

**TABLE 2.1
COMMERCIAL DISTRICT [ZONE A]**

(A) Purpose. The purpose of the Commercial District is to encourage a mix of small-scale business uses at moderate densities in an area with convenient access to principal highway corridors, while avoiding strip development patterns and maintaining safe and efficient traffic flow.

(B) Permitted Uses

1. Accessory Dwelling [see Section 4.2]
 2. Accessory Structure/Use (to a permitted use)
 3. Agriculture
 4. Bank/Financial Institution
 5. Day Care Center
 6. Forestry
 7. Group Home
 8. Home Child Care [see Section 4.10]*
 9. Home Occupation [see Section 4.10]*
 10. Medical Clinic
 11. Motor Vehicles Sales & Service
 12. Personal Service
 13. Place of Worship
 14. Private Club
 15. Professional/Business Office
 16. Recreation Facility (Indoor)
 17. Recreation Facility (Outdoor)
 18. Restaurant (without drive-through)
 19. Retail Sales
 20. Self-storage Facility
 21. Transit Shelter
 22. Veterinary Clinic
- * Within an existing single-family dwelling

(C) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Campground [see Section 4.5]
3. Cultural facility
4. Dwelling, Multi-family
5. Dwelling, Single-family
6. Dwelling, Two-family
7. Adaptive Re-use [see Section 4.3]
8. Extraction of Resources [see Sections 4.6 & 4.7]
9. Gas Station [see Section 4.8]
10. Home Industry [see Section 4.10]
11. Hotel/Motel
12. Kennel
13. Mixed Use [see Section 4.11]
14. Public Facility/Utility [see Section 4.13]
15. Residential Care Facility
16. Restaurant (with drive-through)
17. School
18. Telecommunications Facility [see Section 4.14]
19. Any other use the Development Review Board determines to be similar in scale, intensity and potential impact as other uses allowed as permitted or conditional uses in this district.

(D) Dimensional Standards

<i>Dimensional Standards (unless otherwise specified for a particular use)</i>	
Minimum Lot Size	1 acre
Minimum Frontage	150 feet
Minimum Setback/Front [see also Section 2.3 (E)]	75 feet
Minimum Setback/Side	25 feet
Minimum Setback/Rear	25 feet
Maximum Height	35 feet

(E) Supplemental District Standards

- (1) A single family dwelling in existence as of the effective date of these regulations may be altered or enlarged in accordance with the dimensional standards set forth in Subsection (D) with the approval of the Zoning Administrator under Section 7.1. Such alteration or enlargement shall not require conditional use approval under Section 5.5.
- (2) A single family dwelling in existence as of the effective date of these regulations may be converted to a two-family dwelling with the approval of the Zoning Administrator under Section 7.1, providing the conversion has received all applicable wastewater and water supply approvals from the Vermont Department of Environmental Conservation.
- (3) All permitted uses, excluding single-family and two-family dwellings, accessory uses/structures to single family dwellings (e.g., home occupations, accessory dwellings, home child care), forestry and agriculture, must receive site plan approval by the Development Review Board in accordance with Section 5.4.
- (4) All uses must comply with the requirements of Article 3: General Regulations and Article 4: Specific Use Standards, as applicable.
- (5) Planned Unit Developments are allowed in the Commercial District in accordance with Section 5.6.

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**TABLE 2.2
INDUSTRIAL DISTRICT [ZONE B]**

(A) Purpose. The purpose of the Industrial District is to encourage a variety of industrial, manufacturing and appropriate commercial uses at moderate densities and in a compact settlement pattern in locations that historically have been used as such, and which are served by good highway access.

