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**ZONING REGULATIONS**

**TOWN OF WALLINGFORD, VERMONT**

**5 August 2024**

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

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**ARTICLE I: ENACTMENT AND PURPOSE**

**Section 101 - Purpose**

124  
125  
126 These Zoning Regulations are meant to promote the public health, safety, and welfare of the  
127 community of Wallingford as authorized by the Vermont Planning and Development Act (24  
128 V.S.A. Chapter 117; Vermont Planning and Development Acts (24 V.S.A. Chapter 117)). The  
129 specific objectives of these regulations are to protect and enhance the value of property; to protect  
130 and consider the natural and human environment; and to provide for orderly community growth. In  
131 order to control potential threats, certain uses are either not permitted, conditionally permitted, or  
132 permitted subject to compliance with specific criteria outlined within these Regulations. These  
133 constraints are designed to prevent over-development, to mitigate the negative impacts to the  
134 natural and human environment, and to minimize effects to the historical and aesthetic character of  
135 the Community.

**Section 102 – Interpretation**

136  
137  
138  
139 The provisions within these Regulations shall be interpreted and applied whenever the Zoning  
140 Administrator, Development Review Board, or Judiciary are required to do so in conformance with  
141 the Purpose section. The interpretation and application of these Regulations shall be held to be the  
142 minimum requirements adopted for the promotion of the public health, safety, comfort,  
143 convenience, and general welfare. These Regulations should not be interpreted to impair, replace,  
144 mitigate or supersede any valid permits previously issued (Grandfathered use). Where these  
145 Regulations impose a greater restriction upon the use of a structure or land than are required by any  
146 other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these  
147 Regulations shall control.

**Section 103 - Enactment**

148  
149  
150  
151 In accordance with the Vermont Planning and Development Act (24 V.S.A. Chapter 117), there are  
152 hereby established Zoning Regulations for the Town of Wallingford, Vermont which are set forth  
153 in the text and maps that constitutes these regulations. These regulations shall be known and cited  
154 as the "Zoning Regulations: Town of Wallingford, Vermont."  
155

**Section 104 - Effective Date**

156  
157  
158 These Regulations shall take effect upon the date of their approval by the registered voters of the  
159 Town of Wallingford.  
160

**Section 105 – Severability**

161  
162

163 The invalidity of any article or section of these Regulations shall not invalidate any other article or  
164 section thereof.  
165

166 **ARTICLE II: DEFINITIONS**

167  
168 **Section 201 – Definitions**

169  
170 Except where specifically defined herein, all words used in these regulations shall carry their customary  
171 meanings. Words used in the present tense include the future, and the singular includes the plural- The  
172 word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; the  
173 words "occupied" or "used" shall be considered as though followed by "or intended, arranged, or designed  
174 to be used or occupied"; the word "person" includes "individual, partnership, association(s), corporation(s),  
175 company or organization(s)" or any other incorporated or unincorporated organization or group". The  
176 Planning Commission shall clarify doubt as to the precise meaning of any word used in these Regulations.  
177 References to other Sections of the Zoning Regulations are attached to the detailed list of Definitions  
178 found in Appendix A of this document.  
179

180 **ARTICLE III:**  
181 **ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS**

182  
183 **Section 301 - Zoning Districts**

184  
185 Wallingford is hereby divided into the following zoning districts.

- 186 Forest and Recreation - FR
- 187 Agricultural and Rural Residential - ARR
- 188 Residential - R (formerly R15)
- 189 Multiple Residential - MR
- 190 Neighborhood Commercial - NC
- 191 Industrial - IN

192  
193 **Section 302 - Zoning Maps**

194  
195 The locations and boundaries of Zoning Districts are established and shown on the Official Zoning  
196 Maps which are hereby made a part of these regulations.  
197

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

199  
200 If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Maps, the  
201 Development Review Board shall determine the location of such boundary.  
202

203 **ARTICLE IV: GENERAL REGULATIONS**

204  
205 **Section 401 - Application of Regulations**

206  
207 Except as provided, no building or structure shall be erected, moved, altered; demolished, or  
208 extended; and no land, building, structure, or part thereof, or any substantial change or expansion of  
209 Structure or Use, unless it is in conformity with the regulations specified for the district in which it  
210 is located **and all required permits are obtained**. Town Regulations do not supersede applicable  
211 Vermont or Federal Regulations. Separate Town Ordinances may also apply to a regulated use or  
212 activity.

213  
214 **Section 402 - Limitations on Municipal Bylaws**

215  
216 The following uses may be regulated only with respect to location, size, height, building bulk,  
217 yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise,  
218 lighting, landscaping, and screening requirements, and only to the extent that regulations do not  
219 have the effect of interfering with the intended functional use of:

- 220 1. State or community owned and operated institutions and facilities.
- 221
- 222 2. Educational institutions certified by the State Department of Education.
- 223
- 224 3. Churches and other places of worship, convents, and parish houses.
- 225
- 226 4. Public and private hospitals.
- 227
- 228 5. Regional solid waste management facilities certified under 10 V.S.A. Chapter 159, and  
229 applicable revisions
- 230
- 231 6. Hazardous waste management facilities for which a notice of intent to construct has been  
232 received under 10 V.S.A. § 6606a, and applicable revisions.
- 233

234 In addition, there are the additional following restrictions on Town regulations: No regulation on  
235 public utility power generating or transmission facilities regulated under 30 V.S.A. § 248. If land is  
236 also subject to state regulation, the more stringent or restrictive regulation applies. No regulation of  
237 accepted agricultural practices and uses that are regulated under and defined by 10 V.S.A. §§  
238 1021(f) and 1259(f) and 6 V.S.A. § 4810.

