Town of Underhill
Planning Commission

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Planning Commission Reporting Form for Municipal Bylaw Amendments

SECTION A

This report is in accordance with 24 V.S.A. §4441(c) which states:

"When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments…The report shall provide(:)

(A) A brief explanation of the proposed bylaw, amendment, or repeal and...include a statement of purpose as required for notice under §4444 of this title,

The purpose of the proposed amendments is to implement the goals of the Underhill Town Plan by evaluating the Underhill Flats Village Center, Water Conservation, and outlier Soil & Water Conservation zoning districts to ensure that they reflect the vision for the Town's evolution. The Planning Commission is also proposing to change the Soil & Water Conservation zoning district boundary as it relates to the northern property boundary of the Ethan Allen Firing Range.

The proposed amendments will include revising the existing zoning map and the Unified Land Use and Development Regulations where applicable to reflect the changes. More details can be found in Section (B) of this report.

Descriptions of the proposed amendments are below and attached:

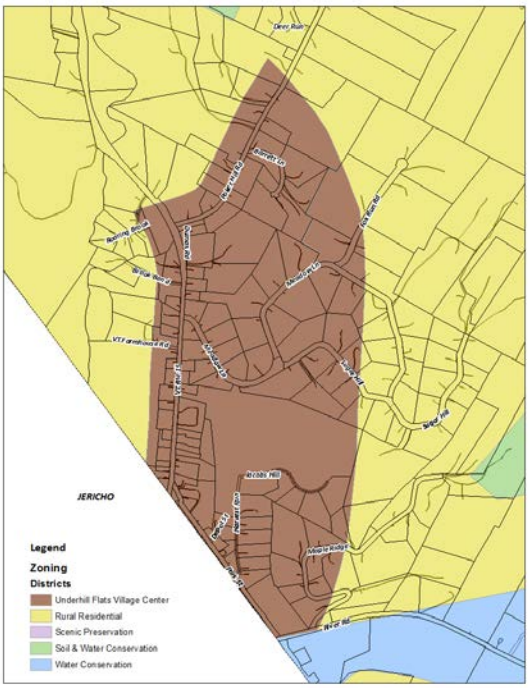
Underhill Flats Village Center District (Article II, Unified Land Use and Development Regulations

Current Purpose Statement: The purpose of the Underhill Flats Village Center District is to allow for the continuation of existing small-scale commercial, residential, and public uses and to encourage development that is compatible with and promotes a compact, historic village settlement pattern. This may include higher density of development as supported by existing and planned infrastructure.

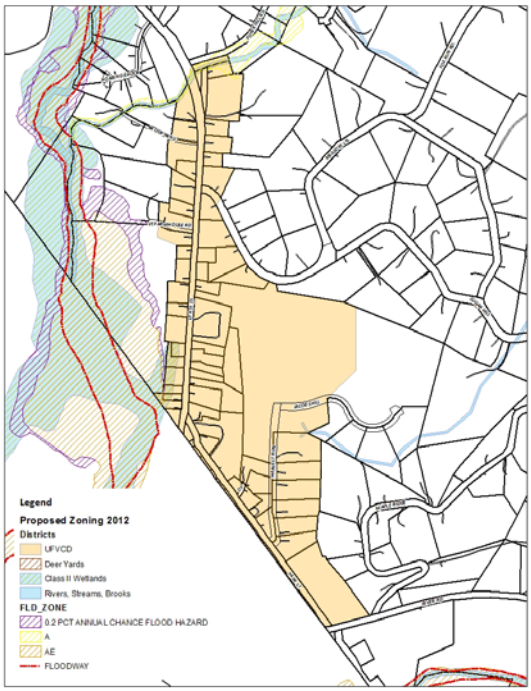
General Description: This district encompasses the traditional village center of Underhill Flats. In this district the zoning is one acre if the property is supplied by water from the Jericho-Underhill Water District. This is not necessarily reflective of the current lot size, as many lots are smaller than 1 acre, as their creation preceded local zoning. Since the district was last defined, the service area of the Jericho-Underhill Water District has expanded beyond the mapped boundaries, extending into the Rural Residential zoning district.

➢ **Proposal** – Revise the district boundaries (see maps) and associated district standards to recognize and reflect the historic development pattern that has occurred in the area.

Current



Proposed



Dimensional Standards

	Current	Proposed
Residential Density		
Residential Use	N/A	Max: 8 units/acre
Mixed Use	N/A	Max: 4 units/acre
Lot Dimensions		
Lot Area (Size)	Min: 1.0 acre	Min: 0.25 acre [10,875 SF]
Road Frontage (along ROW)	Min: 150 feet	Min: 75 feet Max: 150 feet
Setbacks – Principal Structures		
Front (from road right-of-way)	Min: 0 feet	Min: 5 feet Max: 20 feet or average
Side (from property line)	Min: 20 feet	Min: 10/15 feet (one side)
Attached (e.g., townhouse)	N/A	Min: 0 feet
Rear (from property line)	Min: 20 feet	Min: 15 feet
Setbacks – Accessory Structures		
Front (from road right-of-way)	At or behind building line	At or behind building line
Side (from property line)	Min: 15 feet	Min: 5/15 feet (one side)
Rear (from property line)	Min: 15 feet	Min: 10 feet
Setbacks– Driveways		
Side – Single Driveway (from property line)	Min: 12 feet	Min: 3 feet
Side – Shared (from property line)	Min: 0 feet	Min: 0 feet
Building Stories – Principal Buildings		
Residential	NA	Min: 1.0 Story
Nonresidential, Mixed	NA	Min: 1.5 Stories
Structure Height	Max: 35 feet	Max: 35 feet [2.5-3 stories]
Building Coverage (footprints)	Max: 50%	Max: 50%
Lot Coverage (impervious surfaces)	Max: 75%	Max: 60%

