 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.

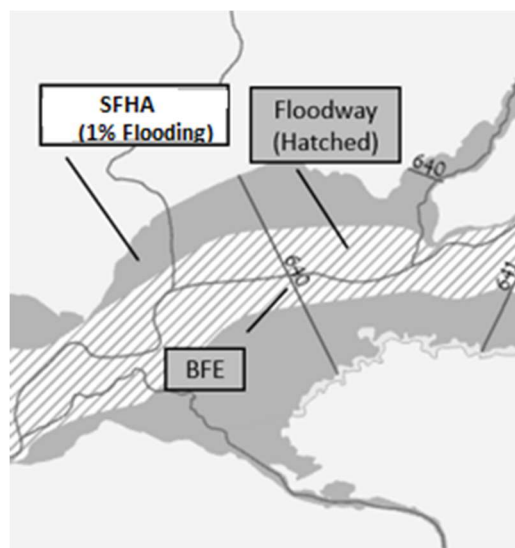


Figure 3 Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

C. Interpretation of SFHA and Floodway Boundaries

1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

Article 6: Flood Hazard Overlay

2. If uncertainty exists with respect to the boundaries of the Flood Hazard Area, the location of the boundary shall be determined by the Administrative Officer (AO). To assist in making a determination, the AO may require additional topographic or base flood elevation information if necessary.
3. If the applicant disagrees with the AO's determination that the property is within the Special Flood Hazard Area, the applicant may submit to the AO a FEMA Letter of Map Amendment (LOMA) or a FEMA Letter of Map Revision (LOMR), which shall constitute proof of the SFHA boundary and whether the proposed development is in the SFHA.
4. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.

D. Development Review in the Special Flood Hazard Areas

Except as provided in Section §6.5(D)(1) *Exempted Activities*, a municipal zoning permit is required from the AO for all Development, including the placement of manufactured homes, that is located within the Special Flood Hazard Area. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the AO. All permits shall require that a permittee have all necessary permits from state and federal agencies before work may begin. Special Flood Hazard Areas include area designated as Floodways.

1. Exempted Activities in SFHAs

The following activities in a SFHA do not require a municipal zoning permit under this section of this bylaw:

- a. The removal of a building in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- b. Routine maintenance of existing buildings;
- c. Interior improvements or repairs to existing buildings that cost less than 500 dollars;
- d. Maintenance of roads, bridges, or stormwater drainage;
- e. Streambank stabilization and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required;
- f. Planting projects which do not include any construction, fill or grading activities in accordance with 24 V.S.A. § 4424(c);
- g. Subdivision of land that does not involve or authorize development;
- h. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):

Article 6: Flood Hazard Overlay

- i. State-owned and operated institutions and facilities;
- ii. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;
- iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks meeting community requirements;
- iv. Public utilities regulated under 30 V.S.A. § 248;
- v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

2. Prohibited Development in the SFHA:

a. Prohibited within the entire SFHA:

- i. New critical facilities;
- ii. Junk yards;
- iii. Fill or grading resulting in a loss of flood storage;
- iv. New Development that is not explicitly exempted, permitted or conditionally permitted and which does not meet the Development and Structural Standards in §6.5(E) and §6.5(F) as applicable;

b. Prohibited within the Floodway:

- i. All new residential or non-residential structures (including accessory structures and the placement of manufactured homes)
- ii. Storage of materials (see definition of Storage).

