

Greensboro Zoning By-Law

Adopted December 12, 1972

Amended:

March 4, 1980

March 3, 1987

March 4, 1997

January 13, 2009

March 5, 2013

PROPOSED for MARCH 2014

GREENSBORO ZONING BYLAW – 10/17/2013

Greensboro Zoning Bylaw Changes

.Change LakeShore District to Shoreland Protection District. Changes made to Zoning District Description, Non-conformities, Water Resource Protection and Addition of Lake Shoreland Protection District Bylaw as Article 8

Changed ZBA and Planning Commission to Development Review Board when appropriate.

Updated the description of the Rural Lands District to include “agribusiness” and other small business ventures.

Added words “or Private” from setback requirements from Road Right of Way.

Increased allowed number of employees in a home business from two to three.

Increased allowed sign size to 6 square feet in Greensboro Bend Village District, Rural Lands District, and the Greensboro Village District

Adjusted Water Resource Protection, increased distance from brooks from 25 feet to 50 feet and removed boat houses from section.

Changed Accessory Dwelling Unit size to 1200sf in all districts except Shoreland Protection District which is to remain at 800 sf.

Addition of need of permit for temporary structures if they are in place for more than 6 months.

Changed word “construction” to “issuance of permit” regarding wastewater and potable water permits.

Added Boundary Line Adjustment to the section on subdivision.

Upgraded description of Development Review Board (DRB) and Planning Commission (PC) duties.

Added a waiver process

Add definition of Boundary Line Adjustment (need)

Upgraded definition of Setback

Upgraded definition of Subdivision to include clarification that highways subdivide property in same ownership.

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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.”

§ 1.2 Intent

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

§ 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, provided, 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~~ Zoning Board of Adjustment, 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.

§ 1.4 Separability

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

§ 1.5 Adoption and Effective Date

This Bylaw shall take effect in accordance with the procedures contained in 24 V.S.A. §4442.

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§ 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 March 4, 1997, as amended on March 5, 2013 thereafter, 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:

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

§ 2.2 Zoning Maps & District Boundaries

- (A) The final authority as to the current district boundaries shall be the “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 Planning Commission~~ 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.

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GREENSBORO ZONING BYLAW – 10/17/2013

§ 2.3 Greensboro Village District

(A) Description. The Greensboro Village District is comprised of lands forming a compact village center at the outlet of Caspian Lake.

(B) Purpose. The Greensboro Village District has been established to protect and retain its current character as a traditional rural Vermont village, with a mix of residential and commercial uses.

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(C) Permitted Uses	(D) Conditional Uses
<ol style="list-style-type: none"> 1. Accessory Dwelling Unit <i>[see §4.2]</i> 2. Accessory Use or Structure 3. Agriculture <i>[see §3.6]</i> 4. Dwelling, Single Family 5. Dwelling, Two Family 6. Forestry <i>[see §3.6]</i> 7. Home Child Care¹ 8. Home Occupation <i>[see §4.7]</i> 9. Residential Care or Group Home² 10. Signs up to 26 sq. ft. 	<ol style="list-style-type: none"> 1. Auto Repair/Service Facility 2. Cemetery 3. Club, private or camp 4. Commercial Use <i>[see §4.4]</i> 5. Dwelling, Multiple Family 6. Essential Service 7. Health Care Facility 8. Home Business <i>[see §4.5]</i> 9. Motel, Hotel 10. Municipal Recycling Facility 11. Professional Services 12. Public Building 13. Recreational Facility 14. Retail Business 15. Signs larger than 26 sq. ft. 16. Telecommunications Facility <i>[see Article 7]</i>

(E) Dimensional Standards:

Minimum Lot Size	one-half acre
Minimum Lot Width	100 feet
Minimum Setback from centerline of a Public <u>or Private</u> Road Right-of-Way	50 feet
Minimum Setback from any other lot line	15 feet
Maximum Height of Structures	35 feet

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¹ Up to six children

² Up to eight residents

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§ 2.4 Greensboro Bend Village District

- (A) Description. The Greensboro Bend Village District consists of lands forming a compact village center on the banks of the Lamoille River.
- (B) Purpose. The Greensboro Bend Village District has been established to protect and retain its current character as a traditional rural Vermont village, with a mix of residential and commercial uses, and to regain some of its traditional commercial vibrancy.

<p>(C) Permitted Uses:</p> <ol style="list-style-type: none"> 1. Accessory Dwelling Unit <i>[see §4.2]</i> 2. Accessory Use or Structure 3. Agriculture <i>[see §3.6]</i> 4. Dwelling, Single Family 5. Dwelling, Two Family 6. Forestry <i>[see §3.6]</i> 7. Home Child Care¹ 8. Home Occupation <i>[see §4.7]</i> 9. Residential Care or Group Home² 10. Signs up to <u>62</u> sq. ft. 	<p>(D) Conditional Uses:</p> <ol style="list-style-type: none"> 1. Auto Repair/Service Facility 2. Cemetery 3. Club, Private or Camp 4. Commercial Use <i>[see §4.4]</i> 5. Dwelling, Multiple Family 6. Essential Service 7. Health Care Facility 8. Home Business <i>[see §4.5]</i> 9. Motel, Hotel 10. Municipal Recycling Facility 11. Professional Services 12. Public Building 13. Recreational Facility 14. Retail Business 15. Signs larger than <u>62</u> sq. ft. 16. Telecommunications Facility <i>[see Article 7]</i>
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(E) Dimensional Standards:

Minimum Lot Size	one-half acre
Minimum Lot Width	100 feet
Minimum Setback from Centerline of a Public <u>or Private</u> Road Right-of-Way	25 feet
Minimum Setback from any other lot line	15 feet
Maximum Height of Structures	35 feet

¹ Up to six children

² Up to eight residents

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§ 2.56 Rural Lands District

- (A) Description. The Rural Lands District consists of land that is rural in character with residential uses, forestry, agricultural, Agribusiness, and other small businesses which facilitate the local food economy as the present primary uses. The Rural Lands District areas ~~These areas~~ are generally served by town roads and are suitable for rural residential and Agribusiness development.
- (B) Purpose. The Rural Lands District is established to accommodate low density residential development while preserving open space, and to encourage Agribusiness and other small businesses which facilitate the local food economy as well as productive agricultural and forest resources. When classified as affordable housing, clustered higher density development may be appropriate in this district.

(C) Permitted Uses:	(D) Conditional Uses:
1. Accessory Dwelling Unit <i>[see §4.2]</i>	1. Auto Repair/Service Facility
2. Accessory Use or Structure	2. Cemetery
3. <u>3. Agriculture</u> <i>[see §3.6]</i>	3. Commercial Use <i>[see §4.4]</i>
3. <u>3. Agricultural Accessory Uses</u> <i>[see §4.11]</i>	4. Dwelling, Multiple Family
4. Dwelling, Single Family	5. Essential Service
5. Dwelling, Two Family	6. Health Care Facility
6. Forestry <i>[see §3.6]</i>	7. Home Business <i>[see §4.5]</i>
7. Home Child Care ¹	8. Mobile Home Park <i>[see §4.8]</i>
8. Home Occupation <i>[see §4.7]</i>	9. Municipal Recycling Facility
9. Residential Care or Group Home ²	10. Public Building
10. <u>10. Signs up to 62</u> sq. ft.	11. Retail Business
10. <u>11.</u>	12. Signs larger than <u>62</u> sq. ft.
	13. Telecommunications Facility <i>[see Article 7]</i>
	<u>12. Farm Café</u> <i>[see §4.12]</i>
	<u>13. Integrated Agriculture</u> <i>[see §4.13]</i>
	<u>14. Low Impact Agribusiness</u> <i>[see §4.14]</i>

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(E) Dimensional Standards

Minimum Lot Size	ten acres
Minimum Lot Width	300 feet
Minimum Setback from Centerline of a Public <u>or Private</u> -Road Right-of-Way	50 feet
Minimum Setback from any other lot line	50 feet
Minimum Setback from Public Water Body	50 feet
Maximum Height of Structures	35 feet

¹ Up to six children
² Up to eight residents

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§ 2.67 Resource District

(A) Description. The Resource District encompasses lands with unique and important Greensboro natural resources. In order to lessen development pressures on these lands and to preserve the natural features and habitats as stated in the Town Plan, twenty-five acres minimum residential density will be required.

(B) Purpose. The Resource District has been established to protect the unique and important natural resources found in this area, including Long Pond, and to lessen development pressures on these lands.

<p>(C) Permitted Uses:</p> <ol style="list-style-type: none"> 1. Accessory Dwelling Unit <i>[see §4.2]</i> 2. Accessory Use or Structure 3. Agriculture <i>[see §3.6]</i> 4. Dwelling, Single Family 5. Forestry <i>[see §3.6]</i> 6. Home Child Care¹ 7. Home Occupation <i>[see §4.7]</i> 8. Residential Care or Group Home² 9. Signs up to 2 sq. ft. 	<p>(D) Conditional Uses:</p> <p>All conditional uses should be conditioned with close adherence to the objectives stated in (A) above.</p> <ol style="list-style-type: none"> 1. Cemetery 2. Commercial Use <i>[see §4.4]</i> 3. Dwelling, Two Family 4. Home Business <i>[see §4.5]</i> 5. Retail Business 6. Signs larger than 2 sq. ft. 7. Telecommunications Facility <i>[see Article 7]</i>
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(E) Dimensional Standards

Minimum Lot Size	twenty-five acres
Minimum Lot Width	500 feet
Minimum Pond Frontage, Long Pond Lots	500 feet
Minimum Setback from Centerline of a Public <u>or Private</u> Road Right-of-Way	50 feet
Minimum Setback from any other lot line	50 feet
Minimum Setback from Public Water Body	50 feet
Minimum Distance from Long Pond, for Structures	300 feet
Maximum Height of Structures	35 feet

¹ Up to six children

² Up to eight residents

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§ 2.7 Shoreland Protection District

(A) Description. The Shoreland Protection District is comprised of lands contiguous to and in the immediate vicinity of Caspian and Eligo Lakes.

(B) Purpose. The Shoreland Protection District is established to protect surface water resources on Caspian and Eligo Lakes, and to retain the mix of residential/summer homes as well as the recreation uses traditional to these lakes. See Article 8 for all rules governing this District.

<p><u>(C) Permitted Uses:</u></p> <ol style="list-style-type: none"> <u>1. Accessory Dwelling Unit [see §4.2]</u> <u>2. Accessory Use or Structure</u> <u>3. Agriculture [see §3.6]</u> <u>4. Dwelling, Single Family</u> <u>5. Forestry [see §3.6]</u> <u>6. Home Child Care¹</u> <u>7. Home Occupation [see §4.7]</u> <u>8. Residential Care or Group Home²</u> 	<p><u>(D) Conditional Uses:</u></p> <ol style="list-style-type: none"> <u>1. Cemetery</u> <u>2. Essential Service</u> <u>3. Public Building</u> <u>4. Recreational Facility</u>
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(E) Dimensional Standards

<u>Minimum Lot Size</u>	<u>one acre</u>
<u>Minimum Lot Width</u>	<u>100 feet</u>
<u>Minimum Lot Depth</u>	<u>200 feet</u>
<u>Minimum Setback from Centerline of a Public or Private Road Right-of-Way</u>	<u>50 feet</u>
<u>Minimum Setback from any other lot line</u>	<u>20 feet</u>
<u>Minimum Setback from Public Water Body</u>	<u>150 feet</u>
<u>Maximum Height of Structures</u>	<u>30 feet</u>
<u>Maximum Size of Houses:</u>	
<u>(A) A newly constructed house shall not exceed 2500 sq. feet of total habitable floor area.³</u>	
<u>(B) An addition to an existing house shall not increase the house size beyond 2500 sq. feet of total habitable floor area.³</u>	
<u>(C) A rebuilt house shall not exceed 2500 sq. feet of total habitable floor area, or the preexisting square footage, whichever is greater.</u>	

¹ Up to six children

² Up to eight residents

³ Excluding garage and/or accessory apartment

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 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) The Vermont Agency of Transportation must approve access to a state highway.
- (D) Recreational easements have no width requirement.

§ 3.3 Demolished, Burned, or Collapsed Structures

Within one year after any structure has been demolished, removed, damaged by fire, or has collapsed, the owner shall obtain the necessary building permit to repair, rebuild, or replace the structure, or shall remove all remaining structural materials and fill any excavation remaining to normal grade.

§ 3.4 Equal Treatment of Housing

- (A) This Bylaw shall not have the effect of excluding low and moderate income housing.
- (B) No zoning regulation shall have the effect of excluding mobile homes, modular housing, or other forms of prefabricated housing from the municipality, except upon the same terms and conditions as conventional housing is excluded. (24 V.S.A. §4412)

§ 3.5 Existing Small Lots

- (C) Any lot in individual, separate and non-affiliated ownership from surrounding properties in existence on the effective date of these regulations may be developed for the purposes permitted in

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the district in which it is located, even though not conforming to minimum lot size requirements. However, development is prohibited on any lot if either of the following applies:

1. the lot is less than one-eighth acre in area
2. the lot has a width or depth dimension of less than 40 feet (lot depth shall be measured from the edge of the town right-of-way).

(D) If a lot not conforming to the minimum lot size requirements in the district in which it is located subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot shall be deemed merged with the contiguous lot. However, a nonconforming lot shall not be deemed merged and may be separately conveyed if *all* of the following apply:

1. The lots are conveyed in their preexisting, nonconforming configuration.
2. On the effective date of any Bylaw, each lot was developed with a water supply and wastewater disposal system.
3. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
4. The deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems, potable water systems, or both, in case there is a failed system or failed supply as defined in 10 V.S.A. Chapter 64.

§ 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:

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).

(B) **Agricultural Practices & Farm Structures.** This Bylaw shall not regulate accepted 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.

(C) **Silvicultural Practices.** 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

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practices, as contained in the guide “Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont.”

§ 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.

§ 3.8 Nonconformities

(A) **Nonconforming structures.** Any legal structure or part thereof, which is not in compliance with the provisions of this Bylaw concerning setback, height, size, or other structural requirements (including such things as parking, lighting, buffers, and lowest floor elevation in floodplain zoning) shall be deemed a nonconforming structure. Legal nonconforming structures exist as a result of construction prior to adoption of Bylaws, or construction under an earlier set of less restrictive Bylaws. Any nonconforming structure may be allowed to exist indefinitely, but shall be subject to the following provisions:

1. A nonconforming structure shall not be moved, altered, extended, or enlarged in a manner which will increase the existing degree of nonconformance.
2. Subject to conditional use approval by the Development Review Board (DRB) Zoning Board of Adjustment (ZBA), a nonconforming structure may be restored or reconstructed; such reconstruction shall not increase the degree of non-conformance of the original structure.
3. The phrase ‘shall not increase the degree of nonconformance’ shall be interpreted to mean that the portion of the structure which is nonconforming shall not increase in size (or decrease in the event of failing to meet minimum standards such as parking and lighting). Therefore:
 - (a) The portion of a structure’s footprint that lies within a setback area shall not be enlarged.
 - (b) Portions above the maximum height cannot be expanded;
 - (c) A nonconforming deck or porch cannot be enclosed;
 - (d) Where parking is deficient the number or size of spaces cannot be reduced, etc.
4. In the Shoreland Protection District, nonconforming structures will adhere to the regulations which are described in the Lake Shoreland Protection District Bylaw – See Article 8 Lakeshore District, the following regulations apply within 150’ of the lake:
 - ~~(a) A structure’s footprint shall not be expanded. Only alterations within the existing footprint shall be allowed; such alterations require a conditional use permit.~~
 - ~~(b) A conditional use permit shall be required for rebuilding a structure.~~

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5. Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of nonconformance.