- 239 1. Zoning laws must respect the limits on municipal power to regulate hunting, fishing,  
240 trapping, and other such activities.
- 241
- 242 2. Zoning laws shall not prohibit the installation, operation or maintenance of alternative  
243 energy-generation systems that are exempt from VT Statute (30 VSA Section 248; and  
244 subsequent revisions). Town zoning regulations do apply to other solar, wind, hydro and  
245 geo-thermal energy generation facilities that are not exempt **of from** local jurisdiction by  
246 state or federal laws.
- 247

248 3. Residential energy generation facilities not regulated by the State of Vermont Public  
249 Service Board or exempt from local regulation by State statute are subject to all Town  
250 standards. Existing small lots may be granted set back waivers upon review by the  
251 Development Review Board.

252  
253 **Section 403- Existing small lots**

254  
255 Any lot in individual and separate and non-affiliated ownership from surrounding properties in  
256 existence on the effective date of these Regulations may be developed for the purposes permitted in  
257 the district in which it is located, even though not conforming to minimum lot size requirements,  
258 provided that such lot is not less than 1/8 acre in area with a minimum width or depth dimension of  
259 40 feet. Existing small lots may be granted setback waivers upon review by the Development  
260 Review Board. A non-conforming existing parcel that is adjacent to another parcel in the same  
261 ownership is deemed merged to the adjacent parcel, unless specified otherwise per State Statute.

262  
263 **Section 404 - Lots Lying in More Than One District**

264  
265 In the case of lots lying in more than one district, the provisions of any district may be applied for a  
266 distance of not more than 50 feet into any other adjacent district.

267  
268 **Section 405 - Required Frontage On, Or Access To, Public Roads or Public Waters**

269  
270 No land development may be permitted on lots which do not either have frontage on a public road  
271 or public waters or, with the approval of the Development Review Board, access to such road or  
272 waters by a permanent easement or right-of-way at least 20 feet in width.

273  
274 **Section 406 - Protection of Home Occupations**

275  
276 None of these Regulations are intended to infringe upon the right of any resident to use a minor  
277 portion of a dwelling or appurtenant accessory structure for an occupation which is customary in  
278 residential areas and which does not change the character of the neighborhood; a zoning permit is  
279 still required.

280  
281 Residents may use a minor portion of a dwelling or accessory structure for an occupation which is  
282 customary in residential areas and which does not change the character of the area as long as:

- 283 1. The dwelling, accessory structures, and the lot maintain a residential appearance at all  
284 times.
- 285  
286 2. The home occupation is clearly secondary to the use of the site for residential purposes.
- 287  
288 3. The use is conducted within a portion of the dwelling or a building accessory thereto by a  
289 resident of the principal dwelling and having not more than two (2) employees.
- 290  
291 4. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes,  
292 odors or electrical interference.
- 293

294 5. A permitted Home Occupation is granted to the applicant for the length of time that the  
295 applicant occupies the dwelling. The permit shall expire upon relocation by the applicant  
296 and shall neither remain with subsequent occupants of the dwelling nor transfer to a new  
297 location with the original applicant.

298  
299 6. Vehicle (auto and /or truck) bodywork or repairs are not considered Home Occupations.  
300

301 **Section 407 - Equal Treatment of Housing**

302  
303 None of these Regulations shall have the effect of excluding housing that meets the needs of the  
304 population within the community of Wallingford, as determined by the ‘Housing’ element of the  
305 Municipal and Town Plans, as required under 24 V.S.A. Chapter 117, §4382(a) (10).  
306

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

308  
309 Nothing contained in these Regulations shall require any changes in plans or construction of a non-  
310 complying structure for which a building permit has been issued, and which has been completed  
311 within one year from the effective date of these Regulations.  
312

313 **Section 409 - Non-Conforming Uses**

314  
315 The following provisions shall apply to all buildings and uses existing on the effective date of these  
316 Regulations which do not conform to the requirements set forth in these Regulations and to all  
317 buildings and uses that in the future do not conform by reason of any subsequent amendment to  
318 these Regulations. Any non-conforming use of structures or land, except those specified below,  
319 may be continued indefinitely, but:

- 320 1. Shall be extended or expanded only upon the approval of the Development Review  
321 Board, if it finds that such extension or expansion does not create a greater nuisance or  
322 detriment.  
323
- 324 2. Shall not be changed to another non-conforming use without approval of the  
325 Development Review Board, and then only to a use which, in the opinion of the  
326 Board, is no more objectionable in character than the old use.  
327
- 328 3. Shall not be re-established without approval of the Development Review Board if  
329 such use has been discontinued for a period of one year, or has been changed to, or  
330 replaced by, a conforming use. Intent to resume a nonconforming use shall not confer  
331 the right to do so.  
332

333 **Section 410 - Non-Conforming Structures**

334  
335 Nothing in the paragraph above shall be deemed to prevent normal maintenance and repair of a  
336 non-conforming structure, provided that such action does not increase its degree of non-  
337 compliance.  
338

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

340  
341 Temporary permits may be issued by the Zoning Administrator (referred to in Article VI) for a  
342 period not exceeding one (1) year for nonconforming uses incidental to construction projects. Such  
343 permits are conditional to agreement by the owner to remove the structure or cease temporary use  
344 upon expiration of the permit, and address temporary potable water and septic disposal issues, per  
345 state and local rules.

