

# 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.

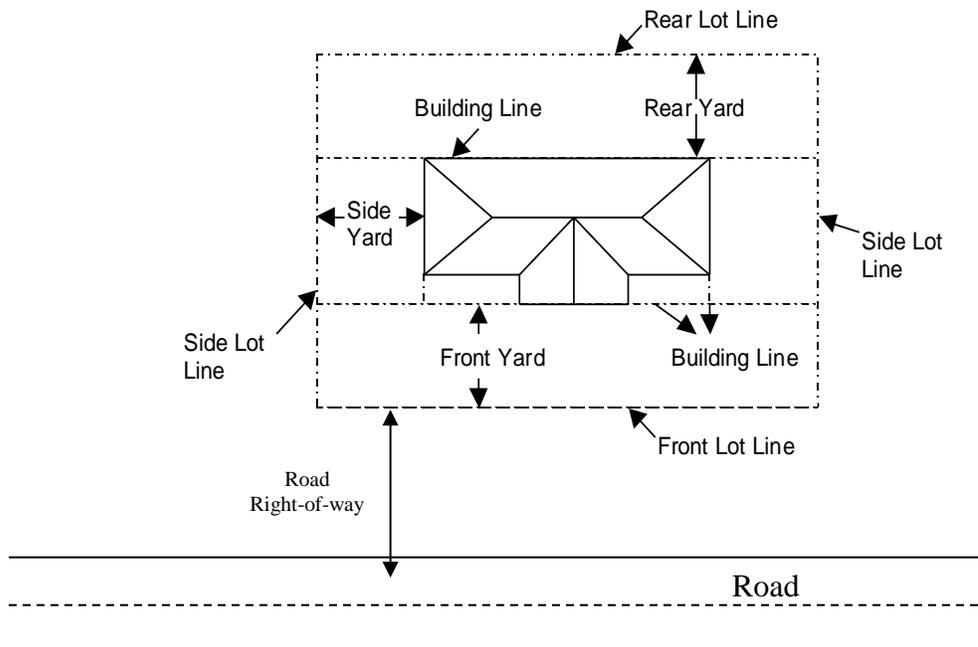
Doubt as to the precise meaning of any word used may be clarified by referral to the Planning Commission.

**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.

- FR Forest and Recreation**
- ARR Agricultural and Rural Residential**
- R15 Residential 15,000**
- MR Multiple Residential**
- NC Neighborhood Commercial**
- IN Industrial**

**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

**Residential Uses      Non Residential Uses**

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

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.

# 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

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.

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)

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

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,

7.2.1.2 constructed with materials resistant to flood damage,

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

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.

7.2.2 Residential Development:

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.

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

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.

7.2.2.2.2 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.

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.

7.2.3 Commercial Development:

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.

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.

7.2.3.3 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.

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.

#### 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.

#### 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.

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.

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.

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.

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.

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.

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:

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

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;

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;

8.1.4 All floodproofing certifications required under this regulation; and

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.

## 11 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.

## 12 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.

## 13 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.

## 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

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**ARTICLE I: ENACTMENT, PURPOSE, AUTHORIZATION, VAIVERS, DEFINITIONS**

1.1 Enactment: In accordance with the Vermont Municipal and Regional Planning and Development Act Title 24 (the Act) Chapter 117 there are hereby established Subdivision Regulations. These Regulations shall be known as "Subdivision Regulations; Town of Wallingford, Vermont."

1.2 Purpose: The purpose of these subdivision regulations is to promote the orderly growth of Wallingford, to further the purposes of the Act, Section 4302, and to provide guidelines within which developers must operate.

1.3 Authorization: The Wallingford Development Review Board (the Board) is authorized and empowered to approve, modify, or disapprove all proposed subdivisions as defined in Section 1.5.6 below,

1.4 Waivers and Variances: Where the Development Review Board finds that because of the special circumstances of a particular plat, or that unnecessary hardship may result from strict compliance with these regulations, it may waive or vary such requirements subject to appropriate conditions. No such waiver may be granted, however, if it would have the effect of nullifying the intent and purpose of the Zoning Regulations or these Subdivision Regulations.