District Uses

Permitted Uses:	Conditional Uses:
1. Accessory Structure, Use (to a permitted use) 2. Agriculture (Section 10.2) 3. Dwelling– Accessory (Section 4.2) 4. Dwelling– Single Family 5. Dwelling– Two Family 6. Forestry (Section 10.2) 7. Group Home (max: 8 residents; Section 4.11) 8. Home Child Care (max: 10 children; Section 4.8) 9. Home Occupation (Section 4.12)	1. Accessory Structure, Use (to a conditional use) 2. Adaptive Reuse (Section 4.3) 3. Car Wash 4. Cemetery 5. Community Center 6. Cultural Facility 7. Dwelling– Multifamily (max: 8 units) 8. Financial Institution 9. Funeral Home 10. Gas Station (Section 4.10) 11. Grocery Store (max: 20,000 SF) 12. Health Clinic 13. Home Industry (Section 4.12) 14. Inn (max: 24 guest rooms; Section 4.6) 15. Light Industry (max: 10,000 SF) 16. Mixed Use (max: 10,000 SF; Section 4.13) 17. Mobile Home Park (Section 4.14) 18. Mobile Home Sales (Section 4.14) 19. Motor Vehicle Sales & Service (Section 4.15) 20. Outdoor Market 21. Parking Facility 22. Private Club 23. Recreation– Indoor 24. Recreation– Outdoor 25. Residential Care Facility (Section 4.11) 26. Restaurant (max: 90 seats; no drive-through) 27. Retail Store (max: 10,000 SF) 28. School– Public, Private (see E.5, Section 4.16) 29. Telecommunications Facility (Section 4.18) 30. Transit Facility 31. Veterinary Clinic
Site Plan Review (see E.2):	
10. Bakery–Retail (max: 4000 SF) 11. Bed & Breakfast (max: 5 guest rooms; Section 4.6) 12. Day Care Facility (see Section 4.8) 13. Dwelling – Multifamily (max: 4 units) 14. Office 15. Personal Service 16. Place of Worship (see E.3 below; Section 4.16) 17. Public Facility (see E.5 below; Section 4.16) 18. Retail Store (max: 4000 SF) 19. Restaurant (max: 24 seats, no drive-through) 20. Snack Bar	

Supplemental District Standards (Additional):

1. All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.

2. Agriculture, forestry, single and two family dwellings, and associated accessory uses including group homes, home child care and home occupations do not require site plan review. All other permitted uses are subject to site plan review under Section 5.3. Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.

3. Public facilities allowed within this district are limited to municipal or other government facilities open to the public and intended for general public access or use (e.g., town office, town hall, post office, public park, playground), or which otherwise serve the public (e.g., fire and ambulance stations, town garage, regulated utility, transfer station, municipal or community water or wastewater facility) and places of worship. Public or private schools or other educational institutions certified by the Vermont Department of Education are allowed as conditional uses. Hazardous and solid waste management facilities, correctional facilities, and other institutional uses that are closed to the general public are specifically prohibited in this zoning district (see also Section 4.16).

4. Maximum square footage (SF) limitations listed above for specified uses within this district refer to the maximum allowed gross floor area.

5. A consistent building line (defined by primary building facades) shall be maintained along all road rights-of-way. The minimum front setback distance for principal structures from the right-of-way is 5 feet. The maximum front setback distance shall equal the greater of 20 feet or the average of the front setback distances of principal structures on adjoining lots.

6. The principal building(s) and building entrance(s) shall be oriented parallel (facing) or perpendicular to the road right-of-way, and accessed from the right-of-way by a pedestrian walkway.

7. The following may encroach within the front setback area outside of the road right-of-way, subject to the issuance of a waiver by the DRB under Section 5.5: bay windows, porches, stairs, galleries, awnings, outdoor display, seating and dining areas, fencing (see Section 3.5) and signs (see Section 3.16).

Encroachments shall not interfere with corner sight distances for motor vehicles or block pedestrian walkways.

8. An accessory shall be located at or to the rear of the front building line of the principal building(s) on the lot.

9. A minimum side setback of 15 feet is required on one side of the lot for both principal and accessory structures to accommodate a driveway and rear lot access by emergency vehicles and equipment, unless shared or an alternative rear lot access can be provided. The minimum setback distance from the opposite side lot line is 10 feet for a principal structure and 5 feet for an accessory structure. The Development Review Board may waive minimum side setback requirements for structures that are intentionally constructed on and are intended to serve two adjoining, nonconforming lots (e.g., an attached townhouse or shared garage) under Section 5.5, with the submission of a signed maintenance agreement between the adjoining property owners.

10. Driveways shall be located not less than three (3) feet from side and rear lot lines unless waived by the Development Review Board for shared driveways [see Sections 3.2(D)(8)(5) and 3.7(E)(3] and lots with limited frontage [see Section 3.2(B)].

11. No building in this district shall exceed 35 feet in height (see Section 3.6). In addition, a principal nonresidential building of less than two stories must have a pitched roof that, at minimum, is designed to accommodate 1.5 stories (an upper half-story). A principal nonresidential building of two or more stories may have a flat roof.

12. Nonresidential uses shall be separated and screened from adjoining residential properties through the use of landscaping and architecturally compatible fencing or screening.

13. Accessory, onsite parking areas and drive-throughs allowed in this district shall be located to the side or rear of principal buildings, behind the building line. All multifamily and nonresidential parking areas, including public parking lots, shall be screened from public rights-of-way and adjoining residential properties through the use of landscaping and architecturally compatible fencing or screening.

14. For development subject to subdivision, site plan or conditional use review, the DRB may require increased side and rear setbacks, landscaping, and screening along property lines as necessary to provide privacy or to minimize the visual and physical impacts (noise, glare, etc.) of nonresidential development on adjoining residential properties and uses.

