

## **2 ZONING DISTRICTS**

### **200 General Provisions**

#### **2001 ESTABLISHMENT OF BASE ZONING DISTRICTS**

2001.A These regulations establish the following zoning districts as shown on the Official Zoning Map and described in Chapter 210:

- (1) Mixed Use 4 (MU 4)
- (2) Mixed Use 2 (MU 2)
- (3) Residential 2 (RES 2)
- (4) Business 2 (BUS 2)
- (5) Rural 2 (RL 2)
- (6) Rural 10 (RL 10)
- (7) Rural 20 (RL 20)

#### **2002 ESTABLISHMENT OF OVERLAY ZONING DISTRICTS**

2002.A These regulations establish the following overlay zoning districts as shown on the Official Zoning Map and described in Chapter 220:

- (1) Flood Hazard Overlay (FHO)
- (2) \*add as necessary

#### **2003 OFFICIAL ZONING MAP**

2003.A The Town of East Montpelier incorporates the maps delineating the boundaries of the various base and overlay zoning districts established in this chapter by reference into these regulations and adopts them as part of these regulations as the Town of East Montpelier's Official Zoning Map.

2003.B The Official Zoning Map is on file in the town office. The small-scale, unofficial versions of the maps included in these regulations are for convenience only. The Official Zoning Map must be used for all measurements and interpretations of the district boundaries.

2003.C If a specific distance or measurement is not shown on the map, the Zoning Administrator will interpret any Official Zoning Map boundaries indicated as approximately following:

- (1) Roads, railroad lines, power lines or rights-of-way to follow the centerlines of such roads, railroad lines, power lines or rights-of-way.
- (2) Lot lines or municipal boundaries to follow such lines or boundaries.
- (3) Rivers, streams or water bodies to follow the centerlines of such rivers, streams or water bodies.

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2003.D The Zoning Administrator will interpret any of the features listed in Subsection 2003.C to be located where they exist on the ground or as shown on a survey at the time of the interpretation if they vary from their depiction on the Official Zoning Map except that:

- (1) A boundary line adjustment or subdivision that changes the location of a lot line will not change the location of any zoning district boundary indicated as following that lot line.

### 2004 USE STANDARDS

2004.A **Allowed Uses.** A proposed use must be shown on the use table (see Section 2108) as a permitted or conditional use in the applicable zoning district unless:

- (1) The subject use is a nonconformity and the proposed development is in conformance with the requirements of Chapter 130.

2004.B **Prohibited Uses.** A use not specifically listed as permitted or conditional in a zoning district on the use table (see Section 2108) is prohibited in that zoning district unless the applicant demonstrates to the Zoning Administrator that the unlisted use:

- (1) Is materially similar to a use that is permitted or conditional in the same zoning district in accordance with Subsection 2004.C; or
- (2) Is required to be allowed in a zoning district by state or federal law.

2004.C **Materially Similar Uses.** The Zoning Administrator may make a written determination that a proposed use not listed on the use table (see Section 2108) as permitted or conditional in any district is materially similar to a use listed as permitted or conditional in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that permitted or conditional use if it has:

- (1) Similar impacts on the area such as traffic, noise and lighting as that listed use; and
- (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that permitted or conditional use.

2004.D **Multiple and Mixed Uses.** A landowner may use a lot or structure for any combination of uses allowed in the applicable zoning district.

2004.E **Accessory Uses.** See Section 3004.

### 2005 DIMENSIONAL STANDARDS

2005.A **Applicability.** Development must conform to the dimensional standards for the applicable zoning district (see Section 2109) unless:

- (1) A subject lot or structure is a nonconformity and the proposed development is in conformance with the requirements of Chapter 130;
- (2) The applicant receives a waiver (Section 4404) or variance (Section 4405) from the Development Review Board; or
- (3) The proposed development will be approved as a planned unit development.

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- 2005.B **Principal Buildings.** Landowners may locate more than one principal building on a lot in accordance with the standards below:
- (1) The total amount of development on the lot must not exceed the maximum density allowed in the district;
  - (2) There must not be more than 1 detached single- or two-family dwelling on any lot unless approved as part of a planned unit development;
  - (3) Each principal building must meet the applicable dimensional standards of the zoning district;
  - (4) The distance between new principal buildings or between a new principal building and an existing principal building must not be less than twice the side setback required in the zoning district, unless they are attached; and
  - (5) Approval of multiple principal buildings on a lot will not constitute a right to separately convey those structures unless:
    - (a) The subject lot will be lawfully subdivided in accordance with the provisions of these regulations; or
    - (b) The building will be lawfully converted to condominium ownership, which may include the subdivision of footprint lots.
- 2005.C **Accessory Structures.** Landowners may locate accessory structures on a lot in accordance with the standards below (also see Section 3003):
- (1) Unless otherwise specified in these regulations, accessory structures must meet the front setback requirements for the applicable zoning district (see Section 2109);
  - (2) Accessory structures must be located at least 8 feet from any other structure unless they are attached to that structure;
  - (3) Unless otherwise specified in these regulations (see Subsection 2005.G), accessory structures:
    - (a) With a footprint of not more than 200 square feet must not exceed a maximum height of 16 feet; and
    - (b) With a footprint in excess of 200 square feet must not exceed a maximum height of 30 feet or the height of the associated principal building, whichever is less; and
  - (4) Unless otherwise specified in these regulations, accessory structures:
    - (a) With a footprint of not more than 120 square feet and a height of not more than 10 feet must be set back at least 4 feet from rear and side property lines; or
    - (b) With a footprint in excess of 120 square feet or a height in excess of 10 feet be set back at least 12 feet from rear and side property lines.
- 2005.D **Lot Size.** Lot size will be regulated in accordance with the following:
- (1) Any lot created under these regulations must meet the minimum lot size requirement for the applicable zoning district unless approved as part of a planned unit development;

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- (2) A pre-existing small lot may be developed in accordance Section 1303 irrespective of whether it will comply with the minimum lot size standard for the applicable zoning district;
- (3) An existing lot must not be reduced in size below the minimum lot size requirement for the applicable zoning district unless the reduction is the result of land being acquired for a public purpose (ex. road widening); and
- (4) A lot that will include land in more than one zoning district must meet the minimum lot size requirement for the zoning district that the portion of the lot with road frontage is located in. If the lot has road frontage in more than one zoning district, the lot must meet the largest minimum lot size requirement.