1.5 Definitions: Except where specifically defined herein, all words in these Subdivision Regulations shall carry their customary meanings. Unless otherwise defined herein, definitions of words used in Section 4303 of the Act, Chapter 117, and definitions in the Town of Wallingford Zoning Regulations shall apply.

1.5.1 Easement: Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

1.5.2 Sketch Plan: A sketch, or outline drawing, of a proposed subdivision, together with supplementary information, to enable the Subdivider and the Development Review Board to reach general agreement concerning a layout of the subdivision necessary to meet the requirements of these regulations.

1.5.3 Preliminary Plat: A drawing marked "Preliminary Layout" showing approximate location of all planned improvements including details of roads, power lines, sewer lines and water lines.

1.5.4 Final Plat: Final drawings showing the exact plan of the subdivision and containing all the information required by these Subdivision Regulations.

1.5.5 Subdivider: Any person, firm, corporation, partnership or association, or his or their authorized agent who shall lay out, for the purpose of sale or development, any subdivision or part thereof.

1.5.6 Subdivision: The division of any parcel of land for the purpose of transfer of ownership, building development, or sale where the act of division creates 5 or more parcels of land; or 5 or more parcels of land are created by successive divisions within a period of ten years. Subdivision includes resubdivision and also any subdivision requiring a new street or extension of municipal facilities. A subdivision permit that will result in fewer than 5 parcels shall be exempt from these regulations except where provided herein.

## **ARTICLE II: SUBDIVISION REVIEW AND APPROVAL PROCEDURE**

These regulations concerning the preparation of a Sub divider's Sketch Plan, Preliminary Plat, including street profiles, and Final Plat, are necessary for the information of the Board and of the public at hearings as provided in this Article II.

### 2.1 Application of Regulation

Whenever any subdivision of land is proposed to be made, and before any contract for sale of any part, and before any permit for erection of a structure in such proposed subdivision shall be granted, the Subdivider shall apply in writing to the Development Review Board and obtain approval of such subdivision.

### 2.2 Sketch Plan Procedure

a. The Subdivider shall, before submitting an application for subdivision of land, submit to the Zoning Administrator a Sketch Plan of the proposed subdivision including the information required under Article III, item 1.

b. The Sketch Plan shall show the proposed layout of streets, lots, and other features, sketched in roughly.

c. The Zoning Administrator shall study the Sketch Plan to determine whether or not it conforms to, or would be in conflict with: Zoning Regulations; the Town Plan; developments proposed by any public agency; existing private and public development, facilities, and services; and any special problems that may be encountered.

d. Within thirty days of receipt of complete Sketch Plan, the Zoning Administrator may approve the Sketch Plan, if two lots or less, or may file the 15 day notice to convene the Development Review Board. ~~{Old language:}~~ The Zoning Administrator shall determine within ~~a week~~ 30 days whether the Sketch Plan meets the purposes of these Regulations and may make specific written recommendations for changes.†



e. The Subdivider shall attend the Development Review Board meeting at which the Sketch Plan is discussed.

f. Where the Subdivider submits a proposed Planned Unit Development, requirements of Section 4417 of the Act Chapter 117 shall be met, in addition to requirements of these Regulations.

### 2.3. Preliminary Plat Procedure

a. The Subdivider shall file a Preliminary Plat application for consideration prior to filing application for final plat approval.

b. The Subdivider shall submit four (4) copies of preliminary plat drawings to the Clerk of the Development Review Board at least ten days prior to the date of the regular monthly meeting of the Board, which date shall be the official submission date.

c. The application shall be accompanied by a fee, payable to the Town of Wallingford, in accordance with a current fee schedule established by the Board of Selectmen (the Selectmen).

d. The Preliminary Plat shall comply with the requirements set forth in the provisions of Article III, Section 3.2, except where a waiver may be specifically authorized by the Development Review Board.

e. The Subdivider shall attend the Board Preliminary hearing.

f. The Board shall review the Preliminary Plat submitted for conformity of these Regulation.

g. Within forty-five days of the official submission date, the Board shall take action to approve, with or without modifications, or disapprove, the Preliminary Plat. Grounds for any modification required, or for disapproval, shall be stated in the Board minutes.

