

# **ZONING REGULATIONS**

## **TOWN OF WALLINGFORD, VERMONT**

### **2015**

Zoning 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 8/17/15.

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## **ARTICLE I: ENACTMENT, PURPOSE, AND DEFINITIONS**

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

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

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

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

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

## ARTICLE II: DEFINITIONS

**Purpose:** Except where provided, all words used in these Regulations shall carry their local customary meanings. Words using the present tense include the future, and singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be used or occupied"; "person" includes individual, partnership, association, corporation, company or organization.

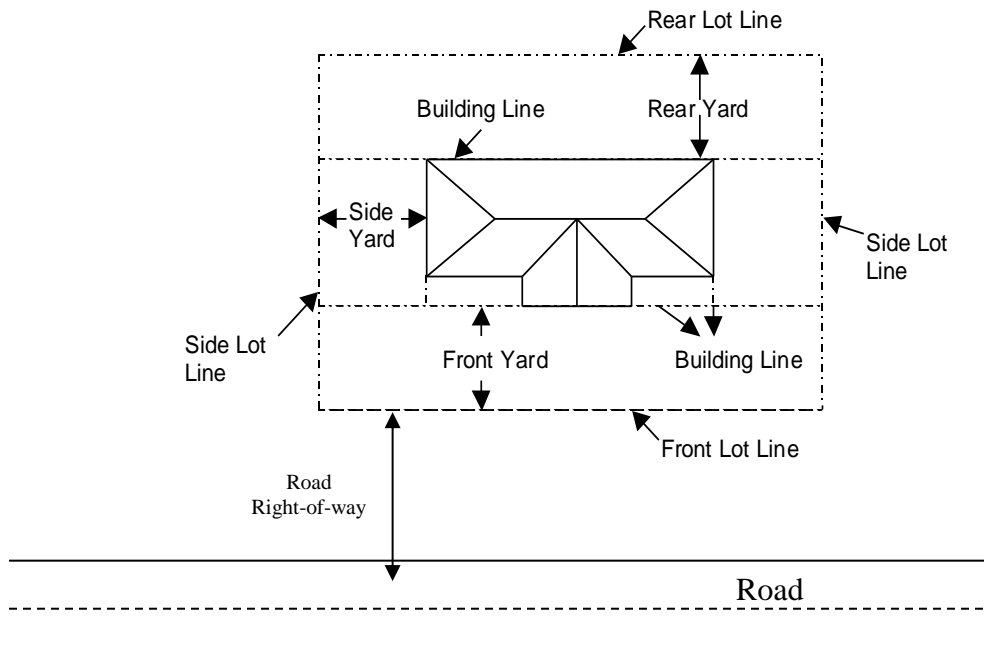
Doubt as to the precise meaning of any word used may be clarified by referral to the Planning Commission.

**Accessory use:** The use of a building incidental and subordinate to the principal use of said building.

**Alteration:** Any structural changes, rearrangement, change of location or addition to a building, other than repairs and modification in building equipment.

**Agricultural Use:** A farm, as defined by Section 2.05 of the AAP's and that engages in accepted agricultural practices as defined in section 3.2 of the AAP's.

**Building front line:** A line that is parallel to front lot line transecting the point in the building face closest to the front lot line. Includes porches, whether enclosed or unenclosed, but does not include steps.



**Building Height:** Finished grade to ridgeline, excluding chimney and cupola like structures.

**Campground:** A lot containing more than 3 campsites occupied for vacation or recreational purposes by camping units. No distinction made between non-commercial and commercial operations.

**Camping Trailer:** See Trailer on page 7.

**Camping Units:** Tents, yurts, tepees, lean-tos, camping cabins, and recreational vehicles.

**Conditional Use:** A use or activity that may be allowed in a zoning district only upon showing that it can or will comply with all criteria and standards outlined in these Regulations, the Town Plan, and Regional Plan.