6. The ~~DRB~~ZBA may permit the alteration or expansion of a nonconforming structure for the sole purpose of compliance with mandated environmental, safety, health, or energy codes as long as the proposed project also conforms with the provisions of this Bylaw.

(B) **Nonconforming uses.** Use of land 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 (AO), shall be deemed a nonconforming use. Any such use may be continued indefinitely, but shall be subject to the following provisions:

1. The nonconforming use shall not be changed to another nonconforming use without approval by the ~~DRB~~ZBA, and then only to a use that, in the opinion of the ~~DRB~~ZBA, is of the same or of a more conforming nature. When making such a determination, the ~~DRB~~ZBA ~~shall~~ may consult with the AO.

2. The nonconforming use shall not be re-established if such use has been discontinued for a period of at least two years, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

3. The nonconforming use shall not be expanded, extended, moved, or enlarged unless the ~~DRB~~ZBA finds that such expansion, extension, movement, or enlargement does not increase the degree of nonconformance.

4. The ~~DRB~~ZBA may permit the alteration or expansion of a nonconforming use for the sole purpose of compliance with mandated environmental, safety, health, or energy codes as long as the proposed project also conforms with the provisions of this Bylaw.

§ 3.9 Protection of Water Resources

- (A) **Purpose.** The purpose of this section is to prevent undue or human caused soil erosion, improve water quality, help maintain a healthy ecosystem, increase public safety, and help prevent or minimize property loss adjacent to water bodies caused by natural occurrences.
- (B) **Waters Regulated By This Bylaw.** The water bodies regulated by this Bylaw, and required setback and buffer distances, are listed in Table 3.1 below. For Caspian and Eligo Lakes, see the Lake Shoreland Protection District Bylaw – Article 8 .

TABLE 3.1 Regulated Water Bodies, Setbacks and Buffers

Lakes & Ponds	Setback Distance	Buffer Distance
Caspian & Eligo Lakes	150'	75'
Long Pond	300'	100'
Horse & Mud Ponds	50'	50'

Rivers & Streams	Setback Distance <u>From All Rivers And Streams</u>	Buffer Distance <u>From All Rivers And Streams</u>
Lamoille River	<u>25'50'</u>	<u>50'25'</u>
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		
Unnamed perennial streams (any water course which has water present, flowing or frozen, all year long)		

(C) Regulations.

- Setbacks from Affected Waters.** All structures, roads, driveways, and any other impervious surface shall be set back as required in Table 3.1.

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2. Vegetation Buffer

- (a) Within the buffer area (excepting Long Pond, see below), existing healthy trees, shrubs, and ground cover shall be maintained and enhanced by selective cutting, pruning, and appropriate planting;
- (b) No trees may be cut or brush cleared within 100' of Long Pond without the permission of the ~~Development Review Board Planning Commission~~, who will grant such permission only if necessary for the health or safety of plants, animals, or the pond itself. Aesthetic or financial considerations will not receive an exemption from this provision. This restriction does not apply to the state fishing access;
- (c) In the event that the area within the vegetation buffer has already been disturbed and has an existing use, including, but not limited to, a field, lawn, powerline, or access, such use may be maintained but shall not be expanded. New lawns shall not extend into the buffer;
- (d) Dead or dangerous trees may be removed. Stumps of trees cut within the vegetation buffer shall be left in the ground.
- (e) Planting and/or seeding shall be allowed in the vegetation buffer area. However, the use of fertilizers is prohibited within the buffer.
- (f) All new plantings shall be of non-invasive species.
- (g) The creation of beaches shall be prohibited (per state regulation).

3. Measurement. The buffer shall be measured as follows:

- (a) For lakes and ponds the measurement shall be horizontally from the visually evident mean water mark to the closest point of the development in question;
- (b) For named and unnamed streams the measurement shall be horizontally from the top of bank.

4. Natural Berm on Lakes and Ponds. On the shorelines of Lakes and Ponds, there shall be no cutting into, disturbance of, or removal of any natural berm separating the lakeshore property from the lake or pond itself. The provisions within #2 above ('Vegetation Buffer') shall apply to Natural Berms.

~~**5. Boat Houses:**~~

- ~~(a) A new boat house shall be constructed behind the natural berm, if it exists. Where there is no natural berm, the following applies:
 - ~~i. The boat house shall be built behind the high water mark;~~
 - ~~ii. Stumps of any trees cut during the construction of the boathouse shall be left in the ground;~~
 - ~~iii. Provisions for adequate control of stormwater runoff shall be made.~~~~
- ~~(b) A boat house shall not have plumbing.~~
- ~~(c) The maximum size of a boat house's footprint shall be 400 sq. ft.~~
- ~~(d) The maximum height of a boat house building shall be 15'.~~
- ~~(e) Boat houses are prohibited on Long Pond.~~

~~6.5.~~ **Shorelines and Streambank Stability.** Per state regulation, no activities shall be allowed

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which may contribute, either temporarily or permanently, to the destabilization of the existing shoreline or streambank. Prior to beginning an activity that may have an impact beyond the shoreline or streambank at mean water level, a permit must be obtained from the Water Quality Division of the Dept. of Environmental Conservation. Projects requiring a permit include, but are not limited to, the construction or maintenance of a boat access, retaining wall, boathouse, pier, or permanent dock. Seasonal docks are generally not subject to approval.

7.6. Access Paths Through the Vegetation Buffer. Paths intended to provide access to a water body regulated by this Bylaw are permitted under the following conditions:

- (a) Paths may be no greater than five feet wide and must have appropriate waterbars to prevent erosion as deemed necessary by the Zoning Administrator;
- (b) No path shall be paved or consist of blocks, stone or other impervious surface.

8. Wetlands. There are a number of Class II wetlands in Greensboro. The State of Vermont requires a 50' buffer zone around these wetlands.

The Greensboro Wetlands Map can be viewed at the town offices.

§ 3.10 Structures and Uses per Lot

No lot shall have more than one primary use or structure unless it can meet density and setback requirements for each such use or structure unless specifically allowed by this Bylaw. Second and subsequent principal uses (even if otherwise permitted) require a conditional use permit.

§ 3.11 Wastewater and Potable Water Systems

The State of Vermont has 'universal jurisdiction' over sewage and water systems. State regulations as contained in the "Wastewater System and Potable Water Supply Rule" shall be followed.

§ 3.12 Height Exceptions

The height limitations of these Regulations, except in the ~~Lakeshore Shoreland Protection~~ District, shall be waived for 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 waiver of height limitations for the above items within the ~~Shoreland Protection District~~ ~~Lakeshore District~~.

Article 4. Specific Use Provisions

§ 4.1 Applicability

The following standards apply to specified uses in all zoning districts in which such uses are allowed. Specified uses may be subject to conditional use review in accordance with §5.4 of this Bylaw. If there is a conflict between a standard in this section and a standard in another section of this Bylaw, the more restrictive standard shall apply.

§ 4.2 Accessory Dwelling Unit

- (A) An accessory dwelling unit shall be a permitted use in all districts.
- (B) An accessory dwelling unit can be either *located within, attached to, or detached from* an existing owner-occupied single-family dwelling.
- (C) The following criteria must be met for all accessory dwelling units:
1. The unit shall be clearly subordinate to an existing owner-occupied single-family dwelling;
 2. The unit shall be an efficiency or one-bedroom apartment, and shall have facilities and provisions for independent living, including sleeping, food preparation, and sanitation;
 3. The property shall have received a state Wastewater and Potable Water Supply permit for the addition of the unit;
 4. Applicable setback, coverage, and parking requirements specified in this Bylaw are met;
 - ~~5.~~ The unit does not exceed 1200,800 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 does not exceed 800 square feet of total habitable floor area or 30% of the total habitable floor area of the principal dwelling.¹

§ 4.3 Auto Repair / Service Facility

An auto repair and/or service facility is engaged in the primary business of dispensing fuel or repairing vehicles.

- (A) Such a facility may repair junk or unregistered cars for resale provided that such cars are not visible from the public road or any adjoining property. The facility may not store such junk or unregistered cars for salvage or parts.

¹ If 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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(B) Storage of flammable liquids in excess of 100 gallons shall not be allowed within 500' of a public or private school. This does not include home heating fuels which are intended to heat the property on which they are stored.

§ 4.4 Site Plan Review for Commercial Use

(A) **Site Development Plan (SDP) Approval.** No zoning permit shall be issued by the Administrative Officer for any commercial use of a structure until the Development Review Board (DRB) Planning Commission (PC) grants Site Development Plan (SDP) Approval.

(B) **Submission of SDP Map and Supporting Data.** The owner shall submit two sets of site plan maps and supporting data to the DRB PC which must include all of the following information presented in drawn form, and accompanied by written text:

1. Name and address of person or firm preparing the map, scale of map, north point, and date.
2. Map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use and deed restrictions.
3. Site plan showing proposed structure locations and land use areas; driveways, traffic circulation, parking and loading spaces and pedestrian walks; landscaping plans, including site grading, landscape design and screening.

(C) **Site Development Plan DP Review Procedure.**

1. The DRB PC shall hold a properly warned public hearing prior to reviewing an SDP application.
2. The DRB PC may impose appropriate conditions and safeguards with respect to:
 - (a) The adequacy of parking, traffic access, and circulation for pedestrians and vehicles;
 - (b) Landscaping and screening;
 - (c) The protection of the utilization of renewable energy resources;
 - (d) Exterior lighting;
 - (e) The size, location, and design of signs.

(D) The DRB PC shall act to approve or disapprove any such site plan within 45 days of the date on which it adjourns the public hearing and failure to so act within such period shall be deemed approval.

§ 4.5 Home Business

A home business (as distinguished from a *home occupation*) may be allowed as an accessory to a single family dwelling in designated zoning districts, subject to conditional use review and the following provisions:

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- (A) The home business shall be conducted by residents of the dwelling, with up to ~~two~~three full-time non-resident employees, or equivalent part-time employees.
- (B) The home business shall be carried out within the principal dwelling or an accessory structure.
- (C) Exterior storage for materials and equipment associated with the home business may be approved by the ~~Zoning Board of Adjustment~~ Development Review Board.
- (D) The home business shall not change the character of the neighborhood, or result in a change in the outward appearance of the dwelling or the accessory structure.
- (E) The home business shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home business is located.
- (F) Off-street parking shall be provided for resident, employee, customer and delivery vehicles, as well as all commercial vehicles or equipment associated with the home business.
- (G) Adequate provisions shall be made for the disposal of solid waste, in accordance with applicable municipal and state regulations.
- (H) A home business shall not cause undue noise or air pollution in the neighborhood.
- (I) A Bed and Breakfast shall be considered to be a home business for the purposes of this Bylaw.
- (J) A home business is not permitted in the Shoreland Protection ~~Lakeshore~~ District.

§ 4.6 Home Child Care

- (A) The owner or operator shall be licensed or registered by the state for child care.
- (B) A family child care home or facility serving no more than six full-time children and four part-time children shall be considered to constitute a permitted single family residential use of property. (24 V.S.A. § 4412 (5))
- (C) Such home or facility serving more than six full-time and four part-time children will be subject to conditional use review.

§ 4.7 Home Occupation

- (A) No provision of this Bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not change the character of the area. The home occupation shall be carried on by residents of the dwelling unit. One additional full-time employee or part-time equivalents who are not residents of the dwelling unit are permitted. Home occupations are:

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1. Accessory uses to residential properties, which are clearly incidental and secondary to the residential use;
2. Conducted wholly within the principal structure and occupy less than 25% of the total habitable floor area of such structures;
3. ~~Not retail in nature.~~ Only retail sales that are clearly incidental to the home occupation shall be permitted.

(B) In order to ensure that a home occupation will not change the character of the residential area, the owner must demonstrate that it will comply with all of the following standards:

1. All business activities or transactions associated with the home occupation shall be carried on entirely within the dwelling unit; no outside storage shall be permitted.
2. No traffic shall be generated which would be uncharacteristic of the neighborhood.
3. New parking required for the home occupation shall be provided off-street and shall not be located in front yards.
4. No objectionable noise, vibration, odor, smoke, dust, electrical disturbance, heat, or glare shall be produced by the home occupation.
5. Exterior displays other than those normally permitted in the district shall be prohibited excepting signs which do not conflict with applicable ordinances.

(C) Where it is determined by the zoning administrator that the proposal does not meet the definitions or standards of home occupations above, the applicant may apply for a permit under the broader use regulations ('home business') as determined by the district in which the parcel is located.

§ 4.8 *Mobile Home Park*

Mobile Home Parks are permitted subject to the requirements of this section and state law.

- (A) New mobile home parks, which may be permitted as a conditional use in the Rural Lands District, are subject to review under §4.9 of this Bylaw ('Planned Unit Development').
- (B) Additions or alterations to existing mobile home parks require conditional use approval by the ~~Zoning Board of Adjustment~~Development Review Board.
- (C) A mobile home park shall not be located within 500' of the Shoreland Protection Lakeshore District.
- (D) Agricultural employers may place on their land up to four mobile homes for the purpose of housing full time agricultural employees. Such an arrangement of mobile homes shall not be considered a mobile home park.

§ 4.9 *Planned Unit Development*

(A) **Purpose.** The purpose of the Planned Unit Development (PUD) is to enable and encourage flexibility of designs and development of tracts of land for single or multi-family dwellings into clusters in order to implement the Greensboro Town Plan's goals of:

1. Preserving open space and agricultural lands;
2. Providing incentives for the construction of affordable housing;
3. Protecting natural resources;
4. Protecting scenic ridgelines and views;
5. Promoting the efficient use of public infrastructure.

An additional goal of the PUD is to create a more desirable environment than would otherwise be possible through the strict application of other sections of this Bylaw.

(B) **Applicable Districts.** PUDs shall be allowed in the Greensboro Bend Village District, the Greensboro Village District and the Rural Lands District.

(C) In the applicable Districts, **Clustering is required** for developments of more than three dwelling units.

(D) **Review Process.**

1. PUDs require conditional use approval and shall follow all applicable procedures set forth in §5.4 of this bylaw.
2. In addition to the requirements of the standard zoning permit application, the applicant shall also provide:
 - a) A description of all existing and proposed buildings and their uses;
 - b) A site map showing the location of all buildings and their heights, parking areas, geographic elevations, landscaping, and a description of natural and man-made features within 200' of the proposed development;
 - c) The location and size of any areas to be conveyed, dedicated, reserved or otherwise held as common lands for public or semi-public use;
 - d) The location and description of all utility systems and their alignments, including septic systems.

(E) **Approval.** A ~~joint~~ hearing of the Development Review Board (DRB) -of the Zoning Board of Adjustment and the Planning Commission (ZBA & PC) shall approve or deny the project based on the same standards and procedures as a conditional use application.

(F) **Density.** In a PUD the total number of dwelling units allowed shall not exceed the density requirements of the district where the project is located, except when the applicant is seeking a density bonus as allowed under section (J) below.