h. When granting approval to a Preliminary Plat, the Board shall state the conditions with respect to: (1) specific changes which it may require; (2) character and extent of the improvements required for waivers; amount of improvement, and the amount of all bonds which it will require as a prerequisite to approval.

i. The action of the Board, plus any conditions, shall be noted on the four copies of the Preliminary Plat drawings. One copy shall be returned to the Subdivider, and one to the Selectmen.

j. Approval of a Preliminary Plat shall not constitute approval of the Subdivision.

k. Prior to approval of the Final Plat, the Board may require additional changes as a result of further study or new information obtained at the public hearing.

2.4. Final Plat Approval Procedure

a. The Subdivider, after obtaining approval of the Preliminary Plat, shall file application for approval of the Final Plat, along with six (6) copies of drawings of the plat, with the Clerk of the Development Review Board. This shall be done at least ten days in advance of the regular monthly meeting of the Board, which date shall be the official submission date.

b. The application shall be accompanied by a fee, established by the Selectmen, to cover the cost of publishing notices and holding a public hearing. Payment shall be made to the Town of Wallingford.

c. The application shall also be accompanied by construction detail drawings; be endorsed by the Division of Environmental Protection, Agency of Environmental Conservation; include offers of cession to streets and public areas; include other information which the Development Review Board may require. The drawings shall be certified by a land surveyor, licensed by the State of Vermont, and show the location of all required improvements that may be constructed prior to the Final Plat submission.

d. The Final Plat shall comply with the requirements set forth in Article III, Section 3.3, except where a waiver may be specifically authorized by the Development Review Board.

e. A public hearing shall be held by the Board within thirty days after the official submission of the plat for approval.

f. The Subdivider shall attend the hearing.

g. The Final Plat shall conform to the Approved Preliminary Plat.

h. The Board may permit the Final Plat to be divided into parts comprising at least twenty percent of the total number of lots on the plat, subject to such conditions as it deems necessary to assure orderly development.

i. Within 30 days following the public hearing:

**Either:** An engineer acceptable to the Town must file a certificate stating that all required improvements to be constructed by the Subdivider have been designed and inspected and meet standards in the Regulations, and are as required by law,

**Or:** A performance bond for completion of the required improvements, plus two years maintenance, must be submitted by the Subdivider and approved by the Board as to sufficiency, manner of execution, and surety.

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SUBDIVISION REGULATIONS; TOWN OF WALLINGFORD, VERMONT

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j. To meet the costs of inspection, the Subdivider shall pay to the Town Clerk by certified check an amount equal to one percent of the cost of required improvements, as estimated by an engineer acceptable to the Town.

k. The Development Review Board shall within forty-five days from the public hearing on the Final Plat approve, modify and approve, or disapprove the plat:

(1) If the Final Plat is disapproved, grounds for such action shall be stated in the Board minutes.

(2) If the Final Plat is approved, the Board shall sign the Plat. One copy shall be retained by the Board.

(3) Every Final Plat shall carry the following endorsements:

APPROVED BY RESOLUTION OF THE TOWN OF WALLINGFORD, VERMONT DEVELOPMENT REVIEW BOARD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY \_\_\_\_\_

CHAIRMAN

CLERK

l. When the Final Plat is approved the Subdivider shall:

(1) File one approved copy, drawn in permanent black ink on linen tracing cloth or on 100 percent rag content linen record paper, with the Town Clerk within 90 days from the date of approval, or the approval of the Plat will be voided.

(2) File one approved copy with the Selectmen before building permits are made available.

(3) File one approved copy with the Town Listers.

m. The Plat is void if changes are made to it after the Board has endorsed it in writing.

