

## ARTICLE II. ZONING DISTRICTS

### 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 Center Village District
3. Rural Residential District
4. Water Conservation District
5. Mt Mansfield Scenic Preservation District
6. Soil and Water Conservation District
7. Flood Hazard Overlay District

B. The location and boundaries of each zoning district are shown on the official "Town of Underhill Zoning Map," which is incorporated as part of these regulations. Flood Hazard Overlay District boundaries for Special Flood Hazard Areas (SFHAs) are shown in and on the most current Flood Insurance Study and National Flood Insurance Program maps for the Town of Underhill, which are incorporated as part of these regulations. The official zoning map and flood hazard area maps, located in the Underhill Town Office, shall be the final authority as to the current zoning status of land and waters in the town. Changes may be made to the official "Town of Underhill Zoning Map" only in accordance with the bylaw amendment process referenced under Section 1.5.

### Section 2.2 Boundary Interpretations

A. Where uncertainty exists as to the location of district boundaries shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as following roads, transportation or utility rights-of-way shall be interpreted as following the centerlines of such features.
2. Boundaries indicated as following lot lines shall be interpreted as following delineated property boundaries.
3. Boundaries indicated as following rivers or streams shall be interpreted as following the channel centerlines of such features, and shall move with river or stream channels.
4. Boundaries indicated as following contour lines shall be interpreted as following constant, specified elevations as measured from mean sea level or other accepted reference datum.
5. Boundaries indicated as following compass headings shall be interpreted as following such headings.

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6. Boundaries indicated as parallel or perpendicular to, or extensions of, the above features shall be interpreted as such on the ground.

7. Distances not specifically indicated on the map shall be determined from the scale on the official zoning map.

B. The abandonment or relocation of a right-of-way, or the change in a line or feature that references a district boundary line, after the effective date of these regulations, shall not affect the location of the district boundary, except as specified for streams, rivers and shorelines under A.3.

C. In the Flood Hazard Overlay District, where available (i.e., in Zones A1-A30, AE and AH) base flood elevations and floodway limits provided by the National Flood Insurance Program (NFIP) in the Flood Insurance Study and accompanying Flood Insurance Rate Maps for the town shall be used to administer and enforce flood hazard provisions of these regulations.

1. In areas where base flood elevations and floodway limits *have not* been provided by the NFIP (i.e., Zone A), it is the applicant's responsibility to develop and provide necessary data. Where available, the applicant shall use base flood elevations and floodway data available provided by the Federal Emergency Management Agency, other federal agencies or the state.

D. When the Zoning Administrator cannot definitely determine the location of a district boundary, the Planning Commission may be consulted prior to issuing a determination. A determination by the Zoning Administrator regarding the location of a district boundary may be appealed to the Development Review Board under Section 10.5.

1. Where there is a dispute as to where a district boundary lies, the Development Review Board may require that the property owner verify the location of the district boundary line through a survey by a licensed surveyor.

2. If uncertainty exists with respect to the boundary of a Special Flood Hazard Area (SFHA) or floodway, the boundary shall be determined by the Zoning Administrator or Development Review Board in consultation with the National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources. If the applicant disagrees with the determination, a Letter of Map Amendment (LOMA) from FEMA, supplied by the applicant, shall constitute proof of a boundary location.

