

TOWN OF GREENSBORO

ZONING BYLAW

August 7, 1996

GREENSBORO ZONING BYLAW

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ZONING BYLAWS

ARTICLE I: Preliminaries

1. Enactment: in accordance with the Vermont Planning and Development Act hereafter referred to as the "Act", 24 V.S.A., Chapter 117, Subchapter 6, Section 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 Regulations."

2. Intent: It is the intent of these Zoning Regulations to provide for orderly community growth and to further the purposes of The Greensboro Town Plan and the Act, section 4302.

3. Word Definitions: For the purposes of these regulations, words shall be presumed to have their usual meaning except those words defined in Article XIII (Definitions) shall have the meaning therein ascribed to them.

4. Zoning Maps: The final authority as to the current district boundaries shall be the "Official Greensboro Zoning Map - 1996" located in the Greensboro Town Offices.

**ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT
LAND USE CONTROLS**

1. Zoning Districts

The Town of Greensboro is hereby divided into the following districts:

- "GREENSBORO VILLAGE DISTRICT" (.5 ACRE)
- "GREENSBORO BEND VILLAGE DISTRICT" (.5 ACRE)
- "LAKESHORE DISTRICT" (ONE ACRE)
- "RURAL RESIDENTIAL DISTRICT" (FIVE ACRE)
- "RURAL LANDS DISTRICT" (TEN ACRE)
- "RESOURCE DISTRICT" (TWENTY-FIVE ACRE)

2. District Boundaries

- (a) 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.
- (b) When the administrative officer cannot definitely determine the location of a district boundary by such center lines, the officer shall refuse action, and the 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.

3. Flood Hazard Areas

- (a) Notwithstanding any district regulations, no land development, as such term is defined in 24 V.S.A. 4303(3) may be commenced in those portions of the Town of Greensboro designated and described and bounded as special flood hazard areas on the latest Federal Insurance Administration (FIA) Flood Hazard Boundary Map without a conditional use permit issued by the Administrative Officer following approval by the Zoning Board of Adjustment.

4. District Land Use Controls applicable to all districts

- (a) No lot shall contain more than one primary use or structure unless the lot can meet separate and independent density and setback requirements for each such use or structure except as may otherwise be specifically allowed by the Bylaw.
- (b) No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
- (c) No building shall hereafter be erected or altered such that it will:

exceed the height,

accommodate or house a greater number of families, and/or have narrower or smaller rear yards, front yards, or side yards, than is specified herein for the district in which such building is located or is proposed to be located.

(d) A guest house erected under the provisions of this Bylaw shall meet the following conditions:

(1) Must have an on-site septic system designed by a certified site technician or a subdivision permit issued by the State of Vermont.

(2) Must have a deed restriction preventing the subdivision of the parcel containing the guest house from the portion of property containing the primary dwelling. In all subsequent subdivisions the lot containing the primary dwelling and the guest house must meet the density requirements for two primary dwellings in the district in which they are located.

(3) Cannot exceed 500 square feet for a one story structure or 750 square feet for a multi-story structure.

(e) 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.

ARTICLE III: District 1: Greensboro Village District (Half Acre)

1. Zoning District Description & Objectives: The Greensboro Village District is comprised of lands forming a compact village center at the outlet of Caspian Lake. The objectives for this District are:

- (a) To encourage development in a compact clearly defined area within and adjacent to the current village center
- (b) To protect surface and ground waters from contamination
- (c) To provide appropriate infrastructure in the village center.

2. District Boundaries are shown in the "Official Greensboro Zoning Map - 1996"

3. Permitted uses are as follows:

- (a) Single family dwelling
- (b) Two family dwelling
- (c) Accessory Use:
- (d) Home occupation or business

4. Conditional Uses: The following uses are permitted upon receipt of conditional use permit

(a) Commercial uses:

- 1. Professional services
- 2. Club, private or camp
- 3. Recreation facility
- 4. Multi-family dwelling or apartment house
- 5. Motel, hotel
- 6. Industrial use (not to exceed 4,000 square feet unless approval is obtained from the Planning Commission)
- 7. Health Care Facility
- 8. Professional Office
- 9. Retail Business
- 10. Auto Service Station and/or Auto Repair Facility
- 11. Signs larger than 12"x 24"

(b) Public uses:

- 1. Public buildings
- 2. Cemeteries
- 3. Essential Service
- 4. Recreational Facility, Public
- 5. Recycling Facilities

(c) Guest house

(d) Second and subsequent principal uses (even if otherwise permitted) on any

lot shall be require a conditional use permit.

(e) Accessory apartments as provided for in V.S. A. Title 24, Chapter 117, §4302(11)(D) and §4406(4)(D).

5. Lot Regulation

(a). Area and dimension: All lots in the Greensboro Village districts shall have a minimum lot width of 100 feet as measured at the widest point between any two parallel lot lines. If such lot does not have two parallel lines the measurement shall be made between any two lines that do not intersect each other. The measurement for a triangular lot shall be measured from any apex along a line that forms a right angle with the side of the lot across from the apex.

(b) All lots shall have a minimum area of .5 acres.

(c) All new structures which are connected to any water or drainage will be required to have an engineered septic systems.

(d) All renovations which add any water or drainage shall have engineered septic systems.

(e) All structures shall be set back at least:

1. 25 feet from public road right of way
2. 15 feet from any other lot line

(f) Adjacent lots in single ownership: If two or more adjacent lots are in single or affiliated ownership at the time of the passage of this Bylaw or subsequent to its passage such single or affiliated ownership occurs, and if all or part of the lots do not meet the requirement for lot width and area as established by this Bylaw, the lands involved shall be considered to be an individual parcel for the purpose of this Bylaw and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Bylaw, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Bylaw.

