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ZONING REGULATIONS
TOWN OF WALLINGFORD, VERMONT
2022

January 2022

Regulations were first approved by the legal voters of Wallingford on March 2, 1971. The regulations were subsequently re-adopted on September 12, 1972, December 12, 1989, June 15, 2009, and August 17, 2015.

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93 **ARTICLE I: ENACTMENT AND PURPOSE**

94 **Section 101 - Purpose**

95
96 These Zoning Regulations are meant to promote the public health, safety, and welfare of the
97 community of Wallingford as authorized by the Vermont Planning and Development Act (24
98 V.S.A. Chapter 117; “the Act”). The specific objectives of these regulations are to protect and
99 enhance the value of property; to protect and consider the natural and human environment; and to
100 provide for orderly community growth. In order to control potential threats, certain uses are either
101 not permitted, conditionally permitted, or permitted subject to compliance with specific criteria
102 outlined within these Regulations. These constraints are designed to prevent over-development, to
103 mitigate the negative impacts to the natural and human environment, and to minimize effects to the
104 historical and aesthetic character of the Community.

105
106 **Section 102 – Interpretation**

107
108 The provisions within these Regulations shall be interpreted and applied whenever the Zoning
109 Administrator, Development Review Board, or Judiciary are required to do so in conformance with
110 the Purpose section. The interpretation and application of these Regulations shall be held to be the
111 minimum requirements adopted for the promotion of the public health, safety, comfort,
112 convenience, and general welfare. **These Regulations should not be interpreted to impair, replace,**
113 **mitigate or supersede any valid permits previously issued (Grandfathered use). Where these**
114 **Regulations impose a greater restriction upon the use of a structure or land than are required by any**
115 **other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these**
116 **Regulations shall control.**

117
118 **Section 103 - Enactment**

119
120 In accordance with the Act, there are hereby established Zoning Regulations for the Town of
121 Wallingford, Vermont which are set forth in the text and maps that constitutes these regulations.
122 These regulations shall be known and cited as the "Zoning Regulations: Town of Wallingford,
123 Vermont."

124
125 **Section 104 - Effective Date**

126
127 **These Regulations shall take effect upon the date of their approval by the registered voters of the**
128 **Town of Wallingford.**

129
130 **Section 105 – Severability**

131
132 The invalidity of any article or section of these Regulations shall not invalidate any other article or
133 section thereof.

135 **ARTICLE II: DEFINITIONS**

136
137 **Section 201 – Definitions**

138
139 Except where specifically defined herein, all words used in these regulations shall carry their customary
140 meanings. Words used in the present tense include the future, and the singular includes the plural- The
141 word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; the
142 words "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed
143 to be used or occupied"; the word "person" includes "individual, partnership, association(s), corporation(s),
144 company or organization(s)" or any other incorporated or unincorporated organization or group". The
145 Planning Commission shall clarify doubt as to the precise meaning of any word used in these Regulations.
146 References to other Sections of the Zoning Regulations are attached to the detailed list of Definitions
147 found in Appendix A of this document.
148

149 **ARTICLE III:**
150 **ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS**

151
152 **Section 301 - Zoning Districts**

153
154 Wallingford is hereby divided into the following zoning districts.

- 155 Forest and Recreation - FR
- 156 Agricultural and Rural Residential - ARR
- 157 Residential - R (formerly R15)
- 158 Multiple Residential - MR
- 159 Neighborhood Commercial - NC
- 160 Industrial - IN

161
162 **Section 302 - Zoning Maps**

163
164 The locations and boundaries of Zoning Districts are established and shown on the Official Zoning
165 Maps which are hereby made a part of these regulations.
166

167 **Section 303 - Interpretation of Zoning District Boundaries**

168
169 If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Maps, the
170 Development Review Board shall determine the location of such boundary.
171

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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 of:

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.

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

218
219 **Section 403- Existing small lots**

220
221 Any lot in individual and separate and non-affiliated ownership from surrounding properties in
222 existence on the effective date of these Regulations may be developed for the purposes permitted in
223 the district in which it is located, even though not conforming to minimum lot size requirements,
224 provided that such lot is not less than 1/8 acre in area with a minimum width or depth dimension of
225 40 feet.

226
227 **Section 404 - Lots Lying in More Than One District**

228
229 In the case of lots lying in more than one district, the provisions of any district may be applied for a
230 distance of not more than 50 feet into any other adjacent district.

231
232 **Section 405 - Required Frontage On, Or Access To, Public Roads or Public Waters**

233
234 No land development may be permitted on lots which do not either have frontage on a public road
235 or public waters or, with the approval of the Development Review Board, access to such road or
236 waters by a permanent easement or right-of-way at least 20 feet in width.

237
238 **Section 406 - Protection of Home Occupations**

239
240 None of these Regulations are intended to infringe upon the right of any resident to use a minor
241 portion of a dwelling or appurtenant accessory structure for an occupation which is customary in
242 residential areas and which does not change the character of the neighborhood; a zoning permit is
243 still required.

244
245 Residents may use a minor portion of a dwelling or accessory structure for an occupation which is
246 customary in residential areas and which does not change the character of the area as long as:

- 247 1. The dwelling, accessory structures, and the lot maintain a residential appearance at all
248 times.
- 249 2. The home occupation is clearly secondary to the use of the site for residential purposes.
- 250 3. The use is conducted within a portion of the dwelling or a building accessory thereto by a
251 resident of the principal dwelling and having not more than two (2) employees.
- 252 4. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes,
253 odors or electrical interference.
- 254 5. A permitted Home Occupation is granted to the applicant for the length of time that the
255 applicant occupies the dwelling. The permit shall expire upon relocation by the applicant
256
257
258
259

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

- 262
263 6. Vehicle (auto and /or truck) bodywork or repairs are not considered Home Occupations.
264

265 **Section 407 - Equal Treatment of Housing**
266

267 None of these Regulations shall have the effect of excluding housing that meets the needs of the
268 population within the community of Wallingford, as determined by the 'Housing' element of the
269 Municipal and Town Plans, as required under 24 V.S.A. Chapter 117, §4382(a) (10).
270

271 **Section 408 - Construction Approved Prior to Adoption or Amendment to Regulations**
272

273 Nothing contained in these Regulations shall require any changes in plans or construction of a non-
274 complying structure for which a building permit has been issued, and which has been completed
275 within one year from the effective date of these Regulations.
276

277 **Section 409 - Non-Conforming Uses**
278

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

- 284 1. Shall be extended or expanded only upon the approval of the Development Review
285 Board, if it finds that such extension or expansion does not create a greater nuisance
286 or detriment.
287
288 2. Shall not be changed to another non-conforming use without approval of the
289 Development Review Board, and then only to a use which, in the opinion of the
290 Board, is no more objectionable in character than the old use.
291
292 3. Shall not be re-established without approval of the Development Review Board if
293 such use has been discontinued for a period of one year, or has been changed to, or
294 replaced by, a conforming use. Intent to resume a nonconforming use shall not confer
295 the right to do so.
296

297 **Section 410 - Non-Conforming Structures**
298

299 Nothing in the paragraph above shall be deemed to prevent normal maintenance and repair of a
300 non-conforming structure, provided that such action does not increase its degree of non-
301 compliance.
302

303 **Section 411 - Temporary Uses and Structures**

304

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

310

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

313

314 **Section 412 - Conditional Use Approval**

315

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

321

1. The capacity of existing or planned community facilities.

322

2. The character of the area affected.

323

3. Traffic on roads and highways in the vicinity, and

324

4. Zoning Regulations then in effect.

325

326
327
328
329 The proposed conditional use shall conform to the specific standards for the district in which it is
330 located. Lacking locally defined standards, the Development Review Board may also apply
331 commonly accepted standards which may apply in legal precedent. An accepted exception is for
332 existing mobile home parks and trailer and recreational campgrounds, which shall conform to the
333 specific standards for those particular uses as provided in these Regulations provided in Articles VII
334 and VIII.

335

336 **Section 413 - Site Development Plan Approval and Procedures**

337

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

341

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

348

349 **Section 414 - Shoreland Protection Act Standards**

350

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

355

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

360

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

364

365 Activities that do not require a permit:

366

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

376

377 **Section 415 - Uses Not Permitted**

378

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

380

- 381 • Hide tanning or curing plants,
- 382 • Crematoriums,
- 383 • Asphalt manufacturing or processing plants,
- 384 • Rendering plants, manufacturing or processing of fertilizer, bone, rubber, paper, ammonia,
385 chlorine, explosives,
- 386 • Marijuana dispensary, methadone clinic.
- 387 • Manufacturing or refining of petroleum or gas.