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- (G) **Open Space and Common Lands.** The land area not allocated to building lots and roads shall be permanently reserved in open space. When choosing the location of this undeveloped area, consideration shall be given to the continuity of agricultural and forest lands, wildlife corridors, scenic views, and other goals as expressed in the Greensboro Town Plan. Undeveloped lands shall be reserved by one of the following means:
1. Deeded to an approved land trust.
 2. Held in corporate ownership by the owners of the lots within the subdivision and such other adjacent landowners who may wish to become members of the corporation. Membership in this corporation shall be mandatory for all landowners in the subdivision. In the case of corporate ownership, the developer shall include in the deed to the owners of the building lots the membership restrictions and the public and/or private rights and uses of the common open land. The charter of said corporation shall be subject to approval by the DRB ZBA & PC.
 3. Held in ownership by the developer, subject to a legal agreement with the Town specifying the developer's responsibility for maintenance of the lands.
- (I) **Setbacks and Lot Sizes.** Changes in the setbacks and lot sizes for each building are the principal means to achieve the purposes of a PUD. Therefore, the building setbacks and lot sizes in a PUD may be reduced or expanded from the current zoning district requirements to any configuration as negotiated between the developer and the DRB ZBA & PC. The applicant may request a change in setbacks and lot sizes and the request must be accompanied by plot maps and site sketches clearly showing building footprints, lot lines, parcel boundaries, roads and other infrastructure, natural features, and any other information the DRB ZBA & PC deems appropriate to make a decision. The final decision to approve or deny a change in setbacks shall rest with the DRB ZBA & PC.
- (J) **Density Bonuses.**
1. Purpose. A density bonus allows a developer to build more houses than would otherwise be permitted under existing zoning in a given district. In exchange, the Town receives a public benefit such as affordable housing or conserved open space. In no way, stated or implied, does the Town guarantee greater profits or other benefits to the developer from the project as a result of allowing a density bonus.
 2. Applicable Districts. Density bonuses shall be allowed in the Greensboro Village District, the Greensboro Bend Village District and the Rural Lands District.
 3. Examples of public benefits which might result in the awarding of a density bonus:
 - (a) Affordable housing dwelling units with one or more bedrooms, non age-restricted;
 - (b) Affordable housing dwelling units with one or more bedrooms, for seniors;
 - (c) Donation of land or development rights to an approved land trust;
 - (d) Donation of a right-of-way for a public recreation trail;
 - (e) Donation of a public recreation area.
 4. Subject to Carrying Capacity Review. The density bonus shall be determined by the DRBZBA & PC after review of the development application. Such density bonus allowances may be restricted, reduced or prohibited on any site if the DRB ZBA & PC determine that the carrying capacity of the land, soils, or other environmental condition would not support the proposed project. The DRB ZBA & PC may request from the applicant any additional information to make

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this determination. Density bonus allowances do not supersede any local, state or federal laws, executive orders, or rules.

§ 4.10 Temporary Uses & Structures

(A) Job Site Use. Temporary permits may be issued by the Administrative Officer to allow a temporary shelter, including a mobile home, to be occupied for dwelling purposes for not greater than one year to allow a property owner to reside on a parcel while constructing or rehabilitating a permanent dwelling. Such temporary shelter shall be removed from the premises within one year of the issuance of the permit, unless the applicant obtains a permit extension for an additional period not exceeding one year.

~~(A)~~(B) Temporary structures not limited to green houses, large collapsible or inflatable pools and tent-garages require a permit if in existence for more than six (6) months. Trailers that were intended for on-road usage, box vans, shipping containers and similar conveyances shall be considered structures if they are used for storage for more than six (6) months.

~~(B)~~(C) Recreational Vehicles (RVs). An RV (e.g. camper, travel trailer) may be located, stored or parked on public or private property in accordance with the following requirements:

1. If occupied for more than two weeks, setbacks must be met for the district in which an RV is located or parked.
2. An RV may be stored on a lot, providing the vehicle is not occupied for dwelling purposes and is not connected to an existing residential water or wastewater system. Stored RVs are not required to meet setbacks.
3. An RV may be used as temporary shelter on a job site in accordance with subsection (A) above.
4. An RV may be occupied for the following periods of time, within any one year:

(a) In the Resource District:	<i>Up to four months</i>
(b) In areas of the Rural Lands District beyond 500' of the <u>Shoreland Protection Lakeshore</u> District:	<i>Up to four months</i>
(c) In the Greensboro and Greensboro Bend Village Districts:	<i>Up to six weeks</i>
(d) In the <u>Shoreland Protection Lakeshore</u> District:	<i>Up to six weeks</i>
(e) In areas of the Rural Lands District within 500' of the <u>Shoreland Protection Lakeshore</u> District:	<i>Up to six weeks</i>

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§ 4.11 Agricultural Accessory Uses

Customary on-farm accessory uses that are directly related and subordinate to the agricultural operations. Such activities need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (eg land area, structures utilized). Including, but not limited to corn maze, petting zoo, farm tours, classes, scientific research, trails for non-motorized recreation, composting, u-pick operations, product tasting, retail sales of products produced on the farm (including products that are produced and then processed on the farm), retail sales of a limited number of agricultural products not produced on the farm as long as such sales are clearly subordinate to retail sales of non-farm products. Such uses are permitted in the Rural Lands District.

§ 4.12 Farm Café

(A) A restaurant with indoor seating for no more than forty (40) people, and no more than 1,000 square feet of outdoor seating that meets the following criteria:

1. Is subordinate to an agricultural operation.
2. One of the principal objectives is the use of products produced on the farm.
3. Is located on a parcel of at least 10 acres that contains one or more of the farm operation's principal structures.

(B) This use need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (ie. land area, structures utilized). Includes dining on the premises (indoor and/or outdoor), take-out dining and delivery, but excludes drive-through service.

(C) This use is both encouraged and allowed by conditional use permit in the Rural Lands District (See §5.4)

§ 4.13 Integrated Agriculture

(A) Agricultural operations that include activities that may not be directly related to the agricultural use. Such activities need not be subordinate to the agricultural operation in terms of revenue, but shall be subordinate in terms of overall land use (ie. land area, structures utilized). Activities must fall within one or more of the following categories:

1. On-site processing, storage, sampling and tasting of crops or farm products not principally produced on the farm.
2. Retail sales of crops or farm products not principally produced on the farm.
3. Retail sales of non-farm products related to the farm and/or what is produced on the farm. Such retail sales of non-farm products must be clearly subordinate to the farming operation and/or other integrated uses.
4. Education, cultural, recreation programming – e.g., classes, day camp, etc.
5. Event hosting as long as such events are clearly subordinate to the farming operation – e.g. wedding venue, dinner/dance venue, theater production, etc.

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(B) This use is both encouraged and allowed by conditional use permit in the Rural Lands District (See §5.4)

§ 4.14 Low Impact Agribusiness

(A) A business that supports the agricultural economy of Greensboro and/or the surrounding communities, integrates into the rural character of the neighborhood and greater zoning district, has a negligible to small impact on surrounding properties and public services and fits into one or more of the broad categories below. This use shall protect and preserve important natural resources.

- 1) Animal health, breeding and boarded care facilities such as veterinary clinics principally servicing livestock and poultry.
- 2) Horticultural facilities including selective seed storage and sales, as well as demonstration plots.
- 3) Farm product storage facilities such as vacuum or cold orchard storage and grain silos with associates service structures.
- 4) Slaughter and meat processing facilities.
- 5) Food processing facilities including but not limited to produce washing, flash freezing, canning or value added processing production of food products.
- 6) Craft-scale dairies, cheese and other dairy product makers, wineries, juice and cider producers, breweries, or similar.
- 7) Agricultural and residential byproduct processors such as composting or bio-electric generators.
- 8) Agricultural and forestry machinery repair.
- 9) Facilities or workshops supporting historically on-site agricultural services such as furriers, breeders, etc.

(B) The above uses are both encouraged and allowed by conditional use permit in the Rural Lands District (See §5.4) below.

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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) The ~~construction-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~~~~commence~~ 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). A map of the proposed subdivision (either a copy of a survey, or a sketch based on the town tax map) or Boundary Line Adjustment shall be included with the zoning permit application.
 2. No subdivision of a lot may occur which creates a new lot that does not meet the requirements of the District in which it is located.
 - ~~2.3.~~ 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.
- (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 application, data, and approvals, either issue, deny, or refer a zoning permit to the Zoning Board of Adjustment (ZBA/Development Review Board (DRB)) and/or Planning Commission. 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 ~~ZBA/DRB~~ all adjoining landowners shall be notified by mail, by the DRB/ZBA'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, ~~f~~ailure 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.

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(G) **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.

§ 5.2 Administrative Officer

(A) The Selectboard shall appoint an Administrative Officer (AO) from nominations submitted by the Planning Commission (PC) for a term of three years in accordance with 24 V.S.A. § 4448.

(B) An acting AO may be appointed by the Selectboard, from nominations submitted by the PC, who shall have the same duties and responsibilities of the AO in the AO's absence. In the event an acting AO is appointed, the Selectboard shall establish clear policies regarding the authority of the AO relative to the authority of the acting AO.

(C) The AO shall literally administer and strictly enforce the provisions of these regulations, and in doing so shall inspect development, maintain records, and perform other related tasks as is necessary and appropriate.

(D) The Selectboard may remove an AO for cause at any time after consultation with the PC.

§ 5.3 ~~Zoning Board of Adjustment~~ Development Review Board

(A) ~~The Zoning Board of Adjustment (ZBA)~~ The Development Review Board (DRB) shall consist of not less than three nor more than ~~nine-seven (7)~~ members appointed by the Selectboard for specified terms in accordance with 24 V.S.A. § 4460. The Selectboard also may appoint two (2) alternates, for specified terms, to serve on the Board in situations when one or more members of the Board are disqualified or are otherwise unable to serve.

(B) The ~~ZBA-DRB~~ shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. Ch. 117 and Vermont's open meeting law. The ~~ZBA-DRB~~ shall have all powers and duties as set forth in 24 V.S.A. § 4460 to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

1. Applications for conditional use approval (§5.4)
2. Applications for variances from one or more dimensional standards (§5.5)
3. Requests for waivers from setbacks, lot frontage, and building heights (§5.6)
4. Applications for Planned Unit Development (§4.9)
5. Applications for Site Plan Review for commercial use (§4.4)
6. Applications for telecommunications facilities (Article 7)
- ~~2-7.~~ Applications for new mobile home parks (§4.8)

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3-8. Appeals from any decision, act or failure to act by the Administrative Officer (§5.76) and any associated variance requests

(C) Any member of the ~~DRBZBA~~ may be removed for cause by the Selectboard upon written charges and after public hearing.

§ 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 ~~DRBZBA~~ grants such approval. In considering its action, the ~~DRBZBA~~ 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. Bylaws and ordinances then in effect;
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. Landscaping and/or fencing may be required for commercial and industrial uses to provide screening when in the judgment of the ~~DRBZBA~~ such screening is necessary to protect the character of the area affected.
4. Exterior signs shall conform to the following in all districts:
 - (a) No free standing 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.
5. Location, on the lot, of structures and service areas shall be compatible with other structures in the area affected.
6. In each district, uses are given specific criteria. In all cases these criteria will be adhered to.
7. Noise, air pollution and effects on the character of the neighborhood shall be considered.

§ 5.5 Variances

- (A) **Variance Criteria.** The ~~Development Review Board (DRB)~~~~Zoning Board of Adjustment (ZBA)~~ shall hear and decide requests for variances as required by 24 V.S.A. §4469(a). In granting a variance, the ~~DRB~~ ~~ZBA~~ may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The ~~DRB~~ ~~ZBA~~ may grant a variance and render a decision in favor of the appellant only if *all* of the following facts are found, and the findings are specified in its written decision:
1. There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not to the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
 2. Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
 3. The unnecessary hardship has not been created by the appellant;
 4. The variance, if authorized, will not:
 - (a) Alter the essential character of the neighborhood or district in which the property is located;
 - (b) Substantially or permanently impair the appropriate use or development of adjacent property;
 - (c) Reduce access to renewable energy resources;
 - (d) Be detrimental to the public welfare.
 5. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.
- (B) **Renewable Energy Structures.** Where a variance is requested for a structure that is primarily a renewable energy resource structure, in accordance with 24 V.S.A. §4469(b), the Board may grant such variance only if *all* of the following facts are found in the affirmative and specified in its written decision:
1. It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with these regulations;
 2. The hardship was not created by the appellant;
 3. The variance, if authorized, will not:
 - (a) Alter the essential character of the neighborhood or district in which the property is located;
 - (b) Substantially or permanently impair the appropriate use or development of adjacent property;
 - (c) Reduce access to renewable energy resources;
 - (d) Be detrimental to the public welfare.

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4. The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

§ 5.6 Waivers

(A) As an alternative to some variances, the Development Review Board (DRB) may grant a waiver of setbacks, lot frontage and building heights specified in Article 2. Such waivers must be in conformance with the municipal plan [§4414(7) (a)] and state planning goals [§4302] and may:

1. Allow for mitigation through design, screening or other remedy;
2. Allow for structures providing for disability accessibility, fire safety and other legal requirements; or
3. Provide for energy conservation and renewable energy structures and preservation of natural and historical resources.

(B) The waiver, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations.

(C) In addition, the result will not alter the character of the neighborhood, impair reasonable or appropriate use of adjoining properties, nor cause harm to the public welfare.

(D) The process of applying for and/or appealing a waiver is same as for a variance (Section 5.5). A waiver may be granted subject to conditions. However, a waiver can only be granted on the basis of a hardship requirement proven in writing.

§ 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 of the date of the decision or act by filing a notice of appeal with the secretary of the **DRB ZBA** or the municipal clerk if no secretary has been elected, and by filing a copy of the notice with the AO.

1. The **DRB ZBA** 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 ZBA** 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 ZBA** 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)

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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 ZBA~~ 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) includes the following:

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 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 or real property owners within a municipality listed in (2.) above who, by signed petition to the ~~DRB ZBA~~, the 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 plan or Bylaw of that municipality. This petition to the ~~DRB ZBA~~ must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal; and
5. Any department and administrative subdivision of the state of Vermont owning property or any interest in property a municipality listed in (2.) above, and the Vermont Agency of Commerce and Community Development.

(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.

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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 ~~ZBA-Development Review Board (DRB) and/or Planning Commission (PC)~~ 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 ZBA and/or PC~~ 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 ZBA and/or PC~~, notice of the appeal shall be filed by certified mail, with fees, to the Environmental Court, and by mailing a copy to the Zoning Administrator 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.

§ 5.87 Public Hearings

(A) **Public Notice.** In accordance with 24 V.S.A. § 4464, 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) [§5.6]. Any public notice for a warned public hearing shall be given not less than 15 days prior to the date of the public hearing by all of the following:

1. Publication of the date, place and purpose of the hearing in a newspaper of general circulation in the municipality;
2. 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;
3. 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; and

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Public notice of all other types of Zoning Board of Adjustment (ZBA)Development Review Board (DRB) and/or Planning Commission (PC) 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.

No defect in the form or substance of any public hearing notice warned under this section shall invalidate the action of the DRB ZBA and/or PC, 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, the action shall be remanded to the DRB ZBA and/or PC to provide new posting and notice, hold a new hearing, and take a new action.

(B) **Hearings.** In accordance with 24 V.S.A. §4461, all meetings and hearings of the DRB ZBA and/or PC, 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 ZBA or PC. The DRB ZBA and/or PC, 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 §5.6 (B) are met. The DRB ZBA and/or PC 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 ZBA and/or PC 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 ZBA and/or PC shall be taken by the concurrence of a majority of its members. In accordance with 24 V.S.A. §4464(b), the DRB ZBA and/or PC 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 the 46th day. In addition:

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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 §5.6 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.
2. In rendering a decision in favor of the applicant, the ~~DRB, ZBA and/or PC~~ 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) all decisions of a ~~DRB, ZBA and/or PC~~ 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 ZBA clerk as part of the public record of the municipality.

§ 5.98 Combined Review Process

- (A) In cases where a proposed project will require more than one type of development review, the ~~Zoning Board of Adjustment and/or Planning Commission~~ Development Review Board may warn and hold a joint hearing or single hearing for the purpose of reviewing and acting on the proposal. The Administrative Officer shall identify proposed projects appropriate for combined review and assist applicants in preparing and submitting coordinated applications to facilitate combined review. (24 V.S.A. §4462)
- (B) Notice for a combined review hearing shall be made in accordance with 24 V.S.A. §4464(a)(1). The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review processes that will be conducted at the hearing.
- (C) As applicable, the combined review process shall be conducted in the following order:
 1. Site Plan
 2. Access by right-of-way
 3. Requests for Waivers or Variances
 4. Subdivision Approval (preliminary and final) or PUD approval
 5. Conditional Use Review

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(D) All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.