**Development:** Division of a parcel of land into two or more parcels; alteration of buildings or structures; mining, excavating, or landfills, changes or extensions of use of buildings, structures, or land.

**Dwelling unit:** A Building or part of a building built and used as a living quarters for one family.

**Dwelling, 2-family:** Two dwelling units either attached or appurtenant (detached) to the primary structure.

**Dwelling, multiple family:** A Dwelling unit for three or more families living independently of each other.

**Dwelling, Accessory:** A dwelling subordinate to a single-family dwelling on the same lot that allows for independent living: sleeping, cooking and sanitation. The footprint shall not exceed 30 percent of the total habitable floor area of the dominant dwelling.

**Frontage:** The portion of a lot that faces a street, highway, or right-of-way.

**Home Occupation:** The 'Accessory use' of a service character that is conducted within a dwelling by its resident(s), secondary to, and does not change the character of, the dwelling's use for living purposes. This is a business use that is conducted in or on the same lot as occupied by an existing one- or two-family dwelling, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the residential character and appearance of the neighborhood.

**Interested Person:** An interested person means any one of the following:

1. A person owning title to property affected by a bylaw who alleges that the bylaw imposes unreasonable or inappropriate restrictions on use of the property, or a municipality or solid waste management district empowered to condemn it, or an interest in it, who alleges the same.
2. A municipality that has a plan or bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality.
3. A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter who can demonstrate a physical or environmental impact on their interest under the criteria reviewed and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.
4. Any 10 persons in any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal.
5. Any department and administrative subdivision of this state owning property or any interest in property within a municipality listed in this subsection and the agency of commerce and community development of this state.

**Legislative Body:** The Selectboard of the Town of Wallingford.

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

**Lot Area:** The total area within the property lines excluding any part-thereof lying within the boundaries of a public street, or proposed public street.

**Lot Coverage:** The percentage of the area of a lot which is covered by structures and other roofed improvements, excluding parking, loading and service areas, and access roads. Lawns, planting areas, driveways, walkways, and pedestrian amenities shall not be considered improvements for the purpose of calculating lot coverage.

**Lot Depth and front yard:** Minimum distances shall be measured from the edge of the street, highway, or right-of-way.

**Lot Frontage:** Measured across the width of the lot at the actual or proposed building front line.

**Mobile Home:** A dwelling unit designed for long term/continuous occupancy to be moved on wheels, whole or in sections, and on arrival at the site is complete and ready for occupancy, except for incidentals. Mobile homes have an internal steel platform which attach to wheel axles and a hitch.

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

**"Mobile home park owner" or "park owner":** The owners, operators, officers, or managing agents of a mobile home park as well as any person who acts through any corporate or other device and who has the practical authority to establish rules, policies, or other requirements for the operation of the mobile home park; and not a stockholder for a corporation owning stock in a mobile home park.

**Non-Conforming use:** The use of land or structure which does not comply with all Zoning Regulations for the district in which it is located, but where such use was in compliance with previous regulations.

**Parking Space:** Off-street space that is used for temporary location of licensed motor vehicle, at least 9 feet wide, 22 feet long, having direct access to a street or alley.

**Permitted Use:** A use requiring approval only by the Zoning Administrator.

**Poster or Banner:** A temporary (14 consecutive days or less) sign, not exceeding 40 square feet, advertising an event.

**Recreational Vehicle:** A portable, temporary dwelling used for travel and recreation, constructed as an integral part of a self-propelled vehicle (see Trailer).

**Sign:** Any display which is designed or used to advertise an activity or product of any kind and is visible from a public right-of-way.

**Sign, Flush-Mounted:** A sign mounted parallel and within 12 inches to the face of a structure.

**Sign, Free-Standing:** A sign supported by one or more supports and not attached to any structure.

**Sign, Projecting:** A sign attached to and projecting away from the face of a structure.

**Sign, Residential:** An identification sign, not more than two square feet in area.

**Sign, Soffit:** A sign hung from an overhang which is attached to a structure.

**Sign, Window:** Any sign affixed to a window or door, or legible through same. Small signs incorporated into a window display measuring no more than 100 square inches shall not be considered window signs.