**ARTICLE III: INFORMATION REQUIRED PLAN SUBMISSIONS**

3.1. The following information shall be submitted with the Sketch Plan:

a. Subdivision name or title, address at which it is located, scale, north point, date, and site location map.

b. Name and addresses of Subdivider and professional advisers, including license numbers and seals.

c. Drawings on sheets size either 8 1/2 x 11 inches, 17 x 22 inches, 22 x 34 inches, or 34 x 44 inches. Scale either 1 inch to 50 feet, 1 inch to 100 feet, or 1 inch to 200 feet.

d. Subdivision boundaries, boundaries of contiguous properties, and names of owners.

e. Existing restrictions on the use of land including easements, covenants, and zoning boundaries.

f. Existing and proposed streets and structures; water courses, marshes, wooded areas, public facilities, and other significant physical features in and near the subdivision.

g. Utilities available, and streets which are proposed, mapped, or built.

h. Proposed pattern of lots, including typical lot width and depth, street layout, open space, systems of drainage, sewerage, and water supply within the subdivided area.

i. Total acreage of subdivision and number of lots proposed.

3.2. The following information shall be submitted with the preliminary plat:

a. Information required under Section 3.1 above, updated and accurate.

b. Contours with intervals of not more than five feet; datum plane shall be that of the U. S. Geological Survey; and grading plan if existing contours are to be changed.

c. Survey of the tract boundary lines and deed description giving bearings and distances, certified by a land surveyor licensed by the State of Vermont.

d. Location, width, and approximate grade of proposed streets.

e. Location, dimensions, area, and number of lots and blocks.



f. Location and dimensions of property to be dedicated for public use.

g. Boundaries of proposed easements over private property.

h. Location of existing sewers, water mains, storm drainage, culverts, with pipe sizes and direction of flow.

i. Location of existing utilities, including gas lines, fire hydrants, electric and telephone facilities, street lights.

j. Proposed provision of water supply, fire protection, disposal of sanitary wastes, storm water drainage and sidewalks.

k. The Preliminary Plat shall also be accompanied by construction detail drawings. All plans shall be subject to approval of an Engineer acceptable to the Development Review Board and include:

1. Plans and profiles showing existing and proposed elevations along center lines of all streets within the subdivision.

2. Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins and culverts.

3. Plans showing location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; and location and size of water, gas electricity and any other utility or structures.

3.3. The following information shall be submitted with the Final Plat:

a. All information required on the Preliminary Plat, updated and accurate.

b. Sufficient data to determine readily the location, bearing and length of all streets, lots, and boundary lines, referenced to established monuments.

c. Location, dimensions and names of all sites for residential, commercial, industrial, public, nonpublic, dedicated and reserved uses.

d. Location, material and size of monuments.

e. Soil percolation tests shall be conducted in proposed subdivisions where no public sewers area available in accordance with State Department of Health Standards. Test results and their locations shall appear on the Final Plat which is to be approved and recorded.

SUBDIVISION REGULATIONS; TOWN OF WALLINGFORD, VERMONT

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f. The Subdivider shall submit the following legal data to the Board before any Final Plat can be approved; before acceptance, the Town Attorney shall certify as to their legal sufficiency:

1. Deed description and a map of survey of exact boundary made and certified by a land surveyor, licensed by the State of Vermont, tied into established boundary monuments.

2. Offers of cession dedicating streets, rights of way, and sites for public uses.

3. Copies of agreements showing the manner in which areas reserved for the use of the Subdivision are to be maintained.

4. Draft protective covenants whereby the Subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed ~~development~~Development.

g. Where a performance bond is required by the Development Review Board, the Subdivider shall file with the Town a bond in an amount sufficient to provide for, and secure to the public, the full cost of completion of all streets, other required improvements, and their maintenance for a period of two years. The Board shall specify the time period within which the required improvements must be completed, but in no case for a longer term than three years. The time period shall be expressed in the bond. If any required improvements have not been installed or maintained as provided within the term of such bond, it shall be forfeited and the Town shall install or maintain such improvements.

h. Offers of cession by the Subdivider of all land to be dedicated for streets, rights-of-way, parks, and other sites for public use shall be submitted to the Development Review Board prior to Final Plat approval. The offers of cession shall be in a form satisfactory to the Town Attorney. The Final Plat shall be endorsed with the necessary agreements concerning required easements or releases.