387

388 **Section 416 - Abandonment of Structures/ Structure Materials**

389

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

394 **Section 417 - Flood Hazard Protection Area Standards**

395
396 The specifics of the “Flood Hazard Area Regulations” may be referenced in the Wallingford Town
397 Clerk’s Office.

398
399 **Section 418 - Off-Street Parking Space**

400
401 The Development Review Board may require specific off-street parking spaces to be provided when
402 reviewing Conditional Use applications.

403
404 In order to enhance and maintain village character, parking to serve non-residential uses and
405 residential structures with two or more units shall not be permitted between the front building line
406 and the street in the Neighborhood Commercial, Multiple Residential and Residential Districts. The
407 Development Review Board may consider exceptions to this requirement when strict conformity
408 cannot be achieved due to site specific constraints and where the overall site layout otherwise
409 conforms with the purpose of the district.

410
411 **Section 419 – Storage**

412
413 Any new commercial storage facilities are a Conditional Use in all zoning districts and subject to
414 Development Review Board approval. Storage lasting less than one year in a temporary storage
415 structure may be allowed upon issue of a temporary use permit by the Zoning Administrator. The
416 storage unit is to be located in the rear or side of the property when possible, and a minimum of 10
417 feet from any property line. Placement of storage structures for longer than one (1) year will be
418 considered an accessory use building and will be subject to prescribed setbacks and applicable zoning
419 regulations.

420
421 **Section 420- Access to State Highway**

422
423 Whenever a proposed site plan involves a new or expansion of access or use to a State of Vermont
424 highway, the application for site plan approval shall include a letter of intent from the Agency of
425 Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to
426 issue an access permit.

427
428 **Section 421 - Exemptions to Town Permit Requirements**

- 429
430 1. Residential (detached) Storage and Accessory Structures of 120 square feet or less and 15 feet
431 in height. These exempted non-commercial structures, when used exclusively by the property
432 Owner, are also exempt from prescribed side and rear setbacks, providing they are installed in
433 all zoning districts a minimum setback of ten (10) feet. Front setbacks for the specific zoning
434 district still apply. Commercial use of new detached accessory structures are not exempt.
435
436 2. Accepted/Required Agricultural Practices (AAPs & RAP’s), including the construction of
437 farm structures, as those practices are defined by the Secretary of Agriculture, Food and
438 Markets, in accordance with applicable VT Statutes. Written notification, including a Site
439 Plan showing structure setback distances from road rights-of-way, property lines, and surface

440 waters shall be submitted to the Zoning Administrator prior to any construction, as required
441 by AAP/RAPs. Such structures shall meet all setback requirements under these regulations,
442 unless specifically waived by the Secretary. The Zoning Administrator may require a
443 Determination Letter from the Vermont Agency of Agriculture, Food & Markets as a required
444 component of any application for a qualified Agricultural Structure or Use.
445

- 446 3. Accepted Management Practices (AMPs) for silviculture (forestry) as the Commissioner of
447 Forests defines those practices, Parks, and Recreation.
448
- 449 4. Power generation and transmission facilities, which are regulated under 30 V.S.A. 248 by the
450 Vermont Public Service Board. Such facilities, however, should conform to policies and
451 objectives specified for such development in the Town Plan.
452
- 453 5. Hunting, fishing, and trapping as specified under 24 V.S.A. 2295 on private or public land.
454 This does not include facilities supporting such activities, such as firing ranges or rod and gun
455 clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.
456
- 457 6. Normal maintenance and repair of an existing structure which does not result in exterior
458 alterations or expansion of exterior area (footprint or height), or a change of use.
459
- 460 7. Interior alterations or repairs to a structure which do not result in exterior alterations, or
461 expansion, or a change in use.
462
- 463 8. Exterior alterations to structures which do not result in any change to the footprint or height
464 of the structure or a change in use.
465
- 466 9. Residential entry stairs (excluding decks and porches), handicap access ramps and required
467 landings (40 square feet maximum), walkways, and fences or walls less than or equal to 6 feet
468 in height which do not extend into or obstruct public rights-of-way, or interfere with corner
469 visibilities or sight distances for vehicular traffic. (See also section 424 Fences Non-
470 Agricultural)
471
- 472 10. Minor grading and excavation associated with road and driveway maintenance, or which is
473 otherwise incidental to an improved use. This specifically does not include extraction and
474 quarrying activities. This exemption applies to common residential landscaping projects
475 involving only earthen materials to include open patios and retaining walls.
476
- 477 11. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing, and snow mobile
478 trails) which do not require the installation of structures or parking areas.
479
- 480 12. Street Sales Garage, tag, yard, moving, estate, and similar temporary sales of goods, for up
481 to 15 days per calendar year, will not require a local permit, providing the sale does not
482 interfere with public right of way or safety issues, as determined by the appropriate Public
483 Authorities. Marketing of goods, materials, food, etc., for longer than this permitted period
484 requires the applicable zoning permit.
485

486 13. Other uses as designated in the Table of Contents.
487

488 **Section 422 - Potable Water Supply and Wastewater Permits**
489

490 The Zoning Administrator may withhold the issuance of a zoning permit until the applicant has
491 successfully demonstrated receipt of a State of Vermont Potable Water Supply and Wastewater
492 Permit or for pre-existing and functioning water and septic systems, an exemption from Vermont's
493 Wastewater & Potable Water Supply Division.
494

495 Existing water supply or sewage disposal systems that have been considered abandoned or
496 discontinued, failed in daily performance; or expect expanded/increased use from existing use (as of
497 1/1/2007) will require further proof of compliance with VT regulations in any application for a Town
498 permit.
499

500 **Section 423 – Farm Animals**
501

502 Unless kept or raised as an Accepted Agricultural Practice as defined by the Secretary of Agriculture,
503 Food and Markets, no farm animals (including but not limited to, horses, cows, hogs, fowl) may be
504 kept or large-scale animal raising undertaken in the village proper. The following criteria must be
505 met for limited scale within the village proper:
506

- 507 1. No farm animal shall be kept within such place or manner as to be offensive or cause a
508 nuisance to persons residing in the vicinity. The buildings and yards shall be kept deodorized
509 by the application of dry earth or some other effective absorbent or disinfectant. All farm
510 animals so kept within the village limits shall be confined in an enclosure and shall not be
511 permitted to run at large. Violation of the provisions of this section shall constitute violation
512 of this ordinance.
513
- 514 2. No manure piles will be stored within the village limits and shall be removed and discarded in
515 an ecologically responsible manner every two (2) months
516
- 517 3. Manure piles are located so as to minimize the possibility of pollution to wells and surface
518 waters. In the absence of an otherwise acceptable plan, manure piles shall be located no closer
519 than 200 feet from surface water. If a manure pile is located upslope from a well, the isolation
520 distance shall be at least 200 feet; if it is located downslope from a well, the isolation distance
521 shall be at least 100 feet.
522

523 **Section 424 – Fences (non-agricultural)**
524

525 Fences may be built in front, side and rear yards provided they do not exceed six and one-half (6.5
526 feet in height from ground to peak and are maintained in a proper state of repair with the finished
527 side of such fence facing adjacent properties. Fences shall be constructed so that they can be
528 maintained from the premises of the owner (minimum distance from boundary line of 4 feet).
529

530 Boundary line fences shall be allowed if the parties involved **agree in writing**, the agreement shall
531 include the design and facing of the fence as well as a statement of which party or parties is/are

532 responsible for its maintenance. A copy of the written agreement shall be attached to Permit
533 Application and kept on file in the Zoning Administrator’s Office (See Article V: Specific District
534 Regulations for set-backs.)
535

536 **Section 425 – Subdivision/ Parceling**
537

538 The legal (deeded) boundary description of a property (or adjacent properties acquired over time)
539 shall define the outside perimeter(s) of an ownership. The existence of a Public (municipal owned)
540 road or navigable waterway that may transect the legal boundaries of a property **does not create** two
541 or more individual “*naturally subdivided*” parcels unless approved in accordance with Town Zoning
542 and Subdivision regulations.
543

