

PROPOSED BYLAW AMENDMENTS

[PC Hearing Draft December 2012]

Section 2.1 Zoning Districts & Zoning Map

A. For the purposes of these regulations, the Town of Underhill is divided into the following zoning districts:

1. Underhill Flats Village Center District
2. Underhill Flats Village Residential District
3. Underhill Center Village District
4. Rural Residential District
5. Water Conservation District
6. Mt Mansfield Scenic Preservation District
7. Soil and Water Conservation District
8. Flood Hazard Overlay District

*Amend zoning map – to incorporate new zoning districts and proposed district boundary changes (see attached zoning map).

Article II: Zoning District Tables

- Table 2.1 District Summary Table** – Incorporate new districts, district standards, uses
Table 2.2 Underhill Flats Village Center District – Amend existing district table (attached)
Table 2.3 Underhill Flats Village Residential District – Add new district table (attached)
Table 2.4 Underhill Center Village District – Add new district table (attached)

*Renumber existing tables 2.3 through 2.7 to 2.5 through 2.8

Article XI. Definitions

Section 11.2 General Definitions

* *New definitions to be added:*

Bakery, Retail: An establishment principally engaged in the preparation and retail sale of baked goods primarily for consumption off site, but which may include incidental food service on site.

Car Wash: A structure containing facilities and equipment for washing automobiles, which may include vacuums, brushes and the automatic or semiautomatic application of cleaners, sealants, rinse water, and/or heat for drying.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor or ceiling above it.

Story, Half: The habitable portion of a building under a sloping roof, where 50% or less of the floor area has a clear interior floor to ceiling height of seven feet or more.

General (Technical) Amendments: *Amend table of contents, bylaw section references and numbering as necessary to incorporate adopted amendments.

1 **Table 2.2 Underhill Flats Village Center District**

2

3 **A. Purpose:** The purpose of the Underhill Flats Village Center District (formerly known as the

4 Residential District) is to allow for the continuation of existing small scale commercial,

5 residential and public uses, and to encourage development that is compatible with and

6 promotes a compact, historic village settlement pattern. This may include higher densities of

7 development as supported by existing and planned infrastructure.

8

9

B. Permitted 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)

Site Plan Review (see E.2):

10. Bakery –Retail (max: 4,000 SF)
11. Bed & Breakfast (max: 5 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.3 below; Section 4.16)
18. Retail Store (max: 4,000 SF)
19. Restaurant (max: 24 seats, no drive-through)
20. Snack Bar

C. Conditional Uses:

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.3, Section 4.16)
29. Telecommunications Facility (Section 4.18)
30. Transit Facility
31. Veterinary Clinic

Table 2.2 Underhill Flats Village Center District, continued

D. Dimensional Standards (unless otherwise specified for a particular use):

Minimum Lot Size	0.25 acre	4
Minimum Frontage (along road ROW)	75 feet	5
Minimum Setbacks – Principal Structures		6
Front (from road ROW/front lot line)	5 feet; See E.5–E.7	7
Side (from side lot lines)	10/15 feet, See E.9	8
Rear (from rear lot line)	15 feet	9
Minimum Setbacks – Accessory Structures		10
Front (from front lot line)	See E.8	11
Side (from side lot lines)	5/15 feet; See E.9	12
Rear (from rear lot line)	10 feet	13
Minimum Setback – Driveway (from side lot lines)	3 feet, See E.10	14
Minimum Setback – Surface Waters, Wetlands	See Section 3.19	15
Maximum Residential Density		16
Residential Use	8 units/acre	17
Mixed Use	4 units/acre	18
Maximum Building Coverage (all building footprints)	50%	19
Maximum Lot Coverage (all impervious surfaces)	75%	20
Maximum Height (see Section 3.6)	35 feet; See E.11	21
Planned Development (PUD, PRD)	Allowed	22

