

Bond Case Briefs

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In re Snyder Group, Inc.

Supreme Court of Vermont - February 21, 2020 - A.3d - 2020 WL 857431 - 2020 VT 15

Objectors sought review of city's approval of subdivision application submitted by developer to construct a planned unit development (PUD) with units of transfer of development rights (TDR) from a separate parcel.

The Superior Court, Environmental Division, entered summary judgment determining that city's zoning bylaw concerning TDR with respect to PUD applications was invalid. Developer appealed and objectors cross-appealed.

The Supreme Court held that:

- TDR bylaw satisfied statutory requirement of specifying sending and receiving areas for acquiring development rights;
- TDR bylaw satisfied statutory requirement of defining development rights and specifying minimum development rights that were required to be secured;
- TDR bylaw satisfied statutory requirement of defining amount of density increase allowable in receiving areas and quantity of development rights necessary to obtain those increases;
- TDR bylaw satisfied statutory requirement of defining density increase in terms of an allowable percentage decrease in lot size, increase in building bulk, or other specified means; and
- TDR bylaw was not unconstitutionally vague on its face.