

# The Vermont Statutes Online

## Title 24 : Municipal And County Government

### Chapter 117 : Municipal And Regional Planning And Development

#### Subchapter 005 : Municipal Development Plan

(Cite as: 24 V.S.A. § 4385)

#### § 4385. Adoption and amendment of plans; hearing by legislative body

(a) Not less than 30 nor more than 120 days after a proposed plan or amendment is submitted to the legislative body of a municipality under section 4384 of this title, the legislative body of a municipality with a population of 2,500 persons or less shall hold the first of one or more public hearings, after public notice, on the proposed plan or amendment, and shall make copies of the proposal and any written report by the planning commission available to the public on request. A municipality with a population of more than 2,500 persons shall hold two or more such hearings. Failure to hold a hearing within the 120 days shall not invalidate the adoption of the plan or amendment.

(b) The legislative body may change the proposed plan or amendment, but shall not do so less than 15 days prior to the final public hearing. If the legislative body at any time makes substantial changes in the concept, meaning, or extent of the proposed plan or amendment, it shall warn a new public hearing or hearings under subsection (a) of this section.

If any part of the proposal is changed, the legislative body, at least 15 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality, with any individual or organization requesting a copy in writing, and with the planning commission. The planning commission shall submit to the legislative body at or prior to the public hearing a report that analyzes the extent to which the changed proposal, when taken together with the rest of the plan, is consistent with the legislative goals established in section 4302 of this title.

(c) A plan of a municipality or an amendment thereof shall be adopted by a majority of the members of its legislative body at a meeting which is held after the final public hearing. If, however, at a regular or special meeting of the voters duly warned and held as provided in 17 V.S.A. chapter 55, a municipality elects to adopt or amend municipal plans by Australian ballot, that procedure shall then apply unless rescinded by the voters at a regular or special meeting similarly warned and held. If the proposed plan or amendment is not adopted so as to take effect within one year after the date of the final hearing of the planning commission, it shall be considered rejected by the municipality. Plans and amendments shall be effective upon adoption. Copies of newly adopted plans and amendments shall be provided to the regional planning commission and to the Commissioner of Housing and Community Development within 30 days after adoption, which may be done electronically, provided the sender has proof of receipt. If a municipality wishes its plan or plan amendment to be eligible

for approval under the provisions of section 4350 of this title, it shall request approval. The request for approval may be before or after adoption of the plan by the municipality, at the option of the municipality.

(d) Plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the municipality. An amendment to a plan does not affect or extend the plan's expiration date. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1981, No. 132 (Adj. Sess.), § 10; 1987, No. 200 (Adj. Sess.), §§ 12, 13, eff. July 1, 1989; 1989, No. 280 (Adj. Sess.), § 9; 2015, No. 90 (Adj. Sess.), § 2; 2017, No. 197 (Adj. Sess.), § 15.)