

## ARTICLE 2: ZONING DISTRICTS

### Section 2.1 Zoning Districts & Zoning Map

(A) For the purposes of these regulations, the Town of East Montpelier is divided into the following zoning districts, in accordance with the Act [§4414(1)]:

- Zone A – Commercial District
- Zone B – Industrial District
- Zone C – Residential-Commercial District
- Zone D – Rural Residential-Agricultural District
- Zone E – Agricultural-Forest Conservation District
- Conservation Area Overlay Districts

(B) The location and boundaries of each zoning district are shown on the official “Town of East Montpelier Zoning Map,” which is incorporated as part of these regulations. Floodway and Special Flood Hazard Area boundaries are shown on National Flood Insurance Rate Maps for the Town of East Montpelier, which are adopted by reference to be part of these regulations. River Corridor boundaries are as mapped and published by the Vermont Agency of Natural Resources, beginning with the East Montpelier River Corridor, dated 2/27/15, which is hereby adopted by reference. The official zoning map and regulated flood hazard area maps, located in the East Montpelier Town Office, shall be the final authority as to the current zoning status of land and waters in the town.

(C) The official zoning map shall be identified by the signatures of the Selectboard, as attested to by the East Montpelier Town Clerk. Changes may be made to the zoning map only in accordance with the bylaw amendment process specified in Section 1.4 of the Act. A reduced copy of the official zoning map is included in these regulations.

(D) A development project that occupies more than one zoning district shall be reviewed by the Development Review Board. The Board shall ensure such a project complies with all district, overlay and general regulations.

### Section 2.2 Interpretation of Zoning District Boundaries

(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 centerlines of such features, and shall move with the river or stream channel.
- (4) Boundaries indicated as following shorelines shall be interpreted as following the mean high water level, and shall move with the shoreline.
- (5) Boundaries indicated as following contour lines shall be interpreted as following a constant, specified elevation as measured from mean sea level or other accepted reference datum.
- (6) Boundaries indicated as following a compass heading shall be interpreted as following such headings.
- (7) Boundaries indicated as parallel or perpendicular to, or extensions of, the above features shall be interpreted as such on the ground.
- (8) Distances not specifically indicated on the map shall be determined from the scale on the 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.
- (C) 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 maps shall be used to administer and enforce flood hazard area provisions of these regulations [see Article 9]. In areas where base flood elevations and floodway limits have not been provided by the NFIP (i.e., Zone A), base flood elevations and floodway information available from state or federal agencies or other accepted sources shall be obtained and reasonably used to administer and enforce flood hazard area provisions.
- (D) When the Zoning Administrator cannot definitely determine the location of a district boundary, the Development Review Board and/or appropriate state or federal official 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 7.5.
- (E) 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 through a survey by a licensed surveyor.
- (F) Where a zoning district divides a lot in single ownership, the Development Review Board may allow, subject to conditional use review under Section 5.5, the extension of district standards up to a distance of 50 feet into either portion of the lot. Frontage requirements for the district in which the road frontage is located shall apply.
- (G) Where a lot is divided by a town boundary, the standards of these regulations shall be applied to that portion of the lot located in the Town of East Montpelier in the same manner as if the entire lot were located in the town.

**Section 2.3 Application of District Standards**

- (A) The following Tables 2.1-2.6 set forth the stated purpose, allowed uses and specific standards for each zoning district noted in Section 2.1
- (B) All uses and structures, unless specifically exempted from these regulations under Section 7.2, must comply with applicable standards for the district(s) in which they are located (see Tables 2.1-2.6). The standards for each district shall apply uniformly to each class of use or structure, unless otherwise specified in these regulations. Non-conforming uses and non-conforming structures must meet the requirements of Section 3.10.
- (C) Overlay district standards shall be applied concurrently with the standards for the underlying zoning district(s). Where the overlay district imposes more restrictive standards on the use of land or structures, the standards of the overlay district shall apply.
- (D) Uses for each district are classified as “permitted uses” to be reviewed by the Zoning Administrator prior to the issuance of a zoning permit under Section 7.1; or “conditional uses” to be reviewed and approved by the Development Review Board in accordance with Section 5.5 prior to the issuance of a zoning permit. Both permitted and conditional uses must meet applicable zoning district requirements, and also general standards under Article 3. Site plan review under Section 5.4 also may be required for specified permitted uses.
- (E) In all districts, front setbacks will be measured starting from the road centerline. In development situations involving state highways, the front setback distance must meet the minimum setback for the specific district or be at least fifteen (15) feet from the edge of the state right-of-way, whichever is greater.

Juliana 3/15/2015 4:32 PM

Deleted: 4

Juliana 3/15/2015 4:33 PM

Deleted: 4

Juliana 3/15/2015 4:33 PM

Deleted: 3