544 **Section 426 - Swimming Pools**
545

546 A private inground or aboveground swimming pool shall be installed and maintained in a manner to
547 meet all State Health Code Standards, shall be fenced or otherwise protected to prohibit unauthorized
548 or accidental entry, shall not constitute a hazardous or nuisance situation, and shall meet all
549 applicable setback requirements.
550

551 **Section 427 – Tiny Houses**
552

553 Tiny houses (see Definition Tiny House in Appendix A) will be consider as a permanent structure
554 falling under current set-backs and other applicable district zoning (Article V - Specific District
555 Regulations, page 15) when house is mounted on a permanent site e.g., Foundation Bound Unit. If
556 the Tiny House is on a temporary hook-up or still able to be moved, it will be considered a
557 Recreational Vehicle and will be governed under RV regulations (Article VIII - Trailer, Recreational
558 Campground and Recreational Equipment Storage, page 30). A Recreational Vehicle (RV) designed
559 for temporary camping travel or seasonal use is not considered a Tiny House.
560

561 **Section 428 - Alternate Energy**
562

563 Pursuant to 24 VSA 4412 the height of wind turbines with blades less than 20 feet in diameter, or
564 rooftop solar collectors less than 10 feet high on sloped roofs, any of which are mounted on
565 complying structures, shall not be regulated unless the bylaws provide specific standards for
566 regulation. For the purpose of this subdivision, a sloped roof means a roof having a slope of more
567 than five degrees.
568

569 The use of solar energy systems, whether as a part of a building or incidental to a building, are
570 permitted accessory uses in all districts. Certain architectural features needed for the operation of
571 active and passive solar energy systems, including but not limited to overhangs, detached solar
572 collectors, reflectors and piping may be permitted by the Zoning Administrator to project into the
573 required yard setback if conformance with yard setback requirements will cause undue expense or
574 unusual difficulties and such projections do not adversely affect the character of the neighborhood.
575

576 Pursuant to 24 VSA section 4414 (15), ground mounted solar arrays shall be screened according to
577 the screening requirements outlined below.

578
579 Pursuant to 30 VSA section 248 (s) ground mounted solar arrays exceeding 150 kW in size shall be
580 set back from municipal road and highway boundaries at least 100 feet, and from all other property
581 boundaries at least 50 feet.

582
583 Landscaping will required in all districts under these regulations to be installed in the front, rear and
584 side yards shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas
585 and ground cover. Tree species that may cause future shading of the most southerly facing wall
586 and/or roof of adjacent buildings or plantings which will detrimentally shade an installed solar energy
587 system should not be permitted.

588
589 All landscaping shall be maintained in a healthy growing condition with ground cover or grassed
590 areas.

591
592 Following are the minimum landscaping requirements:

593
594 A minimum of two (2) trees shall be planted in the front yard for each one hundred (100) feet of lot
595 frontage, provided that no tree shall be planted nearer than five (5) feet to any lines.

- 596
- 597 • Where any land use in a non-residential district abuts land in any residential district, a strip of
598 land at least thirty (30) feet in width shall be maintained as a landscape area in the front, side
599 and rear yards adjoining the residential district.
 - 600 • Where any non-residential land use in a residential district abuts any residential use, a strip of
601 land at least twenty (20) feet in width shall be maintained as a landscaped area in front, side,
602 and rear yards which adjoin these residential uses.
 - 603 • In an industrial district, each industrial lot or use shall have a strip of land at least twenty (20)
604 feet in width in the front yard and at least ten (10) feet in width in the rear and side yards
605 which shall be maintained as a landscaped area.

606
607 **Section 429 - Screened Service Areas**

608
609 In any district, all areas designated or used as service areas for any building or land use, other than
610 one-family and two-family dwellings shall be screened from view with either a wall, a solid fence or
611 a fence and evergreens to a height that conceals the view of the service area (a height of at least five
612 (5) feet) on all sides where the adjacent land is in a residential district or residential use.

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ARTICLE V: SPECIFIC DISTRICT REGULATIONS

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A person shall not use any land or structure within the Town except in conformance with the use provisions of the Table of Uses and descriptions in each specific district section. For each district, permissible uses are given a designations:

- PERMIT – uses and structures are permissible upon issuance of a zoning permit.
- DRB - uses and structures are permissible upon issuance of a zoning permit after a site plan review has been completed by the Development Review Board.
- BLANK – indicates not permitted
- Some uses may require a STATE PERMIT. *ANY USES NOT SPECIFICALLY PERMITTED ARE PROHIBITED*

USES	Forest (FR) Section-501	Agriculture Rural Residential (ARR) Section-502	Residential (R) Section-503	Multiple Residential (MR) Section 504	Neighborhood Commercial (NC) Section-505	Industrial (IN) Section 506
1 - Family dwelling	Permit	Permit	Permit	Permit	Permit	DRB
2 - Family dwelling	Permit	Permit	Permit	Permit	Permit	DRB
Accessory (Non-commercial) building Excepting Home Occupations)	Permit					DRB
Accessory building use (commercial)						DRB
Agricultural and Forest Uses	Permit	Permit				
Animal hospital		DRB				
Boarding house		DRB				
Business Office					Permit	
Camp	Permit					
Car wash						DRB
Cemetery		DRB				
Commercial outdoor recreation	DRB	DRB	DRB			
Community Center		DRB		DRB	Permit	
Condominiums		DRB				
Dairy manufacturing						DRB

USES	Forest (FR) Section-501	Agriculture Rural Residential (ARR) Section-502	Residential (R) Section-503	Multiple Residential (MR) Section 504	Neighborhood Commercial (NC) Section-505	Industrial (IN) Section 506
Dormitory		DRB				
Educational institution					Permit	
Enclosed accessory building use			Permit	Permit	Permit	
Enclosed Service and repair establishments						DRB
Enclosed storage		DRB				
Enclosed warehouse						DRB
Energy generating facilities and infrastructure	DRB	DRB		DRB	DRB	
Fueling station		DRB				
Funeral home					Permit	
Gasoline station					DRB	
Gravel pit		DRB				DRB
Home Occupation	Permit	Permit	Permit	Permit	Permit	Permit
Hospital		DRB				
Hotel		DRB			Permit	
Light manufacturing		DRB				DRB
Lodge motel		DRB				
Membership clubhouse		DRB				
Mobile home		Permit	Permit	Permit	Permit	DRB
Mobile home park		DRB				
Mortuary					Permit	
Multiple family dwelling (more than 2 families or 2 units)		DRB	DRB	Permit	Permit	DRB
Non-Commercial accessory Uses	Permit					
Owner-occupied commercial uses with low-level environmental impact	DRB					

USES	Forest (FR) Section-501	Agriculture Rural Residential (ARR) Section-502	Residential (R) Section-503	Multiple Residential (MR) Section 504	Neighborhood Commercial (NC) Section-505	Industrial (IN) Section 506
Parking Lot		DRB			DRB	
Personal Service business					Permit	
Private Club	Permit	DRB			DRB	
Private outdoor recreation	DRB	DRB				
Private School		DRB	DRB	DRB		
Profession residence/office		Permit	Permit	Permit	DRB	
Public garage						DRB
Public Outdoor Recreation	DRB	DRB	DRB	DRB		
Public utility substation						DRB
Quarry						DRB
Renewable Energy Generation facilities	DRB	DRB		DRB	DRB	DRB
Research and development laboratory						DRB
Reservoirs	Permit					
Retail store					Permit	
Sand or gravel pit						DRB
Telecommunication facilities	DRB	DRB		DRB	DRB	DRB
Tourist home		DRB				
Traylor park		DRB				
Veterinary clinic (with provisos)		DRB				
Warehouse , enclosed						DRB
Wildlife refuge	DRB	DRB				

634 **Section 501 - Forest and Recreation (FR)**

- 635 1. **The following uses are permitted:** Agricultural and forest uses; camp; private club; One-
636 and two-family dwelling; and non-commercial accessory uses (excepting Home
637 Occupations); and reservoirs.
- 638
- 639 2. **The following uses are allowed after Conditional Use and Site Plan approval:** Wildlife
640 refuge; renewable energy generation facilities and infrastructure; telecommunications
641 facilities, owner-occupied commercial uses with low-level environmental impact to
642 surrounding ownerships; public outdoor recreation; private outdoor recreation; and
643 commercial outdoor recreation.
- 644

