

Draft East Montpelier Land Use Regulations
v.04 (23 April 2019)

2109 USE TABLE

USE & DEFINITION	MU 4	MU 2	RES 2	BUS 2	BUS 3	RL 2	RL 5	RL 10
RESIDENTIAL								
Single-family dwelling Use of a structure for habitation by one household that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.	P	P	P	P	X	P	P	P
Two-family dwelling Use of a structure for habitation by two households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, and with each unit having a separate entrance from the outside or through a common vestibule.	P	P	P	P	X	P	P	P
Multi-family dwelling (3+ units) Use of a structure or part of a structure for habitation by three or more households each in a unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation, or any dwelling unit in a mixed-use building. See Section 3202.	P	P	P	P	X	C	X	X
Accessory dwelling Accessory use of single-family residential property for a second dwelling unit that provides complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation. See Section 3203.	P	P	P	P	P	P	P	P
Home occupation Accessory use of single-family residential property for a small business that does not alter the residential character of the property. See Section 3204.	P	P	P	P	P	P	P	P
Home business Accessory use of single-family residential property for a small business that may alter the residential character of the property. See Section 3205.	P	P	C	P	P	P	C	X
Family childcare home Accessory use of single-family residential property for a small daycare business that operates under state license or registration. See Section 3206.	P	P	P	P	P	P	P	X
Senior housing Use of one or more structures to primarily house people age 55 or older that: (a) Contains multiple dwelling units each intended for habitation by one household and providing complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation; and (b) May offer minimum convenience services to residents as an accessory use.	P	P	P	P	X	P	X	X
Assisted living or skilled nursing service Use of one or more structures to provide housing, board and to residents who need assistance with daily activities such as dressing, grooming, bathing, etc. or 24-hour skilled nursing, and that operates under state license. Includes residential care, nursing or convalescent homes, and hospice or respite care facilities.	P	P	P	P	X	C	X	X

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<p>Group home Use of single-family residential property to provide housing to people with a handicap or disability that operates under state license or registration. See Section 1105.</p>	P	P	P	P	P	P	P	P
LODGING								
<p>Bed-and-breakfast Accessory use of single-family residential property to provide short-term accommodations for travelers. See Section 3208.</p>	P	P	P	P	P	P	P	P
<p>Inn Use of one or more structures to provide short-term accommodations for travelers. May include a restaurant, bar, event facility, spa or fitness club as an accessory use. See Section 3209.</p>	P	P	C	P	P	C	C	X
<p>Rooming and boarding house Accessory use of a single-family residential property to provide accommodations that will typically serve as the boarder's principal residence, and that commonly includes meals, housekeeping and/or laundry services. See Section 3210.</p>	P	P	P	P	P	P	X	X
<p>Short-term rental Accessory use of property to provide short-term guest accommodations. Includes Airbnb and similar rentals. See Section 3211.</p>	P	P	P	P	P	P	P	P
<p>Hotel or motel Use of one or more structures to provide short-term accommodations for travelers. It may also include accessory uses such as food services, recreational services, convention hosting, laundry services, etc. See Section 3212.</p>	X	X	X	C	C	X	X	X
COMMERCIAL								
<p>Retail sales (up to 3,000 sf >3,000 sf) An establishment that sells goods to the general public for personal or household consumption primarily from within an enclosed structure, excluding any use specifically defined in this section. It may also provide installation, repair or maintenance services as an accessory use.</p>	P C	P C	X X	C C	P C	X X	X X	X X
<p>Sales lot An establishment that sells large items such as vehicles, boats, equipment, machinery, manufactured homes or prefabricated buildings primarily from an open lot. It may also provide installation, repair or maintenance services as an accessory use. See Section 3213.</p>	X	C	X	C	C	X	X	X
<p>Repair service (small goods, up to 3,000 sf vehicles, large goods or >3,000 sf) An establishment that maintains, services, repairs or paints goods such as appliances, vehicles, boats, equipment or machinery. See Section 3214.</p>	P X	P C	X X	P P	P P	X X	X X	X X