346  
347 Such a permit may be renewed upon application for an additional period not exceeding one (1)  
348 additional year.

349  
350 **Section 412 - Conditional Use Approval**

351  
352 No Zoning Permit shall be issued by the Zoning Administrator for any use or structure that requires  
353 Conditional Use Approval until the Development Review Board grants such approval. In considering  
354 its action, the Board shall make findings on general and specific standards, hold hearings, and attach  
355 conditions, if any, as provided for in **the Vermont Planning and Development Act (24 V.S.A. Chapter**  
356 **117)**. The general standards which must be met are that any proposed conditional use shall not  
357 adversely affect:

- 358  
359 1. The capacity of existing or planned community facilities.  
360  
361 2. The character of the area affected.  
362  
363 3. **Scenic and natural beauty.**  
364  
365 4. Traffic on roads and highways in the vicinity.  
366  
367 5. **Utilization of renewable energy resources.**  
368  
369 6. Zoning Regulations then in effect.

370  
371 The proposed conditional use shall conform to the specific standards for the district in which it is  
372 located. Lacking locally defined standards, the Development Review Board may also apply  
373 commonly accepted standards which may apply in legal precedent. An accepted exception is for  
374 existing mobile home parks and trailer and recreational campgrounds, which shall conform to the  
375 specific standards for those particular uses as provided in these Regulations provided in Articles VII  
376 and VIII.

377  
378 **Section 413 - Site Development Plan Approval and Procedures**

379  
380 Application for site plan approval shall be submitted to the Development Review Board by the  
381 Zoning Administrator and contain the following information:

- 382  
383 1. a clear and accurate site plan showing location and dimensions of the lot in question  
384

- 385 2. a description of the proposed development, including a description of any building to be  
386 constructed or altered and its intended use.  
387

388 The Development Review Board shall act to approve, or deny, any such site plan within 45 days  
389 after the date it receives the proposed plan, and failure to act within such period shall be deemed  
390 approval.  
391

392 **Section 414 - Shoreland Protection Act Standards**  
393

394 Vermont’s Shoreland Protection Act applies to all activities within 250 feet of a lake or pond’s mean  
395 water level for all lakes and ponds greater than 10 acres in surface area, affecting all property that  
396 shares a property line with Wallingford Pond, Fifield Pond, Little Rock Pond, and Elfin Lake.  
397

398 **The Vermont Planning and Development Act (24 V.S.A. Chapter 117)** recognizes that many  
399 shoreland properties in Vermont are already developed or are small parcels that cannot meet the new  
400 standards. Developed properties are “grandfathered” until the owner proposes redevelopment. On  
401 existing small parcels, the Shoreland Permit Program staff will work with homeowners so that the  
402 standards are met to the extent possible.  
403

404 Any project involving a newly cleared area or impervious surface that exceeds the registration limits  
405 of a parcel will require a shoreland permit from the State of Vermont. Shoreland registrations and  
406 permits will require compliance with the standards outlined in **the Vermont Planning and**  
407 **Development Act (24 V.S.A. Chapter 117)**. When dealing with permitting, consult Permit  
408 Navigator or consul with State Community Assistance Specialist  
409

410 **Section 415 - Uses Not Permitted**  
411

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

- 413 ● Hide tanning or curing plants,
- 414 ● Crematoriums,
- 415 ● Asphalt manufacturing or processing plants,
- 416 ● Rendering plants, manufacturing or processing of fertilizer, bone, rubber, paper, ammonia,  
417 chlorine, explosives,
- 418 ● Manufacturing or refining of petroleum or gas.
- 419 ● Paramilitary training and facilities as defined by 13 V.S.A. §4071.  
420

421 **Section 416 - Abandonment of Structures/ Structure Materials**  
422

423 Within **two (2) years** after work on an excavation for a building has begun or within **two (2) years**  
424 after a permanent or temporary building or structure has been destroyed, demolished, or abandoned,  
425 all structural materials shall be removed from the site, and the excavation thus remaining shall be  
426 covered over or filled to the normal grade by the owner.  
427  
428

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

430  
431 See Appendix B

432  
433 **Section 418 - Off-Street Parking Space**

434  
435 The Development Review Board may require specific off-street parking spaces (a maximum  
436 requirement of **not more than 1.5 parking spaces per dwelling unit for multiunit development**  
437 **(VT. S-100, Section 1)** to be provided when reviewing Conditional Use applications.

