

ARTICLE I. AUTHORITY & PURPOSE

Section 1.1 Enactment

A. Pursuant to the Vermont Planning and Development Act (24 VSA Chapter 117), hereinafter referred to as “the Act,” there is hereby established a unified bylaw to govern land use and development in the Town of Underhill, Vermont. This bylaw shall be known as the “Underhill Land Use and Development Regulations.”

B. This bylaw replaces and supersedes the following previously enacted municipal bylaws:

- Underhill Zoning Regulations as amended through March 2003.
- Underhill Subdivision Regulations as amended through March 2002.
- Town of Underhill Flood Hazard Area Regulations as amended through March 2010.

These bylaws are repealed as of the effective date of the Underhill Land Use and Development Regulations.

Section 1.2 Purpose

A. The purposes of these regulations are to:

1. Promote and protect public health, safety, and welfare within the Town of Underhill.
2. Further state planning goals and purposes established under the Act [§4302].
3. Implement a unified development plan for the Town of Underhill that conforms to stated goals, policies and strategies in the Underhill Town Plan.
4. Integrate land use and development regulations, including zoning, flood hazard, site plan and subdivision regulations, into one comprehensive document to promote coordinated and expedited municipal review of land development.
5. Protect the individual property rights of landowners to the extent consistent with the other purposes of these regulations.

Section 1.3 Application & Interpretation

A. These regulations, and their administration and enforcement, are subject to all provisions of the Act [24 VSA Chapter 117] as most recently amended.

B. No land subdivision or development shall commence in the Town of Underhill except in conformance with these regulations. Land subdivision or development not specifically authorized under these regulations, unless exempt under the Act or Section 10.2, is prohibited.

Note: For a list of required permits and approvals, see Section 10.1. For a list of uses, structures and activities that are exempt from these regulations, see Section 10.2.

1 C. These regulations are not intended to repeal, annul, or in anyway impair any previously
2 issued permit or approval. All land subdivisions, uses, and structures legally in existence as
3 of the effective date of these regulations, March 2, 2011, are allowed to continue. Changes
4 or alterations to pre-existing subdivisions, structures, or uses must meet all applicable
5 requirements of these regulations, including requirements for nonconforming lots, uses and
6 structures.

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8 D. Where these regulations impose a greater restriction on the use of land or a structure
9 than is required by any other statute, ordinance, rule, or regulation, these regulations shall
10 apply.

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12 E. For purposes of Act 250 jurisdiction, these regulations include both zoning and
13 subdivision regulations adopted in accordance with the Act [§§ 4411, 4418, 4419].

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15 F. Additional municipal, state or federal permits may be required beyond those identified
16 in these regulations. It is the applicant’s responsibility to secure all required municipal, state
17 and federal permits prior to commencing land subdivision and development.

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19 **Section 1.4 Effective Date**

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21 These regulations shall take effect 21 days from the date of adoption by a majority of the
22 members of the Underhill Selectboard, or immediately upon adoption as a result of a
23 petitioned or warned town vote.

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25 **Section 1.5 Bylaw Amendments**

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27 A. These regulations, including the official zoning map incorporated by reference under
28 Section 2.1, may be amended or repealed only in accordance with the Act [§§ 4441, 4442].

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30 1. Proposed changes to these regulations or the zoning map shall be submitted in writing
31 to the Underhill Planning Commission for consideration, as required under the Act
32 [§4442].

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34 B. Proposed amendments to Flood Hazard Area Overlay District regulations under Table
35 2.8 and Article VIII shall be sent to the Vermont Agency of Natural Resources, River
36 Management Program at least fifteen days prior to the Planning Commission's first public
37 hearing to be reviewed for conformance with federal and state program requirements.

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39 **Section 1.6 Severability**

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41 The provisions of these regulations are severable. If any provision of these regulations, or its
42 application by the town, is held invalid by a court of jurisdiction, this shall not affect the
43 validity or application of other provisions of these regulations.