

RESOLVED:

WHEREAS, the Planning Commission is the author of the Town of Underhill Unified Land Use and Development Regulations of 2011, as amended in 2012 (the "Regulations") and the drafting and administration of the Regulations is committed to the Planning Commission pursuant to 24 V.S.A. § 4325, and

WHEREAS, it has come to the Planning Commission's attention that some believe incorrectly that when a lot is divided between two zoning districts (a "split lot") the zoning and development requirements that apply to the most restricted district in the split lot apply to the entire lot,

THEREFORE, the Planning Commission now issues this clarification and interpretation of the Regulations, with particular reference to Article II and Section 2.2.E of the Regulations.

When there is a split lot, only the provisions of the district in which the proposed use or building will be located apply to that use or building. For example, if a lot lies in both District A and District B, and the proposed use or building is to be solely in District A, only the provisions of District A apply, without regard to the provisions that apply to District B. The requirements of the most restrictive district do not apply to the entire lot.

The only exceptions to this are when a proposed use or structure straddles two or more districts. In that case (a) the proposed use must be allowed in both (or all) districts in which the use would occur and (b) the most restrictive frontage and setback requirements in which any part of the structure would be located apply to the entire structure.

For example: A lot is split between District A and District B. District A of the split lot allows a contractor's yard as a conditional use, District B does not. The contractor's yard is to be entirely in District A. The conditional use may be allowed, even though District B would not allow it. If, however, the proposal is that the contractor's yard is to straddle the two districts, the use cannot be allowed since it is not allowed in District B.

For example: A lot is split between District A and District B. District A of a split lot requires a 50 foot setback, District B requires a 75 foot setback. The structure is to be entirely in District A. The 50 foot setback applies and the 75 foot setback of District B is irrelevant. If, however, the structure straddles the district boundary, the 75 foot setback of District B applies to the entire structure.

This is the Planning Commission's official interpretation of the Regulations and particularly Section 2.2.E of the Regulations. None of the above affects the Development Review Board's limited discretion under Section 2.2.E.3 of the Regulations.

Adopted February 12th, 2014.

Underhill Planning Commission

 - Chair