3. Permitted by Administrative Officer Review within the SFHA

The following development activities in the Special Flood Hazard Area and meeting the Development Standards in Section §6.5(E and F), may receive a municipal zoning permit from the AO without review by the DRB:

a. Within the SFHA, but Outside of the Floodway:

- i. Accessory structures not greater than 500 square feet used only for storage and parking;

Article 6: Flood Hazard Overlay

- ii. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available;
- iii. Recreational vehicles or travel trailers; see §6.5(E)(5).
- iv. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;
- v. Parking at or below grade
- vi. Replacement fuel storage tanks; see §6.5(E)(3).

b. Within the entire Special Flood Hazard Area:

- i. Improvements or repairs from damage to structures that do not expand the existing Footprint or Total Habitable Floor Area and do not meet the definition of Substantial Improvement or Substantial Damage;
- ii. Building utilities;
- iii. Open fencing or posts;
- iv. Municipal transportation infrastructure improvements designed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;
- v. New or replacement on-site water supply or wastewater systems; a permit from the State may be required before the issuance of a municipal permit;
- vi. Bridges and culverts (may require a state permit);
- viii. Channel management (may require a state permit).

4. Conditional Use Review in the SFHA

Conditional use review and approval by the DRB is required prior to the issuance of a permit by the AO for the following activities in the Special Flood Hazard Area. The DRB must find that the development activity complies with Section §6.5(E) *Development Standards in the Special Flood Hazard Area* and Section §6.5(F) *Development Standards within the Floodway* as applicable.

- a. Within the SFHA, but outside of the Floodway:
 - i. Accessory Structures greater than 500SF.
 - ii. All new residential (including accessory dwelling units) or non-residential structures
 - iii. Storage of materials that is not eligible to be approved by the AO.

Article 6: Flood Hazard Overlay

- (b) Within the entire SFHA
 - i. Improvements or repairs from damage to existing structures that expand the existing Footprint or Total Habitable Floor Area or meet the definition of Substantial Improvement or Substantial Damage;
 - ii. Road improvements
 - iii. Fill or grading resulting in no net loss of flood storage.
- (c) In the Floodway
 - i. Parking at grade
 - ii. Recreational vehicles and trailers. See §6.5(E)(5).
 - iii. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;
- (d) Any other activity in the Special Flood Hazard Area that is not exempt, prohibited, or eligible for administrative review.

5. Variances in the SFHA

- a. Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. See §5.5 of this bylaw.
- b. If the proposed development is located within any Special Flood Hazard Area, the proposal shall comply with 44 C.F.R. § 60.6. Any variance issued in the Special Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE 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.

E. Development Standards within the Special Flood Hazard Area

The standards of this section apply to all parts of the Special Flood Hazard Area including the Floodway.

1. No net loss of flood storage capacity, except as needed to fill an existing basement or mitigate an existing structure;
2. All development and subdivisions below the DFE, except development that is exempt under Section §6.5(D)(1) *Exempt Activities in the SFHA*, shall be:
 - a. Reasonably safe from flooding;
 - b. Designed (or 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;

Article 6: Flood Hazard Overlay

- 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;
3. Replacement fuel storage tanks and vents must be elevated above the DFE and securely anchored; Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.
4. In the SFHA where floodway limits have not been determined, 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 one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer;
5. Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:
 - a. Be currently registered, licensed, and ready for highway use; or
 - b. Be on site for fewer than 180 consecutive days; or
 - c. Meet the requirements for structures in Section §6.5(E)(11);
5. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. 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;
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
8. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream equilibrium;
9. Bridges, culverts, and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required;
10. Subdivisions and Planned Unit Developments (including manufactured home parks) shall be designed to assure:
 - a. dry land access;
 - b. such proposals minimize flood damage within the flood-prone area,

Article 6: Flood Hazard Overlay

- c. public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- d. adequate drainage is provided to reduce exposure to flood hazards.

11. Structural Standards

- a. New Development or existing structures to be Substantially Improved shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate;
- b. New non-residential structures, and non-residential structures to be Substantially Improved, replaced, or that have incurred Substantial Damage shall:

- i. Meet the standards of Section §6.5(E)(11a), above; or,
- ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least two feet above the base flood elevation the structure is dry floodproofed, meaning 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 dry floodproofing 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;

- c. Critical facilities to be substantially improved shall have the lowest floor, including basement, elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher;
- d. Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (Section §6.5(E)(11));
- e. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
- f. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect; or,

Article 6: Flood Hazard Overlay

ii. 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 adjacent 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; and

iii. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section §6.5(E)(2) above. The structure must only be used for parking or storage.

g. Manufactured homes to be placed or replaced and existing manufactured homes to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the DFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood. Where elevating a replacement home to or above the DFE is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist flotation, collapse, and lateral movement.