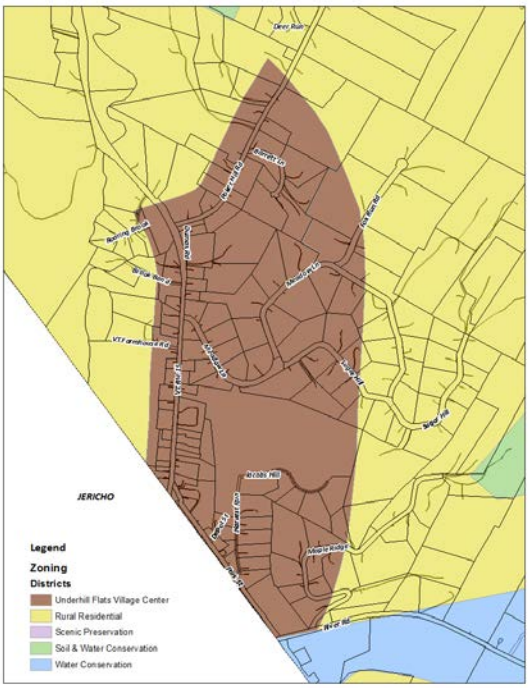
15. Planned residential and planned unit developments (PUDs, PRDs) are allowed within this district to support a compact village development pattern, to promote the development of affordable housing, and to provide shared open space, including courtyards, parks, gardens and playground areas. District dimensional standards may be modified or varied accordingly under Article IX.

<u>Underhill Flats Village Residential District (Article II, Unified Land Use and Development Regulations</u>

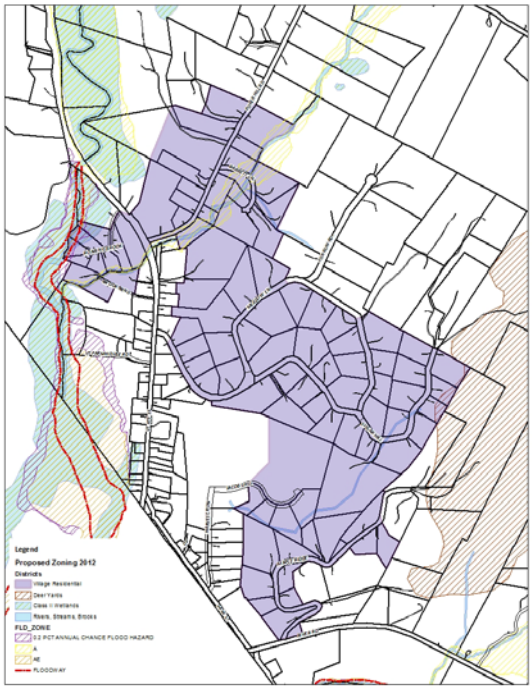
Proposed Purpose Statement: The intent of the Village Residential District, located adjacent to the Underhill Flats Village Center District, is to 1) recognize established patterns of residential development in the immediate vicinity of Underhill Flats, and to 2) promote moderate densities of residential development in suitable locations within this district that have limited development constraints and direct highway and pedestrian access to the village center.

- **Proposal** – Establish the district boundaries for this new district (see attached map) and associated district standards to recognize and reflect the historic residential development pattern that has occurred in the area. Creating this new district will remove some properties from the Underhill Flats Village Center district (see above) and some properties from the Rural Residential district.

<u>Current</u>



<u>Proposed</u>



Dimensional Standards

	Current: UF Village Center	Current: Rural Residential	Proposed: UF Village Residential
Lot Dimensions			
Lot Area	Min: 1.0 acre	Min: 3.0 acres	Min: 1.0 acre
Road Frontage (along ROW)	Min: 150 feet	Min: 250 feet	Min: 150 feet
Setbacks – Principal Structures			
Front (from road right-of-way)	Min: 0 feet	Min: 30 feet	Min: 15 feet
Side (from property line)	Min: 20 feet	Min: 50 feet	Min: 20 feet
Attached (e.g., townhouse)	N/A	N/A	N/A
Rear (from property line)	Min: 20 feet	Min: 50 feet	Min: 20 feet
Setbacks – Accessory Structures			
Front (from road right-of-way)	Behind building line	Min: 30 feet	Behind building line
Side (from property line)	Min: 15 feet	Min: 20 feet	Min: 5 feet
Rear (from property line)	Min: 15 feet	Min: 20 feet	Min: 15 feet
Setbacks – Driveways			
Side – Single (from property line)	Min: 12 feet	Min: 12 feet	Min: 12 feet
Side – Shared (from property line)	Min: 0 feet	Min: 0 feet	Min: 0 feet
Structure Height	Max: 35 feet	Max: 35 feet	Max: 35 feet
Building Coverage (footprints)	Max: 50%	Max: 25%	Max: 25%
Lot Coverage (impervious surfaces)	Max: 75%	Max: 50%	Max: 50%

District Uses

Permitted Uses:	Conditional Uses:
1. Accessory Structure, Use (to a permitted use) 2. Agriculture (Section 10.2) 3. Dwelling– Accessory (Section 4.2) 4. Dwelling– Single Family 5. Dwelling– Two Family 6. Forestry (Section 10.2) 7. Group Home (max: 8 residents; Section 4.11) 8. Home Child Care (max: 10 children; Section 4.8) 9. Home Occupation (Section 4.12)	1. Accessory Structure, Use (to a conditional use) 2. Adaptive Reuse (Section 4.3) 3. Cemetery 4. Dwelling– Multifamily (max: 4units) 5. Home Industry (Section 4.12) 6. Mobile Home Park (Section 4.14) 7. Recreation– Outdoor 8. Residential Care Facility (Section 4.11)
Site Plan Review (see E.2):	
10. Bed & Breakfast (max: 5 rooms; Section 4.6) 11. Public Facility (see E.5 below; Section 4.16)	

Supplemental District Standards:

1. All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.

2. Agriculture, forestry, single and two family dwellings, and associated accessory uses including group homes, home child care and home occupations do not require site plan review. All other permitted uses are subject to site plan review under Section 5.3. Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.

3. Public facilities allowed within this district are limited to public parks and playgrounds open to the public and intended for general public access or use, and publicly owned or community water and wastewater facilities. Other public facilities, including hazardous and solid waste management facilities,

correctional facilities, and other institutional uses are specifically prohibited in this zoning district (see also 4.16.)