E. 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 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).

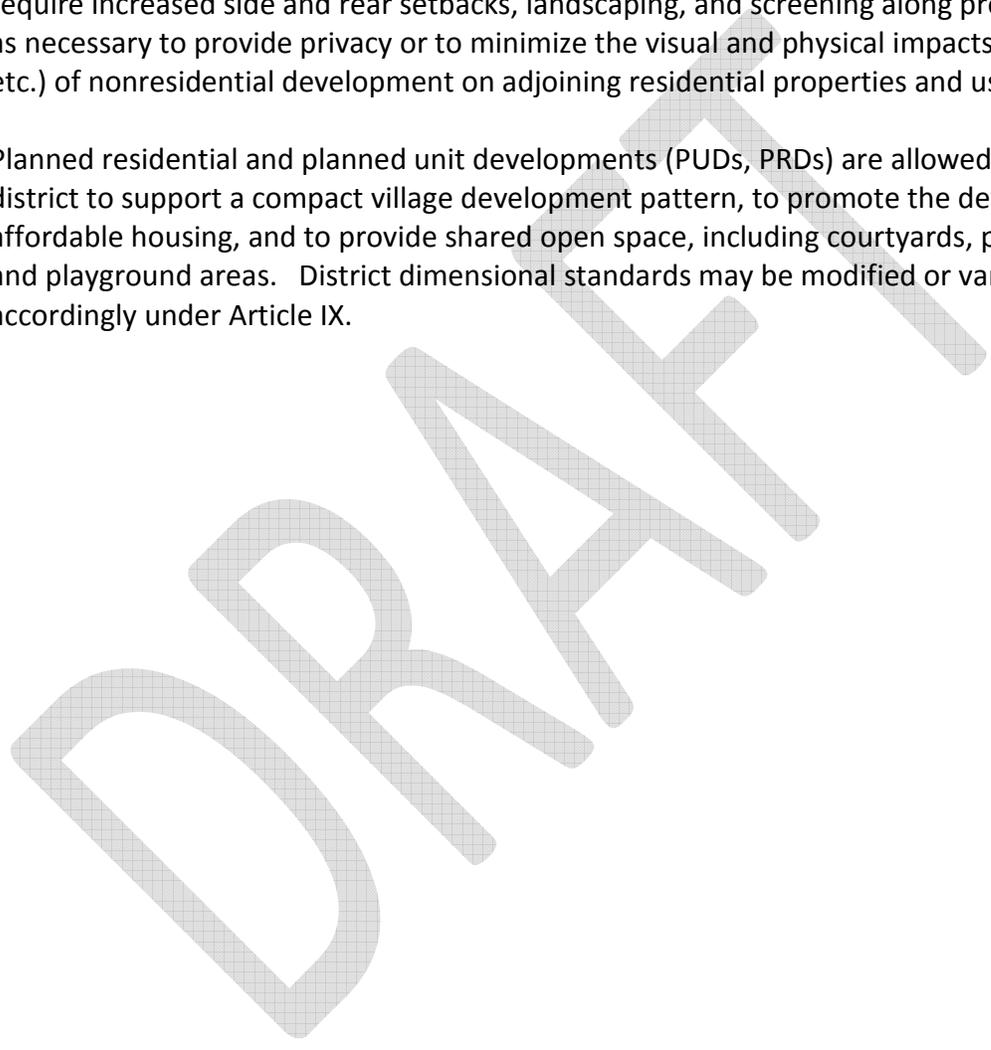
Table 2.2 Underhill Flats Village Center District, continued

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

- 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.

Table 2.2 Underhill Flats Village Center District, continued

- 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.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

Table 2.3 Underhill Flats Village Residential District

A. Purpose: The purpose of the Underhill Flats Village Residential District is to recognize established patterns of residential development adjacent to and in the immediate vicinity of Underhill Flats outside of the village center, and to promote moderate densities of residential development in suitable locations within this district that have limited development constraints and direct road or pedestrian access to the village center.

B. Permitted 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)

C. Conditional Uses:

1. Accessory Structure, Use (to a conditional use)
2. Adaptive Reuse (Section 4.3)
3. Cemetery
4. Dwelling– Multifamily (max: 4 units)
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.3 below; Section 4.16)

D. Dimensional Standards (unless otherwise specified for a particular use):

Minimum Lot Size	1 acre	12
Minimum Frontage (along road ROW)	150 feet	13
Minimum Setbacks – Principal Structures		14
Front (from road ROW/front lot line)	15 feet	15
Side (from side lot lines)	20 feet	16
Rear (from rear lot line)	20 feet	17
Minimum Setbacks – Accessory Structures		18
Front (from front lot line)	See E.3	19
Side (from side lot lines)	5 feet	20
Rear (from rear lot line)	15 feet	21
Minimum Setback – Driveway (from side lot lines)	12 feet, See E.6	22
Minimum Setback – Surface Waters, Wetlands	See Section 3.19	23
Maximum Building Coverage (all building footprints)	25%	24
Maximum Lot Coverage (all impervious surfaces)	50%	25
Maximum Height (see Section 3.6)	35 feet	26
Planned Development (PRD)	Allowed	27