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<p>Fueling station A specialized establishment for selling gasoline or other vehicle fuels. Commonly combined with other retail uses such as a carwash or convenience store, or with an auto repair and service garage. See Section 3215.</p>	X	X	X	C	P	X	X	X
<p>Carwash A specialized establishment for washing, waxing, polishing and general cleaning of vehicles. See Section 3216.</p>	X	X	X	C	P	X	X	X
<p>Lawn, garden and farm supply sales An establishment that sells goods to the general public for personal or household consumption primarily from outdoor areas or open-air structures, excluding any use specifically defined in this section that sells specialized products and services for lawn, garden or farm use. It may: (a) sell farm supplies such as feed and seed; (b) sell nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, soil, compost, mulch, or sod; (c) sell lawn, garden or farm equipment or machinery as an accessory use; and (d) provide installation, repair or maintenance services as an accessory use. See Section 3217.</p>	C	C	X	P	P	C	X	X
<p>Lumberyard and building supply sales An establishment that sells lumber and heavy building materials, and that typically stores most of its stock outdoors or under open-air structures. See Section 3217.</p>	C	C	X	P	P	X	X	X
<p>Open market An establishment where goods are brought to be immediately sold to the general public for personal or household consumption from outdoor areas or open-air structures, excluding any use specifically defined in this section. See Section 3218.</p>	C	C	X	P	P	X	X	X
<p>Financial establishment An establishment that engages in financial transactions that create, liquidate or change ownership of financial assets such as accepting deposits, making loans and issuing currency.</p>	P	P	X	P	P	X	X	X
<p>Rental and leasing (small goods, up to 3,000 sf vehicles, large goods or >3,000 sf) An establishment that rents or leases tangible goods such as vehicles, boats, equipment or machinery to consumer or business customers. It may also provide installation, repair or maintenance services an accessory use.</p>	P X	P C	X X	C C	P P	X X	X X	X X
<p>Office, professional, business or administrative service (up to 3,000 sf >3,000 sf) An establishment that: (a) is used to conduct the affairs of a business, organization or profession; (b) provides services that are reliant on the specialized training, expertise, skills or knowledge of practitioners; or (c) provides support services primarily to other businesses such as billing, collection, advertising, telemarketing, copying, mailing, etc. This definition specifically excludes services provided by licensed medical or veterinary practitioners.</p>	P C	P C	X X	P P	P P	X X	X X	X X

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<p>Personal service (up to 3,000 sf >3,000 sf) An establishment that provides services on or closely related to the physical person including, but not limited to, laundry, tailoring, shoe repair, hair salon, nail salon, tanning salon, spa, massage parlor or tattoo parlor. It may include sales of related personal products as an accessory use. This definition specifically excludes services provided by licensed medical or veterinary practitioners.</p>	P C	P C	X X	P P	P P	X X	X X	X X
<p>Veterinary, pet or animal service (up to 3,000 sf >3,000 sf) An establishment: (a) where licensed practitioners of veterinary medicine, dentistry or surgery treat animals; (b) that provides animal and pet care services such as boarding, grooming, sitting and training; or (c) that breeds, sells or manages adoption of pets. It may include grooming, boarding or other pet services as an accessory use. It may include sales of pet food, medicines or supplies as an accessory use.</p>	C X	C X	X X	P P	P P	C C	C C	X X
<p>Restaurant (sit-down take-out) An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption. A restaurant will be classified as take-out if it has drive-through service. A restaurant without drive-through service that has both eat-in and take-out service will be classified as a sit-down restaurant provided that the dining area (exclusive of any outdoor dining) comprises at least 40% of the total floor area of the restaurant. This definition includes a retail bakery that sells at least 50% of its products on the premises. This definition specifically excludes mobile food and catering service. See Section 3219.</p>	P C	P C	X X	C C	X X	X X	X X	X X
<p>Mobile food service An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption from motorized vehicles or non-motorized carts that are parked or located outside the street right-of-way. See Section 3220.</p>	C	C	X	C	P	X	X	X
<p>Bar An establishment that primarily prepares and serves alcoholic beverages for immediate consumption. It may include food service and live entertainment as an accessory use. This definition includes a brewpub that produces less than 15,000 barrels of beer per year and sells 25% or more of its beer on the premises. See Section 3219.</p>	C	C	X	X	X	X	X	X
<p>Event facility An establishment used to host conventions, trade shows, corporate meetings, weddings, receptions, reunions and similar special events that typically includes large open spaces such as auditoriums, banquet halls, exhibition halls and meeting rooms. See Section 3219.</p>	C	C	X	P	C	C	C	X
<p>Catering or commercial kitchen A state-licensed establishment that prepares: (a) meals, snacks and beverages to be served at off-premise events; or (b) food or beverage products for wholesale or retail sale provided that the operator does not require a state food processing establishment license (such uses will be considered food or beverage manufacturing under these regulations).</p>	P	P	X	P	P	C	C	X