§ 5.109 — Penalties

Violations of these Regulations shall be enforced as prescribed in 24 V.S.A. §§ 4451 and 4452.

§ 5.110 Planning Commission

(A) The Planning Commission (PC) shall consist of not less than three or more than nine members, appointed by the Selectboard. At least a majority of members shall be residents of the municipality. (24 V.S.A. §4322)

(B) Any member of the Commission may be removed at any time by a unanimous vote of the Selectboard.

(C) The PC shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under 24 V.S.A. Ch. 117 and Vermont’s Open Meeting Law. ~~The Commission shall have all powers and duties as set forth in 24 V.S.A. Ch. 117 to administer the provisions of these regulations, including but not limited to the power to hear and act upon. The PC shall have the following duties in association with these regulations:~~

- ~~1. Prepare proposed amendments to the zoning bylaw, and consider proposed amendments submitted by others, including amendments submitted by petition;~~
- ~~2. Prepare and approve written reports on any proposed amendment to this zoning bylaw;~~
- ~~3. Hold one or more warned public hearings on proposed amendments to this zoning bylaw, prior to submission of a proposed amendment and written report to the Selectboard.~~
- ~~1. Applications for Commercial Use (§4.4)~~
- ~~2. Applications for Planned Unit Developments (§4.9)~~
- ~~3. Applications for Telecommunication Facilities (Article 7)~~
- ~~4. Applications for new Mobile Home Parks~~

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Article 6. Flood Hazard Area Regulations

§ 6.1 Statutory Authorization

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established an regulation for areas of special flood hazard in the Town of Greensboro, Vermont.

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§ 6.2 Statement of Purpose

It is the purpose of this regulation to:

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- (A) 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 and other flood related hazards;
- (B) Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property;
- (C) Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753;
- (D) Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

§ 6.3 Lands to Which These Regulations Apply

These regulations shall apply to all areas in the Town of Greensboro, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

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§ 6.4 Development Permit Required

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the Zoning Board of Adjustment is required for:

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- 1. New buildings,
- 2. Substantial improvement of existing buildings, and
- 3. Development in a floodway

prior to being permitted by the administrative officer. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

§ 6.5 Procedures

- (A) Prior to issuing a permit a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management section in accordance with 24 V.S.A. § 4424. A permit may be issued only 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) Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (C) Proposed development shall be reviewed by the administrative officer or the appropriate municipal panel to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

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§ 6.6 Base Flood Elevations and Floodway Limits

- (A) Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- (B) In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.
- (C) Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

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§ 6.7 Development Standards

- (A) Floodway Areas
 - 1. Development within the regulatory floodway, as determined by §6.6(A), is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

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2. Junkyards, on-site wastewater disposal systems, and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

(B) All Special Flood Hazard Areas (within mapped Floodway Areas, the following Section B provisions are additive to the Section A provisions above).

1. All Development - All development shall be reasonably safe from flooding and:

- (a) designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,
- (b) constructed with materials resistant to flood damage,
- (c) constructed by methods and practices that minimize flood damage, and
- (d) 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.

2. Residential Development

- (a) New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (b) Manufactured homes to be placed and existing manufactured homes to be substantially improved that are:
 - i. located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to no less than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.
 - ii. located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation 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.

3. Non-residential Development:

- (a) New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (b) Existing buildings to be substantially improved located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of

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water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- (c) A permit for a building proposed to be floodproofed 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.

4. Subdivisions:

- (a) New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.
- (b) Subdivisions (including manufactured home parks) shall be designed to assure:
 - i. such proposals minimize flood damage within the flood-prone area,
 - ii. public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - iii. adequate drainage is provided to reduce exposure to flood hazards.

5. Enclosed Areas Below the Lowest Floor:

- (a) Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.
- (b) New construction and existing buildings to be substantially improved with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- (c) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings 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 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.

6. Recreational Vehicles (RVs): RVs placed on sites with special flood hazard areas shall either:

- (a) be on the site for fewer than 180 consecutive days,
- (b) be fully licensed and ready for highway use, or
- (c) be permitted in accordance with the elevation and anchoring requirements for “manufactured homes” in section B.2.(b).

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7. Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the structure meets the following requirements:

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- (a) The structure must only be used for parking or storage,
 - (b) The structure must have the required openings to allow floodwaters in and out,
 - (c) The structure must be constructed using flood resistant materials below the Base Flood Elevation,
 - (d) The structure must be adequately anchored to resist flotation, collapse, and lateral movement, and
 - (e) All building utility equipment including electrical and heating must be elevated or floodproofed.
8. Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
9. Sanitary Sewage Systems: New and replacement 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.
10. On-Site Waste Disposal Systems: On-site wastewater disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located no less than 1 foot above the base flood elevation. Wastewater disposal systems shall not be located in a floodway area.
11. Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

§ 6.8 Duties and Responsibilities of the Administrative Officer

The administrative officer shall maintain a record of:

- (A) All permits issued for development in areas of special flood hazard;
- (B) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
- (C) The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;
- (D) All floodproofing certifications required under this regulation; and
- (E) All variance actions, including justification for their issuance.

§ 6.9 Variances to the Development Standards

Variances shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

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§ 6.10 *Warning of Disclaimer of Liability*

This regulation does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Greensboro or any town official or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.

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§ 6.11 *Validity and Severability*

If any portion of this regulation is held unconstitutional or invalid by a competent court, the remainder of this regulation shall not be affected.

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§ 6.12 *Precedence of Regulation*

The provisions of this regulation shall not in any way impair or remove the necessity of compliance with any other applicable regulations. Where this regulation imposes a greater restriction, the provisions of this regulation shall take precedence.

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§ 6.13 *Enforcement and Penalties*

(A) It shall be the duty of the Administrative Officer to enforce the provisions of this regulation.

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Whenever any development occurs contrary to these flood hazard area regulations, the Administrative Officer, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 V.S.A. §1974a or pursuant to 24 V.S.A. § 4451 or 24 V.S.A. § 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day notice and opportunity to cure if the alleged offender repeats the violation after the seven-day notice period and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days.

~~(B)~~ If the structure is still noncompliant after the opportunity to cure has passed, the Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section 1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

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Article 7. Telecommunication Facilities Regulations

§ 7.1 Authority

- (A) Under authority granted by 24 V.S.A. Chapter 117, the Town of Greensboro adopts this Wireless Telecommunication Facility (WTF) Zoning Bylaw.
- (B) Pursuant to 24 V.S.A. §4414(12), the ~~Planning Commission (PC)~~ **Development Review Board (DRB)** shall have the authority to regulate construction, alteration, and development, decommissioning and dismantling of WTFs in the Town of Greensboro.

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§ 7.2 Purpose

The purpose of these regulations is to promote the public health, safety, and welfare of the residents of the Town of Greensboro, and preservation of the environment, while accommodating the telecommunication needs of the Town's residents.

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§ 7.3 Consistency with Federal and State Law; Severability

This Bylaw is intended to be consistent with the Telecommunications Act of 1996 and Title 24, Chapter 117 of Vermont Statutes Annotated (V.S.A.). If any section of this Bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this regulation.

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§ 7.4 Permit Required; Exemptions

- (A) WTFs may be permitted as conditional uses upon compliance with the provisions of this Bylaw in the following zoning districts: Greensboro Village District, Greensboro Bend Village District, Rural Lands District, and Resource District. No installation or construction of, or significant addition or modification to, any WTF shall commence until a permit has been issued by the PC. However, in accordance with 24 V.S.A. § 4412(9), a permit shall be issued for a WTF that in, the determination of the ~~DRB~~ **PC** will impose no impact or merely a de minimis impact upon any criteria established in (I) below. The ~~DRB~~ **PC**'s determination regarding no impact or de minimis impact shall be in writing and shall be subject to appeal under 24 V.S.A. § 4471.
- (B) No permit shall be required for a WTF that is used exclusively for municipal radio dispatch service or emergency radio dispatch service and which does not exceed 50 feet in elevation.
- (C) This Bylaw shall not apply to amateur radio, citizens band radio, AM or FM radio, or broadcast television service.
- (D) No permit shall be required for a WTF that has received a certificate of public good pursuant to 30 V.S.A. § 248a.

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- (E) This Bylaw shall not prohibit a property owner's ability to place or allow placement of antennae used to transmit, receive, or transmit and receive communications signals on the property owner's premises if the aggregate area of the largest face of the antennae is not more than eight square feet, and if the antennae and the mast to which they are attached do not extend more than 12 feet above the roof of that portion of the building to which they are attached.

§ 7.5 Permit Application Requirements

In addition to information otherwise required in the Town of Greensboro's Zoning Bylaw, applicants shall include the following supplemental information:

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- (A) The applicant's legal name, address, telephone number, and e-mail. If the applicant is not a natural person, the applicant shall provide the state in which it is incorporated and the name and address of its resident agent.
- (B) The name, title, address, telephone number, and e-mail of the person to whom correspondence concerning the application should be sent.
- (C) The name, address, telephone number, and e-mail of the owner or lessee of the property on which the WTF will be located.
- (D) The names and addresses of all adjoining property owners. Adjoining property owners shall be determined without regard to any public right-of-way.
- (E) A vicinity map showing the entire vicinity within a 1,000 foot radius of the Facility, including the location of any tower, topography, public and private roads and driveways, buildings and structures, utilities, water bodies, wetlands, landscape features, historic sites and necessary wildlife habitats. It shall indicate the property lines of the proposed Facility site parcel and all easements or rights-of-way needed for access from a public way to the Facility.
- (F) The location of the Facility on a U.S. Geological Survey (USGS) Topographic Map or a Geographic Information Systems (GIS) -generated map compatible with Vermont Center for Geographic Information (VCGI) standards and encompassing the area within at least a two-mile radius of the proposed tower site.
- (G) Elevations and proposed site plans of the Facility showing all facades and indicating all exterior materials and colors of towers, buildings and equipment, as well as all landscaping, utility wires, guy wires and screening. (All plans shall be drawn at a minimum scale of 1 inch = 50 feet.)
- (H) In the case of a site that is forested, the approximate average elevation of the existing vegetation within 50 feet of any tower base.
- (I) Construction sequence and time schedule for completion of each phase of the entire project.
- (J) A report from a qualified engineer that:

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1. Describes any tower's design and elevation,
2. Documents the elevation above grade for all proposed mounting positions for antennas to be collocated on a tower and the minimum distances between antennas.
3. Describes a tower's capacity, including the number, elevation, and types of antennas that the tower is proposed to accommodate.
4. In the case of new Facilities, demonstrates that existing towers and structures within five miles of the site cannot reasonably be modified to provide adequate coverage and adequate capacity to the community.
5. Describes potential changes or additions to existing structures or towers that would enable them to provide adequate coverage.
6. Describes the output frequency, number of channels and the power output per channel for each antenna. In the alternative, a coverage map may be provided.
7. Demonstrates the Facility's compliance with the standards set forth in this Bylaw or other applicable standards.
8. Provides proof that at the proposed Facility site the applicant will be in compliance with all Federal Communications Commission (FCC) regulations, standards and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards and requirements for Radio Frequency Radiation (RFR).
9. Includes such other information as determined by the DRB PC to evaluate the application.
11. A letter of intent committing the Facility owner and its successors to permit shared use of any tower if the additional users agree to meet reasonable terms and conditions for shared use, including compliance with all applicable FCC regulations, standards, and requirements and the provisions of this Bylaw and all other applicable laws.
12. In the case of an application for additional antennas or other equipment to be installed on an existing Facility, a copy of the executed contract with the owner of the existing structure.
13. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete Environmental Assessment (EA) draft or final report describing the probable impacts of the Facility, or a written statement by the applicant that an EA is not required for the facility.

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§ 7.6 Independent Consultants

Upon submission of an application for a WTF permit, the DRB PC may retain independent consultants whose services shall be paid for by the applicant. These consultants shall be qualified professionals in telecommunications engineering, structural engineering, monitoring of electromagnetic fields and such other fields as determined by the DRBPC. The consultant(s) shall work at the DRBPC's discretion and

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shall provide the DRB PC such reports and assistance as the DRB PC deems necessary to review an application.

§ 7.7 Balloon Test

The DRB PC may require the applicant to fly a four-foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least 14 days in advance of the test in a newspaper with a general circulation in the Town. The applicant shall also inform the DRB PC, in writing, of the date, time, and location of the test, at least 15 days in advance of the test.

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The balloon shall be flown for at least eight consecutive daylight hours on four days. If visibility and weather conditions are inadequate for observers to clearly see the balloon test, further tests may be required by the DRB PC.

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§ 7.8 Criteria for Approval and Conditions.

An application for a WTF permit shall be approved when the DRB PC finds all the following criteria have been met:

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- (A) The Facility will not be built on speculation. If the applicant is not a WTSP, the DRB PC may require the applicant to provide a copy of a contract or letter of intent showing that a WTSP is legally obligated to locate a WTF on lands owned or leased by the applicant.
- (B) The Facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the WTF, unless the proposed elevation is necessary to provide adequate Wireless Telecommunication Service capacity or coverage or to facilitate collocation of facilities.
- (C) The minimum distance from the base of any tower to any property line is not less than 100% the total elevation of the tower, including antenna or equipment.
- (D) The Facility will not be illuminated by artificial means and will not display any lights or signs except for such lights and signs as required by the FAA, federal or state law, or this Bylaw.
- (E) The applicant will remove the Facility, should the Facility be abandoned or cease to operate. The DRB PC may require the applicant to provide a bond, or other form of financial guarantee acceptable to the DRB PC, to cover the cost of removal of the Facility, should the Facility be abandoned or cease to operate.
- (F) The applicant demonstrates that the facility will be in compliance with all FCC standards and requirements regarding RFR.
- (G) The applicant will maintain adequate insurance on the Facility.
- (H) The Facility will be properly identified with appropriate warnings indicating the presence of RFR. The DRB PC may condition a permit on the provision of appropriate fencing.

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(I) The proposed equipment cannot be reasonably collocated at an existing WTF. In determining this, the DRB PC shall consider the following factors:

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1. The proposed equipment would exceed the structural or spatial capacity of the existing facility and the existing facility cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.
2. The proposed equipment would materially impact the usefulness of other equipment at the existing facility and such impact cannot be mitigated or prevented at a reasonable cost.
3. The proposed equipment, alone or together with existing equipment, would create radio frequency interference and/or RFR in violation of federal standards.
4. Existing towers and structures cannot accommodate the proposed equipment at an elevation necessary to function reasonably or are too far from the area of needed coverage to function adequately.
5. Collocation of the equipment upon an existing tower would cause an undue aesthetic impact.

(J) The Facility provides reasonable opportunity for collocation of other equipment.

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(K) The Facility will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor. A WTF shall not be constructed on Barr Hill or Baker Hill (see map of excluded area, §7.11)

(L) The Facility will not have an undue adverse aesthetic impact. In determining this, the DRB PC shall consider the following factors:

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1. The results of the balloon test, if conducted.
2. The extent to which the proposed towers and equipment have been designed to blend into the surrounding environment through the use of screening, camouflage, architectural design, and/or imitation of natural features.
3. The extent to which access roads have been designed to follow the contour of the land and will be constructed within forest or forest fringe areas and not open fields.
4. The duration and frequency with which the Facility will be viewed on a public highway or from public property.
5. The degree to which the Facility will be screened by existing vegetation, topography, or existing structures.
6. Background features in the line of sight to the Facility that obscure or make the Facility more conspicuous.
7. The distance of the Facility from the point of view and the proportion of the Facility that is above the skyline.
8. The sensitivity or unique value of a particular view affected by the Facility.
9. Any significant disruption of a viewshed that provides context to an important historic or scenic resource.