2005.E **Road Frontage.** All lots must front on a public or private road as specified in each zoning district and in accordance with the following:

- (1) **Pre-Existing Lots.** An existing lot without the minimum required frontage on a maintained public or private road must have access to such a road over a permanent easement or right-of-way not less than 20 feet wide for single- and two-family residential lots and 40 feet wide for all other lots.
- (2) **Corner Lots.** Lots that front on more than one road must meet minimum frontage requirements on any road from which the lot will be accessed.
- (3) **New Lots.** All new lots created under these regulations must have the minimum frontage on a maintained public or private road unless the Development Review Board:
  - (a) Approves a lot with less frontage as part of a planned unit development in accordance with the provisions of these regulations;
  - (b) Approves a waiver to reduce the frontage requirement to not less than 15 feet for irregularly shaped lots or lots accessed by a shared driveway; or
  - (c) Approves a waiver to reduce or eliminate the frontage requirement for lots restricted to farming, forestry or open spaces uses through a legally enforceable and permanent means such as a conservation easement.

2005.F **Setbacks.** Development must meet applicable setback requirements as follows:

- (1) All development and structures subject to these regulations must be set back from roads and property lines as shown in the dimensional table (see Section 2109) unless otherwise specified in these regulations.
- (2) Lots with frontage on more than one road must meet front setback requirements on each road, and must meet side setback requirements on the remaining sides.
- (3) Lots with no frontage must meet front setback requirements on the side from which the lot will be accessed.
- (4) Front setback requirements will be measured from the edge of the road right-of-way. If the edge of the road right-of-way is uncertain, it will be assumed to be 25 feet from the centerline of the road unless the road is known to have a right-of-way width other than 50 feet or 3 rods, in which case it will be assumed to be one-half the known right-of-way width from the centerline of the road.

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- (5) Setback requirements will apply to lots in common ownership to the same extent as if the lots were not in common ownership.

2005.G **Height.** No structure subject to these regulations may exceed district height limits as specified below unless otherwise specified in these regulations:

- (1) Minimum and/or maximum height requirements for principal structures are shown in the dimensional table (see Section 2109) for each zoning district.
- (2) Accessory structures must not exceed the maximum height specified in Section \* or 28 feet if no maximum height specified in Section \*.
- (3) Height limits do not apply to:
  - (a) Belfries, spires, steeples, cupolas, domes or similar architectural features not used for human habitation; and
  - (b) Skylights, parapet walls, cornices, chimneys, ventilators, bulkheads, or mechanical equipment usually located on a roof, provided that such features are limited to the height necessary for their proper functioning.
- (4) Height limits do apply to flag poles, light poles, signs and similar freestanding structures not located within public rights-of-way.
- (5) Where a minimum building height is specified, that height must be maintained along the entire facade for a depth of at least 30 feet or the depth of the building, whichever is less.
- (6) When height is measured in feet, the measurement will be taken from the average finished grade at ground level to:
  - (a) The midpoint between the eaves and the ridgeline for buildings with a primary roof pitch of 5:12 or steeper; or
  - (b) For all other structures, the highest portion of the structure excluding the building elements listed in Paragraph (3) above.
- (7) The Development Review Board may grant a waiver in accordance with Section \* allowing industrial structures to exceed the maximum height standard upon the applicant demonstrating that the additional height is the minimum necessary to accommodate the proposed industrial activity. The Zoning Administrator must notify the East Montpelier Fire Department in writing of any application for a height waiver under this section.

## 2006 DENSITY STANDARDS

2006.A The number of dwelling units on a lot must not exceed the maximum density specified in the applicable zoning district except:

- (1) Accessory dwellings approved under Section \* will not count as a dwelling unit for the purposes of calculating density.
- (2) A pre-existing small lot may be developed in accordance with Section \* irrespective of whether it will comply with the residential density standard for the applicable district.

## 210 Base Zoning Districts

### 2101 MIXED USE 4 (MU 4)

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*This district is the merger of the Village Business and Village Mixed Use with some land taken from the Village Residential district from the first draft. It also covers North Montpelier. It sets a ½ acre lot size but would allow for residential development at a density of 1 unit per 4 acres (this would allow for projects to be eligible for the state neighborhood designation). Under that provision a duplex could be permitted on a ½-acre lot or a 4-unit multi-family building could be allowed on a 1-acre lot. The dimensional standards have been adjusted based on a ½ acre minimum lot size.*

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2101.A **Purpose.** The Mixed Use 4 district includes land within East Montpelier village, a historic village center composed of a mix of civic, commercial and residential uses. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of East Montpelier village;
- (2) Ensure that new construction and renovations are compatible with and enhance the historic character, scale and settlement pattern of the village;
- (3) Provide for the daily needs and services of the community, and economic development and housing opportunities;
- (4) Encourage investment that rehabilitates historic buildings and/or increases property values; and
- (5) Provide an attractive streetscape and a pedestrian-friendly environment.

2101.B **Permitted Uses.** The Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses). Site plan approval is also required for all uses other than single- and two-family dwellings, farming and forestry (see Section \*).

