

ZONING REGULATIONS

TOWN OF WALLINGFORD, VERMONT

2023

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.

NOTE: Text highlighted in yellow and/or red with / without strikethroughs are proposed changes. (Yellow highlight indicates proposed deletion. Red text and highlights are proposed texts blue highlights are suggested changes from VT S-100 and consultation with Town Attorney).) As of this date 14 October 2023, page numbers may match as proposed changes are NOT approved by Planning Commission)

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ARTICLE I: ENACTMENT AND PURPOSE

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Section 101 - Purpose

98 These Zoning Regulations are meant to promote the public health, safety, and welfare of the
99 community of Wallingford as authorized by the Vermont Planning and Development Act (24
100 V.S.A. Chapter 117; Vermont Planning and Development Acts (24 V.S.A. Chapter 117)). The
101 specific objectives of these regulations are to protect and enhance the value of property; to protect
102 and consider the natural and human environment; and to provide for orderly community growth. In
103 order to control potential threats, certain uses are either not permitted, conditionally permitted, or
104 permitted subject to compliance with specific criteria outlined within these Regulations. These
105 constraints are designed to prevent over-development, to mitigate the negative impacts to the
106 natural and human environment, and to minimize effects to the historical and aesthetic character of
107 the Community.
108

109
110
Section 102 – Interpretation

111 The provisions within these Regulations shall be interpreted and applied whenever the Zoning
112 Administrator, Development Review Board, or Judiciary are required to do so in conformance with
113 the Purpose section. The interpretation and application of these Regulations shall be held to be the
114 minimum requirements adopted for the promotion of the public health, safety, comfort,
115 convenience, and general welfare. These Regulations should not be interpreted to impair, replace,
116 mitigate or supersede any valid permits previously issued (Grandfathered use). Where these
117 Regulations impose a greater restriction upon the use of a structure or land than are required by any
118 other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these
119 Regulations shall control.
120

121
122
Section 103 - Enactment

123 In accordance with the Vermont Planning and Development Act (24 V.S.A. Chapter 117), there are
124 hereby established Zoning Regulations for the Town of Wallingford, Vermont which are set forth
125 in the text and maps that constitutes these regulations. These regulations shall be known and cited
126 as the "Zoning Regulations: Town of Wallingford, Vermont."
127

128
129
Section 104 - Effective Date

130 These Regulations shall take effect upon the date of their approval by the registered voters of the
131 Town of Wallingford.
132

133
134
Section 105 – Severability

135 The invalidity of any article or section of these Regulations shall not invalidate any other article or
136 section thereof.
137

138 **ARTICLE II: DEFINITIONS**

139
140 **Section 201 – Definitions**

141
142 Except where specifically defined herein, all words used in these regulations shall carry their customary
143 meanings. Words used in the present tense include the future, and the singular includes the plural- The
144 word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; the
145 words "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed
146 to be used or occupied"; the word "person" includes "individual, partnership, association(s), corporation(s),
147 company or organization(s)" or any other incorporated or unincorporated organization or group". The
148 Planning Commission shall clarify doubt as to the precise meaning of any word used in these Regulations.
149 References to other Sections of the Zoning Regulations are attached to the detailed list of Definitions
150 found in Appendix A of this document.
151

152 **ARTICLE III:**
153 **ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS**

154
155 **Section 301 - Zoning Districts**

156
157 Wallingford is hereby divided into the following zoning districts.

158 Forest and Recreation - FR
159 Agricultural and Rural Residential - ARR
160 Residential - R (formerly R15)
161 Multiple Residential - MR
162 Neighborhood Commercial - NC
163 Industrial - IN
164

165 **Section 302 - Zoning Maps**

166
167 The locations and boundaries of Zoning Districts are established and shown on the Official Zoning
168 Maps which are hereby made a part of these regulations.
169

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

171
172 If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Maps, the
173 Development Review Board shall determine the location of such boundary.
174

175 **ARTICLE IV: GENERAL REGULATIONS**

176 **Section 401 - Application of Regulations**

177
178 Except as provided, no building or structure shall be erected, moved, altered; demolished, or
179 extended; and no land, building, structure, or part thereof, or any substantial change or expansion of
180 Structure or Use, unless it is in conformity with the regulations specified for the district in which it
181 is located **and all required permits are obtained**. Town Regulations do not supersede applicable
182 Vermont or Federal Regulations. Separate Town Ordinances may also apply to a regulated use of
183 activity.
184

185 **Section 402 - Limitations on Municipal Bylaws**

186
187 The following uses may be regulated only with respect to location, size, height, building bulk,
188 yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise,
189 lighting, landscaping, and screening requirements, and only to the extent that regulations do not
190 have the effect of interfering with the intended functional use of:

- 191 1. State or community owned and operated institutions and facilities.
- 192
- 193 2. Educational institutions certified by the State Department of Education.
- 194
- 195 3. Churches and other places of worship, convents, and parish houses.
- 196
- 197 4. Public and private hospitals.
- 198
- 199 5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159, and
200 applicable revisions
- 201
- 202 6. Hazardous waste management facilities for which a notice of intent to construct has been
203 received under 10 V.S.A. § 6606a, and applicable revisions.
204

205 In addition, there are the additional following restrictions on Town regulations: No regulation on
206 public utility power generating or transmission facilities regulated under 30 V.S.A. § 248. If land is
207 also subject to state regulation, the more stringent or restrictive regulation applies. No regulation of
208 accepted agricultural practices and uses that are regulated under and defined by 10 V.S.A. §§
209 1021(f) and 1259(f) and 6 V.S.A. § 4810.

- 210 1. Zoning laws must respect the limits on municipal power to regulate hunting, fishing,
211 trapping, and other such activities.
- 212
- 213 2. Zoning laws shall not prohibit the installation, operation or maintenance of alternative
214 energy-generation systems that are exempt from VT Statute (30 VSA Section 248; and
215 subsequent revisions). Town zoning regulations do apply to other solar, wind, hydro and
216 geo-thermal energy generation facilities that are not exempt **of** from local jurisdiction by
217 state or federal laws.
218

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- 219 3. Residential energy generation facilities not regulated by the State of Vermont Public
220 Service Board or exempt from local regulation by State statute are subject to all Town
221 standards.
222

223 **Section 403- Existing small lots**
224

225 Any lot in individual and separate and non-affiliated ownership from surrounding properties in
226 existence on the effective date of these Regulations may be developed for the purposes permitted in
227 the district in which it is located, even though not conforming to minimum lot size requirements,
228 provided that such lot is not less than 1/8 acre in area with a minimum width or depth dimension of
229 40 feet.
230

231 **Section 404 - Lots Lying in More Than One District**
232

233 In the case of lots lying in more than one district, the provisions of any district may be applied for a
234 distance of not more than 50 feet into any other adjacent district.
235

236 **Section 405 - Required Frontage On, Or Access To, Public Roads or Public Waters**
237

238 No land development may be permitted on lots which do not either have frontage on a public road
239 or public waters or, with the approval of the Development Review Board, access to such road or
240 waters by a permanent easement or right-of-way at least 20 feet in width.
241

242 **Section 406 - Protection of Home Occupations**
243

244 None of these Regulations are intended to infringe upon the right of any resident to use a minor
245 portion of a dwelling or appurtenant accessory structure for an occupation which is customary in
246 residential areas and which does not change the character of the neighborhood; a zoning permit is
247 still required.
248

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

- 251 1. The dwelling, accessory structures, and the lot maintain a residential appearance at all
252 times.
253
- 254 2. The home occupation is clearly secondary to the use of the site for residential purposes.
255
- 256 3. The use is conducted within a portion of the dwelling or a building accessory thereto by a
257 resident of the principal dwelling and having not more than two (2) employees.
258
- 259 4. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes,
260 odors or electrical interference.
261
- 262 5. A permitted Home Occupation is granted to the applicant for the length of time that the
263 applicant occupies the dwelling. The permit shall expire upon relocation by the applicant

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

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

Section 407 - Equal Treatment of Housing

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

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

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

Section 409 - Non-Conforming Uses

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

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

Section 410 - Non-Conforming Structures

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

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

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

314
315 Such permit may be renewed upon application for an additional period not exceeding one (1)
316 additional year.

317
318 **Section 412 - Conditional Use Approval**

319
320 No Zoning Permit shall be issued by the Zoning Administrator for any use or structure that requires
321 Conditional Use Approval until the Development Review Board grants such approval. In considering
322 its action, the Board shall make findings on general and specific standards, hold hearings, and attach
323 conditions, if any, as provided for in the Vermont Planning and Development Act (24 V.S.A. Chapter
324 117). The general standards which must be met are that any proposed conditional use shall not
325 adversely affect:

- 326
327 1. The capacity of existing or planned community facilities.
328
329 2. The character of the area affected.
330
331 3. Scenic and natural beauty.
332
333 4. Traffic on roads and highways in the vicinity.
334
335 5. Utilization of renewable energy resources.
336
337 6. Zoning Regulations then in effect.