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(M) The Facility will not destroy or significantly imperil necessary wildlife habitat or that all reasonable means of minimizing the destruction or imperilment of such habitat or species will be utilized.

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(N) The Facility will not generate undue noise.

§ 7.9 Continuing Obligations for Wireless Telecommunication Facilities

The Owner of a WTF shall, at such times as requested by the **DRB PC**, file a certificate showing that it is in compliance with all FCC standards and requirements regarding RFR, and that adequate insurance has been obtained for the Facility. Failure to file a certificate within the timeframe requested by the **DRBPC** shall mean that the Facility has been abandoned.

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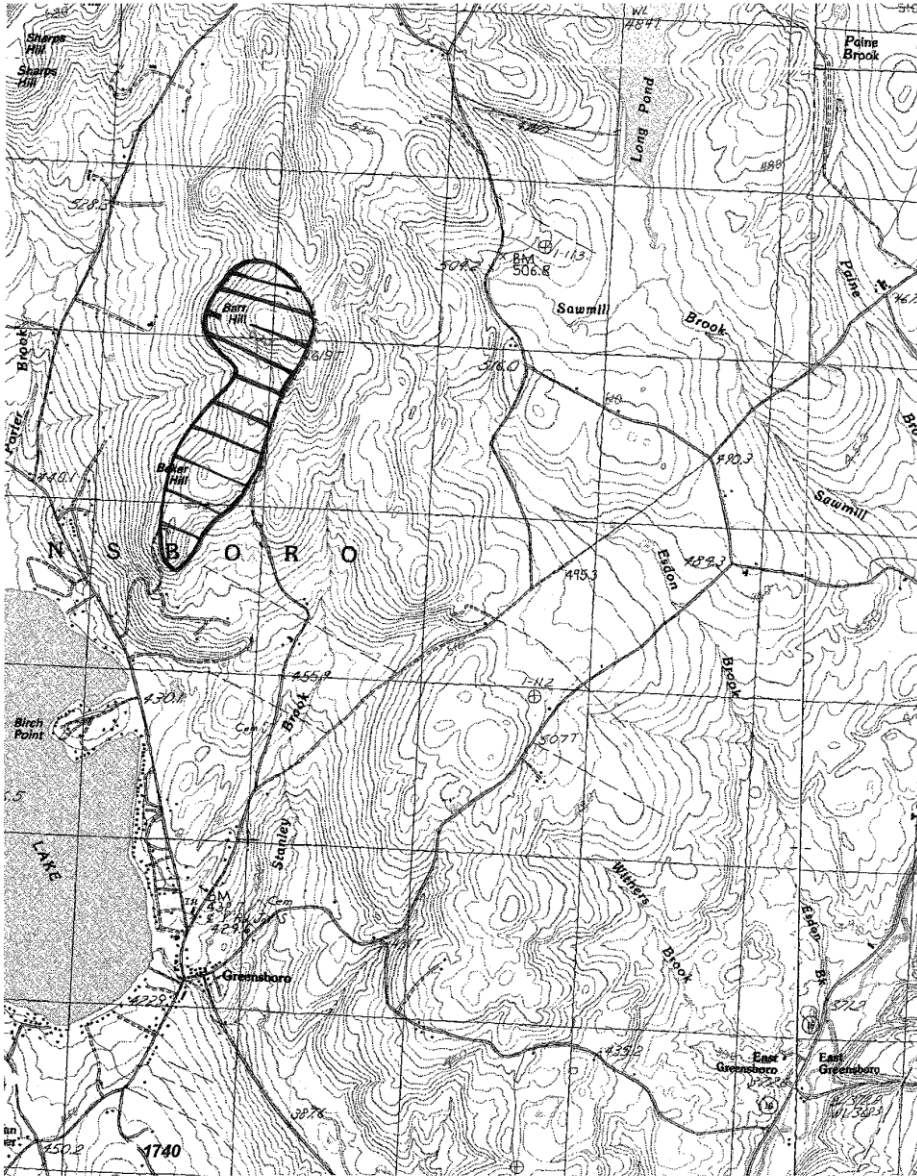
§ 7.10 Removal of Abandoned or Unused Facilities

Unless otherwise approved by the **DRBPC**, an abandoned or unused WTF or Small Scale Facility shall be removed within 90 days of abandonment or cessation of use. If the Facility is not removed within 90 days of abandonment or cessation of use, the **DRB PC** may cause the Facility to be removed. The costs of removal shall be assessed against the Facility owner.

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Unused portions of a WTF or Small Scale Facility shall be removed within 180 days of the time that such portion is no longer used. Replacement of portions of a Facility previously removed shall require a new permit, pursuant to Section E.

§ 7.11 Map of Excluded Area for Siting of Telecommunication Facilities



Article 8 - Lake Shoreland Protection District Bylaw

§ 8.1 Authority

This Bylaw is adopted by the Town of Greensboro under authority of 24 V.S.A. § 4424, 24 V.S.A. § 4302(c)(5)(B), 24 V.S.A. § 4411(b)(3), 24 V.S.A. § 4414 (1)(D) &(G), 10 V.S.A. § 1422, and 10 V.S.A. §1425.

§ 8.2 Purpose

The purpose of this Bylaw is:

- A. To protect the natural features and functions of the Town’s shorelands and conserve undeveloped wooded vegetation adjacent to the Town’s lakes and ponds.
- B. To promote the protection of naturally vegetated areas and the re-vegetation of native plants and trees along water bodies within the Town to reduce the impact of stormwater runoff, prevent soil erosion, protect wildlife and fish habitat and maintain water quality.
- C. To encourage low impact development stormwater management site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate and detain stormwater where it falls.
- D. To limit and properly manage Development in areas that are generally unsuitable for Development or use due to erosion, limiting soil conditions, Steep Slopes, Bluffs, or other major physical constraints.
- E. To allow for compatible forms of shoreland Development that will preserve shoreland vegetation, encourage re-vegetation, protect wetlands and terrestrial and aquatic wildlife habitats, and conserve the scenic beauty and recreational potential that currently exists along shorelands within the Town of Greensboro.

§ 8.3 Applicability

The requirements of this Bylaw shall apply to all land in the Town of Greensboro defined as the Shoreland Protection District in Section 8.4 below.

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§ 8.4 Definitions¹

For purposes of this bylaw, the following terms shall apply:

Access Foot Path: A narrow path for pedestrians.

Bluff: A high steep bank usually formed by erosion.

Building Envelope: The area on a lot that encompasses Development as defined below.

Building Footprint: The gross floor area of a building's first floor. Footprint is measure from exterior face to exterior face. Footprint does not include porches, decks, patios, exterior landings, storage areas or garages, whether attached or detached.

Development: 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.

Natural Berm: A natural rise of land along a lake, built by centuries of ice pressure pushing the land up in winter, and then partially eroded by snow melt, rain and wave action in the spring and summer. A berm is stabilized by the roots of trees and shrubs.

Natural Ground Cover: Any herbaceous plant, woody seedling or shrub less than three feet in height. Natural Ground Cover shall also include naturally occurring leaf or needle litter, stumps, decaying woody debris, stones, and boulders. Natural Ground Cover shall not include lawns, landscaped areas, gardens, invasive species, exotic species, imported organic or stone mulches, or other artificial materials.

Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to Development. Examples include roads, rooftops, out buildings, decks, paths, patios, parking areas, and concrete, or asphalt driveways.

Lake²: For purposes of this Bylaw the following waterbodies in the Town of Greensboro are defined as Lakes: Caspian and Eligo.

Mean Water Level: The normal summer (June 1 – September 15) water level, measured in feet above sea level, of Lakes as determined by an average of water level readings available over time or as established by the Agency of Natural Resources.

¹ Each term that is defined in Section 8.4 of this bylaw will be capitalized throughout the document.

² A Lake is defined in Vermont state statutes as a body of standing water, including ponds and reservoirs, that may have natural or artificial water level control. Artificial off-stream ponds entirely on one owner's property and reservoirs specifically constructed for snowmaking water storage, golf course irrigation, stormwater management, and fire suppression shall not be considered lakes.

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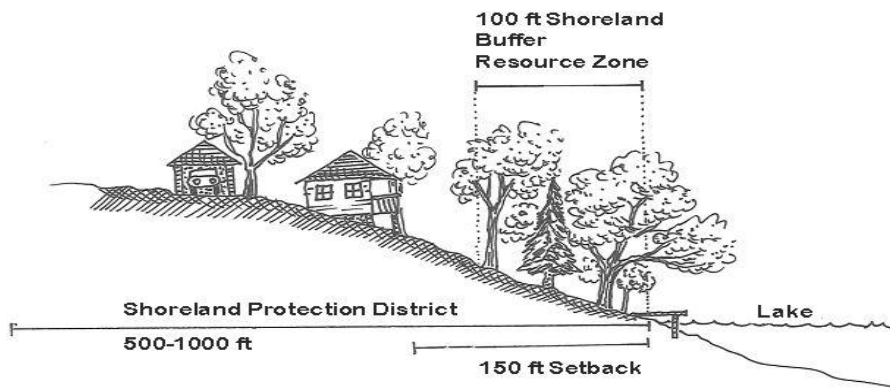
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Mitigation. An action required of a shoreland property owner designed to compensate for lost Shoreland Buffer or increased Impervious Surface area. See Figures 9B and 9C of this bylaw.

Nonconforming Use or Structure. A use of land or structure lawfully in existence as of the effective date of these regulations that is not in compliance with the standards for the Shoreland Buffer Resource Zone and Shoreland Protection District.

Shoreland Protection District. The Shoreland Protection District is comprised of lands contiguous to and in the immediate vicinity of Caspian and Eligo Lakes. See **Maps for Lakeshore District – Eligo and Caspian-** The Shoreland Protection District incorporates the Shoreland Buffer Resource Zone. [See Figure 4A.]

Figure 4A. Shoreland Protection District with 100 foot Shoreland Buffer Resource Zone



Shoreland Buffer. The land abutting a Lake consisting of trees, shrubs, Natural Ground Cover and an understory of plants that functions to filter runoff, control sediment and nutrient movement, control erosion and provide fish and wildlife habitat.

Shoreland Buffer Resource Zone. The width of land measured horizontally from the Mean Water Level at least 100 feet from all Lakes. The Shoreland Buffer Resource Zone may exceed 100 feet if it includes a Bluff and/or a Steep Slope as defined in this Section. In that case, the Shoreland Buffer Resource Zone shall include the entire Bluff and/or Steep Slope and all land located up to 25 feet from the top of the Bluff and/or Steep Slope. See Figure 4A.

Steep Slope. Shoreland having slopes equal to or greater than 15%.

§ 8.5 Removal of Unsafe Trees and Limbs in the Shoreland Buffer Resource Zone

A. A property owner may remove, or may cause to have removed from the Shoreland Buffer Resource Zone, trees and limbs that threaten personal safety or structures. The cutting and removal shall be conducted so as to:

1. prevent damage to surrounding healthy trees, limbs, saplings, and shrubs;
2. minimize damage to Natural Ground Cover;
3. prevent soil erosion and sedimentation to the Lake; and
4. leave all stumps intact.

B. In any enforcement action for removal of trees or limbs in violation of this section, the burden of proving that the trees and limbs removed were unsafe shall be on the property owner.

C. Proof that removed trees and limbs were unsafe shall include, but are not limited to, the following:

1. photographs of the property that clearly show the unsafe trees and limbs; and
2. written certification signed by an individual with knowledge and experience in assessing tree health – such as a professional forester, certified arborist, or professional landscape architect – that the trees and limbs that were removed were unsafe.

§ 8.6 Clearing Limitations in the Shoreland Buffer Resource Zone

A. Within the Shoreland Buffer Resource Zone, existing healthy trees, shrubs, and ground cover shall be maintained and enhanced by selective cutting, pruning, and appropriate planting. A zoning permit is not required to perform this work.

B. Dead or dangerous trees may be removed without a permit (See Section 8.5). Stumps of trees cut within the Shoreland Buffer Resource Zone shall be left in the ground.

C. All cutting and removal permitted under this section shall be conducted so as to:

1. prevent damage to surrounding trees and saplings;
2. minimize damage to Natural Ground Cover;
3. prevent soil erosion and sedimentation to the waterbody; and
4. leave all stumps intact.

D. In any enforcement action for removal of trees or saplings in violation of this section, the burden of proving that the removal of trees or saplings met the requirements of this section shall be on the property owner.

G. Proof that the removal complied with grid and point system clearing limitations provided in this section shall include, but not be limited to the following:

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1. photographs of the property which clearly show the trees or saplings; and
 2. a sketch of the property showing the location of the trees and saplings that will be removed from the property.
- H. In addition to any fine or injunctive order levied against the property owner, removal of trees or saplings in violation of this section shall require implementation of a shoreland restoration plan designed by a qualified professional, and paid for by the property owner, that addresses the following:
1. The number, size, and species of trees and saplings removed in violation of the regulation;
 2. A re-planting schedule including site conditions, planting time and a guarantee that at least 80% of the plants will survive the first year. If more than 20% of the new plants die within the first year, they shall be replaced.
 3. A site restoration map of the cleared area drawn to scale that includes structures, roads, and the location of existing trees, trees that were removed and proposed replacement trees.

§ 8.7 General Standards Within the Shoreland Buffer Resource Zone

Lake shoreland will be protected from Development, including roads and driveways, by maintaining and/or establishing undisturbed naturally vegetated riparian buffers within the Shoreland Buffer Resource Zone as follows:

- A. Except as provided in Sections 8.5, 8.6, 8.8 and 8.9 of this bylaw, no Development is allowed in the Shoreland Buffer Resource Zone.
- B. New Development shall be set back, measured horizontally, at least 150 feet from all Lakes. This distance includes the minimum Shoreland Buffer Resource Zone of 100 feet, plus an additional 50 feet to prevent incursion into the Buffer Zone during construction. The Shoreland Buffer Resource Zone shall exceed 100 feet if it includes a Bluff and /or a Steep Slope as defined in Section 8.4, in which case, the Shoreland Buffer Resource Zone shall include the entire Bluff and/or Steep Slope and all land located at least 25 feet from the top of the Bluff and/or Steep Slope. [See Figure 4A.]
- C. The minimum lot shoreline frontage shall be 100 feet and the minimum depth shall be 200 feet.
- D. New roads and driveways shall not be constructed in the Shoreland Buffer Resource Zone.
- E. New lawn areas within the Shoreland Buffer Resource Zone shall not be permitted. Property owners with lawn areas in the Shoreland Buffer Resource Zone are encouraged to return lawn areas to their naturally vegetated state. Supplemental planting with appropriate vegetation to restore and enhance the effective filtering and bank stabilization functions of a Shoreland Buffer is encouraged.
- F. Any areas within the Shoreland Buffer Resource Zone that are disturbed as the result of a permitted or conditional use or the expansion of a nonconformity as provided in Sections 8.8 and 8.9 shall be

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restored through natural regeneration and/or planting of native shrubs and trees appropriate to the site and designated as “no mow zones.”³

G. Riprap and retaining walls used for ornamental purposes or for terracing natural slopes that disturb natural vegetation are not permitted within the Shoreland Buffer Resource Zone.

H. On the shorelines of Caspian and Eligo Lakes, there shall be no cutting into, disturbance of, or removal of any Natural Berm separating the lakeshore property from the lake itself.

§ 8.8 New Uses and Encroachments Within the Shoreland Buffer Resource Zone

A. Permitted uses which do not require a zoning permit:

1. Removal of unsafe trees as provided in Section 8.5.
2. Removal of trees or saplings so long as the clearing limitations provided in Section 8.6 are met..
3. Removal of vegetation only necessary to accommodate the placement of a stairway and associated landing, or lift for Americans With Disabilities Act (ADA) accessibility and access path. Trees, shrubs, and Natural Ground Cover shall be maintained within these areas. The construction shall not involve earth moving equipment. Stairways and lifts shall meet the following design requirements:
 - a. Stairways and lifts shall not exceed four feet in width.
 - b. Landings for stairways and lifts shall not exceed 32 square feet in area.
 - c. Canopies or roofs are not allowed on stairways, lifts, or landings.

