

1

2

3

4

5

6

7

8 **ZONING REGULATIONS**

9

10 **TOWN OF WALLINGFORD, VERMONT**

11

12 **2020**

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28 Regulations were first approved by the legal voters of Wallingford on March 2, 1971. The

29 regulations were subsequently re-adopted on September 12, 1972, December 12, 1989, June 15,

30 2009, and August 17, 2015.

31

TABLE OF CONTENTS

| | | |
|----|-----------------------------------------------------------------------------------------|----|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | Article I: Enactment and Purpose | 3 |
| 5 | Section 101 – Purpose..... | 3 |
| 6 | Section 102 – Interpretation..... | 3 |
| 7 | Section 103 – Enactment | 3 |
| 8 | Section 104 - Effective Date | 3 |
| 9 | Section 105 – Severability | 3 |
| 10 | | |
| 11 | Article II: Definitions..... | 5 |
| 12 | Section 201 – Definitions | 5 |
| 13 | | |
| 14 | Article III: Establishment of Zoning Districts and Zoning Maps | 5 |
| 15 | Section 301 – Zoning Districts | 5 |
| 16 | Section 302 - Zoning Maps..... | 5 |
| 17 | Section 303 – Interpretation of Zoning District Boundaries | 5 |
| 18 | | |
| 19 | Article IV: General Regulations | 6 |
| 20 | Section 401 – Application of Regulations | 6 |
| 21 | Section 402 – Limitation on Municipal Bylaws | 6 |
| 22 | Section 403 - Existing Small Lots | 7 |
| 23 | Section 404 - Lots Lying In More Than One District | 7 |
| 24 | Section 405 - Required Frontage On, Or Access To, Public Roads Or Public Waters | 7 |
| 25 | Section 406 – Protection of Home Occupations..... | 7 |
| 26 | Section 407 – Equal Treatment of Housing..... | 8 |
| 27 | Section 408 – Construction Approved Prior to Adoption or Amendment to Regulations | 8 |
| 28 | Section 409 – Non-Forming Uses..... | 8 |
| 29 | Section 410 – Non-Conforming Structures | 8 |
| 30 | Section 411 - Temporary Uses and Structures | 8 |
| 31 | Section 412 – Conditional Use Approval | 9 |
| 32 | Section 413 - Site Development Plan Approval and Procedures | 9 |
| 33 | Section 414 – Shoreland Protection Act Standards | 9 |
| 34 | Section 415 – Uses Not Permitted..... | 10 |
| 35 | Section 416 – Abandonment of Structures | 10 |
| 36 | Section 417 – Flood Hazard Protection Area Standards | 10 |
| 37 | Section 418 – Off-Street Parking Space | 11 |
| 38 | Section 419 – Storage | 11 |
| 39 | Section 420 – Access to State Highway | 11 |
| 40 | Section 421 – Exemptions to Town Permits Requirements | 12 |
| 41 | Section 422 – Potable Water Supply and Wastewater Permits | 12 |
| 42 | | |
| 43 | Article V: Specific District Regulations | 14 |
| 44 | Section 501 - Forest and Recreation (FR) | 14 |
| 45 | Section 502 - Agricultural and Rural Residential (ARR)..... | 15 |
| 46 | Section 503 – Residential (R)..... | 16 |

| | | |
|----|---------------------------------------------------------------------------------------------|----|
| 47 | Section 504 - Multiple Residential (MR) | 17 |
| 48 | Section 505 - Neighborhood Commercial (NC) | 18 |
| 49 | Section 506 – Industrial (IN) | 19 |
| 50 | | |
| 51 | Article VI: Administration and Enforcement | 20 |
| 52 | Section 601 – Zoning Administrator | 20 |
| 53 | Section 602 - Zoning Permits | 20 |
| 54 | Section 603 – Zoning Permit Effective Periods and Permit Extension or Amendment | |
| 55 | Requirements | 21 |
| 56 | Section 605 – Penalties for Starting a Project Prior to Issue of all Required Permits | 21 |
| 57 | Section 606 – Development Review Board (DRB) | 21 |
| 58 | Section 607 – Appeals | 21 |
| 59 | Section 608 – Referral to State Agency(s) | 21 |
| 60 | | |
| 61 | Article VII: Mobile Home and Mobile Home Parks | 23 |
| 62 | Section 701 – Mobile Home Park Permits - | 23 |
| 63 | Section 702 – Park Requirements | 23 |
| 64 | Section 703 – Single Mobile Homes | 24 |
| 65 | Section 704 - Exceptions | 24 |
| 66 | | |
| 67 | Article VIII: Trailer, Recreational Campground and Recreational Equipment Storage | 25 |
| 68 | Section 801 - Trailer or Recreational Campground Permits | 25 |
| 69 | Section 802 – Trailer or Recreational Campground Requirements | 25 |
| 70 | Section 803 - Storage of Camping and Recreational Equipment | 26 |
| 71 | | |
| 72 | Article IX: Signs and Advertising Displays | 27 |
| 73 | Section 901 – Purpose | 27 |
| 74 | Section 902 – Number and Type of Allowable Permanent Signs | 27 |
| 75 | Section 903 – Placement | 28 |
| 76 | Section 904 - Special Categories of Signs | 28 |
| 77 | Section 905 – Exempt Signs | 28 |
| 78 | Section 906 – Prohibited Signs | 29 |
| 79 | Section 907 - Illuminated Signs | 30 |
| 80 | Section 908 – Non-Operational Businesses | 30 |
| 81 | | |
| 82 | Appendices | |
| 83 | Appendix A – Definitions | 31 |
| 84 | | |

ARTICLE I: ENACTMENT AND PURPOSE

Section 101 - Purpose

These Zoning Regulations are meant to promote the public health, safety, and welfare of the community of Wallingford as authorized by the Vermont Planning and Development Act (24 V.S.A. Chapter 117; "the Act"). The specific objectives of these regulations are to protect and enhance the value of property; to protect and consider the natural and human environment; and to provide for orderly community growth. In order to control potential threats and certain uses are either not permitted, conditionally permitted, or permitted subject to compliance with specific criteria outlined within these Regulations. These constraints are designed to prevent over-development, to mitigate the negative impacts to the natural and human environment, and to minimize effects to the historical and aesthetic character of the Community.

Section 102 – Interpretation

The provisions within these Regulations shall be interpreted and applied whenever the Zoning Administrator, Development Review Board, or Judiciary are required to do so in conformance with the Purpose section. The interpretation and application of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. These Regulations should not be interpreted to impair any regulations or permits previously adopted or issued, provided that where these Regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these Regulations shall control.

Section 103 - Enactment

In accordance with the Act, there are hereby established Zoning Regulations for the Town of Wallingford, Vermont which are set forth in the text and maps that constitutes these regulations. These regulations shall be known and cited as the "Zoning Regulations: Town of Wallingford, Vermont."

Section 104 - Effective Date

These Regulations shall take effect upon the date of their approval by the Legislative body of the Town of Wallingford.

Section 105 – Severability

The invalidity of any article or section of these Regulations shall not invalidate any other article or section thereof.

ARTICLE II: DEFINITIONS

Section 201 – Definitions

Except where specifically defined herein, all words used in these regulations shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural- The word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; the words "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed to be used or occupied"; the word "person" includes "individual, partnership, association(s), corporation(s), company or organization(s)" **or any other incorporated or unincorporated organization or group". The Planning Commission (or Development Review Board ?) shall clarify doubt as to the precise meaning of any word used in these Regulations.** References to other Sections of the Zoning Regulations are attached to the detailed list of Definitions found in Appendix A of this document.

ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

Section 301 - Zoning Districts

Wallingford is hereby divided into the following zoning districts.

Forest and Recreation - FR

Agricultural and Rural Residential - ARR

Residential - R (formerly R15)

Multiple Residential - MR

Neighborhood Commercial - NC

Industrial - IN

Section 302 - Zoning Maps

The locations and boundaries of Zoning Districts are established and shown on the Official Zoning Maps which are hereby made a part of these regulations.

Section 303 - Interpretation of Zoning District Boundaries

If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Maps, the Development Review Board shall determine the location of such boundary.

ARTICLE IV: GENERAL REGULATIONS

Section 401 - Application of Regulations

Except as provided, no building or structure shall be erected, moved, altered; demolished, or extended; and no land, building, structure, or part thereof, or any substantial change or expansion of Structure or Use, unless it is in conformity with the regulations specified for the district in which it is located. **Town Regulations do not supersede applicable Vermont or Federal Regulations. Separate Town Ordinances may also apply to a regulated use of activity.**

Section 402 - Limitations on Municipal Bylaws

The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

1. State or community owned and operated institutions and facilities.
2. Educational institutions certified by the State Department of Education.
3. Churches and other places of worship, convents, and parish houses.
4. Public and private hospitals.
5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159, **and applicable revisions**
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a, **and applicable revisions.**

In addition, there are the additional following restrictions on **Town** regulations: No regulation on public utility power generating or transmission facilities regulated under 30 V.S.A. § 248. If land is also subject to state regulation, the more stringent or restrictive regulation applies. No regulation of accepted agricultural practices and uses that are regulated under and defined by 10 V.S.A. §§ 1021(f) and 1259(f) and 6 V.S.A. § 4810.

1. Zoning laws must respect the limits on municipal power to regulate hunting, fishing, trapping, and other such activities.
2. Zoning laws shall not prohibit the installation, operation or maintenance of alternative energy-generation systems that are exempt from VT Statute (30 VSA Section 248; and subsequent revisions). Town zoning regulations do apply to other solar, wind, hydro and geo-thermal energy generation facilities that are not exempt of local jurisdiction by state or federal laws.