4. A principal building and building entrance(s) shall be oriented parallel (facing) or perpendicular to the road right-of-way.

5. An accessory structure shall be located at or to the rear of the front building line of the principal building on the lot.

6. Driveways shall be located not less than 12 feet from side and rear lot lines unless waived by the Development Review Board for shared driveways [see Sections 3.2(D)(8) and 3.7(E)(3)] and lots with limited frontage [see Section 3.2(B)].

7. Nonresidential uses shall be separated and screened from adjoining residential properties through the use of landscaping and architecturally compatible fencing or screening.

8. Onsite, accessory parking areas in this district shall be located to the side or rear of the principal building, behind the principal building line. Multi-family and nonresidential parking areas shall be screened from public rights-of-way and adjoining residential properties though the use of landscaping and architecturally compatible fencing or screening.

9. Planned residential developments (PRDs) are allowed within this district to promote more compact, higher density housing development, including affordable housing, in suitable locations that not limited by physical development constraints (e.g., steep slopes), to protect significant natural resources as identified in the Underhill Town Plan, and to provide shared open space areas for the use of residents. District dimensional standards may be modified or varied accordingly under Article IX.

Underhill Center Village District (Article II, Unified Land Use and Development Regulations

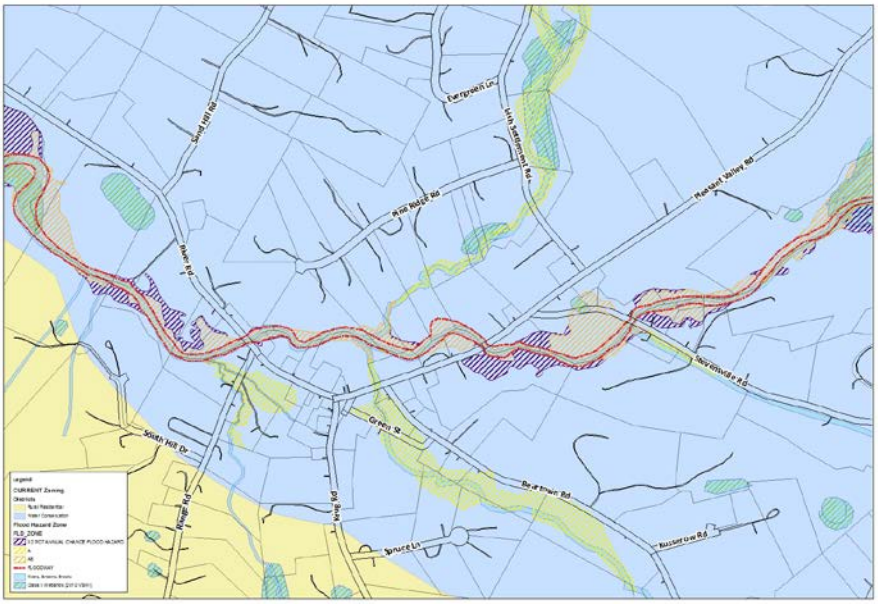
Proposed Purpose Statement: The purpose of the Underhill Center Village District is to allow for the continuation of existing, small scale commercial, residential and public uses, and to allow for infill development that is compatible with and promotes the existing compact, pedestrian-friendly, historic village settlement pattern. This may include higher density of development as supported by existing and planned infrastructure, while being mindful of the important gravel recharge area.

General Description: [The Water Conservation] district encompasses the traditional village center of Underhill Center. In this district the zoning is for five-acre lots. This is not reflective of the current lot size, particularly in the village center, as many of the lots' creation preceded local zoning.

A problem with zoning that is not reflective of the actual traditional development pattern is that landowners on preexisting small lots are forced into variance hearings when they cannot meet the stated setbacks that would not be problematic for development on a 5-acre lot. This can add permitting time and expense for landowners that their neighbors do not have to expend. A remedy to this problem is to create a village center overlay district within the Water Conservation district that would allow for denser development, smaller lot sizes and set-backs. The requirements of the overlay district would encourage development in the traditional village center, while preserving the underlying goal of the zoning district, to protect the gravel aquifer recharge area.

- **Proposal** – Establish the district boundaries for this new district (see attached map) and associated district standards to recognize and reflect the historic development pattern that has occurred in the area. Creating this new district will remove some properties from the Water Conservation district.

Current



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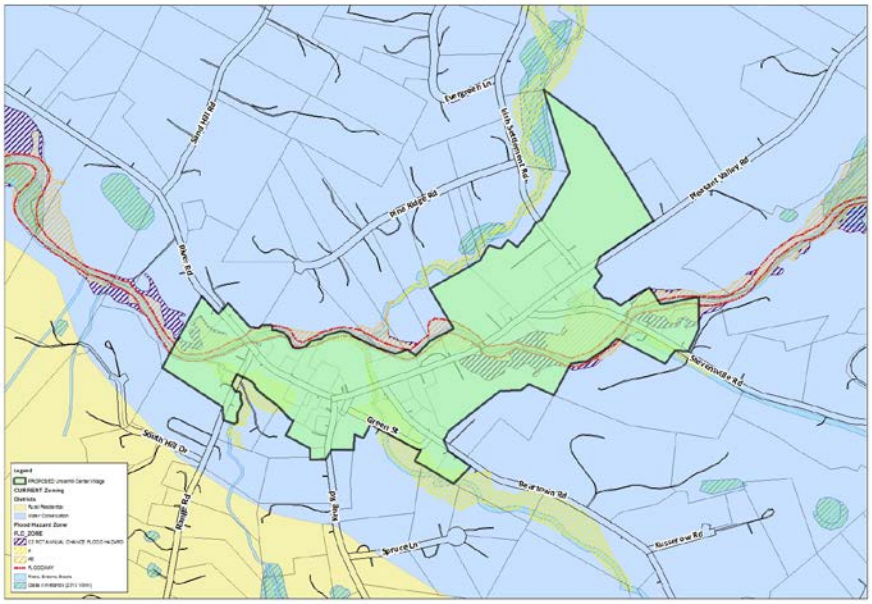