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

650 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

651 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

- 653
- 654 5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for
655 agricultural use. The height maximum for telecommunications and renewable energy
656 generation facilities to be 75 feet; 100 feet maximum height as reviewed and approved by
657 Development Review Board for “visual environmental blending” of antenna / tower impact
658 to area aesthetics.
- 659
- 660 6. **Zone specific sign limitations:** in addition to Article IX Free-standing, non-internally
661 illuminated, flush-mounted signs requirements, not more than 16 square feet (maximum
662 area).
- 663

664 **Section 502 - Agricultural and Rural Residential (ARR)**

- 665 1. **Agricultural and forest uses:** 1-family dwelling; 2-family dwelling; mobile home;
 666 professional residence/office; **farm animals**.
 667
- 668 2. **The following uses are allowed after Conditional Use and Site Plan approval:** Multiple-
 669 family housing (more than 2 units); light manufacturing; mobile home park; trailer park;
 670 fueling station; gravel pit; animal-hospital, tourist home; boarding house, or lodge; motel,
 671 hotel, condominiums; private school, community center; hospital; dormitory; private club,
 672 membership clubhouse; public outdoor recreation; private outdoor recreation; commercial
 673 outdoor recreation; wildlife refuge; cemetery; parking lot; enclosed storage; energy
 674 generation facilities and infrastructure; telecommunications facilities; and veterinary clinic,
 675 provided that any structures for the housing of animals shall be at least 200 feet from any
 676 residential or other use in the district to which it would be detrimental.
 677

678 Other uses not listed here may be permitted if the finding by the Development Review
 679 Board shows that such use is clearly of the same general character as those permitted in the
 680 area, and which will not be detrimental to the other uses within the district or to the
 681 adjoining land uses, or the natural and human environment, and so long as such use is not
 682 prohibited under Article IV of these Regulations.
 683

684 **3. Minimum Dimensional Requirements:**

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

685
 686 **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

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

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

- 689
- 690 5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for
 691 agricultural use. The height maximum for telecommunications and renewable energy
 692 generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by
 693 Development Review Board for “visual environmental blending” of antenna /tower impact
 694 to area aesthetics.
 695
- 696 6. **Zone specific sign limitations:** in addition to Article IX Free-standing, non-internally
 697 illuminated, flush-mounted signs requirements, not more than 16 square feet (maximum
 698 area).
 699

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

701

702 1. **The following uses are permitted:** 1-family dwelling; 2-family dwelling; mobile home;
703 professional residence/office; home occupation; and enclosed accessory building use.

704

705 2. **The following uses are allowed after Conditional Use and Site Plan approval:** Multiple-
706 family housing (more than 2 units); private schools, commercial and outdoor recreation.

707

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

713

714 3. **Minimum Dimension Requirements:**

715

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

	Residential	Non-Residential
Lot front width	50 feet	50 feet
Lot rear width	50 feet	50 feet
Lot depth	100 feet	100 feet

716

717 4. **Minimum Setbacks:**

	Residential	Non-Residential
Front	10 feet	10 feet
Rear	10 feet	10 feet
Side(s)	10 feet each	10 feet each

718

719

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

725

726 6. **Zone specific sign limitations:** in addition to Article IX Free-standing, non-internally
727 illuminated, flush-mounted signs requirements, not more than 16 square feet (maximum
728 area).

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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 IV 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 Setbacks:**

	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 requirements, not more than, 16 square feet maximum area.

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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 Change 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 requirements, not more than, 16 square feet maximum area.

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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.

- 44 b. The request for an extension or significant amendment shall include reasonable grounds
45 to grant an extension (as determined acceptable by the ZA); and request a specific
46 extension deadline (not to exceed 12 months from permit's expiration date), and any
47 Determination and Recording Fee (as set by the Select Board).
48
- 49 3. An expired Permitted Project (for any failure to obtain extension approvals) as specified in
50 Vermont and Town regulations will require a new application submission, with required Fees
51 and statutory appeal /effective dates; before Project activities may start or continue.
52

53 **Section 604 - Penalties for Starting a Project Prior to Issue of all Required Permits**
54

55 Start of a project that is subject to and/or would require a Town of Wallingford zoning permit, prior
56 to the effective date of an approved zoning permit (or a "No Permit Required" determination from
57 the ZA), or within the legal appeal period of any/all required permits, will be subject to an additional
58 Administrative Fee of \$250, as may be adjusted by the ZA. This Fee is in addition to, and not in
59 replacement of, any fines or penalties incurred for any/all violations of Wallingford Zoning,
60 Vermont, and Federal rules and regulations, including per-day violation fines.
61

62 **Penalties:** Violations of these Zoning Regulations are subject to penalties as prescribed by the Act. A
63 court action may be initiated in the Environmental Court, or as appropriate, before the Judicial
64 Bureau, as provided under section 1974a of this title. The property owner of record shall be held
65 responsible for Zoning violations.
66

67 **Section 605 - Development Review Board (DRB)**
68

69 A DRB, appointed by the legislative body, of up to 7 members, shall be responsible for Approving
70 and issuing Conditional Use permits, approving Site Development plans, and the review of any
71 appeals made by an Interested Person in regards to decisions made by the Zoning Administrator,
72 rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other
73 matters shall be established as provided in the Act.
74

75 **Section 606 – Appeals**
76

77 Any Interested person may appeal a decision or act taken by the Zoning Administrator to the
78 Development Review Board by filing a notice of appeal in accordance with the Act. This notice of
79 appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of
80 appeal shall be filed with the Zoning Administrator.
81

82 Any Interested Person who has participated in a regulatory proceeding, as defined in 24 §VSA.
83 4471(a), may appeal the written decision of the Development Review Board to the Environmental
84 Court within thirty (30) days in accordance with 24 §VSA 4466
85

86 **Section 607 - Referral to State Agency(s)**

87
88 No Zoning permit for Development of land, change or expansion of the Current Use at time of
89 application expansion shall be approved by the Zoning Administrator until Property Owners or
90 designated Applicant(s) provide the Town Zoning Administrator acceptable documentation for all
91 other local, Vermont, or federal applications for approvals required for the requested project; prior to
92 submitting an Application for Town approval. This includes, but is not limited to:

- 93
- 94 1. Vermont Waste-Water disposal, potable Water Supply, and any Vermont Subdivision
95 permits.
 - 96
 - 97 2. Development in Vermont and Town FEMA Special Flood Hazard Areas.
 - 98
 - 99 3. Development in other VT designated environmentally sensitive locations (steams, wetlands,
100 etc.,).
 - 101
 - 102 4. Development, Change, or increased use to adjacent to Vermont State owned property, or
103 Highways or Class-1 Town Roads.
 - 104
 - 105 5. The Town Zoning Administrator may determine the application to be “Complete,” upon
106 receipt of acceptable documentation of application to appropriate Vermont and federal
107 reviews required.

1 **ARTICLE VII: MOBILE HOME AND MOBILE HOME PARKS**

2 **Section 701 – Mobile Home Park Permits**

3
4 No person shall construct or operate a mobile home park without obtaining conditional use and site
5 plan approval from the DRB.

- 6 1. Applications for a mobile home park permit shall be filed with the Zoning Administrator of
7 the Town of Wallingford.
8
9 2. The initial fee for a permit for a mobile home park shall be \$50.00, payable to the Town of
10 Wallingford.