- 207 3. Residential energy generation facilities not regulated by the State of Vermont Public
208 Service Board or exempt from local regulation by State statute are subject to all Town
209 standards.

210
211 **Section 403- Existing small lots**
212

213 Any lot in individual and separate and non-affiliated ownership from surrounding properties in
214 existence on the effective date of these Regulations may be developed for the purposes permitted in
215 the district in which it is located, even though not conforming to minimum lot size requirements,
216 provided that such lot is not less than 1/8 acre in area with a minimum width or depth dimension of
217 40 feet.

218
219 **Section 404 - Lots Lying In More Than One District**
220

221 In the case of lots lying in more than one district, the provisions of any district may be applied for a
222 distance of not more than 50 feet into any other adjacent district.

223
224 **Section 405 - Required Frontage On, Or Access To, Public Roads Or Public Waters**
225

226 No land development may be permitted on lots which do not either have frontage on a public road
227 or public waters or, with the approval of the Development Review Board, access to such road or
228 waters by a permanent easement or right-of-way at least 20 feet in width.

229
230 **Section 406 - Protection of Home Occupations**
231

232 None of these Regulations are intended to infringe upon the right of any resident to use a minor
233 portion of a dwelling or appurtenant accessory structure for an occupation which is customary in
234 residential areas and which does not change the character of the neighborhood; a zoning permit is
235 still required.

236
237 Residents may use a minor portion of a dwelling or accessory structure for an occupation which is
238 customary in residential areas and which does not change the character of the area as long as:

- 239 1. The dwelling, accessory structures, and the lot maintain a residential appearance at all
240 times.
241
242 2. The home occupation is clearly secondary to the use of the site for residential purposes.
243
244 3. The use is conducted within a portion of the dwelling or a building accessory thereto by a
245 resident of the principal dwelling, and having not more than two (2) employees.
246
247 4. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes,
248 odors or electrical interference.
249
250 5. A permitted Home Occupation is granted to the applicant for the length of time that the
251 applicant occupies the dwelling. The permit shall expire upon relocation by the applicant

and shall neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.

6. Vehicle (auto and /or truck) bodywork or repairs are not considered Home Occupations.

Section 407 - Equal Treatment of Housing

None of these Regulations shall have the effect of excluding housing that meets the needs of the population within the community of Wallingford, as determined by the 'Housing' element of the Municipal and Town Plans, as required under 24 V.S.A. Chapter 117, §4382(a) (10).

Section 408 - Construction Approved Prior to Adoption or Amendment to Regulations

Nothing contained in these Regulations shall require any changes in plans or construction of a non-complying structure for which a building permit has been issued, and which has been completed within one year from the effective date of these Regulations.

Section 409 - Non-Conforming Uses

The following provisions shall apply to all buildings and uses existing on the effective date of these Regulations which do not conform to the requirements set forth in these Regulations and to all buildings and uses that in the future do not conform by reason of any subsequent amendment to these Regulations. Any non-conforming use of structures or land, except those specified below, may be continued indefinitely, but:

1. Shall be extended or expanded only upon the approval of the Development Review Board, if it finds that such extension or expansion does not create a greater nuisance or detriment.
2. Shall not be changed to another non-conforming use without approval of the Development Review Board, and then only to a use which, in the opinion of the Board, is no more objectionable in character than the old use.
3. Shall not be re-established without approval of the Development Review Board if such use has been discontinued for a period of one year, or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

Section 410 - Non-Conforming Structures

Nothing in the paragraph above shall be deemed to prevent normal maintenance and repair of a non-conforming structure, provided that such action does not increase its degree of non-compliance.

Section 411 - Temporary Uses and Structures

Temporary permits may be issued by the Zoning Administrator (referred to in Article VI) for a period not exceeding one (1) year for nonconforming uses incidental to construction projects. Such permits are conditional to agreement by the owner to remove the structure or cease temporary use upon expiration of the permit, and address temporary potable water and septic disposal issues, per state and local rules.

Such permit may be renewed upon application for an additional period not exceeding one (1) additional year.

Section 412 - Conditional Use Approval

No Zoning Permit shall be issued by the Zoning administrator for any use or structure that requires Conditional Use Approval until the Development Review Board grants such approval. In considering its action, the Board shall make findings on general and specific standards, hold hearings, and attach conditions, if any, as provided for in the Act. The general standards which must be met are that any proposed conditional use shall not adversely affect:

1. The capacity of existing or planned community facilities;
2. The character of the area affected;
3. Traffic on roads and highways in the vicinity, and
4. By-laws then in effect.

The proposed conditional use shall conform to the specific standards for the district in which it is located. Lacking locally defined standards, the Development Review Board may also apply commonly accepted standards which may apply in legal precedent. An accepted exception is for existing mobile home parks and trailer and recreational campgrounds, which shall conform to the specific standards for those particular uses as provided in these Regulations provided in Articles VII and VIII.

Section 413 - Site Development Plan Approval and Procedures

No Zoning Permit shall be issued by the Zoning Administrator for any use or structure requiring Conditional Use approval, until the Development Review Board grants Site Development Plan Approval.

Application for site plan approval shall be submitted to the Development Review Board by the Zoning administrator and contain the following information: a clear and accurate site plan showing location and dimensions of the lot in question and a description of the proposed development, including a description of any building to be constructed or altered and its intended use. The Development Review Board shall act to approve, or deny, any such site plan within 45 days after the date it receives the proposed plan, and failure to act within such period shall be deemed approval.

Section 414 - Shoreland Protection Act Standards

Vermont's Shoreland Protection Act (In effect July 1, 2014) applies to all activities within 250 feet of a lake or pond's mean water level for all lakes and ponds greater than 10 acres in surface area, affecting all property that shares a property line with Wallingford Pond, Fifield Pond, Little Rock Pond, and Elfin Lake.

The Act recognizes that many shoreland properties in Vermont are already developed or are small parcels that cannot meet the new standards. Developed properties are "grandfathered" until the owner proposes redevelopment. On existing small parcels, the Shoreland Permit Program staff will work with homeowners so that the standards are met to the extent possible.

Any project involving new cleared area or impervious surface that exceeds the registration limits of a parcel will require a shoreland permit from the State of Vermont. Shoreland registrations and permits will require compliance with the standards outlined in the Act.

Activities that do not require a permit:

- Maintenance, but not expansion, of lawns, gardens, landscaped areas, and beaches in existence on July 1, 2014;
- Creation of one 6-foot-wide footpath to mean water level;
- Construction within the impervious surface footprint in existence July 1, 2014;
- Wastewater systems and potable water supplies;
- Repair and replacement of transportation infrastructure, including private roads; silvicultural (forestry) activities; agricultural activities;
- utility projects and lines;
- projects with an Act 250 permit; projects within designated downtowns and village centers; and certain urban and industrial redevelopment.

Section 415 - Uses Not Permitted

The following uses are not permitted within the Town of Wallingford or any of its Zoning Districts:

- Hide tanning or curing plants,
- Crematoriums,
- Asphalt manufacturing or processing plants,
- Rendering plants, manufacturing or processing of fertilizer, bone, rubber, paper, ammonia, chlorine, explosives,
- Marijuana dispensary, methadone clinic,
- Manufacturing or refining of petroleum or gas.

Section 416 - Abandonment of Structures

Within 1 year after work on an excavation for a building has begun or within one (1) year after a permanent or temporary building or structure has been destroyed, demolished, or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner.

Section 417 - Flood Hazard Protection Area Standards

The specifics of the “Flood Hazard Area Regulations” may be referenced in the Wallingford Town Clerk’s Office.

Section 418 - Off-Street Parking Space

The Development Review Board may require specific off-street parking spaces to be provided when reviewing Conditional Use applications.

In order to enhance and maintain village character, parking to serve non-residential uses and residential structures with two or more units shall not be permitted between the front building line and the street in the Neighborhood Commercial, Multiple Residential and Residential Districts. The Development Review Board may consider exceptions to this requirement when strict conformity cannot be achieved due to site specific constraints and where the overall site layout otherwise conforms with the purpose of the district.

Section 419 – Storage

Any new commercial storage facilities are a Conditional Use in all zoning districts and subject to Development Review Board approval. Storage lasting less than one year in a temporary storage structure may be allowed upon issue of a temporary use permit by the Zoning Administrator. The storage unit is to be located in the rear or side of the property when possible, and a minimum of 10 feet from any property line. Placement of storage structures for longer than one year will be considered an accessory use building and will be subject to prescribed setbacks and applicable zoning regulations.

Section 420- Access to State Highway

Whenever a proposed site plan involves a new or expansion of access or use to a State of Vermont highway, the application for site plan approval shall include a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit.

Section 421 - Exemptions to Town Permit Requirements

1. Residential (detached) Storage and Accessory Structures of 120 square feet or less and 15 feet in height. These exempted non-commercial structures, when used exclusively by the property Owner, are also exempt from prescribed side and rear setbacks, providing they are installed in all zoning districts a minimum setback of ten (10) feet. Front setbacks for the specific zoning district still apply. Commercial use of new detached accessory structures are not exempt.
2. Accepted/Required Agricultural Practices (AAPs & RAP’s), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with applicable VT Statutes. Written notification, including a Site Plan showing structure setback distances from road rights-of-way, property lines, and surface

waters shall be submitted to the Zoning Administrator prior to any construction, as required by AAP/RAPs. Such structures shall meet all setback requirements under these regulations; unless specifically waived by the Secretary. The Zoning Administrator may require a Determination Letter from the Vermont T Agency of Agriculture, Food & Markets as a required component of any application for a qualified Agricultural Structure or Use.