338
339 The proposed conditional use shall conform to the specific standards for the district in which it is
340 located. Lacking locally defined standards, the Development Review Board may also apply
341 commonly accepted standards which may apply in legal precedent. An accepted exception is for
342 existing mobile home parks and trailer and recreational campgrounds, which shall conform to the
343 specific standards for those particular uses as provided in these Regulations provided in Articles VII
344 and VIII.

345
346 **Section 413 - Site Development Plan Approval and Procedures**

347
348 No Zoning Permit shall be issued by the Zoning Administrator for any use or structure requiring
349 Conditional Use approval, until the Development Review Board grants Site Development Plan
350 Approval.

351

352 Application for site plan approval shall be submitted to the Development Review Board by the
353 Zoning Administrator and contain the following information: a clear and accurate site plan showing
354 location and dimensions of the lot in question and a description of the proposed development,
355 including a description of any building to be constructed or altered and its intended use. The
356 Development Review Board shall act to approve, or deny, any such site plan within 45 days after the
357 date it receives the proposed plan, and failure to act within such period shall be deemed approval.
358

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

360
361 Vermont's Shoreland Protection Act ~~(In effect July 1, 2014)~~ applies to all activities within 250 feet
362 of a lake or pond's mean water level for all lakes and ponds greater than 10 acres in surface area,
363 affecting all property that shares a property line with Wallingford Pond, Fifield Pond, Little Rock
364 Pond, and Elfin Lake.
365

366 **The Vermont Planning and Development Act (24 V.S.A. Chapter 117)** recognizes that many
367 shoreland properties in Vermont are already developed or are small parcels that cannot meet the new
368 standards. Developed properties are "grandfathered" until the owner proposes redevelopment. On
369 existing small parcels, the Shoreland Permit Program staff will work with homeowners so that the
370 standards are met to the extent possible.
371

372 Any project involving new cleared area or impervious surface that exceeds the registration limits of
373 a parcel will require a shoreland permit from the State of Vermont. Shoreland registrations and
374 permits will require compliance with the standards outlined in **the Vermont Planning and**
375 **Development Act (24 V.S.A. Chapter 117).**
376

377 Activities that do not require a permit:

- 378 • Maintenance, but not expansion, of lawns, gardens, landscaped areas, and beaches in
379 existence on July 1, 2014;
- 380 • Creation of one 6-foot-wide footpath to mean water level;
- 381 • Construction within the impervious surface footprint in existence July 1, 2014;
- 382 • Wastewater systems and potable water supplies;
- 383 • Repair and replacement of transportation infrastructure, including private roads; silvicultural
384 (forestry) activities; agricultural activities;
- 385 • utility projects and lines;
- 386 • projects with an Act 250 permit; projects within designated downtowns and village centers;
387 and certain urban and industrial redevelopment.
388

389 **Section 415 - Uses Not Permitted**

390
391 The following uses are not permitted within the Town of Wallingford or any of its Zoning Districts:

- 392 • Hide tanning or curing plants,
- 393 • Crematoriums,
- 394 • Asphalt manufacturing or processing plants,
- 395 • Rendering plants, manufacturing or processing of fertilizer, bone, rubber, paper, ammonia,
396 chlorine, explosives,
- 397 • Marijuana dispensary, methadone clinic.

- Manufacturing or refining of petroleum or gas,
- Paramilitary training and facilities as defined by 13 V.S.A. §4071.

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Section 416 - Abandonment of Structures/ Structure Materials

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

Section 417 - Flood Hazard Protection Area Standards

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See Appendix B

Section 418 - Off-Street Parking Space

The Development Review Board may require specific off-street parking spaces (not more than 1.5 parking spaces per dwelling unit for multiunit development [VT. S-100, Section 1]) to be provided when reviewing Conditional Use applications.

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

Section 419 – Storage

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

Section 420- Access to State Highway

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

442 **Section 421 - Exemptions to Town Permit Requirements**

- 443
- 444 1. Residential (detached) Storage and Accessory Structures of 120 square feet or less and 15 feet
- 445 in height. These exempted non-commercial structures, when used exclusively by the property
- 446 Owner, are also exempt from prescribed side and rear setbacks, providing they are installed in
- 447 all zoning districts a minimum setback of ten (10) feet. Front setbacks for the specific zoning
- 448 district still apply. Commercial use of new detached accessory structures are not exempt.
- 449
- 450 2. **Required Agricultural Practices (RAPs)**, including the construction of farm structures, as
- 451 those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance
- 452 with applicable VT Statutes. Written notification, including a Site Plan showing structure
- 453 setback distances from road rights-of-way, property lines, and surface waters shall be
- 454 submitted to the Zoning Administrator prior to any construction, as required by AAP/RAPs.
- 455 Such structures shall meet all setback requirements under these regulations, unless
- 456 specifically waived by the Secretary. The Zoning Administrator may require a Determination
- 457 Letter from the Vermont Agency of Agriculture, Food & Markets as a required component of
- 458 any application for a qualified Agricultural Structure or Use.
- 459
- 460 3. Accepted Management Practices (AMPs) for silviculture (forestry) as the Commissioner of
- 461 Forests defines those practices, Parks, and Recreation.
- 462
- 463 4. Power generation and transmission facilities, which are regulated under 30 V.S.A. 248 by the
- 464 Vermont Public Service Board. Such facilities, however, should conform to policies and
- 465 objectives specified for such development in the Town Plan.
- 466
- 467 5. Hunting, fishing, and trapping as specified under 24 V.S.A. 2295 on private or public land.
- 468 This does not include facilities supporting such activities, such as firing ranges or rod and gun
- 469 clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.
- 470
- 471 6. Normal maintenance and repair of an existing structure which does not result in exterior
- 472 alterations or expansion of exterior area (footprint or height), or a change of use.
- 473
- 474 7. Interior alterations or repairs to a structure which do not result in exterior alterations, or
- 475 expansion, or a change in use.
- 476
- 477 8. Exterior alterations to structures which do not result in any change to the footprint or height
- 478 of the structure or a change in use.
- 479
- 480 9. Residential entry stairs (excluding decks and porches), handicap access ramps and required
- 481 landings (40 square feet maximum), walkways, and fences or walls less than or equal to 6 feet
- 482 in height which do not extend into or obstruct public rights-of-way, or interfere with corner
- 483 visibilities or sight distances for vehicular traffic. (See also section 424 Fences Non-
- 484 Agricultural)
- 485
- 486 10. Minor grading and excavation associated with road and driveway maintenance, or which is
- 487 otherwise incidental to an improved use. This specifically does not include extraction and

quarrying activities. This exemption applies to common residential landscaping projects involving only earthen materials to include open patios and retaining walls.

11. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing, and snow mobile trails) which do not require the installation of structures or parking areas.

12. Street Sales Garage, tag, yard, moving, estate, and similar temporary sales of goods, for up to 15 days per calendar year, will not require a local permit, providing the sale does not interfere with public right of way or safety issues, as determined by the appropriate Public Authorities. Marketing of goods, materials, food, etc., for longer than this permitted period requires the applicable zoning permit.

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

Section 422 - Potable Water Supply and Wastewater Permits

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

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

Section 423 – Fences (non-agricultural)

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

Boundary line fences shall be allowed if the parties involved **agree in writing**. The agreement shall include the design and facing of the fence as well as a statement of which party or parties is/are responsible for its maintenance. A copy of the written agreement shall be attached to Permit Application and kept on file in the Zoning Administrator's Office (See Article V: Specific District Regulations for set-backs.)

Section 424 – Subdivision/ Parceling

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

534 **Section 425 - Swimming Pools**

535
536 A private inground or aboveground swimming pool shall be installed and maintained in a manner to
537 meet all State Health Code Standards, shall be fenced or otherwise protected to prohibit unauthorized
538 or accidental entry, shall not constitute a hazardous or nuisance situation, and shall meet all
539 applicable setback requirements.

540
541 **Section 426 – Tiny Houses**

542
543 Tiny houses (see Definition Tiny House in Appendix A) will be consider as a permanent structure
544 falling under current set-backs and other applicable district zoning (Article V - Specific District
545 Regulations, page 15) when house is mounted on a permanent site e.g., Foundation Bound Unit. If
546 the Tiny House is on a temporary hook-up or still able to be moved, it will be considered a
547 Recreational Vehicle and will be governed under RV regulations (Article VIII - Trailer, Recreational
548 Campground and Recreational Equipment Storage, page 30). A Recreational Vehicle (RV) designed
549 for temporary camping travel or seasonal use is not considered a Tiny House.