(g) Lots only partially in the district: Where a district boundary line divides a lot of record at the time such line is adopted, the lot shall be considered to be in whichever district it has road frontage in. If the lot has frontage in both districts it shall be considered to be in the district in which it has the most road frontage.

(h) Existing non-complying lots: Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet; lots of less than one-eighth acre and/or with less than minimum width or depth dimension of forty feet may not be developed. Such a lot may receive a permit for development from the Zoning Administrator

as though it were a complying lot provided that each of the proposed setbacks are not less than 80 % of those required by this Bylaw. If a greater variance is proposed a hearing before the Zoning Board of Adjustment will be held to determine if such variance is necessary for the development of the lot.

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

6. Structure Regulation: Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance. "Increasing the degree of noncompliance" shall be interpreted to mean that the existing building footprint will be altered by expanding it in any dimension.

(a) Temporary uses and structures: Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

(b) Demolished, burned or collapsed structures: Within 12 months after any structure has been demolished, removed, damaged by fire, or has collapsed, the owner shall repair, rebuild, or replace the structure or shall remove all structural materials and fill any excavation remaining to normal grade. If there is any change in the footprint a new permit shall be required.

(c) Non-complying structures: A non-complying structure is a structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these Regulations.

(d) Height Limitations: Except for farming purposes, in all districts structures shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Adjustment and the Planning Commission, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

(e) Location of Driveways: All driveways are to be located at least 100 feet from the center point of an intersection. Application for curb cuts (e.g. driveways) must be made to the Selectboard. The Selectboard may, at their discretion, deviate from the provisions of this paragraph if they deem it necessary for road safety or if a drive closer to an intersection does not present a safety hazard.

ARTICLE IV: District 2: Greensboro Bend Village District

1. Zoning District Description & Objectives: The Greensboro Bend village District consists of lands forming a compact village center on the banks of the Lamoille River. The objectives of this district are:

- a. To encourage development in a compact clearly defined area within and adjacent to the current village center
- b. To protect surface and ground waters from contamination
- c. To provide appropriate infrastructure in the village center.

2. District Boundaries: See "Official Greensboro Zoning Map - 1996"

3. Permitted uses:

- (a) Single family dwelling
- (b) Two family dwelling
- (c) Accessory Use
- (d) Home occupation or business

4. Conditional Uses: The following uses are permitted upon receipt of conditional use permit

(a) Commercial uses:

1. Professional services
2. Club, private or camp
3. Recreation facility
4. Multi-family dwelling or apartment house
5. Motel, hotel
6. Industrial use (not to exceed 4,000 square feet unless approval is obtained from the Planning Commission)
7. Health Care Facility
8. Professional Office
9. Retail Business
10. Auto Service Station and/or Auto Repair Facility
11. Signs larger than 12"x 24"

(b) Public uses:

1. Public buildings
2. Cemeteries
3. Essential Service
4. Recreational Facility, Public
5. Recycling Facilities

(c) Guest house

(d) Second and subsequent principal uses (even if otherwise permitted) on any lot shall be require a conditional use permit.

(e) Accessory apartments as provided for in V.S. A. Title 24, Chapter 117, §4302(l 1)(D) and §4406(4)(D).

5. Lot Regulation

(a). Area and dimension: All lots in the Greensboro Bend Village districts shall have a minimum lot width of 100 feet as measured at the widest point between any two parallel lot lines. If such lot does not have two parallel lines the measurement shall be made between any two lines that do not intersect each other. The measurement for a triangular lot shall be measured from any apex along a line that forms a right angle with the side of the lot across from the apex.

(b) All lots shall have a minimum area of .5 acres.

(c) All new structures which are connected to any water or drainage will be required to have an engineered septic systems.

(d) All renovations which add any water or drainage shall have engineered septic systems.

(e) All structures shall be set back at least:
1. 25 feet from public road right of way
2. 15 feet from any other lot line

(f) Adjacent lots in single ownership: If two or more adjacent lots are in single or affiliated ownership at the time of the passage of this Bylaw or subsequent to its passage such single or affiliated ownership occurs, and if all or part of the lots do not meet the requirement for lot width and area as established by this Bylaw, the lands involved shall be considered to be an individual parcel for the purpose of this Bylaw and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by- this Bylaw, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Bylaw.

(g) Lots only partially in the district: Where a district boundary line divides a lot of record at the time such line is adopted, the lot shall be considered to be in whichever district it has road frontage in. If the lot has frontage in both districts it shall be considered to be in the district in which it has the most road frontage.

(h) Existing non-complying lots: Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet; lots of less than one-eighth acre and/or with less than minimum width or depth dimension of forty feet may not be developed. Such a lot may receive a permit for development from the Zoning Administrator as though it were a complying lot provided that each of the proposed

setbacks are not less than 80% of those required by this Bylaw. If a greater variance is proposed a hearing before the Zoning Board of Adjustment will be held to determine if such variance is necessary for the development of the lot.

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

6. Structure Regulation: Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance. "Increasing the degree of noncompliance" shall be interpreted to mean that the existing building footprint will be altered by expanding it in any dimension.

(a) Temporary uses and structures: Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

(b) Demolished, burned or collapsed structures: Within 12 months after any structure has been demolished, removed, damaged by fire, or has collapsed, the owner shall repair, rebuild, or replace the structure or shall remove all structural materials and fill any excavation remaining to normal grade. If there is any change in the footprint a new permit shall be required.