**Storage Facility:** A permanent structure(s) for commercial and/or rental storage.

**Storage Structures (Temporary):** Trailers, boxes, shipping containers, or other mobile structures that may be transported on or off property.

**Structure:** Anything constructed or erected which requires location, or attachment to something located on the ground. Excludes walls, standard wooden fences, or woven wire fences not over five feet high, or any wall or fence on an operating farm.

**Trailer:** Also Travel trailer, Pick-up coach, Camping trailer, Motor Home, or Recreational Campground.

**Yard:** Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

### **ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS**

**Zoning Districts:** Wallingford is hereby divided into the following zoning districts.

<b>FR</b>	<b>Forest and Recreation</b>
<b>ARR</b>	<b>Agricultural and Rural Residential</b>
<b>R15</b>	<b>Residential 15,000</b>
<b>MR</b>	<b>Multiple Residential</b>
<b>NC</b>	<b>Neighborhood Commercial</b>
<b>IN</b>	<b>Industrial</b>

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

**Interpretation of Zoning District Boundaries:** If uncertainty exists with respect to the boundary of any Zoning District on the Zoning Maps, the DRB shall determine the location of such boundary.

#### **ARTICLE IV: GENERAL REGULATIONS**

**Application of Regulations:** Except as provided, no building or structure shall be erected, moved, altered or extended, and no land, building, structure, or part thereof, shall be occupied or utilized, unless it is in conformity with the regulations specified for the district in which it is located.

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

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

In addition, there are the additional following restrictions on regulations:

1. No regulation on public utility power generating or transmission facilities regulated under 30 V.S.A. § 248.
2. If land is also subject to state regulation, the more stringent or restrictive regulation applies.
3. No regulation of accepted agricultural practices and uses that are regulated under and defined by 10 V.S.A. §§ 1021(f) and 1259(f) and 6 V.S.A. § 4810.
4. Zoning laws must respect the limits on municipal power to regulate hunting, fishing, trapping, and other such activities.
5. Zoning laws shall not prohibit the installation, operation or maintenance of solar electric generation systems that are exempt from VT Statute (30 VSA Section 248; and subsequent revisions)



Town zoning regulations do apply to other solar, wind, hydro and geo-thermal energy generation facilities that are not exempt of local jurisdiction by state or federal laws.

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

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

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

**Required frontage on, or access to, public roads or public waters:** No land development may be permitted on lots which do not either have frontage on a public road or public waters or, with the approval of the DRB, access to such road or waters by a permanent easement or right-of-way at least 20 feet in width.

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

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

1. The dwelling, accessory structures, and the lot maintain a residential appearance at all times.
2. The home occupation is clearly secondary to the use of the site for residential purposes.
3. The use is conducted within a portion of the dwelling or a building accessory thereto by a resident of the principal dwelling, and having not more than 2 employees.
4. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes, odors or electrical interference.
5. A permitted home occupation is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant and shall

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

6. Vehicle (auto; truck) bodywork or repairs are not considered home occupations.

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

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

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

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

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

**Temporary uses and structures:** Temporary permits may be issued by the Zoning Administrator (referred to in Article VI) for a period not exceeding 1 year for nonconforming uses incidental to construction projects. Such permits are conditional to agreement by the owner to remove the structure or cease temporary use upon expiration of the

permit, and address temporary potable water and septic disposal issues, per state and local rules.

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

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

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

The proposed conditional use shall conform to the specific standards for the district in which it is located, with the exception of mobile home parks and trailer and recreational campgrounds, which shall conform to the specific standards for those particular uses as provided in these Regulations provided in Articles VII and VIII.