i. An engineer designated by the Development Review Board shall inspect all required improvements prior to acceptance to ascertain whether they have been completed satisfactorily. The Subdivider shall inform said engineer at least 48 hours before such inspection is required and shall not cover any part of an improvement until it has been inspected. Drawings showing the location of all required improvements as built shall be certified by an engineer or land surveyor and filed with the Development Review Board prior to acceptance of the improvements. Until "as built" plans have been filed, no performance bond guaranteeing the completion of the improvements shall be released.

j. Every street shown on a plat filed or recorded as provided in these Regulations shall be deemed to be a private street until such time as it has been formally accepted by the Town. No public street, utility, or improvement may be constructed by the Town in or on any street until it has become a public street. Approval of the Final Plat shall not be deemed to constitute or imply acceptance of any street or park shown on the Plat.

k. The Development Review Board may require a written agreement between the Subdivider and the Town covering future title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any open space for the use of the Subdivision.

1. Upon completion of the construction and installation of required improvements in accordance with the approved plans, the Subdivider shall deliver to the Town deeds, abstracts, and easements for streets, water lines, storm sewers, sanitary sewers and other required improvements. Prior to public acceptance of any required improvements, the Subdivider shall submit an affidavit stating that all bills and accounts for material and labor used in the construction of improvements have been paid by him in full.

**ARTICLE IV: DESIGN DEVELOPMENT STANDARDS AND REQUIRED IMPROVEMENTS  
FOR SUB-DIVISION OF LAND**

4.1 Planning and Design Standards

a. Subdivisions shall conform to the Zoning Regulations and be in harmony with the Town Plan.

b. Land to be subdivided for building purposes shall be of such character that it can be used without undue danger to health or peril from flood or other menace.

c. Where the Development Review Board finds that because of exceptional and unique conditions of topography, location, shape, size, drainage, or other physical features of the site, or because of the special nature and character of surrounding development, the minimum standards specified herein would not reasonably protect or provide for public health, safety, or welfare, a higher standard shall be required.

4.2 Required Improvements

a. Required improvements shall be installed to the satisfaction of an Engineer acceptable to the Development Review Board prior to approval of the Final Plat, or alternatively, the Subdivider shall post a performance bond.



b. The following are required improvements: boundary markers, roads or streets, sidewalks, traffic signs, road or street signs, street lights, curbs, gutters, water mains, sanitary sewers, storm drains, fire hydrants, and trees; except where the Development Review Board may waive or vary such improvements subject to appropriate conditions.

#### 4.3 Streets - Standards

a. Streets shall be suitably located to accommodate the prospective traffic and to afford satisfactory access for fire fighting, snow removal, and road maintenance equipment.

b. Streets shall be so arranged that they will not cause undue hardship to adjoining properties, and shall be coordinated to compose a convenient system.

c. The arrangement, width, and grade of all streets shall be considered in relation to existing and planned street, topographic conditions, public convenience and safety, and in appropriate relation to proposed land uses.

d. Where a tract is subdivided into lots much larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out to permit future subdivision.

e. A circular turn-around shall be provided at the end of a dead-end street.

f. The minimum setback for residential buildings shall be 50 feet, measured from the center line of the street; for non-residential buildings (other than garage) the minimum setback shall be 65 feet, measured from the center line of the street.

g. Arrangement of streets shall provide for continuation of existing streets between adjacent properties where necessary for convenient movement of traffic.

h. If adjacent property is undeveloped and the street must be a dead-end temporarily, rights of way and improvements shall be extended to the property line. A temporary circular turn-around shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right of way shall revert to abutting lots whenever the street is continued.



#### 4.4 Required Road, Street, and Sidewalk Construction Standards

a. Roads, streets, and sidewalks shall be installed at the expense of the Subdivider. These shall be installed in accordance with such construction standards as the Development Review Board may specify.

b. Roads and streets shall meet the "Minimum Standards for Town Highways" in the Town ordinance entitled "Standards and Specifications for Construction of Highways - Town of Wallingford, Vermont".

#### 4.5 Lots - Planning and Design Standards

a. The Subdivision Plan shall show each lot with a satisfactory access to a street.

b. A modification of the Zoning Regulations concerning lot size and shape may be permitted by the Development Review Board to give flexibility of design in the case of a proposed Planned Residential Development.