E. When a lot proposed for development includes portions in different districts, the following shall apply:

- 1 1. The proposed use must be allowed on that portion of the lot within the district in which  
2 the use is to occur. If the use is to occur in both districts, it must be allowed within both  
3 districts.
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- 5 2. The minimum frontage and minimum setback requirement for that portion of the lot  
6 within the district in which the structure is to be located shall control. If the structure is  
7 to be in both districts, the more stringent requirement shall control.
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- 9 3. The Development Review Board may allow, subject to conditional use review, the  
10 extension of district standards, except for road frontage requirements, up to a distance  
11 of 100 feet into either portion of the lot. Frontage requirements for the district in which  
12 the road frontage is located shall apply.
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- 14 F. When a lot is divided by a town boundary, the town boundary shall be considered in the  
15 same manner as a property line, and the standards of these regulations shall be applied to  
16 that portion of the lot located in the Town of Underhill in the same manner as if the entire  
17 lot were located in the town.
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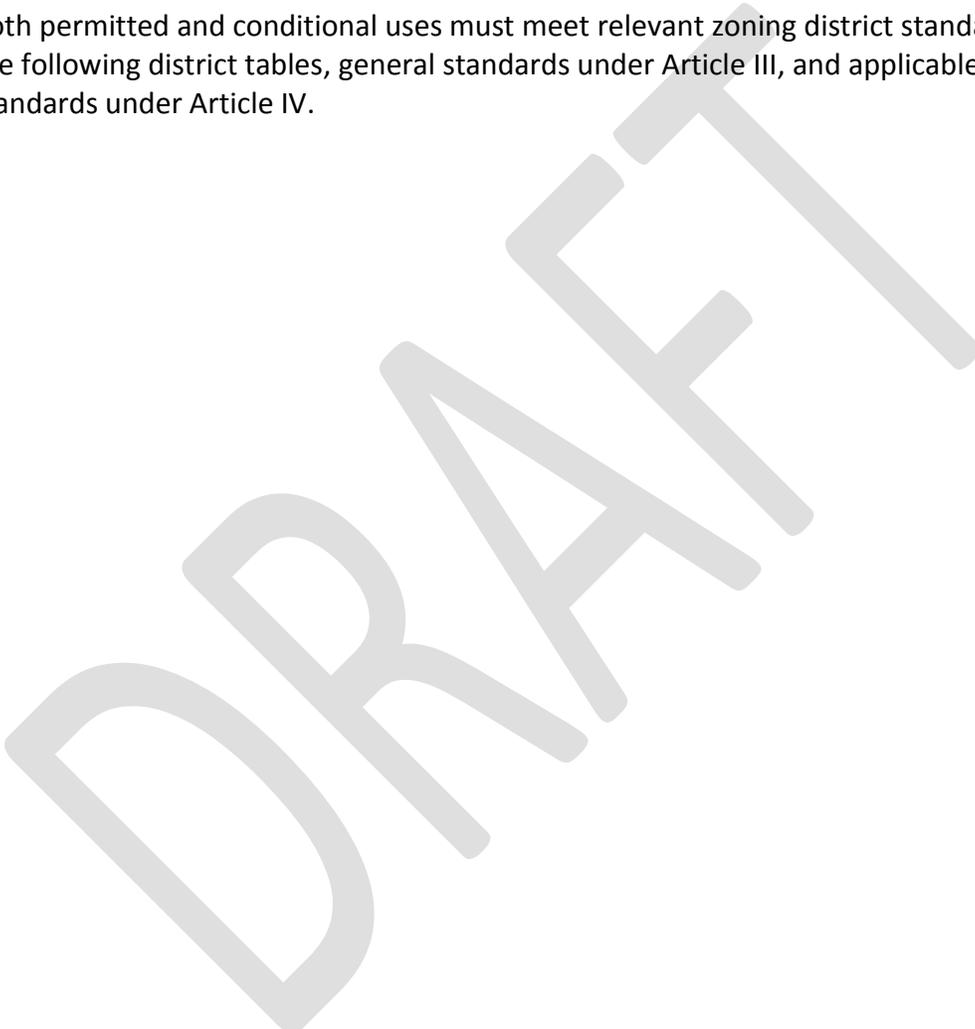
19 **Section 2.3 Application of District Standards**

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- 21 A. Table 2.1 provides a summary of dimensional requirements and allowed uses by zoning  
22 district. Tables 2.2 through 2.8 set forth the stated purpose, allowed uses and specific  
23 standards for each zoning district.
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- 25 B. Overlay district standards shall be applied concurrently with the standards for the  
26 underlying zoning district(s). Where an overlay district imposes more restrictive standards,  
27 overlay district standards shall apply.
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- 29 C. All uses and structures, unless specifically exempt from these regulations under Section  
30 10.2, must meet applicable standards for the zoning district(s) in which they are located  
31 under Tables 2.2 through 2.8. Uses not listed under a particular zoning district are  
32 prohibited in that district. The standards for each district apply uniformly to each class of use  
33 or structure, unless otherwise specified in these regulations. Nonconforming uses and  
34 structures must meet the requirements of Sections 3.8 and 3.9.
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- 36 D. Uses listed for each district are classified as “permitted” or “conditional” uses,  
37 described as follows:
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- 39 1. **“Permitted uses”** are reviewed by the Zoning Administrator prior to the issuance of a  
40 zoning permit under Section 10.3. Site plan review by the Development Review Board  
41 under Section 5.3 is also required prior to the issuance of a zoning permit for any  
42 permitted use except for agriculture, forestry, single and two family dwellings, and  
43 associated accessory uses and structures such as small group homes, home child care  
44 operations and home occupations, unless otherwise specified under these regulations.

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Site plan review ensures that site layout – the locations of structures, accesses (curb cuts), driveways and parking areas on the lot – is functional, safe, and consistent with the purpose and character of the zoning district.

2. **“Conditional uses”** are those that require conditional use approval by the Development Review Board under Section 5.4 before a zoning permit can be issued by the Zoning Administrator. Conditional use review ensures that any adverse impacts of development to adjoining properties, roads, community facilities and services, and the neighborhood or area in which the proposed use is located, are addressed.
3. Both permitted and conditional uses must meet relevant zoning district standards under the following district tables, general standards under Article III, and applicable use standards under Article IV.