**Site Development Plan Approval and Procedure:** No Zoning Permit shall be issued by the Zoning administrator for any use or structure requiring Conditional Use approval, until the DRB grants Site Development Plan Approval.

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

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

The Act recognizes that many shoreland properties in Vermont are already developed or are small parcels that cannot meet the new standards. Developed properties are "grandfathered" until the owner proposes redevelopment. On existing small parcels, the Shoreland

Permit Program staff will work with homeowners so that the standards are met to the extent possible.

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

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

**Uses Not Permitted:** The following uses are not permitted within the Town of Wallingford or any of its Zoning Districts: hide tanning or curing plants, crematoriums, asphalt manufacturing or processing plants, rendering plants, manufacturing or processing of fertilizer, bone, rubber, paper, ammonia, chlorine, explosives, marijuana dispensary, methadone clinic, and manufacturing or refining of petroleum or gas.

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

**Flood Hazard Protection Area Standards:** In accordance with the Act, specialized zoning ordinances are required for areas of special flood hazard in the Town of Wallingford, Vermont. The specifics of the "Flood Hazard Area Regulations" can be found online at [http://www.wallingfordvt.com/flood\\_hazard\\_area\\_regs.htm](http://www.wallingfordvt.com/flood_hazard_area_regs.htm) or may be referenced at the Wallingford Town Clerk.

**Off-Street Parking Space:** The DRB may require that off-street parking space be provided.

In order to enhance and maintain village character, parking to serve non-residential uses and residential structures with two or more units shall not be permitted between the front building line and the street in the Neighborhood Commercial, Multiple Residential and Residential 15,000 Districts. The DRB may consider exceptions to this requirement when strict conformity cannot be achieved due to site specific constraints

and where the overall site layout otherwise conforms with the purpose of the district.

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

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

**Exemptions to permit requirements include:**

1. Sheds of less than 120 square feet and 15 feet in height.
2. Accepted Agricultural Practices (AAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required for AAPs. Such structures shall meet all setback requirements under these regulations; unless specifically waived by the Secretary.
3. Accepted Management Practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks, and Recreation.
4. Power generation and transmission facilities, which are regulated under 30 V.S.A. 248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Town Plan.
5. Hunting, fishing, and trapping as specified under 24 V.S.A. 2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.
6. Normal maintenance and repair of an existing structure which do not result in exterior alterations or expansion of a change of use.
7. Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.
8. Exterior alterations to structures which do not result in any change to the footprint or height of the structure or a change in use.

9. Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls less than or equal to 6 feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.
10. Minor grading and excavation associated with road and driveway maintenance or which is otherwise incidental to an improved use. This specifically does not include extraction and quarrying activities.
11. Outdoor recreational trails (e.g., walking, hiking, cross-country skiing and snow mobile trails) which do not require the installation of structures or parking areas.
12. Garage sales, yard sales, auctions, or similar activities that do not exceed 3 consecutive days, nor more than 15 total days, in any calendar year.
13. Other uses as designated in the Table of Contents.

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

## ARTICLE V: SPECIFIC DISTRICT REGULATIONS

### FR - Forest and Recreation

1. **The following uses are permitted:** Agricultural and forest uses; camp; private club; 1-family dwelling; and accessory uses; and reservoirs.
2. **The following uses are allowed after Conditional Use and Site Plan approval:** Wildlife refuge; energy generation facilities and infrastructure; telecommunications facilities, public outdoor recreation; private outdoor recreation; and commercial outdoor recreation.

Other uses not listed here may be permitted if the finding by the DRB 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. Dimensional Requirements

Lot area minimum: 1 acre

Front yard minimum: 100 feet

Lot frontage minimum: 150 feet

Rear yard minimum: 100 feet

Lot depth minimum: 150 feet

Side Yard minimum: 50 feet each side

Height maximum: 3 stories or 38 feet, whichever is less.  
No height limit for agricultural use.