11
12 **Section 702 - Park Requirements**

13
14 Each mobile home park and all extensions thereof shall conform to the requirements of 10 V.S.A.
15 Ch. 153 “The Mobile Home Park Act,” and subsequent revision to the following:

- 16 1. Each mobile home park must be a minimum of 15 acres in size.
17
18 2. No mobile home in a mobile home park shall be located closer than 300 feet from the traveled
19 portion of any public highway and shall not be located closer than 100 feet from the side and
20 rear boundaries of said park.
21
22 3. At least 8,000 square feet of lot area shall be provided for each mobile home in each park,
23 including at least 5,000 square feet for each mobile home site, plus at least 3,000 square feet
24 for each mobile home in common open space, exclusive of roads.
25
26 4. Roads and driveways shall be paved.
27
28 5. Utilities: Each mobile home lot or space shall be provided with a 220-volt approved electrical
29 connection specifically metered, and all utility wiring shall be underground.
30
31 6. Refuse: The storage, collection, and disposal of refuse in the mobile home park shall be
32 handled or managed by the licensee, and shall be done so in a manner to prevent all health
33 hazards, area pollution, and any other threats to the health of the human or natural
34 environment. One refuse can, with a tight-fitting cover, for each occupied mobile home lot or
35 space shall be furnished by the licensee.
36
37 7. Records: Each licensee shall keep a written record, subject to inspection at any reasonable
38 time by a duly authorized officer of the Town of Wallingford, which shall contain the date of
39 arrival, the make, year, serial number and length of each mobile home, and also the names of
40 the occupants thereof.
41
42 8. Each mobile home space or lot shall be provided with a continuing supply of safe and potable
43 water, as approved by the State Department of Health.
44

- 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
- 50 10. No open fires shall be permitted except in specific areas approved by the local authority.
51
- 52 11. A mobile home park shall not be for the storage or display of mobile homes or as a sales
53 agency for mobile homes.
54
- 55 12. The space underneath all mobile homes shall be screened from view.
56

57 **Section 703 - Single Mobile Homes**
58

59 Application to the Town of Wallingford, and a permit, shall be required by any person wishing to
60 maintain, establish, station or park a mobile home use on an individual parcel of land subject to all
61 applicable Town and Vermont regulations.
62

63 **Section 704 – Exceptions**
64

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

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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 Board.
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 ensure 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.

46 **Section 803 - Storage of Camping and Recreational Equipment**

47

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

50

51 1. If the camping and recreational equipment is parked or stored outside of a garage, it shall be
52 parked or stored to the side or rear of the front building line of a lot.

53

54 2. Boats stored in open must be covered.

55

56 3. Placement must be at least ten feet from any and all sides and rear boundary lines.

57

58 4. Except for occasional use, not to exceed twenty-one (21) continuous days such parked or
59 stored camping and recreational equipment shall not be occupied or used for living, sleeping,
60 or housekeeping purposes; and shall comply with Vermont potable water and wastewater
61 disposal regulations.

62

January 2022

44 **Section 903 – Placement**

45
46 The Zoning Administrator may require the adjustment or relocation of any sign to help ensure safety.
47 No sign may interfere with utility poles or natural features. No sign may block the view of traffic.
48

49 **Section 904 - Special Categories of Signs**

50
51 **Subdivision or Housing Developments** - Such projects are permitted one free-standing sign
52 not to exceed eight square feet (8 square feet).
53

54 **Signs announcing special events** – Signs may be allowed up to 6 times per year per business.
55 They shall not exceed 40 square feet in area and not be displayed for more than 14 consecutive
56 days. (See definition of Posters and Banners)
57

58 **Contractor’s Signs and Real Estate Signs** - Signs advertising the construction, sale, or lease
59 of real estate may be displayed on the premises. The sign shall be six square feet (6 square feet)
60 or less, and removed upon completion of construction, sale, or lease.
61

62 **Signs for civic, religious, fraternal, political, nonprofit, or charitable groups** - The Zoning
63 Administrator shall have the authority to issue permits for advertising, on a temporary basis, to
64 any of the above groups. Proof of such status may be required.
65

66 Bona fide civic organizations may be permitted a sign, up to 3 square feet in size, at the Town
67 line at each entrance to Town along state highways signifying their existence and its regular
68 meeting time and place. These signs shall be placed upon a single board, no more than 32
69 square feet in size – not more than 8 feet wide, 4 feet high, and a minimum of 3 feet off the
70 ground to a height of 20 feet including frames and support structures.
71

72 **Temporary Signs (Commercial/store banners and Feather flags)** - One temporary sign,
73 made of rigid material and up to eight square feet (8 square feet) in size, may be permitted by
74 the Zoning Administrator, and may be displayed for no more than 30 days, as long as:
75

- 76 1. A permit has been issued for a new land use or business establishment.
77
78 2. A complete Sign Application has been submitted for a permanent sign for that use; and
79
80 3. The Zoning Administrator finds the temporary sign conforms to this Ordinance.
81

82 **Section 905 - Exempt Signs**

83
84 The following signs are exempt from the provisions of this ordinance:
85

- 86 1. Rolling stock, provided that it is not regularly parked such that it becomes a non-
87 conforming sign.
88

- 89 2. Signs on registered and inspected vehicles except those that circumvent the intent of this
90 Ordinance.
- 91
- 92 3. Bus signs.
- 93
- 94 4. Posters or Banners, see Article II and Appendix A for Sign Definitions. The erector is
95 responsible for removal.
- 96
- 97 5. Political signs may be erected three weeks before an election and must be removed seven
98 (7) days after it.
- 99
- 100 6. Signs erected by the Town of Wallingford or its School District.
- 101
- 102 7. Signs erected by the State of Vermont or any of its Boards, Agencies or Departments.
- 103
- 104 8. Small on-premises signs, no more than two square feet (2 square feet) in size, which are
105 displayed for convenience of the public. Advertising or logos are prohibited.
- 106
- 107 9. Residential signs as defined in this Ordinance.
- 108
- 109 10. Indoor window signs conforming to the requirements of this Ordinance.
- 110
- 111 11. Informational signs up to 16 square feet, on lands conserved by permanent, protective
112 measures.
- 113

114 **Section 906 - Prohibited Signs**

115
116 No sign may be installed or maintained along and visible from a street or highway which:

- 117 1. Interferes with or resembles any official traffic control device or appears to attempt to direct
118 traffic.
- 119
- 120 2. Prevents drivers from having clear and unobstructed view of traffic control signs and traffic.
- 121
- 122 3. Includes any distracting lights, florescent paint, neon signs (with the exception of a 1x2 foot
123 sign indicating that a business is open), moving devices, or animated or moving parts,
124 except traffic control signs. Seasonal lights are excluded from this restriction.
- 125
- 126 4. Is fraudulent or misleading, or is in violation of, or at variance with any Federal law or
127 regulation.
- 128
- 129 5. Advertises activities which are illegal under State or Federal law.
- 130
- 131 6. Is not clean and in good repair.
- 132
- 133 7. Emits sound audible on adjacent properties or roads.
- 134

135 8. Is not securely affixed to a substantial structure.

136
137 9. Is an off-premises sign.
138

139 **Section 907 - Illuminated Signs**
140

141 New signs may only be illuminated externally with the prior review and written approval of the
142 DRB. When considering an approval, approval with conditions, or disapproval; the Development
143 Review Board may consider the following:
144

- 145 1. Residential and/or historic or commercial character of the neighborhood and the zoning
146 district in which the sign is to be located. Effect of the illumination on traffic, parking, and
147 neighboring properties – including those properties not necessarily abutting the premises on
148 which the sign is to be located.
149
- 150 2. The interest of the town in preserving the rural and/or historic appearance of a particular
151 area, roadway, or portion thereof along which the sign is to be erected.
152
- 153 3. The need for illumination as it may affect the applicant’s purpose for which the sign is
154 intended.
155

156 **Section 908 - Non-Operational Businesses**
157

158 After a business closes, its signs must be removed within 180 days otherwise the town will remove
159 them and bill the business owner(s) for the cost of removal.
160

161 **Section 909 – Stores Displaying Merchandise Outside**
162

163 Any outdoor merchandise displays are at the risk and the responsibility of the store operator.
164 Displays will not block line-of-sight traffic or impede traffic flow.
165

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APPENDIX A

Terms Definitions

January 2022

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

187
188 **Accessory Dwelling / Apartment:** A dwelling unit with adequate water, septic, parking, sleeping, bathing
189 and cooking facilities, constructed within or attached to a single-family residence or apartment accessory
190 structure. The area of the apartment not to exceed 49% of the Living Area of the principal residence.

191
192 **Accessory Use:** A use of land, buildings, or structures subordinate to and customarily incidental to a
193 permitted principal use located on the same lot, or on an adjoining lot under the same ownership or
194 Planned Unit Development designation.

195
196 **Artisan/Craft Studio:** A place that may be used as both a dwelling place and/or a place of work by an
197 artisan or craftsman, including persons engaged in the practice, application, teaching, or performance of
198 fine arts, such as but not limited to drawing, vocal or instrumental music, painting, sculpture and writing.

199
200 **Agricultural Use:** Land whose use conforms to Vermont's Agricultural Act, and whose structure (s) are
201 used for the raising livestock, agricultural or forest products, including qualified farm and storage of
202 agricultural equipment and crops. This definition includes sale of agricultural products raised on the same
203 property.