Dimensional Standards

	Current: Water Conservation	Proposed: Underhill Center Village
Residential Density		
Residential Use	N/A	Max: 4 units/acre
Mixed Use	N/A	Max: 2 units/acre
Lot Dimensions		
Lot Area	Min: 5.0 acres	Min: 0.50 acre [21,780 SF]
Road Frontage (along ROW)	Min: 300 feet	Min: 75 feet
Setbacks – Principal Structures		
Front (from road right-of-way)	Min: 30 feet	Min: 5 feet Max: 20 feet or average
Side (from property line)	Min: 50 feet	Min: 10/15 feet (one side)
Attached (e.g., townhouse)	N/A	Min: 0 feet
Rear (from property line)	Min: 50 feet	Min: 15 feet
Setbacks – Accessory Structures		
Front (from road right-of-way)	Min: 30 feet	Behind building line
Side (from property line)	Min: 20 feet	Min: 5/15 feet (one side)
Rear (from property line)	Min: 20 feet	Min: 10 feet
Setbacks– Driveways		
Side – Single Driveway (from property line)	Min: 12 feet	Min: 3 feet
Side – Shared (from property line)	Min: 0 feet	Min: 0 feet
Building Stories – Principal Buildings		
Residential	N/A	Min: 1.0 Story
Nonresidential, Mixed Use	N/A	Min: 1.5 Stories
Structure Height	Max: 35 feet	Max: 35 feet
Building Coverage (building footprints)	Max: 20%	Max: 30%
Lot Coverage (impervious surfaces)	Max: 30%	Max: 50%

District Uses

Permitted Uses:	Conditional Uses:
1. Accessory Structure, Use (to a permitted use) 2. Agriculture (Section 10.2) 3. Dwelling – Accessory (Section 4.2) 4. Dwelling – Single-family 5. Dwelling – Two-family 6. Forestry (Section 10.2) 7. Group Home (max: 8 residents; Section 4.11) 8. Home Child Care (max: 10 children; Section 4.8) 9. Home Occupation (Section 4.12)	1. Accessory Structure, Use (to a conditional use) 2. Adaptive Reuse (Section 4.3) 3. Cemetery 4. Community Center 5. Cultural Facility 6. Day Care Facility (Section 4.8) 7. Dwelling – Multifamily (max: 8 4 units) 8. Funeral Home 9. Garden Center 10. Gas Station (Section 4.10) 11. Health Clinic 12. Home Industry (Section 4.12) 13. Inn (max: 24 guest rooms; Section 4.6) 14. Mixed Use (Section 4.13) 15. Nature Center 16. Mobile Home Park (Section 4.14) 17. Office 18. Outdoor Market 19. Parking Facility 20. Personal Service 21. Private Club 22. Public Facility (see E.12; Section 4.16) 23. Recreation– Indoor 24. Recreation– Outdoor 25. Residential Care Facility (Section 4.11) 26. Restaurant (max: 40 seats, no drive-through) 27. Retail Store (max: 2,500 SF) 28. School– Public, Private (see E.5, Section 4.16) 29. Snack Bar 30. Telecommunication Facility (Section 4.18) 31. Transit Facility 32. Veterinary Clinic
Site Plan Review (see E.2):	
10. Bakery – Retail (Max: 2,500 SF) 11. Bed & Breakfast (max: 5 rooms; Section 4.6) 12. Place of Worship (see E.3, Section 4.16) 13. Public Facility (see E.3, Section 4.16)	

Supplemental District Standards:

1. All allowed uses within this district must meet applicable general standards for development under Article III. Specified uses are also required to meet applicable use standards under Article IV.

2. Agriculture, forestry, single and two family dwellings, and associated accessory uses including group homes, home child care and home occupations do not require site plan review. All other permitted uses are subject to site plan review under Section 5.3. Such uses must receive site plan approval from the Development Review Board prior to the issuance of a zoning permit. Conditional uses are subject to conditional use review under Section 5.4 and must receive conditional use approval from the Development Review Board prior to the issuance of a zoning permit.

3. Public Facilities (see also 4.16):

    a. Public facilities allowed as a permitted use within this district, subject to site plan review, are limited to places of worship and facilities owned and operated by the Town of Underhill or other public agency that are open to the public and intended for general public access or use (e.g., town office, town hall, post office, public park, playground), with the exception of public or private schools or other educational facilities certified by the Vermont Department of Education, which are conditional uses in this district.

    b. Public facilities allowed as conditional uses within this district, in addition to schools, are limited to other facilities that serve the public, but are not intended for general public access or use (e.g., fire and ambulance stations, town garage, transfer station, public water, regulated utility or wastewater facility).

    c. Other institutional uses (e.g., correctional facilities, hospitals) and hazardous and solid waste management facilities are specifically prohibited in this zoning district.

4. Maximum square footage (SF) limitations listed above for specified uses within this district refer to the maximum allowed gross floor area.

5. A consistent building line (defined by primary building facades) shall be maintained along all road rights-of-way. The maximum front setback distance for principal structures shall equal the greater of 20 feet or the average of the front setback distances of principal structures on adjoining lots.

6. The principal building(s) and building entrance(s) shall be oriented parallel (facing) or perpendicular to the road right-of-way, and accessed from the right-of-way by a pedestrian walkway.

7. The following may encroach within the front setback area outside of the road right-of-way, subject to the issuance of a waiver by the DRB under Section 5.5: bay windows, porches, stairs, galleries, awnings, outdoor display, seating and dining areas, fencing (see Section 3.5) and signs (see Section 3.16). Encroachments shall not block pedestrian walkways nor interfere with corner sight distances for motor vehicles.

8. An accessory shall be located at or to the rear of the front building line of the principal building(s) on the lot.

9. A minimum side setback of 15 feet is required on one side of the lot for both principal and accessory structures to accommodate a driveway and rear lot access by emergency vehicles and equipment, unless shared or an alternative rear lot access can be provided. The minimum setback distance from the opposite side lot line is 10 feet for a principal structure and 5 feet for an accessory structure. The Development Review Board may waive minimum side setback requirements for structures that are intentionally constructed on and are intended to serve two adjoining, nonconforming lots (e.g., an attached townhouse or shared garage) under Section 5.5, with the submission of a signed maintenance agreement between the adjoining property owners.