(B) Permitted Uses

1. Accessory Dwelling [see Section 4.2]
 2. Accessory Structure/Use (to a permitted use)
 3. Agriculture
 4. Forestry
 5. Home Child Care [see Section 4.10]*
 6. Home Occupation [see Section 4.10]*
 7. Home Industry [see Section 4.10]
 8. Light Industry
 9. Manufacturing
 10. Professional/Business Office
 11. Retail Sales
 12. Self Storage Facility
 13. Warehouse Storage
 14. Wholesale Business
 15. Motor Vehicles Sales & Service
- * Within an existing single-family dwelling

(C) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Contractor's Yard
3. Day Care Center
4. Dwelling, Single-Family
5. Adaptive Re-use [see Section 4.3]
6. Extraction of Resources [see Sections 4.6 and 4.7]
7. Group Home [see Section 4.9]
8. Mixed Use [see Section 4.11]
9. Public Facility [see Section 4.13]
10. Recreation Facility (Indoor)
11. Recreation Facility (Outdoor)
12. Sanitary Landfill
13. Transfer Station
14. Telecommunications Facility [see Section 4.14]
15. Transit Shelter
16. Any other use the Development Review Board determines to be similar in scale, intensity and potential impact as other uses allowed as permitted or conditional uses in this district.

(D) Dimensional Standards

<i>Dimensional Standards (unless otherwise specified for a particular use)</i>	
Minimum Lot Size	1 acre
Minimum Frontage	150 feet
Minimum Setback/Front [see also Section 2.3 (E)]	50 feet
Minimum Setback/Side	25 feet
Minimum Setback/Rear	25 feet
Maximum Height	35 feet

(E) Supplemental District Standards

- (1) A single family dwelling in existence as of the effective date of these regulations may be altered or enlarged in accordance with the dimensional standards set forth in Subsection (D) with the approval of the Zoning Administrator under Section 7.1. Such alteration or enlargement shall not require conditional use approval under Section 5.5.
- (2) All permitted uses, excluding single-family and two-family dwellings, accessory uses/structures to single family dwellings (e.g., home occupations, accessory dwellings, home child care), forestry, and agriculture, must receive site plan approval by the Development Review Board in accordance with Section 5.4.
- (3) All uses must comply with the requirements of Article 3: General Regulations and Article 4: Specific Use Standards, as applicable.
- (4) Planned Unit Developments are allowed in the Industrial District in accordance with Section 5.6.
- (5) No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties. In accordance with the Act [§§4414(5), 4413(d)], the following performance standards, as measured at the property line, must be met and maintained for uses in the Industrial District except for agriculture and forestry. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns. No use, under normal conditions, shall cause, create or result in:

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- (a) **Noise** in excess of eighty (80) decibels that is not the result of occasional, customary activities associated with an allowed use (e.g., lawn mowing); or noise that otherwise represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
- (b) **Clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments;
- (c) **Smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;
- (d) **Releases of heat, cold, moisture, mist, fog or condensation** which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;
- (e) **Electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare (except from facilities which are specifically licensed and regulated through the Federal Communications Commission);
- (f) **Glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;
- (g) **Liquid or solid waste or refuse** which cannot be disposed of by available methods without undue burden to municipal or public disposal facilities, which pollutes surface or groundwaters, or which is otherwise detrimental to public health, safety and welfare; or
- (h) **Undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties, or which results in a significantly increased burden on municipal facilities and services.

**TABLE 2.3
RESIDENTIAL-COMMERCIAL DISTRICT [ZONE C]**

(A) Purpose. The purpose of the Residential-Commercial District is to promote compact residential development, and commercial uses compatible with the scale and character of residential neighborhoods, within and surrounding traditional village centers.

(B) Permitted Uses

1. Accessory Dwelling [see Section 4.2]
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Bank/Financial Institution
5. Bed & Breakfast
6. Boarding House
7. Community Center
8. Dwelling, Single-family
9. Dwelling, Two-family
10. Forestry
11. Funeral Home
12. Group Home [see Section 4.9]
13. Home Child Care [see Section 4.10]
14. Home Occupation [see Section 4.10]
15. Home Industry [see Section 4.10]
16. Medical Clinic
17. Motor Vehicles Sales & Service
18. Personal Service
19. Place of Worship
20. Professional/Business Office
21. Recreation Facility (Indoor)
22. Recreation Facility (Outdoor)
23. Restaurant (without drive-through)
24. Retail Sales
25. Veterinary Clinic

(D) Dimensional Standards

<i>Dimensional Standards (unless otherwise specified for a particular use)</i>	
Minimum Lot Size	1 acre
Minimum Frontage	150 feet
Minimum Setback/Front [see also Section 2.3 (E)]	50 feet
Minimum Setback/Side	25 feet
Minimum Setback/Rear	25 feet
Maximum Height	35 feet

(E) Supplemental District Standards

- (1) All permitted uses, excluding single-family and two-family dwellings, accessory uses/structures to single family dwellings (e.g., home occupations, accessory dwellings, home child care), forestry and agriculture, must receive site plan approval by the Development Review Board in accordance with Section 5.4.
- (2) All uses must comply with the requirements of Article 3: General Regulations and Article 4: Specific Use Standards, as applicable.
- (3) Planned Residential Developments (PRDs) and Planned Unit Developments (PUDs) are allowed in the Residential - Commercial District in accordance with Section 5.6.