3. Accepted Management Practices (AMPs) for silviculture (forestry) as the Commissioner of Forests defines those practices, Parks, and Recreation.
4. Power generation and transmission facilities, which are regulated under 30 V.S.A. 248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Town Plan.
5. Hunting, fishing, and trapping as specified under 24 V.S.A. 2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.
6. Normal maintenance and repair of an existing structure which do not result in exterior alterations or expansion of exterior area (footprint or height), or a change of use.
7. Interior alterations or repairs to a structure which do not result in exterior alterations, or expansion, or a change in use.
8. Exterior alterations to structures which do not result in any change to the footprint or height of the structure or a change in use.
9. Residential entry stairs (excluding decks and porches), handicap access ramps, and required landings (40 square feet maximum), walkways, and fences or walls less than or equal to 6 feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.
10. Minor grading and excavation associated with road and driveway maintenance, or which is otherwise incidental to an improved use. This specifically does not include extraction and quarrying activities. This exemption applies to common residential landscaping projects involving only earthen materials; including open patios and retaining walls
11. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing, and snow mobile trails) which do not require the installation of structures or parking areas.
12. Street Sales Garage, tag, yard, moving, estate, and similar temporary sales of goods, for up to 15 days per calendar year, will not require a local permit, providing the sale does not interfere with public right of way or safety issues, as determined by the appropriate Public Authorities. Marketing of goods, materials, food, etc. for longer than this permitted period requires the applicable zoning permit.
13. Other uses as designated in the Table of Contents.

477
478 **Section 422 - Potable Water Supply and Wastewater Permits**
479

480 The Zoning Administrator may withhold the issuance of a zoning permit until the applicant has
481 successfully demonstrated receipt of a State of Vermont Potable Water Supply and Wastewater
482 Permit or for pre-existing and functioning water and septic systems, an exemption from Vermont's
483 Wastewater & Potable Water Supply Division.
484

485 Existing water supply or sewage disposal systems that have been considered abandoned or
486 discontinued, failed in daily performance; or expect expanded/increased use from existing use (as of
487 1/1/2007) will require further proof of compliance with VT regulations in any application for a Town
488 permit.

ARTICLE V: SPECIFIC DISTRICT REGULATIONS

Section 501 - Forest and Recreation (FR)

1. **The following uses are permitted:** Agricultural and forest uses; camp; private club; One- and two-family dwelling; and non-commercial accessory uses (excepting Home Occupations); and reservoirs.
2. **The following uses are allowed after Conditional Use and Site Plan approval:** Wildlife refuge; renewable energy generation facilities and infrastructure; telecommunications facilities, owner-occupied commercial uses with low-level environmental impact to surrounding ownerships; public outdoor recreation; private outdoor recreation; and commercial outdoor recreation.

Other uses not listed here may be permitted if the finding by the Development Review Board shows that such use is clearly of the same general character as those permitted in the area, and which will not be detrimental to the other uses within the district or to the adjoining land uses, or the natural and human environment, and so long as such use is not prohibited under Article IV of these Regulations.

3. **Minimum Dimensional Requirements:**

| | Residential | Non-Residential |
|---------------------------------|-------------|-----------------|
| Lot area | 1 acre | 10 acres |
| Lot front (along road frontage) | 150 feet | 300 feet |
| Rear yard minimum | 50 feet | 100 feet |
| Lot depth | 150 feet | 500 feet |

4. **Minimum setbacks:**

| | Residential | Non-Residential |
|-------|-------------------|-------------------|
| Front | 50 feet | 100 feet |
| Rear | 50 feet | 100 feet |
| Sides | 30 feet each side | 50 feet each side |

5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for agricultural use. The height maximum for telecommunications and renewable energy generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by Development Review Board for “visual environmental blending” of antenna / tower impact to area aesthetics.
6. **Zone specific sign limitations,** in addition to Article IX Free-standing, non-internally illuminated, flush-mounted signs, 16 square feet, maximum area.

Section 502 - Agricultural and Rural Residential (ARR)

1. **Agricultural and forest uses:** 1-family dwelling; 2-family dwelling; mobile home; professional residence/office.
2. **The following uses are allowed after Conditional Use and Site Plan approval:** Multiple-family housing (more than 2 units); light manufacturing; mobile home park; trailer park; fueling station; gravel pit; animal-hospital, tourist home; boarding house, or lodge; motel, hotel, condominiums; private school, community center; hospital; dormitory; private club, membership clubhouse; public outdoor recreation; private outdoor recreation; commercial outdoor recreation; wildlife refuge; cemetery; parking lot; enclosed storage; energy generation facilities and infrastructure; telecommunications facilities; and veterinary clinic, provided that any structures for the housing of animals shall be at least 200 feet from any residential or other use in the district to which it would be detrimental.

Other uses not listed here may be permitted if the finding by the Development Review Board shows that such use is clearly of the same general character as those permitted in the area, and which will not be detrimental to the other uses within the district or to the adjoining land uses, or the natural and human environment, and so long as such use is not prohibited under Article IV of these Regulations.

3. Minimum Dimensional Requirements

| | Residential* | Residential** | Non-Residential |
|-----------------|--------------|---------------|-----------------|
| Lot area | 1 acre | 2 acres | 2 acres |
| Lot front width | 250 feet | 150 feet | 150 feet |
| Lot rear width | 65 feet | 50 feet | 50 feet |
| Lot depth | 150 feet | 150 feet | 150 feet |

4. Minimum Setbacks

| | Residential* | Residential** | Non-Residential |
|---------|-------------------|-------------------|-------------------|
| Front | 50 feet | 150 feet | 200 feet |
| Rear | 30 feet | 50 feet | 65 feet |
| Side(s) | 30 feet each side | 30 feet each side | 65 feet each side |

* Sites with access to Municipal services (water and/or sewer)

** Site without access to Municipal services (water and/or sewer)

5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for agricultural use. The height maximum for telecommunications and renewable energy generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by Development Review Board for “visual environmental blending” of antenna /tower impact to area aesthetics.
6. **Zone specific sign limitations,** in addition to Article IX Free-standing, non-internally illuminated, flush-mounted signs, 16 square feet, maximum area.

Section 503 - Residential (R) (Formerly R-15)

1. **The following uses are permitted:** 1-family dwelling; 2-family dwelling; mobile home; professional residence/office; home occupation; and enclosed accessory building use.
2. **The following uses are allowed after Conditional Use and Site Plan approval:** Multiple-family housing (more than 2 units); private schools, commercial and outdoor recreation.

Other uses not listed here may be permitted if the finding by the Development Review Board shows that such use is clearly of the same general character as those permitted in the area, and which will not be detrimental to the other uses within the district or to the adjoining land uses, or the natural and human environment, and so long as such use is not prohibited under Article IV of these Regulations.

3. Minimum Dimension Requirements

Lot area minimum: 1/8 of an acre (5,445 square feet)

| | Residential | Commercial |
|-----------------|-------------|------------|
| Lot front width | 50 feet | 50 feet |
| Lot rear width | 50 feet | 50 feet |
| Lot depth | 100 feet | 100 feet |

4. Minimum Setbacks

| | Residential | Commercial |
|---------|--------------|--------------|
| Front | 10 feet | 10 feet |
| Rear | 10 feet | 10 feet |
| Side(s) | 10 feet each | 10 feet each |

5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for agricultural use. The height maximum for telecommunications and renewable energy generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by Development Review Board for “visual environmental blending” of antenna /tower impact to area aesthetics.
6. **Zone specific sign limitations,** in addition to Article IX Free-standing, non-internally illuminated, flush-mounted signs, 16 square feet, maximum area.

Section 504 - Multiple Residential (MR)

1. **The following uses are permitted in the multiple residential district:** 1-family dwelling; 2-family dwelling; multiple-family dwelling; mobile home; professional residence office; home occupation; and enclosed accessory building use.
2. **The following uses are allowed after Conditional Use and Site Plan approval:** Private school; community center; energy generation facilities and infrastructure, telecommunications facilities; and public outdoor recreation.

Other uses not listed here may be permitted if the finding by the Development Review Board shows that such use is clearly of the same general character as those permitted in the area, and which will not be detrimental to the other uses within the district or to the adjoining land uses, or the natural and human environment, and so long as such use is not prohibited under Article III of these Regulations.

3. **Minimum Dimensional Requirements**

Lot area minimum: 1/8 of an acre/dwelling unit

| | Residential 1 & 2 Family | Multi-Family 3+ Dwelling units) | Non- Residential |
|-------------|-----------------------------|------------------------------------|---------------------|
| Front width | 50 feet | 75 feet | 50 feet |
| Rear width | 50 feet | 50 feet | 50 feet |
| Depth | 100 feet | 100 feet | 100 feet |

4. **Minimum Set Back**

| | Front | Side(s) and Rear |
|-----------------|---------|------------------|
| One family | 10 feet | 10 feet |
| Two family | 10 feet | 10 feet |
| Multiple family | 20 feet | 20 feet |

5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for agricultural use. The height maximum for telecommunications and renewable energy generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by Development Review Board for “visual environmental blending” of antenna /tower impact to area aesthetics.
6. **Zone specific sign limitations,** in addition to Article IX Free-standing, non-internally illuminated, flush-mounted signs, 16 square feet, maximum area.