438  
439 In order to enhance and maintain village character, parking to serve non-residential uses and  
440 residential structures with two or more units shall not be permitted between the front building line  
441 and the street in the Neighborhood Commercial, Multiple Residential and Residential Districts. The  
442 Development Review Board may consider exceptions to this requirement when strict conformity  
443 cannot be achieved due to site specific constraints and where the overall site layout otherwise  
444 conforms with the purpose of the district.

445  
446 **Section 419 – Storage**

447  
448 Any new commercial storage facilities are Conditional Use in all zoning districts and subject to  
449 Development Review Board approval. Storage lasting less than one year in a temporary storage  
450 structure may be allowed upon issue of a temporary use permit by the Zoning Administrator. The  
451 storage unit is to be located in the rear or side of the property when possible, and a minimum of 10  
452 feet from any property line. Placement of storage structures for longer than one (1) year will be  
453 considered an accessory use building and will be subject to prescribed setbacks and applicable zoning  
454 regulations.

455  
456 **Section 420- Access to State Highway**

457  
458 Whenever a proposed site plan involves a new or expansion of access or use to a State of Vermont  
459 highway, the application for site plan approval shall include a letter of intent from the Agency of  
460 Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to  
461 issue an access permit.

462  
463 **Section 421 - Exemptions to Town Permit Requirements**

- 464  
465 1. Residential (detached) Storage and Accessory Structures of 120 square feet or less and 15 feet  
466 in height. These exempted non-commercial structures, when used exclusively by the property  
467 Owner, are also exempt from prescribed side and rear setbacks, providing they are installed in  
468 all zoning districts a minimum setback of ten (10) feet. Front setbacks for the specific zoning  
469 district still apply. Commercial use of new detached accessory structures are not exempt.
- 470  
471 2. Required Agricultural Practices (RAPs), including the construction of farm structures, as  
472 those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance  
473 with applicable VT Statutes. Written notification, including a Site Plan showing structure  
474 setback distances from road rights-of-way, property lines, and surface waters shall be

- 475 submitted to the Zoning Administrator prior to any construction, as required by AAP/RAPs.  
476 Such structures shall meet all setback requirements under these regulations, unless  
477 specifically waived by the Secretary. The Zoning Administrator may require a Determination  
478 Letter from the Vermont Agency of Agriculture, Food & Markets as a required component of  
479 any application for a qualified Agricultural Structure or Use.  
480
- 481 3. Accepted Management Practices (AMPs) for silviculture (forestry) as the Commissioner of  
482 Forests defines those practices, Parks, and Recreation.  
483
  - 484 4. Power generation and transmission facilities, which are regulated under 30 V.S.A. 248 by the  
485 Vermont Public Service Board. Such facilities, however, should conform to policies and  
486 objectives specified for such development in the Town Plan.  
487
  - 488 5. Hunting, fishing, and trapping as specified under 24 V.S.A. 2295 on private or public land.  
489 This does not include facilities supporting such activities, such as firing ranges or rod and gun  
490 clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.  
491
  - 492 6. Normal maintenance and repair of an existing structure which does not result in exterior  
493 alterations or expansion of exterior area (footprint or height), or a change of use.  
494
  - 495 7. Interior alterations or repairs to a structure which do not result in exterior alterations, or  
496 expansion, or a change in use.  
497
  - 498 8. Exterior alterations to structures which do not result in any change to the footprint or height  
499 of the structure or a change in use.  
500
  - 501 9. Residential entry stairs (excluding decks and porches), handicap access ramps and required  
502 landings (40 square feet maximum), walkways, and fences or walls less than or equal to 6 feet  
503 in height which do not extend into or obstruct public rights-of-way, or interfere with corner  
504 visibilities or sight distances for vehicular traffic. (See also section 424 Fences Non-  
505 Agricultural)  
506
  - 507 10. Minor grading and excavation associated with road and driveway maintenance, or which is  
508 otherwise incidental to an improved use. This specifically does not include extraction and  
509 quarrying activities. This exemption applies to common residential landscaping projects  
510 involving only earthen materials to include open patios and retaining walls.  
511
  - 512 11. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing, and snow mobile  
513 trails) which do not require the installation of structures or parking areas.  
514
  - 515 12. Street Sales Garage, tag, yard, moving, estate, and similar temporary sales of goods, for up  
516 to 15 days per calendar year, will not require a local permit, providing the sale does not  
517 interfere with public right of way or safety issues, as determined by the appropriate Public  
518 Authorities. Marketing of goods, materials, food, etc., for longer than this permitted period  
519 requires the applicable zoning permit **or town vendor license**.  
520

521 13. Other uses as designated in the Table of Contents.  
522

523 **Section 422 - Potable Water Supply and Wastewater Permits**  
524

525 The Zoning Administrator may withhold the issuance of a zoning permit until the applicant has  
526 successfully demonstrated receipt of a State of Vermont Potable Water Supply and Wastewater  
527 Permit or for pre-existing and functioning water and septic systems, an exemption from Vermont’s  
528 Wastewater & Potable Water Supply Division.  
529

530 Existing water supply or sewage disposal systems that have been considered abandoned or  
531 discontinued, failed in daily performance; or expect expanded/increased use from existing use ( as of  
532 1/1/2007) will require further proof of compliance with VT regulations in any application for a Town  
533 permit.  
534