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<p>Light industry (enclosed, up to 6,000 sf enclosed, >6,000 sf) An establishment that produces new products, materials or parts in a facility that generally does not rely on specialized power, water or waste disposal systems for operation. All light industrial operations must occur within an enclosed building, which is typically similar to an office building in its size, appearance and impacts. It may include a retail shop as an accessory use that primarily sells products produced on the premises. This definition excludes any use specifically defined in this section.</p>	X X	X X	X X	C C	P P	X X	X X	X X
<p>Food or beverage manufacturing (enclosed, up to 6,000 sf enclosed, >6,000 sf) A state licensed establishment that produces food or beverage products that are typically sold to wholesalers or retailers. It may include a retail shop, restaurant or bar as an accessory use that primarily sells products produced on the premises. This definition includes a microbrewery or commercial bakery.</p>	C X	C X	X X	C C	P P	X X	X X	X X
<p>Wood products, cabinet or furniture manufacturing (enclosed, up to 6,000 sf enclosed, >6,000 sf) An establishment that manufactures products other than rough slabs, dimensional lumber or wood chips primarily from wood, including but not limited to, plywood, veneers, wood containers, wood flooring, wood trusses, prefabricated wood buildings, cabinets and furniture. Manufacturing may include sawing, cutting, planing, shaping, bending, laminating, molding, or assembling. Included are establishments that make primarily wood products from logs and bolts that are sawed and shaped, and establishments that purchase sawed lumber and make primarily wood products. This definition specifically excludes firewood processing, sawmill and forestry.</p>	X X	C X	X X	C C	P P	X X	X X	X X
<p>Wholesale trade An establishment that sells or arranges the purchase of goods primarily to other businesses that is set up as a warehouse or office with little to no display of merchandise and where customers do not have direct access to the primary merchandise being sold.</p>	C	C	X	P	P	X	X	X
<p>Storage and distribution services (enclosed) An establishment that stores, but does not sell, goods and may provide a range of services related to the distribution of goods. This definition specifically excludes any use specifically defined in this section.</p>	X	C	X	C	P	X	X	X
<p>Self-storage services An establishment that provides individual storage spaces for lease to either commercial or wholesale customers for storage of business goods, or to the general public for storage of household goods. See Section 3221.</p>	X	C	X	C	P	X	X	X
<p>Tank farm or fuel storage and distribution services An establishment with one or more tanks that typically store fuels, oils and similar liquid products. It may include sale and distribution of such products. This definition specifically excludes retail sale and refilling of tanks that are not more than 50 pounds in size when carried out as an accessory use. See Section 3222.</p>	X	X	X	X	C	X	X	X
<p>Freight transportation services An establishment that provides: (a) transportation of cargo using trucks, tractor trailers or rail; or (b) that provides services such as storage, maintenance, repair or fuel primarily for heavy vehicles, including buses, or rail equipment.</p>	X	X	X	X	C	X	X	X