**Table 2.1 District Summary Table**

Zoning District	Underhill Flats Village Center	Underhill Center Village	Rural Residential	Water Conservation	Mt Mansfield Scenic Preservation	Soil & Water Conservation
<b>Districts Standards:</b>						
Minimum Lot Size	1 acre	1.50 Acres	3 acres	5 acres	10 acres	15 acres
Minimum Frontage	150 ft	100 ft	250 ft	300 ft	400 ft	400 ft
Minimum Setbacks:						
Principal (Front/Side/Rear)	0/20/20 ft	0/15/15 ft	30/50/50 ft	30/50/50 ft	30/75/75 ft	30/75/75 ft
Accessory (Front/Side/Rear)	0*/15/15 ft	0/12/12 ft	30/20/20 ft	30/20/20 ft	30/20/20 ft	30/20/20 ft
Driveway (Side/Rear)	12 ft	12 ft	12 ft	12 ft	12 ft	12 ft
Max Building Coverage	50%	50%	25%	20%	10%	7%
Max Lot Coverage	75%	75%	50%	30%	15%	10%
Max Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
PUD, PRD	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
*Accessory structures shall be located at or behind the front building line of the principal structure.						
<b>Uses (P - Permitted Use, P<sup>S</sup> - Permitted w/Site Plan Review, C - Conditional Use, X - Not Allowed):</b>						
Accessory Structure, Use	P / C	P / C	P / C	P / C	P / C	P / C
Adaptive Reuse	C	C	C	C	C	C
Agribusiness	X	X	C	C	C	C
Agriculture	P	P	P	P	P	P
Agritourism	X	C	C	C	C	C
Alpine Ski Facility	X	X	X	X	C	C
Bed & Breakfast	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>
Camp	X	X	P	P	P	P
Campground	X	X	C	C	C	C(Primitive)
Cemetery	C	C	C	C	C	X
Community Center	C	C	C	C	X	X
Contractors Yard	X	X	C	C	X	X
Cultural Facility	C	C	C	C	X	X
Day Care Facility	p <sup>S</sup>	C	C	C	C	X
Dwelling – Accessory	P / C	P / C	P / C	P / C	P / C	P / C
Dwelling – Single Family	P	P	P	P	P	P
Dwelling – Two Family	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>
Dwelling – Multifamily (3+ units)	C Max: 5 Units	C Max: 3 Units	X	X	X	X
Extraction & Quarrying	X	X	C	C	C	C
Forestry	P	P	P	P	P	P
Financial Institution	C	C	X	X	X	X
Funeral Home	C	C	C	C	X	X
Garden Center	X	C	C	C	C	X
Gas Station	C	C	C (RT 15)	X	X	X
Grocery Store	C	C	X	X	X	X
Group Home	P	P	P	P	P	P
Health Clinic	C	C	C	C	X	X
Home Child Care	P	P	P	P	P	P
Home Industry	C	C	C	C	C	C
Home Occupation	P / C	P / C	P	P	P	P
Inn	C	C	C	C	C	X

Zoning District	Underhill Flats Village Center	Underhill Center Village	Rural Residential	Water Conservation	Mt Mansfield Scenic Preservation	Soil & Water Conservation
<b>Uses (P - Permitted Use, P<sup>S</sup> - Permitted w/Site Plan Review, C - Conditional Use, X - Not Allowed):</b>						
Kennel	X	X	C	C	C	C
Light Industry	C	X	C (RT15)	X	X	X
Mixed Use	P <sup>S</sup> / C	P <sup>S</sup> / C	C	C	C	C
Mobile Home Park	C	X	C	X	X	X
Mobile Home Sales	C	X	X	X	X	X
Motor Vehicle Sales & Service	C	X	X	X	X	X
Nature Center	X	C	C	C	C	C
Nordic Ski Facility	X	X	X	X	C	C
Office	P <sup>S</sup>	P <sup>S</sup>	C	C	X	X
Outdoor Market	C	C	C	C	C	X
Parking Facility	C	X	X	X	X	X
Personal Service	P <sup>S</sup>	P <sup>S</sup>	C	C	X	X
Private Club	C	C	X	X	X	X
Public Facility:						
Government – Public	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup> (Parks)	P <sup>S</sup> (Parks)
Government – Other	P <sup>S</sup>	P <sup>S</sup>	C	C	C	X
Institutional	X	X	C (RT 15)	X	X	X
Place of Worship	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	X	X
School – Public, Private	C	C	C	C	X	X
Waste Mgt Facility	X	X	C (RT 15)	X	X	X
Recreation – Indoor	C	C	C (RT 15)	C	X	X
Recreation – Outdoor	C	C	C	C	C	C
Residential Care Facility	C	C	C	C	X	X
Restaurant	C	C	C	C	C	X
Retail Store	P <sup>S</sup> / C	P <sup>S</sup> / C	C	C	X	X
Salvage Yard	X	X	C(RT 15)	X	X	X
Sawmill	X	X	C (RT15)	X	X	X
Snack Bar	P <sup>S</sup>	P <sup>S</sup>	C	C	X	X
Telecommunications Facility	C	C	C	C	C	C
Transit Facility	C	C	C	C	X	X
Veterinary Clinic	C	C	C	C	C	C
Wildlife Management Area	X	X	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>

**Table 2.2 Underhill Flats Village Center District**

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A. **Purpose:** The purpose of the Underhill Flats Village Center District (formerly known as the Residential 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 densities of development as supported by existing and planned infrastructure.