Section 505 - Neighborhood Commercial (NC)

1. **The following uses are permitted in neighborhood commercial districts:** Retail store; business office; personal service business; community center; 1-family, 2-family, or multiple family dwelling; mobile home; hotel; mortuary, funeral home; educational institution; enclosed accessory use.
2. **The following uses are allowed after Conditional Use and Site Plan approval:** Energy generation facilities and infrastructure, telecommunications facilities, parking, private club, and gasoline stations.

Other uses not listed here may be permitted if the finding by the Development Review Board shows that such use is clearly of the same general character as those permitted in the area, and which will not be detrimental to the other uses within the district or to the adjoining land uses, or the natural and human environment, and so long as such use is not prohibited under Article IV of these Regulations.

3. Minimum Dimensional Requirements

Lot area minimum: 1/8 acre (5,445 square feet) per dwelling unit. (If application is for new construction.) For proposed changes of Use to existing non-conforming structure, or non-conforming parcels, dimensional requirements may be adjusted upon Development Review Board review and approval.

| | Residential | Non-Residential |
|-------------------|-------------|-----------------|
| One family | 50 feet | 50 feet |
| Two family | 50 feet | 50 feet |
| Multiple Family | 75 feet | 50 feet |
| Lot depth minimum | 100 feet | 100 feet |

4. Minimum Setbacks

| | Front | Side(s) and rear |
|-----------------|--------------|------------------|
| One family | 10 feet | 10 feet |
| Two family | 10 feet | 10 feet |
| Multiple Family | 20 feet each | 20 feet |

5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for agricultural use. The height maximum for telecommunications and renewable energy generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by Development Review Board for “visual environmental blending” of antenna /tower impact to area aesthetics.

6. **Zone specific sign limitations,** in addition to Article IX Free-standing, non-internally illuminated, flush-mounted signs, 16 square feet, maximum area.

Section 506 – Industrial (IN)

1. **The following uses are allowed after Conditional Use and Site Plan approval in industrial districts:** Light manufacturing, research and development laboratory; multiple family residential (over 2 units); enclosed warehouse; 1-family and 2-family dwellings; mobile home; enclosed service and repair establishments; public garage; public utility substation; car wash; sand or gravel pit; quarry; dairy manufacturing; accessory building use; energy generation facilities and infrastructure and telecommunications facilities.

Other uses not listed here may be permitted if the finding by the Development Review Board shows that such use is clearly of the same general character as those permitted in the area, and which will not be detrimental to the other uses within the district or to the adjoining land uses, or the natural and human environment, and so long as such use is not prohibited under Article IV of these Regulations.

2. **Dimensional Requirements:**

Lot area minimum: 1/4 of an acre

Lot frontage minimum: 50 feet

Side Yard minimum: 10 feet each side

Rear Yard minimum: 10 feet

Free-Standing Signs: 16 sq. ft. sign area maximum

Flush-Mounted Signs: 16 sq. ft. sign area maximum

3. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for agricultural use. The height maximum for telecommunications and renewable energy generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by Development Review Board for “visual environmental blending” of antenna /tower impact to area aesthetics.

ARTICLE VI: ADMINISTRATION AND ENFORCEMENT

Section 601 - Zoning Administrator: It is the duty of the Zoning Administrator appointed by the Select Board to administer these Zoning Regulations, as provided for in the Act. This officer shall administer the provisions of these Regulations literally and shall not have the power to issue a zoning permit for any land development that is not in conformance with these bylaws. In so doing, the Zoning Administrator shall inspect developments, maintain records, and perform all other necessary tasks to carry out the provisions of these Regulations.

Section 602 - Zoning Permits

No development of land or building may commence, nor shall any land or structure which was created, erected, demolished, converted or altered, or the existing Use be changed or significantly expanded after the effective date of this article, be used or occupied, unless a Zoning Permit has been issued by Zoning Administrator.

1. The Zoning Administrator shall not issue a Zoning Permit unless a Complete Application (with fee, -Site Plan, and any other approvals required by these Regulations) have been properly submitted. The Zoning Administrator shall, within 30 days of submission of a complete application, either issue, deny or refer the application to the appropriate municipal panel for a hearing. Failure to act within such 30 days shall be deemed approval and the permit shall be issued. "Deemed Approval" shall be documented by Applicant in accordance with conditions required by VT statute (Act).

Permit Fees: Zoning Permit and Clerk Recording fees, as set by the Town Select Board, are payable to the Town of Wallingford, shall accompany the Application for a permit. Fees for Mobile Home Park and Trailer and Recreational Campground permits are indicated in Articles VII and VIII of these Regulations.

Section 603 - Zoning Permit Effective Periods and Permit Extension or Amendment Requirements

- a) From the Zoning Permit effective date; all approved Use or Construction **shall be substantially completed within two (2) years**, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required.
- b) Any Extension or significant Amendment requests to an approved Permit Request is required to **conform to all the following conditions:**
 - a. The written Request for an Extension to an existing Permit be submitted to the Town ZA at least 14 days in advance of the active Permit's expiration date.
 - b. The request for an extension or significant amendment shall include reasonable grounds to grant an extension (as determined acceptable by the ZA); and request a specific extension deadline (not to exceed 12 months from permit's expiration date), and any Determination and Recording Fee (as set by the Select Board).

- c) An expired Permitted Project (for any failure to obtain extension approvals) as specified in Vermont and Town regulations will require a new application submission, with required Fees and statutory appeal /effective dates; before Project activities may start or continue.

Section 604 - Penalties for Starting a Project Prior to Issue of all Required Permits

Start of a project that is subject to and/or would require a Town of Wallingford zoning permit, prior to the effective date of an approved zoning permit (or a “No Permit Required” determination from the ZA), or within the legal appeal period of any/all required permits, be subject to an additional Administrative Fee of \$250, as may be adjusted by the ZA.. This Fee is in addition to, and not in replacement of, any fines or penalties incurred for any/all violations of Wallingford Zoning, Vermont, and Federal rules and regulations; including per-day violation fines.

Penalties: Violations of these Zoning Regulations are subject to penalties as prescribed by the Act. A court action may be initiated in the Environmental Court, or as appropriate, before the Judicial Bureau, as provided under section 1974a of this title. The property owner of record shall be held responsible for Zoning violations.

Section 605 - Development Review Board (DRB)

A DRB, appointed by the legislative body, of up to 7 members, shall be responsible for Approving and issuing Conditional Use permits, approving Site Development plans, and the review of any appeals made by an Interested Person in regards to decisions made by the Zoning Administrator, rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in the Act.

Section 606 – Appeals

Any Interested person may appeal a decision or act taken by the Zoning Administrator to the Development Review Board by filing a notice of appeal in accordance with the Act. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.

Any Interested Person who has participated in a regulatory proceeding, as defined in 24 §VSA. 4471(a), may appeal the written decision of the Development Review Board to the Environmental Court within thirty (30) days in accordance with 24 §VSA 4466

Section 607 - Referral to State Agency(s)

No Zoning permit for Development of land;-OR change or expansion of the current Use at time of application expansion-shall be approved by the ZA until Property Owners or designated Applicants provide the Town Zoning Administrator acceptable documentation for all other local, Vermont, or federal applications for approvals required for the requested project; prior to submitting an Application for Town approval.

This includes, but is not limited to:

- a) Vermont Waste-Water disposal, potable Water Supply, and any Vermont Subdivision permits
- b) Development in Vermont and Town FEMA Special Flood Hazard Areas
- c) Development in other VT designated environmentally sensitive locations (steams, wetlands, etc.)
- d) Development, Change, or increased use to adjacent to Vermont State owned property, or Highways or C-1 Town Roads.
- e) The Town Zoning Administrator may determine the application to be “Complete”, upon receipt of acceptable documentation of application to appropriate Vermont and federal reviews required.

ARTICLE VII: MOBILE HOME AND MOBILE HOME PARKS

Section 701 – Mobile Home Park Permits

No person shall construct or operate a mobile home park without obtaining conditional use and site plan approval from the DRB.

1. Applications for a mobile home park permit shall be filed with the Zoning Administrator of the Town of Wallingford.
2. The initial fee for a permit for a mobile home park shall be \$50.00, payable to the Town of Wallingford.

Section 702 - Park Requirements

Each mobile home park and all extensions thereof shall conform to the requirements of 10 V.S.A. Ch. 153 “The Mobile Home Park Act,” and subsequent revision to the following:

1. Each mobile home park must be a minimum of 15 acres in size.
2. No mobile home in a mobile home park shall be located closer than 300 feet from the traveled portion of any public highway, and shall not be located closer than 100 feet from the side and rear boundaries of said park.
3. At least 8,000 square feet of lot area shall be provided for each mobile home in each park, including at least 5,000 square feet for each mobile home site, plus at least 3,000 square feet for each mobile home in common open space, exclusive of roads.
4. Roads and driveways shall be paved.
5. Utilities: Each mobile home lot or space shall be provided with a 220-volt approved electrical connection specifically metered, and all utility wiring shall be underground.
6. Refuse: The storage, collection, and disposal of refuse in the mobile home park shall be handled or managed by the licensee, and shall be done so in a manner to prevent all health hazards, area pollution, and any other threats to the health of the human or natural environment. One refuse can, with a tight-fitting cover, for each occupied mobile home lot or space shall be furnished by the licensee.
7. Records: Each licensee shall keep a written record, subject to inspection at any reasonable time by a duly authorized officer of the Town of Wallingford, which shall contain the date of arrival, the make, year, serial number and length of each mobile home, and also the names of the occupants thereof.
8. Each mobile home space or lot shall be provided with a continuing supply of safe and potable water, as approved by the State Department of Health.