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<p>Passenger transportation services An establishment that provides transportation of people including, but not limited to, transit services, bus or rail stations, transportation centers, and taxi or limousine services.</p>	C	C	X	C	P	X	X	X
<p>Publishing, printing and sign manufacturing An establishment that: (a) issues copies of works that are usually protected by copyright and that may print, reproduce, distribute, or offer direct access to works such as newspapers, magazines, periodicals, books, databases, calendars, greeting cards, maps, posters, software, sound recordings or video recordings; or (b) fabricates signs, banners or similar communication devices. This definition specifically excludes retail copy shops, which will be considered an office, professional, business or administrative service under these regulations.</p>	C	C	X	C	P	X	X	X
<p>Media recording or broadcasting studio An establishment that is used to produce, distribute and/or broadcast sound or video programs or recordings.</p>	P	P	X	P	P	X	X	X
<p>Communications antenna A device used to transmit or receive radio, television or other wireless communications and related structures and equipment. This definition specifically excludes a communication tower. See Section 3223.</p>	P	P	P	P	P	P	P	P
<p>Communications tower A structure used to support one or more communication antennas and related structures and equipment. See Section 3223.</p>	X	X	X	C	C	X	C	C
<p>Composting services An establishment used to transform organic waste into a stable, soil-like product in a controlled environment under aerobic conditions. This definition specifically excludes composting activities that are limited to organic waste produced on the premises.</p>	X	X	X	C	C	X	C	X
<p>Recycling services An establishment used to collect, separate and/or recover recyclable materials. It may include the preparation of materials for efficient shipment by means such as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. It may include retail sales of recovered materials as an accessory use.</p>	X	X	X	X	C	X	X	X
<p>Solid waste services An establishment that: (a) collects or hauls nonhazardous solid waste or recyclable materials generated within a local area; or (b) operates as a nonhazardous solid waste transfer station. Establishments may be responsible for the identification, treatment, packaging, and labeling of wastes for the purposes of transport. This definition specifically excludes landfills.</p>	X	X	X	X	C	X	X	X
<p>Septic waste services An establishment that: (a) pump septic tanks and cesspools; (b) rent or service portable toilets; or (c) provide other septic waste management services. This definition specifically excludes municipal wastewater treatment facilities and related essential services.</p>	X	X	X	X	C	X	X	X

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<p>Metal fabrication shop An establishment that produces, assembles or repairs metal products or parts including, but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, machine parts, hardware and tools, plumbing fixtures and products, tanks and similar products. These establishments may include blacksmith, welding, plating, stripping, coating, sheet metal, machine and/or boiler shops.</p>	X	C	X	C	P	X	X	X
<p>Contractor's yard or unenclosed storage An establishment that: (a) provides storage for vehicles, machinery, equipment and materials used by a contractor in the construction-related trades, which may include a shop for maintaining or repairing the contractor's vehicles, machinery or equipment or the contractor's business office; or (b) leases outdoor storage space for vehicles, boats or similar large goods to commercial customers or the general public. This definition specifically excludes junkyards. See Section 3224.</p>	X	X	X	C	P	X	X	X
<p>Slaughterhouse An establishment where livestock is slaughtered and prepared for wholesale or retail distribution. It may have facilities for confining animals and for packaging, processing and storage of meat and associated waste products. It may include a retail shop as an accessory use that primarily sells meat and related products processed or produced on the premises.</p>	X	X	X	C	C	X	X	X
<p>Heavy industry An establishment that produces new products, materials or parts from a site and/or structure(s) with specialized power, water or waste disposal systems for operation. Heavy industrial operations may involve processing of raw materials, use of large machinery or other complex operations, some of which may occur outside an enclosed building, and/or operate continuously.</p>	X	X	X	X	C	X	X	X
ART, ENTERTAINMENT AND RECREATION								
<p>Theater An establishment that presents live entertainment by actors, singers, dancers, musicians or other performing artists, or that shows movies or other recorded entertainment to an audience</p>	P	P	X	P	C	X	X	X
<p>Artist gallery or studio (up to 3,000 sf >3,000 sf) An establishment used to produce, display and/or sell works of art.</p>	P C	P C	X X	P	P P	C X	X X	X X
<p>Museum An establishment that preserves and exhibits objects, sites and natural wonders of historical, cultural or educational value.</p>	P	P	X	P	P	C	C	C
<p>Indoor recreation (up to 3,000 sf >3,000 sf) An establishment that offers physical fitness, sports, games and other leisure-time activities primarily from within an enclosed structure. This definition specifically excludes any use defined in this section.</p>	P C	P C	X X	P P	P P	C X	X X	X X
<p>Commercial outdoor recreation (passive active) A commercial establishment that offers physical fitness, sports, games and other leisure-time activities primarily outside an enclosed building.</p>	X X	C X	X X	P C	C C	C X	C C	C C