**B. Permitted Uses:**

1. Accessory Structure, Use (to a permitted use)
2. Agriculture (Section 10.2)
3. Dwelling – Attached Accessory (Section 4.15)
4. Dwelling – Detached Accessory (Section 4.15)
5. Dwelling– Single Family
6. Dwelling – Two Family (Section 4.15)
7. Forestry (Section 10.2)
8. Group Home (max: 8 residents; Section 4.10)
9. Home Child Care (max: 10 children; Section 4.7)
10. Home Occupation (Section 4.11)

**Site Plan Review (see E.2):**

11. Bed & Breakfast (max: 5 rooms; Section 4.5)
12. Day Care Facility (see Section 4.7)
13. Mixed Use (Section 4.12)
14. Office
15. Place of Worship
16. Personal Service
17. Public Facility (see E.5 below; Section 4.16)
18. Retail Store (max: 4000 SF)
19. Snack Bar

**C. Conditional Uses:**

1. Accessory Structure, Use (to a conditional use)
2. Adaptive Reuse (Section 4.2)
3. Cemetery
4. Community Center
5. Cultural Facility
6. Dwelling – Detached Accessory (Section 4.15)
7. Dwelling– Multifamily (max: 5 units)
8. Financial Institution
9. Funeral Home
10. Gas Station (Section 4.9)
11. Grocery Store (max: 20,000 SF)
12. Health Clinic
13. Home Industry (Section 4.11)
14. Inn (max: 24 guest rooms; Section 4.5)
15. Light Industry (max: 10,000 SF)
16. Mixed Use (max: 10,000 SF; Section 4.12)
17. Mobile Home Park (Section 4.13)
18. Mobile Home Sales (Section 4.13)
19. Motor Vehicle Sales & Service (Section 4.14)
20. Outdoor Market
21. Parking Facility
22. Private Club
23. Recreation– Indoor
24. Recreation– Outdoor
25. Residential Care Facility (Section 4.10)
26. Restaurant (max: 90 seats; no drive-through)
27. Retail Store (max: 10,000 SF)
28. School– Public, Private (see E.6, Section 4.16)
29. Telecommunications Facility (Section 4.18)
30. Transit Facility
31. Veterinary Clinic

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**Table 2.2 Underhill Flats Village Center District, continued**

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

Minimum Lot Size	1 acre	4
Minimum Frontage (along road ROW)	150 feet	5
Minimum Setbacks – Principal Structures		6
Front (from road ROW/front lot line)	None	7
Side (from side lot lines)	20 feet	8
Rear (from rear lot line)	20 feet	9
Minimum Setbacks – Accessory Structures		10
Front (from front lot line)	See E.4	11
Side (from side lot lines)	15 feet	12
Rear (from rear lot line)	15 feet	13
Minimum Setback – Surface Waters, Wetlands	See Section 3.19	14
Minimum Setbacks - Driveways	See E.5	15
Maximum Building Coverage (all building footprints)	50%	16
Maximum Lot Coverage (all impervious surfaces)	75%	17
Maximum Height (see Section 3.6)	35 feet	18
Planned Development ( PUD, PRD)	Allowed	19

**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. Maximum square footage (SF) limitations listed above for specified uses within this district refer to the maximum allowed gross floor area.
4. Accessory structures shall be constructed not less than 15 feet from side and rear lot lines. An accessory shall also be located at or to the rear of the front building line of the principal building(s) on the lot.
5. 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)].

**Table 2.2 Underhill Flats Village Center District, continued**

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- 6. 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 4.16.)
- 7. Planned residential and planned unit developments (PUDs, PRDs) are allowed within this district to provide for the development of affordable housing and to support a compact village development pattern. District dimensional standards may be modified or varied accordingly under Article IX.



**Table 2.3 Underhill Center Village District**

A. **Purpose:** The purpose of the Underhill Center Village District is to encourage a community that reflects its historic character, which includes diverse residential, public, and small-scale commercial uses. This District’s intent is to provide gathering places, services, work spaces and recreational spaces in a compact, safe, walkable and welcoming setting to the extent topographical and environmental conditions allow.

**B. Permitted Uses:**

1. Accessory Structure, Use (to a permitted use)
2. Agriculture (Section 10.2)
3. Dwelling – Attached Accessory (Section 4.15)
4. Dwelling – Detached Accessory (Section 4.15)
5. Dwelling – Single Family
6. Dwelling – Two Family (Section 4.15)
7. Forestry (Section 10.2)
8. Group Home (max: 8 residents; Section 4.10)
9. Home Child Care (max: 10 children; Section 4.7)
10. Home Occupation (Section 4.11)

**Site Plan Review (see E.2):**

11. Bed & Breakfast (max: 5 rooms; Section 4.5)
12. Mixed Use (Section 4.12)
13. Office
14. Place of Worship
15. Personal Service
16. Public Facility (see E.5 below; Section 4.16)
17. Retail Store (max: 4000 SF)
18. Snack Bar

**C. Conditional Uses:**

1. Accessory Structure, Use (to a conditional use)
2. Adaptive Reuse (Section 4.2)
3. Agritourism
4. Cemetery
5. Community Center
6. Cultural Facility
7. Day Care Facility (Section 4.7)
8. Dwelling – Detached Accessory (Section 4.15)
9. Dwelling – Multi Family (max: 3 units)
10. Financial Institution
11. Funeral Home
12. Garden Center
13. Gas Station (Section 4.9)
14. Grocery Store (max: 20,000 SF)
15. Health Clinic
16. Home Industry (Section 4.11)
17. Inn (max: 24 guest rooms; Section 4.5)
18. Mixed Use (max: 10,000 SF; Section 4.12)
19. Nature Center
20. Outdoor Market
21. Private Club
22. Recreation– Indoor
23. Recreation– Outdoor
24. Residential Care Facility (Section 4.10)
25. Restaurant (max: 90 seats; no drive-through)
26. Retail Store (max: 10,000 SF)
27. School– Public, Private (see E.6, Section 4.16)
28. Telecommunications Facility (Section 4.18)
29. Transit Facility
30. Veterinary Clinic



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**Table 2.3 Underhill Center Village District, continued**

- 6. 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 4.16.)
  