- 45 9. Sewage: Each mobile home park shall provide, or have available, a sewage system, which
46 shall meet and conform to the requirements of the Sanitary Code of the State Department of
47 Health and each mobile home space or lot in said park shall be provided with the facilities
48 necessary to connect with said system.
- 49 10. No open fires shall be permitted except in specific areas approved by the local authority.
50
- 51 11. A mobile home park shall not be for the storage or display of mobile homes or as a sales
52 agency for mobile homes.
53
- 54 12. The space underneath all mobile homes shall be screened from view.
55

56 **Section 703 - Single Mobile Homes**

57

58 Application to the Town of Wallingford, and a permit, shall be required by any person wishing to
59 maintain, establish, station or park a mobile home use on an individual parcel of land subject to all
60 applicable Town and Vermont regulations.
61

62 **Section 704 – Exceptions**

63

64 These Regulations, after the effective date thereof shall apply to all existing mobile home parks and
65 individual mobile homes.

ARTICLE VIII
TRAILER, RECREATIONAL CAMPGROUND, AND RECREATIONAL EQUIPMENT
STORAGE

Section 801 - Trailer or Recreational Campground Permits

1. No person shall construct or operate a trailer or recreational campground without first obtaining conditional use and site plan approval from the Development Review.
2. Applications for a trailer or recreational campground permit shall be filed with the Zoning Administrator of the Town of Wallingford, in writing and signed by the applicant.
3. The initial fee for a permit for a trailer or recreational campground shall be \$25.00, payable to the Town of Wallingford.

Section 802 - Trailer or Recreational Campground Requirements

Each trailer or recreational campground and extension thereof, shall comply with all applicable requirements of the State of Vermont, and to the following:

1. Each recreational campground must be a minimum of 10 acres in size.
2. Grade and Drainage: The campground shall be located on a site free from stagnant pools and graded to insure proper drainage.
3. Roads and driveways shall be hard gravel or paved.
4. Minimum Lot Size: A minimum of 1,500 square feet shall be provided for each trailer or recreational camping unit.
5. Minimum Clearance: There shall be a minimum of 20 feet clearance between each trailer or recreational camping unit.
6. No camping or recreational equipment in a trailer or recreational campground shall be located closer than 100 feet from the traveled portion of any public highway and shall not be located closer than 50 feet from the side and rear boundaries of said campground.
7. The storage, collection and disposal of refuse in each trailer or recreational campground shall be so handled or managed by the licensee as to create no health hazards or area pollution. One refuse can with a tight-fitting cover for each occupied camping lot or space shall be furnished by the licensee.
8. Sewage disposal at each trailer or recreational campground site shall be in conformance with all State of Vermont Department Agency of Natural Resources requirements.

Section 803 - Storage of Camping and Recreational Equipment

Any owner of camping and recreational equipment may park or store such equipment on private residential property subject to the following conditions:

1. If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the side or rear of the front building line of a lot.
2. Boats stored in open must be covered.
3. Placement must be at least ten feet from any and all sides and rear boundary lines.
4. Except for occasional use, not to exceed twenty-one (21) continuous days such parked or stored camping and recreational equipment shall not be occupied or used for living, sleeping, or housekeeping purposes; and shall comply with Vermont potable water and wastewater disposal regulations.

ARTICLE IX: SIGNS AND ADVERTISING DISPLAYS

Section 901 – Purpose

The purpose of this regulation is to help maintain, preserve, and improve the existing attractiveness and historical aspects of Wallingford.

Before alteration or installation of a sign, a permit shall be secured from the Zoning Administrator. The Town may review and regulate size, location, and materials of all exterior signs within its purview. Applications for a sign require detailed design and dimensions of sign and supporting structure, and site location. A fee, determined by the Select Board, shall be charged for processing the application. Action on the application shall be taken by the Zoning Administrator within 30 days of filing. Additional sign rules apply in certain zoning districts. Refer to Article V for additional details for Free-Standing and Flush-Mounted Signs. Signs shall also comply with applicable Vermont Regulations.

Section 902 - Number and Type of Allowable Permanent Signs

Free-standing Signs - One free-standing sign is allowed per lot for each 300 feet of road frontage, multiple signs to be spaced out evenly. The bottom of such signs shall not restrict the visibility of vehicles. Signs shall be set back a reasonable distance from traffic, vehicular or pedestrian.

Where a business does not have frontage on a public road, and instead has a right-of-way, said right-of-way shall be considered a part of the business lot for purposes of an allowable freestanding sign.

Flush-Mounted Signs - Two flush mounted signs are allowed on the building where the advertised activity exists, plus 1 additional one for each free-standing sign that could be used, but is not. In addition, one 3 square foot flush-mounted sign may be permitted at the rear entrance of each establishment.

Projecting Signs - Projecting signs may be substituted for flush-mounted signs. They shall not exceed 8 square feet, nor extend further than 3 feet out. The lowest part shall be at least 8 feet above the ground.

Soffit Signs - Tenants may have a 2-square-foot sign hung from the soffit in addition to any other sign allowed.

Window Signs - Window signs may cover up to 25 percent of the total window area per establishment on the side of the building where such signs are located. Area shall be measured by the size of an imaginary polygon surrounding all symbols as if they were a single sign. Window signs shall not be installed on any window that also serves as an emergency egress.

Section 903 – Placement

The Zoning Administrator may require the adjustment or relocation of any sign to help ensure safety. No sign may interfere with utility poles or natural features. No sign may block the view of traffic.

Section 904 - Special Categories of Signs

Subdivision or Housing Developments - Such projects are permitted one free-standing sign not to exceed 8 square feet.

Signs announcing special events – Signs may be allowed up to 6 times per year per business. They shall not exceed 40 square feet in area and not be displayed for more than 14 consecutive days. (See definition of Posters and Banners)

Contractor's Signs and Real Estate Signs - Signs advertising the construction, sale, or lease of real estate may be displayed on the premises. The sign shall be 6 square feet or less, and removed upon completion of construction, sale, or lease.

Signs for civic, religious, fraternal, political, nonprofit, or charitable groups - The Zoning Administrator shall have the authority to issue permits for advertising, on a temporary basis, to any of the above groups. Proof of such status may be required.

Bona fide civic organizations may be permitted a sign, up to 3 square feet in size, at the Town line at each entrance to Town along state highways signifying their existence and its regular meeting time and place. These signs shall be placed upon a single board, no more than 32 square feet in size – not more than 8 feet wide, 4 feet high, and a minimum of 3 feet off the ground to a height of 20 feet including frames and support structures.

Temporary Signs - One temporary sign, made of rigid material and up to 8 square feet in size, may be permitted by the Zoning Administrator, and may be displayed for no more than 30 days, as long as:

- a) A permit has been issued for a new land use or business establishment;
- b) A complete Sign Application has been submitted for a permanent sign for that use; and
- c) The Zoning Administrator finds the temporary sign conforms to this Ordinance.

Section 905 - Exempt Signs

The following signs are exempt from the provisions of this ordinance:

- a) Rolling stock, provided that it's not regularly parked such that it becomes a non-conforming sign.
- b) Signs on registered and inspected vehicles except those that circumvent the intent of this Ordinance.

- c) Bus signs.
- d) Posters or Banners (See Article II for the Definitions and Special Categories of Signs). The erector is responsible for removal.
- e) Political signs may be erected three weeks before an election and must be removed the day after it.
- f) Signs erected by the Town of Wallingford or its School District.
- g) Signs erected by the State of Vermont or any of its Boards, Agencies or Depts.
- h) Small on-premises signs, no more than 2 square feet in size, which are displayed for convenience of the public. Advertising or logos are prohibited.
- i) Residential signs as defined in this Ordinance.
- j) Indoor window signs conforming to the requirements of this Ordinance.
- k) Informational signs up to 16 square feet, on lands conserved by permanent, protective measures.

Section 906 - Prohibited Signs

No sign may be installed or maintained along and visible from a street or highway which:

- a) Interferes with or resembles any official traffic control device, or appears to attempt to direct traffic.
- b) Prevents drivers from having clear and unobstructed view of traffic control signs and traffic.
- c) Includes any distracting lights, florescent paint, neon signs (with the exception of a 1x2 foot sign indicating that a business is open), moving devices, or animated or moving parts, except traffic control signs. Seasonal lights are excluded from this restriction.
- d) Is fraudulent or misleading, or is in violation of, or at variance with any Federal law or regulation.
- e) Advertises activities which are illegal under State or Federal law.
- f) Is not clean and in good repair.
- g) Emits sound audible on adjacent properties or roads.
- h) Is not securely affixed to a substantial structure.

- 1 i) Is an off-premises sign.
2

3 **Section 907 - Illuminated Signs**
4

5 New signs may only be illuminated externally with the prior review and written approval of the
6 DRB. When considering an approval, approval with conditions, or disapproval; the
7 Development Review Board may consider the following:
8

- 9 a) Residential and/or historic or commercial character of the neighborhood and the zoning
10 district in which the sign is to be located. Effect of the illumination on traffic, parking,
11 and neighboring properties – including those properties not necessarily abutting the
12 premises on which the sign is to be located.
13 b) The interest of the town in preserving the rural and/or historic appearance of a
14 particular area, roadway, or portion thereof along which the sign is to be erected.
15
16 c) The need for illumination as it may affect the applicant's purpose for which the sign is
17 intended.
18

19 **Section 908 - Non-Operational Businesses**
20

21 After a business closes, its signs must be removed within 180 days otherwise the town will
22 remove them and bill the business owners for the cost of removal.