535 **Section 423 – Fences (non-agricultural)**  
536

537 Fences may be built in front, side and rear yards provided they do not exceed six and one-half (6.5  
538 feet in height from ground to peak and are maintained in a proper state of repair with the finished side  
539 of such fence facing adjacent properties. Fences shall be constructed so that they can be maintained  
540 from the premises of the owner (minimum distance from boundary line of 30 inches.  
541

542 Boundary line fences shall be allowed **only** if the parties involved **agree in writing. The agreement**  
543 shall include the design and facing of the fence as well as a statement of which party or parties is/are  
544 responsible for its maintenance. A copy of the written agreement shall be attached to the Permit  
545 Application and kept on file in the Zoning Administrator’s Office (See Article V: Specific District  
546 Regulations for set-backs.)  
547

548 **Section 424 – Subdivision/ Parceling**  
549

550 The legal (deeded) boundary description of a property (or adjacent properties acquired over time)  
551 shall define the outside perimeter(s) of an ownership. The existence of a Public (municipal owned)  
552 road or navigable waterway that may transect the legal boundaries of a property **does not create** two  
553 or more individual “*naturally subdivided*” parcels unless approved in accordance with Town Zoning  
554 and Subdivision regulations.  
555

556 **Section 425 - Swimming Pools**  
557

558 A private inground or aboveground swimming pool shall be installed and maintained in a manner to  
559 meet all State Health Code Standards, shall be fenced or otherwise protected to prohibit unauthorized  
560 or accidental entry, shall not constitute a hazardous or nuisance situation, and shall meet all  
561 applicable setback requirements.  
562

563 **Section 426 – Tiny Houses**  
564

565 Tiny houses (see Definition Tiny House in Appendix A) will be consider as a permanent structure  
566 falling under current set-backs and other applicable district zoning (Article V - Specific District

567 Regulations, page 15) when house is mounted on a permanent site e.g., Foundation Bound Unit. If  
568 the Tiny House is on a temporary hook-up or still able to be moved, it will be considered a  
569 Recreational Vehicle and will be governed under RV regulations (Article VIII - Trailer, Recreational  
570 Campground and Recreational Equipment Storage, page 30). A Recreational Vehicle (RV) designed  
571 for temporary camping travel or seasonal use is not considered a Tiny House.

572

573 **Section 427 - Renewable Energy**

574

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

580

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

587

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

590

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

594

595 **Section 428 - Screened Service Areas**

596

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

600

601 1. Screening. Any site(s) with one or more ground mounted solar energy generation facility must  
602 be screened along any frontage by a buffer that:

603

a. Is at least 12 feet wide.

604

b. Is maintained as a landscaped area or naturally vegetated area.

605

c. Has an adequate mix of trees and shrubs, taking into account terrain, to screen the  
606 proposed facility.

607

d. Provides year-round screening

608

609 2. The tree requirement may be waived for solar facilities on lots without adequate area to provide  
610 such a buffer without shading the solar panels.

611

612 3. Plantings shall be installed at the following minimum sizes:

- 613 a. Deciduous Trees: 2” Cal.
- 614 b. Evergreen Tree: 8’ HT
- 615 c. Deciduous Shrubs: 4’ HT
- 616 d. Evergreen Shrubs: 5’ HT

617

618 4. Plans shall be prepared by a landscape professional.

619

620 5. If plants die or show less than 50% health, they shall be replaced within 3 months or the start of  
621 the next growing season.

622

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

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

627

628 **Section 430 – Class 4 Road Disclosure**

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

631

632 **ARTICLE V: SPECIFIC DISTRICT REGULATIONS**

633

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

637

638 ADMINISTRATIVE PERMIT – uses and structures are permissible upon issuance of a zoning  
639 permit by the Zoning Administrator.

640

641 Development Review Board - uses and structures are permissible upon issuance of a zoning permit  
642 after conditional use review a site plan review has been completed by the Development Review  
643 Board.

644

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

- 646 1. **The following uses are permitted with Administrative Permit issued by Zoning**  
647 **Administrator:** Agricultural and forest uses; camp; private club; One- and two-family  
648 dwelling; and non-commercial accessory uses (excepting Home Occupations); and reservoirs.
- 649 2. **The following uses are Conditional Use with Development Review Board Review and**  
650 **Site Plan Approval:** Wildlife refuge; renewable energy generation facilities and  
651 infrastructure; telecommunications facilities, owner-occupied commercial uses with low-level  
652 environmental impact to surrounding ownerships; public outdoor recreation; private outdoor  
653 recreation; and commercial outdoor recreation.

654

655 Other uses not listed here may be permitted if the finding by the Development Review Board  
656 shows that such use is clearly of the same general character as those permitted in the area, and  
657 which will not be detrimental to the other uses within the district or to the adjoining land uses,  
658 or the natural and human environment, and so long as such use is not prohibited under Article  
659 IV of these Regulations.  
660

661 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

662

663 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

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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).

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

676 1. **Agricultural and forest uses with Administrative Permit issued by Zoning**  
 677 **Administrator:** 1-family dwelling; 2-family dwelling; mobile home; professional  
 678 residence/office; farm animals.