- 7. Planned residential and planned unit developments (PUDs, PRDs) are allowed within this district to provide for the development of affordable housing and to support a compact village development pattern. District dimensional standards may be modified or varied accordingly under Article IX.

**Table 2.4 Rural Residential District**

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A. **Purpose.** The purpose of the Rural Residential District is to accommodate medium density development on land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. The Rural Residential district allows for the continuation of existing commercial, residential, and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

**B. Permitted Uses:**

- 1. Accessory Structure, Use (to a permitted use)
- 2. Agriculture (Section 10.2)
- 3. Camp
- 4. Dwelling – Attached Accessory (Section 4.15)
- 5. Dwelling – Detached Accessory (Section 4.15)
- 6. Dwelling – Single-family
- 7. Dwelling – Two-family (Section 4.15)
- 8. Forestry (see Section 10.2)
- 9. Group Home (max: 8 residents; Section 4.10)
- 10. Home Child Care (max: 10 children; Sec. 4.7)
- 11. Home Occupation (Section 4.11)

**Site Plan Review (see E.2):**

- 12. Bed & Breakfast (max: 5 rooms; Section 4.5)
- 13. Place of Worship (Section 4.16)
- 14. Public Facility (E.5, Section 4.16)
- 15. Wildlife Management Area

**C. Conditional Uses:**

- 1. Accessory Structure, Use (to a conditional use)
- 2. Adaptive Reuse (Section 4.2)
- 3. Agribusiness
- 4. Agritourism
- 5. Campground (Section 4.4)
- 6. Cemetery
- 7. Community Center
- 8. Contractor's Yard (Section 4.6)
- 9. Cultural Facility
- 10. Day Care Facility (Section 4.7)
- 11. Dwelling – Detached Accessory (Section 4.15)
- 12. Extraction and Quarrying (Section 4.8)
- 13. Funeral Home
- 14. Garden Center
- 15. Health Clinic
- 16. Home Industry (Section 4.11)
- 17. Inn (max: 24 rooms; Section 4.5)
- 18. Kennel
- 19. Mixed Use (Section 4.12)
- 20. Mobile Home Park (Section 4.13)
- 21. Nature Center
- 22. Office
- 23. Outdoor Market
- 24. Personal Service
- 25. Public Facility (see E.5; Section 4.16)
- 26. Recreation – Outdoor
- 27. Residential Care Facility (Section 4.10)
- 28. Restaurant (no drive-through)
- 29. Retail Store (max: 2,500 square feet)
- 30. School – Public, Private (see E.5; Section 4.16)
- 31. Snack Bar
- 32. Telecommunications Facility (Section 4.18)
- 33. Transit Facility
- 34. Veterinary Clinic

**Table 2.4 Rural Residential District, continued**

**C. Conditional Uses, continued:**

**Allowed only on lots with frontage on Route 15:**

- 35. Gas Station (Section 4.9)
- 36. Institutional (see E.5, Section 4.16)
- 37. Light Industry
- 38. Recreation– Indoor
- 39. Salvage Yard (Section 4.17)
- 40. Sawmill
- 41. Waste Management Facility (E.5, Section 4.16)

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**D. Dimensional Standards:**

Minimum Lot Size	3 acres
Minimum Frontage (along road ROW)	250 feet
Minimum Setbacks – Principal Structures:	
Front (from road ROW/ front lot line)	30 feet
Side (from side lot lines)	50 feet
Rear (from rear lot line)	50 feet
Minimum Setbacks – Accessory Structures:	
Front (from front lot line)	30 feet
Side (from side lot lines)	20 feet
Rear (from rear lot line)	20 feet
Minimum Setback – Surface Waters, Wetlands	See Section 3.19
Minimum Setbacks - Driveways	See E.4
Maximum Building Coverage (all building footprints)	25%
Maximum Lot Coverage (all impervious surfaces)	50%
Maximum Height (see Section 3.6)	35 feet
Planned Development ( PUD, PRD )	Allowed

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**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 home, 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.