550
551 **Section 427 - Renewable Energy**

552
553 Pursuant to 24 VSA 4412 the height of wind turbines with blades less than 20 feet in diameter, or
554 rooftop solar collectors less than 10 feet high on sloped roofs, any of which are mounted on
555 complying structures, shall not be regulated unless the bylaws provide specific standards for
556 regulation. For the purpose of this subdivision, a sloped roof means a roof having a slope of more
557 than five degrees.

558
559 The use of solar energy systems, whether as a part of a building or incidental to a building, are
560 permitted accessory uses in all districts. Certain architectural features needed for the operation of
561 active and passive solar energy systems, including but not limited to overhangs, detached solar
562 collectors, reflectors and piping may be permitted by the Zoning Administrator to project into the
563 required yard setback if conformance with yard setback requirements will cause undue expense or
564 unusual difficulties and such projections do not adversely affect the character of the neighborhood.

565
566 Pursuant to 24 VSA section 4414 (15), ground mounted solar arrays shall be screened according to
567 the screening requirements outlined below.

568
569 Pursuant to 30 VSA section 248 (s) ground mounted solar arrays exceeding 150 kW in size shall be
570 set back from municipal road and highway boundaries at least 100 feet, and from all other property
571 boundaries at least 50 feet.

572
573 **Section 428 - Screened Service Areas**

574
575 These regulations apply to energy generation facilities (15kW and greater) and commercial
576 developments that propose storage of equipment, materials, and/or other products that are visible
577 from the roadway or a neighbor if in a residential zoning district.

578

- 579 1. Screening. Any site(s) with one or more ground mounted solar energy generation facility must
580 be screened along any frontage by a buffer that:
581 a. Is at least 12 feet wide.
582 b. Is maintained as a landscaped area or naturally vegetated area.
583 c. Has an adequate mix of trees and shrubs, taking into account terrain, to screen the
584 proposed facility.
585 d. Provides year-round screening
586
587 2. The tree requirement may be waived for solar facilities on lots without adequate area to provide
588 such a buffer without shading the solar panels.
589
590 3. Plantings shall be installed at the following minimum sizes:
591 a. Deciduous Trees: 2" Cal.
592 b. Evergreen Tree: 8' HT
593 c. Deciduous Shrubs: 4' HT
594 d. Evergreen Shrubs: 5' HT
595
596 4. Plans shall be prepared by a landscape professional.
597
598 5. If plants die or show less than 50% health, they shall be replaced within 3 months or the start of
599 the next growing season.
600

601 **Section 429 – Short-Term Rentals**

602 Short-term rentals (Air BnBs, etc.) except where permitted, require a conditional use permit upon
603 approval by the Development Review Board. Short-term rentals are subject to Vermont Statutes
604 pertaining to short-term rentals.
605

606 **Section 430 – Class 4 Home Disclosure**

607 A property owner located on a Class 4 road must disclose to the buyer that the municipality is not
608 required to maintain the road. (VT S-100, section 21).
609

ARTICLE V: SPECIFIC DISTRICT REGULATIONS

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:

ADMINISTRATIVE PERMIT (AP) – uses and structures are permissible upon issuance of a zoning permit by the Zoning Administrator.

Development Review Board (DRB) - uses and structures are permissible upon issuance of a zoning permit after conditional use review 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 (Single Family)	AP	AP	AP	AP	AP	DRB
2 - Family dwelling (Multi Family)	AP	AP	AP	AP	AP	DRB
Accessory (Non-commercial) building Excepting Home Occupations)	AP					DRB
Accessory building use (commercial)						DRB
Agricultural and Forest Uses	AP	AP				
Animal hospital		DRB				
Boarding house		DRB				
Business Office					AP	
Camp	AP					
Car wash						DRB
Cemetery		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
Commercial outdoor recreation	DRB	DRB	DRB			
Community Center		DRB		DRB	AP	
Condominiums		DRB				
Dairy manufacturing						DRB
Dormitory		DRB				
Duplex	AP	AP	AP	AP	AP	AP
Educational institution					AP	
Enclosed accessory building use			AP	AP	AP	
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					AP	
Gasoline station					DRB	
Gravel pit		DRB				DRB
Home Occupation	AP	AP	AP	AP	AP	AP
Hospital		DRB				
Hotel		DRB			AP	
Light manufacturing		DRB				DRB
Lodge motel		DRB				
Membership clubhouse		DRB				
Mobile home		AP	AP	AP	AP	DRB
Mobile home park		DRB				
Mortuary					AP	

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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
Multiple family dwelling (more than 2 families or 2 units)		DRB	DRB	AP	AP	DRB
Non-Commercial accessory Uses	AP					
Owner-occupied commercial uses with low-level environmental impact	DRB					
Parking Lot		DRB			DRB	
Personal Service business					AP	
Private Club	AP	DRB			DRB	
Private outdoor recreation	DRB	DRB				
Private School		DRB	DRB	DRB		
Profession residence/office		AP	AP	AP	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	AP					
Retail store					AP	
Sand or gravel pit						DRB
Telecommunication facilities	DRB	DRB		DRB	DRB	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
Tourist home		DRB				
Trailor park		DRB				
Veterinary clinic (with provisos)		DRB				
Warehouse, enclosed						DRB
Wildlife refuge	DRB	DRB				

627

628

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

630 1. **The following uses are permitted with Administrative Permit issued by Zoning**
631 **Administrator:** Agricultural and forest uses; camp; private club; One- and two-family
632 dwelling; and non-commercial accessory uses (excepting Home Occupations); and reservoirs.

633
634 2. **The following uses are Conditional Use with Development Review Board and Site Plan**
635 **Approval with Development Review Board Review and Site Plan Approval:** Wildlife
636 refuge; renewable energy generation facilities and infrastructure; telecommunications
637 facilities, owner-occupied commercial uses with low-level environmental impact to
638 surrounding ownerships; public outdoor recreation; private outdoor recreation; and
639 commercial outdoor recreation.

640
641 Other uses not listed here may be permitted if the finding by the Development Review Board
642 shows that such use is clearly of the same general character as those permitted in the area, and
643 which will not be detrimental to the other uses within the district or to the adjoining land uses,
644 or the natural and human environment, and so long as such use is not prohibited under Article
645 IV of these Regulations.

646 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

647
648 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

649
650 5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for
651 agricultural use. The height maximum for telecommunications and renewable energy
652 generation facilities to be 75 feet; 100 feet maximum height as reviewed and approved by
653 Development Review Board for “visual environmental blending” of antenna / tower impact
654 to area aesthetics.

655
656 6. **Zone specific sign limitations:** in addition to Article IX Free-standing, non-internally
657 illuminated, flush-mounted signs requirements, not more than 16 square feet (maximum
658 area).

659

Section 502 - Agricultural and Rural Residential (ARR)

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

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

3. Minimum Dimensional Requirements:

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

4. Minimum Setbacks:

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

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

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

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

694 6. **Zone specific sign limitations:** in addition to Article IX Free-standing, non-internally
695 illuminated, flush-mounted signs requirements, not more than 16 square feet (maximum
696 area).
697

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

1. **The following uses are permitted with Administrative Permit issued by Zoning Administrator:** 1-family dwelling; 2-family dwelling; mobile home; professional residence/office; home occupation; and enclosed accessory building use.
2. **The following uses are Conditional Use with Development Review Board and Site Plan Approval with Development Review Board Review and Site Plan Approval:** Multiple-family housing (more than 2 units); private schools, commercial and outdoor recreation.

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

3. Minimum Dimension Requirements:

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

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

4. Minimum Setbacks:

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

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

Section 504 - Multiple Residential (MR)

1. **The following uses are permitted in the multiple residential district with Administrative Permit issued by Zoning Administrator:** 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 Conditional Use with Development Review Board and Site Plan Approval with Development Review Board Review 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.

Section 505 - Neighborhood Commercial (NC)

1. **The following uses are permitted in neighborhood commercial districts with Administrative Permit issued by Zoning Administrator:** 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 Conditional Use with Development Review Board and Site Plan Approval with Development Review Board Review 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 Conditional Use with Development Review Board and Site Plan Approval: 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.

Section 506 – Industrial (IN)

1. The following uses are permitted in Industrial Zone with Administrative Permit issued by Zoning Administrator: 1-family, 2-family, or multiple family dwelling (over 2 units); mobile home; retail store; business office; personal service business, enclosed accessory use.

a. The following uses are Conditional Use with Development Review Board Review and Site Plan Approval: Light manufacturing, research and development laboratory; enclosed warehouse; 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.

2. Dimensional Requirements:

- a. Lot area minimum: 1/4 of an acre
- b. Lot frontage minimum: 50 feet
- c. Side Yard minimum: 10 feet each side
- d. Rear Yard minimum: 10 feet
- e. Free-Standing Signs: 16 sq. ft. sign area maximum
- f. 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.