B. Conditional Uses. The DRB may authorize the following activities within the Shoreland Buffer Resource Zone, subject to the following provisions and subject to conditional use review procedures under Section 5.4:

1. Shoreland Buffer re-establishment and bank stabilization projects where the DRB finds that the purposes of this section will be protected through erosion controls, supplemental planting, protection of existing vegetation, and/or other measures.
2. Stairways and lifts wider than four feet and landings larger than 32 square feet with justification for ADA accessibility or improved erosion control.⁴

3. Boathouses?

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³ Turf grass is not an appropriate choice for shoreland buffer re-vegetation.

⁴ Any work (fill, construction, sea walls, retaining walls, docks, moving stones, rock toes etc.) beyond the Mean Water Level requires a state Shoreland Encroachment Permit. www.anr.state.vt.us/dec/waterq/permits/htm/pm_encroachment.htm

§ 8.9 Nonconforming Uses and Structures Within the Shoreland Buffer Resource Zone

A. Any structure or use of land legally in existence or legally permitted as of the effective date of these regulations that does not meet the requirements of these regulations shall be considered nonconforming. Nonconforming uses and structures within the Shoreland Buffer Resource Zone are subject to the following conditions:

1. A Nonconforming Structure may undergo normal maintenance and repair provided that such action does not increase the degree of nonconformity. Alterations within the existing footprint shall be allowed; such alterations require a conditional use permit. New and altered windows and doors are a permitted use and require only a building permit, not a conditional use permit. Normal repair does not include reconstruction. See subsection C of this section regarding reconstruction.
2. Any expansion of a Nonconforming Structure, including the addition of decks or patios, shall not extend towards the water beyond the existing nonconformity. [See Figure 9A]
3. A Nonconforming Structure may be enlarged, extended, reconstructed, expanded, modified or relocated only with the approval of the DRB, subject to conditional use review under Section 5.4. The DRB must determine that the enlargement, extension, expansion, modification or relocation does not increase the degree of nonconformity or else it compensates for lost Shoreland Buffer through Mitigation measures (See #4 below) and meets all other applicable requirements of these regulations.
4. Where the expansion of a Nonconforming Structure is permitted, the DRB shall require the applicant, as a Mitigation measure, to return any mowed or cleared areas to a naturally vegetated state with supplemental planting of appropriate native vegetation.
5. No part of the Shoreland Buffer Resource Zone shall be forfeited to replace lawn areas lost as a result of the expansion of a Nonconforming Structure.
6. Expansion of Nonconforming Structures shall comply with the erosion prevention and sediment control standards in Section 8.11 of these regulations.
7. New roads and driveways are not allowed as part of an expansion of a Nonconforming Structure. However, the DRB may authorize improvements to existing nonconforming roads and driveways if such improvements will result in a reduction of existing shoreland erosion and unbuffered stormwater runoff.
8. Cleared openings and lawns within the Shoreland Buffer Resource Zone legally in existence on the effective date of these regulations may be maintained. However, areas that were once fields, lawns or cleared openings but have reverted to primarily shrubs, trees, or other woody vegetation are regulated as a buffer under these regulations.

Figure 9A. Expansion of a Nonconforming Structure

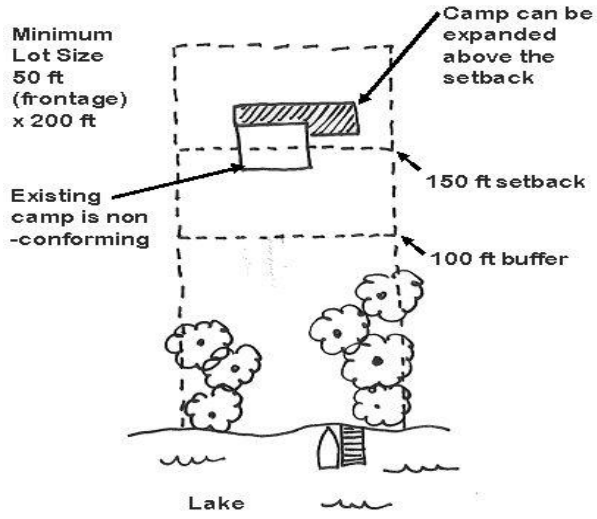
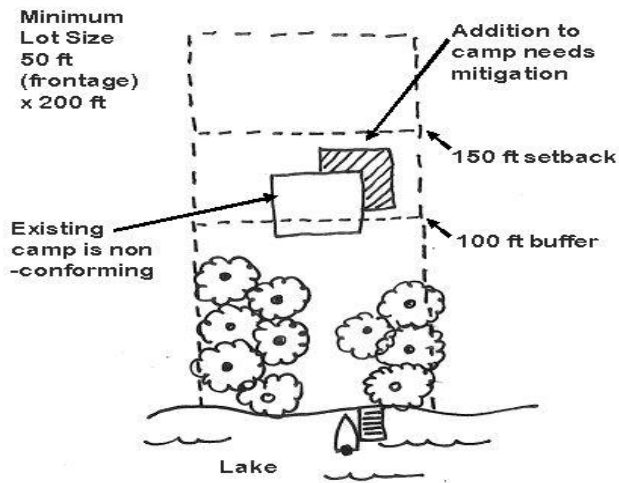


Figure 9B. Nonconforming Structure Mitigation



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B. In accordance with 24 V.S.A. § 4469(a) and Section 5.5 of this bylaw, a variance from the DRB is required for any Development on pre-existing, nonconforming lots that currently does not comply with the Shoreland Buffer Resource Zone setback, lot shoreline frontage, and/or minimum depth standards.

C. Reconstruction and Relocation in the Shoreland Buffer Resource Zone

1. A Nonconforming Structure may be rebuilt in its existing Building Footprint. The building and its accessory appendages may be replaced but not enlarged. Accessory appendages such as porches and decks are not part of the Building Footprint but may be replaced in place with structures of the same size and functionality. A Nonconforming deck or porch may not be enclosed. A conditional use permit shall be required for reconstruction. A reconstructed building must comply with the erosion prevention and sediment control standards in Section 8.11 of this bylaw.
2. A Nonconforming Structure can be relocated so that it is less nonconforming but still within the Shoreland Buffer Resource Zone provided that disturbed areas are restored to a naturally vegetated state with supplemental planting of appropriate native vegetation. Relocation shall require a conditional use permit. A relocated building shall comply with erosion prevention and sediment control standards in Section 8.11 of this bylaw.
3. Where the reconstruction or relocation of a Nonconforming Structure is permitted, the Development Review Board shall require the applicant to compensate through Mitigation measures.

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§ 8.10 New Uses and Encroachments Within the Shoreland Protection District

New uses and encroachments and expansions of nonconformities allowed within the Shoreland Buffer Resource Zone, which comprises the first 100 feet of the Shoreland Protection District, are outlined in Sections 8.8 and 8.9 of this bylaw. [See Figure 4A.] The Zoning Administrator may authorize Development within the remainder of the Shoreland Protection District subject to the following conditions:

- A. The minimum lot shoreline frontage shall be 100 feet and the minimum lot depth shall be 200 feet.
- B. New Development shall comply with the erosion prevention and sediment control standards in Section 8.11 of this bylaw.
- C. Stormwater shall be managed through land development strategies and best management practices as recommended by the state in the Vermont Low Impact Development Guide for Residential and Small Sites.

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E. Runoff from cleared or impervious areas within the Shoreland Protection District shall not enter the Shoreland Buffer Resource Zone in channelized form.

F. Roads and Driveways

1. Roads and driveways shall be properly crowned to allow stormwater to flow immediately off the surface into surrounding vegetation or a stabilized ditch. Water bars can also be utilized to intercept water flowing lengthwise down the surface and transfer it off to the side into vegetation or ditched areas.
2. Banks shall have a slope of 2:1 (horizontal: vertical) or less.
3. Grades shall be no steeper than 10%. New roads or driveways crossing Steep Slopes shall be avoided.
4. Drainage ditches with slopes less than 5% shall be lined with grass and run-off ditches; slopes greater than 5% shall be lined with riprap.
5. Drainage ditches shall empty, in a diffused manner, into vegetated buffer strips set back at least 150 feet from the water's edge.
6. Adequate and correctly installed cross drains, culverts, and water turnouts shall be provided to avoid ditch erosion.
7. New and existing driveways shall not be paved but may have StayMat or other similar gravel products in the Shoreland Protection District.

§ 8.11 Shoreland Protection District Erosion Prevention and Sediment Control Standards for New Construction, Reconstruction, and Relocation.

A. The extent of earthwork, erosion potential, and protection of critical features shall be considered in site selection and design. Site selection shall consider existing topography, existing drainage courses, vegetation and soil conditions. Erosion prevention and sediment control measures shall be well thought-out early in the selection process.

1. Development of a lot or site shall require the least possible amount of vegetation clearing, soil disturbance, exposure time, soil compaction and topography change.
2. Lot coverage and building footprints shall minimize site disturbance and preserve large areas of undisturbed space. Environmentally sensitive areas shall be a priority for preservation.
3. Runoff from above the construction site shall be intercepted and directed around the disturbed area into an undisturbed vegetated area.

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4. Vegetated strips and swales, sediment traps, and silt fences shall be used to prevent soil from leaving the site.
5. There shall be no soil compaction outside the construction disturbance area, which shall be identified and delineated in the field with appropriate safety or landscape fencing. In areas outside the disturbance area, there shall be no storage of construction vehicles, construction materials, or fill, nor shall these areas be used for circulation.
6. Immediate seeding and mulching or the application of an erosion control mat shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased. Use only matting with non-fixed net joints so animals will not get trapped in the matting.
7. Development, grading or clearing of vegetation on land where the slope is greater than 15% is prohibited.

B. Pre-Development Submission Requirements

1. An existing condition site assessment providing slope profiles, existing gradients, sensitive natural communities, and site features that aid in stormwater management such as natural drainage ways and vegetated lands.
2. A map drawn to scale showing the location, extent and type of proposed Development and land disturbance and its proximity to the Shoreland Buffer Resource Zone and Lake. The plan shall include consideration of low impact development concepts as recommended in the Vermont Low Impact Development Guide for Residential and Small Sites.
3. An erosion and sediment control plan that incorporates accepted management practices as recommended by the state in The Low Risk Site Handbook for Erosion Prevention and Sediment Control.⁵

§ 8.12 Independent Technical Review

See Section

§ 8.13 Other Laws

This bylaw is in addition to all other regulations of the Town of Greensboro and all applicable laws of the State of Vermont.

⁵ Any construction activity that disturbs one or more acres of land, or is part of a larger development plan that will disturb an acre or more requires a Vermont state permit for stormwater discharges from construction sites.

§ 8.14 Abrogation and Greater Restrictions

This bylaw does not intend to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this bylaw imposes greater restrictions, the provisions of this bylaw shall prevail. All other regulations inconsistent with this bylaw are hereby repealed to the extent of the inconsistency only.

§ 8.15 Severability

If any section of this bylaw is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this bylaw.

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Article 98. Definitions and Acronyms

§98.1 *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.

§ 98.2 *Definitions*

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

Accessory Use or Structure: A building or use customarily incidental and subordinate to a principal building or use on the same lot, or on an adjoining lot under the same ownership.

Acre: A unit of land area equal to 43,560 sq. ft.

Administrative Officer: That individual who is nominated by the Planning Commission and then appointed by the Selectboard to administer and enforce this Bylaw in accordance with this Bylaw and the provisions of 24 V.S.A. Chapter 117.

Affordable Housing:

(A) Housing that is owned 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 principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income, or

(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))

Agribusiness: A business providing goods or services to agricultural uses and including marketing outlets for agricultural products and supplies, such as farm co-operatives, feed and supply stores, farm equipment establishments, commercial greenhouses, and nurseries, boarding stables, feedlots, slaughter houses and the like.

Agriculture: Land or structures primarily used for cultivating soils, producing crops, or raising livestock; orchards and maple sugar production; the storage, processing or sale of products raised on the premises; or as otherwise defined by the Commissioner of Agriculture, Food and Markets. Structures which are customarily accessory to agricultural uses and are located on the same parcel as an

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agricultural use, with the exception of residential dwellings, shall be included in this definition. See also *Farm Structure*.

Alteration: Exterior structural change or rearrangement of a building, other than repairs and general maintenance.

Appurtenant: Constituting a legal accompaniment, auxiliary, or accessory to.

Auto Repair/Service Facility: A facility with the primary business of dispensing fuel or repairing vehicles.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The height of the base flood, 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.

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

Bed and Breakfast: A form of commercial lodging often operated within a single family dwelling by the occupants thereof that provides sleeping quarters and breakfast to transients for a fee.

Berm: See Natural Berm

Boat House: A building at or near the high water mark used for storage of boats, ~~or other equipment~~.

Boundary Line Adjustment (BLA): NEED

Building: Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals, vehicles, machinery or materials.

Building Footprint: The gross floor area of a ~~building's structure's~~ first floor. Footprint is measured from exterior face to exterior face. Footprint does not include porches, decks, patios, exterior landings, storage areas or garages, whether attached or detached.

Cemetery: Land used or dedicated to the burial of the dead, which includes as accessory structures mausoleums, columbariums, 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.

Club, Private or Camp: A corporation, organization, or association or group of individuals existing for fraternal, social, recreational, or educational purposes, for cultural enrichment or to further the purposes of agriculture, which owns, occupies, or uses certain specified premises, which is not organized or operated for profit, and the benefits of which are available primarily to members only.

Commercial Use: Any activity involving the sale of goods or services carried out for profit.

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Conditional use: A use which is permitted in a given zoning district only after a hearing and decision before the Zoning Board of Adjustment in which particular conditions are set for the planned use. This Bylaw contains a list of conditional uses for each zoning district. See §5.4 of this Bylaw.

Contiguous: A land area shall be contiguous although crossed, bisected, or otherwise encumbered by state or town highways, roads, private right-of-way, road and utility line rights of way and easements, rivers, brooks, streams, or other like encumbrances or easements. Parcels of land shall also be considered contiguous if one parcel meets another parcel at any point.

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.

Deck: An unroofed platform, either freestanding or attached to a building, that is supported by pillars or posts. A deck is not considered part of the *Total Habitable Floor Area*.

Density: The number of dwelling units, primary uses or structures permitted per area of land, excluding land area within designated road rights-of-way.

Density Bonus: The granting of additional dwelling units, beyond the zoned maximum, in exchange for providing a public benefit to the town at the same or a separate site.

Development: Any man-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.

Dwelling, Single Family (including Mobile Homes): A building or portion thereof designed for or occupied by one (1) family solely as a home.

Dwelling, Two Family: A building or portion thereof designed for or occupied solely as a home by two (2) families living independently of each other.

Dwelling, Multiple Family: A building containing separate living quarters for three (3) or more families living independently of each other. Includes condominiums, apartments, and other forms of multiple family housing.

Essential Service: A service required for public health or safety. These may include but are not necessarily limited to: Electricity, fire protection, sewage treatment, public water supply, solid waste disposal.

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

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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.

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).

Family: For the purposes of this Bylaw a family is defined as a group of people, living together and sharing common kitchen, bathroom and living facilities.

Farm Structure: A building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in subdivision 6001(22) of Title 10, but excludes a dwelling for human habitation.

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 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.

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of “flood”).

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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.

Footprint: see *Building Footprint*

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Forestry: The use and management of woodlands for purposes of timber production, harvesting, and management for commercial, wildlife and/or conservation purposes. This definition specifically excludes permanent sawmills, lumber yards and other similar facilities used for the processing and/or manufacturing of wood and wood products; but may include, as accessory uses, portable sawmills and equipment used on-site in association with timber harvesting activities.