679  
 680 2. **The following uses are Conditional Use with Development Review Board Review and**  
 681 **Site Plan Approval:** Multiple-family housing (more than 2 units); light manufacturing;  
 682 mobile home park; trailer park; fueling station; gravel pit; animal-hospital, tourist home;  
 683 boarding house, or lodge; motel, hotel, condominiums; private school, community center;  
 684 hospital; dormitory; private club, membership clubhouse; public outdoor recreation; private  
 685 outdoor recreation; commercial outdoor recreation; wildlife refuge; cemetery; parking lot;  
 686 enclosed storage; energy generation facilities and infrastructure; telecommunications  
 687 facilities; and veterinary clinic, provided that any structures for the housing of animals shall  
 688 be at least 200 feet from any residential or other use in the district to which it would be  
 689 detrimental.

690  
 691 Other uses not listed here may be permitted if the finding by the Development Review  
 692 Board shows that such use is clearly of the same general character as those permitted in the  
 693 area, and which will not be detrimental to the other uses within the district or to the  
 694 adjoining land uses, or the natural and human environment, and so long as such use is not  
 695 prohibited under Article IV of these Regulations.

696  
 697 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

698  
 699 4. **Minimum Setbacks:**

	Residential*	Residential**	Non-Residential
Front	50 feet	100 feet	100feet
Rear	30 feet	50 feet	50 feet
Side(s)	30 feet each side	30 feet each side	30 feet each side

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

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

702  
 703 5. **Height maximum:** 3 stories or 38 feet, whichever is less. No height limitations for  
 704 agricultural use. The height maximum for telecommunications and renewable energy  
 705 generation facilities to be 75 feet; 100 feet maximum height” as reviewed and approved by  
 706 Development Review Board for “visual environmental blending” of antenna /tower impact  
 707 to area aesthetics.  
 708

709 6. **Zone specific sign limitations:** in addition to Article IX Free-standing, non-internally  
710 illuminated, flush-mounted signs requirements, not more than 16 square feet (maximum  
711 area).  
712

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

714

715 1. **The following uses are permitted with Administrative Permit issued by Zoning**  
716 **Administrator:** 1-family dwelling; 2-family dwelling; mobile home; professional  
717 residence/office; home occupation; and enclosed accessory building use.

718

719 2. **The following uses are Conditional Use with Development Review Board Review and**  
720 **Site Plan Approval:** Multiple-family housing (more than 2 units); private schools,  
721 commercial and outdoor recreation.

722

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

728

729 3. **Minimum Dimension Requirements:**

730 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

731

732 4. **Minimum Setbacks:**

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

733

734

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

740

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

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**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 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.

778 **Section 505 - Neighborhood Commercial (NC)**

779

780 1. **The following uses are permitted in neighborhood commercial districts with**  
781 **Administrative Permit issued by Zoning Administrator:** Retail store; business office;  
782 personal service business; community center; 1-family, 2-family, or multiple family  
783 dwelling; mobile home; hotel; mortuary, funeral home; educational institution; enclosed  
784 accessory use.

785

786 2. **The following uses are Conditional Use with Development Review Board Review and**  
787 **Site Plan Approval:** Energy generation facilities and infrastructure, telecommunications  
788 facilities, parking, private club, and gasoline stations.

789

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

795

796 3. **Minimum Dimensional Requirements:**  
797 **Lot area minimum:** 1/8 acre (5,445 square feet) per dwelling unit. (If the application is for  
798 new construction.) For proposed Change of Use to existing non-conforming structure, or  
799 non-conforming parcels, dimensional requirements may be adjusted upon Development  
800 Review Board review and approval.

801

	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

802

803 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

804

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

810

811 6. **Zone specific sign limitations** in addition to Article IX Free-standing, non-internally  
812 illuminated, flush-mounted signs requirements, not more than, 16 square feet maximum  
813 area.

814

**Section 506 – Industrial (IN)**

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**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.**

**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.**

**1. Dimensional Requirements:**

Lot area minimum	1/4 of an acre
Lot frontage minimum	50 feet
Side Yard minimum	10 feet each side
Rear Yard minimum	10 feet
Free-Standing Signs	16 sq. ft. sign area maximum
Flush-Mounted Signs	16 sq. ft. sign area maximum

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



44 b. The request for an extension or significant amendment shall include reasonable grounds  
45 to grant an extension (as determined acceptable by the ZA); and request a specific  
46 extension deadline (not to exceed 12 months from permit’s expiration date), and any  
47 Determination and Recording Fee (as set by the Select Board).  
48

49 3. An expired Permitted Project (for any failure to obtain extension approvals) as specified in  
50 Vermont and Town regulations will require a new application submission, with required Fees  
51 and statutory appeal /effective dates; before Project activities may start or continue.  
52

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

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

62 **Penalties:** Violations of these Zoning Regulations are subject to penalties as prescribed by **the**  
63 **Vermont Planning and Development Act (24 V.S.A. Chapter 117 §4451)**. A court action may be  
64 initiated in the Environmental Court, or as appropriate, before the Judicial Bureau, as provided under  
65 section 1974a of this title. The property owner of record shall be held responsible for Zoning  
66 violations.  
67