**Residential**

- (1) Single-family dwelling
- (2) Two-family dwelling
- (3) Multi-family dwelling
- (4) Accessory dwelling
- (5) Home occupation
- (6) Home business
- (7) Family childcare home
- (8) Senior housing
- (9) Assisted living or skilled nursing service
- (10) Group home

**Lodging**

- (11) Bed-and-breakfast
- (12) Inn
- (13) Rooming and boarding house
- (14) Short-term rental

**Commercial**

- (15) Retail sales (up to 3,000 sf)

- (16) Repair service (up to 3,000 sf)
- (17) Financial establishment
- (18) Rental and leasing (small goods, enclosed, up to 3,000 sf)
- (19) Office, professional, business or administrative service (up to 3,000 sf)
- (20) Personal service (up to 3,000 sf)
- (21) Restaurant (sit-down)
- (22) Catering or commercial kitchen

**Industrial**

- (23) Media recording or broadcasting studio
- (24) Communications antenna

**Arts, Entertainment & Recreation**

- (25) Theater
- (26) Artist gallery or studio (up to 3,000 sf)
- (27) Museum
- (28) Indoor recreation (up to 3,000 sf)
- (29) Public outdoor recreation or park

**Civic & Community**

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- |      |                                    |      |                               |
|------|------------------------------------|------|-------------------------------|
| (30) | Government facility                | (35) | Religious institution         |
| (31) | Educational institution            | (36) | Funeral services              |
| (32) | Specialty school (up to 6,000 sf)  | (37) | Social club                   |
| (33) | Clinic or outpatient care services |      | <b>Natural Resource Based</b> |
| (34) | Child day care                     | (38) | Farming or forestry           |

2101.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section \* and which includes site plan approval) from the Development Review Board before the Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses):

### Commercial

- (1) Retail sales (>3,000 sf)
- (2) Lawn, garden and farm supply sales
- (3) Lumberyard and building supply sales
- (4) Open market
- (5) Office, professional, business or administrative service (> 3,000 sf)
- (6) Personal service (> 3,000 sf)
- (7) Veterinary, pet or animal service (up to 3,000 sf)
- (8) Restaurant (take-out)
- (9) Mobile food service
- (10) Bar
- (11) Event facility

### Industrial

- (12) Food or beverage manufacturing (enclosed, up to 6,000 sf)
- (13) Wholesale trade
- (14) Passenger transportation services
- (15) Publishing, printing and sign manufacturing

### Arts, Entertainment & Recreation

- (16) Artist gallery or studio (>3,000 sf)
- (17) Indoor recreation (> 3,000 sf)

### Civic & Community

- (18) Rehabilitation services or residential treatment facility

2101.D **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2109):

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- |     |                       |   |
|-----|-----------------------|---|
| (1) | <b>Lot size:</b>      | 20,000 square feet minimum  |
| (2) | <b>Lot frontage:</b>  | 60 feet minimum   |
| (3) | <b>Lot coverage:</b>  | 80% maximum   |
| (4) | <b>Front setback:</b> | 8 feet minimum to 20 feet maximum <sup>1</sup>                              |
| (5) | <b>Side setback:</b>  | 8 feet minimum  |
| (6) | <b>Rear setback:</b>  | 12 feet minimum   |
| (7) | <b>Footprint:</b>     | 6,000 square feet maximum <sup>1</sup>                                      |
| (8) | <b>Height:</b>        | 24 feet minimum <sup>1</sup> to 36 feet maximum                             |
| (9) | <b>Density:</b>       | 1 dwelling unit or principal use per 10,000 square feet of lot area maximum |
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*1 – Applies to only principal buildings*

2101.E **Development Standards.** Proposed development subject to site plan review in this district must conform to the following standards (in addition to all the applicable standards in Chapter 3):

- (1) Drive-through service is prohibited.
- (2) Corporate or franchise architecture is prohibited.

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- (3) The applicant must design new buildings and additions to be compatible with the architectural form, scale, massing and materials of traditional buildings found in this district.
- (4) The applicant must design new buildings:
  - (a) To break up the mass of large buildings into sections that are not more than 40 feet wide by using ells, bays, projections or recesses with not less than a 4-foot change in the wall plane; and
  - (b) To have sloped roofs with a pitch of not less than 6:12 (this will not apply to secondary roofs over dormers, sheds, porches, etc.) if the building will be single-story.
- (5) The applicant must design new or renovated building facades:
  - (a) With a principal entrance that faces the road;
  - (b) With a regular fenestration pattern; and
  - (c) So that the length of solid or blank walls between openings for windows or doors will not exceed 20 feet.
- (6) The applicant must incorporate at least one of the following architectural elements into new or renovated building facades:
  - (a) A storefront design with clear glass windows offering views into the building interior composing a minimum of 60% of the ground-level wall area up to 10 feet above finished grade;
  - (b) An open porch at least 6 feet deep that extends along no less than 40% of the façade;
  - (c) An arcade or gallery at least 6 feet deep that extends along the full width of the façade; or
  - (d) For civic or religious buildings, other distinctive architectural elements characteristic of such building types as approved by the Development Review Board.



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## 2102 MIXED USE 2 (MU 2)

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*This district includes much of the land along Route 14 designated as Lower Village in the Village Master Plan. It sets a ½ acre minimum lot size and density. There are more business uses allowed than in the proposed MU 4.*

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2102.A **Purpose.** The Mixed Use 2 district includes land within and near East Montpelier village that has been developed for a mix of civic, commercial and residential uses. The purpose of this district is to:

- (1) Promote the long-term economic and social vitality of East Montpelier village;
- (2) Ensure that new construction and renovations enhance and extend the village character and settlement pattern;
- (3) Provide for a diversity of housing and small businesses in a mixed-use setting;
- (4) Encourage investment that rehabilitates historic buildings and/or increases property values; and
- (5) Provide an attractive streetscape and a pedestrian-friendly environment.

2102.B **Permitted Uses.** The Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses). Site plan approval is also required for all uses other than single- and two-family dwellings, farming and forestry (see Section \*).