**Table 2.4 Rural Residential District, continued**

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3. Maximum square footage (SF) limitations listed above for specified uses within this district refer to the maximum total gross floor area.
4. 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)].
5. Public Facilities (see also 4.16):
  - a. Public facilities allowed as permitted uses within this district are limited to places of worship, and municipal facilities owned and operated by the Town of Underhill and 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 institutions certified by the Vermont Department of Education, which are conditional uses in this district.
  - b. Public facilities allowed as a conditional use within this district, in addition to schools, are limited to other facilities that serve the public, but are not intended for unrestricted public access or use (e.g., fire and ambulance stations, town garage, transfer station, public water, regulated utility, wastewater facility or solid or hazardous waste management facility). Institutional uses (e.g., correctional facilities, hospitals) and waste management facilities are allowed in this district only on parcels with frontage on or direct access to Route 15.
6. Planned residential and planned unit developments (PRDs, PUDs) are allowed within this district to protect significant natural resources as identified in the Underhill Town Plan and maps, to promote the development of affordable housing in appropriate locations, and to preserve open space. Dimensional standards may be modified or varied accordingly under Article IX.
7. All structures, with the exception of telecommunications and ancillary facilities are prohibited in this district over 1,500 feet in elevation above mean sea level.



**Table 2.5 Water Conservation District, continued**

**D. Dimensional Standards:**

Minimum Lot Size	5 acres
Minimum Frontage (along road ROW)	300 feet
Minimum Setbacks – Principal Structures:	
Front (from road ROW/ front lot line)	30 feet
Side (from side lot lines)	50 feet
Rear (from rear lot line)	50 feet
Minimum Setbacks – Accessory Structures:	
Front (from front lot line)	30 feet
Side (from side lot lines)	20 feet
Rear (from rear lot line)	20 feet
Minimum Setback – Surface Waters, Wetlands	See Section 3.19
Minimum Setbacks – Driveways	See E.4
Maximum Building Coverage (all building footprints)	20%
Maximum Lot Coverage (all impervious surfaces)	30%
Maximum Height (see Section 3.6)	35 feet
Planned Development (PUD, PRD)	Allowed

**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 home, home child care, home occupations, and bed and breakfasts) 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. Maximum square footage (SF) limitations listed above for specified uses within this district refer to the maximum total gross floor area.
4. 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)].

**Table 2.5 Water Conservation District, continued**

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- 5. Public Facilities (see also 4.16):
  - a. Public facilities allowed as a permitted use within this district are limited to places of worship and municipal facilities owned and operated by the Town of Underhill 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.
- 6. Planned residential and planned unit developments (PRDs, PUDs) are allowed within this district to promote clustered development that minimizes the amount of impervious surface and impacts to groundwater recharge areas, to protect other significant natural resources as identified in the Underhill Town Plan and maps, to promote the development of affordable housing in appropriate locations, and to preserve open space. Dimensional standards may be modified or varied accordingly under Article IX.
- 7. All structures, with the exception of telecommunications and ancillary facilities are prohibited in this district over 1,500 feet in elevation above mean sea level.

**Table 2.6 Mt. Mansfield Scenic Preservation District**

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A. **Purpose:** The purpose of the Scenic Preservation District is to protect the scenic vistas along Pleasant Valley Road. This district includes upland areas with access and/or development constraints, and valley areas with access onto Pleasant Valley Road. The goal of this is achieved by allowing compatible lower densities of development or clustered development that maintains Underhill's rural character while protecting the views along Pleasant Valley Road.

**B. Permitted Uses:**

- 1. Accessory Structure, Use (to a permitted use)
- 2. Agriculture (Section 10.2)
- 3. Camp
- 4. Dwelling – Attached Accessory (Section 4.15)
- 5. Dwelling – Detached Accessory (Section 4.15)
- 6. Dwelling – Single-family
- 7. Dwelling – Two-family (Section 4.15)
- 8. Forestry (Section 10.2)
- 9. Group Home (max: 8 residents; Section 4.10)
- 10. Home Child Care (max: 10 children, Section 4.7)
- 11. Home Occupation (Section 4.11)

**Site Plan Review (see E.2):**

- 12. Bed & Breakfast (max: 5 rooms; Section 4.5)
- 13. Public Facility (see E.5; Section 4.16)
- 14. Wildlife Management Area

**C. Conditional Uses:**

- 1. Accessory Structure, Use (to a conditional use)
- 2. Adaptive Reuse (Section 4.2)
- 3. Agribusiness
- 4. Agritourism
- 5. Alpine Ski Facility
- 6. Campground (Section 4.4)
- 7. Cemetery
- 8. Day Care Facility (Section 4.7)
- 9. Dwelling – Detached Accessory (Section 4.15)
- 10. Extraction and Quarrying (Section 4.8)
- 11. Garden Center
- 12. Health Clinic
- 13. Home Industry (Section 4.11)
- 14. Inn (max: 24 guest rooms; see Section 4.5)
- 15. Kennel
- 16. Mixed Use (Section 4.12)
- 17. Nature Center
- 18. Nordic Ski Facility
- 19. Outdoor Market
- 20. Public Facility (see E.5; Section 4.16)
- 21. Recreation– Outdoor
- 22. Restaurant
- 23. Telecommunications Facility (Section 4.18)
- 24. Veterinary Clinic

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**Table 2.6 Mt. Mansfield Scenic Preservation District, continued**