(c) Non-complying structures: A non-complying structure is a structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these Regulations.

(d) Height Limitations: Except for farming purposes, in all districts structures shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Adjustment and the Planning Commission, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

(e) Location of Driveways: All driveways are to be located at least 100 feet from the center point of an intersection. Application for curb cuts (e.g. driveways) must be made to the Selectboard. The Selectboard may, at their discretion, deviate from the provisions of this paragraph if they deem it necessary for road safety or if a drive closer to an intersection does not present a safety hazard.

ARTICLE V: District 3: Lakeshore District

1. Zoning District Description & Objectives: Lands contiguous to and in the immediate vicinity of Caspian and Eligo Lakes. The objectives of these districts are:

- (a) To maintain a high water quality in the lakes
- (b) To maintain the scenic beauty of the lakes
- (c) To maintain appropriate public uses of the lakes
- (d) To maintain appropriate private uses of the lakes

2. District Boundaries: See "Official Greensboro Zoning Map - 1996"

3. Permitted uses:

- (a) Single family dwelling
- (b) Accessory Use
- (c) Home occupation or business

4. Conditional Uses: The following uses are permitted upon receipt of conditional use permit

(a) Commercial uses:

- 1. Restaurant facilities 700 feet or more from the lake
- 2. Lodging facilities 350 feet or more from the lake
- 3. Retail businesses 150 feet or more from the lake
- 4. Professional services
- 5. Club, private or camp
- 6. Recreation facility
- 7. Commercial uses shall not be interpreted to include marinas, auto or boat service stations, junk yards, gas pumps, repair facilities or sales facilities.

(b) Public uses:

- 1. Public buildings
- 2. Cemeteries
- 3. Essential Service
- 4. Recreational Facility, Public
- 5. Recycling Facilities

(c) Guest house

(d) Accessory apartments as provided for in V.S.A. Title 24, Chapter 117, §4302(11)(D) and §4406(4)(D).

(e) A Boat house located at normal high water line.

(f) Additions or alterations to, or replacement of any structure within 150' of lake. Any such additions, alterations or replacements resulting in any increase in water usage shall require a survey of the septic system in use certifying that said system is sufficient for the use and volume imposed

on the system. Any construction which adds toilets, water taps, drains or bedrooms shall be considered to be an increase in water usage.

5. Lot Regulation

(a) Area and dimension: All lots in the Lakeshore districts shall have a minimum lot width of 100 feet as measured where the lot lines intersect either a public road right of way (to be measured 25 feet from the center of the traveled way), the water line of public waters of the state of Vermont, or if the lot has frontage on neither a public road nor a public body of water, at the widest point between any two lot lines which do not intersect each other. In a triangular lot the measurement may be made from any apex along the altitude of the triangle.

(b) All lots shall have a minimum area of 1 acre.

(c) All structures shall be set back at least: (Driveways shall not be subject to these setbacks)

1. 50 feet from the center of any public right of way
2. 15 feet from any other lot line
3. 150 feet from public water body, except as permitted above

(d) Adjacent lots in single ownership: If two or more adjacent lots are in single or affiliated ownership at the time of the passage of this Bylaw or subsequent to its passage such single or affiliated ownership occurs, and if all or part of the lots do not meet the requirement for lot width and area as established by this Bylaw, the lands involved shall be considered to be an individual parcel for the purpose of this Bylaw and no portion of said parcel shall be used or sold which does not meet lot width and area requirements, established by this Bylaw, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Bylaw.

(e) Lots only partially in the district: Where a district boundary line divides a lot of record at the time such line is adopted, the lot shall be considered to be in whichever district it has road frontage in. If the lot has frontage in both districts it shall be considered to be in the district in which it has the most road frontage.

(f) Existing non-complying lots: Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet; lots of less than one-eighth acre and/or with less than minimum width or depth dimension of forty feet may not be developed. Such a lot may receive a permit for development from the Zoning Administrator as though it were a complying lot provided that each of the proposed setbacks are not less than 80% of those required by this Bylaw. If a greater variance is proposed a hearing before the Zoning Board of Adjustment will be held to determine if such variance is necessary for the development of the lot.

(g) Access: No land development may be permitted on lots which do not either have frontage on a public road or public waters or access to such a road or waters by a permanent easement or right-of-way at least 30 feet in width.

6. Structure Regulation

(a) Temporary uses and structures: Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

(b) Demolished, burned or collapsed structures: Within 12 months after any structure has been demolished, removed, damaged by fire, or has collapsed, the owner shall repair, rebuild, or replace the structure or shall remove all structural materials and fill any excavation remaining to normal grade. If there is any change in the footprint a new permit shall be required.

(c) Non-complying structures: A non-complying structure is a structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these Regulations. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance. "Increasing the degree of non-compliance" shall be interpreted to mean that the existing building footprint will be altered by expanding it in any dimension.

(d) Height Limitations: Except for farming purposes, structures shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Adjustment and the Planning Commission, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

(e) Location of Driveways: All driveways are to be located at least 100 feet from the center point of an intersection. Application for curb cuts (e.g. driveways) must be made to the Selectboard. The Selectboard may, at their discretion, deviate from the provisions of this paragraph if they deem it necessary for road safety or if a drive closer to an intersection does not present a safety hazard.

7. Septic Regulation.

(a) All new construction with plumbing in the Lakeshore District, regardless of lot size will require an on-site sewage system designed by a certified site technician, unless it is connected to a public wastewater system. A subdivision permit from the State of Vermont will satisfy the conditions of this section.