### **Residential**

- (1) Single-family dwelling
- (2) Two-family dwelling
- (3) Multi-family dwelling
- (4) Accessory dwelling
- (5) Home occupation
- (6) Home business
- (7) Family childcare home
- (8) Senior housing
- (9) Assisted living or skilled nursing service
- (10) Group home

### **Lodging**

- (11) Bed-and-breakfast
- (12) Inn
- (13) Rooming and boarding house
- (14) Short-term rental

### **Commercial**

- (15) Retail sales (up to 3,000 sf)
- (16) Repair service (up to 3,000 sf)
- (17) Financial establishment
- (18) Rental and leasing (small goods, enclosed, up to 3,000 sf)
- (19) Office, professional, business or administrative service (up to 3,000 sf)

(20) Personal service (up to 3,000 sf)

(21) Restaurant (sit-down)

(22) Catering or commercial kitchen

### **Industrial**

(23) Media recording or broadcasting studio

(24) Communications antenna

### **Arts, Entertainment & Recreation**

(25) Theater

(26) Artist gallery or studio (up to 3,000 sf)

(27) Museum

(28) Indoor recreation (up to 3,000 sf)

(29) Public outdoor recreation or park

### **Civic & Community**

(30) Government facility

(31) Educational institution

(32) Specialty school (up to 6,000 sf)

(33) Clinic or outpatient care services

(34) Child day care

(35) Religious institution

(36) Funeral services

(37) Social club

### **Natural Resource Based**

(38) Farming or forestry

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2102.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section \* and which includes site plan approval) from the Development Review Board before the Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses):

<b>Commercial</b>		(16)	Wood products, cabinet or furniture manufacturing (enclosed, up to 6,000 sf)
(1)	Retail sales (>3,000 sf)		
(2)	Sales lot		
(3)	Repair service (vehicles, large goods or >3,000 sf)	(17)	Wholesale trade
(4)	Lawn, garden and farm supply sales	(18)	Storage and distribution services (enclosed)
(5)	Lumberyard and building supply sales	(19)	Self-storage services
(6)	Open market	(20)	Passenger transportation services
(7)	Rental and leasing (vehicles, large goods or >3,000 sf)	(21)	Publishing, printing and sign manufacturing
(8)	Office, professional, business or administrative service (>3,000 sf)	(22)	Metal fabrication shop
(9)	Personal service (>3,000 sf)	<b>Art, Entertainment &amp; Recreation</b>	
(10)	Veterinary, pet or animal service (up to 3,000 sf)	(23)	Artist gallery or studio (>3,000 sf)
(11)	Restaurant (take-out)	(24)	Indoor recreation (>3,000 sf)
(12)	Mobile food service	(25)	Commercial outdoor recreation (passive)
(13)	Bar	<b>Civic &amp; Community</b>	
(14)	Event facility	(26)	Rehabilitation services or residential treatment facility
<b>Industrial</b>			
(15)	Food or beverage manufacturing (enclosed, up to 6,000 sf)		

2102.D **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2109):

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(1)	<b>Lot size:</b>	20,000 square feet minimum
(2)	<b>Lot frontage:</b>	90 feet minimum
(3)	<b>Lot coverage:</b>	70% maximum
(4)	<b>Front setback:</b>	12 feet minimum to 20 feet maximum <sup>1</sup>
(5)	<b>Side setback:</b>	12 feet minimum
(6)	<b>Rear setback:</b>	12 feet minimum
(7)	<b>Footprint:</b>	6,000 square feet maximum <sup>1</sup>
(8)	<b>Height:</b>	24 feet minimum <sup>1</sup> to 36 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 20,000 square feet of lot area maximum

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<sup>1</sup> – Applies to only principal buildings

2102.E **Development Standards.** Proposed development subject to site plan review in this district must conform to the following standards (in addition to all the applicable standards in Chapter 3):

- (1) Drive-through service is prohibited.
- (2) Corporate or franchise architecture is prohibited.

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- (3) The applicant must design new buildings:
  - (a) To break up the mass of large buildings into sections that are not more than 40 feet wide by using ells, bays, projections or recesses with not less than a 4-foot change in the wall plane; and
  - (b) To have sloped roofs with a pitch of not less than 6:12 (this will not apply to secondary roofs over dormers, sheds, porches, etc.) if the building will be single-story.
- (4) The applicant must design new or renovated building facades:
  - (a) With a principal entrance that faces the road;
  - (b) With a regular fenestration pattern; and
  - (c) So that the length of solid or blank walls between openings for windows or doors will not exceed 20 feet.
- (5) The applicant must incorporate at least one of the following architectural elements into new or renovated non-residential building facades:
  - (a) A storefront design with clear glass windows offering views into the building interior composing a minimum of 60% of the ground-level wall area up to 10 feet above finished grade;
  - (b) An open porch at least 6 feet deep that extends along no less than 40% of the façade;
  - (c) A covered stoop no less than 16 square feet in area at each principal entrance; or
  - (d) For civic or religious buildings, other distinctive architectural elements characteristic of such building types as approved by the Development Review Board.

**2103 RESIDENTIAL (RES 2)**

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*This district includes most of the remaining land in the village planning area as well as land around North Montpelier, in East Montpelier Center and near U-32. It is a residential district (very limited non-residential uses) with a ½-acre minimum lot size and density.*

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**2103.A Purpose.** The Residential 2 district provides areas for higher-density residential uses and a variety of housing types in and around to East Montpelier village, North Montpelier, East Montpelier Center, and the U-32 Middle and High School. The purpose of this district is to:

- (1) Accommodate more intensive development in and around existing settlement areas;
- (2) Accommodate a full range of housing options;
- (3) Provide a pleasant neighborhood setting that offers village residents a high quality of life;
- (4) Provide an attractive streetscape and a pedestrian-friendly environment; and
- (5) Maintain traditional small-town neighborhood character.

**2103.B Permitted Uses.** The Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses). Site plan approval is also required for all uses other than single- and two-family dwellings, farming and forestry (see Section \*).