**D. Dimensional Standards:**

Minimum Lot Size	10 acres
Minimum Frontage (along road ROW)	400 feet
Minimum Setbacks – Principal Structures:	
Front (from road ROW/front lot line)	30 feet
Side (from side lot lines)	75 feet
Rear (from rear lot line)	75 feet
Minimum Setbacks – Accessory Structures	
Front (from front lot line)	30 feet
Side (from side lot lines)	20 feet
Rear (from rear lot line)	20 feet
Minimum Setback – Surface Waters, Wetlands	See Section 3.19
Minimum Setbacks – Driveways	See E.4
Maximum Building Coverage (all building footprints)	10%
Maximum Lot Coverage (all impervious surfaces)	15%
Maximum Height (see Section 3.6)	35 feet
Planned Development (PUD, PRD)	Allowed

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

**Table 2.6 Mt. Mansfield Scenic Preservation District, continued**

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- 5. Public Facilities (see also 4.16):
  - a. Public facilities allowed as permitted uses in this district are limited to federal, state, or municipal parks, forests, wildlife management and outdoor recreation areas and associated facilities.
  - b. Public facilities allowed as a conditional use within this district 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. Institutional uses (e.g., hospitals, correctional facilities) and hazardous and solid waste management facilities are specifically prohibited in this zoning district.
- 6. Planned residential and planned unit developments are allowed within this district to protect significant natural and scenic resources, including scenic vistas along Pleasant Valley Road, as identified in the Underhill Town Plan and maps or from site investigation, to promote the development of affordable housing in appropriate locations, and to preserve open space. Dimensional standards may be modified or varied accordingly under Article IX.
- 7. All structures, with the exception of telecommunications and ancillary facilities are prohibited over 1,500 feet in elevation above mean sea level.

**Table 2.7 Soil and Water Conservation District**

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A. **Purpose:** The Soil and Water Conservation District includes significant headwater and aquifer recharge areas, unique and fragile natural areas, critical wildlife habitat, and mountainsides and ridges characterized by steep slopes and shallow soils. The purpose of this district is to protect Underhill's more remote and inaccessible forested upland areas from fragmentation, development, and undue environmental disturbance, while allowing for the continuation of traditional uses such as forestry, outdoor recreation, and compatible development.

**B. Permitted Uses:**

- 1. Accessory Structure, Use (to a permitted use)
- 2. Agriculture (Section 10.2)
- 3. Camp
- 4. Dwelling – Attached Accessory (Section 4.15)
- 5. Dwelling – Detached Accessory (Section 4.15)
- 6. Dwelling – Single-family
- 7. Dwelling– Two-family (Section 4.15)
- 8. Group Home (max: 8 residents; Section 4.10)
- 9. Forestry (Section 10.2)
- 10. Home Child Care (max: 10 children; Sec. 4.7)
- 11. Home Occupation (Section 4.11)

**Site Plan Review (see E.2):**

- 12. Bed & Breakfast (max: 5 rooms; Section 4.5)
- 13. Public Facility (see E.6; Section 4.16)
- 14. Wildlife Management Area

**C. Conditional Uses:**

- 1. Accessory Structure, Use (to a conditional use)
- 2. Adaptive Reuse (see Section 4.2)
- 3. Agribusiness
- 4. Agritourism
- 5. Alpine Ski Facility (see E.5)
- 6. Campground (primitive, see E.9; Section 4.4)
- 7. Dwelling– Detached Accessory (Section 4.15)
- 8. Extraction and Quarrying (Section 4.8)
- 9. Home Industry (Section 4.11)
- 10. Kennel
- 11. Mixed Use (Section 4.12)
- 12. Nature Center
- 13. Nordic Ski Facility (see E.5)
- 14. Recreation – Outdoor
- 15. Telecommunications Facility (Section 4.18)
- 16. Veterinary Clinic

**D. Dimensional Standards:**

Minimum Lot Size	15 acres
Minimum Frontage (along road ROW)	400 feet
Minimum Setbacks – Principal Structures:	
Front (from road ROW/front lot line)	30 feet
Side (from side lot lines)	75 feet
Rear (from rear lot line)	75 feet
Minimum Setbacks – Accessory Structures:	
Front (from front lot line)	30
Side (from side lot lines)	20 feet
Rear (from rear lot line)	20 feet
Minimum Setback – Surface Waters, Wetlands	See Section 3.19
Minimum Setbacks – Driveways	See E.7
Maximum Building Coverage (all building footprints)	7 %
Maximum Lot Coverage (all impervious surfaces)	10 %
Maximum Height (see Section 3.6)	35 feet
Planned Development (PUD, PRD)	Allowed

**Table 2.7 Soil and Water Conservation District, continued****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 home, home child care, home occupations, and bed and breakfasts) 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. For development in this district that is subject to conditional use review under Section 5.4 the Development Review Board, to avoid or mitigate potential adverse impacts to environmental or scenic resources as identified in the Underhill Town Plan and maps or from site investigation, may:
  - a. Limit the extent of site clearing and disturbance, including the removal of existing vegetation.
  - b. Require screening or reforestation as necessary to minimize the environmental or visual impacts of development.
  - c. Require the submission of environmental or visual impact assessments, lighting plans, forest, wildlife habitat, erosion control and /or stormwater management plans for board review and approval.
4. Alpine and Nordic ski facilities allowed in this district as conditional use are limited to trails, ski lifts, warming huts, and ancillary storage and maintenance facilities.
5. Public facilities allowed in this district are limited to federal, state, or municipal parks, forests, wildlife management and outdoor recreation areas and associated facilities. All other types of public facilities are prohibited (see also 4.16).
6. Planned residential and planned unit developments are allowed within this district to protect significant natural resources as identified in the Underhill Town Plan and maps; to promote the development of affordable housing in appropriate locations; and to preserve open space. Dimensional standards may be modified or varied accordingly under Article IX.