The height maximum for telecommunications facilities and energy generation facilities 75 feet high; without the review and express permission of the DRB.

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

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

## **ARR - Agricultural and Rural Residential**

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

Other uses not listed here may be permitted if the finding by the DRB 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. Dimensional Requirements**

	<b>Residential Uses</b>	<b>Non Residential Uses</b>
Lot area minimum:	1 acre	2 acres
Front yard minimum:	150 feet	200 feet
Lot frontage minimum:	150 feet	250 feet
Rear yard minimum:	30 feet	65 feet
Lot depth minimum:	30 feet	65 feet
Side Yard minimum:	30 feet each side	65 feet
Height maximum:	3 stories or 38 feet, whichever is less. No height limit for agricultural use.	



The height maximum for telecommunications facilities and energy generation facilities 75 feet high; without the review and express permission of the DRB.

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

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

## **R15 - Residential 15,000**

- 1. The following uses are permitted in the residential 15,000 district:** 1-family dwelling; 2-family dwelling; mobile home; professional residence/office; home occupation; and enclosed accessory building use.
- 2. The following uses are allowed after Conditional Use and Site Plan approval:** Multiple-family housing (more than 2 units); private school; energy generation facilities and infrastructure, telecommunications facilities and public outdoor recreation.

Other uses not listed here may be permitted if the finding by the DRB 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. Dimensional Requirements**

Lot area minimum: 1/8 of an acre

	<b>Residential Uses</b>	<b>Non Residential Uses</b>
Lot frontage minimum:	50 feet	50 feet
Side Yard minimum:	10 feet (each side)	10 feet (each side)
Rear Yard minimum:	10 feet	10 feet
Height maximum:	3 stories or 38 feet whichever is less. No height limit for agricultural use.	

The height maximum for telecommunications facilities and energy generation facilities is 75 feet; without the review and express permission of the DRB.

Free-Standing Signs: 8 sq. ft. sign area maximum

Flush-Mounted Signs 8 sq. ft. sign area maximum

### **MR - Multiple Residential**

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

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

### **3. Dimensional Requirements**

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

	<b>Residential Uses</b>	<b>Non Residential Uses</b>
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Lot frontage minimum:

One family	50 feet	50 feet
Two Family	50 feet	
Multiple Family	75 feet	

Side yard minimum: (each side)

One family	10 feet	10 feet
Two Family	10 feet	
Multiple Family	20 feet	

Rear Yard minimum:	10 feet	10 feet
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Free-Standing Signs: 16 sq. ft. sign area maximum

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

## **NC - Neighborhood Commercial**

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

Other uses not listed here may be permitted if the finding by the DRB 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. Dimensional Requirements**

Lot area minimum: 1/8 of an acre

Lot frontage minimum: 50 feet

Rear yard minimum: 10 feet

Side Yard minimum: 10 feet each side

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

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

## **IN - Industrial**

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

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

## **2. Dimensional Requirements:**

Lot area minimum: 1/4 of an acre

Lot frontage minimum: 50 feet

Side Yard minimum: 10 feet each side

Rear Yard minimum: 10 feet

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

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

## **ARTICLE VI: ADMINISTRATION AND ENFORCEMENT**

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

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

The Zoning Administrator shall not issue a Zoning Permit unless an application, fee, plot plan, and any other approvals required by these Regulations have been properly submitted. The zoning administrator shall, within 30 days of submission of a complete application, either issue, deny or refer the application to the appropriate municipal panel for a hearing. Failure to act within such 30 days shall be deemed approval and the permit shall be issued.

If the Zoning Permit is approved, all activities authorized by its issuance shall be completed within **2 years** of its date of issue, or the Zoning Permit shall become null and void and reapplication to complete any activities shall be required.

A fee, payable to the Town of Wallingford, shall accompany the application for a permit. Fees for Mobile Home Park and Trailer and Recreational Campground permits are indicated in Articles VII and VIII of these Regulations.