204
205 **Agricultural Structure:** A structure used for accepted or required agricultural practices as defined by the
206 State of Vermont.

207
208 **Alteration:** Any exterior structural change which results in the changing the front, side or rear setbacks;
209 any interior structural change for the purpose of changing use; any change of location of, or addition to, a
210 building other than repairs or modification to a building or equipment.

211
212 **Animal Housing Facility, Pet Store, Kennel:** An establishment housing dogs, cats, birds, or other
213 domestic pets, large and small, and where grooming, breeding, boarding, training, or selling of animals is
214 conducted as a business.

215
216 **Assisted Living Home:** *Refer to Nursing Home*

217
218 **Associations/Lodges and Club:** An organization of persons having common interests, purposes, etc.

219
220 **Attic:** The part of a building directly under the roof with a headroom of less than 5.5 ft. over three quarters
221 of the floor area, the headroom shall be measured vertically from the top of the floor or floor beams to the
222 bottom or underside of the roof or roof rafters. The floor area shall be measured horizontally from the
223 inside of the exterior walls or underside of the roof or roof rafters at the floor level. The attic generally
224 would not have to be finished or insulated and would not be occupied or used as living area (storage only).

225
226 **Auto Service Station:** Any premises where gasoline and other petroleum products are sold and/or light
227 maintenance activities such as engine tune-ups, inspections, lubrication, minor repairs, and carburetor
228 cleaning are conducted. Service stations shall not include premises maintenance activities such as truck
229 repairs (with GVW rating over 18000 lbs.); automobile painting, and body or fender work are conducted.

230 **Basement:** Any area of the building having its floor sub grade (below ground level) on all sides. Use of a
231 Basement for dwelling purposes may be prohibited in certain situations.
232

233 **Bar, Tavern:** A place of business where the primary function is the serving of alcoholic beverages. The
234 Use may be permitted with other Uses. (see Night Club, Restaurant, Lodge)
235

236 **Bed and Breakfast (a.k.a. "Air BnB, or similar use):** A structure, residential in nature, that has
237 overnight lodging facilities for temporary and transitory guests, and where the only optional meal served to
238 guests is breakfast.
239

240 **Brewery; also Cidery, Distillery, Winery:** A commercial or business facility to process ingredients into
241 an alcoholic beverage or product; including the storing, canning or bottling, and retail or wholesale sale of
242 the products produced by the facility.
243

244 **Building:** Structure having a roof (including an awning or other similar covering, whether or not
245 permanent in nature) supported by columns or walls and intended for the shelter or enclosure of persons,
246 animals or chattel.
247

248 **Building Area:** Total of areas taken on a horizontal plane at the finished grade: measured along the
249 maximum exterior perimeter of the structure(s), excluding eaves, including the principal building and all
250 accessory buildings, structures (including decks and swimming pools; but excluding masonry patios or
251 walls and fences).
252

253 **Boundary/Lot Line Adjustment (BLA):** Minor amendments or realignment of property boundaries, with
254 the agreement of the adjacent Owners involved, and where no new lots are created. BLA shall not
255 adversely impact access, improvements, or natural resources to any parcel, or create a non-conforming
256 situation to any lot.
257

258 **Building Height:** Vertical distance measured from the highest elevation of the structure's ridgeline to the
259 average proposed finished grade at the building, excluding customary chimneys and antennas, church
260 steeples, and cupolas on pre-zoning structures. Building height provisions shall not apply to agriculture
261 structures.
262

263 **Business Office:** A legally permitted occupant of land or premises engaged in a commercial, industrial, or
264 professional activity. A business may be a for-profit, not-for-profit (ex: Credit Union), non-profit (ex.
265 Charity), or for social purposes in which profits are invested into the Community.
266

267 **Camp:** A building suitable for seasonal or temporary living purposes and never occupied for more than
268 (90) days in any twelve (12) month period and not more than 21 continuous days, if without legally
269 permitted sewage disposal and water supply systems.
270

271 **Camper:** see Trailer
272

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

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

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

283
284 **Change of Use:** The change from one use to another use. Alter the intensity of use, or vary the function,
285 service purpose of any portion of a building, structure, or land from one use to another. A change in use
286 may require a Town permit, especially involving a business.

287
288 **Clinic, Health and/or Therapy:** An office building used by members of the medical, therapeutic, and
289 dental professions for the diagnosis and outpatient treatment of human ailments.

290
291 **Commercial:** A Use of Structure that is intended to generate revenue. Commercial uses and structures
292 may be subject to different regulations from residential uses and structures. Any rental of land,
293 improvements or structures creates a non-residential commercial use.

294
295 **Community Center:** A public or private meeting hall, place of assembly, museum, art gallery, library,
296 educational facility, or church.

297
298 **Conditional Use:** A use that has been determined to meet the general standards for conditional for the
299 District in which it is proposed to be located and for which specific standards have been developed and
300 detailed in Article IV.

301
302 **Condominium:** Real property consisting of units of individual ownership combined with ownership of
303 common elements by the individual unit owners.

304
305 **Country Inn:** A primary building without or with detached building(s) used to provide overnight
306 accommodations, and one or more meals, to guests for short periods of stay (e.g. tourists). Inns may
307 incorporate the primary structure on the Lot as well as accessory structures but shall not exceed 12 guest
308 rooms.

309
310 **Coverage, Building:** The percentage of a lot or development site occupied or intended to be occupied by
311 all buildings and structures. Building coverage shall include the building area, but not more than 20% of
312 the land covered by water bodies, watercourses, wetlands, and land having slopes of 25% or greater shall
313 be included in the lot area used for computing the maximum allowable building coverage.

314
315 **Craft / Artesian Shop:** A building or portion thereof where hand-crafted articles are produced and/or sold.

316
317 **Crawl Space:** That portion of a building located below the first floor of the building and which is less than
318 five (5) feet in height from floor to under beam,

319

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

323
324 **Development:** The division of a parcel into two (2) or more parcels, boundary line adjustment, the
325 construction, reconstruction, demolition, conversion, structural alteration, relocation or enlargement of any
326 building(s) or other structure(s), or any mining, excavation or landfill, and any change in the use of any
327 building or other structure, or land, or extension of use of land.

328
329 **Development Review Board:** A body appointed by the Select Board to decide cases involving variances,
330 conditional uses, appeals, and other matters as set forth in these regulations.

331
332 **District:** A specific portion of the town as established by the provisions of this ordinance and the zoning
333 map.

334
335 **Drive-In/Service or Other Drive-Up Facility:** A business establishment such as a restaurant, pharmacy,
336 or bank so developed that it includes part of its principal retail or service by providing a driveway approach
337 with stacking or parking spaces for motor vehicles so as to either provide service to patrons while in a
338 motor vehicle or intended to permit consumption outside of the building. A drive-in food service restaurant
339 shall include self-service restaurants where food is generally served in disposable containers or plates and
340 primarily over the counter.

341
342 **Dump:** Land or any approved permitted area where trash, garbage, sewage, waste materials, refuse of any
343 nature, junk, discarded machinery, vehicles or parts thereof are collected, stored, or deposited. Also refer to
344 Recycling Collection Point/Station.

345
346 **Dwelling Unit:** Building or part thereof used as a living quarters for one family use and occupancy; having
347 exclusive use of its own kitchen, bathroom and sleeping area. The terms "dwelling", "one-family
348 dwelling", "two-family dwelling", "multi-family dwelling", or "dwelling group" shall not include a motel,
349 hotel, boarding house, bed and breakfast lodging, or similar structure, but shall include a mobile home.

350
351 **Dwelling, One-Family:** Detached building (including a mobile home) used as living quarters by one
352 family. A state licensed or registered residential care home or group home serving not more than eight
353 persons who are developmentally disabled or physically handicapped, shall be considered by right to
354 constitute a permitted single family residential use except that no such home shall be so considered if it
355 locates within 1,000 feet of another such home.

356
357 **Dwelling, Multi-Family:** Building used as living quarters by three or more families, living independently
358 of each other.

359
360 **Dwelling, Two-family:** Building used as living quarters by two families, living independently of each
361 other.

362
363 **Easement:** An easement is a limited right of use over the property of another and may be created by grant
364 or reservation. Easements are either express or implied, affirmative, or negative, and appurtenant or in
365 gross.

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

368
369 **Family:** One or more persons living, sleeping, cooking and eating on the same premises as a single
370 housekeeping unit, provided that unless all members are related by blood, marriage or adoption, no such
371 single housekeeping unit shall contain more than five members.