- |  |   |
|--|---|
| <b>Residential</b>                             | (11) Rooming and boarding house             |
| (1) Single-family dwelling                     | (12) Short-term rental                      |
| (2) Two-family dwelling                        | <b>Industrial</b>                           |
| (3) Multi-family dwelling                      | (13) Communications antenna                 |
| (4) Accessory dwelling                         | <b>Arts, Entertainment &amp; Recreation</b> |
| (5) Home occupation                            | (14) Public outdoor recreation or park      |
| (6) Family childcare home                      | <b>Civic &amp; Community</b>                |
| (7) Senior housing                             | (15) Religious institution                  |
| (8) Assisted living or skilled nursing service | (16) Cemetery                               |
| (9) Group home                                 | <b>Natural Resource Based</b>               |
| <b>Lodging</b>                                 | (17) Farming or forestry                    |
| (10) Bed-and-breakfast                         |   |

**2103.C Conditional Uses.** An applicant must obtain conditional use approval (see Section \* and which includes site plan approval) from the Development Review Board before the Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses):

- |                    |   |
|--------------------|---|
| <b>Residential</b> | <b>Civic &amp; Community</b>                                  |
| (1) Home business  | (3) Educational institution                                   |
| <b>Lodging</b>     | (4) Rehabilitation services or residential treatment facility |
| (2) Inn            | (5) Child day care  |

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2103.D **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2109):

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(1)	<b>Lot size:</b>	20,000 square feet minimum
(2)	<b>Lot frontage:</b>	90 feet minimum
(3)	<b>Lot coverage:</b>	60% maximum
(4)	<b>Front setback:</b>	16 feet minimum
(5)	<b>Side setback:</b>	12 feet minimum
(6)	<b>Rear setback:</b>	20 feet minimum
(7)	<b>Footprint:</b>	4,500 square feet maximum <sup>1</sup>
(8)	<b>Height:</b>	28 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 20,000 square feet of lot area maximum

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*1 – Applies to only principal buildings*

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## 2104 BUSINESS 2 (BUS 2)

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*This district is a merger of the General Business and Rural Business districts from the first draft. Districts were combined to simplify regulations. To compensate for that change, some of the development standards related to building design will apply only to buildings fronting on Route 2 or Route 14.*

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2104.A **Purpose.** The Business 2 district provides areas for a mix of industrial and commercial uses. The purpose of this district is to:

- (1) Support and strengthen East Montpelier's economy by providing suitable locations for new and expanded businesses; and
- (2) Ensure that proposed development is compatible in its use, character, scale and intensity to the site and the surrounding area.

2104.B **Permitted Uses.** The Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses). Site plan approval is also required for all uses other than single- and two-family dwellings, farming and forestry (see Section \*).

### Residential

- (1) Accessory dwelling
- (2) Home occupation
- (3) Home business
- (4) Family childcare home
- (5) Group home

### Lodging

- (6) Bed-and-breakfast
- (7) Rooming and boarding house
- (8) Short-term rental

### Commercial

- (9) Retail sales (up to 3,000 sf)
- (10) Repair service
- (11) Carwash
- (12) Lawn, garden & farm supply sales
- (13) Lumberyard & building supply sales
- (14) Open market
- (15) Financial establishment
- (16) Rental and leasing
- (17) Office, professional, business or administrative service
- (18) Personal service
- (19) Veterinary, pet or animal service
- (20) Mobile food service
- (21) Catering or commercial kitchen

### Industrial

- (22) Light industry
- (23) Food or beverage manufacturing (enclosed)

- (24) Wood products, cabinets or furniture manufacturing (enclosed)
- (25) Wholesale trade
- (26) Storage and distribution services (enclosed)
- (27) Self-storage services
- (28) Passenger transportation services
- (29) Publishing, printing and sign manufacturing
- (30) Media recording or broadcasting studio
- (31) Communications antenna
- (32) Metal fabrication shop

### Arts, Entertainment & Recreation

- (33) Artist gallery or studio
- (34) Museum
- (35) Indoor recreation
- (36) Commercial outdoor recreation (passive)
- (37) Public outdoor recreation or park
- (38) Golf course or country club

### Civic & Community

- (39) Government facility
- (40) Specialty school
- (41) Clinic or outpatient care services
- (42) Child day care
- (43) Religious institution
- (44) Funeral services

### Natural Resource Based

- (45) Farming or forestry

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- (46) Firewood processing
- (47) On-farm business

2104.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section \* and which includes site plan approval) from the Development Review Board before the Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses):

- |   |   |   |
|---|---|---|
| <b>Residential</b>                                      | (12)  | Solid waste services                    |
| (1) Assisted living or skilled nursing services         | (13)  | Septic waste services                   |
| <b>Lodging</b>  | (14)  | Contractor's yard or unenclosed storage |
| (2) Hotel or motel                                      | (15)  | Slaughterhouse                          |
| <b>Commercial</b>                                       | (16)  | Heavy industry                          |
| (3) Retail sales (>3,000 sf)                            | <b>Arts, Entertainment &amp; Recreation</b> |   |
| (4) Sales lot   | (17)  | Theater                                 |
| (5) Fueling station                                     | (18)  | Commercial outdoor recreation (active)  |
| (6) Event facility                                      | (19)  | Campground                              |
| <b>Industrial</b>                                       | (20)  | Equestrian facility                     |
| (7) Tank farm or fuel storage and distribution services | <b>Civic and Community</b>                  |   |
| (8) Freight transportation services                     | (21)  | Educational institution                 |
| (9) Communications tower                                | <b>Natural Resource Based</b>               |   |
| (10) Composting services                                | (22)  | Extraction and quarrying                |
| (11) Recycling services                                 |   |   |

2104.D **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2109):

---

(1)	<b>Lot size:</b>	2 acres minimum
(2)	<b>Lot frontage:</b>	300 feet minimum
(3)	<b>Lot coverage:</b>	70% maximum <sup>1</sup>
(4)	<b>Front setback:</b>	20 feet minimum
(5)	<b>Side setback:</b>	12 feet minimum <sup>2</sup>
(6)	<b>Rear setback:</b>	12 feet minimum <sup>2</sup>
(7)	<b>Height:</b>	36 feet maximum
(8)	<b>Density:</b>	1 principal use per 2 acres of lot area maximum

---

1 – Maximum coverage for any lot area in excess of 2 acres will be 20%

2 – Setback will be 40 feet minimum if abutting property is in another zoning district

2104.E **Development Standards.** Proposed development in this district must conform to the following standards (in addition to all the applicable standards in Chapter 3):

- (1) Dwellings in existence as of [effective date] will be considered a permitted use.
- (2) The residential and lodging uses listed as allowed uses in this district must be associated with a dwelling that was in existence of as [effective date].
- (3) Corporate or franchise architecture is prohibited.