1
2
3
4
5

APPENDIX A

Terms Definitions

Accessory Building: A detached building or structure subordinate to and customarily incidental to a permitted principal building or structure located on the same lot or on an adjoining lot under the same ownership or Planned Unit Development designation.

Accessory Dwelling / Apartment: A dwelling unit with adequate water, septic, parking, sleeping, bathing and cooking facilities, constructed within or attached to a single-family residence or apartment accessory structure. The area of the apartment not to exceed 49% of the Living Area of the principle residence.

Accessory Use: A use of land, buildings or structures subordinate to and customarily incidental to a permitted principal use located on the same lot, or on an adjoining lot under the same ownership or Planned Unit Development designation.

Studio: A place that may be used as both a dwelling place and/or a place of work by an artisan or craftsman, including persons engaged in the practice, application, teaching, or performance of fine arts, such as but not limited to drawing, vocal or instrumental music, painting, sculpture and writing.

Agricultural Use: Land whose use conforms to VT's Agricultural Act, and is used for structures includes the raising livestock, agricultural or forest products, including qualified farm and storage of agricultural equipment and crops. This definition sale of agricultural products raised on the same property.

Agricultural Structure: A structure used for accepted or required agricultural practices as defined by the State of Vermont.

Alteration. Any exterior structural change which results in the changing the front, side or rear setbacks; any interior structural change for the purpose of changing use; any change of location of, or addition to, a building other than repairs or modification to a building or equipment.

Animal Housing Facility, Pet Store, Kennel: An establishment housing dogs, cats, birds, or other domestic pets, large and small, and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Assisted Living Home: *Refer to Nursing Home*

Associations/Lodges and Club: An organization of persons having common interests, purposes etc.

Attic: The part of a building directly under the roof with a headroom of less than 5.5 ft. over three quarters of the floor area, the headroom shall be measured vertically from the top of the floor or floor beams to the bottom or underside of the roof or roof rafters. The floor area shall be measured horizontally from the inside of the exterior walls or underside of the roof or roof rafters at the floor level. The attic generally would not have a be finished or insulated and would not be occupied or used as living area (storage only).

Auto Service Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, inspections, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises -maintenance activities such as truck repairs (with GVW rating over 18000 lbs.); automobile painting, and body or fender work are conducted.

NOTE: *Need to define truck repair facility*

Basement: Any area of the building having its floor sub grade (below ground level) on all sides. Use of a Basement for dwelling purposes may be prohibited in certain situations.

Bar, Tavern: A place of business where the primary function is the serving of alcoholic beverages. The Use may be permitted with other Uses. (see Night Club, Restaurant, Lodge)

Bed and Breakfast (a.k.a. "Air BnB, or similar use): A structure, residential in nature, that has overnight lodging facilities for temporary and transitory guests, and where the only optional meal served to guests is breakfast.

Brewery; also Cidery, Distillery, Winery: A commercial or business facility to process ingredients into an alcoholic beverage or product; including the storing, canning or bottling, and retail or wholesale sale of the products produced by the facility.

Building: Structure having a roof (including an awning or other similar covering, whether or not permanent in nature) supported by columns or walls and intended for the shelter or enclosure of persons, animals or chattel.

Building Area: Total of areas taken on a horizontal plane at the finished grade: measured along the maximum exterior perimeter of the structure(s), excluding eaves, including the principal building and all accessory buildings, structures (including decks & swim pools; but excluding masonry patios or walls and fences).

Boundary/Lot Line Adjustment (BLA): Minor amendments or realignment of property boundaries, with the agreement of the adjacent Owners involved, and where no new lots are created. BLA shall not adversely impact access, improvements, or natural resources to any parcel, or create a non-conforming situation to any lot.

Building Height: Vertical distance measured from the highest elevation of the structure's ridgeline to the average proposed finished grade at the building, excluding customary chimneys and antennas, church steeples, and cupolas on pre-zoning structures. Building height provisions shall not apply to agriculture structures.

Business Office. A legally permitted occupant of land or premises engaged in a commercial, industrial, or professional activity. A business may be a for-profit, not-for-profit (ex: Credit Union), non-profit (ex. Charity), or for social purposes in which profits are invested into the Community.

Camp. A building suitable for seasonal or temporary living purposes and never occupied for more than (90) days in any twelve (12) month period and not more than 21 continuous days, if without legally permitted sewage disposal and water supply systems.

Camper: see Trailer

Camping Trailer Park (Campground): A private or public facility with more than two spaces, with or without electrical, water and sewer hookups for the temporary use of tents, travel trailers and recreational vehicles, "tiny houses", and similar mobile types of shelters.

Cemetery, Mausoleum: Land or structure used for the burial or internment of remains of deceased people or animals.

- A **Commercial cemetery** is open for use by a community of people or open to the public and pets, in which space is purchased or leased for a fee.
- A **Family cemetery** is a private burial ground or structure where no space is sold or leased, and use is restricted to a group of persons (or their beloved pets) related to each other by genetic history or marriage

Change of Use: The change from one use, to another use. Alter the intensity of use, or vary the function, service purpose of any portion of a building, structure, or land from one use to another. A change in use may require a Town permit, especially involving a business.

Clinic, Health and/or Therapy: An office building used by members of the medical, therapeutic, and dental professions for the diagnosis and outpatient treatment of human ailments.

Commercial: A Use of Structure that is intended to generate revenue. Commercial uses and structures may be subject to different regulations from residential uses and structures. Any rental of land, improvements or structures creates a non-residential commercial use.

Community Center: A public or private meeting hall, place of assembly, museum, art gallery, library, educational facility, or church.

Conditional Use: A use that has been determined to meet the general standards for conditional uses E-1 for the District in which it is proposed to be located and for which specific standards have been developed and detailed in Article IV.

Condominium: Real property consisting of units of individual ownership combined with ownership of common elements by the individual unit owners,

Country Inn: A primary building without or with detached building(s) used to provide overnight accommodations, and one or more meals, to guests for short periods of stay (e.g. tourists). Inns may incorporate the primary structure on the Lot as well as accessory structures, but shall not exceed 12 guest rooms.

Coverage, Building: The percentage of a lot or development site occupied or intended to be occupied by all buildings and structures. Building coverage shall include the building area, but not more than 20% of the land covered by water bodies, watercourses, wetlands, and land having slopes of 25% or greater shall be included in the lot area used for computing the maximum allowable building coverage.

Craft / Artesian Shop: A building or portion thereof where hand-crafted articles are produced and/or sold.

Crawl Space: That portion of a building located below the first floor of the building and which is less than 5 feet in height from floor to under beam,

Day Care Facility: Any place operated under a VT day care license as a business or service on a regular or continuous basis, whether for compensation or not. Its primary function is the protection, care and supervision of persons outside their homes, for periods of less than 24 hours a day.

Development: The division of a parcel into two (2) or more parcels, boundary line adjustment, the construction, reconstruction, demolition, conversion, structural alteration, relocation or enlargement of any building(s) or other structure(s), or any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Development Review Board: A body appointed by the Select Board to decide cases involving variances, conditional uses, appeals, and other matters as set forth in these regulations.

District: A specific portion of the town as established by the provisions of this ordinance and the zoning map.

Drive-In/Service or Other Drive-Up Facility: A business establishment such as a restaurant, pharmacy, or bank so developed that it includes part of its principal retail or service by providing a driveway approach with stacking or parking spaces for motor vehicles so as to either provide service to patrons while in a motor vehicle or intended to permit consumption outside of the building. A drive-in food service restaurant shall include self-service restaurants where food is generally served in disposable containers or plates and primarily over the counter.

Dump: Land or any approved permitted area where trash, garbage, sewage, waste materials, refuse of any nature, junk, discarded machinery, vehicles or parts thereof are collected, stored or deposited. Also refer to Recycling Collection Point/Station.

Dwelling Unit: Building or part thereof used as a living quarters for one family use and occupancy; having exclusive use of its own kitchen, bathroom, and sleeping area. The terms "dwelling", "one-family dwelling", "two-family dwelling", "multi-family dwelling", or "dwelling group" shall not include a motel, hotel, boarding house, bed and breakfast lodging, or similar structure, but shall include a mobile home.

Dwelling, One-Family: Detached building (including a mobile home) used as living quarters by one family. A state licensed or registered residential care home or group home serving not more than six persons who are developmentally disabled or physically handicapped, shall be considered by right to constitute a permitted single family residential use except that no such home shall be so considered if it locates within 1,000 feet of another such home.

Dwelling, Multi-Family: Building used as living quarters by three or more families, living independently of each other.

Dwelling, Two-family: Building used as living quarters by two families, living independently of each other.

Enclosed Storage: A storage area that is surrounded by fencing, screening and/or other means which conceals the material to be stored from all abutting properties.

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such single housekeeping unit shall contain more than five members.

Fence: Any material or combination of materials erected to enclose, screen, separate, or demarcate areas of land. A solid fence (without spacing between its materials, such as a stone or masonry assembly) ~~may~~ must also be called a wall. **Boundary line fences should have neighbor's written approval.**

Fill: Stone or mix of earthen aggregate material(s) placed on the ground.

Floor Area (Gross): Sum of the gross horizontal area of the floors of a building, dimensions shall be measured between interior wall faces. Gross Floor Area shall include the area of basements, cellars, and half stories but not attics or crawl spaces as defined herein. Gross floor area shall exclude stairwells, elevator shafts, atriums and other similar holes in a floor above the lowest floor level.

Floor Area (Patron): All floor space accessible to customers, including foyers and hallways but excluding bathrooms and coatrooms.