10. Driveways shall be located not less than three (3) feet from side and rear lot lines unless waived by the Development Review Board for shared driveways [see Sections 3.2(D)(8)(5) and 3.7(E)(3] and lots with limited frontage [see Section 3.2(B)].

11. No building in this district shall exceed 35 feet in height (see Section 3.6). A principal, commercial building of less than two stories must have a pitched roof that, at minimum, is designed to accommodate 1.5 stories (an upper half story). A principal commercial building of two or more stories may have a flat roof.

12. Nonresidential uses shall be separated and screened from adjoining residential properties through the use of landscaping and architecturally compatible fencing or screening.

13. Onsite accessory parking in this district shall be located to the side or rear of principal buildings, behind the building line. Multifamily and nonresidential parking areas shall be screened from public rights-of-way and adjoining residential properties through the use of landscaping and architecturally compatible fencing or screening.

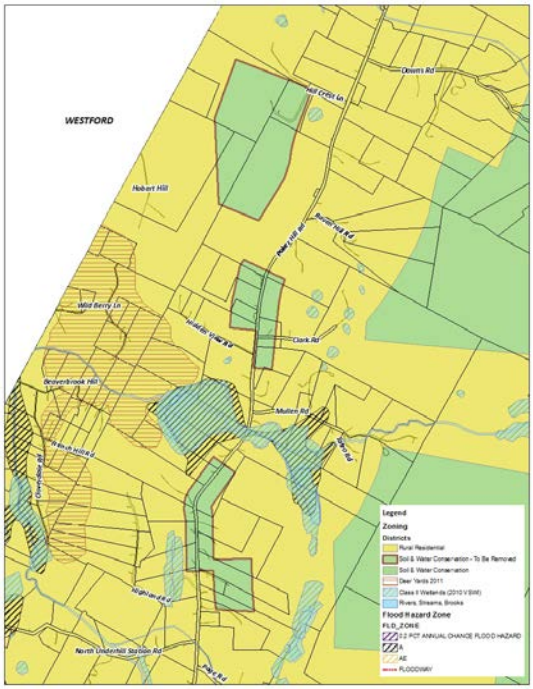
14. For development subject to subdivision, site plan or conditional use review, the DRB may require increased side and rear setbacks, landscaping, and screening along property lines as necessary to provide privacy or to minimize the visual and physical impacts (noise, glare, etc.) of nonresidential development on adjoining residential properties and uses

15. Planned residential and planned unit developments (PRDs, PUDs) are allowed within this district to promote clustered development that maintains historic village settlement patterns and densities, minimizes the amount of impervious surface and impacts to groundwater recharge areas, avoids development in flood hazard areas, protects significant natural resources identified in the Underhill Town Plan, promotes the development of affordable housing in appropriate locations and provides shared open space, including parks, courtyards and playground areas. Dimensional standards may be modified or varied accordingly under Article IX.

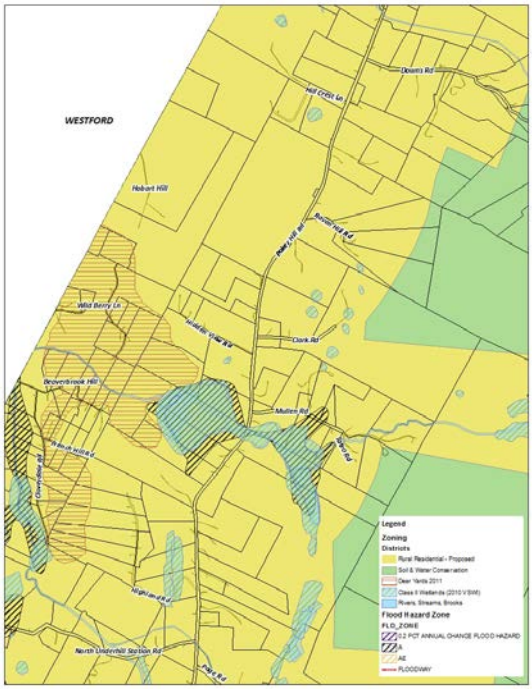
Soil & Water Conservation District "Outliers"

- **Proposal** – Remove three "outlier" pockets of the Soil & Water Conservation District between North Underhill Station Road and Hill Crest Lane. The boundaries for these three areas will dissolve and become part of the surrounding Rural Residential zoning district. No other changes to the boundaries or district standards (Rural Residential) are proposed with this change.

Current



Proposed



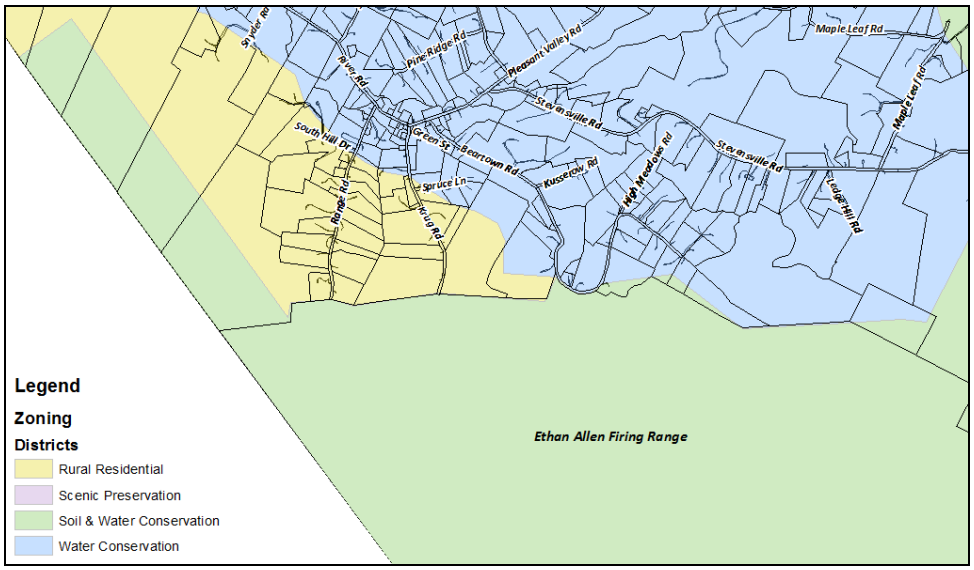
Soil & Water Conservation District Boundary Adjustment with the Ethan Allen Firing Range