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1 **ARTICLE VI: ADMINISTRATION AND ENFORCEMENT**

2 **Section 601 - Zoning Administrator**

3
4 It is the duty of the Zoning Administrator appointed by the Select Board to administer these Zoning
5 Regulations, as provided for in the Vermont Planning and Development Act (24 V.S.A. Chapter
6 117). This officer shall administer the provisions of these Regulations literally and shall not have the
7 power to issue a zoning permit for any land development that is not in conformance with these
8 bylaws. In so doing, the Zoning Administrator shall inspect developments, maintain records, and
9 perform all other necessary tasks to carry out the provisions of these Regulations.

10
11 **Section 602 - Zoning Permits**

12
13 No development of land or building may commence, nor shall any land or structure which was
14 created, erected, demolished, converted or altered, or the existing Use be changed or significantly
15 expanded after the effective date of this article, be used or occupied, unless a Zoning Permit has been
16 issued by Zoning Administrator.

- 17
18 1. The Zoning Administrator shall not issue a Zoning Permit unless a Complete Application
19 (with fee, Site Plan, and any other approvals required by these Regulations) has been properly
20 submitted. The Zoning Administrator shall, within 30 days of submission of a complete
21 application, either issue, deny or refer the application to the appropriate municipal panel for a
22 hearing. Failure to act within such 30 days shall be deemed approval and the permit shall be
23 issued. "Deemed Approval" shall be documented by Applicant in accordance with conditions
24 required by VT statute (Act).

25
26 Permit Fees: Zoning Permit and Clerk Recording fees, as set by the Town Select Board, are payable
27 to the Town of Wallingford, shall accompany the Application for a permit. Fees for Mobile Home
28 Park and Trailer and Recreational Campground permits are indicated in Articles VII and VIII of
29 these Regulations.

30
31 **Section 603 - Zoning Permit Effective Periods and Permit Extension or Amendment**
32 **Requirements**

- 33
34 1. From the Zoning Permit effective date, all approved Use or Construction **shall be**
35 **substantially completed within two (2) years**, or the Zoning Permit shall become null and
36 void and reapplication to complete any activities shall be required.
37
38 2. Any Extension or significant Amendment requests to an approved Permit Request is required
39 to **conform to all the following conditions:**
40
41 a. The written Request for an Extension to an existing Permit be submitted to the Town
42 Zoning Administrator at least 14 days in advance of the active Permit's expiration date.
43

b. The request for an extension or significant amendment shall include reasonable grounds to grant an extension (as determined acceptable by the ZA); and request a specific extension deadline (not to exceed 12 months from permit's expiration date), and any Determination and Recording Fee (as set by the Select Board).

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

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

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

Penalties: Violations of these Zoning Regulations are subject to penalties as prescribed by the **Vermont Planning and Development Act (24 V.S.A. Chapter 117)**. A court action may be initiated in the Environmental Court, or as appropriate, before the Judicial Bureau, as provided under section 1974a of this title. The property owner of record shall be held responsible for Zoning violations.

Section 605 - Development Review Board (DRB)

A DRB, appointed by the legislative body, of up to 7 members, shall be responsible for Approving and issuing Conditional Use permits, approving Site Development plans, and the review of any appeals made by an Interested Person in regards to decisions made by the Zoning Administrator, rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other matters shall be established as provided in **the Vermont Planning and Development Act (24 V.S.A. Chapter 117)**.

Section 606 – Appeals

Any Interested person may appeal a decision or act taken by the Zoning Administrator to the Development Review Board by filing a notice of appeal in accordance with **the Vermont Planning and Development Act (24 V.S.A. Chapter 117)**. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning Administrator.

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

For residential development, interested parties are prohibited from appealing conditional use approvals in state designated areas, including village centers [Wallingford's Village centers] (VT S-100 Section 9).

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Section 607 - Referral to State Agency(s)

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

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

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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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.

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

- Page 33 of 67

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

1 **ARTICLE IX: SIGNS AND ADVERTISING DISPLAYS**

2 **Section 901 – Purpose**

3
4 The purpose of this regulation is to help maintain, preserve, and improve the existing attractiveness
5 and historical aspects of Wallingford.

6
7 Before alteration or installation of a sign, a permit shall be secured from the Zoning Administrator.
8 The Town may review and regulate size, location, and materials of all exterior signs within its
9 purview. Applications for a sign require detailed design and dimensions of sign and supporting
10 structure, and site location. A fee, determined by the Select Board, shall be charged for processing
11 the application. Action on the application shall be taken by the Zoning Administrator within 30
12 days of filing. Additional sign rules apply in certain zoning districts. Refer to Article V for
13 additional details for Free-Standing and Flush-Mounted Signs. Signs shall also comply with
14 applicable Vermont Regulations.

15
16 **Section 902 - Number and Type of Allowable Permanent Signs**

17
18 **Free-standing Signs** - One free-standing sign is allowed per lot for each 300 feet of road
19 frontage, multiple signs to be spaced out evenly. The bottom of such signs shall not restrict the
20 visibility of vehicles. Signs shall be set back a reasonable distance from traffic, vehicular or
21 pedestrian.

22
23 Where a business does not have frontage on a public road, and instead has a right-of-way, said
24 right-of-way shall be considered a part of the business lot for purposes of an allowable
25 freestanding sign.

26
27 **Flush-Mounted Signs** - Two flush mounted signs are allowed on the building where the
28 advertised activity exists, plus one (1) additional one for each free-standing sign that could be
29 used but is not. In addition, one (1) three square foot (3 square foot.) flush-mounted sign may
30 be permitted at the rear entrance of each establishment.

31
32 **Projecting Signs** - Projecting signs may be substituted for flush-mounted signs. They shall not
33 exceed eight (8) square feet, nor extend further than three (3) feet out. The lowest part shall be
34 at least eight (8) feet above the ground.

35
36 **Soffit Signs** - Tenants may have a two (2) foot square-foot sign hung from the soffit in addition
37 to any other sign allowed.

38
39 **Window Signs** - Window signs may cover up to 25 percent of the total window area per
40 establishment on the side of the building where such signs are located. Area shall be measured
41 by the size of an imaginary polygon surrounding all symbols as if they were a single sign.
42 Window signs shall not be installed on any window that also serves as an emergency egress.

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

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

Section 906 - Prohibited Signs

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

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

8. Is not securely affixed to a substantial structure.
9. Is an off-premises sign.
10. Is affixed to a roof.

Section 907 - Illuminated Signs

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

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

Section 908 - Non-Operational Businesses

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

Section 909 – Stores Displaying Merchandise Outside

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

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APPENDIX A
Terms Definitions

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

189
190 **Accessory Dwelling / Apartment:** A dwelling unit with adequate water, septic, parking, sleeping, bathing
191 and cooking facilities, constructed within or attached to a single-family residence or apartment accessory
192 structure. The area of the apartment not to exceed 49% of the Living Area of the principal residence.
193 A single distinct residential unit that is clearly subordinate to a single-family dwelling, and has facilities
194 and provisions for independent living, including sleeping, food preparation, and sanitation. This may be
195 within or attached to an owner-occupied single-family residence (SFR) or appurtenant accessory structure.
196 Certain qualifying restrictions, as well as certain exemptions to other zoning sections may apply.: A
197 distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for
198 independent living, including sleeping, food preparation, and sanitation, provided there is compliance with
199 all the following A) the property has sufficient wastewater capacity; and B) the unit does not exceed 30
200 percent of the total habitable floor. An ADU shall be considered a public building if it is rented, and
201 therefore subject to fire and building codes. (VT S-100 Section 4 and section 26)

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

206
207 **Artisan/Craft Studio:** A place that may be used as both a dwelling place and/or a place of work by an
208 artisan or craftsman, including persons engaged in the practice, application, teaching, or performance of
209 fine arts, such as but not limited to drawing, vocal or instrumental music, painting, sculpture and writing.

210
211 **Agricultural Use:** Land whose use conforms to Vermont's Agricultural Act, and whose structure (s) are
212 used for the raising livestock, agricultural or forest products, including qualified farm and storage of
213 agricultural equipment and crops. This definition includes sale of agricultural products raised on the same
214 property.

215
216 **Agricultural Structure:** A structure used for accepted or required agricultural practices as defined by the
217 State of Vermont. A structure used for accepted or required agricultural practices. (refer to 10 VSA Ch.
218 117 Sections 1021, 1259, & 6VSA Sec. 4810)

219
220 **Alteration:** Any exterior structural change which results in the changing the front, side or rear setbacks;
221 any interior structural change for the purpose of changing use; any change of location of, or addition to, a
222 building other than repairs or modification to a building or equipment.

223
224 **Animal Housing Facility, Pet Store, Kennel:** An establishment housing dogs, cats, birds, or other
225 domestic pets, large and small, and where grooming, breeding, boarding, training, or selling of animals is
226 conducted as a business.

227
228 **Artisan/Craft Studio:** A place that may be used as both a dwelling place and/or a place of work by an
229 artisan or craftsman, including persons engaged in the practice, application, teaching, or performance of
230 fine arts, such as but not limited to drawing, vocal or instrumental music, painting, sculpture and writing.