(C) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Cultural Facility
3. Day Care Center
4. Dwelling, Multi-family [see Subsection (E)]
5. Adaptive Re-use [see Section 4.3]
6. Extraction of Resources [see Sections 4.6 and 4.7]
7. Gas Station [see Section 4.8]
8. Home Industry [see Section 4.10]
9. Public Facility [see Section 4.13]
10. Mixed Use [see Section 4.11]
11. Residential Care Facility
12. Restaurant (with drive-through)
13. School
14. Telecommunications Facility [see Section 4.14]
15. Transit Shelter
16. Any other use the Development Review Board determines to be similar in scale, intensity and potential impact as other uses allowed as permitted or conditional uses in this district.

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**TABLE 2.4
RURAL RESIDENTIAL-AGRICULTURAL DISTRICT [ZONE D]**

(A) Purpose. The purpose of the Rural Residential-Agricultural District is to promote agriculture and forestry while accommodating low-density residential development and other compatible non-residential uses.

(B) Permitted Uses

1. Accessory Dwelling [see Section 4.2]
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Bed & Breakfast
5. Cemetery
6. Community Center
7. Dwelling, Single-family
8. Dwelling, Two-family
9. Dwelling, Multi-family (maximum 6 dwelling units – with minimum area per dwelling unit of 3 acres)
10. Forestry
11. Group Home [see Section 4.9]
12. Home Child Care [see Section 4.10]
13. Home Occupation [see Section 4.10]
14. Recreation Facility (Outdoor)

(C) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Campground [see Section 4.5]
3. Dwelling, Multi-family
4. Adaptive Re-use [see Section 4.3]
5. Extraction of Resources [see Sections 4.6 and 4.7]
6. Home Industry [see Section 4.10]
7. Kennel
8. Light Industry
9. Mixed Uses [see Section 4.11]
10. Mobile Home Park [see Section 4.12]
11. Neighborhood Business [see Subsection (E)]
12. Public Facility/Utility [see Section 4.13]
13. Telecommunications Facility [see Section 4.14]
14. Veterinary Clinic
15. Any other use the Development Review Board determines to be similar in scale, intensity and potential impact as other uses allowed as permitted or conditional uses in this district.

(D) Dimensional Standards

<i>Dimensional Standards (unless otherwise specified for a particular use)</i>	
Minimum Lot Size	3 acres
Minimum Frontage	250 feet
Minimum Setback/Front [see Subsection (E)(2) below]	75 feet
Minimum Setback/Side [see Subsection (E)(2) below]	50 feet
Minimum Setback/Rear [see Subsection (E)(2) below]	50 feet
Maximum Height	35 feet

(E) Supplemental District Standards

- (1) A Neighborhood Business in the Rural Residential-Agricultural District shall be approved by the Development Review Board as a conditional use in accordance with Section 5.5 and the following requirements:
 - (a) Neighborhood Businesses (e.g., farm market, grocery stores, antique or craft shop, or other light commercial activity of similar nature) shall be housed in buildings designed to be consistent with the rural-agricultural character of the district.
 - (b) Retail floor area shall not exceed a maximum of 3,500 square feet.
 - (c) Hours of operation shall be compatible with the residential character of the district. The Board may limit evening or night hours to ensure such compatibility, or place other conditions on the design, layout and/or operation of the business to ensure that noise, lighting and traffic generated by the business does not exceed levels typical of residential uses or result in an adverse impact on neighboring properties.
- (2) Notwithstanding the side and rear setbacks set forth in Subsection (D), the side and rear setbacks for a lot of less than three acres shall be 25 feet, and the front setback for a lot of less than three acres shall be the existing distance from the point of the dwelling that is closest to the road right-of-way, or 25 feet, whichever is less, providing that:
 - (a) The lot was in existence prior to September 15, 1982; and
 - (b) The lot is occupied by a single-family dwelling that existed prior to September 15, 1982, and has occupied the lot continuously since September 15, 1982, in accordance with Section 3.10; and