(b) Plumbing shall be defined to mean any of the following:

1. pipes bringing water into the structure
2. pipes, sumps or drains removing waste water of any kind from the structure

ARTICLE VI: District 4: Rural Residential (Five Acre)

1. Zoning District Description & Objectives: The Rural Residential District is established to make smaller lots available in a specified area of town to provide for less land fragmentation and more affordable housing.
2. District Boundaries: See "Official Greensboro Zoning Map - 1996"
3. Permitted uses:
 - (a) Single family dwelling
 - (b) Two family dwelling
 - (c) Home occupation or business
 - (d) Agriculture
 - (e) Forestry
 - (f) Accessory Use
4. Conditional Uses:
 - (a) Guest house
 - (b) Retail business
 - (c) Educational Facility
 - (d) Commercial uses not exceeding 2000 square feet (Parking area excluded)
 - (e) Accessory apartments
 - (f) None of the above shall be interpreted to include industrial use, junk yard, or an auto service station
5. Lot Regulation
 - (a) Frontage: All lots shall provide at least 50' of road frontage to provide access to the lot or a permanent easement of the same size.
 - (b) Area and dimension: All lots in the Rural Residential districts shall have a minimum lot width of 200 feet as measured where the lot lines intersect either a public road right of way (to be measured 25 feet from the center of the traveled way), the water line of public waters of the state of Vermont, or if the lot has frontage on neither a public road nor a public body of water, at the widest point between any two parallel lot lines. If such lot does not have two parallel lines the measurement may be made between any two lines that do not intersect each other. In a triangular lot the measurement may be made from any apex along the altitude of the triangle.
 - (1) All lots shall have a minimum area of 5 acres.
 - (2) All structures shall be set back: (Driveways shall not be subject to these setbacks)
 - (A) 50 feet from the center of any public right of way
 - (B) Any structure that is erected on or near a right of way or a driveway that serves or is intended in the future to serve more than

one primary use must be set back 50 feet from the center of such driveway or right of way.

(C) 25 feet from any other lot line

(D) 50 feet from public water body

(c) Adjacent lots in single ownership: If two or more adjacent lots are in single or affiliated ownership at the time of the passage of this Bylaw or subsequent to its passage such single or affiliated ownership occurs, and if all or part of the lots do not meet the requirement for lot width and area as established by this Bylaw, the lands involved shall be considered to be an individual parcel for the purpose of this Bylaw and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Bylaw, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Bylaw.

(d) Lots only partially in the district: Where a district boundary line divides a lot of record at the time such line is adopted, the lot shall be considered to be in whichever district it has road frontage in. If the lot has frontage in both districts it shall be considered to be in the district in which it has the most road frontage.

(e) Existing non-complying lots: Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet; lots of less than one-eighth acre and/or with less than minimum width or depth dimension of forty feet may not be developed. Such a lot may receive a permit for development from the Zoning Administrator as though it were a complying lot provided that each of the proposed setbacks are not less than 80% of those required by this Bylaw. If a greater variance is proposed a hearing before the Zoning Board of Adjustment will be held to determine if such variance is necessary for the development of the lot.

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

6. Structure Regulation

(a) Temporary uses and structures: Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

(b) Demolished, burned or collapsed structures: Within 12 months after any

structure has been demolished, removed, damaged by fire, or has collapsed, the owner shall repair, rebuild, or replace the structure or shall remove all structural materials and fill any excavation remaining to normal grade. If there is any change in the footprint a new permit shall be required.

(c) Non-complying structures: A non-complying structure is a structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these Regulations.

(d) Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance. "Increasing the degree of noncompliance" shall be interpreted to mean that the existing building footprint will be altered by expanding it in any dimension.

(e) Height Limitations: Except for farming purposes, in all districts structures shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Adjustment and the Planning Commission, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

(f) Location of Driveways: All driveways are to be located at least 100 feet from the center point of an intersection. Application for curb cuts (e.g. driveways) must be made to the Selectboard. The Selectboard may, at their discretion, deviate from the provisions of this paragraph if they deem it necessary for road safety or if a drive closer to an intersection does not present a safety hazard.

ARTICLE VII: District 5: Rural Lands (Ten Acres)

1. Zoning District Description & Objectives: This District consists of land that is rural in character with forestry, agricultural and residential uses as their present primary uses. These areas are generally served by town roads and are suitable for rural residential development.
2. District Boundaries: See "Official Greensboro Zoning Map - 1996"
3. Permitted uses:
 - (a) Agriculture and forestry
 - (b) Single family dwelling
 - (c) Two family dwelling
 - (d) Home occupation or business
4. Conditional Uses
 - (a) Guest house
 - (b) Retail business
 - (c) Commercial or industrial with floor areas 4,000 square feet or less (Parking area excluded) except with permission of the Planning Commission. This shall not be interpreted to include junk yards or mining operations except sand and gravel.
 - (d) Accessory apartments
 - (e) Development in Flood Hazard Areas. See Article X for specific regulations.
 - (f) Auto repair facilities
 - (g) Gas stations within 100 feet of the center line of VT Route 16 only
5. Lot Regulation
 - (a) Frontage: All lots shall provide at least 50' of road frontage to provide access to the lot or a permanent easement of the same size.
 - (b) Area and dimension: All lots in the Rural Lands district shall have a minimum lot width of 300 feet as measured at the widest point between any two parallel lot lines. If such lot does not have two parallel lines the measurement may be made between any two lines that do not intersect each other. A triangular lot shall be measured from any apex along a line that forms a right angle with the side of the lot across from the apex.
 - (1) All lots shall have a minimum area of 10 acres.
 - (2) All structures shall be set back: (Driveways shall not be subject to these setbacks)
 - (3) 50 feet from the center of any public right of way
 - (4) Any structure that is erected on or near a right of way or a driveway that serves or is intended in the future to serve more than one primary use must be set back 50 feet from the center of such driveway or right of way.
 - (5) 25 feet from any other lot line
 - (6) 50 feet from public water body

(c) Adjacent lots in single ownership: If two or more adjacent lots are in single or affiliated ownership at the time of the passage of this Bylaw or subsequent to its passage such single or affiliated ownership occurs, and if all or part of the lots do not meet the requirement for lot width and area as established by this Bylaw, the lands involved shall be considered to be an individual parcel for the purpose of this Bylaw and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Bylaw, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Bylaw.