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- (4) The adaptive re-use of existing historic and/or agricultural buildings is strongly encouraged.
- (5) For development fronting on Route 2 or Route 14, the applicant must design new non-residential buildings and additions:
  - (a) To incorporate vernacular New England architectural forms and materials as follows:
    - (i) Designs that reference the form and materials of traditional barns or agricultural outbuildings are strongly encouraged;
    - (ii) Designs that use high-quality natural materials such as wood clapboards, board and batten, barn board or composite materials that resemble traditional materials for exterior cladding are strongly encouraged, as is use of architectural grade asphalt shingles, slate, standing seam, or composite materials that resemble these traditional materials for roofing.
    - (iii) Use of traditional agricultural (dark green, red, brown or gray), neutral or earth-tone colors on building exteriors is strongly encouraged.
  - (b) To break up the mass of large buildings into sections that are not more than 60 feet wide by using ells, bays, projections or recesses with not less than a 4-foot change in the wall plane; and
  - (c) To have sloped roofs with a pitch of not less than 6:12 (this will not apply to secondary roofs over dormers, sheds, porches, etc.) if the building will be single-story;
  - (d) So that any vehicular service bay doors will be located to the side or rear of the building if the building is located less than 120 feet from the front property line;
  - (e) So that drive-through service windows, fuel station pumps and similar auto-oriented features will be located to the side or rear of the building; and
  - (f) So that accessory structures, including fuel station canopies, will be similar in architectural form and materials to the principal building.
- (6) The applicant must incorporate at least one of the following architectural elements into new or renovated building facades:
  - (a) An open porch at least 6 feet deep that extends along no less than 40% of the façade;
  - (b) One or more dormers or cupolas, which must be proportional in size to the building, relate to the size and placement of the windows below and break up the mass of a large roof expanse; or
  - (c) A change in the roofline that highlights the principal entrance; or
  - (d) A cross gable or ell, which must not be less than 24 feet wide or 30% of the façade, whichever is less, and which must project from or be recessed behind the wall plane at least 4 feet.



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### 2105 RURAL 2 (RL 2)

2105.A **Purpose.** The Rural 2 district encompasses rural lands generally served by paved state and town roads or in proximity to existing settlement areas that are intended primarily for residential, farming and forestry uses. The purpose of this district is to:

- (1) Guide rural residential development to land in proximity to existing settlement areas and major travel corridors that is served by existing roads and infrastructure with capacity to accommodate growth;
- (2) Protect rural character by thoughtfully siting and designing new buildings and associated development to fit into the surrounding landscape;
- (3) Maintain an adequate base of working land to support a traditional resource-based rural economy; and
- (4) Minimize the amount of land converted from agricultural or forestry use to residential lots.

2105.B **Permitted Uses.** The Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses). Site plan approval is also required for all uses other than single- and two-family dwellings, farming and forestry (see Section \*).

#### Residential

- (1) Single-family dwelling
- (2) Two-family dwelling
- (3) Accessory dwelling
- (4) Home occupation
- (5) Home business
- (6) Family childcare home
- (7) Senior housing
- (8) Group home

#### Lodging

- (9) Bed-and-breakfast
- (10) Rooming and boarding house
- (11) Short-term rental

#### Industrial

- (12) Communications antenna

#### Arts, Entertainment & Recreation

- (13) Public outdoor recreation or park
- (14) Golf course or country club
- (15) Campground
- (16) Equestrian facility

#### Civic & Community

- (17) Cemetery

#### Natural Resource Based

- (18) Farming or forestry
- (19) On-farm business

2105.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section \* and which includes site plan approval) from the Development Review Board before the Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses):

#### Residential

- (1) Multi-family dwelling
- (2) Assisted living or skilled nursing service

#### Lodging

- (3) Inn

#### Commercial

- (4) Lawn, garden and farm supply sales
- (5) Veterinary, pet or animal service
- (6) Event facility

- (7) Catering or commercial kitchen

#### Industrial

- (8) Food or beverage manufacturing (enclosed, up to 6,000 sf)
- (9) Wood products, cabinet or furniture manufacturing (enclosed, up to 6,000 sf)
- (10) Self-storage services
- (11) Communications tower
- (12) Composting services

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(13) Contractor’s yard or unenclosed storage

**Arts, Entertainment & Recreation**

(14) Artist gallery or studio (up to 3,000 sf)

(15) Museum

(16) Indoor recreation (up to 3,000 sf)

(17) Commercial outdoor recreation (passive)

(18)

**Civic & Community**

(19) Specialty school

(20) Rehabilitation services or residential treatment facility

(21) Child day care

(22) Religious institution

(23) Social club

**Natural Resource Based**

(24) Firewood processing

(25) Extraction and quarrying

2105.D **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2109):

---

(1)	<b>Lot size:</b>	2 acres minimum
(2)	<b>Lot frontage:</b>	150 feet minimum <sup>1</sup>
(3)	<b>Lot coverage:</b>	30% maximum <sup>2</sup>
(4)	<b>Front setback:</b>	40 feet minimum
(5)	<b>Side setback:</b>	16 feet minimum
(6)	<b>Rear setback:</b>	20 feet minimum
(7)	<b>Height:</b>	28 feet maximum
(8)	<b>Density:</b>	1 dwelling unit or principal use per 2 acres of lot area maximum

---

*1 – Minimum frontage for non-residential or mixed-use lots will be 300 feet*

*2 – Maximum coverage for any lot area in excess of 2 acres will be 10%*

2105.E **Development Standards.** Proposed development subject to site plan review in this district must conform to the following standards (in addition to all the applicable standards in Chapter 3):