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- (c) A zoning permit is issued in accordance with Section 7.1 for the reconstruction, alteration, relocation, or enlargement of the existing dwelling, or the construction, reconstruction, alteration, relocation, or enlargement of an accessory structure to that dwelling.
- (3) All permitted uses, excluding single-family and two-family dwellings, accessory uses/structures to single family dwellings (e.g., home occupations, accessory dwellings, home child care), forestry and agriculture, must receive site plan approval by the Development Review Board in accordance with Section 5.4.
- (4) All uses must comply with the requirements of Article 3: General Regulations and Article 4: Specific Use Standards, as applicable.
- (5) Planned Residential Developments (PRDs) are allowed in the Rural Residential-Agricultural District in accordance with Section 5.6.

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**TABLE 2.5
AGRICULTURAL-FOREST CONSERVATION DISTRICT [ZONE E]**

(A) Purpose. The purpose of the Agricultural-Forest Conservation District is to promote agriculture, forestry and low density residential development in areas with limited access to public roads and community services, while protecting natural resources and the district's rural character.

(B) Permitted Uses

1. Accessory Dwelling [see Section 4.2]
2. Accessory Structure/Use (to a permitted use)
3. Agriculture
4. Bed & Breakfast
5. Dwelling, Single-family
6. Dwelling, Two-family
7. Forestry
8. Group Home [see Section 4.9]
9. Home Child Care [see Section 4.10]
10. Home Occupation [see Section 4.10]
11. Recreation Facility (Outdoor)

(C) Conditional Uses

1. Accessory Structure/Use (to a conditional use)
2. Dwelling, Multi-family
3. Adaptive Re-use [see Section 4.3]
4. Extraction of Resources [see Sections 4.6 and 4.7]
5. Public Facility/Utility [see Section 4.13]
6. Telecommunications Facility [see Section 4.14]
7. Mixed Uses [see Section 4.11]
8. Any other use the Development Review Board determines to be similar in scale, intensity and potential impact as other uses allowed as permitted or conditional uses in this district.

(D) Dimensional Standards

<i>Dimensional Standards (unless otherwise specified for a particular use)</i>	
Minimum Lot Size	7 acres
Minimum Area per Dwelling Unit	7 acres
Minimum Frontage	350 feet
Minimum Setback/Front [see Subsection (E)(1) below]	75 feet
Minimum Setback/Side [see Subsection (E)(1) below]	50 feet
Minimum Setback/Rear [see Subsection (E)(1) below]	50 feet
Maximum Height	35 feet

(E) Supplemental District Standards

- (1) Notwithstanding the side and rear setbacks set forth in Subsection (D), the side and rear setbacks for a lot of less than three acres shall be 25 feet, and the front setback for a lot of less than three acres shall be the existing distance from the point of the dwelling that is closest to the road right-of-way, or 25 feet, whichever is less, providing that:
 - (a) The lot was in existence prior to September 15, 1982; and
 - (b) The lot is occupied by a single-family dwelling that existed prior to September 15, 1982, and has occupied the lot continuously since September 15, 1982, in accordance with Section 3.10; and
 - (c) A zoning permit is issued in accordance with Section 7.1 for the reconstruction, alteration, relocation, or enlargement of the existing dwelling, or the construction, reconstruction, alteration, relocation, or enlargement of an accessory structure to that dwelling.
- (2) All permitted uses, excluding single-family and two-family dwellings, accessory uses/structures to single family dwellings (e.g., home occupations, accessory dwellings, home child care), forestry and agriculture, must receive site plan approval by the Development Review Board in accordance with Section 5.4.
- (3) All uses must comply with the requirements of Article 3: General Regulations and Article 4: Specific Use Standards, as applicable.
- (4) Planned Residential Developments (PRDs) are allowed in the Agricultural-Forest Conservation District in accordance with Section 5.6.