231

Assisted Living Home: *Refer to Nursing Home*

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

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

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

Auto Service Station with Retail Store/ Mini Mart: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile and manufactured maintenance activities such as engine overhauls, automobile and manufactured painting, and body fender work are conducted. This includes a retail store with gasoline pumps as a secondary use, often referred to as a mini-mart.

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

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

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

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

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

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

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

Building Height: ~~Vertical distance measured from the highest elevation of the structure's ridgeline to the average proposed finished grade at the building, excluding customary chimneys and antennas, church steeples, and cupolas on pre-zoning structures. Building height provisions shall not apply to agriculture structures.~~ The vertical distance from the average finished grade surrounding the buildings to the highest point of the roof beams in flat roof; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. Towers, steeples, cupolas, chimneys, antennas, silos and similar structures are exempt from height considerations.

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

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

Camper: see Trailer

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

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

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

Change of Use: ~~The change from one use to another use. Alter the intensity of use, or vary the function, service purpose of any portion of a building, structure, or land from one use to another. A change in use may require a Town permit, especially involving a business.~~ The change from one allowable use listed in the Table of Uses, to another allowable use listed. To alter or vary the function, service, purpose of any portion of a building, structure, or land from one use to another. A change in use may require a Town permit, especially if involving a business. Example: Demolition is a Change of Use.

323 **Club (also Lodge, Fraternal Organization):** A group, organization, or association of people having a
324 common purpose and holding regular meetings or events at a club house or room. This definition is not
325 intended to include Town Appropriate Municipal Panels, or exemptions to municipal bylaws as identified
326 in 24VSA Ch.117 Section 4413(a).
327

328 **Clinic, Health and/or Therapy:** An office building used by members of the medical, therapeutic, and
329 dental professions for the diagnosis and outpatient treatment of human ailments.
330

331 **Commercial:** A Use of Structure that is intended to generate revenue. Commercial uses and structures
332 may be subject to different regulations from residential uses and structures. Any rental of land,
333 improvements or structures creates a non-residential commercial use.
334

335 **Community Center:** A public or private meeting hall, place of assembly, museum, art gallery, library,
336 educational facility, or church.
337

338 **Conditional Use:** ~~A use that has been determined to meet the general standards for conditional for the~~
339 ~~District in which it is proposed to be located and for which specific standards have been developed and~~
340 ~~detailed in Article IV.~~ ~~A use that has been determined to meet the general standards for conditional uses~~
341 ~~[24 VSA 4407 (2) A -E] for the District in which it is proposed to be located and for which specific~~
342 ~~standards have been developed and detailed in Article IV.~~
343

344 **Condominium:** Real property consisting of units of individual ownership combined with ownership of
345 common elements by the individual unit owners.
346

347 **Cottage Industry:** An activity, carried out in a dwelling or accessory structure, such as home offices,
348 repair services, business and personal services, and goods produced or manufactured on site and which
349 meets the conditions of Article 5. Cottage industries also include a use engaged in the manufacture,
350 predominantly from previously prepared materials, of finished products or parts, including processing,
351 fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but
352 excluding basic industrial processing.
353

354 **Coverage, Building:** The percentage of a lot or development site occupied or intended to be occupied by
355 all buildings and structures. Building coverage shall include the building area, but not more than 20% of
356 the land covered by water bodies, watercourses, wetlands, and land having slopes of 25% or greater shall
357 be included in the lot area used for computing the maximum allowable building coverage.
358

359 **Craft / Artisan Shop:** A building or portion thereof where hand-crafted articles are produced and/or sold.
360

361 **Crawl Space:** That portion of a building located below the first floor of the building and which is less than
362 five (5) feet in height from floor to under beam,
363

364 **Day Care Facility:** Any place operated under a VT day care license as a business or service on a regular
365 or continuous basis, whether for compensation or not. Its primary function is the protection, care, and
366 supervision of persons outside their homes, for periods of less than 24 hours a day.
367

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

372
373 **Development Review Board:** A body appointed by the Select Board to decide cases involving variances,
374 conditional uses, appeals, and other matters as set forth in these regulations.

375
376 **District:** A specific portion of the town as established by the provisions of this ordinance and the zoning
377 map.

378
379 **Drive-In/Service or Other Drive-Up Facility:** A business establishment such as a restaurant, pharmacy,
380 or bank so developed that it includes part of its principal retail or service by providing a driveway approach
381 with stacking or parking spaces for motor vehicles so as to either provide service to patrons while in a
382 motor vehicle or intended to permit consumption outside of the building. A drive-in food service restaurant
383 shall include self-service restaurants where food is generally served in disposable containers or plates and
384 primarily over the counter.

385
386 **Dump:** Land or any approved permitted area where trash, garbage, sewage, waste materials, refuse of any
387 nature, junk, discarded machinery, vehicles or parts thereof are collected, stored, or deposited. Also refer to
388 Recycling Collection Point/Station.

389
390 **Dwelling Unit:** Building or part thereof used as a living quarters for one family use and occupancy; having
391 exclusive use of its own kitchen, bathroom and sleeping area. The terms "dwelling", "one-family
392 dwelling", "two-family dwelling", "multi-family dwelling", or "dwelling group" shall not include a motel,
393 hotel, boarding house, bed and breakfast lodging, or similar structure, but shall include a mobile home.

394
395 **Dwelling Single Family:** Detached building (including a mobile home) used as living quarters by one
396 family. A state licensed or registered residential care home or group home serving not more than eight
397 persons who are developmentally disabled or physically handicapped, shall be considered by right to
398 constitute a permitted single family residential use except that no such home shall be so considered if it
399 locates within 1,000 feet of another such home. A single family home (dwelling) that is a free-standing
400 structure that share no common walls with another residence.

401
402 **Dwelling, Multi-Family:** Building used as living quarters by three or more families, living independently
403 of each other. Multifamily homes (dwellings) contain separate residential units within a single structure.
404 Apartment buildings, condominium complexes and duplexes are all considered multifamily homes. A
405 building that contains three or more dwelling units in the same building.

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407 **Dwelling, Two-family:** Building used as living quarters by two families, living independently of each
408 other. A residential building that has two dwelling units in the same building and neither unit is an
409 accessory dwelling unit.

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

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Emergency Shelter: Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific population of the homeless that does not require occupants to sign leases or occupancy agreements. (VT S-100 section 4)

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

Environmental Court: The court to whom appeals are taken from decisions of the Development Review Board or Board of Adjustment (24 V.S.A 4471).

Family, Single Dwelling: A single family home (dwelling) is a freestanding structure that share no common walls with another residence.

Family, Multi: Multifamily homes contain separate residential units within a single structure. Apartment buildings, condominium complexes and duplexes are all considered multifamily homes.

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

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

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

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

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

Gasoline Station: See Auto Service station.

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

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

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. section 4501, and who live together as a single housekeeping unit. In addition to room,

board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

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

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

Historic Structure: Any structure that is:

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

505 into finished or more finished products. The district Use is generally related to rail transportation for
506 delivery of the heaviest bulk products.
507

508 **Industrial, Light or Light Manufacturing:** Those industries which are primarily for lighter
509 manufacturing and related activities which characteristically produces a finished product from semi-
510 finished materials, or in some cases from raw food products, but requires little or no outside material
511 storage. This use does not regularly cause offensive odors, dust, smoke, or noise. The district may have
512 less specific relation to fixed transportation routes and may rely primarily upon truck or air cargo deliveries
513 for lighter bulk items.
514

515 **Industrial Park or Industrial Zoning District:** see Planned Unit Development.
516

517 **Junk Yard:** Any land, buildings or structure, excepting a licensed recycling facility, used for collecting or
518 storage of discarded material; or for the collecting, wrecking, dismantling, storage, salvaging or sale of
519 machinery parts or vehicles; or the storage of any unlicensed or non-operative vehicles not enclosed in a
520 building. (Refer to Dump, Recycling Collection Point).
521

522 **Kennels:** see Animal Housing Facility.
523

524 **Land Development:** See Development.
525

526 **Legislative Body:** The Select Board of the Town of Wallingford.
527

528 **Licensing Authority:** The Town of Wallingford.
529

530 **Loading Space:** Space logically and conveniently located for pickups and deliveries, on the same lot as the
531 principal use. It should be scaled to the delivery vehicles expected to be used but not less than 15 feet by
532 25 feet with a minimum 15-foot height clearance. Required off-street loading space is not to be included as
533 off-street parking space in computation of required off-street parking.
534

535 **Lot:** Land occupied or to be occupied by a building and its accessory buildings, together with the required
536 open spaces, having not less than the minimum area, width, and depth required for a lot in the district in
537 which such land is situated and having frontage on the street, or other means of access.
538

539 **Lot Area:** Total contiguous area within the property line as shown on the property boundary maps.
540

541 **Lot, Corner:** A lot abutting on and at the intersection of two or more streets.
542

543 **Lot Depth:** The mean horizontal distance from the street line of the lot to its opposite rear line measured at
544 right angles to the street line.
545

546 **Lot Frontage:** Each division line between any land and a public highway right of way or a private
547 vehicular right of way existing or proposed. AKA. the length of such line.
548

549 **Lot Line:** Property lines bounding a lot.
550

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

553
554 **Manufactured / Mobile Home:** A Housing and Urban Development -certified factory built, single family
555 structure transportable in one or two sections on a permanent chassis and axles, designed to be used on a
556 concrete slab or temporary foundation and remain transportable, or be set on a permanent foundation. ~~A~~
557 ~~factory built, single family structure, transportable in one or two sections on a permanent chassis and axles,~~
558 ~~designed to be used as a one story structure, and remain transportable, or be set on a gravel pad, concrete~~
559 ~~slab, or permanent foundation. (See Tiny Houses)~~

560
561
562 **Modular or Panel Building:** A factory built, single, two family, multifamily, or commercial structure
563 transportable in one or more sections, which is not built on a permanent chassis, and is designed to permit
564 delivery to a permanent site for use with a permanent foundation system when connected to the required
565 utilities as a place of human use or habitation.