Frontage: That portion of a lot adjacent and parallel to a state highway, town road, town right-of-way, or public waters. In the case of corner lots, it shall be that portion that has or is proposed to have access.

Group Home: see *Residential Care or Group Home*

Habitable Floor Area: See *Total Habitable Floor Area*

Historic Structure: Any structure that is:

- (A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Health Care Facility: A building or part thereof used for the medical, dental, surgical, or therapeutic treatment of human beings, but that does not include a public or private hospital or a professional office of a doctor located in his or her residence.

Height (of Structures): The vertical distance measured from the average finished ground elevation around the foundation to the top of a structure or to the highest point of the roof surface of a building.

Home Business: A use or occupation that is customary in residential areas and is carried on in a minor portion of a dwelling or a building accessory thereto, provided such use is clearly incidental and subordinate to the use of the premises as a residence and does not change the residential character of the area.

Home Child Care: A family child care home or facility is a home or facility where the owner or operator is licensed or registered by the state for child care.

Home Occupation: The use of a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

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Hotel: A building designed for occupancy as a temporary residence of one or more persons who are lodged with or without meals.

Infrastructure: The services and physical components provided by government and public utilities which are necessary for the development and maintenance of human habitation and commerce. These may include but are not necessarily limited to: roads, electricity, water supply, schools, parks, sewage treatment, garbage disposal, fire department.

Junk Yard: Three (3) or more unregistered motor vehicles on a single lot shall be deemed to be a junk yard.

Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of the use of the land.

Lot: A parcel of land suitable for development in single or joint ownership undivided by a public right-of-way.

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.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *Provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

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".

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

May: Permissive.

Minimum Lot Width: The required minimum width of a lot, as measured between any two lines that do not intersect each other.

Mobile Home: A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

(A) transportable in one or more sections; and

(B) at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

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(C) any structure that meets all the requirements of this 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).

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

Moderate Income Housing: Rental or ownership housing that is affordable to households with a gross annual household income that is greater than 50% and less than 80% of the county median income for that household size as published by the U.S. Department of Housing and Urban Development.

Modular (or Prefabricated) Housing: A dwelling unit assembled on-site and composed of components substantially constructed in a manufacturing plant and transported to the building site for the final assembly on a permanent foundation.

Motel: see *Hotel*

Municipal Recycling Facility: A lot or parcel of land, with or without buildings, upon which used materials are collected and/or processed for shipment for eventual reuse in new products.

Natural Berm: A natural rise of land along a lake, built by centuries of ice pressure pushing the land up in winter, and then partially eroded by snow melt, rain and wave action in the spring and summer. A berm is stabilized by the roots of trees and shrubs.

New construction: Means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *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.

Nonconformity: A nonconforming use, structure, lot, or parcel.

Nonconforming Lots or Parcels: Lots or parcels that do not conform to the present Bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present Bylaws, including a lot or parcel improperly authorized as a result of error by the Administrative Officer.

Nonconforming Structure: A structure or part of a structure that does not conform to the present Bylaw but was in conformance with all applicable laws, ordinances, and regulations prior to the

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enactment of the present Bylaw, including a structure improperly authorized as a result of error by the Administrative Officer.

Nonconforming Use: Use of land 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.

Parking Area: An area used in conjunction with a business or public facility intended for parking vehicles of customers or patrons of the facility and staff of the facility. Parking area shall not be interpreted to mean an area for the storage of motor vehicles of any kind.

Permitted use: A use for which a permit may be obtained from the Administrative Officer provided that all setbacks and regulations for the district are met. A list of permitted uses for each district is given in the section dealing with that district.

Planned Unit Development (Also known as *Cluster Development*). A land development procedure that concentrates structures in a greater density than otherwise allowed under existing zoning in order to provide public benefits such as the preservation of open space, protection of natural resources, efficient use of public infrastructure, or providing incentives for the construction of affordable housing.

Porch: A roofed, open area, which may be screened, attached to or part of a building, and with direct access to or from it. A porch is not considered part of the *Total Habitable Floor Area*.

Primary Use: A permitted or conditional use or structure. Ordinarily only one such use or structure is permitted per zoning lot, unless otherwise specifically allowed by the Bylaw. If a lot owner intends to establish more than one such use or structure on a single piece of property, the owner must be able to meet the density requirements for each use or structure. For example, if the owner wished to have both a house and a retail business (not a home business) on the same piece of land in the Rural Lands district the owner would need 20 acres of land.

Professional Services: Services provided by one whose training and skills are the primary product offered for sale, such as, but not limited to: doctor, veterinarian, accountant, real estate agent, computer consultant, masseuse, psychologist.

Public Building: buildings of an institutional nature and serving a public need, such as houses of worship; hospitals; schools; libraries; museums; post offices; police, rescue, and fire stations; and public utilities and services.

Recreational Easment:

Recreational Facility: A building, structure, or facility, equipped and used for sports, leisure time, and other recreational activities, except for such facilities which are accessory to an approved educational facility or a residential use.

Recreational vehicle: A vehicle which is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and

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(D) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

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.

Retail business: Any business concerned primarily with the sale of produce, products, goods, equipment, or commodities; to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right of Way, Public: The land beneath and adjacent to a road or trail laid out by the Town, county, or State of Vermont. Unless the records laying out the right of way indicate otherwise, all public rights of way shall be considered to be three rods wide (a rod is 16.5 feet).

Right of Way, Private: Access over a piece of land granted by the owner of the land to another person or entity to cross the land.

Setback: The horizontal distance from a road, lot line, boundary or other delineated feature (e.g. a stream bank, shoreline, or wetland area), to a building or structure, measured to its nearest wall, porch, or deck, whether enclosed or unenclosed, but not to steps or normal roof overhang. ~~the nearest structural element of a building, structure or parking area on the premises.~~

Shall: Mandatory.

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. 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, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, 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: 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 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,

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floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

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 (definition for floodplain management purposes): A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for insurance purposes, means:

- (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.

Subdivision: The division of any lot of record. No such division shall be permitted unless -all resulting lots conform to the zoning regulations for the districts in which they are located. A subdivision of land shall also be deemed to have taken place when a lot is divided by a state or municipal highway, road, or right-of-way, or when a lot is divided by surface waters with a drainage area of greater than ten square miles.

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

Telecommunications Facility: A tower or other support structure, including antennae, that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

Total Habitable Floor Area: The floor area of rooms in a dwelling unit used for bedrooms, living room, dining room, kitchen, and bathroom. Excludes porches and decks.

Variance: A permission, given by the Zoning Board of Adjustment, to depart from the literal requirements of particular regulations in this Bylaw. *(See §5.5 of this Bylaw)*

Vegetation Buffer: A special area near a body of water or stream where additional development restrictions may be imposed. *(See §3.9 (C)(2) of this Bylaw)*

Violation (definition for floodplain management purposes): 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.

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Wireless Telecommunications Facility (WTF). Any tower or other support structure, including antennae, that will extend 20 or more feet vertically, and any accompanying structure, building, access road, service utility or equipment that broadcasts or receives radio frequency waves carrying Wireless Telecommunications Services.

Wireless Telecommunications Service. Any commercial mobile service, wireless service, common carrier wireless exchange service, cellular service, personal communication service (PCS), specialized mobile radio service, paging service, wireless data service, or public or private radio dispatch service.

Wireless Telecommunication Service Provider (WTSP). Any person or entity providing Wireless Telecommunication Services.

Zoning District: A defined portion of the Town with distinct Zoning regulations.

§ 98.3 *Acronyms Used In This Bylaw*

AO: Administrative Officer

BLA: Boundary Line Adjustment

DRB: Development Review Board

PC: Planning Commission

PUD: Planned Unit Development

RFR: Radio Frequency Radiation

RV: Recreational Vehicle

SDP: Site Development Plan

V.S.A.: Vermont Statutes Annotated

WTF: Wireless Telecommunications Facility

WTSP: Wireless Telecommunication Service Provider

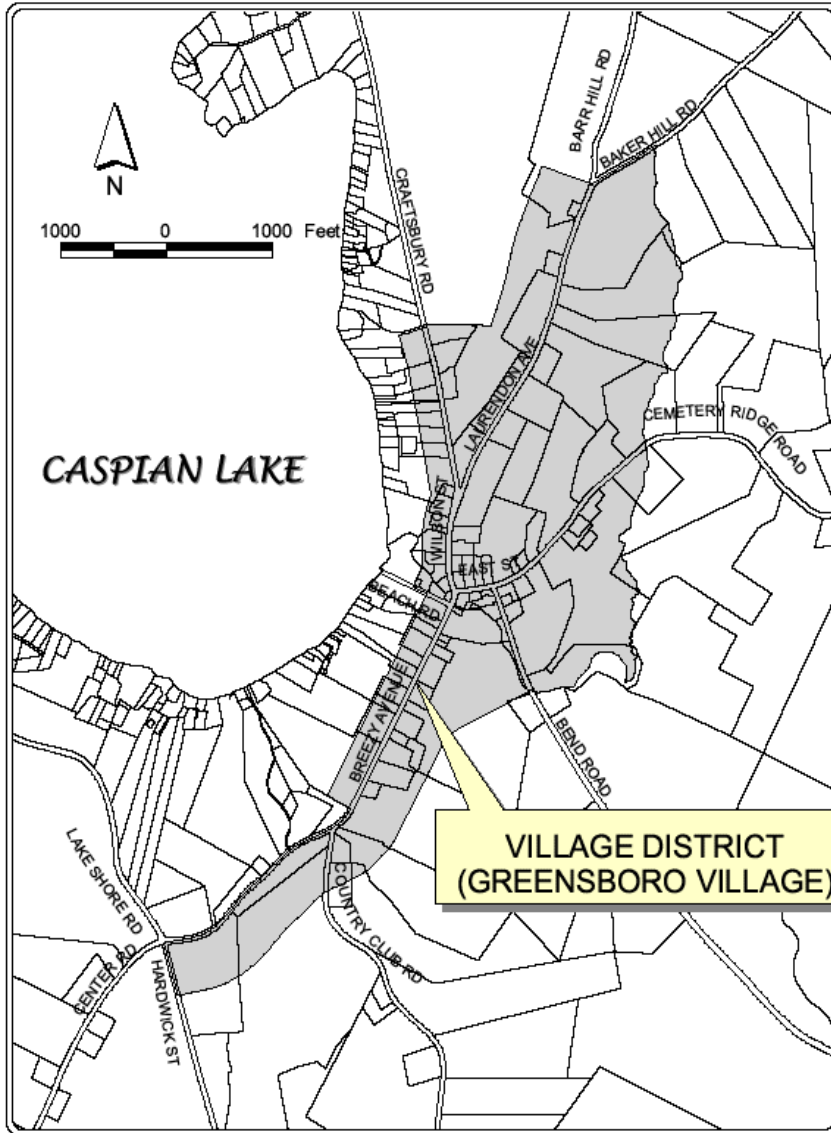
ZBA: Zoning Board of Adjustment

District Maps & Boundary Descriptions

Note:

The
Rural Lands District
Encompasses all land that it not contained within the other districts

Greensboro Village District - Map



Greensboro Village District – Boundary Description

Being all and the same land which lies within the following bounds:

beginning at a culvert where the center of Stanley Brook intersects with the center of Baker Hill Road (a part of Town Road #8);

thence southerly along the center of Stanley Brook to its intersection with the center of the Outlet Brook (Greensboro Brook) which flows southeasterly from Caspian Lake;

thence upstream in a general northerly and westerly direction along the center of the said Outlet Brook to the center of a culvert at its intersection with the center of The Bend Road (Town Road #1);

thence westerly along a straight line perpendicular to The Bend Road to a point which lies 500 feet southeasterly of the center of Breezy Avenue (a part of Town Road #2);

thence in a general southwesterly direction and running parallel with and 500 feet southeasterly of the center of Breezy Avenue to an intersection with the center of Hardwick Street (also a part of Town Road #2);

thence northerly along the center of Hardwick Street to its intersection with the center of Breezy Avenue at the cross-road intersection known as "Tolman's Corners;"

thence in a general northeasterly direction along the center of Breezy Avenue to its intersection with the southeasterly extension of the northerly boundary of a parcel of land now or formerly owned by one Moffatt and identified on the Greensboro Tax Map as parcel #41 in Block #22 of Map #23;

thence westerly along said Moffatt property line to a point which lies 250 feet from the center of Breezy Avenue;

thence northerly along a line parallel with and 250 feet westerly of the center of Breezy Avenue to the center of Beach Road (Town Road #53);

thence westerly along the center of Beach Road to its intersection with the southerly extension of the easterly boundary of the public beach property ;

thence northerly along the said public beach boundary to a point in the center of the Outlet Brook which lies approximately 250 feet westerly of the center of Wilson Street (a part of Town Road #1);

thence northerly along a line parallel with and 250 feet westerly of the center of Wilson Street and Craftsbury Road (both being parts of Town Road #1) to the center of High Pines Road (a private way);

thence easterly along the center of High Pines Road to its intersection with the center of Craftsbury Road;

thence northerly along the center of Craftsbury Road to its intersection with the westerly extension of the northerly boundary of a parcel of land now or formerly owned by one Folino and identified on the Greensboro Tax Map as parcel #26 in Block #21 of Map #23;

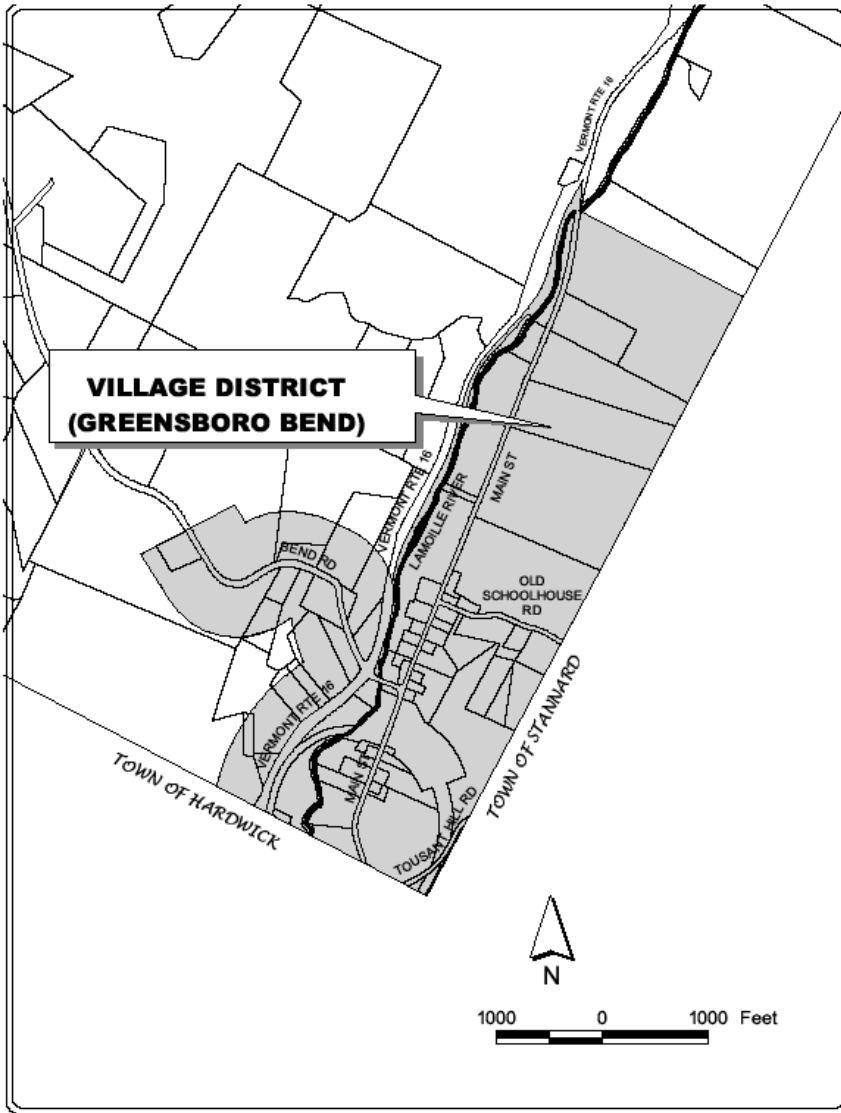
thence easterly along the said Folino property line and an extension thereof to a point lying 500 feet westerly of the center of Lauredon Avenue (a part of Town Road #8);

thence northerly along a line parallel with and 500 feet westerly of the center of Lauredon Avenue to a point which lies 500 feet westerly of the centerline intersection of Lauredon Avenue, Baker Hill Road, and Barr Hill Road;

thence easterly in a straight line 500 feet to the said intersection;

thence northeasterly along the center of Baker Hill Road to the point of beginning.