Front Line, Building: The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

Gasoline Station: See Auto Service station.

Golf Course: A golf course shall consist of at least nine holes where regulation play is permitted as well as par three and pitch and putt courses.

Grade, Finished: Completed surfaces of ground, lawns, walks, paved areas, and roads brought to grades as shown on plans relating thereto.

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. section 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Guest Room: Any room or space in a hotel, motel, lodge or bed-and-breakfast residence offered to the public for compensation for transient occupancy and which has furnishings designed to accommodate not more than four (4) people per room.

Historic Site: An area deemed worthy of preservation for historical reasons. The area may be so classified by federal, state or local authority.

Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- 229 B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the
230 historical significance of a registered historic district or a district preliminarily determined by the
231 Secretary to qualify as a registered historic district;
232
- 233 C. Individually listed on a state inventory of historic places in states with historic preservation
234 programs which have been approved by the Secretary of the Interior; or
235
- 236 D. Individually listed on a local inventory of historic places in communities with historic preservation
237 programs that have been certified either;
238 • By an approved state program as determined by the Secretary of the Interior; or directly by the
239 Secretary of the Interior in states without approved programs.
240

241 **Home Occupation:** Any use conducted chiefly within a minor portion of a one or two-family dwelling, or
242 the use of an accessory building on the same lot as such dwelling, carried on by the occupants thereof,
243 which use is clearly incidental and secondary to the use of the dwelling for living purposes and does not
244 change the residential character thereof.
245

246 **Hotel Lodge.** A building or portion thereof kept, used, maintained, advertised, or held out to the transient
247 public to provide overnight accommodations to said public for compensation, by the renting of rooms or a
248 bed with a room. Allowable accessory uses may include restaurants and other dining or conference areas,
249 bars/lounges, pools and fitness facilities.
250

251 **Indoor Sports Recreational Facility:** A fully enclosed building or area containing facilities for the
252 practice of one or more recreational sports.
253

254 **Industry:** Primarily the use of basic industrial activities, many of which characteristically store bulk
255 quantities of raw or scrap material for processing or manufacture to semi-finished projects. Major
256 manufacturing and related industrial activities are also included. Production performance of the
257 Manufacturing Industries consists primarily of receiving or storing semi-finished products or, in some
258 cases, raw agricultural food products (other than livestock) for further processing, refining or assembling
259 into finished or more finished products. The district Use is generally related to rail transportation for
260 delivery of the heaviest bulk products.
261

262 **Industrial, Light or Light Manufacturing:** Those industries which are primarily for lighter
263 manufacturing and related activities which characteristically produces a finished product from semi-
264 finished materials, or in some cases from raw food products, but requires little or no outside material
265 storage. This use does not regularly cause offensive odors, dust, smoke or noise. The district may have less
266 specific relation to fixed transportation routes and may rely primarily upon truck or air cargo deliveries for
267 lighter bulk items.
268

269 **Industrial Park or Industrial Zoning District:** see Planned Unit Development
270

271 **Junk Yard:** Any land, buildings or structure, excepting a licensed recycling facility, used for collecting or
272 storage of discarded material; or for the collecting, wrecking, dismantling, storage, salvaging or sale of
273 machinery parts or vehicles; or the storage of any unlicensed or non-operative vehicles not enclosed in a
274 building. (Refer to Dump, Recycling Collection Point). Refer to Wallingford Zoning

Kennels: see Animal Housing Facility

Land Development: See Development.

Loading Space: Space logically and conveniently located for pickups and deliveries, on the same lot as the principal use. It should be scaled to the delivery vehicles expected to be used but not less than 15 feet by 25 feet with a minimum 15-foot height clearance. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

Lodge: (NOTE to be defined both as a type of rental housing and a fraternal organization)

Lot: Land occupied or to be occupied by a building and its accessory buildings, together with the required open spaces, having not less than the minimum area, width, and depth required for a lot in the district in which such land is situated and having frontage on the street, or other means of access.

Lot Area: Total contiguous area within the property line as shown on the property boundary maps.

Lot, Corner: A lot abutting on and at the intersection of two or more streets.

Lot Depth: Mean horizontal distance from the street line of the lot to its opposite rear line measured at right angles to the street line.

Lot Frontage: Each division line between any land and a public highway right of way or a private vehicular right of way existing or proposed. AKA. the length of such line.

Lot Line: Property lines bounding a lot.

Lot Width: Width measured at right angles to its lot depth, at the required lot frontage. *For irregular shaped lots; an average (mean) depth shall be determined by the Administrative Officer; if necessary.*

Manufactured / Mobile Home: A Housing and Urban Development certified factory built, single family structure transportable in one or two sections on a permanent chassis and axles, designed to be used on a cement slab or temporary foundation and remain transportable, or be set on a permanent foundation.

Modular or Panel Building, A factory built, single two-family, multifamily, or commercial structure transportable in one or more sections, which is not built on a permanent chassis, and is designed to permit delivery to a permanent site for use with a permanent foundation system when connected to the required utilities as a place of human use or habitation.

Manufacturing, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing,

Medical Center: A facility for diagnosis and treatment of patients.

Mobile Home Park: A parcel of land under single or common ownership or control that contains, or is designed, laid out or adapted to accommodate two or more mobile homes.

Motel: Building containing rooms, which are rented as a series of individual sleeping units each with an outside entrance. For Commonly for use by transient guests, each sleeping unit consisting of at least a bedroom and bathroom.

Motor coach: A mobile vehicle designed for short-term occupancy, overnight lodging, or camping purposes, capable of being towed or self-propelled.

Motor Vehicle: Includes any equipment designed to carry or transport persons or materials, whether powered by an internal motor, or pulled or carried by other motor-powered equipment. Includes but not limited to aircraft, boats, cars, trucks trailers, Recreational Vehicles, snowmobiles, motorcycles, all-terrain vehicles, farming equipment (excludes lawn & garden equipment).

Motor Sales Dealership: Land and/or buildings used for the display, sale, rent or lease, and service of new or used motor vehicles.

Neighborhood Commercial Facility: A commercial enterprise which primarily provides convenience goods and services, or basic necessities. This definition excludes bars, lounges and those commercial activities that have been specifically designated to nonresidential districts by the Zoning Ordinate Regulations.

Nightclub, Lounge, Bistro: A place of business whose primary function is the serving of alcoholic beverages and providing entertainment. This Use may be permitted with a Restaurant Use.

Non-Commercial: An activity or facility run by non-profit organizations and/or available to the general public without a fee.

Non-conforming Lots or Parcels: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Non-conforming Use: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Non-conforming Structure: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

Nursing Home: A place, other than a hospital which maintains and operates facilities, for profit or otherwise, accommodating two or more persons unrelated to the home operator, who are suffering from illness, disease, injury or deformity and require nursing care. Nursing Home shall include

Intensive Care, Skilled Care, Intermediate Care, Assisted Living (with or without private living quarters), Minimum Nursing Care, and Pediatric Convalescent facilities.

Official Zoning Map: The one true signed copy of the Town Zoning Map located in the office of the Town Clerk.

Open Storage: The keeping in an unroofed area, of any goods, garbage, junk, materials, merchandise, or un-registered and/or un-inspected vehicles in the same place for more than seven (7) days and easily visible from streets or property boundaries.

Outdoor Recreation: Outdoor sports and activities such as skiing, hiking, tennis, golf, horseback riding, fishing, hunting, swimming, and similar activities, and structures necessary to and incidental to the actual carrying on of such activities.

Park, Municipal: Any recreation area or park facility owned by the Town Wallingford

Parking Space: A defined space, which is at least nine (9) feet wide and twenty (20) feet long, located outside of the right of way, parking aisle, or driveway, used for the parking of one motor vehicle, with practical access to the road or right of way, and sufficiently surfaced with durable material to permit year round use.

Permitted Use: Use specifically allowed in a district excluding illegal uses, conditional uses and nonconforming uses; permits are required for each permitted use. The Zoning Administrator may issue permits for conforming Permitted Uses without further Development Review Board review,

Personal Services: Businesses providing services of a personal nature.

Planned Unit (Development PUD): An area of land, controlled by a landowner or landowners, to be developed as a unified project and single entity for a number of dwelling units and/or commercial and industrial uses, the proposal for which does not correspond to the requirements of uses listed in Section under "Not in PUD" in any one or more districts created in these Zoning regulations, with respect to setbacks, coverage, lot size, density, required open space, and/or uses.

Principal Building: A building in which is conducted the main or principal use of the not on which said building is located. Attached garages or carports, open at the sides but roofed, are part of the principal building.

Private Club: A building or portion of a building, or use open to club members and their guests, and not to the general public, and not operated for profit. (See Association)

Professional Residence-Office: Residence in which the occupant has a government issued license professional office (Examples but not limited to architect, accountant, chiropractor, dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, consultant, podiatrist, engineer, or psychologist) and maintains a Home Office which does not change the residential character thereof.

Public Water, Public Sewer: Water supply and sewage disposal systems approved by the legislative body for municipal operation.

Recreation, Private: Recreation uses privately owned and commercially operated.

Recycling Collection Point: A public or privately operated location; where this use incidental to the principal use that serves as a local drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as churches and schools,

Rear Lot Line: A lot line opposite and most distant from any lot front.

Religious Institution: Includes but not limited to church, temple, parsonage, rectory, parish house, convent, seminary, retreat house, and associated buildings.

Renewable Energy Resources: Energy available by generation or for collection or conversion from direct sunlight, wind, geothermal, running water, organically derived fuels including wood, agricultural sources, waste materials, waste heat, and geothermal sources. Includes any structures or equipment necessary for the collection or conversion of such energy.