566
567 **Manufacturing, Light:** ~~A use engaged in the manufacture, predominantly from previously prepared~~
568 ~~materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging,~~
569 ~~incidental storage, sales, and distribution of such products, but excluding basic industrial processing. A use~~
570 ~~engaged in the manufacture, predominantly from previously prepared materials, of finished products or~~
571 ~~parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and~~
572 ~~distribution of such products, but excluding basic industrial processing. This use does not regularly cause~~
573 ~~offensive odors, dust, smoke or noise.~~

574
575 **Medical Center:** A facility for diagnosis and treatment of patients.

576
577 **Mobile Home:** A structure or type of manufactured home that is built on a permanent chassis and
578 is designed to be used as a dwelling with or without a permanent foundation, includes plumbing,
579 heating, cooling, and electrical systems, and is: Transportable in one or more sections; and At least
580 eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was
581 constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or Any structure that
582 meets all the requirements of this subdivision except for size and for which the manufacturer
583 voluntarily files a certification required by the U.S. Department of Housing and Urban
584 Development and complies with the standards established under Title 42 of the U.S. Code. 10
585 V.S.A. § 6201(1).

586
587 **Mobile Home Park:** A parcel of land under single or common ownership or control that contains, or is
588 designed, laid out or adapted to accommodate two or more mobile homes.

589
590 **Modular (or prefabricated) Home:** A factory-built structure which is manufactured or
591 constructed to be used as a place for human habitation, but which is not constructed or equipped
592 with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle,
593 and which does not have permanently attached to its body or frame any wheels or axles.

594

595 **Motel:** Building containing rooms, which are rented as a series of individual sleeping units each with an
596 outside entrance. Commonly for use by transient guests, each sleeping unit consisting of at least a bedroom
597 and bathroom.
598

599 **Motor coach:** A mobile vehicle designed for short-term occupancy, overnight lodging, or camping
600 purposes, capable of being towed or self-propelled.
601

602 **Motor Vehicle:** Includes any equipment designed to carry or transport persons or materials, whether
603 powered by an internal motor, or pulled or carried by other motor-powered equipment. Includes but not
604 limited to aircraft, boats, cars, trucks trailers, Recreational Vehicles, snowmobiles, motorcycles, all-terrain
605 vehicles, farming equipment (excludes lawn & garden equipment).
606

607 **Motor Sales Dealership:** Land and/or buildings used for the display, sale, rent or lease, and service of
608 new or used motor vehicles.
609

610 **Neighborhood Commercial Facility:** A commercial enterprise which primarily provides convenience
611 goods and services, or basic necessities. This definition excludes bars, lounges and those commercial
612 activities that have been specifically designated to nonresidential districts by the Zoning Ordinance
613 Regulations.
614

615 **Nightclub, Lounge, Bistro:** A place of business whose primary function is the serving of alcoholic
616 beverages and providing entertainment. This Use may be permitted with a Restaurant Use.
617

618 **Non-Commercial:** An activity or facility run by non-profit organizations and/or available to the public
619 without a fee.
620

621 **Non-Conforming Lots or Parcels:** Lots or parcels that do not conform to the present bylaws covering
622 dimensional requirements but were in conformance with all applicable laws, ordinances and regulations
623 prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of
624 error by the administrative officer.
625

626 **Non-conforming Use:** Use of land that does not conform to the present bylaws but did conform to
627 all applicable laws, ordinances and regulations prior to the enactment of the present bylaws,
628 including a structure improperly authorized as a result of error by the administrative officer.
629

630 **Non-conforming Structure:** A structure or part of a structure that does not conform to the present
631 bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the
632 enactment of the present bylaws, including a structure improperly authorized as a result of error by
633 the administrative officer.
634

635 **Nursing Home:** A place, other than a hospital which maintains and operates facilities, for profit or
636 otherwise, accommodating two or more persons unrelated to the home operator, who are suffering
637 from illness, disease, injury or deformity and require nursing care. Nursing Home shall include
638 Intensive Care, Skilled Care, Intermediate Care, Assisted Living (with or without private living
639 quarters), Minimum Nursing Care, and Pediatric Convalescent facilities.
640

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

643
644 **Open Storage:** The keeping in an unroofed area, of any goods, garbage, junk, materials,
645 merchandise, or un-registered and/or un-inspected vehicles in the same place for more than seven (7)
646 days and easily visible from streets or property boundaries.

647
648 **Outdoor Recreation:** Outdoor sports and activities such as skiing, hiking, tennis, golf, horseback
649 riding, fishing, hunting, swimming, and similar activities, and structures necessary to and incidental
650 to the actual carrying on of such activities.

651
652 **Park, Municipal:** Any recreation area or park facility owned by the Town Wallingford

653
654 **Parking Space:** A defined space, which is at least nine (9) feet wide and twenty (20) feet long,
655 located outside of the right of way, parking aisle, or driveway, used for the parking of one motor
656 vehicle, with practical access to the road or right of way, and sufficiently surfaced with durable
657 material to permit year-round use.

658
659 **Permitted Use:** Use specifically allowed in a district excluding illegal uses, conditional uses, and
660 nonconforming uses; permits are required for each permitted use. The Zoning Administrator may
661 issue permits for conforming Permitted Uses without further Development Review Board review.

662
663 **Personal Services:** ~~Businesses providing services of a personal nature.~~ Includes but not limited to
664 barber, hairdresser, beauty parlor, masseuse, shoe repair, shoeshine, laundry, dry cleaner,
665 photographic studio, and businesses providing services of a personal nature.

666
667 **Planned Unit (Development PUD):** An area of land, controlled by a landowner or landowners, to be
668 developed as a unified project and single entity for a number of dwelling units and/or commercial
669 and industrial uses, the proposal for which does not correspond to the requirements of uses listed in
670 Section under "Not in PUD" in any one or more districts created in these Zoning regulations, with
671 respect to setbacks, coverage, lot size, density, required open space, and/or uses.

672
673 **Principal Building:** A building in which is conducted the main or principal use of the lot on which
674 said building is located. Attached garages or carports, open at the sides but roofed, are part of the
675 principal building.

676
677 **Private Club:** A building or portion of a building, or use open to club members and their guests, and
678 not to the general public, and not operated for profit. (See Association)

679
680 **Professional Residence-Office:** Residence in which the occupant has a government issued license
681 professional office (Examples but not limited to architect, accountant, chiropractor, dentist, doctor of
682 medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist,
683 consultant, podiatrist, engineer, or psychologist) and maintains a Home Office which does not change
684 the residential character thereof.

685

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

688
689 **Recreation, Private:** ~~Recreation uses privately owned and commercially operated.~~ Recreation uses
690 privately owned and operated, including picnic grounds, shooting ranges, hiking and riding trails,
691 hunting and fishing areas, wildlife sanctuaries, nature preserves, swimming areas and boat launching
692 sites, golf driving range, golf pitch and putt course, par three golf courses, skating rinks, swimming
693 pools, parks, beaches, tennis courts, indoor bowling alley, theater, table tennis and pool hall,
694 gymnasium, health club, hobby workshop, riding stables, and similar uses

695
696 **Recycling Collection Point:** A public or privately operated location, where this use incidental to the
697 principal use that serves as a local drop-off point for temporary storage of recoverable resources. No
698 processing of such items is allowed. This facility would generally be located in a shopping center
699 parking lot or in other public/quasi-public areas such as churches and schools,

700
701 **Rear Lot Line:** A lot line opposite and most distant from any lot front.

702
703 **Religious Institution:** Includes but not limited to church, temple, parsonage, rectory, parish house,
704 convent, seminary, retreat house, and associated buildings.