(d) Lots only partially in the district: Where a district boundary line divides a lot of record at the time such line is adopted, the lot shall be considered to be in whichever district it has road frontage in. If the lot has frontage in both districts it shall be considered to be in the district in which it has the most road frontage.

(e) Existing non-complying lots: Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet; lots of less than one-eighth acre and/or with less than minimum width or depth dimension of forty feet may not be developed. Such a lot may receive a permit for development from the Zoning Administrator as though it were a complying lot provided that each of the proposed setbacks are not less than 80% of those required by this Bylaw. If a greater variance is proposed a hearing before the Zoning Board of Adjustment will be held to determine if such variance is necessary for the development of the lot.

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

6. Structure Regulation

(a) Temporary uses and structures: Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for nonconforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period not exceeding one year.

(b) Demolished, burned or collapsed structures: Within 12 months after any structure has been demolished, removed, damaged by fire, or has collapsed, the owner shall repair, rebuild, or replace the structure or shall remove all structural materials and fill any excavation remaining to normal grade. If there is any change in the footprint a new permit shall be required.

(c) Non-complying structures: A non-complying structure is a structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these Regulations. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance.

(d) Height Limitations: Except for farming purposes, in all districts structures shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Adjustment and the Planning Commission, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

(e) Location of Driveways: All driveways are to be located at least 100 feet from the center point of an intersection. Application for curb cuts (e.g. driveways) must be made to the Selectboard. The Selectboard may, at their discretion, deviate from the provisions of this paragraph if they deem it necessary for road safety or if a drive closer to an intersection does not present a safety hazard.

ARTICLE VIII: District 6: Resource District (Twenty-five Acres)

1. Zoning District Description & Objectives: This 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, 25 acres minimum residential density will be required and only residential development and agricultural and forest based businesses will be allowed.

2. District Boundaries: See "Official Greensboro Zoning Map - 1996"

3. Permitted uses:

- (a) Residential
- (b) Agricultural
- (c) Forestry
- (d) Home Industry

4. Conditional Uses: All conditional uses should be conditioned with close adherence to the objectives stated Section 1 above. All conditional uses which require plumbing shall require an on-site septic system designed by a certified site technician or shall be connected to a public wastewater system. All on-site systems will require a 100 foot buffer distances from all streams and ponds except when a greater distance is already specified. A subdivision permit from the State of Vermont will satisfy the conditions of this section.

- (a) Lodging: Bed & Breakfast with less than 10 rooms
- (b) Agriculture related commercial
- (c) Educational
- (d) Craft operation
- (e) Cemeteries
- (f) Guest house
- (g) Accessory apartments

5. Lot Regulation

(a) Frontage: All lots shall provide at least 50' of road frontage to provide access to the lot or a permanent easement of the same size. Lots on Long Pond will have a minimum frontage of 500' on the Pond

(b) Area and dimension: All lots in the Resource district shall have a minimum lot width of 500 feet as measured at the widest point between any two parallel lot lines. If such lot does not have two parallel lines the measurement may be made between any two lines that do not intersect each other. A triangular lot shall be measured from any apex along a line that forms a right angle with the side of the lot across from the apex.

(c) All lots shall have a minimum area of 25 acres.

(d) All structures shall be set back: (Driveways shall not be subject to these setbacks)

- (1) 50 feet from the center of any public right of way
- (2) Any structure that is erected on or near a right of way or a driveway

that serves or, is intended in the future to serve more than one primary use must be set back 50 feet from the center of such driveway or right of way.

(3) 50 feet from any other lot line

(4) 50 feet from public water body

(5) No structure may be built within 300 feet of Long Pond

(6) No trees may be cut or brush cleared within 50' of Long Pond without the permission of the Planning Commission. The Planning Commission 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 fishing access.

(e) Adjacent lots in single ownership: If two or more adjacent lots are in single or affiliated ownership at the time of the passage of this Bylaw or subsequent to its passage such single or affiliated ownership occurs, and if all or part of the lots do not meet the requirement for lot width and area as established by this Bylaw, the lands involved shall be considered to be an individual parcel for the purpose of this Bylaw and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Bylaw, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Bylaw.

(f) Lots only partially in the district: Where a district boundary line divides a lot of record at the time such line is adopted, the lot shall be considered to be in whichever district it has road frontage in. If the lot has frontage in both districts it shall be considered to be in the district in which it has the most road frontage.

(g) Existing non-complying lots: Any lot in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Regulations may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is not less than one-eighth acre in area with a minimum width or depth dimension of forty feet; lots of less than one-eighth acre and/or with less than minimum width or depth dimension of forty feet may not be developed. Such a lot may receive a permit for development from the Zoning Administrator as though it were a complying lot provided that each of the proposed setbacks are not less than 80 % of those required by this Bylaw. If a greater variance is proposed a hearing before the Zoning Board of Adjustment will be held to determine if such variance is necessary for the development of the lot.