- (1) The adaptive re-use of existing historic and/or agricultural buildings is strongly encouraged.
- (2) The applicant must:
  - (a) Use context-sensitive siting and design techniques to fit new buildings into the rural landscape in a manner that maintains scenic views and incorporates existing site elements such as open meadows, tree lines, landmark trees, or hedgerows.
  - (b) Design and locate new buildings to maintain views from the road to the open fields and/or hillsides beyond the development site the greatest extent feasible. This can often be accomplished by aligning buildings with the narrow end facing the road so that view corridors are maintained through the side yards.
  - (c) Maintain open space within and/or around the site to preserve rural character.
- (3) The applicant must design new non-residential buildings and additions incorporating vernacular New England architectural forms and materials as follows:

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- (a) Designs that reference the form and materials of traditional barns or agricultural outbuildings are strongly encouraged;
  - (b) Designs that use high-quality natural materials such as wood clapboards, board and batten, barn board or composite materials that resemble traditional materials for exterior cladding are strongly encouraged, as is use of architectural grade asphalt shingles, slate, standing seam, or composite materials that resemble these traditional materials for roofing.
  - (c) Use of traditional agricultural (dark green, red, brown or gray), neutral or earth-tone colors on building exteriors is strongly encouraged.
- (4) The applicant must incorporate at least one of the following architectural elements into new or renovated non-residential building facades:
- (a) An open porch at least 6 feet deep that extends along no less than 40% of the façade;
  - (b) One or more dormers or cupolas, which must be proportional in size to the building, relate to the size and placement of the windows below and break up the mass of a large roof expanse;
  - (c) A change in the roofline that highlights the principal entrance; or
  - (d) A cross gable or ell, which must not be less than 24 feet wide or 30% of the façade, whichever is less, and which must project from or be recessed behind the wall plane at least 4 feet.

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**2106 RURAL 10 (RL 10)**

2106.A **Purpose.** The Rural 10 district encompasses rural lands generally served by unpaved town and private roads that are intended primarily for farming, forestry and low-density residential uses. The purpose of this district is to:

- (1) Protect and preserve working lands and important natural resources;
- (2) Maintain an adequate base of working land to support a traditional resource-based rural economy;
- (3) Support the diversification and economic viability of farming and forestry;
- (4) Maintain an overall low density of residential use by minimizing the amount of land converted from agricultural or forestry use to residential lots and by guiding residential development away from the most productive land.

2106.B **Permitted Uses.** The Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses). Site plan approval is also required for all uses other than single- and two-family dwellings, farming and forestry (see Section \*).

**Residential**

- (1) Single-family dwelling
- (2) Two-family dwelling
- (3) Accessory dwelling
- (4) Home occupation
- (5) Family childcare home
- (6) Group home

**Lodging**

- (7) Bed-and-breakfast
- (8) Short-term rental

**Industrial**

- (9) Communications antenna

**Arts, Entertainment & Recreation**

- (10) Public outdoor recreation or park
- (11) Golf course or country club
- (12) Campground
- (13) Equestrian facility

**Civic & Community**

- (14) Cemetery

**Natural Resource Based**

- (15) Farming or forestry

2106.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section \* and which includes site plan approval) from the Development Review Board before the Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses):

**Residential**

- (1) Home business

**Lodging**

- (2) Inn

**Commercial**

- (3) Lawn, garden and farm supply sales
- (4) Veterinary, pet or animal service
- (5) Event facility
- (6) Catering or commercial kitchen

**Industrial**

- (7) Food or beverage manufacturing (enclosed, up to 6,000 sf)

- (8) Wood products, cabinet or furniture manufacturing (enclosed, up to 6,000 sf)

- (9) Communications tower

- (10) Composting services

- (11) Contractor's yard or unenclosed storage

**Arts, Entertainment & Recreation**

- (12) Museum

- (13) Commercial outdoor recreation

**Civic & Community**

- (14) Specialty school

- (15) Social club

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<b>Natural Resource Based</b>	(17)	Extraction and quarrying
(16) Firewood processing	(18)	On-farm business

2106.D **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2109):

---

(1)	<b>Lot size:</b>	2 acres minimum <sup>1</sup>
(2)	<b>Lot frontage:</b>	150 feet minimum <sup>2</sup>
(3)	<b>Lot coverage:</b>	20% maximum <sup>3</sup>
(4)	<b>Front setback:</b>	40 feet minimum
(5)	<b>Side setback:</b>	16 feet minimum
(6)	<b>Rear setback:</b>	20 feet minimum
(7)	<b>Height:</b>	28 feet maximum
(8)	<b>Density:</b>	1 dwelling unit or principal use per 10 acres of lot area maximum

---

1 – Minimum size for non-residential or mixed-use lots will be 10 acres

2 – Minimum frontage for non-residential or mixed-use lots will be 300 feet

3 – Maximum coverage for any lot area in excess of 2 acres will be 5%

2106.E **Development Standards.** Proposed development in this district must conform to the following standards (in addition to all the applicable standards in Chapter 3):

- (1) A property owner may create one additional lot through subdivision from any parcel in existence as of [effective date] that is between 6 and 20 acres in area irrespective of the density requirement for the district, but in accordance with all other applicable provisions of these regulations.
- (2) The adaptive re-use of existing historic and/or agricultural buildings is strongly encouraged.
- (3) The applicant must:
  - (a) Use context-sensitive siting and design techniques to fit new buildings into the rural landscape in a manner that maintains scenic views and incorporates existing site elements such as open meadows, tree lines, landmark trees, or hedgerows.
  - (b) Design and locate new buildings to maintain views from the road to the open fields and/or hillsides beyond the development site the greatest extent feasible. This can often be accomplished by aligning buildings with the narrow end facing the road so that view corridors are maintained through the side yards.
  - (c) Maintain open space within and/or around the site to preserve rural character.
- (4) The applicant must design new non-residential buildings and additions incorporating vernacular New England architectural forms and materials as follows:
  - (a) Designs that reference the form and materials of traditional barns or agricultural outbuildings are strongly encouraged;
  - (b) Designs that use high-quality natural materials such as wood clapboards, board and batten, barn board or composite materials that

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resemble traditional materials for exterior cladding are strongly encouraged, as is use of architectural grade asphalt shingles, slate, standing seam, or composite materials that resemble these traditional materials for roofing.