372
373 **Fence:** Any material or combination of materials erected to enclose, screen, separate, or demarcate areas
374 of land. A solid fence (without spacing between its materials, such as a stone or masonry assembly) must
375 be called a wall. **Boundary line fences should have neighbor's written approval see section 424.**

376
377 **Fill:** Stone or mix of earthen aggregate material(s) placed on the ground.

378
379 **Floor Area (Gross):** Sum of the gross horizontal area of the floors of a building, dimensions shall be
380 measured between interior wall faces. Gross Floor Area shall include the area of basements, cellars, and
381 half stories but not attics or crawl spaces as defined herein. Gross floor area shall exclude stairwells,
382 elevator shafts, atriums, and other similar holes in a floor above the lowest floor level.

383
384 **Floor Area (Patron):** All floor space accessible to customers, including foyers and hallways but excluding
385 bathrooms and coatrooms.

386
387 **Front Line, Building:** The line, parallel to the street line, that passes through the point of the principal
388 building nearest the front lot line.

389
390 **Gasoline Station:** See Auto Service station.

391
392 **Golf Course:** A golf course shall consist of at least nine holes where regulation play is permitted as well as
393 par three and pitch and putt courses.

394
395 **Grade, Finished:** Completed surfaces of ground, lawns, walks, paved areas, and roads brought to grades
396 as shown on plans relating thereto.

397
398 **Group Home:** Any residential facility operating under a license or registration granted or recognized by a
399 state agency, that serves not more than eight unrelated persons, who have a handicap or disability as
400 defined in 9 V.S.A. section 4501, and who live together as a single housekeeping unit. In addition to room,
401 board and supervision, residents of a group home may receive other services at the group home meeting
402 their health, developmental or educational needs.

403
404 **Guest Room:** Any room or space in a hotel, motel, lodge or bed-and-breakfast residence offered to the
405 public for compensation for transient occupancy and which has furnishings designed to accommodate not
406 more than four (4) people per room.

407
408 **Historic Site:** An area deemed worthy of preservation for historical reasons. The area may be so classified
409 by federal, state, or local authority.

410
411 **Historic Structure:** Any structure that is:

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1. 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.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either.
 - By an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

Industrial Park or Industrial Zoning District: see Planned Unit Development.

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

462
463 **Kennels:** see Animal Housing Facility.

464
465 **Land Development:** See Development.

466
467 **Legislative Body:** The Select Board of the Town of Wallingford.

468
469 **Licensing Authority:** The Town of Wallingford.

470
471 **Loading Space:** Space logically and conveniently located for pickups and deliveries, on the same lot as the
472 principal use. It should be scaled to the delivery vehicles expected to be used but not less than 15 feet by
473 25 feet with a minimum 15-foot height clearance. Required off-street loading space is not to be included as
474 off-street parking space in computation of required off-street parking.

475
476 **Lot:** Land occupied or to be occupied by a building and its accessory buildings, together with the required
477 open spaces, having not less than the minimum area, width, and depth required for a lot in the district in
478 which such land is situated and having frontage on the street, or other means of access.

479
480 **Lot Area:** Total contiguous area within the property line as shown on the property boundary maps.

481
482 **Lot, Corner:** A lot abutting on and at the intersection of two or more streets.

483
484 **Lot Depth:** The mean horizontal distance from the street line of the lot to its opposite rear line measured at
485 right angles to the street line.

486
487 **Lot Frontage:** Each division line between any land and a public highway right of way or a private
488 vehicular right of way existing or proposed. AKA. the length of such line.

489
490 **Lot Line:** Property lines bounding a lot..

491
492 **Lot Width:** Width measured at right angles to its lot depth, at the required lot frontage. *For irregular*
493 *shaped lots, an average (mean) depth shall be determined by the Administrative Officer; if necessary.*

494
495 **Manufactured / Mobile Home:** A Housing and Urban Development certified factory built, single family
496 structure transportable in one or two sections on a permanent chassis and axles, designed to be used on a
497 concrete slab or temporary foundation and remain transportable, or be set on a permanent foundation.

498
499 **Modular or Panel Building:** A factory built, single, two-family, multifamily, or commercial structure
500 transportable in one or more sections, which is not built on a permanent chassis, and is designed to permit
501 delivery to a permanent site for use with a permanent foundation system when connected to the required
502 utilities as a place of human use or habitation.

503

504 **Manufacturing, Light:** A use engaged in the manufacture, predominantly from previously prepared
505 materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging,
506 incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
507

508 **Medical Center:** A facility for diagnosis and treatment of patients.
509

510 **Mobile Home Park:** A parcel of land under single or common ownership or control that contains, or is
511 designed, laid out or adapted to accommodate two or more mobile homes.
512

513 **Motel:** Building containing rooms, which are rented as a series of individual sleeping units each with an
514 outside entrance. Commonly for use by transient guests, each sleeping unit consisting of at least a bedroom
515 and bathroom.
516

517 **Motor coach:** A mobile vehicle designed for short-term occupancy, overnight lodging, or camping
518 purposes, capable of being towed or self-propelled.
519

520 **Motor Vehicle:** Includes any equipment designed to carry or transport persons or materials, whether
521 powered by an internal motor, or pulled or carried by other motor-powered equipment. Includes but not
522 limited to aircraft, boats, cars, trucks trailers, Recreational Vehicles, snowmobiles, motorcycles, all-terrain
523 vehicles, farming equipment (excludes lawn & garden equipment).
524

525 **Motor Sales Dealership:** Land and/or buildings used for the display, sale, rent or lease, and service of
526 new or used motor vehicles.
527

528 **Neighborhood Commercial Facility:** A commercial enterprise which primarily provides convenience
529 goods and services, or basic necessities. This definition excludes bars, lounges and those commercial
530 activities that have been specifically designated to nonresidential districts by the Zoning Ordinance
531 Regulations.
532

533 **Nightclub, Lounge, Bistro:** A place of business whose primary function is the serving of alcoholic
534 beverages and providing entertainment. This Use may be permitted with a Restaurant Use.
535

536 **Non-Commercial:** An activity or facility run by non-profit organizations and/or available to the public
537 without a fee.
538

539 **Non-Conforming Lots or Parcels:** Lots or parcels that do not conform to the present bylaws covering
540 dimensional requirements but were in conformance with all applicable laws, ordinances and regulations
541 prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of
542 error by the administrative officer.
543

544 **Non-conforming Use:** Use of land that does not conform to the present bylaws but did conform to
545 all applicable laws, ordinances and regulations prior to the enactment of the present bylaws,
546 including a structure improperly authorized as a result of error by the administrative officer.
547

548 **Non-conforming Structure:** A structure or part of a structure that does not conform to the present
549 bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the

550 enactment of the present bylaws, including a structure improperly authorized as a result of error by
551 the administrative officer.

552

553 **Nursing Home:** A place, other than a hospital which maintains and operates facilities, for profit or
554 otherwise, accommodating two or more persons unrelated to the home operator, who are suffering
555 from illness, disease, injury or deformity and require nursing care. Nursing Home shall include
556 Intensive Care, Skilled Care, Intermediate Care, Assisted Living (with or without private living
557 quarters), Minimum Nursing Care, and Pediatric Convalescent facilities.

558

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

561

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

565

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

569

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

571

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

576

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

580

581 **Personal Services:** Businesses providing services of a personal nature.

582

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

588

589 **Principal Building:** A building in which is conducted the main or principal use of the lot on which
590 said building is located. Attached garages or carports, open at the sides but roofed, are part of the
591 principal building.

592

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

595

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

601

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

604

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

606

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

611

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

613

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

616

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

621

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

624

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

628

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

630

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

634

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

638

639 **Right of Way:** A right of way is an easement that allows another person to travel or pass through deeded
640 land. There are public and private rights of way but neither affects ownership. The most common form

641 of public right of way is a road or path through the land in order to access a public area. A private right
642 of way is to allow a neighbor to cut through someone's property to access their property.

643
644 **Road Frontage:** See Street Frontage.