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<p>Public outdoor recreation or park A non-commercial establishment that offers sports, games and other leisure-time activities to the general public primarily outside an enclosed structure, or land that is maintained in a primarily unimproved natural state for passive recreation and/or conservation purposes.</p>	P	P	P	P	P	P	P	P
<p>Golf course or country club An establishment laid out with at least nine holes for playing the game of golf and improved with trees, greens, fairways and hazards. It may include a clubhouse that offers food and beverages to members and guests, restrooms, driving range and shelters. It may provide additional recreational activities and/or retail sales of golf-related merchandise as an accessory use.</p>	X	X	X	P	X	C	C	C
<p>Campground An establishment: (a) designed to accommodate campers and their equipment including tents, tent trailers, and recreational vehicles, or (b) that provides overnight recreation camping or outdoor adventure retreats. It may provide facilities and services such as cabins, sanitary facilities, food services, recreational facilities, and organized recreational or educational activities. See Section 3225.</p>	X	X	X	P	X	C	C	C
<p>Equestrian facility A commercial establishment used to house, train, care for, and/or ride horses.</p>	X	X	X	P	P	C	P	C
CIVIC AND COMMUNITY								
<p>Government facility A state- or town-owned or operated establishment that serves a public function and provides governmental services. See Section 1104.</p>	P	P	X	P	P	X	X	X
<p>Educational institution A state-certified public or private establishment that provides educational services. See Section 1104.</p>	P	P	C	P	P	X	X	X
<p>Specialty school (indoor and up to 6,000 sf outdoor or >6,000 sf) A commercial establishment that offers instruction, classes or training on a specific topic such as cooking, arts, crafts, dance, music, sport or fitness.</p>	P X	P X	X X	P	P P	C C	C C	C C
<p>Clinic or outpatient care services An establishment from which one or more licensed practitioners provide healthcare services to people primarily as outpatients.</p>	P	P	X	P	P	X	X	X
<p>Rehabilitation services or residential treatment facility An establishment other than a licensed hospital that provides protective supervision and/or counseling to people with mental illness, substance abuse problems, emotional problems, or physical or mental disabilities or impairments, and that may offer residential or accommodation services. See Section 3226.</p>	C	C	C	C	X	C	X	X
<p>Child day care An establishment that cares primarily for infants and preschool-age children, as well as older children when school is not in session.</p>	P	P	C	P	P	C	X	X