705
706 **Renewable/Alternative: Energy Resources:** Energy available by generation or for collection or
707 conversion from direct sunlight, wind, geothermal, running water, organically derived fuels including
708 wood, agricultural sources, waste materials, waste heat, and geothermal sources. Includes any
709 structures or equipment necessary for the collection or conversion of such energy.

710
711 **Repair Shop:** Facility for the repairing or maintenance of items, appliances, yard, and garden
712 equipment. Excludes Motor Vehicles (refer to definition).

713
714 **Residential Care Home:** ~~A place, however named, excluding a licensed foster home, which~~
715 ~~provides, for profit or otherwise, room, board, and personal care to three or more residents unrelated~~
716 ~~to the home operator~~ A place, however named, excluding a licensed foster home, which provides, for
717 profit or otherwise, room, board, and personal care to three or more residents who are not
718 developmentally disabled or physically handicapped, and unrelated to the home operator.

719
720 **Residential use:** ~~One, two, or multi-family dwellings units.~~ One, two or multi-family Dwelling
721 Units; Not associated with short term or transient use of facilities such as a B&B, Inn, Hotel, Motel.

722
723 **Restaurant Delicatessen:** A public eating-place where seats and/or counters, or window pickup of
724 food are provided for Patrons. This Use is separate from, but may be permitted along with Night
725 Clubs, Bars and Tavern.

726
727 **Retail Store:** Includes shop and store for the sale of retail goods, personal service shops, department
728 stores, commercial schools, and shall exclude any free-standing retail stands, auto service stations, motor
729 vehicle repair service shops and motor vehicle sales dealerships.

730

731 **Right of Way:** A right of way is an easement that allows another person to travel or pass through deeded
732 land. There are public and private rights of way but neither affects ownership. The most common form
733 of public right of way is a road or path through the land in order to access a public area. A private right
734 of way is to allow a neighbor to cut through someone's property to access their property.
735

736 **Road Frontage:** See Street Frontage.
737

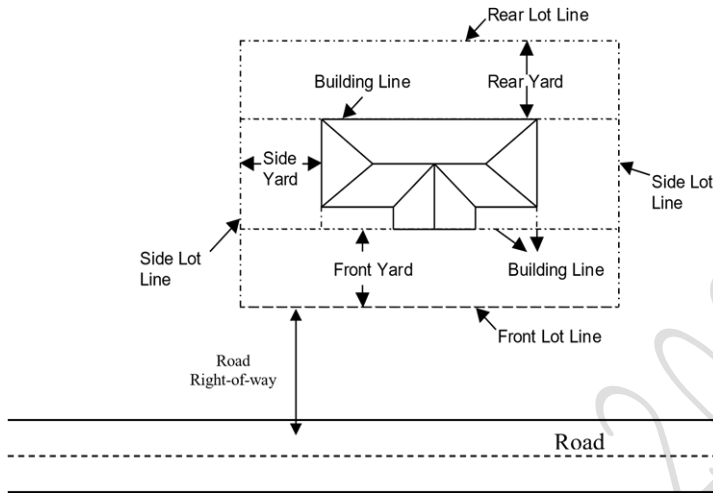
738 **Rooming or Boarding House:** A residence used and operated (in part) as a business, specifically
739 designed for the maximum accommodation of two (2) persons per bedroom and having common areas
740 such as bathrooms, dining rooms kitchens and other living areas. .
741

742 **Salvage Yard:** An open area where wastes or used or second-hand pre-owned materials are bought, sold,
743 or exchanged, stored, processed or handled. Materials shall include but are not limited to scrap iron and
744 other metals, paper, rags, rubber tires, and bottles. (See Junkyard)
745

746 **School:** A licensed learning facility including parochial, private, or public nursery schools, elementary
747 school, high school, college, university, and associated accessory uses.
748

749 **Setback:** The distance from a property boundary line to a building or structure, measured to its nearest
750 wall, cantilevered portion of a structure, porch, or deck, but not to steps or normal roof overhang. Certain
751 exceptions apply to fences, signs, and stone walls. (See below diagram.)
752

- 753 • Front Setback: Distance between a building or structure and any front lot street line. (See sample
754 below.) Note: front setback is also defined as front yard. *When there is more than one front street*
755 *(i.e., corner lot), only the street line identified by the structure's address shall be considered the*
756 *front street and setback (See sample below)*
757
- 758 • Rear Setback: Distance between a building or structure and a rear lot line. (See sample below.)
759 Note: rear yard is also defined as rear setback.
760
- 761 • Side Setback: Distance between a building or structure and a property line other than front lot line
762 or rear lot line. (See below.)
763
- 764 • In a situation of uneven / irregular boundaries, the average setback will be determined by the
765 Zoning Administrator.
766



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

Sign: Sign means any structure, display, device or representation which is designed or used to advertise or call attention to or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is intended to be visible from a public thoroughfare. Whenever dimensions or areas of signs are specified, they shall include all panels, frames, and supporting structures excluding the building to which a sign may be attached.

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

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

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

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

Street Line: Right-of-way of a Public street as dedicated by a deed of record. Where width of the Public street is not established, the Public street line shall be considered to be twenty-five (25) feet from the

796 centerline of the street travel lane. *If the total width of a Private Right of Way is not defined by the legal*
797 *document creating it, it shall be considered to have a minimum width of twenty (20) feet.*
798

799 **Structure:** An assembly of materials for occupancy or use including, but not limited to, a building, mobile
800 home or trailer, swimming pool, tennis court, sign, water impoundments, wall or fence (except on an
801 operating farm). Detached sheds, playground facilities, dog houses, etc., not exceeding 120 feet in floor
802 area, not more than 10 feet in height are exempt from this definition. Exempt sheds will be verified by
803 Zoning Administrator to match exemption.
804

805 **Substantial Completion:** Level of construction, renovation, or change of use that exceeds fifty (50%)
806 percent of the permitted project's estimated cost; AND required water, wastewater, and electrical systems
807 are connected and operational, AND providing the exterior appearance of the project appears complete
808 with regards to the structure and finish grading.
809

810 **Temporary structure, improvement, or use:** Unless otherwise defined, "temporary" shall mean up to 90
811 days in existence or use. Over 90 days, the structure, improvement or use is deemed "Permanent".
812

813 **Terrace or Patio:** An open, improved or graded combination of earthen materials located on the ground
814 with no structural supports other than subsurface base materials and/or retaining walls. A terrace or patio;
815 or masonry walls less than six and one-half feet (6.5) from finished grade to top of fence, shall not be
816 deemed a structure; and are exempt from a local permit requirement, but not prescribed setbacks.
817

818 **Tiny House:** A general term for a small dwelling unit (400 square feet footprint) with kitchen, bath and
819 sleeping facilities. For Town Zoning purposes, Foundation Bound Units that do not have an internal metal
820 frame and axle system and designed to be attached to a permanent foundation are to be considered a
821 /Modular Building; and constructed to International and VT Residential Codes. Code built Units with an
822 internal metal frame attached to axles and designed to be towed on public roads with (or without) any
823 special transport permits (for over width, length, or height); shall be considered Manufactured (HUD)
824 Housing. A Recreational Vehicle (RV) designed for temporary camping travel or seasonal use is not a Tiny
825 House.
826

827 **Trailer:**

828 1. **(Recreational Vehicle a.k.a. R.V.)** Includes any camping trailer, travel trailer, pickup coach or
829 motor home and/or any other vehicle used as temporary or seasonal sleeping or camping or living
830 quarters mounted on wheels; or a camper body usually mounted on a truck and any vehicle which is
831 customarily towed by a motor vehicle and used for carrying goods, equipment machinery, or boats;
832 or is used as a temporary office. A Mobile Home (H.U.D. certified) is not a Trailer.
833

834 2. Any wheeled platform designed to be towed and used to transport materials.
835

836 **Truck/Bus Terminal:** A transportation facility from which trucks and/or buses are dispatched and where
837 vehicles are stored and/or maintained.
838

839 **Truck Repair Facility:** A maintenance facility for activities such as truck repairs (with GVW rating over
840 18,000 lbs.).
841

842 **Utility, Public:** Any person, firm, corporation, municipal department, or board duly authorized to furnish
843 to the public under state or municipal regulations, electricity, gas, communications, or transportation.
844

845 **Warehouse:** A building or structure where wares or goods are stored before distribution to jobbers,
846 retailers, or the general public. This definition includes bulk storage and bulk sale outlets.
847

848 **Water Supply (Approved):** A potable water supply approved by a state certified testing lab.
849

850 **Well Head (Water Source) Protection Area:** Area or District designated by the Town for additional
851 restrictions it deems necessary to protect the sources, production capability, and environmental quality of
852 head waters, wells, wetlands and other potable water supplies.
853