28
29
30
31

1 **Table 2.3 Underhill Flats Village Residential District, continued**
2

3 **E. Supplemental District Standards:**
4

- 5 1. All allowed uses within this district must meet applicable general standards for
6 development under Article III. Specified uses are also required to meet applicable use
7 standards under Article IV.
8
- 9 2. Agriculture, forestry, single and two family dwellings, and associated accessory uses
10 including group homes, home child care and home occupations do not require site plan
11 review. All other permitted uses are subject to site plan review under Section 5.3. Such
12 uses must receive site plan approval from the Development Review Board prior to the
13 issuance of a zoning permit. Conditional uses are subject to conditional use review under
14 Section 5.4 and must receive conditional use approval from the Development Review
15 Board prior to the issuance of a zoning permit.
16
- 17 3. Public facilities allowed within this district are limited to public parks and playgrounds open
18 to the public and intended for general public access or use, and publicly owned or
19 community water and wastewater facilities. Other public facilities, including hazardous
20 and solid waste management facilities, correctional facilities, and other institutional uses
21 are specifically prohibited in this zoning district (see also 4.16.)
22
- 23 4. A principal building and building entrance(s) shall be oriented parallel (facing) or
24 perpendicular to the road right-of-way.
25
- 26 5. An accessory structure shall be located at or to the rear of the front building line of the
27 principal building on the lot.
28
- 29 6. Driveways shall be located not less than 12 feet from side and rear lot lines unless waived
30 by the Development Review Board for shared driveways [see Sections 3.2(D)(8)
31 5 and 3.7(E)(3)] and lots with limited frontage [see Section 3.2(B)].
32
- 33 7. Nonresidential uses shall be separated and screened from adjoining residential properties
34 through the use of landscaping and architecturally compatible fencing or screening.
35
- 36 8. Onsite, accessory parking areas in this district shall be located to the side or rear of the
37 principal building, behind the principal building line. Multi-family and nonresidential
38 parking areas shall be screened from public rights-of-way and adjoining residential
39 properties though the use of landscaping and architecturally compatible fencing or
40 screening.
41
- 42 9. Planned residential developments (PRDs) are allowed within this district to promote more
43 compact, higher density housing development, including affordable housing, in suitable
44 locations that not limited by physical development constraints (e.g., steep slopes), to
45 protect significant natural resources as identified in the Underhill Town Plan, and to
46 provide shared open space areas for the use of residents. District dimensional standards
47 may be modified or varied accordingly under Article IX.
48

Table 2.4 Underhill Center Village District

A. **Purpose:** The purpose of the Underhill Center Village District is to allow for the continuation of established small scale commercial, residential and public uses, and to encourage limited infill development that is compatible with and promotes the existing compact, historic village settlement pattern. This may include limited higher density development as supported by existing and planned water and wastewater infrastructure, while also recognizing that much of the land in this district has significant development constraints (e.g., flood hazards, high water tables, steep slopes) and is an important gravel aquifer recharge area.

B. Permitted 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)

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 below; Section 4.16)

C. Conditional Uses:

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: 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 (max: 4,000 SF; 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.3, 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.3, Section 4.16)
29. Snack Bar
30. Telecommunications Facility (Section 4.18)
31. Transit Facility
32. Veterinary Clinic

12

13

Table 2.4 Underhill Center Village District, continued

D. Dimensional Standards (unless otherwise specified for a particular use):

Minimum Lot Size	0.50 acre	4
Minimum Frontage (along road ROW)	75 feet	5
Minimum Setbacks – Principal Structures		6
Front (from road ROW/front lot line)	5 feet, See E.5–E.7	7
Side (from side lot lines)	10/15 feet, See E.9	8
Rear (from rear lot line)	15 feet	9
Minimum Setbacks – Accessory Structures		10
Front (from front lot line)	See E.8	11
Side (from side lot lines)	5/15 feet, See E.9	12
Rear (from rear lot line)	10 feet	13
Minimum Setback – Driveway (from side lot lines)	3 feet, See E.10	14
Minimum Setback – Surface Waters, Wetlands	See Section 3.19	15
Maximum Residential Density		16
Residential Use	4 units/acre	17
Mixed Use	2 units/acre	18
Maximum Building Coverage (all building footprints)	30%	19
Maximum Lot Coverage (all impervious surfaces)	50%	20
Maximum Height (see Section 3.6)	35 feet, See E.10	21
Planned Development (PUD, PRD)	Allowed	22

E.

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.

Table 2.4 Underhill Center Village District, continued

- 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)].

Table 2.4 Underhill Center Village District, continued

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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.