- **Proposal** – Currently, the Soil & Water Conservation district boundary creates a jagged line that follows no discernible parcel lines or natural features. No documentation has been found to determine whether there was a specific rationale other than following soils data (which do not match current soils maps) for a "jagged" boundary line. As the area north of the Ethan Allen Firing Range developed, the district boundary line was not uniformly considered for zoning decisions. However, these small insertions into parcels that are located primarily in a different zoning district have created nonconforming parcels that do not appear to serve a purpose within the district purpose statement.

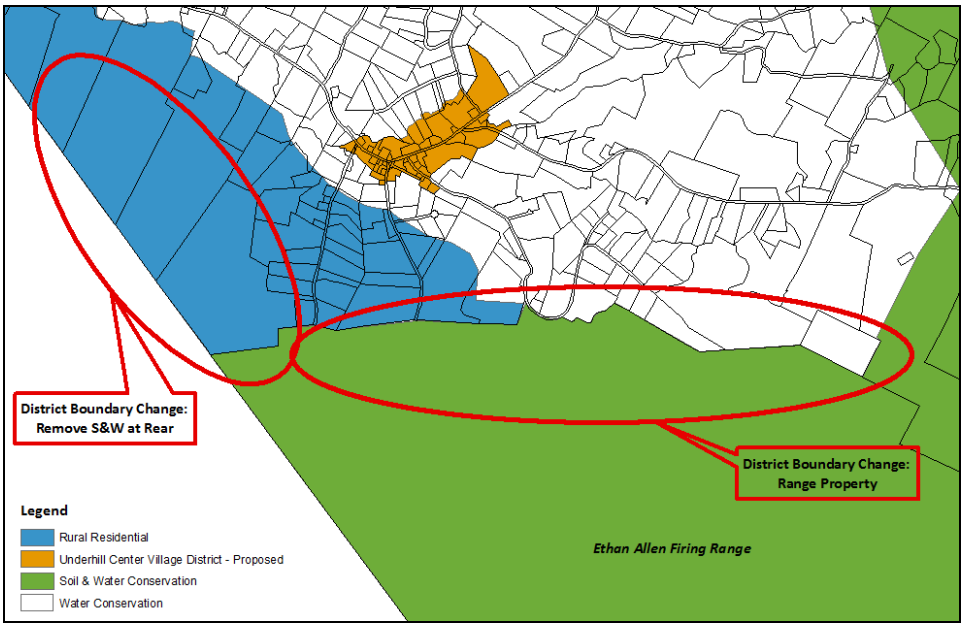
  The proposal is to match the extent of the Soil & Water Conservation district boundary with the northern parcel boundary of the Ethan Allen Firing Range,

beginning at the town line with Jericho and terminating at the easternmost boundary of parcel BE210. The bordering zoning districts would be extended accordingly to fill in the "gaps," thus creating a clearly-defined zoning district boundary to assist landowners with identifying the appropriate district in which their property lies. No other changes to the surrounding zoning district boundaries or district standards in the area are proposed with this change.

Current



Proposed



SECTION B

(A)nd shall include findings regarding how the proposal:

1. ***Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.***

   Underhill's zoning districts were originally drawn to follow the soils maps from the 1970s. Each district's purpose statement was largely based on the soils maps, referring vaguely to soil cover and aquifer recharge area protection. Additionally, the Residential district was to encourage denser development "where a public water supply exists," and the Scenic Preservation district was to "protect scenic vistas along Pleasant Valley Road."

   The district boundaries have not been updated since a minor "squaring-off" during the late 1970s and early 1980s. The last revision was prompted by the 1984 Town Plan.

   Advances in septic system technology have changed what was once thought of as unbuildable land; however the zoning districts remained unchanged. Likewise, the expansion of the capacity and service capabilities of the Jericho-Underhill Water District occurred independently of zoning district delineations, yet the requirement for additional acreage within the district but outside of the original Water District boundaries remained until the regulation update in 2011.

   While the district purpose statements were revised during the most recent Town Plan update (2010), it is becoming apparent that the district boundaries themselves do not necessarily follow the historic settlement patterns nor do they lend themselves to anticipated or desired future development. Application of the Unified Land Use and Development Regulations is adding to the discovery of the tension between "what is" and "what is intended and desired."

   Examples of the tension can be seen in the comparison of the historic development of the town and district minimum acreage requirements. Much of the denser development has occurred in two specific locations: the Underhill Flats Village Center district (formerly the Residential district) and what is referred to as Underhill Center, which is mostly within the Water Conservation district. The Underhill Flats Village Center district purpose statement now allows for the continuation of the historic development pattern while simultaneously encouraging dense, compact village development. Despite this new focus, the minimum acreage requirement of one acre has not changed and is larger than many of the existing parcels in the district. Adding to the acreage dichotomy is the fact that the Village is shared with Jericho, whose minimum parcel size

requirement is ¼ acre right across the Town line and essentially right across the street (Park Street). A cohesive Village Center with complementary uses and requirements is not only good planning but also beneficial for the residents and business owners, and makes common sense.

Underhill Center has also developed in a historically dense pattern. Many of the parcels are smaller than the minimum 5-acre requirement. A mix of residences, small and home-based businesses, a post office, a church, a school, the Town Hall, and small parks converge at the intersection of the two major through-roads in town: River Road and Pleasant Valley Road. However, a major difference between the Center and the Village is that the Jericho-Underhill Water District does not extend public water service to the Center. Regardless, the historic pattern has led to a situation where many landowners cannot meet district setback requirements for any addition to their property, nor can they subdivide despite being surrounded by non-conforming parcels.