**Penalties for Starting a Project Prior to Issue of all Required Permits:** Start of a project that is subject to and/or would require a Town of Wallingford zoning permit, prior to the effective date of an approved zoning permit (or a "No Permit Required" determination from the Zoning Administer), or within the legal appeal period of any/all required permits, shall be subject to a fine of \$250. This fine is in addition to, and not in replacement of, any fines incurred for any/all violations of Wallingford Zoning, Vermont, and Federal rules and regulations; including per-day violation fines.

**Penalties:** Violations of these Zoning Regulations are subject to penalties as prescribed by the Act. A court action may be initiated in the Environmental Court, or as appropriate, before the Judicial Bureau, as provided under section 1974a of this title.

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

**Appeals:** Any Interested person may appeal a decision or act taken by the Zoning administrator to the DRB by filing a notice of appeal in accordance with the act. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the Zoning administrator.

Any Interested Person who has participated in a regulatory proceeding, as defined in 24 V.S.A. 4471(a), may appeal a decision of the DRB to the Environmental Court in accordance with the Act.

**Referral to State Agency:** No zoning permit for the development of land of the following types, located within the following designated areas shall be granted prior to the expiration of a period of 30 days following the submission of a report to the State agency designated in each case describing the proposed use, the location requested, and evaluation of the effect of such proposed use on the plan of the municipality and on the regional plan, if any:

1. Department of Forests, Parks and Recreation: Any use in or within 1,000 feet of any State owned or leased property. This provision does not apply within any incorporated village or city.
2. Department of Water Resources: Any of the following uses or activities affecting ground or surface water resources:
  - a. Any area designated as a flood hazard area.
  - b. The damming of streams, so as to form an impounding area of 5 acres or more for reservoir or recreational purposes.
  - c. The drilling of wells deeper than fifty feet or with a potential yield greater than 25,000 gallons per day, except this shall not apply to a well drilled by the owner of a farm or of a residence for their own use or use of the farm.
3. Fish and Game Department: Game lands and stream bank area owned or leased by the State.
4. Vermont Aeronautics Commission: Airports and uses which are to be built under the approach zones of an airport.
5. Department of Forests, Parks and Recreation: The following recreational areas:
  - a. Ski area with lifts or other equipment other than tows, with total capacity of more than 500 persons per hour.
  - b. Camps with accommodations for more than 50 persons.
  - c. Natural areas, as defined in 10 V.S.A. §2010.
6. Highway Department: Any use within 500 feet of the intersection of any entrance exit ramp providing access to any limited access highway, or any new road cut/access onto any Vermont designated highway.

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

### **Mobile Home Park Permits:**

1. No person shall construct or operate a mobile home park without obtaining conditional use and site plan approval from the DRB.
2. Applications for a mobile home park permit shall be filed with the Zoning Administrator of the Town of Wallingford.
3. The initial fee for a permit for a mobile home park shall be \$50.00, payable to the Town of Wallingford.

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

1. Each mobile home park must be a minimum of 15 acres in size.
2. No mobile home in a mobile home park shall be located closer than 300 feet from the traveled portion of any public highway, and shall not be located closer than 100 feet from the side and rear boundaries of said park.