F. Development Standards within the Floodway

1. Within the Floodway new encroachments are prohibited except for the following, which also shall comply with Section §6.5(F)(2) below and require conditional use approval by DRB:

- a. changes to existing structures where the Footprint is proposed to expand horizontally in the floodway less than 200 square feet and no closer to the watercourse;
- b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
- c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.

2. Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:

- a. Not result in any increase in flood levels during the occurrence of the base flood;
- b. Not increase base flood velocities; and,
- c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

Article 6: Flood Hazard Overlay

3. For development that will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

§6.6. Administration

A. Applications: All applications for development shall include:

1. A site plan that depicts the proposed development including water, Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, 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. Any new, replacement or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area requires A FEMA Elevation Certificate.
2. A copy of the ANR Permit Navigator Results Summary.

B. Action and Referrals

Where eligible, a permit shall be issued by the AO only in accordance with 24 V.S.A. Chapter 117 and Article 5 *Administration and Enforcement* of this bylaw and the following actions and referrals:

- a. Prior to issuing a permit, a copy of the application and any supporting information regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the AO 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 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.
- b. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the AO to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers at least 30 days prior to issuing a permit and copies of such notification shall be submitted to the State NFIP Coordinator.
- c. The AO and the DRB shall consider comments from the ANR's review of the application.

Article 6: Flood Hazard Overlay

C. Administrative Responsibilities

1. The AO shall properly file and maintain a record of:
 - a. All permits and supporting documents for development in the Regulated Flood Hazard Areas;
 - b. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;
 - c. All floodproofing and other certifications required under this regulation; and,
 - d. All decisions of the AO and DRB (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
 - e. All Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.
2. Substantial Improvement and Substantial Damage Determinations
 - a. In the event of damage of any kind to a structure located within any Regulated Flood Hazard Area, the AO shall determine if Substantial Damage occurred regardless of any intended repair at that time.
 - b. In the review of any proposal for the repair or improvement of a structure located within any Regulated Flood Hazard Area, the AO shall determine if the proposal indicates Substantial Improvement.
 - c. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.
3. Certificate of Occupancy
 - a. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under this bylaw. It shall be unlawful to use or occupy any structure within the areas affected by this bylaw, until a CO is issued by the AO in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this bylaw.
 - b. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.
 - c. Upon receipt of the application for a certificate of occupancy, the AO shall review the permit conditions and inspect the premises to ensure that:
 - i. any required state and federal permits have been received,

Article 6: Flood Hazard Overlay

ii. all work has been completed in conformance with the zoning permit and associated approvals, and

iii. all required as-built documentation has been submitted to the AO (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).

d. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

4. Enforcement

a. It shall be the duty of the Administrative Officer to enforce the provisions of this Flood Hazard Overlay. Whenever any development occurs contrary to these Flood Hazard Overlay regulations, the Administrative Officer shall institute appropriate action to correct the violation in accordance with Section §5.13 of this bylaw. All notices of violation shall be provided to the State NFIP Coordinator.

b. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the AO 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. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

GREENSBORO ZONING BYLAW as amended 10/9/2024

Article 9. Definitions and Acronyms

This list of definitions only includes new definitions or existing definitions proposed to be modified or deleted as part of the proposed Flood Hazard Area Overlay.

§ 9.2 Definitions

Accessory Dwelling Unit: A distinct unit located within or appurtenant to 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. Accessory dwelling units are residential structures.