68 **Section 605 - Development Review Board (DRB)**  
69

70 A DRB, appointed by the legislative body, of up to 7 members, shall be responsible for Approving  
71 and issuing Conditional Use permits, approving Site Development plans, and the review of any  
72 appeals made by an Interested Person in regards to decisions made by the Zoning Administrator,  
73 rules of procedure, nature of appeals, public notice, conditions for variance relief, and all other  
74 matters shall be established as provided in **the Vermont Planning and Development Act (24 V.S.A.**  
75 **Chapter 117)**.  
76

77 **Section 606 – Appeals**  
78

79 Any Interested person may appeal a decision or act taken by the Zoning Administrator to the  
80 Development Review Board by filing a notice of appeal in accordance with **the Vermont Planning**  
81 **and Development Act (24 V.S.A. Chapter 117)**. This notice of appeal must be filed within 15 days of  
82 the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning  
83 Administrator.  
84

85 Any Interested Person who has participated in a regulatory proceeding, as defined in 24 §VSA.  
86 4471(a), may appeal the written decision of the Development Review Board to the Environmental  
87 Court within thirty (30) days in accordance with 24 V.S.A. §4466.  
88

89 **For residential development, interested parties are prohibited from appealing conditional use**  
90 **approvals in state designated areas, including village centers [e.g., Wallingford’s Village**  
91 **centers.] (Act 47 S-100 Section 9)**  
92

93 **Section 607 - Referral to State Agency(s)**  
94

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

- 100  
101 1. Vermont Waste-Water disposal, potable Water Supply, and any Vermont Subdivision  
102 permits.  
103  
104 2. Development in Vermont and Town FEMA Special Flood Hazard Areas.  
105  
106 3. Development in other VT designated environmentally sensitive locations (steams, wetlands,  
107 etc.,).  
108  
109 4. Development, Change, or increased use to adjacent to Vermont State owned property, or  
110 Highways or Class-1Town Roads.  
111  
112 5. The Town Zoning Administrator may determine the application to be “Complete,” upon  
113 receipt of acceptable documentation of application to appropriate Vermont and federal  
114 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

58 **Section 702 – Exceptions**  
59

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

1  
2 **ARTICLE VIII**  
3 **TRAILER, RECREATIONAL CAMPGROUND, AND RECREATIONAL EQUIPMENT**  
4 **STORAGE**

5 **Section 801 - Trailer or Recreational Campground Permits**  
6

- 7 1. No person shall construct or operate a trailer or recreational campground without first  
8 obtaining conditional use and site plan approval from the Development Review Board.  
9
- 10 2. Applications for a trailer or recreational campground permit shall be filed with the Zoning  
11 Administrator of the Town of Wallingford, in writing and signed by the applicant.  
12  
13

14 **Section 802 - Trailer or Recreational Campground Requirements**  
15

16 Each trailer or recreational campground and extension thereof, shall comply with all applicable  
17 requirements of the State of Vermont, and to the following:  
18

- 19 1. Each recreational campground must be a minimum of 10 acres in size.  
20
- 21 2. Grade and Drainage: The campground shall be located on a site free from stagnant pools and  
22 graded to ensure proper drainage.  
23
- 24 3. Roads and driveways shall be hard gravel or paved.  
25
- 26 4. Minimum Lot Size: A minimum of 1,500 square feet shall be provided for each trailer or  
27 recreational camping unit.  
28
- 29 5. Minimum Clearance: There shall be a minimum of 20 feet clearance between each trailer or  
30 recreational camping unit.  
31
- 32 6. No camping or recreational equipment in a trailer or recreational campground shall be  
33 located closer than 100 feet from the traveled portion of any public highway and shall not be  
34 located closer than 50 feet from the side and rear boundaries of said campground.  
35
- 36 7. The storage, collection, and disposal of refuse in each trailer or recreational campground  
37 shall be so handled or managed by the licensee as to create no health hazards or area  
38 pollution. One refuse can with a tight-fitting cover for each occupied camping lot or space  
39 shall be furnished by the licensee.  
40
- 41 8. Sewage disposal at each trailer or recreational campground site shall be in conformance with  
42 all State of Vermont Department Agency of Natural Resources requirements.  
43

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

45

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

48

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

51

52 2. Boats stored in the open must be covered.

53

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

55

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

60

## ARTICLE IX: SIGNS AND ADVERTISING DISPLAYS

### **Section 901 – Purpose**

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

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

### **Section 902 - Number and Type of Allowable Permanent Signs**

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

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

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

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

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

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

### **Section 903 – Placement**

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

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

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

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

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

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

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

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

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

### **Section 905 - Exempt Signs**

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

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

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. Advertising 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.