3. At least 8,000 square feet of lot area shall be provided for each mobile home in each park, including at least 5,000 square feet for each mobile home site, plus at least 3,000 square feet for each mobile home in common open space, exclusive of roads.
4. Roads and driveways shall be paved.
5. Utilities: Each mobile home lot or space shall be provided with a 220 volt approved electrical connection specifically metered, and all utility wiring shall be underground.
6. Refuse: The storage, collection, and disposal of refuse in the mobile home park shall be handled or managed by the licensee, and shall be done so in a manner to prevent all health hazards, area pollution, and any other threats to the health of the human or natural environment. One refuse can, with a tight fitting cover, for each occupied mobile home lot or space shall be furnished by the licensee.
7. Records: Each licensee shall keep a written record, subject to inspection at any reasonable time by a duly authorized officer of the Town of Wallingford, which shall contain the date of arrival, the make, year, serial number and length of each mobile home, and also the names of the occupants thereof.
8. Each mobile home space or lot shall be provided with a continuing supply of safe and potable water, as approved by the State Department of Health.
9. Sewage: Each mobile home park shall provide, or have available, a sewage system, which shall meet and conform to the requirements of the Sanitary Code of the State Department of Health and each mobile home space or lot in said park shall be provided with the facilities necessary to connect with said system.
10. No open fires shall be permitted except in specific areas approved by the local authority.
11. A mobile home park shall not be for the storage or display of mobile homes or as a sales agency for mobile homes.
12. The space underneath all mobile homes shall be screened from view.

**Single Mobile Homes:** Application to the Town of Wallingford, and a permit, shall be required by any person wishing to maintain, establish, station or park a mobile home.

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

## **ARTICLE VIII: TRAILER, RECREATIONAL CAMPGROUND, AND RECREATIONAL EQUIPMENT STORAGE**

### **Trailer or Recreational Campground Permits:**

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

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

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

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

1. If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of a lot.
2. Boats stored in open must be covered.



3. Placement must be at least ten feet from any and all sides and rear boundary lines.
4. Except for occasional use, such parked or stored camping and recreational equipment shall not be occupied or used for living, sleeping, or housekeeping purposes; and shall comply with Vermont potable water and waste water disposal regulations.

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

### **Signs and Advertising Displays:**

**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 a form prescribed by the Select board. 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.

### **Number and type of allowable permanent signs:**

1. **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 free-standing sign.

2. **Flush-Mounted Signs** - Two flush mounted signs are allowed on the building where the advertised activity exists, plus 1 additional one for each free standing sign that could be used, but is not. In addition, one 3 square foot flush-mounted sign may be permitted at the rear entrance of each establishment.
3. **Projecting Signs** - Projecting signs may be substituted for flush-mounted signs. They shall not exceed 8 square feet, nor extend further than 3 feet out. The lowest part shall be at least 8 feet above the ground.

4. **Soffit Signs** - Tenants may have a 2-square-foot sign hung from the soffit in addition to any other sign allowed.
5. **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.
6. **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.

#### **Special Categories of signs:**

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

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

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

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

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

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

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

**Exempt Signs** - The following signs are exempt from the provisions of this ordinance:

- a. Rolling stock, provided that it's not regularly parked such that it becomes a non-conforming sign.
- b. Signs on registered and inspected vehicles except those that circumvent the intent of this Ordinance.
- c. Bus signs.
- d. Posters or Banners (See Article II for the Definitions and Special Categories of Signs). The erector is responsible for removal.
- e. Political signs may be erected three weeks before an election and must be removed the day after it.
- f. Signs erected by the Town of Wallingford or its School District.
- g. Signs erected by the State of Vermont or any of its Boards, Agencies or Depts.
- h. Small on-premises signs, no more than 2 square feet in size, which are displayed for convenience of the public. Advertising or logos are prohibited.
- i. Residential signs as defined in this Ordinance.
- j. Indoor window signs conforming to the requirements of this Ordinance.
- k. Informational signs up to 16 square feet, on lands conserved by permanent, protective measures.

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

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

- h. Is not securely affixed to a substantial structure.
- i. Is an off-premises sign.

**Illuminated signs:** Signs may be illuminated externally or internally only with the prior review and written approval of the DRB. When considering an approval, approval with conditions, or disapproval; the DRB may consider the following:

- a. Residential and/or historic or commercial character of the neighborhood and the zoning district in which the sign is to be located.
- b. 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.
- c. 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.
- d. The need for illumination as it may affect the applicant's purpose for which the sign is intended.

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

**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 owners for the cost of removal.