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

6. Structure Regulation

(a) Temporary uses and structures: Temporary permits may be issued by the Administrative Officer for a period not exceeding one year, for non

conforming uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the structure or use upon expiration of the permit.' Such permits may be renewed upon application for an additional period not exceeding one year.

(b) Demolished, burned or collapsed structures: Within 12 months after any structure has been demolished, removed, damaged by fire, or has collapsed, the owner shall repair, rebuild, or replace the structure or shall remove all structural materials and fill any excavation remaining to normal grade. If there is any change in the footprint a new permit shall be required.

(c) Non-complying structures: A non-complying structure is a structure not complying with the Zoning Regulations for the district in which it is located, where such structure complied with all applicable laws and regulations prior to enactment of these Regulations. Nothing in this section shall be deemed to prevent normal maintenance and repair of a non-complying building provided that such action does not increase the degree of non-compliance.

(d) Height Limitations: Except for farming purposes, in all districts structures shall not exceed a height of 35 feet above average ground level unless approved by the Zoning Board of Adjustment and the Planning Commission, providing such an increase will not be disruptive to its surroundings and providing it does not constitute a hazard.

(e) Location of Driveways: All driveways are to be located at least 100 feet from the center point of an intersection. Application for curb cuts (e.g. driveways) must be made to the Selectboard. The Selectboard may, at their discretion, deviate from the provisions of this paragraph if they deem it necessary for road safety or if a drive closer to an intersection does not present a safety hazard.

ARTICLE IX: Flood Hazard Regulations

1. Lands to Which These Regulations Apply

These regulations shall apply for development in all areas in the Town of Greensboro identified as areas of special flood hazard in the report entitled "Flood Insurance Study - Town of Greensboro, Vermont", dated September 27, 1985, with accompanying "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" which are hereby adopted by reference and declared to be part of these regulations or any subsequent maps or documents intended to replace or supplement them.

2. Conditional Use Permit Required

a. All development including fill, excavation, grading, erection or placement of structures, substantial improvement of existing structures and storage of equipment and material prescribed by the Town of Greensboro zoning ordinance are permitted within an area of special flood hazard only upon the granting of a conditional use permit by the Board of Adjustment

b. Prior to issuing a permit for the construction of new buildings, the substantial improvement of existing buildings, or for development in the floodway, a copy of the application shall be submitted to the Vermont Department of Water Resources and Environmental Engineering in accordance with 24 VSA 4409. A permit may be issued only following receipt of comments from the Department or the expiration of 30 days from the date the application was mailed to the Department, whichever is sooner.

c. Adjacent communities and the Vermont Department of Water Resources and Environmental Engineering shall be notified at least 15 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 Federal Insurance Administration.

d. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

3. Base Flood Elevations and Floodway Limits

a. Where available, i.e., zones AI-A30, AE, and AH, the base flood elevations and floodway limits provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer the provisions of these regulations.

b. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program, i.e., Zone A, base flood elevation and floodway information available from State or Federal agencies or other sources shall be obtained and reasonably utilized to administer the provisions of these regulations.

4. Conditional Use Review Procedures

Upon receiving an application for a conditional use permit under these regulations, the Board of Adjustment shall, prior to rendering a decision thereon:

a. Obtain from the applicant:

- The elevation (in relation to mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;

1. Where flood proofing is proposed, the elevation (in relation to mean sea level) to which the building will be floodproofed;
2. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
3. Base flood elevation data for subdivisions and other proposed development which contain at least 50 lots or 5 acres (whichever is the smaller);
4. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.

b. Obtain from the Vermont Department of Water Resources or other state or federal agencies any available base flood elevation data.

c. In reviewing each application, the Board of Adjustment shall consider

- The evaluation of the Vermont Department of Water Resources;
- The availability of alternative locations not subject to flooding for the proposed use;
- The susceptibility of the proposed improvement to flood damages;
- The safety of access to the property in times of flood of ordinary and emergency vehicles;
- The potential for damage to the property caused by erosion;
- The danger that materials may be swept onto other lands and cause damage to others;
- Such other factors as are relevant to the purposes of this ordinance.

d. The Board of Adjustment may grant a conditional use permit for development provided

- All necessary permits are obtained from those governmental agencies from which approval is required by Federal or State law.
- The development standards of Section 1005 are met or exceeded.

5. Development Standards Within Areas of Special Flood Hazard

- a. All development and structures shall be:
- Designed to minimize flood damage to the proposed development and to public facilities and utilities, and;
 - Designed to provide adequate drainage to reduce exposure to flood hazards;
 - Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structures during the occurrence of the base flood;
 - Constructed with materials resistant to flood damage;
 - Constructed by methods and practices that minimize flood damage, and;
 - 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.
- b. The flood-carrying capacity within any altered or relocated portion of a watercourse shall be maintained.
- c. New and replacement water supply and 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.
- d. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- e. New and replacement manufactured homes shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured home is above the base flood elevation.
- f. Development within the floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.
- g. The lowest floor, including basement, of all new buildings shall be at or above the base flood elevation.
- h. Existing buildings to be substantially improved for:
- Residential purposes shall be modified or elevated to meet the requirements of subsection 1005.7.
 - Non-residential purposes shall either:
 - Meet the requirements of subsection 1005.7, or
 - Be designed to be watertight below the base flood elevation with

walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. 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.

i. Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway. These facilities may be permitted outside of the floodway, provided the area is filled to at least one foot above the base flood elevation.