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**TABLE 2.6
CONSERVATION OVERLAY DISTRICTS**

(A) Purpose. The purpose of the Conservation Overlay Districts are to ensure the protection of critical natural resources by ensuring that development does not degrade or impair the ecological values and functions associated with the resources in the overlay district, regardless of the underlying zoning designation.

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Comment [1]: Completely replaces prior Table 2.6

1. Well-Head Protection Area Overlay District

These areas surround public or community water supplies. Care must be taken to avoid the potential of water or soil pollution on lands within these areas.

<p>(a) Permitted Uses</p> <ol style="list-style-type: none"> 1. Agriculture 2. Accessory Dwelling [see Section 4.2]* 3. Forestry 4. Group Home [see Section 4.89]* 5. Home Child Care [see Section 4.910]* <p>* Within or appurtenant to an existing single-family dwelling</p>	<p>(b) Prohibited Uses</p> <ol style="list-style-type: none"> 1. Chemical Storage 2. Fuel Storage, except for on-site consumption 3. Junk Storage or Salvage Yards 4. Landfill Operations 5. Landfill of Soils 6. Manure Storage, except for agricultural use 7. Vehicle Repair or Storage 	<p>(c) Conditional Uses</p> <ol style="list-style-type: none"> 1. All other uses allowed within the underlying zoning district, except as specifically prohibited herein.
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2. Wetland Overlay District

Wetlands provide a range of ecological functions, including habitat diversity, water purification, flood protection, shoreline stabilization, groundwater recharge, and streamflow maintenance. They contain a diverse array of plant and animal species, some of which are distinct to these habitats. Adjacent land uses should prevent potential pollutants from flowing into these areas and erosion caused by water runoff. Appropriate buffer areas need to surround wetland areas.

A minimum 50-foot buffer should surround all wetlands [see Section 3.12, Protection of Water Resources]. Wetlands identified on the Conservation Overlay Map are Class 2 Wetlands. Field inspection may be required to determine the exact extent of wetland areas. Wetlands also come under state regulatory authority and the specific rules can be found at: <http://www.nrb.state.vt.us>

<p>(a) Permitted Uses</p> <ol style="list-style-type: none"> 1. Agriculture 2. Forestry 	<p>(b) Prohibited Uses</p> <ol style="list-style-type: none"> 1. All other uses not identified as permitted or conditional. 	<p>(c) Conditional Uses</p> <ol style="list-style-type: none"> 1. Accessory Dwellings associated with a use currently in a wetland that cannot be accommodated outside the mapped wetland area.
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3. High Elevation Overlay District

This district includes areas over 1,500 feet in elevation, and is for the protection of steep slopes, high elevation habitat, and for scenic enjoyment of East Montpelier's higher ridges and peaks. Development in these areas is prohibited. Agricultural and Forestry activities should have a minimal aesthetic impact, and retain the natural condition of the hilltop.

<p>(a) Permitted Uses</p> <ol style="list-style-type: none"> 1. Agriculture 2. Forestry 	<p>(b) Prohibited Uses</p> <ol style="list-style-type: none"> 1. All other uses not identified as permitted or conditional. 	<p>(c) Conditional Uses</p> <ol style="list-style-type: none"> 1. None
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(B) Dimensional Standards (unless otherwise specified for a particular use)

As required for the underlying zoning district.

(C) Supplemental District Standards

All land development identified as a Conditional Use above must be approved by the Development Review Board in accordance with Section 5.5 and the following requirements:

- (1) All proposals shall demonstrate how the natural resources identified for the overlay district will be protected under the proposed development plan. The Development Review Board shall consider such factors as the capability of the land and water to sustain such use without degradation. In considering an application, the Board may consult with the Vermont Department of Environmental Conservation for assistance, or require certification by a registered professional engineer that the project will not result in degradation.
- (2) The Development Review Board may place conditions on the proposed use to ensure the above standards will be met. The conditions may include, but shall not be limited to, additional setbacks and/or buffer strips.
- (3) All proposed development will also be reviewed according to the standards of the underlying zone.

Note: Rivers, Streams, Floodplains, and Flood Hazard Areas are reviewed under Article 9: Flood Hazard Regulations.

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