#### 4.6 Required Easements for Utilities, Drainage, and Access

a. Easements shall be at least twenty feet in width and indicated on the Final Plat.

b. Where conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights of way, easements shall be provided centered on rear or side lot lines with access to the street.

c. The Development Review Board may require easements for pedestrian access to schools, public open space, or streets, and that a four foot wide paved walk be installed.

#### 4.7 Required Monuments - Boundary Markers

Adequate and appropriate permanent monuments shall be provided in keeping with good and current surveying practice.

#### 4.8 Required Street Name Signs

a. All streets shall be named subject-to the approval of the Board of Selectmen.

b. Street name signs shall be furnished and installed by the Subdivider. The type, size and location shall be subject to the approval of the Selectmen.

#### 4.9 Required Land for Parks and Recreation Purposes

a. Except as hereafter provided, lands comprising at least ten per cent but not to exceed fifteen per cent of the total area to be subdivided shall be reserved for a park or other recreation purposes in a location with suitable access within the subdivision as determined by the Development Review Board.

b. The Board shall require that the Final Plat show a park or other recreation site, and may require that the Developer grade any such recreation areas. Such areas may be dedicated to the Town by the Subdivider, if the Town Board of Selectmen approves such dedication.

c. In the event that the Board of Selectmen does not approve the dedication of such land, all lands designated on the plat as a park and recreation area shall be retained in private ownership and shall be subject to such conditions as the Board may establish on the ~~subdivision-subdivision~~, concerning access use and maintenance of such lands as deemed necessary to assure the preservation of such lands for their intended purposes. Such conditions shall be shown on the Final Plat prior to approval and recording.

#### 4.10 Waiver of Recreation Land and Recreation Land Trust Fund

a. In cases where the Development Review Board determines that a suitable public park cannot be properly located in the subdivision, it may waive the requirement. In this event the Board may require, as a condition of Final Plat approval, a payment by the Subdivider of \$100. per dwelling unit or lot to a Recreation Land Acquisition and Improvement Trust Fund. Such payment shall be made at the time of Final Plat approval.

b. The Recreation Land Acquisition and Improvement Trust Fund shall be used by the Town either for acquisition of land suitable for a public park or recreation purposes, or for the physical improvement of existing recreation areas.

#### 4.11 Required School Sites

Where a development composed of one or more plats will accommodate over one hundred dwelling units, the Development Review Board may require the designation of a public school site or a payment thereof.

#### 4.12 Required Trees

On a residential lot where no trees exist, at least three new trees shall be planted, located at least five feet outside the right of way. New trees shall measure at least two inches in diameter at a point six inches above finished grade level. Trees shall be hardy, suitable to local soil and climate, and shall be of a species approved by the Town Tree Warden and by the Development Review Board and not in conflict with neighborhood interests.



4.13 Preservation of Natural Features and Trees

a. Outstanding natural features of the site including trees, water courses and falls, historic spots, exceptional views, and similar irreplaceable assets, shall be preserved as far as possible by harmonious design.

b. Topsoil removed in the process of grading the subdivision site shall be replaced, except in proposed streets, driveways, and building locations.

4.14 Required Storm Water Drainage Improvements

a. Adequate storm water drainage systems shall be designed by a licensed engineer acceptable to the Development Review Board, and installed at the expense of the Subdivider.

b. Rights of way for storm water drainage must be sufficient for facilities to handle not only the anticipated discharge from property being subdivided, but also the run-off that will occur when property at a higher elevation in the drainage basin is developed, based on a ten year storm cycle under conditions of total potential development.

c. The Subdivider's engineer shall study the effect of subdivision on existing drainage facilities down stream. Where it is anticipated that runoff incident to the development of the subdivision will overload existing drainage facilities during a ten year storm, the Board shall not approve the subdivision until provision has been made for improvement of the downstream facility.

d. Where a subdivision is traversed by a water course or drainage way, there shall be proved a storm water drainage easement of such width as to encompass the 25-year flood area of such water course, which easement shall be indicated on the Final Plat.

e. The storm drainage system shall be constructed by the Subdivider in accordance with procedures and standards of the State Department of Health, if such drainage system is to be connected to or served by other municipally maintained drainage systems.

f. Land subject to flooding, or unsuitable for residential occupancy due to flood hazard, shall be set aside for such uses as are not endangered by periodic inundation.