Greensboro Bend Village District - Map



Greensboro Bend Village District – Boundary Description

Being all and the same land within the following bounds;

beginning at the point where the Greensboro, Stannard, Walden and Hardwick town lines converge;

thence westerly along the Hardwick town line to a point 500 feet westerly of Vermont Route 16;

thence northerly along a line parallel to and 500 feet westerly of Vermont Route 16 to a point 500 feet southerly of Town Road #1;

thence westerly along a line parallel to and 500 feet southerly of Town Road #1 to a point perpendicular to and 500 feet southerly of the point at which the E. and A. Mercier westerly property line abuts Town Road #1;

thence from said point along a straight line perpendicular to Town Road #1 for a distance of 1000 feet to a point 500 feet northerly of Town Road #1;

thence easterly along a line parallel to and 500 feet northerly of Town Road #1 to Vermont Route 16;

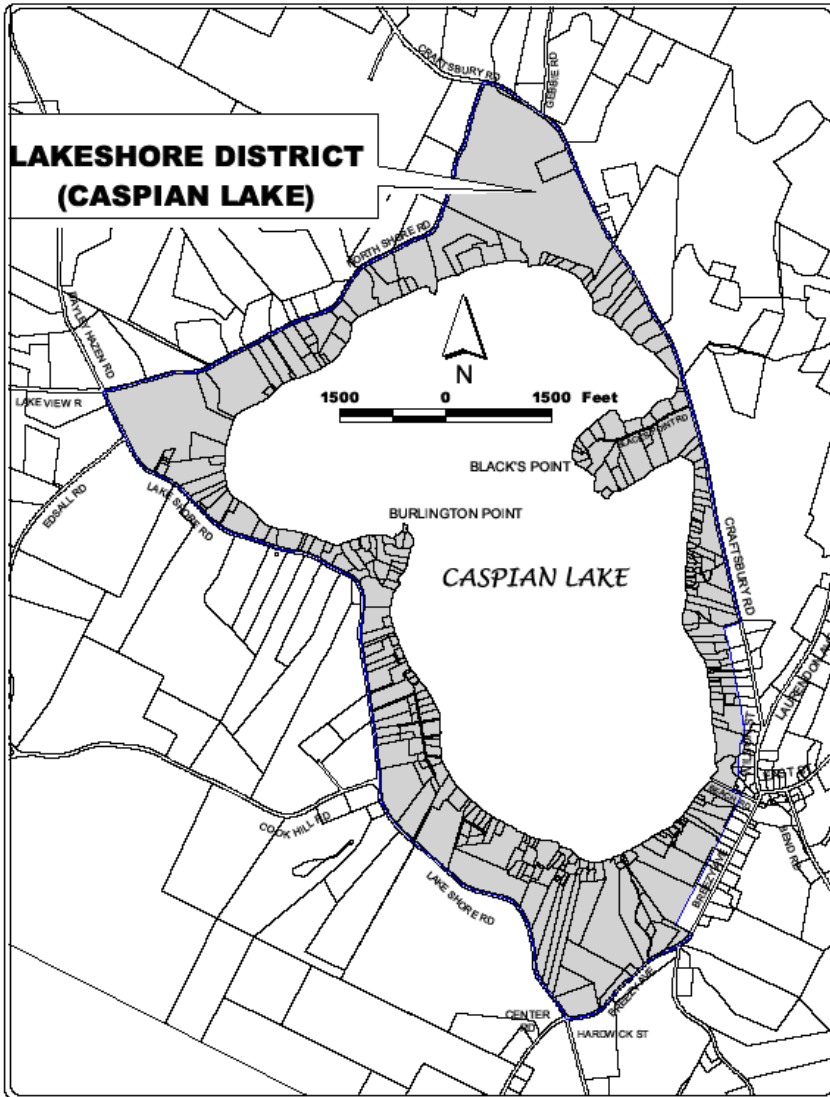
thence northerly along Vermont Route 16 to its intersection with Town Road #4;

thence southerly along Town Road #4 to the culvert where the Lamoille River passes under Town Road #4;

thence easterly in a straight line from said culvert and perpendicular to the Stannard Town line;

thence southerly along the Stannard Town line to the point of beginning.

Caspian ~~Lakeshore~~ Shoreland Protection District - Map



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Caspian ~~Shoreland Protection Lakeshore~~ District – Boundary Description

Being all and the same land surrounding Caspian Lake which lies within the following bounds:

beginning at “Tolman’s Corners” at the centerline intersection of Breezy Avenue (a part of Town Road #2) and Lake Shore Road (a part of Town Road #5);

thence in a general northeasterly direction along the center of Breezy Avenue to its intersection with the southeasterly extension of the northerly boundary of a parcel of land now or formerly owned by one Moffatt and identified on the Greensboro Tax Map as parcel #41 in Block #22 of Map #23;

thence westerly along said Moffatt property line to a point which lies 250 feet from the center of Breezy Avenue;

thence northerly along a line parallel with and 250 feet westerly of the center of Breezy Avenue to the center of Beach Road (Town Road #53);

thence westerly along the center of Beach Road to its intersection with the southerly extension of the easterly boundary of the public beach property;

thence northerly along the said public beach property to a point in the center of the Outlet Brook which lies approximately 250 feet westerly of the center of Wilson Street (a part of Town Road #1);

thence northerly along a line parallel with and 250 feet westerly of the center of Wilson Street and Craftsbury Road (being both parts of Town Road #1) to the center of High Pines Road (a private way);

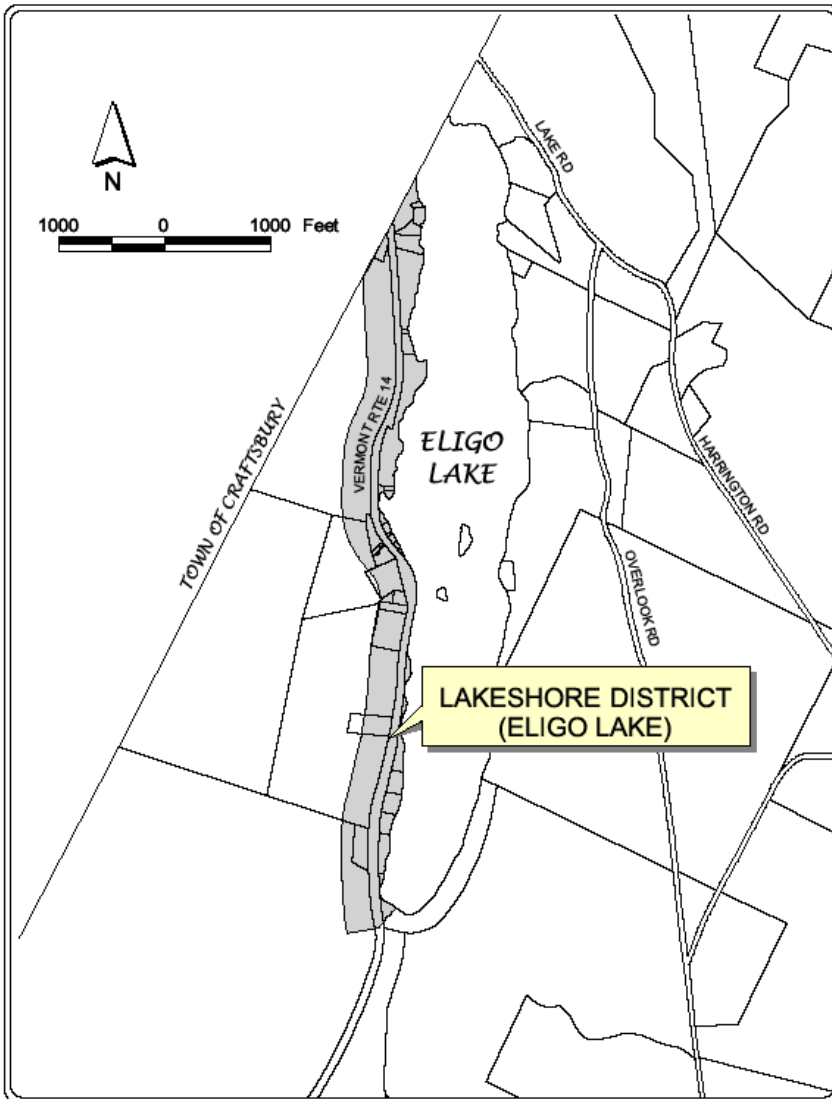
thence easterly along the center of High Pines Road to its intersection with the center of Craftsbury Road;

thence northerly along the center of Craftsbury Road to its intersection with the center of North Shore Road (a part of Town Road #5);

thence westerly along the center of North Shore Road to its intersection with the center of Lake Shore Road (also part of Town Road #5);

thence southerly along the center of Lake Shore Road to the point of beginning.

Eligo Shoreland Protection Lakeshore District - Map



Eligo ~~Lakeshore~~ Shoreland Protection District – Boundary Description

Being all and the same land within the following bounds:

beginning at the intersection of the Craftsbury Town line and the westerly edge of Eligo Pond;

thence southerly along the edge of Eligo Pond to the outlet brook at the southern end of the pond;

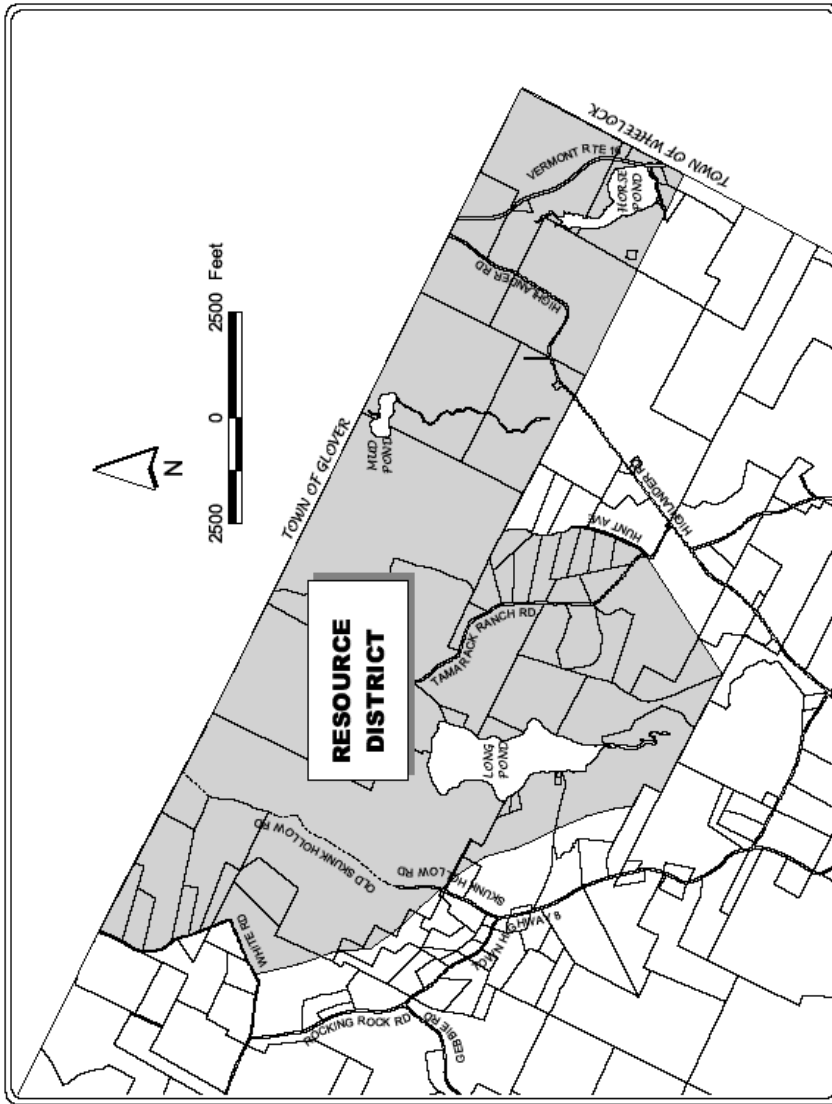
thence southwesterly along the outlet brook to the culvert under Vermont Route 14;

thence from said culvert southwesterly along a straight line perpendicular to Vermont Route 14 for a distance of 300 feet;

thence northerly along a line running parallel to and 300 feet westerly of Vermont Route 14 to the intersection of said line and the Craftsbury town line;

thence northeasterly along the Craftsbury town line to the point of beginning.

Resource District - Map



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Resource District – Boundary Description

Being all and the same land within the following bounds:

beginning at the most easterly corner of the Township of Greensboro;

thence proceeding in a northwesterly direction following the Town Line between the said Township of Greensboro, lying to the southwest, and the Township of Glover, lying to the northeast, to the intersection of the said Town Line with the center of Greensboro Town Highway 11 (also known as White Road);

thence proceeding in a general southerly and southwesterly direction following the center of Town Highway 11 to an intersection with a line which runs 1,500 feet northeasterly of and parallel with the center of Town Highway #8 (also known as Rocking Rock Road);

thence proceeding in a general southeasterly direction following the line which runs 1,500 feet northeasterly of and parallel with the center of Town Highway #8, across Town Highway #12 (also known as Skunk Hollow Road), and continuing along the said 1,500 foot offset line to an intersection with the northeasterly boundary of a parcel of land identified as Parcel 21 on Greensboro Tax Map #8;

thence proceeding first in a southeasterly direction then a southwesterly direction along the boundaries of the said Parcel 21 with other land identified as Parcel 18 on Greensboro Tax Map #8 to the most southerly corner of the said Parcel 21;

thence proceeding in a general southeasterly direction along the southwesterly boundary of the said Parcel 21, then the southwesterly boundary of land identified as Parcel 17 on Greensboro Tax Map #8 to the most southerly corner of the said Parcel 17;

thence proceeding in a general northeasterly direction in a straight line to the intersection of the center of Town Highway #13 (also known as Tamarack Ranch Road) with the center of Town Highway #14 (also known as Hunt Avenue);

thence proceeding in a general northerly direction following the center of Town Highway #14 to an intersection with the southwesterly boundary of land identified as Parcel 1 on Greensboro Tax Map #5;

thence proceeding in a general southeasterly direction along the southwesterly boundary of the said Parcel 1, and the southwesterly boundary of land identified as Parcel 24 on Greensboro Tax Map #9 and across Town Highway #15 (also known as Highlander Road) to the most southerly corner of the said Parcel 24;

thence proceeding in a general southeasterly direction along a straight line which is an approximate extension of the last mentioned course to a point in the northwesterly boundary of the Town of Wheelock which lies 690 feet along the said Town Line from its intersection with the center of the pavement Vermont Route 16;

thence proceeding in a general northeasterly direction along the said Town Line and crossing Vermont Route 16 to the point of beginning.