November-2023

**APPENDIX A**

**Terms Definitions**

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

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

~~A single distinct residential unit that is clearly subordinate to a single family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. This may be within or attached to an owner-occupied single family residence (SFR) or appurtenant accessory structure. Certain qualifying restrictions, as well as certain exemptions to other zoning sections may apply.~~ **A distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following A) the property has sufficient wastewater capacity; and B) the unit does not exceed 30 percent of the total habitable floor or 900 square feet, whichever is greater. An ADU shall be considered a public building if it is rented, and therefore subject to fire and building codes. (VT ACT 47 Section 4 and section 26)**

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

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

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

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

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

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

**Artisan/Craft Studio:** A place that may be used as both a dwelling place and/or a place of work by an artisan or craftsman, including persons engaged in the practice, application, teaching, or performance of fine arts, such as but not limited to drawing, vocal or instrumental music, painting, sculpture and writing. (See section 406)

**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 (60) days in any twelve (12) month period and not more than 21 continuous days if without legally permitted sewage disposal and water supply systems. (10 VSA §1974 (2))

**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 as listed in a specific Zoning District (Article V Specific District Regulations), 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**Dwelling, Multi-Family:** Building used as living quarters by three or more families, living independently of each other. Multifamily homes (dwellings) contain separate residential units within a~~

~~single structure. Apartment buildings, condominium complexes and duplexes are all considered multifamily homes.~~ **A building that contains three or more dwelling units in the same building.**

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

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

**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)**

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

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

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

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

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

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

**Kennels:** see Animal Housing Facility.

**Land Development:** See Development.

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

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

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

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

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

**Lot, Corner:** A lot abutting on and at the intersection of two or more streets. The lot's street front line will be on the side where access driveway is located, or both roads are frontlines.

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

**Lot Frontage:** The length of any side of a lot which abuts a public or private right-of-way. (Fair Haven)

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

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

**A factory-built, single family structure, transportable in one or two sections on a permanent chassis and axles, designed to be used as a one-story structure, and remain transportable, or be set on a gravel pad, concrete slab, or permanent foundation. (See Tiny Houses) Manufactured (Modular or Panel) Building:** A factory built, single, two-family, multi-family, or commercial structure, transportable in one or more sections, which is not built on a permanent chassis, but is designed to permit delivery to a site for installation on a permanent foundation system, with multiple levels possible. When connected to the required utilities, the building is designed as a place of human use or habitation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Professional Residence-Office:** Residence in which the occupant has a government issued license professional office (Examples but not limited to architect, accountant, chiropractor,

dentist, doctor of medicine, landscape architect, land surveyor, lawyer, optometrist, osteopath, physiotherapist, consultant, podiatrist, engineer, or psychologist) and maintains a Home Office which does not change the residential character thereof.

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

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

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

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

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

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

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

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

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

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

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

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

**Road Frontage:** See Street Frontage.

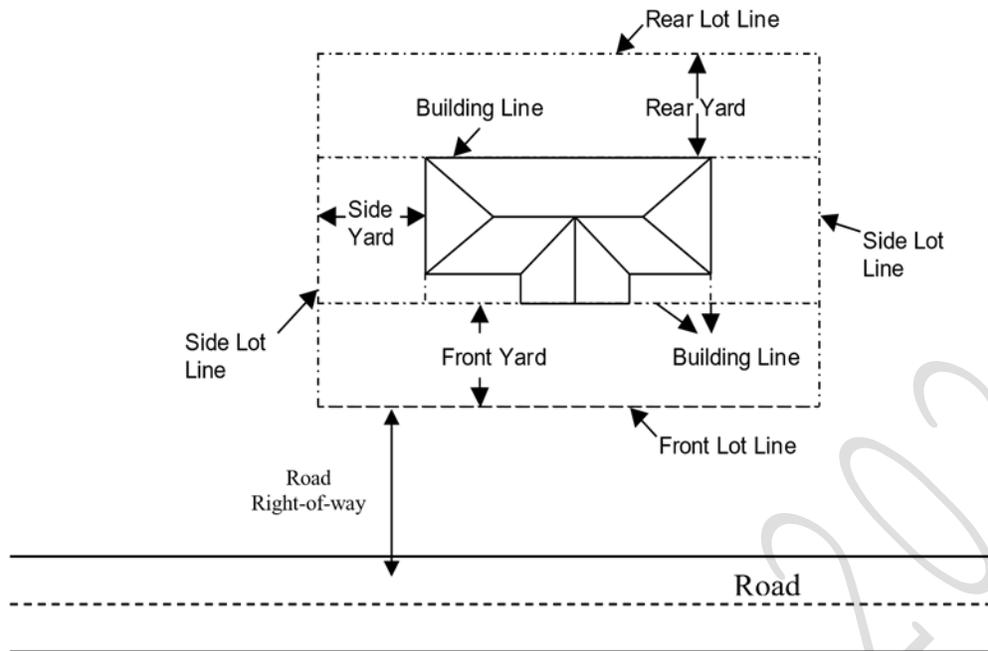
**Rooming or Boarding House:** A residence used and operated (in part) as a business, specifically designed for the maximum accommodation of two (2) persons per bedroom and having common areas such as bathrooms, dining rooms kitchens and other living areas. .

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

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

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

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



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

**Sign:** Sign means any structure, display, device or representation which is designed or used to advertise or call attention to or direct a person to any business, association, profession, commodity, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is intended to be visible from a public thoroughfare. Whenever dimensions or areas of signs are specified, they shall include 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 centerline of the street travel lane. *If the total width of a Private Right of Way is not defined by the legal document creating it, it shall be considered to have a minimum width of twenty (20) feet.*

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

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

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

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

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

**Trailer:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 b the Department of the Interior) or preliminarily determined by the Secretary of the Interior s 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

APPENDIX C  
ZONING MAPS

November-2023