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#### 4.15 Flood Land

Flood land, areas bordering on major water courses, and drainage ways, which cannot be used safely for building purposes without danger to health or peril from flood, may be offered as a gift to be used for public park or recreation purposes.

#### 4.16 Required Sewage Disposal Improvements

Either:

a. A sanitary sewer system shall be installed at the expense of the Subdivider and approved by an Engineer acceptable to the Development Review Board.

b. Cast iron or approved type pipe, with minimum internal diameter on mains of eight inches, shall be laid at sufficient depth below finished grade to provide adequate sewage facilities to every dwelling and other structure.  
Larger pipes may be required in some cases to provide an adequate system.

c. The system shall be designed and installed in compliance with standards of the State Department of Health.

d. A subdivision sewer system shall be so designed that it will enable the Town to create or extend a sanitary sewer system.

Or:

a. If, in the opinion of the Development Review Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used.

b. Minimum lot sizes shall be in accordance with Town Zoning Regulations, (see Article III, 5-b for exception,) or Vermont Health Regulations, whichever are greater.

c. The system shall be designed and installed in compliance with standards of the State Department of Health.

#### 4.17 Required Water Supply Improvements

Either:

a. A public water supply system shall be installed at the expense of the Subdivider and approved by an Engineer acceptable to the Development Review Board.

b. Cast iron, or other approved types of water mains shall be laid at least five feet below finished grade, and at least seven feet under highways.

c. The system shall be adequate in size and designed and installed to standards and procedures of the State Department of Health, and so endorsed.

d. A subdivision water supply system shall be so designed that it will enable the Town to create or extend a water supply system.

Or:

a. If, in the opinion of the Development Review Board, service to each lot by a public water supply system is not feasible, the Board may allow individual wells to be used.

b. Minimum lot sizes shall be in accordance with Town Zoning Regulations, (see Article IV, 5-b for exception,) or Vermont Health Regulations, whichever are greater.

c. The system shall be designed and installed in compliance with standards of the State Department of Health.

d. Minimum distances between wells and possible contaminants shall be:

1. No well shall be located within 100 feet of a disposal tile field.

2. No well shall be located within 50 feet of a septic tank or sewer line,

3. Where possible, the well shall be located in the back yard.

4. Where possible, the well head shall be at a higher level than any disposal tile field.

#### 4.18 Required Public Utility Improvements

The following public utility improvements shall be installed at the expense of the Subdivider:

4.18.1 Fire protection: Hydrants to be of the size, type, and location specified by the Vermont Fire Insurance Rating Organization. In the absence of a public water system, a pumping pond or ponds with standpipe, considered adequate by the Fire Warden, shall be provided.

4.18.2 Street lights: Poles, brackets, and lights shall be of a size, type, and location approved by the local power company.

4.18.3 Electricity and telephone: All utility wiring shall be underground, where soil conditions and length of run are suitable, and approved by the local power and telephone companies.

SUBDIVISION REGULATIONS; TOWN OF WALLINGFORD, VERMONT

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**ARTICLE V: APPEALS, SEVERABILITY, EFFECTIVE DATE**

5.1 Appeals

Any interested person may appeal any decision, or any failure to act, by filing notice of such appeal with the Secretary of the Development Review Board, (for definition of "interested person", and information on appeals procedure, see Vermont Municipal and Regional Planning and Development Act Title 24 (the Act) Chapter 117.

5.2 Severability

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

5.3. Effective Date

~~These Subdivision Regulations shall take effect upon the date of their approval by the legal voters of the Town of Wallingford, voting by Australian ballot, at the next regular or special meeting.~~ These Subdivision Regulations shall take effect 21 days after approval of the Legislative body.

Prepared by:

Wallingford ~~Development Review Board~~Planning Commission

~~February, 1973~~March, 2009

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- 1 Reprint June 25, 1991
- 2 Amended ~~September 2008~~ by March 9, 2009 by the Wallingford Planning Commission
- 3 Approved June 15, 2009 by the Wallingford Selectboard