**Table 2.7 Soil and Water Conservation District, continued**

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- 7. 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 E. 8 below and also Sections 3.2(D)(8) and 3.7(E)(3)] and lots with limited frontage [see Section 3.2(B)].
- 8. To the extent feasible, in addition to the requirements of Section 3.2, access roads and driveways in this district shall be designed and located to:
  - a. Share existing rights of way and/or follow existing linear features (e.g. tree or fence lines);
  - b. Minimize their visibility as viewed from public vantage points, including public roads;
  - c. Minimize the extent and number of stream crossings; and
  - d. Avoid the fragmentation of wetlands, significant wildlife habitat, natural areas and timber stands.
- 9. Campgrounds within this district are limited to designated tenting areas and tent sites. No facilities of structures other than tent or yurt platforms, a central lean-to, composting-type toilets or saunas are allowed (see Section 4.4).
- 10. New structures, with the exception of telecommunications and ancillary facilities are prohibited in this district over 1,500 feet in elevation above mean sea level.

**Table 2.8 Flood Hazard Overlay District**

A. **Purpose:** The Flood Hazard Overlay District includes all Special Flood Hazard Areas (SFHAs) – 100-year floodplains – identified in and on the most current Flood Insurance Study and Flood Insurance Rate Maps for the Town of Underhill. The purposes of this district and associated regulations under Article VI are to:

1. Promote public health, safety and general welfare;
2. Prevent increases in flooding caused by uncontrolled development of lands in special flood hazard areas;
3. Avoid or minimize loss of life and property, the disruption of commerce, the impairment of the tax base, and extraordinary public expenditures and demands on public services that result from flooding;
4. Minimize flood losses by restricting or prohibiting uses that are dangerous to health, safety or property in times of flooding or cause excessive increase in flood heights or velocities;
5. Ensure that development within flood hazard areas is reasonably safe from flooding, occurs in a manner that minimizes or eliminates potential flood hazards to life and property, and maintains the functional capacity of floodplains to carry flood waters;
6. Implement goals and objectives of adopted municipal and hazard mitigation plans, and related state planning goals under the Act [§4302]; and to
7. Manage flood hazard areas designated by the state (under 10 V.S.A. §753) in accordance with requirements for community participation in the National Flood Insurance Program, and thereby ensure that the Town of Underhill, its residents and businesses are eligible for available federal flood insurance, disaster recovery funds, and hazard mitigation funds.

B. **Allowed Uses:**

As specified for the underlying zoning district, except as limited, conditioned or prohibited under Section 6.4. Note that zoning permits and approvals are required, to the extent authorized under the Act [§§4412, 4424], for all development within Special Flood Hazard Areas as “development” is specifically defined under Section 11.3 for purposes of flood hazard area regulation. Development in this context may include uses or activities that otherwise are exempt from municipal permit requirements under Section 10.2. Allowed uses within the underlying district – including new structures, or additions or improvements to existing structures – generally require conditional use review in the Flood Hazard Overlay District (see Section 6.4).

C. **Dimensional Standards:**

As specified for the underlying zoning district.

**Table 2.8 Flood Hazard Overlay District, continued**

**D. Supplemental District Standards:**

1. Where the standards of this overlay district differ from underlying district standards, the more restrictive shall apply.
2. Flood hazard area district designations and associated regulations under Article VI do not imply that land outside of mapped Special Flood Hazard Areas will be free from flooding. These regulations shall not create liability on the part of the Town of Underhill, or any municipal official or employee thereof, for any flood damages that result from reliance on these regulations, or any administrative decision lawfully made hereunder.
3. No new development shall be allowed within this district (a Special Flood Hazard Area) if it can be reasonably located, in relation to its function, outside of this overlay district on the parcel to be developed, or on another parcel in common ownership.
4. Mandatory state and federal requirements for continued eligibility in the National Flood Insurance Program including, but not limited to, associated structural standards, definitions, administrative and variance requirements shall be applied to the review of all development in the Flood Hazard Overlay District. Accordingly:
  - a. Applications for development in this district must include all information required under Section 6.5, and are subject to state agency referral requirements.
  - b. Development in this district must meet all applicable development standards under Section 6.6, in addition to the development standards for the underlying zoning district.
  - c. Requests for variances from flood hazard area development standards under Section 6.6 must meet variance requirements of Section 6.8, in addition to general variance requirements under Section 5.5.
  - d. Records of permits, approvals, notices, variances, and required certifications for development within this district shall be maintained by the Zoning Administrator in accordance with Section 6.9.