Accessory Structure (in the Flood Hazard Overlay): A structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking or storage. Examples include, garages, garden and tool sheds, and playhouses, but do not include “accessory dwellings.”

Area of Special Flood Hazard: Synonymous in meaning with the term “Special Flood Hazard Area” for the purposes of this bylaw. See definition of Special flood Hazard Area.

Associated transportation and utility networks (in the Flood Hazard Overlay): Those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream.

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 height of the base flood elevation of the water surface resulting from a flood that has a one 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 average depth of the base flood, usually in feet, above the ground surface.

Commented [J51]: Definitions entirely in red are new from Model Flood and inserted in Grbo Article 9 Definitions.

Commented [J52]: Many definitions are combinations of Grbo Bylaw and Model Flood.

GREENSBORO ZONING BYLAW as amended 10/9/2024

Basement: Any area of the building having its floor elevation subgrade (below ground level) on all sides, including crawlspaces.

Building Footprint (in the Flood Hazard Overlay): The space which a Structure covers on the ground. Footprint includes attached garages and storage areas, exterior decks and porches. Where a building is elevated above ground level, the building footprint is the area the building would cover if it were located at ground level. The size of the footprint is measured on a horizontal plane from exterior face to exterior face.

Channel: An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Compensatory Storage (in the Flood Hazard Overlay): A volume not previously used for flood water storage, and which shall be incrementally equal to or exceed the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

Common Plan of Development: Where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

Construction trailer: A vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

Critical facilities: Facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

Cumulative Substantial Improvement: Any reconstruction, rehabilitation, addition, alteration or other improvement of a structure, during any 5 year period, the cumulative cost of which 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 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 state or local code enforcement official and which are the minimum necessary to ensure safe conditions.

Commented [JS3]: Remove per NVDA. Covered by defin of “Substantial Improvement”

GREENSBORO ZONING BYLAW as amended 10/9/2024

Design Flood Elevation (DFE): In the Town of Greensboro, the Design Flood Elevation means the Base Flood Elevation plus two feet.

Designated Center: A downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. chapter 76A.

Development (in the Shoreland Protection District): Any human-made change to improved or unimproved real estate, including but not limited to the construction, re-construction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any filling, grading, paving, excavation, earth moving, tree, shrub or ground cover removal, storage of equipment or materials, or the extension of use of land.

Development (in the Flood Hazard Overlay): Any human-made change 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.

Encroachment (in the Flood Hazard Overlay): Fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.

Equilibrium condition (in the Flood Hazard Overlay): The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

~~**Existing manufactured home park or subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.~~

Commented [JS4]: Deleted these references to manufactured home parks. Goal to consistently refer to mobile homes instead of manufactured homes. Clutters up definitions. Not in Model Flood.

~~**Expansion to an existing manufactured home park or subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Fill (in the Flood Hazard Overlay): Any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

Flood:

(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

GREENSBORO ZONING BYLAW as amended 10/9/2024

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) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Commented [J55]: Corrected formatting. This is the definition of a term separate from Flood. Moved below.

Flood Hazard: Those hazards related to damage from flood-related inundation or erosion.

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.

Floodplain Access: The ability of a river or stream to naturally spill floodwater out onto its floodplain, allowing the river or stream to find its own balance. When floodplain access is lost or diminished, the stream or riverbed erodes, and the channel becomes deeper. When water is kept in the channel, the water flow can quicken and has more power to erode the land.

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 flood hazard areas and floodways may be shown on separate map panels.

Fluvial erosion: The erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

Infill Development (in the Flood Hazard Overlay): The construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities or other improvements in an area that was not previously developed but is surrounded by existing development.

Maintenance (in the Flood Hazard Overlay): Means periodic actions required to keep up a condition and do not significantly change the materials or extent of an existing condition in the hazard area.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

GREENSBORO ZONING BYLAW as amended 10/9/2024

~~Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

Commented [JS6]: Covered by Mobile Home definitions below.