- (c) Use of traditional agricultural (dark green, red, brown or gray), neutral or earth-tone colors on building exteriors is strongly encouraged.
- (5) The applicant must incorporate at least one of the following architectural elements into new or renovated non-residential building facades:
- (a) An open porch at least 6 feet deep that extends along no less than 40% of the façade;
  - (b) One or more dormers or cupolas, which must be proportional in size to the building, relate to the size and placement of the windows below and break up the mass of a large roof expanse;
  - (c) A change in the roofline that highlights the principal entrance; or
  - (d) A cross gable or ell, which must not be less than 24 feet wide or 30% of the façade, whichever is less, and which must project from or be recessed behind the wall plane at least 4 feet.

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### 2107 RURAL 20 (RL 20)

2107.A **Purpose.** The Rural 20 district encompasses conserved, environmentally sensitive and remote lands that are intended primarily for farming, forestry and recreational uses. The purpose of this district is to:

- (1) Protect and preserve working lands and important natural resources;
- (2) Maintain an adequate base of working land to support a traditional resource-based rural economy;
- (3) Discourage development of land with significant development constraints including, but not limited to, steep slopes, shallow soils, floodplains and wetlands;
- (4) Limit residential development in remote areas not currently served by roads and infrastructure; and
- (5) Maintain open space for recreation use.

2107.B **Permitted Uses.** The Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses). Site plan approval is also required for all uses other than single- and two-family dwellings, farming and forestry (see Section \*).

#### Residential

- (1) Single-family dwelling
- (2) Two-family dwelling
- (3) Accessory dwelling
- (4) Home occupation
- (5) Family childcare home
- (6) Group home

#### Lodging

- (7) Bed-and-breakfast

- (8) Short-term rental

#### Industrial

- (9) Communications antenna

#### Arts, Entertainment & Recreation

- (10) Public outdoor recreation or park

#### Civic & Community

- (11) Cemetery

#### Natural Resource Based

- (12) Farming or forestry

2107.C **Conditional Uses.** An applicant must obtain conditional use approval (see Section \* and which includes site plan approval) from the Development Review Board before the Zoning Administrator may issue a permit for the following uses in this district (also see Section 2108, which includes definitions of all uses):

#### Industrial

- (1) Communications tower

#### Arts, Entertainment & Recreation

- (2) Museum
- (3) Commercial outdoor recreation
- (4) Golf course or country club
- (5) Campground
- (6) Equestrian facility

#### Civic & Community

- (7) Specialty school
- (8) Social club

#### Natural Resource Based

- (9) Firewood processing
- (10) Extraction and quarrying
- (11) On-farm business

2107.D **Dimensional Standards.** Proposed development in this district must conform to the following dimensional standards (also see Section 2109):

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(1)	<b>Lot size:</b>	2 acres minimum <sup>1</sup>
(2)	<b>Lot frontage:</b>	150 feet minimum <sup>2</sup>
(3)	<b>Lot coverage:</b>	10% maximum <sup>3</sup>
(4)	<b>Front setback:</b>	40 feet minimum
(5)	<b>Side setback:</b>	16 feet minimum
(6)	<b>Rear setback:</b>	20 feet minimum
(7)	<b>Footprint:</b>	4,500 square feet maximum <sup>4</sup>
(8)	<b>Height:</b>	24 feet maximum
(9)	<b>Density:</b>	1 dwelling unit or principal use per 20 acres of lot area maximum

---

1 – Minimum size for non-residential and mixed-use lots will be 20 acres

2 – Minimum frontage for non-residential and mixed-use lots will be 450 feet

3 – Maximum coverage for any lot area in excess of 2 acres will be 2%

4 – Applies to only principal buildings

2107.E

**Development Standards.** Proposed development in this district must conform to the following standards (in addition to all the applicable standards in Chapter 3):

- (1) Irrespective of the density requirement for the district but in accordance with all other applicable provisions of these regulations, a property owner may create:
  - (a) One additional lot through subdivision from any parcel in existence as of [effective date] that is between 6 and 14 acres in area; or
  - (b) Two additional lots through subdivision from any parcel in existence as of [effective date] that is between 15 and 40 acres in area.
- (2) The adaptive re-use of existing historic and/or agricultural buildings is strongly encouraged.
- (3) The applicant must:
  - (a) Use context-sensitive siting and design techniques to fit new buildings into the rural landscape in a manner that maintains scenic views and incorporates existing site elements such as open meadows, tree lines, landmark trees, or hedgerows.
  - (b) Design and locate new buildings to maintain views from the road to the open fields and/or hillsides beyond the development site the greatest extent feasible. This can often be accomplished by aligning buildings with the narrow end facing the road so that view corridors are maintained through the side yards.
  - (c) Maintain open space within and/or around the site to preserve rural character.
- (4) The applicant must design new non-residential buildings and additions incorporating vernacular New England architectural forms and materials as follows:
  - (a) Designs that reference the form and materials of traditional barns or agricultural outbuildings are strongly encouraged;
  - (b) Designs that use high-quality natural materials such as wood clapboards, board and batten, barn board or composite materials that



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resemble traditional materials for exterior cladding are strongly encouraged, as is use of architectural grade asphalt shingles, slate, standing seam, or composite materials that resemble these traditional materials for roofing.

- (c) Use of traditional agricultural (dark green, red, brown or gray), neutral or earth-tone colors on building exteriors is strongly encouraged.
- (5) The applicant must incorporate at least one of the following architectural elements into new or renovated non-residential building facades:
- (a) An open porch at least 6 feet deep that extends along no less than 40% of the façade;
  - (b) One or more dormers or cupolas, which must be proportional in size to the building, relate to the size and placement of the windows below and break up the mass of a large roof expanse;
  - (c) A change in the roofline that highlights the principal entrance; or
  - (d) A cross gable or ell, which must not be less than 24 feet wide or 30% of the façade, whichever is less, and which must project from or be recessed behind the wall plane at least 4 feet.