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<p>Religious institution An establishment that serves as a place of worship or congregation for a religious purpose. It may offer educational services, charitable services or other uses associated with religious exercise as an accessory use. See Section 1104.</p>	P	P	C	P	P	C	X	X
<p>Funeral services An establishment that prepares deceased people for burial or cremation, cremates the remains of deceased people, and/or holds funeral services.</p>	P	P	X	P	P	X	X	X
<p>Cemetery A site designed to inter or otherwise store the remains of deceased people.</p>	X	X	P	P	X	P	P	P
<p>Social club A private establishment that is the premises of a nonprofit organization that meets periodically to promote some social, service, educational, athletic or recreational objectives and that caters exclusively to members and their guests.</p>	P	P	X	P	X	C	C	C
NATURAL RESOURCE BASED								
<p>Farming or forestry An establishment that grows crops, raises animals, harvests timber, or harvests plants or animals from their natural habitats. See Section 1103.</p>	P	P	P	P	P	P	P	P
<p>Firewood processing An establishment that produces firewood for wholesale or retail sale from logs that are primarily harvested off-site and delivered to the premises. It may include drying the wood in a kiln or by other methods. This definition specifically excludes sawmill, wood products manufacturing and forestry.</p>	X	X	X	P	P	X	C	C
<p>Sawmill An establishment that produces rough slabs, dimensional lumber or wood chips for wholesale or retail sale from logs that are primarily harvested off-site and delivered to the premises. It may include drying the wood in a kiln or by other methods. This definition specifically includes operation of a portable sawmill for commercial purposes. This definition specifically excludes firewood processing, wood products manufacturing and forestry.</p>	X	X	X	P	P	X	C	C
<p>Extraction and quarrying An establishment that dredges, quarries, mines, or develops mine sites for crushed and broken stones, limestone, sand, gravel, clay, topsoil, or other stones and nonmetallic minerals. It may include on-site processing such as crushing, grinding, washing or screening. See Section 3227.</p>	X	X	X	X	C	X	C	C
<p>Groundwater withdrawal An establishment that withdraws groundwater for commercial, industrial, bottled or bulk purposes. It may include on-site processing and bottling. See Section 3228.</p>	X	X	X	X	C	X	C	C
<p>On-farm business An establishment that engages in agri-tourism, agri-education, direct marketing of locally-produced farm or forest products, or that adds value to locally-produced farm or forest products. See Section 3229.</p>	X	X	X		P	P	C	C

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2110 DIMENSIONAL TABLE

USE & DEFINITION	MU 4	MU 2	R 2	BUS 2	BUS 3	RL 2	RL 5	RL 10
LOTS (See Subsection 2005.E)								
Minimum lot size (residential lots non-residential lots) All land within the property boundaries excluding any land within a road right-of-way.	½ ac	½ ac	½ ac	2 ac	3 ac	2 ac	2 ac 5 ac	2 ac 10 ac
Minimum lot frontage (residential lots non-residential lots) On a maintained public or private road, excluding any frontage on Class 4 roads or unimproved rights-of-way.	60 ft	90 ft	90 ft	300 ft	300 ft	150 ft	150 ft 300 ft	150 ft 450 ft
Maximum lot coverage (first 2 acres all lot area in excess of 2 acres) Total amount of impervious surface as a % of total lot area.	80%	70%	60%	60% 10%	60% 10%	30% 10%	20% 5%	10% 2%
SETBACKS (See Subsection 2005.F.)								
Minimum front setback	8 ft	12 ft	16 ft	20 ft	20 ft	40 ft	40 ft	40 ft
Maximum front setback	20 ft	20 ft	n/a	n/a	n/a	n/a	n/a	n/a
Minimum side setback (property within the same district property in another district)	8 ft	12 ft	12 ft	20 ft 40 ft	20 ft 40 ft	16 ft	16 ft	16 ft
Minimum rear setback (property within the same district property in another district)	12 ft	12 ft	20 ft	20 ft 40 ft	20 ft 40 ft	20 ft	20 ft	20 ft
BUILDINGS (See Subsection 2005.G.)								
Maximum principal building footprint	6,000 sf	6,000 sf	4,500 sf	12,000 sf	n/a	n/a	n/a	4,500 sf
Minimum principal building height	24 ft	24 ft	n/a	18 ft	n/a	n/a	n/a	n/a
Maximum structure height	36 ft	36 ft	28 ft	28 ft	36 ft	28 ft	28 ft	24 ft
DENSITY								
Maximum density Measured as number of dwelling units or other principal uses per amount of total lot area, except that accessory dwellings in accordance with Section 3203 will not be included.	1 per ¼ ac	1 per ½ ac	1 per ½ ac	1 per 2 ac	1 per 3 ac	1 per 2 ac	1 per 5 ac	1 per 10 ac