Mobile Home (or Manufactured Home): A structure or type of manufactured home, transportable in one or more sections, that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities includes plumbing, heating, cooling, and electrical systems, and is:

~~(A) transportable in one or more sections; and~~

~~(i) at least eight feet wide and or 40 feet long or~~

~~(ii) when erected has at least 320 square feet, or~~

~~(B) (iii) if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or~~

~~(v) any structure that meets all the requirements of this definition subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).~~

~~(C) The term “manufactured home” does not include a “recreational vehicle”.~~

Mobile Home Park (or Manufactured Home Park): Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, two or more than two mobile homes lots for rent or sale.

New Construction (in the Flood Hazard Overlay): ~~new construction~~ means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

~~New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of 11 utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.~~

Commented [JS7]: Covered under mobile home parks

Nonconforming Use or Structure. Use of land or a structure or a part of a structure that does not conform to the present Bylaw but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaw, including a use improperly authorized as a result of error by the Administrative Officer. Structures that were in violation of the regulations in effect at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Non-residential: Includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

GREENSBORO ZONING BYLAW as amended 10/9/2024

Planform (in the Flood Hazard Overlay): The shape of the river or stream when looking at it from above.

Replacement structure: A new building placed in the same footprint as the pre-existing building and does not include a change in use.

River: The full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainageways, including water bars, swales, and roadside ditches.

River Corridor: The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 V.S.A. § 1422).



Figure 1 River Corridor Diagram showing room for river channel adjustments to minimize slope and erosive power.

Special Flood Hazard Area: The land in 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 "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard". This area is usually labeled Zone A, AE, AO, or AH in the most current flood insurance studies and on the maps published by FEMA. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: [msc.fema.gov](https://www.msc.fema.gov). Base flood elevations have not been determined in Zone A where the flood risk has been determined 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.

The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, AI-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO,

Commented [JS8]: Update to Model Flood definition

GREENSBORO ZONING BYLAW as amended 10/9/2024

~~AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.~~

Start of Construction: ~~I~~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 mobile or 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. For purposes of floodplain management, the date of start of construction determines the effective map or bylaw that regulates development in the special flood hazard area.

Storage (in the Flood Hazard Overlay): The aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

Commented [J59]: New definition from Model Flood

Structure: –Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include, but are not limited to, buildings, swimming pools, mobile homes, billboards, and poster panels.

Structure (in the Flood Hazard Overlay): A walled and roofed building, as well as a mobile or manufactured home including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Commented [J510]: Updated per Model Flood

~~Structure, for insurance purposes, means:~~

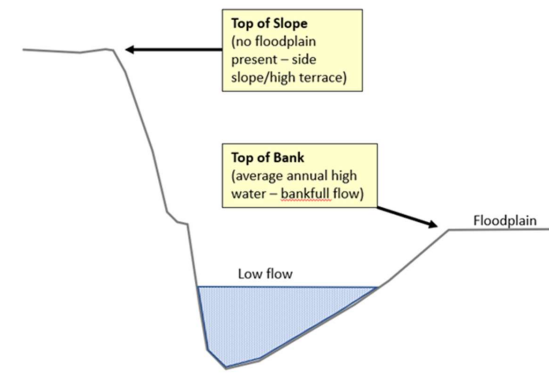
Commented [J511]: Removed per DEC

- ~~(A) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;~~
- ~~(B) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or~~
- ~~(C) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.~~

GREENSBORO ZONING BYLAW as amended 10/9/2024

Substantial Improvement: -Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which, over five years or over 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:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a “Historic Structure” provided that the alteration will not preclude the structure's continued designation as a “Historic Structure”.



Top of Bank: -The vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average high water stage. For steep and narrow valleys, it will generally be the same as the top of slope.

Top of Slope (in the Flood Hazard Overlay): 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.