Repair Shop: Facility for the repairing or maintenance of items, appliances, yard and garden equipment. Excludes Motor Vehicles (refer to definition).

Residential Care Home: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board, and personal care to three or more residents unrelated to the home operator.

Residential use: One, two, or multi-family dwellings units.

Restaurant Delicatessen: A public eating-place where seats and/or counters, or window pickup of food are provided for Patrons. This Use is separate from, but may be permitted along with Night Clubs, Bars and Tavern.

Retail Store: Includes shop and store for the sale of retail goods, personal service shops, department stores, commercial schools, and shall exclude any free-standing retail stands, auto service stations, motor vehicle repair service shops and motor vehicle sales dealerships.

Road Frontage: See Street Frontage.

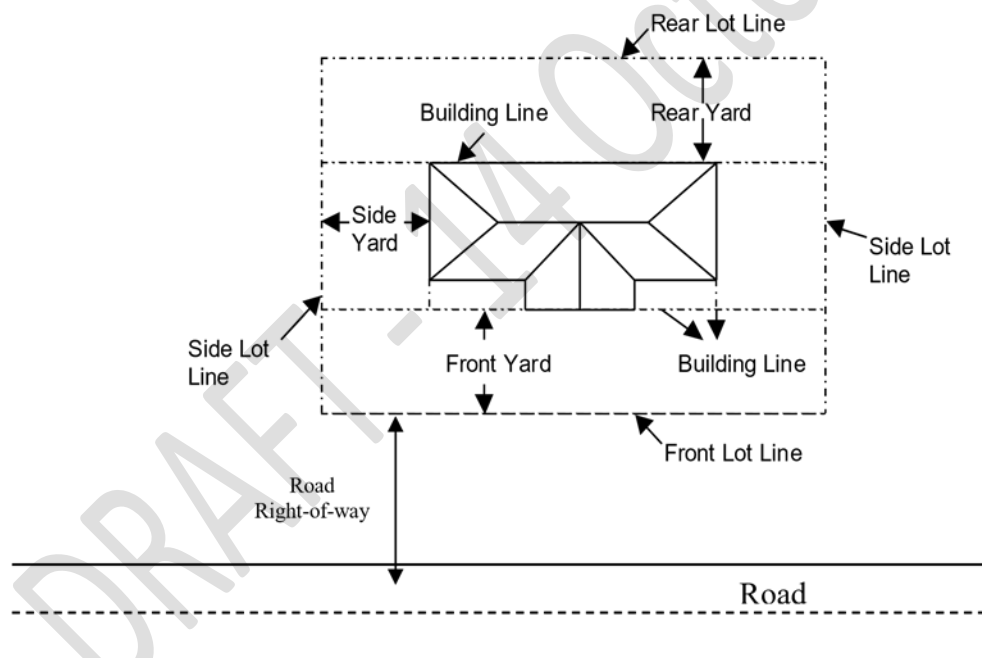
Rooming or Boarding House: A residence used and operated (in part) as a business, specifically designed for the maximum accommodation of two (2) persons per bedroom and having common areas such as bathrooms, dining rooms kitchens and other living areas. .

Salvage Yard: An open area where wastes or used or second-hand pre-owned materials are bought, sold, or exchanged, stored, processed or handled. Materials shall include, but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. (See Junkyard)

School: A licensed learning facility including parochial, private, or public nursery schools, elementary school, high school, college, university, and associated accessory uses.

Setback: The distance from a property boundary line to a building or structure, measured to its nearest wall, cantilevered portion of a structure, porch or deck, but not to steps or normal roof overhang. Certain exceptions apply to fences, signs, and stone walls. (See below diagram.)

- **Front Setback:** Distance between a building or structure and any front lot street line. (See sample below note front yard is also defined as front yard. *When there is more than one front street (i.e., corner lot), only the street line identified by the structure's address shall be considered the front street and setback (See sample below)*)
- **Rear Setback:** Distance between a building or structure and a rear lot line. See sample below note rear yard is also defined as rear setup.
- **Side Setback:** Distance between a building or structure and a property line other than front lot line or rear lot line. (See below)
- In a situation of uneven / irregular boundaries, the average setback will be determined by the Zoning Administrator.



Shopping Center (Commercial): A retail shopping or business area containing three (3) or more retail tenants in one or more buildings all situated on one lot and serving the general public

Sign: Sign means any structure, display, device or representation which is designed or used to advertise or call attention to or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is intended to be

visible from a public thoroughfare. Whenever dimensions or areas of signs are specified, they shall include alt panels, frames, and supporting structures excluding the building to which a sign may be attached,

Sign illuminated: A sign that is either illuminated from an electrical source behind the sign face, referred to as backlit or internal lighting; or illuminated externally by lamp fixtures directing light on the sign's message.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by these regulations. It includes lot lines, streets, building sites, open space buildings, major landscape features, and proposed utility lines, if any.

Street or Road: 1) A municipally owned Public way for vehicular traffic, which affords the principal means of access to abutting properties. 2) A privately owned and maintained access way, created by a legal and permanent easement or right-of-way agreement, for access by one or more parties granted permission for its use. A private roadway may not be synonymous with a property boundary.

Street Frontage: The length of a lot which abuts a Public street, measured at the Street Line, from one lot line to the opposite lot line. Street frontage and lot frontage are not synonymous.

Street Line: Right-of-way of a Public street as dedicated by a deed of record. Where width of the Public street is not established, the Public street line shall be considered to be twenty-five (25) feet from the centerline of the street travel lane. *If the total width of a Private Right of Way is not defined by the legal document creating it, it shall be considered to have a minimum width of twenty (20) feet.*

Structure: An assembly of materials (excepting earthen or masonry materials) for occupancy or use including, but not limited to, a building, mobile home or trailer, swimming pool, tennis court, sign, water impoundments, wall or fence (except on an operating farm). Detached sheds, playground facilities, dog houses, etc., not exceeding 120 feet in floor area, not more than 10 feet in height are exempt from this definition. Exempt sheds will be verified by Zoning Administrator to match exemption.

Substantial Completion: Level of construction, renovation, or change of use that exceeds fifty (50%) percent of the permitted project's estimated cost; AND required water, wastewater, and electrical systems are connected and operational, AND providing the exterior appearance of the project appears complete with regards to the structure and finish grading.

Temporary structure, improvement, or use: Unless otherwise defined, "temporary" shall mean up to 90 days in existence or use. Over 90 days. the structure, improvement or use is deemed "Permanent".

Terrace or Patio: An open, improved or graded combination of earthen materials located on the ground with no structural supports other than subsurface base materials and/or retaining walls. A terrace or patio; or masonry walls less than six and one-half feet (6.5) from finished grade to top of fence, shall not be deemed a structure; and are exempt from a local permit requirement, but not prescribed setbacks,

Tiny House: A general term for a small dwelling unit (400 sq. footprint) with kitchen, bath and sleeping facilities. For Town Zoning purposes, Foundation Bound Units that do not have an internal metal frame and axle system, and designed to be attached to a permanent foundation: are to be considered a /Modular

Building; and constructed to International & VT Residential Codes. Code-built Units with an internal metal frame attached to axles, and designed to be towed on public roads with/ without any special transport permits (for over width, length or height); shall be considered Manufactured (HUD) Housing. A Recreational Vehicle (RV), designed for temporary camping travel or seasonal use is not a Tiny House.

Trailer:

A. **(Recreational Vehicle a.k.a. R.V.)** Includes any camping trailer, travel trailer, pickup coach or motor home and/or any other vehicle used as temporary or seasonal sleeping or camping or living quarters mounted on wheels; or a camper body usually mounted on a truck and any vehicle which is customarily towed by a motor vehicle and used for carrying goods, equipment machinery, or boats; or is used as a temporary office. A Mobile Home (H.U.D. certified) is not a Trailer.

B. Any wheeled platform designed to be towed and used to transport materials.

Truck/Bus Terminal: A transportation facility from which trucks and/or buses are dispatched and where vehicles are stored and/or maintained.

Utility, Public: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing to the public under state or municipal regulations to the public, electricity, gas, communications, or transportation.

Warehouse: A building or structure where wares or goods are stored before distribution to jobbers, retailers, or the general public. This definition includes bulk storage and bulk sale outlets.

Water Supply (Approved): A potable water supply approved by a state certified testing lab.

Well Head (Water Source) Protection Area: Area or District designated by the Town for additional restrictions it deems necessary to protect the sources, production capability, and environmental quality of head waters, wells, wetlands and other potable water supplies.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wholesale Establishment: Any firm doing business on a restricted customer basis and not available to the general retail public

Wood Manufacturing: The delivery of raw or semi-processed wooden materials from another location, stored, further machined into a semi-finished or ready-to use product (furniture, lumber, firewood, etc.), reloaded and transported off site for resale. Operations may be conducted either outside, enclosed, or both. This process is not an agricultural or silvicultural exemption from Town permits.

Wood Working Shop: An interior operation for the manufacturing, repair, or restoration of wooden products.

578 **Zoning Administrator (ZA):** Refers to the person appointed by the Select Board to interpret, apply, and
579 enforce the Town's Zoning Regulations, and Ordinances (if authorized to do so by the Select Board).
580

581 **Zoning District:** A section of the Town designated in the zoning ordinance text and delineated on the
582 Official Signed and dated Zoning Map, in which requirements for the use of land, and building and
583 development standards are prescribed.
584

585 **Zoning Permit:** The official document applied for and issued by the Zoning Administrator, for any
586 development or change of use within the Town.