854 **Wetland:** An area that is inundated or saturated by surface water or groundwater at a frequency or duration
855 sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions,
856 commonly known as hydrophytic vegetation.
857

858 **Wholesale Establishment:** Any firm doing business on a restricted customer basis and not available to the
859 general retail public
860

861 **Wood Manufacturing:** The delivery of raw or semi-processed wooden materials from another location,
862 stored, further machined into a semi-finished or ready-to use product (furniture, lumber, firewood, etc.),
863 reloaded and transported off site for resale. Operations may be conducted either outside, enclosed, or both.
864 This process is not an agricultural or silvicultural exemption from Town permits.
865

866 **Wood Working Shop:** An interior operation for the manufacturing, repair, or restoration of wooden
867 products.
868

869 **Zoning Administrator (ZA):** Refers to the person appointed by the Select Board to interpret, apply, and
870 enforce the Town's Zoning Regulations, and Ordinances (if authorized to do so by the Select Board).
871

872 **Zoning District:** A section of the Town designated in the zoning ordinance text and delineated on the
873 Official Signed and dated Zoning Map, in which requirements for the use of land, and building and
874 development standards are prescribed.
875

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

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APPENDIX B
APPROVED FLOOD HAZARD AREA REGULATIONS

November 2023

**APPROVED FLOOD HAZARD AREA REGULATIONS
TOWN OF WALLINGFORD, VERMONT
2011**

Regulation of Flood Hazard Areas

310.1. Statutory Authorization

To effect the purposes of 10 V.S.A. Chapter 32, and in accordance with 24 V.S.A. § 4424, there is hereby established an ordinance for areas of special flood hazard in the Town of Wallingford, Vermont.

310.2. Statement of Purpose

It is the purpose of this ordinance to:

- 310.2.1. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and
- 310.2.2. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and
- 310.2.3. Manage all flood hazard areas designated pursuant to 10 V.S.A. § 753; and
- 310.2.4. Make the state, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

310.3. Lands to Which These Regulations Apply

These regulations shall apply to all areas in the Town of Wallingford, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency

(FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these regulations.

310.4. Development Permit Required

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval by the appropriate municipal panel is required for:

- 310.4.1. New buildings,
- 310.4.2. Substantial improvement of existing buildings, and
- 310.4.3. Development in a floodway prior to being permitted by the administrative officer. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so

as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

310.5. Procedures

- 310.5.1. Prior to issuing a permit a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
- 310.5.2. Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least 30 days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- 310.5.3. Proposed development shall be reviewed by the administrative officer or the appropriate municipal panel to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State or Municipal law.

310.6. Base Flood Elevations and Floodway Limits

- 310.6.1. Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.
- 310.6.2. In areas where base flood elevations and floodway limits have not been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, base flood elevations and floodway data provided by FEMA or available from State or Federal agencies or other sources, shall be obtained and utilized to administer and enforce these regulations.
- 310.6.3. Until a regulatory floodway has been designated, no new construction, substantial improvements, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

310.7. Development Standards

- 310.7.1. Floodway Areas

310.7.1.1 Development within the regulatory floodway, as determined by Section 6, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will result in no increase in flood levels during the occurrence of the base flood.

310.7.1.2 Junkyards and storage facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway

310.7.2. Floodway Fringe Areas (i.e., special flood hazard areas outside of the floodway)

310.7.2.1 All Development - All development shall be reasonably safe from flooding and:

310.7.2.1.1. designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood,

310.7.2.1.2 constructed with materials resistant to flood damage,

310.7.2.1.3 constructed by methods and practices that minimize flood damage, and

310.7.2.1.4 constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

310.7.2.2 Residential Development:

310.7.2.2.1 New construction and existing buildings subject to cumulative substantial improvement that are located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. New construction and existing buildings subject to cumulative substantial improvement that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.

310.7.2.2.2 Manufactured homes to be placed and existing manufactured homes subject to cumulative substantial improvement that are:

310.7.2.2.2.1 located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured

home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement during the occurrence of the base flood.

310.7.2.2.2 located in an existing manufactured home park, where elevating a replacement home to at least one foot above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and be securely anchored to an adequately anchored system to resist floatation, collapse, and lateral movement.

310.7.2.2.3 Residential construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

310.7.2.3 Commercial Development:

310.7.2.3.1 New construction located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. New construction located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two feet if no depth number is specified.

310.7.2.3.2 Existing buildings subject to cumulative substantial improvement located in Zones A1-30, AE, and AH shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Existing buildings subject to cumulative substantial improvement located in AO zones shall have the lowest floor, including

basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or at least two feet if no depth number is specified or together with attendant utility and sanitary facilities be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

310.77.2.3.3 A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

310.7.2.3.4 Commercial construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.

310.7.2.4 Subdivisions:

7.2.4.1 New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data.

7.2.4.2 Subdivisions (including manufactured home parks) shall be designed to assure:

7.2.4.2.1 such proposals minimize flood damage within the flood-prone area,

7.2.4.2.2 public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

7.2.4.2.3 adequate drainage is provided to reduce exposure to flood hazards.

310.7.2.5 Enclosed Areas Below the Lowest Floor:

7.2.5.1 Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking of vehicles, building access, or storage.

7.2.5.2 New construction and existing buildings subject to cumulative substantial improvement with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

7.2.5.3 Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

310.7.2.6 Recreational Vehicles: Recreational Vehicles placed on sites with special flood hazard areas shall either:

7.2.6.1 be on the site for fewer than 180 consecutive days,

7.2.6.2 be fully licensed and ready for highway use, or

7.2.6.3 be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in section 7.2.2.2.

310.7.2.7 Accessory Structures: A small accessory building that represents a minimal investment need not be elevated to the base flood elevation provided the building:

7.2.7.1 shall not be used for human habitation,

7.2.7.2 shall be designed to have low flood damage potential,

7.2.7.3 shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters, 7.2.7.4 shall be firmly anchored to prevent flotation, and

7.2.7.5 shall have service facilities such as electrical and heating equipment elevated or floodproofed.

310.7.2.8 Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

310.7.2.9 Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

310.7.2.10 On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least 1 foot above the base flood elevation.

310.7.2.11 Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

310.8. Duties and Responsibilities of the Administrative Officer

310.8.1. The administrative officer shall maintain a record of:

310.8.1.1 All permits issued for development in areas of special flood hazard;

310.8.1.2 The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new buildings or buildings subject to cumulative substantial improvement;

310.8.1.3 The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been floodproofed;

310.8.1.4 All floodproofing certifications required under this regulation; and

310.8.1.5 All variance actions, including justification for their issuance.

310.9. Variances to the Development Standards

Variances shall be granted by the appropriate municipal panel only in accordance with 24 V.S.A. § 4469 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6, of the National Flood Insurance Program regulations.

10 Warning of Disclaimer of Liability

This ordinance does not imply that land outside of the areas of special flood hazard or land use permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Wallingford or any town official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

310.10 Validity and Severability

If any portion of this ordinance is held unconstitutional or invalid by a competent court, the remainder of this ordinance shall not be affected.

Precedence of Ordinance

The provisions of this ordinance shall not in any way impair or remove the necessity of compliance with any other applicable ordinances. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall take precedence.

11 Enforcement and Penalties

It shall be the duty of the Administrative Officer to enforce the provisions of this ordinance. Whenever any development occurs contrary to these flood hazard regulations, the Administrative Officer, in his or her discretion, shall institute appropriate action in accordance with provisions of 24 VSA Section 1974a or 24 VSA Section 4451 or 24 VSA Section 4452 to correct the violation. No action may be brought unless the alleged offender has had at least a seven-day warning notice by certified mail. An action may be brought without the seven-day and opportunity to cure if the alleged offender repeats the violation after the seven-day notice and within the next succeeding twelve months. The seven-day warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven days, and that the offender will not be entitled to additional warning notice for a violation following the seven days.

If the structure is still noncompliant after the seven day opportunity to cure has passed, the Administrator Officer shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance. Section

1316 of the National Flood Insurance Act of 1968, as amended, authorizes FEMA to deny flood insurance to a property declared by a community to be in violation of their flood hazard area regulations. The declaration shall consist of: (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance, (c) a clear statement that the public body making the declaration has authority to do so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

310.14 Definitions

For purposes of this Section 310, the following definitions in addition to the definitions set forth in Article 2 of these Bylaws

Special Flood Hazard Area is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement means any area of the building having its floor elevation (below ground level) on all sides.

Cumulative Substantial Improvement means any combination of repairs, reconstruction, rehabilitation, addition, alteration or other improvements of a structure, during any 3 year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood means (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the

surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of “flood”).

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) 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; (c) Individually listed on a state inventory of places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs

Lowest Floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means

either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means: (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws. For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Planning Commission Public Hearing held 7/18/11

Selectboard Public Hearing held 9/19/11

Approved by the Wallingford Selectboard on 9/19/11

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