Violation: The failure of a structure or other development to be fully compliant with this bylaw and all conditions of an issued permit.

Violation (in the Flood Hazard Overlay): The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. 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.

GREENSBORO ZONING BYLAW 10/9/2024

§ 1.4 Severability

~~The invalidity of any article or section of this Bylaw. If any portion of this bylaw is held unconstitutional or invalid by a competent court, that determination shall not invalidate any other article or section thereof.~~

Commented [JS1]: From Flood Model VI(B)

§ 1.5 Adoption and Effective Date

In accordance with 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 [JS2]: Avoid changing each time Bylaw amended.

§ 3.9 Protection of Water Resources

TABLE 3.1 Regulated Water Bodies, Setbacks and Buffers

Lakes & Ponds	Setback Distance	Buffer Distance
Long Pond	300'	100'
Horse & Mud Ponds	100'	100'
Little Eligo Lake	100'	100'

Rivers & Streams	Setback Distance From All Rivers And Streams	Buffer Distance From All Rivers And Streams
Lamoille River Cemetery Brook Esdon Brook Greensboro Brook Mud Pond Brook Paine Brook Porter Brook Sawmill Brook Skunk Hollow Brook Tate Brook Withers Brook Whetstone Brook Wright Brook Stanley Brook <u>Alder Brook</u> <u>Flagg Brook</u> <u>Whitney Brook</u> Unnamed perennial streams (any water course which has water present, flowing or frozen, all year long)	50'	50'

GREENSBORO ZONING BYLAW 10/9/2024

Article 5. Administration and Enforcement

§ 5.1 Zoning Permits

(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.

- 1. 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.
- 2. 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.

(A) 3. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin.

Commented [JS3]: From Flood Model VI(G)(2)

(F) Permit Posting Requirements in accordance with 24 V.S.A. § 4449:

- 1. Within three days following the date of issuance of a zoning permit, the AO shall (a) post a copy of the permit in the Town Clerk’s office until the expiration of the appeal period and (b) shall deliver a copy of the permit to the listers of the municipality.
- 2. ~~The applicant must also post a~~ permit notice, in a form prescribed by the Town, must be posted within view of the public right-of-way most nearly adjacent to the subject property until the time for appeals has passed. (See Section §5.7 for time for appeal.) 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.
- 3. No permit shall take effect until the time for appeal has passed, or in the event that a notice of appeal is properly filed, no such permit shall take effect until adjudication of that appeal is complete and the time for taking a further appeal has passed without an appeal being taken.

Commented [JS4]: From Flood Model VII(G)

Commented [JS5]: From 24 VSA 4449 and Model Flood VII(G)(4)

(B) 4. Within 30 days after a permit has been issued, the appropriate municipal official shall deliver the original or a legible copy of the permit to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and, file a copy of that permit in the offices of the municipality in a location where all municipal land use permits shall be kept.

Commented [JS6]: From Model Flood VI(G)(5)

§ 5.2 Administrative Officer

(C) The AO shall literally administer the bylaws literally and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform all other necessary related tasks to carry out the provisions of this bylaw and the statutory requirements of 24 V.S.A. Chapter 117, as is necessary and appropriate. The AO shall not have the power to permit any land development that is not in conformance with these bylaws.

Commented [JS7]: As per Model Bylaw VII(A) and 4448

GREENSBORO ZONING BYLAW 10/9/2024

§ 5.8 Public Hearings

(C) **Decisions.** Decisions on applications that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464 including all findings of fact, conclusions, and conditions. No permit shall be issued by the AO for any use or structure which requires the approval of the DRB until such approval has been obtained. 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 [JS8]: From Model Flood VII(F) `

§ 5.13 Zoning Enforcement Policy

(F) Any written notice of a zoning violation in the Shoreland Protection District and Regulated Flood Hazard Areas will be sent to the Agency of Natural Resources.

Commented [JS9]: Model Flood Bylaw