6. Duties and Responsibilities of the Administrative Officer

The Administrative Officer shall maintain a record of

- (1) all permits issued for development in areas of special flood hazard;
- (2) the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved buildings;
- (3) the elevation, in relation to mean sea level, to which buildings have been floodproofed;
- (4) all floodproofing certifications required under this regulation;
- (5) all variance actions, including justification for their issuance.

7. Variations to the Development Standards

Variations shall be granted by the Board of Adjustment only

- (1) in accordance with the provision of 24 V.S.A. Section 4468;
- (2) upon a determination that during the base flood discharge the variance will not result in increased flood levels;
- (3) upon a determination that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

8. Warning of Disclaimer of Liability

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

9. Definitions

Area of Shallow Flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard is the land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A 1-30, AE, or A99.

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

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Development means the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural 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 use of land.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

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

Flood Insurance Study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Proofing means 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 means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Lowest Floor means 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 Section 60.3.

Manufactured Home means 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 connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Mean Sea Level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Structure means an assembly of materials for occupancy or use, including, but not limited to, a building, mobile home or trailer, billboard, sign, wall or fence, except a wall or fence on an operating farm.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however,, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Sites.

ARTICLE X: Special Provisions

1. Site Development Plan Approval: No Zoning Permit shall be issued by the Administrative Officer for any commercial use or structure (not to include home occupation or business), except for one-family and two-family dwellings, until the Planning Commission grants Site Development Plan Approval.

(a) Submission of Site Development Plan Map and Supporting Data. The Owner shall submit two sets of site plan maps and supporting data to the Planning Commission as it may require, which may include all or any 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. Name and address of the owner of record and adjoining lands.

(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.

(b) Site Development Plan Review Procedure. The Planning Commission shall conform to Requirements of Section 4407 (5) of the Act before acting upon any application.

"The Planning Commission may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, of circulation and parking, and of landscaping and screening, and to protecting the utilization of renewable energy resources. The planning commission shall act to approve or disapprove any such site plan within sixty days after the date upon which it receives the proposed plan, and failure to so act within such period shall be deemed approval."

ARTICLE XI: Administration and Enforcement

1. Administrative Officer: The Administrative Officer shall be appointed to administer the Zoning Regulations, as provided for in Section 4442 of the Act. Said Officer shall literally enforce the provisions of these Regulations and in so doing shall inspect developments, maintain records and perform all other necessary tasks to carry out the provisions of these Regulations.

2. Zoning Permit:

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 and Certificate of Occupancy, shall have been duly issued by the Administrative Officer, as provided for in Section 4443 of the Act. The fee for such zoning permit shall be as established by the Selectboard.

b. The Administrative Officer 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 Administrative Officer shall, within 30 days of submission of application, data and approvals, either issue or deny a Zoning Permit. If denied, the Administrative Officer 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 Administrative Officer may renew such an application before the expiration period provided that the proposed development still meets the criteria of the permit issued.

c. Whenever an application goes before the Board of Adjustment all adjoining landowners shall be notified in writing at least five days in advance of the hearing, of the date and time of the hearing and shall be provided with a copy of the permit. Failure to make this notification shall not constitute grounds for nullifying the results of such a hearing. In addition all notices required by Vermont law shall be given.

d. Before a permit is granted by the Town of Greensboro, the applicant shall be required to obtain any permit needed from the State or Federal government. This shall not apply to those permits which first require a permit from the municipality. In such a case, however, the Town permit shall be conditioned on obtaining the required state permit before the building is occupied.

3. Conditional Uses: No Zoning Permit shall be issued by the Administrative Officer for any use or structure which requires Conditional Use approval in the Regulation until the Board of Adjustment grants such approval. In considering its action, the Board of Adjustment shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in Section 4407(2) of the Act.

“Such general standards shall require that the proposed conditional use shall not adversely affect:

- (A) The capacity of existing or planned community facilities;*
- (B) The character of the area affected;*
- (C) Traffic on roads and highways in the vicinity;*
- (D) Bylaws then in effect; or*
- (E) Utilization of renewable energy resources"*

Specific standards shall include:

- (a) 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
- (b) 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
- (c) Landscaping and fencing shall be used when commercial and industrial uses are in question to provide screening when in the judgment of the Board of Adjustment such screening is necessary to protect the character of the area affected
- (d) Exterior signs shall conform to the following in all districts:
 - No free standing internally lit signs shall be permitted.
 - All signs shall be compatible in size, materials and workmanship to the area in which they are located
- (e) Design and location of structures and service areas shall be compatible with other structures in the area affected. In considering such compatibility, building type, exterior materials, and location on lot shall be considered. Color shall not be a consideration.
- (f) In the various districts specific criteria are given for various uses. In all cases these criteria will be adhered to.
- (g) Noise, air pollution and effects on the character of the neighborhood shall be considered.

4. Penalties: Violations of these Regulations shall be regulated as prescribed in Sections 4444 and 4445 of the Act.

5. Board of Adjustment: There is hereby established a Board of Adjustment which shall consist of not less than three nor more than nine persons appointed by the Selectboard. Rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in SubChapter 8 of the Act.