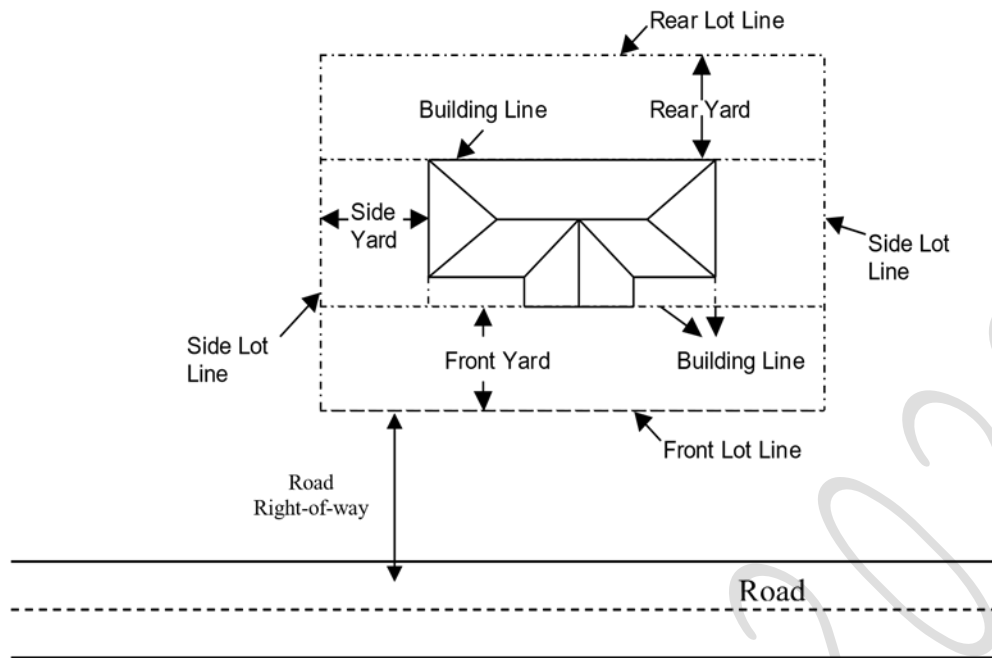
645
646 **Rooming or Boarding House:** A residence used and operated (in part) as a business, specifically
647 designed for the maximum accommodation of two (2) persons per bedroom and having common areas
648 such as bathrooms, dining rooms kitchens and other living areas. .

649
650 **Salvage Yard:** An open area where wastes or used or second-hand pre-owned materials are bought, sold,
651 or exchanged, stored, processed or handled. Materials shall include but are not limited to scrap iron and
652 other metals, paper, rags, rubber tires, and bottles. (See Junkyard)

653
654 **School:** A licensed learning facility including parochial, private, or public nursery schools, elementary
655 school, high school, college, university, and associated accessory uses.

656
657 **Setback:** The distance from a property boundary line to a building or structure, measured to its nearest
658 wall, cantilevered portion of a structure, porch, or deck, but not to steps or normal roof overhang. Certain
659 exceptions apply to fences, signs, and stonewalls. (See below diagram.)

- 660
- 661 • **Front Setback:** Distance between a building or structure and any front lot street line. (See sample
662 below.) Note: front setback is also defined as front yard. *When there is more than one front street*
663 *(i.e., corner lot), only the street line identified by the structure's address shall be considered the*
664 *front street and setback (See sample below)*
 - 665
 - 666 • **Rear Setback:** Distance between a building or structure and a rear lot line. (See sample below.)
667 Note: rear yard is also defined as rear setback.
 - 668
 - 669 • **Side Setback:** Distance between a building or structure and a property line other than front lot line
670 or rear lot line. (See below.)
 - 671
 - 672 • **In a situation of uneven / irregular boundaries, the average setback will be determined by the**
673 **Zoning Administrator.**
 - 674



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677

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.

678

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680

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 all panels, frames, and supporting structures excluding the building to which a sign may be attached.

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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.

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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.

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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.

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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.

700

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702

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

703

704 centerline of the street travel lane. *If the total width of a Private Right of Way is not defined by the legal*
705 *document creating it, it shall be considered to have a minimum width of twenty (20) feet.*
706

707 **Structure:** An assembly of materials for occupancy or use including, but not limited to, a building, mobile
708 home or trailer, swimming pool, tennis court, sign, water impoundments, wall or fence (except on an
709 operating farm). Detached sheds, playground facilities, dog houses, etc., not exceeding 120 feet in floor
710 area, not more than 10 feet in height are exempt from this definition. Exempt sheds will be verified by
711 Zoning Administrator to match exemption.
712

713 **Substantial Completion:** Level of construction, renovation, or change of use that exceeds fifty (50%)
714 percent of the permitted project's estimated cost; AND required water, wastewater, and electrical systems
715 are connected and operational, AND providing the exterior appearance of the project appears complete
716 with regards to the structure and finish grading.
717

718 **Temporary structure, improvement, or use:** Unless otherwise defined, "temporary" shall mean up to 90
719 days in existence or use. Over 90 days, the structure, improvement or use is deemed "Permanent".
720

721 **Terrace or Patio:** An open, improved or graded combination of earthen materials located on the ground
722 with no structural supports other than subsurface base materials and/or retaining walls. A terrace or patio;
723 or masonry walls less than six and one-half feet (6.5) from finished grade to top of fence, shall not be
724 deemed a structure; and are exempt from a local permit requirement, but not prescribed setbacks.
725

726 **Tiny House:** A general term for a small dwelling unit (400 square feet footprint) with kitchen, bath and
727 sleeping facilities. For Town Zoning purposes, Foundation Bound Units that do not have an internal metal
728 frame and axle system and designed to be attached to a permanent foundation are to be considered a
729 /Modular Building; and constructed to International and VT Residential Codes. Code built Units with an
730 internal metal frame attached to axles and designed to be towed on public roads with (or without) any
731 special transport permits (for over width, length, or height); shall be considered Manufactured (HUD)
732 Housing. A Recreational Vehicle (RV) designed for temporary camping travel or seasonal use is not a Tiny
733 House.
734

735 **Trailer:**

736 1. **(Recreational Vehicle a.k.a. R.V.)** Includes any camping trailer, travel trailer, pickup coach or
737 motor home and/or any other vehicle used as temporary or seasonal sleeping or camping or living
738 quarters mounted on wheels; or a camper body usually mounted on a truck and any vehicle which is
739 customarily towed by a motor vehicle and used for carrying goods, equipment machinery, or boats;
740 or is used as a temporary office. A Mobile Home (H.U.D. certified) is not a Trailer.
741

742 2. Any wheeled platform designed to be towed and used to transport materials.
743

744 **Truck/Bus Terminal:** A transportation facility from which trucks and/or buses are dispatched and where
745 vehicles are stored and/or maintained.
746

747 **Truck Repair Facility:** A maintenance facility for activities such as truck repairs (with GVW rating over
748 18,000 lbs.,).
749

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

752
753 **Warehouse:** A building or structure where wares or goods are stored before distribution to jobbers,
754 retailers, or the general public. This definition includes bulk storage and bulk sale outlets.

755
756 **Water Supply (Approved):** A potable water supply approved by a state certified testing lab.

757
758 **Well Head (Water Source) Protection Area:** Area or District designated by the Town for additional
759 restrictions it deems necessary to protect the sources, production capability, and environmental quality of
760 head waters, wells, wetlands and other potable water supplies.

761
762 **Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency or duration
763 sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions,
764 commonly known as hydrophytic vegetation.

765
766 **Wholesale Establishment:** Any firm doing business on a restricted customer basis and not available to the
767 general retail public

768
769 **Wood Manufacturing:** The delivery of raw or semi-processed wooden materials from another location,
770 stored, further machined into a semi-finished or ready-to use product (furniture, lumber, firewood, etc.),
771 reloaded and transported off site for resale. Operations may be conducted either outside, enclosed, or both.
772 This process is not an agricultural or silvicultural exemption from Town permits.

773
774 **Wood Working Shop:** An interior operation for the manufacturing, repair, or restoration of wooden
775 products.

776
777 **Zoning Administrator (ZA):** Refers to the person appointed by the Select Board to interpret, apply, and
778 enforce the Town's Zoning Regulations, and Ordinances (if authorized to do so by the Select Board).

779
780 **Zoning District:** A section of the Town designated in the zoning ordinance text and delineated on the
781 Official Signed and dated Zoning Map, in which requirements for the use of land, and building and
782 development standards are prescribed.

783
784 **Zoning Permit:** The official document applied for and issued by the Zoning Administrator, for any
785 development or change of use within the Town.