Finally, there are pockets of the Soil and Water Conservation district, primarily surrounded by the Rural Residential zoning district, scattered throughout Town that may or may not be beneficial or logical to retain. An evaluation of these district boundaries will answer many questions that have arisen since the boundaries were first established while shedding light on how the district boundaries may be better configured to encourage desired development.

2. ***Is compatible with the proposed future land uses and densities of the municipal plan.***

   See above.

3. ***Carries out, as applicable, any specific proposals for any planned community facilities.***

   This update does not affect any proposals for planned community facilities.

ADDENDUM

REDISTRICTING PROJECT Q & A

Redistricting Project Q & A

➢ Why is the Planning Commission proposing to change the zoning district boundaries?

The 2010 Town Plan includes specific recommendations for reviewing the existing district boundaries and revising them where necessary to recognize the Town's historic settlement patterns, technology improvements and the latest State requirements, and planning philosophies and practices. The proposals include district boundaries that follow parcel boundaries, road centerlines or right-of-way edges, and stream centerlines wherever possible. All of the proposed changes recognize the pattern in which the town has developed, and allow such development to continue in conformance with applicable requirements and while maintaining the existing protections of natural features – rivers, streams, brooks, wildlife habitats, floodplains, etc.

➢ What is the benefit to landowners?

Currently there are many properties that are either "split" by zoning districts and/or are nonconforming to the district minimum requirements. It may be difficult to obtain approval for development on "split" parcels as the regulations require a proposed development – from a shed or deck to a subdivision – to meet the requirements of both zoning districts. Split parcels are also challenging because the zoning district line may be difficult or nearly impossible to locate. Landowners have expressed difficulty in siting proposed developments because the zoning district boundaries are not fixed to points on the ground or established markers.

Nonconforming parcels are those that have developed prior to the establishment of the zoning districts and thus do not meet the district requirements. As with "split" parcels, landowners may have to obtain approval from the Development Review Board for even small developments like porches or decks simply because the lot was created prior to the creation of the zoning districts.

With parcels located wholly within one district, both property owners and local administrators will know for certain which district requirements apply and whether proposals are compliant. The proposed changes have the potential to reduce the number of proposals requiring additional review by making a majority of the nonconforming parcels compliant with the new district boundaries, and by adding clarity to the zoning requirements.

➢ How did the Planning Commission decide on the proposed changes?

Better information, including parcel maps and more accurate soils maps, have allowed for a more comprehensive and holistic approach to planning. Changes to the State requirements, such as for septic and stormwater permitting, are also recognized and incorporated in the analysis of the zoning districts. The historic/traditional development patterns of the areas were gathered from historical review of documents and maps as well as field verification of setbacks, heights, siting, and general neighborhood characteristics.

➢ How many districts will be changed?

Underhill Flats: The current Underhill Flats Village Center zoning district boundaries will be revised. A new Underhill Flats Village Residential zoning district is proposed surrounding the revised Underhill Flats Village Center zoning district. The Underhill Flats Village Residential district will include some parcels from the current Village Center and Rural Residential zoning districts.

Underhill Center: The proposed Underhill Center Village zoning district will include some parcels currently in the Water Conservation zoning district.

North Underhill area: The proposal to remove the three identified "outliers" from the Soil & Water Conservation zoning district will move the affected parcels into the surrounding Rural Residential zoning district.

Ethan Allen Firing Range area: The proposal to change the zoning district boundaries along the northern property boundary of the Ethan Allen Firing Range will clarify the limits of the Soil & Water Conservation zoning district in that area. It will also verify the Rural Residential and Water Conservation district boundaries in the area as terminating at the northern property boundary of the Ethan Allen Firing Range. Parcel BE210 will serve as the eastern limit of the Water Conservation zoning district in the area. A strip of the Soil & Water Conservation zoning district along the rear of 5 parcels (at the Town line) will be removed, converting those portions of the affected properties to the surrounding Rural Residential zoning district.

➢ What will the new districts look like?

See the attached maps.

➢ What is the effect of the changes on parcels?

District	Current # of parcels in district	Current "split" parcels	Proposed # of parcels in district	Proposed "split" parcels
Underhill Flats Village Center	150	38	72*	2
Underhill Flats Village Residential *(new district)*	N/A	N/A	95*	3
Underhill Center Village *(new district)*	N/A	N/A	53*	0
Water Conservation (Village)	335	--	282	--
Soil & Water Conservation (outliers)	30	30	0	0
Rural Residential (outliers)	--	30	Add 30	--
Soil & Water Conservation (Range)	16	16	1	0
Water Conservation (Range)	7	7	5	1
Rural Residential (Range)	11	11	10	1

*Includes parcels separated by road rights-of-way. Parcels recently subdivided are considered one parcel unless sold.

➢ Won't this have the effect of increasing density and the number of subdivisions?

Yes and no. The proposed revised district boundaries offer few opportunities for additional subdivisions and limited potential for infill development. More development opportunities exist in the Underhill Flats Village Center district due to the large vacant parcel in the area and the availability of water, gas, and transportation services. However, none of the proposed zoning district changes will remove the requirements for riparian and wetland setbacks and buffers; floodplain development, steep slope, and elevation restrictions; permits from the State for water and wastewater, stormwater, stream crossings, Act 250; and other applicable regulations. Any proposal that does not meet all local, State, and federal requirements will not be approved.

➢ Were public comments made on the proposed changes?

Yes, the Planning Commission held two public forums on the proposed changes in October followed by two public hearings in December. Comments were received at all public events and considered by the Planning Commission at their final meeting in December. Based on comments received, and in an effort to reduce the number of parcels "split" by zoning district boundaries, the Planning Commission changed the northern boundary of the proposed Underhill Center Village district to follow property lines. This change is consistent with other changes recommended by the project.