ARTICLE XII: Amendments, Interpretation, Effective Date

1. Amendments: These Regulations may be amended according to the requirements and procedures established in Sections 4403 and 4404 of the Act.
2. Interpretation: In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
 - (a) Except for Section 4409(b) of the Act and where, in these Regulations, specifically provided to the contrary, it is not intended by these Regulations to repeal, annul or in any way to impair any regulations or permits previously adopted or issued, provided, however, that where these regulations 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 these Regulations shall control.
 - (b) Where the meaning of the Bylaw is not apparent to the Administrative Officer or the 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.
3. Effective Date: This Regulation shall take effect in accordance with the voting and other procedures contained in Section 4404(c) of the Act.
4. Separability: The invalidity of any article or section of these regulations shall not invalidate any other article or section thereof.
5. Repeal of Former Zoning Bylaw: When a new or revised zoning bylaw is adopted, any former zoning bylaw will automatically be repealed.

ARTICLE XIII: Definitions

Accessory Use or Structure: A use of a nature that is customary with and incidental to the primary use. This would include such things as garages, sheds, gazebos and the like. An accessory use would not include living quarters except as specified under accessory apartments.

Accessory Apartments: Apartments as provided for in V.S.A. Title 24, Chapter 117, §4302(11)(D) and §4406(4)(D).

Auto Repair Facility: A facility with the primary business of repairing gasoline or diesel powered vehicles. 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. 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.

Auto Service Station: A facility with the primary business of dispensing fuel to gasoline or diesel powered vehicles. The facility may also perform repairs on such vehicles. Under no circumstances will such a facility store junk cars on site or repair such cars for resale. 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.

Boathouse: A building at or near the high water mark without plumbing or insulation used for storage of boats and other equipment.

Building: Any structure erected for the shelter, support or enclosure of persons, animals, chattels, or property of any kind.

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Conditional use: A use which is permitted in a given zoning district only after a hearing before the Zoning Board of Adjustment or the Planning Commission in which particular conditions are set for the planned use. This Bylaw contains a list of conditional uses for each of the different districts in the sections dealing with each district.

Easement: Permission for a person or entity to enter upon the land of another for a specific purpose or purposes itemized in the easement.

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. High power substations or transformers are not permitted within 500' of a public or private school.

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

Flood: For definitions pertaining to flood hazard areas please see Section IX.

Guest house: A structure intended for the temporary or occasional use of non-paying guests for 120 days or less per year. Such structures shall only be permitted under the following conditions:

- Must have an on-site septic system designed by a certified site technician. This plan must be accepted by the Town's representative as suitable to provide proper sewage treatment for the site in question. This plan does not take the place of a permit under the State's Subdivision regulations. However a subdivision permit from the State of Vermont will satisfy the conditions of this section.
- Must have deed restrictions preventing subdivision from portion of property containing primary dwelling (whether year-round or seasonal). In all cases the guest house will count as if it were a primary use when determining needed acreage for future subdivision. In the Lakeshore district, a lot with a primary residence and a guest house must maintain two acres for the residence and the guest house after the subdivision is complete. However, this shall not be construed to mean that a lot must have two acres in order to construct a guest house. This provision will apply only in the event of subsequent subdivision.
- Will be restricted to no more than 500 square feet for a one story structure or 750 square feet if more than one story

Home business: An business occupying 40% or less of a dwelling and of a nature which is customary in residential settings in rural and village setting and which does not change the character of the area and employing no more than one nonhousehold family member.

Home occupation: An occupation occupying 40% or less of a dwelling and of a nature which is customary in residential areas and which does not change the character of the area and employing no more than one non-household family member.

Increasing the degree of non-compliance shall be interpreted to mean that the existing building footprint will be altered by expanding it in any dimension.

Individual Ownership: When a piece of land is owned by only one individual or entity this shall be considered to be individual ownership.

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.

Joint Ownership: When a piece of land is owned by more than one individual or entity it shall be considered to be in joint ownership. If two or more adjoining noncomplying pieces of land are owned by exactly the same combination of individuals or entities this shall be interpreted as joint ownership for the purposes of this Bylaw. This does not apply if all lots involved are already developed.

Junk Yard: Three (3) or more unregistered motor vehicles on a single lot shall be deemed to be a junk yard. The collection of scrap metal or appliances for parts or resale shall be deemed to be a junk yard.

Lot: A parcel of land in single or joint ownership undivided by a public right of way. 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. 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 the Bylaw.

Multi-family dwelling or apartment: A dwelling intended for the use of more than two family units. Such a dwelling will have separate kitchen, bathroom and living facilities for each of the family units in residence. These dwellings may contain some common service or social areas in addition.

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 which is allowed in a given district without approval of the Zoning Board of Adjustment or the Planning Commission. A permit for such a use may be obtained from the Zoning Administrator 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.

Plumbing: Any of the following: pipes or hoses bringing water into the structure pipes, sumps, hoses or drains removing waste water of any kind from the structure

Primary or Principal 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, animal trainer.

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 way 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.

Retail business: A business in which products are offered for sale to the general public.

Single family dwelling: A dwelling intended for the use of a single family unit. Such a dwelling will contain cooking, bathroom and living facilities intended to be shared by all of the people residing in the dwelling.

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 buildings, swimming pools, mobile homes, billboards, and poster panels.

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.

Travel Trailers: A trailer intended for recreational purposes and not intended to be used as a primary residence or a seasonal residence in a fixed location. A travel trailer does not need to meet the setbacks of this ordinance. If there is a question as to whether a trailer is a travel trailer or a permanent structure the issue will be determined by the Planning Commission. If it is determined that it is a permanent structure it must meet all the appropriate criteria of this Bylaw and will be taxed as a permanent structure.

Two family dwelling: A dwelling intended for the use of two family units. Such a dwelling will have kitchen, bathroom and living facilities intended for use by two distinct, self contained family units.

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

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural and the plural-number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.